

HB0255S01 compared with HB0255

~~{Omitted text}~~ shows text that was in HB0255 but was omitted in HB0255S01

inserted text shows text that was not in HB0255 but was inserted into HB0255S01

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1 **Local Land Use Modifications**

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Scott H. Chew**

. Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

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

7 **Highlighted Provisions:**

8 This bill:

9 ▶ modifies definitions;

10 ▶ 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 ~~{lot}~~ parcel that, after the division, is separate from the
remainder of the original 50 contiguous acres of agricultural land;and

13 ▶ ~~{provides that a minor subdivision lot may not be less than 500 feet from another minor
subdivision lot within the same divided agricultural property; and}~~

15 ▶ makes technical and conforming changes.

14 **Money Appropriated in this Bill:**

15 None

16 None

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19 AMENDS:

20 **17-27a-605** , as last amended by Laws of Utah 2020, Chapter 434 , as last amended by Laws of
21 Utah 2020, Chapter 434

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

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

24 **17-27a-605. Exemptions from plat requirement.**

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

28 (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

31 (b) the county provides in writing that:

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

33 (ii) the proposed subdivision:

34 (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;

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

40 (C) is located in a zoned area; and

41 (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.

44 (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:

46 (i) the ~~lot or~~ parcel:

47 (A) qualifies as land in agricultural use under Section 59-2-502; and

48 (B) is not used and will not be used for any nonagricultural purpose; and

49 (ii) the new owner of record completes, signs, and records with the county recorder a notice:

51 (A) describing the parcel by legal description; and

52 (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.

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- 55 (b) If a ~~[hot or]~~ parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the
county shall require the ~~[hot or]~~ parcel to comply with the requirements of Section 17-27a-603 and
all applicable land use ordinance requirements.
- 58 (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.
- 62 (b) The absence of the certificate or written approval required by Subsection (1) does not:
- 64 (i) prohibit the county recorder from recording a document; or
- 65 (ii) affect the validity of a recorded document.
- 66 (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 and that
complies with Section 57-3-106.
- 69 (4)
- . (a) As used in this Subsection (4):
- 70 (i) "Divided land" means land that~~[:]~~
- 71 ~~[(A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and]~~
- 73 ~~[(B)]~~ has been divided by a minor subdivision.
- 74 (ii) "Land to be divided" means land that is proposed to be divided by a minor subdivision.
- 76 (iii) "Minor subdivision" means a division of at least ~~[100]~~ 50 contiguous acres of agricultural land
in a county of the third, fourth, fifth, or sixth class to create one new ~~[hot]~~ parcel that, after the
division, is separate from the remainder of the original ~~[100]~~ 50 or more contiguous acres of
agricultural land.
- 80 (iv) "Minor subdivision ~~[hot]~~ parcel" means a ~~[hot]~~ parcel created by a minor subdivision.
- 81 (b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least ~~[100]~~ 50 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:
- 85 (i) a recordable deed containing the legal description of the minor subdivision ~~[hot]~~ parcel; and
- 86 (ii) a notice:
- 87 (A) indicating that the owner of the land to be divided is making a minor subdivision;

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- 89 (B) referring specifically to this section as the authority for making the minor 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)}~~
- 96 (ii) may not be within [~~1,000~~] 500 feet of another minor subdivision [~~lot~~] parcel within the divided land;
[and]
- 98 (iii) is not subject to the subdivision ordinance of the county in which the minor subdivision [~~lot~~] parcel
is located~~[=]~~ ; and
- 100 (iv) is not required to be owned by the same person that owns the divided land.
- 100 [~~(d) Land to be divided by a minor subdivision may not include divided land.~~]
- 101 [~~(e)~~] ~~{(d)}~~
- 103 (d) A minor subdivision is effective the day on which it is recorded.
- 104 (e) {A minor subdivision is effective the day on which it is recorded.
- 102 ~~{(e)}~~ A county:
- 103 (i) may not deny a building permit to an owner of a minor subdivision [~~lot~~] parcel based on:
- 104 (A) the [~~lot's~~] parcel's status as a minor subdivision [~~lot~~] parcel; or
- 105 (B) the absence of standards described in Subsection (4)(e)(ii); and
- 106 (ii) may, in connection with the issuance of a building permit, subject a minor subdivision [~~lot~~] parcel to
reasonable health, safety, and access standards that the county has established and made public.
- 109 (5)
- . (a) Notwithstanding Sections 17-27a-603 and 17-27a-604, and subject to Subsection (1), the legislative
body of a county may enact an ordinance allowing the subdivision of a parcel, without complying
with the plat requirements of Section 17-27a-603, if:
- 112 (i) the parcel contains an existing legal single family dwelling unit;
- 113 (ii) the subdivision results in two parcels, one of which is agricultural land;
- 114 (iii) the parcel of agricultural land:
- 115 (A) qualifies as land in agricultural use under Section 59-2-502; and
- 116 (B) is not used, and will not be used, for a nonagricultural purpose;

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- 117 (iv) both the parcel with an existing legal single family dwelling unit and the parcel of agricultural
land meet the minimum area, width, frontage, and setback requirements of the applicable zoning
designations in the applicable land use ordinance; and
- 121 (v) the owner of record completes, signs, and records with the county recorder a notice:
- 123 (A) describing the parcel of agricultural land by legal description; and
- 124 (B) stating that the parcel of agricultural land is created as land in agricultural use, as defined in Section
59-2-502, and will remain as land in agricultural use until a future zoning change permits another
use.
- 127 (b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a) is later used for
a nonagricultural purpose, the exemption provided in Subsection (5)(a) no longer applies, and the
county shall require the owner of the parcel to:
- 130 (i) retroactively comply with the subdivision plat requirements of Section 17-27a-603; and
- 132 (ii) comply with all applicable land use ordinance requirements.

136 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

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