

ALPINE CITY ORDINANCE 2024-06

AN ORDINANCE AMENDING SECTION 3.31, 4.04, AND 4.06 OF THE ALPINE DEVELOPMENT CODE RELATED TO BOUNDARY LINE ADJUSTMENTS.

WHEREAS, the Alpine City Planning Commission has reviewed proposed amendments to sections 3.31, 4.04, and 4.06 of the Alpine Development Code and held a public hearing on February 6th, 2024, pertaining to the proposed amendments;

WHEREAS, on February 6th, 2024, the Planning Commission made a favorable recommendation of the proposed amendments to sections 3.31, 4.04, and 4.06 of the Alpine Development Code;

WHEREAS, the Alpine City Council has reviewed the proposed amendments and deems it in the best interest of the health, safety, and welfare of Alpine City and its residents to amend sections 3.31, 4.04, and 4.06 of the Alpine Development Code.

NOW THEREFORE, be it ordained by the City Council of Alpine City, Utah, as follows:

3.31 Property Boundary Adjustments

3.31.010 Definitions

3.31.020 Parcel Boundary Adjustments

3.31.030 Lot Line Adjustments (without Subdivision Amendment)

3.31.040 Boundary Line Agreements

3.31.050 Subdivision Amendments

3.31.010 Definitions

For purposes of this chapter, the following terms have the following meanings:

“Lot” means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

(a) “Lot line adjustment” means a relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with Section [10-9a-608](#) of the Utah Code, as amended:

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

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

(b) “Lot line adjustment” does not mean a new boundary line that:

(i) creates an additional lot; or

(ii) constitutes a subdivision or a subdivision amendment.

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

"Parcel" means any real property that is not a lot.

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

(i) none of the property identified in the agreement is a lot; or

(ii) the adjustment is to the boundaries of a single person's parcels.

(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line that:

(i) creates an additional parcel; or

(ii) constitutes a subdivision.

(c) "Parcel boundary adjustment" does not include a boundary line adjustment made by the Utah Department of Transportation.

"Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 10-9a-603 or 57-8-13 of the Utah Code.

"Record of survey map" means a map of a survey of land prepared in accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13 of the Utah Code.

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

(b) "Subdivision" includes:

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

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

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- (c) “Subdivision” does not include:
- (i) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
 - (ii) a boundary line agreement recorded with the county recorder’s office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section [10-9a-524](#) if no new parcel is created;
 - (iii) a recorded document, executed by the owner of record:
 - (A) revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or
 - (B) joining a lot to a parcel;
 - (iv) a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Sections [10-9a-524](#) and [10-9a-608](#) of the Utah Code if:
 - (A) no new dwelling lot or housing unit will result from the adjustment; and
 - (B) the adjustment will not violate any applicable land use ordinance;
 - (v) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
 - (A) is in anticipation of future land use approvals on the parcel or parcels;
 - (B) does not confer any land use approvals; and
 - (C) has not been approved by the land use authority;
 - (vi) a parcel boundary adjustment;
 - (vii) a lot line adjustment;
 - (viii) a road, street, or highway dedication plat;
 - (ix) a deed or easement for a road, street, or highway purpose; or
 - (x) any other division of land authorized by law.
- (a) “Subdivision amendment” means an amendment to a recorded subdivision in accordance with Section [10-9a-608](#) of the Utah Code and DCA § 4.06.040, as amended, that:

- (i) vacates all or a portion of the subdivision;
- (ii) alters the outside boundary of the subdivision;
- (iii) changes the number of lots within the subdivision;
- (iv) alters a public right-of-way, a public easement, or public infrastructure within the subdivision;
- or
- (v) alters a common area or other common amenity within the subdivision.
- (b) "Subdivision amendment" does not include a lot line adjustment, between a single lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

3.31.020 Parcel Boundary Adjustments

- A. To make a parcel boundary adjustment, a property owner shall record in the county recorder's office a quitclaim deed or boundary line agreement executing the parcel boundary adjustment.
- B. A parcel boundary adjustment is not subject to review of the city's land use authority unless one or more of the parcels includes a dwelling.
- C. If one or more of the parcels subject to a parcel boundary adjustment includes a dwelling, the property owner shall submit the quitclaim deed or boundary line agreement to the city for review and approval before executing the quitclaim deed or boundary line agreement. The city planner and city engineer shall serve as the land use authority for purposes of reviewing the parcel boundary adjustment.
- 1. The city shall approve the parcel boundary adjustment if the land use authority determines that the dwelling and parcel, as adjusted, comply with the city's general plan and land use regulations.
- 2. Subject to Subsections C.3 and D, the city will complete its review of parcel boundary adjustment involving a dwelling within 14 days after the property owner submits the quitclaim deed or boundary line agreement for review (the "*Review Period*").
- 3. If, upon review under this Subsection C, the city determines that the quitclaim deed or boundary line agreement is deficient or if the city requires additional information to approve the parcel boundary adjustment, the city, within the Review Period, will send written notice to the property owner that:
 - a. describes the specific deficiency or additional information the city requires to approve the boundary line agreement; and
 - b. states that the city will approve the parcel boundary adjustment upon the property owner's correction of the deficiency or submission of the additional information.
- 4. Subject to Subsections C.3 and D, if, upon review under this Subsection C, the city approves the parcel boundary adjustment, the city will send written notice of approval to the property owner within the Review Period.
- D. Notwithstanding Subsection C, if a parcel boundary adjustment involves a change of use, zone change, or land use regulation text change, the city council will serve as land use

authority for any such change, and the change will require a public hearing, planning commission recommendation, and city council approval.

3.31.030 Lot Line Adjustments (without Subdivision Amendment)

- A. To make a lot line adjustment, a property owner shall obtain city approval of the lot line adjustment under this chapter and record in the county recorder's office a quitclaim deed or boundary line agreement executing the lot line adjustment.
- B. The owners of record of the properties to be included in a lot line adjustment shall submit to the city a copy of the quitclaim deed or boundary line agreement executing the lot line adjustment, along with a lot line adjustment application and any additional information reasonably required by the city to review the application.
- C. The city planner and city engineer shall serve as land use authority for purposes of reviewing the lot line adjustment application. The land use authority shall approve the lot line adjustment if the lot line adjustment will not result in a violation of any land use regulation.
- D. If a lot line adjustment is approved under this section, the property owner shall record in the county recorder's office (1) a notice of lot line adjustment approval, signed by the land use authority and reciting the legal descriptions of both the original properties and the properties resulting from the exchange of title; and (2) a document of conveyance executing the lot line adjustment.

3.31.040 Boundary Line Agreements

A boundary line agreement between owners of adjoining property that designates the boundary line between the adjoining properties has the effect and is subject to the applicable review process, if any, provided in this chapter and Section 10-9a-524 of the Utah Code, as amended. If any of the property subject to a boundary line agreement is a lot, the property owners shall prepare and submit to the city for review and approval an amended plat before executing the boundary line agreement.

3.31.050 Subdivision Amendments

Any boundary line agreement, deed, or other property boundary adjustment constituting a subdivision amendment under this chapter or state law is subject to the review and approval process provided in Sections 4.04.100 and 4.06.040 of the Alpine Development Code and Sections 10-9a-608 and 10-9a-609 of the Utah Code, as amended.

4.04.100 Amendments to Recorded Plats; Vacation of Public Street

- 1. The Land Use Authority designated in **Section 4.04.010**, may consider any proposed vacation, alteration, or amendment of a recorded subdivision plat, any portion of a recorded subdivision plat, or any road or lot contained in a recorded subdivision plat by complying with all of the requirements for amending a subdivision, or vacating a public street **under Section 4.06.040 of the Alpine Development Code and Sections 10-9a-608, 10-9a-609, and 10-9a-609.5 (as applicable)** of the Utah Code, (as amended).

[In the fourth line of subsection 3, replace "as outlined in 4.04.010" with "designated in Section 4.04.010." In the second line of subsection 4, replace "outlined in 4.04.010" with "designated in Section 4.04.010."]

4.04.110 Property Boundary Adjustments; Boundary Line Agreements

1. Property boundary adjustments, including parcel boundary adjustments, lot line adjustments, and boundary line agreements, shall follow the process identified in **Chapter 3.31 of the Alpine Development Code and Sections 10-9a-523 and 10-9a-524 of the Utah State Code**, (as amended).
2. When subject to review by the Land Use Authority **designated in Section 4.04.010**.
3. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by **Chapter 3.31 of the Alpine Development Code**, this title, or **Sections 10-9a-523 and 10-9a-524 of the Utah Code**, (as amended), shall be cause.

In the second line of subsection 5, replace "outlined in 4.04.010" with "designated in Section 4.04.010."

4.06.040 Subdivision Amendments

- (1) (a) A fee owner of land in a subdivision, as shown on the last county assessment roll, may file a written petition with the city to request a subdivision amendment. The owner will pay the associated fee as provided in the current fee schedule and provide all additional information required under Section 4.04.100 of the Alpine Development Code. The petition will be reviewed and the designated land use authority will be as provided in Section 4.04.010 of the Alpine Development Code.
- (b) Upon filing a written petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section 4.06.030 that:
 - (i) depicts only the portion of the subdivision that is proposed to be amended;
 - (ii) includes a plat name distinguishing the amended plat from the original plat;
 - (iii) describes the differences between the amended plat and the original plat; and
 - (iv) includes references to the original plat.
- (c) The city will provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the land use authority may approve the petition for a subdivision amendment.
- (d) The land use authority will hold a public hearing on the petition within 45 days after the the petition is filed if:
 - (1) any owner within the plat notifies the city in writing of the owner's objection within 10 days of mailed notification; or

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- (ii) a public hearing is required because all owners in the subdivision have not signed the revised plat.
 - (e) The land use authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.
- (2) The public hearing requirement of Subsection (1)(d) does not apply, and the land use authority may consider at a public meeting the petition for subdivision amendment if:
 - (a) the petition seeks to:
 - (i) join two or more of the petitioner's contiguous lots;
 - (ii) subdivide one or more of the petitioner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
 - (iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
 - (iv) on a lot owned by the petitioner, adjust an internal lot restriction imposed by the city or other local political subdivision; or
 - (v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - (A) owned by the petitioner; or
 - (B) designated as a common area; and
 - (b) notice has been given to adjoining property owners in accordance with Chapter 2.04 of the Alpine Development Code.
- (3) A petition under Subsection (1)(a) that contains a request to amend a public street or municipal utility easement is also subject to Section 10-9a-609.5 of the Utah Code, as amended.
- (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a portion of a plat shall include:
 - (a) the name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and
 - (b) the signature of each owner described in Subsection (4)(a) who consents to the petition.
- (5) (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (5)(c).
- (b) The surveyor preparing the amended plat shall certify that the surveyor:
 - (i) holds a license in accordance with Title 58, Chapter 22, of the Utah Code, as amended;
 - (ii) (A) has completed a survey of the property described on the plat in accordance with Section 17-23-17 of the Utah Code and has verified all measurements; or

- (B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
- (iii) has placed monuments as represented on the plat.
- (c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office.
- (d) Except as provided in Subsection (5)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.
- (6) The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:
- (a) there is good cause for the vacation or amendment; and
- (b) no public street or municipal utility easement has been vacated or amended.
- (7) (a) The city shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the county recorder. The owner filing the petition for subdivision amendment shall pay all fees associated with the recording.
- (b) If the amended plat is approved and recorded in accordance with this section, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.
- (8) (a) Notwithstanding any provision of this chapter to the contrary, the city council may vacate a subdivision or a portion of a subdivision by recording in the county recorder's office an ordinance describing the subdivision or the portion being vacated.
- (b) The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.
- (9) An amended plat may not be submitted to the county recorder for recording unless it is:
- (a) signed by the land use authority; and
- (b) signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended.
- (10) A management committee may sign and dedicate an amended plat as provided in Title 57, Chapter 8, of the Utah Code, as amended.
- (11) A plat may be corrected as provided in Section 57-3-106 of the Utah Code, as amended.

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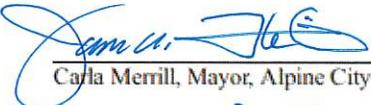
PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

February 13, 2024

	AYE	NAY	ABSENT	ABSTAIN
Chrissy Hannemann	<u>X</u>	_____	_____	_____
Jason Thelin	<u>X</u>	_____	_____	_____
Jessica Smuin	<u>X</u>	_____	_____	_____
Brent Rummier	<u>X</u>	_____	_____	_____
Kelli Law	<u>X</u>	_____	_____	_____

Presiding Officer

Attest



Carla Merrill, Mayor, Alpine City
Mayor Pro Tem



DeAnn Parry, City Recorder, Alpine
City

