

Senator Curtis S. Bramble proposes the following substitute bill:

LOCAL LAND USE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill revises provisions related to municipal and county land use development and management.

Highlighted Provisions:

This bill:

- ▶ modifies provisions related to when a person may challenge an annexation in district court;
- ▶ modifies notice requirements after a municipality receives a request for disconnection;
- ▶ provides specific notice requirements related to a municipality's or a county's proposed modification to the text of the municipality's or the county's zoning code;
- ▶ modifies notice requirements related to an amendment to public improvements in a subdivision or development;
- ▶ removes a prohibition on imposing a land use regulation under certain circumstances;
- ▶ modifies the authority of a municipality or a county to require the development of moderate income housing as a condition of approval of a land use regulation;
- ▶ modifies evidence requirements related to a noncomplying structure or a



- 26 nonconforming use;
- 27 ▶ authorizes a municipality or a county to determine if combining lots constitutes a
- 28 subdivision amendment;
- 29 ▶ modifies the requirements for preparation of a subdivided plat by a surveyor;
- 30 ▶ modifies provisions related to determining when a land use decision is illegal;
- 31 ▶ creates a process to establish an agreed boundary between landowners when a
- 32 boundary is disputed or uncertain; and
- 33 ▶ makes technical changes.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

- 40 10-2-407, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 41 10-2-501, as last amended by Laws of Utah 2021, Chapters 84 and 345
- 42 10-9a-103, as last amended by Laws of Utah 2021, Chapters 140 and 385
- 43 10-9a-205, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355
- 44 10-9a-212, as enacted by Laws of Utah 2012, Chapter 216
- 45 10-9a-509, as last amended by Laws of Utah 2021, Chapters 140 and 385
- 46 10-9a-511, as last amended by Laws of Utah 2018, Chapter 239
- 47 10-9a-601, as last amended by Laws of Utah 2021, Chapter 385
- 48 10-9a-603, as last amended by Laws of Utah 2021, Chapters 47, 162, and 345
- 49 10-9a-608, as last amended by Laws of Utah 2021, Chapter 385
- 50 10-9a-801, as last amended by Laws of Utah 2021, Chapter 385
- 51 17-27a-205, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355
- 52 17-27a-212, as enacted by Laws of Utah 2012, Chapter 216
- 53 17-27a-508, as last amended by Laws of Utah 2021, Chapters 140 and 385
- 54 17-27a-510, as last amended by Laws of Utah 2018, Chapter 239
- 55 17-27a-601, as last amended by Laws of Utah 2021, Chapter 385
- 56 17-27a-603, as last amended by Laws of Utah 2021, Chapters 47, 162, and 345

57 17-27a-608, as last amended by Laws of Utah 2021, Chapter 385

58 17-27a-801, as last amended by Laws of Utah 2021, Chapter 385

59 57-1-45, as last amended by Laws of Utah 2021, Chapter 385

60 ENACTS:

61 10-9A-535, Utah Code Annotated 1953

62 17-27a-531, Utah Code Annotated 1953



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

65 Section 1. Section 10-2-407 is amended to read:

66 **10-2-407. Protest to annexation petition -- Planning advisory area planning**
67 **commission recommendation -- Petition requirements -- Disposition of petition if no**
68 **protest filed.**

69 (1) A protest to an annexation petition under Section 10-2-403 may only be filed by:

70 (a) the legislative body or governing board of an affected entity;

71 (b) an owner of rural real property;

72 (c) for a proposed annexation of an area within a county of the first class, an owner of
73 private real property that:

74 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
75 annexation;

76 (ii) covers at least 25% of the private land area located in the unincorporated area
77 within 1/2 mile of the area proposed for annexation; and

78 (iii) is equal in value to at least 15% of all real property located in the unincorporated
79 area within 1/2 mile of the area proposed for annexation; or

80 (d) an owner of private real property located in a mining protection area.

81 (2) Each protest under Subsection (1) shall:

82 (a) be filed:

83 (i) no later than 30 days after the municipal legislative body's receipt of the notice of
84 certification under Subsection 10-2-405(2)(c)(i); and

85 (ii) (A) in a county that has already created a commission under Section 10-2-409, with
86 the commission; or

87 (B) in a county that has not yet created a commission under Section 10-2-409, with the

88 clerk of the county in which the area proposed for annexation is located;

89 (b) state each reason for the protest of the annexation petition and, if the area proposed
90 to be annexed is located in a specified county, justification for the protest under the standards
91 established in this chapter;

92 (c) if the area proposed to be annexed is located in a specified county, contain other
93 information that the commission by rule requires or that the party filing the protest considers
94 pertinent; and

95 (d) contain the name and address of a contact person who is to receive notices sent by
96 the commission with respect to the protest proceedings.

97 (3) The party filing a protest under this section shall on the same date deliver or mail a
98 copy of the protest to the city recorder or town clerk of the proposed annexing municipality.

99 (4) Each clerk who receives a protest under Subsection (2)(a)(ii)(B) shall:

100 (a) immediately notify the county legislative body of the protest; and

101 (b) deliver the protest to the boundary commission within five days after:

102 (i) receipt of the protest, if the boundary commission has previously been created; or

103 (ii) creation of the boundary commission under Subsection 10-2-409(1)(b), if the
104 boundary commission has not previously been created.

105 (5) (a) If a protest is filed under this section:

106 (i) the municipal legislative body may, at its next regular meeting after expiration of
107 the deadline under Subsection (2)(a)(i), deny the annexation petition; or

108 (ii) if the municipal legislative body does not deny the annexation petition under
109 Subsection (5)(a)(i), the municipal legislative body may take no further action on the
110 annexation petition until after receipt of the commission's notice of its decision on the protest
111 under Section 10-2-416.

112 (b) If a municipal legislative body denies an annexation petition under Subsection
113 (5)(a)(i), the municipal legislative body shall, within five days after the denial, send notice of
114 the denial in writing to:

115 (i) the contact sponsor of the annexation petition;

116 (ii) the commission; and

117 (iii) each entity that filed a protest.

118 (6) If no timely protest is filed under this section, the municipal legislative body may,

119 subject to Subsection (7), approve the petition.

120 (7) Before approving an annexation petition under Subsection (6), the municipal
121 legislative body shall hold a public hearing and provide notice of the public hearing:

122 (a) (i) at least seven days before the day of the public hearing, by posting one notice,
123 and at least one additional notice per 2,000 population within the municipality and the area
124 proposed for annexation, in places within that combined area that are most likely to give notice
125 to the residents within, and the owners of real property located within, the combined area,
126 subject to a maximum of 10 notices; or

127 (ii) at least 10 days before the day of the public hearing, by mailing the notice to each
128 residence within, and to each owner of real property located within, the combined area
129 described in Subsection (7)(a)(i);

130 (b) by posting notice on the Utah Public Notice Website, created in Section
131 63A-16-601, for seven days before the day of the public hearing; and

132 (c) if the municipality has a website, by posting notice on the municipality's website for
133 seven days before the day of the public hearing.

134 (8) (a) Subject to Subsection (8)(b), only a person or entity that is described in
135 Subsection (1) has standing to challenge an annexation in district court.

136 (b) A person or entity described in Subsection (1) may only bring an action in district
137 court to challenge an annexation if the person or entity has timely filed a protest as described in
138 Subsection (2) and exhausted the administrative remedies described in this section.

139 Section 2. Section 10-2-501 is amended to read:

140 **10-2-501. Municipal disconnection -- Definitions -- Request for disconnection --**
141 **Requirements upon filing request.**

142 (1) As used in this part "petitioner" means:

143 (a) one or more persons who:

144 (i) own title to real property within the area proposed for disconnection; and

145 (ii) sign a request for disconnection proposing to disconnect the area proposed for
146 disconnection from the municipality; or

147 (b) the mayor of the municipality within which the area proposed for disconnection is
148 located who signs a request for disconnection proposing to disconnect the area proposed for
149 disconnection from the municipality.

150 (2) (a) A petitioner proposing to disconnect an area within and lying on the borders of a
151 municipality shall file with that municipality's legislative body a request for disconnection.

152 (b) Each request for disconnection shall:

153 (i) contain the names, addresses, and signatures of the owners of more than 50% of any
154 private real property in the area proposed for disconnection;

155 (ii) give the reasons for the proposed disconnection;

156 (iii) include a map or plat of the territory proposed for disconnection; and

157 (iv) designate between one and five persons with authority to act on the petitioner's
158 behalf in the proceedings.

159 (3) Upon filing the request for disconnection, the petitioner shall publish notice of the
160 request:

161 (a) (i) once a week for three consecutive weeks before the public hearing described in
162 Section 10-2-502.5 in a newspaper of general circulation within the municipality; or

163 (ii) if there is no newspaper of general circulation in the municipality, at least three
164 weeks before the day of the public hearing described in Section 10-2-502.5, by posting one
165 notice, and at least one additional notice per 2,000 population of the municipality, in places
166 within the municipality that are most likely to give notice to the residents within, and the
167 owners of real property located within, the municipality, including the residents who live in the
168 area proposed for disconnection; [or]

169 [~~(iii) at least three weeks before the day of the public hearing described in Section
170 10-2-502.5, by mailing notice to each residence within, and each owner of real property located
171 within, the municipality;~~]

172 (b) on the Utah Public Notice Website created in Section 63A-16-601, for three weeks
173 before the day of the public hearing described in Section 10-2-502.5;

174 (c) in accordance with the legal notice requirements described in Section 45-1-101, for
175 three weeks before the day of the public hearing described in Section 10-2-502.5;

176 (d) by mailing notice to each:

177 (i) owner of real property located within the area proposed to be disconnected; and

178 (ii) residence within the area proposed to be disconnected;

179 (e) by delivering a copy of the request to the legislative body of the county in which the
180 area proposed for disconnection is located; and

181 (f) if the municipality has a website, on the municipality's website for three weeks
182 before the day of the public hearing.

183 Section 3. Section **10-9a-103** is amended to read:

184 **10-9a-103. Definitions.**

185 As used in this chapter:

186 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
187 detached from a primary single-family dwelling and contained on one lot.

188 (2) "Adversely affected party" means a person other than a land use applicant who:

189 (a) owns real property adjoining the property that is the subject of a land use
190 application or land use decision; or

191 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
192 general community as a result of the land use decision.

193 (3) "Affected entity" means a county, municipality, local district, special service
194 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
195 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
196 public utility, property owner, property owners association, or the Utah Department of
197 Transportation, if:

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

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

202 (c) the entity has filed with the municipality a request for notice during the same
203 calendar year and before the municipality provides notice to an affected entity in compliance
204 with a requirement imposed under this chapter.

205 (4) "Affected owner" means the owner of real property that is:

206 (a) a single project;

207 (b) the subject of a land use approval that sponsors of a referendum timely challenged
208 in accordance with Subsection [20A-7-601\(5\)](#); and

209 (c) determined to be legally referable under Section [20A-7-602.8](#).

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

212 variance.

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

216 (7) (a) "Charter school" means:

217 (i) an operating charter school;

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

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

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

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

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

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

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

231 (10) "Culinary water authority" means the department, agency, or public entity with
232 responsibility to review and approve the feasibility of the culinary water system and sources for
233 the subject property.

234 (11) "Development activity" means:

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

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

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

241 (12) (a) "Development agreement" means a written agreement or amendment to a
242 written agreement between a municipality and one or more parties that regulates or controls the

243 use or development of a specific area of land.

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

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

248 (b) "Disability" does not include current illegal use of, or addiction to, any federally
249 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
250 802.

251 (14) "Educational facility":

252 (a) means:

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

256 (ii) a structure or facility:

257 (A) located on the same property as a building described in Subsection (14)(a)(i); and

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

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

261 (b) does not include:

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

264 (A) not located on the same property as a building described in Subsection (14)(a)(i);
265 and

266 (B) used in support of the purposes of a building described in Subsection (14)(a)(i); or

267 (ii) a therapeutic school.

268 (15) "Fire authority" means the department, agency, or public entity with responsibility
269 to review and approve the feasibility of fire protection and suppression services for the subject
270 property.

271 (16) "Flood plain" means land that:

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

274 (b) has not been studied or designated by the Federal Emergency Management Agency
275 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
276 the land has characteristics that are similar to those of a 100-year flood plain designated by the
277 Federal Emergency Management Agency.

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

280 (18) "Geologic hazard" means:

281 (a) a surface fault rupture;

282 (b) shallow groundwater;

283 (c) liquefaction;

284 (d) a landslide;

285 (e) a debris flow;

286 (f) unstable soil;

287 (g) a rock fall; or

288 (h) any other geologic condition that presents a risk:

289 (i) to life;

290 (ii) of substantial loss of real property; or

291 (iii) of substantial damage to real property.

292 (19) "Historic preservation authority" means a person, board, commission, or other
293 body designated by a legislative body to:

294 (a) recommend land use regulations to preserve local historic districts or areas; and

295 (b) administer local historic preservation land use regulations within a local historic
296 district or area.

297 (20) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
298 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
299 utility system.

300 (21) "Identical plans" means building plans submitted to a municipality that:

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

302 (b) are substantially identical to building plans that were previously submitted to and
303 reviewed and approved by the municipality; and

304 (c) describe a building that:

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

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

309 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
310 and approved by the municipality; and

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

312 (22) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
313 Impact Fees Act.

314 (23) "Improvement completion assurance" means a surety bond, letter of credit,
315 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
316 by a municipality to guaranty the proper completion of landscaping or an infrastructure
317 improvement required as a condition precedent to:

318 (a) recording a subdivision plat; or

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

320 (24) "Improvement warranty" means an applicant's unconditional warranty that the
321 applicant's installed and accepted landscaping or infrastructure improvement:

322 (a) complies with the municipality's written standards for design, materials, and
323 workmanship; and

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

326 (25) "Improvement warranty period" means a period:

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

328 (b) no later than one year after a municipality's acceptance of required infrastructure,
329 unless the municipality:

330 (i) determines for good cause that a one-year period would be inadequate to protect the
331 public health, safety, and welfare; and

332 (ii) has substantial evidence, on record:

333 (A) of prior poor performance by the applicant; or

334 (B) that the area upon which the infrastructure will be constructed contains suspect soil
335 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

336 (26) "Infrastructure improvement" means permanent infrastructure that is essential for
337 the public health and safety or that:

338 (a) is required for human occupation; and

339 (b) an applicant must install:

340 (i) in accordance with published installation and inspection specifications for public
341 improvements; and

342 (ii) whether the improvement is public or private, as a condition of:

343 (A) recording a subdivision plat;

344 (B) obtaining a building permit; or

345 (C) development of a commercial, industrial, mixed use, condominium, or multifamily
346 project.

347 (27) "Internal lot restriction" means a platted note, platted demarcation, or platted
348 designation that:

349 (a) runs with the land; and

350 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
351 the plat; or

352 (ii) designates a development condition that is enclosed within the perimeter of a lot
353 described on the plat.

354 (28) "Land use applicant" means a property owner, or the property owner's designee,
355 who submits a land use application regarding the property owner's land.

356 (29) "Land use application":

357 (a) means an application that is:

358 (i) required by a municipality; and

359 (ii) submitted by a land use applicant to obtain a land use decision; and

360 (b) does not mean an application to enact, amend, or repeal a land use regulation.

361 (30) "Land use authority" means:

362 (a) a person, board, commission, agency, or body, including the local legislative body,
363 designated by the local legislative body to act upon a land use application; or

364 (b) if the local legislative body has not designated a person, board, commission,
365 agency, or body, the local legislative body.

366 (31) "Land use decision" means an administrative decision of a land use authority or

367 appeal authority regarding:

368 (a) a land use permit; or

369 (b) a land use application[~~;~~~~or~~].

370 [~~(c) the enforcement of a land use regulation, land use permit, or development~~

371 ~~agreement.~~]

372 (32) "Land use permit" means a permit issued by a land use authority.

373 (33) "Land use regulation":

374 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,

375 specification, fee, or rule that governs the use or development of land;

376 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;

377 and

378 (c) does not include:

379 (i) a land use decision of the legislative body acting as the land use authority, even if

380 the decision is expressed in a resolution or ordinance; or

381 (ii) a temporary revision to an engineering specification that does not materially:

382 (A) increase a land use applicant's cost of development compared to the existing

383 specification; or

384 (B) impact a land use applicant's use of land.

385 (34) "Legislative body" means the municipal council.

386 (35) "Local district" means an entity under Title 17B, Limited Purpose Local

387 Government Entities - Local Districts, and any other governmental or quasi-governmental

388 entity that is not a county, municipality, school district, or the state.

389 (36) "Local historic district or area" means a geographically definable area that:

390 (a) contains any combination of buildings, structures, sites, objects, landscape features,

391 archeological sites, or works of art that contribute to the historic preservation goals of a

392 legislative body; and

393 (b) is subject to land use regulations to preserve the historic significance of the local

394 historic district or area.

395 (37) "Lot" means a tract of land, regardless of any label, that is created by and shown

396 on a subdivision plat that has been recorded in the office of the county recorder.

397 (38) (a) "Lot line adjustment" means a relocation of a lot line boundary between

398 adjoining lots or between a lot and adjoining parcels in accordance with Section [10-9a-608](#):

399 (i) whether or not the lots are located in the same subdivision; and

400 (ii) with the consent of the owners of record.

401 (b) "Lot line adjustment" does not mean a new boundary line that:

402 (i) creates an additional lot; or

403 (ii) constitutes a subdivision.

404 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
405 Department of Transportation.

406 (39) "Major transit investment corridor" means public transit service that uses or
407 occupies:

408 (a) public transit rail right-of-way;

409 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

410 or

411 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
412 municipality or county and:

413 (i) a public transit district as defined in Section [17B-2a-802](#); or

414 (ii) an eligible political subdivision as defined in Section [59-12-2219](#).

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

418 (41) "Municipal utility easement" means an easement that:

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

421 (b) is not a protected utility easement or a public utility easement as defined in Section
422 [54-3-27](#);

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

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

428 (e) (i) is used or occupied by a specified public utility in accordance with an authorized

429 franchise or other agreement; and

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

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

432 (42) "Nominal fee" means a fee that reasonably reimburses a municipality only for time
433 spent and expenses incurred in:

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

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

437 (43) "Noncomplying structure" means a structure that:

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

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

442 (44) "Nonconforming use" means a use of land that:

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

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

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

448 (45) "Official map" means a map drawn by municipal authorities and recorded in a
449 county recorder's office that:

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

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

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

456 (46) "Parcel" means any real property that is not a lot.

457 (47) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
458 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
459 agreement in accordance with Section 10-9a-524, if no additional parcel is created and:

- 460 (i) none of the property identified in the agreement is a lot; or
461 (ii) the adjustment is to the boundaries of a single person's parcels.
462 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
463 line that:
464 (i) creates an additional parcel; or
465 (ii) constitutes a subdivision.
466 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
467 the Department of Transportation.
468 (48) "Person" means an individual, corporation, partnership, organization, association,
469 trust, governmental agency, or any other legal entity.
470 (49) "Plan for moderate income housing" means a written document adopted by a
471 municipality's legislative body that includes:
472 (a) an estimate of the existing supply of moderate income housing located within the
473 municipality;
474 (b) an estimate of the need for moderate income housing in the municipality for the
475 next five years;
476 (c) a survey of total residential land use;
477 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
478 income housing; and
479 (e) a description of the municipality's program to encourage an adequate supply of
480 moderate income housing.
481 (50) "Plat" means an instrument subdividing property into lots as depicted on a map or
482 other graphical representation of lands that a licensed professional land surveyor makes and
483 prepares in accordance with Section [10-9a-603](#) or [57-8-13](#).
484 (51) "Potential geologic hazard area" means an area that:
485 (a) is designated by a Utah Geological Survey map, county geologist map, or other
486 relevant map or report as needing further study to determine the area's potential for geologic
487 hazard; or
488 (b) has not been studied by the Utah Geological Survey or a county geologist but
489 presents the potential of geologic hazard because the area has characteristics similar to those of
490 a designated geologic hazard area.

491 (52) "Public agency" means:

492 (a) the federal government;

493 (b) the state;

494 (c) a county, municipality, school district, local district, special service district, or other

495 political subdivision of the state; or

496 (d) a charter school.

497 (53) "Public hearing" means a hearing at which members of the public are provided a
498 reasonable opportunity to comment on the subject of the hearing.

499 (54) "Public meeting" means a meeting that is required to be open to the public under
500 Title 52, Chapter 4, Open and Public Meetings Act.

501 (55) "Public street" means a public right-of-way, including a public highway, public
502 avenue, public boulevard, public parkway, public road, public lane, public alley, public
503 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
504 easement, or other public way.

505 (56) "Receiving zone" means an area of a municipality that the municipality
506 designates, by ordinance, as an area in which an owner of land may receive a transferable
507 development right.

508 (57) "Record of survey map" means a map of a survey of land prepared in accordance
509 with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

510 (58) "Residential facility for persons with a disability" means a residence:

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

512 (b) (i) which is licensed or certified by the Department of Human Services under Title
513 62A, Chapter 2, Licensure of Programs and Facilities; or

514 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
515 21, Health Care Facility Licensing and Inspection Act.

516 (59) "Rules of order and procedure" means a set of rules that govern and prescribe in a
517 public meeting:

518 (a) parliamentary order and procedure;

519 (b) ethical behavior; and

520 (c) civil discourse.

521 (60) "Sanitary sewer authority" means the department, agency, or public entity with

522 responsibility to review and approve the feasibility of sanitary sewer services or onsite
523 wastewater systems.

524 (61) "Sending zone" means an area of a municipality that the municipality designates,
525 by ordinance, as an area from which an owner of land may transfer a transferable development
526 right.

527 (62) "Specified public agency" means:

528 (a) the state;

529 (b) a school district; or

530 (c) a charter school.

531 (63) "Specified public utility" means an electrical corporation, gas corporation, or
532 telephone corporation, as those terms are defined in Section [54-2-1](#).

533 (64) "State" includes any department, division, or agency of the state.

534 (65) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
535 divided into two or more lots or other division of land for the purpose, whether immediate or
536 future, for offer, sale, lease, or development either on the installment plan or upon any and all
537 other plans, terms, and conditions.

538 (b) "Subdivision" includes:

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

542 (ii) except as provided in Subsection (65)(c), divisions of land for residential and
543 nonresidential uses, including land used or to be used for commercial, agricultural, and
544 industrial purposes.

545 (c) "Subdivision" does not include:

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

550 (ii) a boundary line agreement recorded with the county recorder's office between
551 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
552 [10-9a-524](#) if no new parcel is created;

- 553 (iii) a recorded document, executed by the owner of record:
- 554 (A) revising the legal descriptions of multiple parcels into one legal description
- 555 encompassing all such parcels; or
- 556 (B) joining a lot to a parcel;
- 557 (iv) a boundary line agreement between owners of adjoining subdivided properties
- 558 adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:
- 559 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 560 (B) the adjustment will not violate any applicable land use ordinance;
- 561 (v) a bona fide division of land by deed or other instrument if the deed or other
- 562 instrument states in writing that the division:
- 563 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 564 (B) does not confer any land use approvals; and
- 565 (C) has not been approved by the land use authority;
- 566 (vi) a parcel boundary adjustment;
- 567 (vii) a lot line adjustment;
- 568 (viii) a road, street, or highway dedication plat;
- 569 (ix) a deed or easement for a road, street, or highway purpose; or
- 570 (x) any other division of land authorized by law.
- 571 (66) "Subdivision amendment" means an amendment to a recorded subdivision in
- 572 accordance with Section 10-9a-608 that:
- 573 (a) vacates all or a portion of the subdivision;
- 574 (b) alters the outside boundary of the subdivision;
- 575 (c) changes the number of lots within the subdivision;
- 576 (d) alters a public right-of-way, a public easement, or public infrastructure within the
- 577 subdivision; or
- 578 (e) alters a common area or other common amenity within the subdivision.
- 579 (67) "Substantial evidence" means evidence that:
- 580 (a) is beyond a scintilla; and
- 581 (b) a reasonable mind would accept as adequate to support a conclusion.
- 582 (68) "Suspect soil" means soil that has:
- 583 (a) a high susceptibility for volumetric change, typically clay rich, having more than a

584 3% swell potential;

585 (b) bedrock units with high shrink or swell susceptibility; or

586 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum

587 commonly associated with dissolution and collapse features.

588 (69) "Therapeutic school" means a residential group living facility:

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

590 (i) the owner of the facility; or

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

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

593 (i) at home;

594 (ii) in a public school; or

595 (iii) in a nonresidential private school; and

596 (c) that offers:

597 (i) room and board; and

598 (ii) an academic education integrated with:

599 (A) specialized structure and supervision; or

600 (B) services or treatment related to a disability, an emotional development, a

601 behavioral development, a familial development, or a social development.

602 (70) "Transferable development right" means a right to develop and use land that

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

604 land use rights from a designated sending zone to a designated receiving zone.

605 (71) "Unincorporated" means the area outside of the incorporated area of a city or

606 town.

607 (72) "Water interest" means any right to the beneficial use of water, including:

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

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

610 (i) a contract; or

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

612 (73) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts

613 land use zones, overlays, or districts.

614 Section 4. Section 10-9a-205 is amended to read:

615 **10-9a-205. Notice of public hearings and public meetings on adoption or**
616 **modification of land use regulation.**

617 (1) Each municipality shall give:

618 (a) notice of the date, time, and place of the first public hearing to consider the
619 adoption or any modification of a land use regulation; and

620 (b) notice of each public meeting on the subject.

621 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

622 (a) mailed to each affected entity at least 10 calendar days before the public hearing;

623 (b) posted:

624 (i) in at least three public locations within the municipality; or

625 (ii) on the municipality's official website; and

626 (c) (i) posted on the Utah Public Notice Website created in Section [63A-16-601](#), at
627 least 10 calendar days before the public hearing; or

628 (ii) mailed at least 10 days before the public hearing to:

629 (A) each property owner whose land is directly affected by the land use ordinance
630 change; and

631 (B) each adjacent property owner within the parameters specified by municipal
632 ordinance.

633 (3) In addition to the notice requirements described in Subsections (1) and (2), for any
634 proposed modification to the text of a zoning code, the notice posted in accordance with
635 Subsection (2) shall:

636 (a) include a summary of the effect of the proposed modifications to the text of the
637 zoning code designed to be understood by a lay person; and

638 (b) be provided to any person upon written request.

639 ~~(3)~~ (4) Each notice of a public meeting under Subsection (1)(b) shall be posted at
640 least 24 hours before the meeting:

641 (a) in at least three public locations within the municipality; or

642 (b) on the municipality's official website.

643 ~~(4)~~ (5) (a) A municipality shall send a courtesy notice to each owner of private real
644 property whose property is located entirely or partially within a proposed zoning map
645 enactment or amendment at least 10 days before the scheduled day of the public hearing.

- 646 (b) The notice shall:
- 647 (i) identify with specificity each owner of record of real property that will be affected
- 648 by the proposed zoning map or map amendments;
- 649 (ii) state the current zone in which the real property is located;
- 650 (iii) state the proposed new zone for the real property;
- 651 (iv) provide information regarding or a reference to the proposed regulations,
- 652 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
- 653 amendment is adopted;
- 654 (v) state that the owner of real property may no later than 10 days after the day of the
- 655 first public hearing file a written objection to the inclusion of the owner's property in the
- 656 proposed zoning map or map amendment;
- 657 (vi) state the address where the property owner should file the protest;
- 658 (vii) notify the property owner that each written objection filed with the municipality
- 659 will be provided to the municipal legislative body; and
- 660 (viii) state the location, date, and time of the public hearing described in Section
- 661 [10-9a-502](#).

662 (c) If a municipality mails notice to a property owner in accordance with Subsection
663 (2)(c)(ii) for a public hearing on a zoning map or map amendment, the notice required in this
664 Subsection ~~[(4)]~~ (5) may be included in or part of the notice described in Subsection (2)(c)(ii)
665 rather than sent separately.

666 Section 5. Section **10-9a-212** is amended to read:

667 **10-9a-212. Notice for an amendment to public improvements in a subdivision or**
668 **development.**

669 ~~[Prior to]~~ Before implementing an amendment to adopted specifications for public
670 improvements that apply to a subdivision or a development, a municipality shall ~~[give 30 days~~
671 ~~mailed notice and an opportunity to comment to anyone who has requested the notice in~~
672 ~~writing.];~~

- 673 (1) hold a public hearing;
- 674 (2) mail a notice 30 days or more before the date of the public hearing to:
- 675 (a) each person who has submitted a land use application for which the land use
676 authority has not issued a land use decision; and

677 (b) each person who makes a written request to receive a copy of the notice; and
678 (3) allow each person who receives a notice in accordance with Subsection (2) to
679 provide public comment in writing before the public hearing or in person during the public
680 hearing.

681 Section 6. Section **10-9a-509** is amended to read:

682 **10-9a-509. Applicant's entitlement to land use application approval --**
683 **Municipality's requirements and limitations -- Vesting upon submission of development**
684 **plan and schedule.**

685 (1) (a) (i) An applicant who has submitted a complete land use application as described
686 in Subsection (1)(c), including the payment of all application fees, is entitled to substantive
687 review of the application under the land use regulations:

688 (A) in effect on the date that the application is complete; and

689 (B) applicable to the application or to the information shown on the application.

690 (ii) An applicant is entitled to approval of a land use application if the application
691 conforms to the requirements of the applicable land use regulations, land use decisions, and
692 development standards in effect when the applicant submits a complete application and pays
693 application fees, unless:

694 (A) the land use authority, on the record, formally finds that a compelling,
695 countervailing public interest would be jeopardized by approving the application and specifies
696 the compelling, countervailing public interest in writing; or

697 (B) in the manner provided by local ordinance and before the applicant submits the
698 application, the municipality formally initiates proceedings to amend the municipality's land
699 use regulations in a manner that would prohibit approval of the application as submitted.

700 (b) The municipality shall process an application without regard to proceedings the
701 municipality initiated to amend the municipality's ordinances as described in Subsection
702 (1)(a)(ii)(B) if:

703 (i) 180 days have passed since the municipality initiated the proceedings; and

704 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
705 application as submitted.

706 (c) A land use application is considered submitted and complete when the applicant
707 provides the application in a form that complies with the requirements of applicable ordinances

708 and pays all applicable fees.

709 (d) A subsequent incorporation of a municipality or a petition that proposes the
710 incorporation of a municipality does not affect a land use application approved by a county in
711 accordance with Section 17-27a-508.

712 (e) The continuing validity of an approval of a land use application is conditioned upon
713 the applicant proceeding after approval to implement the approval with reasonable diligence.

714 (f) A municipality may not impose on an applicant who has submitted a complete
715 application a requirement that is not expressed in:

716 (i) this chapter;

717 (ii) a municipal ordinance; or

718 (iii) a municipal specification for public improvements applicable to a subdivision or
719 development that is in effect on the date that the applicant submits an application.

720 (g) A municipality may not impose on a holder of an issued land use permit or a final,
721 unexpired subdivision plat a requirement that is not expressed:

722 (i) in a land use permit;

723 (ii) on the subdivision plat;

724 (iii) in a document on which the land use permit or subdivision plat is based;

725 (iv) in the written record evidencing approval of the land use permit or subdivision
726 plat;

727 (v) in this chapter; or

728 (vi) in a municipal ordinance.

729 (h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance
730 of a certificate of occupancy or acceptance of subdivision improvements because of an
731 applicant's failure to comply with a requirement that is not expressed:

732 (i) in the building permit or subdivision plat, documents on which the building permit
733 or subdivision plat is based, or the written record evidencing approval of the land use permit or
734 subdivision plat; or

735 (ii) in this chapter or the municipality's ordinances.

736 (i) A municipality may not unreasonably withhold issuance of a certificate of
737 occupancy where an applicant has met all requirements essential for the public health, public
738 safety, and general welfare of the occupants, in accordance with this chapter, unless:

739 (i) the applicant and the municipality have agreed in a written document to the
740 withholding of a certificate of occupancy; or

741 (ii) the applicant has not provided a financial assurance for required and uncompleted
742 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
743 legislative body adopts under this chapter.

744 (2) A municipality is bound by the terms and standards of applicable land use
745 regulations and shall comply with mandatory provisions of those regulations.

746 (3) A municipality may not, as a condition of land use application approval, require a
747 person filing a land use application to obtain documentation regarding a school district's
748 willingness, capacity, or ability to serve the development proposed in the land use application.

749 ~~[(4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day
750 on which a subdivision plat is recorded, a municipality may not impose on a building permit
751 applicant for a single-family dwelling located within the subdivision any land use regulation
752 that is enacted within 10 years after the day on which the subdivision plat is recorded.]~~

753 ~~[(b) Subsection (4)(a) does not apply to any changes in the requirements of the
754 applicable building code, health code, or fire code, or other similar regulations.]~~

755 ~~[(5)]~~ (4) Upon a specified public agency's submission of a development plan and
756 schedule as required in Subsection 10-9a-305(8) that complies with the requirements of that
757 subsection, the specified public agency vests in the municipality's applicable land use maps,
758 zoning map, hookup fees, impact fees, other applicable development fees, and land use
759 regulations in effect on the date of submission.

760 ~~[(6)]~~ (5) (a) If sponsors of a referendum timely challenge a project in accordance with
761 Subsection 20A-7-601(5), the project's affected owner may rescind the project's land use
762 approval by delivering a written notice:

763 (i) to the local clerk as defined in Section 20A-7-101; and

764 (ii) no later than seven days after the day on which a petition for a referendum is
765 determined sufficient under Subsection 20A-7-607(4).

766 (b) Upon delivery of a written notice described in Subsection ~~[(6)]~~ (5)(a) the following
767 are rescinded and are of no further force or effect:

768 (i) the relevant land use approval; and

769 (ii) any land use regulation enacted specifically in relation to the land use approval.

770 Section 7. Section **10-9a-511** is amended to read:

771 **10-9a-511. Nonconforming uses and noncomplying structures.**

772 (1) (a) Except as provided in this section, a nonconforming use or noncomplying
773 structure may be continued by the present or a future property owner.

774 (b) A nonconforming use may be extended through the same building, provided no
775 structural alteration of the building is proposed or made for the purpose of the extension.

776 (c) For purposes of this Subsection (1), the addition of a solar energy device to a
777 building is not a structural alteration.

778 (2) The legislative body may provide for:

779 (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or
780 substitution of nonconforming uses upon the terms and conditions set forth in the land use
781 ordinance;

782 (b) the termination of all nonconforming uses, except billboards, by providing a
783 formula establishing a reasonable time period during which the owner can recover or amortize
784 the amount of his investment in the nonconforming use, if any; and

785 (c) the termination of a nonconforming use due to its abandonment.

786 (3) (a) A municipality may not prohibit the reconstruction or restoration of a
787 noncomplying structure or terminate the nonconforming use of a structure that is involuntarily
788 destroyed in whole or in part due to fire or other calamity unless the structure or use has been
789 abandoned.

790 (b) A municipality may prohibit the reconstruction or restoration of a noncomplying
791 structure or terminate the nonconforming use of a structure if:

792 (i) the structure is allowed to deteriorate to a condition that the structure is rendered
793 uninhabitable and is not repaired or restored within six months after the day on which written
794 notice is served to the property owner that the structure is uninhabitable and that the
795 noncomplying structure or nonconforming use will be lost if the structure is not repaired or
796 restored within six months; or

797 (ii) the property owner has voluntarily demolished a majority of the noncomplying
798 structure or the building that houses the nonconforming use.

799 (c) (i) Notwithstanding a prohibition in the municipality's zoning ordinance, a
800 municipality may permit a billboard owner to relocate the billboard within the municipality's

801 boundaries to a location that is mutually acceptable to the municipality and the billboard
802 owner.

803 (ii) If the municipality and billboard owner cannot agree to a mutually acceptable
804 location within 180 days after the day on which the owner submits a written request to relocate
805 the billboard, the billboard owner may relocate the billboard in accordance with Subsection
806 10-9a-513(2).

807 (4) (a) Unless the municipality establishes, by ordinance, a uniform presumption of
808 legal existence for nonconforming uses, the property owner shall have the burden of
809 establishing the legal existence of a noncomplying structure or nonconforming use through
810 substantial evidence, which may not be limited to municipal or county records.

811 (b) Any party claiming that a nonconforming use has been abandoned shall have the
812 burden of establishing the abandonment.

813 (c) Abandonment may be presumed to have occurred if:

814 (i) a majority of the primary structure associated with the nonconforming use has been
815 voluntarily demolished without prior written agreement with the municipality regarding an
816 extension of the nonconforming use;

817 (ii) the use has been discontinued for a minimum of one year; or

818 (iii) the primary structure associated with the nonconforming use remains vacant for a
819 period of one year.

820 (d) The property owner may rebut the presumption of abandonment under Subsection
821 (4)(c), and has the burden of establishing that any claimed abandonment under Subsection
822 (4)(b) has not occurred.

823 (5) A municipality may terminate the nonconforming status of a school district or
824 charter school use or structure when the property associated with the school district or charter
825 school use or structure ceases to be used for school district or charter school purposes for a
826 period established by ordinance.

827 Section 8. Section **10-9a-535** is enacted to read:

828 **10-9a-535. Moderate income housing.**

829 (1) A municipality may only require the development of a certain number of moderate
830 income housing units as a condition of approval of a land use application if:

831 (a) the municipality and the applicant enter into a written agreement regarding the

832 number of moderate income housing units; or

833 (b) the municipality provides incentives for an applicant who agrees to include
834 moderate income housing units in a development.

835 (2) If an applicant does not agree to participate in the development of moderate income
836 housing units under Subsection (1)(a) or (b), a municipality may not take into consideration the
837 applicant's decision in the municipality's determination of whether to approve or deny a land
838 use application.

839 (3) Notwithstanding Subsections (1) and (2), a municipality that imposes a resort
840 community sales and use tax as described in Section 59-12-401, may require the development
841 of a certain number of moderate income housing units as a condition of approval of a land use
842 application if the requirement is in accordance with an ordinance enacted by the municipality
843 before January 1, 2022.

844 Section 9. Section **10-9a-601** is amended to read:

845 **10-9a-601. Enactment of subdivision ordinance.**

846 (1) The legislative body of a municipality may enact ordinances requiring that a
847 subdivision plat comply with the provisions of the municipality's ordinances and this part
848 before:

849 (a) the subdivision plat may be filed and recorded in the county recorder's office; and

850 (b) lots may be sold.

851 (2) If the legislative body fails to enact a subdivision ordinance, the municipality may
852 regulate subdivisions only to the extent provided in this part.

853 (3) The joining of a lot or lots to a parcel does not constitute a subdivision as to the
854 parcel or subject the parcel to the municipality's subdivision ordinance.

855 (4) A legislative body may adopt a land use regulation that specifies that combining
856 lots does not require a subdivision plat amendment.

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

858 **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
859 **acknowledgment, surveyor certification, and underground utility facility owner**
860 **verification of plat -- Recording plat.**

861 (1) As used in this section:

862 (a) (i) "Facility owner" means the same as that term is defined in Section [73-1-15.5](#).

863 (ii) "Facility owner" includes a canal owner or associated canal operator contact
864 described in:

- 865 (A) Section 10-9a-211;
- 866 (B) Subsection 73-5-7(3); or
- 867 (C) Subsection (6)(c).

868 (b) "Local health department" means the same as that term is defined in Section
869 26A-1-102.

870 (c) "State engineer's inventory of canals" means the state engineer's inventory of water
871 conveyance systems established in Section 73-5-7.

872 (d) "Underground facility" means the same as that term is defined in Section 54-8a-2.

873 (e) "Water conveyance facility" means the same as that term is defined in Section
874 73-1-15.5.

875 (2) Unless exempt under Section 10-9a-605 or excluded from the definition of
876 subdivision under Section 10-9a-103, whenever any land is laid out and platted, the owner of
877 the land shall provide to the municipality in which the land is located an accurate plat that
878 describes or specifies:

879 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in
880 the county recorder's office;

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

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

888 (d) every existing right-of-way and recorded easement located within the plat for:

- 889 (i) an underground facility;
- 890 (ii) a water conveyance facility; or
- 891 (iii) any other utility facility; and

892 (e) any water conveyance facility located, entirely or partially, within the plat that:

893 (i) is not recorded; and

894 (ii) of which the owner of the land has actual or constructive knowledge, including
895 from information made available to the owner of the land:

896 (A) in the state engineer's inventory of canals; or

897 (B) from a surveyor under Subsection (6)(c).

898 (3) (a) Subject to Subsections (4), (6), and (7), if the plat conforms to the municipality's
899 ordinances and this part and has been approved by the culinary water authority, the sanitary
900 sewer authority, and the local health department, if the local health department and the
901 municipality consider the local health department's approval necessary, the municipality shall
902 approve the plat.

903 (b) Municipalities are encouraged to receive a recommendation from the fire authority
904 and the public safety answering point before approving a plat.

905 (c) A municipality may not require that a plat be approved or signed by a person or
906 entity who:

907 (i) is not an employee or agent of the municipality; or

908 (ii) does not:

909 (A) have a legal or equitable interest in the property within the proposed subdivision;

910 (B) provide a utility or other service directly to a lot within the subdivision;

911 (C) own an easement or right-of-way adjacent to the proposed subdivision who signs
912 for the purpose of confirming the accuracy of the location of the easement or right-of-way in
913 relation to the plat; or

914 (D) provide culinary public water service whose source protection zone designated as
915 provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.

916 (d) A municipality shall:

917 (i) within 20 days after the day on which an owner of land submits to the municipality
918 a complete subdivision plat land use application, mail written notice of the proposed
919 subdivision to the facility owner of any water conveyance facility located, entirely or partially,
920 within 100 feet of the subdivision plat, as determined using information made available to the
921 municipality:

922 (A) from the facility owner under Section 10-9a-211, using mapping-grade global
923 positioning satellite units or digitized data from the most recent aerial photo available to the
924 facility owner;

925 (B) in the state engineer's inventory of canals; or
926 (C) from a surveyor under Subsection (6)(c); and
927 (ii) not approve the subdivision plat for at least 20 days after the day on which the
928 municipality mails to each facility owner the notice described in Subsection (3)(d)(i), in order
929 to receive any comments from each facility owner regarding:

- 930 (A) access to the water conveyance facility;
- 931 (B) maintenance of the water conveyance facility;
- 932 (C) protection of the water conveyance facility;
- 933 (D) safety of the water conveyance facility; or
- 934 (E) any other issue related to water conveyance facility operations.

935 (e) When applicable, the owner of the land seeking subdivision plat approval shall
936 comply with Section [73-1-15.5](#).

937 (f) A facility owner's failure to provide comments to a municipality in accordance with
938 Subsection (3)(d)(ii) does not affect or impair the municipality's authority to approve the
939 subdivision plat.

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

943 (5) (a) Within 30 days after approving a final plat under this section, a municipality
944 shall submit to the Utah Geospatial Resource Center, created in Section [63A-16-505](#), for
945 inclusion in the unified statewide 911 emergency service database described in Subsection
946 [63H-7a-304\(4\)\(b\)](#):

- 947 (i) an electronic copy of the approved final plat; or
- 948 (ii) preliminary geospatial data that depict any new streets and situs addresses proposed
949 for construction within the bounds of the approved plat.

950 (b) If requested by the Utah Geospatial Resource Center, a municipality that approves a
951 final plat under this section shall:

- 952 (i) coordinate with the Utah Geospatial Resource Center to validate the information
953 described in Subsection (5)(a); and
- 954 (ii) assist the Utah Geospatial Resource Center in creating electronic files that contain
955 the information described in Subsection (5)(a) for inclusion in the unified statewide 911

956 emergency service database.

957 (6) (a) A county recorder may not record a plat unless:

958 (i) prior to recordation, the municipality has approved and signed the plat;

959 (ii) each owner of record of land described on the plat has signed the owner's

960 dedication as shown on the plat; and

961 (iii) the signature of each owner described in Subsection (6)(a)(ii) is acknowledged as
962 provided by law.

963 (b) ~~[The surveyor making]~~ A surveyor who prepares the plat shall certify that the
964 surveyor:

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

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

969 (B) has referenced a record of survey map of the existing property boundaries shown
970 on the plat and verified the locations of the boundaries; and

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

972 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator, or a
973 representative designated by the owner or operator, of an existing water conveyance facility
974 located within the proposed subdivision, or an existing or proposed underground facility or
975 utility facility located within the proposed subdivision, to verify the accuracy of the surveyor's
976 depiction of the:

977 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a
978 public or private easement, or grants of record;

979 (B) location of the existing water conveyance facility, or the existing or proposed
980 underground facility or utility facility; and

981 (C) physical restrictions governing the location of the existing or proposed
982 underground facility or utility facility.

983 (ii) The cooperation of an owner or operator of a water conveyance facility,
984 underground facility, or utility facility under Subsection (6)(c)(i):

985 (A) indicates only that the plat approximates the location of the existing facilities but
986 does not warrant or verify their precise location; and

987 (B) does not affect a right that the owner or operator has under Title 54, Chapter 8a,
988 Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law
989 applicable to prescriptive rights, or any other provision of law.

990 (7) (a) Except as provided in Subsection (6)(c), after the plat has been acknowledged,
991 certified, and approved, the owner of the land seeking to record the plat shall, within the time
992 period and manner designated by ordinance, record the plat in the county recorder's office in
993 the county in which the lands platted and laid out are situated.

994 (b) A failure to record a plat within the time period designated by ordinance renders the
995 plat voidable by the municipality.

996 (8) A municipality acting as a land use authority shall approve a condominium plat that
997 complies with the requirements of Section 57-8-13 unless the condominium plat violates a land
998 use regulation of the municipality.

999 Section 11. Section **10-9a-608** is amended to read:

1000 **10-9a-608. Subdivision amendments.**

1001 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
1002 subdivision that has been laid out and platted as provided in this part may file a written petition
1003 with the land use authority to request a subdivision amendment.

1004 (b) Upon filing a written petition to request a subdivision amendment under Subsection
1005 (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in
1006 accordance with Section **10-9a-603** that:

- 1007 (i) depicts only the portion of the subdivision that is proposed to be amended;
- 1008 (ii) includes a plat name distinguishing the amended plat from the original plat;
- 1009 (iii) describes the differences between the amended plat and the original plat; and
- 1010 (iv) includes references to the original plat.

1011 (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide
1012 notice of the petition by mail, email, or other effective means to each affected entity that
1013 provides a service to an owner of record of the portion of the plat that is being vacated or
1014 amended at least 10 calendar days before the land use authority may approve the petition for a
1015 subdivision amendment.

1016 (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
1017 public hearing within 45 days after the day on which the petition is filed if:

1018 (i) any owner within the plat notifies the municipality of the owner's objection in
1019 writing within 10 days of mailed notification; or

1020 (ii) a public hearing is required because all of the owners in the subdivision have not
1021 signed the revised plat.

1022 (e) A land use authority may not approve a petition for a subdivision amendment under
1023 this section unless the amendment identifies and preserves any easements owned by a culinary
1024 water authority and sanitary sewer authority for existing facilities located within the
1025 subdivision.

1026 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use
1027 authority may consider at a public meeting an owner's petition for a subdivision amendment if:

1028 (a) the petition seeks to:

1029 (i) join two or more of the petitioner fee owner's contiguous lots;

1030 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
1031 result in a violation of a land use ordinance or a development condition;

1032 (iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the
1033 fee owners of each of the adjoining properties join in the petition, regardless of whether the
1034 properties are located in the same subdivision;

1035 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
1036 imposed by the local political subdivision; or

1037 (v) alter the plat in a manner that does not change existing boundaries or other
1038 attributes of lots within the subdivision that are not:

1039 (A) owned by the petitioner; or

1040 (B) designated as a common area; and

1041 (b) notice has been given to adjoining property owners in accordance with any
1042 applicable local ordinance.

1043 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or
1044 municipal utility easement is also subject to Section [10-9a-609.5](#).

1045 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or
1046 a portion of a plat shall include:

1047 (a) the name and address of each owner of record of the land contained in the entire
1048 plat or on that portion of the plat described in the petition; and

1049 (b) the signature of each owner described in Subsection (4)(a) who consents to the
1050 petition.

1051 (5) (a) The owners of record of adjoining properties where one or more of the
1052 properties is a lot may exchange title to portions of those parcels if the exchange of title is
1053 approved by the land use authority in accordance with Subsection (5)(b).

1054 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
1055 the exchange of title will not result in a violation of any land use ordinance.

1056 (c) If an exchange of title is approved under Subsection (5)(b):

1057 (i) a notice of approval shall be recorded in the office of the county recorder which:

1058 (A) is executed by each owner included in the exchange and by the land use authority;

1059 (B) contains an acknowledgment for each party executing the notice in accordance with
1060 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

1061 (C) recites the legal descriptions of both the original properties and the properties
1062 resulting from the exchange of title; and

1063 (ii) a document of conveyance shall be recorded in the office of the county recorder
1064 with an amended plat.

1065 (d) A notice of approval recorded under this Subsection (5) does not act as a
1066 conveyance of title to real property and is not required in order to record a document conveying
1067 title to real property.

1068 (6) (a) The name of a recorded subdivision may be changed by recording an amended
1069 plat making that change, as provided in this section and subject to Subsection (6)(c).

1070 (b) The surveyor preparing the amended plat shall certify that the surveyor:

1071 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
1072 Professional Land Surveyors Licensing Act;

1073 (ii) (A) has completed a survey of the property described on the plat in accordance with
1074 Section 17-23-17 and has verified all measurements; [~~and~~] or

1075 (B) has referenced a record of survey map of the existing property boundaries shown
1076 on the plat and verified the locations of the boundaries; and

1077 (iii) has placed monuments as represented on the plat.

1078 (c) An owner of land may not submit for recording an amended plat that gives the
1079 subdivision described in the amended plat the same name as a subdivision in a plat already

1080 recorded in the county recorder's office.

1081 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
1082 document that purports to change the name of a recorded plat is void.

1083 Section 12. Section **10-9a-801** is amended to read:

1084 **10-9a-801. No district court review until administrative remedies exhausted --**
1085 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**
1086 **-- Staying of decision.**

1087 (1) No person may challenge in district court a land use decision until that person has
1088 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
1089 Variances, if applicable.

1090 (2) (a) Subject to Subsection (1), a land use applicant or adversely affected party may
1091 file a petition for review of a land use decision with the district court within 30 days after the
1092 decision is final.

1093 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
1094 property owner files a request for arbitration of a constitutional taking issue with the property
1095 rights ombudsman under Section [13-43-204](#) until 30 days after:

1096 (A) the arbitrator issues a final award; or

1097 (B) the property rights ombudsman issues a written statement under Subsection
1098 [13-43-204](#)(3)(b) declining to arbitrate or to appoint an arbitrator.

1099 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
1100 taking issue that is the subject of the request for arbitration filed with the property rights
1101 ombudsman by a property owner.

1102 (iii) A request for arbitration filed with the property rights ombudsman after the time
1103 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

1104 (3) (a) A court shall:

1105 (i) presume that a land use regulation properly enacted under the authority of this
1106 chapter is valid; and

1107 (ii) determine only whether:

1108 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
1109 or federal law; and

1110 (B) it is reasonably debatable that the land use regulation is consistent with this

1111 chapter.

1112 (b) A court shall~~[(i)]~~ presume that a final land use decision of a land use authority or
1113 an appeal authority is valid~~[, and (ii) uphold the land use decision]~~ unless the land use decision
1114 is:

1115 ~~[(A)]~~ (i) arbitrary and capricious; or

1116 ~~[(B)]~~ (ii) illegal.

1117 (c) (i) A land use decision is arbitrary and capricious if the land use decision is not
1118 supported by substantial evidence in the record.

1119 (ii) A land use decision is illegal if the land use decision [is]:

1120 (A) is based on an incorrect interpretation of a land use regulation; ~~[or]~~

1121 (B) conflicts with the authority granted by this title; or

1122 ~~[(B)]~~ (C) is contrary to law.

1123 (d) (i) A court may affirm or reverse a land use decision.

1124 (ii) If the court reverses a land use decision, the court shall remand the matter to the
1125 land use authority with instructions to issue a land use decision consistent with the court's
1126 ruling.

1127 (4) The provisions of Subsection (2)(a) apply from the date on which the municipality
1128 takes final action on a land use application, if the municipality conformed with the notice
1129 provisions of Part 2, Notice, or for any person who had actual notice of the pending land use
1130 decision.

1131 (5) If the municipality has complied with Section [10-9a-205](#), a challenge to the
1132 enactment of a land use regulation or general plan may not be filed with the district court more
1133 than 30 days after the enactment.

1134 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
1135 days after the land use decision is final.

1136 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
1137 the reviewing court the record of the proceedings of the land use authority or appeal authority,
1138 including the minutes, findings, orders, and, if available, a true and correct transcript of the
1139 proceedings.

1140 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
1141 transcript for purposes of this Subsection (7).

1142 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
1143 by the land use authority or appeal authority, as the case may be.

1144 (ii) The court may not accept or consider any evidence outside the record of the land
1145 use authority or appeal authority, as the case may be, unless that evidence was offered to the
1146 land use authority or appeal authority, respectively, and the court determines that the evidence
1147 was improperly excluded.

1148 (b) If there is no record, the court may call witnesses and take evidence.

1149 (9) (a) The filing of a petition does not stay the land use decision of the land use
1150 authority or appeal authority, as the case may be.

1151 (b) (i) Before filing a petition under this section or a request for mediation or
1152 arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may
1153 petition the appeal authority to stay the appeal authority's land use decision.

1154 (ii) Upon receipt of a petition to stay, the appeal authority may order the appeal
1155 authority's land use decision stayed pending district court review if the appeal authority finds
1156 the order to be in the best interest of the municipality.

1157 (iii) After a petition is filed under this section or a request for mediation or arbitration
1158 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
1159 injunction staying the appeal authority's land use decision.

1160 (10) If the court determines that a party initiated or pursued a challenge to a land use
1161 decision on a land use application in bad faith, the court may award attorney fees.

1162 Section 13. Section 17-27a-205 is amended to read:

1163 **17-27a-205. Notice of public hearings and public meetings on adoption or**
1164 **modification of land use regulation.**

1165 (1) Each county shall give:

1166 (a) notice of the date, time, and place of the first public hearing to consider the
1167 adoption or modification of a land use regulation; and

1168 (b) notice of each public meeting on the subject.

1169 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

1170 (a) mailed to each affected entity at least 10 calendar days before the public hearing;

1171 (b) posted:

1172 (i) in at least three public locations within the county; or

- 1173 (ii) on the county's official website; and
- 1174 (c) (i) posted on the Utah Public Notice Website created in Section 63A-16-601, at
- 1175 least 10 calendar days before the public hearing; or
- 1176 (ii) mailed at least 10 days before the public hearing to:
- 1177 (A) each property owner whose land is directly affected by the land use ordinance
- 1178 change; and
- 1179 (B) each adjacent property owner within the parameters specified by county ordinance.
- 1180 (3) In addition to the notice requirements described in Subsections (1) and (2), for any
- 1181 proposed modification to the text of a zoning code, the notice posted in accordance with
- 1182 Subsection (2) shall:
- 1183 (a) include a summary of the effect of the proposed modifications to the text of the
- 1184 zoning code designed to be understood by a lay person; and
- 1185 (b) be provided to any person upon written request.
- 1186 [~~3~~] (4) Each notice of a public meeting under Subsection (1)(b) shall be at least 24
- 1187 hours before the hearing and shall be posted:
- 1188 (a) in at least three public locations within the county; or
- 1189 (b) on the county's official website.
- 1190 [~~4~~] (5) (a) A county shall send a courtesy notice to each owner of private real
- 1191 property whose property is located entirely or partially within the proposed zoning map
- 1192 enactment or amendment at least 10 days before the scheduled day of the public hearing.
- 1193 (b) The notice shall:
- 1194 (i) identify with specificity each owner of record of real property that will be affected
- 1195 by the proposed zoning map or map amendments;
- 1196 (ii) state the current zone in which the real property is located;
- 1197 (iii) state the proposed new zone for the real property;
- 1198 (iv) provide information regarding or a reference to the proposed regulations,
- 1199 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
- 1200 amendment is adopted;
- 1201 (v) state that the owner of real property may no later than 10 days after the day of the
- 1202 first public hearing file a written objection to the inclusion of the owner's property in the
- 1203 proposed zoning map or map amendment;

1204 (vi) state the address where the property owner should file the protest;
1205 (vii) notify the property owner that each written objection filed with the county will be
1206 provided to the county legislative body; and
1207 (viii) state the location, date, and time of the public hearing described in Section
1208 17-27a-502.

1209 (c) If a county mails notice to a property owner in accordance with Subsection (2)(c)(ii)
1210 for a public hearing on a zoning map or map amendment, the notice required in this Subsection
1211 [(4)] (5) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than
1212 sent separately.

1213 Section 14. Section 17-27a-212 is amended to read:

1214 **17-27a-212. Notice for an amendment to public improvements in a subdivision or**
1215 **development.**

1216 [~~Prior to~~] Before implementing an amendment to adopted specifications for public
1217 improvements that apply to a subdivision or a development, a county shall ~~[give 30 days~~
1218 ~~mailed notice and an opportunity to comment to anyone who has requested the notice in~~
1219 ~~writing.]~~:

1220 (1) hold a public hearing;

1221 (2) mail a notice 30 days or more before the date of the public hearing to:

1222 (a) each person who has submitted a land use application for which the land use
1223 authority has not issued a land use decision; and

1224 (b) each person who makes a written request to receive a copy of the notice; and

1225 (3) allow each person who receives a notice in accordance with Subsection (2) to
1226 provide public comment in writing before the public hearing or in person during the public
1227 hearing.

1228 Section 15. Section 17-27a-508 is amended to read:

1229 **17-27a-508. Applicant's entitlement to land use application approval --**
1230 **Application relating to land in a high priority transportation corridor -- County's**
1231 **requirements and limitations -- Vesting upon submission of development plan and**
1232 **schedule.**

1233 (1) (a) (i) An applicant who has submitted a complete land use application, including
1234 the payment of all application fees, is entitled to substantive review of the application under the

1235 land use regulations:

1236 (A) in effect on the date that the application is complete; and

1237 (B) applicable to the application or to the information shown on the submitted
1238 application.

1239 (ii) An applicant is entitled to approval of a land use application if the application
1240 conforms to the requirements of the applicable land use regulations, land use decisions, and
1241 development standards in effect when the applicant submits a complete application and pays all
1242 application fees, unless:

1243 (A) the land use authority, on the record, formally finds that a compelling,
1244 countervailing public interest would be jeopardized by approving the application and specifies
1245 the compelling, countervailing public interest in writing; or

1246 (B) in the manner provided by local ordinance and before the applicant submits the
1247 application, the county formally initiates proceedings to amend the county's land use
1248 regulations in a manner that would prohibit approval of the application as submitted.

1249 (b) The county shall process an application without regard to proceedings the county
1250 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

1251 (i) 180 days have passed since the county initiated the proceedings; and

1252 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
1253 application as submitted.

1254 (c) A land use application is considered submitted and complete when the applicant
1255 provides the application in a form that complies with the requirements of applicable ordinances
1256 and pays all applicable fees.

1257 (d) The continuing validity of an approval of a land use application is conditioned upon
1258 the applicant proceeding after approval to implement the approval with reasonable diligence.

1259 (e) A county may not impose on an applicant who has submitted a complete
1260 application a requirement that is not expressed:

1261 (i) in this chapter;

1262 (ii) in a county ordinance; or

1263 (iii) in a county specification for public improvements applicable to a subdivision or
1264 development that is in effect on the date that the applicant submits an application.

1265 (f) A county may not impose on a holder of an issued land use permit or a final,

1266 unexpired subdivision plat a requirement that is not expressed:

1267 (i) in a land use permit;

1268 (ii) on the subdivision plat;

1269 (iii) in a document on which the land use permit or subdivision plat is based;

1270 (iv) in the written record evidencing approval of the land use permit or subdivision
1271 plat;

1272 (v) in this chapter; or

1273 (vi) in a county ordinance.

1274 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a
1275 certificate of occupancy or acceptance of subdivision improvements because of an applicant's
1276 failure to comply with a requirement that is not expressed:

1277 (i) in the building permit or subdivision plat, documents on which the building permit
1278 or subdivision plat is based, or the written record evidencing approval of the building permit or
1279 subdivision plat; or

1280 (ii) in this chapter or the county's ordinances.

1281 (h) A county may not unreasonably withhold issuance of a certificate of occupancy
1282 where an applicant has met all requirements essential for the public health, public safety, and
1283 general welfare of the occupants, in accordance with this chapter, unless:

1284 (i) the applicant and the county have agreed in a written document to the withholding
1285 of a certificate of occupancy; or

1286 (ii) the applicant has not provided a financial assurance for required and uncompleted
1287 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
1288 legislative body adopts under this chapter.

1289 (2) A county is bound by the terms and standards of applicable land use regulations and
1290 shall comply with mandatory provisions of those regulations.

1291 (3) A county may not, as a condition of land use application approval, require a person
1292 filing a land use application to obtain documentation regarding a school district's willingness,
1293 capacity, or ability to serve the development proposed in the land use application.

1294 ~~[(4)(a) Except as provided in Subsection (4)(b), for a period of 10 years after the day~~
1295 ~~on which a subdivision plat is recorded, a county may not impose on a building permit~~
1296 ~~applicant for a single-family dwelling located within the subdivision any land use regulation~~

1297 ~~that is enacted within 10 years after the day on which the subdivision plat is recorded.]~~

1298 ~~[(b) Subsection (4)(a) does not apply to any changes in the requirements of the~~
1299 ~~applicable building code, health code, or fire code, or other similar regulations.]~~

1300 ~~[(5)]~~ (4) Upon a specified public agency's submission of a development plan and
1301 schedule as required in Subsection 17-27a-305(8) that complies with the requirements of that
1302 subsection, the specified public agency vests in the county's applicable land use maps, zoning
1303 map, hookup fees, impact fees, other applicable development fees, and land use regulations in
1304 effect on the date of submission.

1305 ~~[(6)]~~ (5) (a) If sponsors of a referendum timely challenge a project in accordance with
1306 Subsection 20A-7-601(5), the project's affected owner may rescind the project's land use
1307 approval by delivering a written notice:

1308 (i) to the local clerk as defined in Section 20A-7-101; and

1309 (ii) no later than seven days after the day on which a petition for a referendum is
1310 determined sufficient under Subsection 20A-7-607(4).

1311 (b) Upon delivery of a written notice described in Subsection ~~[(6)]~~(5)(a) the following
1312 are rescinded and are of no further force or effect:

1313 (i) the relevant land use approval; and

1314 (ii) any land use regulation enacted specifically in relation to the land use approval.

1315 Section 16. Section 17-27a-510 is amended to read:

1316 **17-27a-510. Nonconforming uses and noncomplying structures.**

1317 (1) (a) Except as provided in this section, a nonconforming use or a noncomplying
1318 structure may be continued by the present or a future property owner.

1319 (b) A nonconforming use may be extended through the same building, provided no
1320 structural alteration of the building is proposed or made for the purpose of the extension.

1321 (c) For purposes of this Subsection (1), the addition of a solar energy device to a
1322 building is not a structural alteration.

1323 (2) The legislative body may provide for:

1324 (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or
1325 substitution of nonconforming uses upon the terms and conditions set forth in the land use
1326 ordinance;

1327 (b) the termination of all nonconforming uses, except billboards, by providing a

1328 formula establishing a reasonable time period during which the owner can recover or amortize
1329 the amount of his investment in the nonconforming use, if any; and

1330 (c) the termination of a nonconforming use due to its abandonment.

1331 (3) (a) A county may not prohibit the reconstruction or restoration of a noncomplying
1332 structure or terminate the nonconforming use of a structure that is involuntarily destroyed in
1333 whole or in part due to fire or other calamity unless the structure or use has been abandoned.

1334 (b) A county may prohibit the reconstruction or restoration of a noncomplying structure
1335 or terminate the nonconforming use of a structure if:

1336 (i) the structure is allowed to deteriorate to a condition that the structure is rendered
1337 uninhabitable and is not repaired or restored within six months after the day on which written
1338 notice is served to the property owner that the structure is uninhabitable and that the
1339 noncomplying structure or nonconforming use will be lost if the structure is not repaired or
1340 restored within six months; or

1341 (ii) the property owner has voluntarily demolished a majority of the noncomplying
1342 structure or the building that houses the nonconforming use.

1343 (c) (i) Notwithstanding a prohibition in the county's zoning ordinance, a county may
1344 permit a billboard owner to relocate the billboard within the county's unincorporated area to a
1345 location that is mutually acceptable to the county and the billboard owner.

1346 (ii) If the county and billboard owner cannot agree to a mutually acceptable location
1347 within 180 days after the day on which the owner submits a written request to relocate the
1348 billboard, the billboard owner may relocate the billboard in accordance with Subsection
1349 [17-27a-512\(2\)](#).

1350 (4) (a) Unless the county establishes, by ordinance, a uniform presumption of legal
1351 existence for nonconforming uses, the property owner shall have the burden of establishing the
1352 legal existence of a noncomplying structure or nonconforming use through substantial
1353 evidence, which may not be limited to municipal or county records.

1354 (b) Any party claiming that a nonconforming use has been abandoned shall have the
1355 burden of establishing the abandonment.

1356 (c) Abandonment may be presumed to have occurred if:

1357 (i) a majority of the primary structure associated with the nonconforming use has been
1358 voluntarily demolished without prior written agreement with the county regarding an extension

1359 of the nonconforming use;

1360 (ii) the use has been discontinued for a minimum of one year; or

1361 (iii) the primary structure associated with the nonconforming use remains vacant for a
1362 period of one year.

1363 (d) The property owner may rebut the presumption of abandonment under Subsection
1364 (4)(c), and has the burden of establishing that any claimed abandonment under Subsection
1365 (4)(c) has not occurred.

1366 (5) A county may terminate the nonconforming status of a school district or charter
1367 school use or structure when the property associated with the school district or charter school
1368 use or structure ceases to be used for school district or charter school purposes for a period
1369 established by ordinance.

1370 Section 17. Section **17-27a-531** is enacted to read:

1371 **17-27a-531. Moderate income housing.**

1372 (1) A county may only require the development of a certain number of moderate
1373 income housing units as a condition of approval of a land use application if:

1374 (a) the county and the applicant enter into a written agreement regarding the number of
1375 moderate income housing units; or

1376 (b) the county provides incentives for an applicant who agrees to include moderate
1377 income housing units in a development.

1378 (2) If an applicant does not agree to participate in the development of moderate income
1379 housing units under Subsection (1)(a) or (b), a county may not take into consideration the
1380 applicant's decision in the county's determination of whether to approve or deny a land use
1381 application.

1382 (3) Notwithstanding Subsections (1) and (2), a county of the third class, which has a
1383 ski resort located within the unincorporated area of the county, may require the development of
1384 a certain number of moderate income housing units as a condition of approval of a land use
1385 application if the requirement is in accordance with an ordinance enacted by the county before
1386 January 1, 2022.

1387 Section 18. Section **17-27a-601** is amended to read:

1388 **17-27a-601. Enactment of subdivision ordinance.**

1389 (1) The legislative body of a county may enact ordinances requiring that a subdivision

1390 plat comply with the provisions of the county's ordinances and this part before:

1391 (a) the subdivision plat may be filed and recorded in the county recorder's office; and

1392 (b) lots may be sold.

1393 (2) If the legislative body fails to enact a subdivision ordinance, the county may

1394 regulate subdivisions only as provided in this part.

1395 (3) The joining of a lot or lots to a parcel does not constitute a subdivision as to the

1396 parcel or subject the parcel to the county's subdivision ordinance.

1397 (4) A legislative body may adopt a land use regulation that specifies that combining

1398 lots does not require a subdivision plat amendment.

1399 Section 19. Section 17-27a-603 is amended to read:

1400 **17-27a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
1401 **acknowledgment, surveyor certification, and verification of plat -- Recording plat.**

1402 (1) As used in this section:

1403 (a) (i) "Facility owner" means the same as that term is defined in Section 73-1-15.5.

1404 (ii) "Facility owner" includes a canal owner or associated canal operator contact
1405 described in:

1406 (A) Section 17-27a-211;

1407 (B) Subsection 73-5-7(3); or

1408 (C) Subsection (6)(c).

1409 (b) "Local health department" means the same as that term is defined in Section
1410 26A-1-102.

1411 (c) "State engineer's inventory of canals" means the state engineer's inventory of water
1412 conveyance systems established in Section 73-5-7.

1413 (d) "Underground facility" means the same as that term is defined in Section 54-8a-2.

1414 (e) "Water conveyance facility" means the same as that term is defined in Section
1415 73-1-15.5.

1416 (2) Unless exempt under Section 17-27a-605 or excluded from the definition of
1417 subdivision under Section 17-27a-103, whenever any land is laid out and platted, the owner of
1418 the land shall provide to the county in which the land is located an accurate plat that describes
1419 or specifies:

1420 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in

1421 the county recorder's office;

1422 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
1423 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is
1424 intended to be used as a street or for any other public use, and whether any such area is
1425 reserved or proposed for dedication for a public purpose;

1426 (c) the lot or unit reference, block or building reference, street or site address, street
1427 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length
1428 and width of the blocks and lots intended for sale;

1429 (d) every existing right-of-way and recorded easement located within the plat for:

1430 (i) an underground facility;

1431 (ii) a water conveyance facility; or

1432 (iii) any other utility facility; and

1433 (e) any water conveyance facility located, entirely or partially, within the plat that:

1434 (i) is not recorded; and

1435 (ii) of which the owner of the land has actual or constructive knowledge, including
1436 from information made available to the owner of the land:

1437 (A) in the state engineer's inventory of canals; or

1438 (B) from a surveyor under Subsection (6)(c).

1439 (3) (a) Subject to Subsections (4), (6), and (7), if the plat conforms to the county's
1440 ordinances and this part and has been approved by the culinary water authority, the sanitary
1441 sewer authority, and the local health department, if the local health department and the county
1442 consider the local health department's approval necessary, the county shall approve the plat.

1443 (b) Counties are encouraged to receive a recommendation from the fire authority and
1444 the public safety answering point before approving a plat.

1445 (c) A county may not require that a plat be approved or signed by a person or entity
1446 who:

1447 (i) is not an employee or agent of the county; or

1448 (ii) does not:

1449 (A) have a legal or equitable interest in the property within the proposed subdivision;

1450 (B) provide a utility or other service directly to a lot within the subdivision;

1451 (C) own an easement or right-of-way adjacent to the proposed subdivision who signs

1452 for the purpose of confirming the accuracy of the location of the easement or right-of-way in
1453 relation to the plat; or

1454 (D) provide culinary public water service whose source protection zone designated as
1455 provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.

1456 (d) A county shall:

1457 (i) within 20 days after the day on which an owner of land submits to the county a
1458 complete subdivision plat land use application, mail written notice of the proposed subdivision
1459 to the facility owner of any water conveyance facility located, entirely or partially, within 100
1460 feet of the subdivision plat, as determined using information made available to the county:

1461 (A) from the facility owner under Section 10-9a-211, using mapping-grade global
1462 positioning satellite units or digitized data from the most recent aerial photo available to the
1463 facility owner;

1464 (B) in the state engineer's inventory of canals; or

1465 (C) from a surveyor under Subsection (6)(c); and

1466 (ii) not approve the subdivision plat for at least 20 days after the day on which the
1467 county mails to each facility owner the notice under Subsection (3)(d)(i) in order to receive any
1468 comments from each facility owner regarding:

1469 (A) access to the water conveyance facility;

1470 (B) maintenance of the water conveyance facility;

1471 (C) protection of the water conveyance facility integrity;

1472 (D) safety of the water conveyance facility; or

1473 (E) any other issue related to water conveyance facility operations.

1474 (e) When applicable, the owner of the land seeking subdivision plat approval shall
1475 comply with Section 73-1-15.5.

1476 (f) A facility owner's failure to provide comments to a county in accordance with
1477 Subsection (3)(d)(ii) does not affect or impair the county's authority to approve the subdivision
1478 plat.

1479 (4) The county may withhold an otherwise valid plat approval until the owner of the
1480 land provides the legislative body with a tax clearance indicating that all taxes, interest, and
1481 penalties owing on the land have been paid.

1482 (5) (a) Within 30 days after approving a final plat under this section, a county shall

1483 submit to the Utah Geospatial Resource Center, created in Section 63A-16-505, for inclusion in
1484 the unified statewide 911 emergency service database described in Subsection

1485 63H-7a-304(4)(b):

1486 (i) an electronic copy of the approved final plat; or

1487 (ii) preliminary geospatial data that depict any new streets and situs addresses proposed
1488 for construction within the bounds of the approved plat.

1489 (b) If requested by the Utah Geospatial Resource Center, a county that approves a final
1490 plat under this section shall:

1491 (i) coordinate with the Utah Geospatial Resource Center to validate the information
1492 described in Subsection (5)(a); and

1493 (ii) assist the Utah Geospatial Resource Center in creating electronic files that contain
1494 the information described in Subsection (5)(a) for inclusion in the unified statewide 911
1495 emergency service database.

1496 (6) (a) A county recorder may not record a plat unless, subject to Subsection

1497 17-27a-604(1):

1498 (i) prior to recordation, the county has approved and signed the plat;

1499 (ii) each owner of record of land described on the plat has signed the owner's
1500 dedication as shown on the plat; and

1501 (iii) the signature of each owner described in Subsection (6)(a)(ii) is acknowledged as
1502 provided by law.

1503 (b) [~~The surveyor making~~] A surveyor who prepares the plat shall certify that the
1504 surveyor:

1505 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
1506 Professional Land Surveyors Licensing Act;

1507 (ii) (A) has completed a survey of the property described on the plat in accordance with
1508 Section 17-23-17 and has verified all measurements; [~~and~~] or

1509 (B) has referenced a record of survey map of the existing property boundaries shown
1510 on the plat and verified the locations of the boundaries; and

1511 (iii) has placed monuments as represented on the plat.

1512 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator, or a
1513 representative designated by the owner or operator, of an existing water conveyance facility

1514 located within the proposed subdivision, or an existing or proposed underground facility or
1515 utility facility located within the proposed subdivision, to verify the accuracy of the surveyor's
1516 depiction of the:

1517 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a
1518 public or private easement, or grants of record;

1519 (B) location of the existing water conveyance facility, or the existing or proposed
1520 underground facility or utility facility; and

1521 (C) physical restrictions governing the location of the existing or proposed
1522 underground facility or utility facility.

1523 (ii) The cooperation of an owner or operator of a water conveyance facility,
1524 underground facility, or utility facility under Subsection (6)(c)(i):

1525 (A) indicates only that the plat approximates the location of the existing facilities but
1526 does not warrant or verify their precise location; and

1527 (B) does not affect a right that the owner or operator has under Title 54, Chapter 8a,
1528 Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law
1529 applicable to prescriptive rights, or any other provision of law.

1530 (7) (a) Except as provided in Subsection (6)(c), after the plat has been acknowledged,
1531 certified, and approved, the owner of the land seeking to record the plat shall, within the time
1532 period and manner designated by ordinance, record the plat in the county recorder's office in
1533 the county in which the lands platted and laid out are situated.

1534 (b) A failure to record a plat within the time period designated by ordinance renders the
1535 plat voidable by the county.

1536 (8) A county acting as a land use authority shall approve a condominium plat that
1537 complies with the requirements of Section 57-8-13 unless the condominium plat violates a land
1538 use regulation of the county.

1539 Section 20. Section 17-27a-608 is amended to read:

1540 **17-27a-608. Subdivision amendments.**

1541 (1) (a) A fee owner of a lot, as shown on the last county assessment roll, in a plat that
1542 has been laid out and platted as provided in this part may file a written petition with the land
1543 use authority to request a subdivision amendment.

1544 (b) Upon filing a written petition to request a subdivision amendment under Subsection

1545 (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in
1546 accordance with Section 17-27a-603 that:

- 1547 (i) depicts only the portion of the subdivision that is proposed to be amended;
- 1548 (ii) includes a plat name distinguishing the amended plat from the original plat;
- 1549 (iii) describes the differences between the amended plat and the original plat; and
- 1550 (iv) includes references to the original plat.

1551 (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide
1552 notice of the petition by mail, email, or other effective means to each affected entity that
1553 provides a service to an owner of record of the portion of the plat that is being amended at least
1554 10 calendar days before the land use authority may approve the petition for a subdivision
1555 amendment.

1556 (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
1557 public hearing within 45 days after the day on which the petition is filed if:

1558 (i) any owner within the plat notifies the county of the owner's objection in writing
1559 within 10 days of mailed notification; or

1560 (ii) a public hearing is required because all of the owners in the subdivision have not
1561 signed the revised plat.

1562 (e) A land use authority may not approve a petition for a subdivision amendment under
1563 this section unless the amendment identifies and preserves any easements owned by a culinary
1564 water authority and sanitary sewer authority for existing facilities located within the
1565 subdivision.

1566 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use
1567 authority may consider at a public meeting an owner's petition for a subdivision amendment if:

1568 (a) the petition seeks to:

1569 (i) join two or more of the petitioning fee owner's contiguous lots;

1570 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
1571 result in a violation of a land use ordinance or a development condition;

1572 (iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the
1573 fee owners of each of the adjoining properties join the petition, regardless of whether the
1574 properties are located in the same subdivision;

1575 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction

1576 imposed by the local political subdivision; or

1577 (v) alter the plat in a manner that does not change existing boundaries or other
1578 attributes of lots within the subdivision that are not:

1579 (A) owned by the petitioner; or

1580 (B) designated as a common area; and

1581 (b) notice has been given to adjoining property owners in accordance with any
1582 applicable local ordinance.

1583 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or
1584 county utility easement is also subject to Section [17-27a-609.5](#).

1585 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or
1586 a portion of a plat shall include:

1587 (a) the name and address of each owner of record of the land contained in:

1588 (i) the entire plat; or

1589 (ii) that portion of the plan described in the petition; and

1590 (b) the signature of each owner who consents to the petition.

1591 (5) (a) The owners of record of adjoining properties where one or more of the
1592 properties is a lot may exchange title to portions of those properties if the exchange of title is
1593 approved by the land use authority in accordance with Subsection (5)(b).

1594 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
1595 the exchange of title will not result in a violation of any land use ordinance.

1596 (c) If an exchange of title is approved under Subsection (5)(b):

1597 (i) a notice of approval shall be recorded in the office of the county recorder which:

1598 (A) is executed by each owner included in the exchange and by the land use authority;

1599 (B) contains an acknowledgment for each party executing the notice in accordance with
1600 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

1601 (C) recites the legal descriptions of both the properties and the properties resulting
1602 from the exchange of title; and

1603 (ii) a document of conveyance of title reflecting the approved change shall be recorded
1604 in the office of the county recorder with an amended plat.

1605 (d) A notice of approval recorded under this Subsection (5) does not act as a
1606 conveyance of title to real property and is not required to record a document conveying title to

1607 real property.

1608 (6) (a) The name of a recorded subdivision may be changed by recording an amended
1609 plat making that change, as provided in this section and subject to Subsection (6)(c).

1610 (b) The surveyor preparing the amended plat shall certify that the surveyor:

1611 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
1612 Professional Land Surveyors Licensing Act;

1613 (ii) (A) has completed a survey of the property described on the plat in accordance with
1614 Section 17-23-17 and has verified all measurements; [~~and~~] or

1615 (B) has referenced a record of survey map of the existing property boundaries shown
1616 on the plat and verified the locations of the boundaries; and

1617 (iii) has placed monuments as represented on the plat.

1618 (c) An owner of land may not submit for recording an amended plat that gives the
1619 subdivision described in the amended plat the same name as a subdivision recorded in the
1620 county recorder's office.

1621 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
1622 document that purports to change the name of a recorded plat is void.

1623 Section 21. Section **17-27a-801** is amended to read:

1624 **17-27a-801. No district court review until administrative remedies exhausted --**

1625 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**
1626 **-- Staying of decision.**

1627 (1) No person may challenge in district court a land use decision until that person has
1628 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
1629 Variances, if applicable.

1630 (2) (a) Subject to Subsection (1), a land use applicant or adversely affected party may
1631 file a petition for review of a land use decision with the district court within 30 days after the
1632 decision is final.

1633 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
1634 property owner files a request for arbitration of a constitutional taking issue with the property
1635 rights ombudsman under Section 13-43-204 until 30 days after:

1636 (A) the arbitrator issues a final award; or

1637 (B) the property rights ombudsman issues a written statement under Subsection

1638 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

1639 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
1640 taking issue that is the subject of the request for arbitration filed with the property rights
1641 ombudsman by a property owner.

1642 (iii) A request for arbitration filed with the property rights ombudsman after the time
1643 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

1644 (3) (a) A court shall:

1645 (i) presume that a land use regulation properly enacted under the authority of this
1646 chapter is valid; and

1647 (ii) determine only whether:

1648 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
1649 or federal law; and

1650 (B) it is reasonably debatable that the land use regulation is consistent with this
1651 chapter.

1652 (b) A court shall~~[(+)]~~ presume that a final land use decision of a land use authority or
1653 an appeal authority is valid~~[-; and (ii) uphold the land use decision]~~ unless the land use decision
1654 is:

1655 ~~[(A)]~~ (i) arbitrary and capricious; or

1656 ~~[(B)]~~ (ii) illegal.

1657 (c) (i) A land use decision is arbitrary and capricious if the land use decision is not
1658 supported by substantial evidence in the record.

1659 (ii) A land use decision is illegal if the land use decision [is]:

1660 (A) is based on an incorrect interpretation of a land use regulation; ~~[or]~~

1661 (B) conflicts with the authority granted by this title; or

1662 ~~[(B)]~~ (C) is contrary to law.

1663 (d) (i) A court may affirm or reverse a land use decision.

1664 (ii) If the court reverses a land use decision, the court shall remand the matter to the
1665 land use authority with instructions to issue a land use decision consistent with the court's
1666 decision.

1667 (4) The provisions of Subsection (2)(a) apply from the date on which the county takes
1668 final action on a land use application, if the county conformed with the notice provisions of

1669 Part 2, Notice, or for any person who had actual notice of the pending land use decision.

1670 (5) If the county has complied with Section 17-27a-205, a challenge to the enactment
1671 of a land use regulation or general plan may not be filed with the district court more than 30
1672 days after the enactment.

1673 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
1674 days after the land use decision is final.

1675 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
1676 the reviewing court the record of the proceedings of the land use authority or appeal authority,
1677 including the minutes, findings, orders and, if available, a true and correct transcript of the
1678 proceedings.

1679 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
1680 transcript for purposes of this Subsection (7).

1681 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
1682 by the land use authority or appeal authority, as the case may be.

1683 (ii) The court may not accept or consider any evidence outside the record of the land
1684 use authority or appeal authority, as the case may be, unless that evidence was offered to the
1685 land use authority or appeal authority, respectively, and the court determines that the evidence
1686 was improperly excluded.

1687 (b) If there is no record, the court may call witnesses and take evidence.

1688 (9) (a) The filing of a petition does not stay the land use decision of the land use
1689 authority or appeal authority, as the case may be.

1690 (b) (i) Before filing a petition under this section or a request for mediation or
1691 arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may
1692 petition the appeal authority to stay the appeal authority's decision.

1693 (ii) Upon receipt of a petition to stay, the appeal authority may order the appeal
1694 authority's decision stayed pending district court review if the appeal authority finds the order
1695 to be in the best interest of the county.

1696 (iii) After a petition is filed under this section or a request for mediation or arbitration
1697 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
1698 injunction staying the appeal authority's land use decision.

1699 (10) If the court determines that a party initiated or pursued a challenge to a land use

1700 decision on a land use application in bad faith, the court may award attorney fees.

1701 Section 22. Section **57-1-45** is amended to read:

1702 **57-1-45. Boundary line agreements.**

1703 (1) [A boundary line] An agreement to adjust [the boundaries of] a known boundary
1704 between adjoining properties shall comply with Section 10-9a-524 or 17-27a-523, as
1705 applicable.

1706 (2) A recorded boundary line agreement to establish the location of a boundary
1707 between adjoining properties where the location of the boundary is ambiguous, uncertain, or
1708 disputed shall comply with Subsections (3) and (4).

1709 (3) A boundary line agreement between adjoining property owners establishing the
1710 owners' existing common boundary for the purpose of settling an ambiguity, uncertainty, or
1711 dispute shall include:

1712 (a) the name and signature of each party to the agreement and, if applicable, the name
1713 and signature of a party's predecessor in interest who agreed to the location of the boundary
1714 line;

1715 (b) the date of the boundary line agreement;

1716 (c) the address of each party to the boundary line agreement for assessment purposes;

1717 (d) a statement describing why the owners of adjoining properties were unable to
1718 determine the true location of the boundary line between the adjoining properties;

1719 (e) a statement that the owners of the adjoining properties agree on the boundary line
1720 described in the boundary line agreement;

1721 (f) a legal description of each parcel or lot that is subject to the boundary line
1722 agreement;

1723 (g) a legal description of the agreed boundary line;

1724 (h) (i) a reference to a record of survey map as defined in Section 17-23-17 in
1725 conjunction with the boundary line agreement that shows:

1726 (A) existing dwellings, outbuildings, improvements, and other physical features;

1727 (B) existing easements, rights-of-way, conditions, or restrictions recorded or apparent;

1728 (C) the location of the agreed boundary line; and

1729 (D) an explanation in the survey narrative of the reason for the boundary line
1730 agreement; or

1731 (ii) if the parcels or lots are unimproved, an attached exhibit depicting a graphical
1732 representation of the location of the agreed boundary line relative to physical objects marking
1733 the agreed boundary;

1734 (i) if any of the property that is the subject of the agreement is located in a recorded
1735 subdivision and the agreed boundary line is different from the boundary line recorded in the
1736 plat, an acknowledgment that each party to the agreement has been advised of the requirement
1737 of a subdivision plat amendment; and

1738 (j) a sufficient acknowledgment for each party's signature.

1739 (4) A boundary line agreement described in Subsection (3) may not be:

1740 (a) used to adjust a known boundary described in Subsection (1) between adjoining
1741 properties;

1742 (b) used to adjust a lot line in a recorded subdivision plat or create a new parcel or lot;

1743 or

1744 (c) used by or recorded by a successor in interest to a property owner who agreed to the
1745 boundary line unless the property owners who agreed to the boundary line treated the line as
1746 the actual boundary as demonstrated by:

1747 (i) actual possession by each owner up to the boundary line;

1748 (ii) a fence built and agreed to by each owner on the boundary line; or

1749 (iii) each owner cultivating or controlling the land up to the boundary line.

1750 (5) A boundary line agreement described in Subsection (3):

1751 (a) does not affect any previously recorded easement unless the easement is expressly
1752 modified by the boundary line agreement;

1753 (b) establishes the common boundary between the adjoining properties in the originally
1754 intended location of the boundary line;

1755 (c) affixes the ownership of the adjoining parties to the agreed boundary line;

1756 (d) is not subject to the review or approval of a municipal or county land use authority;

1757 and

1758 (e) shall be indexed by a county recorder in the title record against each property
1759 affected by the agreed boundary line.

1760 (6) The recording of a boundary line agreement described in Subsection (3) does not
1761 constitute a land use approval by a municipality or a county.

1762 (7) A municipality or a county may withhold approval of a land use application for
1763 property that is subject to a boundary line agreement described in Subsection (3) if the
1764 municipality or the county determines that the land, as established by the boundary line
1765 agreement, was not in compliance with the municipality's or the county's land use regulations
1766 in effect on the day on which the boundary line agreement was recorded.

1767 (8) If a judgment made by a court that establishes the location of a disputed boundary is
1768 recorded in the county title record, the judgment shall act as a boundary line agreement
1769 recorded under this section.