

Homeowner's Associations

Developer's Responsibility

18.01.050. Concurrency of utility services

No development, nor permit for development, shall be granted, approved, or issued unless the necessary public facilities in the applicable area have been determined to exist and have adequate capacity to accommodate the proposed development at the Adopted Level of Service Standard, and are available or are to be available when the development occurs. The applicable area includes all facilities that directly or indirectly deliver the services to or are impacted by the proposed development. Such a determination is to be made by the City Engineer, using the accepted methods and measurements of the profession.

Example of City Requirement

18.36.140. Storm sewer; Required

Every person who subdivides ground or who develops or improves an individual lot or any tract of land by the construction of a building or buildings thereon shall install adequate storm sewer structures and facilities to provide surface drainage and disposal of surface water from the subdivision, lot, or tract into the City's storm sewer system as approved by the City Engineer and Planning Commission. **In a proposed subdivision, it is the responsibility of the subdivider to provide adequate storm water drainage for the entire subdivision with the approval of the plans by the City Engineer and Planning Commission.** No subdivision can be approved for development by the City unless an acceptable storm water system is provided for in the developer's plans.

All pipe work, boxes, manholes, inlets, or other ancillary structure shall be constructed in conformance to the latest adopted City standards. All detention basins required to be constructed by a developer shall be built in conformance to plans that are approved by the City Engineer. **Detention basins shall be landscaped and equipped with a sprinkling system as required by the City.**

Development Tools

Conditions, Covenants and Restrictions
(CC&Rs)

Community Interest Groups:

- HOA (Title 57, Chapter 8 U.C.A.)
- Condominium Associations (Title 57, Chapter 8 U.C.A.)
- Cooperative Association (Title 16, Chapter 16 U.C.A.)
- LLC or Corporation

Suggestions

Statutory help –

Take the question to the Land Use Task Force

Notice –

Require the Developer to file express notice against each lot, describing the potential obligations of each lot owner.

Suggested Notice

NOTICE TO ALL LOT OWNERS IN THE _____ SUBDIVISION

Lot ownership in the _____ Subdivision is subject to a set of Covenants, Conditions and Restrictions (hereinafter CC&Rs) recorded against each and every residential lot in this subdivision. (A list of lots subject to the CC&Rs is attached hereto.)

The CC&Rs include the establishment of a **Homeowners' Association** (hereinafter HOA) that, by virtue of lot ownership in the subdivision, each lot owner and every successor or assign to that lot owner's interest, is a part of. Membership in the HOA is mandatory and can subject each lot owner to:

- All of the conditions and restrictions listed in the CC&Rs, as amended by the HOA.
- An assessment to each lot owner for the costs to operate the HOA according to State law, for the costs of enforcing the CC&Rs, and the cost of maintaining any common area in the HOA ownership.

Prospective lot purchasers are admonished to review the CC&Rs prior to purchase, and to have them reviewed by legal counsel prior to purchasing property within this subdivision.