

12D Land Use - Subdivisions

12D-100 General Provisions

12D-101 Purpose

The purposes of this ordinance are:

- A. To promote the health, safety, and general welfare of the residents of the City.
- B. To provide for the efficient and orderly growth of the City.
- C. To provide standards for the physical development of subdivisions of land, construction of buildings and improvements within the City including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water, and sewer systems; accesses to public rights-of-way; and to establish fees and charges for the authorizing of a subdivision.
- D. To establish procedures for creating a subdivision and the approval thereof by the City.
- E. To protect or minimize the impacts of development of sensitive lands including areas containing geologic hazards or potential geologic hazards.
- F. To encourage the preservation of land through the dedication of open spaces to enhance neighborhoods or the community.

12D-102 Scope

All lots, plots, tracts of land, or parcels located within a subdivision shall be subject to this ordinance whether the tract is owned by the subdivider or a subsequent purchaser, transferee, or holder of the land.

12D-103 Reserved

12D-104 Reserved

12D-105 Reserved

12D-106 Prohibited Acts

- A. **Subdivision Sales Or Exchanges.** It shall be unlawful for any person to sell, exchange, or offer to sell, or exchange any parcel of land which is a part of an approved subdivision, duly recorded in the office of the County Recorder as a subdivision except in compliance with the provisions of this ordinance.
- B. **Subdividing.** It shall be unlawful for any person to subdivide for the purpose of transferring, selling, conveying, or assigning any tract or parcel of land which is located in whole or in part within the City except in compliance with the provisions of this ordinance.
- C. **Building Permits.**
 - 1. No building permit for the construction of a building upon any lot in a subdivision shall be issued until after:

- a. All improvements required by this Title, including Chapter 12C (Land Use - Zoning), Chapter 12D (Land Use - Subdivisions), and Section 12D-116 (Subdivision Improvements Required) are completed or the developer has executed a development agreement with the City setting forth a schedule to complete all required improvements prior to the issuance of any occupancy permit; and
 - b. Security is in place pursuant to Section 12D-500 (Subdivision Construction And Guarantee Of Work) below.
2. No person shall be allowed to occupy a building upon any lot in a subdivision until after all improvements required by Chapter 12C (Land Use - Zoning), Chapter 12D (Land Use - Subdivisions) and Section 12D-116 (Subdivision Improvements Required) have been completed to the satisfaction of the City.
3. It shall be unlawful for any subdivider to sell any lot or portion of an approved subdivision until the prospective buyer has been advised that occupancy permits will not be issued until the improvements listed in Chapter 12C (Land Use - Zoning), Chapter 12D (Land Use - Subdivisions) and Section 12D-116 (Subdivision Improvements Required) are completed. Such notice shall be given in writing and in a form acceptable to the City.
4. Any permit issued in conflict with this provision shall be void.
- D. **Improved Lots.** It shall be unlawful to build on any lot or lots not specifically approved as a building lot as defined herein.
- E. The decision of the Land Use Authority as set forth in this Chapter shall prevail if and when in conflict with Reviewing or Recommending Bodies as outlined in Section 12B-601 (Designation Of Land Use Authority).

12D-107 Exemptions

The following divisions of land shall be exempt from the requirements of this Chapter:

- A. The unwilling sale of land as a result of legal condemnation as defined and allowed in Utah State Code (as amended).

12D-108 Modifications

- A. Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, the existence of other unusual physical conditions, or the existence of other exceptional conditions, strict compliance with the provisions of this Chapter would cause an unusual and unnecessary hardship on the subdivider, the subdivider may submit an application to the Land Use Authority as outlined in Section 12B-601 (Designation Of Land Use Authority) for a waiver, modification, or adjustment as to the requirements of this ordinance regarding the proposed subdivision.
- B. In granting the waiver, modification, or adjustment as requested, the Land Use Authority may impose such additional conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived, adjusted or modified.

- C. Any waivers, adjustments, or modifications granted or authorized shall be entered in the meeting minutes of the Land Use Authority together with the circumstances and reasons justifying such waivers, adjustments or modifications.

12D-109 Applicant

The applicant for development seeking approval from the Land Use Authority as outlined in this Chapter and Section 12B-601 (Designation Of Land Use Authority) shall be the owner of the real property, or the authorized agent of the owner of the real property being considered.

12D-110 Structure Revisions

No land use or structure, except flood control related uses and work, shall be permitted in any flood channel where such use or structure may adversely affect normal flood flow, increase erosion, or increase amounts of damaging materials carried downstream.

12D-111 Erroneous Approval Not A Waiver Of Requirements

- A. Should a plat, by inadvertence, be approved which shows on its face, or in any documents attached thereto or which are deemed to be a part thereof, that the subdivision does not comply in one (1) or more respects with the requirements of this Chapter or with the requirements of approved subdivision standards and specifications relating to the quality, size, type, grade, distance, or dimension, and no variation or exception thereto has been approved by the Land Use Authority, such plat approval shall not be deemed a waiver of such requirements, but on the contrary such requirements shall remain in full force and effect. Any discrepancy between the preliminary subdivision plat and the final subdivision plat which may not be noticed in inspection of the final plat and which is not approved by City Staff and the Land Use Authority shall be the responsibility of the subdivider, and approval of the final plat in such case shall not be deemed a waiver of the requirements of this Chapter or any standards or specifications approved in connection herewith.
- B. The failure of any preliminary subdivision plat or final subdivision plat to meet any and all of the requirements enumerated in this Title or as imposed by the Land Use Authority, shall , as provided herein, cause any approval by the Land Use Authority to be suspended. Such a suspension shall be issued by the Zoning Administrator immediately upon discovery of an applicable error or omission. The matter shall then be referred to the Land Use Authority as soon as is practicable, unless otherwise correctable within thirty (30) days from the date of the suspension . The Land Use Authority shall review the matter and either issue a correcting requirement or refer it to the appropriate body for action.

12D-112 Permits

The City shall not grant a permit nor shall any officer of the City grant any license or permit for the use of any land or for the construction or alteration of any building or structure on a lot which would be in violation of any state law, rule, or regulation or any ordinance of the City. No permit shall be issued on a lot within a subdivision until a final plat has been duly approved pursuant to this Chapter and recorded in the office of the County Recorder. Any license or permit issued in conflict with such provisions shall be null and void.

12D-113 Penalty

- A. Any person, persons, or legal entity, including a corporation, that shall violate any of the provisions of this Chapter shall, upon conviction thereof, be guilty of a class C misdemeanor and shall be punished as provided for by state law for a class C misdemeanor.
- B. Any person, persons, or legal entity, including a corporation, that allows any violation of any provision of this ordinance to continue shall be guilty of a class C misdemeanor for each and every day the violation continues and each day shall be a separate violation.

12D-114 Fees

- A. Any and all persons requesting approval of any land use application outlined in this Chapter including subdivision, concept plan, subdivision improvement plans, preliminary subdivision plat, final subdivision plat, or plans and specifications for the construction of improvements under this Chapter shall first pay all fees in the amounts as set forth in the prevailing fee schedule most recently adopted by the City. Such fees shall be for the costs of the City's review of and checking or applications, documents of proposed procedures. Engineering costs and shall be paid at the time of each submission. In the event the original submittal of a land use application outlined in this Chapter is not approved and subsequent submittals are made, a fee shall be paid to the City on an hourly basis for the time incurred in checking and approving each such re-submittal with the hourly fees being based on the most recent prevailing fee schedule adopted by the City
- B. In addition to the above-mentioned fees, a retainer fee for construction inspection(s) shall be payable to the City based upon the said fee schedule prior to any construction of subdivision improvements. All costs of inspection(s), including any necessary testing, shall be paid by the applicant. Such fees and costs shall be based on an hourly rate and as set forth in the said fee schedule.
- C. Fees for the initial seal coat of any asphalt surface within the subdivision, if the seal coat is to be done by the City, shall also be payable to the City based upon the applicable fee schedule prior to any construction of subdivision improvements. If the applicant/developer is to do the seal coat, an agreement to that effect shall be established in accordance with Section 12D-501(B) (Inspection And Guarantee Of Work).
- D. Failure of the applicant to pay any required fees shall justify the City in withholding further action on the applicant's proposal.

12D-115 Compliance With Federal And State Law

The provisions of this Chapter shall be construed, so far as possible, so as to make them consistent with the requirements of all applicable Federal and State laws. If such construction is not possible then, where compliance with the requirements of this ordinance would require violation of Federal or State law, Federal or State law shall control; provided, however, that the requirements of this ordinance may be disregarded only to the minimum extent necessary to prevent such violation.

12D-116 Subdivision Improvements Required

- A. **Required Improvements.** Improvements shall be required and shall be designed, constructed and/or installed by the applicant, subdivider, or developer at their expense in accordance with the City's Design Standards Technical Manual (DSTM), including relevant timelines identified within the DSTM's development checklists. The Design Standards Technical Manual (DSTM) contains the technical specifications and the design standards for the City and shall be adopted by ordinance of the City Council, and may be amended from time to time by the City Council pursuant to the requirements and procedures outlined in Section 12B-708 (Subdivision Ordinance Amendments). Required improvements include but shall not be limited to the following:

1. **Monuments.**

- a. Permanent monuments shall be accurately set and established within the proposed subdivision at such points and to the specifications determined by the City's Public Works Director as necessary to definitely establish all lines of the plat and individual lots.
- b. Monuments shall be of a type approved by the City's Public Works Director or their designated representative and shall be provided by the City to be installed in accordance with the City's Design Standards Technical Manual (DSTM).
- c. All subdivision plats shall be tied to two (2) corners or monuments of record or established land office survey corners.
- d. Applicants shall be required to install centerline monuments as prescribed by the City's Public Works Director or their designated representative at all street intersections, and at PC and PT points along a curve.

2. **Water.** The following requirements apply for both culinary water and secondary water systems in new subdivisions:

- a. **Culinary Water.** All subdivisions are required to connect into the City's Culinary Water System per the standards contained in the City's Design Standards Technical Manual (DSTM). Additionally, the following shall apply:
 - (1) There shall be a sufficient supply of culinary water to the proposed subdivision and the addition of the subdivision shall not decrease the pressure in the culinary water system at any point within the City to less than thirty pounds per square inch (30 PSI).
 - (2) The culinary water supply shall be approved by the City's Public Works Director or their designated representative and the State Board of Health, and shall be made available to each lot in the proposed subdivision in conformance with the standards and rules and regulations of the City and the State.
 - (3) The applicant shall install culinary water mains and service lines or laterals from such mains to each lot within the subdivision prior to

the installation of road base, surfacing, curbs, gutters and sidewalks.

- (4) Pursuant to the provisions of Chapter 12I (Dedication Of Water System Shares Or Water Rights), the applicant shall submit an assessment of the water shares or water rights to be transferred and dedicated to the City. The identified shares or rights shall be transferred to the City prior to recordation of a final subdivision plat. Alternatively, a calculation and payment of a fee in lieu can be submitted.

b. **Secondary Water.** Subdivisions may be required to install a secondary water distribution system based on their geographic location and their current or historical access to irrigation rights or shares. Subdivisions required to install secondary water distribution systems shall not use culinary water for outdoor irrigation purposes.

- (1) Subdivisions shall obtain or retain adequate water rights or shares and shall install a secondary water distribution system that stubs secondary water to each lot and parcel in the development if any of the following apply:
 - (A) The subdivision is located within the secondary water service areas of the City.
 - (B) The subdivision is located west of the lower canal (Hyde Park Irrigation Canal) and the land being developed currently has irrigation rights or shares, or if the land being developed historically had irrigation rights or shares at any time dating back to January 1, 2000.
 - (C) The subdivision is located east of the Cache Highline Water Associations upper canal and has any land within six hundred sixty feet (660') of the upper canal's eastern bank. The applicant shall be responsible to obtain easements or public rights of way to gain access to the upper canal from the subdivision.
- (2) Subdivisions that do not meet any of the criteria in the subsection immediately above are not required to install a secondary water distribution system but are subject to the requirements and restrictions of a Water Conservation Plan as detailed in Section 12D-117(B)(4) (Development Regulations).
- (3) **Secondary Water Distribution Infrastructure.** Subdivisions required to provide a secondary water distribution system shall stub water connections to each lot and parcel being created within a subdivision as follows:

- (A) The subdivision's developer is responsible for installing the necessary headgates, filters, headgate meter, mainlines, laterals, valves, and individual lot meters (if meters are required by the State of Utah). The developer shall ensure a minimum pressure of fifty pounds per square inch (50 PSI) is established to each new lot's stubbed connection. Individual lot owners are responsible for the installation and maintenance of their own irrigation systems beyond the lot's stubbed connection.
 - (B) New secondary water infrastructure must be designed to integrate seamlessly with existing secondary water infrastructure. This shall involve coordination with local water line or canal companies to ensure compatibility and proper function. When connecting to an existing line company, a new subdivision's secondary water ownership association shall obtain an ownership certificate from the upline company to which it is connecting and each end user in the subdivision shall become an equally proportionate voting shareholder in the upline company.
 - (C) The subdivision's developer shall make a reasonable effort to extend and stub the development's secondary water distribution system into adjacent undeveloped or underdeveloped properties.
- (4) **Perpetual Governance Structure.** Except for the platting of a single lot, a governance structure shall be established to own and operate the subdivision's secondary water distribution system in perpetuity. The governance structure shall be formed with the following parameters:
- (A) The perpetual governance structure shall consist of an owner's association established as a non-profit corporation in compliance with the Utah State Condominium Ownership Act or Community Association Act as the case may be (§57-8 and §57-8a of Utah State Code (as amended)) and registered with the Utah Department of Commerce. Under this structure, the owners of lots and parcels within the subdivision shall be made equal interest owners of the secondary water distribution system and equal interest voting members within the association. As such, each lot or parcel owner within the subdivision shall collectively have the power and authority to perform all necessary maintenance and operation of the secondary water system for the subdivision, and to impose assessments or dues to raise the necessary funding for the same; and

(B) The applicant shall ensure that the owner's association required under this subsection is established through a declaration of covenants recorded on title to the lots and parcels in the subdivision. The format of said owner's association shall ensure that each individual lot or parcel owner within the subdivision has an equally proportionate voting right. For example, a one hundred (100) lot subdivision would have a total of one hundred (100) voting rights within the owner's Association. Whereby one (1) lot is equal to one (1) vote, or one percent (1%) of the whole. The format of the association shall also require an affirmative vote of not less than two-thirds ($\frac{2}{3}$) of the association's membership in order to amend any part of the recorded covenants or bylaws of the association. The City shall review and approve the proposed declaration of covenants and association bylaws prior to recordation with the County Recorder's Office. Once recorded, the developer/declarant shall not amend any sections of the declaration of covenants, or any governing document of the owner's association without prior review and approval by the City.

(5) Allocation and retention of secondary water shares or rights. The applicant shall transfer adequate secondary water shares or rights to each lot or parcel owner within a subdivision. Allocation shall be based on the minimum applicable canal or line company's allocation requirements for each lot or parcel's acreage. A lot or parcel owner shall own the allocated shares or rights as a private asset and shall not be entitled to sell, convey, or transfer ownership of the shares or rights away from the lot or parcel within the subdivision. Upon resale of a lot or parcel within the subdivision, the lot or parcel owner shall be required to transfer the applicable shares or rights to the purchasing entity to ensure the lot or parcel is never stripped of adequate secondary water shares or rights for outdoor irrigation purposes.

3. Sanitary Sewer.

- a. When connecting to sanitary sewer the proposed subdivision shall not cause the sewer to exceed its capacity to treat sewage.
- b. Individual sewer disposal systems or public disposal facilities shall be provided and made available to each lot in the proposed subdivision in conformance with the standards and rules and regulations of the City and the State.
- c. Where a public sanitary sewer is available within six hundred feet (600') of the proposed subdivision at the time of the recording of the final plat, the applicant shall be required to connect with such sanitary sewer and provide

sewer mains and extend laterals from the main sewer line to each lot in the proposed subdivision prior to the installation of road base, surfacing, curbs, gutters and sidewalks.

4. Provisions For Storm Water Collection And Control Including Curb And Gutter.

- a. The proposed subdivision shall not create an unreasonable potential for flooding.
- b. Applicants shall construct and install a storm water drainage system within the proposed subdivision with approved materials and according to the specifications outlined in the City's Design Standards Technical Manual (DSTM).
- c. All drainage shall be maintained on the proposed site unless permission to run surface waters into area ditches, canals, or to another location is granted in writing by the owners of such facilities. The written documentation granting permission to utilize such facilities shall be provided to the City during the application for preliminary subdivision plat.

5. Irrigation Ditches, Canals And Hazards.

- a. All subdivisions adjacent to irrigation canals and occurring after February 18, 2005, shall establish and identify on a proposed subdivision plat a permanent fifteen foot (15') irrigation canal setback/easement from the top edge of canal banks on the west and east or south and north banks of each canal in the City for the purposes of providing public access to the irrigation canal for maintenance and recreational purposes.
 - (1) An irrigation canal setback/easement shall prohibit buildings, fences, trees, shrubs, accessory structures, temporary or permanent improvements, debris or installed equipment, other than equipment required for the operation of irrigation systems. Nothing may be placed in the setback that would impede vehicle/equipment passage for irrigation canal maintenance.
 - (2) The setback/easement required by this section may overlap (in whole or in part) but shall not supplant, replace, increase, or reduce the rights of any canal company with regard to any previously established irrigation canal maintenance easement/right-of-way.
 - (3) Cost and continued maintenance of irrigation canal setback/easements, and trail easements, developed within a project, shall be the responsibility of the owner of the project.
- b. Open irrigation ditches and canals shall be prohibited within or adjoining a subdivision except along rear and side lot lines. Where there is an open irrigation ditch, canal, or other hazard, the City's Public Works Director or their designated representative may require additional improvements.

- c. Swales within or adjoining a subdivision are for conveyance of storm water flows only, swales shall not convey irrigation flows.

6. Streets And Roads.

- a. All proposed streets and roads shall provide adequate frontage and access to all lots. The traffic created by the proposed subdivision shall not unduly congest traffic within the City.
- b. Whenever it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such street(s) shall be obtained from the public agency or utility company.
- c. Curbs, gutters, swales, planting strips, sidewalks and/or pedestrian paths shall be installed on existing and proposed streets by the applicant in all proposed subdivisions, unless exempted by the Land Use Authority.
- d. Unless provided by the City, the applicant shall furnish and install all necessary street signs and pavement markers.
- e. In the event that any road or street in a proposed subdivision shall terminate at or within fifty feet (50') of any ditch, canal, creek, waterway, or other obstruction which, in the opinion of the City's Public Works Director or their designated representative, requires a bridge or other structure in order to continue the road over or across the canal, ditch, creek, waterway or other obstruction, the applicant shall deposit with the City Recorder a sum of money equal to one-half (1/2) of the City's Public Works Director's or their designated representative's estimate of the cost for constructing a proper and suitable bridge over the same.
 - (1) The City's Public Works Director or their designated representative shall, on request, furnish to the applicant a cost breakdown for any such structure.
 - (2) When in the opinion of the City's Land Use Authority it becomes desirable to construct such structure, it shall be constructed by the City applying the deposit toward the construction costs and charging the other one-half (1/2) of such cost to the person developing the opposite side of such obstruction, or if there is no person developing the other side, the remaining one-half (1/2) of such cost shall be borne by the City.
 - (3) A temporary turnaround (i.e., easement and improvement) shall be required at the end of any terminal street or stub into adjacent undeveloped property.

- 7. Street Lighting.** All development projects, unless exempted by the Land Use Authority, are required to provide street lighting that meets City standards for all

public streets within, adjacent to, or affected by the proposed project. All street lighting shall be designed to be dark sky compliant.

8. Street Trees.

9. Sidewalks.

10. Private Utilities.

- a. Provisions for other common utilities for each lot including: electric service, wiring for telephone and cable television services, and installation of main lines for natural gas. Said utilities shall be installed underground in subdivisions.
- b. Gas mains and laterals and/or electrical conduits shall be installed to each lot to the lot line. Electric and telephone lines shall be located underground unless underground lines are not feasible.

11. Landscaping.

- a. Improvement to and/or reclamation of common areas or open spaces as agreed upon in the subdivision approval process.
- b. The City's Public Works Director or their designated representative may require the applicant to provide ground cover where it is determined that soil erosion may be a problem, where surface water may flood portions of the City or damage City property, or to prevent the growth of noxious weeds which may become a nuisance, fire hazard, or danger the public health.
- c. The City's Public Works Director or their designated representative may specify the types of ground cover to be installed on any vacant lot, open space, drainage area, swale or plating strip in order to accomplish the provisions of this section.

12. Application of an approved seal coat on all asphalt surfaces within the subdivision.

- a. The developer shall pay a fee to the City for the City to provide application of the seal coat to all paved roads within the subdivision. The seal coat fee shall be equal to the square footage of road surfaces in the subdivision multiplied by the cost per square foot for the type of seal coat to be used. The fee per square foot shall be set by resolution of the City Council and may be modified as needed from time to time.
- b. The type of seal coat to be used (chip seal, slurry seal, etc.) shall be determined by “best management practices” for the type of street as determined by the Streets Superintendent or their designated representative. The use of the fees collected for the actual application of the seal coat shall be at the discretion of the City as determined by the City’s municipal budget. The seal coat fee shall be used by the City to accomplish the initial seal coating for the subdivision within seven (7) years of the completion of the subdivision. If not accomplished within those seven (7)

years, and at the developer's request, any un-used seal coat fee shall be refunded to the developer.

- B. **Application Of Required Improvements.** The improvements required by this Chapter apply to all subdividers and to all persons that purchase, lease, rent or receive any interest in any land which is located within a subdivision.
- C. **Time Of Construction.** No work shall be performed on any project until the location and specifications for the project are approved by the City's Public Works Director or their designated representative. The improvements required by this Chapter shall not be installed prior to the applicant receiving an approved set of construction drawings from the City and the recording of the final plat has occurred. Unless otherwise specified within the Title, or within an executed development agreement, or other similar agreement, required improvements shall be completed within one (1) year. Unless prohibited by §10-20-1001 of Utah State Code (as amended), if required improvements are not completed within stipulated timeframes, the City may withhold the issuance of a building permit or certificate of occupancy to ensure compliance with this section.
- D. **Order Of Making Improvements.** Unless waived in writing by the City's Public Works Director or their designated representative and subsequently approved by the Land Use Authority as outlined in Section 12B-601 (Designation Of Land Use Authority), underground utilities such as, but not limited to, water and sewer laterals and fire hydrants shall be installed prior to surfacing the streets and installation of road base, curbs, gutters and sidewalks.
- E. **Orderly Development Required.** Whenever the applicant develops a subdivision, such development shall be done in an orderly manner and in such a way that the required improvements will be contiguous and all of the improvements will be made available for the full, effective and practical use and enjoyment thereof by the purchaser, grantee, assignee, transferor or lessee of any of the lands subdivided within the time herein stated before or in phases specified.

12D-117 Development Regulations

- A. All subdivisions within the City shall comply with the City's General Plan. The following items, without limitation, shall be addressed on all land applications required by this Chapter to assure compliance with the City's General Plan and the purposes of this Chapter:
 - 1. The effect of the proposed development on the lands on which the development is proposed to be located;
 - 2. The relationship of the development to, and the effect of the development on:
 - a. Vegetation;
 - b. Gateways to the City, its trails and parks;
 - c. Geologic hazards or potential geologic hazards;
 - d. Loss of wetlands;

- e. Natural floodplain, drainage systems, and canals;
 - f. Soil erosion;
 - g. Steep slopes;
 - h. Unstable soils;
 - i. Urban interface with the Mount Naomi Wilderness / Wasatch National Forest including the subdivision's potential for increasing the potential fire hazard in any interface with the wilderness area and/or the national forest;
 - j. Utility corridors;
 - k. Water conservation;
 - l. Water recharge areas;
 - m. Wildlife corridors; and
 - n. Public trails corridors, both planned and existing.
 - 3. The effect of the proposed development on other adjacent, surrounding or nearby lands;
 - 4. The effect of the proposed development on the overall future development of the City;
 - 5. The identification of all existing trails through or adjacent to the property to be developed, and all trails shown as proposed or existing in the City's General Plan;
 - 6. Identification of all non-developable land within or adjacent to the area proposed for development;
 - 7. The data and conclusions in all applicable reports concerning any of the foregoing issues; and
 - 8. All applicable legal or regulatory requirements bearing on any of the foregoing.
- B. The following studies, reports, and plans shall be required on all developments, unless otherwise provided for in Sections 12D-403 (Concept Plan Submittal Requirements; Review Procedure), 12D-404 (Preliminary Subdivision Plat And Subdivision Improvement Plans Submittal Requirements; Review Procedure), and 12D-405 (Final Subdivision Plat Submittal Requirements; Review Procedure), or unless otherwise determined by the Land Use Authority through pre-application meetings or concept plan review and approval
- 1. **Soils Report.** A soils report shall be prepared by a qualified soils engineer, licensed in the State of Utah and shall contain at least the following information:
 - a. A slope analysis with a contour map accurately depicting no less than five foot (5') contour intervals. Slope classifications shall be identified on a map in percentage of gradients in the following categories:
 - (1) Class 1 Areas of Non-Steep Slopes - Less than thirty percent (30%).

- (2) Class 2 Areas of Steep Slopes - Thirty percent (30%) or greater.
- (3) Percentages shall be calculated as prescribed by the definition for “steep slopes”. If the subdivision contains any areas of steep slopes, the person or firm preparing the soils report shall identify the Class 2 areas (areas with thirty percent (30%) slope or more). These areas shall be designated as “non-buildable areas”. If, in the opinion of the soils engineer, any Class 2 areas should not be designated as non-buildable areas, the report should include reasons why an exception should be considered by the Land Use Authority to not designate such Class 2 slopes as "non-buildable".
- b. A soils type and soils rating analysis including accepted soils engineering tests to determine bearing capacity, settlement and/or slope failure potential, and shrink/swell potential of the proposed site. There shall be a minimum of one (1) test performed for each soil type classified in the Natural Resources Conservation Service’s Soil Survey and additional tests as prescribed or required by the City Engineer or their designated representative. If the subdivision contains any soils rated as “Very Limited”, the soils analysis shall include a soils hazard mitigation plan for the proposed subdivision’s infrastructure. In such case(s) the final subdivision plat shall also put owners on notice that building on these soils will require on-site investigation and lot-specific soils hazard mitigation plans.
- c. An estimate of the normal highest elevation of the season high-water table based on a piezometer-tube test and the locations of swamps, seeps, or springs with the reasons for the occurrence of these underground water sources.
- d. Locations of classified wetlands.
- e. A written statement by the person or firm preparing the soils report, identifying any other means proposed to minimize hazards to life, property, and adverse effects on the safety, use or stability of public rights-of-way or drainage channels, and adverse impacts on the natural environment.
- f. A set of two (2) maps of the subdivision identifying:
 - (1) The soils types (RFG2m, RhB for example); and
 - (2) The soil rating using “dwellings with basements” as the criteria from the Natural Resources Conservation Service’s Soil Survey. The soil’s rating for the area of the subdivision shall be identified on a map showing the soil rating from the following categories:
 - (A) Very Limited – Shown in Red;
 - (B) Somewhat limited – Shown in Yellow;
 - (C) Not Limited – Shown in Green; and
 - (D) Not Rated – Shown in Grey.

2. **Geology Report.** A geology report shall be prepared by a person or firm qualified by training and experience to have expert knowledge of the subject and licensed in the State of Utah. The report shall include mapping of geologic hazards or potential geologic hazards and must identify the author and date of the data upon which the report is based. The report must include an analysis of the geologic conditions, conclusions regarding the effect of geologic conditions on the development, and recommendations covering the adequacy of sites to be developed within a recognized Geologic standard. It shall also include a written statement identifying the means proposed to minimize hazards to life or property, adverse effects on the safety, use or stability of public rights-of-way or drainage channels, and adverse impacts on the natural environment.
3. **Grading And Drainage Plan.** A grading and drainage plan shall be prepared by a professional engineer licensed in the State of Utah. The plan shall include at least the following:
 - a. A map of the entire site with existing and proposed contours using a minimum five foot (5') contour interval or at the same scale as will be utilized on subsequent plats;
 - b. Proposed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed to control storm water runoff and soil erosion;
 - c. A plan showing temporary erosion control measures and storm water control during construction; and
 - d. A written statement by the person or firm preparing the report, identifying any grading and drainage problems of the proposed development and further stating an opinion as to the ability of the proposed plan to mitigate or eliminate such problems in such a manner as to prevent hazards to life or property, and adverse effects on the safety, use or stability of public rights-of-way or drainage channels, and adverse impacts on the natural environment within an acceptable standard.
4. **Water Conservation Plan.** A Water Conservation Plan shall be established for all subdivisions that are not required to install a secondary water distribution system. The Water Conservation Plan shall contain and be subject to the following:
 - a. An assessment of the potential exterior culinary water uses for the subdivision. Exterior culinary water use may be restricted down to zero (0) if determined by the City's Water Model that exterior culinary water use will create a demand that cannot be met.
 - b. All new developments post December 2021 without access to secondary water rights shall be subject to separate water usage fee tiers as found in the City's Fee Schedule. These separate water usage fee tiers shall be referenced and noted on the final subdivision plat.

- c. Exterior culinary water use shall only be permitted from the months of May through September.
- 5. **Outdoor Irrigation Plan.** For all subdivisions required to install a secondary water distribution system, a Secondary Water Distribution Plan shall be required. This plan shall contain an assessment and design for development of a subdivision-wide secondary water distribution system. These plans must be reviewed and approved by the City as well as the irrigation and/or canal companies servicing the area. At minimum, the plan shall detail the following:
 - a. The system's connection to existing infrastructure, including any easements that the developer may need to acquire to access a point of connection;
 - b. The sizes and locations of all existing and proposed headgates, filters, headgate meters, mainlines, laterals, valves, and individual lot meters (if meters are required by the State of Utah); and
 - c. The plans shall design a system that maintains a minimum sustained pressure of fifty pounds per square inch (50 PSI) at each lot stub.
- 6. **Non-Buildable Areas And/Or Common Space Vegetation Plan.** A vegetation plan shall be developed for all non-buildable areas or common spaces within a proposed subdivision and a report shall be prepared by a person or firm qualified by training and experience to have expert knowledge of the subject, duly licensed in the State of Utah and shall include the following:
 - a. A plan of the proposed re-vegetation of the site, including top soil requirements, detailing existing vegetation to be preserved, new vegetation to be planted and any modifications to existing vegetation;
 - b. A plan for the preservation of existing vegetation during construction;
 - c. A vegetation maintenance and weed control program, including initial and continuing maintenance as necessary;
 - d. Xeriscaping and water management requirements for areas not serviced by secondary water systems; and
 - e. A written statement by the person or firm preparing the report identifying any vegetation problems and further stating an opinion as to the ability of the proposed plan to mitigate or eliminate such problems in such a manner as to prevent hazard to life or property, adverse effects on the safety, use or stability of public rights-of-way or drainage channels, and adverse impacts on the natural environment within an acceptable standard.
- 7. **Traffic Report.** In the case of any proposed subdivision, a traffic report is required unless when determined unnecessary by the Land Use Authority during the Pre-Application Meeting or review of the Concept Plan. This report should describe the traffic impacts that will be created by the project including but not limited to peak period trip generation rates, impacts on turning movements and road segment level

of service, proposals to mitigate the impacts, justification for the proposed numbers of parking spaces, and/or a parking phasing plan when required.

8. **Fire Protection Plan.** A fire protection plan shall be required for any subdivision that has the potential to increase the hazards for fires especially as that hazard relates to the interface with the Mount Naomi Wilderness Area and/or the Wasatch National Forest. The fire protection plan shall include at minimum the plans for any needed firebreaks and planned fire-wise construction and/or landscaping for the proposed subdivision.
9. **Street Lighting Plan.** A street lighting plan shall be required to identify the location of the existing and proposed electrical services for street lighting and the existing and proposed street light locations to be installed as part of the subdivision improvements and shall be in accordance with the City's Design Standards Technical Manual (DSTM); and
10. **Other Letters, Reports, And Plans.** Other reports and plans may be prepared by the developer as determined to be necessary or appropriate by the Land Use Authority during the Pre-Application Meeting Review or review of the Concept Plan. Such other reports and plans include, but may not be limited to:
 - a. Will serve letters from affected private utilities;
 - b. Groundwater protection;
 - c. Adequacy or availability of public safety services;
 - d. Erosion control or any other physical or environmental matters;
 - e. Landscape maintenance; and/or
 - f. Wildlife habitat preservation.
11. **The Text Of Any Ancillary Agreement Proposed By The Applicant.** Ancillary agreements would normally include but are not limited to:
 - a. A development agreement including a schedule for constructing improvements in the event that all improvements will not be completed prior to issuing building permits.
 - b. An agreement for the distribution of water rights as part of a water conservation plan.
 - c. An agreement on any special considerations that impact the development to be agreed upon by the applicant/developer and the City.
 - d. An agreement providing for the application of the initial seal coat on all asphalt surfaces in the subdivision.
 - e. In the event that a waiver or modification is granted by the Land Use Authority per Section 12D-403 (Concept Plan Submittal Requirements; Review Procedure) for any of the reports or studies required by this section, the applicant shall provide as a minimum, a written statement stating the

reasons the reports or studies were waived or modified. The statement shall be provided with the applicant's development plan application.

- C. **Non-Buildable Areas.** No homes, buildings, or other structures, streets, or alleys shall be erected or built on areas designated and platted as "Non-Buildable"; except for those required for public improvements and facilities such as: power poles, pump houses, reservoirs, regulator stations, etc., or those drives required for access to such public improvements and facilities. Non-Buildable areas shall be designated on the Preliminary and Final Subdivision Plat by shading and shall have a designation of "No-Build" shown on the plat. The areas with the following characteristics should be considered for designation as Non-Buildable Areas:

1. Areas of steep slopes;
2. Areas with soils with "very limited" soils rating;
3. Natural drainage corridors, canal channels, and wetlands;
4. Any areas identified by the required studies as potentially hazardous to life, limb, or property; and
5. Fire breaks.

D. **Streets.**

1. **Street Configuration.** A proposed subdivision shall be designed to follow the street configuration requirements herein and elsewhere in the City's Code. Where this code allows an applicant flexibility on street location or configuration, that flexibility shall not be construed to relieve the applicant from the requirements of this section.
 - a. **General Street Configuration And Alignment.** Unless the Land Use Authority deems any of the following items unnecessary, the configuration of streets in a new subdivision shall:
 - (1) Ensure the continuation of existing streets that can logically and reasonably be connected along the same street alignment;
 - (2) Provide for the continuation of new streets into adjoining undeveloped land;
 - (3) Not avoid the requirements of this section by shifting the responsibility of providing a street onto landowners of adjacent undeveloped or underdeveloped parcels; and
 - (4) Not create an unnecessary hardship providing street connections on or to other parcels in the general area.
 - b. **Master Planned Street Or Street Route.** A street shown in the City's General Plan, or any other small area plan, master streets plan, development agreement, or similar adopted planning document, shall be

installed by the applicant in the location and width as depicted in the planning document.

- (1) **Minor Deviations And Alternative Street Alignment Of Master Planned Street Or Street Route.** The Land Use Authority may, but is not required to, allow a master planned street or street route's realignment to be rerouted by up to four hundred feet (400') so the applicant may gain lots on both sides of the street, provided that the radii of the curves are appropriate for the type of street, as determined by the City's Public Works Director or their designated representative.
- c. **Streets Grades.** Both public and private streets shall be a maximum of eight percent (8%), however, the Land Use Authority may grant exceptions with a recommendation from the City Engineer and Fire Authority or their designated representatives to ten percent (10%) for short distances (i.e., up to three hundred feet (300') over a continuous lineal length of two thousand feet (2,000') when conditions warrant that traffic safety and economy of road maintenance can be secured.
 - d. **Angle Of Intersecting Streets.** Any street approaching an arterial or collector street shall approach at an angle of not less than eighty (80) degrees for a distance of at least one hundred feet (100').
2. **Public Street Requirement.** The standard method of ensuring ease of access, efficient mobility, reduced response time for first responders, effective emergency management, strong neighborhood relationships through interconnectivity, and a more equitable means of access to community opportunities, is by requiring public streets and public street connectivity at the time new development is proposed. As such, the default requirement for each subdivision lot is to provide lot frontage on a street dedicated to the City as a public right-of-way and thoroughfare.
3. **Private Street Option.** A private street may be approved by the Land Use Authority. To be approved for a private street, the Land Use Authority shall make the written finding that the public benefit of requiring the street to be dedicated for public use does not outweigh the long term operations and maintenance expense of the street.
 - a. **No Entitlement.** An applicant shall not be entitled to construct a private street. The Land Use Authority has full discretion to allow or require a proposed street to be private.
 - b. **Prohibition.** A private street shall not be allowed if:
 - (1) It creates a hardship for other landowners in the area to access and develop their land; or
 - (2) A public street is needed in the proposed location of the private street, as determined by the Land Use Authority.

- c. **Building Setback Standards.** The minimum building setbacks shall be measured from the boundary of the required access easement or easements.
- d. **Construction Responsibility And Standards.** The applicant shall pay for and construct private street(s). Unless otherwise required by the City Engineer, Fire Authority, Public Works Director, or their designated representatives, a private street shall be constructed at minimum to comply with fire code standards for width and emergency vehicle turnaround. The street shall include a minimum of twelve inches (12”) of granular borrow (compacted to ninety six percent (96%), AASHTO T-180) with six inches (6’) of untreated base course (compacted to ninety six percent (96%), AASHTO T-180) and three inches (3”) of asphalt pavement. The street shall be lined with five foot (5’) sidewalks and street trees with a separation of no more than thirty feet (30’) between trees (with exception to driveways and intersection view triangles). The development and private street shall be designed to accommodate sufficient off-street parking for residents, businesses, and visitors.
- e. **Operation, Maintenance, And Use.** The operations and maintenance of the installed private street improvements shall be the sole responsibility of the owners of each lot gaining access from the private street. The Land Use Authority may allow these owners to restrict access to the street by the general.
- f. **Plat Note Requirement.** A private street shall be labeled on the final subdivision plat as "Privately operated and maintained street. See note [enter note here] ." The note shall read as follows : "Use of a street labeled as "Privately operated and maintained street" is reserved for the exclusive and private use of the adjoining lot owners and their guests until and unless the City's governing body assumes public responsibility for the street."
- g. **Recording Requirements.** At the time of final subdivision plat recording, the applicant shall record a covenant to run with the land that provides that:
 - (1) The owners of all lots that gain access from the private street are solely and equally responsible for operations and maintenance of the street;
 - (2) That by purchasing a lot that gains access from a private street, the owner acknowledges that the City assumes no responsibility or liability for the street or for the uses thereof or thereon until and unless, if applicable, the City's governing body assumes responsibility for it; and
 - (3) The landowner of record or authorized representative agree to pay a proportionate amount of the costs associated with improving or restoring the street to operational public street standards when and if the City's governing body assumes responsibility for it; and agrees

to not protest the creation of a special assessment area or other similar revenue generating mechanism the City Council deems necessary to bring the private street to operational public street standards.

4. Terminal Streets.

a. Permanently Terminal Street Or Street Route.

- (1) **Maximum Length And Number Of Lots.** Permanently terminal streets or street routes that are not directly connected to a master planned street or street route shall:
 - (A) Provide access to no more than thirty (30) total lots; and
 - (B) Have a maximum length of seven hundred and fifty feet (750'). This length shall be measured from the point at which the street or street-route becomes terminal to the furthest extent along the terminal street or terminal street-route. If the terminal street or terminal street-route loops back onto itself, the furthest extent shall be the midpoint of the loop.
- (2) **Turnaround Required.** A terminal street shall be terminated by a turnaround matching the standards listed in the City's Design Standards Technical Manual (DSTM), or as otherwise required by the City Engineer, Fire Authority, Public Works Director, or their designated representatives. If stormwater drains into the turnaround, a stormwater catch basin and drainage easement shall be provided.

b. Temporarily Terminal Street Or Street Route.

- (1) **Number Of Lots Allowed Along A Temporary Terminal Street Or Street Route.** No more than thirty (30) lots are allowed to gain sole access from a temporarily terminal street or street route.
- (2) **Length Of A Temporarily Terminal Street Or Street Route.** The maximum length of a temporarily terminal street or street route shall be seven hundred and fifty feet (750'). This length shall be measured from the point at which the street or street-route becomes terminal to the furthest extent along the temporarily terminal street or street-route. If the temporarily terminal street or street-route loops back onto itself, the furthest extent shall be the midpoint of the loop.
- (3) **Turnaround Required.** A temporarily terminal street or street route shall have a temporary turnaround at its terminus that complies with the minimum requirements of the City Engineer, Fire Authority, Public Works Director, or their designated representatives. The temporary turnaround shall remain available and usable by any users of the street so long as the dead-end condition exists.

c. **Master Planned And Temporarily Terminal Street Or Street Route.**

- (1) **Parameters.** An applicant may extend a master planned and temporarily terminal street or street-route beyond seven hundred and fifty feet (750') if the extension:
 - (A) Can be defined as a temporary terminal street or temporarily terminal street-route, as defined in Section 12A-200 (Definitions); and
 - (B) Runs along the general alignment of a master planned street or street route; and
 - (C) Reduces the distance between the terminal street and the greater interconnected public street network, as measured along the general alignment of the master planned street or street route; and
 - (D) Complies with the requirements of the City Engineer, Fire Authority, Public Works Director, or their designated representative.
- (2) **Number Of Lots Allowed Along A Master Planned And Temporarily Terminal Street Or Street Route.** No more than thirty (30) lots are allowed to gain sole access from a master planned and temporary terminal street or street route. The maximum allowance of thirty (30) lots must also account for any lots created along any permanent terminal street or street routes that may connect along the master planned and temporary term in a street or street route.
- (3) **Length Of Permanently Terminal Street Or Street Route Connected To A Master Planned Street Or Street Route.** Permanently terminal streets or street routes that gain direct access from a master planned and temporarily terminal street or street route may not exceed seven hundred and fifty feet (750') from its point of connection with the master planned and temporarily terminal street or street route.
- (4) **Turnaround Required.** A master planned and temporarily terminal street or street route shall have a temporary turnaround at its terminus that complies with the minimum requirements of the City Engineer, Fire Authority, Public Works Director, or their designated representative. The temporary turnaround shall remain available and usable by any users of the street so long as the dead-end condition exists.

5. **Remoteness.** Where more than one (1) access road is required, the second access shall be established and placed a distance apart from the next nearest street connection equal to not less than one-half (1/2) the length of the maximum overall

diagonal dimension of the property or area to be served, measured in a straight line between the next nearest access.

6. **Block Length.** The maximum length of blocks generally shall be one thousand three hundred and twenty feet (1,320'). The minimum length of blocks generally shall be two hundred seventy five feet (275'), or the depth of two (2) tiers of lots, whichever is smaller. Blocks over six hundred sixty feet (660') in length are required to include a dedicated mid-block walkway through the approximate mid-block location. Such walkway shall be not less than six feet (6') in width and shall be paved with a hard surface of either concrete or asphalt.
 - a. The mid-block walkway shall be maintained in good walkable condition and kept open and accessible to the public in perpetuity by an adjacent lot owner or applicable homeowners' association as may be applicable. The applicable responsible party shall be identified and notated as such on the proposed subdivision plat.
 - b. The Land Use Authority may grant adjustments to the block length and mid-block walkway requirements upon finding that there are no practical design alternatives for complying with the standards, or if a private street or street network is requested and approved.
7. **Half-Streets.** A half-street shall be governed as follows:
 - a. **Within A Subdivision.** A half-street is not allowed within a subdivision.
 - b. **On A Subdivision Boundary.** Where a subdivision's boundary shares a common line with undeveloped land, an approximate half-width street right-of-way may be allowed so long as:
 - (1) The required street improvements follows the half-street standard contained within the City's Design Standards Technical Manual (DSTM); and
 - (2) The street right-of-way within the bounds of the subdivision is wide enough to accommodate the required street improvements.
- E. **Trails.** Trail location and width shall be required in accordance with the City's General Plan, Trails Master Plan, and Active Transportation Plan. Improvement standards for trails shall conform to the City's Design Standards Technical Manual (DSTM), or the United States Forest Service (USFS) or International Mountain Bike Association (IMBA) trails construction guidelines (natural surface trails) or NACTO/AASHTO standards (paved surface trails) when the City has no such specific improvement standard. Rights-of-way and easements should be of sufficient width to allow for a path or tread at the location which most nearly provides a level or uniform slope, minimizes the cost of construction and maintenance, and protects adjacent natural features, including but not limited to vegetation, associated with the trail.
- F. **Fences And Walls.** Fences and walls in identified wildlife corridors shall be strongly discouraged, but in no case shall exceed forty-two inches (42") in height except those required to protect from hazards to life and limb. All other fences shall comply with the

requirements contained within the City's Code and Design Standards Technical Manual (DSTM).

- G. **Utilities.** To the maximum extent practical, all utilities shall be placed within existing road rights-of-way and front yard setbacks as set forth in the City's Design Standards Technical Manual (DSTM). All water, sewer, electrical, telephone, natural gas, cable television and other utilities shall be placed underground except that transformers, pedestals and other appurtenances which are normally located above ground in connection with the underground installations are permitted. Water meter size must match the designed size of the service line from the mainline to the meter, and must be of a sufficient size to service proposed buildings as determined by the International Building Code (IBC) and City Engineer or their designated representative. Multi-unit and homeowner's association (HOA) developments serving more than a single residence must serve the entire development with one meter of sufficient size, and may not be split into multiple meters.

12D-118 Subdivision Plat; Required Notations

A proposed subdivision plat shall include the following notations. Additional notes may be required based on unique circumstances found applicable to the subdivision:

- A. All subdivisions serviced by a secondary water distribution system:
1. "Culinary water shall only be used for indoor purposes. Only secondary water shall be used for outdoor irrigation purposes."
 2. "A perpetual governance entity (owner's association) has been established to own and operate this subdivision's secondary water distribution system. This owner's association shall own and be responsible for the perpetual operation and maintenance of this subdivision's secondary water distribution system. Individual lot owners in the subdivision are required to install and maintain their individual on-site outdoor irrigation systems beyond the stubbed connection of the distribution system to their lot or parcel."
 3. "Secondary water shares or rights shall be allocated and joined to each lot or parcel within this subdivision based on the minimum applicable canal or line company's allocation requirements. Allocated shares or rights to individual lots or parcels shall be deemed to be appurtenant to the land and a lot or parcel owner shall not be entitled to separately convey or transfer ownership of the share or right off the land."
 4. Upon recordation of this subdivision plat, the owner/developer of the subdivision, or their successors and assigns, agrees to not amend any sections of the declaration of covenants or any governing document of any applicable owner's association without prior review and approval by the City.
- B. Maximum lawn or turf in residential areas:
1. The area within the public right-of-way between the curb and gutter and the sidewalk, otherwise known as the park strip, shall not be landscaped with lawn or turf.

2. Lawn or turf areas shall not be less than eight feet wide at their narrowest point.
 3. Lawn or turf areas shall not exceed fifty percent (50%) of the total landscaped area for front and side yards. Lawn or turf limitations do not apply to small residential lots with less than two hundred fifty square feet (250 sq. ft.) of landscaped area.
- C. Maximum lawn or turf in commercial-industrial and institutional-residential and non-residential areas:
1. Within common area or open space landscapes, lawn or turf areas shall not exceed twenty percent (20%) of the total landscaped area outside of active recreational areas.
 2. Lawn or turf areas shall not be less than eight feet (8') wide at their narrowest point.
 3. The area within the public right-of-way between the curb and gutter and the sidewalk, otherwise known as the park strip, shall not be landscaped with lawn or turf.

12D-119 Agricultural, Industrial, Critical Infrastructure And Mining Protection Areas; Required Plat Notations

- A. **Agricultural Protection Areas.** For any new subdivision development located in whole or in part within three hundred feet (300') of the boundary of an agriculture protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
1. "Agricultural Protection Area. This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on the property included in the agricultural protection area. The use and enjoyment of this property are expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."
- B. **Industrial Protection Areas.** For any new subdivision development located in whole or in part within one thousand feet (1,000') of the boundary of an industrial protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
1. "Industrial Protection Area. This property is located in the vicinity of an established industrial protection area in which normal industrial uses and activities may now or in the future be conducted on property included in the industrial protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal industrial uses and activities."
- C. **Critical Infrastructure Materials Protection Areas.** For any new subdivision development located in whole or in part within one thousand feet (1,000') of the boundary of a critical infrastructure materials protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:

1. “Critical Infrastructure Materials Protection Area. This property is located in the vicinity of an established critical infrastructure materials protection area in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal critical infrastructure materials operations.”
- D. **Mining Protection Areas.** For any new subdivision development located in whole or in part within one thousand feet (1,000') of the boundary of a mining protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
1. “Mining Protection Area. This property is located within the vicinity of an established mining protection area in which normal mining uses and activities may now or in the future be conducted on property included in the mining protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from the normal mining uses and activities.”

12D-200 Subdivision Methods And Regulations

12D-201 Fee Simple Parcels; Condo Conversions

Notwithstanding any other provisions of this ordinance or any other ordinances, the Land Use Authority may approve a plat or amended plat in zoning districts where there may be dwellings occupied by more than one (1) family and more than one (1) dwelling unit per lot, and permit the subdivider to divide a lot, or lots, into parcels and convey fee simple title to each parcel to other persons, provided, however, that:

- A. The number of fee simple parcels will be the same as, and not exceed, the number of dwelling units allowed by the zoning ordinance for that zone as follows:

Type Of Dwellings	Number Of Fee Simple Parcels Permitted
Single Family Dwellings	One (1)
Two Family Dwellings	Two (2)
Three Family Dwellings	Three (3)
Four Family Dwellings	Four (4)
Multiple Family Dwellings	Same As Number Of Dwelling Units

- B. There shall be three (3) off-street parking sites provided per lot (i.e. per dwelling unit).
- C. There shall be common walls between dwelling units which shall be constructed in compliance with the standards of the adopted building codes. Dwelling units may be separately owned and occupied.
- D. All lot requirements as to area, dimensions, and front, rear, and side lot lines and setbacks for that zoning district shall be fully complied with for the basic lot and entire dwelling structure.
- E. There shall be only one (1) dwelling structure per lot. This section as to fee simple parcels shall not apply to group dwellings. It shall be prohibited for a subdivider to convey a simple title to parcels or structures within a group dwelling.
- F. This section shall apply only to structures constructed after the effective date hereof.
- G. All fee simple parcels of lots must be clearly shown on the plat or amended plat of the subdivision as a restricted condition of this section.
- H. Nothing in this ordinance shall be construed to allow the creation of condominium units or the construction of a condominium project in any manner other than as set forth in the Condominium Ownership Act of the State of Utah or of any subsequently enacted condominium provisions in the ordinances of this City. There shall be no common areas allowed in fee simple parcels.
- I. Notwithstanding any other provisions of this ordinance or any other ordinances, upon the application of the subdivider, the Land Use Authority may approve a plat or amended plat in commercial and industrial zones provided that:
 - 1. There will be adequate parking sites per lot (per parking requirements as designated in the code).
 - 2. All lot requirements as to area, dimensions, and front, rear, and side lot lines and setbacks for that zone shall be fully complied with for the basic lot and entire building structure.
 - 3. This section shall only apply to structures constructed after the effective date hereof.
 - 4. Nothing in this ordinance shall be construed to allow the creation of condominium units or the construction of a condominium project in another manner other than as set forth in the Condominium Ownership Act of the State of Utah or of any subsequently enacted condominium provisions in the ordinances of this City.

12D-202 Development Methods For Subdivisions

- A. There shall be three (3) approved development methods available for subdivisions within the City more particularly described in subsections 12D-202.1 (Method 1: Standard Subdivision) - 12D-202.3 (Method 3: Density - Bonus Subdivisions).
- B. This section shall not be construed to restrict the right of the Land Use Authority to allow or disallow a subdivider's election and use of any of the three (3) options for subdivision

development. Regardless of the development method selected, special regulations shall be imposed on all developments in order to protect natural or man-made features, sensitive lands, and resource amenities that appear throughout the City. The Land Use Authority shall retain the right to approve or disapprove the use of any of the three (3) subdivision options in order to secure the best interests of the community as a whole.

12D-202.1 Method 1: Standard Subdivisions

- A. **Number Of Lots And/Or Size Of Lots.** Subdivisions using this method may be divided such that all of the resulting lots are at least the standard lot size for the zoning district in which the parcel or lot being divided is located according to the Area, Width, and Yard Regulations table contained in Section 12C-007 (Master Table Of Minimum Area, Width, And Yard Regulations). When no such standard lot size is required by the zoning district in which the lot is located, proposed lots shall be of sufficient size necessary for the use being proposed including its required off-street parking, landscaping, and other design requirements. Proposed lots utilizing this method may also be larger than those standard lot sizes outlined in Section 12C-007 (Master Table Of Minimum Area, Width, And Yard Regulations), but in no case shall be smaller than the minimum size required.
- B. **Building Lot Requirements.** Development under the provisions of Method 1 shall be subject to all applicable regulations of the City's Design Standards Technical Manual (DSTM), the City's subdivision ordinance, and other applicable ordinances and regulations which govern development activities within the City.
- C. **Width And Yard Requirements.** Subdivisions developed under Method 1 may be divided such that all of the lots are at least the standard lot width for the zoning district in which the parcel or lot being divided is located according to Section 12C-007 (Master Table Of Minimum Area, Width, And Yard Regulations). Proposed lots may be wider than the standard lot width but may not be narrower unless Method 2 or Method 3 as described in this Chapter are used.

12D-202.2 Method 2: Lot-Averaging Subdivisions

Subdivisions using this method shall only be allowed a certain density (i.e., a certain number of lots per acre in the subdivision) in accordance with this section. Subdivisions based on density determinants are designed to provide some flexibility to the applicant or developer with regards to lot sizes within a particular zoning district.

- A. **Minimum Lot Size.** Subdivisions divided using Method 2 may be divided such that all of the lots are at least the minimum size for the zoning district in which the parcel or lot being divided is located according to Section 12C-007 (Master Table Of Minimum Area, Width, And Yard Requirements). Lots may be larger than these minimum lot sizes but in no circumstance may be smaller.
- B. **Maximum Number Of Lots In A Subdivision Unless Granted A Connectivity Incentive.** Regardless of the size of the lots in the proposed subdivision the development may not have more lots than is allowed by computing the total area of the subdivision less the non-buildable area(s) in the subdivision and multiplying that by the ratio in Table 1 below, for the zoning district in which the subdivision is located. Table 1 recognizes that approximately

ten to seventeen percent (10% - 17%) of the land in a subdivision is used for roads and other improvements. Accordingly, the base density determination is the total acres in the parcel/lot (gross) less any non-buildable area (net). For the purposes of this section, the term "number of lots" shall be synonymous with the term "number of primary dwelling units" in the Single-Family Residence (R-1) and Residential Estate (RE) zoning districts.

- C. **Maximum Number Of Lots In A Subdivision Within The RE-5 Zone.** Calculating the base density of a proposed subdivision in the RE-5 zone shall follow the methodology listed in Subsection (B) above and Table 1 shown below, however non-buildable area(s) and area(s) assumed for roads shall be omitted from the calculation.

TABLE 1 - Method 2 Allowed Density By Zoning District

Zone	Allowed Density In Lots Per Acre	Minimum Lot Size	Assumed/Typical Portion Of Subdivision Used For Roads, Etc.
Residential Estate (RE):			
RE-1	0.90	20,000 sq. ft.	10%
RE-2	0.45	43,560 sq. ft. (1 acre)	10%
RE-5	0.2	87,120 sq. ft. (2 acres)	Not Applicable
Single-Family Residence (R-1):			
R-1-30	1.28	20,000 sq. ft.	12%
R-1-20	1.92	15,000 sq. ft.	12%
R-1-15	2.47	12,000 sq. ft.	15%
R-1-12	3.09	10,000 sq. ft.	15%
R-1-10	3.62	8,000 sq. ft.	17%

- D. **Rounding.** If the number of lots computed results in a fraction of a lot, that number of allowed lots may be rounded to the nearest whole number of lots. Results ending in exactly 0.5 may be rounded up.
- E. **Building Lot Requirements.** Development under the provisions of Method 2 shall be subject to all regulations of the City's Design Standards Technical Manual (DSTM), the subdivision ordinance, and other applicable ordinances and regulations which govern development activities within the City.

- F. **Width And Yard Requirements.** Width, and yard requirements for developments using Method 2 shall follow the standards contained in Section 12C-007 (Master Table Of Minimum Area, Width, And Yard Requirements).

12D-202.3 Method 3: Bonus Density Subdivisions

- A. To encourage developments to provide a higher quality of life to residents within the City, an applicant proposing a subdivision within the Residential Estate (RE) and Single-Family Residence (R-1) zoning districts may consider, as an approved method of subdivision, the inclusion of one (1) or more of the following design options outlined in this section in order to be considered by the Land Use Authority outlined in Section 12B-601 (Designation Of Land Use Authority) for a density bonus.
- B. **Bonus Density Master Table.** A density bonus (i.e., increase in dwelling units above the base density) within the RE and R-1 zoning districts as outlined in this section shall not exceed the maximum values outlined in Table 1 below. The Land Use Authority outlined in Section 12B-601 (Designation Of Land Use Authority) reserves the right to approve a density less than the stated maximum density based on the applicant's proposal including proposed amenities, and its findings pertaining to the Dollar-Value Equivalency requirements of this section.

TABLE 1 - Bonus Density Master Table

Zoning District	Base Allowed Density In Lots/Acre	Maximum Allowed Density In Lots/Acre
Residential Estate (RE):		
RE-2	0.45	1.0
RE-1	0.90	1.9
Single-Family Residence (R-1):		
R-1-30	1.28	2.2
R-1-20	1.92	2.6
R-1-15	2.47	3.0
R-1-12	3.09	3.6
R-1-10	3.62	4.4

- C. **Eligibility.** To be eligible to participate in Method 3, the proposed subdivision shall be required to integrate the following elements as outlined in Table 2 below. Additionally, items outlined in Table 3 below may be required by the Land Use Authority outlined in

Section 12B-601 (Designation Of Land Use Authority) to be included in an applicant’s proposed subdivision in order to participate in Method 3.

TABLE 2 - Minimum Design Qualities Required To Participate In Method 3

Architectural Design & Building Materials:	
1. No “cookie cutter” architectural designs. (i.e., No repetition of facade elements, floor plans, or exterior materials/colors on any block face.) 2. Minimum material requirements. (i.e., No stucco or vinyl siding. Only timeless materials may be allowed such as cement board, brick, glazing, or timber. A minimum of thirty five percent (35%) stone or masonry shall be included on at least three (3) facades.) 3. No “snout houses”. (i.e., A minimum of thirty percent (30%) of homes shall be side load floor plans. Non-side load floor plans shall have no less than a 50:50 garage/facade ratio. Heavy focus on pedestrian oriented design vs. vehicular oriented design.)	
Historic Preservation:	
1. Preservation of significant historical structures or community features. (i.e., To be determined and/or confirmed by the Land Use Authority as outlined in Section 12B-601 (Designation Of Land Use Authority). 2. Deed restrictions. (i.e., To limit external modifications to only period correct materials and design elements.)	

TABLE 3 - Design Qualities Which May Be Required To Participate In Method 3

Publicly Dedicated Open Space:	
If this item is utilized, additional items from the list in Table 4 below may not be required so long as the amount of open space dedicated is: ● RE-2 and RE-1 Zones: No less than thirty four percent (34%) of the project's gross acreage. ● R-1 Zones: No less than twenty five percent (25%) of the project’s gross acreage.	1. Publicly dedicated open space shall only be required if the subject property is immediately adjacent to an existing City-owned park facility, or if a master planned park is anticipated in the or near the subject property. 2. Acreage of the publicly dedicated open space shall be negotiated with the DRC, and recommended to the Land Use Authority outlined in Section 12B-601 (Designation Of Land Use Authority) for review and approval.
Owner Occupancy:	
This item may be required by the Land Use	1. Perpetual Deed Restrictions. (i.e.,

Publicly Dedicated Open Space:	
Authority in Section 12B-601 (Designation Of Land Use Authority) for participation of any development within the R-1-12 or R-1-10 zones.	One hundred percent (100%) of units shall be placed on perpetual deed restrictions for owner occupancy.) 2. CC& R Restrictions.

- D. **Reduced Lot Widths Permitted.** Reduced lot widths as outlined in Section 12C-007 (Master Table Of Minimum Area, Width, And Yard Regulations) may be approved by the Land Use Authority in Section 12B-601 (Designation Of Land Use Authority) to achieve a bonus density as outlined in this section.
- E. **Subdivision Design Options Eligible For Bonus Density.** The inclusion of certain optional amenities or design options outlined in Table 4 below may result in an allowed-increase in density (i.e., density bonus) not to exceed the maximum density bonus listed above in Table 1. These design options shall require review and negotiation with the City through its DRC on a project by project basis. The DRC will make a recommendation to the Land Use Authority in Section 12B-601 (Designation Of Land Use Authority) for their review and approval based on the applicant's proposal including proposed amenities, and its findings pertaining to the Dollar-Value Equivalency requirements of this section. When applicable, an applicant may be required by the City to first enter into a development agreement before the proposed subdivision may be approved by the Land Use Authority.

TABLE 4 - Optional Design Options Eligible For Density Bonus

Notes:	Optional Design Options Eligible For Density Bonus:
Any of these items shall be discussed and negotiated with the DRC. Various items from this list may be integrated on a project by project basis based on geographic priorities.	1. Fee In Lieu - Parks, Trails, Active Transportation (Above Impact Fees): a. Developer may agree to deposit agreed upon funds to be used only for system-wide park enhancement, park acquisition, trail installation, active transportation trails and pathways, or similar items.
	2. HOA Managed Open Space: a. HOA Managed, Publicly Accessible. (i.e., If not adjacent to an existing City park facility, or if a master planned park is not anticipated in or near the property. b. Acreage of the open space to be negotiated with and recommended by the DRC for the approval of the Land Use Authority. c. The developer is required to install parkspace improvements if private and HOA managed.

Notes:	Optional Design Options Eligible For Density Bonus:
	3. Trails (Within The Boundary Of The Subdivision): a. Master planned trails are considered standard exactions and shall not count towards bonus density consideration. b. Design options include the inclusion of canal trails, active transportation plan pathways, mid-block trails, and cul-de-sac pedestrian passthroughs where a connection can be made on the other side. An exemption may be granted by the Land Use Authority if existing alignments for noted elements do not allow for meaningful pedestrian connections.
	4. Owner Occupancy: a. Perpetual deed restrictions are proposed for at least seventy percent (70%) of units. Deed restricted units are evenly spaced throughout the proposed development. b. CC&R restrictions.
	5. Attainability Set-Aside: a. Proposed units are priced at or below eighty percent (80%) or one hundred percent (100%) of the average median income (AMI). b. Deed restricted to underperform market increases. (i.e., Appreciation of no more than three percent per year (3%/year) or less if market underperforms three percent per year (3%/year).
	6. Accessibility And Street Connectivity: a. Design options include proposals which are consistent with Section 12D-203 (Subdivision Connectivity Incentive).
	7. Viewshed Preservation: a. Preservation of proposed development's existing viewshed. Includes the preservation of inter-development viewsheds.
	8. Water-Wise Landscaping: a. Design options include proposals which employ front, back, and side yard water-wise landscaping strategies and requirements. b. Drip irrigated landscaping only outside of limited turf grass area(s). c. No more than twenty percent (20%) of the proposed lots shall be landscaped with turf grass.

Notes:	Optional Design Options Eligible For Density Bonus:
	9. Street Trees: a. Developer may agree to deposit three hundred dollars (\$300.00) per street tree into a non-refundable account for the City to use after a development is completed to ensure that all street trees installed reach maturity. Any unused funds may be used to install street trees elsewhere in the City.
	10. Off-Site Improvements: a. Design options may include: i. Street improvements leading up to the proposed development. ii. Sidewalk improvements leading up to/connection to the proposed development. iii. Additional parking on-site to alleviate off-site underparked adjacent developments. iv. Adjacent water or sewer connection/improvements. v. Off-site safe route-to-school improvements. vi. Off-site sidewalk network improvements anywhere in the City where the sidewalk network is incomplete based on a City list of priority connections.
	11. Dedication Of Surplus Water Shares/Rights: a. Developer may agree to dedicate water shares/rights above what is required for the proposed development's demand.
	12. Donation To City's Signage And Wayfinding Master Plan Fund: a. Development may agree to help pay for or contribute to the City's overall system of master-planned signage and wayfind elements as set forth in relevant master plans.
	13. Fees In Lieu (Above Impact Fees): a. Developer may agree to deposit agreed upon funds to be used for streets, utilities, and similar items.
	14. For Proposed Developments/Redevelopments Adjacent To Mixed Use - City Center (MX-CC) Zoned Parcels: a. Design options may include the incorporation of walking and biking elements designed to integrate with adjacent City Center connections. Designs should be above the standard exactions or frontage improvements required by the City's Design

Notes:	Optional Design Options Eligible For Density Bonus:
	Standards Technical Manual (DSTM). b. Design options may include use of the MX-CC zone’s architectural and material requirements.
	15. Stormwater: a. Design options may include an increase in stormwater capacity to accommodate off-site or upstream runoff. b. Designs should include the City’s community-wide stormwater master plan and its identified opportunities for regional system-wide improvements which could be integrated into the boundaries of the proposed subdivision.
	16. Fencing: a. Design options may include the use of high quality material perimeter fencing along major collectors. b. No white vinyl or chain link fencing materials. Desired perimeter fencing materials include masonry, a mix of metal and composite, or other similar long-lasting material types. c. Design options may also include the installation of uniform fencing internal to the subdivision that does not include white vinyl or chain link fencing materials.
	17. Miscellaneous Items: a. Design options in this category may include unique or creative ideas which have not already been stated in this table which are beneficial or desirable to particular development or the larger community as a whole.

F. Dollar-Value Equivalency Requirements.

- a. A developer who proposes to develop a proposed subdivision under this section shall provide the City with a copy of the project pro forma which details the additional revenue anticipated by the developer due to the allowance of additional (bonus) lots. The developer shall also provide to the City cost estimates for selected design options contained within this section which substantiate the proposed development’s increased (bonus) density.
- b. The DRC shall review the project’s submitted pro forma and cost estimates for selected design options to verify that assumptions are reasonable and match the City’s anticipated estimates. The estimated value of selected design options shall equate to not less than forty percent (40%) of the additional revenue anticipated to be created with the bonus density lots.

- G. **Geohazard Areas.** Density bonuses shall not be permitted within geohazard areas.
- H. **Low Pressure Or Fire Suppression Deficient Areas Of The City.** Density bonuses shall not be permitted within low pressure or fire suppression deficient areas of the City based on the current water model unless the developer agrees to install the necessary off-site improvements required to provide adequate pressure and suppression to the development.

12D-203 Subdivision Connectivity Incentive

For subdivision Method 2, in order to provide an incentive to an applicant and a benefit to the public through superior connectivity, when an applicant voluntarily designs a subdivision's public street and trails layout in accordance with the preferred layout of the Development Review Committee (DRC) (as described below) the applicant may use the following provisions as a density incentive:

- A. **Eligible Zones.** Only subdivisions in the following zoning classifications are eligible for a Subdivision Connectivity Incentive: Residential Estate (RE -1, RE-2), and Single Family Residence (R-1-10, R-1-12, R-1-15, R-1-20, and R-1-30).
- B. **No Entitlement.** An applicant is not entitled to the provisions of this section and the City is not obligated to apply the incentive of this section to any application.
- C. **Base Density Incentive.** When calculating a subdivision's base density, the areas proposed to be encumbered by public street rights -of-way, which would otherwise be classified as non-buildable acreage, are allowed to be included in the net developable acreage when calculating the base density of the subdivision.
- D. **Ineligible Areas.** Areas within a subdivision that contain streets and trails that are pre-required exactions, as shown in an applicable general plan, small area plan, master streets plan, development agreement, or similar legislatively adopted planning document, do not qualify to be removed from the net developable acreage calculation when calculating the base density of the subdivision.
- E. **Preferred Public Street Layout.** In determining the preferred public street layout, the Development Review Committee (DRC) shall focus on enhancing the overall public good. This may include, but need not be limited to using industry best practices regarding:
 - 1. Street and neighborhood connectivity for both motorized and nonmotorized street-users;
 - 2. Efficiency of street-routes in terms of distance traveled;
 - 3. Reducing block length;
 - 4. Enhancing pedestrian circulation and safety;
 - 5. Supporting four-way intersections over three-way intersections where appropriate; and
 - 6. Superior street alignment that will create best community outcomes.

- F. **Plat Note Requirement.** A note referencing this provision shall be placed on the final subdivision plat. Such note shall read as follows: "This subdivision was allowed flexible lot area, width, and density in exchange for superior street connectivity per Section 12D-203 (Subdivision Connectivity Incentive) of the NLMC."

12D-204 Open Space

Designated Open Space as used herein is defined as open space that has been designated as such by plat, subdivision improvement plans, development agreement, or otherwise as a result of allowing higher densities in a subdivision, in order to preserve drainage corridors or other sensitive lands, to provide park land in accordance with Section 12D-202.3 (Method 3: Density-Bonus Subdivisions) and is intended to remain open space and developable only in accordance with the following approved regulations. The approved uses and restrictions for any Designated Open Space shall appear by note on the Final Subdivision Plat. At no time shall any Designated Open Space be reduced in size or changed in use from the uses or restrictions specified in the approved final subdivision plat and subdivision improvements plans and the conditions of its approval without a public hearing and the approval of the Land Use Authority.

- A. **Conditional Uses Within Open Space.** All uses and facilities in Designated Open Space shall be permitted only by conditional use permit, issued pursuant to the provisions of the City's Land Use Ordinance. Conditional uses in Designated Open Space are subject to approval and conditions as required by the Land Use Authority. Allowed uses are limited to the following:
1. Public and private parks and recreation areas which may also include outdoor playgrounds, picnic tables and pavilions (covered but not enclosed), and restrooms;
 2. Athletic fields, tennis courts, and swimming pools which may include restrooms and changing areas;
 3. Equestrian facilities which may include the keeping of horses with associated fences and corrals (covered or not) but not enclosed facilities such as storage barns, riding arenas, or enclosed stables;
 4. Agricultural crop production compatible with adjacent residential development;
 5. Trails;
 6. Other uses which are determined by the Land Use Authority to be similar to and compatible with the above stated uses and the nature of the Designated Open Space relative to the surrounding neighborhood.
- B. **Prohibited Uses In Open Space.** Prohibited uses in open space include those uses not listed or allowed in Section 12D-204(1) (Open Space) above, and the storage of rubble and trash, or any other use not consistent with the approved conditional uses, uses provided for in the final subdivision plat, ancillary agreement(s) and/or conservation easement.
- C. **Access To Public Street.** All open space shall contain an ingress / egress access to a public street. The access need not be open to the public (see subparagraph D(5) below.) Ingress / egress shall be a minimum of fifteen feet (15') in width.

D. Ownership, Maintenance, And Restrictions.

1. **Types of Ownership Allowed In Public Open Space.** Public open space may be owned, managed, administered, and maintained by the City, or a recognized land trust or conservancy, or any other entity approved by the Land Use Authority.
2. **Types Of Ownership Allowed In Private Open Space.** Private open space may be owned, managed, administered, and maintained like any other privately owned real property but its use is restricted and limited based on the agreements under which it was designated open space and as modified in accordance with this section. Designated Open Space may only be further divided if approved by the Land Use Authority and following a public hearing. The dividing of open space where no additional developable lots are established does not constitute a subdivision as defined in this Title. Any transfer of ownership or dividing of private open space shall not alter the restrictions associated with that open space.
3. **Leasing Of Open Space.** The owner of any Open Space may lease the property to any other qualified person, corporation, limited liability company, or other entity approved by the Land Use Authority for operation and maintenance of the open space, provided that any such lease agreement shall provide that the open space to be leased shall be maintained for the purpose set forth in this ordinance. The lease shall be subject to the approval of the Land Use Authority and any transfer or assignment of the lease shall be further subject to the approval of the Land Use Authority. Each lease agreement shall be recorded with the City Recorder within thirty (30) days of its execution and a copy of the recorded lease shall be filed with the City.
4. **Transfer Of Ownership Of Private Open Space To Public Open Space.** With the express written permission of the City and in compliance with this section and applicable regulations of Title 5 102, an owner of private open space may transfer that open space and the associated development rights or conservation easements to:
 - a. A government entity or
 - b. A private, non-profit organization among whose purposes it is to conserve open space provided that:
 - (1) The new owner is acceptable to the City, and is a bona fide government entity or organization with perpetual existence;
 - (2) Maintenance agreement acceptable to the City is entered into by the new owner; and
 - (3) The owner and developer provide a fully signed copy of the transfer of title agreement that contains the following to the City:
 1. The conservation organization or agency to obtain the property, showing the legal description, conservation purpose, terms of the agreement, grantee of the agreement

and date for finalizing the agreement and the name of the officers, board members, manager(s), trustee(s), and/or other principal officers, etc. in the entity receiving title to the open space.

5. **Access By Public.** Public Open Space shall normally be open to public access unless restricted for some reason such as to ensure the protection of health and safety of the public or to maintain the area for some conservation purposes. Any publicly Owned Open Space with restricted public access shall be posted to indicate such. Privately Owned Open Space need not be open to public access subject to easements and/or other agreed upon access.

12D-205 Reserved

12D-206 Approval Procedures Flag Lots In Subdivisions

- A. The City discourages and restricts the creation of flag lots. The flag lot procedures outlined in this section will not be allowed in existing subdivisions. Flag lots will only be allowed when the Land Use Authority through the subdivision approval process determines that:
 1. Allowing flag lot(s) would be necessary for the efficient use of land; or
 2. To allow a property owner reasonable use and benefit of a parcel of land in accordance with the zoning of the parcel; or
 3. To alleviate a situation which would otherwise cause extreme hardship for the owner; and
 4. Where access to a public street could not reasonably be developed to serve the lot(s) such that each lot would meet the minimum lot-width or access requirements for the zone.
- B. For the purposes of this section, flag lot shall mean an irregularly shaped lot in which the buildable section of the lot(s) is(are) connected by a narrow strip of real property that provides the access to a public street and in which the width of the narrow strip of real property does not meet the minimum lot width standards in the zoning district in which it is located.
- C. If the lot is configured and located such that the standard required access could be developed on a public street in the future, but only if considerable amounts of other land were to be developed, a flag lot(s) may be allowed as an interim measure. In such a case, any right-of-way in the lot(s) that will be needed for the future public roads shall be dedicated to the City by plat or other appropriate agreement. The agreement may, at the City's discretion, include the requirement for the property owner(s) to construct, in the future, the road and/or improvements when the City deems it appropriate.
- D. All flag lots shall conform with the following regulations. Residential subdivisions utilizing flag lots may be permitted when the following criteria are met:
 1. **Basic Requirements.** Flag lots shall be permitted only for single-family detached units located in residential zoning districts. Flag lots shall be permitted only for

tracts of land with limited street-frontage, but with sufficient area for additional lots and where the uses of such flag lot(s) would result in an improved subdivision design. Each flag lot shall contain its own access strip, owned in fee simple, as part of the lot and not by way of a grant or right-of-way, easement, license, or similar grant.

2. **Access Drive Requirements.** The minimum width of the flag lot drive or combination of drives (the narrow strip(s) of the lot(s) accessing a public street) shall be twenty feet (20'). Up to two (2) flag lots may share a single access drive. A cul-de-sac or some other type of turn-around area suitable for emergency vehicles shall be established. Driveway length and width shall be reviewed and approved by the Fire Authority to ensure adequacy for use by emergency vehicles prior to consideration by the Land Use Authority.
3. **Lot Size, Width, Setback, And Configuration Requirements.** All flag lots created by a subdivision shall meet the size and setback requirements of the zoning district in which the lot is located. The front yard, and hence the front setback, for a flag lot shall be measured from the point where the lot meets the minimum required lot width standard for the zoning district in which the lot is located and or future public street. Only two (2) flag lots shall be permitted on a tract being subdivided.
4. **Access Requirements.** Access for all flag lots created by the subdivision shall only be from roads classified as public streets. No more than two (2) contiguous flag lot access strips shall be allowed. Flag lot driveways shall be consolidated with the adjoining flag lot driveway and adjoining regular lot driveways whenever possible.
5. **Ancillary Agreement Requirements.** Cross easements and maintenance agreements shall be established for the use and maintenance of any common drive set up to meet the requirements of this ordinance. Drafts of any such needed easements and/or maintenance agreements shall be submitted to the City for approval in establishing a flag lot. Any such cross-easements and maintenance agreements shall be recorded with the approved subdivision documents and/or for each approved flag lot.
6. **Safety Requirements.** The subdivider shall demonstrate to the satisfaction of the Land Use Authority that use of the flag lots is necessary to the effective development of the land and that the proposed design poses no hazard to public safety as follows:
 - a. Access is clearly defined and does not create access conflicts with adjacent lots.
 - b. There are no visual obstructions at the intersection of the flag lot drive(s) with the street.
 - c. The length of the flag lot drive does not negatively impact clear addressing or visibility from an emergency or service vehicle.

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- d. The dwelling address must be clearly displayed at the public road and must be clearly visible from the public road and maintained to clearly differentiate the flag lot from the adjacent property.
- e. The design for the address display, any needed signs to identify the access road, mailbox location/configuration for the flag lot(s), and the planned location for trash collection for the flag lot(s) shall be submitted to the Planning Commission and the City Council for consideration in approving the flag lot(s).

12D-207 Reserved

12D-300 Reserved

12D-301 Reserved

12D-302 Reserved

12D-303 Reserved

12D-304 Reserved

12D-305 Reserved

12D-306 Reserved

12D-307 Reserved

12D-308 Reserved

12D-309 Reserved

12D-400 Subdivision Review Processes

12D-400 General Responsibilities

- A. An applicant shall prepare a concept plan, preliminary subdivision plat, subdivision improvement plans, and final subdivision plat consistent with the standards contained herein and shall pay for the design, review, construction, and inspection of the improvements required.
- B. The applicant shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the applicant has obtained the necessary approvals as described in this Chapter.
- C. The applicant is responsible to obtain and be familiar with all applicable subdivision ordinances, construction regulations, and all other rules and related standards of the City.
- D. The City shall process said plans and plats in accordance with the regulations set forth herein.
- E. The Land Use Authority shall review submitted plans and plats for design, conformance to the applicable requirements of the General Plan, land use and other adopted ordinances, and shall process the plans and plats as provided for in this Title.
- F. Plans and/or plats of proposed subdivisions may be referred by the Zoning Administrator or Land Use Authority to the City's various departments and staff, special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comments. The Zoning Administrator shall be responsible for coordinating any comments received from public and private entities and shall decide which agencies to refer proposed subdivision plans and plats to.
- G. The Recommending Body, as outlined in Section 12B-601 (Designation Of Land Use Authority), shall be charged with making investigations, reports, and recommendations on proposed subdivisions as to their conformance with the City's General Plan, the land use ordinance, and other pertinent rules, regulations, and standards of the City. After determining that a referred plan or plat complies with applicable requirements, the Recommending Body shall recommend approval, approval with conditions, or denial of the plan or plat to the Land Use Authority. Failure of the Recommending Body to render an official recommendation shall be deemed a recommendation of approval.
- H. The Land Use Authority designated in Section 12B-601 (Designation Of Land Use Authority) shall have final jurisdiction in the approval of subdivision plans and plats.

12D-401 Pre-Application Meeting Required; Determination By DRC If Concept Plan Required

- A. **Pre-application Meeting Required.** Before submitting a subdivision application to the City for review, applicant(s) shall attend a pre-application meeting with the DRC to discuss development plans on an informal basis.
 - 1. The DRC may choose to waive the requirement of a pre-application meeting or subsequent concept plan review at the applicant's request.

2. If the proposed development is a residential single family, two family, or townhome development, applicant(s) shall not be required to attend a pre-application meeting. However, an applicant(s) may request a pre-application meeting and/or concept plan review to be conducted by the City pursuant to §10-20-805 of Utah State Code (as amended). The applicant(s) request shall be submitted to the City along with any applicable applications or materials that are ordinarily required by this Chapter along with any applicable fees as outlined in the City's Fee Schedule.
 3. The DRC may provide any helpful suggestions or cautions, including relevant specifications and regulations, to help the applicant understand what must be done to have the subdivision application accepted by the Land Use Authority.
 4. The DRC shall determine whether the proposed subdivision requires the submission of a concept plan.
- B. The applicant must be the property owner, or an official representative of the property owner and shall provide the City with complete and accurate information about the size and scope of the proposed project.

12D-402 Concept Plan; Generally

- A. Unless waived by the DRC, or not requested by a residential single family, two family, or townhome developer, applicants shall make an application for concept plan review with the City and pay the required fee as outlined in the City's Fee Schedule. The concept plan application shall be submitted to the City for review and approval by the Land Use Authority prior to the submission of a preliminary subdivision plat and subdivision improvement plans application.
- B. The concept plan is intended to promote efficiency in the subdivision review and approval processes and enable the applicant and relevant City Staff to have an informal preliminary review of the site plan with the general scope of the proposed development and site or development conditions which might affect the proposed plan and subsequent plats. It is designed to allow for the identification of City policies, issues, application procedures, standards, and other items that may need to be considered during the subdivision review process once a formal application is received.
- C. The concept plan submittal shall not constitute an application for subdivision approval, as provided and required by this Chapter, and in no way shall be binding on the City or the applicant(s). Any discussion that occurs at the conceptual plan review shall not be considered any indication of subdivision approval or disapproval, either actual or implied.
- D. Once the concept plan has been approved by the Land Use Authority, the applicant(s) may apply for preliminary subdivision plat and subdivision improvement plans approval consistent with the submitted concept plan. In the event a conceptual plan is substantially modified by the applicant(s) (as evidenced by the submission of a preliminary subdivision plat and subdivision improvement plans) the City may deny the acceptance of the preliminary subdivision plat application and require the developer to resubmit for concept plan review.

- E. If preliminary subdivision plat and subdivision improvement plan approval for any portion of a reviewed concept plan has not been obtained within one (1) year from the date on which the concept plan was reviewed, the resubmittal of the concept plan may be required by the City.

12D-403 Concept Plan Submittal Requirements; Review Procedure

- A. The Concept Plan shall address the issues listed under Section 12D-117(A) (Development Regulations), and shall include the following:
 - 1. A map, plat, or other scaled drawing of the area to be developed. The concept plan drawing need not be produced by a licensed professional but must include at least the following information as applicable:
 - a. The proposed name of the subdivision;
 - b. Map of the proposed subdivision with property boundaries, including all adjacent properties, including those within the same ownership or development conglomerate and their potential for cooperation;
 - c. Approximate acreage of the proposed subdivision;
 - d. Current zoning designation of properties included in the proposed subdivision, and any zoning map changes which would be necessary to develop the proposed subdivision;
 - e. A proposed layout of the subdivision indicating the general dimensions, areas, and number of lots, access points and street configurations, including right-of-way widths, etc.;
 - f. Topographic contours and the location of existing or potential sensitive lands or features (i.e., geologic, floodplain hazards, etc.).
 - g. The present roads and utilities;
 - h. Approximate location of nearest utilities and those proposed to service the subdivision including:
 - (1) A description of the type of culinary and secondary water systems proposed including documentation of water rights, historic water use, and any easements that may need to be acquired in order for the subdivision to connect to adjacent water sources;
 - (2) A description of the type of sanitary waste system proposed;
 - 1. When private wells and on-site septic systems are proposed, a description of how each proposed lot will conform to the standard protection radius around the wellhead shall be required.
 - i. Potential open space or areas which will be utilized for trail systems;

- j. Any characteristics which may impose peculiar construction requirements, such as geological hazards, drainage systems or steep slopes;
 - k. The relationship between the proposed development and the City's General Plan and including, without limitation, planned roads, utilities, trails, sensitive lands, parks, and drainages;
- 2. A written statement of sufficient detail so that the intent of the developer(s) is made clear to those persons who review the proposals including information on phased development, the anticipated timeline or schedule for the development, methods of financing improvements, maintenance and ownership of non-buildable lands or common open spaces;
- 3. A detailed list describing any portion of the studies and reports listed in Section 12D-117(B) (Development Regulations) the developer(s) feels may not be necessary for development of the subdivision; and the reasons why such studies or portions thereof ought to be waived or modified; and
- 4. Other materials or documents as identified or required by the DRC during the pre-application meeting such as:
 - a. Any maps and narratives required by any other provisions of the City's ordinances.

B. Review Procedures.

- 1. A digital copy of the Concept Plan shall be submitted for review by the City. The Zoning Administrator shall, upon receipt of a complete concept plan submission, distribute copies of the plan to the DRC and other agencies as in the opinion of the Zoning Administrator may contribute comments or suggestions on the proposed subdivision which are deemed to be in the best interest of the public.
- 2. The Reviewing Body shall review the submitted concept plan and check compliance of applicable sections of the City's General Plan, Master Transportation Plan, subdivision and land use ordinances, and other appropriate regulations and standards.
- 3. The Reviewing Body or Land Use Authority may request additional information or studies to be provided for the overall development which may assist them to evaluate the proposed subdivision during subsequent plan and plat reviews. The Reviewing Body may also recommend the Land Use Authority approve a waiver(s) for such information including required studies, reports, or plans (as required by Section 12D-117(B) (Development Regulations) if it can be sufficiently shown that such information, studies, reports or plans will provide no valuable insight or will serve no useful purpose in the evaluation of the proposed subdivision.
- 4. Following the Reviewing Body's review, the City shall notify the applicant(s) in writing of review findings including any questionable design or engineering feasibility issues, inadequacy of submittals, noncompliance with local regulations, and/or the need for other information which may assist the City to evaluate the

proposed concept plan. Recommendations regarding the concept plan by the Reviewing Body shall not constitute an approval or disapproval of the proposed subdivision but rather shall operate in such a manner as to give the applicant guidance as to the requirements and constraints for the applicant's proposed subdivision.

5. Once concept plan recommendations have been received from the City as provided herein, the applicant(s) may apply for preliminary subdivision plat and subdivision improvement plan approval consistent with the concept plan. If preliminary subdivision plat approval for any portion of a reviewed concept plan has not been obtained within one (1) year from the date on which comments were provided to the applicant for concept plan, a resubmittal of the concept plan shall be required. One (1) extension may be granted by the Zoning Administrator if the City's ordinances regulating subdivisions have not changed, and if the applicant(s) request the extension in writing prior to the original expiration date.

12D-404 Preliminary Subdivision Plat And Subdivision Improvement Plans Submittal Requirements; Review Procedure

- A. **Contents of Preliminary Subdivision Plat.** All preliminary subdivision plat applications filed with the City are required to provide the following information:
 1. **Application.** A preliminary subdivision plat application shall be completed and signed by the owner(s) as identified on the property assessment rolls of the County, or by an authorized agent of the owner(s) of the land proposed to be subdivided. The preliminary subdivision plat application shall be accompanied by the fee as outlined in the City's Fee Schedule.
 2. A title report of all associated parcels of land within the subdivision boundary with a title commitment date of not more than thirty (30) days from the date of application submittal. A preliminary title report shall indicate all easements, restrictions, covenants and reservations of record. All easements shall be clearly shown on the preliminary subdivision plat.
 3. A narrative describing ownership, use and maintenance responsibilities for all common and public improvements, utilities, and Open Space;
 4. Reports as listed in Section 12D-117(B) (Development Regulations), unless otherwise waived or modified by the Land Use Authority, each of which shall be prepared by a professional with the appropriate license and/or training in the field, as specified in Section 12D-117(B) (Development Regulations). Also, any additional letters, studies, and reports that may have been recommended by the DRC, City Staff or Planning Commission and required by the City Council including will serve letters from affected private utilities.
 5. A narrative describing in detail how the findings, recommendations, or conclusions contained within the resulting studies and reports (as required by Section 12D-117(B) (Development Regulations)) have been integrated into the design of the proposed subdivision.

6. Pursuant to the provisions of Chapter 12I (Dedication Of Water System Shares Or Water Rights) the applicant shall submit an assessment of the water shares or water rights to be transferred and dedicated to the City. Alternatively, the applicant may submit a calculation for the payment of a fee in lieu.
7. **Preliminary Subdivision Plat.** A preliminary subdivision plat shall be prepared by a registered land surveyor licensed to do such work in the State of Utah. A poorly drawn or illegible plat shall be sufficient cause for its rejection by the City. The preliminary plat shall contain the following information:
 - a. **Form Of Presentation.** The information required in this Chapter as part of the preliminary subdivision plat submittal shall be shown graphically or by note on plans, or by letter, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale of no more than one inch equals one hundred feet (1" = 100'). Scales shall be adjusted to produce an overall drawing measuring twenty four inches by thirty six inches (24" x 36"). Each sheet of the preliminary subdivision plat shall contain the name of the project, scale, sheet number, and north arrow.
 - b. **Identification And Descriptive Data.** Required identification and descriptive data shall be:
 - (1) Proposed name of subdivision.
 - (2) The legal description by metes and bounds, dimension, section, township, and range; reference by dimension and bearing to a section corner, quarter section corner or other legal land subdivision corner.
 - (3) Name, address and phone number of subdivider.
 - (4) Name, address and phone number of engineer, surveyor, and landscape architect or land planner preparing the plat.
 - (5) Scale, north point and date of preparation including dates of any subsequent revisions.
 - (6) Vicinity map clearly showing proposed division in relationship to adjacent subdivision, main arterial routes, collector streets, utilities and so forth.
 - c. **Existing Conditions Data.** Required data regarding existing conditions shall be:
 - (1) Topography by contours related to USGS survey, datum or other datum approved by the City Engineer, shown on the same map as the proposed subdivision layout. Contour interval shall be not more than five feet (5'). Any area with a slope thirty percent (30%) or greater shall be shown by crosshatching and any areas proposed to be designated as non-buildable shall be shown by shading. Any area

which the soils report rates as “Very Limited” shall also be identified.

- (2) The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries.
- (3) The location, width and names of all existing or recorded streets both within the proposed subdivision and within two hundred feet (200') of the proposed subdivision and of all prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and section and corporation lines, within and adjacent to the tract; and also showing the location of public utilities and other important features and existing structures within the land adjacent to the land to be subdivided, including railroads, exceptional topography, water table within five feet (5') of ground surface, airports and air approaches to the airport.
- (4) The location of any irrigation systems whether culinary or secondary, along with recording information for any existing easements that may accompany these facilities.
- (5) Name, book and page numbers of any recorded adjacent subdivision having a common boundary with the tract. Boundary lines of adjacent tracts of un-subdivided lands showing the names and addresses of the owners thereof.
- (6) By note, the existing zoning classification of the tract.
- (7) By note, the acreage or square footage of the tract.
- (8) Location and principal dimensions for all water courses including the location of streams or drainage channels with flood prone areas specifically designated as flood plains using the requirements for storm water control found in the City's Design Standards Technical Manual (DSTM). Existing flow rates shall be calculated and stated as to whether flow is constant or intermittent.
- (9) Existing sewers, storm drains, water mains, culverts, or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact locations.
- (10) The location of existing bridges, culverts, surface or subsurface drainage ways, wetlands, geologic hazards, floodplains, canals, utilities, public buildings, pumping stations or appurtenances, within subdivision or within three hundred feet (300') thereof.

- (11) Where the plan submitted covers only a part of the subdivider's tract, or is part of a larger vacant area, the plan shall show the location of the subdivision as it forms part of the larger tract or parcel of land. In such cases, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
 - (12) Location and nature of any prominent natural features.
- d. **Proposed Conditions Data.** Required data regarding proposed conditions shall be:
- (1) Street layout, including location, width and proposed names of public streets, alleys, crosswalks, easements; connections to adjoining platted tract, parks and other open spaces, and proposed street lighting.
 - (2) Typical lot dimensions (scaled); dimensions of all corner lots and lots of curvilinear sections of streets; each lot numbered individually; total number of lots; total amount of open space, all sensitive lands, and non-buildable areas.
 - (3) Designation of all land to be dedicated or reserved for public or common use with use indicated.
 - (4) If plat includes land for which multi-family, commercial or industrial use is proposed, such areas shall be clearly designated together with existing zoning classifications and status of zoning change, if any.
 - (5) Building setback lines.
 - (6) Easements for water, sewer, drainage, utility lines and other purposes, if required. Any easements associated with the subdivision's secondary water distribution system, whether on-site or off-site, shall be depicted and referenced on the plat. Off-site secondary water easements shall be secured and recorded prior to the recording of a final subdivision plat to allow the recording information to be referenced on the final plat. Said off-site easements shall be granted in favor of any entity making down-stream secondary water connections. On-site secondary water easements shall be accompanied by dedication language that specifically dedicates said easements in favor of the associated secondary water owner's association that is established to accompany the subdivision or any entity making down-stream secondary water connections.

- (7) Typical street cross section and preliminary street profiles where required by the City Engineer or Public Works Director or their designated representatives.
- (8) A tentative plan or method by which the subdivider proposes to handle storm water as required in the City's Design Standards Technical Manual (DSTM) and to be included in a water drainage plan for the subdivision.
- (9) A tentative plan for culinary water improvements and waste disposal improvements for all lots proposed within the subdivision.
- (10) Meets and bounds locations of all non-buildable areas and open space.

e. **Proposed Utility Methods.** Required data regarding proposed utility methods shall include:

- (1) **Sewage Disposal.** It shall be the responsibility of the subdivider to furnish the appropriate health authority such evidence as that department may require to its satisfaction as to the design and operation of sanitary sewage facilities proposed. The existing City sewage collection system must be used unless otherwise authorized by the City.
- (2) **Water Supply.** Evidence shall be given of adequate delivery capabilities for peak instantaneous flow plus flow from demands. All developments must connect to the existing City's Culinary Water System.
- (3) **Storm Water Disposal.** Preliminary calculations and a layout of the proposed system shall be provided.

B. **Contents Of Subdivision Improvement Plans.** Subdivision improvement plans for the proposed subdivision shall be submitted together with the preliminary subdivision plat and designed in accordance with the City's Design Standards Technical Manual (DSTM) and shall contain all required improvements listed in Section 12D-116 (Subdivision Improvements Required). Subdivision improvement plans shall be designed, stamped and signed by an engineer licensed in the State of Utah qualified to perform such work.

C. **Review Procedure.**

- 1. The Zoning Administrator shall, upon receipt of a complete preliminary subdivision plat submission, distribute copies of the plan to the DRC and other agencies as in the opinion of the Zoning Administrator may contribute comments or suggestions on the proposed subdivision which are deemed to be in the best interest of the public.
- 2. The Reviewing and Recommending Body shall review the submitted preliminary subdivision plat and subdivision improvement plans and check compliance of applicable sections of the City's General Plan, Master Transportation Plan,

subdivision and land use ordinances, and other appropriate regulations and standards. The Recommending Body shall make a recommendation to the Land Use Authority regarding the submitted preliminary subdivision plat and subdivision improvement plans, specifying any inadequacy in the information submitted or noncompliance with City regulations. The Zoning Administrator shall be responsible for compiling all review comments into a staff report which shall be transmitted with the preliminary subdivision plat and subdivision improvement plans application to the Recommending Body and Land Use Authority as outlined in Section 12B-601 (Designation Of Land Use Authority).

3. When identified as the Recommending Body or Land Use Authority, the Planning Commission at their next regularly scheduled public meeting, shall review the staff report and preliminary subdivision plat submittal and either make a recommendation to the Land Use Authority or make a determination regarding compliance with the City's General Plan, subdivision and zoning ordinances, and other regulations of the City.
 4. The Land Use Authority shall then consider the application for preliminary subdivision plat approval, including the recommendations of the Recommending Body, at its next available regularly scheduled public meeting. The Land Use Authority shall approve, or approve with modifications only those preliminary subdivision plats which it finds to be developed in accordance with the intent, standards, and criteria specified in this Title.
- D. **Land Use Authority Reconsideration.** If the Land Use Authority asks for changes, or seeks additional information on the preliminary subdivision plat and subdivision improvement plans, the plat and plans shall be returned to the Reviewing and Recommending Bodies outlined in Section 12B-601 (Designation Of Land Use Authority) for their re-review and recommendation after the subdivider has made such adjustments or modifications as may be deemed necessary to comply with the determinations of the Land Use Authority, if any, and upon such adjustments or modifications being made, thereafter, the Recommending Body shall re-submit the preliminary subdivision plat and subdivision improvement plans to the Land Use Authority which shall, at its next regular meeting approve or disapprove the preliminary subdivision plat and subdivision improvement plans.
- E. **Approval for One (1) Year.** Approval of the preliminary subdivision plat and subdivision improvement plans by the Land Use Authority shall only be valid for twelve (12) months unless the Land Use Authority grants an extension, in writing, to the subdivider. If a final subdivision plat has not been recorded within the twelve (12) month period, the preliminary subdivision plat and subdivision improvement plans shall be void. Any further action by the subdivider to gain approval of the subdivision would require a re-submittal of the plan through the regular subdivision approval process. However, preliminary approval of a larger tract of land shall not be voided if a Final Plat showing only a portion of the total area in the preliminary subdivision plat is submitted for final approval within one (1) year.
- F. **Authorization To Proceed.** A digital copy of the "approved" preliminary subdivision plat and subdivision improvement plans with all conditions required by the Land Use Authority shall be submitted to the City Recorder. Approval of the Land Use Authority shall be

authorization for the subdivider to proceed with the preparation of the final subdivision plat. Approval of the preliminary subdivision plat and subdivision improvement plans does not constitute acceptance of the final subdivision plat of the Subdivision.

- G. **Appeal.** Any person(s) aggrieved by a decision of the Land Use Authority concerning a preliminary subdivision plat application may appeal the decision to the Appeal Authority outlined in Section 12B-601 (Designation Of Land Use Authority).

12D-405 Final Subdivision Plat Submittal Requirements; Review Procedure

A. **Phased Development Required.**

1. The final platting of subdivisions containing more than forty (40) lots may be done in phases, except as provided in this section.
2. The development of the subdivision shall be in an orderly manner and in such a way that phases will be contiguous, the required improvements will continue, and all of the off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the land subdivided within the time specified.
3. When the off-site improvements have been one hundred percent (100%) completed outside the boundaries of the recorded plat and approved by the City's Engineer and on-site improvements are seventy percent (70%) completed, the applicant may submit the next phase of the proposed development in accordance with the rules and regulations of this Title.
4. A final subdivision plat including more than forty (40) lots may be accepted only upon the submission of qualified evidence indicating that the financial ability of the applicant(s) is such that the on-site and off-site improvements for all lots in such final subdivision plat will be completed within two (2) years of such approval.

- B. **Final Subdivision Plat Submittal.** Once the preliminary subdivision plat and subdivision improvement plans have been approved by the Land Use Authority and the subdivider has received authorization to proceed, the applicant shall prepare the final subdivision plat. A final subdivision plat of the subdivision covering all or part of an approved preliminary subdivision plat and subdivision improvement plans, and including an appropriate improvement bond or other proposed form of guarantee of improvements insuring both the completion of and payment for required improvements, shall be submitted within one (1) year from the date of the preliminary subdivision plat and subdivision improvement plans approval, unless the time is, in writing, extended by the Land Use Authority. Otherwise, preliminary approval shall be deemed to have been withdrawn. The final subdivision plat shall conform in all respects to the preliminary plat as previously reviewed and approved by the Land Use Authority and shall have incorporated all modifications required in its review.

- C. **Contents Of The Final Subdivision Plat Submittal.** The final subdivision plat shall include the following:

1. **Method And Medium Of Presentation Of The Final Plat.**

- a. A copy of the final subdivision plat shall be submitted in electronic PDF form.
 - b. Once approved for printing, the final subdivision plat shall be drawn in permanent ink on linen, plastic, or other non-shrinking material, on a sheet of twenty four inches by thirty six inches (24" x 36") proportions and signed by a registered land surveyor who is licensed in the State of Utah.
 - c. Copies of the final subdivision plat shall be reproduced in the form of blue lines or black line prints on a white background.
 - d. The plat shall be drawn to an accurate scale not more than one inch equals fifty feet (1" = 50') unless otherwise approved as to scale.
 - e. The plat shall use the standard form, including margins.
2. **Required Data.** The following data shall be set forth in the final subdivision plat:
 - a. **Identification Data.**
 - (1) A title in bold letters which includes the name for the subdivision and its location by number of section, township, range, and county;
 - (2) Signature and seal of the registered land surveyor preparing the plat;
 - (3) Scale, north arrow and date of plat preparation
 - b. **Survey Data.**
 - (1) Boundaries of the tract (to be drawn slightly heavier than street and lot lines) shall show all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof. All boundary, lot and other geometrics on the final subdivision plat shall close to an accuracy of not less than one (1) part in five thousand (5,000).
 - (2) Any excepted parcel(s) within the plat boundaries shall show all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
 - (3) And description of cardinal points to which all dimensions, angles, bearings, and similar data on the plat shall be referenced; each of two (2) corners of the subdivision traverse shall be tied by course and distance to separate section corners, quarter section corners, or other legal land subdivision corners.
 - (4) Description of all physical encroachments upon the boundaries of the tract.

c. Descriptive Data.

- (1) Names, right-of-way lines, courses, lengths, widths, and bearings and curve data on the centerline, of all public streets, alleys, crosswalks and utility easements, radii, points of tangency and central angles of all curvilinear streets and alleys, radii of all rounded street line intersections;
- (2) All drainage ways shall be shown on the plat with the same information and in the same manner as set forth in the preliminary subdivision plat.
- (3) All easements for right-of-way provided for public services or utilities and any limitations of the easements. Any easements associated with the subdivision's secondary water distribution system, whether on-site or off-site, shall be depicted and referenced on the plat. Off-site secondary water easements shall be secured and recorded prior to the recording of a final subdivision plat to allow the recording information to be referenced on the final plat. Said off-site easement shall be granted in favor of any entity making down-stream secondary water connections. On-site secondary water easements shall be accompanied by dedication language that specifically dedicates said easements in favor of the associated secondary water owner's association that is established to accompany the subdivision, or any entity making down-stream secondary water connections.
- (4) Location, lines, dimensions, bearings, and number of all residential lots and blocks. All residential lots shall be numbered by consecutive numbers throughout the plat;
- (5) All lots, blocks, or parts thereof reserved for any reason within the subdivision, and all other exceptions, tracts and "private parks", shall be so designated, lettered or named and clearly dimensioned;
- (6) Location, dimensions, bearings, radii, arcs and central angles of all sites to be dedicated to the public will be clearly indicated and intended use specified;
- (7) Location of all adjoining properties with date, book, and page number of recordation noted, or if unrecorded, so marked;
- (8) Any proposed private deed restrictions to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land shall be typewritten and attached to the plat and to each copy submitted;
- (9) Any open space within the subdivision and a statement describing all requirements related to the existence or maintenance of open space, trail easements, non-buildable areas, conditional and

prohibited uses, and restrictions on land use, in or affecting the development or subdivision.

- (10) Any non-buildable areas shown by shading with metes and bounds and the designation “No-Build” written on each such area.

d. **Required Signatures.** The specified standard form for the required signature blocks are listed in the City's Design Standards Technical Manual (DTSM). The following signatures blocks are required:

- (1) Surveyor's Certificate;
- (2) Owner's Dedication;
- (3) Acknowledgment by owner to include Corporate, Partnership, Limited Liability Company, or Trust Acknowledgment as applicable;
- (4) Agreement(s) as applicable;
- (5) County Recorder's Number;
- (6) City Engineer's Certificate;
- (7) City Attorney Approval;
- (8) Mayor's Approval and Acceptance; and
- (9) Planning Commission Chairperson's Approval and Acceptance.

D. **Other Required Information.** The following shall be submitted with the final plat:

1. A current title report from a licensed title company (with a commitment date within thirty (30) days of final subdivision plat application submittal) evidencing the current ownership of the real property included in the final subdivision plat;
2. When a subdivision contains a secondary water distribution system, and/or lands that are reserved in private ownership for community use, including common areas, the applicant shall submit with the final subdivision plat, the name, proposed articles of incorporation, CC&Rs, and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such improvements, lands, common areas, and any access easements which may be required;
3. All documents are required for the guarantee of improvements as required in Chapter 12D-501 (Inspection And Guarantee Of Work);
4. Subdivision Agreement - Improvement Development (SAID); and
5. Construction cost estimates of all required improvements

E. **Review Procedure.**

1. The Zoning Administrator shall, upon receipt of a complete final subdivision plat submission, distribute copies of the plan to the DRC and other agencies as in the

opinion of the Zoning Administrator may contribute comments or suggestions on the proposed subdivision which are deemed to be in the best interest of the public.

2. The Reviewing and Recommending Bodies shall review the submitted final subdivision plat and check compliance of applicable sections of the City's General Plan, Master Transportation Plan, subdivision and land use ordinances, and other appropriate regulations and standards. The Recommending Body shall make a recommendation to the Land Use Authority regarding the submitted final subdivision plat, specifying any inadequacy in the information submitted or noncompliance with City regulations. The Zoning Administrator shall be responsible for compiling all review comments into a staff report which shall be transmitted with the final subdivision plat application to the Recommending Body and Land Use Authority as outlined in Section 12B-601 (Designation Of Land Use Authority).
3. The Land Use Authority shall then consider the application for final subdivision plat approval, including the recommendations of the DRC and Planning Commission, at its next available regularly scheduled public meeting. The Land Use Authority shall approve, or approve with modifications only those final subdivision plats which it finds to be developed in accordance with the intent, standards, and criteria specified in this Title.
 - a. The Land Use Authority shall ensure that the final subdivision plat substantially conforms to the preliminary subdivision plat as approved, including any modifications, deletions, or additions thereto as required by the City or agreed upon by and between the City and the applicant in the review process;
 - b. The Land Use Authority shall ensure the dedication to the City of any streets, parks, utility easements, sewer easements, open space, or similar land and interests is properly certified and described;
 - c. The Land Use Authority shall ensure no significant changes in the property or the community which will constitute a potential hazard to the City should occur should the final subdivision plat be approved; and
 - d. The Land Use Authority shall ensure any open space within the final subdivision plat contains a statement that does not allow for it to be subdivided into separate parcels, and a statement describing all requirements related to the existence or maintenance of the open space, trail easements, non-buildable areas, conditional and prohibited uses, and restrictions on land use, in or affecting the development or subdivision is noted.
4. Before executing their signature on the final subdivision plat the City's Public Works Director and/or City Engineer or their designated representatives shall review the final subdivision plat, subdivision improvement plans, construction cost estimates of all required improvements and such documents as are required for the guarantee of improvements for content, correctness, completeness, and compliance with the subdivision ordinance, the City's Design Standards Technical Manual (DSTM), and

all other applicable City and state codes for development. When the final subdivision plat and subdivision improvement plans are completed to the satisfaction of the City's Public Works Director or City Engineer or their designated representatives, the final subdivision plat and subdivision improvement plans shall be approved and signed by the City's Public Works Director or City Engineer or their designated representatives.

5. Before executing their signature on the final subdivision plat the Planning Commission Chairperson shall review the final subdivision plat. If the Chairperson finds the final subdivision plat to be consistent with the subdivision improvement plans and preliminary subdivision plat that was recommended for approval by the Land Use Authority, and other conditions that may have been required by the Land Use Authority for approval, they shall approve the final subdivision plat and sign it.
6. **Mayor Review.** Following the signing of the final subdivision plat by the City's Public Works Director or City Engineer or their designated representatives and Planning Commission Chairperson, the Mayor shall review the plat. If the Mayor finds the final subdivision plat consistent with the subdivision improvement plans, and other conditions that may have been required by the Land Use Authority for approval, they shall approve the final subdivision plat and sign it.
7. **City Attorney Review.** Following the approval of the final subdivision plat and approval of the type and form of the guarantee of improvements submitted, by all required persons, the City Attorney shall review the final subdivision plat as to form, signifying compliance with all state laws and statutes. Upon finding the plat in compliance, the City Attorney shall approve and sign the final subdivision plat.
8. **Filed Plat.** When the applicant has received all appropriate signatures on the final subdivision plat, the applicant shall have the final subdivision plat recorded at the office of the County Recorder, and a copy of the recorded Final Plat shall be submitted by the applicant to the City Recorder. One (1) set of approved and signed subdivision improvement plans shall be returned to the subdivider by the City Recorder once approved and signed by the City Engineer. The subdivider shall not perform or allow any work to be performed on the subdivision until a copy of the recorded final subdivision plat has been submitted to the City Recorder and an approved and signed set of subdivision improvement plans are in the subdivider's possession.

12D-500 Subdivision Construction And Guarantee Of Work

12D-501 Inspection And Guarantee Of Work

- A. **Definitions.** The following terms used in this Chapter relate to the guarantee of improvements in subdivisions:
1. **Acceptance Inspection:** An inspection of the required subdivision improvements conducted by the City, including the City's Public Works Director and/or their designated representative to determine the status and completion of all required improvements for a subdivision (or a specific phase of a subdivision) as required by this Title.
 2. **Cost Estimate Of Improvements:** The subdivider's estimate (normally done by the engineer responsible for the project and verified by the City's Public Works Director) of the costs of all work to be done to complete required improvements in accordance with the subdivision's approved subdivision improvement plans. This cost estimate is used to determine the amount of the Improvements Bond for the subdivision. The actual cost of the improvements is used to establish the amount of the Warranty Bond.
 3. **Final Inspection:** An inspection of the completed required subdivision improvements conducted by the City's Public Works Director and/or their designated representative after the required Guarantee Period has elapsed to determine if the completed required improvements are free from defective material or workmanship as stipulated for the Guarantee Period.
 4. **Guarantee Period:** The period (normally one (1) year) following the completion and acceptance by the City of all required subdivision improvements during which time the subdivider is responsible to ensure, by a Warranty Bond, that the required improvements are free of defective material or workmanship.
 5. **Improvements Bond:** The legal/financial instrument by which the subdivider guarantees to the City, and the purchasers of the various lots within the subdivision, that all of the required subdivision improvements required in accordance with the subdivision's approved subdivision improvement plans are completed. The amount of the Improvement Bond is equal to one-hundred ten percent (110%) of the Cost Estimate of Improvements.
 6. **Improvements Completion And Acceptance Report:** A report issued by the City's Public Works Director or their designated representative stating the findings of the Acceptance Inspection and acknowledging the City's acceptance of the required subdivision improvements.
 7. **Notice To Proceed:** The written notification by the City (normally issued by the City's Public Works Director or their designated representative) to the subdivider and/or their responsible contractor that work may commence on the required subdivision improvements.

8. **Partial Acceptance Inspections:** Periodic inspections by the City’s Public Works Director and/or their designated representative throughout the construction of the required subdivision improvements to determine if the work is being done properly. Some of these inspections may be done as each “part” of the construction is completed, in order to release partial portions of the Improvements Bond to the subdivider.
9. **Parts 1, 2, And 3:** A list and grouping of tasks within the total work requirements for a subdivision, that divides and sequences the project. This is done in order to provide points at which inspections can be made and partial bond releases made such that work is accepted in a logical and value added manner. For example: Part 1 normally includes the installation of underground utilities and stormwater structures, Part 2 normally includes the construction of roads to the point that they provide access to the lots (without asphalt), and Part 3 normally includes asphaltting the roads and installing sidewalks.
10. **Pre-Construction Meeting:** A meeting held prior to any construction being commenced for the subdivision (or at each phase of the subdivision) in which appropriate members of City Staff and the subdivider along with their associates, contractors, etc., meet together to discuss the project.
11. **Subdivision Agreement – Improvement Development (SAID):** A standard City agreement negotiated between the subdivider and the City for a specific subdivision whereby the subdivider agrees to construct all required improvements in the subdivision in accordance with an estimated schedule and the City agrees to allow for building permits to be issued within the subdivision at an agreed upon point in the construction process.
12. **Warranty Bond:** The legal/financial instrument by which the subdivider of the subdivision warrants to the City, and the purchasers of the various lots within the subdivision, that all of the required subdivision improvements are free of defective material or workmanship for one (1) year following the City’s acceptance of the improvements. The amount of the Warranty Bond is equal to ten percent (10%) of the actual cost of making the subdivision improvements.

B. Inspections.

1. All construction work involving the installation of required improvements in subdivisions shall be subject to inspection by the City.
2. The City’s Public Works Director or their designated representative, or other appropriate authorized persons or agencies of the City shall inspect or cause to be inspected in the course of construction, installation, or repair:
 - a. All roadways, curb and gutter, sidewalks, landscaping, structures, fire hydrants, water supply systems, sewage disposal systems, and any required improvements to or reclamation of open spaces or common areas.
3. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered until such installations shall have been inspected and approved by the

City's Public Works Director or their designated representative, or other appropriate authorized person or agencies of the City. If such installation shall be covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible persons by the City's Public Works Director or their designated representative, or other appropriate authorized persons or agencies of the City.

4. Certain types of construction shall have continuous inspection while others may have only periodic inspections. On construction requiring continuous inspection, no work shall be done except in the presence of the City's Public Works Director or their designated representative, or other appropriate authorized person or agencies of the City or with the specific approval from such person allowing the work to proceed in their absence.
5. Partial acceptance inspections shall be made as needed in order to evaluate the completion of the various parts of the subdivision improvements and to allow for the partial release of the Improvements Bond.

a. **Continuous Inspection.** Continuous inspection shall be required on the following types of work:

1. Laying of street surfacing;
2. Pouring of concrete for curb and gutter, sidewalks and other structures; and
3. Laying of sewer pipe, drainage pipe, valves, hydrants, and testing.

b. **Periodic Inspection.** Periodic inspection shall be required on the following:

1. Street grading and gravel base;
2. Excavations for curb and gutter and sidewalks;
3. Excavations for structure;
4. Trenches for laying pipe;
5. Forms for concrete for curb and gutter, sidewalks and structures; and
6. Required improvements to or reclamation of open spaces or any common areas.

6. **Requests For Inspection.** Requests for inspection shall be made to the City by the subdivider or person(s) responsible for the construction of required improvements. Requests for inspection on work requiring continuous inspection shall be made at least three (3) days prior to the commencing of the work. No work shall be done except in the presence of the City's Public Works Director or their designated representative, or other appropriate authorized persons or agencies of the City. Notice shall also be given at least one (1) day in advance by the subdivider or

person(s) responsible for construction of required improvements to the City of the starting of work requiring periodic inspection.

7. **Acceptance Inspection.** Upon the request of the subdivider an Acceptance Inspection shall be made by the City's Public Works Director or their designated representative, or other appropriate authorized persons or agencies of the City after all construction work is completed. Any faulty or defective work shall be corrected by the subdivider or person(s) responsible for the work within a period of thirty (30) days of the date of the City's Public Works Director or their designated representative, or other appropriate authorized persons or agencies of the City's inspection report defining the faulty or defective work. Upon satisfactory completion of all improvements, allowing for minor "punch list" items, the City's Public Works Director or their designated representative, or other appropriate authorized persons or agencies of the City shall issue to the subdivider an "Improvements Completion and Acceptance Report".
 8. Whenever, in the judgment of the City's Public Works Director or their designated representative, or other appropriate authorized persons or agencies of the City, the required subdivision improvements cannot be seen, tested, or otherwise properly inspected (as would be the case if the area was covered with snow), they may postpone and/or delay inspection of the required subdivision improvements, including the final/completion inspection, until such time that the improvements requiring inspection can be appropriately seen/tested/inspected.
- C. **Allowing Building Permits In Subdivisions.** No building permit for the construction of a building upon any lot in a subdivision shall be issued until after:
1. All improvements required by Section 12D-116 (Subdivision Improvements Required) are completed or the subdivider has executed a Subdivision Agreement – Improvement Development (SAID) with the City setting forth a schedule to complete all required improvements prior to the issuance of any building permit; and
 2. An Improvements Bond is in place pursuant to this section.
- D. **Guarantee Of Work.** The subdivider shall warrant and guarantee that the required improvements provided for hereunder, and every part thereof, will be completed to the satisfaction of the City and thereafter shall remain in good condition by providing the following two (2) forms of assurance for the subdivision, or each phase thereof as applicable.
1. **Improvements Bond.** The first required assurance shall be an "Improvements Bond" that shall provide assurance that all agreed upon and/or required improvements are completed in accordance with the subdivision improvement plans, the City's Design Standards Technical Manual (DSTM), and this Title. The work to be covered by this guarantee shall begin with the "Notice to Proceed" for the subdivision and shall end with the issuance of an "Improvements Completion and Acceptance Report" by the City's Public Works Director or their designated representative whereby the improvements are accepted by the City. No specific

time period is associated with the Improvement Bond. It shall remain in place until the issuance of an “Improvements Completion and Acceptance Report” by the City’s Public Works Director or their designated representative and the Warranty Bond has been provided.

2. **Warranty Bond.** The second required assurance is the “Warranty Bond” that will ensure that the agreed upon and/or required improvements constructed are free from defective material or workmanship for a period of one (1) year following the date of the “Improvements Completion and Acceptance Report” issued by the City’s Public Works Director or their designated representative (“Guarantee Period”). This Warranty Bond shall be filed with the City’s Public Works Director or their designated representative and shall secure the subdivider’s agreement to make all repairs to and maintain the improvements and every part thereof in good condition during that time with no cost to the City. The City shall reserve the right, in appropriate cases, to extend the Guarantee Period to a period of two (2) years following the date of the “Improvements Completion and Acceptance Report issued by the City’s Public Works Director or their designated representative , in accordance with the provisions of §10-20-807 of Utah State Code (as amended).
 3. The City’s Public Works Director or their designated representative shall determine when repairs or maintenance are required for agreed upon and/or required improvements that have not been accepted by the City, or for improvements that have been accepted by the City, based on the Improvements Completion and Acceptance Report, but which are not free of defective materials or workmanship for the one (1) year Guarantee Period. Unless unreasonable, arbitrary or capricious, the City’s Public Works Director or their designated representative’s decision shall be binding on the subdivider. Required repairs or maintenance to improvements may extend to but are not limited to, the street base, and all pipes, joints, valves, backfill and compaction as well as the working surface, curbs, gutters, sidewalks, and other accessories which are or may be affected by the construction operations.
 4. Whenever, in the judgment of the City’s Public Works Director or their designated representative, the work needs repair, maintenance, or rebuilding, they shall cause a written notice to be served on the subdivider and there upon the subdivider shall undertake and complete such repairs, maintenance or rebuilding. If the subdivider fails to do so within ten (10) days from the date of the service of such notice, the City’s Public Works Director or their designated representative may have such repairs made and the costs of such repairs shall be charged to the subdivider with an additional twenty-five percent (25%) of the cost of the repairs levied in addition thereto for stipulated damages resulting from such failure on the part of the subdivider to make the repairs. (Ord. 09-07)
- E. **Guarantee Of Improvements.** Except as provided for in Section 12D-502(C) (Notice To Proceed And Authorization To Begin Work On The Subdivision), prior to the approval recording of the final subdivision plat, whereafter lots may be sold, and before the issuance of any building permit within the subdivision, the subdivider shall guarantee, by an Improvements Bond, the installation and construction of and payment for the required improvements. Prior to the City’s acceptance of the improvements and the final release of

the Improvements Bond, the subdivider shall guarantee, by a Warranty Bond, that the improvements shall be maintained in a state of good repair, free from defective material or workmanship for the Guarantee Period. The provisions of both such guarantees, regardless of form, shall be as approved by the City's Public Works Director or their designated representative as to the amount of the bond and as approved by the City Attorney as to the form of the guaranty and shall provide for the following:

1. Improvements Bond shall be in an amount equal to one hundred ten (110%) of the cost of all improvements as estimated by the subdivider and verified by the City's Public Works Director or their designated representative. The estimated improvements costs shall include only those costs for which the subdivider is responsible including the installation and construction of, and payment for such improvements within the time period required by the City, and based on the circumstances of each subdivision and set forth in an agreement between the City and subdivider. The estimated cost upon which the Improvements Bond is based shall not include the subdivision processing fees, the fee for the initial seal coat application for roads built as part of the subdivision, or any improvements for which the subdivider has no responsibility such as those improvements to be done at another time, those to be done by the City or other entity, or as otherwise agreed upon in the process of approving the subdivision.
2. The subdivider shall have the right to partial release(s) against the Improvements Bond with the City providing however that a sum equal to ten percent (10%) of the estimated costs of all improvements installed in the subdivision shall remain with the City until after the issuance of an "Improvements Completion and Acceptance Report" by the City's Public Works Director or their designated representative and the Warranty Bond has been provided. The subdivider must show evidence of payment of all costs for the improvements and show that the lots and the improvements thereto are free from any liens before any release (partial or full) of funds from the Improvements Bond. The City's Public Works Director or their designated representative may release a portion of this remaining part of the Improvement Bond (meaning the ten percent (10%) above the estimated costs of all the improvements) if, in their opinion, there remains encumbered a sufficient amount of the Improvement Bond to ensure the completion of the required subdivision improvements. The Warranty Bond provided to the City is to guarantee that improvements are correctly installed, constructed, and are maintained through the Guarantee Period and to secure the City as to the costs of any required corrections of defects of such improvements.
3. During said Guarantee Period, if all or any part of the required improvements are found not to be correctly installed, constructed and maintained, and paid for according to the standards required in the City's subdivision ordinance, the City shall notify the subdivider in writing of the defects or any other problems and shall make demand on the subdivider that defects/problems be corrected and paid for. If the defects are not corrected and paid for within thirty (30) days the City may correct the defects and charge to the subdivider the costs of correcting the defects as provided for in paragraph D(2) above. There shall be no draw(s) made by the

subdivider against the Warranty Bond. The cost of correcting any deficiencies must be borne by the subdivider without access to the Warranty Bond.

4. After eleven (11) months of the Guarantee Period has expired, the subdivider shall call for Final Inspection by the City's Public Works Director or their designated representative. If the required improvements remain substantially free from defects, or other problems, and free from liens, the City shall certify such fact to the subdivider and the City shall discharge the subdivider of its obligation to the City within thirty (30) days from the time of Final Inspection by releasing the Warranty Bond. Any items that need correcting following the Final Inspection must be corrected within thirty (30) days to have the Warranty Bond released. Any items not completed at the end of these last thirty (30) days, or in other words one (1) year from the date of initial acceptance of the improvements, shall require an additional, or extension of the, Warranty Bond be established to ensure the completion of any corrections, and/or the City may obtain draw(s) against the Warranty Bond for such purpose.

F. **Form And Method Of Guarantee Of Improvements.** The form and method of the guarantee of improvements, for both the Improvements Bond and the Warranty Bond shall be as approved by the City's Public Works Director or their designated representative as to the amount of the bond or escrow, and as approved by the City Attorney as to the form of said guarantee documents. All guarantee methods shall provide surety in accordance with paragraph E above and may consist in the form of one (1) or more of the following:

1. **Bond.** The subdivider may furnish and file with the City Recorder a bond issued by a licensed, reputable corporate surety in an amount as required by this ordinance. The bond agreement must include a provision that the bond may only be released, in whole or in part, by an order executed by the subdivider and by an authorized officer of the City, subject to the requirements of 5, below.
2. **Escrow.** The subdivider may deposit with a licensed, reputable and/or duly chartered insurance company, bank, title company or savings and loan institution in an escrow account an amount as required by this ordinance. The escrow agreement must include a provision that the funds in escrow may only be released, in whole or in part, by an order executed by the subdivider and by an authorized officer of the City, subject to the requirements of 5, below.
3. **Cash Deposit.** Upon receiving three (3) references from other municipalities regarding the subdivider's successful improvement installation performance, the subdivider may be allowed to deposit cash with the City in an amount as required by this Chapter. The cash deposit may only be released, in whole or in part, by an order executed by the subdivider and by an authorized officer of the City, subject to requirements of 5, below.
4. Any of the above forms and methods for Guarantee of Improvements shall be subject to approval by the City Attorney, as to form and content of the documents used, and shall be signed by the subdivider and the City, as applicable. The Guarantee of Improvements may include provisions that allow for partial release or

reduction of the funds for partial completion of work in the case of any of the approved Methods for Guarantee of Improvements. The Guarantee of Improvements utilized must name the City as the payee or beneficiary, in the event of default or non-performance and shall provide for the City's access to all or any remaining funds, without the subdivider's approval, for both Improvements Bond and Warranty Bond purposes, in the event of default or non-performance by the subdivider. In the case of both the Improvements Bond and Warranty Bond, the provisions shall provide for use of all or any remaining funds by the City in accordance with paragraph 4, above, in order to complete required improvements and/or make repairs not completed in a timely manner by the subdivider. The Guarantee of Improvements documents used shall also include provisions whereby the subdivider agrees to pay all legal fees and other costs of enforcement incurred by the City pursuant to the agreement.

12D-502 Notice To Proceed And Authorization To Begin Work On The Subdivision

- A. The City's Public Works Director or their designated representative may require that all contractors participating in the construction meet for a pre-construction conference to discuss the project prior to beginning work.
- B. **Conditions Prior To Authorization.** Except as provided in paragraph C below, prior to authorizing construction, the City's Public Works Director or their designated representative shall be satisfied that the following conditions have been met:
 - 1. The final subdivision plat, or Approval Document, shall have been approved by the City and filed with the County Recorder as required in this Code.
 - 2. All required contract and construction documents shall be completed and filed with the City's Public Works Director or their designated representative.
 - 3. Fee simple title to all necessary off-site easements or dedications required for public facilities, not shown on the final subdivision plat or final site plan, must be conveyed separately to the City, or other agency approved by the City, with proper signatures affixed. The originals of each document, and filing fees as determined by the City shall be delivered to the City's Public Works Director or their designated representative prior to approval and release of the subdivision improvement plans.
 - 4. The Improvements Bond and other documents required to be accomplished in accordance with this ordinance and the final subdivision plat and subdivision improvement plans, and any applicable ancillary agreements shall be completed and filed with the City's Public Works Director or their designated representative.
- C. **Authorizing Work To Begin On A Subdivision Without Improvements Bond.** The City's Public Works Director or their designated representative may authorize work to begin on a subdivision without an Improvements Bond if all of the conditions in Paragraph B above have been met. Until the Land Use Authority has signed the final subdivision plat, or Approval Document, no plat shall be filed with the County Recorder and therefore no lots may be sold. The final plat or Approval Document shall be signed by the Land Use Authority and filed with the County Recorder only after all subdivision improvements have been

completed and the ten percent (10%) Warranty Bond has been established and filed with the City's Public Works Director or their designated representative.

- D. All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of release of the City's Public Works Director or their designated representative. These plans shall remain on the job site at all times.
- E. A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City's Public Works Director or their designated representative.
- F. All applicable fees must be paid to the City.

12D-503 Acceptance Of Completed Subdivision

- A. **Subdivider's Submittal Of Completed Subdivision.** When the subdivider believes that they have done the following, they shall notify the City in writing, of their completing of the subdivision:
 - 1. Completed all required infrastructure work in the subdivision or development, as prescribed in the City's Design Standards Technical Manual (DSTM);
 - 2. Provided to the City the required as-built drawings; and
 - 3. Otherwise complied with all conditions required by the Land Use Authority or this Title as preconditions to approval of the Development Application, final subdivision plat, and subdivision improvement plans.
- B. **As-Built Drawings.** The subdivider shall provide to the City as-built drawings and specifications for all infrastructure improvements in the subdivision. Drawings and specifications shall include but not necessarily be limited to roads, curb/gutter, sidewalks, drainage systems, irrigation systems, waterlines, and sewer lines. Standards for as-builts shall be the same as called for in construction drawings in the City's Design Standards Technical Manual (DSTM). The drawings and specifications, certified by a registered engineer, shall be submitted to and approved by the City's Public Works Director or their designated representative before final release of funds established by the subdivider to ensure improvement completion under any Improvements Bond provided, as set forth in Section 12D-501 (Inspection And Guarantee Of Work). One (1) reproducible mylar copy of drawings shall be provided to the City. In addition the subdivider shall provide either:
 - 1. A Computer Assisted Design file of the subdivision (must be readable by AUTOCAD as updated); or
 - 2. If the subdivision was not created by the use of computer aided design as specified, five (5) blueprint copies of as-builts may be accepted.
- C. **City's Public Works Director Review.** The City's Public Works Director or their designated representative shall conduct such reviews as they consider appropriate to determine whether the subdivision is complete and whether the subdivider has satisfied all applicable conditions. If the City's Public Works Director or their designated representative finds that the subdivider has completed the subdivision and has satisfied all applicable conditions,

and that all other requirements of applicable laws have been met, the City's Public Works Director or their designated representative shall, in accordance with Section 12D-501 (Inspection And Guarantee Of Work), approve the as-built drawings and shall forward to the City Recorder a copy of the Improvements Completion and Acceptance Report, and notify them the Improvements Bond has been released.

- D. **Partial Releases Of Improvements Bond.** The City's Public Works Director or their designated representative is authorized from time to time, at the request of the subdivider or their successors in interest, and with recommendation from the City Attorney to release all or a portion of a subdivider's Improvements Bond up to the amount of one hundred percent (100%) of the value of the improvements. The remaining percent (10%) may only be released in accordance with Section 12D-501 (Inspection And Guarantee Of Work).
- E. **Final Release Of Warranty Bond-Release Submittal And Approval.** Following a review of the subdivider's request to have the subdivision's Warranty Bond released, the City's Public Works Director or their designated representative shall forward to the City Council a recommendation for the release of the Warranty Bond and the City Council shall release, in accordance with Section 12D-501(E) (Inspection And Guarantee Of Work), the subdivider's Warranty Bond, with respect to the subdivision.

12D-600 Reserved

12D-700 Reserved

12D-800 Reserved