



OFFICE OF
KANE COUNTY
LAND USE AUTHORITY

Requirements for Obtaining Agriculture Exemption From Plat Requirements 17-27a-605 Re:
2009 First Special Session HB 1001
Effective date 10/01/2009

The following requirements shall be met in order to apply for a 17-27a-605 "Agricultural Exemption From Plat Requirements."

1. Applicant must be the title owner of said property or have Power of Attorney to act on behalf of the owner.
2. Parcel meets the minimum size requirement of applicable land use ordinance.
3. Pay the required \$750 fee. Should engineer review time exceed six (6) hours, additional hours will be billed at current rate and are due and payable prior to document filing.
4. Record of survey consistent with current state law and Kane County Ordinance.
5. Land Use Authority's* certificate of written approval. (* Planning & Zoning Commission)
6. Provide statement from Treasurer's Office showing taxes are current.
7. Provide written reason for request and proposed usage of parcel.
8. "Quit Claim Deed - format as attached.
9. Copy of "right of ways" accessing parcel * (minimum right-of- way is 23 feet)
10. County or State road access approval
11. Wildland Urban Interface(WUI) access road to be completed prior to issuance of building permit

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
33 certifying 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
43 agricultural land is exempt from the plat requirements of Section 17-27a-603 if the lot or
44 parcel:

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

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

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

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

51 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural
52 purpose, the county may require the lot or parcel to comply with the requirements of Section
53 17-27a-603.

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

58 (b) The absence of the certificate or written approval required by Subsection (1) does
59 not 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
62 is 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 (m) 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
- 97 established and made public.
- 98 Section 2. **Effective date.**
- 99 This bill takes effect on October 1, 2009.

When Recorded return to:

QUIT CLAIM DEED
(Agriculture Exemption)

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of _____ and other goods and valuable consideration paid to _____ hereinafter referred to as GRANTOR, _____, under agreement dated _____, hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged, the GRANTOR does hereby grant, bargain, sell, transfer, and convey unto the GRANTEE, its successors and assigns, the following described land owned by GRANTOR, or in which GRANTOR claims any interest.

A parcel of land located in Kane County, State of Utah, which is in the _____, being further described as follows:

Containing _____ acres, more or less.

Whereas, the Grantor and Grantee are dividing _____ into two parcels under Utah Code Section 17-27a-605 (2006) for the intent of agricultural purpose(s) and use(s). The Grantee affirms that by the recordation of this document that this Quit Claim Deed does not create an entitlement to obtain a building permit. The Grantee also affirms that he/she will comply with all current State and Kane County land use and housing statutes and ordinances that are in place at the time that the Grantee, his successors and assigns, apply for a building permit, seek to further develop and/or discontinue the agriculture use(s).

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

STATE OF UTAH, IN WITNESS WHEREOF, the GRANTOR(S) have executed this instrument this _____ day of _____, 20 ____ .

STATE OF UTAH
COUNTY OF KANE

On the _____ day of _____, 20 __ , _____ of _____ of the above instrument personally appeared before me and acknowledged to me that he/she executed the same.

Notary Public _____
My Commission Expires: _____