

# Box Elder County Land Use Management & Development Code

## Article 6: Subdivisions

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### Chapter 6-3 – Agricultural Subdivisions

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#### **6-3-010. Purpose.**

The purpose of this Chapter, and any rules, regulations, standards and specifications hereafter adopted pursuant hereto or in conjunction herewith are:

- A. To promote and protect the public health, safety and general welfare.
- B. To align the Box Elder County Land Use Management and Development Code with Utah Code and streamline the Agricultural Subdivision process for both landowners and the County.

#### **6-3-020. Interpretation.**

The interpretation of this Chapter shall be consistent with the provisions of Section 17-27a-103(73)(C)(i)&(vi) and Section 17-27a-605 of the Utah Code, and as said provisions may be subsequently amended or revised by the State of Utah. Accordingly, any conflicts between this Chapter and 17-27a-103(73)(C)(i)&(vi) and Section 17-27a-605 of the Utah Code, and as said provisions may be subsequently amended, shall be resolved in accordance with Section 17-27a-605 of the Utah Code.

#### **6-3-030. Definitions.**

Certain words and phrases in this Chapter are defined in Chapter 1-3 of this Code.

#### **6-3-040. Authority.**

For purposes of this Chapter, the person(s) acting as the Land Use Authority is the Zoning Administrator as defined in Chapter 1-3 of this Code.

#### **6-3-050. Plat Not Required.**

1. In accordance with State Code, Section 17-27a-103(73)(C)(i), a property owner may divide land if it is a bona fide division or partition of agricultural land for agricultural purposes. The deed must state in writing that the division or partition of land is for agricultural purposes.

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2. If a parcel created under Subsection 6-3-050 is used for a nonagricultural purpose, the county shall require the parcel to comply with the requirements of Section 17-27a-603 of the Utah Code and Chapter 6-1 of this Code.

### **6-3-060. Agricultural Subdivision with a Single Family Dwelling.**

Notwithstanding Chapter 6-1 of this Code, as well as Sections 17-27a-603 and 17-27a-604 of Utah Code and subject to 17-27a-605(1) of Utah Code, a plat is not required to subdivide an unincorporated parcel of land if:

- A. The parcel contains an existing legal single family dwelling unit;
- B. The subdivision results in two parcels, one of which is agricultural land;
- C. The parcel of agricultural land:
  - a. Qualifies as land in agricultural use; and
  - b. Is not used, and will not be used, for a nonagricultural purpose;
- D. Both the parcel with an existing legal single family dwelling unit and the parcel of agricultural land meet the minimum area, width, frontage, and setback requirements of the applicable zoning designation in the applicable land use ordinance; and
- E. The owner of record completes, signs, and records with the county recorder a notice:
  - a. Describing the parcel of agricultural land by legal description; and
  - b. Stating that the parcel of agricultural land is created as land in agricultural use and will remain as land in agricultural use until a future zoning change permits another use.
- F. Following the review and approval of a complete application, the Zoning Administrator shall provide a certificate in writing that:
  - a. The county has provided notice as required by ordinance; and
  - b. The proposed agricultural subdivision:
    - i. Is not traversed by the mapped lines of a proposed street as shown in the general plan unless the county has approved the location and dedication of any public street, county utility easement, any other easement, or any other land for public purposes as the county's ordinance requires;
    - ii. Has been approved by the culinary water authority and the sanitary sewer authority;
    - iii. Is located in a zoned area; and
    - iv. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.
- G. The certificate of written approval outlined in Subsection 6-3-060(F) must be attached to the document recorded in the County Recorder's office that divides the property by a metes and bounds description in order to be considered a legal agricultural subdivision as allowed in this Chapter.

If a parcel of agricultural land divided from another parcel under Subsection 6-3-060 is later used for a nonagricultural purpose, the plat exemption provided in Subsection 6-3-060 no longer applies, and the county shall require the owner of the parcel to:

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- A. Retroactively comply with the subdivision plat requirements of Section 17-27a-603 of Utah Code and Chapter 6-1 of this Code; and
- B. Comply with all applicable land use ordinance requirements.

### **6-3-070. Additional Requirements.**

#### Minimum Acreage

- A. A parcel must be a minimum of ten (10) acres in size to qualify as an agricultural parcel.

#### Access Required

- A. Proof of access to each agricultural parcel created under this Chapter must be provided to the Zoning Administrator prior to the issuance of a certificate of approval. Access must be a minimum of 30 feet in width, in accordance with a private road section in the Box Elder County public works standards. Proof of access can be an existing or newly created easement. Access is not required to be improved.

### **Section 1-3-040. Definitions:**

#### **Land in agricultural use:**

- A. land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:
  - 1. forages and sod crops;
  - 2. grains and feed crops;
  - 3. livestock defined as:
    - a. a domestic animal;
    - b. a fish;
    - c. a fur-bearing animal;
    - d. a honeybee; or
    - e. poultry;
  - 4. trees and fruits; or
  - 5. vegetables, nursery, floral, and ornamental stock; or
- B. land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.