

ORDINANCE 2010-20

AN ORDINANCE AMENDING CHAPTER 3, MINOR SUBDIVISIONS, OF TITLE 13, SUBDIVISIONS, OF THE TOOELE COUNTY CODE, TO ENSURE CONSISTENCY WITH AMENDMENTS MADE TO STATE SUBDIVISION LAWS – [RESULTS OF THIS CHANGE: (1) OWNERS OF AT LEAST 100 CONTIGUOUS ACRES OF AGRICULTURAL LAND MAY DIVIDE FROM THE LAND A SINGLE LOT WITHOUT COMPLYING WITH SUBDIVISION PLAT REQUIREMENTS OR COUNTY SUBDIVISION ORDINANCES; (2) THE COUNTY CANNOT DENY A BUILDING PERMIT TO AN OWNER OF A MINOR SUBDIVISION LOT IF THE LOT MEETS THE COUNTY'S REASONABLE HEALTH, SAFETY, AND ACCESS STANDARD; (3) OWNERS OF AT LEAST 100 CONTIGUOUS ACRES OF AGRICULTURAL LAND MAY MAKE A MINOR SUBDIVISION BY SUBMITTING FOR RECORDING IN THE COUNTY RECORDER'S OFFICE]

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I - PURPOSE. In the May 20, 2009 special session of the Utah Legislature, House Bill 1001 was passed, and made effective October 1, 2009, amending state subdivision laws to allow parcels to be created from parent parcels at least one hundred acres in size without compliance with local subdivision laws. In the 2009 general session of the Utah Legislature, Senate Bill 209 was passed, amending state subdivision laws pertaining to the vacating, altering, or amending of a subdivision plat or a public street, right of way, or easement. Tooele County desires to amend its subdivision ordinance to be consistent with the provisions of Senate Bill 209 and House Bill 1001. The Erda, Pine Canyon, and Tooele County Planning Commissions advertised and held public hearings on the proposed amendments and recommend passage of this ordinance (compliant with Utah Code 17-27A-602). The Tooele County Commission has advertised and conducted a public meeting on the proposed amendments and agrees with the Planning Commissions' recommendation.

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SECTION II - CHAPTER AMENDED. Chapter 3, Minor Subdivisions, of Title 13, Subdivisions, of the Tooele County Code is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION III - REPEALER. Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION IV - EFFECTIVE DATE. This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date if more than 15 days after passage.

IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 19th day of October 2010.

ATTEST:

TOOELE COUNTY COMMISSION:

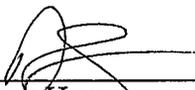

MARILYN K. GILLETTE, Clerk


COLLEEN S. JOHNSON, Chairman



Commissioner Johnson voted aye
Commissioner Clegg voted aye
Commissioner Hurst voted absent

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

CHAPTER 3

MINOR SUBDIVISIONS

Section

13-3-1. Definition.

13-3-2. Approval process (if not a minor subdivision created under Subsection 13-3-1(2) or Utah Code 17-27a-605).

13-3-3. Approval process for minor subdivision created under Subsection 13-3-1(2) or Utah Code 17-27a-605.

13-3-1. Definition.

- (1) A minor subdivision is a division of land into no more than four lots, or
- (2) Is a division of land compliant to Utah Code 17-27a-605 as follows:
 - (a) The parent parcel shall be at least 100 contiguous acres of agricultural land.
 - (b) One new lot, of at least one acre in size, may be created.
 - (c) It may not be within 1,000 feet of another minor subdivision created through this subsection.
- (3) A minor subdivision shall not:
 - (a) include the construction and dedication of new infrastructure;
 - (b) be a part or a phase of a larger subdivision;
 - (c) be a further division of land within three years from subdivision approval (if not a minor subdivision under Utah Code 17-27a-605); and
 - (d) include commercial or industrial uses.
- (4) All lots shall front on a county road or an approved private road (if not a minor subdivision under Utah Code 17-27a-605).
- (5) Land may be dedicated along existing county roads to increase the right-of-way to current county standards.
- (6) A minor subdivision shall be filed on a plat drawn and stamped by a licensed surveyor and shall not be created by deed alone (if not a minor subdivision under Utah Code 17-27a-605).
- (7) Public utility easements shall be granted in a minor subdivision (if not a minor subdivision under Utah Code 17-27a-605).

13-3-2. Approval process (if not a minor subdivision created under Subsection 13-3-1(2) or Utah Code 17-27a-605).

- (1) The application for a minor subdivision shall be submitted to the department of engineering. When the staff determines that the application is complete and correct, and all signatures are on the plat, notice to all surrounding landowners giving them 14 days to give written comment, prints of the plat sent to those entities listed in (2)(c) giving them 20 days to submit comments to the engineering department, and a decision on the application shall be made within seven days after the comments are to be received, by the zoning administrator. The zoning administrator shall take written public comment and review the application. If the Mylar needs to be corrected, the zoning administrator shall postpone a decision until the plat is corrected. The zoning administrator shall then approve or deny the application.
- (2) A minor subdivision application shall include:
 - (a) the application form;
 - (b) one 24" X 36" final plat on Mylar drawn by a surveyor licensed in the state of Utah;
 - (c) seven 24" X 36" prints of the plat, for distribution to:
 - (i) department of engineering, one copy;
 - (ii) the county health department;
 - (iii) Tooele County School District;
 - (iv) the soil conservation district within which the subdivision is located;
 - (v) the county recorder
 - (vi) the county surveyor; and
 - (vii) the county fire warden.
 - (d) an additional 8½" X 11" copy of the plat in each of the following circumstances:
 - (i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;

- (ii) when the subdivision is located wholly or partially within the boundary of an improvement or special district or area;
 - (iii) when applicable for review by any State or Federal agency;
 - (iv) for each servicing utility;
 - (v) for the Utah State Department of Transportation if the property being subdivided abuts a state highway; and
 - (vi) when the subdivision is located wholly or partially within the boundary of a township planning commission district.
- (e) proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months;
 - (f) utility approval forms;
 - (g) evidence of water rights for all lots;
 - (h) a letter showing a completed Tooele County Health Department Subdivision Feasibility Study deeming the project feasible;
 - (i) names and addresses of the owners of all properties adjoining the proposed subdivision;
 - (j) a plat map from the county recorder's office showing the property and all adjoining properties around it;
 - (k) approval of the subdivision name, limited to 40 characters including spaces, from the county recorder's office;
 - (l) geologic technical maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space;
 - (m) if the applicant is not the owner of record, a notarized statement that the applicant has been authorized by the owner to make application;
 - (n) a letter from the local fire district, or the sheriff if not located within a fire district, acknowledging fire protection can and will be provided to the subdivision;
 - (o) the plat submitted on a computer disk in a format compatible with AutoCAD version 11 or later; and
 - (p) any unpaid fees owed to Tooele County for development of land, code enforcement, or building permits.
- (3) All signature blocks except for the zoning administrator's block shall be signed by each approving authority before the plat is taken to the public hearing.
- (4) Should the zoning administrator's decision be to approve the plat, the zoning administrator then shall sign the plat. The plat shall be recorded within 30 days or it shall be void. (RefUCA §17-27a-103, 17-27a-207, 17-27a-603, 17-27a-604)

13-3-3. Approval process for minor subdivision created under Subsection 13-3-1(2) or Utah Code 17-27a-605).

- (1) Record in the Tooele County Recorder's Office:
 - (a) a recordable deed containing the legal description of the minor subdivision lot;
 - (b) a notice
 - (i) indicating that the owner of the land to be divided is making a minor subdivision;
 - (ii) that the minor subdivision is being made through the authority of Utah Code 17-27a-605;
 - (iii) containing the legal description of:
 - (A) the land to be divided (at least 100 acres)
 - (B) the minor subdivision lot (at least 1 acre)
 - (c) Record of Survey (ROS) recorded in the County Surveyor's Office.
- (2) A building permit for a minor subdivision of 100 contiguous acres will be approved by the Tooele County Zoning Administrator with the following:
 - (a) Signed statement from the Tooele County Recorder's Office that minor subdivision has been recorded as specified above.
 - (b) Verification of qualifications for a minor subdivision under Utah Code 17-27a-605.
 - (i) 100 contiguous acres of agricultural land
 - (ii) May not be within 1,000 feet of another minor subdivision created under Subsection 13-3-1(2) or Utah Code 17-27a-605).
 - (iii) Lot created must be at least one (1) acre in size.
 - (c) Written approval of water and wastewater by the Tooele County Health Department.

- (d) Conformance to the minimum yard setback requirements of the RR-1 zone under the Tooele County Land Use Ordinance 15-3-2.
- (e) Conformance with:
 - (i) Agricultural and residential uses (Table 15-5-3.1 and Table 15-5-3.3 (all other uses are prohibited).
 - (ii) Off-Street Parking Requirements and Access Requirements of Chapter 6 of the Tooele County Land Use Ordinance
 - (iii) The Tooele Valley Road Plan in the Tooele County General Plan
 - (iv) Title 15, Roads, in the Tooele County Code (TCC)
 - (v) Title 6, Public Safety, Chapter 20, Wildfire Protection Standards (TCC)
- (f) A site plan in conformance to Sections 12-4 and 12-5 of the Tooele County Land Use Ordinance.
- (g) Legal access.

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 - (d) include commercial or industrial uses.
- (24) All lots shall front on a county road or an approved private road (if not a minor subdivision under Utah Code 17-27a-605).
- (35) Land may be dedicated along existing county roads to increase the right-of-way to current county standards.
- (46) A minor subdivision shall be filed on a plat drawn and stamped by a licensed surveyor and shall not be created by deed alone (if not a minor subdivision under Utah Code 17-27a-605).
- (57) Public utility easements shall be ~~dedicated~~ granted in a minor subdivision (if not a minor subdivision under Utah Code 17-27a-605). (Ord. 2005-21, 9/6/05; Ord. 2010-20, 10/19/10)

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