

S.B. 104 Boundary Adjustments (eff. 5/7/2025)

- **Boundary Establishment ([§17-27a-523](#))**

- Definition ([§17-27a-103\(8\)](#))
 - Means an agreement between adjoining property owners to clarify ambiguous, uncertain, or disputed boundaries to establish the location of their existing boundary without creating new lots or parcels.
- The owners of adjoining properties may initiate a boundary establishment to resolve an ambiguous, uncertain, or disputed boundary, by recording an agreement on the location of an existing common boundary.
- This process is used to resolve a problem, not for circumventing a boundary adjustment.
- A boundary establishment is not subject to review by a land use authority and does not require consent or approval before being recorded.
- Boundary establishments are done through the Recorder's Office only.

- **Boundary Adjustment**

- Definition ([§17-27a-103\(7\)](#))
 - Defined as an agreement between adjoining property owners to relocate a common boundary, resulting in a conveyance of property. It must not create a new parcel or lot.
 - Two types: Simple and Full
- Simple Boundary Adjustment ([§17-27a-103\(70\)](#))
 - Means a boundary adjustment that:
 - Does not affect public rights-of-way, public easements, or public property;
 - Does not impact existing easements, wastewater system regulations, or internal lot restrictions; and

- Does not result in a lot or parcel violating land use regulations.
- Full Boundary Adjustment ([§17-27a-103\(25\)](#))
 - Means a boundary adjustment that is not a simple boundary adjustment.
- Obsolete Terms Removed
 - Terminology like *'lot line adjustment'* and *'parcel boundary adjustment'* or *'boundary agreement'* is eliminated to reflect the revised legal framework.
- **Simple Boundary Adjustment ([§17-27a-522](#))**
 - Requires a Notice of Consent from the Land Use Authority (i.e., Development Services Director) as part of the documents that must be recorded.
 - A Notice of Consent can only be issued if the proposed simple boundary adjustment does not:
 - Affect a public right-of-way, public easement (e.g., utility), or public property);
 - Affect an easement, wastewater system (e.g. storm water infrastructure), or internal lot restriction (e.g., agricultural remainder); or
 - Cause nonconformity with land use regulations (e.g., setbacks)
 - Consent is an administrative act that clarifies the land use authority is not liable for errors, and consents to the recording of the boundary adjustment.
 - The Notice of Consent is an exhibit to the packet recorded with the County Recorder's Office.

- A proposal for a simple boundary adjustment must:
 - Include a conveyance document that complies with [§57-1-45.5](#); and
 - Describes all affected lots or parcels.
- **Full Boundary Adjustment ([§17-27a-522](#))**
 - Must include:
 - A conveyance document that complies with [§57-1-45.5](#),
 - A survey that complies with 57-1-4.5(3)(b); and
 - If required by county ordinance, a proposed plat amendment prepared in accordance with [§17-27a-608](#), which may require a public hearing and land use authority written notice of consent.
 - Administrative Consent – The land use authority shall provide a notice of consent to the full boundary adjustment if:
 - A conveyance document (complying with [§57-1-45.5](#));
 - A survey (complying with [§57-1-45.5\(3\)\(b\)](#)); and
 - A review of the survey shows no violation of land use regulations; and
 - If the full boundary adjustment includes a lot(s) and/or agricultural remainders in a subdivision, a plat amendment is required under [§17-27a-608](#) and [Chapter 16.02.050](#) of Cache County Code;
 - The plat amendment is approved at a public hearing by the land use authority.
 - The land use authority for a subdivision amendment is the Planning Commission unless the amendment proposes to amend, vacate, or alter a County right-of-way or easement, in which case the Planning Commission shall make a recommendation to the County Council that will serve as the Land Use Authority (Chapter [16.02.050\(B\)\(1\)](#))

- A written notice of consent is attached.
- Consent is an administrative act that clarifies the land use authority is not liable for errors, and consents to the recording of the boundary adjustment.