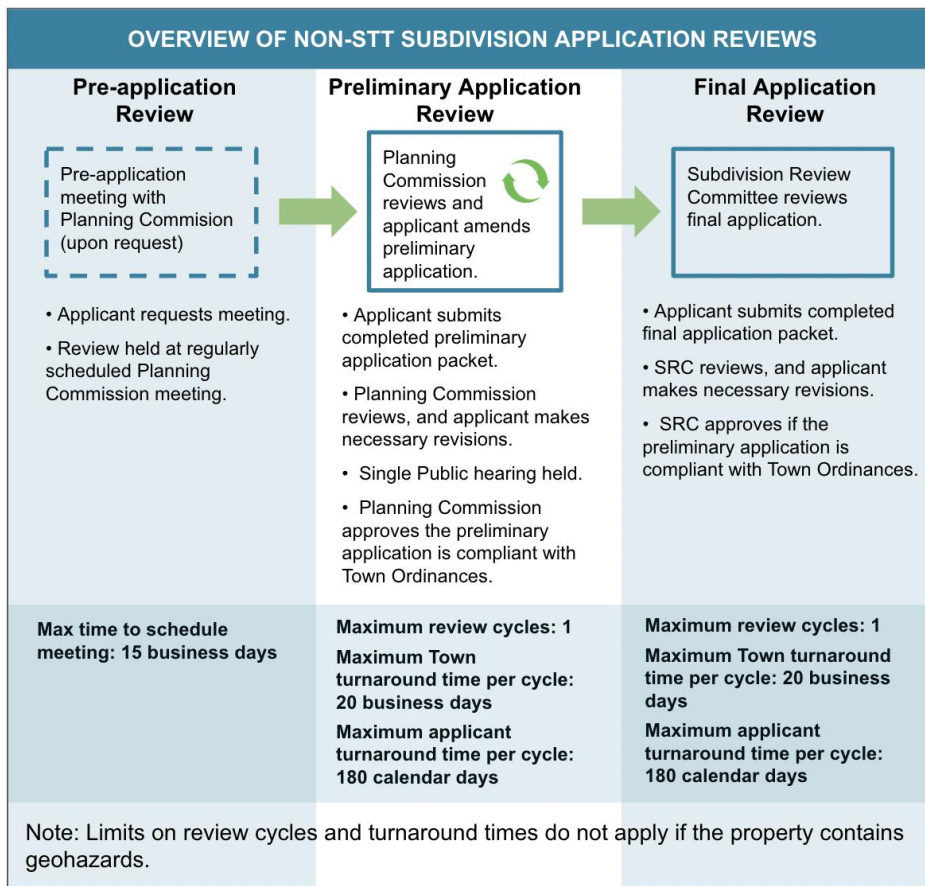


- 43 E. Construction shall not commence until all required construction plans have been approved by
44 the Town, appropriately recorded, and all applicable Town permits have been issued. All
45 subdivision improvements are subject to inspection by the Town Representative and
46 Planning Commission and shall comply with Town requirements approved by the Land Use
47 Authority. All subdivisions shall comply with all established standards.

48 **21.1.3: LAND USE AUTHORITY AND APPEAL AUTHORITY**
49 **FOR SINGLE-FAMILY DWELLINGS, TWO-FAMILY**
50 **DWELLINGS AND TOWNHOUSE (STT) SUBDIVISIONS:**

- 51 A. The Administrative Land Use Authority for preliminary STT subdivision applications under
52 this Chapter is the Planning Commission. For purposes of STT subdivision applications, the
53 Planning Commission shall be ultimately responsible for the following, but may delegate
54 tasks other than land use decisions to the Town Engineer, Town Staff, or members of the
55 Planning Commission:
- 56 1. Rendering land use decisions related to preliminary STT subdivision applications
57 under this Chapter, including approving or denying preliminary applications.
 - 58 2. Reviewing preliminary STT subdivision applications under this Chapter in an
59 impartial manner and according to the standards and deadlines described in this
60 Chapter.
 - 61 3. Holding public meetings for reviewing preliminary STT subdivision applications as
62 required by this Chapter.
 - 63 4. Providing feedback to applicants on their preliminary STT subdivision applications
64 in the manner required by this chapter.
 - 65 5. Scheduling and holding a pre-application meeting and reviewing concept plans, with
66 potential applicants as required by this Chapter.
 - 67 6. Keeping subdivision application forms (both preliminary and final) and related
68 information material up to date and publicly accessible and distributing such forms
69 and materials to potential applicants. This task is delegated to Town Staff by default.
- 70 B. The Administrative Land Use Authority for final applications under this Chapter is the
71 Subdivision Review Committee (SRC). The SRC shall consist of two members from the
72 Planning Commission and a designated staff member. The SRC shall meet on an as-needed
73 basis and act by majority vote. For the purposes of subdivision applications, the SRC shall be
74 responsible for the following, but may delegate tasks other than land use decisions to the
75 Town Engineer, Town Staff, or members of the SRC:
- 76 1. Rendering land use decisions related to final STT subdivision applications under this
77 Chapter, including approving or denying final applications.
 - 78 2. Reviewing final STT subdivision applications under this Chapter in an impartial
79 manner and according to the standards and deadlines described in this Chapter.
 - 80 3. Providing feedback to applicants on their final STT subdivision applications in the
81 manner required by this Chapter.
 - 82 4. Providing notice to entities and parties as required by this Chapter. This task is
83 delegated to Town Staff by default.
 - 84 5. Signing final STT subdivision application approvals as required by this Chapter.

- 85 C. As subdivision application decisions are administrative, not legislative, the Land Use
 86 Authorities are authorized to make land use decisions described by this Chapter without
 87 Town Council approval.
- 88 D. Except when operating as the Appeal Authority, the Town Council shall not require the Land
 89 Use Authority to approve or deny an application under this Chapter.
- 90 E. **Appeal Authority** - The Appeal Authority for decisions by the Administrative Land Use
 91 Authorities relating to STT subdivision applications is the Board of Adjustments. The
 92 Appeal Process is described in Chapter 3.9 of the Leeds Land Use Ordinance.



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102 **21.1.4: LAND USE AUTHORITY AND APPEAL AUTHORITY**
103 **FOR NON-STT SUBDIVISIONS:**

Commented [MR1]: Add process for Preliminary and Final Plat Review for Non-STT

104 A. The recommending body for preliminary and final non-STT subdivision applications under
105 this Chapter is the Planning Commission. The approving Land Use Authority is Town
106 Council. Recommendation and approval steps may not be delegated.

- 107 1. As the recommending body, Planning Commission is responsible for:
- 108 a. Recommending land use decisions related to non-STT subdivision
109 applications under this Chapter, including recommendations to approve or
110 deny preliminary and final subdivision applications.
 - 111 b. Reviewing non-STT subdivision applications under this Chapter in an
112 impartial manner and according to the standards described in this Chapter.
 - 113 c. Holding public meetings for reviewing preliminary non-STT subdivision
114 applications as required by this Chapter
 - 115 d. Providing feedback to applicants on their preliminary non-STT subdivision
116 applications in the manner required by this Chapter.
 - 117 e. Scheduling and holding a pre-application meeting (and reviewing concept
118 plans) with potential applicants as required by this Chapter.
 - 119 f. Keeping subdivision application forms (both preliminary and final) and
120 related information material up to date and publicly accessible and
121 distributing such forms and materials to potential applicants. This task is
122 delegated to Town Staff by default.

- 123 2. As the approving Land Use Authority, the Town Council is responsible for:
- 124 a. Reviewing non-STT subdivision applications under this Chapter in an
125 impartial manner and according to the standards described in this Chapter.
 - 126 b. Approving land use decisions related to non-STT subdivision applications
127 under this Chapter.

128 B. **Appeal Authority** - The Appeal Authority for decisions by the Administrative Land Use
129 Authorities relating to STT subdivision applications is the Board of Adjustments. The
130 Appeal Process is described in Chapter 3.9 of the Leeds Land Use Ordinance.

131 **21.1.5: PRE-APPLICATION MEETING FOR ALL**
132 **SUBDIVISIONS:**

133 A. A party intending to submit a subdivision application under this Chapter may request a pre-
134 application meeting with Town Staff and/or Planning Commission for the purpose of
135 reviewing any element of the party's proposed subdivision application (preliminary or final).
136 The proposed application need not be complete for purposes of this meeting and may—if the
137 party desires—be limited to a concept plan.

- 138 1. If an applicant requests a pre-application meeting, the municipality shall, within 15
- 139 business days after the request, schedule the meeting to review the concept plan and
- 140 give initial feedback.
- 141 2. If the meeting is to be with Planning Commission, the meeting shall be scheduled for
- 142 the next regularly scheduled Planning Commission meeting for which appropriate
- 143 public notice is attainable.
- 144 3. The Planning Commission or Town Staff shall conduct the meeting, provide
- 145 feedback on materials as requested by the party, and shall provide or have available
- 146 on the municipal website the following at the time of the meeting:
 - 147 a. Copies of applicable land use regulations,
 - 148 b. A complete list of standards required for the project, and
 - 149 c. Relevant application checklists.

Commented [MR2]: Copy this section directly from SB174 10-9A-604-1(4)(A)

21.1.6: PRELIMINARY PLAT AND APPLICATION FOR ALL SUBDIVISIONS:

The Preliminary Plat shall comply with the following requirements for all types of subdivisions:

A. **Preliminary Plat Description** - The following shall appear in a title block located in the lower right-hand corner of the sheet:

- 155 1. The proposed name of the subdivision.
- 156 2. The location of the subdivision including the address and the section, township and
- 157 range.
- 158 3. The names and addresses of the owners or applicants if other than the owner.
- 159 4. Date of preparation, north point, scale, contour interval, source and date of existing
- 160 contours.
- 161 5. Scale shall be of sufficient size to adequately describe in legible form all required
- 162 conditions of this Ordinance.
- 163 6. Sufficient legal description to define the boundary of the proposed subdivision.

B. **Preliminary Plat Existing Conditions** - The Preliminary Plat shall show:

- 164 1. The location of the nearest survey monument.
- 165 2. The boundary of the proposed subdivision and the acreage included. A statement of
- 166 present land use designation(s) as defined in the General Plan, the intended land
- 167 use(s), and the existing and proposed zoning of the property as shown on the zoning
- 168 map.
- 169 3. Where the submitted plat covers only a portion of the parcel owned by the applicant,
- 170 the Preliminary Plat shall include a sketch of the applicant's remaining land. The
- 171 street system of the portion of the applicant's parcel submitted for Preliminary Plat
- 172 approval shall 1) conform to the Leeds Master Road Plan, ~~and 2) a statement~~
- 173 identifying how the proposed development is in conformance with the Town of
- 174 Leeds General Plan, and 3) contemplate expansion into the remaining portion of the
- 175 applicant's land not included for Preliminary Plat approval.
- 176 4. The location, pavement, and right-of-way width, grade and name of all existing
- 177 streets within two hundred (200) feet on the subdivision and of all prior platted
- 178 streets or other public ways, utility rights-of-way, parks, and other public open
- 179

180 spaces, permanent buildings, structures, houses, or permanent easements and sections
181 and corporation lines, within and adjacent to the subdivision.

182 5. Existing ditches, canal, natural drainage channels and open waterways and proposed
183 realignments including drainage and existing and future flood control alignments.

184 6. Located within one hundred (100) feet, the names and boundary lines of adjacent
185 subdivisions and the names of owners of adjacent unplatted land.

186 7. A vicinity map showing roads, adjoining subdivisions, cities, creeks, ~~railroads~~ and
187 other data sufficient to locate the proposed subdivision and show the relation to the
188 community.

189 8. The location and outline of existing structures identified by type. Structures to be
190 removed shall be so marked.

191 9. The widths, location and identity of all existing easements.

192 C. **Preliminary Plat** - The Preliminary Plat shall show the following information:

193 1. The layout of streets, showing location, pavement, right-of-way width and
194 dimensions of (designated by actual or proposed names and numbers) proposed
195 streets, construction and compaction specifications, reservoirs, existing sewers,
196 ponds, stop signs, streetlights, street name signs, crosswalks, alleys and
197 easements. The location and radius of all curb returns and cul-de-sacs shall also be
198 shown.

199 2. The layout, number and typical dimensions of lots. Multifamily projects shall
200 demonstrate building footprints in addition to lot dimensions. Each lot shall
201 identify a “do not disturb” area upon which the natural vegetation shall remain
202 undisturbed.

203 3. Parcels of land or common areas intended to be dedicated or temporarily reserved for
204 public use or set aside for use of property owners in the subdivision.

205 4. Builder setback lines required by the Leeds Land Use Ordinances.

206 5. Easements for water, sewers, drainage, utility lines and other purposes.

207 6. Approximate radius of all center line curves on streets and angle of intersecting
208 streets if the angle deviates from a right angle by more than two (2) degrees.

209 7. Subdivision improvements outside of the boundary including right-of-way, existing
210 topography, and proposed work.

211 8. Proposed recreation sites, bike paths, trails and parks for private or public use, shall
212 be identified.

213 9. Existing topography of the proposed subdivision site at least one hundred (100) feet
214 beyond its boundary, including but not limited to existing contours at one (1) foot
215 intervals if the existing ground slope is less than fifteen percent (15%) and no less
216 than five (5) foot intervals for existing ground slopes equal to greater than fifteen
217 percent (15%). Existing contours shall be represented by dashed lines or by screened
218 lines. A separate grading plan may be required to be submitted.

219 10. If the applicant plans to develop the site in units or phases, the proposed units or
220 phases and their proposed sequence of construction shall be shown.

221 D. **Accompanying Data and Reports** - The applicant may, at the Town’s sole discretion, be
222 required to submit the following accompanying data and reports in electronic format:

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1. Geologic Hazards and Soil Suitability Report.

In most cases a preliminary geologic hazards and soil suitability report will be required by the Town. If this report is required, it shall be prepared by a Utah-licensed civil engineer specializing in geotechnical evaluations or a Utah-licensed geologist and based upon existing state and federal geologic and environmental agency reports and adequate field data, including test borings and evaluation of any mine shafts. Percolation tests are required as part of the soils analysis for septic systems. The report shall be presented to the Planning Commission with the Preliminary Plat.

- a. If the Town has knowledge of, or the preliminary soils report indicates, the presence of critically expansive or collapsible soils, liquefaction, or other hazards which, if not corrected, would lead to structural defects or risk to human health, a geologic hazards investigation of each lot in the subdivision will be required by the Planning Commission. This geologic hazard investigation shall be done by a Utah-licensed civil engineer specializing in geotechnical evaluations or Utah-licensed geologist, who shall recommend the corrective action which will prevent risk to human health and structural damage to each structure proposed to be constructed in the area where the hazards exist.
- b. The Planning Commission may recommend specific actions based upon recommendation(s) of the Town Engineer relative to the subdivision, or portion(s) thereof, where a hazard exists if it determines that the recommended action will prevent structural damage to each structure to be constructed or risk to human health, and a condition to the issuance of any building permit shall require that the approved recommended action will be incorporated into the construction of each structure.

2. Drainage and Flood Hazards Report

- a. A tentative Drainage Plan or method by which the applicant proposes to handle storm water drainage for the subdivision including the proposed locations and sizes of storm water runoff retention basins.
- b. A drainage report must identify any washes or swampy areas including the approximate location of all areas subject to inundation of storm water overflow; the location, width, and direction of flow of each water course; and the flood zone designation as indicated on the Flood Insurance Rate Map(s) (Flood Hazard Boundary Maps) prepared by the U.S. Department of Housing and Urban Development.

3. Title Report.

A preliminary title report, acceptable to the Planning Commission, Town Council, and Town Attorney showing the legal owners at the time of filing the tentative plat is required. Include a written statement from all current landowners as to the subdivision plans, and any pending land sale contingencies.

4. - Will-serve letters or written acknowledgements of service from any utility purveyor that will serve the property.

5. Archaeological survey/report prepared by a qualified archeologist, unless waived by the town.

269 **6. Biological survey/report prepared by a qualified biologist, unless waived by the**
270 **town.**

271 **4. 7. Other Reports.**

272 Where necessary, copies of any agreements with adjacent property owners relevant
273 to the proposed subdivision shall be presented to the Planning Commission.

274 **E Record Retention and Transparency.**

275 The Town shall maintain and publish the preliminary subdivision application, including:

- 276 • The application
- 277 • The owner(s)' affidavit(s)
- 278 • An electronic copy of all plans and supplemental reports in PDF format
- 279 • The preliminary subdivision plat drawings
- 280 • A breakdown of fees upon approval of the application

281 **21.1.7: IMPROVEMENT PLAN REQUIREMENTS FOR ALL**
282 **SUBDIVISIONS:**

283 A. The applicant shall submit an Improvement Plan with the preliminary plat. A preliminary
284 subdivision application shall not be considered complete without an attached improvement
285 plan for any public improvements required by Town ordinances or proposed by the
286 applicant.

287 B. The applicant shall have Improvement Plans prepared by a Utah State licensed engineer for
288 all onsite and required offsite improvements in accordance with the following:

289 1. **Improvement Plan Description** - Except for in the case of a minor subdivision
290 which may proceed to the final plat approval process referenced in Section 21.8
291 below, Improvement Plans must be prepared in accordance with:

292 a. Leeds Design and Construction Standards and Specifications; including but
293 not limited to:

294 i. Engineering data shall show the proposed finished grade of each lot,
295 the preliminary design of all grading, numeric estimate of grading
296 activity relating to excavation and fill, the elevation of proposed
297 building pads, the top and the toe of cut and fill slopes to scale, the
298 number of each lot, and the elevation of adjacent parcels.

299 ii. The location and size of proposed and existing wells, septic tanks,
300 sanitary sewers, ~~fire hydrants~~, water mains, and storm drains
301 proposed, active or abandoned, and of all reservoirs and ponds within
302 the tract and to a distance of at least ~~two~~ hundred (200) feet
303 beyond the subdivision boundaries. Proposed slopes and
304 approximate elevations of sanitary sewers and storm drains shall be
305 indicated. All water and wastewater disposal systems are required to
306 have project feasibility approval from the Utah Department of
307 Environmental Quality Division of Drinking Water prior to
308 submittal. Final approvals are subject to the Planning Commission,
309 the Town Engineer and Town Council.

310 ii.iii. The location of proposed and existing fire hydrants within the
311 tract and to a distance of at least three hundred (300) feet beyond the
312 subdivision boundaries.

- 313 b. Sewer provider construction standards;
- 314 c. Electric power provider's standards and specifications;
- 315 d. Applicable fire code in consultation with the Hurricane Valley Fire Special
316 Services District;
- 317 e. Natural gas provider's and telecommunication providers' standards and
318 specifications, if applicable.
- 319 f. Culinary water provider design and construction standards and specifications.
- 320 g. Irrigation water authority design and construction standards and
321 specifications.
- 322 h. Specific geotechnical and drainage recommendations established by the soils,
323 geohazard, and drainage/flood zone report(s), if required.
- 324 2. **Improvement Plan Authorizations** - Eight (8) sets of complete Improvement Plans
325 must be submitted with the Preliminary Plat application. Improvement Plans shall be
326 a minimum of twenty-two inches by thirty-four inches (22" x 34") and have
327 signature blocks present for signatures from:
- 328 a. Town Engineer
- 329 b. Town Public Works Director
- 330 c. Culinary Water Provider
- 331 d. Irrigation Water Authority
- 332 e. Hurricane Valley Fire Services District
- 333 f. Sewer Authority
- 334 g. Electric Power Provider
- 335 h. Natural Gas Provider
- 336 i. Telecommunications Provider(s)
- 337 3. **Improvement Plan Streets** - All street grades shall be noted on the Improvement
338 Plans.

339 **21.1.8: PRELIMINARY PLAT AND IMPROVEMENT PLAN**
340 **REVIEWS FOR STT SUBDIVISIONS:**

- 341 A. The Administrative Land Use Authority shall review all STT subdivision applications in
342 accordance with the requirements of this Section before approving or denying the
343 subdivision application.
- 344 B. The review process begins when an applicant submits a complete application.
- 345 1. The Administrative Land Use Authority shall not review an incomplete subdivision
346 application, except to determine whether the application is complete.
- 347 2. If an Administrative Land Use Authority determines that an application is not
348 complete, it shall notify the applicant of the incompleteness, highlighting any

349 insufficiencies and explaining that the application will not be reviewed until
 350 completed.

351 C. After the applicant submits a complete application, the Administrative Land Use Authority
 352 shall review and provide feedback to the applicant in a series of “review cycles.”

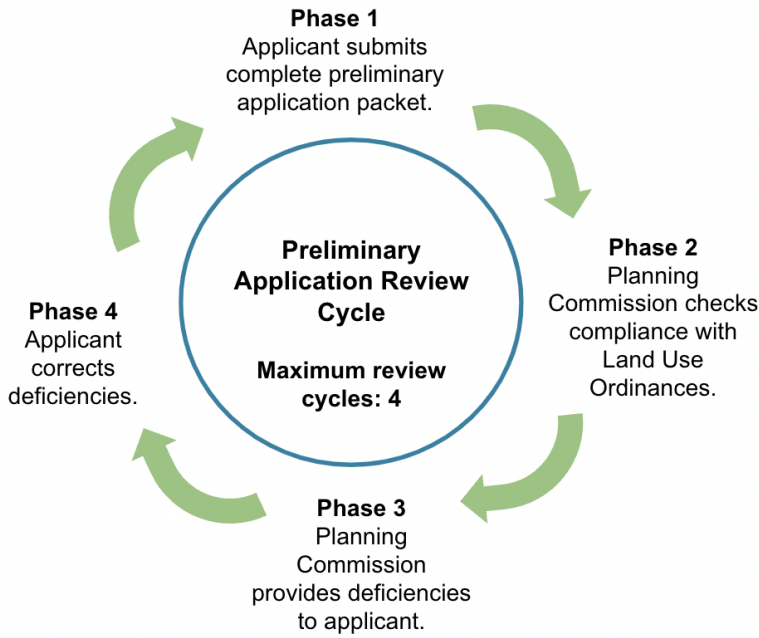
353 1. A review cycle consists of the following phases:

- 354 a. Phase #1: The applicant submits a complete application (or, if after the first
 355 cycle, submits a revised version of the complete application).
- 356 b. Phase #2: The Administrative Land Use Authority reviews the application in
 357 detail and assess whether the application conforms to local ordinances. The
 358 Land Use Authority shall consider any comments on the application from
 359 Town Staff and official Town bodies.
- 360 c. Phase #3: The Administrative Land Use Authority responds to the applicant,
 361 citing any missing requirements or areas of noncompliance and providing a
 362 detailed indexed list of necessary revisions to the applicant, within the
 363 timeframe specified in Table A. For any required modification or addition to
 364 the application or request for more information, the Land Use Authority shall
 365 be specific and include citations to ordinances, standards, or specifications
 366 that require the modification and shall provide the applicant with an index of
 367 all requested modifications or additions.
- 368 d. Phase #4: The applicant revises the application, addressing each comment or
 369 requirement the Administrative Land Use Authority made. The applicant
 370 must submit both revised plans and a written explanation in response to the
 371 Town’s review comments, identifying and explaining the applicant’s
 372 revisions and reasons for declining to make revisions, if any. If the applicant
 373 fails to respond to a comment made by the Land Use Authorities in its
 374 review, the review cycle is not complete and will remain open until the
 375 applicant addresses all comments.

Table A – Review Cycles, Hearings, and Timelines by Subdivision Use Type					
Use Type	Approval Stage	Max Review Phases	Max Public Hearings	Town Turnaround Deadline*	Applicant Turnaround Deadline**
STT Subdivisions without Geologic Hazards	Preliminary	4	1	30 Business Days	180 Calendar Days
	Final	1	0	20 Business Days	180 Calendar Days
*Describes the total time (per review cycle) the Town may take to complete both Phase #2 and Phase #3.					
**Describes the total time (per review cycle) the applicant may take to submit a revised application before the application expires.					

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STT SUBDIVISION PRELIMINARY PLAT & IMPROVEMENT PLAN REVIEW CYCLES



Note: Limits on review cycles do not apply if the property contains geohazards.

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- D. The initial review for a preliminary completed subdivision application, including subdivision improvement plans, must be completed within 15 business days.
 - E. The Planning Commission shall not (nor shall any other representative of the Town) exceed the number of review cycles of the deadlines in Table A. If no further revisions are needed, the Planning Commission may end the review period early and approve or deny the application.
 1. This provision notwithstanding, for any subdivision application that affects property within an identified geologic hazard area, the Town is exempt from limits on the number of permitted review cycles and the Town's deadlines for reviewing and responding.
 2. If the applicant makes a material change to an application not requested by the Town at any point in the review process, the Planning Commission may restart the review process, but only with respect to the portion of the application that the material change substantively affects.

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3. If an applicant does not submit a revised plan within 20 business days after the Town requires a modification or correction, the Town shall have an additional 20 business days to respond.
 4. If an applicant takes longer than 40 business days to submit a revised subdivision improvement plan responding to the Town's requests for modifications and additions (in Phases #1 and #4), the Town shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
 5. If an applicant takes longer than 180 calendar days to submit a revised application and respond to the Town's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Planning Commission, expire. If an application expires, the applicant must restart the subdivision application process.
- F. After the last review cycle is complete, the Planning Commission shall approve or deny the application within 20 business days.
1. If the Planning Commission has not approved or denied the application within 20 business days after the last review, the applicant may request a final decision. After such a request, the Town shall, within 10 business days:
 - a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
 - b. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.
- G. After the Planning Commission provides comments in the last review cycle, the Town shall not require further modifications or corrections in that review phase unless those modifications or corrections are needed to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Planning Commission did not request.
1. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the municipality waives noncompliant subdivision-related requirements that the Planning Commission does not identify during the review process.
 2. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.
- H. The Planning Commission may conduct one (but no more than one) public hearing for the purpose of asking questions of the applicant and receiving commentary on the technical aspects of the application from affected entities, interested parties, and the public. If the Planning Commission elects to hold this public hearing, the hearing must occur before the end of the Planning Commission's review period in the last review cycle of the preliminary review phase. Scheduling issues shall not extend the review and approval deadlines in this Chapter.
- I. Before receiving preliminary subdivision approval, an applicant shall:
1. Ensure that the proposed subdivision is consistent with current zoning of the

- 437 property.
- 438 2. Obtain a preliminary plat application form and complete the application and have a
- 439 Preliminary Plat prepared by a Utah State licensed engineer or surveyor in
- 440 conformance with the provisions of this Ordinance.
- 441 3. Submit completed application with notarized signature(s) of owner and/or applicant.
- 442 Include current deed and letter of owner(s)' authorization to proceed with
- 443 development. File ~~twenty-one~~ (21) copies of the Preliminary Plat and the
- 444 Improvement Plans and required filing fee to the Town Clerk. The Preliminary Plat
- 445 shall:
- 446 a. Be clear and legible and conform to good engineering and professional
- 447 drafting room practice. Size of drawings shall be twenty-four (24) inches by
- 448 thirty-six (36) inches.
- 449 b. Comply with construction drawings and standards published by the town.
- 450 4. Provide noticing package for the Administrative Land Use Authority public hearing.
- 451 ~~3.~~ 5. Notify the town if there is any water conveyance facility located entirely or
- 452 partially within one hundred (100) feet of the subdivision plat as determined using
- 453 information made available to the town.
- 454 ~~4.~~ 6. Appear at each meeting of the Planning Commission at which the preliminary
- 455 application is considered and provide any additional information requested by the
- 456 Planning Commission.
- 457 J. The Administrative Land Use Authorities shall approve or deny a subdivision application
- 458 under this Chapter after reviewing a complete subdivision application as described in this
- 459 Chapter.

460 **21.1.9: PRELIMINARY PLAT AND IMPROVEMENT PLAN**

461 **REVIEWS FOR NON-STT SUBDIVISIONS:**

- 462 A. Before dividing any parcel or acreage into two or more building lots, an applicant shall:
- 463 1. Determine whether proposed subdivision is consistent with current zoning of the
- 464 property.
- 465 2. If proposed subdivision is consistent with zoning designation, meet with the Town
- 466 Engineer and Planner or Planning Commission Chairman and review the proposed
- 467 subdivision.
- 468 3. Obtain a preliminary plat application form and complete the application and have a
- 469 preliminary plat prepared by a licensed engineer or surveyor in conformance with the
- 470 provisions of this Ordinance.
- 471 4. Submit completed application, file seven (7) copies of the preliminary plat and
- 472 required filing fee to the Town Clerk.
- 473 5. Appear at a regularly scheduled meeting of the Planning Commission to discuss the
- 474 proposed subdivision. The Planning Commission shall request additional
- 475 information, if needed. Upon reviewing all submitted information, including any
- 476 additional information requested by the Planning Commission, the Planning
- 477 Commission may recommend the Town Council approve, approve with conditions or
- 478 disapprove the preliminary plat.

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6. After a recommendation by the Planning Commission, appear at a regularly scheduled meeting of the Town Council to discuss the proposed subdivision. The Town Council may approve the preliminary plat, approve with conditions, recommend changes, request additional information, send back to the Planning Commission or deny the preliminary plat. If the Town Council requests additional information or requires significant changes, the preliminary plat will be returned to the applicant so that the additional information can be provided and required changes can be made. Once additional information is gathered or changes are made, applicant must reappear before the Town Council at a regularly scheduled meeting.
 7. If the preliminary plat is approved by the Town Council, the Town Council shall return one (1) copy of the plat signed by the Planning Commission Chairman to the applicant with any conditions attached. The Planning Commission shall retain one (1) signed copy of the preliminary plat for its files. If the preliminary plat is not approved by the Town Council, the Town Council shall indicate its disapproval by returning one (1) copy of the plat to the applicant along with the reason(s) for disapproval.
 8. The receipt of a signed copy of the approved preliminary plat shall authorize the applicant to proceed with the preparation of construction drawings and the final plat. No construction is authorized to commence until the final plat is approved by the Town Council and properly recorded.
 9. Not more than one (1) year after receiving approval of the preliminary plat, submit the original and one reproducible copy of the final plat to the Planning Commission for review. The Planning Commission may extend the one-year time limit for just cause.

503 **21.1.10: AUTHORITY TO DELAY APPROVAL FOR NON-STT**
504 **SUBDIVISIONS:**

505 The Planning Commission may withhold approval of a preliminary plat for one (1) year if all or part
506 of the area to be subdivided may be needed for a park, school, street, or other public purpose. The
507 Planning Commission should notify the appropriate agency in writing of the proposed subdivision.
508 If proper means have not been initiated to acquire the desired property within one year, the owner
509 may request that the request for the subdivision go forward without consideration of the area that
510 was to be set aside for public purposes. The review will then be continued in compliance with the
511 provisions of this Ordinance.

512 **21.1.11: CONSTRUCTION DRAWINGS FOR ALL**
513 **SUBDIVISIONS:**

514 After the preliminary plat approval, the applicant shall have construction drawings prepared by a
515 Utah-licensed engineer for all onsite and required offsite improvements in accordance with the
516 following:

- 517 A. Construction drawings must be prepared in accordance with:
- 518 1. Leeds Design and Construction Standards and Specifications; including but not
519 limited to:
 - 520 a. Engineering data shall show the proposed finished grade of each lot, the
521 preliminary design of all grading, numeric estimate of grading activity
522 relating to excavation and fill, the elevation of proposed building pads, the
523

- 524 top and the toe of cut and fill slopes to scale, the number of each lot, and the
525 elevation of adjacent parcels.
526
- 527 b. The location and size of proposed and existing wells, septic tanks, sanitary
528 sewers, fire hydrants, water mains, and storm drains proposed, active or
529 abandoned, and of all reservoirs within the tract and to a distance of at least
530 one hundred (100) feet beyond the subdivision boundaries. Proposed slopes
531 and approximate elevations of sanitary sewers and storm drains shall be
532 indicated. All water and wastewater disposal systems are required to have
533 project feasibility approval from the Utah Department of Environmental
534 Quality Division of Drinking Water prior to submittal. Final approvals are
535 subject to the Planning Commission, the Town Engineer and Town Council.
536
- 537 2. Sewer provider construction standards;
538
- 539 3. Electric power provider's standards and specifications;
540
- 541 4. Applicable fire code in consultation with the Hurricane Valley Fire Special Services
542 District;
543
- 544 5. Natural gas provider's and telecommunication providers' standards and
545 specifications, if applicable.
546
- 547 6. Culinary water provider design and construction standards and specifications.
548
- 549 7. Irrigation water authority design and construction standards and specifications.
550
- 551 8. Specific geotechnical and drainage recommendations established by the soils,
552 geohazard, and drainage/flood zone report(s), if required.
553
- 554 B. Eight (8) sets of complete construction drawings must be submitted to the Town Planner or
555 authorized Town Representative. Construction drawings shall be a minimum of twenty-two
556 inches by thirty-four inches (22" x 34") and must contain a signature block for all Joint
557 Utility Committee members, including:
558
- 559 1. Town Engineer
560
- 561 2. Town Public Works Director
562
- 563 3. Culinary Water Provider
564
- 565 4. Irrigation Water Authority
566
- 567 5. Hurricane Valley Fire Special Service District
568
- 569 6. Sewer Authority
570
- 571 7. Electric Power Provider
572
- 572 8. Natural Gas Provider
- 573 9. Telecommunications Provider(s)
- 574 C. Applicant shall request placement on a Joint Utility Committee agenda for initial review of
575 the plans.
- 576 D. Applicant or applicant's authorized representative shall attend the Joint Utility Committee
577 meeting when the item is on the agenda. Joint Utility Committee members will take copies of

573 plans to redline and will return redlined copies of plans to the Town and/or applicant within
574 seven (7) days.

575

576 E. All street grades shall be noted on the construction drawings.

577

578 F. When redlines are completed, Town Planner or Town Representative shall prepare a
579 summary of the needed changes and return redlined plans to applicant.

580

581 G. Applicant shall then submit one (1) copy of the corrected construction drawings, addressing
582 all redlined items, to the Town Engineer for review and possible signature. After Town
583 Engineer signs the construction drawings, applicant must obtain all required signatures and
584 return eight (8) copies of the signed plans to Town Planner or Town Representative.

585 21.1.12: FINAL PLAT REQUIREMENTS FOR ALL 586 SUBDIVISIONS:

587 The Final Plat must comply with the Leeds Standard Specifications for Design and
588 Construction requirements, Federal Codes, State Codes and other Leeds Ordinances. Any
589 conflict between the Leeds Standard Specifications for Design and Construction
590 requirements, Federal Codes, State Codes, and other Town Ordinances the higher of these
591 requirements shall apply. The Final Plat must be prepared by a licensed land surveyor on a
592 standard tracing lined sheet, 24" x 36" in size, drawn with waterproof black India ink. The
593 top of the plat shall be either north or east, whichever accommodates the drawing best. The
594 plat shall contain all information required as set forth below:

595 1. **Description and Delineation** - The Final Plat shall show everything required on the
596 Preliminary Plat, items required by the Leeds Standard Specifications for Design and
597 Construction requirements and the following information:

- 598 a. The name of the subdivision, which name must be approved by Town
599 Council;
- 600 b. An identification system for all lots and blocks and names of streets. Lot
601 lines shall show dimensions in feet and hundredths;
- 602 c. True angles and distances to the nearest established street line or official
603 monuments, which shall be accurately described in the plat and shown by
604 appropriate symbol;
- 605 d. All street centerline data must be shown together with its relationship to the
606 property lines, corners, etc.;
- 607 e. The accurate location of all monuments shall be shown on the plat, and shall
608 be identified, including all United States, State, County, or other official
609 monuments;
- 610 f. The dedication to the public of all streets and highways included in the
611 proposed subdivision.
- 612 i. Street survey monuments shall be installed by the developer in
613 accordance with the requirements of the Leeds Standard
614 Specifications for Design and Construction requirements, the
615 locations indicated and become the property of the Town .
- 616 g. Existing sewers, water mains, culverts or other underground facilities within
617 the tract and to a distance of at least one hundred (100) feet beyond the tract

- 618 boundaries, indicating the pipe sizes, including slope, grades, manholes, and
619 exact location.
- 620 h. The layout of streets, showing location, grade centerline radius and arc length
621 of curves, pavement, right-of-way width and dimensions of (designated by
622 actual or proposed names and numbers) proposed streets, crosswalks, alleys
623 and easements. The location and radius of all curb returns and cul-de-sacs
624 shall also be plotted.
- 625 i. Accurate outlines and legal descriptions of any area to be dedicated or
626 reserved for public use with the purposes indicated thereon, and of any area
627 to be reserved by deed or covenant for common uses of all property owners.
- 628 j. Where it is proposed that streets be constructed on property controlled by a
629 public agency or utility company, approval for the location, improvement and
630 maintenance of such streets shall be obtained from the public agency or
631 utility company and entered on the Final Plat in a form approved by the
632 Town Attorney.
- 633 k. List the applicable agencies that provide service to the proposed subdivision
634 (i.e., school district(s), gas, electric, water and sewer, telephone, internet,
635 cable TV, etc.)

636 **2. Standard Forms** - The Final Plat shall require:

- 637 a. A registered professional land surveyor's "Certificate of Survey;"
- 638 b. The owner's "Certificate of Dedication" or a "Corporate Certificate" for
639 corporations;
- 640 c. A notary public's acknowledgment;
- 641 d. The Culinary Water Provider's "Certificate of Approval" (if the Town, acting
642 in its capacity as the "Water Authority" determines, in its sole and absolute
643 discretion, that it is in the best interests of the Town and the property owner
644 to defer the provision of culinary water service to a private water company or
645 other governmental water purveyor, it may so delegate, and in said instance,
646 the "Certificate of Approval" shall be executed by the delegated water
647 provider);
- 648 e. The Sewer Authority's "Certificate of Approval" (if the property subject to
649 the Final Plat will dispose of its sewage via separate septic system, the sewer
650 authority is the Southwest Utah Public Health Department or successor
651 agency, and if the property subject to the Final Plat will dispose of its sewage
652 through an established sewer system, the sewer authority is the Town and/or
653 Ash Creek Special Service District (depending upon the ownership of the
654 system));
- 655 f. Hurricane Valley Fire Special Services District's "Certificate of Approval"
656 (as the fire authority for the Town and its residents);
- 657 g. The signature of the county treasurer indicating at the time of signing that the
658 property taxes, special assessments, and fees due and owing have been paid
659 in full.
- 660 h. A one-and-one half by five-inch (1 ½ x 5") space in the lower right corner of
661 the drawing for the use of the County Recorder.

- 662 3. **Other Required Information** - A full Title Report that includes as a minimum the
663 following:
- 664 a. A statement that all taxes or special assessments payable on all property
665 within the limits of the subdivision are paid in full, or a letter stating that a
666 satisfactory bond has been filed to secure such payment.
 - 667 b. An original copy of the proposed deed restriction in final form and signed by
668 all of the owners of any interest in the subdivision who sign the Final
669 Plat. This copy shall be acknowledged by a Notary Public and shall be
670 recorded in the office of the County Recorder along with the Final Plat.
 - 671 c. Evidence of ownership of the property being subdivided.
 - 672 d. The applicant shall submit a completed final plat application, paper copy of
673 Final Plat in full size, an electronic copy of Final Plat, required fee, and any
674 other required documents to the Town.
 - 675 e. The applicant shall submit six (6) paper copies of Final Plat to Town. The
676 final plat application shall be placed on the next appropriate Planning
677 Commission agenda according to required notices.
 - 678 f. The application must include a completion assurance if the applicant elects to
679 guarantee public improvements rather than complete them before recording
680 the plat.

681 **B Record Retention and Transparency.**

682 The Town shall maintain and publish a copy of the finalized subdivision application,
683 including:

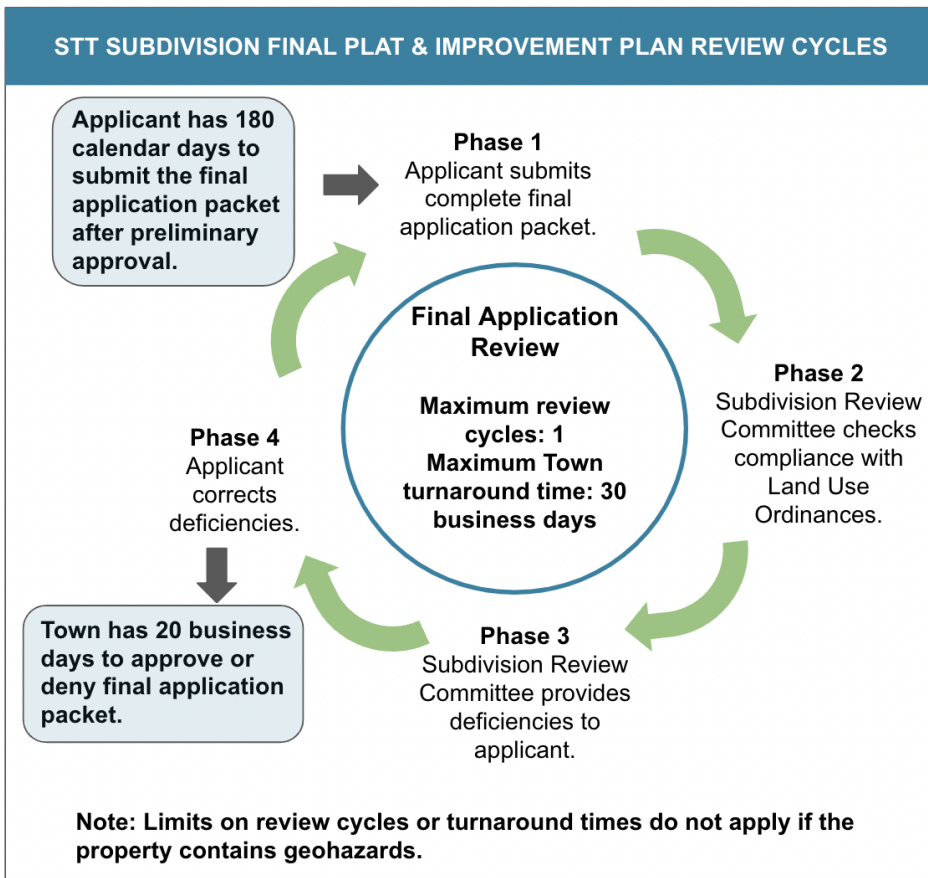
- 684 • The application
- 685 • The owner(s)' affidavit(s)
- 686 • An electronic copy of all plans and supplemental reports in PDF format
- 687 • The final subdivision plat drawings
- 688 • A breakdown of fees upon approval of the application

689 **21.1.13: APPROVAL PROCESS OF FINAL PLAT FOR STT**
690 **SUBDIVISIONS:**

691 The Administrative Land Use Authority shall review and approve the final plat application as
692 described below:

- 693 A. The Subdivision Review Committee shall review STT subdivision final applications in
694 accordance with the requirements of this Section before approving or denying the final
695 subdivision application.
- 696 B. In order for the final application package to be accepted, the applicant must provide the
697 following:
 - 698 1. Final Plat copies meeting the specifications described in Section 21.11.
 - 699 2. A finalized Improvement Plan signed by the parties listed in 21.7.
 - 700 3. A written, indexed record of all preliminary plat modification requests and how they
701 were addressed, including any Ordinance citations and an explanation for any

- 702 requests that were denied.
- 703 4. Final signed version of all requested reports, including Geologic Hazards and Soil
 704 Suitability, Drainage and Flood Hazards Report, Title Report, Traffic Impact
 705 Assessment, and any other reports requested by Planning Commission or presented
 706 as supplemental information during the preliminary application review process.
- 707 5. Evidence of eligibility for a surety bond, cash or credit sufficient to cover the
 708 required improvements as outlined in 21.16.
- 709 C. Only a single review cycle, as defined in 21.8.C, is permitted, and no public hearings are
 710 allowed.
- 711 D. The municipality must approve or deny the final subdivision application no later than
 712 twenty (20) business days after the applicant has submitted a complete final application
 713 package, including any subdivision review cycles.



714

715 **21.1.14: APPROVAL PROCESS OF FINAL PLAT FOR NON-STT**
716 **SUBDIVISIONS:**

717 All applicants seeking final plat approval for non-STT subdivisions shall complete the following
718 process after fulfilling all conditions of preliminary plat approval:

- 719 A. Concurrent with the submittal of the construction drawings, applicant shall submit a
720 completed the final plat application, paper copy of the final plat in full size, an electronic
721 copy of final plat, required fee, and any other required documents to Town Planner or Town
722 Representative on or before deadline for submissions established by this Ordinance.
- 723 B. The Town Engineer, Town Attorney and Town Planner (collectively "Town Staff") shall
724 preliminarily review the final plat and then, in written and redline form, notify the Town of
725 any recommended changes. The Town Planner shall review the changes recommended by
726 the Town Engineer and Town Attorney and then, in written and redline form, communicate
727 required changes to applicant or applicant's authorized representative. Applicant shall
728 make required changes and resubmit electronic and paper copies of the final plat, one full
729 size and one 11"x17" for second review.
- 730 C. If the final plat is not approved by the Town Staff after second submittal, an additional fee
731 must be paid before any subsequent reviews. The Town Planner or Town Representative
732 shall communicate Town Staff approval of the final plat to applicant in written form.
- 733 D. After Town Staff approval of the final plat and Joint Utility Committee approval of
734 construction drawings, the applicant shall submit six (6) paper copies of the final plat to
735 Town. The final plat application shall be placed on the next appropriate Planning
736 Commission agenda according to required notices.
- 737 E. The Planning Commission shall review the final plat application, and make a
738 recommendation to the Town Council and forward the Town Council for consideration.
- 739 F. Once the Planning Commission provides a recommendation to the Town Council, the
740 applicant shall submit six (6) paper copies of the final plat to the Town Council for
741 consideration.
- 742 G. The final plat application shall be placed on the next regular Town Council meeting agenda
743 for review and approval. If the Town Council requests additional information or other than
744 minor changes are required, the final plat will be returned to the applicant so that the
745 additional information can be provided and the changes made. Once additional information
746 is provided, the applicant shall request being placed on the next regular Town Council
747 meeting agenda for review and consideration. If other than minor changes are required, the
748 applicant shall submit six (6) copies of the revised final plat to the Town Council for
749 consideration once required changes are made.
- 750 H. If the final plat is approved by the Town Council, applicant shall submit a paper copy of the
751 final plat and an updated copy of the title report (if the title report submitted with the final
752 plat application is older than 60 days) to the Town Engineer and Town Attorney for final
753 review and acceptance. Upon written acceptance by the engineer and the attorney (as to
754 form), the Town Planner or Town Representative shall notify applicant or applicant's
755 authorized representative of final acceptance. Applicant shall then provide Town with a
756 Mylar version of the final plat, executed and notarized by the applicant and/or any party of
757 whom consent to record is required, for signature by Planning Commission Chairman,
758 Mayor and other appropriate Town and governmental officials.

759 21.1.15: RECORDING AND EXPIRATION OF FINAL PLAT
760 FOR ALL SUBDIVISIONS:

- 761 A. **Submittals for Recording and Copies** - Applicant shall submit two (2) paper copies of the
762 signed Mylar version of Final Plat, and one electronic copy to Town. These copies shall be
763 an exact copy of the signed Mylar version of Final Plat as approved by the Town Council.
- 764 B. No subdivision Final Plat shall be recorded without having been signed by the Mayor of
765 Leeds, Utah, certifying that all applicable conditions of the final plat application contents and
766 approval of this Ordinance have been met, and that the bonds as required by Paragraph
767 21.16. have been posted with the Town Clerk.
- 768 C. All required subdivision improvements shall be installed or guaranteed prior to recording the
769 Final Plat.
- 770 D. **Notice to Affected Entities** - Within 15 calendar days after receiving a complete subdivision
771 application under this Chapter, Town Staff shall provide written notice of the proposed
772 subdivision to the facility owner of any water conveyance facility located, entirely or
773 partially, within 100 feet of the subdivision plat.
- 774 1. To determine whether any water conveyance facility is located within 100 feet of a
775 proposed subdivision, the Land Use Authority shall review information:
- 776 a. From the facility owner under Utah Code §10-9a-211, using mapping-grade
777 global positioning satellite units or digitized data from the most recent aerial
778 photo available to the facility owner;
- 779 b. From the state engineer's inventory of canals; or
- 780 c. From a licensed surveyor who has consulted with a representative of an
781 existing water conveyance facility that services an area near the land the
782 application concerns.
- 783 E. **Expiration of Final Plat** - Approval of a Final Plat by the Administrative or Legislative
784 Land Use Authority shall be valid for twelve (12) months. If the Final Plat (or a Final Plat
785 for a phase of an approved Preliminary Plan) has not been recorded within twelve (12)
786 months after approval of the Final Plat, the Final Plat shall expire. When a Final Plat expires,
787 the result is as though the approvals of the Preliminary Plat and Final Plat were never
788 granted. The recording of a Final Plat for any phase of an approved Preliminary Plat shall
789 lock in the remaining phases of that Preliminary Plat so that it will not expire.
- 790 F. The Town Council may approve an extension of the recording of a Final Plat not to exceed
791 an additional twelve (12) months, provided that the applicant submits a request for an
792 extension of the validity of the Final Plat prior to the expiration of the Final Plat and satisfies
793 any new Town requirements pertaining to the public health, safety and welfare.

794 21.1.16: IMPROVEMENTS AND IMPROVEMENT
795 STANDARDS FOR ALL SUBDIVISIONS:

- 796 A. **Pre-Construction Meeting** - Once the appropriate Land Use Authority has given approval
797 of a final plat and a bond or other financial security is in place in accordance with Section
798 21.10 of this chapter, the applicant and/or the applicant's contractor may schedule a pre-
799 construction meeting with the Town Planner and/or Town Engineer and the Joint Utility
800 Committee. Upon receipt of written notice to proceed from the Town, construction of the
801 subdivision may proceed. No construction shall be permitted prior to receipt of written

- 802 notice to proceed.
- 803 B. **Improvement Costs** - The cost of all improvements in any form including but not limited to
804 inspections, testing, material, equipment, permits, filing fees, fines, disposing of material,
805 etc., shall be the responsibility of the developer with no cost incurred by the Town.
- 806 C. **Improvements Not Covered by Leeds Standards** - Where improvements are required that
807 are not covered by the Leeds Standard Specifications for Design and Construction they shall
808 be developed by the Town Engineer and approved by the Town Council. If the developer
809 observes such a condition he shall immediately report it to the Mayor and Town Engineer.
- 810 D. **Conflict of Requirements and Sewers** - All improvements shall comply with the Leeds
811 Standard Specifications for Design and Construction requirements, Leeds Ordinances,
812 Federal Codes and State Codes. If conflicts exist between the various codes, ordinances and
813 requirement the higher requirement shall apply.
- 814 1. The subdivider as a condition of approval of Preliminary Plat (tentative plat), shall
815 provide and install adequate sanitary sewer facilities, either within and/or outside the
816 subdivision, in compliance with the policies and procedures of the Town Engineer,
817 General Plan, Land Use and subdivision Ordinances. The plan for a sanitary sewer
818 system shall be approved in writing by the Town Engineer and shall be constructed
819 throughout the entire subdivision and shall be connected to an adequate sewer outfall
820 line. The developer shall provide a service line to each lot within the subdivision,
821 except where conditions will permit the use of septic tanks. This paragraph becomes
822 effective immediately following the Town's approval of a sewer system plan.
- 823 E. **Fences and Guards** - The following may be required if recommended by the Planning
824 Commission and approved by the Town Council.
- 825 1. In locations where land subdivision abuts or is adjacent to public or private grazing
826 land, a fence of material and quality satisfactory to the Planning Commission shall be
827 affected around the outer limits of the subdivision as it is shown on the subdivision
828 plat. The Planning Commission may also require the installation of cattle guards on
829 any street entering the proposed subdivision from other existing streets.
- 830 2. An applicant, as a condition of approval, for a subdivision located within an area
831 subject to high wind erosion may be required to comply with the following standards.
- 832 a. A solid masonry wall with a height of six (6) feet and subject to design and
833 materials recommended by the Planning Commission and approved by the
834 Town Council shall be constructed on the peripheral boundary of the
835 subdivision to protect it from the prevailing wind. Where the required wall
836 extends over a future street opening, a fence, six (6) feet in height, and
837 subject to design and materials approval by the Planning Commission and
838 Town Council, may be substituted for the masonry wall.
- 839 b. Lots within and/or outside the subdivision that have had soil disturbed during
840 construction shall be covered with protective landscaping material, subject to
841 the approval of the Planning Commission.
- 842 c. Prior to and during construction, streets and disturbed open areas within
843 and/or outside of the subdivision shall be treated by water or other approved
844 method to prevent fugitive dust.
- 845 F. **Temporary Rock Crushing Operations** - Temporary rock crushing operations in any
846 Zoning District within the Town require a conditional use permit according to Section 7 of

847 the Leeds Land Use and Subdivision Ordinance 2008-04.

848 G. **As Built Drawings** - Within thirty (30) days following completion of the subdivision project
849 and prior to release of any bond, the developer or his engineering firm shall provide to the
850 Town the Drawings of Record which show all improvement dimensions as they were
851 constructed in the field. The developer or his engineering firm may request a reasonable
852 time extension from the Town Representative if appropriate justification is given as
853 determined at the Town's sole discretion. The Drawings of Record shall be submitted on
854 two (2) twenty-four (24) inch by thirty-six (36) inch Mylar sheets and in electronic format in
855 AutoCAD .dxf or .dwg format. The drawings at a minimum shall include all infrastructure
856 items (roads, drainage, waterlines and controls, electrical, phone, internet, television, sewer,
857 etc.), complete dimensions of each lot identifying the allowed building areas and areas that
858 are not to be disturbed, all open areas and trails.

859 H. **Infrastructure Report** - The developer shall hire an agency qualified to witness, examine,
860 test, and authorize continuation/stop work, of any infrastructure within or being performed in
861 conjunction with the development of the subdivision. Copies of all test results will be
862 provided to the Town Engineer and to the Town weekly. Delivery of the test results to be
863 within seven days of the test. The Town may hire an inspector to monitor all tests, the fee
864 for this inspector will be paid by the developer. If this is done, the developer or testing
865 agency hired by the developer are required to notify the Town inspector two (2) days prior to
866 any testing.

867 21.1.17: PERFORMANCE BONDS:

868 A. **Surety of Improvements** As outlined in this Chapter, the applicant shall file with the Town
869 Clerk or Treasurer a surety or cash bond, or letter of credit in an amount approved by the
870 Town Engineer and the Town Council to cover up to one hundred percent (100%) of the total
871 estimated cost of all required improvements. Additionally, a labor and material security to
872 cover up to ten percent (10%) of the total estimated cost of all required improvements shall
873 also be required as a condition of approval of the subdivision plat. If the applicant fails to
874 complete the subdivision improvements within the specified time limits, the Town Council
875 may cause any or all uncompleted improvements to be completed and the parties executing
876 the security or securities shall be firmly bonded for payment of all necessary and appropriate
877 costs.

878 B. **Indemnification** - In addition to the performance bond, the applicant shall also release the
879 Town from all liability incurred by the applicant and payment for all reasonable attorney's
880 fees that the Town may incur because of any legal action resulting from the subdivision. All
881 such improvements shall be installed within a period of two (2) years and shall be installed in
882 a manner satisfactory to the Town Representative and Town Council. Upon completion of
883 the improvements for which a surety, cash bond, or letter of credit has been filed, the
884 applicant shall call for final inspection by the Town Representative, Engineer and Planning
885 Commission.

886 C. **Bond Form** - Surety bonds, cash bonds, or letters of credit are subject to the Town Council
887 and Town Attorney as to final form, but should include the following basic language:

888 *Bond Form:*

889 *Whereas, the Town Council of the Town of Leeds in Washington County in the State*
890 *of Utah and _____ (hereinafter designated as "principal")*
891 *have entered into an agreement whereby principal agrees to install and complete*
892 *certain designated public improvements, which said agreement, dated*

893 _____, 2 _____, and identified as Project _____, is
894 hereby referred to and made a part hereof; and

895 *Whereas, said principal is required under the terms of said agreement to furnish a*
896 *bond for the faithful performance of said agreement.*

897 *Now, therefore, we, the principal and _____ as*
898 *surety, are held and firmly bound unto the Town of Leeds hereafter called*
899 *("_____"), in the penal sum of _____ dollars*
900 *(\$ _____) lawful money of the United States, for the payment of which*
901 *sum will and truly to be made, we bind ourselves, our heirs, successors, executors*
902 *and administrators, jointly and severally, firmly by these presents.*

903 *The condition of this obligation is such that if the above bounded principal, his or its*
904 *heirs, executors, administrators, successors or assigns, shall in all things stand to*
905 *and abide by, and will and truly keep and perform the covenants, conditions and*
906 *provisions in the said agreement and any alteration thereof made as therein*
907 *provided, on his or their part, to be kept and performed at the time and in the*
908 *manner therein specified, and in all respects according to their true intent and*
909 *meaning, and shall indemnify and save harmless the Town of Leeds, its officers,*
910 *agents, and employees, as therein stipulated, then this obligation shall become null*
911 *and void; otherwise it shall be and remain in full force and effect.*

912 *As a part of the obligation secured hereby and in addition to the face amount*
913 *specified therefore, there shall be included costs and reasonable expenses and fees,*
914 *including reasonable attorney's fees, incurred by the town in successfully enforcing*
915 *such obligations, all to be taxed as costs and included in any judgment rendered.*

916 *The surety hereby stipulates and agrees that no change, extension of time, alteration*
917 *or addition to the terms of the agreement or to the work to be performed thereunder*
918 *of the specifications accompanying the same shall in anywise affect its obligations on*
919 *this bond. And it does hereby waive notice of any such change, extension of time,*
920 *alteration or addition to the terms of the agreement or to the work or to the*
921 *specifications.*

922 *In witness thereof, this instrument has been duly executed by the principal and surety*
923 *above named, on _____.*

924 D. BONDS. All bonds shall be executed by a surety company authorized to transact business as
925 a surety, and have an agent for service in Utah, together with an "A" policy holder's rating
926 and a financial rating of at least "V" in compliance with the current "Best's Ratings." The
927 bond(s) shall contain the nearest street address of the institution providing the bond(s).

928 E. CASH DEPOSITS. In lieu of the faithful performance and labor and material bonds, the
929 principal may submit cash deposits of negotiable bonds of a kind approved for securing
930 deposits of public monies with the Town for a responsible escrow agent or trust company
931 under the conditions hereinafter described. Disbursements from cash deposits shall be made
932 in compliance with a separate agreement between the principal and the Town. A
933 bookkeeping fee of one percent (1%) of the total amount deposited with the Town for each
934 cash deposit shall be submitted with each security. Disbursements from a cash deposit in
935 any instance shall not be permitted unless and until authorized in writing by the Mayor and
936 Town Council.

937 F. LETTER OF CREDIT. In lieu of faithful performance and labor and material bonds or cash
938 deposits, the principal may submit an irrevocable instrument of credit subject to the Utah

939 Commercial Code and under the conditions hereinafter described. The letter of credit shall
940 be issued by a financial institution organized and doing business in, and subject to
941 regulations by, the state of Utah or Federal Government, in a form, content, and duration as
942 approved by the Town Attorney and Town Council, and shall pledge that the funds necessary
943 to meet the performance are on deposit and guaranteed for payment and can only be released
944 upon written instruction from the Town, and shall become secured trust funds for the purpose
945 set forth in the instrument. The letter of credit shall contain the nearest street address of the
946 institution providing the instrument of credit.

947 *Instrument of Credit Form:*

948 *RE: Letter of Credit No.* _____

949 *Effective Date* _____

950 *Expiration Date* _____

951 *Gentlemen:*

952 *Please consider this letter an instrument of credit pledging that*
953 *\$ _____ is deposited by _____ and guaranteed*
954 *for payment of improvements conditioned in the approval of (name of subdivision-*
955 *legal description should be attached as well as conditions of approval). In*
956 *compliance with the Leeds Subdivision Ordinance, we are regulated by the Federal*
957 *or State Government and agree that the funds designated by this instrument shall*
958 *become a trust fund for the purpose set forth in this instrument.*

959 *It is a condition of this letter of credit that sixty (60) days prior to any such*
960 *expiration date we shall notify you by registered letter that we elect not to consider*
961 *this letter of credit renewed. Notice hereunder shall be deemed to have been given*
962 *when received by you. Upon receipt of such notice, you may draw on said letter of*
963 *credit.*

964 **RESPECTFULLY SUBMITTED**

965 *(Bank or Financial institution)*

966 *By* _____

967 *(Title)*

968 *By* _____

969 *(Title)*

970 **Note:** Show bond identification and individual number for the letter of credit. All
971 signatures must be notarized.

972 G. The Planning Commission, Town Engineer, Town Attorney, and Town Council shall not
973 endorse or sign the "Certificate of Approval" contained on the Final Plat unless and until
974 improvements security as herein above specified has been posted.

975 H. No Final Plat shall be presented to the Town Council for acceptance until the requirements of
976 this section have been met and until all charges established by the Council and pertaining to
977 the property being subdivided have been paid.

978 **21.1.18: RELEASE OF SECURITY:**

979 A. Security provided may not be released. In the case of a letter of credit, the issuing bank or
980 association will receive a copy of the Notice of Completion.

981 B. **Progress Payments** - Progress payments may be made to the developer and/or contractor
982 from any deposit of money or letter of credit which the developer and/or contractor may have
983 made in lieu of providing a security bond; provided however, that no progress payment shall
984 be made for more than 90% of the value of any installment of work. No progress payments
985 from cash deposits shall be made except upon certification by the Town Engineer, the Town
986 Representative and approved by the Town Council, and the developer and/or contractor that
987 work covered thereby has been completed.

988 C. Release Process

989 1. Inspection prior to release of bond.

990 a. The Mayor or Town Council may at their option request an on-site inspection
991 within two (2) weeks of the being notified that the project is complete. If it is
992 found that the project is complete and the test results state that the job met all
993 requirements then the bond will be released less twenty-five percent (25%)
994 which will be held for one year as a guarantee following the next regularly
995 scheduled Town Council meeting. If completion is not satisfactory one of
996 the following will apply; 1) If the completed work is unsatisfactory and is
997 judged to be significant the developer shall redo the unsatisfactory work to
998 the Leeds Standard Specifications for Design and Construction requirements
999 before any bond can be released. 2) If it is determined that only minor
1000 portions of the project were not completed satisfactorily and that these do not
1001 pose a considerable risk to the town. The Town with concurrence with the
1002 Town Engineer or Town Representative can estimate the amount of risk
1003 involved to correct the deficiencies or potential deficiencies and this amount
1004 will be added to the twenty-five percent (25%) guarantee as the amount of
1005 the bond to be held back. The portion being held back can be released once
1006 the effort is completed or it is no longer considered a risk. Release of any
1007 bond funds will be considered at the first regular Town Council meeting
1008 following the notification of the project being completed by the developer
1009 and the Towns two (2) week inspection period.

1010 b. If inspection shows that standards have been met in the completion of such
1011 improvements, the bonds shall be released pursuant to the conditions outlined
1012 within this Chapter.

1013 2. The labor and material bond shall be retained to secure payment to the contractor, the
1014 subcontractors, and to personal renting equipment or furnishing labor or materials for
1015 six (6) months after completion and acceptance of work. Following the six (6) month
1016 period the labor and material security may be reduced to an amount not less than the
1017 total of all claims on which an action has been filed and notice given in writing to the
1018 Town.

1019 D. **Maintenance Guaranty** - The developer shall guarantee all public improvements for a
1020 period of one (1) year from the date of final acceptance and shall correct any and all defects
1021 of deficiencies arising during that period of limitation as a result of the acts or omissions of
1022 the developer, its agents, or employees. This subdivision guaranty shall be backed by a bond
1023 or each deposit in the amount of twenty-five percent (25%) of the surety posted for
1024 improvements. The Town shall provide written notice of the defects or deficiency. In any
1025 instance where the developer fails to take action required to protect the public health, safety
1026 and/or welfare, the Town may cause the work to be performed and call on the surety for
1027 reimbursement. The maintenance security shall be submitted prior to final acceptance of the
1028 public improvements by the Town.

1029 E. **Forfeiture of Surety** - In the event that developer/contractor fails to complete all
1030 improvement work in compliance with the provisions of this section, and the Town shall
1031 have to complete the same, the Town shall call on the security for funds necessary to
1032 complete from any cash deposit funds for reimbursement. If the amount of any security shall
1033 be less than the cost and expense incurred by the Town, the developer/contractor shall be
1034 liable to the Town for such difference. Any cash remaining in the possession of the Town
1035 after completion of the improvement shall be returned to the originator minus normal
1036 administrative costs.

1037 **21.1.19: AUTHORIZATION TO START CONSTRUCTION:**

1038 Construction shall not commence until all required improvements plans have been approved by the
1039 Town Engineer and the Town Council and all applicable Town permits have been issued all fees
1040 paid and the full correct bond in place. All subdivision improvements are subject to inspection by the
1041 Town Engineer, Town Representative, and the Planning Commission and shall comply with Town
1042 requirements approved by the Town Council. All subdivisions shall comply with all established
1043 standards.

1044 **21.1.20: FEES, INSPECTIONS, PERMITS, VIOLATIONS,**
1045 **ENFORCEMENTS, AND PENALTIES:**

1046 A. **Fees** - Any and all persons filing plats with the Town Clerk shall pay a fee according to the
1047 schedule adopted by the Town Council by resolution.

1048 B. **Inspection.**

1049 1. Appropriate agencies, departments of the Town and/or others appointed by the Town
1050 Council shall act as the Town Representatives and shall inspect or cause to be
1051 inspected all buildings, fire hydrants and water supply and sewage disposal and
1052 electrical systems during the course of construction, installation or
1053 repair. Excavations for fire hydrants and all utility mains and laterals shall not be
1054 covered or back-filled until such installations shall have been approved by the Town
1055 Representative or utility company representative. If any such installation is covered
1056 before being inspected and approved, it shall be uncovered after notice to uncover
1057 has been issued to the responsible person by the Town Representative. All costs will
1058 be the responsibility of the developer.

1059 2. The inspection may consist of on-site inspection as the developer is required to notify
1060 the Town Representative twenty-four (24) hours prior to the need for an
1061 inspection. Inspections may also be any combination of on-site, analysis of test
1062 results from developers test, material provider records, equipment records, in
1063 addition to other inspections considered necessary to adequately insure the quality of
1064 the development effort.

1065 3. The developer/contractor shall pay to the Town Clerk or Treasurer an inspection fee
1066 as adopted by resolution by the Town Council to cover the cost of inspections in the
1067 subdivision. If the fund is exhausted before completion of all improvements, the
1068 developer/contractor shall pay the Town Clerk or Treasurer an amount estimated by
1069 the Town Engineer, Town Representative or the Town Building Inspector to be
1070 sufficient to cover completion.

1071 C. **Permits** - From the time of the effective date of this Ordinance, the Building Inspector shall
1072 not grant a permit, nor shall any officer grant any license or permit for the use of any land or
1073 the construction or alteration of any building or structure on a lot which would be in

- 1074 violation of any provisions of this Ordinance until a subdivision plat thereof has been
1075 approved and recorded as herein required. Any license or permit issued in conflict with such
1076 provisions shall be void. No building permits will be issued until all improvements have
1077 been installed to the lot for which the permit has been requested.
- 1078 D. **Violations** - No person shall subdivide any tract or parcel of land located wholly or in part in
1079 the Town except in compliance with the provisions of this Ordinance. No person shall
1080 purchase, sell or exchange any parcel of land which is in any part of a subdivision or a
1081 proposed subdivision submitted to the Planning Commission, nor offer for recording in the
1082 office of the County Recorder, a deed conveying such parcel of land or any fee interest
1083 therein, unless such subdivision has been created pursuant to and in accordance with the
1084 provisions of this Ordinance.
- 1085 E. **Enforcement.**
- 1086 1. The Planning Commission, the Town Engineer, the Town Representative and other
1087 such departments and agencies of the Town as are designated by the Town Council
1088 are hereby authorized as the agencies charged with the enforcement of the provisions
1089 of this Ordinance. Failure of such departments to pursue appropriate legal remedies
1090 shall not legalize any violation of such provisions.
- 1091 2. The Town Representative shall have the authority to stop construction if he
1092 determines that the work completed or presently being performed does not comply
1093 with the requirements. Work will only continue to correct the defect. Once the
1094 defect is correct then normal work may proceed.
- 1095 F. **Penalties** - Any person, firm or corporation (as principal, agent, employee or otherwise)
1096 violating, causing, permitting violation or failure to comply with the provisions of this
1097 Ordinance shall be guilty of a Class B misdemeanor. In addition, to any criminal
1098 prosecution, the Town may pursue any other legal remedy to ensure compliance with this
1099 Ordinance including, but not limited to, injunctive relief, under Utah Code Annotated "10-
1100 9a-802. Enforcement". Each day a violation continues shall be considered a separate
1101 violation and offense.

1102 **21.1.21: VACATING OR AMENDMENT TO SUBDIVISION**
1103 **PLAT:**

- 1104 A. **Petition to Vacate.**
1105 The Town Council shall hear and consider a petition proposing to vacate, alter or amend
1106 a subdivision plat, any portion of a subdivision plat, or any street, lot or alley contained
1107 in a subdivision plat, at a public hearing, after receiving a recommendation from the
1108 Planning Commission. This section does not apply to vacations of a subdivision plat
1109 pursuant to 21.20.B.2 of this Chapter.
1110
- 1111 B. **Proposal by Town.**
- 1112 1. If the Town files a petition to vacate, alter or amend a subdivision plat, or any
1113 street or lot contained in a subdivision plat, the Town Council shall consider the
1114 issue at a public hearing after receiving a recommendation from the Planning
1115 Commission, and after giving the notice required by this section.
- 1116 2. Notwithstanding any other provision of this Chapter, the Town Council may,
1117 consistent with Utah Code Annotated § 10-9a-609(3), vacate a subdivision plat,
1118 or a portion of a subdivision plat, by recording in the county recorder's office an
1119 ordinance describing the subdivision or the portion being vacated. The recorded

1120 vacating ordinance shall replace a previously recorded plat described in the
1121 vacating ordinance.

1122 **C. Proposal by a Subdivision Fee Owner.**

- 1123 1. The written request must come from a fee owner of the land, as shown on the last
1124 county assessment roll.
- 1125 2. The fee owner shall prepare, and if an approved plat exists, record a plat, in
1126 accordance with Utah State Code § 10-9a-603 that:
- 1127 a. Displays only the portion of the subdivision proposed to be amended;
 - 1128 b. Includes a plat name that distinguishes it from the original plat
 - 1129 c. Describes the differences between the amended plat and the original plat;
1130 and
 - 1131 d. Includes a reference to the original plat.
- 1132 3. The petition shall also include:
- 1133 a. The name and address of each owner of record contained in the proposed
1134 plat change.
 - 1135 b. The signature of each owner named in Subsection (C)(3)(a) that consents
1136 to the plat amendment.

1137 **D. Preservation of utilities easements.**

1138 The Town shall not approve a petition for a subdivision amendment unless the amendment
1139 identifies and preserves any easements owned by a culinary water authority and sanitary
1140 sewer authority for existing facilities located within the subdivision.

1141 **E. Requests to Amend a Public Street or Municipal Utility Easement.**

1142 Subdivision fee owner petitions to amend a public street or municipal utility easement must
1143 comply with § 10-9a-605.

1144 **F. Notice of hearing for plat change.** The Town Council shall give notice of the proposed
1145 plat change by mailing the notice to each owner of property located within three hundred
1146 (300) feet of the property that is the subject of the proposed plat change, addressed to the
1147 owners' mailing address's appearing on the rolls of the Washington County assessor.
1148 The Town Council shall ensure that the notice includes:

- 1149 1. A statement that anyone objecting to the proposed plat change must file a written
1150 objection to the change within ten (10) days of the date of the notice;
- 1151 2. A statement that if no written objections are received by the Town Clerk within
1152 the time limit, no public hearing will be held; and
- 1153 3. The date, place and time when a hearing will be held, if one is required, to
1154 consider a vacation, alteration or amendment without a petition when written
1155 objections are received.
- 1156 4. This section does not apply to vacations of a subdivision plat pursuant
1157 to 21.20.B.2 of this Chapter.

1158 **G. Notice of Hearing for Plat Change Involving Vacation, Alteration, or Amendment
1159 of Street.** If a petition to change a plat involves the vacation, alteration or amendment of
1160 a street, the Town Council shall give notice of the date, place and time of the hearing by:

- 1161 1. Mailing notice as required in 21.20.C.; and
1162 2. Publishing the notice once a week for four (4) consecutive weeks before the
1163 hearing in a newspaper of general circulation in the Town.
1164 3. This section does not apply to vacations of a subdivision plat pursuant
1165 to 21.20.B.2 of this Chapter.

1166 **H. Grounds for Vacating or Changing Plat.**

- 1167 1. Within thirty (30) days after the public hearing required by this section, the Town
1168 Council shall consider the petition.
1169 2. After considering the petition, if the Town Council is satisfied that neither the
1170 public nor any person will be materially injured by the proposed action, alteration
1171 or amendment, and that there is good cause for the vacation, alteration or
1172 amendment, the Town Council may vacate, alter or amend the plat, any portion
1173 of the plat, or any street or lot.
1174 3. The Town Council may approve the vacation, alteration or amendment by
1175 amended plat, administrative order, or deed containing a stamp or mark
1176 indicating approval by the Town Council.
1177 4. Applications for an amended plat, lot split or other action under this chapter are
1178 not finalized until such is recorded in the office of the Washington County
1179 Recorder.
1180 5. An aggrieved party may appeal the Town Council decision to a hearing officer
1181 and may appeal the hearing officer's decision to the district court as provided in
1182 Utah Code Annotated section 10-9a-801.
1183 6. This section does not apply to vacations of a subdivision plat pursuant
1184 to 21.20.B.2 of this Chapter.

1185 **I. Lot Line Adjustments for Adjoining Properties.**

- 1186 1. The owners of record for adjoining properties may exchange title to portions of
1187 those properties if the exchange of title is approved by the Town Council as a lot
1188 line adjustment if the exchange of title will not result in a violation of any land
1189 use ordinance.
1190 2. If this type of lot line adjustment is approved, a notice of lot line adjustment shall
1191 be recorded with the Washington County Recorder which:
1192 a. Is approved by each owner in the exchange and by Town Council;
1193 b. Recites the legal descriptions of both the original properties and the
1194 properties resulting from the exchange of title; and
1195 c. Shall be recorded in the office of the Washington County Recorder as a
1196 document of conveyance of title.
1197 3. A notice of approval recorded under Section J does not act as a conveyance of
1198 title to real property, and is not required in order to record a document conveying
1199 title to real property.

1200 **J. Subdivision Name Changes.**

- 1201 1. The name of a recorded subdivision may be changed by recording an amended
1202 plat making the change, as provided in this section and subject to Subsection

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(K)(3).

2. The surveyor preparing the amended plat shall certify that the surveyor:
 - a. Holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - b. Has completed a survey of the property described in the plat in accordance with Utah State Code § 17-23-17, and has verified all measurements; or
 - c. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - d. Has placed monuments as represented on the plat.
3. An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as the subdivision in a plat already recorded with the Washington County Recorder.
4. Except as provided by Subsection (K)(1), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

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