

SUBDIVISION APPROVAL AMENDMENTS

2009 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: R. Curt Webb

Senate Sponsor: Stephen H. Urquhart

LONG TITLE

General Description:

This bill modifies county land use provisions relating to subdivisions.

Highlighted Provisions:

This bill:

▶ authorizes an owner of at least 100 contiguous acres of agricultural land within a county of the third, fourth, fifth, or sixth class to divide from the land a single lot without complying with subdivision plat requirements or county subdivision ordinances; and

▶ prohibits a county of the third, fourth, fifth, or sixth class from denying a building permit to an owner of a minor subdivision lot if the lot meets the county's reasonable health, safety, and access standards that the county has established and made public.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on October 1, 2009.

Utah Code Sections Affected:

AMENDS:

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



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

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

30 **17-27a-605. Exemptions from plat requirement.**

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

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

35 (b) the proposed subdivision:

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

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

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

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

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

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

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

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

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

50 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural
51 purpose, the county may require the lot or parcel to comply with the requirements of Section
52 17-27a-603.

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

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

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

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

63 (i) "Divided land" means land that:

64 (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and

65 (B) has been divided by a minor subdivision.

66 (ii) "Land to be divided" means land that is proposed to be divided by a minor

67 subdivision.

68 (iii) "Minor subdivision" means a division of at least 100 contiguous acres of

69 agricultural land in a county of the third, fourth, fifth, or sixth class to create one new lot that,

70 after the division, is separate from the remainder of the original 100 or more contiguous acres

71 of agricultural land.

72 (iv) "Minor subdivision lot" means a lot created by a minor subdivision.

73 (b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least 100

74 contiguous acres of agricultural land may make a minor subdivision by submitting for

75 recording in the office of the recorder of the county in which the land to be divided is located:

76 (i) a recordable deed containing the legal description of the minor subdivision lot; and

77 (ii) a notice:

78 (A) indicating that the owner of the land to be divided is making a minor subdivision;

79 (B) referring specifically to this section as the authority for making the minor

80 subdivision; and

81 (C) containing the legal description of:

82 (I) the land to be divided; and

83 (II) the minor subdivision lot.

84 (c) A minor subdivision lot:

85 (i) may not be less than one acre in size;

86 (ii) may not be within 1,000 feet of another minor subdivision lot; and

87 (iii) is not subject to the subdivision ordinance of the county in which the minor

88 subdivision lot is located.

89 (d) Land to be divided by a minor subdivision may not include divided land.

90 (e) A county:
91 (i) may not deny a building permit to an owner of a minor subdivision lot based on:
92 (A) the lot's status as a minor subdivision lot; or
93 (B) the absence of standards described in Subsection (4)(e)(ii); and
94 (ii) may, in connection with the issuance of a building permit, subject a minor
95 subdivision lot to reasonable health, safety, and access standards that the county has established
96 and made public.

97 Section 2. **Effective date.**

98 This bill takes effect on October 1, 2009.

Legislative Review Note
as of 5-13-09 12:57 PM

Office of Legislative Research and General Counsel

H.B. 1001 - 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.
