



# Land Use Authority

180 West 300 North  
Kanab, Utah 84741  
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## **PROCEDURES FOR APPROVAL OF A RURAL UNIMPROVED SUBDIVISION**

The following is the procedure to obtain approval for a Rural Unimproved Subdivision under Kane County Land Use Ordinance 9-21K.

1. Obtain a Record of Survey Map completed by a licensed surveyor that complies with Kane County Land Use Ordinance 9-21K-2 (1)
2. If the proposed subdivision has a water and/or sewer system, or has plans for a water and/or sewer system, obtain a letter of approval from the Culinary Water Authority and/or Sanitary Sewer Authority
3. Sign and notarize the "Agreement of Understanding" (attached below)
4. Obtain a letter from the County Assessor stating whether the proposed subdivision qualifies as Land in Agricultural Use (FAA)
5. If the proposed subdivision qualifies as Land In Agricultural Use (FAA) sign and notarize the "FAA Non-Compliance Notice" (attached below)
6. Submit an application (attached below) and pay a fee of \$500.00 to the Land Use Administrator with the following documentation:
  - a. Record of Survey Map
  - b. Letter of Approval from the Culinary Water Authority (if applicable)
  - c. Letter of Approval from the Sanitary Sewer Authority (if applicable)
  - d. Signed "Agreement of Understanding"
  - e. Letter from County Assessor regarding FAA status
  - f. Signed "FAA Non-Compliance Notice" (if applicable)
7. The Land Use Administrator will conduct a review of the application and submit the Record of Survey Map to the County Engineer for review. You will be notified of any problems with the application.
8. Submit application no later than 21 days prior to the monthly Planning Commission meeting. After the application has been approved by the Land Use Administrator and the County Engineer it will be scheduled on the next regular meeting of the County Land Use Authority for final review and approval. It is highly recommended that the applicant or their authorized agent be present at the Land Use Authority meeting. Telephonic appearance is acceptable if prior arrangements are made.
9. Once approved the Land Use Authority will issue a letter of written approval which will authorize you to record the record of survey map in the County Recorder's Office.
10. Has a name for each newly created access road or easement distinct from other road or easement names located in Kane County for address purposes, designated on the record of survey.

Fee: \_\_\_\_\_

Paid: \_\_\_\_\_

**APPLICATION FOR RURAL UNIMPROVED SUBDIVISION**

Owner/Applicant \_\_\_\_\_ Phone: \_\_\_\_\_  
Address \_\_\_\_\_ Fax: \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
E-Mail \_\_\_\_\_

Registered Engineer or Surveyor: \_\_\_\_\_  
Address \_\_\_\_\_ Fax \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Email \_\_\_\_\_

Name of Subdivision: \_\_\_\_\_  
Location and Legal Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of Lots \_\_\_\_\_ Minimum Lot Size \_\_\_\_\_

**Attached Documents:**

Record of Survey Map: Y N Agreement of Understanding: Y N  
Culinary Water Authority Approval: Y N N/A\* Sanitary Sewer Authority Approval: Y N N/A\*  
Land In Agricultural Use (FAA) Status Letter: Y N FAA Non-Compliance Notice: Y N N/A+

(\*Must show documentation that no system exists or is planned)  
(+Not required for if land is not Land In Agricultural Use, FAA)

Additional Comments: \_\_\_\_\_  
\_\_\_\_\_

I HEREBY CERTIFY THE ABOVE INFORMATION TO BE TRUE AND ACCURATE

Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

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**Land Use Administrator Use Only:**

Existing Zone \_\_\_\_\_ Zone Change Required: Y N  
General Plan Compliance: Y N Previously Divided under Article K: Y N  
Land Use Ordinance Compliance: Y N

**Engineer Review:**

Record of Survey Map: Approved Denied Easements: Approved Denied

Planning Commission Action: Approved Denied

Planning Commission Chairman \_\_\_\_\_ Date : \_\_\_\_\_



FAA NON-COMPLIANCE NOTICE

STATE OF UTAH )  
 :ss  
COUNTY OF KANE )

I, \_\_\_\_\_, the applicant of a rural unimproved subdivision named \_\_\_\_\_, hereby state and affirm that this proposed subdivision currently qualifies for land in agricultural use under Utah State Code 59-2-502 (FAA) and is only used for agricultural purposes as defined by the above mentioned statute. I further state and affirm that the proposed subdivision is not used and will not be used for any non-agricultural purpose as defined by the above mentioned statute. I agree and take notice that under Kane County Land Use Ordinance 9-21K-2(4), after my application for subdivision is approved, if the land is later used for a non-agricultural purpose, as defined under Utah State Code 59-2-502, the county may, in its own discretion, require the subdivision to comply with Articles A-J of Chapter 21 of the Kane County Land Use Ordinance.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

SUBSCRIBED AND SWORN TO before me on \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

**Kane County Assessor**  
**180 West 300 North, Kanab, UT 84741**  
**(435)644-4926**

Date: \_\_\_\_\_

Land Use Authority  
180 West 300 North  
Kanab, UT 84741

Re: Parcel(s) \_\_\_\_\_

On the date of this letter, I, Linda M. Little, Kane County Assessor, certify that the above referenced parcels:

\_\_\_\_\_ Qualify and are taxes in accordance with the Farmland Assessment Act (FAA).

Pursuant to Utah Tax Code 59-2-50(8) land will require a new application when:

1. The land has a change in ownership
2. The legal description of the land changes

\_\_\_\_\_ Did not qualify and are not taxed in accordance with the Farmland Assessment Act (FAA)

Please contact the Kane County Assessor if you have any questions regarding this matter.

Sincerely,

Linda M. Little  
Kane County Assessor

## **ARTICLE K:     **RURAL UNIMPROVED SUBDIVISIONS****

### **SECTION:**

- 9-21K-1:    Intent
- 9-21K-2:    Exemption from Plat Requirements
- 9-21K-3:    Letter of Written Approval

#### 9-21K-1:    Intent-

Kane County desires to create a simplified, less restrictive process for the dividing of land located within the unincorporated areas of Kane County. This simplified process does not require all of the same improvements and regulations that are required under this chapter when applying for the division of land and approval of a subdivision plat. Under Utah State Code and Kane County Ordinance almost any division of land is defined as a subdivision even though the common and ordinary use of the word subdivision refers to denser residential areas that include roads, utilities, and other improvements. The intent of this article is to allow property owners to complete simple parcel divisions with less expense than the formal platting process, when they do not intend on developing the property. When the intent of an applicant who wished to divide property is to develop the property into a subdivision as the term is normally used, this article should not be used.

#### 9-21K-2:    Exemption from Plat Requirements

Notwithstanding articles A-J the Land Use Authority may approve an application for the subdivision of land, if the following requirements are met:

- 1) The proposed subdivision:
  - a. has a name that is distinct from all other recorded subdivisions in the county recorder's office;
  - b. is for 10 lots or less, each lot being at least 10 acres as a conforming aliquot parts parcel or less than 10 acres, but not less than 9 acres if necessary to compensate for the curvature of the earth or the convergence of township lines as recognized in the Public Land Survey System, or because of previous survey errors;

- c. is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;
  - d. has been approved by the culinary water authority and the sanitary sewer authority, if a culinary water system or sewer system is included in the plans of the subdivision. (note: under Kane County Ordinance and Utah State Code a building permit will not be issued for lots that do not first contain an approved culinary water and sewer system)
  - e. is located in a zoned area;
  - f. conforms to all applicable land use ordinances or has properly received a variance from requirements of an otherwise conflicting and applicable land use ordinance; and
  - g. is graphically illustrated on a record of survey map completed by a licensed surveyor who certifies that he or she is a licensed surveyor and has verified all measurements and placed monuments as represented on the map. The record of survey map must be signed by the applicant and the surveyor.
  - h. provides each newly created lot with 1) a vesting of the utility and access easements and other rights of access that the parent parcel holds at the time of the subdivision application; 2) a 28 foot wide recorded access and utility easement across the parent parcel that is necessary to connect the new parcel to any public right-of-way to which the parent parcel has access; and 3) a recorded utility easement across the parent parcel necessary to allow each newly created lot access to the same utilities currently available to the parent parcel or planned, at the time of the proposed subdivision, to be available to the parent parcel in the future.
- 2) The applicant submits an agreement of understanding with the Kane County Commission that in unincorporated areas of the County, dedicated roads will not be accepted, paved or maintained by the County, until the subdivision complies with Articles A through J of this Chapter.
  - 3) The proposed subdivision does not include land previously divided under this article.
  - 4) If the proposed subdivision contains agricultural land that qualifies as land in agricultural use as defined by Utah State Code 59-2-502 (FAA) the applicant must also submit:

- a. a signed statement that the land is not used and will not be used for any non-agricultural purpose
- b. a signed notice that the County may require the parcel to comply with Articles A-J if it is later used for a non-agricultural purpose.

9-21K-3 Letter of Written Approval:

- 1) If an applicant meets the requirements of Section 2 the Land Use Authority after hearing the application in a public meeting will issue a letter of written approval. An approved record of survey map may not be recorded without the letter of written approval.

**ARTICLE L:     **MINOR SUBDIVISIONS****

**SECTION:**

9-21L-1: Minor Subdivision Exemption

9-21L-2: Utah State Code 17-27a-(4)

9-21L-1: Kane County adopts Utah State Code 17-27a-605, Subsection 4. A subdivision of land that qualifies as a minor subdivision under Section 4 does not have to meet the requirements of Articles A-J. An applicant that desires to create a minor subdivision lot must file application with the Kane County Land Use Authority certifying that the requirements of Subsection 4 have been completed. If the applicant meets all the requirements of Subsection 4, the Land Use Authority will approve the subdivision after a public meeting.

9-21L-2: Utah State Code 17-27a-605 Subsection 4

For convenience Utah State Code 17-27a-605 subsection (4) is repeated herein, in its entirety.

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

(i) “Divided land” means land that:

(A) is described as the land to be divided in a notice under Subsection (4)

(b)(ii); and

(B) has been divided by a minor subdivision.

(ii) “Land to be divided” means land that is proposed to be divided by a minor subdivision.

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

(iv) “Minor subdivision” lot means a lot created by a minor subdivision.

(b) Notwithstanding Sections 17-27a-603 and 17-27a604, an owner of at least 100 contiguous acres of agricultural land may make a minor subdivision by

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

- (i) a recordable deed containing the legal description of the minor subdivision lot; and
- (ii) a notice:
  - (A) Indicating that the owner of the land to be divided is making a minor subdivision;
  - (B) Referring specifically to this section as the authority for making the minor subdivision; and
  - (C) Containing the legal description of:
    - (I) The land to be divided; and
    - (II) The minor subdivision lot.

(c) A minor subdivision lot:

- (i) may not be less than once acre in size;
- (ii) may not be within 1,000 feet of another minor subdivision lot; and
- (iii) is not subject to the subdivision ordinance of the county in which the minor subdivision lot is located;

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

(e) A County:

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