

**10-9a-605 Exemptions from plat requirement.**

- (1) Notwithstanding Sections 10-9a-603 and 10-9a-604, the land use authority may approve a subdivision of 10 lots or less without a plat, by certifying in writing that:
  - (a) the municipality 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 10-9a-603 if the lot or parcel:
    - (i) qualifies as land in agricultural use under Section 59-2-502;
    - (ii) meets the minimum size requirement of applicable land use ordinances; and
    - (iii) is not used and will not be used for any nonagricultural purpose.
  - (b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under Section 10-9a-604, shall be recorded with the county recorder.
  - (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the municipality may require the lot or parcel to comply with the requirements of Section 10-9a-603.
- (3)
  - (a) Documents recorded in the county recorder's office that divide property by a metes and bounds description do 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.

Amended by Chapter 381, 2010 General Session