

Local Land Use Modifications
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Scott H. Chew

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 lot that, after the division, is separate from the remainder of the original 50 contiguous acres of agricultural land;
- 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
- 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 without a plat; and
- (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
35 general plan unless the county has approved the location and dedication of any
36 public street, county utility easement, any other easement, or any other land for
37 public purposes as the county's ordinance requires;
- 38 (B) has been approved by the culinary water authority and the sanitary sewer
39 authority;
- 40 (C) is located in a zoned area; and
- 41 (D) conforms to all applicable land use ordinances or has properly received a
42 variance from the requirements of an otherwise conflicting and applicable land
43 use ordinance.
- 44 (2)(a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural
45 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
50 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
53 Section 59-2-502 and will remain so until a future zoning change permits other
54 uses.
- 55 (b) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural
56 purpose, the county shall require the lot or parcel to comply with the requirements of
57 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
59 recorder's office that divides property by a metes and bounds description does not
60 create an approved subdivision allowed by this part unless the land use authority's
61 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
63 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
 67 corrected by the recording of an affidavit to which the required certificate or written
 68 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);~~
 72 ~~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
 75 subdivision.
- 76 (iii) "Minor subdivision" means a division of at least ~~[100]~~ 50 contiguous acres of
 77 agricultural land in a county of the third, fourth, fifth, or sixth class to create one
 78 new lot that, after the division, is separate from the remainder of the original ~~[100]~~
 79 50 or more contiguous acres of agricultural land.
- 80 (iv) "Minor subdivision lot" means a lot created by a minor subdivision.
- 81 (b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least ~~[100]~~ 50
 82 contiguous acres of agricultural land may make a minor subdivision by submitting
 83 for recording in the office of the recorder of the county in which the land to be
 84 divided is located:
- 85 (i) a recordable deed containing the legal description of the minor subdivision lot; 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.
- 94 (c) A minor subdivision lot:
- 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 within the
 97 divided land; and
- 98 (iii) is not subject to the subdivision ordinance of the county in which the minor
 99 subdivision lot is located.

- 100 ~~[(d) Land to be divided by a minor subdivision may not include divided land.]~~
101 ~~[(e)]~~ (d) 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 based on:
104 (A) the lot's status as a minor subdivision lot; 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
107 subdivision lot to reasonable health, safety, and access standards that the county
108 has established and made public.
- 109 (5)(a) Notwithstanding Sections 17-27a-603 and 17-27a-604, and subject to Subsection
110 (1), the legislative body of a county may enact an ordinance allowing the subdivision
111 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;
117 (iv) both the parcel with an existing legal single family dwelling unit and the parcel
118 of agricultural land meet the minimum area, width, frontage, and setback
119 requirements of the applicable zoning designation in the applicable land use
120 ordinance; and
121 (v) the owner of record completes, signs, and records with the county recorder a
122 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,
125 as defined in Section 59-2-502, and will remain as land in agricultural use until
126 a future zoning change permits another use.
- 127 (b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a) is
128 later used for a nonagricultural purpose, the exemption provided in Subsection (5)(a)
129 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;
131 and
132 (ii) comply with all applicable land use ordinance requirements.

133 Section 2. **Effective date.**

134 This bill takes effect on May 7, 2025.