

SUBDIVISION APPROVAL AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Curt Webb

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies county provisions relating to subdivisions.

Highlighted Provisions:

This bill:

▶ authorizes an owner of agricultural land within a county of the fifth or sixth class to divide from the land a specified number of parcels per 100 acres, 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-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-605** is amended to read:

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

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



28 in writing that:

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

30 (b) the proposed subdivision:

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

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

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

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

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

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

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

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

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

45 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural
46 purpose, the county may require the lot or parcel to comply with the requirements of Section
47 17-27a-603.

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

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

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

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

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

59 (A) qualifies as land in agricultural use under Section 59-2-502; and
60 (B) is located in the unincorporated area of a county of the fifth or sixth class.
61 (ii) "Minor subdivision" means a division of agricultural land to create no more than:
62 (A) two parcels per 100 acres of the agricultural land, for the first 100 acres of the
63 agricultural land; and
64 (B) one parcel per 100 acres of the agricultural land, for any increment of 100 acres
65 beyond the first 100 acres.
66 (iii) "Minor subdivision parcel" means a parcel of land created or proposed to be
67 created by a minor subdivision.
68 (b) Notwithstanding Sections 17-27a-603 and 17-27a-604 and except as provided in
69 Subsection (4)(d), an owner of a parcel of agricultural land may make a minor subdivision by
70 submitting for recording in the office of the recorder of the county in which the agricultural
71 land is located a recordable deed describing by metes and bounds each parcel divided from the
72 agricultural land.
73 (c) A minor subdivision parcel:
74 (i) may not be less than one acre in size; and
75 (ii) is not subject to the subdivision ordinance of the county in which the parcel is
76 located.
77 (d) An owner of agricultural land may not make a minor subdivision under this
78 Subsection (4) if:
79 (i) making the minor subdivision would cause the remaining agricultural land to fail to
80 qualify as land in agricultural use under Section 59-2-502; or
81 (ii) any possible 100-acre square piece of land containing a minor subdivision parcel
82 would, if the minor subdivision is made, contain more than three minor subdivision parcels,
83 including those created by any previous minor subdivision.

Legislative Review Note
as of 12-11-08 12:33 PM

Office of Legislative Research and General Counsel

H.B. 156 - Subdivision Approval Amendments

Fiscal Note

2009 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.
