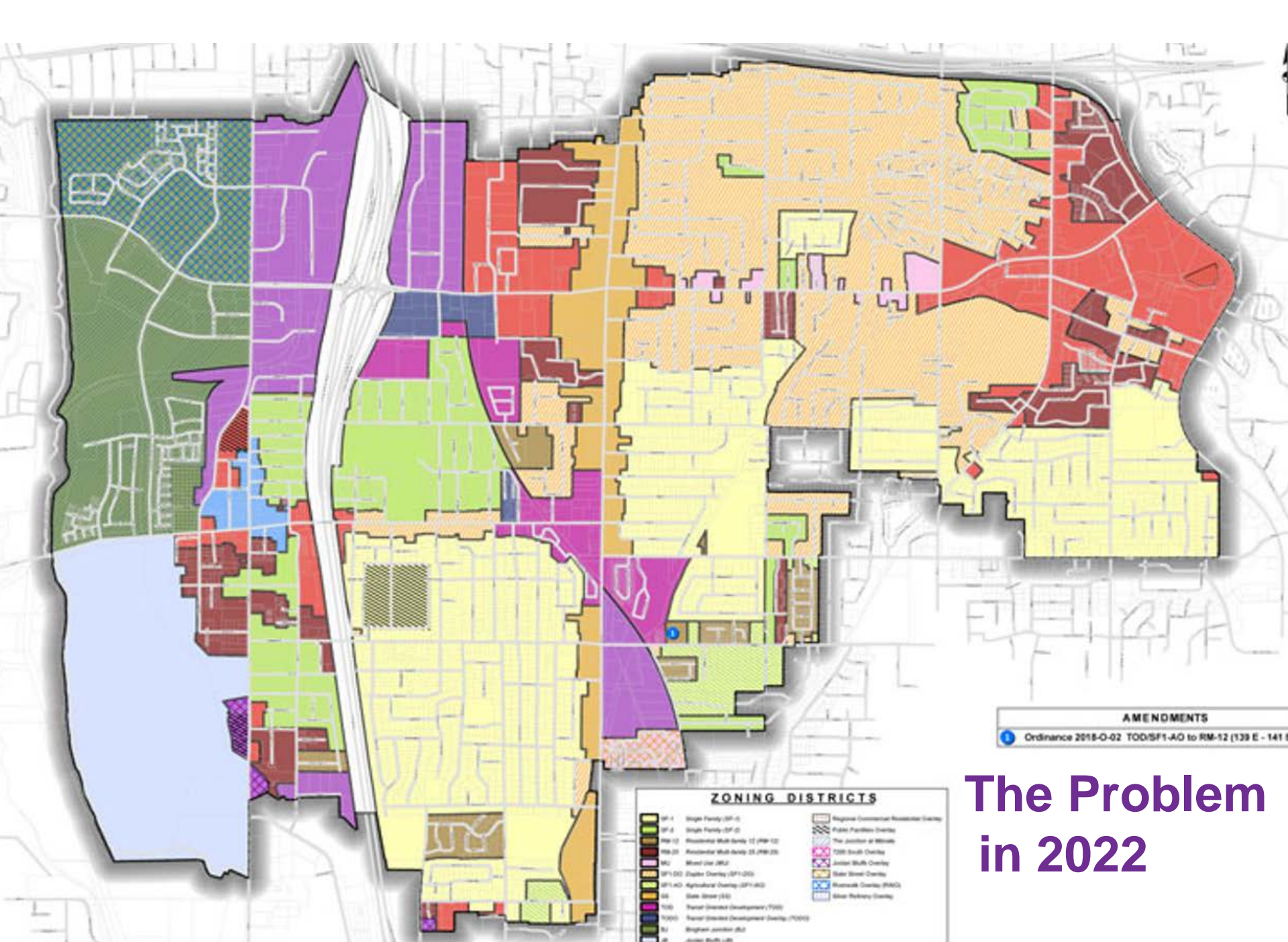


2022 Legislative Session Real Property Section Review

Brent N. Bateman



AMENDMENTS
 1 Ordinance 2018-O-02 TOD/SF1-AO to RM-12 (139 E - 141 E)

ZONING DISTRICTS

SF-1	Single Family (SF-1)	Regional Commercial Residential Overlay
SF-2	Single Family (SF-2)	Public Facilities Overlay
RM-12	Residential Medium Density (RM-12)	The Junction of Milelts
RM-20	Residential Medium Density (RM-20)	1200 South Overlay
MU	Mixed Use (MU)	Junior Middle Overlay
SF1-00	Single Family (SF1-00)	State Street Overlay
SF1-00	Single Family (SF1-00)	Shoreline Overlay (SMO)
SF1-AO	Single Family (SF1-AO)	State Parkway Overlay
OS	Office (OS)	
TS	Transit Oriented Development (TS)	
TSO	Transit Oriented Development Overlay (TSO)	
SI	Single Industrial (SI)	
MI	Medium Density (MI)	

The Problem in 2022

The Mood in 2022



HB 132S1

Uniform Easement Relocation Act

- Applies to:
 - Express
 - Prescription
 - Necessity
 - Estoppel
 - Other methods
- Does not apply to
 - Conservation
 - Negative
 - Public entity !!!
 - Public utility
 - Water conveyance

Servient Estate may relocate the easement if relocation does not lessen the utility, increase the burden, impair a purpose, unsafe, disruptive, lessen value, etc.

Civil Action to obtain order of relocation available.

SB 152S3

Community Association Regulation Amendments

- An Association's (HOA) rules:
 - May not restrict display of religious/holiday content inside the unit
 - May not restrict window display of sale or political signs
 - Support water efficient landscaping
 - May not prohibit electric vehicle charging systems
 - Solar Restrictions

HB 303S3

Local Land Use Amendments

- Clarifies standing to challenge Annexations
 - Lots of talk about reforming annexations next year
- More robust and informative notice for zone changes & changes to public improvement requirements
 - Written request for notice or having submitted an application
- Moderate income housing (a certain number of units) only by agreement or by incentives
- May pass an ordinance that combining lots may not require a plat amendment
- Boundary line agreements . . .

How to Adjust a Boundary in Utah

- What do you got?

- Parcel Boundary Adjustment
- Lot Boundary Adjustment
- Ambiguous, Uncertain, or Disputed Boundary
- Not going to
 - vacate all or a portion of a recorded subdivision;
 - alter the outside boundary of a recorded subdivision;
 - change the number of lots within a recorded subdivision;
 - alter a public right-of-way, a public easement, or public infrastructure within a recorded subdivision; or
 - alter a common area or other common amenity within a recorded subdivision.

How to Adjust a Boundary in Utah

Parcel Boundary Adjustment

- A quit claim deed, or
- Boundary Line Adjustment
- No need for local government approval unless
 - The Parcel includes a dwelling AND
 - The local ordinance requires review if the property includes a dwelling

How to Adjust a Boundary in Utah

Lot Boundary Adjustment

- A quit claim deed, or
- Boundary Line Adjustment
- Local government approval
 - Review for compliance with ordinances

How to Adjust a Boundary in Utah

Ambiguous, Uncertain, or Disputed Boundary

- 57-1-45. Boundary line agreements.

How to Adjust a Boundary in Utah Plat Amendment

- Not going to
 - vacate all or a portion of a recorded subdivision;
 - alter the outside boundary of a recorded subdivision;
 - change the number of lots within a recorded subdivision;
 - alter a public right-of-way, a public easement, or public infrastructure within a recorded subdivision; or
 - alter a common area or other common amenity within a recorded subdivision.
- 10-9a-608. Subdivision amendments.

HB462

Utah Housing Affordability Amendments

- Adds to the number of required moderate income housing strategies.
- Requires cities to meet benchmarks and report annually. Also bolsters enforcement.
- Essentially requires moderate income planning for station areas.
 - Tougher for referendum on these plans
- No impact fees on IADUs.

SB 25

Property Tax Deferral Amendments

- Allows for and sets the procedure for deferral of property tax payments (payment can be made at a later date) by certain households
- Adds elderly and fixed income individuals to deferral eligibility
- Continuous ownership for 20 years
- Low interest rate on deferral
- Tax Commission can pay taxes to County for distribution, to be paid back when lien released.

SB 80S2

Real Property Recording Amendments

- Adds requirements for legal descriptions in order to record a document
 - Metes and Bounds
 - Government Survey referencing aliquot part
 - Lot (etc) number within a plat map
 - Centerline

One Liners (Water)

- **HB118S1 – Wetland Amendments** – Collects data on wetlands developments, and studies fee-in-lieu wetlands mitigation option.
- **HB166S1 – Water Facility Amendments** – Criminal act, plus attorney fees & penalties, to knowingly steal water. Does not apply to government entities. Claim against government still available.
- **HB282S1 – Water Wise Landscaping Amendments** – Local governments or HOAs cannot prohibit water wise landscaping.

One Liners

- **HB291 – Real Estate Interest Termination Amendments** – Modifies procedure for changing interest in property due to death.
- **HB357 – Eminent Domain Appraisal Amendments** – Requires condemnor to obtain updated appraisal if previous appraisal is more than 90 days old.
- **SB12 – Property Tax Appeals Process Amendments** – Requires an exchange of evidence before appeals hearing.
- **SB68 – Trespass Penalty Amendments** – Increases the penalties for “trespassing while hunting” to treble damages.

Thank you

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