

COUNTY USE OF LAND USE ORDINANCE

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bill Wright

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to county land use ordinances.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a county, a county recorder, or a land use authority from requiring that a person other than the current owner of record of property identified on a plat submitted for approval sign or dedicate the plat;
- ▶ amends exemptions from a plat requirement provisions; and
- ▶ make technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-27a-103, as last amended by Laws of Utah 2010, Chapters 269 and 330

17-27a-603, as last amended by Laws of Utah 2010, Chapters 269 and 381

17-27a-604, as last amended by Laws of Utah 2010, Chapter 381

17-27a-605, as last amended by Laws of Utah 2010, Chapter 381



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

Section 1. Section **17-27a-103** is amended to read:

17-27a-103. Definitions.

As used in this chapter:

(1) "Affected entity" means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified property owner, property owners association, public utility, or the Utah Department of Transportation, if:

(a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;

(b) the entity has filed with the county a copy of the entity's general or long-range plan;
or

(c) the entity has filed with the county a request for notice during the same calendar year and before the county provides notice to an affected entity in compliance with a requirement imposed under this chapter.

(2) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

(3) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

(4) "Charter school" includes:

(a) an operating charter school;

(b) a charter school applicant that has its application approved by a chartering entity in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

(c) an entity who is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

(5) "Chief executive officer" means the person or body that exercises the executive powers of the county.

59 (6) "Conditional use" means a land use that, because of its unique characteristics or
60 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
61 compatible in some areas or may be compatible only if certain conditions are required that
62 mitigate or eliminate the detrimental impacts.

63 (7) "Constitutional taking" means a governmental action that results in a taking of
64 private property so that compensation to the owner of the property is required by the:

- 65 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 66 (b) Utah Constitution Article I, Section 22.

67 (8) "Culinary water authority" means the department, agency, or public entity with
68 responsibility to review and approve the feasibility of the culinary water system and sources for
69 the subject property.

70 (9) "Development activity" means:

71 (a) any construction or expansion of a building, structure, or use that creates additional
72 demand and need for public facilities;

73 (b) any change in use of a building or structure that creates additional demand and need
74 for public facilities; or

75 (c) any change in the use of land that creates additional demand and need for public
76 facilities.

77 (10) (a) "Disability" means a physical or mental impairment that substantially limits
78 one or more of a person's major life activities, including a person having a record of such an
79 impairment or being regarded as having such an impairment.

80 (b) "Disability" does not include current illegal use of, or addiction to, any federally
81 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
82 802.

83 (11) "Educational facility":

84 (a) means:

85 (i) a school district's building at which pupils assemble to receive instruction in a
86 program for any combination of grades from preschool through grade 12, including
87 kindergarten and a program for children with disabilities;

88 (ii) a structure or facility:

89 (A) located on the same property as a building described in Subsection (11)(a)(i); and

90 (B) used in support of the use of that building; and
91 (iii) a building to provide office and related space to a school district's administrative
92 personnel; and

93 (b) does not include land or a structure, including land or a structure for inventory
94 storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or
95 similar use that is:

96 (i) not located on the same property as a building described in Subsection (11)(a)(i);
97 and

98 (ii) used in support of the purposes of a building described in Subsection (11)(a)(i).

99 (12) "Elderly person" means a person who is 60 years old or older, who desires or
100 needs to live with other elderly persons in a group setting, but who is capable of living
101 independently.

102 (13) "Fire authority" means the department, agency, or public entity with responsibility
103 to review and approve the feasibility of fire protection and suppression services for the subject
104 property.

105 (14) "Flood plain" means land that:

106 (a) is within the 100-year flood plain designated by the Federal Emergency
107 Management Agency; or

108 (b) has not been studied or designated by the Federal Emergency Management Agency
109 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
110 the land has characteristics that are similar to those of a 100-year flood plain designated by the
111 Federal Emergency Management Agency.

112 (15) "Gas corporation" has the same meaning as defined in Section 54-2-1.

113 (16) "General plan" means a document that a county adopts that sets forth general
114 guidelines for proposed future development of the unincorporated land within the county.

115 (17) "Geologic hazard" means:

116 (a) a surface fault rupture;

117 (b) shallow groundwater;

118 (c) liquefaction;

119 (d) a landslide;

120 (e) a debris flow;

- 121 (f) unstable soil;
- 122 (g) a rock fall; or
- 123 (h) any other geologic condition that presents a risk:
- 124 (i) to life;
- 125 (ii) of substantial loss of real property; or
- 126 (iii) of substantial damage to real property.
- 127 (18) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 128 designation that:
 - 129 (a) runs with the land; and
 - 130 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
 - 131 the plat; or
 - 132 (ii) designates a development condition that is enclosed within the perimeter of a lot
 - 133 described on the plat.
- 134 (19) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 135 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 136 system.
- 137 (20) "Identical plans" means building plans submitted to a county that are substantially
- 138 identical building plans that were previously submitted to and reviewed and approved by the
- 139 county and describe a building that is:
 - 140 (a) located on land zoned the same as the land on which the building described in the
 - 141 previously approved plans is located; and
 - 142 (b) subject to the same geological and meteorological conditions and the same law as
 - 143 the building described in the previously approved plans.
- 144 (21) "Impact fee" means a payment of money imposed under Title 11, Chapter 36,
- 145 Impact Fees Act.
- 146 (22) "Improvement assurance" means a surety bond, letter of credit, cash, or other
- 147 security:
 - 148 (a) to guaranty the proper completion of an improvement;
 - 149 (b) that is required as a condition precedent to:
 - 150 (i) recording a subdivision plat; or
 - 151 (ii) beginning development activity; and

152 (c) that is offered to a land use authority to induce the land use authority, before actual
153 construction of required improvements, to:

- 154 (i) consent to the recording of a subdivision plat; or
- 155 (ii) issue a permit for development activity.

156 (23) "Improvement assurance warranty" means a promise that the materials and
157 workmanship of improvements:

- 158 (a) comport with standards that the county has officially adopted; and
- 159 (b) will not fail in any material respect within a warranty period.

160 (24) "Interstate pipeline company" means a person or entity engaged in natural gas
161 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
162 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

163 (25) "Intrastate pipeline company" means a person or entity engaged in natural gas
164 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
165 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

166 (26) "Land use application" means an application required by a county's land use
167 ordinance.

168 (27) "Land use authority" means a person, board, commission, agency, or other body
169 designated by the local legislative body to act upon a land use application.

170 (28) "Land use ordinance" means a planning, zoning, development, or subdivision
171 ordinance of the county, but does not include the general plan.

172 (29) "Land use permit" means a permit issued by a land use authority.

173 (30) "Legislative body" means the county legislative body, or for a county that has
174 adopted an alternative form of government, the body exercising legislative powers.

175 (31) "Local district" means any entity under Title 17B, Limited Purpose Local
176 Government Entities - Local Districts, and any other governmental or quasi-governmental
177 entity that is not a county, municipality, school district, or the state.

178 (32) "Lot line adjustment" means the relocation of the property boundary line in a
179 subdivision between two adjoining lots with the consent of the owners of record.

180 (33) "Moderate income housing" means housing occupied or reserved for occupancy
181 by households with a gross household income equal to or less than 80% of the median gross
182 income for households of the same size in the county in which the housing is located.

183 (34) "Nominal fee" means a fee that reasonably reimburses a county only for time spent
184 and expenses incurred in:

185 (a) verifying that building plans are identical plans; and

186 (b) reviewing and approving those minor aspects of identical plans that differ from the
187 previously reviewed and approved building plans.

188 (35) "Noncomplying structure" means a structure that:

189 (a) legally existed before its current land use designation; and

190 (b) because of one or more subsequent land use ordinance changes, does not conform
191 to the setback, height restrictions, or other regulations, excluding those regulations that govern
192 the use of land.

193 (36) "Nonconforming use" means a use of land that:

194 (a) legally existed before its current land use designation;

195 (b) has been maintained continuously since the time the land use ordinance regulation
196 governing the land changed; and

197 (c) because of one or more subsequent land use ordinance changes, does not conform
198 to the regulations that now govern the use of the land.

199 (37) "Official map" means a map drawn by county authorities and recorded in the
200 county recorder's office that:

201 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
202 highways and other transportation facilities;

203 (b) provides a basis for restricting development in designated rights-of-way or between
204 designated setbacks to allow the government authorities time to purchase or otherwise reserve
205 the land; and

206 (c) has been adopted as an element of the county's general plan.

207 (38) (a) "Owner of record" means a person named on a deed, plat, or other conveyance
208 that has been recorded or approved in accordance with the procedures of this part.

209 (b) "Owner of record" does not include a previous owner of property described in
210 Subsection (38)(a) who:

211 (i) at the time as an owner of record, recorded or received approval for the deed, plat,
212 or other conveyance; and

213 (ii) has since conveyed the property to another person who has recorded or received

214 approval for the deed, plat, or other conveyance in accordance with this part.

215 [~~38~~] (39) "Person" means an individual, corporation, partnership, organization,
216 association, trust, governmental agency, or any other legal entity.

217 [~~39~~] (40) "Plan for moderate income housing" means a written document adopted by
218 a county legislative body that includes:

219 (a) an estimate of the existing supply of moderate income housing located within the
220 county;

221 (b) an estimate of the need for moderate income housing in the county for the next five
222 years as revised biennially;

223 (c) a survey of total residential land use;

224 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
225 income housing; and

226 (e) a description of the county's program to encourage an adequate supply of moderate
227 income housing.

228 [~~40~~] (41) "Plat" means a map or other graphical representation of lands being laid out
229 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

230 [~~41~~] (42) "Potential geologic hazard area" means an area that:

231 (a) is designated by a Utah Geological Survey map, county geologist map, or other
232 relevant map or report as needing further study to determine the area's potential for geologic
233 hazard; or

234 (b) has not been studied by the Utah Geological Survey or a county geologist but
235 presents the potential of geologic hazard because the area has characteristics similar to those of
236 a designated geologic hazard area.

237 [~~42~~] (43) "Public agency" means:

238 (a) the federal government;

239 (b) the state;

240 (c) a county, municipality, school district, local district, special service district, or other
241 political subdivision of the state; or

242 (d) a charter school.

243 [~~43~~] (44) "Public hearing" means a hearing at which members of the public are
244 provided a reasonable opportunity to comment on the subject of the hearing.

245 [~~(44)~~] (45) "Public meeting" means a meeting that is required to be open to the public
246 under Title 52, Chapter 4, Open and Public Meetings Act.

247 [~~(45)~~] (46) "Receiving zone" means an unincorporated area of a county that the
248 county's land use authority designates as an area in which an owner of land may receive
249 transferrable development rights.

250 [~~(46)~~] (47) "Record of survey map" means a map of a survey of land prepared in
251 accordance with Section 17-23-17.

252 [~~(47)~~] (48) "Residential facility for elderly persons" means a single-family or
253 multiple-family dwelling unit that meets the requirements of Section 17-27a-515, but does not
254 include a health care facility as defined by Section 26-21-2.

255 [~~(48)~~] (49) "Residential facility for persons with a disability" means a residence:

256 (a) in which more than one person with a disability resides; and

257 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,
258 Chapter 2, Licensure of Programs and Facilities; or

259 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,
260 Health Care Facility Licensing and Inspection Act.

261 [~~(49)~~] (50) "Sanitary sewer authority" means the department, agency, or public entity
262 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
263 wastewater systems.

264 [~~(50)~~] (51) "Sending zone" means an unincorporated area of a county that the county's
265 land use authority designates as an area from which an owner of land may transfer transferrable
266 development rights to an owner of land in a receiving zone.

267 [~~(51)~~] (52) "Specified public agency" means:

268 (a) the state;

269 (b) a school district; or

270 (c) a charter school.

271 [~~(52)~~] (53) "Specified public utility" means an electrical corporation, gas corporation,
272 or telephone corporation, as those terms are defined in Section 54-2-1.

273 [~~(53)~~] (54) "State" includes any department, division, or agency of the state.

274 [~~(54)~~] (55) "Street" means a public right-of-way, including a highway, avenue,
275 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,

276 or other way.

277 [~~(55)~~] (56) (a) "Subdivision" means any land that is divided, resubdivided or proposed
278 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
279 purpose, whether immediate or future, for offer, sale, lease, or development either on the
280 installment plan or upon any and all other plans, terms, and conditions.

281 (b) "Subdivision" includes:

282 (i) the division or development of land whether by deed, metes and bounds description,
283 devise and testacy, map, plat, or other recorded instrument; and

284 (ii) except as provided in Subsection [~~(55)~~] (56)(c), divisions of land for residential and
285 nonresidential uses, including land used or to be used for commercial, agricultural, and
286 industrial purposes.

287 (c) "Subdivision" does not include:

288 (i) a bona fide division or partition of agricultural land for agricultural purposes;

289 (ii) a recorded agreement between owners of adjoining properties adjusting their
290 mutual boundary if:

291 (A) no new lot is created; and

292 (B) the adjustment does not violate applicable land use ordinances;

293 (iii) a recorded document, executed by the owner of record:

294 (A) revising the legal description of more than one contiguous unsubdivided parcel of
295 property into one legal description encompassing all such parcels of property; or

296 (B) joining a subdivided parcel of property to another parcel of property that has not
297 been subdivided, if the joinder does not violate applicable land use ordinances;

298 (iv) a bona fide division or partition of land in a county other than a first class county
299 for the purpose of siting, on one or more of the resulting separate parcels:

300 (A) an electrical transmission line or a substation;

301 (B) a natural gas pipeline or a regulation station; or

302 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
303 utility service regeneration, transformation, retransmission, or amplification facility;

304 (v) a recorded agreement between owners of adjoining subdivided properties adjusting
305 their mutual boundary if:

306 (A) no new dwelling lot or housing unit will result from the adjustment; and

307 (B) the adjustment will not violate any applicable land use ordinance; or
308 (vi) a bona fide division or partition of land by deed or other instrument where the land
309 use authority expressly approves in writing the division in anticipation of further land use
310 approvals on the parcel or parcels.

311 (d) The joining of a subdivided parcel of property to another parcel of property that has
312 not been subdivided does not constitute a subdivision under this Subsection [~~(55)~~] (56) as to
313 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
314 subdivision ordinance.

315 [~~(56)~~] (57) "Township" means a contiguous, geographically defined portion of the
316 unincorporated area of a county, established under this part or reconstituted or reinstated under
317 Section 17-27a-306, with planning and zoning functions as exercised through the township
318 planning commission, as provided in this chapter, but with no legal or political identity
319 separate from the county and no taxing authority, except that "township" means a former
320 township under Laws of Utah 1996, Chapter 308, where the context so indicates.

321 [~~(57)~~] (58) "Transferrable development right" means the entitlement to develop land
322 within a sending zone that would vest according to the county's existing land use ordinances on
323 the date that a completed land use application is filed seeking the approval of development
324 activity on the land.

325 [~~(58)~~] (59) "Unincorporated" means the area outside of the incorporated area of a
326 municipality.

327 [~~(59)~~] (60) "Water interest" means any right to the beneficial use of water, including:

- 328 (a) each of the rights listed in Section 73-1-11; and
329 (b) an ownership interest in the right to the beneficial use of water represented by:
330 (i) a contract; or
331 (ii) a share in a water company, as defined in Section 73-3-3.5.

332 [~~(60)~~] (61) "Zoning map" means a map, adopted as part of a land use ordinance, that
333 depicts land use zones, overlays, or districts.

334 Section 2. Section **17-27a-603** is amended to read:

335 **17-27a-603. Plat required when land is subdivided -- Approval of plat --**
336 **Recording plat.**

337 (1) Unless exempt under Section 17-27a-605 or excluded from the definition of

338 subdivision under Section 17-27a-103, whenever any land is laid out and platted, the owner of
339 the land shall provide an accurate plat that describes or specifies:

340 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in
341 the county recorder's office;

342 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
343 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is
344 intended to be used as a street or for any other public use, and whether any such area is
345 reserved or proposed for dedication for a public purpose;

346 (c) the lot or unit reference, block or building reference, street or site address, street
347 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length
348 and width of the blocks and lots intended for sale; and

349 (d) every existing right-of-way and easement grant of record for underground facilities,
350 as defined in Section 54-8a-2, and for other utility facilities.

351 (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the county's
352 ordinances and this part and has been approved by the culinary water authority and the sanitary
353 sewer authority, the county shall approve the plat.

354 (b) Counties are encouraged to receive a recommendation from the fire authority before
355 approving a plat.

356 (3) The county may withhold an otherwise valid plat approval until the owner of the
357 land provides the legislative body with a tax clearance indicating that all taxes, interest, and
358 penalties owing on the land have been paid.

359 (4) (a) A plat may not be submitted to a county recorder for recording unless, subject to
360 Subsection 17-27a-604(2):

361 (i) prior to recordation, each owner of record of land described on the plat has signed
362 the owner's dedication as shown on the plat; and

363 (ii) the signature of each owner described in Subsection (4)(a)(i) is acknowledged as
364 provided by law.

365 (b) The surveyor making the plat shall certify that the surveyor:

366 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
367 Professional Land Surveyors Licensing Act;

368 (ii) has completed a survey of the property described on the plat in accordance with

369 Section 17-23-17 and has verified all measurements; and
370 (iii) has placed monuments as represented on the plat.
371 (c) (i) As applicable, the owner or operator of the underground and utility facilities
372 shall approve the:
373 (A) boundary, course, dimensions, and intended use of the right-of-way and easement
374 grants of record;
375 (B) location of existing underground and utility facilities; and
376 (C) conditions or restrictions governing the location of the facilities within the
377 right-of-way, and easement grants of records, and utility facilities within the subdivision.
378 (ii) The approval of an owner or operator under Subsection (4)(c)(i):
379 (A) indicates only that the plat approximates the location of the existing underground
380 and utility facilities but does not warrant or verify their precise location; and
381 (B) does not affect a right that the owner or operator has under:
382 (I) Title 54, Chapter 8a, Damage to Underground Utility Facilities;
383 (II) a recorded easement or right-of-way;
384 (III) the law applicable to prescriptive rights; or
385 (IV) any other provision of law.
386 (5) (a) After the plat has been acknowledged, certified, and approved, the owner of the
387 land shall, within the time period designated by ordinance, record the plat in the county
388 recorder's office in the county in which the lands platted and laid out are situated.
389 (b) An owner's failure to record a plat within the time period designated by ordinance
390 renders the plat voidable.
391 Section 3. Section **17-27a-604** is amended to read:
392 **17-27a-604. Subdivision plat approval procedure -- Effect of not complying.**
393 (1) A person may not submit a subdivision plat to the county recorder's office for
394 recording unless:
395 (a) the person has complied with the requirements of Subsection 17-27a-603(4)(a);
396 (b) the plat has been approved by:
397 (i) the land use authority of the county in whose unincorporated area the land described
398 in the plat is located; and
399 (ii) other officers that the county designates in its ordinance; and

400 (c) all approvals described in Subsection (1)(b) are entered in writing on the plat by
401 designated officers.

402 (2) A county, county recorder, or land use authority may not require that a person other
403 than the current owner of record of property identified on a plat submitted for approval sign or
404 dedicate the plat.

405 [~~2~~] (3) A plat recorded without the signatures required under this section is void.

406 [~~3~~] (4) A transfer of land pursuant to a void plat is voidable.

407 Section 4. Section **17-27a-605** is amended to read:

408 **17-27a-605. Exemptions from plat requirement.**

409 (1) Notwithstanding Sections 17-27a-603 and 17-27a-604, the land use authority [~~may~~]
410 shall approve the subdivision of unincorporated land into 10 lots or less without a plat, by
411 certifying in writing that:

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

413 (b) the proposed subdivision:

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

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

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

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

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

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

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

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

425 (b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be
426 graphically illustrated on a record of survey map that, after receiving the same approvals as are
427 required for a plat under Section 17-27a-604, shall be recorded with the county recorder.

428 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural
429 purpose, the county [~~may~~] shall require the lot or parcel to comply with the requirements of
430 Section 17-27a-603.

431 (3) (a) Except as provided in Subsection (4), a document recorded in the county
432 recorder's office that divides property by a metes and bounds description does not create an
433 approved subdivision allowed by this part unless the land use authority's certificate of written
434 approval required by Subsection (1) is attached to the document.

435 (b) The absence of the certificate or written approval required by Subsection (1) does
436 not:

437 (i) prohibit the county recorder from recording a document; or

438 (ii) affect the validity of a recorded document.

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

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

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

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

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

446 (ii) "Land to be divided" means land that is proposed to be divided by a minor
447 subdivision.

448 (iii) "Minor subdivision" means a division of at least 100 contiguous acres of
449 agricultural land in a county of the third, fourth, fifth, or sixth class to create one new lot that,
450 after the division, is separate from the remainder of the original 100 or more contiguous acres
451 of agricultural land.

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

453 (b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least 100
454 contiguous acres of agricultural land may make a minor subdivision by submitting for
455 recording in the office of the recorder of the county in which the land to be divided is located:

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

457 (ii) a notice:

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

459 (B) referring specifically to this section as the authority for making the minor
460 subdivision; and

461 (C) containing the legal description of:

- 462 (I) the land to be divided; and
- 463 (II) the minor subdivision lot.
- 464 (c) A minor subdivision lot:
 - 465 (i) may not be less than one acre in size;
 - 466 (ii) may not be within 1,000 feet of another minor subdivision lot; and
 - 467 (iii) is not subject to the subdivision ordinance of the county in which the minor
 - 468 subdivision lot is located.
- 469 (d) Land to be divided by a minor subdivision may not include divided land.
- 470 (e) A county:
 - 471 (i) may not deny a building permit to an owner of a minor subdivision lot based on:
 - 472 (A) the lot's status as a minor subdivision lot; or
 - 473 (B) the absence of standards described in Subsection (4)(e)(ii); and
 - 474 (ii) may, in connection with the issuance of a building permit, subject a minor
 - 475 subdivision lot to reasonable health, safety, and access standards that the county has established
 - 476 and made public.

Legislative Review Note
as of **2-21-11 9:26 AM**

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 487

SHORT TITLE: **County Use of Land Use Ordinance**

SPONSOR: **Wright, B.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.