

SUBDIVISIONS

PLATS, PARCELS, AND PLANNING



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OBJECTIVES

Purpose of Subdivisions

What is a Subdivision

What is Not a Subdivision

Plat Approval Process

Minor Subdivisions

Procedures & Hearings

Amendment & Vacation

Infrastructure Guarantees

Vested Rights

Approval Conditions

WHAT'S THE POINT?

WHY DO WE CARE ABOUT LAND DIVISION?

Purpose of Subdivision Laws

Validate Property Descriptions

Ensure Compliance With Zoning

Facilitate Development of Property

Provide for Efficient Delivery of Utilities

Help Prevent Title Disputes

WHAT IS A SUBDIVISION?

A HOUSE DIVIDED?

Subdivision

ANY Division of Property Into Two or More Parcels
for Sale, Lease, or Development

Subdivision

Division May be Created by:

Plat

Deed

Metes & Bounds

Maps

Inheritance

Approval Required

Approval from Land Use Authority Required
for Subdivision of Land

WHAT IS NOT A SUBDIVISION?

LOCATION LOCATION LOCATION



Not A Subdivision

- Division of Agricultural Land
- Boundary Adjustments
- Joinder of Parcels (Cities only)
- Division for Utility Facilities (Counties only)
- Divisions Approved by Land Use Authority

SUBDIVISION ORDINANCES

PROPERTY CANNOT BE CONCEIVED WITHOUT THE RIGHT TO
DEVELOP IT FOR USEFUL PURPOSES

Enactment of Ordinance

Ordinance May be Adopted by Local Government

Planning Commission Reviews Proposed Ordinance

Ordinance Must be Consistent With State Law

May Adopt Approval Procedures

May Designate Land Use Authority

Enactment of Ordinance

Without Ordinance, Local Government
Authority Limited to State Law Only

SUBDIVISION PLATS

GIVE ME LAND, LOTS OF LAND, UNDER STARRY SKIES ABOVE

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Subdivision Plats

Plat Requirements

Distinct Subdivision Name

Boundaries of All Parcels Being Divided

Lot Numbers

Street Names & Addresses

Area & Dimensions of Each Lot

Utility Easements & Rights of Way

Subdivision Plats

Required Approvals:

Culinary Water Authority

Sewer Authority

Approval From Other Services May Be Required
by Local Ordinance

Subdivision Plats

Required Signatures:

- EVERY Land Owner, With Acknowledgements
- Licensed Surveyor, With Statement
- Owners of Underground Utilities
- Approval of Land Use Authority
- Other Approvals Required by Ordinance

Subdivision Plats

Required Signatures:

- Plat Recorded Without Required Signatures is VOID
- Land Sales From Void Plat are Voidable

Subdivision Plats

Recording Approved Plats:

Land Owner Responsible to Record Within
Time Set by Land Use Authority

Failure to Record Makes Plat Voidable

Subdivision Plats

Approved & Recorded Plats Dedicate
Streets & Other Public Properties

MINOR SUBDIVISIONS

GIVE ME JUST A PLOT OF—NOT A LOT OF, LAND

Minor Subdivisions

10 Lots or Less

Plat Not Required

- Not Crossed by Proposed Street
- Approved by Land Use Authority
- Approved by Water & Sewer Authorities

Minor Subdivisions

Division of Agricultural Land

- Land Must be Agricultural
- Land Must REMAIN Agricultural
- Comply With Zoning

Minor Subdivisions

Transfers by Metes & Bounds

- Comply With Zoning
- Still Must be Approved
- Approval Attached to Deed Documents

PROCEDURES & HEARINGS

THERE IS NO SUCH THING AS TOO MUCH PUBLIC INPUT

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Procedures & Hearings

LUDMA Does not Require Hearings

- Public Meeting of Land Use Authority
- Public Hearing May be Necessary

Procedures & Hearings

Public Hearings

- Meet Notice Requirements
- Follow Open Meetings Act
 - Meetings Should be Recorded
 - Votes Taken in Open Meeting
 - Decisions Based on Substantial Evidence

Procedures & Hearings

Review Procedures

- May Include Preliminary & Final Approvals
- Subdivisions May be Approved in Phases

Review Must be Completed Within a Reasonable Time

AMENDMENT & VACATION

THE ONLY CONSTANT IS CHANGE



Amendment & Vacation

Any Owner May Petition

- Notify All Owners
- Notify Utilities
- Public Hearing May be Necessary

Amendment & Vacation

Amendment or Vacation Granted

- No Zoning Violation
- No Street is Vacated
- There is Good Cause

Amendment & Vacation

Transferring Portions of Adjoining Lots

- Property May Use Metes & Bounds
- Approved by Land Use Authority
- Recorded
- Conveyance By Separate Document

Amendment & Vacation

Vacating Public Streets

- Notify All Owners Using Street
- Notify Utilities
- Public Hearing
- Approved if in Public Interest

INFRASTRUCTURE GUARANTEES

GIVING YOURSELF PERMISSION TO LOSE GUARANTEES A LOSS



Infrastructure Guarantees

If Requested, Developer May Provide a Guarantee

Amount is Estimate to Complete Improvements

Developer has Option to Provide Guarantee

Infrastructure Guarantees

Objective Inspection Standards
For Improvement Completion
For Warranty Work

Improvement Warranty for One Year
10% of Improvement Cost

VESTED RIGHTS

HE WHO RESTS LESS, VESTS BEST



Vested Rights

Substantive review under ordinances in place when an application is submitted

Utah Code § 10-9a-509(1)

Vested Rights

Applicant entitled to approval if development meets the zoning requirements in place on the date that complete application is submitted

Utah Code § 10-9a-509(1)

Vested Rights

Application is “complete” when it has all information needed for review, and all fees have been paid

Vested Rights

Two Exceptions:

1. Compelling public interest
2. Pending ordinance change

CONDITIONS

IF YOU HAVE THE CONDITIONS, YOU GET THE RESULT

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Conditions

Reasonable Conditions

- Promote a Legitimate Government Interest
- Reasonable in Cost & Extent
- Cannot be Changed After Approval

Conditions

Exactions

- Impact Due to Subdivision
- Link to a Legitimate Government Interest
- Roughly Proportionate in Nature & Extent
 - Nature: Exaction Addresses Impact
 - Extent: Cost Equal to Public Expense

**YOUR
FRIENDLY
NEIGHBORHOOD
OMBUDSMAN**

THANK YOU



The Office of the Property Rights Ombudsman

Copies of the Materials for this Presentation
Are Available From the Ombudsman's Website

www.propertyrights.utah.gov

Under the "Request Training" Tab

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