

CENTERFIELD CITY, UTAH

ORDINANCE NO. 2024-3

SUBDIVISION ORDINANCE AND CODIFICATION

AN ORDINANCE REVISING THE SUBDIVISION ORDINANCE OF CENTERFIELD CITY, UTAH

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERFIELD, UTAH:

SECTION I: The document titled "11 Subdivisions and Annexations", attached as Exhibit 'A', is hereby adopted as a replacement for the currently existing Title 11 Subdivision and Annexation of the City's ordinances (governing the subdivision of land within the City), subject to any immaterial changes that may occur post-adoption during the codification process. This document shall be accepted in all courts without question as the official subdivision ordinances of the City as enacted by the City Council.

SECTION II: If any provisions of the City's code previously adopted are inconsistent herewith, they are hereby repealed.

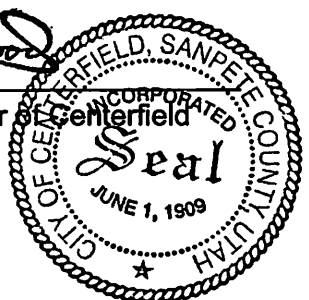
SECTION III: This ordinance being necessary for the peace, health, and safety of the municipality, shall become effective immediately upon posting.

PASSED and ADOPTED this 4th day of December, 2024 by Centerfield City council.

ATTEST:


Lacey Belnap, Centerfield City Recorder


Travis Leatherwood, Mayor of Centerfield



CITY COUNCIL OF CENTERFIELD CITY VOTE AS RECORDED

	AYE	NAY	ABSENT
Bart Hammond, Councilmember	<u>X</u>	_____	_____
Brittney Fisher, Councilmember	<u>X</u>	_____	_____
Jon Hansen, Councilmember	<u>X</u>	_____	_____
Jonah Christensen, Councilmember	<u>X</u>	_____	_____
Ryan Stewart, Councilmember	<u>X</u>	_____	_____

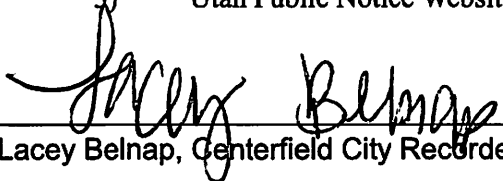
RECORDED this 9 day of December, 2024

PUBLISHED/POSTED this 9 day of December, 2024

CERTIFICATE OF PASSAGE AND PUBLICATION/POSTING

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

- 1) Centerfield City Hall
- 2) Centerfield City Old Rock Church;
- 3) Utah Public Notice Website



Lacey Belnap, Centerfield City Recorder

Exhibit 'A': Title 11 – Subdivision and Development

TITLE 11: SUBDIVISIONS AND ANNEXATIONS

11.01 GENERAL

11.01.01 PURPOSE

The purpose of this Title is to:

- A. To facilitate the orderly development of the City.
- B. To implement the City major street plan.
- C. To facilitate the development of a safe and efficient street system.
- D. To facilitate the orderly transfer of the ownership of building sites in a manner consistent with state law.
- E. To ensure the providing of adequate water, sewer, drainage, utilities and other services to developing areas of the City.
- F. To establish the rights, duties and responsibilities of subdividers with respect to the development of land within the City.
- G. Comply with Utah Code (notably §10-9a-6).
- H. Promote the health and general welfare of the City's current and future residents by standardizing subdivision design and improvements.

11.01.02 SCOPE OF APPLICABILITY

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

11.01.03 INTERPRETATION AND CONFLICT OF LAWS

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

11.01.04 APPROVED AND RECORDED DOCUMENTS REQUIRED

- A. No land shall be subdivided which is located wholly or in part in the City, 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.
- C. No person shall subdivide any tract of land within the incorporated limits of the City, nor shall any person sell, exchange, purchase or otherwise convey a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a subdivision, as defined by this Title, unless and until a final plat, prepared in accordance with the provisions of this Title, shall have been first approved by the City and recorded in the County Recorder's Office.

11.01.05 PENALTY FOR NONCOMPLIANCE

- A. It is unlawful to transfer ownership of any parcel of land pursuant to an invalid subdivision. The

City may, in its discretion, void such transfers.

- B. Any person who attempts to convey a parcel or develop land in contradiction of this Title shall be criminally liable for a Class C Misdemeanor with a \$500 fine per lot.

11.01.06 DEFINITIONS

The following words and phrases, as used throughout City ordinances, shall have the following meanings. If conflicts arise, definitions in a particular Title, Chapter, or Section shall apply narrowly to only that Title, Chapter, or Section. Words and phrases not defined in City ordinances shall have the meaning defined in state law. Words and phrases not defined in City ordinances or state law shall have their plain meaning in common usage:

- A. "Association" means the same as that term is defined in Utah Code Section 57-8a-102, as amended.
- B. "Common Area" means property that an Association:
 - 1. Owns;
 - 2. Maintains;
 - 3. Repairs; or
 - 4. Administers.
- C. "Common Area And Facility" means:
 - 1. The land included within the condominium project, whether leasehold or in fee simple;
 - 2. The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances, and exits of the building;
 - 3. The basements, yards, gardens, parking areas, and storage spaces;
 - 4. The premises for lodging of janitors or persons in charge of the property;
 - 5. Installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, and incinerating;
 - 6. The elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use;
 - 7. Such community and commercial facilities as may be provided for in the declaration; and
 - 8. All other parts of the property necessary or convenient to its existence, maintenance, and safety, or normally in common use.
- D. "Condominium" means a multi-unit development in which individual units are separately owned and each owner receives a recordable deed to the unit, together with an undivided interest in any common elements. A condominium development shall be regarded as a subdivision.
- E. "Declarant" means:
 - 1. The person who executes a declaration and submits it for recording in the office of the recorder of the county in which the property described in the declaration is located; and
 - 2. Includes the person's successor and assign.
- F. "Facility owner" means the same as that term is defined in state law and includes a canal owner or associated canal operator contact described in various sections of state law.
- G. "Improvement plan" means a plan, including engineering drawings, 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.

- H. "Improvement Warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:
 - 1. Complies with the municipality's written standards for design, materials, and workmanship; and
 - 2. Will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.
- I. "Land use application" means an application required by the City and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.
- J. "Land use authority" means an individual, board, or commission appointed or employed by a municipality to make land use decisions. "Land Use Authority" includes any appropriately authorized designees.
- K. "Period of Administrative Control" means the period which the person who filed the association's governing documents or the person's successor in interest retains authority to:
 - 1. Appoint or remove members of the association's board of directors; or
 - 2. Exercise power or authority assigned to the association under the association's governing documents.
- L. "Plat" means 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).
- M. "Public landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:
 - 1. Will be dedicated to and maintained by the municipality; or
 - 2. Are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.
- N. "Review Cycle", as used and further defined in Section 11.02.04.C, means the occurrence of the applicant's submittal of a complete subdivision application; the City's review of that subdivision application; the City's response to that subdivision application; and the applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.
- O. "Subdivision" means 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;
 - a. 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;
 - b. 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;
 - c. A joining of one or more lots to a parcel;
 - d. A road, street, or highway dedication plat;
 - e. A deed or easement for a road, street, or highway purpose; or
 - f. Any other division of land authorized by law.
- P. "State engineer's inventory of canals" means the state engineer's inventory of water conveyance systems established in state law.
- Q. "Water conveyance facility" means 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.

11.01.07 SUBDIVISION LAND USE AUTHORITY

- A. The Land Use Authority for preliminary applications under this Title is the Planning and Zoning Commission. For purposes of subdivision applications, the Planning and Zoning Commission shall be ultimately responsible for the following, but may delegate any task to the City Engineer, City staff, or members of the Planning and Zoning Commission:
- 1. Rendering land use decisions related to preliminary applications under this Title, including approving or denying preliminary applications.
 - 2. Reviewing all preliminary applications under this Title in an impartial manner and according to the standards and deadlines described in this Title.
 - 3. Holding public meetings and hearings for reviewing preliminary applications as required by this Title.
 - 4. Providing feedback to applicants on their preliminary applications in the manner required by this Title.
 - 5. Scheduling and holding a pre-application meeting with potential applicants as required by this Title. This task is delegated to City staff by default.
 - 6. Keeping subdivision application forms (both preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants. This task is delegated to City staff by default.

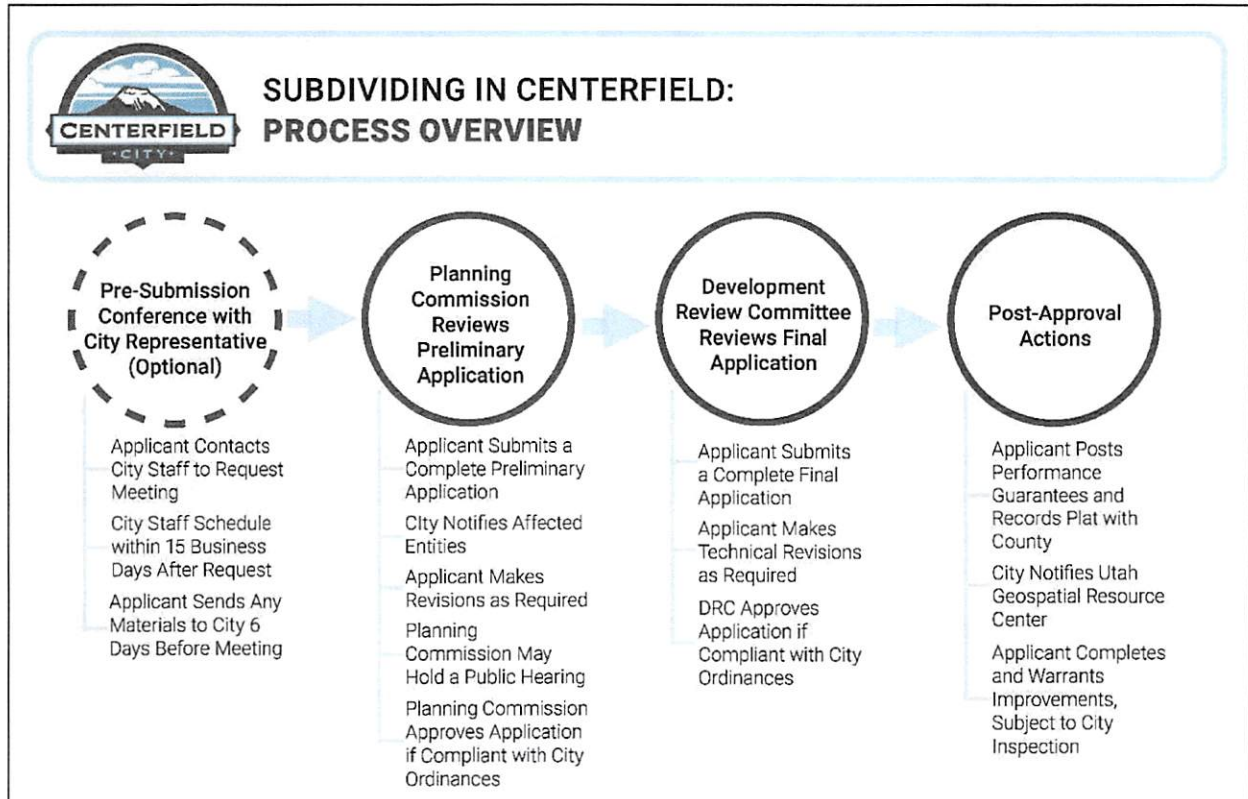
- B. The Land Use Authority for final applications under this Title is the Planning & Zoning Commissioner. For purposes of subdivision applications, the Planning & Zoning Commissioner shall be responsible for the following, but may delegate any task to City staff:
1. Rendering land use decisions related to final applications under this Title, including approving or denying final applications.
 2. Reviewing all final applications under this Title in an impartial manner and according to the standards and deadlines described in this Title.
 3. Providing feedback to applicants on their final applications in the manner required by this Title.
 4. Providing notice to entities and parties as required by this Title.
 5. Signing final application approvals as required by this Title.
 6. Ensuring that documents are properly recorded with the County as required by this Title.
- C. As subdivision application decisions are administrative, not legislative, the Land Use Authorities are authorized to make any land use decision described by this Title without City Council approval.
- D. Except when operating as the Appeal Authority or as otherwise specifically described in this Title, the City Council shall not approve or deny, nor require the Land Use Authority to approve or deny, an application under this Title.

11.01.08 SUBDIVISION APPEAL AUTHORITY

- A. The Appeal Authority for City decisions relating to this Title, except where otherwise noted, is the City Council.
- B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authority and shall hear complaints about the conduct of the Land Use Authority in administering the provisions of this Title.
- C. A party appealing or complaining of a Land Use Authority 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 City in a court of law.
- D. A party who has submitted a subdivision application or petition may appeal or complain to the Appeal Authority under this 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 City Recorder using the Recorder's official City address and/or email account listed on the City website.

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

11.02 SUBDIVISION APPLICATIONS



11.02.01 PRE-SUBMISSION CONFERENCE

- A. A party intending to submit a subdivision application under this Title may request a pre-submission conference with a representative of the City 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.
1. If a party requests a pre-submission conference, City staff shall schedule the meeting with the Planning and Zoning Commission or other City representative (depending on availability) 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 45 business days after scheduling.
 2. The Planning and Zoning Commission or City representative shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the City 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.
- 3. The party requesting the pre-submission conference shall provide to the City an electronic copy and three (3)- 11x17 printed copies of any materials the party desires feedback on at the conference. These copies shall be provided at least six days prior to the conference.

11.02.02 APPLICATION REQUIREMENTS

- A. The City 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 Title and received both a preliminary approval and a final approval from the respective Land Use Authorities.
- B. **PRELIMINARY APPLICATION.** To be considered complete, a preliminary subdivision application must include at least the following elements:
 - 1. **Contact information**, including: the name, address and telephone number of the applicant and the applicant's agent, if there is one, the engineer or surveyor of the subdivision, and the owners of the land immediately adjacent to the land being subdivided.
 - 2. **An approved land use (zoning) application** that describes how the property will be used after it is subdivided.
 - a. If the intended use is permitted by right under City ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
 - b. If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an *approved*, City-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
 - c. If the intended use is prohibited under City ordinances and requires a variance, the land use application must include an *approved*, City-issued variance authorizing the intended use. Should an applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.
 - 3. **A vicinity map** that shows the perimeter of the plat, access points, abutting subdivision outlines and names, and other relevant information within five hundred feet (500') of the perimeter of the preliminary plat.
 - 4. **A preliminary plat.** The preliminary 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 preliminary plat must include:
 - a. The proposed subdivision name, which must be distinct from any subdivision name on a plat recorded in the County Recorder's office.
 - b. The location and legal description of the land to be subdivided.
 - c. A north point arrow and scale.
 - d. The boundary lines of the tract proposed to be subdivided.
 - e. The boundaries, course, and dimensions of all proposed parcels.

- f. The proposed lot or unit reference; block or building reference; street or site address; and acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.
- g. All proposed and existing streets.
- h. The proposed names of streets and blocks. Streets, lots, and blocks should be numbered consecutively.
- i. Where the plat submitted covers only a part of the developer's land, or is part of a larger vacant area, the plat shall show the location of the subdivision as it forms part of a larger tract or parcel. In such a case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
- j. Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.
- k. The location of all existing and proposed canals and major ditches, bridges, culverts, drains and sprinkler systems.
- l. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.
- m. The size and location of all existing and proposed water mains, fire hydrants, storm drainage facilities, curb, gutter and sidewalk improvements, irrigation lines and ditches and appurtenant improvements, and any other proposed or required facilities.
- n. The proposed location of the building setback lines.
- o. The location, width, and other dimensions of proposed lots, streets, alleys, easements, parks, and other open spaces intended for dedication to the public, labeled as such.
- p. The landowners adjoining the land to be subdivided and the boundary lines of adjacent tracts of unsubdivided land, showing ownership and property monuments.
- q. 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).
- r. If any portion of the proposed subdivision is within 1,000 feet of an Industrial Protection Area, the notice language found in Utah Code §17-41-403(4).
- s. 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).
- t. 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).
- u. 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 City ordinances), the notice language found in Utah Code §10-9a-904.

- v. If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.
 - w. Signature blocks for the owners of the land to be subdivided, the surveyor who prepared the plat, the Planning and Zoning Commissioner, Planning and Zoning Commission Chair, the Mayor, a Notary Public, and the City Recorder to attest.
5. **An improvement plan**, including engineering drawings, created in accordance with applicable portions of Chapters 12-03 and 12-04 of this Title, for all public improvements proposed by the applicant or required by City ordinances. In addition to the requirements in Chapters 12-03 and 12-04, the improvement plan must contain:
- a. An itemized engineer's estimate of the cost of completing the required improvements and a statement indicating the type of performance guarantee proposed to be offered as security for construction of the required public improvements.
 - b. An engineer's certification that the plan is accurate.
 - c. Engineering drawings showing the proposed cross section for all streets within or adjacent to the subdivision (including placement of blacktop, curb, gutter, sidewalk, water lines, and other street improvements, the proposed road grades, irrigation pipes and ditches and the proposed engineering treatment of any proposed canal or ditch piping and any culverts and bridges, storm water retention facilities, or other significant engineering features.
 - d. A feasibility study that demonstrates the feasibility of the proposed water and sewage systems necessary to meet the requirements of this Title.
 - e. A traffic study, if one is required by an applicable UDOT Access Management Plan.
6. **Proof of water rights.** Applicants shall provide proof of sufficient water rights to develop all proposed parcels according to the improvement plan or an economically feasible strategy for obtaining the water rights.
7. **Letters of approval** from the culinary water authority and the sanitary sewer authority. A recommendation from the local fire authority and the public safety answering point is also encouraged.
8. **Certifications**, including:
- a. An affidavit from the owner/ 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

iii. Has placed monuments as represented on the plat.

9. Copies:

- a. An electronic copy of all plans in PDF format.
- b. Three (3) copies of the plat printed on 11x17.
- c. An electronic copy of the Final Plat uploaded to ZipFlow.

10. Fees: Payment of any preliminary-application-processing fees required by the City (see the City's Fee Schedule), plus the cost of any outside engineering, legal, or consulting services the City requires to review the application.

C. FINAL APPLICATION. To be considered complete, a final subdivision application must include the following:

- 1. **The approved land use (zoning) application** that was accepted and approved during the preliminary application review process.
- 2. **A final plat.** The final plat should be the version of the preliminary plat approved by the Planning and Zoning Commission 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.
- 3. **A performance guarantee** for all public improvements required by the improvement plan approved during the preliminary process.
- 4. **Certifications**, including:
 - a. A Title Report 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 owner/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 and their dedication and approval of the final plat.
 - e. Documents indicating full compliance with the water rights conveyance requirements of City ordinances.
- 5. **Binding dedication documents**, including:
 - a. As applicable, formal, irrevocable offers by the landowners for dedication to the City of streets, City 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.

6. Copies, including:

- a. One electronic copy of the final plat in AutoCAD format (DWG or DXF), with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to.
- b. An electronic copy of the Final Plat uploaded to ZipFlow.
- c. A PDF document of the final plat and all other plans and supporting documents required by this Chapter.
- d. Three (3) Copies of the Final Plat, for Planning and Zoning Commission, made to the size of 11x17.
- e. Three (3) Copies of the recording-ready final plat on Mylar to be signed.
 - i. One to be kept by the City and two to take to the County.

7. Fees. Payment of any final-application-processing fees required by the City (see the City's Fee Schedule), plus the cost of any outside engineering, legal, or consulting services the City requires to review the application.

- D. The Land Use Authorities shall produce, maintain, and make available to the public a list of the specific items that comprise complete preliminary and final applications and a breakdown of any fees due upon submission or approval of the applications.
- E. The Land Use Authorities may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the City relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of City residents.
- F. Notwithstanding the requirements of this Section, the Land Use Authorities may waive specific application requirements on a case-by-case basis and consider a preliminary or final application "complete", whether during a pre-application meeting, during the application review period, or both.

11.02.03 NOTICE TO AFFECTED ENTITIES

- A. Within 15 calendar days after receiving a complete subdivision application under this Title, City staff shall provide written notice of the proposed subdivision to the facility owner of any 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, City staff shall review information:
 - a. From the facility owner under Utah Code §10-9a-211, using mapping-grade GPS 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 the owners of water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authorities shall not approve a subdivision application under this Title 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.

11.02.04 REVIEW

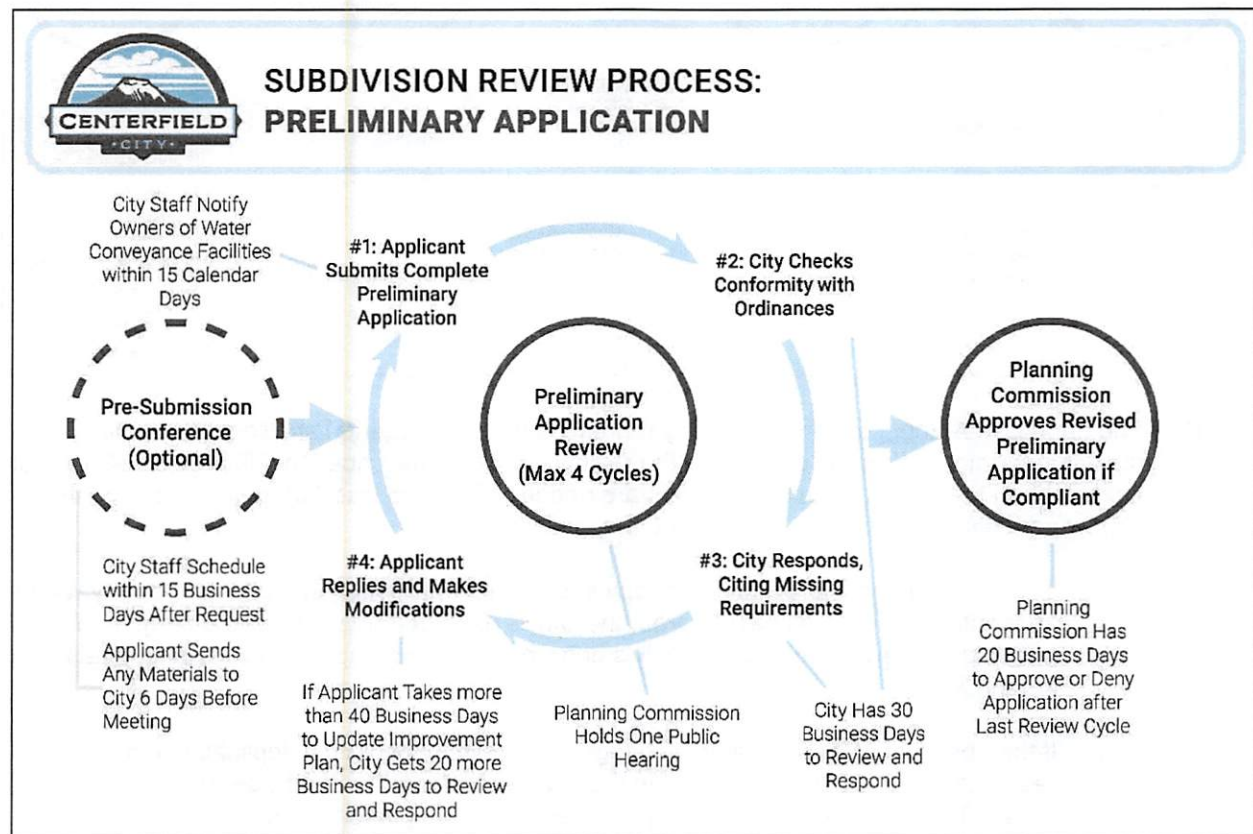
- A. The Land Use Authorities shall review all subdivision applications in accordance with the requirements of this Section before approving or denying those applications.
- B. For both preliminary and final applications, the review process begins when an applicant submits a complete application.
 1. 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 City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
 - a. 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.
 - b. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

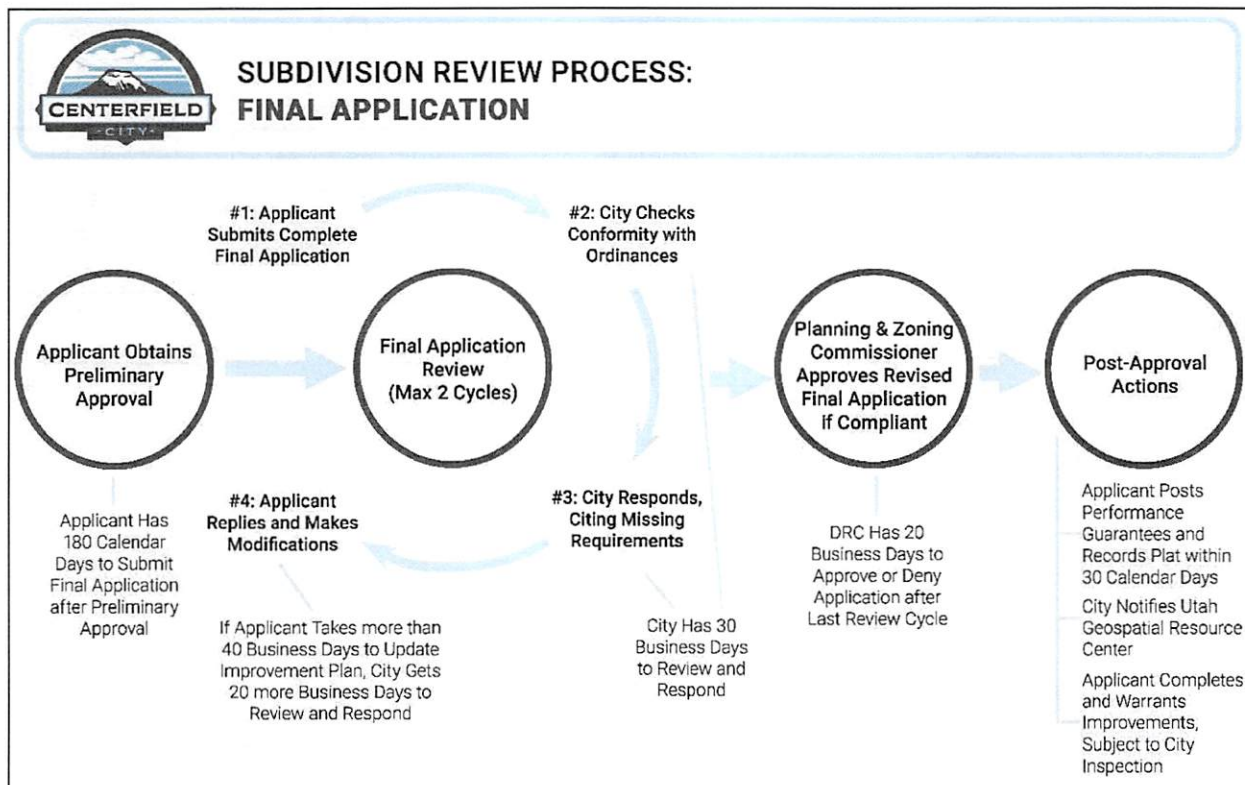
Table 11.02.04 – Review Cycles, Hearings, and Timelines by Subdivision Use Type
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<i>Use Type</i>	<i>Approval Stage</i>	<i>Max Review Phases</i>	<i>Max Public Hearings</i>	<i>City Turnaround Deadline*</i>	<i>Applicant Turnaround Deadline**</i>
All Zones/Uses	Preliminary	4	1	30 Business Days	180 Calendar Days
	Final	2	0	30 Business Days	180 Calendar Days

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

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





- D. The Land Use Authorities (and other City representatives and agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table 11.02.04, except as described below. If no further revisions are needed, the Land Use Authorities may end the review period 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 City is exempt from limits on the number of permitted review cycles and the City'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 City 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 City requests for modifications and additions (Phases #1 and #4), the City 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 City'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 180 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 last allotted review cycle for a phase is complete, the Land Use Authority shall approve or deny the preliminary or final application within 20 business days.
1. If the Land Use Authority has not approved or denied the application within 20 business days after the last allotted review cycle, the applicant may request a final decision. After such a request, the City shall, within 10 business days:
 - a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
 - b. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.
- F. After the Land Use Authorities provide comments in the last allotted review cycle, the municipality shall not require further modifications or corrections unless those modifications or corrections are needed to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.
1. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the City waives noncompliant subdivision-related requirements that the Land Use Authorities do 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 City may conduct one or more public hearings (up to the number described in Table 11.02.04) 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 City 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 City shall not hold a public hearing during the review period for a final application under this Chapter.
- H. Other Chapters of this Title notwithstanding, the Land Use Authorities shall approve or deny a subdivision application under this Title after reviewing a complete subdivision application as described in this Section.

11.02.05 APPROVAL

- A. The Land Use Authorities shall approve any complete subdivision application made under this Title that complies with applicable City ordinances and any additional requirements in state law.
- B. The Land Use Authorities shall issue all approvals in writing and shall certify the approved plat, either by signing the plat directly or by attaching a signed certification to the plat.

- C. The Land Use Authority's approval of a plat operates, when recorded, as an acceptance of the dedication of any streets or public places, as long as funding is available, and vests the fee of those parcels of land in the City for the public for the uses named or intended in the plat. However, such a dedication does not impose liability upon the City for public streets and other public places that are dedicated in this manner but are unimproved unless adequate financial assurance has been provided in addition to the City accepting the dedication.
- D. The Land Use Authorities may refuse to approve or renew any plat, subdivision plan, or dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the plat or subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar panels or other energy-conservation techniques from being installed on buildings erected on lots or parcels covered by the plat or subdivision.

11.02.06 POST-APPROVAL ACTIONS

- A. The applicant shall record the approved subdivision plat with the County Recorder's Office within 30 days after the City approves the subdivision application, provided that the applicant has provided all performance guarantees required by Chapters 11.03 and 11.04 of this Title. The applicant shall not record the approved subdivision plat until the applicant has provided all such required guarantees.
- B. An approved plat not properly recorded within the timeline specified in 11.02.06.A is void, unless the Planning and Zoning Commission approves an extension.

11.02.07 EXCEPTIONS TO SPECIFIC APPLICATION REQUIREMENTS

A. Agricultural Land:

- 1. Applications to subdivide agricultural land are exempt from the preliminary and final *plat* requirements (but not the other application requirements) of Section 11.02.01 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 City 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 City—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.
- 3. If the City approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the City, with the County Recorder's Office. This shall be done in the same manner as is done for a plat under Sections 11.02.06 and 11.02.07.
- 4. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall no longer be exempt under this Section and shall be required to conform to typical plat requirements. The City may, in its discretion, impose the penalty in Section 11.01.05 and/or require a subdivision amendment or new subdivision application before issuing a building permit.

B. Development Agreements:

- 1. Subdivisions platted in a valid development agreement are exempt from the application and review and approval requirements of this Title.

2. Clauses in a valid development agreement with the City 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 City residents.

11.02.08 AMENDING A SUBDIVISION

- A. The City 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, as shown on the last county assessment roll, in a platted subdivision may request a material subdivision amendment by filing a written petition with the City Council. This petition must meet all the requirements for a preliminary subdivision application specified in Section 11.02.01, with the following changes:
 1. The preliminary plat (or the record of survey map, if applicable) should:
 - a. Depict only the portion of the subdivision that is proposed to be amended;
 - b. Include a plat name distinguishing the amended plat from the original plat;
 - c. Describe the differences between the amended plat and the original plat;
 - d. Include references to the original plat; and
 - e. Meet all the other plat requirements specified in Section 11.02.01(A).
 2. The petition must additionally include:
 - a. the name and address of each property owner affected by the petition; and
 - b. the signature of each of those property owners who consents to the petition; and
 - c. certification from the surveyor who prepared the amended plat.
 - i. The surveyor must meet the requirements as stated in Section 11.02.01(5)(c) of this Title.
 3. The petitioner must include with the petition envelopes addressed to each property owner in the subdivision.
- D. Upon receipt of an amendment petition, the City Council (or City staff, as delegated) shall provide notice of the petition to:
 1. Each utility provider that services a parcel of the subdivision. The City shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers. The City may notify the utility providers in any effective manner (email, mail, etc.).
 2. Each property owner in the subdivision. The City shall notify these property owners by mail.
- E. The City 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:
 1. A property owner objects in writing to the amendment within 10 days of the City notifying

the property owner by mail, or

2. Not every property owner in the subdivision has signed the revised plat.
- F. The City Council may not approve a petition for a subdivision amendment unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.
- G. Notwithstanding Section 11.02.08(E), the City 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:
1. Join two or more of the petitioner's contiguous lots;
 2. Subdivide one or more of the petitioner's lots;
 3. 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;
 4. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
 5. 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.
- H. The City Council may approve the vacation or amendment of a plat by signing the amended plat showing the vacation or amendment if the City Council finds that:
1. There is good cause for the vacation or amendment; and
 2. No public or private harm; and
 3. No public street or municipality utility easement has been vacated or amended.
- I. If the City Council approves the amendment petition, the Mayor shall sign the amended plat in the manner described in Section 11.02.06(C).
- J. The petitioner shall then record the plat, subject to the completion or guarantee of any improvements, as described in Section 11.02.07, after the plat has been signed, acknowledged, and dedicated by each owner of the portion of the plat that is amended.

11.02.09 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 and Zoning Commission requests.
- B. If the adjustment will not result in a violation of a land use ordinance or an adverse development condition, the Planning and Zoning Commission shall approve the petition.
- C. If the adjustment is approved, the Planning and Zoning Commission shall sign the record of

survey map and accompanying metes-and-bounds description.

D. The petitioner shall record in the County Recorder's Office:

1. A notice of lot line adjustment that:
 - a. Is approved by the Land Use Authority; and
 - b. Recites the legal descriptions of both the original properties and the properties resulting for the exchange of title; and
2. A document of conveyance.

11.03 SUBDIVISION IMPROVEMENTS

11.03.01 REQUIRED IMPROVEMENTS

The following improvements are required for all subdivisions, except those that qualify under the Agricultural Land exemption of Section 11.01.11(A):

- A. Utilities, including water, sewer, telephone, cable, gas, and electricity.
- B. Streets, curbs, gutters, and sidewalks.
- C. Street Grading and Surfacing.
- D. Storm Water Drainage.
- E. Fire hydrants.
- F. Street lights, signs, and monuments.
- 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 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.

11.03.02 COST OF IMPROVEMENTS

All required improvements shall be made by the applicant/developer, at their expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

11.03.03 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 City ordinances shall be either:
 - 1. Completed, inspected, and accepted by the City, or
 - 2. Guaranteed according to Section 11.03.05.
- B. All improvements are subject to City inspection before such improvements may be accepted by the City or considered complete. Improvements shall be accepted only if they conform to applicable City ordinances and do not pose a risk to public health or safety. All public improvements are subject to the warranty described in Section 11.03.05.
 - 1. The applicant/developer shall, in accordance with the City's Fee Schedule, pay to the City an inspection fee before the City shall accept any improvements.
- C. The provisions of this Chapter do not supersede the terms of a valid development agreement, an

adopted phasing plan, or the state construction code.

- D. In those cases where a performance guarantee has been posted and required improvements have not been installed within the terms of such performance guarantee, the City may thereupon declare the guarantee to be in default and contract with another entity to complete the improvements.

11.03.04 MAINTENANCE OF IMPROVEMENTS

- A. The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of said improvements by the City Council. If there are any certificates of occupancy on a street not dedicated to the City, the City may on twelve (12) hours notice plow the street or effect emergency repairs and charge the same to the applicant. The City will not normally accept water improvements or street improvements or assume responsibility for either general maintenance or snow removal until over fifty percent (50%) of the lots within the subdivision are built upon.
- B. The applicant/developer shall be required to file a maintenance guarantee with the City, prior to acceptance, in an amount considered adequate by the City Engineer in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one (1) year after the date of their acceptance by the City and dedication of same.

11.03.05 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 City shall accept any of the following forms of guarantee for an improvement:
 - 1. Cash Deposit: A deposit of cash in a separate escrow account. Said account shall be made with a financial institution acceptable to the City and shall be established in such a manner that any release therefrom shall require the advance written consent of the City. Any interest derived from the account shall belong to the developer.
 - 2. Performance Bond.
 - 3. Letter Of Credit: An irrevocable letter of credit from a financial institution acceptable to the City. The letter of credit shall be established in such a manner that any release of funds to the developer shall require the advance written consent of the City.
- D. As improvements are completed, inspected, and accepted by the City, the City 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.
 - 1. Subject to maintenance provisions contained in this Code below, the City will not accept dedication of required improvements, or release or reduce a performance guarantee, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" survey plats of, the subdivision, indicating location, dimensions, materials, improvements and other information required by the Planning and Zoning Commission and City Engineer, that the layout of the line and grade of all public improvements is in accordance with the City approved construction plans for the subdivision and that a title insurance policy has been furnished to the City and City Engineer indicating that the improvements have been

completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances.

2. In no event shall a performance guarantee be reduced below 25% retainage of the principal amount until total completion.
- E. The City shall not require improvement guarantees for any of the prohibited uses listed in Utah Code §10-9a-604.5(3)(d), including improvements the City 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 City. 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.

11.03.06 CONSUMER PROTECTION LEGISLATION AND CONFLICTS OF INTEREST

- A. Violations Prior to Permit Issuance: No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.
- B. Revocation of Permits and Certificates of Occupancy: With respect to said lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the City until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.
- C. Penalties for Violation: Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; State "Blue Sky" laws; State subdivision disclosure acts or conflicts of interest statute, law, or ordinance) shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in this Code.

11.04 SUBDIVISION DESIGN STANDARDS

11.04.01 SUBDIVISION DESIGN STANDARDS, GENERALLY

The following standards shall apply to the design and construction of all improvements required by City ordinances:

- A. The current (2017) 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 Centerfield City and references to "engineer" shall mean Centerfield City's engineer.
- B. The current (2017) edition of the Manual of Standard Plans published by the Utah Chapter of the American Public Works Association (APWA), as amended.
- C. All City land use, building, and development ordinances.
- D. Any other requirements in this Title.

11.04.02 LOTS

- A. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the adopted construction and fire codes of the State, this Code, and in providing reasonable driveway access to buildings on such lots from an approved street.
- B. In areas that are determined to be in high fire danger areas, the building sites shall be located or situated in areas of the development that are less hazardous or are naturally clear of hazardous vegetation.
- C. Lot dimensions shall comply with the minimum standards of the Land Management and Development Code. Where lots are more than double the minimum required area for the zoning district, the Land Use Authority may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with this Code and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in this Code.

11.04.03 PLATS STRADDLING MUNICIPAL BOUNDARIES, ANNEXATIONS

- A. Whenever a subdivision is proposed across land under County jurisdiction, the Land Use Authority may require the annexation of the property involved before approving the proposed subdivision. In general, lot lines and/or roads shall not be laid out so as to cross municipal boundary lines. The annexation may be enlarged at the discretion of the City to avoid creating islands or peninsulas of incorporated territory that may be difficult to manage. All annexations must comply with the current annexation policy declarations in force at the time the annexation is proposed or a new annexation policy must be prepared and approved.
- B. If the area in the County is not annexed, the City and County shall work together in a cooperative arrangement or through an interlocal agreement, if necessary, to insure that the portion of development lying in the County is as compatible as possible with the City codes, development regulations and General Plan.

11.04.04 RIDGE LINE AND HILLSIDE DEVELOPMENT

Protection of ridges from development which would be visible on the skyline or from prominent areas or designated vantage points in the City will be maintained. Hillside developments which disturb the rural agricultural character of the City will be prohibited unless it can be shown that the development and improvements will be constructed or clustered in a way to minimize visual impacts on the City.

11.04.05 COMMON AREA/ OPEN SPACE

- A. Units shall be clustered in the most developable and least visually sensitive portions of the site with common open space corridors separating clusters. This applies to both multi-family and single family as well as commercial projects. The open space corridors should be designed to coincide with significant vegetation and in many cases, should be left in the natural state. Open space areas will be the maintenance responsibility of the homeowners unless dedicated to the City. Open space conservation easements dedicated in perpetuity to a City qualified land trust are encouraged to prevent future development in valuable open space.
- B. A person may not separately own, convey, or modify a common open space, on a plat recorded in compliance with this part, independent of the other lots, units, or parcels created by the plat except in compliance with Utah Code §10-9a-606, as amended.

11.04.06 ROADS, UTILITY LINES AND CONCURRENCE

Roads and all utility lines should be designed to work with the existing grade and cut and fill slopes should be minimized. Roads and utilities should be placed so that disturbance of significant vegetation is minimized. All roads and utilities, whether on or off site, must be installed concurrently with the development.

11.04.07 DRAINAGE WAYS AND IRRIGATION DITCHES

Existing natural drainage and irrigation ditches or rights-of-ways should be maintained and designed around. Notification and/or Approval of Irrigation companies for development may be required in certain circumstances as determined by the City if the development impacts irrigation works and/or access.

11.04.08 SOIL CONDITIONS

Consideration must be given to soil conditions and ground water existence and may include appropriate setbacks and conservation requirements.

11.04.09 TRAILS AND SIDEWALKS

- A. Trails and sidewalks should be provided to allow efficient internal circulation as well as links to adjacent trail systems on other properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements.
- B. Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall circulation plan. In most cases, the homeowners will be required to maintain the trails.

11.04.10 LANDSCAPES AND VEGETATION

- A. A separate plan which addresses limits of disturbance and vegetation protection during construction and revegetation of disturbed areas will be required. This shall include construction necessary for all project improvements such as roads and utilities.
- B. The amount of common and private area available for formal landscaping may be restricted. Agricultural uses of open space will be encouraged using irrigation water for watering, not culinary water. Outside irrigation creates a significant water demand if using City culinary water and these types of irrigated areas may be limited in the design of the subdivision.
- C. Building sites or envelopes shall be designed which minimize disturbance of existing vegetation.

11.04.11 FIRE SPRINKLING

Fire sprinkler systems may be required of all projects as determined by the City Fire Department, whether single family or multi-family. This determination is based upon an analysis of the size of structures, vegetation surrounding the structures and location of the project as it relates to Fire Department response time.

11.04.12 STAGGERED FRONT SETBACKS

In new subdivisions, front setbacks may be required to be staggered with consideration of existing site conditions. The minimum front setbacks shall be consistent with the zone in which the subdivision is proposed.

11.04.13 ACCESS FROM MAJOR AND SECONDARY ARTERIALS

Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway

access from an arterial or collector street may be necessary for several adjoining lots, the Land Use Authority may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such streets. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials or collectors.

11.04.14 TOP SOIL PRESERVATION AND FINAL GRADING

All lots shall be recovered with top soil with an average depth of at least six (6) inches over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting. Slope stabilization and erosion control, as determined necessary by the City Engineer, will also be required to be installed according to the approved specification.

11.04.15 LOT DRAINAGE

Lots shall be laid out so as to provide positive drainage away from all buildings in accordance with the International Building Code and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from any lot to adjacent lots.

11.04.16 LAWN-GRASS SEED AND SOD

All lots shall be top soiled and re-vegetated in accordance with this Code to avoid erosion and improve the visual quality of the development. If revegetation is required in a development and conventional landscaping is desired by the developer, at a minimum, lawn-grass seed shall be sown at not less than four (4) pounds to each one-thousand (1,000) square feet of land area. In the spring, the seed shall be sown between March 15 and May 15; and in the fall, the seed shall be sown between August 15 and September 30. All lots shall be seeded from the roadside edge of the unpaved right-of-way back to a distance of thirty (30) feet behind the principal residence on the lot. No final plat approval or certificate of occupancy shall be issued until re spreading of soil and seeding of lawn has been completed; except that between October 1 and March 15, May 15 and August 15, the applicant shall submit an agreement in writing signed by the developer and/or the property owner, with a copy to the Building Official, that re spreading of soil and seeding of lawn will be done during the immediate following planting season as set forth in this Section and leave a cash escrow or letter of credit for performance in such amount as shall be determined by the Building Official in accordance with this Code. Sod may be used to comply with any requirement of seeding set forth herein.

11.04.17 DEBRIS AND WASTE

Unless otherwise approved by the City Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy on a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

11.04.18 FENCING

Each sub divider and/or developer shall be required to furnish and install fences wherever the Planning and Zoning Commission determines upon the recommendation of the Zoning Administrator that a hazardous condition may exist. The fences shall be constructed according to standards to be established by the City Engineer and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

11.04.19 WATER-BODIES AND WATER-COURSES

If a tract being subdivided contains a water body or course, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Land Use Authority may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a City responsibility. No more than twenty-five per cent (25%) of the minimum area of a lot required under the Land Management and Development Code may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installations of a culvert or other structure, of design approved by the City Engineer.

11.04.20 ROADS

A. Frontage on Improved Roads:

1. No subdivision shall be approved unless the area to be subdivided shall have frontage on and/or access from an existing public street unless such street is:
 - a. An existing state or county highway; or
 - b. A street shown upon a plat approved by the Land Use Authority and recorded in the County Recorder's office. Such street or highway must be suitably improved as required by the highway rules, regulations, specifications, or orders, or be secured by a performance guarantee required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations or the Streets Master Plan. Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved as provided herein above.
2. Whenever the area to be subdivided is to utilize existing road frontage and/or existing road access, such road shall be suitably improved from the closest street that meets City's current public street standards, meaning such road shall be suitably improved to the standards provided in this Code and any other applicable standards.

B. Grading and Improvement Plan: Roads shall be graded and improved and conform to the Centerfield Design Standards Construction Specifications. and Standard Drawings as adopted and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to final plat approval. Prior to final plat approval the City shall make the determination as to whether each street is to be public or private. Such status shall be shown on the plat.

C. Topography and Arrangement.

1. Roads shall be related appropriately to the topography. Local roads may be curved to avoid conformity of lot appearance and to discourage through traffic. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and re-vegetated. A combination of steep grades and curves as well as large cut and fill sections shall be avoided.
2. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the Streets Master Plan or Land Use Maps or Zoning Maps.
3. All thoroughfares shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing, proposed, and future land uses.
4. Minor or local streets shall be laid out to conform as much as possible to the natural topography, to discourage use by through traffic, to permit efficient drainage and utility

systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

5. The rigid rectangular gridiron street pattern shall be adhered to, and the use of curvilinear streets, or U-shaped streets shall be allowed only where topography requires as approved by the Planning and Zoning Commission.
6. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Land Use Authority such an extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
7. In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of transportation facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
8. Subdivisions shall be designed to provide adequate emergency access to and from the development. The Land Use Authority may require more than one point of ingress and egress to better facilitate emergency access and escape. The Fire Protection District must approve the street design on large subdivisions.

D. Blocks:

1. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, or waterways.
2. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas should not exceed one thousand two hundred (1,200) feet or ten (10) times the minimum lot width required in the zoning district, whichever is greater, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length.
3. In long blocks the Land Use Authority may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
4. Pedestrian ways or crosswalks, not less than ten feet (10') wide, may be required by the Land Use Authority through the center of blocks more than eight hundred feet (800') long were deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, trails, or other community facilities. Blocks designed for industrial or commercial uses shall be of such length and width as may be determined suitable by the Land Use Authority for prospective use.

E. Access to Highway, Arterial or Collector Streets: Where a subdivision borders on or contains an existing or proposed highway, arterial or collector, the Land Use Authority may require that access to such streets be limited by one of the following means:

1. The subdivision of lots so as to back onto the highway, arterial or collector and front onto a parallel local street; no direct access shall be provided from the primary arterial or collector, and screening shall be provided in a strip of land along the rear property line of such lots.
2. A series of U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the highway, arterial or collector roadway.

- F. **Road Names:** The applicant/developer, upon consent of the Land Use Authority, shall name all roads at the time of preliminary approval. Names shall be sufficiently different in sound and in spelling from other road names in Sanpete County or Centerfield, Utah so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name.
- G. **Road Regulatory Signs:** The applicant/developer shall erect or post acceptable guarantees ensuring each road sign required by the City Engineer at all road intersections. All road signs shall be installed before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within and abutting the subdivision, the type, design and location of which to be approved by the City Engineer. Street signs shall be designed according to City specifications and standards.
- H. **Street Lights:** Installation of street lights shall be required in accordance with Centerfield Design and Specification Standards or as designated and located by the Land Use Authority and shall be approved by the City Engineer.
- I. **Reserve or Protection Strips:** The creation of reserve or protection strips may be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street, provided such a strip is clearly shown on both the preliminary and final subdivision plat.
- J. **Construction Of Roads And Dead-End Roads:**
1. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary Dead-End streets, with the notation on the subdivision plat that land outside the normal street right-of way shall revert to abutters whenever the street is continued. The Land Use Authority may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.
 2. Permanent dead-end roads including Cul-de-sacs are not permitted.
- K. **New Perimeter Streets:** Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. The Land Use Authority may authorize a new perimeter street where the sub divider improves and dedicates the entire required street right-of-way width.
- L. **Widening and Realignment of Existing Roads:** Where a subdivision borders an existing narrow road or when the Streets Master Plan, Land Use Maps or Zoning Maps indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate at his/her expense such areas for widening or realignment of such roads that are necessary and for the benefit of the subdivision. Such frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these subdivision regulations.
- M. **Road Surfacing and Improvement:**
1. All streets shall have a paving width as provided by the City Standards. Streets except arterial streets shall have a right-of-way of 66 ft. Arterial streets shall have a right-of-way of 80 ft. Right-of way and street standards may be modified from the 66 foot standard if approved as part of the development agreement. The 66 foot right-of-way must be used when calculating the base density of the property. All setbacks shall be as if there was a 66 foot right-of-way.
 2. All streets which are shown on the Centerfield City Master Street Plan if adopted or the land use/zoning maps, shall be developed according to the size and general location shown on the Street Plan. All streets developed are to be dedicated to the City as public

streets.

3. After Sewer and Water and other applicable utilities have been installed by the developer, the applicant shall construct curbs and gutters (if required) and shall surface or cause to be surfaced roadways to the widths prescribed in the pertinent regulations. Said surfacing shall be of such character as is suitable for the expected traffic. Types of pavement shall be determined by the City Engineer. Adequate provision shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the City and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

11.04.21 INTERSECTIONS

- A. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle within ten (10) degrees of perpendicular is required. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred feet (100') therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Land Use Authority.
- B. Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any intersections on the opposite side of such street. Street jogs with center-line offsets of less than one hundred and fifty feet (150') shall not be permitted. Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least eight hundred feet (800') feet apart.
- C. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty feet (20'); and minimum curb radius at an intersection involving a collector street shall be at least twenty-five feet (25'). Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- D. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) slope for a distance of sixty feet (60'), measured from the nearest right-of-way line of the intersecting street.
- E. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- F. The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.

11.04.22 DRAINAGE AND STORM

- A. General Requirements: The Planning and Zoning Commission shall not approve or recommend for approval any plat of subdivision which does not make adequate provision for storm or flood water runoff channels or catch basins in their opinion. For major subdivisions the drainage plan shall be such that the storm water remains within the subdivision until it can be reasonably accommodated through the drain system. Plans shall be reviewed for compliance with the Centerfield Design Standards, Construction Specifications, and Standard Drawings or other standards as may be adopted. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred feet (600') in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be

shown for each and every lot and block.

- B. **Location:** The applicant/developer may be required by the Land Use Authority, upon the recommendation of the City Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.
- C. **Accessibility to Public Storm Sewers:**
 - 1. Storm drainage systems shall be constructed throughout the subdivision and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the City Engineer.
 - 2. If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer and the Land Use Authority, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat.
- D. **Accommodation of Upstream Drainage Areas:** A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The developer shall hire a qualified engineer licensed in the State of Utah to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by this Code and the General or Master Plan. The City Engineer must review and approve the design.
- E. **Effect on Downstream Drainage Areas:** The City Engineer shall also require the developer's qualified engineer to study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. City storm drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Land Use Authority may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the Land Use Authority and City Engineer shall determine. No subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility.
- F. **Areas of Poor Drainage:** Whenever a plat is submitted for an area which is subject to flooding, the Land Use Authority upon recommendation of the City Engineer, may approve such subdivision provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the maximum probable flood, as determined by the City Engineer. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the City Engineer. Development in areas of extremely poor drainage will not be allowed.
- G. **Flood Plain Areas:** The Land Use Authority may, upon recommendation of the City Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. These flood plain areas should be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Land Use Authority.

H. Drainage Easements:

1. Where a subdivision is traversed by a watercourse, drainage way, channel, river or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
2. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty feet (20') in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
3. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
4. The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Land Use Authority and City Engineer.
5. Low-lying lands along watercourses including the Box Elder Creek, Maple Creek, Dam Creek, Big Creek, and spring drainages subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedure nor for computing the area requirement of any lot.

11.04.23 WATER FACILITIES

- A. **General Requirement:** Necessary action shall be taken by the applicant to extend or create a safe water supply system for the purpose of providing a water-supply capable of providing domestic water use and fire protection. All improvements whether on or off site shall be constructed and paid by the developer. The impact of the development on the City's water system must be determined by the impact analysis process as outlined in municipal ordinances.
- B. **Existing Systems:** Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and City. All water mains shall be at least eight (8) inches in diameter.
- C. **Approval:** Water main extensions and water facilities improvements shall be approved by the City Engineer and the Land Use Authority.
- D. **Guarantees:** To facilitate the above, the location of all fire hydrants, all water storage and supply improvements, and the boundary lines of proposed improvement districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing the same, whether on or off the development shall be included in the performance guarantee to be furnished by the developer.
- E. **Ownership of Facilities:** Prior to approval of the subdivision plat by the City Engineer, a determination shall be made by the City Council and Planning and Zoning Commission as to the location and extent of facilities to be maintained by Centerfield. Private facilities are not permitted.
- F. **Fire Hydrants:** Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than four hundred and fifty (450) feet apart and shall be approved by the Fire Department and City Engineer in accordance with International Fire Code or the more stringent code if a conflict exists between City and International Fire Codes. In some instances, the City may determine that due to wild-land fire potential, hydrants will be required to be located no more

than three hundred feet (300') apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

- G. **Dedication of Water:** As a condition of approval of the subdivision, the Land Use Authority shall require each developer to provide usable water for the development for outside and culinary use. The amounts and conditions as provided in the City's water ordinance(s).

11.04.24 SEWAGE FACILITIES

- A. **General Requirements:** The applicant shall install sanitary sewer facilities in manner prescribed by the City construction standards and specifications. All plans shall be designed in accordance with current City, State and EPA rules, regulations, and standards. Necessary action shall be taken by the applicant to extend sanitary sewer service for the purpose of providing sewerage facilities to the subdivision. Off site requirements may be necessary to meet impacts imposed by the development on the City's Sewer Facilities. The impact analysis required in Chapter 1 of this code may be necessary for approval of the development by the Land Use Authority.
- B. **Residential and Non-residential Subdivisions:** Sanitary sewerage facilities shall connect with the public sanitary sewer at sizes required by the City and the City Engineer. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted in any part of the City. Sanitary sewerage facilities (including the installation of laterals in the right-of-way and dedication of easements) shall be subject to the City specifications, rules, regulations, and guidelines and this Code. All subdivisions are required to extend the system to their development. Septic tank and drain-field systems are not permitted.

11.04.25 SIDEWALKS, CURBS, HIKING TRAILS, BIKE PATHS, HORSE TRAILS

- A. **Location:** Sidewalks, if required, shall be included within the dedicated non-pavement right-of-way of all roads unless an alternate location has been specifically approved by the Land Use Authority. In many cases pedestrian paths separate from the road right of way may be preferable due to snow removal or visual concerns.
- B. **Improvements:** Sidewalks shall be improved as required in these regulations and shall be designed to best facilitate their type of use and serve the public interest and safety.
- C. **Pedestrian Paths:** Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access.
- D. **Other Trails:** Walking and hiking trails, bike paths, and horse trails shall be provided by the developer in accordance with the City Trails Master Plan if adopted and/or where otherwise necessary as determined by the Land Use Authority. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, and other significant natural features. Such trails shall be built to City specifications and easements shall be dedicated for such trails. The trails shall be constructed at the time of road construction, unless the Land Use Authority determines otherwise, in which case cash deposits shall be required pursuant to this code for improvements.

11.04.26 OTHER UTILITIES

- A. **Location:** Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new subdivisions wherever underground location does not violate safety standards of the particular utility and where such underground location does not impose any potential additional maintenance burden on the City's streets and water/sewer personnel in the opinion of the Land Use Authority. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the sub divider and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the City Engineer.

B. Easements:

1. Easements centered on rear lot lines shall be provided for utilities (private and municipal); such easements shall be at least ten feet (10') wide. Proper coordination shall be established by the subdivider between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties.
2. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten feet (10') in width shall be provided alongside lot lines with satisfactory access to the road or rear lot lines. All easements shall be indicated on the plat.
3. Where necessary to ensure proper access and maintenance, easement widths shall be increased as required by the City Engineer or Land Use Authority.

11.04.27 PARKS, PLAYGROUNDS, RECREATION AREAS AND OTHER PUBLIC USES

A. Recreation Standards:

1. The Land Use Authority, in its review of each subdivision, shall require that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations designated on any Master Plans or otherwise where such reservations would be appropriate and the park would benefit the subdivision and its residents. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate access for the particular purposes envisioned by the Land Use Authority. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes." The developer will also be required to install improvements to the recreation areas. These improvements will be built to City specifications. In the event the City feels it would be in the best interest of the community, money in lieu of property for said park could be considered.
2. When recreation areas are required, the Land Use Authority shall determine the number of acres to be reserved using the following formula as a minimum: providing one acre of recreation area for developments up to fifty (50) single family dwelling units and one acre for every fifty (50) units or fractions thereafter. This calculation equates to nine hundred seventy-one (971.2) square feet per single-family dwelling unit. The Land Use Authority shall also determine the level of improvements required. All required improvements shall be built to City specifications. The Land Use Authority may refer such proposed reservations to the City official or department in charge of operating parks and recreation for recommendation. The developer shall dedicate all such recreation areas and facilities to the City as a condition of final subdivision plat approval.

B. Minimum Size of Park and Playground Reservations: In general, land reserved for recreation purposes shall have an area of at least one (1) acre. When the percentages from the above formula would create less than one acre, the Land Use Authority may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than one-half ($\frac{1}{2}$) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. This smaller amount will be accepted only when it is on the edge of the subdivision or when the staff feels that the reduced size will result in a functional and usable recreation site.

C. Recreation Sites: Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the City standards required by the Land Use Authority, which improvements shall be included in the performance guarantee. The Land Use Authority may refer any subdivision proposed to contain a dedicated park to the City official in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the City for park purposes shall have prior approval of the Land Use Authority and

shall be marked on the plat "Reserved for Park and/or Recreation Purposes."

- D. Alternative Procedure for Subdivisions of Fewer than 25 Lots: Subdivisions, including commercial subdivisions, with fewer than twenty-five (25) lots would result in a land area of less than one-half (1/2) acre to be reserved for recreation facilities. In this case the requirement will be waived and the City will collect impact fees for the parks.
- E. Applicability to Land Utilizing Average Density: Any subdivision plat in which the principle of average density or flexible zoning has been utilized shall not be exempt from the provisions of this Section, except as to such portion of land which is actually dedicated to the City for park and recreation purposes. The City must agree with the placement of required parks within the development. The development agreement document with the developer is proof of City approval of park placement.
- F. Other Recreation Reservations: The provisions of this Section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this Section.

11.05 ANNEXATIONS

11.05.01 GENERAL ANNEXATION CRITERIA

- A. As part of its ongoing effort to plan and prepare for responsible growth, Centerfield City has identified territory adjacent to its present City boundaries that could at some time in the future be a part of Centerfield City. The area that is proposed for future annexation is shown on a map which was prepared in conjunction with this policy and kept by the City Recorder. The said map may be amended from time to time by the City Council. Areas to be annexed must fall within the areas designated for future annexation in the annexation policy plan of Centerfield City and shown on the then current expansion area map. The map shows the annexation territory within the "Annexation Territory Boundary Line" and is one-half (1/2) mile from the existing City limits on the date this policy is adopted. Even though property proposed for annexation is located within the annexation expansion area, there is no guarantee that the annexation request will be approved by Centerfield City. Inclusion within the future annexation area does not create or evidence any entitlement or expectation of right to annexation.
- B. The character of the community is mixed residential, commercial, and agricultural. Areas to be annexed should be compatible with this character.
- C. Areas to be annexed must be contiguous to the corporate limits of Centerfield City at the time of submission of an annexation request.
- D. Areas to be annexed shall not be located within the corporate limits of another incorporated City or be part of a previously filed annexation petition that has not been either denied, accepted, or approved.
- E. When feasible, the City favors annexation along the boundaries of water, sewer improvements, or special service districts. The City also favors (1) eliminating and/or not creating islands and peninsulas of unincorporated territory; (2) consolidating overlapping functions of government; (3) promoting efficient delivery of services; (4) encouraging the equitable distribution of community resources and obligations; and (5) giving consideration to the tax consequences to property owners within the area to be annexed, as well as the property owners within the municipality, in order to prevent double taxation and to ascertain that the annexation will not be a tax liability to the taxpayers within the municipality. The City does not favor the annexation of areas for which it does not have the capability to provide municipal services.
- F. It is not Centerfield City's intent to annex territory for the sole purpose of acquiring revenue.
- G. The annexation petition must comply with the requirements of Utah Code Annotated Section

1-2-403.

- H. The annexation territory will be all land between the existing City limits boundary line and a boundary that is a minimum of one-half (1/2) mile from the existing City limits. The annexation territory to the north will be excluded due to the existing boundary line between Gunnison City limits and Centerfield City limits.
- I. If the annexation territory boundary line splits the land of the property owner filing for annexation, the owner may include all of their property in the annexation request.
- J. At the time the majority of the territory has been annexed into the City, the annexation territory map may be updated with a new annexation territory boundary line.

11.05.02 PROCEDURES FOR SUBMISSION OF AN ANNEXATION REQUEST

The following steps reflect a general summary of the requirements and procedures for processing an annexation request in Centerfield City:

- A. An annexation petition accompanied by an annexation plat must be submitted to the City Recorder. Said petition shall:
 - 1. Be signed by private property owners of record which cover a majority of the area to be annexed. Said owners shall also represent at least one-third (1/3) of the assessed valuation of the private aggregate properties to be annexed, as reflected on the last assessment rolls.
 - 2. Represent an area contiguous to the existing corporate limits of Centerfield City and shown to be within the areas designated for annexation in the annexation policy plan of Centerfield City.
 - 3. Include an annexation plat prepared by an engineer or surveyor licensed in the state of Utah.
 - 4. Designate up to five (5) of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor. Each sponsor's mailing address shall be indicated.
- B. The City Recorder, upon receipt of a properly prepared annexation petition accompanied by the proper plat shall impose such fees to recover the costs of processing said petition, as have been established by the City Council; and at that time shall place the petition on the agenda for consideration at a regular City Council meeting within fourteen (14) days of its receipt.
- C. The City Council shall review the annexation petition and accept or deny the petition.
- D. If accepted, the City Recorder shall certify that it meets the above requirements and send the required notices, including a written notice to the City Council. If denied, the City Recorder shall send the required notices.
- E. The City Council, within ten (10) days after the receipt of the recorder's notice of certification, shall publish a notice of the proposed annexation at least once a week for three (3) consecutive weeks. Within twenty

(20) days after the receipt of the recorder's notice of certification, the council must mail written notice of

the proposed annexation to each affected entity as defined in state law. The notice shall explain how a written protest is to be filed within thirty (30) days after the date of the council's receipt of the certification notice.
- F. If no protest is filed during the designated protest period, the council may set a public hearing, after a minimum seven (7) day notice, and consider an ordinance to grant the proposed annexation. If a protest is filed, the county boundary commission shall hold a hearing on the

protests within thirty (30) days. The council may deny the proposed annexation at its next regularly scheduled meeting. Required notices will be sent if the petition is denied.

- G. Upon receipt of the county boundary commission's decision, the council may deny or approve the proposed annexation subject to the boundary commission's decision.

11.05.03 EXTENSION OF NEEDED MUNICIPAL SERVICES IN DEVELOPED AND DEVELOPING UNINCORPORATED AREAS AND PAYMENT OF THE SAME

- A. In areas where municipal services are not presently extended, services will be extended at the discretion of Centerfield City on an as-needed basis at the cost of the developer. All extensions of municipal services must comply with all ordinance and policy criteria and will be paid for by the individual developer or property owner.
- B. An annexation agreement will be prepared between the City and future developers outlining specific circumstances relating to water and sewer, power and streets and other specific improvements prior to annexation approval.
- C. Water rights, of the type and quantity acceptable to Centerfield City, that can be utilized for underground water rights (culinary) shall be required to be conveyed to Centerfield City as a condition of development, subdivision approval, or issuance of a building permit on property annexed into the Centerfield City limits. It is the intent that land annexed to Centerfield City be accompanied by water rights sufficient to accommodate the needs of the existing and potential occupants of said land when development occurs. The water rights conveyance requirements of development shall be in addition to any requirement that may be imposed upon development of the land after annexation and in addition to appropriate Centerfield City culinary water impact fees.
- D. Water requirements, as referenced by the previous paragraph, will be established on a case by case basis utilizing, among other things, Division of Drinking Water standards. Specific requirements will be contained in the annexation agreement, but the general guideline of one share of Gunnison Irrigation Company per one-half (1/2) acre of land annexed will be required as a minimum. Additionally, land annexed into the City will immediately be required to attach and be serviced by the City water system, rather than the system used by the farming or agricultural entities.
- E. The annexation will allow developers of the annexed property access to culinary water, sewer and electric power service, provided all developments meet City specifications and comply with all applicable development ordinances and all improvements are installed pursuant to Centerfield City standards.
- F. The manner in which these amenities are developed will have a bearing on how they will be financed. Property taxes with increased valuation of property and sales tax will contribute to the general fund to help defray the added expenses the City may incur by annexing these properties.
- G. Upon annexation, the newly annexed area shall receive the following services:
1. Fire protection;
 2. Police protection;
 3. Planning and Zoning;
 4. Snow removal and street maintenance on deeded dedicated streets;
 5. Curbside garbage collection.
- H. It is not anticipated that the annexation will cause any adverse consequences to the residents in the City or in the area annexed, except there may be a slight reduction in general services to the City residents in the present City limits as general services are expanded into the newly annexed territory.
- I. It is anticipated that the residents in the territory to be annexed will experience an increase in their property tax because of the difference in the certified tax rates in the county and Centerfield City. It is further anticipated that as newly annexed territory property taxes are received by the City, the City will increase the total level of services within the total community. Additionally,

persons in the newly annexed territory should experience reductions in their fire insurance rates and property insurance rates.

- J. As areas become more densely populated, demand for services increases. Once this policy plan is adopted and areas begin to develop, continual planning by Centerfield City will allow development to occur in an economical manner, since the homes, streets and other amenities will be developed in accord with Centerfield City specifications. The plan and time frame for the extension of municipal services will be determined by the interest of the property owners to subdivide and develop their ground.