

# **Lewiston City Corporation**

## **Ordinance No. 2024-02**

*An Ordinance Revising the Subdivision Ordinance of Lewiston City, Utah*

WHEREAS the City Council of Lewiston, 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 City Planning Commission has held a public hearing on the proposed revisions and provided a recommendation on the same to the City Council.

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

SECTION I: The document titled “LEWISTON CITY SUBDIVISION ORDINANCE”, attached as Exhibit ‘A’, is hereby adopted as a replacement for the currently existing Title 11 SUBDIVISION REGULATIONS of the City 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SECTION II: If any provisions of the City’s code previously adopted are inconsistent herewith, they are hereby repealed.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 by the City Council of Lewiston, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Jeff W. Hall  
Mayor

ATTEST:

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Chris Barr, Recorder

COUNCIL Vote As Recorded:	AYE	NAY	ABSENT
Name: _____	_____	_____	_____
Name: _____	_____	_____	_____
Name: _____	_____	_____	_____
Name: _____	_____	_____	_____
Name: _____	_____	_____	_____

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 2024.

PUBLISHED / POSTED this \_\_\_\_ day of \_\_\_\_\_, 2024.

**CERTIFICATE OF PASSAGE AND PUBLICATION / POSTING**

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

- 1) Lewiston City Municipal Office
- 2) Utah Public Notice Website

\_\_\_\_\_  
Chris Barr, Recorder

**Exhibit ‘A’: Title 11 – Subdivision Ordinance**

*[Attached as Follows.]*

## **CHAPTER 1 - GENERAL PROVISIONS**

### *SECTION:*

*11-1-1: Short Title*

*11-1-2: Scope of Applicability*

*11-1-3: Definitions*

*11-1-4: Jurisdiction And Penalty*

*11-1-5: Severability (Effect)*

*11-1-6: Subdivision Land Use Authority*

*11-1-7: Subdivision Appeals*

### **11-1-1: SHORT TITLE:**

This title shall be known and may be cited as the LEWISTON CITY SUBDIVISION ORDINANCE and may be identified within this document as "the ordinance", "this title" or "subdivision ordinance". (Ord. 13-01, 4-16-2013)

### **11-1-2: SCOPE OF APPLICABILITY:**

This Chapter applies to all applications or petitions to subdivide land in the City, regardless of the intended use (commercial, residential, etc.). The requirements of this Chapter do not apply retroactively to subdivision applications or petitions that were approved by the City prior to the enactment of this ordinance.

### **11-1-3: DEFINITIONS:**

The following words and phrases, as used in this Chapter, shall have the following meanings. All definitions included in the Altamont Zoning Ordinance shall also apply to this Chapter, where and when needed. Whenever any words or phrases used in this chapter are not defined herein, the most common usage of such word or phrase shall be deemed to apply.

- A. "Improvement plan" means a civil engineering plan to complete permanent infrastructure and municipally controlled utilities on the subdivision that is essential for the public health and safety, that is required for human occupation, or that is required by applicable law and that an applicant must install in accordance with public

## **Exhibit 'A': Title 11 – Subdivision Ordinance**

[LATEST EDITS INCLUDED] Lewiston Title 11 - Subdivision **draft 3** (Nov 19)

installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.

- B. "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.
- C. "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.
- D. "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).
- E. "Subdivision" means any land which is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on the installment plan or upon any and all other plans, terms and conditions.
  - 1. Subdivision includes:
    - a. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
    - b. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
  - 2. Subdivision does not include:
    - a. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
    - b. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;
    - c. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
    - d. A road, street, or highway dedication plat; or

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- e. A deed or easement for a road, street, or highway purpose.

~~F. Subdivision, Minor: The above definition of a "subdivision", resulting in greater than one but not more than three (3) lots.~~

~~G.F.~~ “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.

### **11-1-4: JURISDICTION AND PENALTY:**

- A. This title shall govern and apply to the subdivision, platting and recording of all lands lying within the incorporated area of Lewiston City, Utah.
- B. No person shall subdivide any land, nor shall any building permit, other required development approval, or any other license or permit be issued for any lot or parcel of land which is located wholly, or in part, within the incorporated area of Lewiston City, except in compliance with this title, and all other applicable local, State and Federal laws.
- C. Any plat of a subdivision, or any survey description, filed or recorded without the approvals required by this title is deemed to be void, for the purposes of development or the issuance of a building permit, as required by section 10-9a-611 et seq., Utah Code Annotated, 1953, as amended.
- D. Any owner or agent of the owner of any land located in a subdivision, as defined herein, who transfers or sells any land located within the subdivision before the subdivision has been approved and recorded, in the Office of the Cache County Recorder, consistent with the requirements of this title, and applicable local, State and Federal requirements is guilty of a violation of this title, and section 10-9a-611 et seq., Utah Code Annotated, 1953, as amended, for each lot or parcel transferred or sold.
- E. The description by metes and bounds in the instrument or transfer or other documents used in the process of selling or transferring lots, plots, parcels, sites, units, 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 does not exempt the transaction from the requirements of this title and such action from the penalties or remedies provided by this title, or the laws of the State of Utah. (Ord. 13-01, 4-16-2013)

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### **11-1-5: SEVERABILITY (EFFECT):**

If any section, provision, sentence or clause of this title is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this title which shall remain in full force and effect. (Ord. 13-01, 4-16-2013)

### **11-1-6: SUBDIVISION LAND USE AUTHORITY**

- A. The Land Use Authority for applications under this Chapter is the Subdivision Review Committee (SRC). The membership of the SRC shall be determined by the City Council and shall consist of the City Engineer, a Public Works Representative, and a Representative from the Planning Commission. The SRC shall meet on an as-needed basis and shall act through majority vote. For purposes of subdivision applications, the SRC shall be responsible for the following, but may delegate any responsibility to City staff:
1. Rendering land use decisions related to subdivision applications.
  2. Reviewing subdivision applications in an impartial manner and according to the standards and deadlines described in this Chapter.
  3. Holding a public hearing for subdivision applications (when needed).
  4. Providing feedback to applicants on their subdivision applications.
  5. Scheduling and holding a pre-application meeting with potential applicants (when requested).
  6. Keeping application forms 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.
  7. Providing notice to entities and parties as required by this Chapter. This task is delegated to City staff by default.
  8. Ensuring that documents are properly recorded with the County after final approval as required by this Chapter. This task is delegated to City staff by default.
- B. The Subdivision Review Committee is authorized to approve or deny subdivisions under this Chapter without City Council approval.
- C. Except when operating as the Appeal Authority, the City Council shall not approve or deny, and shall not require the Subdivision Review Committee to approve or deny, any subdivision application under this Chapter.

## **11-1-7: SUBDIVISION APPEALS**

- A. The Appeal Authority for City decisions relating to this Chapter (e.g., approval or denial of a subdivision application), except where otherwise noted, is the City Council.
- B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authorities and shall hear complaints about the conduct of the Land Use Authorities in administering the provisions of this Chapter.
- C. A party appealing or complaining of a Land Use Authority's decision under this Chapter 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 Chapter. 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 Chapter or abused the discretion given it by this Chapter.
  - 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 45 calendar days after the Appeal Authority receives the appeal or complaint.

## **CHAPTER 2 - SUBDIVISION APPLICATION REQUIREMENTS**

### *SECTION:*

#### *11-2-1: Conformity*

#### *11-2-2: Process and Requirements*



## **Exhibit 'A': Title 11 – Subdivision Ordinance**

[LATEST EDITS INCLUDED] Lewiston Title 11 - Subdivision **draft 3** (Nov 19)

*11-2-3: Sketch Plan Requirements*

*11-2-4: Subdivision Plat Requirements*

*11-2-5: Exceptions to Specific Application Requirements*

*11-2-6: Pre-Application Meeting*

*11-2-7: Notice to Affected Parties*

*11-2-8: Plat Amendment*

*11-2-9: Lot Line Adjustments*

### **11-2-1: CONFORMITY**

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 Chapter and received approval from the Subdivision Review Committee.

### **11-2-2: PROCESS AND REQUIREMENTS**

The Planning and Zoning Commission shall establish guidelines for all subdivision applications in conformance with this title. The application shall include all of the information required by staff, the Planning Commission, and the City Council to make a decision on the proposed subdivision. (Ord. 13-01, 4-16-2013)

### **11-2-3: SKETCH PLAN REQUIREMENTS:**

- A. The sketch plan is an informal discussion document only designed to allow the identification of policies, procedures, standards and other items that may be considered in the subdivision review and approval processes of Lewiston City once a subdivision application is received. To achieve these objectives and to promote the identification of all items necessary for consideration, the applicant should provide at a minimum, a map, plat, and/or other scale drawing of the area. The following applicable information may also be submitted to provide further information regarding the nature and intent of the subdivision:
  - 1. The configuration, size and number of lots in the proposed development;
  - 2. Potential locations of hazards and sensitive lands or other features which may impose peculiar construction requirements;
  - 3. Potential open space;

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4. The way in which the proposed development will fit into the context of the surrounding area;
  5. The present and planned surrounding roads and utilities;
  6. Access points and limiting of access, if required;
  7. Existing and proposed trail system;
  8. The anticipated time schedule for the development;
  9. Plans and needs for water, sewer, roads, and sanitation disposal;
  10. The development method that will be used, the total acreage involved, the number of allowable lots and the number of planned lots;
  11. Any planned phasing or future development of adjacent land;
  12. Any other information available or pertinent to the proposed subdivision or as required by the Planning and Zoning Commission.
- B. A sketch plan does not constitute an application for subdivision approval, as provided by this title, and is in no way binding on the City or the applicant. Any discussion that occurs at a sketch plan review meeting shall not be considered any indication of subdivision approval or disapproval, either actual or implied. (Ord. 13-01, 4-16-2013)

### **11-2-4: SUBDIVISION PLAT REQUIREMENTS:**

- A. The following information is required for all applications for the subdivision of land within Lewiston City. The applicant may be required to provide other information required by the Planning and Zoning Commission, or City Council necessary to evaluate the merits of the proposed subdivision and compliance with this title.
- B. A subdivision application, provided by the Zoning Administrator, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) proposed to be subdivided.
- C. A preliminary subdivision plat that is prepared by a licensed land surveyor and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such a size as is acceptable for recordation in the Office of the Cache County Recorder. The following shall be submitted by the Applicant in the following format:
  1. 10 paper copies of the plat sized as 24"X36"
  2. One reduced size set 11"x17"
  3. Plat and improvement drawings shall be furnished electronically in AutoCAD format (.dwg) or Data Exchange Format (.dxf). These electronic files shall be provided to the City after final approval, but before recording of the Plat.

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4. After completion of all public works improvements the Developer shall provide the City with a set of reproducible “record drawings” which have been corrected to show the constructed improvements (as-builts). Final payment from the durability retainer shall not be made until these records are received.
- D. The preliminary subdivision plat shall show the following:
  1. The layout or configuration of the proposed subdivision at a scale of no more than 1 inch (1") = 100 feet (100'), or as recommended by the Planning and Zoning Commission;
  2. Located at the top and center of the subdivision plat the proposed name of the subdivision and the section, township, range, principal median and County of its location;
  3. A title block placed on the lower right hand corner of the plat showing:
    - a. Name and address of owner(s) of record;
    - b. A surveyor's certificate showing the name and registration number of the licensed land surveyor responsible for making the plat or survey and certifying to the accuracy of such plat; and
    - c. Date of preparation of the plat and any revision dates;
  4. Signature blocks prepared, as required and provided by the City, for the dated signatures of the City Council Chair attested to by the City Clerk/Recorder, Planning and Zoning Commission Chair, County Surveyor, City Engineer, and each utility company involved;
  5. North arrow, graphic and written scale, basis of bearings used;
  6. Tabulation of the number of acres in the proposed subdivision, showing the total number of lots, and the areas of each lot;
  7. A vicinity map of the site at a minimum scale of 1" = 2,000 feet;
  8. Surveyed boundary of the proposed subdivision; accurate in scale, dimension and bearing, giving the location of and ties to the nearest existing two (2) government control monuments. This information shall provide data sufficient to determine readily the location, bearing, and length of all lines and the location of all proposed monuments. The names of all adjoining property owners of record shall be shown;
  9. The legal description of the entire subdivision site boundary;
  10. The entire subdivision boundary shall include the entire parcel from which any lot is proposed to be subdivided. A sketch of the prospective street system of the platted subdivision shall be submitted. The street system of the part submitted shall be considered in light of existing Master Street Plans or other Planning Commission studies.

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11. Identification of known natural features including, but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, areas which would be covered in the event of 100-year floods, all water bodies, flood ways and drainage ways, slopes exceeding thirty percent (30%), and any other natural features as required by the Planning and Zoning Commission or City Council for the entire subdivision site, including a tabulation of the acres in each;
12. Identification of known man-made features including, but not limited to, high voltage power lines, high pressure gas lines, hard surfaced roads, road easements, road rights-of-way, bridges, culverts and drainage channels, field drains, existing water and sewer trunk lines, all utility easements, railroads and railroad easements, irrigation ditches, canals and canal easements within and adjacent to the subdivision site;
13. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted. The legend for metal monuments shall indicate the kind of metal, the diameter, and length of the monuments;
14. The location with name and parcel number and dimensions of all existing buildings, existing property lines, and fence lines;
15. The location of any existing platted lots within or contiguous to the subdivision site;
16. All lots, rights-of-way, and easements created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose shall be given. The addresses of all lots shall be shown;
17. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe size, grades, manholes, and exact location;
18. A note on the plat stating the minimum required setbacks are for primary building;
19. Location and size of existing and proposed culinary water and sewer lines and/or the location of all wells proposed, active and abandoned, and springs used for culinary water and the location of all septic systems and drain fields, as applicable;
20. Layout of proposed power lines, including the source and connection to the existing power supply;
21. As required by the Planning and Zoning Commission located on the subdivision plat or separate map, the identification of the minimum building set-back lines for each lot shall be shown;
22. An indication of the use for all proposed lots including required notes identifying agricultural protection areas and other proposed or required protective and restrictive covenants;

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23. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes and easements imposed on the property;
  24. Cluster subdivisions containing a parcel for agricultural production shall label the parcel "Agricultural Parcel" on the recorded subdivision plat. A signed agreement shall be recorded in the County Recorder's Office stating that commercial and residential structures are not permitted on the agricultural parcel;
  25. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in a subdivision, including, but not limited to, sites to be reserved or dedicated for parks, playgrounds, schools or other public uses;
  26. For all subdivisions located in the Agricultural Zone a note on the subdivision plat provided by Lewiston City stating that all owners are aware that they shall be subject to the sights, sounds, and smells associated with agricultural activities, such activities being uses allowed in the Agricultural Zone;
  27. Typical street cross section between curb and gutter and sidewalk and tentative street grades;
  28. A tentative plan or method by which the subdivider proposes to handle stormwater drainage for the subdivision;
  29. When necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission;
  30. Sites, if any, for multi-family dwellings, shopping centers, community facilities, industry or other uses exclusive of the single-family dwelling;
  31. Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use;
  32. Environmental impact assessment if required by the Planning Commission;
  33. Other applicable subdivision notes, as required by the Planning and Zoning Commission or City Council.
- E. The subdivider's detailed plan for protecting future residents of the development from such hazards as open ditches, canals or waterways, nonaccess streets, open reservoirs or bodies of water, railroad rights-of-way and other such features of a potentially hazardous nature located on, crossing, contiguous or near to the property being subdivided. The subdivider's plan need not cover those features which the Planning Commission determines would not be a hazard to life and/or where the conforming structure designed to protect the future residents would itself create a hazard to safety of the public. The foregoing does not relieve the subdivider of the duty to investigate all possible means of protecting future residents from a potential hazard before a determination is made that the only conceivable means of protection is potentially more hazardous than the hazard itself.

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- F. A title report for the property proposed to be subdivided provided by a title company within thirty (30) days of the date of subdivision application.
- G. A tax clearance from the Cache County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.
- H. Addresses of all owners of record of real property adjacent to the parcel of land proposed for subdivision, including the names and addresses of the holders of any known valid mineral leases.
- I. Payment of the non-refundable administrative processing fee, and a refundable subdivision application fee, as established by resolution by the City Council. (Ord. 13-01, 4-16-2013)

### **11-2-5: EXCEPTIONS TO SPECIFIC APPLICATION REQUIREMENTS**

#### **CLUSTER SUBDIVISION:**

- A. The cluster subdivision option is provided by the City to address the unique circumstances created by lot configuration or current use and to preserve agricultural lands within Lewiston. Full compliance with all the provisions of this title and all other applicable State and Federal regulations is required.
- B. An application for a cluster subdivision shall be submitted to the Zoning Administrator. The application requirements for the preliminary subdivision plat and the final subdivision plat shall apply.
- C. A cluster subdivision shall be allowed only in the Agricultural Zone. The total number of dwelling units allowed in a cluster subdivision shall be the same as the number allowed by the lot area requirements in the Agricultural Zone, which is one unit per ten (10) acres.
- D. The following development standards shall apply to all cluster subdivisions:
  - 1. The minimum residential lot size in a cluster subdivision shall be three-fourths (3/4) acre.
  - 2. Each such separately described three-quarter (3/4) acre or larger lot shall have frontage on an existing Class C public road with access to an adequate water line, with the adequacy of any water line to be determined with the approval of the Public Works Director. The decision regarding the adequacy of the water line may be appealed to the City Council and the decision of the City Council shall be final. Any appeal shall be made in accordance with the provisions of subsection 10-13-2G of this Code.
  - 3. The minimum lot frontage for a clustered residential lot shall be one hundred fifty feet (150'). The maximum remaining frontage of one hundred feet (100') required in the Agricultural Zone shall be required on the remaining agriculture parcel. The

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total frontage of the agriculture lot and the residential lot shall equal two hundred fifty feet (250') as required by section 10-9-14 of this Code.

4. All buildings shall be prohibited within the clear view area. The clear view is defined as a triangular area formed by the diagonal line connecting lines at the edge of the pavement one hundred feet (100') from the projected intersection of such lines.
- E. Subdivisions containing a parcel for agricultural production shall be accompanied by a signed agreement which shall be recorded in the County Recorder's Office stating that commercial and residential structures and uses are not permitted on the agricultural parcel. The format for this document shall be provided by the City. (Ord. 13-01, 4-16-2013)

### **AGRICULTURAL LAND**

- A. Applications to subdivide agricultural land are exempt from the plat requirements (but not the other application requirements) of Section 11-2-4 if the resulting parcels:
  1. Qualify as land in agricultural use under Utah Code §59-2-502;
  2. Meet the minimum size requirement of applicable City land use ordinances; and
  3. Are not used and will not be used for any nonagricultural purpose.
- B. 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.
- C. 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 11-132 and 11-133.
- D. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The City may, in its discretion, impose the penalty in Section 11-114 and/or require a subdivision amendment before issuing a building permit.

### **11-2-6: PRE-APPLICATION MEETING**

- A. A party intending to submit a subdivision application under this Part may request a pre-application meeting with the Subdivision Review Committee or other City staff for the purpose of reviewing any element of the party's proposed subdivision application. The proposed application need not be complete for purposes of this meeting and may—if the party desires—be limited to a concept plan.
  1. If a party requests a pre-application meeting, the City shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the



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earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur within 20 business days after scheduling.

2. The Subdivision Review Committee or delegated City staff 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.

### **11-2-7: NOTICE TO AFFECTED ENTITIES**

- A. Within 15 calendar days after receiving a complete subdivision application under this Part, City staff shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
  1. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, City staff shall review information:
    - a. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
    - b. From the state engineer's inventory of canals; or
    - c. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
- B. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a subdivision application under this Chapter sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.
  1. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.
- C. Subdivisions are to be approved utilizing the following process (any alterations in this process shall be approved by the Planning and Zoning Commission):
  1. Sketch Plan: Upon completing a sketch plan, applicants may request that the Planning Commission review all applicable codes and identify any preliminary issues which are likely to be of concern in evaluating the subdivision.



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2. Preliminary Plat: Applicants shall submit to the Zoning Administrator a completed subdivision application, a preliminary plat, and any other associated materials deemed necessary by this Code. This information shall be reviewed by the Planning Commission and a recommendation for action shall be forwarded to the City Council.
3. Final Plat: The City Council shall review the application, proposed plat, and any recommendations by the Planning Commission. The Council may approve, approve with stipulations or alterations, or deny any subdivision plat.
4. Final Plat Recordation: The final step in the review and approval process is the recordation of the final plat of the proposed subdivision in the Office of the Cache County Recorder. It shall be the responsibility of the Zoning Administrator to ensure that all stipulations/alterations have been completed and that the plat meets all applicable codes prior to recordation. (Ord. 13-01, 4-16-2013)

### **11-2-8: PLAT AMENDMENT:**

- A. Changes To Plat: The City Council may consider any proposed vacation, alteration, or amendment of a recorded subdivision plat based upon the recommendation of the Planning and Zoning Commission in compliance with section 10-9a-608, Utah Code Annotated, 1953, as amended. Any fee owner, as shown on the last County assessment rolls, of land within the subdivision may, in writing, petition the Planning and Zoning Commission or City Council to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended.
- B. Minor Amendment: With the written approval of all owners of interest in a proposed subdivision that are directly affected by an amendment or alteration, an unrecorded subdivision may have minor modifications made to the final plat so long as the modifications are not substantial, as determined by the City Council. The final plat must then contain all necessary signatures and be recorded in compliance with this title. (Ord. 13-01, 4-16-2013)

### **11-2-9: LOT LINE ADJUSTMENTS:**

- A. An agreement to adjust lot lines between adjoining properties may be executed upon the recordation of an appropriate deed if:
  1. No new dwelling lot or housing unit results from the lot line adjustment;
  2. The lot sizes, frontages, and configurations are consistent with this title and the City zoning ordinance;
  3. No lot is made to be undevelopable without variances, special approvals, or other considerations;

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4. All property owners that are directly affected by the adjustment consent to the lot line adjustment;
  5. The lot line adjustment does not result in a remnant piece of land that did not exist previously;
  6. The lot line adjustment does not result in the violation of any applicable zoning district requirements;
  7. The lot line adjustments do not substantially alter legal lots that may otherwise need further review of the City Council in the form of a subdivision amendment.
- B. The applicants requesting the lot line adjustment shall provide the Zoning Administrator with the following material:
1. A record of survey showing the two (2) parcels or lots identifying the existing lot line dividing two (2) parcels and the proposed new lot line after the adjustment including the legal description for each new lot or parcel.
  2. A copy of the recorded deeds transferring the property to the appropriate owner(s). Upon the completion of recording the deeds, each lot or parcel shall have one boundary description reflecting the legal descriptions on the survey.
- C. The Planning Commission shall act as the Land Use Authority for all lot line adjustments. (Ord. 13-01, 4-16-2013)

## **CHAPTER 3 - REVIEW AND APPROVAL**

### *SECTION:*

#### *11-3-1: Review*

#### *11-3-2: Approval*

#### *11-3-3: Post-Approval Actions*

### **11-3-1: REVIEW:**

- A. The Land Use Authority shall review all subdivision applications in accordance with the requirements of this Section before approving or denying those applications.
- B. The review process begins when an applicant submits a complete application.
  1. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.

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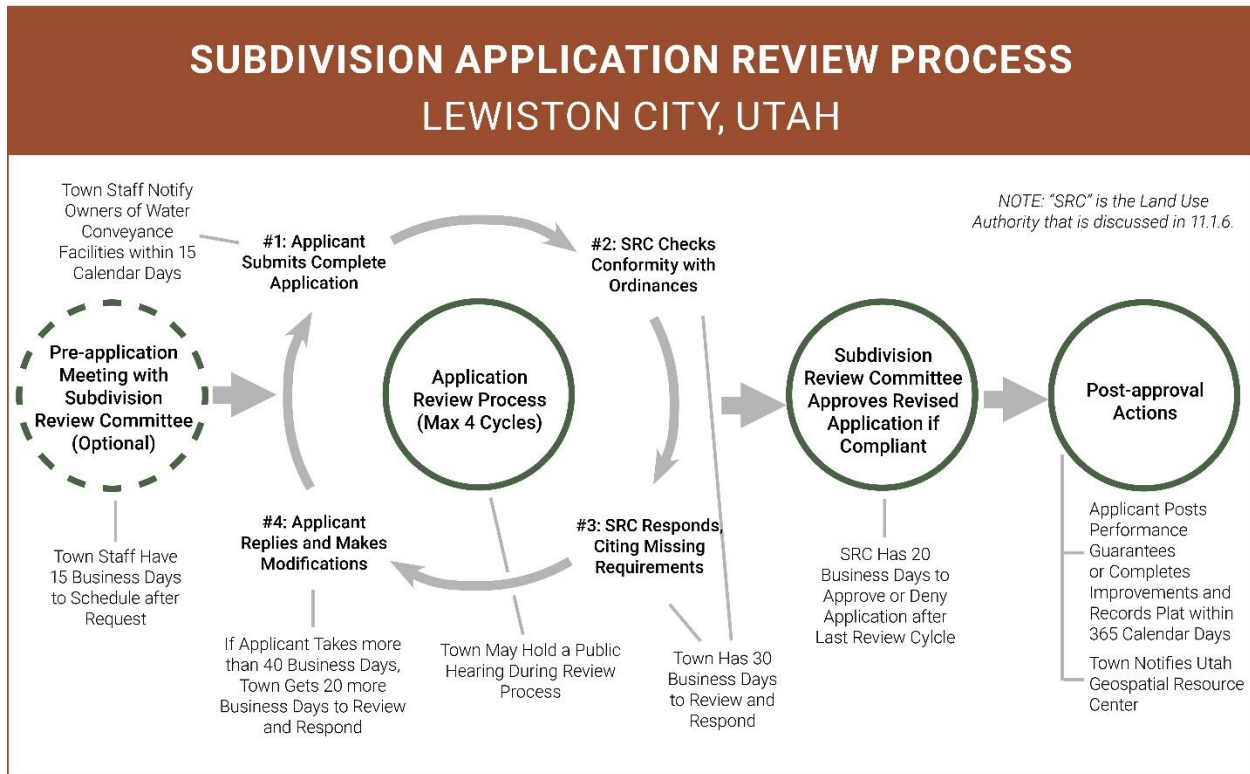
2. If the Land Use Authority determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.
- C. After the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of “review cycles.”
  1. A review cycle consists of the following phases:
    - 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. This written explanation must be comprehensive and specific, including citations to applicable standards and ordinances and an index of requested revisions or additions for each required correction. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

**Table 11-131 – Review Cycles, Hearings, and Timelines by Subdivision Use Type**

<i>Use Type</i>	<i>Max Review Phases</i>	<i>Max Public Hearings</i>	<i>City Turnaround Deadline*</i>	<i>Applicant Turnaround Deadline*</i>
All Uses	4	1	30 Business Days	180 Business Days
<i>*Describes the total time (per review cycle) the City may take to complete both Phase #2 and Phase #3.</i>				

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- D. A Land Use Authority (and other City representatives or agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table 11-131, except as described below. If no further revisions are needed, the Land Use Authority may end the review process early and approve or deny the application.
1. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the 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 the 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. If an applicant takes longer than 40 business days to submit a revised subdivision improvement plan responding to the City's requests for modifications and additions (in 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. 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

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- #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.
- E. After the fourth or final review cycle is complete, the Land Use Authority shall approve or deny the application within 20 business days.
1. If the Land Use Authority has not approved or denied the application within 20 business days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the 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 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 Authority provides comments in the fourth or final review cycle, the City shall not require further modifications or corrections to the application unless those modifications or corrections are necessary to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.
1. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the municipality waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
  2. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.
- G. The Land Use Authority or other City body may conduct one or more public hearings (up to the number described in Table 11-131) during the review period for a subdivision application.
1. The purpose of these public hearings is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.
  2. If the Land Use Authority elects to hold a public hearing, the hearing must occur before the end of the Land Use Authority's review period in the fourth or final review cycle. Scheduling issues shall not extend the review and approval deadlines in this Chapter.
- H. Other chapters of this Title notwithstanding, the Land Use Authority shall approve or deny a subdivision application under this Part after reviewing a complete subdivision application as described in this Section. This singular application and review process

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includes the combined elements of traditional “preliminary” and “final” applications, as those terms are used in Utah Code § 10-9a-604.2. For purposes of applying Utah Code §10-91-604.1(3)(a) and §10-91-604.1(9)(b), this Chapter describes a “preliminary” review and approval, with “final” approval happening automatically when the plat is recorded.

### **11-3-2: APPROVAL:**

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

### **11-3-3: POST-APPROVAL ACTIONS:**

- A. The applicant shall record the approved subdivision plat with the County Recorder’s Office within 365 calendar days after the Land Use Authority approves the subdivision application, provided that the applicant has completed any improvements or posted any performance guarantee required by City ordinances or described in the approved improvement plan. The applicant shall not record the approved subdivision plat until such improvements are completed or guaranteed in compliance with City ordinances and the approved improvement plan.
  - 1. An approved plat not properly recorded within the timeline specified in this provision is void, unless the Subdivision Review Committee approves an extension.
- B. City staff shall submit to the Utah Geospatial Resource Center (so the subdivision can be included in the 911 database), within 30 calendar days after the application is approved, either:
  - 1. An electronic copy of the approved plat; or
  - 2. Preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

## **CHAPTER 4 - REQUIREMENTS FOR ALL SUBDIVISIONS**

### **SECTION:**

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*11-4-1: Subdivision Layout*

*11-4-2: Development In Phases*

*11-4-3: Local Minimum Standards And Specifications*

*11-4-4: Lots*

*11-4-5: Streets*

*11-4-6: Utilities And Easements*

*11-4-7: Storm Drainage Requirements*

*11-4-8: Water System*

*11-4-9: Sewer System*

*11-4-10: Design Standards*

*11-4-11: Completion Of Subdivision Improvements*

*11-4-12: Improvement Security*

*11-4-13: Coordination With Service Providers*

### **11-4-1: SUBDIVISION LAYOUT:**

- A. The subdivision layout shall conform to the City General Plan, this title, and the requirements of the base zoning district as established within title 10, chapter 6 of this Code.
- B. Where trees, groves, waterways, scenic points, historic spots or other City assets and landmarks, as determined by the Planning and Zoning Commission, and/or the City Council, are located within a proposed subdivision, every practical means shall be provided to preserve these features. The Planning and Zoning Commission may request recommendations from qualified organizations to aid in the determination of these features.
- C. Whenever a tract to be subdivided adjoins or embraces any part of an existing or proposed street so designated on the transportation element of the City General Plan, such part of the public way shall be platted and dedicated, and may be required to be improved by the subdivider in the location and at the width specified. (Ord. 13-01, 4-16-2013)



#### **11-4-2: DEVELOPMENT IN PHASES:**

A developer desiring to develop in phases shall gain sketch plan and preliminary plat approvals of the entire subdivision showing clearly the individual phases. The preliminary plat must contain sufficient detail for the engineering review to ascertain that the public improvements for each phase will perform as required for each phase as well as the full subdivision. Final plat approval may be gained for each phase independently. (Ord. 13-01, 4-16-2013)

#### **11-4-3: LOCAL MINIMUM STANDARDS AND SPECIFICATIONS:**

Standards for design, construction specifications and inspection of street improvements, curbs, gutters, sidewalks, storm drainage, flood control facilities, water distribution and sewage disposal facilities shall be prepared by the City Engineer; and similar standards for fire hydrants by the Fire Department. All subdividers shall comply with the standards established by such departments and agencies of the City and County; provided, that such standards shall be approved by the City Council. These standards, in addition to the general standards contained in this title, and those established by the State, shall be used by all subdividers. (Ord. 13-01, 4-16-2013)

#### **11-4-4: LOTS:**

- A. All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions.
- B. All lots or parcels created by the subdivision shall have access to a dedicated street improved to standards hereinafter required.
  - 1. No subdivisions shall be allowed to be developed whose access is not from a Class C road.
- C. The minimum area and dimensions of all lots shall conform to the requirements of the zoning ordinance of Lewiston for the zoning district in which the subdivision is located.
- D. The side lines of all lots, so far as possible, shall be at approximate right angles to the street which the lot faces, or approximately radial to the center of curvatures, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces. The Planning and Zoning Commission may allow exceptions to this requirement.
- E. A lot shall not be divided by an incorporated City or County limit line. Each such boundary line shall be made a lot line through whatever process deemed necessary by Lewiston City and the other affected entity.



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- F. Remnants of property shall not be left in the subdivision which does not conform to lot requirements unless it is designated as a conservation easement, open space, private utility, or other public purpose and/or meets the minimum lot size requirements for agricultural use under Utah Code Annotated title 59, chapter 2, part 5, Farmland Assessment Act.
- G. Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision, with no omissions or duplications; no block designations shall be used.
- H. Lots that have been created since May 4, 1970 without the approval of either the Planning and Zoning Commission or of the City Council, as required by Lewiston City or State Code at the time of the division, shall be deemed restricted, and shall not be eligible for conditional use permits, further subdivision, building permits, or business licenses until the illegal subdivision has been resolved. (Ord. 13-01, 4-16-2013)

### **11-4-5: STREETS:**

- A. Grades: Grades of streets shall not be in excess of ten percent (10%).
- B. Pavement: All streets within the City shall be improved with pavement.
- C. Standards Of Construction: Pavements shall be constructed in accordance with the requirements of the standards, rules and regulations adopted by the City Council.
- D. Urban Streets; Curbs And Gutters: Curbs and gutters on all urban streets shall be concrete of the standard high-back type, not less than two feet (2') in overall width, and not less than seven inches (7") thick where the curb abuts the street pavement. Minimum grades for curb and gutter shall not be less than one- half percent (1/2%).
- E. Stormwater Inlets, Catch Basins: Stormwater inlets and catch basins shall be provided within the roadway improvements at points specified by the subdivider and approved by the City Engineer.
- F. Curb Corners: All curb corners shall have a radius of not less than twenty five feet (25'). Where streets meet at acute angles, the radii shall be increased.
- G. Arrangement Of Streets: The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the Planning Commission.
- H. Connection With Existing Streets: New streets must connect with existing public streets.
- I. Angle Of Approach: All streets shall approach other streets at an angle of not less than eighty degrees (80°).

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- J. Curb, Gutter And Sidewalk Installation: The subdivider shall install curbs, gutters and sidewalks on existing and proposed streets in major subdivisions and where curb and gutter are existing in the surrounding neighborhood.
- K. Street Number Signs: Street number signs, conforming to the design and specifications and in the number provided by the standards, rules and regulations of the City, shall be provided by the developer at all street intersections. Installation shall be made by City departments, to ensure uniformity, at the expense of the developer.
- L. Cul-De-Sacs: Cul-de-sacs (dead end streets designed to be permanently closed to through traffic) shall not be longer than four hundred feet (400') to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred twenty feet (120') in diameter, measured to the property lines. If surface water drainage is toward the turnaround, due to the grade of the street, necessary catch basins and drainage easements shall be provided. In cul-de-sacs, curb and gutter and street grades shall be a minimum of five percent (5%).
- M. Level Of Grade: Streets shall be leveled, when possible, to a grade of less than four percent (4%) for a distance of at least one hundred feet (100') approaching all intersections and at the intersection a grade of three percent (3%) shall be maximum.
- N. Changes In Grade: All changes in street grade shall be connected by vertical curves of a minimum length equivalent to fifteen (15) times the algebraic difference in the rate of the grade for major streets and secondary streets and one-half (1/2) of this minimum for all local streets. Vertical curves are not required where the difference in grade change is less than one percent (1%).
- O. Curvature On Centerline: Minimum radii of curvature on the centerline shall be as follows: major streets, five hundred feet (500'); secondary streets, three hundred feet (300'); local streets, one hundred feet (100') (or as approved by the City Engineer).
- P. Half Streets; Alleys: Wherever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted; however, in most cases, half streets shall be prohibited.
- Q. Width Of Streets Or Roads: The total width of a street or road right-of-way within any subdivision shall be a minimum of sixty six feet (66'), with a minimum of twenty four feet (24') of paved asphalt. The twenty four foot (24') width of paved asphalt may be increased based on a determination from the City Engineer. The balance of the street width is to be used for curb, gutter, sidewalk and a parking strip, or drainage swale, all as required herein, subject to such modification or amendment, including the requirement of a wider street or road, when determined to be necessary, by the Planning Commission and approved by the City Council. Nothing contained herein shall be interpreted as limiting the power of the Planning Commission to also recommend and the power of the City Council to also require wider streets or roads outside a subdivision. (Ord. 13-01, 4-16-2013)

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### **11-4-6: UTILITIES AND EASEMENTS:**

- A. All utilities, private or publicly owned, shall be placed underground unless otherwise approved or specified by the City. This will include, but not be limited to, telephone, gas, electric power, water, sewer, storm drains, etc. These underground utilities shall be installed before the surfacing of the streets and installation of road base, curb and gutter, sidewalks, etc.
- B. All utilities shall conform to the rules and regulations adopted by the respective company.
- C. Utility easements shall be provided within the subdivision as required for public utility purposes. Easements shall be dedicated along all front, rear, and side setbacks as deemed necessary by the City Council and utility providers. (Ord. 13-01, 4-16-2013)

### **11-4-7: STORM DRAINAGE REQUIREMENTS:**

- A. Written approval of the proposed stormwater drainage plan, or applicable stormwater management plan shall be obtained from the Lewiston City Engineer. No new or additional stormwater drainage that results from the development of a site shall be allowed to flow from any portion of the subdivision site to any adjacent lots, properties, ditches, canals, or waterways without the prior written authorization from the affected parties, with a note on the subdivision plat identifying a proposed and recordable drainage easement, provided by the adjacent property owner, ditch or canal company. The City Engineer shall approve the subdivision's stormwater management plan prior to recordation of the final plat.
- B. No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate canal company or water user. No ditch or canal shall be used for stormwater unless adequately improved to handle the expected increase in flow.
- C. The drainage plan shall be designed to:
  - 1. Permit the unimpeded flow of natural watercourses.
  - 2. Ensure adequate drainage of all low points.
  - 3. Ensure applications of the following regulations regarding development in designated floodplains:
    - a. Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a 100-year storm.
    - b. Building construction may occur in the portion of the designated floodway where the return frequency is between a 100-year and a maximum probability storm provided all usable floor space is constructed above the designated maximum probable flood level.

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- c. Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, uncased deep wells, sanitary landfills, septic tanks and on lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation.
- d. Recreational coach or mobile home parks and similar uses shall not be permitted in any designated floodway.
- e. No lot one acre or less in area shall include flood lands. All lots more than one acre shall contain not less than forty thousand (40,000) square feet of land which is at an elevation at least two feet (2') above the elevation of the 100-year recurrence interval flood, or, where such data is not available, five feet (5') above the elevation of the maximum flood of record. (Ord. 13-01, 4-16-2013)

### **11-4-8: WATER SYSTEM:**

- A. The design of all water systems, including fire hydrants, shall be reviewed and approved by the City Engineer.
- B. The entire system shall be designed and constructed in accordance with City standards, Utah State Health Department standards, and the current adopted Fire Code. If there is a conflict between the standards, the most stringent shall rule. Final approval of the proposed water system shall be subject to approval by the City Engineer. (Ord. 13-01, 4-16-2013)

### **11-4-9: SEWER SYSTEM:**

- A. The sewer system design and layout shall meet all standards and specifications of Utah State Department of Health in addition to City standards.
- B. Subdivision applications proposing individual onsite wastewater disposal systems shall include feasibility reports, meeting the requirements of the Bear River Health Department or Utah Department of Environmental Quality, as applicable, for each new parcel or lot proposed.
- C. As with the water system, the subdivider shall be responsible for extending and connecting to the nearest existing sewer main that is adequate to handle the subdivision flows. Final line sizes and final approval shall also be subject to approval by the City Engineer. (Ord. 13-01, 4-16-2013)

### **11-4-10: DESIGN STANDARDS:**

- A. The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design

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standards recommended by the Planning Commission and by other departments and agencies of the City government. All proposed roads shall be consistent with the current grid/block pattern of north-south and east-west oriented roads established in Lewiston. An exception may only be granted if the grid pattern cannot be maintained due to steep slopes, waterways, wetlands, or other natural features. Design standards shall be approved by the City Council and shall include provisions as follows:

1. Blocks shall not exceed one thousand six hundred fifty feet (1,650') in length from centerline to centerline of roads.
2. Blocks shall be wide enough to adequately accommodate two (2) tiers of lots.
3. Dedicated walkways through the block may be required where access is necessary to a point designated by the Planning Commission. Such walkways shall be a minimum of six feet (6') in width, but may be required to be wider where determined necessary by the Planning Commission. The subdivider shall surface the full width of the walkway with a concrete surface, install a chainlink fence or its equal at least four feet (4') high on each side and the full length of each walkway and provide, in accordance with the standards, rules and regulations, barriers at each walkway entrance to prevent the use of the walkway by any motor vehicle or by any other nonmotorized vehicle wider than four feet (4').
4. Blocks intended for business or industrial use shall be designated specifically for such purposes with adequate space set aside for off street parking and delivery facilities.
5. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, to the character of surrounding development and the existing requirements.
6. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zoning title for the zone or proposed zone in which the subdivision is located and to the minimum requirements of the County Board of Health or other applicable agencies if not connected to City sewer and/or water systems.
7. Each lot shall abut on a publicly dedicated street shown on the subdivision plat or on an existing publicly dedicated street, which is more than twenty six feet (26') wide. Double frontage lots shall be prohibited except where unusual conditions make other designs undesirable.
8. Side lines of lots shall be approximately at right angles, or radial to the street lines.
9. In general, all remnants of lots below minimum size must be added to adjacent lots, rather than allowed to remain as unusable parcels.
10. Protection strips are prohibited.

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11. Subdivisions for nonagricultural purposes in the Agricultural Zone may only be created on Class C roads existing at the time the subdivision is proposed. (Ord. 13-01, 4-16-2013)

### **11-4-11: COMPLETION OF SUBDIVISION IMPROVEMENTS:**

- A. No subdivision final plat map or deed shall be recorded until all of the stipulations for approval have been met and all required improvements have been completed to the standards and specifications established by the City or other codes, laws, or regulations. In addition the following minimum requirements apply and may be added to by the Planning and Zoning Commission, or City Council:
  1. Construction within the subdivision shall conform to all Federal and State regulations.
  2. Construction drawings and construction within the subdivision shall conform to the Lewiston City standards and specifications. This document shall be available in the Office of the Zoning Administrator.
  3. Permits must be obtained for construction of the infrastructure facilities within the subdivision.
  4. There shall be a schedule of fees for all services required for the review of infrastructure in the Office of the Zoning Administrator. All fees within the schedule of fees shall be passed by a resolution of the City Council.
  5. Any work which begins prior to the issuance of a permit may be assessed an administrative penalty equal to two hundred percent (200%) of the cost of any fees and permits plus one thousand dollars (\$1,000.00).
  6. A preconstruction conference with the Public Works Director may be required not less than forty eight (48) hours prior to the commencement of construction activities.
  7. The contractor shall notify the Zoning Administrator not less than forty eight (48) hours prior to the commencement of construction.
  8. Within thirty (30) days of the completion of improvements, the subdivider shall submit "as built" drawings of subdivision improvements prepared by or under the supervision of a professional licensed to prepare such work in the State of Utah. Failure to submit such drawings shall result in a hold being placed on issuance of any building permits. (Ord. 13-01, 4-16-2013)

#### **11-4-12: IMPROVEMENT SECURITY:**

- A. When in the judgment of the Planning and Zoning Commission, it is not feasible to complete requirements or conditions imposed by statute or ordinance prior to the issuance of a permit, use, or occupancy, the improvement security may be accepted pursuant to this section to guarantee completion of the requirements or conditions.
- B. Acceptance Of Security: Improvement security may be accepted by the City in relation to the following requirements or conditions:
  - 1. Landscaping, parking, parking lot lighting, signage, structural amenities;
  - 2. Right-of-way improvements, street improvements, curb, gutter, sidewalk, improvements related to driveways;
  - 3. Electrical power;
  - 4. Sewer, water, utilities; or
  - 5. All other improvements or deferrals.
- C. Types Of Security: With the exception of improvements required under provisions of the City zoning ordinance, the following types of surety may be accepted:
  - 1. Certificate of deposit, cash, cashier's check, or savings account in favor of Lewiston City in the amount of not less than one hundred ten percent (110%) of the estimated cost of improvements;
  - 2. Irrevocable letter of credit issued by a Federally insured financial institution with the necessary period of time as determined by staff in the amount of not less than one hundred ten percent (110%) of the estimated cost of improvements;
  - 3. Escrow, drawdown, or performance account to which the County is a signatory and the escrow agent guarantees payment in the amount of not less than one hundred ten percent (110%) of the estimated cost of improvements;
  - 4. Performance bond issued by a financial institution, insurance company, or surety company with a Moody's or Standard & Poor's investment grade bond rating in the amount of not less than one hundred ten percent (110%) of the estimated costs of improvements.
- D. Estimating The Cost of Improvements:
  - 1. The permit holder shall present the City with a firm construction bid for the improvements that shall be valid for a reasonable period of time from the date of the bid.
  - 2. The bid shall be reviewed by the Zoning Administrator or other appropriate City official prior to acceptance of the estimated cost.



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3. If the City accepts the bid amount, the permit holder may use that amount for securing and delivering surety to the City.
- E. If the City does not accept the bid amount, the permit holder shall obtain three (3) firm bids for the work to be secured with prices valid for at least six (6) months. The City shall accept the average of the three (3) bids as the base amount for improvement security. (Ord. 13-01, 4-16-2013)

### **11-4-13: COORDINATION WITH SERVICE PROVIDERS:**

- A. The following information is required to be presented as part of a subdivision application, necessary to promote coordination with other service providers:
  1. Lewiston City fully supports access management along all State roads and shall work with all applicants of subdivisions through the Cache Access Management Policy to work with the Utah Department of Transportation to coordinate access, capacity, and safety issues.
  2. If the proposed subdivision is located within the boundaries of an irrigation company or canal company, or easements of any canals or irrigation ditches exist on the proposed subdivision site, a letter from the governing board of the applicable canal or irrigation company, acknowledging the proposed subdivision. This letter may identify any potential impacts resulting from the proposed subdivision. (Ord. 13-01, 4-16-2013)