

SUBDIVISION APPROVAL AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: John W. Hickman

LONG TITLE

General Description:

This bill modifies county provisions relating to subdivisions.

Highlighted Provisions:

This bill:

▶ authorizes an owner of agricultural land within counties of the third, fourth, fifth, or sixth class to divide from the land up to six parcels of at least five acres each, without complying with subdivision plat requirements or county subdivision ordinances.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-27a-604, as last amended by Laws of Utah 2006, Chapter 240

17-27a-605, as last amended by Laws of Utah 2006, Chapter 240

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

Section 1. Section **17-27a-604** is amended to read:

17-27a-604. Subdivision plat approval procedure -- Effect of not complying.



28 (1) (a) [~~A~~] Except as provided in Section 17-27a-605, a person may not submit a
29 subdivision plat to the county recorder's office for recording unless:

30 (i) except as provided in Subsection (1)(b), a recommendation has been received from
31 the planning commission;

32 (ii) the plat has been approved by:

33 (A) the land use authority of the county in whose unincorporated area the land
34 described in the plat is located; and

35 (B) other officers that the county designates in its ordinance; and

36 (iii) all approvals are entered in writing on the plat by designated officers.

37 (b) Subsection (1)(a) does not apply if the planning commission is the land use
38 authority.

39 (2) A plat recorded without the signatures required under this section is void.

40 (3) A transfer of land pursuant to a void plat is voidable.

41 Section 2. Section **17-27a-605** is amended to read:

42 **17-27a-605. Exemptions from plat requirement.**

43 (1) Notwithstanding Sections 17-27a-603 and 17-27a-604, the land use authority may
44 approve the subdivision of unincorporated land into ten lots or less without a plat, by certifying
45 in writing that:

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

47 (b) the proposed subdivision:

48 (i) is not traversed by the mapped lines of a proposed street as shown in the general
49 plan and does not require the dedication of any land for street or other public purposes;

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

51 (iii) is located in a zoned area; and

52 (iv) conforms to all applicable land use ordinances or has properly received a variance
53 from the requirements of an otherwise conflicting and applicable land use ordinance.

54 (2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural
55 land is exempt from the plat requirements of Section 17-27a-603 if the lot or parcel:

56 (i) qualifies as land in agricultural use under Section 59-2-502;

57 (ii) meets the minimum size requirement of applicable land use ordinances; and

58 (iii) is not used and will not be used for any nonagricultural purpose.

59 (b) The boundaries of each lot or parcel exempted under Subsection (1) shall be
60 graphically illustrated on a record of survey map that, after receiving the same approvals as are
61 required for a plat under Section 17-27a-604, shall be recorded with the county recorder.

62 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural
63 purpose, the county may require the lot or parcel to comply with the requirements of Section
64 17-27a-603.

65 (3) (a) ~~[Documents]~~ Except as provided in Subsection (4), a document recorded in the
66 county recorder's office that ~~[divide]~~ divides property by a metes and bounds description ~~[do]~~
67 does not create an approved subdivision allowed by this part unless the land use authority's
68 certificate of written approval required by Subsection (1)(a)(ii) is attached to the document.

69 (b) The absence of the certificate or written approval required by Subsection (1) does
70 not affect the validity of a recorded document.

71 (c) A document which does not meet the requirements of Subsection (1) may be
72 corrected by the recording of an affidavit to which the required certificate or written approval is
73 attached in accordance with Section 57-3-106.

74 (4) (a) As used in this Subsection (4):

75 (i) "Agricultural land" means land that:

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

77 (B) is located in the unincorporated area of a county of the third, fourth, fifth, or sixth
78 class.

79 (ii) "Minor subdivision" means a division of agricultural land:

80 (A) to create six or fewer parcels of at least five acres each; and

81 (B) that results in the land from which the parcels are divided remaining as agricultural
82 land.

83 (b) Notwithstanding Sections 17-27a-603 and 17-27a-604 and except as provided in
84 Subsection (4)(d), an owner of agricultural land may make a minor subdivision by submitting
85 for recording in the office of the recorder of the county in which the agricultural land is located
86 a recordable deed describing by metes and bounds each parcel divided from the agricultural
87 land.

88 (c) A parcel created by a minor subdivision is not subject to the subdivision ordinance
89 of the county in which the parcel is located.

90 (d) Notwithstanding Subsection (4)(b), an owner of agricultural land may not make a
91 minor subdivision under this Subsection (4) if six parcels have previously been divided from
92 the agricultural land under this Subsection (4).

Legislative Review Note
as of 2-19-08 4:22 PM

Office of Legislative Research and General Counsel

H.B. 481 - Subdivision Approval Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
