

ORDINANCE NO. 2024-13

AN ORDINANCE CREATING SUBDIVISION REGULATIONS WITHIN LAKE POINT

WHEREAS the City of Lake Point, Utah (the “City”) was founded to govern and regulate the subdivision, use and zoning of land within the jurisdiction of the City; and

WHEREAS the City has not had a subdivision ordinance in place from the date of incorporation of the City and has worked diligently to enact such ordinances to regulate the subdivision of land within the City Boundaries; and

WHEREAS the City had established a moratorium from December 7th, 2022 and has prevented subdivisions in the City until an adequate regulation could be put in place; and

WHEREAS the City now desires to institute this subdivision ordinance and release said moratorium in regards to subdivisions established on December 7th, 2022 with any renewals thereof; and

WHEREAS the City has power to regulate subdivisions and land use under Utah Code 10-9a-101 et seq. within the jurisdiction of the City.

NOW THEREFORE, BE IT ORDAINED by the Lake Point City Council as follows:

Section 1. Title And Authority

a. Title and Authority

- i. This ordinance shall be known and referred to as the “Subdivision Ordinance of Lake Point , Utah” or the “Subdivision Ordinance.”
- ii. The City Council of Lake Point adopted this subdivision ordinance pursuant to the Municipal Land Use Development and Management Act, §10-9a, of Utah State Code Annotated and such other authorities and provisions of Utah statutory and common laws that are relevant and appropriate.

b. Purpose And Intent

- i. The purpose of this subdivision ordinance is to promote the health, safety, and general public welfare of the City and the inhabitants thereof, and guide the future growth and development in accordance with the general plan, by establishing standards to protect the character of the community while encouraging orderly and beneficial development to all parts of the city and for the development of projects within the City. To provide for adequate light, air, and privacy, and to protect natural resource amenities, and other qualities of benefit to the City. To secure safety from fire, flood, natural or manmade hazards and other danger and to prevent overcrowding of the land and undue congestion of population..
- ii. To this end it is necessary to impose special regulations to minimize vegetation removal, soil and slope instability, loss of designated wetlands, erosion and water runoff, impairment of aesthetic qualities, including scenic vistas, to retain open

space, to keep important agricultural lands in production or to promote access to public lands, maintain recreational access corridors within lineal natural drainage systems, and to carry out the purposes of the Municipal Land Use Development and Management Act, §10-9a, of Utah State Code Annotated and other relevant statutes.

c. Effect Of Adopted Master And General Plans

- i. All master or general plans adopted by the City or for an area within the incorporated boundaries of the City shall serve as an advisory guide for land use decisions. Amendments to the text of this subdivision ordinance shall be consistent with the purposes, goals, objectives, and policies of the applicable adopted master plans and general plans of the City.

d. Enactment Of Ordinances, Resolutions, And Development Agreements

- i. To accomplish the purposes of this title, the City may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the City considers necessary or appropriate for the use and development of land within the City, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing: uses; density; open spaces; structures; buildings; energy efficiency; light and air; transportation and public or alternative transportation; infrastructure; street and building orientation; width requirements; public facilities; fundamental fairness in land use regulation; and considerations of surrounding land uses to balance the forgoing purposes with a landowner's private property interests and associated statutory and constitutional protections.
- ii. The city and all land use applicants are bound by and shall comply with all mandatory provisions of Lake Point land use, zoning, construction, and development ordinances, standards, codes, and regulations.
- iii. The standards, regulations, entitlements, and terms set forth herein for the RR1 district shall apply to all property zoned RR1, as shown on the official Lake Point Zoning Map. Notwithstanding the foregoing, the standards, regulations, entitlements, and terms set forth herein for the RR1 district shall not apply to any property for which a development agreement or other similar contract that establishes and vests development standards and rights has been, prior to the incorporation of Lake Point, executed and recorded for against title to the particular property. The zoning standards, regulations, entitlements, and terms for such property subject to a development agreement or other similar contract shall be as set forth in the applicable, recorded agreement or contract. The owner of such property subject to a development agreement or other similar contract may request that the City enter into a development agreement that modifies the vested development standards and rights established under the development agreement or other similar contract in accordance with state law.

e. Guidelines And Checklists

- i. The City is hereby authorized and empowered to promulgate by way of resolution certain checklists relative to this title.
- ii. These materials shall be provided to any interested person upon request and upon payment of a fee if specified by the City's fee schedule.
- iii. These materials represent an aid to those seeking to comply with the requirements of this title. In the event any conflict arises between such

- guidelines and this title or other regulations, resolutions, or policies of the City, said ordinances, resolutions, regulations or policies shall be deemed controlling.
- iv. Failure of an applicant(s) to follow guidelines or checklists may be cause for delay of approval.

Section 2. Definitions

- a. **Administrative Land Use Authority:** An individual, board, or commission, appointed or employed by the City, including City staff or the City's Planning Commission, as outlined herein. Administrative land use authority does not include the City Council or a member of the City Council.
- b. **Adversely Affected Party:** A person other than a land use applicant who owns real property adjoining the property that is the subject of a land use application or land use decision or will suffer damage different in kind than, or an injury distinct from, that of the general community as a result of a land use decision.
- c. **Affected Entity:** A county, municipality, local district, special service district, specified public utility, property owner, property owners association, or the Utah Department of Transportation (UDOT) if the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land; the entity has filed with the City a copy of the entity's general or long-range plan; or the entity has filed with the City a request for notice during the same calendar year and before the City provides notice to an affected entity in compliance with a requirement imposed in this title.
- d. **Affected Ownership:** The owner of real property that is a single project; the subject of a land use approval that the sponsors of a referendum timely challenged in accordance with §20A-7-601(6) of Utah State Code (as amended); and determined to be legally referable under §20A-7-602.58 of Utah State Code (as amended).
- e. **Appeal Authority:** The person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.
- f. **Applicant:** A developer who submits a land use application to subdivide or otherwise develop property.
- g. **Developer:** The owner, or their agent, of land proposed to be laid out and platted in accordance with this subdivision title. An agent of the owner shall be required to provide legal documentation, to be approved by the city attorney, which establishes the authority to act as agent for the owner.
- h. **Development Activity:** Any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities; any change in use of a building or structure that creates additional demand and need for public facilities; or any change in the use of land that creates additional demand and need for public facilities.
- i. **Development Agreement:** A written agreement or amendment to a written agreement between the City and one (1) or more parties that regulates or controls the use or development of a specific area of land. The development agreement does not include an improvement completion assurance.
- j. **Easement:** is an interest in land belonging to another person, so that the easement owner has a limited right to use or enjoy the other person's property. Common easements include rights of way for access, or the right to cross property (including easements for utility service or water conveyance).
- k. **Fire Authority:** The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property. For the purposes of this title, the Fire Authority shall be designated by the City.

- l. **Flood Plains:** Land that is within the one hundred (100) year floodplain designated by the Federal Emergency Management Agency (FEMA); or has not been studied or designated by FEMA but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a one hundred (100) year floodplain designed by FEMA.
- m. **General Plan:** A document that the City adopts that sets forth general guidelines for proposed future development of the land within the City.
- n. **Geological Hazard:** A surface fault rupture, shallow groundwater, liquefaction, a landslide, a debris flow, unstable soil, a rock fall, or any other geologic condition that presents a risk to life or of substantial loss of or damage to real property.
- o. **Hookup Fee:** A fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, stormwater, power, natural gas, or other utility system.
- p. **Impact Fee:** A payment of money imposed under the Impact Fees Act, §11-36a, of Utah State Code (as amended).
- q. **Improvement Completion Assurance:** A surety bond, letter of credit, financial institution bond, assignment of rights, lien, or other equivalent security required by the City to guarantee the proper completion of landscaping or an infrastructure improvement required as a condition precedent to recording a subdivision plat.
- r. **Improvement Warranty:** An applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement complies with the City's written standards for design, materials, and workmanship; and will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.
- s. **Improvement Warranty Period:** A period no later than one (1) year after the City's acceptance of required landscaping; or no later than one (1) year after the City's acceptance of required infrastructure, unless the City determines for good cause that a one (1) year period would be inadequate to protect the public health, safety, and well being; and has substantial evidence on record of prior poor performance by the applicant or that the area upon which the infrastructure will be constructed contains suspect soil and the City has not otherwise required the applicant to mitigate the suspect soil.
- t. **Infrastructure Improvement:** Permanent infrastructure that is essential for the public health and safety or that is required for human occupation; and an applicant must install in accordance with public installation and inspection specifications for public improvements and whether the improvement is public or private, as a condition of recording a subdivision plat, obtaining a building permit, or development of a commercial, industrial, mixed-use, condominium, or multifamily project.
- u. **Internal Lot Restriction:** A platted note, platted demarcation, or platted designation that runs with the land and creates a restriction that is enclosed within the perimeter of a lot described on the plat; or designates a development condition that is enclosed within the perimeter of a lot described on the plat.
- v. **Land Use Applicant:** A property owner, or the property owner's designee, who submits a land use application regarding the property owner's land. The property owner's designee shall be required to provide legal documentation to prove they have consent from the legal owner of the property.
- w. **Land Use Application:** An application that is required by the City and submitted by a land use applicant to obtain a land use decision, and does not mean an application to enact, amend, or repeal a land use regulation.

- x. **Land Use Authority:** A person, board, commission, agency, or body, including the City Council, designated by the City Council to act upon a land use application; or if the City Council has not designated a person, board, commission, agency, or body, the City Council.
- y. **Land Use Decision:** An administrative decision of a land use authority or appeal authority regarding a land use permit or a land use application.
- z. **Land Use Permit:** A permit issued by the land use authority.
- aa. **Land Use Regulation:** A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land. Includes the adoption or amendment of a zoning map or the text of the zoning code and does not include a land use decision of the City Council acting as the land use authority even if the decision is expressed in a resolution or ordinance; or a temporary revision to an engineering specification that does not materially increase a land use applicant's cost of development compared to the existing specification or impact a land use applicant's use of land.
- bb. **Legislative Body:** The City Council.
- cc. **Local District:** An entity under Limited Purpose Local Government Entities - Local Districts, §17B, of Utah State Code (as amended) and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.
- dd. **Lot:** A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the Office of the County Recorder.
- ee. **Lot Restricted (R Lot):** A lot which contains or is susceptible to special events or conditions, including, but not limited to, flooding, wetlands, improper drainage, steep slopes, rock formations, adverse earth formations or topography, fault lines, water table, or any other adverse condition which would warrant special identification or notice. Such lots shall be subject to regulated conditions as specified by the city engineer. All "R" lots shall be clearly identified on the recorded plat.
- ff. **Lot Line Adjustment:** A relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with §10-9a-608 of Utah State Code (as amended) whether or not the lots are located in the same subdivision and with the consent of the owners of record. Lot line adjustment does not mean a new boundary line that creates an additional lot or constitutes a subdivision. Lot line adjustment does not include a boundary line adjustment made by the Utah Department of Transportation (UDOT).
- gg. **Municipal Utility Easement:** An easement that is created or depicted on a plat recorded in the Office of the County Recorder and is described as a municipal utility easement granted for public use; is not a protected utility easement or a public utility easement as defined in §54-3-27 of Utah State Code (as amended); the City or the City's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, stormwater, or communications or data lines; is used or occupied with the consent of the City in accordance with an authorized franchise or other agreement; is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement and is located in a utility easement granted for public use; or is described in §10-9a-529 of Utah State Code (as amended) by a specified public utility.
- hh. **Official Map:** A map drawn by City authorities and recorded in the Office of the County Recorder that shows actual and proposed rights-of-way, centerline alignments, and setbacks for highway and other transportation facilities; provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and has been adopted as an element of the City's General Plan.
 - ii. **Parcel:** Any real property that is not a lot.

- jj. **Parcel Boundary Adjustment:** A recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with §10-9a-524 of Utah State Code (as amended), if no additional parcel is created and none of the property identified in the agreement is a lot or the adjustment is to the boundaries of a single person's parcels. Parcel boundary adjustment does not mean an adjustment of a parcel boundary line that creates an additional parcel or constitutes a subdivision. Parcel boundary adjustment does not include a boundary line adjustment made by UDOT.
- kk. **Person:** An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.
- ll. **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).
- mm. **Potential Geologic Hazard Area:** An area that is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.
- nn. **Public Hearing:** A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
- oo. **Public Meeting:** A meeting that is required to be open to the public under Open and Public Meetings Act, §52-4 of Utah State Code (as amended).
- pp. **Public Street:** A public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.
- qq. **Record of Survey Map:** A map of a survey of land prepared in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).
- rr. **Sanitary Sewer Authority:** The department, agency, or public entity with the responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems. For the purposes of this title means the entity or entities designated by the City
- ss. **Specified Public Utility:** An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in §54-2-1 of Utah State Code (as amended).
- tt. **State:** Includes any department, division, or agency of the State of Utah.
- uu. **Subdivision:** Any land that is divided, subdivided, or proposed to be divided into two (2) 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.
 - i. "Subdivision" includes:
 - 1) 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
 - 2) 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.
 - ii. "Subdivision" does not include:
 - 1) 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;

- 2) A boundary line agreement recorded with the Office of the County Recorder 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;
- 3) A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one (1) legal description encompassing all such parcels or joining a lot to parcel;
- 4) 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;
- 5) 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;
- 6) A parcel boundary adjustment;
- 7) A lot line adjustment;
- 8) A road, street, or highway dedication plat;
- 9) A deed or easement for a road, street, or highway purpose; or
- 10) Any other division of land authorized by law.

- vv. **Subdivision Amendment:** An amendment to a recorded subdivision in accordance with §10-9a-608 of Utah State Code (as amended) that vacates all or a portion of the subdivision; alters the outside boundary of the subdivision; changes the number of lots within the subdivision; alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or alters a common area or other common amenity within the subdivision.
- ww. **Suspect Soil:** Soil that has a high susceptibility for volumetric change, typically clay-rich, having more than a three percent (3%) swell potential, bedrock units with high shrink or swell susceptibility, or gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.
- xx. **Trail Easement:** means a legally defined area of land designated for public or private use, set aside to provide safe and accessible pathways for non-motorized travel, including but not limited to walking, biking, and equestrian activities. A trail easement is intended to enhance the connectivity of the community, promote outdoor recreation, and support healthy lifestyles while respecting the rights of property owners. Trail easements shall be located and designed to minimize impact on private property, preserve the rural character of the city, and maintain harmony with natural landscapes and existing land uses. The easement shall be granted voluntarily by the landowner or as part of a negotiated agreement with the City to ensure mutual benefit and alignment with the City's long-term vision for sustainable growth and community engagement. Trail easements are subject to specific conditions including a City Trail standard that ensure continued access, and maintenance responsibilities..
- yy. **Water Interest:** Any right to the beneficial use of water including each of the rights listed in §73-1-11 of Utah State Code (as amended) and an ownership interest in the right to the beneficial use of water represented by a contract or a share in a water company as defined in §73-3-3.5 of Utah State Code (as amended).

Section 3. Administration

a. Designation Of Land Use Authority

Type Of Land Use Application	Reviewing Body	Recommending Body	Administrative Land Use Authority	Appeal Authority
Pre-Application Meeting	City Staff	N/A	N/A	N/A
Preliminary Plan	City Staff	City Staff	Planning Commission	City Council
Final Plat	City Staff	City Staff	DRT	City Council
Simple Lot Subdivision	City Staff	City Staff	Planning Commission	City Council
Subdivision Amendment	DRT	Planning Commission	Planning Commission	City Council
Vacation Of Public Right-Of-Way	DRT	Planning Commission	City Council	District Court
Parcel Boundary Adjustment / Lot Line Adjustment	N/A	N/A	City Staff	Planning Commission
Development Agreement	DRT	Planning Commission	City Council	District Court

b. Plain Language

- i. Pursuant to §10-9a-306 of Utah State Code (as amended), the Land Use Authority shall apply the plain language of land use regulations. If a land use regulation does not plainly restrict a land use application, the Land Use Authority shall interpret and apply the land use regulation to favor the land use application. A land use decision of a Land Use Authority shall be considered an administrative act, even if the Land Use Authority is the City Council.

c. Development Review Team (DRT)

- i. The City shall be assisted in conducting site plan review by the development review team (DRT).
- ii. Membership: The development review team shall consist of designated representatives as directed by the City Council. This may include a representative from each of the city departments, department divisions, utility agencies, or other professionals as necessary, including, but not limited to, the following:

- 1) City Engineer;
 - 2) City Building Official;
 - 3) Public Safety: Fire, Police departments;
 - 4) Utility providers;
 - 5) Other technical experts as may be required by the project;
 - 6) Representatives of other affected governmental entities or agencies;
- iii. Representatives of other providers of services to the site.
- 1) Coordination Of Review: The Planning Secretary or such other person designated by the City Council shall serve as the administrator of the development review team and shall coordinate its review of proposals.
- iv. The DRT may request that the City contract with employees, professional planners, engineers, architects, and other consultants as it may deem necessary for its work. The expenditures of the DRT shall be within the amounts appropriated for that purpose by the City Council.
- v. The DRT shall review land use applications and make recommendations to the applicable land use authority as outlined in Lake Point Code.

d. General Application Requirements

- i. The Land Use Authority shall review and approve submitted applications for land use and development as provided in this title. The following general requirements shall apply to an application required by this title.
 - 1) Application Forms. Submitted applications shall be on forms provided by the City Staff, and with the required documentation outlined on such application in quantities as reasonably required by the City Staff for each particular type of land use application. Applicants shall submit all applications to the City Staff for review to ensure compliance with the requirements as outlined in this title.
 - 2) City Initiated Applications. The Planning Commission, or City Council may initiate any action under this title without an application. Notice, hearing, and other procedural requirements of this title shall apply to an application initiated by the City.
 - 3) Accurate Information. All applications, accompanying documents, plans, reports, studies and information provided to the City by an applicant in accordance with the requirements of this title shall be accurate and complete.
 - 4) Determination Of A Complete Application. After receipt of an application the City Staff shall determine whether the application is complete. If the application is not complete, the City Staff shall notify the applicant and advise the applicant that the City will take no further action on the request until the submission of a complete application.
 - 5) Fees. The applicant shall pay the City fees as outlined in the City's fee schedule as adopted and amended from time to time by the City Council upon the filing of an application. Application fees shall be in amounts reasonably determined to defray actual costs incurred by the City to review applications and their accompanying documents including plans and specifications, act upon the application, and conduct subsequent inspections to ensure compliance with City regulations. The City Staff shall return any application as incomplete if the application has not been submitted with the

required fee. Fees shall be non-refundable, except as provided in this section. Applications initiated by the City shall not require fees.

- 6) **Validity.** The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

e. Development Agreements

- i. **Purpose.** Subject to Utah Code 10-9a-532, as amended, in certain circumstances a development agreement may be negotiated between a developer and the City to set forth the specific requirements, elements, and aspects of a proposed development prior to receiving approval from the Land Use Authority on a land use application.
- ii. **Procedure.** Development agreements, and their subsequent amendments, shall be subject to the Land Use Authority as outlined in Section 3(a) of this title. All development agreements, upon proper execution, shall be recorded with the County Recorder's Office, and shall run with the land and be binding on all successors in the ownership of the affected property(ies). A development agreement shall contain, at a minimum, the following:
 - 1) A legal description of the land subject to the development agreement.
 - 2) The restrictions or conditions to be attached to the property including development standards and the provision of public facilities.
 - 3) The configuration of the project as shown on the project's master plan.
 - 4) A statement of the benefits and value the development agreement will have for the City as a whole, including but not limited to: assurances of design standards, dedication and improvement of open space, parks, trails, amenities, or infrastructure such as public rights-of-way, or utilities.
 - 5) The time frame for performance by parties.
 - 6) A description of the various City approvals required before the commencement of construction and other procedures that will be required after approval of the development agreement.
 - 7) Provisions for enforcement of the terms and conditions of the development agreement.
 - 8) Provisions for making amendments to the development agreement.
 - 9) The time limitation of the agreement which shall not be more than 20 years.
 - 10) Such other terms and limitations which may be proposed and agreed to between the City and the developer.
- iii. **Limitations.** A development agreement under this section may only be used in circumstances consistent with Utah State Code 10-9a-532, as amended.
- iv. **Expiration.** A development agreement shall be signed and notarized by all parties and recorded in the County Recorder's Office within one (1) year from the date of Land Use Authority approval or it shall be considered null and void. Prior to the expiration of the one (1) year period an applicant may submit a written request to the City Staff for an extension of up to six (6) months. Approval of this extension may only be granted by the Land Use Authority.

f. General Responsibilities

- i. An applicant shall prepare any concept plan, preliminary plan, and final plat consistent with the standards contained herein and shall pay for the design, review, construction, and inspection of the improvements required. Applicants are also responsible for following the Land Use Code in Title 13 of the Lake

Point Code and shall comply with all mandatory provisions of Lake Point land use, zoning, construction, and development ordinances, standards, codes, and regulations.

- ii. The applicant shall not alter the terrain or engage in any site development until the applicant has obtained the necessary approvals as described in this title.
- iii. The applicant is responsible to obtain, be familiar with, and follow all applicable subdivision ordinances, construction regulations, and all other rules and related standards of the City.
- iv. The City shall process said plans and plats on an administrative level in accordance with the regulations set forth herein.
- v. The Land Use Authority shall review submitted plans and plats for design, conformity to the applicable requirements of the General Plan, land use and other adopted ordinances, and shall process the plans and plats as provided for in this title.
- vi. Plans and/or plats of proposed subdivisions may be referred by the City Staff or Land Use Authority to the City's various departments and staff, special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comments. The City Staff shall be responsible for coordinating any comments received from public and private entities and shall decide which agencies to refer proposed subdivision plans and plats to.
- vii. The Land Use Authority as outlined in Section 3(a) of this title shall have final jurisdiction in the approval of subdivision plans and plats.

Section 4. Pre-Application Meeting

a. Pre-Application Meeting

- i. An applicant for a subdivision may request a pre-application meeting with the City. At this meeting, the City will provide information on accessing applicable land use ordinances, a complete list of standards required for the project, preliminary and final application checklists, and feedback on the concept plan.
- ii. With regard to a pre-application meeting, the following shall apply:
 - 1) The applicant shall submit a concept plan for staff review
 - 2) The municipality shall, within fifteen (15) business days after the request, schedule the meeting to review the concept plan and give initial feedback
 - 3) At the pre-application meeting, the City shall provide or have made available on the municipal website the following:
 - a) Copies of the applicable land use regulations
 - b) A complete list of standards required for the project
 - c) Preliminary and Final Plat checklist
 - 4) Pre-application review of a concept plan does not create any vested rights and feedback on the concept plan does not grant or infer any official standing or approval. The applicant will adhere to the ordinance.

b. Concept Plan Contents

- i. The Concept Plan should include as much information as possible to assist the City in providing meaningful feedback. Contents the applicant should provide and address to the best of their abilities include:
 - 1) The general location of the subdivision and the property boundaries of the proposed subdivision area

- 2) A map of the entire project area drawn at a scale of not smaller than one inch equals two hundred feet (1" = 200') and showing:
 - a) the general layout of the proposed subdivision and its relationship to the adjacent properties
 - b) the location of each proposed lot
 - c) the location, width (right of way and asphalt) and general configuration of proposed roads in the subdivision
 - d) the relationship between the existing road system, including access points, and major street plan
 - e) major canals and water sources in the vicinity.
- c. Topographic contours from available data, e.g. USGS maps.
- d. Acreage of the entire tract as well as the number of lots and dimensions and size per lot.
- e. Brief written statement or oral presentation in sufficient detail that the intent of the subdivider is clear to those who review the proposals.
 - i. Current and proposed zoning
 - ii. Proposed use of the property
 - iii. Manner for complying with the improvement guarantee, irrigation system, and any other public improvements
- f. Feasibility:
 - i. Review of available water resources and water and sewer connections
 - ii. If water rights are required, a description of the water rights and their historic water use
- g. Any phasing plan, if applicable, and associated timelines
- h. Identification of non-buildable lands or common open spaces and methods to maintain those lands

Section 5. Preliminary Plans

a. Review Process

- i. This chapter outlines the process to submit and review preliminary plans and the accompanying subdivision improvement plan. The intention is for the definitions and process for application, review, and approval to follow Utah State Code 10-9a-604, et seq.
- ii. Prior Approvals: If the application requires legislative approvals, such as a zone change, annexation, general plan amendment, right of way or easement vacation, or any other legislative action, the legislative approval shall be completed prior to submittal of the preliminary plan application.
 - 1) The City Council may grant an approval contingent on completion of the subdivision process within a given time frame.
- iii. Optional Pre-Application Meeting: Prior to filing a Preliminary Plan, the applicant may request a Pre-Application Meeting to review the Concept Plan with applicable City staff or representatives, as outlined in the prior chapter.
- iv. Application Provided: The City shall provide, or have available on the municipal website, each of the following:
 - 1) The Preliminary Plan application
 - 2) The owner's affidavit
 - 3) A breakdown of application fees
 - 4) A copy of the applicable land use ordinance
 - 5) Complete list of standards required for the project

- 6) Preliminary Plan drawings checklists
- v. Submittal: To apply for Preliminary Plan approval, applicants must follow instructions on the form provided by the City and submit all required materials, including:
 - 1) Complete Preliminary Plan application
 - 2) Owner's affidavit
 - 3) An electronic copy of all plans in a PDF format
 - 4) Preliminary and Subdivision Improvement Plan drawings
 - 5) Payment of all Preliminary Plan fees
 - 6) All other required details, specifications, information, permits, will-serve letters, and other information as detailed in Lake Point Code, development standards, and any regulations by other applicable jurisdictions.
- vi. Check for Completeness: The City will review the submission for completeness.
 - 1) If the submittal includes all materials, the City receives the submittal and starts the first review cycle.
 - 2) If the submittal is found to be incomplete, the submittal is returned to the applicant. No review shall commence until the City has made a determination that the application is complete.
- vii. Water Conveyance Facilities: If the location is within one hundred (100) feet of a water conveyance facility, within twenty (20) calendar days after receipt of the completed application, the City shall notify in writing the Water Conveyance Facility Owner(s) of the Application and request comments related to the following aspects of the water conveyance facility: access, maintenance, protection, safety, and any other issues related.
 - 1) Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the City may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land Use Authority shall not grant approval until after at least twenty (20) days after the day on which the City mailed notice to the Water Conveyance Facility.
 - 2) Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b
- viii. City Review Time Frame: Within forty (40) days the City shall complete a review of the preliminary plan and subdivision improvement plan, except as follows:
 - 1) Geological Hazard Areas: The review cycle dates do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
 - 2) Land Uses: The review cycle number of days only applies to single family, two family, and townhome developments. It does not apply to other land uses, such as commercial, industrial development, or other multifamily development.
- ix. Determination of Corrections Required: After review, the City will determine if the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response. This marks the end of the respective review cycle.
 - 1) Application Requires Corrections: If the application is found to require corrections, the City must be specific and cite the ordinance, statute, or

- specifications that require the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
- 2) Additional Information Required: The City may require additional information relating to the applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements.
 - 3) Application Meets All Standards: If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.
- x. Application Expiration: An application is expired if the applicant does not respond to a request for corrections by submitting a complete resubmittal within twelve (12) months.
- xi. Resubmittal: After receiving the list of required modifications or additions, the applicant's resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.
- 1) New Review Cycle: An applicant's resubmittal shall constitute a new review cycle.
- xii. Check for Completeness: The City shall review the resubmittal to ensure the applicant has responded to each item logged in the index of requested modifications or additions.
- 1) If the response does not address each item, the City shall return the submittal to the applicant.
- xiii. City Review of Resubmittal
- 1) Time Frame: The time frame to complete the review depends on how quickly the applicant was able to respond to the corrections in full and if the applicant made any material changes.
 - a) If the applicant responded within forty (40) days, the City has forty (40) days to complete the second review cycle.
 - b) If the applicant responded after forty (40) days, the City has sixty (60) days to complete the second review cycle.
 - c) If the applicant made a material change that merits a new review, then the review shall restart at the first review cycle as it relates to the new material.
 - 2) Land Uses: The review cycle number of days only applies to single family, two family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or other multifamily development.
 - 3) New Corrections: If the City neglected to include a required change or correction in the initial review process, the modification or correction can only be imposed on subsequent reviews if it is necessary to protect public health and safety or to enforce state or federal law.
 - 4) Determination of Corrections Required: At the end of the City's review, the City shall make a determination of corrections required, if any, as outlined in subsection (viii).
- xiv. Fourth Review Cycle: An application for Preliminary Plan and Subdivision Improvement Plan approval shall not exceed four (4) review cycles.

- 1) Fourth Review: If after the fourth (4) review cycle the application is found to not meet all required corrections, the application shall be forwarded to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specification.
 - a) Appeal: The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.
- xv. Application Ready for Approval: If the City determines that the resubmittal is now complete and meets all codes, standards, and specifications, the resubmittal shall be forwarded to the Administrative Land Use Authority to complete the review.
 - 1) If the City finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant.
 - a) This shall be provided to the applicant up until the fourth review cycle, at which point the application shall be forward or to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specification. The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.
- xvi. Dispute of Determination: If, on the fourth and final review, a municipality fails to respond within forty (40) business days, the municipality shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
 - 1) Subdivision Improvement Plan Dispute: 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 final revised set of plans; or
 - 2) Preliminary Plan Dispute: 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 a designated appeal authority.
 - 3) The appeal authority shall be the City Council.

b. Submittal Requirements

- i. Each Preliminary Subdivision application shall be accompanied by a filing fee in the amount established in the City Fee Schedule.
- ii. A preliminary subdivision plat shall be prepared by a registered land surveyor licensed to do such work in the State of Utah. A poorly drawn or illegible plat shall be sufficient cause for its rejection by the City. One (1) electronic (PDF) copy and one (1) twenty-four inch by thirty-six inch (24" x 36") paper copy of the preliminary subdivision plat shall be presented to the City Staff with the preliminary plan application. The preliminary subdivision plat shall show the following:
 - 1) A layout of the proposed subdivision, at a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the City Staff and/or City Engineer.

- 2) Located at the top and center of the preliminary plat, the proposed name of the subdivision is distinct from any other plat already recorded with the County Recorder's Office.
 - 3) The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the applicant proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose.
 - 4) The lot or unit reference, block or building reference, street or site address, the 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.
 - 5) Every existing right-of-way and easement grant or record for underground utility facilities.
 - 6) A title block, placed on the lower right-hand corner of the plat showing:
 - a) Name and address of the owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
 - b) Date of preparation of the preliminary subdivision plat, and all revision dates.
 - c) Signature blocks for the dated signatures of the Commission Chair, Mayor, City Engineer, City Attorney, and required private or public utility/service providers.
 - 7) North arrow, graphic and written scale, and basis of bearings used.
 - 8) A vicinity map of the site at a minimum scale of one inch equals one thousand feet (1" = 1,000'), or as recommended by the City Staff and/or City Engineer.
 - 9) Surveyed boundary of the proposed subdivision, accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. The location of the property with respect to surrounding property and roads and the names of all adjoining property owners of record shall be shown.
 - 10) The legal description of the entire subdivision site boundary.
 - 11) The location of any common space or open space areas including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of those set aside, and conditions, if any of the dedication or reservation.
- iii. Required Preliminary Plans. The following information is required and shall be provided at the same scale as the preliminary subdivision plat, or on separate sheets as necessary:
- 1) The identification of known natural features including, but not limited to, jurisdictional wetlands as identified by the U.S. Army Corps of Engineers, areas of slope exceeding thirty percent (30%) grade, flood channels as identified by any federal or state agency, all water bodies and drainage ways, and any other natural features as required by the City's staff, DRT, or Land Use Authority for the entire subdivision site, including the total acres in each.

- 2) Existing site contours, at intervals of no greater than two feet (2'), unless otherwise approved by City staff, DRT, or Land Use Authority, overlaid with the proposed subdivision layout.
 - 3) The location of any known human-made features on, or contiguous to the subdivision site, including existing platted lots, all utility easements, railroads, power lines and power poles, bridges, culverts, drainage channels, rights-of-way and easements, field drawings, and well or spring protection areas.
 - 4) The location and dimensions of all existing buildings, fence lines, and property lines, are overlaid with the proposed subdivision layout.
 - 5) The layout of existing power and the source and connection to the existing power supply.
 - 6) All existing and proposed roadway locations and dimensions, with cross sections of all new roads proposed to be dedicated to the City, showing the grades, proposed cuts and fills exceeding three feet (3'). The proposed radius of all center line curves shall be shown.
 - 7) The location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells and springs, and the location of all secondary water locations, as required by City staff, DRT, or the Land Use Authority as applicable, overlaid with the proposed subdivision layout plan.
 - 8) The proposed storm drainage system, including proposed pipe sizes, inlets, detention areas, and drainage arrows.
 - 9) The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving fire hydrants.
 - 10) Each proposed lot shall identify required setback lines including front, side and rear as required by the zoning district in which the proposed subdivision is located.
 - 11) The location of all existing and proposed street lights identifying the location, type, and light output of all street lights.
 - 12) The location of all existing and proposed street trees, shrubs and other landscape materials and plantings.
 - 13) The location of cluster mailbox units. An agreement on how to maintain the area directly around the mailbox area will need to be included such as weed removal and other hazards.
- iv. Title Report. A preliminary title report for the property proposed to be subdivided, provided by a Title Company within thirty (30) days of the date of the preliminary plan application.
- v. Tax Clearance. A tax clearance from the County Treasurer indicating that all taxes, interest, and penalties owing for the property have been paid.
- vi. Additional Information And Materials When Necessary. When the City staff, DRT, or Land Use Authority deem necessary, the applicant(s) may be required to provide other information or letters of feasibility, conduct studies, and provide evidence indicating the suitability of the area for the proposed subdivision, including but not limited to:
- 1) Adequacy or availability of water and groundwater protection;
 - 2) Adequacy or availability of public safety and fire protection;
 - 3) Geological issues or flood hazards;
 - 4) Erosion control and any other physical or environmental matters;

- 5) Traffic or parking studies;
 - 6) Landscape maintenance; and
 - 7) Wildlife habitat preservation.
- vii. Subdivision Improvement Plan: This includes the engineered drawings for the project, including construction drawings showing layout, plan, and profile, and detailed design of the project according to adopted standards listed in Section 10 of this ordinance.

c. Approval Procedure

- i. Administrative Land Use Authority: The Administrative Land Use Authority shall be the Planning Commission.
 - 1) Public Meeting: The Planning Commission shall conduct a public meeting to review the preliminary plat and subdivision improvement plan.
 - 2) Public notice shall be sent to all properties within 500 feet of the proposed subdivision boundary.
- ii. At a public meeting, the Administrative Land Use Authority shall take one of the following actions:
 - 1) Approve the Application: If the Administrative Land Use Authority finds the applicant has completed all requirements addressed during review, and the proposed plat and subdivision improvement plan comply with the requirements of this Title and all adopted standards and specifications, then it shall approve the Preliminary Plan and Subdivision Improvement Plan.
 - 2) Remand with Required Corrections: The Administrative Land Use Authority shall remand the application back to the applicant for a new review cycle, unless the applicant has already completed four (4) review cycles, if the Administrative Land Use Authority finds that either:
 - a) The applicant has not completed all requirements as outlined in the review index, or
 - b) The application does not address all requirements, and although the item was not addressed in the first review, the requirement relates directly to public health and safety.
 - 3) Deny the Application: The Administrative Land Use Authority shall deny the application if either:
 - a) The applicant is unwilling to make required corrections or provide required information.
 - b) The application has completed the fourth (4) review cycle and the applicant has failed to meet the stated requirements.

d. Effect Of Application Approval; Effective Period

- i. Applicant to File Final Plat Application: Approval of the preliminary plan by the Land Use Authority shall not constitute final approval of the subdivision by the City, but shall allow the applicant to proceed with the preparation of the final subdivision application and all required documents. A preliminary subdivision approval by the Land Use Authority shall not authorize the issuance of any building permit for the subdivision site or any proposed lots.
- ii. Expiration Period: Approval of the Preliminary Plan by the City shall be valid for a period of one (1) year.
 - 1) If an applicant has not submitted a complete application for Final Plat approval within one (1) year, the Preliminary Plan and Subdivision

Improvement Plan approval is deemed to have lapsed and shall be void unless:

- a) An approved development agreement or phasing plan indicates an alternative timeline.
 - b) The Administrative Land Use Authority agreed to an alternative timeline at the time of approval in order to accommodate anticipated hardships to exceed no more than an additional six (6) months.
- 2) In instances where an application becomes void, the applicant shall be required to submit a new Preliminary Plan application for review and approval before proceeding to Final Plat approval.

e. Appeal Of Preliminary Plan Application Decision

- i. Any person(s) aggrieved by a decision of the Land Use Authority concerning a preliminary plan application may appeal the decision to the Appeal Authority outlined in Section 3(a) of this Title

f. Agricultural, Industrial, Critical Infrastructure And Mining Protection Areas; Required Plat Notations

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

area in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal critical infrastructure materials operations.”

- iv. Mining Protection Areas. For any new subdivision development located in whole or in part within one thousand feet (1,000’) on the boundary of a mining protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
 - 1) “Mining Protection Area. This property is located within the vicinity of an established mining protection area in which normal mining uses and activities may now or in the future be conducted on property included in the mining protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from the normal mining uses and activities.”

Section 6. Final Plat

a. Phased Development Required

- i. The final platting of subdivisions containing more than twenty-five (25) lots shall be done in phases, except as provided in this section.
- ii. Each phase shall consist of the number of lots that can be completely developed with both off-site and on-site improvements within a two (2) year period, or twenty-five (25) lots, whichever is larger. Off-site improvements are construed to be those improvements required by this title. On-site improvements shall be construed to mean the construction or placement of the dwelling and its appurtenant improvements of each lot.
- iii. The development of the subdivision shall be in an orderly manner and in such a way that phases will be contiguous, the required improvements will continue, and all of the off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the land subdivided within the time specified.
- iv. When the off-site improvements have been one hundred percent (100%) completed within the boundaries of the recorded plat and approved by the City’s Engineer and on-site improvements are seventy percent (70%) completed, the applicant may submit the next phase of the proposed development in accordance with the rules and regulations of this title.
- v. A final plat including more than twenty-five (25) lots may be accepted only upon the submission of qualified evidence indicating that the financial ability of the applicant(s) is such that the on-site and off-site improvements for all lots in such a final plat will be completed within two (2) years of such approval.

b. Filing and Review of Final Plats

- i. All final plat applications shall be filed and reviewed according to the following process:
 - 1) Time Frame: Within twelve (12) months after approval of the Preliminary Plan and Subdivision Improvement Plan the applicant must make a complete Final Plat submittal.

- 2) Pre-Application Meeting: An applicant may request a pre-application meeting. If so, the City and the applicant shall follow the provisions of Section 4 "Pre-Application Meetings" before proceeding to the next step.
- 3) Application Provided: The City shall provide, or have available on the City website, each of the following:
 - a) The Final Plat application
 - b) The owner's affidavit
 - c) A breakdown of application fees
 - d) A copy of the applicable land use ordinance
 - e) Complete list of standards required for the project
 - f) An electronic copy of all plans in PDF format
- 4) Application is made by following instructions on the form provided by the City and submitting all required materials, including the following:
 - a) A (PDF) file of the plat.
 - b) All fees for the Final Plat application are due upon filing the application.
 - c) All contents required, as outlined in this Chapter and on the Final Plat Checklist and necessary to determine compliance with this code and all applicable regulations.
- 5) Check for Completeness: The City checks the submittal for completeness.
 - a) If the submittal includes all materials, the City receives the submittal and starts the review.
 - b) If the submittal is found to be incomplete, the submittal is returned to the applicant. No review shall commence until the City has made a determination that the application is complete.
- 6) City Review Time Frame: After a determination that the application submittal is complete, the City begins its review. The City has a thirty (30) day review window to conduct its review and provide comments to the applicant.
 - a) Land Uses: The review cycle number of days only applies to single family, two family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or other multifamily development.
- 7) Water Conveyance Facilities: If the location is within one hundred (100) feet of a water conveyance facility, within twenty (20) calendar days after receipt of the completed application, the City shall notify in writing the Water Conveyance Facility Owner(s) of the Application and request comments related to the following aspects of the water conveyance facility: access, maintenance, protection, safety, and any other issues related.
 - a) Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the City may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land Use Authority shall not grant approval until after at least twenty (20) days after the day on which the City mailed notice to the Water Conveyance Facility.
 - b) Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or

stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b.

- 8) **Attorney Review:** During review, the City Attorney shall review the Final Plat and shall recommend approval if the attorney finds that:
 - a) There is a current title opinion from a licensed title company showing that the person dedicating the property described on the Final Plat is the title owner as shown on the records of the Tooele County Recorder's Office.
 - b) The performance bond, escrow deposit, letter of credit, or trust deed with the City is in appropriate form and signed by the necessary parties.
 - c) That the subdivision does not, in the attorney's opinion, violate any ordinance of the City or the laws of the State of Utah or the rules and regulations promulgated pursuant thereto.
- 9) **Determination of Corrections Required:** Within the review window specified in Subsection (vi) the City shall complete a review of the Final Plat and all submittal contents and provide a response to the applicant. The City shall determine whether the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response.
 - a) **Application Requires Corrections:** If the application is found to require corrections, the City must be specific and cite the ordinance, statute, or specifications that require the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
 - b) **Additional Information Required:** The City may require additional information relating to the applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications.
 - c) **Application Meets All Standards:** If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.
- 10) **Application Expiration:** An application is expired if the applicant does not respond to a request for corrections by submitting a complete resubmittal within twelve (12) months.
- 11) **Resubmittal:** If corrections were required, the applicant shall provide a resubmittal. The resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.
- 12) **Check for Completeness:** The City shall check the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the City shall return the submittal to the applicant.
- 13) **Time Frame to Review:** If the resubmittal is complete, the City shall review the application and provide written comments within the applicable review window, as outlined in subsection (vi).

- a) Land Uses: The review cycle number of days only applies to single family, two family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or other multifamily development.
- 14) Determination of Corrections Required: At the end of the City's review, the City shall make a determination of corrections required, if any, and take action as outlined in subsection (ix).
- 15) Dispute of Determination: If, on the fourth and final review, the City fails to respond within forty (40) business days, the City shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
 - a) Advise the applicant, in writing, of the deficiency in the application and the right to appeal the determination to a designated appeal authority.
 - b) The appeal authority shall be the City Council.

c. Final Plat Contents

- i. Application. A Final Plat application shall be completed and signed by the owner(s) as identified on the property assessment rolls of the County, or by an authorized agent of the owner(s), of the land proposed to be subdivided.
 - 1) The Application shall be accompanied by the fee as outlined in the City Fee Schedule.
- ii. Final Subdivision Plat.
 - 1) The mylar copy of the final plat shall be submitted to the City Staff at the request of the City Staff, until then submission of a paper copy of the final plat shall be sufficient for review purposes.
 - 2) The final plat shall consist of a mylar with the outside or trim line dimensions of twenty-four inches by thirty-six inches (24" x 36"). The borderline of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (1 1/2") on the left side and at least one-half inch (1/2") margin on the other sides. The plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on a mylar with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case shall not be smaller than one inch equals one hundred feet (1" = 100'). Workmanship on the finished drawing shall be neat, clean cut and readable.
 - 3) The final plat shall conform in all respects to the preliminary plat as previously reviewed and approved by the Land Use Authority and shall have incorporated all modifications required in its review.
 - 4) The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or benchmark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the applicant under the direction of the County Surveyor. The following required monuments shall be shown on the final plat:
 - a) The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;

- b) All right-of-way monuments at angle points and intersections as approved by the County Surveyor.
- 5) The final plat shall contain the name, stamp, and signature of a professional land surveyor licensed in the State of Utah, who prepared the plat, together with the date of the survey, the scale of the map, and the number of sheets. The following certificates, acknowledgments, and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:
 - a) Professional Land Surveyor's "Certificate of Survey":
 - i) SURVEYOR'S CERTIFICATE
 - ii) I, [NAME OF PROFESSIONAL LAND SURVEYOR], do hereby certify that I am a Professional Land Surveyor, and that I hold License No. _____, in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act; I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17, have verified all measurements, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as [NAME OF SUBDIVISION AND PHASE NUMBER IF APPLICABLE] and that the same has been correctly surveyed and monumented on the ground as shown on this plat.
- iii. Owners dedication certificate in the following form:
 - a) OWNERS DEDICATION
 - b) Known all men by these presents that we, the undersigned owner(s) of the above-described tract of land, having caused said tract to be subdivided into lots and streets to be hereafter known as [name of subdivision] do hereby dedicate for perpetual use of the public all parcels of land, other utilities, or easements shown on this plat as intended for public use. In witness whereof, we have hereunto set out hands this ____ day of _____, 20____.
 - c) (Add appropriate acknowledgments)
- iv. Notary public's acknowledgment for each signature on the plat;
- v. A correct metes and bounds description of all property included within the subdivision;
- vi. Signature lines for the City Attorney, City Engineer, Culinary Water / Sanitary Sewer / Fire Authority (if applicable), Planning and Zoning Administrator, and City Recorder. A block for the County Treasurer, County Surveyor and Recorder shall be provided with the County Recorder provided in the lower right-hand corner of the final plat; and
- vii. Such other affidavits, certificates, acknowledgments, endorsements, and notarial seals as are required by law, this title, the County Attorney, and/or County Surveyor.

- viii. Title Report. Prior to the recordation of the final plat, the applicant shall submit a current title report for review. The current title report shall disclose all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat. The title report shall set forth the names of all property owners included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the County which shall affect the property covered by such plats. If the opinion of title discloses such encumbrances, then at the option of the City Attorney, the holders or owners of such mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the plat shall be acted upon by the Land Use Authority.
- ix. When a subdivision contains lands that are reserved in private ownership for community use, including common areas, the applicant shall submit with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements which may be required by the County.
- x. Construction Drawings. Construction drawings showing layout, profile, and detail design of the project.
- xi. All other items as listed on the Final Plat Checklist are required.

d. Final Plat Approval and Recordation

- i. Ready for Final Approval: Once all reviewing staff have found the Final Plat to be in conformity, the plat will be submitted to the Administrative Land Use Authority for approval.
- ii. Land Use Authority: For Final Plat approval, the Administrative Land Use Authority shall be a board or individual appointed by the City Council. The Administrative Land Use Authority may not be the City Council or Planning Commission.
 - 1) No public hearing may be held for the subdivision Final Plat approval.
- iii. Approval: The Administrative Land Use Authority shall approve the Final Plat if it finds:
 - 1) The proposed plat complies with the requirements of City Code, Utah State Code, and all other applicable policies and regulations,
 - 2) The plat has been approved by all regulatory bodies, such as a culinary water authority, sanitary sewer authority, or County Health Department, as applicable,
- iv. Denial: The Land Use Authority may deny or remand the proposed Final Plat if:
 - 1) The Land Use Authority finds the applicant has not provided a complete, accurate, and satisfactory response to all comments during review and any other point of non-compliance with applicable regulations.
 - 2) The applicant is unwilling to make required corrections or provide required information.

- v. Appeal: Any appeal shall be consistent with the provisions of Utah Code 10-9a-604.2.
- vi. Signing the Plat: If approved, the City Recorder, Planning and Zoning Administrator, and City Engineer shall sign the Final Plat.
- vii. Subdivider Posts Security of Performance: Upon approval by the Administrative Land Use Authority, the subdivider shall proceed to post or make arrangements suitable to the City for posting a bond or other financial assurance guaranteeing construction of the required improvements. Said performance guarantee shall be in conformance with the provisions of this title.
- viii. All inspection, testing and/or connection fees required by ordinance shall be paid and permits required shall be obtained prior to the recording of the Final Plat.
- ix. Correcting Mistakes at Recordation: The City Engineer may approve minor modifications to approved Final Plats before the Final Plat is recorded if the Engineer finds the proposed modifications are in line with the intent of the approval and do not jeopardize the interest of the City or adjoining property owners.
 - 1) The types of minor amendments contemplated in this section include legal description mistakes, surveyor errors—such as tie in description mistakes, typos, and items agreed to that should have been included in writing on the Final Plat. Any substantive change requires reapproval.
- x. Recording: Following approval, the City shall deposit the Final Plat, bearing all official approvals, in the office of the Tooele County Recorder for recording.
 - 1) Only the City may record Final Plats.
 - 2) The Final Plat must be recorded within one (1) year of approval. If the Final Plat is not recorded within one (1) year of plat approval, the approval expires and the plat must be resubmitted.
 - 3) Upon the recording of the plat, the owner may thereafter proceed to convey title to the lots as described by the plat.

Section 7. Simple Lot Subdivisions Purpose and Qualifications

- a. **Purpose:** Utah State Code provides an exemption from many subdivision requirements for subdivisions with five (5) or fewer lots. Lake Point utilizes this simple lot subdivision process and has elected to allow for simple lot subdivisions with five (5) or fewer lots. The intent is to provide a process that is as quick and simple as possible. In this process, an applicant divides property through a metes and bounds record of survey.
- b. **Applicability:** A simple lot subdivision shall have five (5) or fewer lots. An applicant may elect to forgo the simple lot subdivision process and instead proceed with the standard preliminary and Final Plat subdivision process.
- c. **Required Conditions:** To qualify for simple lot subdivision approval, the proposed simple lot subdivision shall:
 - i. Be for single-family dwellings, and any associated accessory apartment,
 - ii. Be located on property zoned for such use,
 - iii. Contain five (5) or fewer lots,

- iv. Not contain any legislative approval, such as a zone change or text amendment request. Any legislative approval necessary for the simple lot subdivision to meet all requirements shall be pursued separately and shall be completed before the Planning Commission may review the simple lot subdivision request,
- v. Not be traversed by the mapped lines of a proposed street as shown in the general plan unless the City has approved the location and dedication of any public street, municipal utility easement, any other easement, or any other land for public purposes as the municipality's ordinance requires, and
 - 1) Conform to all applicable land use ordinances. A property that has previously obtained a variance shall be deemed to conform as it relates to the conflict that had necessitated the variance.

d. Filing a Simple Lot Subdivision

- i. The subdivider of a Simple Lot Subdivision Record of Survey shall:
 - 1) File an application with the City on a form prescribed by the City,
 - 2) provide an electronic PDF of the record of survey showing the land to be subdivided, properly and accurately drawn to scale and with sufficient additional information to determine the boundaries of the proposed subdivision,
 - 3) the record of survey shall be certified as to the accuracy by a licensed land surveyor.
- ii. Submittal Contents: An applicant shall submit an application to the City for a Simple Lot Subdivision that includes, at a minimum, each of the following:
 - 1) A statement containing the zone, lot size, lot width, lot depth, and amount of frontage along a public street for each proposed lot
 - 2) Will serve letters from each utility provider for all required utilities. Simple lot subdivisions shall not be approved until the applicant provides utility hookups to each proposed lot
 - 3) Approval by the culinary water authority
 - 4) County Health Department approval for the septic system, if applicable
 - 5) The name of the applicant or authorized agent and contact information
 - 6) A title report showing ownership by the applicant and any and all encumbrances that may affect the property
 - 7) A property address and parcel number of all properties included in the application
 - 8) A metes and bounds description of the property proposed to be split
 - 9) A subdivision name. This needs to be reviewed by the Office of the Tooele County Recorder to ensure that the name does not conflict with any existing subdivision and the name is acceptable to their Office.
 - 10) A record of survey map, showing each new lot, which includes the following details:
 - a) the location of survey by quarter section and township and range,
 - b) the date of survey,
 - c) the scale of drawing and north point,
 - d) the distance and course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision,

- e) all measured bearings, angles, and distances separately indicated from those of record,
 - f) a written boundary description of property surveyed,
 - g) all monuments set and their relation to older monuments found,
 - h) a detailed description of monuments found and monuments set, indicated separately,
 - i) the surveyor's seal or stamp,
 - j) the surveyor's business name and address,
 - k) a written narrative that explains and identifies:
 - i) the purpose of the survey,
 - ii) the basis on which the lines were established; and
 - iii) the found monuments and deed elements that controlled the established or reestablished lines.
 - 11) If the narrative is a separate document, it shall contain:
 - a) the location of the survey by quarter section and by township and range,
 - b) the date of the survey,
 - c) the surveyor's stamp or seal, and
 - d) the surveyor's business name and address.
 - 12) The map and narrative shall be referenced to each other if they are separate documents.
 - 13) The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the county surveyor.
- iii. Site Specific Contents. The following documents shall accompany the Record of Survey if and when deemed necessary by the City Engineer:
- 1) Soils Report. The applicant shall provide a detailed soils report addressing the following issues for the subdivision: hill stabilization, road design including CBR or existing soils, foundation design, groundwater impacts, and general soil stability. The report must be stamped and signed by a Civil Engineer licensed in the state of Utah. The report shall include a minimum groundwater height factor for a peak month in a wet year for the lowest buildable floor elevation. The lowest buildable floor elevation shall be a minimum of three (3) feet above the highest groundwater level in a wet year. Foundation drains shall be required depending on the recommendations based on the GeoTech report.
 - 2) Storm Water Plan. The applicant shall provide a detailed storm water plan for the subdivision. This plan shall include all calculations showing that it meets all the requirements of the Construction Standards and the Drainage Design Manual. Plans and calculations shall be stamped and signed by a civil engineer licensed in the state of Utah.
 - 3) Wetland Delineation Study. If there are potential wetlands in a development the applicant may be required by the Army Corps of Engineers to submit a wetlands delineation by a qualified wetlands scientist. This delineation may need to be reviewed by a qualified wetlands scientist hired by the City. All costs for the delineation and review shall be borne by the applicant.
 - 4) Other Hazard Information: This may include FEMA floodplain information or others information to mitigate natural hazards.

e. Review Process

- i. Review and Approval Process. The intent is to provide timely review and approval of all complete applications, as follows:
- ii. Optional Pre-Application Meeting: An applicant may request to meet with City staff and representatives prior to submittal to review the application and requirements.
- iii. Preliminary Review: The applicant shall submit the application and all required contents.
- iv. Check for Completeness: The City will check the application for completeness. If the application is found to not include all required materials, the application shall be returned to the applicant until all required contents are included.
 - 1) Once the application is determined to be complete, the City shall begin an administrative review.
- v. Administrative Review: The City will review the application to determine whether it meets all applicable requirements. Fundamental questions include:
 - 1) Have all required conditions been met and are all submittal contents included and accurate?
 - 2) Does the application meet all requirements of this code? Common review items include lot size and width, minimum required frontage along a public street, utility connections, and public right of way improvements.
 - 3) Are any lots located in a hazard area (such as a FEMA flood plain), and if so, do the lots meet the applicable requirements of the jurisdiction regulating the hazard?
- vi. Forward Application to Planning Commission: If each of the requirements are met, the project shall be forwarded to the Planning Commission for approval.
- vii. Planning Commission Review:
 - 1) Public meeting: The Planning Commission shall hold a public meeting. A public notice shall be sent to all properties within 500 feet of the property, notifying the property owners of the time and place of the public meeting and the nature of the request.
 - 2) Approval: If the applicant meets all applicable requirements, the Planning Commission shall approve. If the applicant is unable or unwilling to meet all applicable requirements, the Planning Commission shall deny.
- viii. Decision: If the proposed simple lot subdivision meets all requirements, the Planning Commission shall approve the application. If the applicant is unable or unwilling to meet all applicable requirements, the Planning Commission shall deny the application.
 - 1) No public hearing is required at the Planning Commission meeting.

f. Recording the Record of Survey

- i. After the Planning Commission has approved the simple lot subdivision request, the City shall create a written certificate of approval to accompany the record of survey. At a minimum, the document shall be notarized by the City Recorder, specify the name of the subdivision, the number of lots, and the date of approval.
- ii. The applicant shall provide payment sufficient to cover the recording fees.
- iii. Within one (1) year of approval, the Record of Survey, with the accompanying written certificate of approval, shall be recorded in the Office of the Tooele County Recorder.

g. Expiration

- i. Expiration of Application: If a record of survey application is not completed within two (2) years of submittal, the application is deemed to have lapsed and the applicant will need to submit a new application.
- ii. Expiration of Final Approval: If a record of survey is not filed within one (1) year from the date of approval, the approval is deemed to have lapsed and the applicant will need to obtain a new approval and meet any new regulations that may have been put in place.

Section 8. Subdivision Amendments, Property Boundary Adjustments, And Boundary Line Agreements

a. Amendments To Recorded Plats; Vacation Of Public Street

- i. The Land Use Authority as outlined in Section 3(a) of this Title may consider any proposed vacation, alteration, or amendment of a recorded subdivision plat, any portion of the recorded subdivision plat, or any road or lot contained in a recorded subdivision plat by following and complying with all of the requirements for amending a subdivision, or vacating a public street as identified in §10-9a-608, §10-9a-609, and §10-9a-609.5 of Utah State Code (as amended).
- ii. Applicant(s) shall submit a complete application, including the fee as required as indicated in the City's fee schedule to the City Staff on a form prescribed by the City Staff, together with the number and size of plans indicated on the application form, including all digital submittals.
- iii. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this title or as outlined in §10-9a-608, §10-9a-609, and §10-9a-609.5 of Utah State Code (as amended) shall be cause for the City Staff's determination of an incomplete submittal and shall prohibit the Recommending Body and Land Use Authority as outlined in Section 3(a) of this Title from considering any material, items, or other information related to the proposed subdivision amendment or vacation of the public right-of-way. The City Staff shall notify the applicant of the required information lacking from the application in writing.
- iv. An aggrieved party may appeal the decision of the Land Use Authority concerning a subdivision plat amendment or vacation of public right-of-way to the Appeal Authority outlined in Section 3(a) of this Title.

b. Property Boundary Adjustments; Boundary Line Agreements

- i. Property boundary adjustments including parcel boundary adjustments, lot line adjustments, and boundary line agreements shall follow the process identified in §10-9a-523 and §10-9a-524 of Utah State Code (as amended).
- ii. When subject to review by the Land Use Authority outlined in Section 3(a) of this Title, applicant(s) shall submit a complete application including the fee as required in the City's fee schedule to the City Staff on a form prescribed by the City Staff, together with the number and size of plans indicated on the application form, including all digital submittals.
- iii. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this title or as outlined in §10-9a-523 and §10-9a-524 of Utah State Code (as amended) shall be cause for the City Staff's determination of an incomplete submittal and shall prohibit the Land Use Authority from considering any material, items, or other information related to

the application. The City Staff shall notify the applicant of the required information lacking from the application in writing.

- iv. The City may withhold approval of a subsequent land use application for property that is subject to a recorded boundary line agreement or other document used to adjust a mutual boundary line if the City determines that the lots or parcels, as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line, are not in compliance with the City's land use regulations in effect on the day on which the boundary line agreement or other document used to adjust the mutual boundary line is recorded.
- v. An aggrieved party may appeal the decision of the Land Use Authority regarding property boundary adjustments to the Appeal Authority outlined in Section 3(a) of this Title

Section 9. Security Of Performance

a. Improvements And Warranty Bond Required

- i. Prior to the recording of the final plat, where after lots may be sold, and before the issuance of any building permit within the subdivision, the applicant(s) shall install and construct all required improvements or shall guarantee, by an improvements bond, the installation and construction of all required improvements. Prior to the City's acceptance of the improvements and the final release of the improvements bond, the applicant(s) shall guarantee, by a warranty bond, that the improvements comply with the City's design, material, and workmanship standards and shall be maintained in a state of good repair, free from defective material or workmanship for the guaranty period. The provisions of both such guarantees, regardless of form, shall be as approved by the City's Engineer as to the amount of the bond and as approved by the City Attorney as to the form of the guarantee.
- ii. Improvements And Warranty Bond. The improvements bond shall be in an amount equal to one hundred ten percent (110%) of the cost of all improvements as estimated by the applicant(s) and verified by the City Engineer. The estimated improvements costs shall include only those costs for which the applicant(s) is/are responsible for including the installation and construction of, and payment for such improvements within the time period required by the City, and based on the circumstances of each subdivision and set forth in an agreement between the City and applicant(s). The estimated cost upon which the improvements bond is based shall not include the subdivision processing fees, the fee for the initial seal coat application for roads built as part of the subdivision, or any improvements for which the applicant(s) has/have no responsibility such as those improvements to be done at another time, those to be done by the City or other entity, or as otherwise agreed upon in the process of approving the subdivision.
 - 1) If the applicant fails to timely and properly install and construct all required improvements in accordance with the approved agreements, plans, and City design, material and workmanship standards, the City shall notify the applicant(s) in writing of the improvements that have not been properly installed or constructed and shall make a demand on the applicant(s) that improvements be installed, corrected, and paid for within thirty (30) days. The City may, at its election, install and correct the improvements and

charge the costs of such work, including administrative and legal costs, to the applicant(s) or foreclose upon and claim the proceeds of the improvement bond to cover such costs. Any proceeds from the improvement bonds that are not needed to cover the costs of installing and correcting the improvements shall be returned to the applicant(s) after the completion of work. There shall be no draw(s) made by the applicant(s) against the improvements bond. The cost of installing, constructing and correcting any improvements must be borne by the applicant(s) without access to the improvements bond.

- 2) Applicant(s) shall have the right to partial release(s) against the improvements bond for completed improvements that have been inspected and accepted by the City, provided that a sum equal to ten percent (10%) of the estimated costs of all improvements installed in the subdivision shall remain with the City for the duration of the one (1) year warranty period as a warranty bond. The warranty bond provided to the City shall be to guarantee that improvements are correctly installed, constructed, and are maintained through the warranty period and to secure the City as to the costs of any required corrections of defects of such improvements, including administrative and legal costs.
- 3) During said warranty period, if all or any part of the required improvements are found not to be correctly installed, constructed and maintained, and paid for according to the standards required by the City, the City shall notify the applicant(s) in writing of the defects or any other problems and shall make a demand on the applicant(s) that defects/problems be corrected and paid for. If the defects are not corrected and paid for within thirty (30) days the City may correct the defects and charge to the applicant(s) the costs of correcting the defects and may foreclose upon and claim the proceeds of the warranty bond to cover such costs. Any proceeds from the warranty bond claimed by the City that are not needed to cover the costs of correcting the defects shall be returned to the applicant(s) after the expiration of the warranty period. There shall be no draw(s) made by the applicant(s) against the warranty bond. The cost of correcting any deficiencies shall be borne by the applicant(s) without access to the warranty bond.
- 4) After eleven (11) months of the warranty period have expired, the applicants(s) shall call for a final inspection by the City Engineer. If the required improvements remain substantially free from defects or other problems, and free from liens, the City shall certify such fact to the applicant(s) and the City shall discharge the applicant(s) of its/their obligation to the City within thirty (30) days from the time of final inspection by releasing the warranty bond. Any items that need correcting following the final inspection shall be corrected within thirty (30) days to have the warranty bond released. Any items not completed at the end of the last thirty (30) days (one (1) year from the date of initial acceptance of the improvements) shall require an additional or extension of the warranty bond be established to ensure the completion of any corrections, and/or the City may obtain draw(s) against the warranty bond for such purpose.
- 5) Nothing in this section shall make the City liable for an applicant(s)'s failure to timely and properly install and construct all required improvements, or

make the City obligated or responsible for installing, constructing, completing, repairing, correcting, or maintaining any subdivision improvement.

b. Forms And Methods Of Guarantee Of Improvements

- i. The form and method of the guarantee of improvements for both the improvements and warranty bond shall be as approved by the City Engineer as to the amount of the bond, escrow, letter of credit or deposit with the City and as approved by the City Attorney as to the form of said guarantee documents. All guarantee methods shall provide surety in accordance with the provisions of this chapter and may consist or be provided in the form of one (1) or more of the following:
 - 1) Bond. Applicant(s) may furnish and file with the City Recorder a bond issued by a licensed, reputable corporate surety in an amount as required by this title. The bond agreement shall include a provision that the bond may only be released, in whole or in part, by an order executed by an authorized officer of the City, subject to the requirements of subsection (d) below.
 - 2) Escrow. Applicant(s) may deposit with a licensed, reputable and/or duly chartered insurance company, bank, title company or savings and loan institution in an escrow account an amount as required by this title. The escrow agreement must include a provision that the funds in escrow may only be released, in whole or in part, by an order executed by an authorized officer of the City, subject to the requirements of subsection (d) below.
 - 3) Irrevocable Letter Of Credit. Applicant(s) may file with the City an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution in an amount as required by this title. The letter of credit shall include a provision that the guaranteed credit amount may only be reduced by an order executed by an authorized officer of the City, subject to the requirements of subsection (d) below.
 - 4) Any of the above forms and methods for guarantee of improvements shall be subject to approval by the City Attorney, as to form and content of the documents used, and shall be signed by the applicant(s), the City, and the entity providing the surety bond or holding the escrow, or the financial institution providing the letter of credit, or by the applicant(s) and City for a depository with the City, as applicable. The guarantee of improvements may include provisions that allow for partial release or reduction of the funds for partial completion of work in the case of any of the approved methods for guarantee of improvements. The guarantee of improvements utilized shall name the City as the payee or beneficiary, in the event of a default or non-performance and shall provide for the City's access to all or any remaining funds, without the applicant(s) approval, for both improvements and warranty bond purposes in the event of default or non-performance by the applicant(s). In the case of both the improvements and warranty bond, the provisions shall provide for use of all or any remaining funds by the City in accordance with this title, in order to complete required improvements and/or make repairs not completed in a timely manner by the applicant(s).

Section 10 - Design Standards

a. General Design Standards

- i. All subdivisions shall comply with the following general standards. Additional standards listed in regards to a specific district or zone or as otherwise listed in the Lake Point Code shall apply and in cases where more than one standard applies, the more restrictive standard shall prevail.
 - 1) All subdivisions shall comply with standards outlined in Lake Point Ordinance 2023-22 which includes adherence to APWA and AASHTO design standards.
 - 2) All subdivisions shall comply with standards outlined in LakePoint Ordinance 2023-28, including adherence to swell alteration, piping standards and waterway protection.
 - 3) All subdivisions shall adhere to Lake Point Ordinance 2024-03 which includes standards for stormwater and floodplain design.
 - 4) All subdivisions shall adhere to Lake Point Ordinance 2024-10 which includes road design standards.
 - 5) All subdivision shall adhere to any applicable regulations in Lake Point Ordinance 2023-25.
 - 6) The design of the subdivision shall preserve to the extent possible the natural terrain, drainage, existing topsoil, and trees.
 - 7) Land subject to hazardous conditions such as landslides, mudflow, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall be identified and shall not be developed until the hazards have been eliminated or will be eliminated by the proposed development and construction plans.
 - 8) For each subdivision and/or development, the applicants, Tooele County, and other stakeholders shall work together to identify opportunities for master-planned and off-street trails, both within the subdivision/development and connecting to trails outside it. Developments of over 20 acres are required to have an off-street trail system, according to the City's general plan or master plan, the extent of which shall be commensurate to the relative size of the development. Master-planned trails shall connect to any adjacent pre-existing or planned trails.

b. Lots

- i. No single lot shall be divided by a City or County boundary line.
- ii. A lot shall not be divided by a road, alley, or other parcel or lot.
- iii. No wedge-shaped lots shall be less than twenty five feet (25') in width at the front property line, or the lot frontage required by the zoning district in which the lot is located, whichever is larger.
- iv. Side lot lines shall be at right angles or radial to street lines, except where justified by the applicant(s) and approved by the Land Use Authority.
- v. All residential lots in proposed subdivisions shall front on a public street, or on a private street approved by the Land Use Authority. Required frontage shall not be considered to be provided if vehicular access across the street line is prohibited.
 - 1) Double frontage lots are prohibited unless approved by the Land Use Authority for reasons of topography.
- vi. Corner lots shall be provided in a sufficiently larger size than the minimum lot size required by the zoning district in which they are located to provide for the

same quality and size of the building area as interior lots to accommodate the increased setbacks and yard requirements that apply to corner lots.

c. Flag Lots

- i. In order to encourage the more efficient use of land, flag or L-shaped lots may be allowed subject to the following conditions:
 - 1) A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof;
 - 2) The staff portion of said lot shall front on and be contiguous to a dedicated public street. The minimum width of the staff portion of a flag lot shall be twenty five feet (25') and the maximum length shall be two hundred feet (200');
 - 3) No building or construction, except for driveways, shall be allowed on the staff portion of a flag lot;
 - 4) The front side of the flag portion of said lots shall be deemed to end, and the flag portion of said lots shall be deemed to commence at the extension of the front lot line;
 - 5) The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as required in this section or based on the underlying zoning district, whichever is more restrictive;
 - 6) The side and rear yard requirements of the flag portion of said lots shall be the same as is required in the zoning district in which the lot is located;
 - 7) The front yard minimum setback requirements for all buildings shall be thirty feet (30') from the front line of the flag portion thereof;
 - 8) No more than two (2) flag lots can be contiguous to each other. No more than two (2) lots may share the thirty-foot (25 ') staff portion; and
 - 9) The maximum number of flag lots in the development shall not be more than ten percent (10%) of the total number of lots within the proposed development.

d. Lot Size Standards

- i. All lots shall conform to area requirements as outlined in the City's Land Use Ordinance. Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the Land Use Authority as outlined in Section 3(a).

e. Blocks

- i. Block lengths shall accommodate at least two lots with a minimum block length of 250 ft. A block shall be a maximum of 1,500 feet.~~approved by the Land Use Authority as outlined in Section 3(a).~~ Blocks shall conform to the General Plan and Master Transportation Plan unless otherwise approved by the Land Use Authority. Blocks shall provide for convenient access and circulation for emergency vehicles.

f. Monuments

- i. Permanent reference monuments shall be installed in accordance with standards adopted by the City. They shall be set on the external boundary of the subdivision, at all road centerline intersections and all beginning and end points of curves, to provide line of sight control for re-establishing the survey.
- ii. Block and lot monuments shall be set.

- iii. At least one second order benchmark shall be set within every subdivision.

g. Open Space and Common Areas:

- i. Open Space includes parks, trails, natural areas, wildlife refuges, nature preserves, community gardens or farmland, which is established to provide recreational use and preserve recreational, agricultural, native vegetation, or other similar uses as approved by the Planning Commission. Common areas include athletic fields, gathering places such as plazas, commons, exterior courtyards, public recreational facilities, but do not include areas contained within a typical public street cross section. Each subdivision with lots less than one acre in a residential zone shall contain a minimum of 25 percent of the acreage in a combination of common areas and open space, of which 15% of the gross acreage shall be open space. These areas shall be designated in the applicable Project Plan and separately identified on any applicable final plat of subdivision or site plan. Open Space recorded as a lot or lots in subdivisions or as common area in condominium plats and shall be maintained with open space or conservation easements or such other arrangement as is approved by the Planning Commission

h. Easement Standards

- i. A ten-foot (10") public utility easement shall be established along the front of each lot.
- ii. A seven foot (7") public utility easement shall be established along the sides and rear of each lot.
- iii. Guying easements at corners may be required by the Land Use Authority.
- iv. The City may require a trail easement or a trail parcel providing connectivity with existing trails within or outside the City boundaries. The City may also require a trail easement or a trail parcel as defined on the cities general plan or master plans in accordance with the adopted trail standard. All trails dedicated to the City shall comply with the adopted trail standard.

i. Utilities To Be Underground

- i. All power lines, telephone lines, and other normally overhead utility lines shall be placed underground in all subdivisions. Applicant(s) shall establish final utility grades prior to utility lines being placed underground.

j. Sanitary Sewer Disposal; General Requirements

- i. Except as otherwise provided in this section, applicant(s) shall provide connection to the sanitary sewer system throughout the development and to the property line of every lot in the subdivision. The sewer system shall meet the minimum standards and requirements of the City standard and applicant(s) shall provide proof that the proposed sewer system provides adequate service.
- ii. On-site wastewater disposal systems will be approved only when an existing sewer system is more than one-half mile ($\frac{1}{2}$) away from the boundary line of the subdivision. All on-site wastewater disposal systems shall be approved in writing by the County's Health Department. Subdivisions proposing to use on-site wastewater disposal systems shall submit a feasibility report to the County's Health Department, per Tooele County Health Department Regulation #12. Percolation tests and soil exploration pits shall be required to determine the adequacy of the soil involved for on-site wastewater disposal systems to absorb sewage effluent. At the time an application is made for a building permit, every individual lot which will be serviced by a septic system will require a soil

evaluation test where the proposed drain field will be located. The following requirements shall also be met:

- iii. Lands filled within the last ten (10) years shall not be divided into building sites which are to be served by septic systems.
- iv. Each septic system shall be installed at a depth and location approved by the County's Health Department.
- v. Land with unacceptable soil evaluations as determined by the County's Health Department shall not be divided into building sites to be served by septic systems.
- vi. Land rated as having severe limitations for septic tank absorption fields as defined by the County soil survey, U.S. Department of Agriculture, or Natural Resource Conservation Service or similar, shall not be divided into building sites to be serviced by septic systems unless each such building site contains not less than twenty thousand (20,000) square feet of other soils rated suitable for building construction and installation of a septic system.
- vii. An applicant(s) desiring to install a septic system in soils having severe limitations shall have additional on-site investigations made, including soil evaluation tests. The applicant(s) shall obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed septic system. The facilities shall meet the County Health Department's standards and regulations. To be approved, the County Health Department must find that proposed corrective measures have overcome the severe soil limitations.

k. Sanitary Sewer Main, Laterals, And House Connections – Future

- i. Where the City's General Plans and regional general plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Land Use Authority as outlined in Section 3(a) of this Title may require the installation and capping of sanitary sewer mains and house connections by the applicant(s) in addition to the installation of temporary individual on-lot sewage disposal systems. Whenever individual on-lot sewage disposal systems are proposed, applicant(s) shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision, that those facilities be installed prior to or during the construction of the principal building. No building permit shall be issued until such installation is assured. In all other cases, sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sewer system.
- ii.

l. Water Supply

- i. All subdivisions shall have a public water supply unless this requirement is waived by the Land Use Authority as outlined in Section 3(a) of this Title. All public water supply shall conform to the city water standard.
- ii. The supply of water from a source other than an approved public water system may be approved only if proof of adequate water rights and proof of water availability, flow and quality meeting the Safe Drinking Water Standards by a water sample from wells on ten percent (10%) of the lots rounded up to the next whole number and approval of the system is granted through either the County Health Department or Utah State Drinking Water Board, as applicable. In the preliminary stage, the applicant(s) shall show possession of sufficient water rights

to provide domestic use for the total number of dwellings being proposed for the entire development. The design stage for the first phase of development shall include the engineering for the water system for the entire development to include a fire flow calculation. If the subdivision is not being connected to the City's public water supply, the County Health Department shall approve the location of the test wells prior to the applicant(s) drilling them. The samples shall be taken by, and have a complete chemical analysis performed and approved by the County Health Department. All drinking water systems shall meet the standards of County Health Department's regulations for non-public systems, or the Utah State Drinking Water Board, Utah Administrative Code R-309 for systems that fall under the requirements of a public water system.

- iii. Each development shall provide the details on the type of water system proposed, documentation of existing or proposed water rights and sources, historic water use, the estimated number of gallons per day of water system requirements for indoor and outdoor use, and a description of water storage requirements for daily fluctuations, irrigation, and fire suppression. Applicant(s) is/are required to provide dedicated or perpetual water rights or sources to meet the indoor and outdoor use requirements of all of the property in the development and the rights shall be sufficient to meet the total volume of water used and a rate of flow sufficient to meet peak demand. Culinary water rights shall include a conveyance to the City of a type which is perpetual in character and readily capable of use by the City. Outdoor water from a secondary source may be obtained and provided from a private well or private water or irrigation company.

m. Storm Drainage And Flood Plains

- i. A storm drainage system for the entire subdivision shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work. Existing storm drainage features that are to be incorporated in the design shall be identified. If the subdivision has phases, a general storm drainage plan for the entire area shall be presented with the infrastructure design and engineering drawings with the preliminary plat for the first phase. Appropriate development stages for the storm drainage system for each phase shall be indicated.
- ii. No lot one (1) acre or less in area shall include flood lands. All lots of more than one (1) acre shall contain not less than forty thousand (40,000) square feet of land at an elevation at least two feet (2') above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, five feet (5') above the elevation of the maximum flood of record.
- iii. Storm drainage systems shall be designed to consider the storm drainage basin as a whole and shall accommodate not only runoff from the subdivision but also, where applicable, the runoff from those areas adjacent to and "upstream" from the subdivision itself, as well as its effects on lands downstream.

n. Fugitive Dust Control

- i. Any developer or person engaging in clearing or leveling of land greater than one-quarter ($\frac{1}{4}$) acre in size, earthmoving, excavation, or movement of trucks or construction equipment over cleared land greater than one-quarter ($\frac{1}{4}$) acre in size or access haul roads shall take steps to minimize fugitive dust from such activities. Such control may include watering and chemical stabilization of

potential fugitive dust sources or other equivalent methods or techniques. A fugitive dust control plan shall be submitted to the State of Utah DEQ, Division of Air Quality, within thirty (30) days of the construction start-up. This section shall not apply to agricultural or horticultural activities.

o. Construction Debris

- i. Contractors shall maintain roads and construction sites from construction debris including but limited to mud and gravel on roads. Construction garbage locations shall be maintained to avoid debris cluttering the area from possible wind storms.

p. Streets

- i. Roads shall be designed in accordance with standards adopted by the City.
- ii. No residential dwellings shall directly access arterial or major collector streets. Subdivision design shall provide local access streets to lots along arterial and major collector streets.
- iii. Streets shall bear the names of existing aligned streets. There shall be no duplication of road names. All road names shall be approved by the City.
- iv. The arrangement of new streets in a development shall provide for the continuation of existing streets in adjoining areas at widths as designated by the street classification as found in the City's Street Master Plan and City's technical specifications and standard drawings.
- v. In addition to the City adopted codes and standards, all subdivisions shall be designed to meet the applicable requirements of the current adopted edition of the International Fire Code (IFC).
- vi. Subdivisions proposing one- or two-family dwellings comprising greater than thirty (30) lots shall have at least two (2) access points to existing through streets outside of the proposed subdivision. Streets within the proposed subdivision shall be interconnected to the greatest extent possible. Subdivisions utilizing multi-family dwelling units, commercial, or industrial areas shall meet the more stringent requirements of the current adopted edition of the IFC or applicable City ordinances and standards.
- vii. The design of the road system shall provide for continuous circulation throughout the project. Cul-de-sacs and temporary dead-end roads stubbed for future development must have approval of the Land Use Authority and are only allowed where unusual conditions exist which cause interconnectivity of streets to be infeasible due to public safety, physical circumstance or ability to meet design standards.
- viii. The maximum length of a cul-de-sac shall be seven hundred fifty feet (750'), as measured from the centerline of the adjoining street to the center point of the turnaround, with no more than sixteen (16) single-family dwelling units, or twenty-four (24) multi-family dwelling units accessing the cul-de-sac.
- ix. Each cul-de-sac shall be terminated with a turnaround or loop road of not less than one hundred twenty feet (120') in diameter at the property line with a minimum drivable surface (includes travel surface and gutter pans) of ninety-six feet (96') in diameter. The City Engineer may require an increased diameter if design conditions necessitate increased diameter in order for large vehicles and emergency equipment to negotiate the turnaround or to meet the street design conditions such as park strip width and sidewalk width or additional widths due
- x.

to center islands. In no case shall an exception be granted for a turnaround smaller than one hundred twenty foot (120') minimum diameter.

- xi. The design of streets in commercial and industrial zoning districts shall be determined by the City Engineer using the Institute of Transportation Engineers' Trip Generation, current edition for road load and design for the transportation system.
- xii. Pedestrian access: All cul-de-sacs should provide pedestrian connectivity to open space areas, public facilities, trails, or adjacent subdivisions.
- xiii. Applicant(s) shall bear the cost of all road and public safety signs which shall be erected by the City.
- xiv. Temporary road signs shall be installed by the applicant(s) with the road names approved on the final plat.
- xv. Temporary road signs shall be maintained by the applicant(s) until permanent road signs are installed by the City when the infrastructure is inspected and accepted.
- xvi. The arrangement of streets in a new subdivision or development shall provide for the continuation of existing streets in adjoining areas at widths designated by the street classification found in the City's Streets Master Plan and the adopted design standards.
- xvii. Streets adjacent to a new subdivision or development shall be fully improved on the side of the street fronting the subdivision with a minimum paved travel surface width of twenty six feet (26') or half the pavement width per the street's classification, whichever is greater. All associated improvements such as sidewalk, curb, gutter, shoulders, ditches, and/or side slopes so as to assure proper drainage, bank stability, and traffic safety shall be construed to City standards on the side of the street fronting the subdivision. The non-property line edge of the street shall have installed a temporary ribbon-curb.
- xviii. No development shall be approved unless streets and associated infrastructure leading to the subdivision provide an adequate level of service for existing users while accommodating the new development. Applicant(s) shall be responsible to mitigate off-site impacts. A traffic impact study shall be considered in the determination of any off-site impact mitigation requirements. The level of mitigation of off-site impacts shall be determined by the Land Use Authority as outlined in Section 3(a) of this Title upon recommendation by the City Engineer in conformance with the City's General Plan including associated plans and studies, adopted ordinances, specifications, standards, and considerations of public health and safety.
- xix. All associated improvements such as sidewalk, curb, gutter, or alternate drainage shall also be constructed to City standards as specified in the City's technical specifications and standard drawings, unless waived by the Land Use Authority.
- xx. No building permit shall be issued until such time as all of the required improvements and the installation of utilities have been completed or until a financial assurance has been filed with the City that complies with the requirements of this title. The Land Use Authority may also require that the subdivision improvements be guaranteed for one year after their installation, in a manner consistent with guarantees required for a standard subdivision when conditions outlined in §10-9a are met.

- xxi. Commercial developments having thirty (30) or more separate commercial lots or proposed businesses shall be required to provide for more than one means of vehicular ingress and egress to the development. The timing of the installation of the alternate means of ingress and egress shall be determined by the Land Use Authority.
- xxii. Improvement of Existing Boundary Streets: Existing streets fronting or bounding the development shall be improved to meet the classification and construction standards specified by the City for the street. These requirements shall include:
- xxiii. Dedication of additional right-of-way width to meet the greater of half of the minimum width required for the particular street classification as measured from the centerline of the existing street right-of-way.
- xxiv. Applicant(s) shall provide as part of preliminary plat application a survey of existing street improvements on existing street rights-of-way or the minimum width required to provide a twenty-six foot (26)' foot minimum pavement width meeting the International Fire Code (IFC) access requirements bounding the proposed subdivision and an assessment by a licensed geotechnical engineer assessing the condition of the existing concrete and bituminous pavement, base and subgrade materials and certifying whether or not the existing right-of-way improvements meet the City's current development and construction standards. The survey shall include topography, location and elevations of street crowns, edge of pavement, curb and gutter, sidewalk, utility boxes, manholes and any other permanent objects within the street right-of-way or adjacent to the street right-of-way that may be associated to the existing improvements or have bearing on potential future improvements associated with the proposed subdivision.
- xxv. In cases where the existing street improvements do not meet current City improvement standards, deficiencies shall be corrected to meet current standards. These corrections include any deficiencies in the right-of-way or edge of pavement beyond the centerline to meet the minimum twenty-six foot (26)' minimum pavement width requirement from the subdivision boundary to the greater of the centerline of the right-of-way. Additional repair and replacement may be required beyond the right-of-way centerline if construction of improvements for the subdivision such as trenching for utilities serving the subdivision or construction activities for the subdivision have damaged existing improvements or the design of the proposed improvements requires additional reconstruction to provide smooth transitions, maintain appropriate drainage and maintain the safe operation of improvements.
- xxvi. Improvements in the half-width of the right-of-way as measured from the centerline of the existing street right-of-way shall meet the same construction finish standards required within the subdivision. Existing pavement surfaces to remain shall be milled down and overlain with a minimum of one inch (1") bituminous surface course providing a continuous surface from street centerline to edge of pavement at lip of curb or shoulder.
- xxvii. If the existing boundary street right-of-way is not paved, improvements to bring the street in compliance with current City standards shall include a paved surface width of a minimum of twenty-six feet (26') feet for the full length of the subdivision boundary frontage or, in agreement with the City, full-width

improvements to the right-of-way for a distance proportional to the total length of subdivision boundary, as if partial improvement were completed.

q. Sidewalks, Swales, Curbs, And Gutters

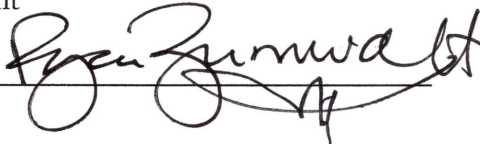
- i. Sidewalks, swales, curbs and gutters shall be provided in accordance with the requirements of the zoning district or the Land Use Authority as outlined in Section 3(a).
- ii. Sidewalks, swales, curbs and gutters shall be installed in accordance with standards adopted by the City.
- iii. The City Engineer may also require a drainage plan and the installation of related flood control improvements and other City or private utilities as may be necessary.

r. Fire Mitigation Standards

- i. The Fire Warden and local fire authority having jurisdiction shall perform a wildland fire protection analysis of all developments, existing or planned, to determine wildland fire protection ratings. The ratings developed under the analysis shall be the basis for implementing fire-safe design, construction criteria, and fire protection systems. The higher the relative value, the higher the wildland/urban interface and the fire protection hazard rating.
- ii. If required as a part of permitting, fire suppression water sources shall be reviewed and approved by the Fire Warden or the local fire authority having jurisdiction. If required, the system shall provide for fire flow storage of water that complies with the current state-adopted fire code, local ordinances, local fire authority regulations, and NFPA guidelines for the type of occupancy and level of development. Any fire hydrants shall be placed per the International Fire Code and the National Fire Protection Association standards.
- iii. Roads and streets shall provide safe access for emergency equipment, civilian evacuation, and unobstructed traffic circulation during an emergency.

PASSED, APPROVED, AND ADOPTED on the 9th day of October, 2024

Lake Point

By 
Chair

ATTEST:

City Recorder

SEAL

Voting:

Alexis Wheeler
Kirk Pearson
Jonathan Garrard
Kathleen VonHatten
Ryan Zumwalt

Yea___ Nay___ Absent ☒
Yea ☒ Nay___ Absent___
Yea ☒ Nay___ Absent___
Yea ☒ Nay___ Absent___
Yea ☒ Nay___ Absent___