

SCOFIELD TOWN
LAND USE ORDINANCE 12-9-2024
AMENDING AND UPDATING SECTION VI SUBDIVISIONS

*AN ORDINANCE OF THE TOWN COUNCIL OF SCOFIELD UTAH, REVISING AND AMENDING
SECTION VI SUBDIVISIONS OF THE SCOFIELD TOWN LAND USE CODE*

WHEREAS the Town Council of Scofield, Utah desires to comply with the new requirements outlined by the State of Utah, pursuant to the provisions of Utah State Code 10-3-707, as amended, has the authority to revise ordinances of the municipality of the general and permanent character; and WHEREAS the current Scofield Town Land Use Ordinance does not meet the requirements set forth by the State of Utah; and

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

WHEREAS the Town Council has held a public hearing on the proposed revisions,

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

SECTION I: The document titled "Ordinance Amendment 12-9-2024", attached as Exhibit 'A', is hereby adopted as a replacement for the currently existing Chapter VI-Subdivisions of the Town's ordinances (governing the subdivision of land within the Town), subject to any immaterial changes that may occur post-adoption during the codification process. This document shall be accepted in all courts without question as the official subdivision ordinances of the Town as enacted by the Town Council.

SECTION II: If any provisions of the Town's code previously adopted are inconsistent herewith, they are hereby repealed.

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

PASSED AND ADOPTED by the Town Council of Scofield, Utah,

This 9th day of December 2024.



Jim Levanger
Mayor of Scofield, Utah

ATTEST:



Lorraine Behling, Scofield Town Clerk

COUNCIL Voted as Recorded:	AYE	NAY	ABSENT
Jim Levanger	X		
Brad Peacock	X		
Meliss Holloway	X		
Ralph Brinkerhoff			X
Liberty Smith			X

RECORDED this 9th day of December, 2024.

PUBLISHED / POSTED this 10th day of December, 2024.

CERTIFICATE OF PASSAGE AND PUBLICATION / POSTING

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

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


 Lorraine Behling
 Scofield Town Clerk

Exhibit 'A': Chapter VI – Subdivisions

6-1 INTENT

The intent of this chapter is as follows:

- A. To facilitate the orderly development of the Town in accordance with the Town's General Plan;
- B. To facilitate circulation and transportation;
- C. To facilitate the transfer of the ownership of building sites;
- D. To facilitate the provision of water, sewer, drainage, and other utilities; and
- E. To establish the rights, duties and responsibilities of applicants with respect to the development of land.

6-2 SUBDIVISION APPROVAL REQUIRED

- A. No person shall subdivide any tract of land which is located wholly or in part within the limits of Scofield Town, Utah, nor shall any person sell, exchange, offer for sale, purchase, or offer to purchase any parcel of land which is any part of a subdivision or larger tract of land within the Town, nor shall any person offer for recording any deed conveying such a parcel of land or any interest therein unless he/she has fulfilled all of the applicable requirements of this Ordinance, received approval from the appropriate body and paid all applicable fees.
- B. All divisions of land require compliance with all applicable requirements of this Ordinance before the issuance of a Building Permit. A transfer of a subdivided parcel of land not done in accordance with this Chapter is void.

6-3 SUBDIVISION LAND USE AUTHORITY

- A. The Land Use Authority under this Chapter, except where otherwise noted, is the Planning Commission.
- B. The Land Use Authority is responsible for the following, but may delegate any task to the Zoning Administrator:
 - a. Rendering a land use decision on all subdivision applications and petitions under this Chapter.
 - b. Reviewing all applications under this Chapter in an impartial manner and according to the standards and deadlines described in this Chapter.
 - c. Providing feedback to applicants in the manner required by this Chapter
 - d. Scheduling and holding a pre-application meeting with potential applicants as required in this Chapter.
 - e. Keeping subdivision application forms and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants.
 - f. Providing notice to entities and parties as required in this Chapter.
 - g. Signing application and petition approvals as required in this Chapter.
 - h. Ensuring that documents are properly recorded with the County as required in this Chapter.
- C. The Planning Commission will not approve a subdivision application until the application and plat have been reviewed by an attorney and civil engineer, designated by the Town Council. Provided that the attorney and engineer provide comments before the expiration of the deadlines in Table A, under section 6-4.4.
- D. As subdivision application decisions are administrative, not legislative, decisions, the Land Use Authority is authorized to make any land use decision described by this Chapter without Town Council approval.

- E. Except when operating as the Appeal Authority, the Town Council shall not require the Land Use Authority to approve or deny an application.

6-4 APPLICATION PROCEDURES AND PLAT REQUIREMENTS

6-4.1 Pre-Application Meeting

Any party intending to subdivide land within the Town and submit a subdivision application may meet with the Planning and Zoning Commission in a pre-application meeting if requested. The purpose of the meeting shall be to provide the applicant with information pertaining to the Town's requirements for subdivision review and all other requirements of the Land Use Code and General Plan affecting the land to be subdivided. The proposed application need not be complete for purposes of this meeting and may—if the party desires—be limited to a concept plan.

- A. If a party requests a pre-application meeting, the Town shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur within 20 business days after scheduling.
- B. The Zoning Administrator or delegated Town staff shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the Town website the following at the time of the meeting:
 - a. Copies of applicable land use regulations,
 - b. A complete list of standards required for the project, and
 - c. Relevant application checklists.
- B. A concept plan must illustrate the concept of the proposed subdivision and show street width and approximate lot acreage.

6-4.2 Application Requirements

- A. To be considered complete, a subdivision application must include at least the following elements:
 - a. An approved land use application that describes how the property will be used after it is subdivided.
 - i. If the intended use is permitted by right under Town ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
 - ii. If the intended use requires a conditional use permit or is otherwise conditioned on Town approval, the land use application must include an *approved*, Town-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
 - iii. If the intended use is prohibited under Town ordinances and requires a variance, the land use application must include an approved, Town-issued variance authorizing the intended use. Should an applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.
 - b. A plat, unless exempted under Section 6-9. The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder's Office. The plat must include:
 - i. The proposed subdivision name, which must be distinct from any subdivision name on a plat recorded in the County Recorder's office.
 - ii. Not less than two (2) permanent survey monuments shall be installed in each subdivision.

- iii. The location of all survey monuments and all lot corners within the subdivision:
 - a. Accurately drawn boundaries, bearings, distances, and chords properly tied to public survey monuments;
- iv. The number, temporary address, dimensions, and area of the blocks and lots intended for sale;
- v. Existing right-of-way and easement grants of record for underground facilities and for other utilities facilities;
- vi. If the subdivision requires the dedication of easements or right-of-way for utilities, roads or other public purposes, the owner of the land shall acknowledge the map before an officer authorized by law to take the acknowledgment of conveyances of real estate;
- vii. North arrow, accurate scale or representative fraction, and date of drawing
- viii. The boundaries, course, and dimensions of all proposed parcels.
- ix. The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale. All streets, lots, blocks, and roadways are to be numbered or addressed under the system approved by Scofield Town.
- x. Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.
- xi. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.
- xii. The location of existing railroads, rights-of-way, buildings, common drives, open space, trails, water courses or other important features within or adjacent to the property;
- xiii. The location of all existing sanitary and storm sewers, water mains, culverts, fire hydrants, the location of the nearest water and sewer outlet and other structures;
- xiv. An elevation contour map (or aerial photograph showing elevation contours) of the proposed development at intervals of two (2) feet;
- xv. Whether any parcel is intended to be used as a street or for any other public use;
- xvi. Whether any parcel is reserved or proposed for dedication for a public purpose;
- xvii. 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).
- xviii. If any portion of the proposed subdivision is within 1,000 feet of an Industrial Protection Area, Critical Infrastructure Materials Area, or Mining Protection Area, the notice language found in Utah Code §17-41-403(4).
- xix. If any portion of the proposed subdivision is within 1,000 feet of a Vested Critical Infrastructure Materials Operation (extracting, excavating, processing, or reprocessing sand, gravel, or rock aggregate where that use is not permitted by Town ordinances), the notice language found in Utah Code §10-9a-904.
- xx. If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.
- xxi. The standard form of signature block adopted by the Town including spaces for the following:
 - a. The owner(s) of the land to be subdivided;
 - b. The Planning Commission Chair;
 - c. The surveyor who prepared the plat; and
 - d. A notary public.

- c. Reports and studies, including:
 - i. A traffic study, if one is required by an applicable UDOT Access Management Plan (such as when the subdivision touches a road built or maintained by UDOT) or requested by the Land Use Authority.
 - ii. Any other study or report reasonably necessary to ensure compliance with Town design standards and improvement requirements.
- d. An improvement plan, created in accordance with applicable portions of this Ordinance, for all public improvements proposed by the applicant or required by Town ordinances. In addition, the improvement plan must contain:
 - i. The proposed location of all improvements to be installed such as water lines, sewer liner, gas lines, electrical power lines, cable TV lines, telecommunications lines, fire hydrants, street lights, permanent survey monuments, building setbacks, open spaces, trails, and other common spaces;
 - ii. A drainage plan of all areas of the proposed development including; vacant or open space, proposed building sites, existing and proposed ditches, canals, curbs, storm drains, retention ponds, and other drainage facilities; and
 - iii. The improvement plan must contain an engineer's estimate of the cost of completing the required improvements.
- e. Certifications, including:
 - i. An affidavit from the applicant certifying that the submitted information is true and accurate.
 - ii. The signature of each owner of record of land described on the plat, signifying their consent to the subdivision application and their intent to dedicate portions of the plat to the public as described in the application.
 - iii. Certification that the surveyor who prepared the plat:
 - 1. Holds a license in accordance with Utah Code 58-22; and
 - 2. Either:
 - (I) Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 - (II) Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - 3. Has placed monuments as represented on the plat.
 - iv. The location of adjoining properties and current owners of record and all tax identification numbers and official record numbers of the current deed or legal description;
 - v. A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.
 - vi. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
 - vii. The tax identification number(s) of the subject property proposed for subdivision; and the official record numbers of the current deed(s) for the property.
 - viii. Owner's Certificate of Dedication.

- ix. Letters of approval by the culinary water authority, the sanitary sewer authority, the local health department, the local fire department, and the local public safety answering point.
 - f. A completion assurance for all public improvements required by the approved improvement plan, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the applicant records the plat, as required by Section 6-4.5 and 6-4.6 of this Code.
 - g. Documents conveying required water rights to the Town for each new culinary or secondary water connection to be installed, as prescribed by applicable Town Ordinance or resolution.
 - h. Binding dedication documents, including:
 - i. As applicable, formal, irrevocable offers for dedication to the public of streets, Town uses, utilities, parks, easements, or other spaces.
 - ii. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
 - i. Copies, including:
 - i. One electronic copy of the final plat in AutoCAD format, with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to.
 - ii. A PDF document of the complete application (including the plat and all other plans and supporting documents required by this Section).
 - iii. Three 8.5" x 11" printed copies of the complete application, delivered to the Town office, for review;
 - iv. A copy of the plat drawn on Mylar for signing and recording. The applicant may wait to produce this recording-form copy until the Land Use Authority has completed two review cycles, but in such case, the Land Use Authority need not approve the application until this copy has been produced and reviewed.
 - j. Payment of any application-processing fees required by the Town. In addition to any fees listed on the Town's Fee Schedule, the applicant shall be liable for any reasonable costs the Town incurs in obtaining engineering and legal review of the application.
 - k. Where an applicant owns or controls more land than they wish to develop immediately, the Planning Commission may require that the submitted subdivision plat indicate the portion to be developed immediately and the portion to be held for future development. The remaining portion of the development will retain its recommendation of approval for a period of one (1) year.
- B. The Planning Commission (or Town staff, as delegated) shall produce, maintain, and make available to the public a list of the specific items that comprise complete subdivision applications and a breakdown of any fees due upon submission or approval of the applications.
 - C. The Planning Commission may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the Town relating to an applicant's plans to ensure compliance with Town ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of Town residents.
 - D. Notwithstanding 6-4.2(A), the Planning Commission may, in its sole discretion, waive any of the specific requirements found in this Subsection.

6-4.3 Lot Requirements

The development must meet the following minimum requirements in order to proceed as a legal subdivision:

- A. The subdivision or development does not result in undevelopable remnant land that did not previously exist.
- B. Each parcel shall have the required minimum frontage on an improved public street or highway, unless the Board of Adjustment approves a variance.
- C. Pursuant to §2-3.6 of this code, creation of flag lots shall be permitted only upon the approval of a variance, by the Board of Adjustment, and only if the creation of a flag lot is the least permissive means of alleviating the specific hardship. Any flag lot so permitted shall meet the following requirements:
 - a. The staff portion of the lot shall front on, and be contiguous to a public street;
 - b. The minimum width of the staff portion at any point shall be thirty (30) feet;
 - c. The maximum length of the staff shall be one-hundred (100) feet, measured perpendicular to the front lot line;
 - d. The minimum width of the flag portion at any point shall be the minimum frontage for ordinary lots required by the applicable zone;
 - e. The flag portion of the lot shall conform to the minimum area requirements for ordinary lots within the applicable zone;
 - f. No structures shall be located in the staff portion of the lot;
 - g. No portion of the lot needed to meet the access, frontage, setback, or area requirements for flag lots may be sold or leased apart from such lot;
 - h. A sight obscuring fence or hedge may be required to be erected around the staff and/or flag portions of the lot to mitigate visual and audible impacts to adjacent parcels; and
 - i. Appropriate address signage shall be installed and maintained at the point where the staff portion accesses the street;
- D. Each lot shall meet the width and area requirements of the applicable Zone;
- E. Each lot shall meet all other applicable requirements set forth in this Code.

6-4.4 Application 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.
 - a. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
 - b. If the Land Use Authority (or Town staff, as delegated) 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. Upon determining that an application is complete, the Land Use Authority (or Town staff, as delegated) shall send a copy of the application to the Town Engineer and Town Attorney, who may review and provide comments to the Land Use Authority within each review cycle, advising the Land Use Authority on any deficiencies in the application.
- 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."
 - a. A review cycle consists of the following phases:
 - i. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
 - ii. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances.

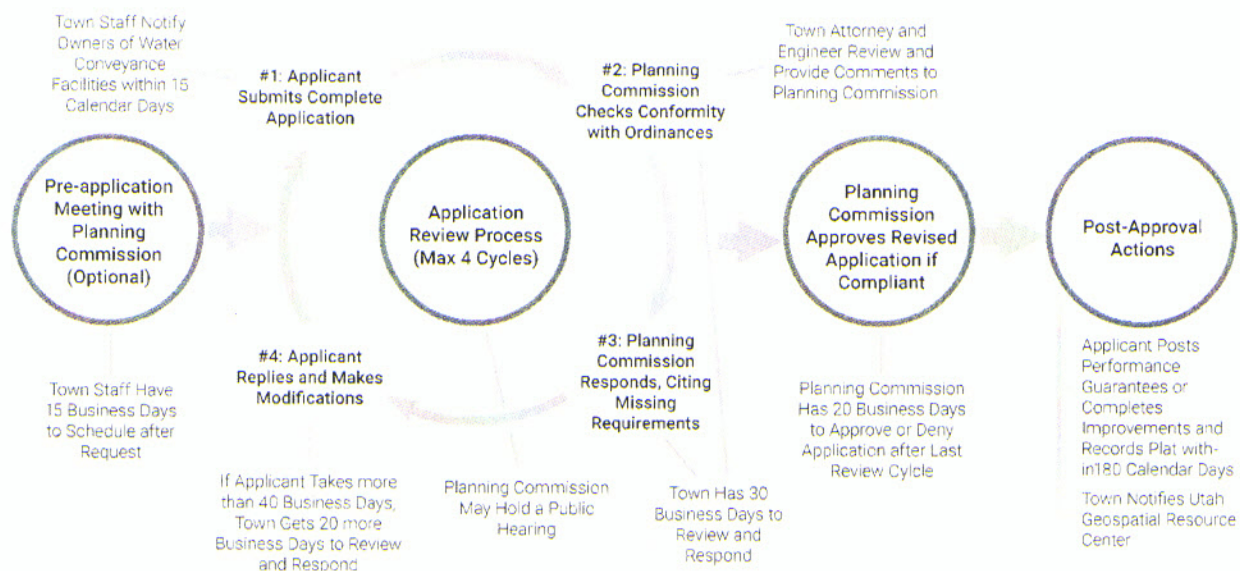
- iii. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.
- iv. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the Town's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. This written explanation must be comprehensive and specific, including citations to applicable standards and ordinances and an index of requested revisions or additions for each required correction. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

Table [] Review Cycles, Hearings, and Timelines by Subdivision Use Type

<i>Use Type</i>	<i>Max Review Cycles</i>	<i>Max Public Hearings</i>	<i>Town Turnaround Deadline*</i>
All Uses	4	1	30 Business Days

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

SUBDIVISION APPLICATION REVIEW PROCESS SCOFIELD TOWN



- D. The Land Use Authority (and other Town representatives and agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table A, 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.
 - a. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the Land Use Authority is exempt from limits on the number of permitted review cycles and the Land Use Authority's deadlines for reviewing and responding (Phases #2 and #3).
 - b. If the applicant makes a material change to the application not requested by the Land Use Authority 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.
 - c. If an applicant takes longer than 40 business days to submit a revised subdivision improvement plan responding to the Land Use Authority's requests for modifications and additions (in Phases #1 and #4), the Town shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
 - d. If an applicant takes longer than 180 calendar days to submit a revised application and respond to the Town's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.
- E. After the fourth or final review cycle is complete, the Land Use Authority shall approve or deny the application within 20 business days.
 - a. If the Land Use Authority has not approved or denied the application within 20 business days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the Town shall, within 10 business days for a dispute arising from the:
 - i. Subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the revised set of plans; or
 - ii. Subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.
- F. After the Land Use Authority provides comments in the fourth or final review cycle, the Town shall not require further modifications or corrections to the application unless those modifications or corrections are necessary to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.
 - a. 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.
 - b. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.
- G. The Land Use Authority may conduct only one public hearing during the review period for a subdivision application.

- a. The purpose of the public hearing 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.
 - b. 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.
 - i. Scheduling issues shall not extend the review and approval deadlines in this Chapter.
- H. Other Sections of this Chapter 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 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.

6-4.5 Application Approval

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

6-4.6 Post-Approval Actions.

- A. The applicant shall record the approved subdivision plat with the County Recorder's Office within 180 calendar days after the Land Use Authority approves the subdivision application, provided that the applicant has completed any public improvements or posted any performance guarantee required by Town ordinances or described in the approved improvement plan. The applicant shall not record the approved subdivision plat until such improvements are completed or guaranteed in compliance with Town ordinances (notably Chapter VII (7)) and the approved improvement plan.
 - a. An approved plat not properly recorded within the timeline specified in this provision is void, unless the Planning Commission approves an extension.
- B. The Planning Commission Secretary 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:
 - a. An electronic copy of the approved plat; or
 - b. Geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

6-5 NOTICE TO AFFECTED ENTITIES.

- A. Within 15 calendar days after receiving a complete subdivision application under this Part, designated Town Staff shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
 - a. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, Town staff shall review information:
 - i. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
 - ii. From the state engineer's inventory of canals; or

- iii. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
- 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.
 - a. 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.

6-6 VACATING OR AMENDING A SUBDIVISION.

- A. The Town Council may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that describes the subdivision or the portion being vacated and recording that ordinance in the County Recorder's Office.
- B. A property owner or agent of a property owner may correct minor typographical or clerical errors in a document of record by filing with the County an affidavit or other appropriate instrument. This provision does not apply to changing the name of a subdivision, which requires a material amendment described in the following provisions.
- C. A fee owner of land in a platted subdivision may request a material subdivision amendment by filing a written petition with the Planning Commission. This petition must meet all the requirements for a subdivision application specified in Section 6-4.2 with the following changes:
 - a. The plat (or the record of survey map, if applicable) should:
 - i. Depict only the portion of the subdivision that is proposed to be amended;
 - ii. Include a plat name distinguishing the amended plat from the original plat;
 - iii. Describe the differences between the amended plat and the original plat;
 - iv. Include references to the original plat; and
 - v. Meet all the other plat requirements specified in Section 6-4.
 - b. The petition must additionally include the name and address of each property owner affected by the petition and the signature of each of those property owners who consents to the petition.
 - i. The petitioner must include with the petition envelopes addresses to each property in the subdivision.
 - c. Upon receipt of an amendment petition, the Planning Commission (or Town staff, as delegated) shall provide notice of the petition to:
 - i. Each utility provider that services a parcel of the subdivision. The Land Use Authority shall not approve an amendment petition until at least 10 calendar days after notifying these utility providers. The designated Town Staff may notify the utility providers in any effective manner (email, mail, etc.).
 - ii. Each property owner in the subdivision. The Town Council or designated Town Staff shall notify these property owners by mail.
 - d. The Planning Commission shall hold a public hearing before approving an amendment petition and within 45 calendar days after the day on which the petition is submitted if:
 - i. A property owner objects in writing to the amendment within 10 days of the Town notifying the property owner by mail, or
 - ii. Not every property owner in the subdivision has signed the revised plat.
 - e. Notwithstanding Section 6-4.4(G), the Planning Commission need not hold a public hearing if

notice has been given to adjoining property owners in accordance with any applicable local ordinance and the petition seeks to:

- i. Join two or more of the petitioner's contiguous lots;
 - ii. Subdivide one or more of the petitioner's lots;
 - iii. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
 - iv. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
 - v. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as a common area.
- f. If the Planning Commission approves the amendment petition, the Planning Commission shall sign the amended plat in the manner described in Section 6-4.5(D), and the petitioner shall record the plat, subject to the completion or guarantee of any improvements, as described in Chapter VII (7).

6-7 LOT LINE ADJUSTMENTS.

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

6-8 VACATING A PUBLIC STREET.

- A. A legislative body may approve a petition to vacate a public street in accordance with this Section.
- B. This applies to stand-alone petitions to vacate a public street and does not apply to the process of vacating some or all of a public street through a plat or amended plat process.
- C. Where any provision in this Section conflicts with state law, state law shall prevail.
- D. Where any provision in this Section conflicts with other ordinances enacted by the Town, the provisions in this Section shall prevail unless:
 - a. The conflicting ordinance is the Subdivision Chapter, in which case the Subdivision Chapter shall prevail, or
 - b. The Town intended such conflicting ordinances not in this Chapter to amend this Chapter.
- E. Petition Requirements
 - a. The petitioner must submit a petition that includes:
 - i. The name and address of each owner of record of land that is:
 - 1. Adjacent to the public street or municipal utility easement between the two nearest public street intersections; or

2. Accessed exclusively by or within 300 feet of the public street or municipal utility easement
- ii. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located.
- iii. The signature of each owner under (i.) who consents to the vacation.

6-9 EXCEPTIONS TO SPECIFIC APPLICATIONS AND REQUIREMENTS.

- A. Agricultural Land:
 - a. Applications to subdivide agricultural land are exempt from the plat requirements (but not the other application requirements) of Section 6-4.2 if the resulting parcels:
 - i. Qualify as land in agricultural use under Utah Code §59-2-502;
 - ii. Meet the minimum size requirement of applicable Town land use ordinances; and
 - iii. Are not used and will not be used for any nonagricultural purpose.
 - b. For subdivision applications for which this exception applies, an applicant may submit to the Town—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.
 - c. If the Land Use Authority approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the Land Use Authority, with the County Recorder's Office.
 - i. This shall be done in the same manner as is done for a plat under Section 6-4.5.
 - d. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The Town may, in its discretion, impose the penalty in Section 2.9 and/or require a subdivision amendment before issuing a building permit.
- B. Development Agreements:
 - a. The Town may approve a subdivision through a development agreement entered into between a developer and the Town.
 - b. Subdivisions platted in a valid development agreement are exempt from the application requirements (Section 6-4.2) and review and approval requirements (Section 6-4.3 and 6-4.4) of this Chapter.
 - c. Clauses in a valid development agreement with the Town superseded all conflicting requirements in this Chapter, except where a clause in the development agreement poses a substantial danger to the health and safety of Town residents.

6-10 COSTS AND CHARGES FOR DEVELOPMENT

- A. Except as may be otherwise provided in this Ordinance, all cost and charges for the development and planning of subdivisions shall be borne and paid by the applicant and shall not be paid by the Town.
- B. The Town Council may, from time to time, establish by resolution a schedule of fees for that purpose and provide for the assessment and collection thereof. Such a schedule of fees shall be on file in the Town Recorder's office and open to public inspection during normal office hours.

6-11 VIOLATIONS

- A. No person, whether owner or agent, may record a subdivision plat of any land which is located wholly or in part within the limits of Scofield Town, unless said subdivision has been approved by the Land Use Authority. Any person, whether owner or agent, who transfers or sells any land pursuant to an invalid subdividing document (whether plat or otherwise) before that document has been approved and recorded violates this Chapter for each lot or parcel transferred or sold.

6-12 DEDICATION OF STREETS

- A. Approved plats, when recorded, according to the procedures specified in this Chapter, operate as a dedication of all streets and other public places, and vest the fee of those parcels of land with Scofield Town for the public, for the uses named or intended in those plats.
- B. All streets, when dedicated by a subdivision plat for public use, shall conform to the minimum standards for width and improvement, except that the Town Council may accept the dedication of partial width street provided that the:
 - a. Centerline of said street coincides with the border of the subdivision; and
 - b. Owner(s) of property adjacent to the half-street dedicate the remaining half, prior to the Town Council's approval of the plat.