

LAND USE AUTHORITY AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne L. Niederhauser

House Sponsor: Bill Wright

LONG TITLE

General Description:

This bill amends county land use provisions.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to an exemption from a plat requirement; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-27a-605, as last amended by Laws of Utah 2011, Chapter 377

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 10 lots or less without a plat, by certifying in writing that:



- 28 (a) the county has provided notice as required by ordinance; and
- 29 (b) the proposed subdivision:
 - 30 (i) is not traversed by the mapped lines of a proposed street as shown in the general
 - 31 plan and does not require the dedication of any land for street or other public purposes;
 - 32 (ii) has been approved by the culinary water authority and the sanitary sewer authority;
 - 33 (iii) is located in a zoned area; and
 - 34 (iv) conforms to all applicable land use ordinances or has properly received a variance
 - 35 from the requirements of an otherwise conflicting and applicable land use ordinance.
- 36 (2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural
- 37 land is exempt from the plat requirements of Section 17-27a-603 if the lot or parcel:
 - 38 (i) qualifies as land in agricultural use under Section 59-2-502; and
 - 39 ~~[(ii) meets the minimum size requirement of applicable land use ordinances; and]~~
 - 40 ~~[(iii)]~~ (ii) is not used and will not be used for any nonagricultural purpose.
- 41 (b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be
- 42 graphically illustrated on a record of survey map that ~~[, after receiving the same approvals as are~~
- 43 ~~required for a plat under Section 17-27a-604,]~~ shall be recorded with the county recorder.
- 44 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural
- 45 purpose, the county shall require the lot or parcel to comply with the requirements of Section
- 46 17-27a-603.
- 47 (3) (a) Except as provided in Subsection (4), a document recorded in the county
- 48 recorder's office that divides property by a metes and bounds description does not create an
- 49 approved subdivision allowed by this part unless the land use authority's certificate of written
- 50 approval required by Subsection (1) is attached to the document.
- 51 (b) The absence of the certificate or written approval required by Subsection (1) does
- 52 not:
 - 53 (i) prohibit the county recorder from recording a document; or
 - 54 (ii) affect the validity of a recorded document.
- 55 (c) A document which does not meet the requirements of Subsection (1) may be
- 56 corrected by the recording of an affidavit to which the required certificate or written approval is
- 57 attached in accordance with Section 57-3-106.
- 58 (4) (a) As used in this Subsection (4):

- 59 (i) "Divided land" means land that:
 - 60 (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and
 - 61 (B) has been divided by a minor subdivision.
- 62 (ii) "Land to be divided" means land that is proposed to be divided by a minor
63 subdivision.
- 64 (iii) "Minor subdivision" means a division of at least 100 contiguous acres of
65 agricultural land in a county of the third, fourth, fifth, or sixth class to create one new lot that,
66 after the division, is separate from the remainder of the original 100 or more contiguous acres
67 of agricultural land.
- 68 (iv) "Minor subdivision lot" means a lot created by a minor subdivision.
- 69 (b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least 100
70 contiguous acres of agricultural land may make a minor subdivision by submitting for
71 recording in the office of the recorder of the county in which the land to be divided is located:
 - 72 (i) a recordable deed containing the legal description of the minor subdivision lot; and
 - 73 (ii) a notice:
 - 74 (A) indicating that the owner of the land to be divided is making a minor subdivision;
 - 75 (B) referring specifically to this section as the authority for making the minor
76 subdivision; and
 - 77 (C) containing the legal description of:
 - 78 (I) the land to be divided; and
 - 79 (II) the minor subdivision lot.
 - 80 (c) A minor subdivision lot:
 - 81 (i) may not be less than one acre in size;
 - 82 (ii) may not be within 1,000 feet of another minor subdivision lot; and
 - 83 (iii) is not subject to the subdivision ordinance of the county in which the minor
84 subdivision lot is located.
 - 85 (d) Land to be divided by a minor subdivision may not include divided land.
 - 86 (e) A county:
 - 87 (i) may not deny a building permit to an owner of a minor subdivision lot based on:
 - 88 (A) the lot's status as a minor subdivision lot; or
 - 89 (B) the absence of standards described in Subsection (4)(e)(ii); and

90 (ii) may, in connection with the issuance of a building permit, subject a minor
91 subdivision lot to reasonable health, safety, and access standards that the county has established
92 and made public.

Legislative Review Note
as of 3-2-12 1:21 PM

Office of Legislative Research and General Counsel