

**AN ORDINANCE AMENDING SECTION 2-2-B-136-c, SECTION 3-53-B-1,
AND SECTION 3-6 OF THE OFFICIAL UTAH COUNTY ZONING ORDINANCE
OF UTAH COUNTY DEALING WITH DEFINITION OF "SUBDIVISION,"
THE DIVISION OF AGRICULTURAL LAND FOR AGRICULTURAL
PURPOSES, AND ADJACENT LANDS IN THE SAME OWNERSHIP**

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF UTAH ORDAINS AS
FOLLOWS:

PART I:

Utah County Zoning Ordinance Section 2-2-B-136-c, Section 3-53-B-1, and Section 3-6 are amended to read as follows:

Section 2-2-B-136-c Subdivision

Subdivision does not include:

- i. A bona fide division or partition of agricultural land for agricultural purposes pursuant to the exception contained in Section 17-27-806(2) Utah Code Annotated, 1953 as amended, or its successor statute, and Section 3-53-B-1, UCZO, related to the division of land for agricultural purposes; or
- ii. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - (A) no new lot is created;
 - (B) no lot which would qualify as a dwelling site is created from a lot (or group of lots) previously not eligible to have a dwelling; and
 - (C) the adjustment does not result in a violation of applicable zoning ordinances; or
 - (D) A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.

Section 3-53-B-1 Exception 1: agricultural land divided for agricultural purposes

- a. If a land owner or agent of any owner of real property seeks to partition a parcel of land without recording a plat, by virtue of the exemption in zoning

section 2-2-B-136-c of the Utah County Zoning Ordinance and section 17-27-806(2) Utah Code Annotated 1953 or its successor statute, related to the division of agricultural land for agricultural purposes, such person shall first obtain a waiver on forms furnished and signed by the Zoning Administrator prior to recording the deeds or other instruments of transfer which divide the land. Such deeds or other instruments of transfer shall contain a perimeter legal description of the whole parcel, prior to the division, together with a separate metes and bounds description for each parcel to be created, and shall, before they are recorded, have the signature of approval by the zoning administrator and a reference to the waiver document. The resulting parcels shall not be modified, reconfigured, or further divided unless prior approval is obtained from the Zoning Administrator, following the procedure as outlined herein for original approval of the division of land for agricultural purposes.

- b. The Zoning Administrator shall approve the waiver only if he or she finds all of the following:
 - i. the original parcel of land, prior to any division, qualifies, and each of the resulting parcels of land,, after the division, will qualify, as "land in agricultural use" under Title 59, Chapter 2, Part 5, Farmland Assessment Act, Utah Code Annotated, 1953, as amended, or its successor statute;
 - ii. the current land uses present on the property are approved uses in the subject zoning district and each of the parcels resulting from the division will meet the minimum lot width and area requirements of such district for the division of agricultural land for agricultural purposes;

[The following table has been inserted for illustrative purposes. See each ordinance section, as listed below, for additional information

<u>Zone</u>	<u>Min. Lot Area</u>	<u>Ordinance Section</u>
RA-5	5 acres	5-2-D-4
RR-5	5 acres	5-3-D-4
TR-5	5 acres	5-4-D-4
CE-1	50 acres	5-5-D-3
CE-2	20 acres	5-6-D-4
M&G-1	50 acres	5-7-D-4
I-1	5 acres	5-10-D-3
A-40	40 acres	5-13-D-2

NC-1 Agricultural uses and divisions of land for
 HS-1 agricultural purposes are not permitted in these
 zones]

- iii. the owners have recorded a restrictive covenant, in the form approved by the Zoning Administrator, which contains a separate metes and bounds description for the whole parcel, prior to division, and for each parcel to be created, which precludes any modification or further subdivision of the resulting parcels, and which precludes any present or future residential or other non-agricultural use of the parcels resulting from the division, until the recording of a properly approved subdivision plat, and have provided a title report which establishes that the restrictive covenant has priority over any trust deed, mortgage, or other interest which may encumber the property; and
 - iv. the applicants have satisfactorily completed a standard waiver application.
- c. For a parcel with mixed use, where a portion of the parcel to be divided is residential land (or a land use other than for agriculture as such is delineated in Title 15, Chapter 2, Part 5 Utah Code Annotated) and the balance is agricultural land, the agricultural portion may be divided off from the other land only if the Zoning Administrator finds all of the following:
- i. no additional parcels of land for residential or non-agricultural use are created (e.g. if the zoning ordinance allows one site for residential use on the parcel before it is divided, no more than one such site may exist after the land is divided; or if no residential site exists before the division, none may exist after the waiver is issued);
 - ii. all residential parcels and other parcels resulting from the waiver and division must meet the current minimum area, width, public street frontage, set back and other standards of the zone;
 - iii. the agricultural parcels resulting from the division shall be covered by a recorded restrictive covenant, in the form approved by the Zoning Administrator, which contains a separate metes and bounds description for the whole parcel, prior to division, and for each parcel to be created, which

precludes any modification or further subdivision of the resulting parcels, and which precludes any present or future residential or other non-agricultural uses of the parcels resulting from the division, until the recording of a properly approved subdivision plat, and the applicants have provided a title report which establishes that the restrictive covenant has priority over any trust deed, mortgage, or other interest which may encumber the property; and

- iv. the applicants have satisfactorily completed a standard waiver application.
- d. No lot or parcel which has been issued a waiver and divided according to this part shall be used for residential or other non-agricultural purposes until a subdivision plat which includes the parcel has been approved and recorded with the county recorder.
- e. The "record of survey map" mentioned in section 17-27-806 Utah Code Annotated 1953, as amended, shall not be required in Utah County because the provisions of this section require the approval of a waiver application by the Zoning Administrator and the recording with the County Recorder of restrictive covenants which preclude residential or other non-agricultural use of the land to be divided, such being deemed by the Legislative Body to be an equivalent procedure authorized under the State Code.

Section 3-6 Adjacent Lots in the Same Ownership

Where two or more adjacent parcels of land are owned by the same person or entity, the land included in the parcels may be considered to be one lot for the purpose of meeting the requirements of this ordinance for a building lot, provided the owner(s) records a Declaration of Zoning Lot with the County Recorder which describes the subject parcels and which covenants that none of the territory described therein will be alienated from the appurtenant building nor used to qualify for some other building or use unless such is permitted by a change in the zoning ordinance, and have provided a title report which establishes that the Declaration of Zoning Lot has priority over any trust deed, mortgage, or other interest which may encumber the property. "Adjacent" shall mean touching along a common side.

PART II:

Insert pages reflecting the above amendments, including a title page which bears the amendment date of this ordinance, are hereby ordered to be filed in the three copies of the Utah County Zoning Ordinance which are on file with the Utah County Clerk-Auditor.

PART III:

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdictions, such shall not affect or invalidate the remaining portion contained herein.

PART IV:

This ordinance shall take effect: 1) sixteen (16) days after it is passed, or 2) after it has been published, whichever date is later.

PASSED and order published this 22nd day of July, 2003.

UTAH COUNTY COMMISSION

VOTE

Gary R. Herbert
Gary R. Herbert, Chairman

Aye

Steve White
Steve White, Commissioner

Aye

Jerry D. Grover
Jerry D. Grover, Commissioner

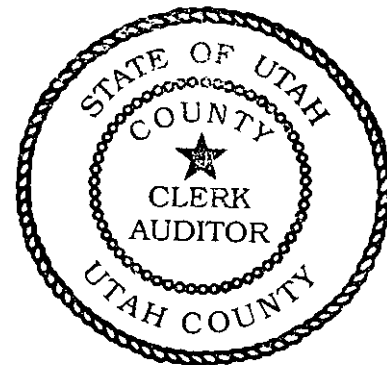
Aye

ATTEST:
KIM T. JACKSON
Utah County Clerk/Auditor

By: Linda Spuekland
Deputy Clerk/Auditor

APPROVED AS TO FORM:
C. KAY BRYSON
Utah County Attorney

By: E. Kent Swartz
Deputy County Attorney



Date of Publication: once only, as soon as possible.

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PROOF OF PUBLICATION

from

The Daily Herald

STATE OF UTAH } SS.
Utah County }

I, Kelly Blair, being first duly sworn depose and say that I am the Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, published seven times each week at Provo, Utah, County of Utah; that the notice attached hereto, #047160-#2003-26-NOTICE ORDINA, and which is a copy, was published in said newspaper the first publication having been made on the 5th day of August, 2003, and the last on the 5th day of August, 2003; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.

NOTICE
ORDINANCE NO. 2003-26, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH ON JULY 22, 2003, AMENDING SECTION 2-2-B-136-C, SECTION 3-53-B-1, AND SECTION 3-6 OF THE OFFICIAL UTAH COUNTY ZONING ORDINANCE OF UTAH, COUNTY DEALING WITH DEFINITION OF "SUB-DIVISION," THE DIVISION OF AGRICULTURAL LAND FOR AGRICULTURAL PURPOSES, AND ADJACENT LANDS IN THE SAME OWNERSHIP.

A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE. COMMISSIONER GARY R. HERBERT, COMMISSIONER STEVE WHITE, AND COMMISSIONER JERRY D. GROVER VOTED IN FAVOR OF THE ORDINANCE.
Legal Notice 047160 Published in The Daily Herald August 5, 2003

Kelly Blair
Subscribed and sworn before me
this 5th day of August, 2003.

Lisa Danette Stone
Notary Public

Residence: Eagle Mountain, UT
My commission expires February, 2005

