

Box Elder County Land Use Management & Development Code

Article 6: Minor Subdivisions Exemption

Chapter 6-2-HB 1001 Exemption

Box Elder County Zoning Ordinance 321 as adopted October 7, 2009

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6-2-010. 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 bring the Box Elder County Land Use Management and Development Code into compliance with the recent legislation relating to “minor subdivisions” adopted by the State of Utah pursuant to House Bill 1001, the provisions of which, as of October 1, 2009, will be contained in Section 17-27a-605(4) of the Utah State Code.

6-2-020. Interpretation.

The interpretation of this Chapter shall be consistent with the provisions of Section 17-27a-605(4) of the Utah Code (effective as of October 1, 2009), and as said provisions may be subsequently amended or revised by the State of Utah. Accordingly, any conflicts between this Chapter and Section 17-27a-605(4) of the Utah Code (effective as of October 1, 2009), and as said provisions may be subsequently amended, shall be resolved in accordance with Section 17-27a-605(4) of the Utah Code (effective as of October 1, 2009), and as said provisions may be subsequently amended.

6-2-030. Definitions.

As used in this Chapter, the following terms shall have the following meanings:

“**Divided Land**” means land that:

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- A. Is described as the land to be divided in a notice under Section 6-2-040(A)(2) of this Chapter; and
- B. Has been divided by a minor subdivision.

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

“Minor subdivision” means a division of at least 100 contiguous acres of agricultural land located in Box Elder County 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.

“Minor subdivision lot” means a lot created by a minor subdivision.

6-2-040. Minor Subdivisions

- A. Notwithstanding the provisions of Chapter 6-1 of this Code, an owner of at least 100 contiguous acres of agricultural land located in Box Elder County may make a minor subdivision by submitting for recording in the office of the Box Elder County Recorder:
 - 1. A recordable deed containing the legal description of the minor subdivision lot; and
 - 2. 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:
 - 1) The land to be divided; and
 - 2) The minor subdivision lot
- B. A minor subdivision lot:
 - 1. May not be less than one acre in size;
 - 2. May not be within 1,000 feet of another minor subdivision lot; and
 - 3. Is not subject to the provisions of Chapter 5-1- of this Code.
- C. Land to be divided by a minor subdivision may not include divided land.

6-2-050 Issuance of a Building Permit

Prior to the issuance of a building permit for any minor subdivision lot, the following shall be provided to the County:

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- A. A site plan showing the location of the proposed building in relation to parcel boundaries, prepared by a surveyor licensed in Utah, to ensure that the building meets safety setback standards.
- B. Evidence of the physical presence, legal right to and availability of culinary water acceptable to Box Elder County or proof of an approved water right, from the Utah Division of Water Rights, for a private water well.
- C. Evidence of the actual physical presence, legal right and availability of a sewer system or septic tank for the proposed building, approved by the Bear River Health Department.
- D. Evidence of legal access to the lot that complies with the following minimum road standards:
 - 1. Road to be built a minimum of 20 feet wide of granular material with a gradable gravel surface.
 - 2. Construct a minimum 5 foot wide borrow ditch on each side of the road with a 4:1 slope.
 - 3. Property owner's engineer is to provide California Bearing Ratio (CBR) tests on the ground where the proposed roadway will be built and submit a design to determine an acceptable road section. This design will show a cross section of the proposed road with the depth of granular material and road base needed to carry a 20 ton loading.
 - 4. A plan and profile of the proposed road needs to be submitted. This drawing will show the grade of the road along with topography showing contours and location of culverts that are needed to drain water across road, in the low areas, and periodically along the road to prevent buildup of water.
 - 5. The road will need to be constructed from the nearest road that has been improved to these same standards or better, to and across the involved property.