

PUBLIC HEARING
PLANNING AND LAND USE COMMISSION
11.7.2024

PROPOSED REVISION OF SUBDIVISION ORDINANCE 2004-3
CASTLE VALLEY ORDINANCES

TITLE 11
SUBDIVISION REGULATIONS

Comment [JH1]: The Town does not currently have a codified subdivision title, so this draft includes the new state requirements plus any others that we can keep from the Town's existing ordinances.

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Comment [JH2]: This is the new state-mandated process for 1-2 family residential subdivisions.

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Comment [JH3]: These are the town's existing subdivision and MDP ordinances.

11.5 - SUBDIVISION AMENDMENTS AND LOT LINE ADJUSTMENTS

11.6 - IMPROVEMENTS AND DESIGN STANDARDS

Comment [JH4]: These are new chapters that we recommend that help the town comply with state law and prevent bad development.

CHAPTER 11.1 - GENERAL PROVISIONS

11.1.1. PURPOSE. The Town Council of the Town of Castle Valley, Utah, finds that it is in the public interest to regulate the subdivision of lands within the Town in order to provide for public improvements, protect water resources from contamination and over development, preserve the natural environment and provide appropriate and balanced opportunities for landowners to utilize properties for development purposes.

11.1.2. SCOPE OF APPLICABILITY.

A. This Title applies to all applications or petitions to subdivide or develop land

in the Town.

- B. Chapter 11.2 primarily governs the subdivision of land zoned and intended for 1-2 family residential use.
- C. Chapter 11.3 primarily governs the subdivision of land for all other zones and intended uses.
- D. The requirements of this Title do not apply retroactively to subdivision applications or petitions that were approved by the Town prior to the enactment of this ordinance.
- E. Clauses in a valid development agreement with the Town superseded all conflicting requirements in this Title, except where a clause in the development agreement poses a substantial danger to the health and safety of Town residents.

11.1.3. APPROVED AND RECORDED DOCUMENTS REQUIRED.

- A. No land shall be subdivided which is located wholly or in part in the Town, except in compliance with this Title and Utah Code as adopted and amended.
- B. A subdivision of land is not valid unless its governing document is approved by the Land Use Authority and properly recorded in the County Recorder's Office.

11.1.4. PENALTY FOR NONCOMPLIANCE. It is unlawful to transfer ownership of any parcel of land pursuant to an invalid subdivision. The Town may, in its discretion, void such transfers. Additionally, a person who illegally subdivides shall be criminally liable for a Class B Misdemeanor.

Comment [PLUC5]: Agreed to retain the Class B Misdemeanor.

11.1.5. DEFINITIONS. The following words and phrases, as used in this Chapter, shall have the following meanings. All definitions included in the Town's Land Use Ordinance 85-3 shall also apply to this chapter, where and when needed. Whenever any words or phrases used in this chapter are not defined herein, the most common usage of such word or phrase shall be deemed to apply.

Comment [JH6]: This is the maximum penalty available under state law. We can reduce it if you'd like.

- A. AAD – Approved Area of Disturbance.
- B. Agent – a natural person authorized by the owner of the Subject Property to bind the property owner to proposals, submissions and legal commitments concerning the property owner and the Subject Property.
- C. Alignment – the proposed connections of systems/utilities (for example, street systems) within the Subject Property to existing or proposed similar systems/utilities outside the Subject Property.
- D. Applicant – a natural person or entity submitting an application for approval

of a Preliminary and/or Final Plat. The Applicant shall be either the Owner of the Subject Property or the Agent of that Owner.

E. CFP – Capital Facilities Plan for the Subject Property as developed and approved in accordance with Chapter 11.4.

F. Central Sewer System – publicly owned sewer system collection lines, mains and sewage treatment facilities, including the type, degree of sewage treatment and the capacity of the facility.

Comment [PLUC7]: It's only a definition so no harm in keeping it.

Comment [C8]: Delete not relevant

G. Central Water System – water storage, treatment and distribution facilities and the wells and other water sources, with their protection zones, for such facilities.

H. Commission – Planning and Zoning Commission of the Town of Castle Valley.

I. Existing Resources and Site Analysis Plan – A plan for the Subject Property developed in accordance with Chapter 11.4 of this Title.

J. MDP – a Master Development Plan for the Subject Property as developed and approved in accordance with Chapter 11.4 of this Title.

K. MDPA – an Agreement between the Town and the Applicant regarding the Subject Property as developed and approved in accordance with Chapter 11.4. of this Title.

L. Owner – the fee owner of legal title to the Subject Property.

M. "Improvement plan" – a plan, including civil engineering drawings and other studies and reports as applicable, to complete permanent infrastructure and municipally controlled utilities on the subdivision that is essential for the public health and safety, that is required for human occupation, or that is required by applicable law and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.

N. "Land use application" – an application required by the Town and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.

O. "Land use authority" – an individual, board, or commission appointed or employed by a municipality to make land use decisions. "Land Use Authority" includes any appropriately authorized designees.

P. "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).

- Q. Sketch Plan – a drawing meeting the Sketch Plan requirements of this Ordinance.
- R. Street System – the Transportation System for motorized vehicles.
- S. "Subdivision" – any land which is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on the installment plan or upon any and all other plans, terms and conditions.
 - 1. Subdivision includes:
 - i. 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
 - ii. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
 - 2. Subdivision does not include:
 - i. 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;
 - ii. 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;
 - iii. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
 - iv. A joining of one or more lots to a parcel;

- v. A road, street, or highway dedication plat;
- vi. A deed or easement for a road, street, or highway purpose; or
- vii. Any other division of land authorized by law.

T. Subject Property – the real property described in the Application for a Preliminary and/or Final Plat.

U. “Water conveyance facility” – a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. “Water conveyance facility” does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

11.1.6. SUBDIVISION LAND USE AUTHORITY.

- A. The Land Use Authorities for actions under this Title are as described in Table 11.1.7 (below). To the extent not described in this Title, these Land Use Authorities have the authority to use reasonable means to administer this Title and effectuate its purposes.
- B. For applications governed by Chapter 11.2, the Land Use Authority is the Planning Commission. For purposes of these applications (1-2 family residential), the Planning Commission shall be responsible for the following, but may delegate any responsibility to Town staff:
 1. Rendering land use decisions related to preliminary applications.
 2. Reviewing preliminary applications in an impartial manner and according to the standards and deadlines described in Chapter 11.2.
 3. Holding a public hearing for preliminary applications (when needed).
 4. Providing feedback to applicants on their preliminary applications.
 5. Scheduling and holding a pre-application meeting with potential applicants (when requested).
 6. Keeping application forms (both preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants. This task is delegated to Town staff by default.
 7. Providing notice to entities and parties as required by Chapter 11.2.

This task is delegated to Town staff by default.

- 8. Ensuring that documents are properly recorded with the County after final approval as required by this Chapter 11.2. This task is delegated to Town staff by default.
- C. As subdivision application decisions are administrative, not legislative, the Planning Commission is authorized to make any land use decision described by Chapter 11.2 without Town Council approval.
- D. Except when operating as the Appeal Authority, the Town Council shall not require the Planning Commission to approve or deny any subdivision application under Chapter 11.2.

11.1.6. SUBDIVISION APPEALS.

- A. The Appeal Authorities for land use decisions under this Title are as described in Table 11.1.7
- B. Appeals of Land Use Authority decisions made under this Title shall proceed as described in Chapter 7 of the Town's land use ordinance.

TABLE 11.1.7 – SUBDIVISION LAND USE AND APPEAL AUTHORITIES			
Action	Recommending Body	Land Use Authority	Appeal Authority
<i>MPD or Development Agreement Proposal</i>	Planning Commission	Town Council	N/A
<i>Application for 1-2 Family Subdivision</i>	N/A	Planning Commission	Town Council
<i>Application for non-1-2 Family Subdivision (Preliminary and Final)</i>	Planning Commission	Town Council	Board of Adjustment
<i>Petition to Materially Amend Existing Subdivision (Not Lot Line Adjustment)</i>	N/A	Planning Commission	Town Council
<i>Petition for Lot Line Adjustment</i>	N/A	Planning Commission	Town Council
<i>Petition to Vacate Existing Subdivision</i>	Planning Commission	Town Council	Board of Adjustment
<i>Acceptance and Approval of Required Improvements</i>	Town contracted Engineer	Town Council	Board of Adjustment
<i>Release of Completion Assurance (Full or</i>	N/A	Town Council	Board of Adjustment

Comment [JH9]: Besides the state's requirements for new subdivision applications, we tried to keep this close to the City's existing process.

Comment [JH10]: One reason to not make the Board of Adjustment the AA for decisions of P&Z is that the Board has a member of P&Z on it.

Comment [JH11]: If you'd like, we can require the engineer or perhaps public works director to give a formal recommendation to the City Council on whether improvements have been completed properly.

Comment [PLUC12]: Agreed this could be a hired position.

Partial)		
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CHAPTER 11.2 - APPLICATIONS FOR 1-2 FAMILY RESIDENTIAL SUBDIVISIONS

11.2.1. CONFORMITY. The Town shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision intended for single-family, duplex, or townhome use (as permitted by Town zoning) unless the party has properly applied under this Chapter and received approval from the Land Use Authority.

11.2.2. PROCESS AND REQUIREMENTS.

A. To be considered complete, a subdivision application must include at least the following elements:

1. Contact Information: The plans, plats and maps shall bear the name, signature, address, and telephone number of the engineer, land surveyor, or landscape architect responsible for preparing the plan or map.
2. An approved land use application that describes how the property will be used after it is subdivided.
 - i. If the intended use is permitted by right under Town ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
 - ii. If the intended use requires a conditional use permit or is otherwise conditioned on Town approval, the land use application must include an *approved*, Town-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
 - iii. If the intended use requires a rezoning, the land use application must include an *approved* MDP according to Chapter 11.4. Should an applicant seek an MDPA or approval of an MDP concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
 - iv. If the intended use is prohibited under Town ordinances and requires a variance, the land use application must include an

Comment [JH13]: This section is to clarify and emphasize that zoning is totally separate from the subdivision application (at least for 1-2 family residential applications).

approved, Town-issued variance authorizing the intended use. Should an applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.

3. A site context map as described in Chapter 11.3.
4. A plat, unless exempted under Chapter 11.2.3. The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder's Office. The plat must include:
 - i. The proposed subdivision name, which must be distinct from any subdivision name on a plat recorded in the County Recorder's office.
 - ii. A scale of 1" = 200' unless otherwise approved by the Commission. Each sheet shall have a North arrow if applicable.
 - iii. The boundaries, course, and dimensions of all proposed parcels. Each sheet shall be numbered and shall provide an adequate legend indicating clearly which features are existing and which are proposed.
 - iv. The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.
 - v. Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.
 - vi. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.
 - vii. Whether any parcel is intended to be used as a street or for any other public use.
 - viii. Whether any parcel is reserved or proposed for dedication for a public purpose.
 - ix. If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).
 - x. If any portion of the proposed subdivision is within 1,000 feet

Comment [PLUC14]: Whitney noted that these plat requirements are codified by State law so no need for changes.

Comment [15]: This list of plat requirements represented the extent of what the state requires. Are there any others that you would like to add? This would be a good question for your town engineer.

of an Industrial Protection Area, the notice language found in Utah Code §17-41-403(4).

- x. If any portion of the proposed subdivision is within 1,000 feet of a Critical Infrastructure Materials Protection Area, the notice language found in Utah Code §17-41-403(4).
- xii. If any portion of the proposed subdivision is within 1,000 feet of a Mining Protection Area, the notice language found in Utah Code §17-41-403(4).
- xiii. If any portion of the proposed subdivision is within 1,000 feet of a Vested Critical Infrastructure Materials Operation (extracting, excavating, processing, or reprocessing sand, gravel, or rock aggregate where that use is not permitted by Town ordinances), the notice language found in Utah Code §10-9a-904.

5. Reports and studies, including:

- i. A traffic study, if one is required by an applicable UDOT Access Management Plan or requested by the Land Use Authority.
- ii. An affordable housing plan, if one is required under state law.
- iii. Any other study or report reasonably necessary to ensure compliance with Town design standards and improvement requirements.

6. An improvement plan, created in accordance with applicable portions of Chapters 11.6, for all public improvements proposed by the applicant or required by Town ordinances. In addition to the requirements in Chapter 11.6, the improvement plan must contain:

- i. An engineer's estimate of the cost of completing the required improvements.
- ii. A proposed Capital Facilities Plan as described in Chapter 11.4 (except that prior Town approval shall not be required).
- iii. A Resource Impact and Conservation Plan as described in Chapter 11.3.
- iv. An Improvements Construction Plan as described in Chapter 11.3.

Comment [16]: Does the town have any of these "protected areas" in or near the town? If not, then we can delete this requirement for simplicity's sake.

Comment [PLUC17]: Delete since none of these protection areas exist within Town boundary.

- v. A Stormwater Management, Erosion and Sedimentation Control Plan as described in Chapter 11.3.
- vi. Trails and Open Space Ownership and Management Plan as generally described in Chapter 11.3.

7. Certifications, including:

- i. An affidavit from the applicant certifying that the submitted information is true and accurate.
- ii. The signature of each owner of record of land described on the plat, signifying their consent to the subdivision application and their intent to dedicate portions of the plat to the public as described in the application.
- iii. Certification that the surveyor who prepared the plat:
 - a. Holds a license in accordance with Utah Code 58-22; and
 - b. Either
 - (1) Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 - (2) Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - c. Has placed monuments as represented on the plat.
- iv. A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.
- v. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
- vi. An affidavit from the applicant certifying that the submitted information is true and accurate.
- vii. Owner's Certificate of Dedication.

8. Proof of approval by the culinary water authority, the sanitary sewer

authority South East Utah Health Department, Grand County Service Area for Castle Valley Fire Protection .

9. A performance guarantee for all public improvements required by the approved improvement plan, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the applicant records the plat, as required by Chapter 11.6 of this Title.
10. Binding dedication documents, including:
 - i. As applicable, formal, irrevocable offers for dedication to the public of streets, Town uses, utilities, parks, easements, or other spaces.
 - ii. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
11. Copies, including:
 - i. One electronic copy of the final plat in AutoCAD format, with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to.
 - ii. A PDF document of the complete application (including the plat and all other plans and supporting documents required by this Chapter).
 - iii. Three 8.5" x 11" printed copies of the complete application, delivered to the Town office, for review;
 - iv. A copy of the plat drawn on Mylar for signing and recording. The applicant may wait to produce this recording-form copy until the Land Use Authority has completed two review cycles, but in such case, the Land Use Authority need not approve the application until this copy has been produced and reviewed.
12. Payment to the Town refers to the current Fee Schedule for application-processing fee. In addition to this fee, the applicant shall be liable for any reasonable costs the Town incurs in obtaining engineering and legal review of the application.

B. The Planning Commission (or Town staff, as delegated) shall produce,

Comment [JH18]: You don't have to require this if you're comfortable with reviewing digitally. We can also adjust the dimensions as desired.

Comment [PLUC19]: The Town has storage space, so retain.

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

- C. The Planning Commission may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the Town relating to an applicant's plans to ensure compliance with Town ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of Town residents.
- D. Notwithstanding the other provisions of this Section, the Planning Commission may, in its sole discretion, waive any of the specific application requirements found in this Section.

Comment [20]: We will provide the Town with "application forms" that cover this requirement and match what your code says.

11.2.3. EXCEPTIONS TO SPECIFIC APPLICATION REQUIREMENTS.

A. Agricultural Land:

- 1. Applications to subdivide agricultural land are exempt from the plat requirements (but not the other application requirements) of Section 11.2.2 if the resulting parcels:
 - i. Qualify as land in agricultural use under Utah Code §59-2-502;
 - ii. Meet the minimum size requirement of applicable Town land use ordinances; and
 - iii. Are not used and will not be used for any nonagricultural purpose.
- 2. For subdivision applications for which this exception applies, an applicant may submit to the Town—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.
- 3. If the Town approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the Town, with the County Recorder's Office. This shall be done in the same manner as is done for a plat under Chapters 11.2.7 and 11.2.8.
- 4. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The Town may, in its discretion, impose the penalty in Chapter 11.1.4 and/or require a subdivision amendment before issuing a building permit.

Comment [21]: State law mandates the plat exception. We can extend this to improvement plans if you want, but we don't have to.

Comment [PLUC22]: Mayor Duncan reported that the Town already deleted this.

B. **Minor Subdivisions:**

1. Applications to subdivide land are exempt from the *plat* requirement (but not the other application requirements) of Section 11.2.2 if the subdivision:
 - i. Results in no more than three parcels;
 - ii. Is not traversed by the mapped lines of a proposed street (as shown in the Castle Valley General Plan or Transportation Plan), Town easement, or any other land required for public purposes;
 - iii. Has been approved by the culinary water authority and the sanitary sewer authority; and
 - iv. Is located in a zoned area.
2. For subdivision applications for which this exception applies, an applicant may submit to the Town—in place of a plat—both:
 - i. A record of survey map that illustrates the boundaries of the parcels; and
 - ii. A legal metes-and-bounds description that describes the parcels illustrated by the survey map.
3. If the Town approves a subdivision application based on a record of survey map and metes-and-bounds description, the applicant shall record the map and description, signed by the Town, with the County Recorder's Office. This shall be done in the same manner as is done for a plat under Sections 11.2.7 and 11.2.8, except that the Town shall also provide the notice required in Utah Code §10-9a-605(1).
4. Real property that has been subdivided as a minor subdivision under this Section—including both the parent parcel and the parcel that was subdivided from the parent parcel—may not be further subdivided pursuant to a minor subdivision for two years from the submission of the original application for minor subdivision. Any further subdivision of any property that has been subdivided pursuant to a minor subdivision must be completed in accordance with this Title, and all property that was part of the minor subdivision must be included in, and be made part of, the plat and application for any subsequent subdivision.

Comment [23]: This exception is optional.

Comment [PLUC24]: Council already agreed to delete this section—no exceptions to minor subdivisions.

Comment [PLUC25]: Keep this at three.

Comment [26]: State law allows this to go up to 10.

Comment [JH27]: This can be adjusted. This paragraph is to help prevent developers from abusing the minor subdivision process by developing a large lot with a series of minor subdivisions.

Comment [C28]: Council agreed to delete this section. No exceptions to minor subdivisions.

11.2.4. PRE-APPLICATION MEETING.

A. A party intending to submit a subdivision application under this Part may request a pre-application meeting with the Planning Commission or other Town staff for the purpose of reviewing any element of the party's proposed subdivision application. The proposed application need not be complete for purposes of this meeting and may—if the party desires—be limited to a concept plan.

Comment [29]: If you prefer, we can automatically make the town engineer or another staff member be the one to meet with applicants.

Comment [PLUC30]: Retain so that the responsibility does not fall to just one person.

1. If a party requests a pre-application meeting, the Town shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur within 30 business days after scheduling.
2. The Planning Commission or delegated Town staff shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the Town website the following at the time of the meeting:
 - i. Copies of applicable land use regulations,
 - ii. A complete list of standards required for the project, and
 - iii. Relevant application checklists.

11.2.5. NOTICE TO AFFECTED ENTITIES.

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

1. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, Town staff shall review information:
 - i. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
 - ii. From the state engineer's inventory of canals; or
 - iii. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.

Comment [31]: This is spelled out in state law (§10-9a-603(3)(d)). If you don't think the town will have an issue with remembering to meet this requirement, then we can cut it from the code.

Comment [PLUC32]: Agreed to retain as is.

submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.

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

11.2.6. REVIEW.

A. The Land Use Authority shall review all subdivision applications under this Chapter 11.2 in accordance with the requirements of this Chapter before approving or denying those applications.

B. The review process begins when an applicant submits a complete application.

1. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
2. If the Land Use Authority determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.

C. After the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of "review cycles."

1. A review cycle consists of the following phases:

- i. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
- ii. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances.
- iii. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all

requested modifications or additions.

iv. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the Town's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. This written explanation must be comprehensive and specific, including citations to applicable standards and ordinances and an index of requested revisions or additions for each required correction. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

Comment [33]: This requirement might be too complicated for developers. Our description of the phases here is designed to give the town maximum protection against running out of review cycles, but if you prefer, we can be more lenient and just require a "written explanation".

Comment [PLUC34]: Agreed to retain as is.

Comment [PLUC35]: Agreed to retain the flow chart.

TABLE 11.2.6 – REVIEW CYCLES, HEARINGS, AND TIMELINES FOR 1-2 FAMILY RESIDENTIAL SUBDIVISION APPLICATIONS

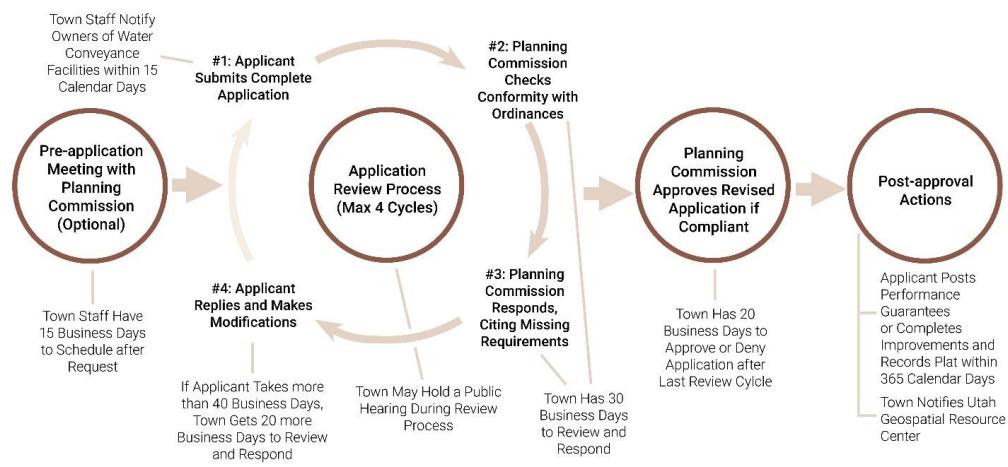
Use Type	Max Review Phases	Max Public Hearings	Town Turnaround Deadline*
1-2 Family Residential	4	1	30 Business Days

*Describes the total time (per review cycle) the Town may take to complete both Phase #2 and Phase #3.

TOWN OF CASTLE VALLEY

SUBDIVISION APPLICATION REVIEW PROCESS FOR 1-2 FAMILY RESIDENTIAL USE

Comment [JH36]: If you prefer, we can leave this flowchart out of the official town code and put them only in the application forms. But most towns find them valuable here as well.



D. A Land Use Authority (and other Town representatives or agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table 11.2.6, except as described below. If no further revisions are needed, the Land Use Authority may end the review process early and approve or deny the application.

1. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the Town is exempt from limits on the number of permitted review cycles and the Town's deadlines for reviewing and responding (Phases #2 and #3).
2. If the applicant makes a material change to the application not requested by the Town at any point in the review process, the Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
3. If an applicant takes longer than 40 business days to submit a revised

subdivision improvement plan responding to the Town's requests for modifications and additions (in Phases #1 and #4), the Town shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).

4. If an applicant takes longer than 180 calendar days to submit a revised application and respond to the Town's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.

- E. After the fourth or final review cycle is complete, the Land Use Authority shall approve or deny the application within 20 business days.

1. If the Land Use Authority has not approved or denied the application within 20 business days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the Town shall, within 10 business days:

- i. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the revised set of plans; or
 - ii. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.

- F. After the Land Use Authority provides comments in the fourth or final review cycle, the Town shall not require further modifications or corrections to the application unless those modifications or corrections are necessary to protect public health and safety or to enforce state or federal law or unless the review cycle is reset due to the applicant making a material change that the Land Use Authority did not request.

1. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the municipality waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
 2. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to

accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.

G. The Land Use Authority may conduct one or more public hearings (up to the number described in Table 11.2.6) during the review period for a subdivision application.

1. The purpose of these public hearings is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.
2. If the Land Use Authority elects to hold a public hearing, the hearing must occur before the end of the Land Use Authority's review period in the fourth or final review cycle. Scheduling issues shall not extend the review and approval deadlines in this Chapter.

H. Other chapters of this Title notwithstanding, the Land Use Authority shall approve or deny a subdivision application for 1-2 family residential use after reviewing a complete subdivision application as described in this Section. This singular application and review process includes the combined elements of traditional "preliminary" and "final" applications, as those terms are used in Utah Code § 10-9a-604.2. For purposes of applying Utah Code §10-91-604.1(3)(a) and §10-91-604.1(9)(b), this Chapter 11.2 describes a "preliminary" review and approval, with "final" approval happening automatically when the plat is recorded.

11.2.7. APPROVAL.

- A. The Land Use Authority shall approve any complete subdivision applications made under this Part that comply with applicable Town ordinances.
- B. A subdivision application is approved when the Land Use Authority certifies the approved plat, either by signing the plat directly or by attaching a signed certification to the plat.

11.2.8. POST-APPROVAL ACTIONS.

A. The applicant shall record the approved subdivision plat with the County Recorder's Office within 180 calendar days after the Land Use Authority approves the subdivision application, provided that the applicant has completed any improvements or posted any performance guarantee required by Town ordinances or described in the approved improvement plan. The applicant shall not record the approved subdivision plat until such improvements are completed or guaranteed in compliance with Town ordinances and the approved improvement plan.

1. An approved plat not properly recorded within the timeline specified

in this provision is void, unless the Planning Commission approves an extension.

B. Town staff shall submit to the Utah Geospatial Resource Center (so the subdivision can be included in the 911 database), within 30 calendar days after the application is approved, either:

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

Comment [PLUC37]: Discussed whether this would occur at the Recorder's office, but agreed to retain to ensure that it happens.

CHAPTER 11.3 | OTHER SUBDIVISION APPLICATIONS

CHAPTER 11.4 - |MASTER DEVELOPMENT PLANS AND APPLICATIONS|

11.4.1 APPLICABILITY, PROCESS AND OVERVIEW OF PROCEDURES

A. Applicability: The provisions of this Ordinance shall apply to all applications for rezoning. A MDP is required before subdivision of unplatte lands within the Town of Castle Valley.

B. Process: The MDP Application must be presented to the Commission and shall not be reviewed or approved by the Town Council without a recommendation from the Commission. All reviews will take place in accordance with the procedures specified in this Ordinance. Every MDP Application not processed as required herein shall be null and void. The Commission may hold work meetings to review the progress of the MDP Application, but the MDP cannot be recommended to the Town Council by the Commission or approved by the Town Council without a Public Hearing.

C. Overview of Procedures: The steps set forth below shall be followed, and may be combined only by special approval by the Commission and the Town Council:

1. *Pre-Application Meeting:* The proposed Applicant fee(refer to the Current Fee Schedule)and has a Pre-Application meeting with the Commission as specified in Section 11.4.3
2. *Existing Resources and Site Analysis Plan:* The proposed Applicant shall submit to the Commission [ten (10) days prior to the Site Inspection] an Existing Resources and Site Analysis Plan prepared in accordance with the provisions of Section 11.4.4

Comment [JH38]: The state law technically says that this is the role of the town. But in some places, the county takes care of this. If that's the case, we can delete this.

Comment [JH39]: This section was everything the Town currently has in its existing subdivision ordinance, plus a few minor changes so that it works in codified format and with the new chapter we added.

Comment [PLUC40]: Agreed to delete.

Comment [JH41]: **This section was deleted based on the discussion we had tonight.

Comment [JH42]: This section is everything the Town currently has in its MDP ordinance.

Comment [AE43]: Deleted preamble, table of contents, and definitions.

3. *Site Inspection:* The proposed Applicant shall arrange for a site inspection of the Subject Property with the Commission and other Town agents and officials invited by the Commission. See Section 11.4.5.
4. In accordance with Section 11.4.2 Town determines Review Fee for reviewing and processing the Existing Resource and Site Analysis Plan and Sketch Plan and the Commission informs the Applicant of the required fee.
5. Applicant pays the required Review Fee to the Town.
6. *Pre-Sketch Plan Conference:* The Applicant shall meet with the Commission for the purposes described in Section 11.4.6.
7. Sketch Plan Submission and Review

A Sketch Plan, meeting the requirements of Section 11.4.7, shall be submitted by the Applicant to the Commission.
8. Review of Sketch Plan

The Commission shall review and comment on the Sketch Plan in accordance with Section 11.4.7
9. Application for approval of a MDP for the Subject Property shall be filed with the Town Clerk by Applicant. The Application shall conform to Section 11.4.8 and the MDP shall include all documents referenced in, and shall conform in all respects to, the provisions of Sections 11.4.8 and 11.4.9.
10. Application for the MDP is referred to the Commission.
11. Town determines MDP Application Fee in accordance with Section 11.4.2 and the Commission informs the Applicant of the required fee.
12. Applicant pays the required MDP Application Fee to the Town.
13. Review process of the Application for the MDP and the CFP is conducted by the Town in accordance with Section 11.4.9: (i) Applicant shall be required to enter into a MDPA as required by the Commission; and (ii) during the Town review process, sections of the CFP are also reviewed by Utah regulatory agencies as necessary.
14. Application for MDP, CFP and MDPA are approved, approved with changes, or are denied by the Town Council and Applicant is informed in writing of the Town Council's decision.
15. If the Town Council approves the MDP, CFP and MDPA, then
 - a. Town Zoning Ordinance is amended;

- b. MDPA is signed by the Town and the Applicant; and
- c. Notice of the MDP is recorded by the Town Clerk with the Grand County Recorder.

11.4.2 CONTIGUOUS PROPERTIES AND FEES

- A.** Every Application for a MDP shall identify all properties, contiguous to the Subject Property, owned or controlled by the owner and the Applicant, if different from the owner. The intent of this provision is to give the Town the ability to consider all of the property owned or controlled by a single owner, and the Applicant, if different from the owner, when a part of that property is submitted for a MDP.
- B.** The Applicant is required to pay all costs incurred by the Town in meeting and working with the Applicant and in reviewing and processing the Existing Resources and Site Analysis Plan, the Sketch Plan and the MDP Application. The Applicant shall pay three separate fees at the primary stages in the review process as specified below:
 1. Pre-Application Meeting Fee: Together with the written request for the Pre-Application meeting, the Applicant shall pay to the Town (refer to the current Fee Schedule).
 2. Review Fee: After initial review of the Existing Resources and Site Analysis Plan, the Town will determine the amount of funds the Applicant must deposit with the Town to pay the costs of reviewing and processing the Existing Resources and Site Analysis Plan and the Sketch Plan. The Commission will inform the Applicant in writing of the amount of this fee, which Applicant shall pay before these plans are reviewed and processed.
 3. MDP Application Fee: After initial review of the MDP Application, the Town will determine the amount of funds the Applicant must deposit with the Town to pay the costs of reviewing and processing that Application. The Commission will inform the Applicant in writing of the amount of this fee, which Applicant shall pay before this Application is reviewed and processed.
- C.** The three separate fees described above in **B** will be used by the Town only to pay the cost of meeting and working with the Applicant and in reviewing and processing the plans and Application. The Existing Resources and Site Analysis Plan, the Sketch Plan and the MDP Application are not complete nor shall be deemed filed with the Town until all fees referenced above in Section 11.4.2.B have been received by the Town.

11.4.3 PRE-APPLICATION MEETING

The proposed Applicant shall submit to the Town Clerk a written request for a pre-application meeting with the Commission, including a legal description of the property proposed for an MDP. This request shall be accompanied by Applicant's payment of the Pre-Application Meeting Fee. The purpose of this meeting is to introduce the MDP Applicant to the Town's zoning and subdivision regulations and procedures, to discuss the Applicant's objectives, and to schedule site inspections, meetings and plan submissions as described in this Ordinance.

11.4.4 EXISTING RESOURCES AND SITE ANALYSIS PLAN

A. Description: An Existing Resources and Site Analysis Plan shall be prepared to provide the Applicant and the Town with a comprehensive analysis of existing conditions of all lands within the MDP boundaries and related properties. If the situation described in Section 11.4.2 A exists, then such properties contiguous to the Subject Property shall be described on the basis of existing published data available from governmental agencies and from aerial photographs or satellite images.

The Town shall review the Existing Resources and Site Analysis Plan to assess its accuracy and conformance with Town Ordinances, and shall use it to assess the likely impact of the proposed MDP upon the natural and cultural resources of the Subject Property, the Town and related properties.

The Applicant shall submit this Plan to the Commission at least ten (10) days prior to the Site Inspection described in Section 11.4.5. After Applicant receives the fee notice from the Commission (which notice is will be given after submission and initial review by the Commission of the Existing Resources and Site Analysis Plan), Applicant will pay the Review Fee, as described in Section 11.4.2 B.2.

B. Maps: Unless otherwise specified by the Commission, maps for the Subject Property included in the Existing Resources and Site Analysis Plan shall be prepared at the scale of 1" = 100' or 1" = 200', whichever fits best on a single standard size sheet (24" x 36") to depict the features necessary to review. The following information shall be included in such map(s):

1. A vertical aerial photograph and/or true color satellite image and digital file with a resolution of 0.5 meters enlarged to a scale not less detailed than 1 inch = 400 feet, with the boundaries of the Subject Property and location of the Subject Property relative to the Town clearly marked.
2. Topography of the Subject Property shall be shown by contour lines at two-foot intervals and determined by photogrammetry (although 10-foot intervals are permissible beyond the Subject Property boundaries, interpolated from U.S.G.S. published maps).

3. The location and delineation of ponds, streams, ditches, drains, and natural drainage washes, as well as the 100-year floodplain limits and wetlands.
4. Vegetative cover conditions on the property according to general cover type and the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
5. Ridge lines and watershed boundaries.
6. A viewshed analysis showing the location and extent of views into the property from within the Castle Valley River Ranchos, upper Castle Valley, Porcupine Rim, LaSal Loop Road, and Adobe Mesa.
7. Geologic formations on the Subject Property, including cliffs, sinkholes, and fault lines, based on published information or, if not available, from data developed by the Applicant.
8. All existing man-made features including but not limited to streets, roads, ponds, irrigation ditches, wells, septic systems, drainage fields, utilities, hydrocarbon wells, mines, and uranium bore holes.
9. Locations of all historically and archaeologically significant sites or structures.
10. Locations of trails that have been in public use (pedestrian, livestock, equestrian, bicycle, etc.).
11. A biological survey for species that are listed as endangered, threatened, or of special concern to federal or state regulators. This survey to be conducted by a mutually approved expert.
12. Wildlife range and corridors.
13. All easements and other encumbrances respecting the Subject Property which are or have been filed of record with the Grand County Recorder, along with all other prescriptive easements that are apparent by examination of the Subject Property (e.g., roads, ponds, irrigation ditches).

11.4.5 SITE INSPECTION

The proposed Applicant shall arrange for a site inspection of the Subject Property with the Commission and other Town agents and officials invited by the Commission.

The purpose of the visit is to familiarize local officials and the Applicant with the Subject Property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of roads and public facilities. Comments made by Town officials or their staff and consultants shall be interpreted as being only suggestive, no

formal recommendations can be offered, and no official decisions can be made, at the Site Inspection.

11.4.6 PRE-SKETCH PLAN CONFERENCE

Following the site inspection and prior to the submission of the Sketch Plan, Applicant shall meet with the Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the Subject Property. At the discretion of the Commission, this conference may be combined with the Site Inspection.

11.4.7 SKETCH PLAN SUBMISSION AND REVIEW

- A. Purpose:** The Applicant shall submit a Sketch Plan as a basis for informal discussion with the Commission and the Town Council regarding the proposed MDP.
- B. Description:** To provide a full understanding of the Subject Property's potential, the Sketch Plan shall include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis Plan. Furthermore, the Sketch Plan may be structured as an overlay sheet to the Existing Resources and Site Analysis Plan.
 - 1. A general overview of the development of the Subject Property shall include potential locations of home sites and land conservation.
 - 2. Streets (both existing and proposed) on and adjacent to the Subject Property.
 - 3. 100-year floodplain limits, and approximate location of wetlands, if any.
 - 4. Proposed major roads and public trail systems.
 - 5. General description of proposed method and location of water supply, sewage disposal, and stormwater management, including test wells for water quality monitoring.
- C. Commission Review:** The Commission shall review the Sketch Plan in accordance with the criteria contained in relevant Town Ordinances; provided, however, such review shall not take place until after Applicant has paid the Review Fee as specified in Section 11.4.2.B.2 and Section 11.4.4.A. During and after such review, the Commission shall informally advise Applicant of the extent to which the proposed Sketch Plan conforms to the relevant Town Ordinances, and may suggest possible modifications to the Sketch Plan that would increase its degree of conformance. Such review shall include but is not limited to:
 - 1. The proposed location of all areas contemplated for major public facilities with respect to notable features of natural or cultural

significance as identified on the Applicant's Existing Resources and Site Analysis Plan;

2. The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining properties;
3. The location of proposed access points along the existing road network;
4. The proposed building density and impervious coverage;
5. The compatibility of the proposal with respect to the objectives of the Town Ordinances; and
6. Consistency with the Town's General Plan.

Upon completing its review, the Commission shall submit its written comments to the Applicant and the Town Council.

11.4.8 MASTER DEVELOPMENT PLAN

The MDP is an engineered scale-drawing in which layout ideas are illustrated in more than the diagrammatic manner appropriate for Sketch Plans. The MDP shall include all information required for Sketch Plans, specifically including the Existing Resources and Site Analysis Plan, plus further details as noted below.

A. MDP Application Requirements: The MDP shall include the following elements, and shall be prepared in accordance with the drafting standards and plan requirements described herein:

1. Existing Resources and Site Analysis Plan (see Section 11.4.4.);
2. Resource Impact and Conservation Plan (see Section 11.4.8.C.);
3. Capital Facilities Plan (see Section 11.4.8.D.); and
4. Zoning change nominations for each proposed zone or new type of zone, including density, zone boundaries and housing or other use type.

B. Drafting Standards

1. The plan shall be drawn to a scale of 1"=200' unless otherwise approved by the Commission.
2. Dimensions shall be set in feet.
3. All plans submitted shall be made on sheets no larger than 34" x 44" nor smaller than 17" x 22".
4. Each sheet shall have a North arrow if applicable.
5. Plans and maps shall bear the name, signature, address, and telephone number of the engineer, land surveyor, or landscape architect responsible

for preparing the plan or map.

C. Resource Impact and Conservation Plan: This Plan shall set forth:

1. The general location and maximum size in square feet of foundation and total area of each home site and the total number of such sites;
2. Primary Conservation Areas such as floodplains, drainages, riparian areas or wetlands, wildlife habitat, slopes over 25 percent, and other undevelopable lands; and
3. Approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.

D. Capital Facilities Plan: The Applicant shall provide approvable plans for all public Capital Facilities proposed for service to the Subject Property, including each of the following items, in form required by Utah law:

1. *Water:*
 - a. Applicant shall provide the Subject Property with water rights approved in advance by counsel to the Town sufficient to provide the quantity of water required by the Town for the proposed development, or indicate that the Applicant's Subject Property has no water rights and that the Applicant will pay the Impact Fees (in effect compensate the Town) for Water Rights as required by the Town.
 - b. Applicant shall demonstrate the presence of actual water through test wells or other hydrologic studies approved by the Town to meet the requirements set forth immediately above in D.1.a.
 - c. Where a Central Water system is proposed, the Applicant shall provide:
 - (1) The conceptual layout and locations, whether within or without the Subject Property, of the proposed water treatment and distribution facilities;
 - (2) The proposed type and capacity of such facilities;
 - (3) The proposed location(s) of wells or other water sources, the Preliminary Evaluation Report filed with the State of Utah Drinking Water Division, and their protection zones whether within or without the Subject Property;
 - (4) The estimated cost of constructing and developing the Central Water System and the entity(ies) proposed to pay such cost;
 - (5) The estimated cost of operating and maintaining the Central

Water System for the first two (2) years of operations and the entity(ies) proposed to pay such cost; and

- (6) The entity proposed to own and operate the Central Water System.
- d. Where individual wells are proposed, the general location of each well.

2. *Waste Water:*

- a. Where a Central Sewer System is proposed, the Applicant shall provide:
 - (1) The conceptual layout and location, whether within or without the Subject Property, of proposed sewer mains and sewage treatment facilities;
 - (2) The type and degree of sewage treatment;
 - (3) The capacity of such facilities;
 - (4) The proposed plan for the disposal of treated waste water and residuals;
 - (5) The estimated cost of constructing the Central Sewer System and the entity(ies) proposed to pay such cost; and
 - (6) The estimated cost of operating and maintaining the Central Sewer system for the first two (2) years of operation and the entity(ies) proposed to pay such cost.

- b. Where individual septic systems are proposed, the location of each such system and its drainfield and the proposed septic management plan.

3. *Street System:*

- a. With respect to the Street System, which shall include all proposed streets, street rights-of-way, related improvements (including, without limitation, bridges, culverts, traffic control signs and street signs), and easements, Applicant shall provide:
 - (1) The approximate location, alignment and width of such streets;
 - (2) The number of proposed street miles;
 - (3) A description and number of all Street System related improvements;
 - (4) Proposed easements, including locations and dimensions; and
 - (5) Proposed ownership of the Street System.

- b. With respect to the costs of constructing and maintaining the Street System, Applicant shall provide:
 - (1) The estimated cost of construction and the entity(ies) proposed to pay such cost; and
 - (2) The estimated cost of maintenance for the first two (2) years of operation and the entity(ies) proposed to pay such cost.
4. *Fire Suppression System:* Applicant shall provide a general description of the proposed Fire Suppression System, which may include dedicated wells and related fire-fighting equipment. In addition, Applicant shall provide the (i) estimated costs of construction and operation and maintenance for the first two (2) years, and (ii) the entity(ies) proposed to pay such costs, and to own and operate such system.
5. *Stormwater Management, Erosion and Sedimentation Control System:* Applicant shall provide a general description of the proposed Stormwater Management, Erosion and Sedimentation Control System, which shall include, without limitation, structural and non-structural methods, as well as revegetation and other appropriate measures, to control stormwater runoff, erosion and sedimentation. In addition, Applicant shall provide the (i) estimated costs of construction and operation and maintenance where appropriate, and (ii) the entity(ies) proposed to pay such costs, and to own and operate such system.
6. *CFP Review and Determination:* The required CFP shall be considered, reviewed and approved with the related Economic Analysis and Impact Fee Study required by Utah. The CFP shall be approved, approved with changes, or disapproved concurrently with a final decision by the Town Council on the MDP.

E. Zoning Change: If the number, location and density of the proposed home sites on the Subject Property require a zoning change, the Applicant shall submit a written request for such change.

11.4.9 SUBMISSION AND REVIEW OF THE MASTER DEVELOPMENT PLAN

A. Submission by Applicant

1. The Applicant shall submit to the Town Clerk thirteen (13) copies of a MDP prepared in accordance with Section 11.4.8. Determination and payment of the MDP Application Fee shall be in accordance with Section 11.4.2.B.3. No Application shall be deemed filed unless all requirements have been met and all fees paid in full. The Town Clerk shall note the dates the Application and fees were received and shall forward copies of

the MDP as specified below:

- a. Five (5) copies to the Commission;
- b. One (1) copy to the Town Engineer;
- c. Five (5) copies to the Town Council; and
- d. Two (2) copies for the Town files.

2. The Town will provide an application form for the approval of an MDP, which form Applicant must complete and then file with the Town, together with the documents specified in Section 11.4.8, all in accordance with the provisions of this Section 11.4.9.
3. When the Application is complete, the Town shall notify the Applicant. If the Application is defective or incomplete, the Applicant shall be notified in writing of the defective or incomplete items and given the opportunity to correct or supply the same. If within a reasonable time the Applicant fails to do so, the Application shall be null and void ad initio, and shall be deemed withdrawn by the Applicant.

B. Commission Review

1. The Commission shall review the MDP and any recommendations made by State and Federal agencies and the Town Engineer and shall decide if the MDP conforms to all relevant Ordinances and requirements of the Town, the State of Utah and the Federal Government.
2. During its review of the MDP, the Commission may hold one or more working sessions with the Applicant, at which time the Commission may discuss with Applicant additions, deletions and other modifications to the proposed MDP. Furthermore, the Commission shall meet with the Applicant to itemize the commitments of the Applicant and the Town in a Master Development Plan Agreement (MDPA). Prior to the MDP being referred to the Town Council, the Applicant shall confirm in writing that it will execute the MDPA if it is approved by the Town Council.
3. After such review, and prior to any action by the Town Council, the Commission shall hold a public hearing and thereafter forward the proposed MDP and MDPA and its written recommendations, containing its reasons therefor, to the Town Council and the Applicant.

C. Town Council Review

1. The Town Council shall not approve the MDP and the MDPA until the Town has been notified by the relevant Utah regulatory agencies that they have approved the Water and Waste Water sections of the CFP under consideration, which are subject to the jurisdiction of Utah State agencies.

2. When the recommendations on the MDP and the MDPA have been officially submitted to the Town Council by the Commission and the tasks in C.1 above have been completed, the MDP, MDPA, CFP and related Impact Fee Study and Impact Fee Enactment shall be placed on the Town Council agenda for consideration.
3. The Town Council may, at one or more regular or special public meetings, review the MDP, MDPA, CFP and Impact Fee Study and Impact Fee Enactment and shall hold the public hearings as required by Utah law.
4. In acting on the MDP, MDPA and CFP, the Town Council may take any of the following actions:
 - a. Approve the MDP, MDPA and the CFP.
 - b. Approve the MDP, MDPA and CFP with changes, modifications and additions. The Town Council may return the MDP and the MDPA to the Commission for modification in accordance with the Town Council's decision. In making such modifications, the Applicant may identify alternative ways of satisfying the Town Council's concerns. The Applicant shall then submit the modified MDP and MDPA to the Commission for review in accordance with this Chapter.
 - c. Disapprove the MDP, MDPA and CFP.
5. If the MDP, MDPA and CFP are not approved, the Town Council shall make findings of fact, reasons for disapproval, and shall cite in each case the provisions of the Town ordinances and requirements and/or county, state or federal laws or regulations relied upon.
6. The decision of the Town Council shall be in writing and shall be communicated to the Applicant by regular mail posted through the U.S. Postal Service addressed to the Applicant's address for the receipt of notices as set forth in the Application. Such notice shall be deemed received by Applicant five (5) days after being posted.
7. If at any time the Applicant submits an amended or revised MDP, it shall be deemed a new MDP. No new MDP Application fee shall be required for any revision submitted within two years of the first Application; however, the Town shall assess to Applicant the costs of reviewing the revised submission in advance of the Town's review.
8. Copies of the MDP, MDPA and CFP as finally approved with the appropriate Ordinance of the Town Council shall be distributed as follows:
 - a. One (1) copy to the Applicant;
 - b. One (1) copy to the Commission;

- c. One (1) copy to the County Health Department; and
 - d. One (1) copy to be retained in the Town files by the Town Clerk as required for official government records.
9. If the MDP is approved, the Town Clerk shall record notice of the MDP with the Grand County Recorder.

CHAPTER 11.5 - SUBDIVISION AMENDMENTS AND LOT LINE ADJUSTMENTS.

11.5.1. AMENDING A SUBDIVISION.

- A. The Town Council may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that describes the subdivision or the portion being vacated and recording that ordinance in the County Recorder's Office.
- B. A property owner or agent of a property owner may correct minor typographical or clerical errors in a document of record by filing with the County an affidavit or other appropriate instrument. This provision does not apply to changing the name of a subdivision, which requires a material amendment described in the following provisions.
- C. A fee owner of land in a platted subdivision may request a material subdivision amendment by filing a written petition with the Planning Commission. This petition must meet all the requirements for a subdivision application specified in Section 11.2.2, with the following changes:
 1. The plat (or the record of survey map, if applicable) should:
 - i. Depict only the portion of the subdivision that is proposed to be amended;
 - ii. Include a plat name distinguishing the amended plat from the original plat;
 - iii. Describe the differences between the amended plat and the original plat;
 - iv. Include references to the original plat; and
 - v. Meet all the other plat requirements specified in Section 11.2(A)(2).
 2. The petition must additionally include the name and address of each property owner affected by the petition and the signature of each of those property owners who consents to the petition.
 - i. The petitioner must include with the petition envelopes

addresses to each property in the subdivision.

3. Upon receipt of an amendment petition, the Planning Commission (or Town staff, as delegated) shall provide notice of the petition to:
 - i. Each utility provider that services a parcel of the subdivision. The Town shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers. The Town may notify the utility providers in any effective manner (email, mail, etc.).
 - ii. Each property owner in the subdivision. The Town shall notify these property owners by mail.
4. The Planning Commission shall hold a public hearing before approving an amendment petition and within 45 calendar days after the day on which the petition is submitted if:
 - i. A property owner objects in writing to the amendment within 10 days of the Town notifying the property owner by mail, or
 - ii. Not every property owner in the subdivision has signed the revised plat.
5. Notwithstanding Section 11.5.1.C.4, the Planning Commission need not hold a public hearing if notice has been given to adjoining property owners in accordance with any applicable local ordinance and the petition seeks to:
 - i. Join two or more of the petitioner's contiguous lots;
 - ii. Subdivide one or more of the petitioner's lots;
 - iii. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
 - iv. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
 - v. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as a common area.
6. If the Planning Commission approves the amendment petition, the Planning Commission shall sign the amended plat in the manner described in Section 11.2.7(B), and the petitioner shall record the plat, subject to the completion or guarantee of any improvements, as

described in Section 11.2.8.

11.5.2. LOT LINE ADJUSTMENTS.

- A. The fee owners of two parcels may petition to adjust the lot line separating the parcels without a subdivision amendment. Such a petition shall include:
 - 1. A record of survey map and a metes-and-bounds description showing the adjustment.
 - 2. An explanation of the reason for the adjustment.
 - 3. Signatures from all the parcel owners involved in the adjustment.
 - 4. Any other information the Planning Commission requests.
- B. If the adjustment will not result in a violation of a land use ordinance or an adverse development condition, the Planning Commission shall approve the petition.
- C. **If the adjustment is approved, the Planning Commission shall sign the record of survey map and accompanying metes-and-bounds description, and the petitioner shall record the document in the County Recorder's Office.**

Comment [C44]: Conflicts with 85-3

Comment [PLUC45]: Agreed that Chapter 3 in 85-3 will need to be amended.

CHAPTER 11.6 - IMPROVEMENTS AND DESIGN STANDARDS.

11.6.1. REQUIRED IMPROVEMENTS. The following improvements are required for all subdivisions, except those that qualify under the Agricultural Land exemption of Section 11.2.3(A):

A. **Utilities**, including water, sewer, telephone, cable, gas, and electricity.

Comment [46]: This list consists of improvements frequently required by other municipalities. Let us know if there are any you would like to remove or if you would like to add any others.

B. **Streets, curbs, gutters, and sidewalks.**

C. **Street Grading and Surfacing.**

D. **Storm Water Drainage.**

E. **Fire hydrants.**

F. **Street lights, signs, and monuments.**

Comment [C47]: May want to add or refer to standards in 11.6.6

G. Any other infrastructure (or infrastructure improvement) that is reasonably necessary to meet the needs of the proposed development.

- 1. The Land Use Authority may require an analysis to be completed and provided to determine if adequate public facilities and services are available to serve the proposed development and if such development will change the existing levels of service, or will create a demand for

Comment [PLUC48]: Since the ordinance states that these improvements are required, the PLUC suggested:

- A. Delete all utilities except electricity
- B. Delete all but streets
- C. Retain
- D. Retain
- E. Delete
- F. Delete street lights (conflicts with Lighting Ordinance); retain street signs or monuments/

services that exceeds acceptable service levels. Public facilities that may be required by the Land Use Authority to be included in a public facilities analysis include, but are not limited to, road and street facilities and capacities, intersection and bridge capacities, culinary water facilities, sanitary sewer facilities, storm drainage facilities, fire protection and suppression facilities, park and recreational facilities, culinary water pressure, fire and emergency services response times, police protection services, and other required public facilities and services. The Land Use Authority may deny or modify any proposed development activity if the demand for public facilities and services exceeds accepted or adopted levels of service, or require an applicant for an approval, license, or permit to provide the required facilities and services concurrent with the demand created by the development activity, consistent with all applicable legal authorities.

11.6.2. COMPLETION OF IMPROVEMENTS.

- A. Before a subdivision plat may be recorded, and before a building permit may be issued, all improvements required by this Part or other Town ordinances shall be either:
 1. Completed, inspected, and accepted by the Town, or
 2. Guaranteed according to Section 11.6.3
- B. The decision whether to guarantee an improvement or to complete it before recording and obtaining a building permit rests solely with the applicant.
- C. All improvements are subject to Town inspection before such improvements may be accepted by the Town or considered complete. The Land Use Authority shall be responsible for conducting such inspections. Improvements shall be accepted only if they conform to applicable Town ordinances (notably Part 11.2 of this Title) and do not pose a risk to public health or safety. All public improvements are subject to the warranty described in Section 11.6.3.
- D. The provisions of this Part do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

11.6.3. IMPROVEMENT GUARANTEES, COMPLETION ASSURANCES, AND WARRANTIES.

- A. If an applicant elects to guarantee any required improvement, the applicant shall provide completion assurance for 110% of the cost of the improvement, guaranteeing that the improvements will be completed within two years after the date of the guarantee.
- B. For the purpose of posting an improvement guarantee, the cost of the improvement shall be determined by an engineer's estimate or licensed

contractor's bid.

- C. The Town shall accept any of the following forms of guarantee for an improvement:
 - 1. Bond. The applicant may furnish a bond with corporate surety, which bond shall be approved by the Town Attorney and filed with the Town Recorder.
 - 2. Escrow. The applicant may make a deposit in escrow with an escrow holder approved by the Town Council, under an escrow agreement approved by the Town Attorney and filed with the Town Recorder.
 - 3. Letter of Credit. The applicant may provide a letter of credit from a financial institution approved by the Town Council, under an agreement to complete the improvements that is approved by the Town Attorney and filed with the Town Recorder.
- D. As improvements are completed, inspected, and accepted by the Town, the Town Council shall, each quarter, at the option of the applicant, issue a partial release of bonded or escrow funds proportional to the improvements accepted during the prior quarter.
- E. The Town shall not require improvement guarantees for any of the prohibited uses listed in Utah Code §10-9a-604.5(3)(d), including improvements the Town has previously inspected and accepted, private improvements that are not essential to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation.
- F. Upon acceptance of all required improvements, the applicant shall warrant that said improvements shall remain free from defects in material and workmanship for a period of 12 months after the date of acceptance by the Town. The subdivider shall be solely responsible for all repairs and maintenance required to keep the improvements in good working condition for this 12-month period. Enforcement of the warranty shall be assured by one of the following:
 - 1. Retention of 10% of the completion assurance provided for the required improvements; or
 - 2. Establishment of a completion assurance in amount covering at least 10% of the cost of constructing the required improvements.

11.6.4. SUBDIVISION DESIGN STANDARDS, GENERALLY. The following standards shall apply to the design and construction of all improvements required by

Town ordinances:

- A. The current (2007) edition of the **Manual of Standard Specifications** published by the Utah Chapter of the American Public Works Association (APWA), as amended. References to "owner" shall mean Castle Valley Town and references to "engineer" shall mean Castle Valley Town's engineer.
- B. The current (2007) edition of the **Manual of Standard Plans** published by the Utah Chapter of the American Public Works Association (APWA), as amended.
- C. The town's lot and zoning restrictions.
- D. Any other requirements in this Title.

Comment [C49]: Jeff Whitney should verify this is a current edition

Comment [PLUC50]: The manual is updated every few years, so delete 2007 in both paragraphs.

11.6.5. LOT SIZE REQUIREMENTS.

- A. No subdivision is permissible that does not comply with the lot size, frontage, width, depth, and all other requirements of the Town's Land Use Ordinances and current Zoning Map.

11.6.6. DESIGN, RESOURCE IMPACT, AND CONSERVATION STANDARDS.

Comment [JH51]: This section was previously "Appendix A"

Applicability: The standards for design, and resource conservation, as set forth in this Section, shall apply to all subdivision and land developments in the Town and the standards for allowed areas of disturbance shall apply to all subdivisions. These standards shall be used by the Town in evaluating proposed subdivisions.

A. Location of House Sites:

1. Applicants shall identify house site locations on each lot in a designated Allowed Area of Disturbance which shall be designed to: fit the tract's natural topography, served by adequate water and sewerage facilities, and provide views of and access to adjoining undisturbed areas (without encroaching upon them in a manner visually intrusive to users of such areas).
2. Applicants shall identify the Allowed Area of Disturbance for each house sites and the remaining natural areas in each plat

B. Alignment of Streets and Trails:

1. With house site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.

2. Streets shall avoid or at least minimize adverse impacts on the undisturbed areas. To the greatest extent practicable, wetland crossings and new streets or driveways traversing slopes over 15 percent shall be avoided.
3. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the Town and to facilitate easy access to and from homes in different parts of the tract (and on adjoining parcels).
4. A tentative network of trails shall also be shown, connecting streets with various natural and cultural features in the conserved undisturbed lands. Potential trail connections to adjacent parcels shall also be shown, in areas where a Town trail network is envisioned.

C. General Standards to Minimize Adverse Impact: All subdivisions and land developments shall avoid or minimize adverse impacts on the Town's natural, cultural and historic resources, as defined below.

In order to minimize land disturbance and to preserve the natural vegetation and wildlife habitat, any subdivision or land development plan shall identify the following resources as areas where development is prohibited.

1. Stream channels, floodplains, wet soils, washes, springs and other lowland areas, including adjacent buffer areas which may be required to insure their protection
2. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
3. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory.
4. Moderate to steep slopes, particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
5. Pinyon/Juniper woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.

6. Archaeological structures and sites.
7. Visually prominent topographic features such as mountains, mesas and rims, and scenic viewsheds

D. Other Design Considerations: All lands outside of the Allowed Area of Disturbance shall comply with the following standards:

1. They shall be free of all permanent structures.
2. They shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjacent lots shall be provided with safe and convenient pedestrian access to open space land.
3. They shall be interconnected wherever possible to provide a continuous network of open space lands within and adjoining the subdivision.
4. Except in those cases where part of the open space is located within private houselots, they shall provide for pedestrian pathways for use by the residents of the subdivision. Consideration shall be given to providing for public access on such trails if they are linked to other publicly-accessible pathway systems within the Town. Provisions should be made for access to the open space lands, as required for land management and emergency purposes.
5. They shall retain existing natural cover and wooded areas
6. They shall be made subject to such agreement with the Town and such conservation easements duly recorded in the office of the County Recorder of Deeds as may be required by the Town Council for the purpose of preserving the common open space for such uses.
7. They shall be consistent with the Town's General Plan.

Comment [PLUC52]: Is this a legal term or should it be two words? It was used in the old subdivision ordinance.

E. Conservation Practices During Site Preparation and Clean-Up:

1. Protection of Vegetation from Mechanical Injury. Where earthwork, grading, or construction activities will take place the Allowed Area of Disturbance shall be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of and shall be maintained throughout the period of construction activity.

2. Protection of Vegetation from Grading Change. Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage requirements which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.

3. Protection of Vegetation from Excavations

a. When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized.

b. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.

F. Permanent Fencing: No permanent fencing shall be allowed outside the Allowed Area of Disturbance on each lot.

G. Groundwater Resources: This section is intended to ensure that the Town's limited groundwater resources are protected for purposes of providing water supplies for its residents and conditional uses, and to protect the base flow of the Town's surface waters.

1. The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater. The Site Analysis Plan shall include aquifer hydrogeologic requirements related to the potential for contamination of the proposed water supply source; depth to groundwater information, aquifer thickness, hydraulic gradient, effective porosity, flow type (porous vs conduit flow), and water quality analysis.

2. The on-site wastewater analysis shall evaluate the safety and adequacy of proposed on-site (individual) wastewater systems. On-site wastewater systems shall not have an adverse impact on the aquifer and effluent from systems shall not surface or discharge to surface water, posing a threat to human health or the environment. The

following considerations shall be addressed in this analysis:

- a. Soil types, including but not limited to percolation rates and the presence/absence of shallow impermeable layers.
- b. Slope of ground surface.
- c. Depth to groundwater.
- d. Separation distances between septic systems and nearby wells.
- e. Area needed for replacement drain field.
- f. Demonstration that lot sizes will not create a density of septic systems such that effluent from septic systems will cause groundwater pollution from nitrates and coliform bacteria. This evaluation shall consider ambient nitrate concentrations and consider cumulative impacts on downgradient groundwater users. Site geology and hydrogeology must be included and the established septic density studies for Castle Valley must be utilized.

H. Stream Valleys, Washes, Springs, and Other Lowland Areas: The Town's Drainage Map describes and maps stream valleys (which include stream channels and flood plains), washes, springs and other lowland areas as resources that warrant restrictive land use controls because of flooding hazards to human life and property, their ground water recharge functions, their importance to water quality and the health of aquatic communities, and their wildlife habitats. They are generally poorly suited for on-site subsurface sewage disposal systems.

1. The following activities shall be minimized:

- a. Disturbance to streams and drainage washes.
- b. Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.
- c. Because of their extreme limitations, stream valleys, washes and other lowland areas warrant designation as undisturbed lands. They may also require adjoining buffer lands to be included in the undisturbed lands, to be determined by an analysis of the protection requirements of such areas on a case-by-case basis.

I. Wildlife:

1. Castle Valley is a major winter deer range. Mule deer and other wildlife live throughout the Town. The Town of Castle Valley is committed to supporting the diversity and health of the wildlife. The developer shall be responsible for providing an evaluation of wildlife that addresses all potential impacts to wildlife within Castle Valley. This evaluation shall be made with the assistance of the Utah Division of Wildlife Resource and experts approved by the Town. The evaluation shall include, but is not limited to:
 - a. Preservation of migration patterns.
 - b. Protection of reproductive zones for large animals.
 - c. Preservation of travel corridors.
 - d. Habitat maintenance for existing wildlife.
 - e. Preservation of existing species.
2. The developer shall also include proposed ordinances addressing the following items:
 - a. Limitations on the number and type of pets that could have an adverse effect on wildlife.
 - b. Methods for control of outdoor pets.
 - c. Property owner landscaping that does not encourage wildlife damage to plants and property.

J. Slopes: Moderately sloping lands (15 to 25 percent) and steeply sloping lands (over 25 percent) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety.

1. Areas of steep slope shall be preserved as required below.
2. All grading and earthmoving on slopes exceeding 15 percent shall be minimized.
3. No site disturbance shall be allowed on slopes exceeding 25 percent except grading for a portion of a driveway accessing a single-family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25 percent is feasible.

4. On slopes of 15 to 25 percent, the only permitted grading beyond the terms described above, shall be in conjunction with the siting of a single-family dwelling, its access driveway and the septic system (which should typically be designed with a long, narrow drainage field following the land contours).
5. Grading or earthmoving on all sloping lands of 15 percent or greater shall not result in earth cuts or fills whose highest vertical dimension exceeds six feet, except where in the judgment of the Town Council no reasonable alternatives exist for construction of roads, drainage structures and other public improvements, in which case such vertical dimensions shall not exceed 12 ft. Roads and driveways shall follow the line of existing topography to minimize the required cut and fill. Finished slopes of all cuts and fills shall be as required to minimize disturbance of natural grades.
6. Development in areas predetermined to be geologic hazard zones shall not be allowed.

Comment [C53]: Remove? conflicts with 85-3?

Comment [PLUC54]: Don't think any of the lands subject to subdivision fit this condition. If retained, it may require that these conditions be added to 85-3. Several comments made about the vagueness of the word "minimized". General consensus is to retain it as is for now.

K. Significant Natural Areas and Features: Natural areas containing rare or endangered plants and animals exist throughout the Town. Some of these have been carefully documented, whereas for others, only their general locations are known. Applicants shall take all reasonable measures to protect these significant natural areas and features identified by the Applicant's Existing Resources and Site Analysis Plan by incorporating them into proposed open space areas or avoiding their disturbance in areas proposed for development.

L. Scenic Viewsheds: All applications for subdivision shall attempt to preserve the scenic visual corridors by incorporating them into open space areas or otherwise providing for building setbacks and architectural designs to minimize the intrusion of the subdivision on existing viewshed.

M. Trails:

1. When a subdivision proposal is traversed by or abuts an existing trail customarily used by pedestrians and/or equestrians, the Town may require the Applicant to make provisions for continued recreational use of the trail.
2. The Applicant may alter the course of the trail within the tract for which development is proposed under the following requirements:
 - a. The points at which the trail enters and exits the tract remain

unchanged; and

- b. The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.
3. When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. Trails shall be not more than two feet wide on a four-foot right-of-way. The language of the conservation easement shall be to the satisfaction of the Town.
4. Trail improvements shall demonstrate adherence to principles of quality trail design.
5. No trail shall be designed with the intent to accommodate motorized vehicles, nor shall any such use be allowed.
6. The Applicant shall show the connection among trails from other parcels of land.