

MEMO



To: Planning Commission

From: Ryan Harris, Senior Planner

Date: September 24, 2024

Re: **Updating the Plat Amendment and Parcel Boundary Adjustment Processes to Meet State Code Requirements**

It is proposed that the Planning Commission and City Council consider amending language related to the plat amendment and parcel boundary adjustment process to meet State Code requirements. In the past several years, the State has passed several laws updating these processes.

The proposed code amendment will change our plat amendment and boundary adjustment process. Some of the significant changes are listed below.

- The proposed code amendment clarifies what the petition requires for a plat amendment and street vacation.
- The code lists several requirements, and if the plat amendment meets one of the requirements, a public hearing is not required. This amendment removes one requirement related to subdividing a lot and adds a requirement listed in the State Code.
- A plat amendment or lot line adjustment is required to move a property line that is part of a lot (within a subdivision). A parcel boundary adjustment is required to move a property line not within a subdivision. The amendment clarifies the process for a lot line adjustment and a parcel boundary adjustment.

Additional changes have been made, but the ones above are the significant changes. The draft ordinance attached meets the State Code. The Planning Commission's responsibility is to hold a public hearing and forward a recommendation to the City Council.

Motion: “Motion to recommend approval of the proposed code amendment, which amends the plat amendment and parcel boundary adjustment process to meet state requirements.”

ATTACHMENT:

1. Draft Ordinance

ORDINANCE NO. **DRAFT**

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO UPDATE THE REQUIREMENTS FOR PLAT AMENDMENTS AND PROPERTY BOUNDARY ADJUSTMENTS TO MEET STATE CODE REQUIREMENTS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City of Santaquin is a fourth-class city of the state of Utah; and

WHEREAS, the State Legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

WHEREAS, the City Council desires to amend Santaquin City Code Title 11 Chapter 20 Section 110 and 120 to update the requirements for plat amendments and property boundary adjustments to meet State Code requirements.

WHEREAS, the Santaquin City Planning Commission held a public hearing on September 24, 2024, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City; and

WHEREAS, after the noted public hearing, the Santaquin City Planning Commission forwarded a recommendation to the City Council;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Santaquin City, State of Utah, as follows:

Section I. Amendments

Title 11 Chapter 20 Section 110 is amended as follows: (underlined text is added, stricken text is deleted)

11.20.110 VACATING OR CHANGING A SUBDIVISION PLAT

A fee owner of land, as shown on the last County assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition to have some or all of the plat vacated or amended.

A. Petition Submittal Requirements: ~~Except as provided in SCC 11.20.130, a petition to vacate, alter, or amend an entire plat, portion of a plat, or a street or lot contained in a plat shall be accompanied by the following:~~ Any fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted, may file a written petition with the City to have some or all of the plat vacated or amended. Each petition to vacate or amend a plat shall include the following:

1. ~~The name and address of all owners of record of the land contained in the entire plat;~~ The name and address of each owner of record of the land contained in the entire plat or on the portion of the plat described in the petition; and

2. ~~The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and~~ The signature of each owner who consents to the petition.
 3. ~~The signature of each of these owners who consents to the petition.~~
- B. Considering And Resolving Petitions: The Planning Commission may consider and resolve any petition submitted under paragraph A in accordance with the following paragraphs:
1. The City shall provide notice of the petition by mail, email or other effective means to the owners within the plat and each affected entity that provides a service to an owner of the record of the portion of the plat that is being vacated or amended at least ten (10) calendar days before the ~~City Council~~ Planning Commission may approve the vacation or amendment of the plat.
 2. The Planning Commission shall hold a public hearing within forty-five (45) days after the day on which the petition is filed if:
 - a. Any owner within the plat notifies the ~~Municipality~~ City of the owner's objection in writing within ten (10) days of mailed notification; or
 - b. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.
 3. The public hearing requirement does not apply, and the Planning Commission may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if the petition seeks only to:
 - a. Join two (2) or more of the petitioning fee owner's contiguous lots;
 - b. ~~Subdivide one (1) or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition.~~ 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.
 - c. On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the City; or
 - d. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - (1) Owned by the petitioner; or
 - (2) Designed as a common area;
- C. Petition To Vacate, Or Alter A Street Or Alley: If a petition is submitted containing a request to vacate or alter any portion of a street or alley within a subdivision the following shall apply:
1. Petition Requirements: A petition to vacate some or all of a public street or municipal utility easement shall include:
 - a. The name and address of each owner of record of land that is:
 - (1) Adjacent to the public street or municipal utility easement between the two nearest public street intersections; or
 - (2) Accessed exclusively by or within 300 feet of the public street or municipal utility easement.
 - b. Proof of written notice to operators of utilities located within the bounds of the public street or municipal utility easement to be vacated.
 - c. The signature of each owner listed on the petition who consents to the vacation.
 - ~~1.2.~~ The Planning Commission shall review the request and make a recommendation to the City Council.

- ~~2.3.~~ The City Council shall hold a public hearing, after providing notice to property owners within three hundred feet (300') of the area being petitioned for vacation or alteration, and to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated. After the public hearing, the City Council may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if it finds that good cause exists for the vacation or alteration and neither the public interest nor any person will be materially injured by the vacation. If the City Council vacates or alters any portion of a street or alley, the City Recorder shall ensure that the plat, and a legal description of the public street to be vacated are recorded in the Office of the Recorder of the County in which the land is located.
- ~~3.4.~~ The action of the City Council vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating plat, as a revocation of the acceptance thereof, and the relinquishment of the City's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the franchise rights of any public utility may not be impaired thereby.

Title 11 Chapter 20 Section 120 is amended as follows: (underlined text is added, stricken text is deleted)

11.20.120 ~~BOUNDARY LINE~~ PROPERTY BOUNDARY ADJUSTMENTS

- A. ~~The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if properly executed and acknowledged as required under the provisions of Utah Code § 10-9a-523 and Utah Code § 10-9a-524. The Community Development Department shall review the proposed boundary line adjustment to assure compliance with the following:~~
- ~~1. No additional parcel results from the boundary line adjustment;~~
 - ~~2. The boundary line adjustment does not result in remnant land that did not previously exist;~~
 - ~~3. The adjustment does not result in violation of applicable zoning requirements;~~
 - ~~4. The proposed boundary does not materially affect any approved public utility easements, or an agreement with and between any and all affected utility agencies or entities is formed to maintain or realign the easement.~~
- B. ~~A boundary line agreement shall include:~~
- ~~1. A legal description of the agreed upon boundary line;~~
 - ~~2. The signature of each grantor;~~
 - ~~3. A sufficient acknowledgement for each grantor's signature; and~~
 - ~~4. The address of each grantee for assessment purposes;~~
- C. ~~An exchange of title by either quit claim deed or by boundary line adjustment under this section shall:~~
- ~~1. Be executed by each owner included in the exchange;~~
 - ~~2. Contain an acknowledgement for each party executing the notice in accordance with the provisions of Utah Code 57-2a, Recognition of Acknowledgements Act; and~~
 - ~~3. Recite the descriptions of both the original parcels and the parcels created by the exchange of title.~~
- D. ~~A document of conveyance shall be recorded in the Office of the County Recorder.~~

E. ~~A notice of approval recorded under this paragraph does not act as a conveyance of title to real property and is not required in order to record a document conveying title to real property.~~

A. Lot Line Adjustment.

1. The owners of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those properties if the exchange of title is approved by the Zoning Administrator as a lot line adjustment.
2. The Zoning Administrator shall approve a lot line adjustment if the exchange of title will not result in a violation of any land use ordinance.
3. If a lot line adjustment is approved:
 - a. A notice of lot line adjustment approval shall be recorded in the office of the County Recorder which:
 - (1) Is approved by the Zoning Administrator; and
 - (2) Recites the legal descriptions of both the original properties and the properties resulting from the exchange of title.
 - b. A document of conveyance shall be recorded in the office of the County Recorder.
 - c. A notice of lot line approval does not act as a conveyance of title to real property and is not required in order to record a document conveying title to real property.

B. Parcel Boundary Adjustment.

1. The owner of record of adjacent parcels that are described by a metes and bounds description may exchange title to portion of those parcels if properly executed and acknowledged as required under the provision of Utah Code § 10-9a-523 and Utah Code § 10-9a-524.

Section II. Severability

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section III. Contrary Provisions Repealed

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

Section IV. Codification, Inclusion in the Code, and Scrivener's Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

Section V. Posting and Effective Date

This ordinance shall become effective at 5:00 p.m. on Wednesday, October 2, 2024. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 1st day of October 2024.

Daniel M. Olson, Mayor

Councilmember Art Adcock	Voted	___
Councilmember Brian Del Rosario	Voted	___
Councilmember Lynn Mecham	Voted	___
Councilmember Jeff Siddoway	Voted	___
Councilmember Travis Keel	Voted	___

ATTEST:

Amalie R. Ottley, City Recorder

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, AMALIE R. OTTLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 1st day of October 2024, entitled

“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO UPDATE THE REQUIREMENTS FOR PLAT AMENDMENTS AND PROPERTY BOUNDARY ADJUSTMENTS TO MEET STATE CODE REQUIREMENTS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 1st day of October 2024.

Amalie R. Ottley
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, AMALIE R. OTTLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that prior to the ordinance taking effect, I posted a short summary of the ordinance on the Utah Public Notice Website as required by Utah State Code 10-3-711(1)(b) as a Class A Notice and Santaquin City Code 1-2-050(D)

I further certify that copies of the ordinance were posted online at www.santaquin.org, at the City Hall Building at 110 S. Center Street and on the State of Utah's Public Notice Website, <https://www.utah.gov/pmn/index.html>. A copy of the notice may also be requested by calling (801)754-1904.

AMALIE R. OTTLEY
Santaquin City Recorder

The foregoing instrument was acknowledged before me on this ____ day of ____ 2024,
by AMALIE R. OTTLEY.
My Commission Expires:

Notary Public