1/23/2024 DRAFT

12.2400 SUBDIVISION APPLICATIONS

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12.2400.2401 PURPOSE OF ORDINANCE

The purpose of this Chapter is to comply with Utah Code (notably §10-9a-6), establish an efficient method for reviewing subdivision applications, and promote the health and general welfare of the City's current and future residents.

12.2400.2402 SCOPE AND PROHIBITIONS

A. This Chapter applies to all applications or petitions to subdivide land in the City, regardless of the intended use (commercial, residential, etc.). The requirements of this Chapter do not apply retroactively to subdivision applications or petitions that were approved by the City prior to the enactment of this ordinance.

B. No land shall be subdivided which is located wholly or in part in Enoch, Utah, except in compliance with this Chapter and according to Utah State Code as adopted and amended.

C. Subdividing Land. 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 wholly or in part in the municipality, except in compliance with this Ordinance.

D. Subdivisions. It shall be unlawful for any person to sell or exchange any parcel of land which is a part of a subdivision of land or recorded in the office of the County Recorder as a subdivision unless the subdivision has been approved by the municipality and meets the provisions of this Ordinance.

12.2400.2403 INTERPRETATION AND CONFLICT OF LAWS

Where any provision in this Subdivision Chapter conflicts with state law, state law shall prevail. Where any provision in this Subdivision Chapter conflicts with other ordinances enacted by the City, the provisions in this Subdivision Chapter shall prevail unless the City intended such conflicting ordinances not in this Chapter to amend this Chapter.

12.2400.2404 DEFINITIONS

The following definitions shall be used in the interpretation of this Chapter and chapters 12.2500, 12.2600, 12.2700, 12.2800, and 12.2900. All definitions included in the Enoch Zoning Ordinance (Title 12) shall also apply to this Chapter where and when needed.

A. Available Sewer. An existing sewer into which domestic sewage from a proposed subdivision can drain by gravity.

B. City Engineer. A designated Engineer or authorized representative employed by or officially representing Enoch, Utah.

C. Collector Street. A street, existing or proposed, of considerable continuity which serves or is intended to serve as the principal traffic-way between large and separated areas or districts and which is the main means of access to a major street system.

D. Commission's Authorized Representative. Any City employee or official who has been designated by the Planning Commission and approved by the Local Governing Body to represent the City in enforcing or carrying out the functions of the Planning Commission as set forth in this Ordinance.

E. Completion Assurance. Improvement completion assurance means an irrevocable letter of credit, escrow bond, cash bond, or combination bond posted by a developer to guarantee the proper completion of required improvements.

F. Easement. A quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of land, is granted to the public or some particular person or part of the public.

G. Engineer. The engineer or surveyor engaged by the subdivider/developer to prepare a final plat or to compile such data as may be required in connection therewith in accordance with the provisions of this Ordinance.

H. Improvement Plan. a plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety or that is required for human occupation and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.

I. Intervening Property. Property located between the existing city utilities and public service facilities, and the property under development.

J. Land Use Application. An application required by the City and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.

K. Land Use Authority. An individual, board, or commission appointed or employed by a municipality to make land use decisions.

L. Major Street. A street, existing or proposed which serves or is intended to serve as a major traffic-way and is so designated on the Circulation Map in the General Plan.

M. Metes & Bounds. The description of a lot or parcel of land by courses and distances.

N. Minor Street. A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

O. Minor Subdivision. A subdivision (actual or proposed) that (A) contains 4 or fewer lots and (B) ~~Four (4) or less lots which (a) already has improvements; (b)~~ is not traversed by the mapped lines of a proposed road~~; (c) meets the requirements of Chapter 2 of the Subdivision Ordinance; and (d) may be exempted from the plat process and sold by metes and bounds.~~.

P. On-Site Facilities. Facilities installed in, under, or upon the public streets, or rights-of-way within or on the perimeter of the subdivision or development site.

Q. Off-Site Facilities. Facilities designed or located so as to serve other property outside the boundaries of the subdivision.

R. Oversize Facility. Facilities with added capacity designed to serve other property outside the boundaries of the subdivision or development site.

S. Plat. An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or

§57-8-13 of Utah State Code (as amended).

T. Review Period. The total time a preliminary or final subdivision application is in the process of City review and applicant revision, including all review cycles.

U. Subdivider/Developer. Any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity that creates or develops a subdivision for himself or for another.

V. Subdivision. Any land that is divided, subdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

1. Subdivision includes:

    a. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

    b. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

2. Subdivision does not include:

    a. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

    b. A boundary line agreement recorded with the County Recorder's Office between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;

    c. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;

    d. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-608 of Utah State Code (as amended) if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;

    e. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels does not confer any land use approvals, and has not been approved by the land use authority;

    f. A parcel boundary adjustment;

    g. A lot line adjustment;

    h. A joining of one or more lots to a parcel;

i. A road, street, or highway dedication plat;

j. A deed or easement for a road, street, or highway purpose; or

k. Any other division of land authorized by law.

W. Subdivider/Developer's Authorized Representative. Any person who has been designated by the subdivider/developer in writing, which designation has been filed with the Commission as the authorized person to represent the subdivider/developer.

X. Zoning Ordinance. The Zoning Ordinance (Title 12) of Enoch City, Utah.

12.2400.2405 SUBDIVISION LAND USE AUTHORITY

A. The Land Use Authority for both preliminary and final applications under this Chapter is the City Engineer. For purposes of subdivision applications, the City Engineer shall be responsible for the following, but may delegate any responsibility to the City Manager:

1. Rendering land use decisions related to applications under this Chapter.

2. Reviewing all applications under this Chapter in an impartial manner and according to the standards and deadlines described in this Chapter.

3. Holding a public hearing for preliminary applications when required by this Chapter.

4. Providing feedback to applicants on their applications in the manner required by this Chapter.

5. Scheduling and holding a pre-application meeting with potential applicants as required by this Chapter.

6. Keeping subdivision application forms (both preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants.

7. Providing notice to entities and parties as required by this Chapter.

8. Signing final application approvals as required by this Chapter.

9. Ensuring that documents are properly recorded with the County as required by this Chapter.

B. As subdivision application decisions are administrative, not legislative, the Land Use Authority is authorized to make any land use decision described by this Chapter without City Council approval.

C. Except when operating as the Appeal Authority, the City Council shall not require the Land Use Authority to approve or deny an application under this Chapter.

12.2400.2406 SUBDIVISION APPEAL AUTHORITY

A. The Appeal Authority for City decisions relating to this Chapter, except where otherwise noted, is the City Council.

B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authorities and shall hear complaints about the conduct of the Land Use Authorities in administering the provisions of this

Chapter.

C. A party appealing or complaining of a Land Use Authority's decision under this Chapter must exhaust its remedies under this section (by appealing or complaining to the Appeal Authority) before bringing an action against the City in a court of law.

D. A party who has submitted a subdivision application or petition may appeal or complain to the Appeal Authority under this Chapter. In such an appeal or complaint, the party may appeal or complain only regarding the Land Use Authority's treatment of that party's own application; a third party may not appeal or complain of Land Use Authority decisions or conduct.

E. A party desiring to appeal or complain of a Land Use Authority decision shall submit to the Appeal Authority the following in writing:

    1. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the Land Use Authority's decision and treatment of the application or petition, and why the applicant believes the Land Use Authority misapplied the provisions of this Chapter or abused the discretion given it by this Chapter.

    2. The most recent version of the application or petition the party submitted.

    3. Any supplemental documentation or information that the Appeal Authority requests.

    4. All appeals and complaints must be emailed or mailed to the City Recorder using the Recorder's official City address and/or email account listed on the City website.

F. After receiving a complete appeal or complaint in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 30 days after the Appeal Authority receives the appeal or complaint.

12.2400.2407 APPLICATION PROCESS AND REQUIREMENTS

A. The City shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision under this Chapter unless the party has properly applied under this Chapter and received both a preliminary approval and a final approval from the respective Land Use Authorities.

B. To considered complete, a *preliminary* subdivision application must include at least the following elements:

    1. An approved land use application that describes how the property will be used after it is subdivided.

        a. If the intended use is permitted by right under City ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.

        b. If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an *approved*, City-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.

        c. If the intended use is prohibited under City ordinances and requires a variance, the land use application must include an *approved*, City-issued variance authorizing the intended use. Should an applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.

2. A plat. The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder's Office. The plat must include:
    a. The proposed name and general location of the subdivision, in bold letters at the top of the plat. The proposed subdivision name must be distinct from any subdivision name on a plat recorded in the County Recorder's Office.
    b. The boundaries, course, numbering, and dimensions of all proposed parcels. All lots should be consecutively numbered.
    c. The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.
    d. The names and addresses of all adjoining property owners of record, or the names of adjoining developments and the names of adjoining streets.
    e. The address and phone number of the land surveyor and/or engineer who prepared the plat.
    f. Sufficient data acceptable to the City Engineer to readily determine the location, bearing and length of all lines on the plat, and to reproduce such lines upon the ground, and the location of all proposed monuments, including contours at appropriate intervals~~intervals of two feet, five feet, or ten feet~~.
    g. Whether any parcel is intended to be used as a street or for any other public use.
    h. The names, numbers, widths, lengths, bearings, and curve data on centerlines for all proposed streets, alleys, and easements (if applicable). All proposed streets shall be numbered and named in accordance with the City's adopted addressing system.
    i. The location of existing streets, easements, water bodies, streams, and other pertinent features such as wetlands, buildings, parks, cemeteries, drainage ditches, irrigation ditches, fences, and bridges.
    j. The location and width of existing and proposed streets, curbs, gutters, sidewalks, easements, alleys, other public ways and easements and proposed street rights-of-way and building setback lines.
    k. Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.
    l. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat, including sanitary sewers, storm drainage facilities, fire hydrants, and pumping stations.
    m. Location and size of all proposed water, secondary water, sanitary sewer, storm sewer, irrigation or drainage ditch piping or other subsurface improvements, including detailed provisions for collecting and discharging surface water drainage.
    n. Whether any parcel is reserved or proposed for dedication for a public purpose.
    o. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
3. A stormwater drainage plan provided in accordance with City Engineering Standards and Enoch City storm drain system master plans.
4. A water modeling analysis using Enoch City's Water model covering the primary and secondary water needs and likely impact of the intended subdivision use on the City and surrounding area.
5. Wastewater modeling analysis using Enoch City's Wastewater model covering the wastewater needs and likely impact of the intended subdivision use on the City and surrounding area.

~~3. A twenty-five-year stormwater drainage plan provided in accordance with City Engineering Standards and Enoch City storm drain system master plans..~~

6. A soils report from a qualified soils engineer identifying the types of soils within the proposed subdivision area and identifying any soils constraints on the proposed subdivision.

~~4.~~7. A traffic study, if one is required by an applicable UDOT Access Management Plan or if the Land Use Authority informs the potential applicant during or after a pre-application meeting (but before the applicant applies) that one is required.

8. An improvement plan, created in accordance with applicable portions of chapters 12.2500 and 12.2700 of this Title, for all public improvements proposed by the applicant or required by City ordinances.

a. In addition to the requirements in chapters 12.2500 and 12.2700, the improvement plan must contain an engineer's estimate of the cost of completing the required improvements.

~~5.~~

~~6. Traffic Study – if required from a UDOT Access Management Plan or a pre-application meeting~~

~~7. Water modeling analysis~~

~~8. Wastewater modeling analysis~~

~~9. Engineering Bond Estimate~~

~~10.~~9. Certifications, including:

a. An affidavit from the applicant certifying that the submitted information is true and accurate.

b. The signature of each owner of record of land described on the plat, signifying their dedication and approval of the plat.

c. Certification that the surveyor who prepared the plat:

i. Holds a license in accordance with Utah Code 58-22; and

ii. Either

(A) Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or

(B) Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and

iii. Has placed monuments as represented on the plat.

~~11.~~10. Three 11"x17" printed copies of the preliminary plat.

~~12.~~11. An electronic copy of all plans in PDF format.

~~13.~~12. Payment of any application-processing fees required by the City.

C. To be considered complete, a *final* subdivision application must include all the same elements as the preliminary application, plus the following:

1. Land Use Authority approval of the applicant's preliminary application.
2. A completion assurance for public improvements, or a statement that all public improvements will be completed before development occurs on the proposed subdivision and before the applicant records the plat, as required by chapter 12.2600 of this Title.
3. Payment of a Water Acquisition Fee or binding documents enacting a Water Right Transfer as described in 12.2400.2413 and 14.100.113.
4. A Preliminary Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.
5. As applicable, formal, irrevocable offers for dedication to the public of streets, City uses, utilities, parks, easements, or other spaces.

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6. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
7. Copies, including:
    a. Two paper copies (24" x 36") of the final plat;
    b. One electronic copy of the final plat in AutoCAD format (DWG or DXF), Geodatabase format (GDB), or Shapefile format (SHP), with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to; and
    c. A PDF document of the final plat and all other plans and supporting documents required by this Chapter.

D. The Land Use Authority shall produce, maintain, and make available to the public a list of the specific items that comprise complete preliminary and final applications and a breakdown of any fees due upon submission or approval of the applications.

E. The Land Use Authority may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the Land Use Authority relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements.

12.2400.2408 PRE-APPLICATION MEETING

A. A party intending to submit a subdivision application under this Chapter may request a pre-application meeting with the Land Use Authority for the purpose of reviewing any element of the party's proposed subdivision application (preliminary or final). The proposed application need not be complete for purposes of this meeting and may—if the party desires—be limited to a concept plan.

    1. If a party requests a pre-application meeting, the Land Use Authority shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur within 20 business days after scheduling.

    2. The Land Use Authority (or a member of the body that makes up the Land Use Authority) shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the municipal website the following at the time of the meeting:

        a. Copies of applicable land use regulations,

        b. A complete list of standards required for the project, and

        c. Relevant application checklists.

12.2400.2409 NOTICE TO AFFECTED ENTITIES

A. Within 15 days after receiving a complete subdivision application under this Chapter, the City Manager or designee shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.

    1. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, the City Manager or designee shall review information:

        a. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;

        b. From the state engineer's inventory of canals; or

c. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.

B. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a preliminary (or related final) subdivision application under this Chapter sooner than 20 days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.

1. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.

12.2400.2410 REVIEW

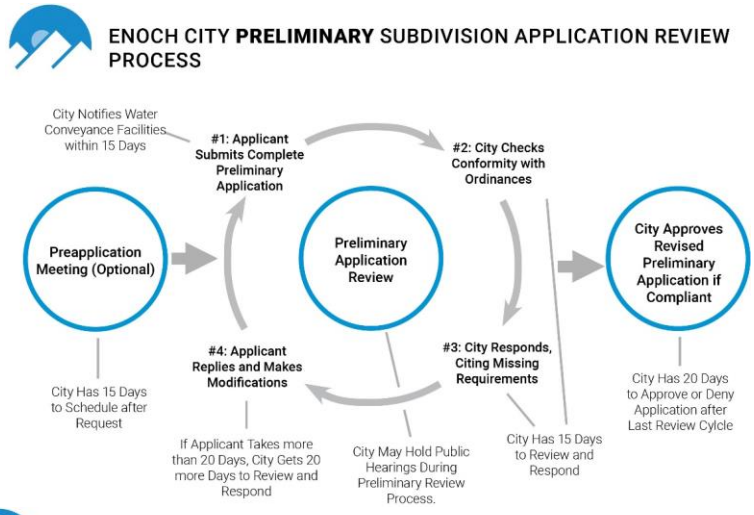
A. The respective Land Use Authorities shall review all subdivision applications in accordance with the requirements of this Section before approving or denying those applications.

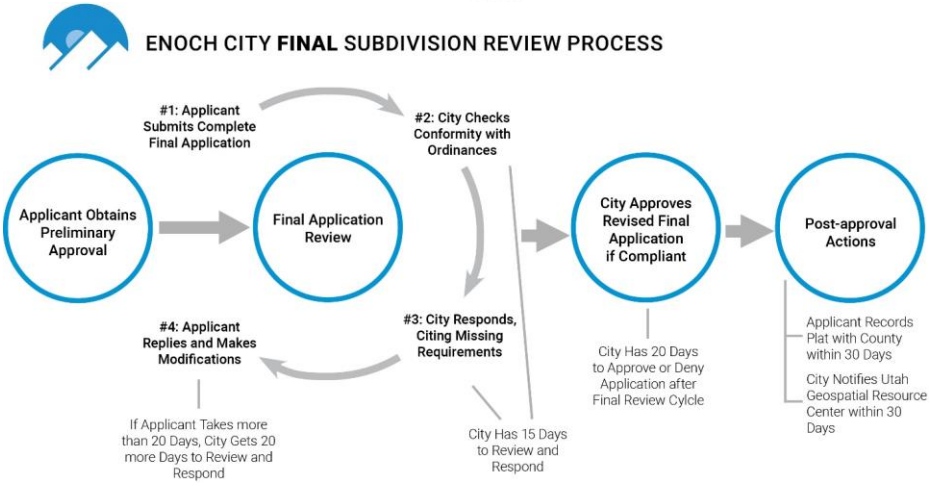
B. For both preliminary and final applications, the review process begins when an applicant submits a complete application.
1. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
2. If the Land Use Authority determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until completed.

C. For both preliminary and final applications, after the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of "review cycles."
1. A review cycle consists of the following phases:
a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
b. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances.
c. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification and shall provide the applicant with an index of all requested modifications or additions.
d. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the municipality's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. This written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances and an index of requested revisions or additions for each required correction. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

Table A – Review Cycles, Hearings, and Timelines by Subdivision Use Type				
Use Type	*Approval Stage*	*Max Review Phases*	*Max Public Hearings*	*City Turnaround Deadline***

1-2 Family Residential*	Preliminary	3	1	15 Days
	Final	1	0	15 Days
All Other Uses	Preliminary	6	2	15 Days
	Final	2	0	15 Days
*Includes single-family homes, duplexes, and townhomes. **Describes the total time (per review cycle) the City may take to complete both Phase #2 and Phase #3.				





D. A Land Use Authority (and other City representatives or agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table A, except as described below. If no further revisions are needed, a Land Use Authority may end a review period early and approve or deny the preliminary or final application.

1. If the applicant makes a material change to a preliminary or final application not requested by the municipality at any point in the review process, the Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
2. If an applicant does not submit a revised application (beginning Phase #1 of the next review cycle or triggering a Land Use Authority decision) within 20 business days after the municipality requires a modification or correction (in Phase #3 of the past review cycle), the municipality shall have an additional 20 business days to review and respond to the application (completing Phases #2 and #3 of the next review cycle).
3. This provision notwithstanding, any subdivision application affecting property within identified geological hazard areas is exempt from review cycle restrictions and requirements.

E. When a preliminary or final application's review period ends, the Land Use Authority shall approve or deny the respective preliminary or final application within 20 days.
   1. If the Land Use Authority has not approved or denied the application within 20 days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the municipality shall, within 10 days:
      a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the revised set of plans; or
      b. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.

F. After the Land Use Authority provides comments in the last allotted review cycle for a final application, the municipality shall not require further modifications or corrections to the application unless those modifications or corrections are needed to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.
   1. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the municipality waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
   2. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.

G. The municipality may conduct one or more public hearings (up to the number described in Table A) during the review period for a preliminary subdivision application.
   1. The purpose of these public hearings is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.
   2. If the municipality elects to hold a public hearing, the hearing must occur before the end of the Land Use Authority's review period (end of Phase #3 of the last preliminary review cycle). Scheduling issues shall not extend the review and approval deadlines in this Chapter.
   3. The municipality shall not hold a public hearing during the review period for a final application under this Chapter.

H. Other chapters of this Title notwithstanding, the Land Use Authority shall approve or deny preliminary and final applications under this Chapter after reviewing the complete applications as described in this Section.

A. The Land Use Authorities shall approve any complete preliminary and final applications made under this Chapter that comply with applicable municipal ordinances.

B. The Land Use Authority shall issue all approvals in writing and shall certify the approved final plat, ~~unless being held as outlined in 12.2700 Subdivision Performance Guarantees,~~ either by signing the plat directly or by attaching a signed certification to the plat.

12.2400.2412 POST-APPROVAL ACTIONS

A. The applicant shall record the approved final plat with the County Recorder's Office within 30 days after the municipality approves the final application~~.~~, provided that the applicant has completed any improvements or posted any performance guarantee required by City ordinances or described in the improvement plan the applicant submitted. The applicant shall not record the approved final plat until such improvements are completed or guaranteed in compliance with City ordinances and the applicant's improvement plan.

~~A. application unless being held as outlined in 12.2700 Subdivision Performance Guarantees.~~

B. The Land Use Authority shall submit to the Utah Geospatial Resource Center (so the subdivision can be included in the 911 database), within 30 days after approving a final application, either:

1. An electronic copy of the approved final plat; or
2. Preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved final plat.

C. The Land Use Authority shall, if requested by the Utah Geospatial Resource Center:

1. Coordinate with the Utah Geospatial Resource Center to validate the information the municipality submitted about the final plat; and
2. Assist the Utah Geospatial Resource Center in creating electronic files that contain the information described in the final plat for inclusion in the unified statewide 911 emergency service database.

12.2400.2413 WATER RIGHTS

A. Water Acquisition Fee. An applicant seeking approval of a development application for single-family dwelling units, and to secure new privileges to use the Enoch City water system, must pay a Water Acquisition Fee, based upon the property acreage and expected water use. An Applicant may pay the Water Acquisition Fee in one of two ways:

1. By transferring a Priority Water Right as detailed herein, or;
2. Transfer of acceptable water rights as shown in the following chart labeled Water Rights Acquisition Fee Chart 2022 with the remaining value in cash.

The Water Acquisition Fee does not fulfill the requirement nor obviate the need to otherwise pay water connection fees. The Applicant shall submit a Subdivision Water Schedule, with each Subdivision Application, designating the selected Conservation Tier for each lot, which determines the Water Acquisition Fee and resulting water rates for each lot.

A. Cash. Applicants paying the remaining value of the transferred water right in cash will pay the amount

Commented [JH6]: The way the state law is currently, the municipality doesn't get to withhold approval of the plat, but they do get to prevent the plat from being recorded or the land from being developed before either (1) the developer provides a completion assurance or (2) completes public improvements (10-9a-604.5).

So I took out the clause here about holding the approval, but I left it in the next section below.

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corresponding to the required water use as per the Acquisition Fee Schedule, which values the required water right based upon a percentage of the appraised value of a one (1) acre-foot Priority Water Right in the Cedar City Valley on the north side of Highway 56 with a water right prefix of 73, and a priority date no later than July 25, 1934 ("Priority Water Right").

1. As often as deemed prudent by Enoch City Council, but typically every six months, Enoch City will contract for and obtain an appraisal of the current fair market value of a Priority Water Right as described in this subsection. These appraisals assist the City in its own purchase of acceptable water rights and are the basis for the Water Acquisition Fees levied by the City.

A. Water Right Transfer. Applicants paying the Fee with the transfer of water rights shall do so with proof of recent beneficial use, proof of ownership through a chain of title, and will pay all costs incurred for deeding and transferring the water right. When deeding water rights to Enoch City, the water right must be in the Cedar City Valley on the north side of Highway 56 with a water right prefix of 73. The water right must conform with one of the following:

1. A priority date equal to or prior to July 25, 1934 ("Priority Water Right"); or

2. A priority date after July 25, 1934, which at the time of transfer to Enoch City must have at least 10 years before curtailment under the State Engineer's Groundwater Management Plan for the Cedar City Valley.

For purposes of payment of the Water Acquisition Fee, these post-July 25, 1934, water rights are deemed to have a fair market value equal to 1% of a Priority Water Right (per subsection 2(a) above, for each full year remaining at the time of delivery to and acceptance by Enoch City before curtailment under the State Engineer's Groundwater Management Plan for the Cedar City Valley. The following Water Right Valuation Schedule illustrates the value of each water right as of 2022, quantified as a percentage of a Priority Water Right.

Water Rights Acquisition Fee Chart 2022		
Water Priority Date	Suspension Date	% Value
Jan 10, 1966 - Dec 31, 1957	January 1, 2035	13%
Dec 30, 1957 - Dec 31, 1954	January 1, 2050	28%
Dec 30, 1954 - Dec 31, 1951	January 1, 2060	38%
Dec 30, 1951 - Dec 31, 1935	January 1, 2070	48%
Dec 30, 1935 - Jul 25, 1934	January 1, 2080	58%
July 25, 1934 - & Earlier	Not Suspended	100%

A. Process to Transfer Water Rights. The following process shall be followed for a person developing land within the City to transfer water rights to Enoch City:

1. The Applicant proposing the transfer shall submit a title report showing the type of water right, ownership of the right, and any liens or encumbrances. The Applicant shall also provide a title insurance policy in a sum adequate to cover the appraised value of the water right(s) the policy is covering.

2. An acceptably complete Application for Permanent Change of Water ("change application") shall be completed and properly filed with the Utah State Engineer at the expense of the

Applicant. Information to be included in the change application will be provided by Enoch City including the new points of diversion to be proposed. The change application must be approved by the State Engineer and all statutory periods for reconsideration or court appeal passed prior to conveyance by duly-recorded Deed (and Deed Addendum) the said documentation enabling the State Engineer to amend the Division of Water Rights records to reflect the acquisition by the City. This transfer of ownership may also be conditioned on approval of the subdivision application pending before the City that caused the Applicant to propose the change application and conveyance of the water rights.

3. An acceptable Deed (and Deed Addendum) conveying ownership of the water rights to Enoch City shall be completed and held prior to the subdivision application approval. The deed conveying ownership may be held either by the City or in an escrow account paid for by the Applicant. Once the subdivision application has been approved and the change application receives approval as detailed above, the Deed (and Deed Addendum) will be recorded by the City.

4. If the Division of Water Rights has not made a final decision on the change application prior to the subdivision approval, then the Applicant shall post a cash bond with the City in the amount of the acquisition fee.

5. If at any point in this process, the change application is denied by the State Engineer, or approved with limiting conditions that are not acceptable to the City, the Applicant must forfeit the bond to Enoch City for the purpose of acquiring necessary water right(s) for Applicant's proposed development.

6. If the water rights proposed to be transferred are supplemental, recharge/recovery, recovery or something other than from a conventional underground water well, prior to the City approving the subdivision application the Applicant shall be required to obtain an approved change application with an Order of the State Engineer clearly defining the sole supply and established diversion and depletion limitations of the water right.

A. Exemptions. The following are exempt from the Water Acquisition Fee.

1. Open space exemptions. If at the time of final plat approval, or pulling of a building permit, land is deeded to Enoch City as a dedicated street or for undeveloped open space, parks and recreation, or placed in a conservation easement that complies with the provisions of Title 57, Chapter 18, Sections 1 through 7, Utah Code Annotated, 1953 as amended, then that acreage is not subject to the requirements of this ordinance that mandate the deeding of water rights or payment of fees. Additionally, if land in a subdivision is to be held as common area and is undeveloped and/or unirrigated, then that land is not subject to the requirements of this ordinance that mandate the payment of Water Acquisition Fees.

2. Public lands exemption. If at the time of annexation, the annexed property is owned by the Bureau of Land Management or the U.S. Forest Service then that acreage is not subject to the requirements of this ordinance that mandate the deeding of water rights. This exception only applies to annexation and not when the property is platted as a residential subdivision or receives a building permit.

3. City Exemption. Enoch City is not required to deed water or pay a fee if the City develops land. A purchaser of property from the City will have to pay the Water Acquisition Fee to

the City consistent with this ordinance.

B. **Water Acquisition Fee Schedule and Tier System.** An Applicant seeking approval of a single-family lot development must first designate a Conservation Tier and pay the corresponding Water Acquisition Fee with one (1) AF of water for each single-family lot. The selected Conservation Tier will establish the lot owner's expected water use, and the corresponding Water Acquisition Fee, and the resulting water rates.

1. The Water Acquisition Fee Schedule indicates the Water Acquisition Fee for each Conservation Tier that could be selected, as a percentage of a full, one-acre-foot, Priority Water Right, and the corresponding water use.

2. The Conservation Tier Schedule indicates the lot owner's expected water use and resulting water rate. Enoch City will, from time to time, change such water rates and penalties for each Tier.

3. Properties with Both Culinary & Secondary Water. Applicants seeking to approve properties with a single-family unit and with both Culinary and Secondary water meters are subject to the following. The Water Acquisition Fee for a new water connection on such properties shall be equal to the value of a full, one acre, Priority Water Right. However, the Enoch City Water Rights assigned to such a property shall be as follows: .3 AF of Enoch City Water Right, corresponding to the culinary water, which are not transferable and shall remain with the property, and .7 AF of Enoch City Water Right, corresponding to the

4. Secondary Water, which are not transferable and shall remain with the property. The Conservation Tier Schedule for such properties shall be permanently assigned as follows: The .3 AF of Culinary water shall be set at the Conservation Tier of "CUL," and subject to the corresponding "CUL" water rates. The Secondary water shall be set at the Conservation Tier of "SEC," and shall be subject to the corresponding SEC water rates. Properties in Enoch City with both a Culinary water meter and a Secondary water meter, will receive an Enoch City water bill separately designating the rates for each water meter.

C. **Multi-Residential Developments.** Applicants seeking approval of a Multi-Residential Development must provide an engineered Annual Water Estimate, illustrating the total annual, acre-feet of water estimated to be used by the Development ("Annual Water Estimate"), to be reviewed and approved by Enoch City. The initial Water Acquisition Fee and Water Right and the subsequent water rate will be calculated based on this determination. For purposes of this Annual Water Estimate, the number of Multi-Residential Units should be multiplied by .3 acre-feet of water, and each sq/ft of proposed grass should be divided by 10,057, to derive the Development's Annual Water Estimate, in terms of Acre Feet (i.e.: a twenty-unit subdivision (20 units x .3 = 6AF) with 10,000 square feet of grass (10,000 sq/ft grass / 10,057 = .994AF) would have a 6.994AF Annual Water Estimate). The Water Acquisition Fee and Water Right will be determined by multiplying the Annual Water Estimate by the priority Water Right Value (i.e.: a Development with a 6.994AF Annual Water Estimate will pay 6.995 multiplied by the Conservation MFD Tier, which is 100% of the appraisal Priority Water Right). The Development would subsequently pay for water at a rate of 6.994AF multiplied by the Tier 1 Rate (i.e. a MRD that is estimated to use 6.994AF of water annually will pay 6.994 times the Tier 1 Rate).

The Water Rights assigned to a Multi-Family Development will be assigned under the "MFD" Conservation Tier. These Water Rights are not transferable and must remain assigned to the Development. If any Multi-Family Development is ever found to use more water or have more square

footage of grass than the Annual Water Estimate, that property will be required to pay an additional Water Acquisition Fee to address the extra water used.

D. **Commercial, Industrial, and Manufacturing Developments**. Applicants seeking approval for commercial, industrial, or manufacturing developments must provide an engineered Annual Water Estimate, illustrating the total, annual, acre feet of water estimated to be used for each lot, to be reviewed and approved by Enoch City. The initial Water Acquisition Fee with Water Right and the subsequent water rate will be calculated based on this determination. For purposes of this Annual Water Estimate, the engineer must determine the various uses and estimate the amount of water to be used for the property, including the proposed square footage of grass, which should be divided by 10,057, to derive the total annual, number of acre feet of water used for grass areas. The Water Acquisition Fee and Water Right will be determined by multiplying the Annual Water Estimate by the appraised Priority Water Right. The subsequent water rate will likewise be determined by multiplying the Annual Water Estimate by the Tier 1 Rate. The Water Rights assigned to a Commercial, Industrial, or Manufacturing lot will be assigned under the "Com" Conservation Tier. These Water Units are not transferable and must remain assigned to the property. If any Commercial, Industrial, or Manufacturing property is ever found to use more water or have more square footage of grass than the Annual Water Estimate, that property will be required to pay an additional Water Acquisition Fee with Water Right(s) to address the extra water used.

E. **Institutional Properties**. Applicants seeking approval of Institutional Developments, including schools, religious buildings, and other properties of nonprofit organizations, must present an engineered Annual Water Estimate, illustrating the total, annual acre feet of water estimated to be used for such property, to be reviewed and approved by Enoch City. The initial Water Acquisition Fee & Water Right and the subsequent water rate will be based upon this determination. For purposes of this Annual Water Estimate, the engineer must determine the various uses and estimate the amount of water to be used for the property, including the proposed square footage of grass, which should be divided by 10,057, to derive the total annual, number of acre feet of water used for grass areas. The Water Acquisition Fee & Water Right will be determined by multiplying the Annual Water Estimate by the appraised Priority Water Right. The subsequent water rate will likewise be determined by multiplying the Annual Water Estimate by the Tier 1 Rate. The Water Rights assigned to an Institutional property will be assigned under "INS" Conservation Tier. These Water Rights are not transferable and must remain assigned to the property. If any Institutional property is ever found to use more water or have more square footage of grass than the Annual Water Estimate, that property will be required to pay an additional Water Acquisition Fee with Water Right(s) to address the extra water used.

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12.2400.2414 MINOR SUBDIVISION

Applications for minor subdivisions, as defined in 12.2400.2404, must comply with all provisions of this Title, except that:

A. Applications for minor subdivisions are exempt from the application requirements of 12.2400.2407.B.2-12, -C.2, and -C.7 of this Chapter, provided that they include a meets-and-bounds description of the subdivision and include proof that;

1. The minor subdivision is not traversed by the mapped lines of a proposed (but not yet dedicated) street as shown in the City's General Plan;

2. The minor subdivision has been approved by the culinary water authority and the sanitary sewer authority; and

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3. The minor subdivision is located in a zoned area and either conforms to all applicable land use ordinances or has properly received a variance.

B. If the applicant for a minor subdivision notifies the City that development of the proposed subdivision is not imminent, then the applicant and current and future landowners of the subdivision shall not be required to complete public improvements or post a performance guarantee for improvements otherwise required under this Title until development begins. The landowner must complete any required public improvements, or post an appropriate performance guarantee, before making any other developments on the subdivided land.

~~E.~~

12.2500 SUBDIVISION IMPROVEMENTS

12.2500.2501 IMPROVEMENTS REQUIRED

Subdivision improvements shall be installed in accordance with Enoch City Engineering Standards. A completion assurance must be furnished to the City by the subdivider/developer before approval of final plat.

12.2500.2502 IMPROVEMENTS

Material/compaction testing is required for all improvements and all improvements shall comply with the test recommendations. The following improvements shall be required in all subdivisions and shall be approved by the City staff and City Engineer. Improvements shall not be installed until their location and specifications are approved by the Planning Commission and the City Engineer. Water and sewer mains and laterals and fire hydrants shall be installed prior to the surfacing of streets and the installation of road base, curbs, gutters, and sidewalks.

A. Streets on Property of Other Public Agencies or Utility Companies. Where 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 streets shall be obtained from the public agency or utility company by the subdivider prior to approval of the preliminary plat.

B. Every new development, additional development, or redevelopment proposal submitted to Enoch City that generates 100 or more peak hour trips (use ITE Manual), and will have a significant impact on Enoch City's transportation system as determined by the Enoch City Engineer, will include a traffic impact study (TIS). As part of the process on Development, UDOT will be included as a technical resource for any development that will generate 200 or more new peak hour trips (use ITE Manual).

C. Surface Water Street drainage and drainage structures shall be provided in accordance with City Engineering Standards and Enoch City storm drain system master plans. Additionally, prior to altering the natural terrain, sub-divider(s) shall consult with the City Engineer to determine the flood control measures necessary in their project area. A flood control system shall be designed and approved as part of the construction plans. Design of flood control systems shall meet the following criteria:

1. A comprehensive drainage study shall be performed for the development by a licensed Professional Engineer. The drainage study shall provide all necessary data required by this Ordinance or the City Engineer.

2. Detention Basins

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a. Detention basins shall be sized to detain a 100-year, 24-hour post development rainfall event.

b. Detention basin outlet structures shall be designed to restrict flows to a pre-development 2-year, 24- hour rainfall event or 0.2 CFS/acre, whichever is less.

c. Detention basins shall be constructed with emergency overflow spillways with a post development 100-year rainfall peak capacity.

d. Storm water drainage systems, including pipes, streets and gutter, must be designed to effectively convey flows to and from the detention basin for all storm events up to and including the 100-year rainfall event.

e. Flows from detention basin outlet structures and emergency overflow spillways shall be conveyed directly to a City designated storm drain system or street right-of-way without impacting other private property. This standard can be waived if a private property owner gives permission to receive the flow through deeded drainage easement.

f. All required improvements shall be designed and installed to City Engineering Standards.

3. Retention Basins

a. Retention basins shall be sized to retain at a minimum the 100-year, 24-hour post-development rainfall event. Retention basin sizing calculations must be included in a drainage study prepared by a licensed professional engineer in the state of Utah.

b. Retention basins shall be designed and constructed according to recommendations from a licensed profession engineer in the state of Utah specializing in geotechnical engineering. The retention basin design recommendations must be included in the soils report for the development.

c. Retention basins will not be allowed in highly susceptible soil or susceptible soil areas, or in other poor soils areas as recommended by the geotechnical engineer. Refer to the “Relative Hydrocompaction Susceptibility” map.

d. The side slopes of retention basins shall not be steeper than 3:1 (H:V).

e. The maximum depth of retention basins shall be three (3) feet plus one (1) foot of freeboard above the emergency overflow and a maximum water depth of three feet below the emergency overflow.

f. Fencing that will prevent entry is required around retention ponds if the maximum water depth below the emergency overflow is greater than 12 inches in depth. Fence minimum height is to be 42 inches.

g. Retention basins with a maximum water depth below the emergency overflow of 12 inches or less can be landscaped and used as open space for the development.

h. Retention basins shall be designed to drain out completely within 2 days (48 hours) from the end of the storm event. This is to be documented with a certified percolation

test of the native sub-grade material and the material to be placed during construction. The percolation rate must be documented in the soils report.

i. Underground utilities (i.e., water lines, sewer lines, gas lines, power lines, telecommunication lines, etc.) shall not be allowed through the retention basin or within 5 feet of the pond side-slopes.

j. All retention ponds must be privately maintained and operated.

k. All required improvements shall be designed and installed to City Engineering Standards.

D. Sewage Disposal. Sewage disposal system shall be provided and must meet municipal and state codes and regulations for each lot in the subdivision. Said sewer systems shall be installed before the installation of road base, surfacing, curbs, gutters and sidewalks, unless waived by the Planning Commission or the City Council.

1. A comprehensive sewer study shall be performed for the development by a licensed Professional Engineer. The sewer study shall provide all necessary data required by this Ordinance or the City Engineer.

2. If the comprehensive sewer study defines additional or enhanced infrastructure outside the development area, the developer is required to build said infrastructure to mitigate the additional impact. (Outside of current impact fee plan/analysis)

3. All required improvements shall be designed and installed to City Engineering Standards.

E. Water Supply. A culinary water supply which must be approved by the City Engineer and the Utah Division of Water Quality shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of the municipality. Where an approved public water supply is available, the subdivider shall install 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 and gutters and sidewalks. If an approved public water supply is not available, or the public water supply is not capable of providing sufficient culinary water to the development, the City Council may require the development to provide an additional, State approved, culinary water source. When the closest boundary of a development is within 1,320 feet of an active municipal irrigation source, the developer must provide irrigation to said development.

1. A comprehensive water model shall be performed for the development by a licensed Professional Engineer. The water model study shall provide all necessary data required by this Ordinance or the City Engineer.

2. If the comprehensive water study defines additional or enhanced infrastructure outside the development area, the developer is required to build said infrastructure to mitigate the additional impact. (Outside of current impact fee plan/analysis)

3. All required improvements shall be designed and installed to City Engineering Standards.

F. Fire Hydrants. Fire hydrants shall be installed by the subdivider at locations determined by the State of Utah standards.

G. Underground utilities shall be installed within the subdivision. A subdivider/developer may have the

option of installing overhead utilities in any portion of the subdivision in which overhead utilities are existing, where such utilities could serve that portion of the subdivision upon approval of the City Council.

H. Street Improvements. All streets shall be constructed by the subdivider in accordance with the Enoch City Engineering Standards, rules and regulations adopted by the City Council and pursuant to this Ordinance.

I. Curbs, Gutters, and Sidewalks. Curbs, gutters, and sidewalks shall be installed on existing and proposed streets by the subdivider in all subdivisions.

J. Monuments. Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. All monuments shall be protected by developer/subdivider and all contractors hired to build said subdivision. All subdivision plats shall be tied to a corner or monument of record or established land office survey corner.

K. Street Signs. The subdivider shall be responsible for furnishing and installing any necessary street signs. The names of streets and the design of the street sign shall be installed in accordance with the Enoch City Engineering Standards.

L. The subdivider shall be responsible for all necessary street lights and shall obtain through contract with Rocky Mountain Power/Pacificorp. All street lights shall be in accordance with Enoch City Standard Specifications and as indicated below.

1. Full Cut-off Fixtures: All new lighting for streets or highways shall constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

2. Light Source: Streetlights shall preferably use high-pressure sodium or LED with a maximum of 5,000 lumens.

3. Standard Poles: Metal poles that are used to mount light fixtures shall be painted to blend with the surrounding terrain.

4. Non-complying Streetlights: Existing street and highway lights that do not meet the requirements of this Ordinance shall be brought into compliance as funds become available.

5. Location: Roadway and streetlights, as a minimum, should be placed at intersections and crosswalks on major collector streets and arterials not to exceed 500’ between streetlights unless within 125 feet of an adjacent streetlight. At intersections and crosswalks on minor collector or residential collector streets not to exceed 500’ between streetlights unless within 250 feet of an adjacent streetlight.

M. All other improvements shall be designed and installed as required in the Enoch City Engineering Standards and all other Enoch City ordinances.

12.2500.2503 COST OF IMPROVEMENTS

Cost of improvements that are covered under the provisions of this section, as well as the cost of other improvements which the developer may install, shall be the responsibility of the developer.

12.2600 SUBDIVISION PERFORMANCE GUARANTEES

12.2600.2601 COMPLETION ASSURANCE

A. Completion of improvements before recordation. If subdivider desires to construct improvements as shown on approved construction drawings prior to recordation:

1. Recordation of the final plat shall not occur until the improvements required in connection with the subdivision have been completed and conditionally accepted. Said final plat shall be submitted to the City and held until the 12-month warranty period commences and then submitted for City Council approval.

2. Subdivider shall provide guarantee of conditionally accepted improvements in a form acceptable to the City as shown in 12.2700.2702 of this code in the following amount:

a. Ten (10) percent of the total cost of all the required improvements shall be retained by the City during the 12-month warranty period.

B. Recordation before completion of improvements. If the subdivider desires to have a plat recorded prior to construction of improvements, subdivider shall guarantee completion of installation and construction of the required improvements in compliance with all City standards within two years from the date of final plat approval by the City Council. The subdivider and/or developer shall deposit security with the City to guarantee proper installation of all required improvements in accordance with the plans, specifications, time limitations, and conditions relating thereto as meets with the approval of the City Council or such personnel as the City Council shall designate. The amount of the completion assurance shall be 125% of the Engineer's estimated costs of the improvements.

A. Warranty of completed improvements.

1. Upon completion of construction and installation of all required improvements, subdivider shall warrant that said improvements shall be and shall remain free from defects in material and workmanship for a period of 12 months after the date of preliminary acceptance by City.

2. The subdivider shall be responsible to make all repairs to and maintain the improvements and every part thereof in good working condition during the guarantee period without cost to the City.

12.2600.2602 TYPES OF COMPLETION ASSURANCE

Completion Assurance shall be executed by financial institutions acceptable to the City, and must be in the form approved by the City. The completion assurance as required by this section must be posted prior to recording. In order to guarantee completion of improvements, subdivider shall provide one of the following types of completion assurances:

A. Escrow. The subdivider shall deposit with any insurance company, bank, or savings and loan institution in an escrow account an amount of money equal to 125 percent of the estimated costs of the improvements not constructed or installed by the subdivider, as determined by an Engineer's Estimate. The escrow agreement shall be subject to approval by the City Attorney and shall be signed by the subdivider, the City, and the escrow holder.

B. Irrevocable letter of credit. The subdivider shall file with the City an irrevocable letter of credit from a

duly chartered state or national bank or savings and loan institution, which letter shall contain provisions substantially like that required in the escrow agreement.

C. Other guarantee. Such other financial guarantee that may be acceptable to the City Council.

12.2600.2603 RELEASE OF COMPLETION ASSURANCE

As improvements are completed, inspected, approved, and accepted, the completion assurance may be reduced proportionately as stated:

Improvement Completed	**Reduction of Assurance**
Underground infrastructure	25%
Road base to final grade	25%
Final inspection for release	40%
End of one (1) year warranty	10%

Escrow: As the required improvements are satisfactorily installed and have been inspected by the City, funds which have been placed in escrow for those improvements will be authorized to be released for payment. Escrow holder is authorized to release funds from this account only after receiving a written release from City. The City is not responsible to determine the party to be paid.

12.2600.2604 SUBDIVISION WARRANTY

After all required improvements have been installed, the subdivider shall notify the City and request that the subdivision be granted preliminary acceptance and begin the warranty period. The subdivision will then be inspected by City, and if all improvements have been completed in accordance with City ordinances and specifications, as built plans have been delivered to the Public Works Department, and a final grading plan has been submitted, the City will grant preliminary acceptance. The subdivision will then begin the 12-month warranty period. Ten (10) percent of the total cost of all the required improvements, as specified above, shall be retained by the City during this warranty period.

The purpose of retaining the ten (10) percent warranty amount is to guarantee that the improvements have been installed correctly and that they function properly. If any improvements have not been installed correctly or fail to function properly, and the subdivider fails to correct the deficiencies within 30 days of notification thereof, then upon written notice by the City, escrow shall pay over to the City the amount necessary to complete, repair, or replace said improvements.

In the event the costs of completing, repairing, or replacing the unsatisfactory improvements exceed the amount of remaining completion assurance, the subdivider shall, within ten days of notice thereof, pay the excess amount to the City and shall also cause to restore the escrow account or irrevocable letter of credit to the prescribed ten (10) percent warranty amount. The City shall not issue any building permits for the subdivision until the above referenced excess costs have been paid to the City and the warranty amount (ten percent of the total cost of improvements) has been restored.

12.2600.2605 ENFORCEMENT AND PERMITS

A. In order to enforce compliance with this chapter, the Building Official shall not issue any permit for the proposed erection, construction, reconstruction, alteration of any structure, or use of any land until the provisions of this chapter have been meet.

B. No City officer or employee shall issue any permit or license for construction or installation of any building or structure or use on any subdivision lot until the following conditions have been met:

1. Such subdivision plat shall have been approved and recorded in the office of the county recorder.

2. Infrastructure improvements shown on approved construction plans for the subdivision:

a. Have been constructed and installed and preliminarily accepted; or

b. The City has received and accepted an improvement completion assurance for the subdivision in accordance with this chapter, and the following improvements have been constructed, installed, tested, and accepted in accordance with the requirements of the building or fire code:

i. A road base of untreated, compacted, and graded gravel;

ii. Sewer, storm drains and storm drain facilities;

iii. Curb and gutter unless otherwise not required by this Code;

iv. Water system, including water lines and hydrants; and

v. Power lines.

C. All required improvements must be complete within 12 months of notice to proceed.

D. The City may call upon the improvement completion assurance filed with the City for all improvements not completed within 12 months of the notice to proceed or when the first building within the subdivision seeks an occupancy permit, whichever is sooner.

E. It shall be prohibited for anyone to start construction on any building within a subdivision until they have fulfilled the requirements of this chapter.

F. Any license or permit issued in conflict with this chapter shall be null and void.

G. Notwithstanding the provisions of subsection A above, a building permit may be issued for:

1. A single model home in a subdivision, provided that a certificate of occupancy shall not be granted and the model home may not be used or occupied for any reason until the subdivision plat has been approved and recorded.

2. A model home complex within a master planned community with a planned development overlay upon approval by the City Council of an amendment to the development agreement stating the terms and conditions for issuance of the building permit.

H. The provisions of this Section do not supersede the terms of a valid development agreement, an adopted

phasing plan, or the state construction code.

12.2600.2606 PENALTY; VALIDITY

A. Penalty. Any subdivider or other person who shall violate or fail to comply with any of the provisions for this chapter shall be guilty of a class B misdemeanor, and punished as provided by law upon conviction.

B. Validity. If any section, subsection, sentence, clause, or phrase of this chapter is, for any reason, held to be invalid, such holding shall not affect the validity of the remaining portion of this chapter.

12.2600.2607 IMPROVEMENT PLAN EXPIRATION

If construction has not commenced within two (2) years from the date of preliminary plat and/or construction drawing approval, the City shall notify the applicant at the time of construction commencement of the requirement to update the construction drawings, if needed. Such updating of the construction drawings shall be coordinated between the City staff and the applicant. In the event of an appeal to the updating of the construction drawings by the applicant, the City Council shall be the appeal authority. This requirement shall be effective and binding on preliminary plats and construction drawings submitted after February 6, 2008.

12.2700 CIVIL PLANS AND PROFILE DRAWINGS

12.2700.2701 CIVIL PLANS AND PROFILE DRAWINGS

Civil plans and profile drawings shall be delivered by one of the following: CD, USB flash drive, or e-mailed zip file (not to exceed 20 MB). The must be in .pdf format and either AutoCAD format (DWG or DXF), Geodatabase format (GDB), or Shapefile format (SHP) and must have a projection assigned to the file(s). Submitted final plats must also include the proper metadata that describes what coordinate system/projection the data being delivered is assigned to. With 3 hard copies on 24"x 36" (trim line). Drawings submitted for approval shall include:

A. Title Block with:

1. Name of subdivision and date.
2. Name of City.
3. Type of work.
4. Name of Engineer preparing drawings.
5. Space for approval of the City Engineer.

B. North Arrow and Scales. Horizontal scale preferred is 1-inch equals 50 feet; Minimum scale is 1-inch equals 10 feet. Vertical scale preferred is 1-inch equals 50 feet; minimum scale is 1-inch equals 10 feet.

C. Location of permanent benchmarks and their true elevations according to United States Geological Service Datum. All profiles shall conform to the standards of the profession.

D. Profiles shall indicate finished and existing grades for each side of the street and shall extend a minimum of two hundred (200) feet beyond the limits of the proposed project.

E. Plans and Profiles shall also include details of:

1. Curb and gutter (if any);
2. Sidewalks (if any);
3. Street cross-sections;
4. Location and elevations of manholes, catch basins, storm sewers and their appurtenant works;
5. Elevations and location of fire hydrants, water mains, type of pipe, valves and their appurtenant works;
6. Location, size, and elevations of sewer mains with their grades and type of pipe (rubber gasket mandatory);
7. Manholes;
8. Clean outs;
9. Other appurtenant works; and
10. A non-culinary (irrigation) water system, if any, indicating size, location, and kind of pipe, valves and turnouts.

F. On curb returns, at least one additional control point for elevation besides those at the P.C and P.T. shall be indicated on the plans and staked in the field to insure drainage at the intersections. Complete curve data must be shown for all horizontal and vertical curves. Minimum length of vertical curve is two hundred (200) feet, unless otherwise approved.

G. Elevations for the top of curbs and road center lines shall be shown on the plans for all 50-foot stations, all BVC's and EVC's. Street monuments shall be installed by the subdivider/developer's engineer or land surveyor at points designated on the final map. They must be placed prior to release of the completion assurance.

H. After City Council approval, one set of drawings shall be returned to the subdivider/developer and shall be available at the work site.

I. As Built Drawings. Upon completion of each improvement a reproducible copy and two (2) prints of "As Built Drawings" shall be prepared and submitted by the subdivider/developer's engineer, to accurately define for permanent record the improvements and underground utilities as they were actually constructed.

12.2800 ENGINEERING STANDARDS

12.2800.2801 ENABLING CLAUSE

It shall be the responsibility of the Planning Commission, with the approval of the City Council, to prepare, formulate, and reduce to writing general requirements for improvements and construction design to be required within subdivisions in this municipality. These requirements and design standards shall be distributed to subdividers wishing to develop property within this municipality and shall have the force and effect of law. It shall be the responsibility of the City Manager to enforce these standards. These standards shall cover such subjects as standards for construction drawings, content of construction drawings, provisions for inspections, guaranteeing of work, standards for the use of soil within the subdivision, standards for asphalt paving and cement use, standards for telephone service, standards for installation of pipelines, standards for pipe fittings and the use thereof, standards for the installation of man holes and other provisions for the maintenance, cleaning, and testing of water and sewer lines, standards for the installation of electrical facilities, and other such standards and requirements as to the Planning Commission may seem necessary.

12.2800.2802 CONSTRUCTION

Structures, erected within a subdivision in which a soils engineering report has been required, must be built in accordance with the Engineering Standards adopted by the City Council. This shall be in addition to all other building code requirements.

The Building Inspector shall have the authority to deny a building permit to a builder proposing to erect a structure not in compliance with the final Engineering Standards adopted by the City Council. The City Engineer may assist the Building Inspector in determining the compliance of builders with the engineering report. The Building Inspector shall maintain a complete copy of soils engineering report for inspection and review by the general public and for his own use in performing the duties of the Building Inspector.

12.2800.2803 IMPROVEMENT STANDARDS

All improvements shall be installed in accordance with City Specifications.

12.2800.2804 DESIGN STANDARDS

All subdivisions shall comply with the following standards:

A. General Standards. The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil and trees.

B. Lot Size Standards.

1. Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the Planning Commission, based on interpretations made from the U.S. Department of Agriculture, Soil Conservation Service, and other procedures and available information. All lots shall conform to area requirements of any existing Zoning Ordinance.

2. All residential lots in subdivision shall front on a public street, or on a private street or court approved by the Planning Commission and the City Council.

3. Residential lots in the subdivisions shall, where possible, not front on collector roads.

C. Street Standards.

1. The street or highway layout shall conform to the General Plan and official map adopted by the Planning Commission and the City Council.

2. Paved stub streets shall be provided where needed to connect to adjacent undeveloped land and new streets must be provided where needed to connect to existing stub streets in adjacent subdivisions. Not more than six (6) lots shall front on a stub street.

3. Minor streets shall approach the major or collector streets at an angle of at least eighty (80) degrees.

4. Subdivider/developer shall design street patterns to provide reasonable access to subdivisions. When a subdivision creates a minimum of eighty (80) lots, a minimum of two (2) access roads shall be provided.

5. Residential local streets rights-of-way shall have a minimum width of fifty (50) feet. Residential collector streets rights-of-way shall be a minimum width of sixty-six (66) feet. All streets that front public, institutional, commercial, and industrial facilities, shall be a minimum width of sixty-six (66) feet and shall include curbs, gutter, and sidewalks. Curb, gutter, & sidewalks are required at development according to the following:

Zoning Designation	Curb, gutter, & sidewalks:
R-R-5	Not Required
R-R-2	Not Required
R-R-1	Not Required
R-1-11	Required*
R-1-18	Required*
M-R-2	Required*

MXR-18	Required*
MHS	Required*
*Exception: P-D Overlay	

6. Dead end streets, including cul-de-sacs, shall not exceed 2800 feet in length and must include turnarounds no further apart than seven hundred (700) feet in accordance with Enoch Engineering Standards.

D. Cul-de-sacs must be terminated in a turn-around in accordance with Enoch City Engineering Standards. If surface water drainage is into the turn-around due to the grade of the streets, necessary catch basins and drainage easements shall be provided. Where a street is designed to remain only temporarily as a dead-end street, an adequate temporary turning area shall be provided at the dead-end thereof to remain and be available for public use so long as the dead-end exists.

E. Easement Standards

1. Where front-line easements are required, a minimum of ten (10) feet shall be allocated as a utility easement.~~Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of fifteen (15) feet, apportioned equally in abutting properties~~.

~~2. Where front-line easements are required, a minimum of ten (10) feet shall be allocated as a utility easement. Perimeter easements shall not be less than fifteen (15) feet width, extending throughout the peripheral area of the development.~~

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3. All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be required. Public utility installation shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.

F. Utilities to be Underground. Unless the Planning Commission and Governing Body determine, upon application by the subdivider/developer, supported by recommendation of the City Engineer, that it is not feasible to do so, all power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the subdivider/developer.

12.2800.2805 FLAG LOT STANDARD

In order to allow the more efficient use of land which otherwise may be inaccessible except through unnecessary streets, flag or L-shaped lots may be allowed upon recommendation by the Planning Commission and approval by the City Council.

The following conditions must be met:

A. A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof.

B. The staff portion of the lot shall front on and be contiguous to a dedicated public street. The minimum width of the staff portion of flag lots shall be 25 feet and the maximum length shall be 250 feet or longer if approved by the City Council.

C. No building or construction, except the driveways, shall be allowed on the staff portion of the lot.

D. The staff portion of the lots shall be deemed to end and the flag portion of the lots shall be deemed to commence at the extension of the front lot line.

E. The square footage located in the flag portion of the lot, exclusive of the square footage located in the staff portion of said lot, shall be the same of greater than the minimum square footage as is required in the underlying zone.

F. The side and rear yard requirements of the flag portion of the lots shall be the same as is required in the underlying zone.

G. The minimum setback requirements for all buildings shall be 35 feet from the front lot line of the flag portion.

H. No more than two flag lots can be served by one staff portion of the lots.

I. The maximum number of flag lots in the development site will be ten percent (10%) of the total number of lots, except when it is determined to be a hardship to develop otherwise, more may be allowed.

J. Driveways shall be at least twenty (20) feet in width and adequately drained so as to mitigate erosion and adverse runoff.

K. Written notice, from the City Office, shall be mailed to adjacent land owners prior to consideration and approval.

L. A property owner may request approval of a special exception from the City Council if unusual circumstances on the property are physically prohibitive and would require a staff width or length other than what is required by the ordinance.

12.2900 ACCEPTANCE OF DEDICATED STREETS AND PUBLIC IMPROVEMENTS

12.2900.2901 DEDICATION

The subdivider/developer shall dedicate the streets, easements and land for public facilities, and public improvements to the City at the time the final plat is approved by the City Council. The dedication shall be deemed an offer by the subdivider/developer, which shall be irrevocable until one (1) year after all of the improvements are completed. The City shall accept the offer of dedication only if it finds that the subdivider/developer has constructed, installed and maintained the public improvements required by this Ordinance and that the improvements comply with the minimum requirements of this Ordinance at the acceptance.

12.2900.2902 MODIFICATION OF DEDICATION FOR PUBLIC FACILITIES

If a subdivider/developer selects to use the solar access incentive provisions contained within the Enoch Zoning Ordinance, then the variations in the public facility dedication requirements of Section 9.2 of this chapter may be modified by the Planning Commission in order to meet the requirements of this provision.

Under this provision, no dedication required by Section 12-2902 of this Ordinance may be reduced by more than twenty-five (25) percent. A subdivider/developer shall submit to the Planning Commission site drawings, showing shadow projections and suitable solar access easements or covenant provisions for the Planning Commission's review and approval prior to the Planning Commission's recommending approval of the subdivision plan in

accordance with the subdivision review and Zoning Ordinance.

12.2900.2903 TIME OF ACCEPTANCE

Unless the City Council extends the time for acceptance of the dedicated public improvements and land, the dedication shall be accepted on action of the City Council, or at the expiration of one (1) year following the completion and acceptance of the public improvements. The subdivider/developer shall be so advised in writing and of the reason for non-acceptance.

12.3000 PENALTY AND SEVERABILITY

12.3000.3301 PENALTY

Any person, firm or corporation (as principal, agent, employed, or otherwise) violating, causing, or permitting violation of the provisions of this Title shall be guilty of a Class B misdemeanor, punishable as provided by law.

12.3000.3302 SEVERABILITY

If any chapter, section, subsection, sentence, clause or phrase of this Title is for any reason held to be invalid, such hold shall not affect the remaining portion of this Title.