

Ordinance 2024-02

TOWN OF ANNABELLA SUBDIVISION ORDINANCE AND CODIFICATION

An Ordinance Revising the Subdivision Ordinance of Annabella, Utah

WHEREAS the Town Council of Annabella, Utah, pursuant to the provisions of §10-3-707 of Utah State Code, as amended, has the authority to revise ordinances of the municipality of a general and permanent character;

WHEREAS the Town Council has reviewed the proposed revisions and has made such changes, alterations, modifications, additions, and substitutions as it deems best; and

WHEREAS the Town Planning Commission has held a public hearing on the proposed revisions and provided a recommendation on the same to the Town Council.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF ANNABELLA, UTAH:

SECTION I: The document titled “Title 12 – Subdivision and Development”, attached as Exhibit ‘A’, is hereby adopted as a replacement for the currently existing Title 12 of the Town’s ordinances (governing the subdivision of land within the Town), subject to any immaterial changes that may occur post-adoption during the codification process into civiqlinQ. This document shall be accepted in all courts without question as the official subdivision ordinances of the Town as enacted by the Town Council.

SECTION II: If any provisions of the Town’s code previously adopted are inconsistent herewith, they are hereby repealed.

SECTION III: This ordinance being necessary for the peace, health, and safety of the City, shall become effective immediately upon posting.

PASSED AND ADOPTED by the Town Council of Annabella, Utah, this 14th day of November, 2024.

Brent Christensen
Brent Christensen
Mayor, Annabella Town

ATTEST:

Tina Mitchell
Tina Mitchell
Clerk, Annabella Town

COUNCIL Vote As Recorded:	AYE	NAY	ABSENT
Name: <u>Jill Anderson</u>	<u>X</u>	___	___
Name: <u>Kelvin Johns</u>	<u>X</u>	___	___
Name: <u>Stephanie Morgan</u>	<u>X</u>	___	___
Name: <u>Chris Nielson</u>	<u>X</u>	___	___
Name: _____	___	___	___

RECORDED this 14 day of November, 2024.

PUBLISHED / POSTED this 15 day of November, 2024.

CERTIFICATE OF PASSAGE AND PUBLICATION / POSTING

In accordance with §10-3-713 of Utah State Code, as amended, I, Tina Mitchell of Annabella, Utah, hereby certify that the foregoing ordinance was duly passed and published or posted on the above referenced dates at:

- 1) Annabella Town Hall
- 2) Utah Public Notice Website

Tina Mitchell
Tina Mitchell
Clerk, Annabella Town



Exhibit 'A': Title 12 – Subdivision and Development

[Attached as Follows.]

TITLE 12 – SUBDIVISION AND DEVELOPMENT

12.1 GENERAL PROVISIONS

12.1.01 TITLE

This ordinance shall be known as the “Annabella Town Subdivision Ordinance” and may be so cited and pleaded.

12.1.02 PURPOSE

The purpose of this ordinance shall be to promote the health, safety, convenience, and general welfare of the present and future development of the Town; to facilitate the transfer of land having accurate land descriptions; to bring about the development of a more attractive and wholesome environment within and about the Town; and to establish the rights, duties, and responsibilities of subdivider with respect to land subdivision and improvements thereon; and to facilitate the implementation of official Town plans; and to comply with Utah Code §10-9a-6, as amended.

12.1.03 SCOPE OF APPLICABILITY

This Chapter applies to all applications or petitions to subdivide land in the Town. The requirements of this Chapter do not apply retroactively to subdivision applications or petitions that were approved by the Town prior to the enactment of this ordinance.

12.1.04 AMENDING AND SUPPLEMENTING THIS TITLE

Amendments and additions to this Title may be made upon a hearing and recommendation of the Planning Commission and enactment by the Town Council. In addition to those contained in this Title, additional Engineering and Design Standards may be set at any time by resolution of the Town Council as set forth in State law.

HISTORY:

Ord. No. 1996-4, 12/10/1996

Ord. No. 2021-03, 10/14/2021, Codified

Ord. No. 2023-03, 8/10/2023, Codified

12.1.05 APPROVED AND RECORDED DOCUMENTS REQUIRED

- A. From the effective date of this ordinance, no person shall subdivide any tract of land that is located wholly or in part within the limits of Annabella, Utah, nor shall any person sell, exchange, or offer sale, or purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land within the Town, except pursuant to a final plat or other governing document properly approved and recorded 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. Any license or permit issued in conflict with this ordinance or as a result of inadvertence, error or mistake shall be null and void.

12.1.06 EFFECTIVE DATE

This ordinance shall become effective after passage, publication and posting as set forth in State law.

HISTORY:

Ord. No. [1996-4](#), 12/10/1996

Ord. No. [2021-03](#), 10/14/2021, Codified

Ord. No. [2023-03](#), 8/10/2023, Codified

12.1.07 PENALTY FOR NONCOMPLIANCE

- A. Any person who shall violate any of the provisions of the ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$1,000.00 or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment.
- B. The Town may, in its discretion, void the transfer of ownership of any parcel of land pursuant to an invalid subdivision and obtain an injunction against the seller and/or refuse to recognize the transfer of ownership by withholding permits and assessing fees to the transferor.

HISTORY:

Ord. No. [1996-4](#), 12/10/1996

Ord. No. [2021-03](#), 10/14/2021, Codified

Ord. No. [2023-03](#), 8/10/2023, Codified

12.1.08 INTERPRETATION AND CONFLICT OF LAWS

- A. Where any provision in this Subdivision Chapter conflicts with state law, state law shall prevail. Where any provision in this Subdivision Chapter conflicts with other ordinances enacted by the Town, the provisions in this Subdivision Chapter shall prevail unless the Town intended such conflicting ordinances not in this Chapter to amend this Chapter.
- B. Should any chapter, section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

12.1.09 DEFINITIONS

The following words and phrases, as used in this Title, shall have the following meanings. Words and phrases not defined here have the meaning expressed elsewhere in Town ordinances or, if not defined in Town ordinances, the meaning defined in Utah State Code:

- A. **ACCESS:** A way of approaching or entering a property. In land use and subdivision regulations, lots of records usually are required to have direct access to a public street or highway or to a private street meeting public standard. In the context of land use controls, access includes engross, the right to leave.
- B. **ALLEY:** A street or thoroughfare less than twenty (20) feet wide which affords only secondary access to abutting property.
- C. **APPEAL:** When a person believes a decision was made in error, an appeal may be filed so that a higher decision-making body can review the case.

- D. **BUILDING:** Any structure having a roof supported by walls or columns, used or intended to be used for the shelter or enclosure of persons, animals, possessions, or property of any kind.
- E. **BUILDING OFFICIAL:** The person responsible for the administration and enforcement of the building, housing, plumbing, electrical and related codes. All such officials in Utah need to be certified by the State of Utah.
- F. **CONDITIONAL USE:** A use of land for which a conditional use permit is required. A conditional use means a land use that because of its unique characteristics or potential impact on Annabella Town, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
- G. **DEVELOPER:** Any person, firm, partnership, corporation or association who causes improvements to be constructed and use to be changed, or land to be subdivided for himself/herself or others.
- H. **DEVELOPMENT IMPACT FEES:** A fee or charge imposed on developers to pay for the costs to the community of providing services to a new development. It is a means of providing a fund for financing new public improvements without resorting to deficit financing.
- I. **DEVELOPMENT (LAND)** The conversion or alteration of use or physical characteristics of land; placing improvements on the land; or putting land to intensive use such as subdivision, PUD, mobile home park, recreation vehicle park, shopping center, industrial park, excavation, etc.
- J. **DWELLINGS:** Any building, or portion thereof, which is designated for use of residential purposes, except hotels, motels, lodging houses and nursing homes.
- K. **DWELLING, SINGLE FAMILY:** A building containing only one dwelling unit, designed to be occupied exclusively by one family.
- L. **DWELLING, TWO FAMILY:** A building containing only two dwelling units, designed to be occupied exclusively by two families living independently of one another.
- M. **DWELLING, MULTI FAMILY:** A building containing more than two dwelling units.
- N. **EASEMENT:** A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give or sell an easement on the property to allow utility facilities such as power or pipe lines.
- O. **GRADE:** The average elevation of the adjoining street or streets.
- P. **IMPROVEMENT PLAN:** A plan to complete permanent infrastructure 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.
- Q. **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.
- R. **LAND USE AUTHORITY:** An individual, board, or commission appointed or employed by the Town to make land use decisions. "Land Use Authority" includes any appropriately authorized designees.
- S. **LOT:** A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area as required by this ordinance, having frontage

upon a street or upon a right-of-way approved by the Planning Commission. Except for group dwellings, not more than one dwelling structure shall occupy any one lot.

- T. LOT, CORNER: A lot abutting upon two forming or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.
- U. LOT, DEPTH: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- V. LOT, INTERIOR: A lot other than a corner lot.
- W. LOT, LINES: The property lines bounding the lot.
- X. PLANNING COMMISSION: The administrative body charged with the development of the general plan, formulation and administration of the land use map and ordinance, and review and administration of any other land-use matters designated by ordinance or the Mayor and Town Council. For more information, see Utah Code 10-9-201, as amended.
- Y. 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).
- Z. PUBLIC USE: A use operated exclusively by Annabella Town such use having the purpose of serving the public health, safety, or general welfare, and including such uses as public school, parks, playgrounds, and other recreational facilities; administrative, service facilities, and public utilities.
- AA. RIGHT OF WAY: The portion of land dedicated to the public use for street and/or utility purposes or maintained in private use for similar purposes.
- BB. STRUCTURE: Anything constructed or erected which requires a fixed location on the ground, or to something having a location on the ground, including signs and billboards.
- CC. SUBDIVIDER: The term subdivider is any person laying out or making a land division for the purpose of first sale, or first selling for himself or others a subdivision or any part thereof.
- DD. SUBDIVISION: Any land that is divided, subdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
 - 1. Subdivision includes:
 - a. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
 - b. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
 - 2. Subdivision does not include:
 - a. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

- b. A boundary line agreement recorded with the 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;
- c. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
- d. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-608 of Utah State Code and this Title, if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;
- e. A road, street, or highway dedication plat;
- f. A deed or easement for a road, street, or highway purpose; or
- g. Any other division of land authorized by law.

EE. REVIEW CYCLE: As used and further defined in Section 12.2.05 of this Title, “review cycle” means the occurrence of:

- 1. The applicant's submittal of a complete subdivision land use application;
- 2. The Town’s review of that subdivision land use application;
- 3. The Town’s response to that subdivision land use application, in accordance with this section; and
- 4. The applicant's reply to the Town’s response that addresses each of the Town’s required modifications or requests for additional information.

FF. 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.

GG. TOWN COUNCIL: The Town Council of Annabella Town, Utah.

HH. TOWN ATTORNEY: The attorney of the Town, or any individual or firm retained or designated by the Town for the purpose of performing legal services.

II. TOWN ENGINEER: The engineer of the Town, or any individual or firm retained or designated by the Town for the purpose of performing engineering duties.

HISTORY:

Ord. No. [1996-4](#), 12/10/1996

Ord. No. [2021-03](#), 10/14/2021, Codified

Ord. No. [2023-03](#), 8/10/2023, Codified

12.1.10 SUBDIVISION LAND USE AUTHORITY

A. The Land Use Authority for preliminary applications under this Title is the Planning Commission. For purposes of subdivision applications, 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 this Title.
 3. Holding a public hearing for preliminary applications when the Planning Commission determines one is appropriate.
 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 this Title. 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 Title. This task is delegated to Town staff by default.
- B. The Land Use Authority for final applications under this Title is the Subdivision Review Committee (SRC). For purposes of subdivision applications, the Subdivision Review Committee shall be responsible for the following:
1. Rendering land use decisions related to final applications.
 2. Reviewing final applications in an impartial manner and according to the standards and deadlines described in this Title.
 3. Signing final application approvals as required by this Title.
- C. The Subdivision Review Committee shall be organized as follows:
1. Membership shall include one or more members of the Planning Commission, the Town Engineer, and the Town Attorney.
 2. The SRC may meet informally on an as-needed basis and shall make all application approvals through unanimous vote.
- D. As subdivision application decisions are administrative, not legislative, the Land Use Authority is authorized to make any land use decision described by this Title without Town Council approval.
- E. Except when operating as the Appeal Authority, the Town Council shall not require the Land Use Authority to approve or deny an application under this Title.

12.1.11 SUBDIVISION APPEAL AUTHORITY

- A. The Appeal Authority for Town decisions relating to this Title, except where otherwise noted, is the Town Council.

- B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authorities and shall hear complaints about the conduct of the Land Use Authorities in administering the provisions of this Title.
- C. A party appealing or complaining of a Land Use Authority’s decision under this Title must exhaust its remedies under this section (by appealing or complaining to the Appeal Authority) before bringing an action against the Town in a court of law.
- D. A party who has submitted a subdivision application or petition may appeal or complain to the Appeal Authority under this Title. In such an appeal or complaint, the party may appeal or complain only regarding the Land Use Authority’s treatment of that party’s own application; a third party may not appeal or complain of Land Use Authority decisions or conduct.
- E. A party desiring to appeal or complain of a Land Use Authority decision shall submit to the Appeal Authority the following in writing:
 - 1. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the Land Use Authority’s decision and treatment of the application or petition, and why the applicant believes the Land Use Authority misapplied the provisions of this Title or abused the discretion given it by this Title.
 - 2. The most recent version of the application or petition the party submitted.
 - 3. Any supplemental documentation or information that the Appeal Authority requests.
 - 4. All appeals and complaints must be emailed or mailed to the Town Clerk using the address of the Town office or the Clerk’s official email account listed on the Town website.
- F. After receiving a complete appeal or complaint in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 45 calendar days after the Appeal Authority receives the appeal or complaint.
- G. For ease of reference, the Land Use Authorities and Appeal Authorities for actions under this Chapter are described in Table 12.1.11.

TABLE 12.1.11 - SUBDIVISION LAND USE AND APPEAL AUTHORITIES			
Action	Recommending Body	Land Use Authority	Appeal Authority
<i>Preliminary Subdivision Application</i>	Town Staff	Planning Commission	Town Council
<i>Final Subdivision Application</i>	N/A	Subdivision Review Committee	Town Council
<i>Petition to Materially Amend Existing Subdivision</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	Hearing Officer
<i>Materially Amending a Subdivision</i>	Planning Commission	Town Council	Hearing Officer
<i>Acceptance and Approval of Required Improvements</i>	Building Official	Town Council	Hearing Officer
<i>Release of Completion Assurance (Full or Partial)</i>	Building Official	Town Council	Hearing Officer

12.2 SUBDIVISION APPLICATIONS AND PETITIONS

12.2.01 NEW SUBDIVISION APPLICATION REQUIREMENTS

- A. The Town shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Chapter and received both a preliminary approval and a final approval from the respective Land Use Authorities.
- B. To be considered complete, a **preliminary** subdivision application must include at least the following elements:
 1. An approved land use application that describes how the property will be used after it is subdivided.
 - a. If the intended use is permitted by right under Town ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
 - b. If the intended use requires a conditional use permit or is otherwise conditioned on 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.
 - c. If the intended use is prohibited under Town ordinances and requires a variance or rezoning, the land use application must include an *approved*, Town-issued variance or the Town must enact a rezoning ordinance authorizing the intended use. Should an applicant seek a variance or rezoning concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued or rezoning ordinance is enacted.
 2. A preliminary plat. The preliminary plat must be prepared by a registered engineer or surveyor to scale, not smaller than 100 feet to the inch, in detail, and in accordance with

generally accepted surveying standards and the acceptable filing standards of the County Recorder's Office. The preliminary plat must include:

- a. The name and contact information of the owner(s) of the land, the applicant (if different from the owner(s)), and the engineer and surveyor who prepared the application.
- b. The proposed subdivision name, which must be distinct from any subdivision name on a plat recorded in the County Recorder's office.
- c. Identification and legal description of the proposed subdivision, including street identification and location by section, township and range.
- d. Accurately drawn boundaries, bearings, dimensions, and acreage of all properties, proposed lots, and existing structures within the proposed subdivision.
- e. 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.
- f. A graphic scale and north arrow.
- g. The date of preparation.
- h. Existing and finished contours of at least five-foot intervals.^{5'}
- i. Location, description, and size of monuments.
- j. A statement of public survey monuments found and restored.
- k. The ordinary high water marks of all streams and boundaries of any designated wetlands.
 - l. The location of prominent natural features such as rock outcroppings, woodlands, steep slopes, potential hazards.
- m. The location and dimensions of existing and proposed utilities and utility easements.
- n. The location and dimensions of existing and proposed streets, roads, alleys, rights-of-way, and easements.
- o. Widths and names of existing and proposed streets and sidewalks.
- p. Location and widths of existing and proposed utility and drainage easements.
- q. Location and names of existing and proposed parks and other open space with accurate lot line dimensions.
- r. Lot numbers and lot size dimensions and acreage.
- s. Existing sewage disposal systems, storm drains, water supply mains and culverts within the subdivision or within 100' thereof.
- t. The location, width, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces to be dedicated to the public, with complete description.
- u. Signature blocks for the preliminary and final Land Use Authorities, the surveyor who prepared the plat, utility providers who will service the proposed subdivision, and the owner(s) of the land to be subdivided.
- v. Any restrictive covenants associated with the proposed lots.
- w. Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.

- x. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.
 - y. Whether any parcel is intended to be used as a street or for any other public use.
 - z. Whether any parcel is reserved or proposed for dedication for a public purpose.
 - aa. Identification of the plat as “preliminary”
3. Studies and reports:
- a. A water report from a qualified expert, regarding flood risks and stormwater needs, including an onsite wastewater feasibility study.
 - b. A soils report from a qualified soils engineer, identifying the types of soils within the proposed subdivision area and identifying any soils constraints on the proposed subdivision.
 - c. An onsite wastewater feasibility study.
 - d. Any other study or report reasonably necessary to assess the impact of the proposed subdivision on the Town or to assess compliance with Town ordinances.
4. Other items:
- a. A vicinity map, at an appropriate scale, showing all lots and streets in the subdivision and all abutting streets and public rights-of-way.
 - b. Where the proposed subdivision’s location forms a part of a larger tract or parcel, and where the plat submitted covers only a part of the subdivider’s tract, an overview of the prospective future street system of the undeveloped parts of the subdivider's lands shall be submitted. The street system of the part submitted shall be considered in the light of existing master street plans or other Town street studies.
5. An improvement plan, created in accordance with applicable portions of Chapters 12.3 and 12.4 for all public improvements proposed by the applicant or required by Town ordinances. In addition to the requirements in Chapters 12.2 and 12.3, the improvement plan must contain:
- a. An engineer’s estimate of the cost of completing the required improvements.
 - b. A septic and water feasibility statement from Sevier County.
 - c. A drainage plan prepared by a professional engineer, licensed in the State of Utah.
 - d. Proposed on-site and off-site water facilities, sanitary sewage disposal systems, storm drain facilities and fire hydrants.
 - e. A grading plan, including all proposed changes in grade.
 - f. A soil erosion and sediment control plan, including grading of waterways and design of erosion control devices.
 - g. A vegetation preservation and protection plan, including trees and other vegetation proposed to be planted.
 - h. A landscaping plan for any public or common areas.
 - i. Proposed street lighting.
 - j. Proposed or required fencing (specifying location, height, and material).
 - k. Engineering drawings showing typical cross sections of proposed streets, location and design of on and off-site improvements, proposed water and septic facilities

and other proposed improvements such as sidewalks, curb and gutter, parks, and open spaces, fire hydrants, streetlights and drainage and flood control facilities.

6. Certifications, including:
 - a. An affidavit from the applicant certifying that the submitted information is true and accurate.
 - b. The signature of each owner of record of land described on the preliminary plat, signifying their consent to the preliminary subdivision application and their intent to dedicate portions of the preliminary plat to the public as described in the application.
 - c. Certification that the surveyor who prepared the plat:
 - i. Holds a license in accordance with Utah Code 58-22; and
 - ii. Either
 - (A) Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 - (B) Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - ii. Has placed monuments as represented on the plat.

2. Copies:
 - a. An electronic copy of all plans in PDF format.
 - b. Five 11" x 17" printed paper copies for Town review.
3. Fees: Payment of any preliminary-application-processing fees required by the Town's Fee Schedule, plus the cost of any engineering or legal review required by the application.

B. To be considered complete, a **final** subdivision application must include the following:

1. Land Use Authority approval of the applicant's preliminary subdivision application, given within the last 365 calendar days.
2. The approved land use application that was accepted during the preliminary application review process.
3. A final plat. The final plat should be the version of the preliminary plat approved by the Town during the preliminary application review process, plus any other additions and immaterial changes (e.g., formatting) necessary to comply with the recording requirements of the County Recorder's Office.
4. The improvement plan that the Town approved during the preliminary application review process. This improvement plan is for reference only and is not to be amended except by submitting a new preliminary application.
5. A completion assurance 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 section 12.2.07 of this Title.
6. Certifications, including:
 - a. A Title Report, Abstract of Title, Registered Property Certificate, or Title Insurance Policy for the land to be subdivided verifying property ownership.

- b. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
 - c. An affidavit from the applicant certifying that the submitted information is true and accurate.
 - d. The signature of each owner of record of land described on the plat, signifying their consent to the final subdivision application.
- 7. Binding dedication documents, including:
 - a. As applicable, formal, irrevocable offers for dedication to the public of streets, Town uses, utilities, parks, easements, or other spaces.
 - b. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
- 8. Copies, including:
 - a. One electronic copy of the final plat in AutoCAD format (DWG or DXF), Geodatabase format (GDB), or Shapefile format (SHP), with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to; and
 - b. A PDF document of the final plat and all other plans and supporting documents required by this Chapter.
 - c. A copy of the recording-ready final plat on Mylar to be kept by the Town.
- 9. Fees: Payment of any final-application-processing fees required by the Town, plus the cost of any engineering, consulting, or legal review required by the application.
- C. The Land Use Authority shall produce, maintain, and make available to the public a list of the specific items that comprise complete preliminary and final applications and a breakdown of any fees due upon submission or approval of the applications.
- D. The Land Use Authority 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.
- E. Notwithstanding 12.2.01.D, the Land Use Authority may waive specific application requirements on a case-by-case basis and consider an application "complete", whether during a pre-application meeting, during the application review period, or both.

12.2.02 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 12.2.01 if the resulting parcels:
 - a. Qualify as land in agricultural use under Utah Code §59-2-502;
 - b. Meet the minimum size requirement of applicable Town land use ordinances; and
 - c. 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 Sections 12.2.06 and 12.2.07.

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 Section 12.1.06 and/or require a subdivision amendment before issuing a building permit.

B. Development Agreements:

1. The Town Council, at its discretion, may enter into development agreements governing the subdivision, land use, or development of a specific area or project by a party, with the party responsible for development.
2. Subdivisions platted pursuant to a development agreement entered into between the Town and a developer are exempt from the application requirements (Section 12.2.01) and review and approval requirements (Sections 12.2.06 and 12.2.07) of this Title.
3. Clauses in a development agreement compliant with the aforementioned provisions supersede 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.

12.2.03 PRE-APPLICATION MEETING

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

1. If a party requests a pre-application meeting, the Land Use Authority shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur at the next regularly scheduled Planning Commission meeting for which appropriate public notice may be achieved.
2. The Land Use Authority (or a member of the body that makes up the Land Use Authority) shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the Town website the following at the time of the meeting:
 - a. Copies of applicable land use regulations,
 - b. A complete list of standards required for the project, and
 - c. Relevant application checklists.

12.2.04 NOTICE TO AFFECTED ENTITIES

- A. Within 15 calendar days after receiving a complete subdivision application under this Chapter, 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:
 - a. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
 - b. From the state engineer's inventory of canals; or
 - c. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
- B. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a preliminary (or related final) subdivision application under this Chapter sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.
 1. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.

12.2.05 REVIEW

- A. The respective Land Use Authorities shall review all subdivision applications in accordance with the requirements of this Section before approving or denying those applications.
- B. For both preliminary and final applications, the review process begins when an applicant submits a complete application.
 1. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
 2. If the Land Use Authority determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.
- C. For both preliminary and final applications, after the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of "review cycles."
 1. A review cycle consists of the following phases:
 - a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
 - b. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances.
 - c. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Land Use Authority shall be

specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.

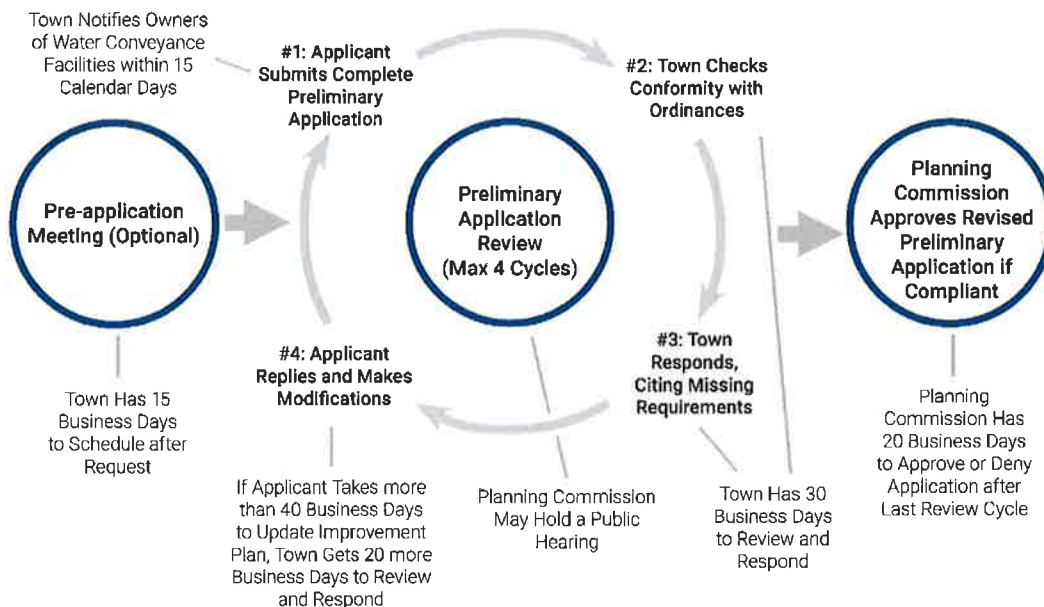
- d. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the Town’s review comments, identifying and explaining the applicant’s revisions and reasons 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.

<i>Use Type</i>	<i>Approval Stage</i>	<i>Max Review Phases</i>	<i>Max Public Hearings</i>	<i>Town Turnaround Deadline*</i>
All Zones/Uses	Preliminary	4	1	30 Business Days
	Final	2	0	30 Business Days

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

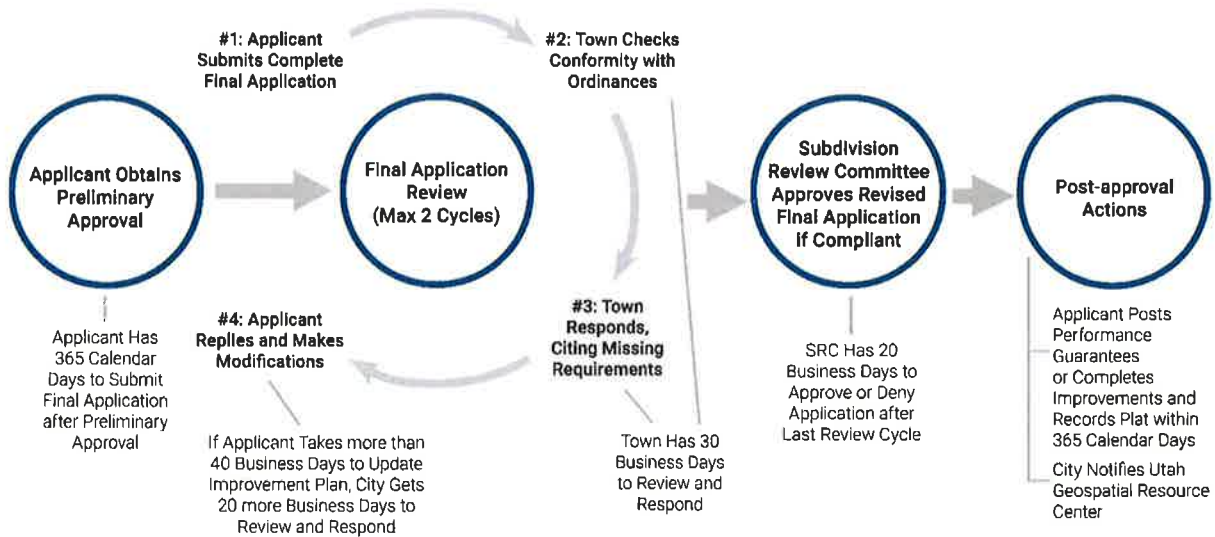


**NEW SUBDIVISION REVIEW PROCESS:
PRELIMINARY APPLICATION**





NEW SUBDIVISION REVIEW PROCESS: FINAL APPLICATION



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 12.2.05, except as described below. If no further revisions are needed, a Land Use Authority may end the review process early and approve or deny the preliminary or final 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 a preliminary or final 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. For both preliminary and final applications, if an applicant takes longer than 40 business days to submit a revised application and respond to the Town's requests for modifications and additions (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. For both preliminary and final applications, 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.
5. If the applicant has not submitted a final application within 365 calendar days after the Land Use Authority notifies the applicant that it has approved the related preliminary

application, the related preliminary approval shall expire. In this case, the applicant shall not submit a final application until the Land Use Authority has issued a new preliminary application approval.

- E. After the Land Use Authority provides comments in the last review cycle for a final application, 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 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 Town 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.
- F. The Town may conduct one or more public hearings (up to the number described in Table 12.2.05) during the review period for a preliminary subdivision application.
 - 1. The purpose of these public hearings is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.
 - 2. If the Town elects to hold a public hearing, the hearing must occur before the end of the Land Use Authority's preliminary review period (end of Phase #3 of the last preliminary review cycle). Scheduling issues shall not extend the review and approval deadlines in this Chapter.
 - 3. The Town shall not hold a public hearing during the review period for a final application under this Chapter.
- G. Other chapters of this Title notwithstanding, the Land Use Authority shall approve or deny preliminary and final applications under this Chapter after reviewing the complete applications as described in this Section.

12.2.06 APPROVAL

- A. The respective Land Use Authorities shall approve any complete preliminary and final applications made under this Chapter that comply with applicable Town ordinances.
- B. The Land Use Authorities shall issue all approvals in writing and shall certify the approved final plat, either by signing the plat directly or by attaching a signed certification to the plat.

12.2.07 POST-APPROVAL ACTIONS

- A. The applicant shall record the approved final plat with the County Recorder's Office within 365 calendar days after the Town approves the final 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 final plat until such improvements are completed or guaranteed in compliance with Town ordinances and the approved improvement plan.

1. An approved final plat not properly recorded within the timeline specified in this provision is void, unless the Planning Commission approves an extension.
- B. The Land Use Authority shall submit to the Utah Geospatial Resource Center (so the subdivision can be included in the 911 database), within 30 calendar days after approving a final application, either:
 1. An electronic copy of the approved final plat; or
 2. Preliminary geospatial data that depict any new streets and site addresses proposed for construction within the bounds of the approved final plat.

12.2.08 AMENDING A SUBDIVISION

- A. **Vacating streets or subdivided parcels:** 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. **Immaterial corrections:** 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. **Material amendments:**
 1. A fee owner of land in a platted subdivision may request a material subdivision amendment by filing a written petition with the Town Council. This petition must meet all the requirements for a subdivision application specified in Section 12.2.01, with the following changes:
 - a. 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 and all other plats within County records;
 - 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 12.2.01(B)(2).
 - b. 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 consent to the petition.
 - c. The petitioner must include with the petition envelopes addressed to each property in the subdivision.
 2. Upon receipt of an amendment petition, the Town Council (or Town staff, as delegated) shall provide notice of the petition to:
 - a. 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).
 - b. Each property owner in the subdivision. The Town shall notify these property owners by mail.

3. The Town Council 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:
 - a. A property owner objects in writing to the amendment within 10 days of the Town notifying the property owner by mail, or
 - b. Not every property owner in the subdivision has signed the revised plat.
4. Notwithstanding Section 12.2.08.C.3, the Town Council 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:
 - a. Join two or more of the petitioner's contiguous lots;
 - b. Subdivide one or more of the petitioner's lots;
 - c. 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;
 - d. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
 - e. 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.
5. If the Town Council approves the amendment petition, the petition must be signed by the Town Council and signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended. Then the petitioner shall record the plat, subject to the completion or guarantee of any improvements, as described in Section 12.2.07.
6. Any amendment petition the Town Council approves must identify and preserve any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

12.2.09 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.
- A. 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.
- B. 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.

12.3 IMPROVEMENTS

12.3.01 REQUIRED IMPROVEMENTS

The following improvements are required for all subdivisions, except those that qualify under the Agricultural Land exemption of Section 12.2.02. The improvements required by the Town, including the improvements in each and every open space in the subdivision, shall be constructed and installed by the Subdivider and thereafter maintained by the Subdivider until after the warranty period and acceptance by the Town.

A. Street Grading And Paving.

1. After all earth work is completed and brought to lines, grades, and cross sections as approved by the designated Town engineer, the sub-grade shall be brought to a firm unyielding surface by rolling or other means of compaction. All soft material which will not be compact readily shall be removed and an approved sub-base material will be placed when required by the planning commission. Sub-base material shall be approved pit-run material. compaction and street construction must comply with Utah Department of Transportation (UDOT) specifications.
 2. All utility and water trenches located in street and sidewalk areas shall be thoroughly compacted and inspected with approval of the Town inspector. All utility and water trenches located under street and sidewalks shall meet current UDOT compaction specifications. It shall be the subdivider's responsibility to restore to grade and resurface all street and sidewalk areas damaged from later settlement of such trenches within two (2) years of construction.
 3. The road base shall consist of a minimum of four (4) inches of approved, crushed gravel base course, to be prepared and placed on the subgrade.
 4. After the establishment of a suitable road base, the street shall be hard surfaced with a 2 1/2 inch recommended compacted course of plant mix bituminous surface course, or material of equal or better quality. The surfaces shall be prepared and installed in accordance with standards of Annabella Town and shall include a chip seal and micro surface coat.
 - a. Any development with all lots larger than 2 acres shall not be required to finish the roads with bituminous surface course. A six (6) inch road base is required. The town will not be responsible to provide bituminous surface course in the future on these roads, unless a special service district is set up in the subdivision.
- A. Groundwater. In areas where groundwater table is a concern, the Subdivider shall protect the structures from groundwater by:
1. Digging at least one test hole per acre or part thereof, at locations approved by the Town Engineer, and determining the depth of the groundwater table and the permeability and percolation rate of the soils. These tests shall be performed by a qualified soils engineer at the Subdivider's expense.
 2. Preparing a detailed groundwater plan for the subdivision. showing the minimum level of all floors and crawl spaces. If any floor or crawl space is to be installed within one foot or below the groundwater table or where the permeability and percolation rate of the soil is not adequate, the Subdivider shall install a groundwater drainage system, with a lateral provided to each lot for a footing drain.

3. Making improvements to adequately remove groundwater and prevent groundwater entry into buildings, including crawl spaces.
 4. Preventing the discharge of surface water drainage into the groundwater drainage system.
- B. Water Supply.** A subdivider must install water lines to make adequate water supplies available to each lot within a subdivision, including laterals to the property line of each lot. Water mains of not less than eight inches in diameter shall be put in the streets, and the subdivider shall extend existing water mains in the community water system from the nearest available suitable source to the subdivision at the subdivider's expense and in accordance to Town standards as adopted by resolution. Larger water lines may be required to meet future growth needs. All water lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision on all existing or proposed City streets.
- C. Sewage Disposal.** A subdivider must certify in written form from the Local Health Department to the Town Council prior to approval that all lots in the subdivision are tested and found adequate for installation and operation of septic tank systems in concurrence with Local Health Department regulations.
- D. Storm Water.** The subdivider shall to dispose of stormwater. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements. In new subdivisions, a plan shall be submitted showing a drainage plan with barrow ditches and disposal method for storm water. Storm water shall not be discharged or disposed of in such a way as to harm or cause damage to adjacent properties.
- E. Fire Hydrants.** Fire hydrants shall be installed by the subdivider prior to the completion of the subdivision and shall be in compliance with standards adopted by the local jurisdiction. Fire hydrants shall be located a maximum of 500 feet apart. A fire hydrant shall also be placed at the end of every dead-end water line, including the end of cul-de-sac ends. Size and type of hydrants shall be approved by Annabella Town prior to installation. All hydrants shall have adequate thrust blocking or restrained joint type fittings.
- F. Street Lights.** A subdivider shall be required to provide street lights as recommended by the planning commission.
- B. Street Drainage.** Street drainage and drainage structures shall be required where deemed necessary by the Town Engineer.
- C. Street Signs.** The Subdivider shall pay the cost of traffic control, street identification, and other street signs, installed by the Town. The cost will be charged to the Subdivider and shall be paid before the plat is recorded. The improvement assurance in the subdivision will not be released until after payment of the costs incurred to install the necessary street signs have been made.
- G. Electric Utilities.** Power lines will be installed below ground. The subdivider shall bear the cost of materials and installation. Power lines shall meet all standards of the National Electric Code.
- H. Monuments And Lot Staking.**
1. Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type approved by the Land Use Authority and shall conform to current industry standards.
 2. Survey stakes shall be placed at all lot corners so as to completely identify the lot boundaries on the ground.

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

12.3.02 COST OF IMPROVEMENTS

All required improvements shall be made by the owner/developer of the subdivision, at the owner/developer's expense, without reimbursement by the Town and in accordance with related codes, fee schedules, and ordinances.

HISTORY:

Ord. No. 1996-4, 12/10/1996

Ord. No. 2021-03, 10/14/2021, Codified

Ord. No. 2023-03, 8/10/2023, Codified

12.3.03 COMPLETION OF IMPROVEMENTS

- A. Before a subdivision plat may be recorded, and before a building permit may be issued, all improvements required by this Title or other Town ordinances shall be either:
 1. Completed, inspected, and accepted by the Town, or
 2. Guaranteed according to Section 12.3.04.
- 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 Town Engineer shall be responsible for conducting such inspections. Improvements shall be accepted only if they conform to applicable Town ordinances and do not pose a risk to public health or safety. All public improvements are subject to the warranty described in Section 12.3.04
- D. The provisions of this Title do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

12.3.04 IMPROVEMENT GUARANTEES

- A. If the applicant elects to guarantee a required improvement, the applicant shall provide a completion assurance for 110% of the cost of the improvement, guaranteeing that the improvements will be completed within one year 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. Corporate Bond. The applicant may furnish a bond with corporate surety, which bond shall be approved by the Town Attorney and filed with the Town Clerk.
 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 Clerk.
 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 Clerk.

- 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.

HISTORY:

Ord. No. 1996-4, 12/10/1996

Ord. No. 2021-03, 10/14/2021, Codified

Ord. No. 2023-03, 8/10/2023, Codified

12.4 DESIGN STANDARDS

12.4.01 GENERAL STANDARDS

- A. **Incorporation of Town Engineering and Design Standards.** Any standards adopted by the Town Council by ordinance or resolution pertaining to the design, engineering, or construction of improvements are hereby incorporated by reference. Any applicant for a subdivision or developer of a lot shall comply with said standards as well as with those described in this Chapter.
- B. **Design.** The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil and trees and vegetation.
- C. **Potential Hazards.** Land subject to hazardous conditions such as land slides, mud flows, rock falls, ground subsidence, shallow water table, open quarries, floods, and polluted water supply shall be identified and shall not be subdivided until the hazards have been eliminated or evidence submitted that said hazards will be eliminated by the subdivision and construction plans.
- D. **Drainage Improvements.** Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work, and shall be shown graphically. The drainage system shall handle all runoff generated within the subdivision by a 10 year storm for a sufficient length of time so as to prevent flooding and erosion. Routing of water generated by a 100 year storm shall also be provided. Detention/retention storage shall be designed so that the developed peak storm discharge does not exceed the pre-developed peak storm discharge in the 10-year event. All appropriate designs, details, and dimensions need to explain clearly proposed construction materials and elevations shall be included in the drainage plans. The developer shall take all necessary measures to prevent eroded soils and sediments from discharging a construction site. All storm drainage systems, including storm water detention/retention, shall be cleared of all silt/sediments prior to final acceptance of the subdivision.

HISTORY:

Ord. No. [1996-4](#), 12/10/1996, Amended

Ord. No. [2010-03](#)

Ord. No. [2021-03](#), 10/14/2021, Codified

Ord. No. [2023-03](#), 8/10/2023, Codified

12.4.02 STREETS

- A. **Street widths.** Major and collector streets shall conform to the width assigned on the master street plan whenever a subdivision falls in an area for which a master street plan has been adopted. Where a master street plan has not been completed at the time the preliminary plan is submitted to the planning commission, streets shall be provided as follows:
 - 1. Residential streets shall have a minimum width of fifty-seven (57) feet. Residential streets provide access to residential property and land adjacent to collector streets. They serve travel over relatively short distances. These streets are usually the majority of the streets in a community less than 5,000 population.
 - 2. Collector streets shall have a minimum width of eighty (80) feet. Collector streets link traffic generators such as public schools, parks, or shopping areas. They link routes of higher classifications such as arterial. Their function is to distribute traffic to local/residential streets.

3. Arterial streets shall have a minimum width of one hundred six (106) feet, or as shown on the master plan, whichever is greater. Arterial streets link cities and other larger traffic generators (such as resort areas) which attract travel over long distances. They provide service for intercounty and interstate travel. These routes are expected to provide for relatively high travel speeds and minimum interference to through traffic.
 4. Minimum width of roadway wherever curb and gutters are installed (face to face of curb) shall be as follows:
 - a. For residential streets - 40 feet.
 - b. For collector streets - 59 feet.
 - c. For arterial streets - 85 feet, or conform to master street plan, whichever is greater.
 5. Rural residential roadways shall have a minimum right-of-way of fifty-seven (57) feet with a surfaced roadway width of twenty four (24) feet.
- B. **Reverse curves.** Reverse curves shall have a tangent of at least ninety (90) feet unless in the opinion of the planning commission such is not necessary.
- C. **Street intersection.** Streets shall intersect each other as near as possible at right angles. Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees. Offsets in street alignment of more than ten (10) feet or less than one hundred twenty (120) feet shall be prohibited.
- D. **Street grades.** Minimum street grades of 0.6 percent will be required with the maximum grade being 7 percent for collector streets and 10 percent for minor streets. Where the observance of this standard is unfeasible, the planning commission shall have the power to grant an exception when special pavement surfaces and adequate leveling areas are installed or in the opinion of the planning commission the best subdivision of the land is thereby secured.
- E. **Street curves.** Where the street lines within a block deflect from each other at any one point more than ten (10) degrees, there should be a connecting curve. The radius of the curve for the inner street line should not be less than 350 feet for major streets, 250 feet for an important neighborhood street, and 100 feet for minor streets.
- F. **Curbs.** Curbs at all intersections shall be rounded with curbs having a minimum radius of 15 feet for minor streets and 25 feet for collector and major streets. Property lines at street intersections should be rounded with a curve where necessary to fit the curb radius. Curb construction shall comply with ADA requirements.
- G. **Street names.** Street names will not have unique names, but must conform with the current address system.
- H. **Street dedications.** All streets should be dedicated for public use. The dedication of half streets in any subdivision is prohibited.
- I. **Relations to adjoining street system.** The arrangement of the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) unless variations are deemed necessary by the planning commission, insofar as such may be deemed necessary by the planning commission, for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the planning commission, it is desirable to provide for street

access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.

1. Streets leading to a proposed subdivision or development shall be brought to required standards for width and surface. The developer shall bear the full responsibility for completion of the above ground improvements. The town will not accept a street until it is brought up to standards.
 2. It shall be the developer's responsibility for relocation of utilities, if needed.
- A. **Cul-de-sacs.** (End turn arounds). Each cul-de-sac shall have a minimum right-of-way width of fifty-seven (57) feet and must be terminated by a turn around of not less than ninety (90) feet in diameter. Surface water must drain away from the turn-around, except that where surface water cannot be drained away from the turn-around along the street, due to grade, necessary catch basins and drainage easements shall be provided. Cul-de-sacs shall be a maximum of 500 feet as approved by the town council.
- B. **Easements.** Where alleys are not provided, easement of not less than ten (10) feet on each side of all rear lot lines and side lines will be required where necessary for poles, wire, and conduits, storm, gas and water mains, and other public utilities. Easements of greater width may be required along property lines where necessary for surface overflow or similar utilities.
- C. **Protection strips.** Where subdivision streets parallel contiguous property of other owners, the subdivider may retain a protection strip not less than one foot in width between the street and adjacent property, provided that an agreement approved by the town has been made by the subdivider, contracting to dedicate the one foot or larger protection strip free of charge to the town for street purposes upon payment by the owners of the contiguous property to the subdivider of a consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half the land in the street at the time of the agreement together with the interest at a fair rate from the time of the agreement, until the time of subdivision of such contiguous property.
- D. **Parks, school sites, other public spaces.** Provision for public use. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other areas for public use. any provision for such open spaces shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to, or acquired by, the appropriate agency. If any such proposed public area have not been purchased at a fair price by the agency within one year after the recording of the final plat, such areas may be divided into lots and sold by the subdivider in accordance with lot requirements of this ordinance. When any such public space is shown on the preliminary plat, a copy of such plat shall be made available to the appropriate public agency for its consideration within a reasonable time after receipt of copies of the plat by the town council.

HISTORY:

Ord. No. [1996-4](#), 12/10/1996

Ord. No. [2021-03](#), 10/14/2021, Codified

Ord. No. [2023-03](#), 8/10/2023, Codified

12.4.03 LOTS

- A. **Building sites.** The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for building and be properly related to topography and conform to the requirements set forth herein.
- B. **Lot sizes.** All lots shown on the subdivision plan must conform to the minimum requirements of the zoning title, for the zone in which the subdivision is located, and to the minimum requirements of the town council. The minimum width for lots shall be as required by the zoning title for area and shall not be less than 75 feet at the setback line. The minimum area of a lot shall be not less than fourteen thousand (14,000) square feet, .32 acres, so as to provide adequate area for the sewage disposal system to operate properly and to adequately use lots for the purpose in which they are designed.
- C. **Frontage on street.** Each lot shall abut on a street. The width of the lot at the 30' property line must be 107'.
- D. **Double frontage lots shall be prohibited.** This does not include corner lots.
- E. Corner lots shall have extra width for maintenance of required setbacks.
- F. Remnants of lots below minimum size left over must be attached to adjacent lots rather than allowed to remain as unusable parcels.
- G. **Drainage.** Lots shall be designed in such a manner as to eliminate any flooding or pollution of adjacent properties, and homes.
- H. Side lines of lots shall be approximately at right angles, or radical to the street lines.
- I. In proposed subdivisions with irrigation ditches running adjacent to the frontage or within the area to be subdivided, the subdivider shall provide culverts or bridges in conformance with town standards and or irrigation company standards for the purpose of providing property access to each lot in the proposed subdivision. In not cases shall the culvert or bridge be less than twelve (12) inches in diameter and twelve (12) feet long.
- J. The fencing of canals, open ditches, and waterways, non-access streets, open reservoirs or bodies of water, and other such features judged by the planning commission to be of a potential hazardous nature, shall be required in a manner satisfactory to the planning commission.
- K. Once a subdivision has been approved into individual lots, it shall be unlawful for the owner to re-subdivide such lot, even though the acreage may be sufficient without first obtaining the approval of the town council.

HISTORY:

Ord. No. [1996-4](#), 12/10/1996

Ord. No. [2021-03](#), 10/14/2021, Codified

Ord. No. [2023-03](#), 8/10/2023, Codified