

Local Land Use Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott H. Chew

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill modifies provisions related to minor subdivisions of agricultural land in a county of the third, fourth, fifth, or sixth class.

Highlighted Provisions:

This bill:

- modifies definitions;
- authorizes an owner of at least 50 contiguous acres of agricultural land in a county of the third, fourth, fifth, or sixth class to create a new parcel that, after the division, is separate from the remainder of the original 50 contiguous acres of agricultural land; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-27a-605, as last amended by Laws of Utah 2020, Chapter 434

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-27a-605** is amended to read:

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

(1) Notwithstanding any other provision of law, a plat is not required if:

- (a) a county establishes a process to approve an administrative land use decision for the subdivision of unincorporated land or mountainous planning district land into 10 or fewer [lots] parcels without a plat; and

(b) the county provides in writing that:

(i) the county has provided notice as required by ordinance; and

(ii) the proposed subdivision:

(A) is not traversed by the mapped lines of a proposed street as shown in the general plan unless the county has approved the location and dedication of any public street, county utility easement, any other easement, or any other land for public purposes as the county's ordinance requires;

(B) has been approved by the culinary water authority and the sanitary sewer authority;

(C) is located in a zoned area; and

(D) 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

- 63 (ii) affect the validity of a recorded document.
- 64 (c) A document which does not meet the requirements of Subsection (1) may be
- 65 corrected by the recording of an affidavit to which the required certificate or written
- 66 approval is attached and that complies with Section 57-3-106.
- 67 (4)(a) As used in this Subsection (4):
- 68 (i) "Divided land" means land that~~[:]~~
- 69 ~~[(A) is described as the land to be divided in a notice under Subsection (4)(b)(ii);~~
- 70 ~~and]~~
- 71 ~~[(B)]~~ has been divided by a minor subdivision.
- 72 (ii) "Land to be divided" means land that is proposed to be divided by a minor
- 73 subdivision.
- 74 (iii) "Minor subdivision" means a division of at least ~~[100]~~ 50 contiguous acres of
- 75 agricultural land in a county of the third, fourth, fifth, or sixth class to create one
- 76 new ~~[lot]~~ parcel that, after the division, is separate from the remainder of the
- 77 original ~~[100]~~ 50 or more contiguous acres of agricultural land.
- 78 (iv) "Minor subdivision ~~[lot]~~ parcel" means a ~~[lot]~~ parcel created by a minor
- 79 subdivision.
- 80 (b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least ~~[100]~~ 50
- 81 contiguous acres of agricultural land may make a minor subdivision by submitting
- 82 for recording in the office of the recorder of the county in which the land to be
- 83 divided is located:
- 84 (i) a recordable deed containing the legal description of the minor subdivision ~~[lot]~~
- 85 parcel; and
- 86 (ii) a notice:
- 87 (A) indicating that the owner of the land to be divided is making a minor
- 88 subdivision;
- 89 (B) referring specifically to this section as the authority for making the minor
- 90 subdivision; and
- 91 (C) containing the legal description of:
- 92 (I) the land to be divided; and
- 93 (II) the proposed minor subdivision ~~[lot]~~ parcel.
- 94 (c) A minor subdivision ~~[lot]~~ parcel:
- 95 (i) may not be less than one acre in size;
- 96 (ii) may not be within ~~[1,000]~~ 500 feet of another minor subdivision ~~[lot]~~ parcel within

- 97 the divided land; [and]
98 (iii) is not subject to the subdivision ordinance of the county in which the minor
99 subdivision ~~[lot]~~ parcel is located[-] ; and
100 (iv) is not required to be owned by the same person that owns the divided land.
101 ~~[(d) Land to be divided by a minor subdivision may not include divided land.]~~
102 (d) A minor subdivision is effective the day on which it is recorded.
103 (e) A county:
104 (i) may not deny a building permit to an owner of a minor subdivision ~~[lot]~~ parcel
105 based on:
106 (A) the ~~[lot's]~~ parcel's status as a minor subdivision ~~[lot]~~ parcel; or
107 (B) the absence of standards described in Subsection (4)(e)(ii); and
108 (ii) may, in connection with the issuance of a building permit, subject a minor
109 subdivision ~~[lot]~~ parcel to reasonable health, safety, and access standards that the
110 county has established and made public.
111 (5)(a) Notwithstanding Sections 17-27a-603 and 17-27a-604, and subject to Subsection
112 (1), the legislative body of a county may enact an ordinance allowing the subdivision
113 of a parcel, without complying with the plat requirements of Section 17-27a-603, if:
114 (i) the parcel contains an existing legal single family dwelling unit;
115 (ii) the subdivision results in two parcels, one of which is agricultural land;
116 (iii) the parcel of agricultural land:
117 (A) qualifies as land in agricultural use under Section 59-2-502; and
118 (B) is not used, and will not be used, for a nonagricultural purpose;
119 (iv) both the parcel with an existing legal single family dwelling unit and the parcel
120 of agricultural land meet the minimum area, width, frontage, and setback
121 requirements of the applicable zoning designation in the applicable land use
122 ordinance; and
123 (v) the owner of record completes, signs, and records with the county recorder a
124 notice:
125 (A) describing the parcel of agricultural land by legal description; and
126 (B) stating that the parcel of agricultural land is created as land in agricultural use,
127 as defined in Section 59-2-502, and will remain as land in agricultural use until
128 a future zoning change permits another use.
129 (b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a) is
130 later used for a nonagricultural purpose, the exemption provided in Subsection (5)(a)

131 no longer applies, and the county shall require the owner of the parcel to:
132 (i) retroactively comply with the subdivision plat requirements of Section 17-27a-603;
133 and
134 (ii) comply with all applicable land use ordinance requirements.
135 Section 2. **Effective date.**
136 This bill takes effect on May 7, 2025.