DAVIS COUNTY, UTAH
ORDINANCE NO. 2024-_____

AN ORDINANCE ENACTING, AMENDING, AND REPEALING SECTIONS OF TITLE 15, CHAPTER 15.24 OF THE DAVIS COUNTY CODE REGARDING SUBDIVISIONS

WHEREAS, in accordance with Section 17-27a-604.1 (2023) of the Utah Code, Davis County is required to adopt a new process or amend its current process for subdivision review and approval for at least single-family dwellings, two-family dwellings, and townhomes; and

WHEREAS, in accordance with Section 17-27a-604.2 (2023) of the Utah Code, Davis County is required to adopt a new process or amend its current process for review of subdivision land use applications and subdivision improvement plans for at least single-family dwellings, two-family dwellings, and townhomes; and

WHEREAS, in conjunction with complying with Sections 17-27a-604.1 and 17-27a-604.2 of the Utah Code, Davis County desires to make additional modifications to certain sections of Title 15, Chapter 15.24 of the Davis County, Utah, Code of Ordinances (the "Davis County Code") regarding subdivisions; and

WHEREAS, in accordance with Section 17-27a-602 (2020) of the Utah Code, the Davis County Planning Commission provided lawful notice of a public hearing to be held on January 29, 2024, held such public hearing on January 29, 2024 (the "Public Hearing"), and reviewed and provided a recommendation to the county legislative body of Davis County, Utah (the "Davis County Legislative Body") regarding proposed modifications or amendments to certain sections of Title 15, Chapter 15.24 of the Davis County Code regarding subdivisions; and

WHEREAS, in accordance with Section 17-27a-602 (2020) of the Utah Code, the Davis County Legislative Body met on January 30, 2024, in a regular meeting (the "Public Meeting"), after lawful notice of such meeting was provided, to consider, among other things, modifying or amending certain sections of Title 15, Chapter 15.24 of the Davis County Code regarding subdivisions; and

WHEREAS, after careful consideration of the comments made by the public at the Public Hearing, if any, the comments made by the public at the Public Meeting, if any, the written objections timely filed by the public with Davis County, if any, the recommendations of the Planning Commission resulting from the Public Hearing, the recommendations made by Davis County employees at the Public Hearing and the Public Meeting, and other matters of relevance, the Davis County Legislative Body finds that the modifications or amendments proposed to Title 15, Chapter 15.24 of the Davis County Code will provide for the health, safety, and welfare, promote the prosperity, improve the morals, peace, good order, comfort, convenience, or aesthetics of Davis County and Davis County's present and future inhabitants and businesses.

NOW, THEREFORE, THE LEGISLATIVE BODY OF DAVIS COUNTY, UTAH, ORDAINS AS FOLLOWS:

Section 1. Enactments. The following Sections of Title 15, Chapter 15.24 of the Davis County Code are hereby enacted to read:

Section 15.24.115 Designation of an Administrative Authority

Davis County hereby designates the Planning Manager or the Planning Manager's designee to review and approve subdivision applications.

Section 15.24.235 Subdivision Land Use Application Review Process

Davis County adopts Section 17-27a-604.2 (2023) of the Utah Code, as amended, as its review process for "subdivision land use applications" and "subdivision improvement plans," as those terms are defined in Section 17-27a-604.2 (2023) of the Utah Code, as amended.

Section 2. Amendments. The following Sections of Title 15, Chapter 15.24 of the Davis County Code are hereby amended to read:

Section 15.24.210 Pre-application Concept Meeting ~~Consultation~~

Each person who proposes to subdivide land in the unincorporated area of Davis County may ~~shall~~ consult with the Planning Manager or the Planning Manager's designee ~~Department~~ before preparing any plats, charts or plans, in order to become familiar with the County subdivision requirements, this title and chapter, application and approval procedures, fees, General Plan, and to discuss the proposed plan of development of the property to be subdivided. If requested by a person, the concept meeting shall take place within 15 business days after the request.

Section 15.24.220 Application

A. Each person who proposes to subdivide land in the unincorporated area of Davis County shall complete, sign, and submit to the Planning Manager or the Planning Manager's designee~~Department~~ an application for approval of the proposed subdivision using application forms developed and approved by the Planning Manager or the Planning Manager's designee~~Department~~. The application can be found on the Davis County website.

B. The applicant shall submit the application together with the following:

1. Subdivision application fee;

2. One (1) hard copy and one (1) electronic pdf copy ~~Seven (7) copy~~ of all required and supporting documents and information;

3. One (1) ~~Seven (7)~~ copy of the unsigned proposed plat which satisfies all requirements listed in Title 15, Chapter 15.24, Article C, Plat Requirements; and

4. Profiles and cross sections of proposed streets within the subdivision.

C. The application shall be signed by the property owner(s) as well as the subdivider if the subdivider is not the owner of record.

Section 15.24.230 Planning Process ~~Department Responsibilities~~

A. The Planning Manager or the Planning Manager's designee~~Department~~ shall initially:

1. Review the application to assure that it complies with the requirements of this article; and

2. Inform the applicant of deficiencies or matters of non-compliance. The applicant may submit required or additional information or materials including any corrections or remedies of apparent deficiencies.

B. If the application is determined to be complete and properly submitted, the Planning Manager or the Planning Manager's designee~~Department~~ shall:

1. Review the application in detail;

2. Request any further necessary information or materials from the applicant;

3. Direct the applicant to obtain the required approvals or certifications from:

a. All utility entities who provide utility services to the subdivision;

b. Culinary water authority;

c. Sanitary sewer authority;

d. Relevant districts and irrigation companies;

e. Davis County Health Department; and

f. Davis County Public Works Department;

4. Direct the applicant to provide a tax clearance certificate from the Davis County Treasurer indicating that all taxes, interest, and penalties owing on the property have been paid;

5. Prepare a proposed development ~~subdivision~~ agreement, as may be required or needed, and review that agreement with the subdivider and submit it to the Planning Manager or the Planning Manager's designee~~ Commission~~; and

6. Prepare a report and recommendations to the Planning Manager or the Planning Manager's designee~~ Commission~~, with a copy being provided to the subdivider.

7. ~~Assist the Planning Commission in scheduling a public hearing and public meeting at which the application and proposed subdivision will be considered; and~~

8. ~~Prepare and give notice of the public hearing and public meeting in compliance with Chapter 15.04.~~

Section 15.24.250 Final Approval of Subdivisions ~~and signing by Planning Commission~~

A. If a final subdivision application and plat complies with the requirements of this section and all applicable county ordinances, the County shall approve the final subdivision plat. Upon the approval of the application, proposed subdivisions, and proposed subdivision plat, with or without modifications, the subdivider shall:

1. Obtain any required approvals, signatures, and seals on the approved plat;

2. ~~Comply with any conditions imposed by the Planning Commission~~;

3. Execute and submit the approved development ~~subdivision~~ agreement, if any;

4. Pay all required fees;

5. Provide the required guarantee of improvements as provided in Section 15.24.530; and

6. Submit the completed plat, documentation of compliance, subdivision agreement and fees to the Planning Manager or the Planning Manager's designee ~~Department~~for ~~its~~ review~~,~~ and confirmation of compliance. ~~and submittal to the Planning Commission for its execution of the plat.~~

~~B. The Planning Commission will sign an approved subdivision plat if it finds that the subdivider has complied with Subsection A as confirmed by the Planning Department.~~

Section 15.24.310 Subdivision Plat Requirements

A. The subdivision plat shall consist of a sheet of tracing linen or mylar approved by the Planning Manager or the Planning Manager's designee~~Department~~ and shall comply with the following:

1. The plat shall measure to the outside or trim dimensions of nineteen (19) inches by thirty (30) inches;

2. All lines, dimensions and markings shall be made on the tracing linen or mylar with approved waterproof black India drawing ink;

3. The plat shall be made to a scale sufficient to clearly show all details shall not be less than one hundred (100) feet to the inch;

4. The workmanship on the finished drawing shall be neat, clean, and readable;

5. The plat shall be signed by all duly authorized persons and entities required by this chapter to sign the plat.

B. The subdivision plat shall contain and depict the following:

1. In bold letters at the top of the sheet:

    a. the name of the subdivision, which must be distinct from any subdivision plat previously approved by the County and recorded in the County Recorder's Office; and

    b. the general location of the subdivision.

2. If the subdivision is developed under planned unit development provisions, the plat shall indicate the words "Planned Unit Development" as part of the subdivision name;

3. If it is a condominium, the record of survey map shall indicate the words "Condominium Project" with the condominium name;

4. A north point and arrow;

5. The scale of the drawing;

6. The date of each signature and approval;

7. Accurately drawn boundaries showing the proper bearings and dimensions of all boundary lines of the subdivision~~;~~ (These lines should be slightly heavier than street and lot lines);

8. The widths, lengths, bearings and curve data on centerline of proposed streets, alleys, and easements; the boundaries, bearing the dimensions of all portions within the subdivision as intended to be dedicated to the use of the public;

9. The lines, dimensions, areas, bearings and numbers of all lots, blocks, and parts reserved for any reason within the subdivision.

10. Lot number for each lot with the lots numbered consecutively by numbering system approved by the Planning Manager of the Planning Manager's designee~~Department~~;

11. An address number for each lot;

12. Parcels of land to be permanently reserved for private common open space with the words "Private Common Open Space";

13. Every existing recorded public and private right-of-way or easement;

14. Every existing easement for utilities, sewers, storm drains, or otherwise whether surface or underground;

~~15. Block numbers;~~

~~16~~15. Contours at two-foot intervals showing the topography of the subdivision may be required if requested by the Planning Manager or the Planning Manager's designee;

~~17~~16. Acreage of the total subdivision;

~~181~~7. Area of each lot and open or common spaces;

~~19~~18. Location, width, names (if any) of existing streets or important features within or immediately adjacent to the subdivision;

~~20~~19. Flood hazard boundaries according to the Federal Flood Insurance Administration maps and the Davis County floodway map, if any; and

~~21~~20. Any permanent fences along appropriate subdivision boundaries.~~as determined by the Planning Commission.~~

C. The following standard forms approved by the Planning Manager or the Planning Manager's designee~~Departmentand Planning Commission~~ for all subdivision plats properly and clearly lettered shall be included in the plat:

1. Legal description of land to be included in the subdivision;

2. Registered land surveyor's certificate of survey;

3. Owner's dedication certificate;

4. Notary public's acknowledgement of the signature(s) of the owner(s);

5. Planning Manager's ~~Planning Commission~~ certificate of approval;

6. County Surveyor's certificate of approval;

7. County Health Department's certificate of approval if necessary;

8. County Attorney's certificate of approval; and

~~9. County Commission Certificate of Acceptance attested by the County Clerk;~~

~~10~~9. A three by three-inch blank block in the lower right-hand corner of the drawing for recording information; and

~~11~~. ~~Any special conditions, or wording required by the Planning Commission~~

D. A copy of any restrictions, reservations, or protective covenants in recordable form shall be attached to and submitted with the plat. ~~for approval by the County Commission~~.

Section 15.24.420 Lots

A. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, geologic hazards, existing and probable future utilities, rights-of-way, and other requirements.

B. All lots shown on the subdivision plat must conform to the minimum area and width requirements of the Zoning Ordinance for the zone in which the subdivision is located, unless~~:~~ ~~A~~a planned unit development has been approved.

~~1. A variance is granted in accordance with Chapter 15.32; or~~

~~2. A planned unit development has been approved.~~

C. Each lot shall have frontage on:

1. A public street dedicated by the subdivision plat;

2. An existing publicly dedicated street; or

3. A street which has become public ~~right~~ by use.~~; or~~

~~4. An approved private street.~~

D. Corner lots shall have extra width sufficient for maintenance of required yards on both street frontages.

E. Side lot lines shall be at approximately right angles to the street line, or radial to the street line.

Section 15.24.510 Streets

A. Street Width. The minimum right-of-way widths of proposed public streets in subdivisions, unless a greater width is required or deemed necessary by the Planning Commission, shall be as follows:

1. Major arterial streets: one hundred (100) feet.

2. Minor arterial streets: eighty (80) feet.

3. Major collector streets: sixty-six (66) feet.

4. Minor collector streets: sixty (60) feet.

5. Local street: fifty (50) feet.

B. Culs-de-sac.

1. ~~Minor terminal streets(c~~Culs-de-sacs~~)~~ shall not be longer than six hundred (600) feet from the centerline of the adjoining street to the center of the cul-de-sac. Each cul-de-sac must be terminated by a turnaround of not less than one hundred (100) feet in diameter.

2. If surface water drains into the turnaround due to the grade of the street, necessary catch basins and drainage systems and easements shall be provided.

~~C. Marginal **Access Streets**. Marginal access streets of not less than forty (40) feet in width shall be required paralleling all limited access arterial streets, unless the subdivision is so designed that lots back or side onto such arterial streets.~~

~~D~~C. Intersections.

1. An intersection of more than two streets at one point is prohibited.
2. Streets shall intersect at an eighty (80) to ninety (90) degree angle.

~~E~~D. Standard Street Sections. All proposed public streets, shall conform to the street cross section standards adopted by the County.

~~F~~E. Street Grades.

1. Street grades over a sustained length shall not exceed the following percentages;
   a. On arterial public streets eight (8) percent; and
   b. On local and collector streets twelve (12) percent.
2. Street grades shall be a minimum of 0.5 percent slope.
3. The cross slope of the street cross section is defined on the standard drawings.
4. The maximum difference in curb elevations on opposite sides of the street shall not exceed one foot, and shall only be allowed where existing site circumstances make it unfeasible to have the same curb elevations.

~~G~~F. Street Names and Numbers.

1. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street.
2. House numbers shall be assigned in accordance with the house numbering system now in effect in the County subject to any applicable federal postal regulations.
3. All new streets shall be numbered if in a general north-south or east-west direction.

Section 15.24.720 Improvements Required

The developer of any subdivision shall install the following improvements in compliance with the specifications contained in the technical specifications set forth in Chapter 15.44, this chapter, Title 14, and all applicable County, State, and Federal laws, codes, standards, and regulations.

A. Water Lines.

1. An approved public water system is required. ~~If an approved public water supply is reasonably accessible or procurable,~~The subdivider shall install at his expense or shall contract with the local water distributing agency to make the

water supply available to each lot within the subdivision, including laterals to the property line of each lot.

2. The sizes of water mains shall be determined by the County. Unless required or necessitated otherwise, the water main shall be of such size as to deliver the ~~a~~minimum required fire flow as requested by the fire marshal of the fire department who oversees the area in which the subdivision is located. In most cases that will require a minimum of an 8" fireline. In case of a dispute over fireflow requirements, the County reserves the right to make a final determination on a case by case basis.~~of seven hundred fifty (750) gallons per minutes, with a residual pressure of 20 P.S.I.~~

3. Development of water from private wells is not permitted unless it is part of an approved public water system.~~If an approved public water supply is not reasonably accessible or procurable, the water supply may be provided from wells, with the prior written approval of the County Board of Health and any other State or local agencies having jurisdiction with respect to water. The subdivider is responsible to submit the written approval to the Planning Department.~~

B. Sewage Disposal.

1. The subdivider shall provide for sewage disposal in a manner approved in writing by the Davis County Health Department, or nearest public sewer district, and submit that written approval to the Planning Manager~~Department~~ and in compliance with Chapter 14.12.

2. If a public sanitary sewer system is within three hundred (300) feet of the subdivision boundary line, the subdivider is required to connect to such sanitary sewer and provide adequate lateral lines to the property line of each lot.

3. All sewer connections and subdivision sewer systems shall comply with the regulations and specifications of the sewer district in which it is located and shall have the written approval of the sewer district.

C. Storm Water.

1. The subdivider shall provide for the proper and approved disposal and drainage of storm water.

2. If easements are required across abutting property to permit storm water drainage for the subdivision, it shall be the responsibility of the subdivider to obtain and record such easements.

3. The subdivider shall comply with the Davis County Storm Drainage General Plan and the flood control provisions of Chapter 14.04, Article E.

4. The minimum size storm drain shall be eighteen (18) inches in diameter.

D. Street Construction and Surfacing.

All streets ~~except approved private streets~~ shall be graded and surfaced in accordance with the standards and technical specifications of this title and Title 14.

E. Curbs and Gutters.

1. Curbs and gutters shall be installed by the subdivider for existing and proposed public streets in accordance with the specifications of this title and Title 14.

2. Each curb and gutter shall be thirty (30) inches wide standard high back style or a standard roll curb if recommended by the Planning Department and approved by the Planning Commission.

3. Each curb and gutter shall be placed on at least six inches of compacted untreated base course as foundation material.

F. Street Drainage.

Drainage structures shall be required where necessary in the opinion of the Flood Control Engineer.

G. Sidewalks.

1. Sidewalks shall be installed where required by the Planning Manager~~Commission~~ and according to the technical specifications of this title.

2. Sidewalks shall be a minimum of five (5) feet wide on all streets and shall meet the required base course and compaction required in the public works standards. If a sidewalk is to be placed back of curb it shall be a minimum of six (6) feet. ~~collector and local streets and five feet wide on arterial streets and shall be placed on at least four inches of compacted untreated base course material as a foundation.~~

3. Sidewalks shall be four inches in depth except at driveways where they shall be at least six inches in depth.

H. Driveway Approaches.

1. Residential driveway approaches shall be a minimum of ten (10) feet and a maximum of thirty (30) feet in width.

2. Commercial and industrial driveway approaches shall be a minimum of fifteen (15) feet and a maximum of forty (40) feet in width.

3. All driveway approaches shall be constructed of concrete at least six inches thick with at least six inches of compacted untreated base course as foundation materials.

4. Driveway approaches shall be no closer than twelve (12) feet to another driveway.

5. No driveway approach in a residential zone shall be closer than twenty (20) feet, measured along the property line, to the point of intersection of two property lines at any street intersection.

6. No driveway approach in a commercial zone shall be closer than forty (40) feet, measured along the property line, to the point of intersection of two property lines at any street intersection.

I. Monuments.

1. Permanent survey monuments, placed by a licensed surveyor, shall be accurately set and established at the:

   a. Intersections of the centerline of streets within the subdivision and intersections with the centerline of existing streets; and

   b. Beginning and ends of curves on centerlines or points of intersections or tangents.

2. All permanent survey monuments shall remain in place, or be reset at the subdivider's expense, after curbs, gutters and sidewalks are installed.

3. Monuments shall be of a type approved by the Davis County Surveyor, and all subdivision plats shall be tied to a section corner or monument of record, as established by the Davis County Surveyor, and depicted on the plat.

J. Ditches.

1. All gravity flow ditches through which water will continue to flow within a subdivision after its completion, whether to serve as irrigation water and/or surface drainage flow to or from any adjacent property, shall remain in use and be piped with a minimum pipe size of at least eighteen (18) inches and shall be approved by the County Engineer and irrigation company.

2. Irrigation ditches which will not carry irrigation water and/or waste flow shall be effectively filled or removed.

K. Fire Hydrants.

~~If the subdivision is located within a water district,~~ Fire hydrants shall be installed and shall be of the type, size and in such locations as required by the County Engineer and in compliance with all applicable local, State, and federal standards and regulations.

L. Street Signs.

1. The County will furnish and install all necessary street signs.

2. The cost of the signs and their installation shall be paid by the developer within thirty (30) days after installation.

3. The bond for improvements in the subdivision will not be released until after payment of these costs has been made.

M. Fencing of Subdivisions.

1. A permanent solid board, metal chain link, masonry, or other similar fence six feet in height shall be installed along all subdivision boundaries where adjacent uses are found to be noncompatible with the subdivision by the Planning Manager~~Commission~~.

2. Upon installation, full responsibility for the maintenance, repair, and replacement of the fence shall become that of the lot owner.

N. Staking of Lots.

1. Survey stakes shall be placed by a licensed surveyor at all lot corners to completely identify the lot boundaries on the ground.

2. Survey stakes shall be five-eighths inch rebar at least two feet long.

3. All lot corners survey stakes must be in place and readily observable prior to the issuance of building permits and after completion of all subdivision improvements.

O. Other Utilities (e.g. cable, telephone, power, and gas).

Section 15.24.730 Guarantee Of Improvements

A. In lieu of the actual installation or construction and completion by the subdivider and acceptance by the County of the improvements required by this chapter, and before the plat may become a recorded plat, the subdivider shall have an escrow agreement, irrevocable letter of credit, or bond, approved by and acceptable to the County, guarantee that:

1. The installation and construction of the required improvements will be completed within two (2) years from the date of the approval of the subdivision plat by the Planning Commission; and

2. The improvements shall be maintained in a state of good repair, free from defective material or workmanship, for a period of one year from the date of completion.

B. Cash Escrow. If the subdivider chooses an escrow arrangement:

1. The subdivider shall deposit with any insurance company, bank, or savings and loan institution licensed to engage in business in the State of Utah in an escrow account an amount of money equal to at least one hundred twenty-five (125) percent of the costs of the improvements required by this chapter not previously installed or constructed, completed, and accepted by the County.

2. The escrow agreement shall provide for the payment to the County of the costs of any improvements which have not been installed, completed, or installed within two (2) years after the date of the approval of the subdivision plat. ~~by the Planning Commission~~.

3. The escrow agreement shall be:

   a. Reviewed by the County Attorney;

   b. Signed by the subdivider, the County, and the escrow holder; and

   c. Be in a form and contain provisions acceptable to and approved by the County Commission.

~~C. Irrevocable Letter of Credit. If the subdivider chooses to provide an irrevocable letter of credit:~~

~~1. The subdivider shall file with the Planning Department an irrevocable letter of credit from a duly chartered State or National bank licensed to engage in business in the State of Utah;~~

~~2. The letter of credit shall be in an amount equal to at least one hundred twenty-five (125) percent of the costs of the improvements required by this chapter not previously installed or constructed, completed, and accepted by the County;~~

~~3. The letter shall be payable to the County for the costs of any improvements which have not been installed, completed, or installed within two (2) years after the date of the approval of the subdivision plat by the Planning Commission;~~

~~4. The letter of credit shall be:~~

~~a. Reviewed by the County Attorney;~~

~~b. Signed by the subdivider and the issuing institution;~~

~~c. In a form and contain provisions acceptable to and approved by the County Commission; and~~

~~d. Irrevocable.~~

~~D~~C. Bond. If the subdivider chooses to provide a bond:

1. The subdivider shall furnish and file with the Planning Department either a cash or surety bond from a corporate surety, licensed to engage in business in the State of Utah, in an amount equal to one hundred twenty-five (125) percent of the cost of the improvements not previously installed or constructed, completed, and accepted by the County;

2. The bond shall be conditioned upon the subdivider installing or constructing and completing the required improvements and the acceptance of the

improvements by the County within two (2) years from the date of the approval of the subdivision plat by the Planning Commission;

3. The bond shall guarantee that the required improvements shall be maintained in a state of good repair, free from material or workmanship defects, for a period of twelve (12) months from the date of completion and acceptance by the County;

4. After twelve (12) months following the completion of the improvements for which a surety or cash bond has been filed, the subdivider will be responsible to request and schedule a compliance inspection by the Enforcement Officer.

    a. The Enforcement Officer shall inspect the improvements and determine if the standards, requirements, and specifications for those improvements have been fully met and complied with;

    b. The Enforcement Officer shall submit a detailed copy of the inspection report with the Planning Department and provide a copy to the subdivider and surety; and

    c. If the Enforcement Officer determines that the standards, requirements, and specifications for those improvements have been fully met and complied with, the bond shall be released within fourteen (14) days from the time of inspection.

5. If the improvements are not found to be in satisfactory condition:

    a. The Enforcement Officer shall order the subdivider to make such repairs or take such other action as may be reasonable and necessary.

    b. If the subdivider refuses or fails or neglects to make the necessary repairs or take the necessary action, the Enforcement Officer shall inform the surety and the County Commission which may order the work done, using the proceeds from the bond to apply towards those costs.

6. The bond shall be:

    a. Reviewed by the County Attorney;

    b. Signed by the subdivider and the surety; and

    c. Be in a form and contain provisions acceptable to and approved by the County Commission.

~~E~~D. Costs. The costs of the improvements not installed or constructed, completed, and accepted by the County shall be reasonably determined by the County Engineer and Planning Department.

Section 15.24.810 Exemptions.

A. ~~Small Subdivisions.~~ Existing lots of record. ~~Notwithstanding Articles A, B, and C, the Planning Commission may approve the subdivision of unincorporated land into ten lots or less without a plat, by certifying in writing that:~~

~~1. The County has provided notice as required by Chapter 15.04; and 2. The subdivision consists of ten (10) lots including any parcels which have been previously divided from the same parcel after~~ A lot that has existed in the same size and shape since May 7, 1954 (the date the original subdivision ordinance was adopted) is considered an existing lot of record, and is eligible to build one residential house upon. If the lot has been modified through a metes and bounds description then a subdivision is required. Existing lots of record shall meet all requirements outlined in this chapter, and install any improvements required by this chapter.

~~3. The subdivision does not require the dedication of any land for street, utility easement, or other public purpose;~~

~~4. The subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan;~~

~~5. The subdivision has been approved by the culinary water authority and the sanitary sewer authority;~~

~~6. The subdivision is located in a zoned area; and~~

~~7. Conforms to all applicable provisions of Title 14 and Title 15 or has properly received a variance from the requirements of an otherwise conflicting and applicable provisions; and~~

~~8. The subdivider has acknowledged and agreed to provide any improvements required by this chapter.~~

~~B. Agricultural Parceling.~~

~~1. Subject to Subsection A, a lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of this chapter if the lot or parcel:~~

~~a. qualifies as land in agricultural use under Section 59-2-502 of the Farmland Assessment Act, Utah Code;~~

~~b. is comprised of at least 5 contiguous acres;~~

~~c. is not used and will not be used for any nonagricultural purpose and this restriction is recorded:~~

~~d. has access from a public street or recorded private right-of-way or easement of at least twenty (20) feet in width; and~~

~~e. has adequate water access.~~

~~2. The boundaries of each lot or parcel exempted under Subsection B shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat, which shall be recorded in the office of County Recorder; and~~

~~3. If a lot or parcel exempted under this section is used for a nonagricultural purpose, the County may require the lot or parcel to comply with all the requirements of this chapter.~~

~~C~~B. Metes and Bounds Description.~~1.~~ Documents recorded in the County Recorder's Office that divide property by a metes and bounds description do not create an approved subdivision allowed by this part.~~unless the Land Use Authority's certificate of written approval required by Subsection A is attached to the document.~~

~~2. The absence of the certificate or written approval required by Subsection A does not affect the validity of a recorded document.~~

~~3. A document which does not meet the requirements of Subsection A may be corrected by the recording of an affidavit to which the required certificate or written approval is attached in accordance with Section 57-3-106, Utah Code.~~

Section 15.24.1109A Article K Agricultural Property

Section 15.24.1110 Agricultural Parceling

A. The provisions of this section apply to divisions of property for the purposes of agricultural uses, farm industry or animal keeping. Parcels divided according to the provisions of this section are not typically used as residential lots and are not subject to subdivision regulations unless residential development is requested. Agricultural parcels may be used for residential purposes if subdivision and all other applicable regulations are met.

B. Agricultural use of farmland is outlined in Title 59, Chapter 2, Part 5, the farmland assessment act. Division of land into agricultural parcels is permitted if they meet the following provisions:

1. All parcels or lots must be a minimum of five (5) acres in size.

2. All parcels or lots have access from a public street or recorded private right-of-way or easement at least twenty (20) feet in width.

3. Sufficient water is provided to each lot or parcel for the proposed use of the property.

4. Each lot or parcel must be recorded with a restriction of the use of the property to agriculture, farm industry, or animal keeping unless the entire parcel from which the lot was created is subdivided according to the provisions of this chapter.

Section 3. Repealer. This ordinance repeals the following Sections of Title 15, Chapter 15.24 of the Davis County Code:

Section 15.24.240 Planning Commission Action; and

Section 15.24.1210 Private Right-Of-Way.

Section 4. Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. Conflict. To the extent of any conflict between this ordinance and any other Davis County ordinances, resolutions, regulations or otherwise, the provisions of this ordinance shall control.

Section 6. Effective Date. This ordinance shall take effect on the earliest date possible after Davis County fulfills the provisions of Section 17-53-208 (2020) of the Utah Code**.**

This Ordinance was duly passed, adopted, and/or approved by the Davis County Legislative Body, on this 30th day of January, 2024, with Commissioners Bob J Stevenson _____, Randy B. Elliott _____, and Lorene Miner Kamalu _____ all voting as documented herein above.

DAVIS COUNTY

_____
Bob J Stevenson, Chair
Davis County Legislative Body

ATTEST:

_____
Brian McKenzie
Davis County Clerk