

**Superseded 5/12/2015**

**17-27a-605 Exemptions from plat requirement.**

- (1) Notwithstanding Sections 17-27a-603 and 17-27a-604, the land use authority may approve the subdivision of unincorporated land into 10 lots or less without a plat, by certifying in writing that:
  - (a) the county has provided notice as required by ordinance; and
  - (b) the proposed subdivision:
    - (i) is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;
    - (ii) has been approved by the culinary water authority and the sanitary sewer authority;
    - (iii) is located in a zoned area; and
    - (iv) conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.
- (2)
  - (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 17-27a-603 if:
    - (i) the lot or parcel:
      - (A) qualifies as land in agricultural use under Section 59-2-502; and
      - (B) is not used and will not be used for any nonagricultural purpose; and
    - (ii) the new owner of record completes, signs, and records with the county recorder a notice:
      - (A) describing the parcel by legal description; and
      - (B) stating that the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.
  - (b) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the county shall require the lot or parcel to comply with the requirements of Section 17-27a-603 and all applicable land use ordinance requirements.
- (3)
  - (a) Except as provided in Subsection (4), a document recorded in the county recorder's office that divides property by a metes and bounds description does not create an approved subdivision allowed by this part unless the land use authority's certificate of written approval required by Subsection (1) is attached to the document.
  - (b) The absence of the certificate or written approval required by Subsection (1) does not:
    - (i) prohibit the county recorder from recording a document; or
    - (ii) affect the validity of a recorded document.
  - (c) A document which does not meet the requirements of Subsection (1) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached in accordance with Section 57-3-106.
- (4)
  - (a) As used in this Subsection (4):
    - (i) "Divided land" means land that:
      - (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and
      - (B) has been divided by a minor subdivision.
    - (ii) "Land to be divided" means land that is proposed to be divided by a minor subdivision.
    - (iii) "Minor subdivision" means a division of at least 100 contiguous acres of agricultural land in a county of the third, fourth, fifth, or sixth class to create one new lot that, after the division, is separate from the remainder of the original 100 or more contiguous acres of agricultural land.
    - (iv) "Minor subdivision lot" means a lot created by a minor subdivision.

- (b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least 100 contiguous acres of agricultural land may make a minor subdivision by submitting for recording in the office of the recorder of the county in which the land to be divided is located:
  - (i) a recordable deed containing the legal description of the minor subdivision lot; and
  - (ii) a notice:
    - (A) indicating that the owner of the land to be divided is making a minor subdivision;
    - (B) referring specifically to this section as the authority for making the minor subdivision; and
    - (C) containing the legal description of:
      - (I) the land to be divided; and
      - (II) the minor subdivision lot.
- (c) A minor subdivision lot:
  - (i) may not be less than one acre in size;
  - (ii) may not be within 1,000 feet of another minor subdivision lot; and
  - (iii) is not subject to the subdivision ordinance of the county in which the minor subdivision lot is located.
- (d) Land to be divided by a minor subdivision may not include divided land.
- (e) A county:
  - (i) may not deny a building permit to an owner of a minor subdivision lot based on:
    - (A) the lot's status as a minor subdivision lot; or
    - (B) the absence of standards described in Subsection (4)(e)(ii); and
  - (ii) may, in connection with the issuance of a building permit, subject a minor subdivision lot to reasonable health, safety, and access standards that the county has established and made public.