

**CITY OF BLUFFDALE, UTAH**

**ORDINANCE NO. 2025-27**

**AN ORDINANCE AMENDING SECTIONS 9.10.030, 11.30.060, 11.190, AND 12.90 OF THE BLUFFDALE CITY CODE TO COMPLY WITH REQUIREMENTS ENACTED BY THE 2025 UTAH STATE LEGISLATURE THROUGH HB 368.**

**WHEREAS** the Utah State Legislature passed House Bill 368 during the 2025 General Session;

**WHEREAS** the City of Bluffdale has reviewed its ordinances and proposes amendments to multiple sections to comply with requirements enacted by House Bill 368;

**WHEREAS** a notice of public hearing for the proposed amendments was provided in accordance with the Bluffdale City Code and Utah State Code;

**WHEREAS** on October 15, 2025, the Planning Commission conducted a public hearing and forwarded a positive recommendation of the proposed amendments to the City Council.

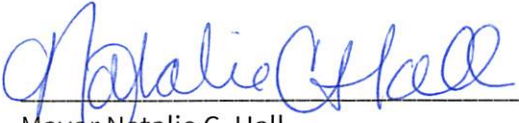
**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH AS FOLLOWS:**

**Section 1. Adoption.** Ordinance 2025-27 is hereby adopted, amending Sections 9.10.030, 11.30.060, 11.190, and 12.90 of the Bluffdale City Code as shown in Exhibit A.

**Section 2. Effective Date.** This Ordinance shall become effective immediately upon publication or posting as required by law.


PASSED AND APPROVED: November 12, 2025

**CITY OF BLUFFDALE**

  
\_\_\_\_\_  
Mayor Natalie C. Hall

**ATTEST:**

[seal]

  
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City Recorder

Voting by the City Council:	Yes	No	Absent
Councilmember Aston	_____	_____	_____
Councilmember Austin	_____	_____	_____
Councilmember Crockett	_____	_____	_____
Councilmember Lord	_____	_____	_____
Councilmember Wilding	_____	_____	_____

**8.60.050 Land Disturbance Permits**

D. Building Permit: No building shall commence pursuant to an approved building permit shall be issued until the applicant has obtained a land disturbance permit or a waiver of the same from the City where the same is required by this chapter.

**9.10.030 Permits**

1. Permit Required: Except as otherwise specifically provided in the building codes, no building, structure or building service equipment shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate and appropriate permit for each building, structure or building service equipment is first obtained from the building official as set forth in chapter 3 of the uniform administrative code.
2. Application For Permit: Application for a permit shall be made by filing an application for permit and supporting documents required by the building codes with the building official. Applicants may submit identical plans as defined in Utah Code 10-9a-103 and as amended for approval.
3. Issuance Of Permit: The application for permit and supporting documents shall be reviewed ~~by the building official and any other appropriate city department~~ to ensure compliance with pertinent laws. If the building official finds that the work described in the application for permit and supporting documents conform to the requirements of the building codes and other pertinent laws, and that the fees required herein have been paid, the building official shall issue a permit to the applicant.
4. Approved Plans: Upon issuing a permit, the building official shall endorse in writing or stamp any plans and/or specifications filed therewith as "approved". Such approved plans and/or specifications shall not be changed, modified or altered without authorization from the building official.

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**11.30.060 Notice Requirements and Public Hearings**

B.

Annexation policy plan	A. 14 calendar days prior to first public meeting	(1) Class B Notice; AND
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	<p>B. 14 calendar days prior to first public hearing</p> <p>C. Within 30 calendar days after adopting plan</p>	<p>(2) Notice mailed to all record owner(s) of property within the proposed annexation area; AND</p> <p>(3) Any additional notice required by Utah Code Part 10-2-48, as amended.</p>
Development Agreement	<p>10 calendar days before <del>first</del> meeting or hearing <del>and final action</del> on agreement, unless excepted by Utah Code §10-9a-532.</p>	<p>(1) Class B Notice, and</p> <p>(2) In the case of Agreement provisions differing from current City Code, notice shall also be provided in accordance with Adoption of Amendments of Land Use Ordinances.</p>

**11.190 ANNEXATION**

**11.190.010 Purpose And Intent; Statute Applicability**

1. The purpose of this chapter is to provide a process for extension of the City corporate limits through annexation. The process will allow the City Council, staff and citizens of the community to carefully consider the ~~affect effect~~ of any proposed annexation and provide a method to mitigate potential negative impacts.
2. It is the intent of this chapter to conduct annexation proceedings in accordance with State law and, in particular, Utah Code 10-2 Part 48, and any other applicable Federal, State or local laws governing Municipal extension. If there is any conflict between this chapter and the provisions of Utah Code, the provisions of Utah Code shall dictate. When amendments are made to Utah Code, they shall cause like amendments to this chapter. The requirements of this chapter are supplementary and in addition to those found in the Utah Code.
3. Annexations are legislative matters and applicants should be aware that the City is not required to accept any petition for annexation, regardless of location, even if the proponent of an annexation is prepared to comply with all provisions required for annexation. The proponent of an annexation is not eligible for any refund of the fees required by the City if the petition is denied. If a petition for annexation is denied by the City Council, the proponent of the annexation shall be required to submit a new

application and pay all associated fees in order to have the petition reviewed again by the Council and staff.

4. Once an applicant has completed the requirements of this chapter and has received final approval from the City Council, the staff shall prepare an annexation agreement that will describe the annexation in detail. Once the Mayor and applicant have signed the annexation agreement and annexation plat, and the agreement and plat have been recorded in the Office of the County Recorder, the annexation shall be considered complete. The annexation agreement runs in perpetuity with the area being annexed and all future owners of the land are subject to the agreement. Any violation of the agreement may result in disconnection from the City, denial of land use applications, or appropriate legal action.
5. For the purposes of this chapter, the proponent, petitioner, applicant or developer shall be defined as those persons who have signed the annexation petition in favor of annexing their real property into the City. Reference to the singular shall include plural when appropriate.

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#### **11.190.030 Application Procedure**

The proponent for annexation shall make application on a form provided by the city and pay all applicable fees prior to any review by staff, the ~~planning commission~~ [Planning Commission](#) or the ~~city council~~ [City Council](#). The application shall include, at a minimum, the following information:

1. Ownership Plat Map: An ownership plat map from Salt Lake County showing all property owners in the city within one thousand feet (1,000') of the proposed annexation and one-half (1/2) mile of the annexation in the incorporated area of the county. If the petition is accepted for further review, the applicant shall provide preaddressed stamped envelopes with the names of all property owners in the city within one thousand feet (1,000') of the proposed annexation and property owners within one-half (1/2) mile of the annexation in the unincorporated area of the county.
2. Signatures: Signatures from the owners of real property located in the area proposed for annexation that covers a majority of the private land and is equal in value to at least one-third (1/3) of the value of all private property, as shown by the latest tax assessment rolls of Salt Lake County, in the proposed annexation.
3. Map: An accurate map prepared by a licensed surveyor of the area proposed for annexation suitable for recordation in the office of the county recorder.

4. Dedications: Documentation for provisions of adequate water, public rights of way, streets, and other dedications required by this chapter or other federal, state or local laws or ordinances.
5. Agreement: An agreement to observe and obey all applicable laws, ordinances and resolutions recognized by the city.
6. Zoning Designation: The applicant shall indicate the proposed zoning designation of the area to be annexed.

#### **11.190.040 Acceptance Or Denial Of Annexation Petition**

1. Review Of Application: Once an applicant has completed the application procedure in accordance with section ~~11-19-3~~ 11.190.030 of this chapter, the application will be reviewed by the ~~planning commission~~ Planning Commission and ~~city council~~ City Council. The review of the annexation petition shall be completed in the following manner:
  1. The ~~planning commission~~ Planning Commission shall review the annexation petition to determine if the applicant has satisfied the requirements of section ~~11-19-3~~ 11.190.030 of this chapter and to ensure that all review fees have been paid. The ~~planning commission~~ Planning Commission shall also determine whether the proposed application is consistent with the general plan, and review the proposed zoning designation, and prepare and recommend an annexation policy plan consistent with the requirements listed in Utah Code 10-2-803, as amended. Following the review of the application, the ~~planning commission~~ Planning Commission will forward a recommendation to the ~~city council~~ City Council indicating items that need to be completed prior to acceptance of the petition for further review by the staff.
  2. The ~~city council~~ City Council shall review the recommendation of the ~~planning commission~~ Planning Commission, along with the application for annexation and any other relevant information, and adopt a recommended annexation policy plan as required by Utah Code 10-2-803, as amended. The ~~city council~~ City Council shall determine if the application satisfies the requirements of section ~~11-19-3~~ 11.190.030 of this chapter, and ensure that all review fees have been paid. The ~~city council~~ City Council shall also determine whether the proposed application is consistent with the city general plan. Following the review of the application, the ~~city council~~ City Council shall accept the annexation petition for further review, accept the

petition for further review based on the satisfaction of certain conditions, remand the petition back to the ~~planning commission~~ Planning Commission for further review, or deny the petition for annexation.

3. Acceptance of the annexation petition is only an action to further study the proposed annexation. The ~~city council~~ City Council is under no obligation to annex the area following a staff analysis of the proposed annexation. If the petition is accepted for further review, the applicant is eligible to satisfy the requirements of this chapter in order to complete the annexation process. At any point in the approval process, the ~~city council~~ City Council may deny the petition for annexation by notifying the applicant in writing.
2. Acceptance For Further Review: If accepted for further review, the application will be reviewed by the staff, who will generate a list of items needed to complete the review of the proposed annexation. Staff will inform the applicant of the items needed to complete the review within thirty (30) days of the ~~city council~~ City Council action to accept the petition for further review. An applicant may appeal to the ~~city council~~ City Council the need for particular information at a regular meeting of the ~~city council~~ City Council.
3. Staff Recommendation: Once the staff has received all of the information requested, the staff shall prepare a recommendation to present to the ~~city council~~ City Council within forty five (45) days. Staff shall not begin review of the annexation until all of the information requested has been received. Staff shall prepare a recommendation based on the requirements of this chapter and any other information that would mitigate negative impacts of the annexation.
4. Denial; Resubmission: Denial of a petition for annexation will have the affect of ending any further review of the proposed annexation. In order to have the land annexed into the city, the applicant will need to resubmit the proposed annexation as a new petition and satisfy each of the requirements of this chapter, including the payment of all review fees.
5. ~~No~~-Appeal Process: Annexation is a municipal legislative decision. ~~If the city council takes action to deny a petition for annexation, there will be no appeal process:~~ Appeals of annexation approval or denial shall be provided pursuant to Utah Code Title 10 Chapter 2 Part 4.

#### **11.190.050 Approval Process For Accepted Petitions**

1. Public Hearing: After the ~~city council~~ City Council has accepted an annexation petition for further review and the staff has prepared a recommendation (within 45

days of receiving all of the required information), the ~~city recorder~~ City Recorder shall schedule a public hearing before the ~~city council~~ City Council.

2. Notice Of Hearing; Hearing: The ~~city council~~ City Council shall schedule a public hearing before the ~~city council~~ City Council with at least fourteen (14) days' notice. The notice requirements of section ~~11-19-6 11.30.060~~ of this chapter shall be satisfied prior to holding the public hearing. The ~~city council~~ City Council shall review the recommendation of the staff, allow the applicant to make a presentation or respond to the staff recommendation, and shall receive public input concerning the annexation. Following the public hearing, the ~~city council~~ City Council may approve the proposed annexation, approve the proposed annexation along with the recommendation of staff, approve the proposed annexation based on the satisfaction of certain conditions, or deny the proposed annexation. The ~~city council~~ City Council will base their decision on the information contained in this chapter, ~~specifically sections 11-19-6 through 11-19-12 of this chapter~~, and the annexation agreement between the city and the applicant. (Ord. 10-24-00-1, 10-24-2000)

#### **11.190.060 Notification Requirements For Accepted Petitions**

1. Notice According To State Law: The city, at the expense of the applicant, shall provide notice, in accordance with state law, specifically Utah Code ~~§ 10-2-406 Part 10-2-8 and as amended~~, prior to the public hearing on the proposed annexation. ~~The notice shall appear in a newspaper having general circulation in the city prior to the hearing and the notice shall be posted at the city center.~~
- ~~2.—Courtesy Notices: Courtesy notices shall be mailed to property owners in the city within one thousand feet (1,000') of the proposed annexation and those owners in the unincorporated area located within one-half (1/2) mile of the area to be annexed. The applicant shall provide preaddressed stamped envelopes, complete with the names of each property owner within one thousand feet (1,000') as shown on the latest Salt Lake County tax assessment rolls.~~
3. Contents Of Notice: The notice shall contain the place, time and date of the public hearing on the proposed annexation, along with a general description of the area to be annexed. The notice shall state that public input will be accepted at the hearing and how to contact the city to obtain additional information.

#### **11.190.070 Recordation Of Annexation**

If the proposed annexation is approved by the ~~city council~~ City Council, a copy of the plat of the proposed annexation and the annexation agreement shall be recorded in the office of

the ~~Salt Lake~~ County ~~recorder~~ Recorder. All recording fees shall be the responsibility of the proponent of the annexation.

#### **11.190.080 General Annexation Guidelines**

There are several annexation guidelines that applicants should be aware of prior to submission of a petition of annexation. Some of these guidelines are dictated by state statute and others are policy of the city. In any instance, the following guidelines shall be reviewed upon submission of each annexation petition.

1. Unincorporated Island Or Peninsula: An annexation that would create, or have the affect of creating, an unincorporated island or peninsula will not be approved. An "island" shall be defined as an area of unincorporated land completely surrounded by land located in the city. A "peninsula" shall be defined as an area surrounded on more than one-half (1/2) of its boundary distance, but not completely, by the city.
2. Existing Uses: Existing uses may or may not be allowed in the annexation process. Animal rights, agricultural uses and other uses, if inappropriate, may not be allowed following annexation.

#### **11.190.090 Financial Review**

Each applicant for annexation to the city will be required to enter into an annexation agreement with the city. The agreement will specify site specific requirements for each annexation which are appropriate as reviewed on a case by case basis. The following list includes several items that may be reviewed at the time of annexation; however, these are in no way intended to be the only items which will be reviewed at annexation and the ~~city council~~ City Council may include any conditions or requirements which, in their judgment, are necessary or desirous prior to approving the proposed annexation:

1. Analysis Of Tax Consequences: Each proponent of an annexation shall complete an analysis of the tax consequences to residents of the area proposed for annexation, current residents of the city and ~~Salt Lake County~~ subject county. The analysis shall include sufficient information to determine the fiscal impact on the proposed annexation, taking into consideration city service provisions.
2. Demand On City Provided Facilities And Services: Each proponent of an annexation shall identify the anticipated demand on city provided facilities and services for the area to be annexed. These services include, ~~but are not limited to,~~ culinary water, irrigation, wastewater, transportation facilities, drainage, emergency services provision, ~~solid waste disposal, potential students and distances to public schools,~~ and parks and recreation.

3. Impact On Capital Improvements Program: Each proponent of an annexation will need to provide information about the impact the annexation will have on the capital improvements program (CIP). The information should indicate whether the proposed annexation will advance or inhibit the completion of the CIP. The proponent shall also indicate the proposed timing of capital improvements and how the services will be financed.

#### **11.190.100 Water Requirements For Annexations**

Each proponent of an annexation shall mitigate the water concerns prior to approval of the proposed annexation. The ~~city council~~ City Council reserves the right to evaluate any provision of water proposed for use by the city, and refuse to accept any arrangement, if it is determined that the quantity, quality or ability to use the water is in question.

1. Adequate Water: Each proponent of an annexation will be required to provide adequate water for current and future use by the city prior to recordation of the annexation. The amount of water shall be determined by zoning district. If future development on the land being annexed increases in density through a zone change or amendment to city ordinance that would allow a higher density, the city shall require additional water prior to development approval. If a future applicant desires a zone change to a less intense zone, the city is under no obligation to refund the cost of providing water to the proponent of an annexation. The water required in each zone as directed in accordance with the water ordinance.
2. Annexation Without Owner Consent: When land is annexed without the consent of the owner, the proponent of the annexation shall be responsible to provide the water required in this section. If a future applicant seeks a zone change that would allow a higher density, the applicant shall be required to provide any additional required water shares.
3. Waiver Or Modification By City Council: The ~~city council~~ City Council may waive or modify the water requirement, dependent upon proposed usage, for any land owned by federal, state, county or local municipal governments.

#### **11.190.110 Zoning Designation**

When land is annexed into the city, it shall be given a zoning designation and future land use designation. In general, zoning should be consistent with surrounding zoning that would allow uses similar to those already in existence prior to the annexation. ~~In all cases, zoning shall be consistent with the general plan~~. Annexations may include more than one zoning district if appropriate. The ~~city council~~ City Council may assign zoning to the proposed annexation or accept the applicant's zoning proposal.

### 11.190.120 Staff Report And Recommendation

1. Staff Report: Upon receipt of all information required by this chapter and any additional information requested by the staff or ~~city council~~ City Council, staff will complete a review of the proposed annexation and render a report to the ~~city council~~ City Council. The report will include the findings of the staff in regard to the accuracy of the information provided by the applicant, consistency with the general plan and other city ordinances, and provide recommendations which would be beneficial in the formation of the annexation agreement between the city and applicant. Staff analysis would include a determination of how city services would be affected by the proposed annexation.
2. Annexation Agreement: The staff shall also prepare the annexation agreement for review by the ~~city council~~ City Council. The ~~city council~~ City Council may request changes in the annexation agreement prior to the public hearing. If a change is proposed, the applicant will be contacted in regard to the proposed changes.
- ~~3.—Availability Of Staff Report: The staff report shall be available to the city council, applicant and general public at least fourteen (14) days prior to the public hearing on the proposed annexation.~~

### 11.190.130 Annexation Agreement

1. Required: Prior to final approval of any annexation, the proponent of an annexation and the city shall enter into an annexation agreement specifying the terms and conditions of the annexation. Each annexation agreement will be based on a site specific basis and the elements of the agreement may, and probably will, differ on each annexation. Because each annexation agreement may differ, each annexation will be processed on a case by case basis with no precedent set by previous annexation agreements.
2. Signatures: Each annexation agreement shall be signed by both the ~~mayor~~ Mayor, upon ratification by the ~~city council~~ City Council, and the proponent of the annexation. By signing the annexation agreement, both parties are agreeing to uphold the provisions of the agreement as written. Amendments to the annexation agreement may be completed only if agreed to in writing by the ~~city council~~ City Council and the applicant.
3. Default: Should the proponent of an annexation default on any provisions of the agreement, the city may pursue appropriate legal action to enforce the provisions of the agreement, including revocation of the annexation and disconnection from the city.

4. Issues Addressed In Agreement: The items listed below are issues that may be addressed in the annexation agreement, but is not necessarily a complete list of items that may be addressed by the ~~city council~~ City Council or staff:
  1. Each annexation agreement shall include a description of the property, complete with a legal description and amount of acreage, which shall be depicted on a plat drawn to scale in a manner and on a medium that can be recorded in the office of the ~~Salt Lake~~ County ~~recorder~~ Recorder.
  2. Each annexation agreement shall include the designated zoning district and the proposed project density. The ~~city council~~ City Council may require actual density to be indicated in the annexation agreement as well as proposed development layout and proposed provision of services. The circulation pattern for the area and alignment of other city services will be indicated prior to the approval of the ~~city council~~ City Council; however, approval of an annexation shall not be considered development approval. Following annexation approval, each applicant shall be required to complete the development approval process.
  3. Each annexation agreement will indicate areas proposed for trails, open space and recreational areas. The agreement will specify ownership of these areas and proposed maintenance arrangements. If the annexation area includes an area that requires unusual fire prevention measures as an open space area, the agreement will indicate specific measures that will be taken to minimize potential fire hazard.
  4. Each annexation agreement shall indicate the provision of water in accordance with section ~~11-19-10~~ 11.190.100 of this chapter.
  5. The ~~city council~~ City Council may require proposed building pads to be shown on the annexation plat and indicated in the annexation agreement. The ~~city council~~ City Council may also require limits of disturbance plans to be indicated along watercourses and bodies, steep slopes, wetlands, viewsheds and other environmentally sensitive areas.
  6. The ~~city council~~ City Council may impose any other appropriate requirements in the annexation agreement that will mitigate potential impacts to the city.

#### **11.190.140 Appeals And Other Costs Of Annexation**

The proponent of an annexation shall agree to pay any and all city costs related to the annexation proceedings, including appeals, reimbursement, special studies, recordation and other annexation related expenses. Because each annexation is different, the costs associated with each particular annexation may vary.

### **11.190.150 Review Fees**

The proponent of an annexation shall pay an annexation review fee as set forth in the city fee schedule. Annexation review fees do not include other review fees, including, but not limited to, development review fees, impact fees, building permit fees and connection fees.

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### **11.210 Nonconformities**

#### 11.210.010 Definitions; Burden Of Establishing Legal Existence

##### 1. Definitions:

~~NONCOMPLYING STRUCTURE: A structure that legally existed before its current land use designation and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions or other regulations, excluding those regulations which govern the use of land. A structure that:~~  
(a) legally existed before the structure's current land use designation; and  
(b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

NONCONFORMING LOT: A lot that:

1. Legally existed before its current land use (zoning) designation;
2. Has been shown continuously on the records of the Salt Lake County Recorder as an independently existing piece of property; and
3. Because of one or more subsequent land use ordinance changes does not conform with the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located.

~~NONCONFORMING USE: A use that legally existed prior to the adoption of this chapter, has been maintained continuously since the time this chapter was adopted, and because of one or more subsequent land use ordinance~~

~~changes does not conform to the regulations that now govern the use of the land. A use of land that:~~

- ~~(a) Legally existed before its current land use designation;~~
- ~~(b) Has been maintained continuously since the time the land use ordinance governing the land changed; and~~
- ~~(c) Because of one or more subsequent land use ordinance changes does not conform to the regulations that now govern the use of the land.~~

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#### **12.90.010 Assurance For Completion And Maintenance Of Improvements**

1. Completion Of Improvements: Before the final plat is signed by the city engineer, all applicants shall be required to complete any and all improvements required for development or provide an improvement completion assurance according to subsection B of this section. The applicant shall dedicate all applicable land and public improvements to the city, including any water right transfers, conservation easements or dedications of public lands to land trusts, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
2. Improvement Completion Assurance:
  1. The applicant shall post an acceptable improvement completion assurance ("completion assurance") prior to the recording of the final plat, in an amount estimated by the city engineer sufficient to secure to the city the satisfactory construction, installation, dedication of all required landscaping and infrastructure improvements. The amount of the completion assurance shall be in an amount or value equal to one hundred percent (100%) of the estimated cost of the required improvements and amenities as determined by the city engineer.
  2. The completion assurance shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency and manner of execution as set forth by the city attorney. The completion assurance may not be used to pay any contractual obligations of the applicant.
  - 3.

1. The completion assurance agreement shall be completed on the city supplied bond agreement form for the full subdivision improvements cost and be in one of the following forms:
  1. An escrow agreement and deposit account with a federally insured bank or credit union making proceeds available to the city in the case of the developer's default upon the city presenting a sight draft at an office located within fifty (50) miles of the city. (Three party bond agreement.)
  2. Cash or a cashier's check, for deposit with the city in its bank accounts. (Two party bond agreement.)
2. The completion assurance shall be approved by the city engineer with surety and conditions satisfactory to protect the public's interest and ensure construction of required improvements.
3. Interest, if any, earned ~~by the city~~ on the deposited sum shall be ~~retained by the city as reimbursement and an offset for the cost of administering the completion assurance~~ returned to the applicant upon completion and refund of the bond.
4. All required subdivision improvements shall be completed within two (2) years of final plat approval. At such time, if the improvements have not been completed, the ~~city council~~ City Council may direct the city engineer to complete the remaining improvements using the completion assurance.
3. Temporary Improvements: The applicant shall build and pay for all costs of temporary improvements required by the city, and shall maintain them for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the city engineer a separate suitable completion assurance, in accordance with this title, for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained and removed.
4. Costs Of Improvements: All required improvements shall be completed by the applicant, at their expense, without reimbursement by the city or any improvement district therein, and in accordance with adopted codes, standards, fee schedules and ordinances.
5. Acceptance Of Dedication Offers: Acceptance of formal offers of dedications of streets, public areas, easements and parks shall be by ordinance of the city council when a final plat is not prepared.

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### **12.90.030 Inspection Of Improvements And Release Of Improvement Completion Assurance**

1. General Procedure And Fees: The city engineer or designee shall inspect the required improvements and amenities during construction and ensure their satisfactory completion. The applicant shall, in accordance with the city fee schedule, pay to the city inspection fees. These fees shall be due and payable upon demand of the city. Completion assurance and/or improvement warranty monies may not be released until all outstanding inspection fees are paid. If the city engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the adopted design guidelines and standard specifications and plans, the applicant shall be responsible for completing the improvements. The city shall use any and/or all completion assurance monies to complete any improvements that are not according to design guidelines and standard specifications and have not been rectified by the applicant.
2. Reduction Of Improvement Completion Assurance: At the written request of the applicant, the city engineer shall reduce the completion assurance after the city has inspected and accepted any portion of the landscaping or infrastructure improvements that have been built by the amount relative to the completed work up to seventy five percent (75%) of the total cost of all improvements.
3. Acceptance Of Public Improvements: The applicant, upon completion of a portion or all of the improvements shall request in writing that the city perform a final inspection to verify that the construction of the improvements meets all city requirements. ~~The city engineer shall inform the city council of the acceptance of the improvements when all items, and punch list items, if any, are completed.~~
4. Release Of Improvement Completion Assurance: Subject to the maintenance provisions contained in this title, the city may not accept dedication of required improvements or amenities, or release a completion assurance, until the city engineer has verified that all required improvements and amenities have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the city engineer, through submission of detailed "as-built" drawings of the subdivision indicating location, dimensions, materials, improvements and other information required by the city engineer, that the layout of the line and grade of all public improvements is in accordance with the approved construction plans for the

subdivision. The "as-built" plans must comply with subsection D, "As-Built Drawings", of this section. Any or all remaining portion of the completion assurance will be released after the city has ascertained that "as-built" plans have been submitted in accordance with section D. Further, a title insurance policy shall be furnished to the city attorney and city engineer indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the city manager shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

**5. As-Built Drawings:**

1. "As-builts" shall be submitted electronically. Electronic files shall include one (1) AutoCAD drawing compatible with AutoCAD version 2004 or newer. SHAPE files shall include separate SHAPE files for each utility, including drinking water, secondary water, storm drain, sewer, roads and parks that are compatible with the latest version of ArcView. AutoCAD drawings and SHAPE files shall be in State Plane Coordinates (Utah Central Zone - NAD 1983). Survey points of as-builts need to also be included in the AutoCAD drawing. A PDF of the final "Record Drawing" also needs to be included. All rim and invert elevations need to be shown on this drawing, as well as all pipe types and sizes.
2. "As-built" drawings shall be based on survey information provided by the developer's engineer or surveyor. The SHAPE files shall include detailed information based upon survey points for:
  1. Fire hydrants;
  2. Water lines (size and type);
  3. Water valves;
  4. Water meter boxes;
  5. Pressurized irrigation lines (size and type);
  6. PI valves;
  7. Pump house corners;
  8. Water blowoffs/drain structures;
  9. Air release structures;

10. Pipe corners;
11. Roadway centerline;
12. Structure centerline;
13. Storm drain lines (size and type);
14. Storm drain manholes (rim and fl elevations);
15. Storm drain inlets (rim and fl elevations) with any permanent BMPs (flex-storm, dandi bags, and the like) identified;
16. Storm drain detention/retention structures;
17. Sewer lines (size and type);
18. Sewer manholes (rim and fl elevations);
19. Sewer structures;
20. Park boundaries; and
21. Recreational facilities general locations.

#### **12.90.040 Escrow Deposits For Lot Improvements**

Temporary Certificate Of Occupancy Limited: When, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed due to valid weather related delays, the ~~city council~~ Building Official may, nevertheless, approve the issuance of temporary certificates of occupancy, provided there is no danger to health, safety or general welfare, all streets have been paved, and all fire safety provisions are in place. Any deferred improvements shall post a cash escrow deposit in an amount determined by the city engineer for the cost of improvements, and shall be installed within six (6) months from the date of ~~city council~~ approval. The completion assurance covering such lot improvements shall remain in full force and effect.