



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 pr or 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 28 feet)
10. County or State road access approval
11. Wildland Urban Interface(WUI) access road to be completed prior to issuance of building permit

Enrolled Copy

1

SUBDIVISION APPROVAL AMENDMENTS

2

2009 FIRST SPECIAL SESSION

3

STATE OF UTAH

4

Chief Sponsor: R. Curt Webb

5

Senate Sponsor: Stephen H. Urquhart

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7 LONG TITLE

8 General Description:

9 This bill modifies county land use provisions relating to subdivisions.

10 Highlighted Provisions:

11 II This bill:

12 ~ authorizes an owner of at least 100 contiguous acres of agricultural land within a
13 county of the third, fourth, fifth, or sixth class to divide from the land a single lot
14 without complying with subdivision plat requirements or county subdivision
15 ordinances; and

16 ~ prohibits a county of the third, fourth, fifth, or sixth class from denying a building
17 permit to an owner of a minor subdivision lot if the lot meets the county's
18 reasonable health, safety, and access standards that the county has established and
19 made public.

20 Monies Appropriated in this Bill:

21 None

22 Other Special Clauses:

23 This bill takes effect on October 1,2009.

24 Utah Code Sections Affected:

25 AMENDS:

26 17-27a-605, as last amended by Laws of Utah 2006, Chapter 240

27

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

29 Section I. Section 17-27a-605 is amended to read:

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 o
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 approval, 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

57 certificate of written approval required by Subsection (1) is attached to the document.

58 (b) The absence of the certificate or written approval required by Subsection (I) 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 10 ated:

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 subdiv
sion;

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 n:

93 (A) the lot's status as a minor subdivision lot; or

94 (B) the absence of standards described in Subsection (4)(e)(ji); 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

