

1                                   **AGRICULTURE PARCEL AMENDMENTS**

2   2016 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Mike K. McKell**

5   Senate Sponsor: Deidre M. Henderson

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7 **LONG TITLE**

8 **General Description:**

9           This bill amends provisions relating to certain agricultural parcels.

10 **Highlighted Provisions:**

11           This bill:

12           ▶ provides that a county legislative body may enact an ordinance allowing division of  
13 a parcel of land with an existing family dwelling, under certain circumstances,  
14 without complying with plat requirements; and

15           ▶ provides for the enforcement of plat requirements if a parcel created under this bill  
16 is used for nonagricultural purposes.

17 **Money Appropriated in this Bill:**

18           None

19 **Other Special Clauses:**

20           None

21 **Utah Code Sections Affected:**

22 AMENDS:

23           **17-27a-605**, as last amended by Laws of Utah 2015, Chapter 465

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

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

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

28           (1) Notwithstanding Sections **17-27a-603** and **17-27a-604**, the land use authority may  
29 approve the subdivision of unincorporated land or mountainous planning district land into 10

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

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

32 (b) the proposed subdivision:

33 (i) is not traversed by the mapped lines of a proposed street as shown in the general

34 plan and does not require the dedication of any land for street or other public purposes;

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

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

37 (iv) conforms to all applicable land use ordinances or has properly received a variance

38 from the requirements of an otherwise conflicting and applicable land use ordinance.

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

41 (i) the lot or parcel:

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

43 (B) is not used and will not be used for any nonagricultural purpose; and

44 (ii) the new owner of record completes, signs, and records with the county recorder a  
45 notice:

46 (A) describing the parcel by legal description; and

47 (B) stating that the lot or parcel is created for agricultural purposes as defined in  
48 Section 59-2-502 and will remain so until a future zoning change permits other uses.

49 (b) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural  
50 purpose, the county shall require the lot or parcel to comply with the requirements of Section  
51 17-27a-603 and all applicable land use ordinance requirements.

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

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

- 58 (i) prohibit the county recorder from recording a document; or
- 59 (ii) affect the validity of a recorded document.
- 60 (c) A document which does not meet the requirements of Subsection (1) may be
- 61 corrected by the recording of an affidavit to which the required certificate or written approval is
- 62 attached in accordance with Section [57-3-106](#).
- 63 (4) (a) As used in this Subsection (4):
- 64 (i) "Divided land" means land that:
- 65 (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and
- 66 (B) has been divided by a minor subdivision.
- 67 (ii) "Land to be divided" means land that is proposed to be divided by a minor
- 68 subdivision.
- 69 (iii) "Minor subdivision" means a division of at least 100 contiguous acres of
- 70 agricultural land in a county of the third, fourth, fifth, or sixth class to create one new lot that,
- 71 after the division, is separate from the remainder of the original 100 or more contiguous acres
- 72 of agricultural land.
- 73 (iv) "Minor subdivision lot" means a lot created by a minor subdivision.
- 74 (b) Notwithstanding Sections [17-27a-603](#) and [17-27a-604](#), an owner of at least 100
- 75 contiguous acres of agricultural land may make a minor subdivision by submitting for
- 76 recording in the office of the recorder of the county in which the land to be divided is located:
- 77 (i) a recordable deed containing the legal description of the minor subdivision lot; and
- 78 (ii) a notice:
- 79 (A) indicating that the owner of the land to be divided is making a minor subdivision;
- 80 (B) referring specifically to this section as the authority for making the minor
- 81 subdivision; and
- 82 (C) containing the legal description of:
- 83 (I) the land to be divided; and
- 84 (II) the minor subdivision lot.
- 85 (c) A minor subdivision lot:

- 86 (i) may not be less than one acre in size;
- 87 (ii) may not be within 1,000 feet of another minor subdivision lot; and
- 88 (iii) is not subject to the subdivision ordinance of the county in which the minor
- 89 subdivision lot is located.
- 90 (d) Land to be divided by a minor subdivision may not include divided land.
- 91 (e) A county:
- 92 (i) may not deny a building permit to an owner of a minor subdivision lot based on:
- 93 (A) the lot's status as a minor subdivision lot; or
- 94 (B) the absence of standards described in Subsection (4)(e)(ii); and
- 95 (ii) may, in connection with the issuance of a building permit, subject a minor
- 96 subdivision lot to reasonable health, safety, and access standards that the county has established
- 97 and made public.
- 98 (5) (a) Notwithstanding Sections 17-27a-603 and 17-27a-604, and subject to
- 99 Subsection (1), the legislative body of a county may enact an ordinance allowing the
- 100 subdivision of a parcel, without complying with the plat requirements of Section 17-27a-603,
- 101 if:
- 102 (i) the parcel contains an existing legal single family dwelling unit;
- 103 (ii) the subdivision results in two parcels, one of which is agricultural land;
- 104 (iii) the parcel of agricultural land:
- 105 (A) qualifies as land in agricultural use under Section 59-2-502; and
- 106 (B) is not used, and will not be used, for a nonagricultural purpose;
- 107 (iv) both the parcel with an existing legal single family dwelling unit and the parcel of
- 108 agricultural land meet the minimum area, width, frontage, and setback requirements of the
- 109 applicable zoning designation in the applicable land use ordinance; and
- 110 (v) the owner of record completes, signs, and records with the county recorder a notice:
- 111 (A) describing the parcel of agricultural land by legal description; and
- 112 (B) stating that the parcel of agricultural land is created as land in agricultural use, as
- 113 defined in Section 59-2-502, and will remain as land in agricultural use until a future zoning

114 change permits another use.

115 (b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a)  
116 is later used for a nonagricultural purpose, the exemption provided in Subsection (5)(a) no  
117 longer applies, and the county shall require the owner of the parcel to:

118 (i) retroactively comply with the subdivision plat requirements of Section [17-27a-603](#);

119 and

120 (ii) comply with all applicable land use ordinance requirements.