

## § 10-15A-15. LOT LINE ADJUSTMENTS

### A. Purpose and intent

1. A lot line adjustment (“LLA”) is a **ministerial land use action** intended to allow minor boundary changes between existing parcels **without creating new lots** or circumventing subdivision requirements.
2. This section establishes **clear submittal requirements, review standards, timelines, and recording requirements** to ensure resulting parcels comply with the Elk Ridge City Code and applicable law.

### B. Definitions

For purposes of this section:

1. **Lot Line Adjustment (LLA)** means a change to one or more shared property lines between existing parcels that:
  - a. **Does not create any additional lot or parcel**, and
  - b. Results in parcels that remain compliant with applicable land use regulations (unless approved as a lawful nonconformity, where permitted by code), and
  - c. Is accomplished by recordable instruments (e.g., deeds) consistent with the approved exhibit.
2. **Complete Application** means an application containing all items listed in subsection (E) and any required fees, and that is sufficiently detailed for the City to evaluate compliance with this Code.
3. **Public Interest Property** includes public streets/right-of-way, public trails, City-owned property, and public utility easements.

### C. Applicability and limitations

1. **Eligible parcels.** An LLA may be processed under this section if it involves **two (2) or more adjoining parcels** under common or separate ownership.
2. **No new lots.** An LLA shall not create:
  - a. Any additional lot or parcel;

- b. Any parcel intended to be used as a separate building lot unless it is already a legal lot of record; or
  - c. Any “remnant,” “spite,” or unbuildable parcel created by shifting boundaries in a manner that leaves a nonfunctional remainder.
3. **Not a substitute for subdivision.** An application shall be processed as a subdivision plat, amended plat, or other applicable land division process—not an LLA—if:
- a. The proposal creates a new lot or changes the number of lots;
  - b. The proposal alters or creates new public streets, dedications, or rights-of-way;
  - c. The proposal requires the creation, relocation, or termination of easements as a condition of approval beyond what can be handled by separate recordable instruments; or
  - d. The proposal otherwise triggers subdivision requirements under Elk Ridge City Code or state law.
4. **Easements and rights-of-way.** An LLA shall not:
- a. Vacate, terminate, reduce, or impair any easement of record or access right, unless the affected easement holder(s) provide written consent and the change is accomplished by a separate recordable instrument approved by the City;
  - b. Encroach into or alter any public right-of-way or other Public Interest Property, except through a process expressly authorized by Elk Ridge City Code.
5. **On-site wastewater systems.** Where any parcel affected by an LLA is served by an on-site wastewater system, the applicant shall provide evidence of continued compliance with applicable health department requirements.

#### **D. Review authority and process type**

1. **Administrative LLA.** The **Zoning Administrator (or designee)** shall approve, approve with conditions, or deny an LLA that meets the criteria of this section.
2. **Referral.** The Zoning Administrator may refer an LLA to the Planning Commission for review and decision if the application:
  - a. Presents unusual constraints (access, utilities, easements, slope/hazards),
  - b. Requires interpretation of Code provisions, or
  - c. Has potential to create or worsen a nonconformity or adverse public impact.
3. **Decision.** The City shall issue a written decision stating approval, approval with conditions, or denial, including brief findings tied to the approval standards in subsection (G).

#### **E. Application requirements**

An LLA application shall be submitted on City forms and shall include, at minimum:

1. **Owner authorization.** Written authorization signed by all record owner(s) of each affected parcel. If a lienholder, mortgagee, easement holder, HOA, or other party's recorded interest will be modified or impaired, written consent from such party(ies) shall be provided as required by the City.
2. **Legal descriptions.** Current and proposed legal descriptions for each affected parcel (metes and bounds or lot/block, as applicable), prepared by a Utah-licensed professional land surveyor where required.
3. **Survey and exhibit.** A survey or exhibit map showing:
  - a. Existing and proposed boundary lines;
  - b. Parcel areas and dimensions before and after adjustment;
  - c. Adjacent streets/right-of-way;
  - d. Existing easements of record and access points;
  - e. Existing structures, driveways, fences (if applicable), and setbacks relevant to compliance; and
  - f. North arrow, scale, and date.
4. **Compliance narrative.** A brief written statement describing:
  - a. The reason for the adjustment;
  - b. How each resulting parcel will comply with zoning requirements (lot area, frontage, width, setbacks, access, and any overlay constraints); and
  - c. How easements/access/utilities will remain protected.
5. **Title evidence.** A current title report or other evidence of ownership and recorded interests sufficient for the City to identify easement holders and other affected parties, if requested by the City.
6. **Recordable instruments (draft).** Draft deeds (or other recordable instruments) necessary to implement the approved adjustment, in a form acceptable to the City.
7. **Fees. Cost Reimbursement; Applicant Responsibility for Third-Party Costs.**

**A. City processing fee (cost reimbursement).**

1. An applicant for a lot line adjustment/boundary line adjustment shall pay the City a **nonrefundable processing fee of one hundred fifty dollars (\$150.00)** at the time of application. The processing fee is a **cost-reimbursement fee** intended to defray the City's administrative costs to accept, route, review, and act on the application, consistent with the City's adopted fee schedule and applicable law.

**Commented [1]:** Royce / Laura - on this portion - you guys need to determine what our actual (approximate) cost is

## B. Applicant responsible for all non-City costs.

1. **All costs and fees other than the City processing fee** are the sole responsibility of the applicant, including without limitation: surveying, engineering, title work, legal descriptions, deed preparation, monumentation, plat/map preparation, printing, and **recording fees** charged by the County Recorder or any other agency.
2. The applicant shall **retain and pay** any engineers, surveyors, title companies, attorneys, or other professionals required to complete, adjust, and record the approved lot line adjustment, and shall coordinate directly with such professionals.
3. The City is not responsible for, and shall not pay, advance, or finance, any third-party professional fees or recording costs associated with an application or the recordation of an approved lot line adjustment.

**Commented [2]:** Applicant pays everything else, direct with the professional. We can recommend someone, or let them choose their own, or whatever you want

## C. Proof of completion.

As a condition of final sign-off/recognition of completion, the applicant shall provide the City with copies of recorded documents (or other evidence satisfactory to the City) demonstrating that the approved lot line adjustment has been properly recorded.

## F. Completeness review; timelines

1. **Completeness determination.** Within **30 calendar days** of submittal, the City shall determine whether the application is complete or identify missing items needed for completeness.
2. **Decision timeframe.** Within **14 business days** after the City determines the application is complete, the City shall issue a written decision, unless extended by written agreement with the applicant or due to referral under subsection (D)(2).
3. **Applicant responsibility.** Failure to provide requested materials may result in the application being administratively closed.

## G. Approval standards

The City shall approve an LLA only if the City finds the application satisfies all of the following:

1. **No increase in lot count.** The adjustment does not create any additional lot or parcel.
2. **Code compliance.** Each resulting parcel complies with applicable Elk Ridge City Code requirements, including minimum lot area, lot width, frontage, setbacks, access, and any

overlay or hazard constraints; and the LLA does not create, increase, or intensify a nonconformity, unless expressly allowed by this Code.

3. **Access and utilities.** The adjustment does not eliminate or materially impair lawful access, utility service, drainage, or other essential services to any affected parcel.
4. **Easement protection.** The adjustment does not vacate, terminate, reduce, or impair easements or rights-of-way of record without written consent from affected interest holders and recordation of legally sufficient documents.
5. **Public interest protection.** The adjustment does not encroach into or alter Public Interest Property and does not create a demonstrable public safety hazard.
6. **Remnant parcel avoidance.** The adjustment does not create a remnant parcel that is not reasonably usable for purposes allowed in the applicable zone.

## H. Conditions of approval

1. The City may impose reasonable conditions to ensure compliance with subsection (G), including conditions related to easement documentation, survey corrections, or recording package requirements.
2. Conditions shall be stated in writing and shall be satisfied prior to recordation unless otherwise specified.

## I. Recording and effect

1. **Recordation required.** An approved LLA is not effective until the applicant records all required instruments (including any City notice of approval, if required by City practice) in the office of the County Recorder.
2. **Recording package.** The recording package shall include:
  - a. The final recordable deeds or other instruments implementing the boundary change;
  - b. The approved exhibit/survey (if recordable and required by City practice); and
  - c. Any City-issued approval statement or notice as required by the City.
3. **No title conveyance by approval.** City approval of an LLA does not convey title, waive private covenants, or resolve private boundary disputes.
4. **Continuing compliance.** Approval does not authorize development that violates Elk Ridge City Code; the City may deny building permits or other approvals if resulting parcels do not comply with applicable requirements at the time of subsequent

application.

### **J. Appeals**

Any decision under this section may be appealed in accordance with Elk Ridge City's appeal procedures and timelines applicable to administrative land use decisions.

### **K. Severability**

If any provision of this section is held invalid, the remaining provisions shall remain in effect.