

6. Chapter 6 DEVELOPMENT STANDARDS AND SUBDIVISION REGULATIONS

The standards and regulations set forth in this chapter relate to proposed subdivisions in the Town of Wallsburg. All subdivision shall be consistent with Chapter 5 herein and all other relevant sections of this Code. All commercial projects will be reviewed under the provisions of Chapter 7 of this Code.

Contents of this chapter

6.1. GENERAL PROVISIONS	2
6.2. INTRODUCTION	2
6.3. PURPOSE FOR STANDARDS AND REGULATIONS	2
6.4. AUTHORITY	3
6.5. JURISDICTION	3
6.6. INTERPRETATION, CONFLICT, AND SEVERABILITY	3
6.7. SAVING PROVISION	4
6.8. AMENDMENTS	4
6.9. VACATION, ALTERATION OR AMENDMENT OF SUBDIVISION PLATS	4
6.10. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS	5
6.11. CONCEPT PLAN	5
6.12. IMPROVEMENT, DESIGN, AND LAYOUT CONSIDERATIONS	5
6.13. LOT IMPROVEMENTS AND ARRANGEMENT	8
6.14. ROADS AND STREETS	10
6.15. DRAINAGE AND STORM SEWERS	14
6.16. WATER FACILITIES	16
6.17. SEWER FACILITIES	18
6.18. SIDEWALKS, CURBS, TRAILS, AND PATHS	18
6.19. OTHER UTILITIES	19
6.20. PRESERVATION OF NATURAL FEATURES AND AMENITIES	19
6.21. PRELIMINARY PLAT	19
6.22. FINAL PLAT	26
6.23. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS	32
6.24. INSPECTION OF IMPROVEMENTS	33
6.25. ESCROW DEPOSITS OR LETTERS OF CREDIT FOR LOT IMPROVEMENTS	33
6.26. MAINTENANCE OF IMPROVEMENTS	34
6.27. ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY	34
6.28. CONSUMER PROTECTION LEGISLATION AND CONFLICTS OF INTEREST STATUTES	34
6.29. SIMPLE LOT SUBDIVISIONS	35

6.1. General Provisions

These standards and regulations may be known, cited and referred to as the Development Standards and/or Subdivision Regulations of the Town of Wallsburg, Utah.

6.2. Introduction

Subdivisions in Wallsburg shall be designed in a manner so that they may be used safely for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace, and land shall not be subdivided and developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If necessary and required public facilities, infrastructure and safety protections are not in place or can not be provided for, the subdivision will not be allowed.

Proposed public improvements shall conform to the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and infrastructure improvement program of Wallsburg. It is intended that these regulations supplement and facilitate the enforcement of the provisions and standards contained in the currently adopted Uniform Building and Housing Codes, this Development Code, General Plan, Official Zoning Map, and capital budget and infrastructure improvement program as they are adopted and may be amended.

6.3. Purpose for Standards and Regulations

The Development Standards and Subdivision Regulations are adopted for the following purposes:

- 6.3.1. To protect and provide for the public health, safety, and general welfare.
- 6.3.2. To guide future growth and development in Wallsburg, in accordance with the Comprehensive or General Plan.
- 6.3.3. To guide future growth and development in Wallsburg, in accordance with the Comprehensive or General Plan.
- 6.3.4. To provide for adequate light, solar access, open space, air, privacy, to secure safety from fire, flood, landslides and other geologic and natural hazards, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- 6.3.5. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- 6.3.6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, streets, and other public facilities.
- 6.3.7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and the pedestrian traffic facilities, and to provide for the proper location and width of streets and building setbacks.
- 6.3.8. To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land.

- 6.3.9. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed development.
- 6.3.10. To prevent the pollution or degradation of air, streams, and ponds, assure the adequacy of drainage facilities, protect subsurface water, minimize site disturbance and the removal of native vegetation and soil erosion, encourage the wise use and management of natural resources throughout the municipality, and preserve the integrity, stability, and beauty of the community and value of the land.
- 6.3.11. To provide for open spaces through efficient design and layout of the land using the conservations subdivision ordinance as established in Chapter 8 herein.

6.4. Authority

In accordance with § 10-9a-601 et seq. of the Utah Code, Annotated (1953, as amended) and any other applicable federal, state, county or municipal laws, statutes, ordinances, and regulations of the State of Utah, the Town Board enacts this ordinance requiring that a subdivision plat comply with the provisions of this ordinance and with § 10-9a-6 of the Utah Code, Annotated (1953, as amended).

6.5. Jurisdiction

These development standards and subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of Wallsburg.

No land shall be subdivided within Wallsburg until the subdivider or agent obtains written approval by the Town that has been accepted by the Office of the County Recorder. For a preliminary and final plat, the approved plat is recorded with the County Recorder. For a simple lot subdivision, the record of survey is filed with the County Recorder.

No building permit or certificate of occupancy will be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations unless approved under prior subdivision ordinance. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the applicable Town regulations.

No owner, or agent, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a final subdivision plat or record of survey has been approved by the Town in accordance with the provisions of these regulations and recorded or filed with the County Recorder. Except for a simple lot subdivision, or other division of land exempted from subdivision requirements under Utah State Code, the subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease shall not be permitted. The Town may approve metes and bounds descriptions for purposes of boundary line adjustments and resolving conflicting boundary descriptions.

Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class C misdemeanor. Appropriate actions and proceedings may be taken by law or in equity to prevent violation of these regulations, unlawful construction, to recover damages, restrain, correct, or abate a violation, or prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

6.6. Interpretation, Conflict, and Severability

6.6.1. Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare and shall not be eligible for variance by the Board of Adjustment.

6.6.2. Conflict with Public and Private Provisions.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or impose higher standards shall control.

Further, these regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of approval, and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the Town is under no obligation to enforce private covenants.

6.6.3. Severability

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

6.7. Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

6.8. Amendments

For the purpose of protecting the public health, safety, and general welfare, the Town Board may from time to time amend the provisions imposed by the development standards and subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and Town Board in the manner prescribed by law and outlined in Chapter 1 of this Code.

6.9. Vacation, Alteration or Amendment of Subdivision Plats

Any vacation, alteration, or amendment of a subdivision plat shall comply with 10-9a-608 and 10-9a-609 of the Utah Code, Annotated (1953), as amended.

6.10. Subdivision Application Procedure and Approval Process

When subdivision of land is proposed and prior to any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the owner, or authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with this Section.

Except for a Simple Lot Subdivision, all proposed subdivisions shall meet the application requirements outlined

6.10.1. A subdivision shall require a Preliminary Plat, including a Subdivision Improvement Plan, and a Final Plat if either or both of the following are true:

6.10.1.1. that includes public improvements, such as extension of public roads or utilities any subdivision that consists of five (5) or more lots

6.11. Pre-Application Process

6.11.1. Except for a Simple Lot Subdivision, all proposed subdivisions shall meet the application requirements outlined in Utah State Code 10-9a-601, et seq, as amended, this title, and the requirements for the respective zone in which the subdivision is proposed.

An applicant for a subdivision may request a pre-application meeting with a Town representative. Should a pre-application meeting be requested, the following shall apply:

1. The applicant shall submit a concept plan for review.
2. Within fifteen (15) business days after the request, the municipality shall schedule the meeting to review the concept plan and give initial feedback.
3. At the pre-application meeting, the Town shall provide or have made available on the municipal website the following:
 - a. Copies of the applicable land use regulations.
 - b. A completed list of standards and submittal items required for the project.
4. A pre-application review of a concept plan does not create any vested rights, and feedback on the concept plan does not grant or infer any official standing.

6.11.2. Concept Plan Requirements

A Concept Plan shall:

1. Include the legal description of the property and all contiguous holdings of the owner with an indication of the portion of land, which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office.
2. Include an address and telephone number of the applicant.
3. Include a general written and graphic representation of the proposed project, all approvals being sought (rezone, subdivision, variance, etc.), and any other information the applicant believes is necessary to present to the Planning Commission or Town Staff.

6.12. Improvement, Design, and Layout Considerations

The applicant shall prepare a Preliminary Plat using the criteria in this section as a guide. The Town will also use these criteria in its consideration of approving the Preliminary Plat and Final Plat.

In addition to the requirements established herein, all subdivision plats shall comply with all applicable statutory provisions, Sensitive Lands Overlay Zone regulations, International Building and related Codes, Town design standards and specifications, the Official Streets Master Plan, the General Plan, the Official Zone Map, the Trails Master Plan, Public Utilities plans, Capital Improvements Program of the Town or any other Local Government having jurisdiction in the development, including all streets, trails, drainage systems, and parks shown on the Official Map or General Plan as adopted or amended for the subdivision, and the rules of the Utah Department of Transportation if the subdivision or any lot contained therein abuts a state highway.

If the owner places restrictions on any of the land contained in the subdivision greater than those required by this Code or these regulations, such restrictions or reference thereto may be required to be indicated on the Final Plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in a form to be approved by the Town Attorney.

6.12.1. Plats Straddling Municipal Boundaries, Annexations

6.12.1.1.

Whenever a subdivision is proposed that includes property under the jurisdiction of another entity, the Planning Commission may require the annexation of the property involved.

If the area in the County is not annexed, the Town and County shall work together in a cooperative arrangement or through an interlocal agreement, if necessary, to ensure that the portion of development lying in the County is as compatible as possible with the Town codes, development regulations and General Plan.

When a development lies entirely within the County but gains access from a Town street or across property within the Town's jurisdiction, the Developer must receive a Conditional Use Permit to guarantee that the proposed development will not have a negative impact on Town services, streets or public interest.

Any legislative approvals, such as an annexation, shall be obtained and completed prior to submitting a Preliminary Plat application.

6.12.2. Monuments

The applicant shall place permanent reference monuments in the subdivision as required herein or as otherwise approved by the Town Engineer.

Monuments shall be installed in accordance with the Wallsburg Design Standards, Construction Specifications and Standard Drawings and located on street right-of-way lines, at street intersections, and angle points of curves. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.

All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to approval of the final plat unless a performance guarantee is established in accordance with the provisions of this ordinance.

6.12.3. Unsuitability

If the Town finds lands unsuitable for subdivision or development due to natural hazards, flooding, improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, unsuitable for service of

public utilities, wildlife habitats that cannot be reasonably mitigated, or other natural features, including ridge lines and hilltops, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or surrounding areas, the land shall not be subdivided or developed.

The development may be made suitable if adequate methods are formulated by the developer and approved by the Town, upon recommendation of a qualified planner or engineer hired by the developer and approval of the Town Engineer, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. Unsuitable land shall be set aside or reserved for uses as shall not involve such a danger or severe environmental impact. Lands located in sensitive lands areas may be further regulated by chapter 8 of this Code.

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

6.12.4. Subdivision Name

The proposed name of the subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area 6-8 covered by these regulations or nearby communities. The Administrative Land Use Authority shall have final authority to approve the name of the subdivision and to select street names. An applicant should consult with the Office of the County Recorder to determine whether the proposed subdivision name is acceptable.

6.12.5. Ridge Line and Hillside Development

Protection of ridges from development which would be visible against the skyline from prominent areas or designated vantage points (as per chapter 8) in Wallsburg will be maintained. Hillside development which may disturb agricultural uses may be prohibited unless it can be shown that the development and improvements will be constructed or clustered in a way to minimize impacts.

6.12.6. Open Space

Units may and should be clustered in the most developable and least sensitive portions of the site with common open space corridors separating clusters. The open space corridors should be designed to coincide with significant vegetation and in many cases left natural. Open space areas will be the maintenance responsibility of a homeowners' association, unless dedicated and accepted by the Town. Open space conservation easements dedicated in perpetuity to a qualified land trust are encouraged to prevent future development of open space. Note that roads and rights-of-ways shall not be used in the calculations for open space nor density.

6.12.7. Drainage Ways and Irrigation Ditches

Existing natural drainage and irrigation ditches or rights-of-ways shall be preserved. Notification and a recommendation from irrigation companies may be required for development in certain circumstances as determined by the Town if the development impacts irrigation works or access.

When required, a committee shall be organized to review impact on drainage ways and irrigation ditches. The committee shall include the following as a minimum: A member from the Planning Commission, the Town Engineer, the development Engineer, and a representative from each water company.

6.12.8. Limits of Disturbance/Vegetation Protection

A separate plan which addresses limits of disturbance and vegetation protection during construction and revegetation of disturbed areas may be required. This shall include construction necessary for all project improvements such as roads and utilities.

6.12.9. Fire Sprinkling

Fire sprinkler systems may be required in projects as determined by the Town or the Wasatch Fire District. This determination is based upon an analysis of the size of structures, vegetation surrounding the structures and location of the project as it relates to response time. Upon recommendation of the Fire District, the Administrative Land Use Authority may place regulations on the maximum size of dwellings that may be approved by the Building Official.

6.12.10. High Water Table Areas

6.12.10.1. Water Table Review

In areas that are known for the potential of ground water impacts, a ground water investigation shall be made by a geotechnical engineer and provided to the Town for review with the application for preliminary plat approval to include the following:

1. What mitigation measures should be taken to assure that homes will be protected from potential ground water impacts, including a proposed method of ground water disposal to be reviewed and approved by the Town Engineer or his/her designee.
2. The developer shall provide ground water information to each lot purchaser/owner and disclose the information on the plat.
3. Any proposed or existing drainage plans for high water table areas.

6.12.10.2. Drainage systems

Ground water drainage systems, if required, shall be designed and installed in accordance with construction standards and specifications determined by the Town Engineer. All drainage systems shall be extended to the outermost boundaries of the subdivision by the developer.

6.12.10.3. Existing Infrastructure

The developer shall install or replace, when required by the Town, all sewer and water systems within a high-water table area to eliminate or minimize possible damage to such systems.

6.12.10.4. Lot Restrictions in High Water Table Areas

The Town may prohibit basements in high water table areas upon recommendation from the Town Engineer. Sump pumps, French drains, or other like devices which drain into the sanitary sewer system are prohibited. Due to the high-water tables in Wallsburg Town basements are strongly discouraged. Plats in high water table areas shall have a warning printed on the plat stating that basements are strongly discouraged and that the Town of Wallsburg assumes no responsibility or liability for damage done by high water tables to basements.

6.13. Lot Improvements and Arrangement

6.13.1. Double Frontage Lots and Access to Lots

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Administrative Land Use Authority may require that such lots be served by a combined access drive to limit possible traffic hazard on such street. Where possible, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic on arterials or collectors.

6.13.2. Grading, Drainage and Seeding

6.13.2.1. Final Grading

Topsoil should not be removed from residential lots or used as spoil but should be redistributed to provide suitable soils for vegetation. Slope stabilization and erosion control, as determined necessary by the Town Engineer, will also be required to be installed according to the approved specification.

6.13.2.2. Lot Drainage

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

6.13.2.3. Landscaping and Revegetation

All lots should be revegetated to avoid erosion and improve the visual quality of the development. The Administrative Land Use Authority may impose planting requirements if deemed necessary. If revegetation is required, all lots shall be improved from the roadside edge of the right-of-way back to a distance of twenty (20) feet behind the principal residence on the lot.

6.13.3. Debris and Waste

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

6.13.4. Fencing

Each applicant shall be required to furnish and install fences when the Town determines that a hazardous condition may exist. The fences shall be constructed according to standards to be established by the Town Engineer and shall be noted as to height and material on the Final Plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

6.13.5. Water-Bodies and Water-Courses

If a tract being subdivided contains a water body or course, or portion thereof, lot lines shall be drawn to distribute ownership of the water body among the adjacent lots. The Town may approve a plan whereby the ownership of and responsibility for safe maintenance of the water body will not become a Town responsibility. No more than twenty-five (25) percent of the minimum area of a lot required in this Code may be satisfied by land, which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installations of a culvert or other structure approved by the Town Engineer.

6.13.6. Performance Guarantee to Include Lot Improvements

The performance guarantee shall include an amount to guarantee completion of all requirements contained in this Chapter, the Supplemental Regulations (Chapter 3) of this Code and in the regulations including, but not limited to, final grading, lot drainage, landscaping, lawn-grass seeding, curb, gutter and sidewalk, removal of debris and waste, fencing, and all other lot improvements required by the Town. Whether or not a certificate of occupancy has been issued, at the expiration of the performance guarantee, the Town may enforce the provisions of the guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

6.14. Roads and Streets

All road and street layout and design is subject to approval of the Town Engineer. All roads and streets in subdivisions shall meet the applicable requirements of the Standards Document available from the Town Engineer. All subdivisions shall have frontage on and access to an existing public street.

6.14.1. Grading and Improvement Plan

Streets shall be graded and improved in conformance with the Wallsburg Design Standards Construction Specifications and Standard Drawings as adopted and shall be approved as to design and specifications by the Town Engineer. All road construction plans are required to be submitted with the Subdivision Improvement Plans. Prior to Final Plat approval the Town shall make the determination as to whether each street is to be public or private. Such status shall be shown on the plat.

At present, it is the intention of the Town for all subdivision streets to be dedicated public streets. However, if private streets are approved, they must be constructed to meet all requirements of public streets in case the Town is required to maintain the streets in the future. Any private streets approved as part of a Subdivision must be accompanied by a maintenance plan by which the Homeowners Association (HOA) will operate. The developer shall be responsible for maintenance and snow plowing the private road(s) until such time that more than 75% of the lots have been built upon, at which point the HOA will assume full responsibility of the maintenance.

6.14.2. Topography and Arrangement

Roads shall be related appropriately to the topography. Local roads may be curved to avoid conformity of lot appearance and to discourage through traffic. All streets shall be arranged to obtain as many building sites at, or above, the grades of the streets as possible. Grades of streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and revegetated. Steep grades and/or curves as well as large cut and fill sections will not be allowed.

All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the General Plan, Streets Master Plan and Zoning Map. Streets shall be laid out to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

A rigid square gridiron street pattern is preferred but need not necessarily be adhered to, and the use of curvilinear streets or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such an extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective safety protection, efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary dead-end streets, with the notation on the Final Plat that land outside the normal street right-of way shall revert to adjacent owners when the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, snow removal/storage or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with construction standards and specifications. The length of the permanent and temporary dead-end streets shall be determined by the regulations relating to each individual zone found in Chapter 5 of this code.

6.14.3. Ingress and Egress

In order to provide adequate emergency access to and from the development and proper circulation, two points of ingress and egress will be required in all subdivisions with the following exceptions:

1. Any subdivision which cannot provide two points of ingress and egress shall be limited to no more than eight (8) residential lots or units.
2. Subdivision which will be served by more than one point of ingress and egress in the future may receive approval for more than eight (8) lots provided that no more than eight (8) units are constructed until a second point of ingress and egress is provided, and so indicated on the Final Plat.
3. Emergency service providers (fire sheriff, ambulance, etc.) must approve the street design in any subdivision with only one point of ingress and egress.

6.14.4. Blocks

Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, or water ways. The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated. Block lengths in residential areas should not exceed one thousand two hundred (1,200) feet or twelve (12) times the minimum lot width required in the zoning district, whichever is greater. When practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length. In long blocks the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, trails, or other community facilities.

6.14.5. Access to Highway, Arterial or Collector Streets

Where a subdivision borders on or contains an existing or proposed highway, arterial or collector, the Planning Commission may require that access to such streets be limited by one of the following means:

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

6.14.6. Road Names

The Planning Commission shall inform the applicant of the preferred street names for all streets at the time of preliminary approval. The local Postmaster shall be consulted prior to Planning Commission approval. Names shall be sufficiently different in sound and in spelling from other road names in Wasatch County or Wallsburg to eliminate confusion. A street which is or is planned as a continuation of an existing road shall bear the same name.

6.14.7. Road Regulatory Signs

The applicant shall erect or post acceptable guarantees ensuring placement of each road and safety signs required by the Town Engineer. All road signs shall be installed before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within and abutting the subdivision, the type, design and location of which to be approved by the Town Engineer. Street signs shall be designed according to Town specifications and standards.

6.14.8. Streetlights

Installation of streetlights may be required in accordance with Wallsburg Design and Specification Standards or as designated and located by the Planning Commission and shall be approved by the Town Engineer.

6.14.9. General Design Standards

In order to provide for roads in suitable locations, with proper width, and improvements to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, and to coordinate roads to compose a convenient system and avoid undue hardships to adjoining properties, the design standards for roads are hereby required to be in compliance with the Wallsburg Design Standards, Construction Specifications, and Standard Drawings, and the Streets Master Plan, as adopted, or determined by the Town Engineer, or Planning Commission.

Street grades may not exceed five (5) percent unless approved by the Town Engineer. The Town Engineer shall approve grades more than five (5) percent only when conditions are present which warrant that safety and economy of road maintenance can be secured.

Street widths for collector streets shall conform to the width requirement on the major street plan when a development falls in an area for which a major street plan has been adopted. For areas where a street plan has not been completed at the time the Preliminary Plat is submitted, streets shall be provided as follows:

1. The minimum street width for a local street shall be thirty (30) feet and the minimum street right-of-way shall be sixty (60) feet. Private streets shall meet the same standards.
2. The minimum street width for a collector street shall be forty four (44) feet and the minimum street right-of-way shall be seventy (70) feet. Private streets shall meet the same standards.
3. Cul-de-sacs shall have a maximum length as described in Chapter 5 of this Code and in the adopted Construction Specifications.

6.14.10. Road Surfacing and Improvement

After sewer and water and other applicable utilities have been installed by the developer, the applicant shall construct curbs and gutters (if required) and shall surface or cause to be surfaced roadways to the widths prescribed in Section 6.15.10 and the Wallsburg Town Design Standards. Types of pavement shall be determined by the Town Engineer. The minimum street grades shall be 0.3 percent and the maximum grade for roads in all zones shall be 5 percent. Adequate provision shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Town and shall be incorporated into the Subdivision Improvement Plans required to be submitted by the developer for plat approval.

6.14.11. Excess Right-of-Way

Right-of-way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography or other features such as irrigation ditches or other easements, additional width is necessary to provide adequate earth slopes. Such slopes shall not be more than three to one, unless specifically approved by the Town Engineer.

6.14.12. Intersections

Streets shall be laid out to intersect as near as possible at right angles. A proposed intersection of two (2) new streets at an angle within ten (10) degrees of perpendicular is required. An oblique street should be curved approaching an intersection and should be approximately at right angles

for at least one hundred (100) feet. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission and Town Engineer.

Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any intersections on the opposite side of the street. Street jogs with center-line offsets of less than one hundred and fifty (150) feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least eight hundred (800) feet apart.

Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having less than a two (2) percent slope for a distance of one hundred (100) feet, measured from the nearest right-of-way line of the intersecting street.

Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

The cross-slopes on all streets, including intersections, shall be three (3) percent or less.

6.14.13. Bridges

Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant without reimbursement from the Town. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Planning Commission, will be fixed by special agreement between the Town Board and the applicant.

6.14.14. Road Dedications and Reservations

Street systems in new subdivisions shall be laid out to eliminate or avoid new perimeter half-streets. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width.

Where a subdivision borders an existing narrow road or when the General Plan, Streets Master Plan or Zoning Map indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate such areas for widening or realignment of such roads that are necessary and for the benefit of the subdivision. Frontage roads and streets shall be improved and dedicated at the applicant's expense to the full width as required by these subdivision regulations.

6.15. Drainage and Storm Sewers

The Planning Commission shall not approve any Preliminary Plat which does not make adequate provision for storm or flood water runoff. Plans shall be reviewed for compliance with the Wallsburg Design Standards, Construction Specifications, and Standard Drawings or other standards as may be adopted. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers,

where required, shall be designed by the Rational Method, or other methods as approved by the Town Engineer, and a copy of design computations shall be submitted along with Subdivision Improvement Plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded, catch basins shall be used to intercept flow. Surface water drainage patterns shall be shown for each and every lot and block.

The applicant may be required by the Planning Commission, upon the recommendation of the Town Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or because of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

Underground Storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the Town Engineer. If a connection to a public storm sewer will be provided eventually, as determined by the Town Engineer and the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat.

No subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility.

6.15.1. Accommodation of Upstream Drainage Areas

Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of a one-hundred-year storm event. The Town Engineer must review and approve the design.

6.15.2. Effect on Downstream Drainage Areas

The Town Engineer shall also require the developer's engineer to study the effect of the subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff will overload an existing downstream drainage facility, the Planning Commission may require the applicant to improve the facility in order to serve the subdivision.

6.15.3. Areas of Poor Drainage

Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission upon recommendation of the Town Engineer, may approve the subdivision provided that the applicant fills the affected area of the subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the one hundred flood event, as determined by the Town Engineer. The plat shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the Town Engineer. Development in areas of extremely poor drainage will not be allowed.

6.15.4. Flood Plain Areas

The Planning Commission may, upon recommendation of the Town Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the one-hundred-year flood plain of any stream or drainage course. These flood plain areas should be preserved from all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

6.15.5. Dedication of Drainage Easements

Where a subdivision is traversed by a watercourse, drainage way, channel, river or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction adequate for the purpose. Where possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

Where topography or other conditions make the inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the Final Plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated.

The applicant shall dedicate to the Town, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Planning Commission and Town Engineer. Note: An open channel may require fencing with chain link fencing or equivalent, as determined by the Planning Commission, for the safety, health and welfare of residents.

6.16. Water Rights and Facilities

Necessary action shall be taken by the applicant to extend or create a safe water supply system for the purpose of providing a water supply capable of providing domestic water use and fire protection. All improvements whether on or off site, which provide direct benefit to the subdivision, shall be constructed and paid for by the developer. The development's impact on the Town's water system, shall be determined by the impact analysis process, as outlined in Chapter 1 of this Code.

6.16.1. Existing System

Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and Town. All water mains shall conform with adopted the Wallsburg Town Construction Standard. Water main extensions and water facilities improvements shall be approved by the Town Engineer only in areas that can be reasonably served.

6.16.2. Guarantees

To facilitate the above, the location of all fire hydrants and all water storage and supply improvements shall be shown on the Final Plat or acceptable attached Subdivision Improvement

Plans. A qualified estimate, consisting of at least two design and construction bids, of costs whether on or off site shall be included in the performance guarantee to be furnished by the developer. All guarantees shall be in the form described herein.

6.16.3. Ownership of Facilities

Prior to approval of the Final Plat, a determination shall be made by the Town about the location and extent of facilities to be maintained by the Town. Private facilities will be required to be so noted on the Final Plat and will be the responsibility of the developer or owners of the development.

6.16.4. Fire Hydrants

Fire hydrants shall be required in all subdivisions. Fire hydrants shall be located no more than five hundred (500) feet apart, no home shall be more than two hundred and fifty (250) feet away from a fire hydrant. The locations of fire hydrants shall be approved by the Wasatch Fire District and Town Engineer. In some instances, the Town and may determine that due to wild land fire potential, hydrants will be required to be located no more than three hundred (300) feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the plat. All fire hydrants shall include clean outs. Fire hydrants located on cul-de-sacs shall be installed at the direction of the Wasatch Fire District and Town Engineer.

6.16.5. Proof of Water Rights and Facilities

All applicants shall provide proof of the ability to transfer to the Town ownership of enough water as required by the State Engineer.

Wet water is defined as water rights in quantity, quality, duration, and availability as determined by the Utah State Engineer sufficient when converted to culinary use to meet with required amount. Availability is defined as the existence of a spring, well or other source proven capable of delivering actual water in the required amounts to the proposed lots.

If the applicant proposes to transfer the point of diversion of the water rights in question to one of the Town's wells or other sources of wet water, the applicant must demonstrate all of the following:

1. That the State Engineer has approved of the change of point of diversion and point of use of the necessary quantity of water to such source; and,
2. That such source has the necessary excess capacity to produce the required quantity of wet water; and
3. That the Town will authorize the allocation of such excess capacity of the water rights in question.

If the Town agrees to allocate such excess capacity to the development and the water rights in question, it may establish a fee for such allocation of capacity reasonably related to the probable cost of replacing such capacity at a later date.

If the Town accepts a source of wet water which is not part of its current water system, the applicant shall be required to develop and improve such source to the point that it meets all

Wasatch County, State of Utah and Federal Government requirements for a public culinary water system and the applicant shall be required to transfer to the Town all such sources, improvements, distribution systems and all necessary land and easements reasonably necessary to connect such source and distribution system to the current Town water system and to vest ownership in the Town of such source, improvements and distribution system and permit ongoing servicing and upgrading of such system.

All such procedures and full vesting of ownership of all necessary water rights, improvements and land interests shall be accomplished prior to final plat approval.

Proof by the applicant of all of the foregoing shall be provided in legally sufficient form, by documents, opinions or title policies approved by the Town Attorney.

Neither final plat approval nor building permit shall issued until all of the above have been accomplished.

6.17. Sewer Facilities

The applicant shall install sanitary sewer facilities in manner prescribed by the Town construction standards and specifications. All plans shall be designed in accordance with current Town, State and EPA rules, regulations, and standards. Necessary action shall be taken by the applicant to extend sanitary sewer service for the purpose of providing sewerage facilities to the subdivision. Off-site requirements may be necessary to meet impacts imposed by the development on the Towns Sewer Facilities. The impact analysis required in Chapter 1 of this Code may be necessary for approval of the development by the Town.

Sanitary sewerage facilities shall connect with the public sanitary sewer at sizes required by the Town and the Town Engineer. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted in the part of the Town serviced by the sewer system and within one thousand (1000) feet or less of that system as measured from the subdivision property line closest to the system lines. Sanitary sewerage facilities (including the installation of laterals in the right-of-way and dedication of easements) shall be subject to the Town specifications, rules, regulations, and guidelines and this Code.

6.18. Sidewalks, Curbs, Trails, and Paths

6.18.1. Location

Sidewalks, if required, shall be included within the dedicated non-pavement right-of-way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many cases pedestrian paths separate from the road right of way may be preferable. Concrete curbs may be required for all roads where sidewalks are required by these regulations and run along roads or where required in the discretion of the Planning Commission.

6.18.2. Improvements

Sidewalks shall be constructed of concrete at least three and one half (3 ½) inches thick and wide enough to meet ADA standards and shall be designed to best facilitate their assumed use and serve the public interest and safety.

6.18.3. Trails and Paths

Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer in accordance with any

State, County or local trail plan, and where otherwise necessary as determined by the Planning Commission. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, and other significant natural features. Trails shall be built to Town specifications and easements shall be dedicated for trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to this Code for improvements.

6.19. Other Utilities

Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new subdivisions when underground location does not violate safety standards of the particular utility and underground location does not impose any potential additional maintenance burden on Town streets and water/sewer personnel in the opinion of the Town Engineer. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the subdivider and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the Town Engineer.

6.19.1. Easements

A ten (10) foot utility easement shall be provided on three sides of each lot in the subdivision for both private and municipal utilities. Proper coordination shall be established by the subdivider between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties.

Where topographical or other conditions make it impractical to include utilities within these easements, perpetual unobstructed easements at least ten (10) feet in width shall be provided with satisfactory access to the road. All easements shall be indicated on the plat.

6.20. Preservation of Natural Features and Amenities

Existing features which add natural value or historical amenities to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development which would be visible from prominent areas or vantage points, as defined in Chapter 8. Existing natural vegetation should also be retained as much as possible. Vegetation protection will be required during construction so that disturbance is limited. Existing features such as water courses, rivers, irrigation works, wetlands, historic sites, critical meadow lands, important vistas, and other irreplaceable assets shall be preserved in the design of the subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The Preliminary Plat shall show the general number, size, and location of existing trees and indicate all those marked for retention. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations contained in chapter 8 of this Code.

6.21. Preliminary Plat

6.21.1. General Requirements

The Preliminary Plat shall be prepared by a land surveyor or engineer, licensed to practice in the State of Utah, at a scale of not more than one inch equals one hundred (100) feet. The plan may be prepared in ink, or ink and pencil, and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the County

Recorder. The applicant shall supply the Town with one electronic copy of the Preliminary Plat in PDF format and five (5) paper copies of the Preliminary Plat.

6.21.2. Preliminary Plat Submittal Requirements

The Preliminary Plat shall, at a minimum, show the following:

1. The date of the map, approximate true north point, scale, and name of the subdivision.
2. Contour lines at five (5) foot intervals, unless expressly exempted by the staff
3. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of adjoining developments, the names of adjoining streets, and the location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
4. The location of existing streets, easements, wetlands, water bodies, rivers, water sources, streams, irrigation systems and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Planning Commission.
5. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way.
6. The location, dimensions, and areas of all proposed or existing lots complete with utility easements, lot numbers, proposed addresses, square footage of each lot or parcel, and building setback lines. All lots in each block shall be consecutively numbered. Out lots shall be lettered in alphabetical order.
7. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation.
8. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
9. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of all lines which would enable the Engineer to reproduce the lines upon the ground, and the location of all proposed monuments.
10. Names of all new streets.
11. Indication of the use of all lots or parcels whether single-family, two-family, agricultural, commercial, open space as well as all uses other than those specified that are proposed by the subdivider.
12. All information required by the Planning Commission or Town Staff after review of the Concept Plan.
13. Explanation of drainage and site easements, if any.
14. Explanation of reservations and conservation easements, if any.

15. Owners' dedication and consent to record as required by applicable State law.
16. All utility facilities existing and proposed throughout the subdivision.
17. A plan designating limits of disturbance or building pads, if required, and utilities corridors and connections for each parcel and for subdivision improvements, such as utilities and roads.
18. If the plan does not include all contiguous property of the owner of the subdivision, an indication of future use of the additional property.
19. Indication of the nearest location of all public and private utilities.
20. Indication of all slopes greater than twenty-five (25) percent.
21. A vegetation or revegetation plan if required herein.
22. The location and actual setbacks of existing structures within the preliminary plat boundaries, and a notation as to whether the existing structures will remain or be demolished.
23. On Subdivisions which are contiguous to an agricultural area or preservation area or will contain an agricultural open space or preservation area, a note shall be placed on the plat in conjunction with Wallsburg Town Right to Farm Ordinance, stating such and that agricultural operations work hours begin early and run late and that these operations may contribute to noises and odors objectionable to some residents.
24. The names and addresses of the property owners within three hundred (300 feet as shown on the County Assessor's tax files, together with a stamped, addressed envelope for each such owner. The mailing address information may be shown on a separate current tax map reproduction from the Assessor's Office showing the subdivision imposed thereon.
25. Complete Subdivision Improvement Plans containing the information required in Section 6.23.3 and any other information required by the Planning Commission or Town Staff.
26. A table which details the density calculations for the plat, to include total acreage of plat, total acreage of lots, total acreage of streets, total acreage of open space, etc. and percentages of these items to the total acreage.
27. All information necessary to determine conformance with Wallsburg Town Code.

The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a Preliminary Plat.

6.21.3. Subdivision Improvement Plans

Subdivision Improvement Plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Preliminary Plat. These requirements are the minimum. Other information may be required by the Planning Commission or Town Staff as the need dictates.

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Code, the Planning Commission or Town Staff

in the Subdivision Improvement Plans whether included in this list or not. Failure to show any feature required by this Code, the Planning Commission or Town Staff may result in denial of the plan.

The following features, at a minimum, shall be shown:

1. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
2. The Planning Commission may require, upon recommendation by the Town Engineer, where steep slopes exist, that typical cross-sections of all proposed streets be shown.
3. Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitude's, rights-of-way, manholes, and catch basins; the locations of street trees, street lights, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections and to any existing or proposed utility systems, and exact location, shut off valves and size of all water, gas, or other underground utilities or structures.
4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies or impoundment's, streams, and other pertinent features such as swamps, wetlands, buildings, features noted on the Official Zoning Map, at the point of connection to proposed facilities and utilities within the subdivision, and each tree or group of trees to be preserved. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the Town Engineer's or U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such water ways.
5. Topography at the same scale as the Preliminary Plat with a contour intervals of five (5) feet, referred to sea-level datum. All datum provided shall be latest the applicable U.S. Geodetic Survey datum and should be so noted on the plat.
6. All other specifications, details, and references required by the Design Standards, Construction Specifications, and Standard Drawings, including a site-grading plan for the entire subdivision.
7. Notation of approval by the Owner, Town Engineer and all utility providers.
8. Title, name, address, signature, and seal of the licensed engineer preparing the plans, and date, including revision dates.
9. A limit of disturbance and revegetation plan.

6.21.3.1. Format

The Subdivision Improvement Plans shall be prepared on a similar medium and be the same size as the Preliminary Plat. The applicant will provide two (2) copies of the Subdivision Improvement Plans to the Town. The Subdivision Improvement Plans should provide signature blocks for and be signed by the Mayor, Town Engineer, and the applicant's engineer and surveyor.

6.21.3.2. Submission

The Subdivision Improvement Plans shall be submitted as part of the Preliminary Plat application.

6.21.4. Preliminary Plat Review Process

Unless otherwise exempted in this Title, any division of land requires completion of a Preliminary Plat and Final Plat. The following outlines the review process for a Preliminary Plat, as intended by Utah State Code 10-9a-604, as amended. If there is any conflict in content or interpretation, Utah State Code shall prevail.

6.21.4.1. If the application requires legislative approvals, such as a zone change, annexation, general plan amendment, right of way or easement vacation, planned development approval, or any other legislative action, the legislative approval shall be completed prior to the submittal of the Preliminary Plat application.

6.21.4.2. The applicant may request a pre-application meeting with a Town representative to discuss the proposal and submittal requirements. If requested, the Town and the applicant shall follow the process outlined in 6.11.

6.21.4.3. The Town shall provide, or have available on the Town website, each of the following:

1. The Preliminary Plat application.
2. The owner's affidavit.
3. A breakdown of the application fees.
4. A complete list of standards and submittal items required for the project.

6.21.4.4. The application shall submit an application that includes the Preliminary Plat, Subdivision Improvement Plans, and all required documentation and information.

6.21.4.5. The Town checks the submittal for completeness.

1. If the submittal includes all materials, the Town receives the submittal and starts the review cycle.
2. If the submittal is deemed incomplete, the submittal is returned to the applicant. No review shall commence until the Town determines the application is complete.

6.21.4.6. If the location of the proposed subdivision is within one hundred feet (100') of a Water Conveyance Facility, within twenty (20) calendar days after receipt of the complete application, the Town shall notify in writing the Water Conveyance Facility Owner(s) of the application and request comments related to the following aspects of the Water Conveyance Facility: access, maintenance, protection, safety, and any other related issues.

1. Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the Town may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land Use Authority shall not grant approval until at least (20) days after the day on which the Town mailed notice to the Water Conveyance Facility.
 2. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See Utah State Code 73-1-15.5-1b.
- 6.21.4.7.** Within forty (40) business days, the Town shall complete a review of the Preliminary Plat and Subdivision Improvement Plans, except as follows:
1. The review cycle dates restrictions and requirements do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
 2. The review cycle number of days only applies to single-family, two-family, and townhome development. It does not apply to other land uses, such as commercial, industrial, or mixed-use.
- 6.21.4.8.** After review, the Town will determine if the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response:
1. If the Town determines that the application requires corrections, the Town must be specific and cite the ordinance, statute, or specification that requires the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
 2. The Town may require additional information relating to the applicant's plans to ensure compliance with the Town's ordinances and approved standards and specifications for the construction of public improvements.
 3. If the application is found to meet all codes, standards, and specifications, it is forwarded to the Administrative Land Use Authority for review and approval.
- 6.21.4.9.** After receiving the list of required modifications or additions, the applicant's resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make revisions.
- 6.21.4.10.** The Town shall review the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the Town shall return the submittal to the applicant.
1. If the resubmittal is complete, the Town shall accept the application for a second review cycle. The time frame to complete the review depends on how quickly the applicant responded to the corrections in full and whether the applicant made any material changes.
 - a. If the applicant responds within forty (40) business days, the Town has forty (40) business days to complete the second review cycle.

- b. If the applicant responds after forty (40) business days, the Town has sixty (60) business days to complete the second review cycle.
 - c. If the applicant made a material change that merits a new review, the review shall restart at the first review cycle as it relates to the new material.
- 2. The review cycle number of days only applies to single-family, two-family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed-use.
- 6.21.4.11.** If the Town neglects to include a required change or correction in the initial review process, the modification or correction can only be imposed on subsequent reviews if necessary to protect public health and safety or to enforce state or federal law.
- 6.21.4.12.** If the Town determines that the resubmittal is complete and meets all codes, standards, and specifications, it shall be forwarded to the Administrative Land Use Authority for review and approval.
 - 1. If the Town finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant. This shall be provided to the applicant up until the fourth review cycle, at which point the application shall be forwarded to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specifications. The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.
- 6.21.4.13.** If, on the fourth and final review, a municipality fails to respond within forty (40) business days, the municipality shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
 - 1. For a dispute arising from the Subdivision Improvement Plans, assemble an appeals panel in accordance with 10-9a-508(5)(d) to review and approve or deny the final revised set of plans or
 - 2. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the application's deficiency and of the right to appeal the determination to a designated appeal authority.
 - a. The appeal authority for the Preliminary Plat shall be the Town Council.

6.21.5. Preliminary Plat Approval Process

After review, the application shall be submitted to the Administrative Land Use Authority for approval.

- 6.21.5.1.** For the Preliminary Plat and Subdivision Improvement Plans, the Administrative Land Use Authority shall be the Planning Commission.
 - 1. Legislative approvals, such as zone changes, overlay zones, general plan amendments, annexations, right-of-way vacations, etc., must be approved by the Town Council prior to the submission of a Preliminary Plat application.

6.21.5.2. The Administrative Land Use Authority shall hold a public hearing and send a public notice to all owners of property within three hundred feet (300') of the subdivision.

6.21.5.3. If the Administrative Land Use Authority finds that the application complies with the applicable municipal ordinances and the requirements of Utah State Code, it shall approve the Preliminary Plat application.

1. The Administrative Land Use Authority shall remand the application back to the applicant for corrections if it finds:
 - a. The applicant has not completed all requirements as outlined in the review index or
 - b. The application does not address all requirements as outlined in state code, and although the item was not addressed in the first review, the requirement relates directly to public health and safety.
2. The Administrative Land Use Authority shall deny the application if the applicant is unwilling to make the required corrections or provide the required information.

6.21.6. Expiration

The application approval shall lapse in instances where a developer abandons or otherwise fails to take timely action to address corrections or complete a project.

6.21.6.1. A Preliminary Plat application expires if it is not approved by the Town within one (1) year from the time the application is submitted and accepted.

6.21.6.2. Approval of the Preliminary Plat by the Administrative Land Use Authority shall be valid for a period of one (1) year after approval.

6.21.7. Zoning Regulations

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any Preliminary Plat which has received approval shall be exempt from any subsequent amendments to this Development Code rendering the plan non-conforming as to bulk or use, provided the final approval is obtained within the one-year period.

6.22. Final Plat

6.22.1. Final Plat Submittal Requirements

The Final Plat shall comply in all respects with the Preliminary Plat, as approved. The Final Plat shall, at a minimum, show the following:

1. Required Information:
 - a. The name or designation of the subdivision that is distinct from any plat already recorded in the county recorder's office, as approved by the town.
 - b. The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for

another public use, and whether any such area is reserved or proposed for dedication for a public purpose.

- c. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage of all parcels, units, lots, and the length and width of the blocks and lots intended for sale.
 - d. Every existing right-of-way and easement grant of record. Where the same is granted to a specific entity, that entity must be clearly identified.
 - e. True angles and distances to the nearest established street lines or official monument, which shall be accurately described on the plat and shown by appropriate symbols.
 - f. All street centerline data must be shown, together with its relationship to the property lines, corners, etc.
 - g. The accurate location of all monuments shall be shown on the plat and shall be identified, including all United States, state, county, or other official monuments.
 - h. The dedication to the public of all streets and highways included in the proposed subdivision (except approved private streets).
 - i. Street monuments to be installed by the subdivider in accordance with the requirements of the Town standards. Locations of said monuments shall be approved by the Town Engineer and indicated on the subdivider's plan by appropriate symbols.
 - j. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and any area to be reserved by deed or covenant for common use by all property owners.
 - k. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement, and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the Town Attorney.
 - l. The parent parcel number, as shown on the records of the county recorder's office.
2. Required Forms and Certificates: In addition, the Final Plat shall contain the standard forms for the following:
- a. A registered professional land surveyor's signed certificate of survey, together with a statement that:
 - i. The surveyor holds a license in accordance with Utah Code Annotated 58-22; Professional Engineers and Professional Land Surveyors Licensing Act.

- ii. The surveyor has completed a survey of the property described on the plat in accordance with Utah Code Annotated 17-23-12 and has verified all measurements.
- iii. The surveyor has placed monuments as represented in the plat.
- b. The owner's certificate of dedication of all streets, roads, rights-of-way, or other parcels intended for the use and benefit of the general public.
- c. Mortgagee or other lienholder's consent to record, if applicable.
- d. A notary public's acknowledgment of the signature of the mortgagee or each owner signing the plat.
- e. Certificate of approval and acceptance by the Town as evidenced by the signature of the Mayor.
- f. Certificate of approval of the Town Engineer.
- g. Certificate of approval of the Town Attorney.
- h. Signature blocks for endorsement by:
 - i. Wasatch Fire District
 - ii. Utility Companies
 - iii. Any applicable Irrigation Company
- i. A one-and-one-half-inch space in the lower right-hand corner of the drawing for the use of the county recorder.
- j. Certificate of approval of the county treasurer.
- k. A note on the plat which states the following: Wallsburg Town restricts the occupancy of buildings within developments as outlined in the International Building Code. Accordingly, it is unlawful to occupy a building located within any development without first having obtained a certificate of occupancy issued by Wallsburg Town.

6.22.2. Final Plat Review Process

Within one (1) year of approval of a Preliminary Plat, a Final Plat prepared by a licensed surveyor not employed by the Town shall be submitted in conformance with this Title. If a complete application is not submitted within one (1) year of Preliminary Plat approval, the approval is deemed to have expired.

The following outlines the review process, as intended by Utah State Code 10-9a-604, as amended. If there is any conflict in content or interpretation, Utah State Code shall prevail.

6.22.3.1. The Town shall maintain and publish a list of items comprising a complete Final Plat application, including:

1. The application.
2. The owner's affidavit.
3. An electronic copy of all plans in PDF format.

4. The breakdown of fees due upon approval of the application.
- 6.22.3.2. The applicant shall submit a complete application, including the Final Plat and all required documentation and information.
- 6.22.3.3. The town shall check the submittal for completeness.
 1. If the submittal includes all required materials, the Town shall receive the submittal and start a review.
 2. If the submittal is incomplete, it shall be returned to the applicant. No review of the application shall commence until the Town has determined that the applicant has submitted a complete application.
- 6.22.3.4. After a determination that the application submittal is complete, the Town shall begin its review. The Town has a thirty (30) business day review window to conduct its review and provide comments on the application.
 1. The thirty (30) business day review period applies to single-family, two-family, and townhome developments.
- 6.22.3.5. If the location of the proposed subdivision is within one hundred feet (100') of a Water Conveyance Facility, within (20) calendar days after receipt of the completed application, the Town shall notify in writing the Water Conveyance Facility Owner(s) of the application and request comments related to the following aspects of the Water Conveyance Facility: access, maintenance, protection, safety, and any other issues related.
 1. Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the Town may provide comments to the applicant before this twenty (20) day window is complete, the Town shall not grant approval until at least twenty (20) days after the day on which the Town mailed notice to the Water Conveyance Facility.
 2. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See Utah State Code 73-1-15.5-1b.
- 6.22.3.6. During the review window, the Town Attorney shall review the Final Plat and shall recommend approval if the attorney finds that:
 1. There is a current title opinion from a licensed title company showing that the person dedicating the property described on the Final Plat is the title owner, as shown on the records of the County Recorder's Office.
 2. The performance bond, escrow deposit, letter of credit, or trust deed with the Town is in appropriate form and signed by the necessary parties.
 3. That the subdivision does not, in the attorney's opinion, violate any ordinance of the Town, laws of the State of Utah, or rules and regulations promulgated pursuant thereto.
- 6.22.3.7. Within the review window outlined in subsection 6.22.3.4, the Town shall complete a review of the Final Plat and submittal contents and provide a response to the applicant. The Town shall determine whether the application meets all requirements or requires corrective actions and shall notify the applicant in a written response:
 1. If the application is found to require corrections, the Town shall be specific and cite the ordinance, statute, or specification that requires the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
 2. The town may require additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards.

3. If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.
- 6.22.3.8.** If corrections are required, the applicant shall provide a resubmittal. The resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make a requested revision.
- 6.22.3.9.** The Town shall check the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the Town shall return the submittal to the applicant.
 1. If the resubmittal is complete, the Town shall review the application and provide written comment within the review window as outlined in subsection 6.22.3.4.
 2. The review window number of days only applies to single-family, two-family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed-use, nor does it apply to any legislative approval.
- 6.22.3.10.** If the Town determines that the resubmittal is complete and meets all codes, standards, and specifications, it shall be forwarded to the Administrative Land Use Authority for review and approval.
 1. If the Town finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant. This shall be provided to the applicant up until the fourth review cycle, at which point the application shall be forwarded to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specifications. The applicant may appeal this determination as outlined in Utah State Code 10-9a-604.2(8), as amended.
- 6.22.3.11.** If, on the fourth and final review, the Town fails to respond within forty (40) business days, the Town shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
 1. The Town shall advise the applicant, in writing, of the application's deficiency and the right to appeal the determination to a designated appeal authority.
 - a. The appeal authority shall be the Town Council.

6.22.4. Final Plat Approval Process

After the review cycle process has been completed, the application shall be submitted to the Administrative Land Use Authority for approval.

- 6.22.4.1.** The Administrative Land Use Authority for Final Plat approval shall be as determined by the Town Council and may be a staff member, Town representative, or a board created as a the land use authority. Any individual or board member may not be part of either the Town Council or Planning Commission. (See Utah State Code 10-9a-604.1)
 1. No public hearing for the Final Plat approval may be held.
- 6.22.4.2.** The Administrative Land Use Authority shall approve the Final Plat if it finds:
 1. The proposed plat complies with the requirements of the Town Code, Utah State Code, and all other applicable policies and regulations.
 - a. The plat has been approved by the culinary water authority.
 - b. The plat has been approved by the sanitary sewer authority.
 - c. If applicable, the health department has approved the plat.
 2. The Administrative Land Use Authority may deny or remand the proposed Final Plat if:

- a. The Administrative Land Use Authority finds the applicant has not provided a complete, accurate, and satisfactory response to all comments during review and any other point of non-compliance with applicable regulations.
- b. The applicant is unwilling to make the required corrections or provide the required information.
- c. Any appeal shall be consistent with the provisions of Utah Code 10-9a-604.2.

6.22.3. Dedications

At the time of Final Plat approval, all dedications shall be completed accompanied by all formal irrevocable offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the Town Attorney.

If required by the Town Attorney, the applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a title policy for the Town in the sum not less than ten thousand dollars (\$10,000.00), which sum shall be determined by the Town Attorney and or Engineer before signing of the Final Plat.

6.22.4. Proof of Utility Service

The Final Plat shall be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission upon Preliminary Plat approval.

6.22.5. Outstanding Obligations

At the time of Final Plat approval, the applicant shall provide evidence that all property taxes are current and that no other debts or obligations are outstanding and no liens are placed on the property. Furthermore all review fees owed to the Town shall be paid in full prior to Final Plat approval.

6.22.6. Vested Rights

Vesting for purposes of zoning occurs upon the filing of a complete application as provided in Section 1.20. All requirements, conditions, or regulations adopted by the Planning Commission and Town Board applicable to the subdivision or to all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the Final Plat.

6.22.7. Preparation of Final Plat Mylar

Once all requirements have been met, redline corrections made, and the Administrative Land Use Authority has approved the final plat, the applicant shall submit a twenty-four-inch by thirty-six-inch (24"x36") mylar drawing of the corrected final subdivision plat that meets the requirements of the Office of the County Recorder, with the signatures of the owners and other required signatures.

6.23. Assurance for Completion and Maintenance of Improvements

6.23.1. Completion of Improvements

Before an applicant records a plat, the applicant shall complete all required public landscaping improvements and public infrastructure improvements or shall post an improvement completion assurance for the required public landscaping and public infrastructure improvements.

6.23.2. Performance Guarantees

The Town shall require the applicant to post an acceptable guarantee at the time of application for Final Plat approval in an amount estimated by the Town Engineer as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall also secure all lot improvements on the individual lots of the subdivision as may be required. Such performance guarantee shall comply with all statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency, and manner of execution as set forth in this Code.

The period within which required improvements must be completed shall not exceed one (1) year from the date of final approval. Such guarantee shall be approved by the Town Board with surety and conditions satisfactory to them. The Town may extend the completion date set forth in such guarantee for a maximum period of one additional year. The Town may at any time during the period of such guarantee accept a substitution of principal or sureties.

6.23.3. Temporary Improvements

The applicant shall build and pay for all costs of temporary improvements required by the Town and shall maintain them for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the Town a separate suitable guarantee, in accordance with this Code, for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained, and removed.

6.23.4. Costs of Improvements

All on site or project specific improvements required to provide adequate public facilities in order to provide service to a subdivision at acceptable level of service standards shall be made by the applicant, at their expense, without reimbursement by the Town or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances. Any system improvements required shall be evaluated on a case-by-case basis in conjunction with the Town's capital facilities plan and impact fees ordinance to determine which improvements shall be the responsibility of the developer and which shall be paid out of impact fees.

6.24. Inspection of Improvements

6.24.1. General Procedure and Fees

The Town Engineer or Building Official shall provide inspection of required improvements during construction and insure their satisfactory completion. These fees shall be due and payable upon demand of the Town and no building permits or certificates of occupancy shall be issued until all fees are paid. If the Town Engineer finds upon inspection that any of the required improvements

have not been constructed in accordance with the Town's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications.

6.24.2. Release or Reduction of Performance Guarantee

Subject to the maintenance provisions contained in this Code, the Town will not accept dedication of required improvements, or release or reduce a performance guarantee, until the Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Town Engineer, through submission of detailed "as-built" survey plats of the subdivision indicating location, dimensions, materials, improvements and other information required by the Administrative Land Use Authority and Town Engineer, that the layout of the line and grade of all public improvements is in accordance with the Town approved Subdivision Improvement Plans for the subdivision. Further, a title insurance policy shall be furnished to the Town Attorney and Town Engineer indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Town shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

6.24.2.1. Reduction of Performance Guarantee

A performance guarantee may be reduced upon actual completion and acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance guarantee be reduced below twenty five (25) percent retainage of the principal amount until total completion.

6.25. Escrow Deposits or Letters of Credit for Lot Improvements

When, by reason of the season of the year any lot improvements required by the subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit or letter of credit in an amount to be determined by the Town Engineer for the cost of improvements. The performance guarantee covering such lot improvements shall remain in full force and effect. All required improvements for which escrow or letters of credit have been accepted by the Building Official at the time of issuance of a certificate of occupancy shall be installed by the developer within six (6) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Building Official shall give two (2) weeks written notice to the developer requiring him to install the improvements. In the event that they are not installed properly in the discretion of the Building Official, the Building Official may request the Town Board to authorize the Town to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit.

6.26. Maintenance of Improvements

6.26.1. Prior to Completion

The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until over fifty (50) percent of the lots within the subdivision are built upon.

6.26.2. Warranty after acceptance and dedication

The applicant shall be required to file a maintenance guarantee with the Town, prior to acceptance, in an amount considered adequate by the Town Engineer and in a form satisfactory to the Town Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one year after the date of their acceptance by the Town and dedication of same to the Town.

6.27. Issuance of Building Permits and Certificates of Occupancy

Where a performance guarantee has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication to the Town, as required in the Planning Commission's and Town Board's final approval of the subdivision plat.

The extent of street improvements shall be adequate for vehicular access by the prospective occupant and by emergency equipment, prior to the issuance of any occupancy permit. The developer shall at the time of the dedication submit in escrow or an acceptable letter of credit for the necessary final improvement of the street.

No building permits shall be issued for the final ten (10) percent of lots in a subdivision until all public improvements required by the Planning Commission for the plat have been fully completed and dedicated to the Town.

6.28. Consumer Protection Legislation and Conflicts of Interest Statutes

No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

With respect to a lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the Town until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; State "Blue Sky" laws; State subdivision disclosure acts or conflicts of interest statute, law, or ordinance) shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in this Code.

6.29. Simple Lot Subdivisions

6.29.1. Purpose:

Utah State Code provides an exemption from many subdivision requirements for subdivisions with a limited number of lots that are subdivided without a plat. The intent of this simple lot subdivision

process is to take advantage of the Utah State Code exemption for subdivisions located along existing public infrastructure. This section outlines a separate process for these smaller subdivisions. In this process, an applicant divides property through a metes and bounds record of survey.

6.29.2. Applicability:

The procedure set forth in this section shall govern the process and requirements pertaining to simple lot subdivisions with up to four (4) lots. An applicant may elect to forgo the simple lot subdivision process and instead proceed with the standard preliminary and final plat subdivision process.

6.28.1. Application Process:

The subdivider of a simple lot subdivision, after completing the plans required, shall submit a simple lot subdivision application including the simple lot subdivision, the Subdivision Improvement Plans, and all other required documentation and information.

6.28.2. Required Conditions:

For a proposed subdivision to qualify for simple lot subdivision approval, the proposed simple lot subdivision shall:

- 6.28.2.1.** Be for a single-family dwelling dwelling(s), and any associated accessory dwelling(s).
- 6.28.2.2.** Be located on property zoned for such use.
- 6.28.2.3.** Contain no more than four (4) lots.
- 6.28.2.4.** Have all proposed lots located adjacent to required public utilities and along an existing street that meets all Town standards
- 6.28.2.5.** Not contain any legislative approval, such as a zone change or text amendment request. Any legislative approval necessary for the simple lot subdivision to meet all requirements shall be pursued separately and shall be completed before the Planning Commission may review the simple lot subdivision application.
- 6.28.2.6.** Not be traversed by the mapped lines of a proposed street as shown in the general plan unless the Town has approved the location and dedication of any public street, municipal utility easements, any other easement, or any other land for public purposes as the municipality's ordinances require.
- 6.28.2.7.** Conform to all applicable land use ordinances. A property that has previously obtained a variance shall be deemed to conform as it relates to the conflict that had necessitated the variance.

6.28.3. Submittal Contents:

An applicant shall submit an application to the Town for a simple lot subdivision that includes, at a minimum, each of the following:

- 6.28.1.1.** A current title report showing ownership by the applicant.
- 6.28.1.2.** Name of the applicant or authorized agent and contact information.
- 6.28.1.3.** Property address, acreage, boundary, and tax identification number.
- 6.28.1.4.** Date, scale, and North arrow.
- 6.28.1.5.** Vicinity map showing the property's location relative to municipal boundaries and roads that serve the property.
- 6.28.1.6.** A statement containing the zone, lot size, and amount of frontage along a public street for each proposed lot.
- 6.28.1.7.** A metes and bounds description of the property proposed to be subdivided.
- 6.28.1.8.** A subdivision name.
- 6.28.1.9.** A record of survey map, showing each new lot, which includes the following details:
 - 1. The location of survey by quarter section and township range.
 - 2. The date of survey.

3. The scale of the drawing and North point.
4. The distance course of all lines traced or established, giving the basis of bearing and distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision.
5. All measured bearings, angles, and distances separately indicated from those of record.
6. A written boundary description of property surveyed.
7. All monuments set and their relation to older monuments found.
8. A detailed description of monuments found and monuments set, indicated separately.
9. The surveyor's business name and address.
10. A written narrative that explains and identifies:
 - a. The purpose of the survey.
 - b. The basis on which the lines were established.
 - c. The found monuments and deed elements that controlled the established or reestablished lines.
11. If the narrative is a separate document, it shall contain:
 - a. The location of the survey by quarter section and by township range.
 - b. The date of the survey.
 - c. The surveyor's stamp or seal.
 - d. The surveyor's business name and address.
12. The map and narrative shall be referenced to each other if they are separate documents.
13. The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the size required by the county surveyor.

6.28.2. *Site-Specific Contents:*

The following documents shall accompany the simple lot subdivision application when deemed necessary by the Town Engineer:

- 6.28.1.1.** Soils Report: The applicant shall provide a detailed soils report addressing the following issues for the subdivision: hill stabilization, road design, foundation design, groundwater impacts, and general soil stability. The report must be stamped and signed by a civil engineer licensed in the state of Utah.
- 6.28.1.2.** Storm Water Plan: The applicant shall provide a detailed storm water plan for the subdivision. This plan shall include all calculations showing that it meets all applicable codes, standards, and specifications. Plans and calculations shall be stamped and signed by a civil engineer licensed in the state of Utah.
- 6.28.1.3.** Other Hazard Information: This may include FEMA floodplain information or other information to mitigate natural hazards.

6.28.3. *Review and Approval Process:*

The intent of the simple lot subdivision is to provide timely review and approval of all complete applications, as follows:

- 6.28.3.1.** Optional Pre-Application Meeting: An applicant may request to meet with Town staff and representatives prior to submittal to review the application and requirements.
- 6.28.3.2.** Preliminary Review: The applicant shall submit the application and all required contents. The Town will check for completeness. If not all materials have been submitted, the application shall be returned to the applicant until all required contents are included.
- 6.28.3.3.** Administrative Review: Once the application is deemed to be complete, the Town shall complete a review of the simple subdivision application and any associated subdivision

improvement plans and determine whether the application meets all requirements or requires corrective actions and shall notify the applicant in a written response:

1. If the application is found to require corrections, the Town shall provide corrections to the applicant. The required corrections are sent to the applicant to prepare for resubmittal.
2. The Town may require additional information relating to the application to ensure compliance with the Town's ordinances and approved standards.
3. If the application meets all codes, standards, and specifications, Town staff shall forward the application to the Planning Commission.

6.28.3.4. Planning Commission Review: The Planning Commission shall, in a public meeting, review the application and make a decision whether to approve or deny the application. If the Planning Commission determines that the application does not meet all requirements, an applicant may request that the application is tabled until all requirements are met.

1. A courtesy notice shall be sent to all properties within one hundred feet (100') of the property, notifying the property owners of the time and place of the public meeting and nature of the request.
2. If the applicant meets all applicable requirements, the Planning Commission shall approve the simple lot subdivision application. If the applicant is unable or unwilling to meet all applicable requirements, the Planning Commission shall deny the application.

6.28.4. Filing the Record of Survey:

6.28.4.1. After the Planning Commission has approved the simple lot subdivision application, the Town shall create a written certificate of approval to accompany the record of survey. At a minimum, the document shall be notarized by the Town Recorder, specify the name of the subdivision, the number of lots, and the date of Planning Commission approval.

6.28.4.2. The applicant shall provide a check sufficient to cover the recording fees.

6.28.4.3. Within one (1) year of approval the Record of Survey, with the accompanying written certificate of approval, shall be recorded in the Office of the County Recorder.

6.28.5. Expiration of Final Approval:

If a record of survey is not filed within one (1) year from the date of approval, the approval is deemed to have lapsed and the applicant will need to obtain a new approval and meet any new regulations that may have been put in place.