

TITLE 10

SUBDIVISION REGULATIONS

Subject	Chapter
General Provisions	1
Enforcement And Permits	2
Plats	3
Acceptance Of Dedicated Streets And Public Improvements	4
Improvements Required	5

CHAPTER 1

GENERAL PROVISIONS

SECTION:

- 10-1-1: Purpose
- 10-1-2: Definitions
- 10-1-3: Scope Of Application
- 10-1-4: Fees
- 10-1-5: Prohibited Acts

10-1-1: **PURPOSE:** The purpose of this title is to:

- A. Promote the health, safety and general welfare of the residents of the city.
- B. Promote the efficient and orderly growth of the city.
- C. Provide standards for the physical development of subdivisions of land, construction of buildings and improvements within the city, including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, design standards for public facilities and utilities accesses to public rights of way, and to establish fees and other charges for the authorizing of a subdivision. (Ord. 97-24, 7-23-1997)

10-1-2: **DEFINITIONS:** As used herein, the following words shall mean:

- BLOCK:** The land surrounded by streets and other rights of way, other than an alley, or land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the city council.
- CITY COUNCIL:** The governing body of Washington City.
- CITY ENGINEER:** The person appointed by the city to be the city engineer.
- COLLECTOR STREET:** See definition of Street, Collector.

CONSTRUCTION STANDARDS:	The standards and specifications adopted by this title.
CUL-DE-SAC:	See definition of Street, Cul-De-Sac.
HALF STREET:	The portion of a street within a subdivision comprising one-half ($\frac{1}{2}$) the minimum required right of way on which improvements are constructed and in accord with one-half ($\frac{1}{2}$) of an approved typical street cross section.
IMPROVED LOT:	A lot which has all the improvements required by chapter 5 of this title.
IMPROVEMENTS:	Includes roads, streets, curbs, gutters, grading, landscaping, water and sewer systems, irrigation systems, drainage systems, public facilities and sewer materials required by this title.
LOT:	A parcel or tract of land within a subdivision which is or may be occupied by a building or structure and the accessory buildings, structures or uses customarily incidental thereto including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.
LOT LINE ADJUSTMENT:	In a subdivision, means the relocation of a property boundary line between two (2) adjoining lots with the consent of the Owners Of Record.
MAJOR STREET PLAN:	The major street plan of the city.
GENERAL PLAN:	The general plan of the city.
OFFICIAL MAP:	The official map or maps adopted by the city pursuant to the municipal zoning and planning enabling legislation.
PARCEL OF LAND:	A contiguous area of land in the possession or ownership of one person.
PERSON:	An individual, individuals, tenants in common, joint tenants, a corporation, partnership, firm, limited partnership or association of individuals, however styled or designated.

PLANNING COMMISSION: The planning commission of the city.

PROTECTION STRIP: A strip of land less than the minimum depth required by the zoning ordinance for a building lot bordering the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access of property owners abutting the subdivision to the street.

STREET: A thoroughfare which has been dedicated and accepted by the city council, which the city has acquired by prescriptive right or which the city owns, or offered for dedication on an approved final plat, or a thoroughfare of at least twenty six feet (26') in width which has been abandoned or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.

STREET, COLLECTOR: A street, existing or proposed, which is the main means of access to the major street system.

STREET, CUL-DE-SAC: A minor terminal street provided with a turn-around.

STREET, MAJOR: A street, existing or proposed, which serves or is intended to serve as a major trafficway and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

STREET, MARGINAL ACCESS: A minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

STREET, MINOR: A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

STREET, PRIVATE: A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider of lot owners to be used as a private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the city and maintained by the subdivider or other private agency.

SUBDIVISION:

A. Any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions.

B. "Subdivision" includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and

2. Divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

C. "Subdivision" does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a configuration parcel of unsubdivided agricultural land. If neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance.

2. A recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if:

a. No new lot is created; and

b. The adjustment does not violate applicable land use ordinances.

3. A recorded document, executed by the owner of record:

a. Revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or

- b. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate applicable land use ordinances.

SUBDIVISION, MINOR: The division of any lot, tract, or parcel of land into two (2) to nine (9) lots, plots, sites or other divisions of land for the purpose of whether immediate or future, of sale or building development where:

A. Each lot meets the frontage, width and area requirements of the zone in which it is located;

B. For simple two lot divisions, a conceptual plan and legal description of both lots in the subdivision may be approved by the planning commission, community development department, public works department, and the city attorney;

C. The parcels have a minimum of fifty feet (50') of frontage on a dedicated street or highway (excluding flag lot divisions, where the street entrance to the rear lot shall be a minimum of twenty feet (20') in width of frontage); and

D. For three (3) to nine (9) lot divisions, prior to the final approval of the minor subdivision by the city council, the subdivider shall provide or guarantee the provision of improvements, such as curb, gutter and sidewalks, on existing streets as are normally required in this title;

UTILITIES: Includes culinary water lines, pressure and gravity irrigation lines, sanitary and storm water sewer lines, electric power, gas and telephone (or like utility) transmission and distribution lines, underground conduits and junction boxes. Transmission lines are intended to convey a specific utility from place to place without service taps or transformers. Distribution lines are intended to provide direct service access to customers.

ZONING ORDINANCE: The zoning ordinance of the city. (Ord. 80-4, 6-18-1980; amd. Ord. 87-14, 10-21-1987; Ord. 96-4, 2-14-1994; Ord. 97-24, 7-23-1997; 2007 Code)

10-1-3: **SCOPE OF APPLICATION:** All lots, plots, or tracts of land located within a subdivision shall be subject to this title, whether the tract is owned by the subdivider or a subsequent purchaser, transferor or holder of the land. (Ord. 80-4, 6-16-1980)

10-1-4: **FEES:** Fees required by this Chapter shall be paid in the amount as indicated in the Master Fee Schedule of the City.

10-1-5: **PROHIBITED ACTS:**

- A. Subdividing Land: It shall be unlawful for any person to subdivide for the purpose of transferring, selling, conveying or assigning any tract or parcel of land which is located wholly or in part in the city, except in compliance with this title.
- B. Subdivisions: It shall be unlawful for any person to sell or exchange or offer to sell or exchange any parcel of land which is part of a subdivision of land, or recorded in the office of the county recorder as a subdivision, unless the subdivision has been approved by the city and meets the provisions of this title.
- C. Building Permits Prohibited Before Improvements Installed: Unless waived by the governing body, it shall be unlawful for any person to receive a building permit until all improvements, including road base and utilities, are installed on the lot which the building is to be constructed. There shall be no human occupancy of any building until the improvements have been accepted by this city and the building and lot fully comply with the subdivision and zoning ordinances of the city. It shall be unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy permits will not be issued until the improvements are completed.

CHAPTER 2

ENFORCEMENT AND PERMITS

SECTION:

- 10-2-1: Enforcement Officials
- 10-2-2: Permits
- 10-2-3: Inspections
- 10-2-4: Penalty

10-2-1: **ENFORCEMENT OFFICIALS:** The public works director, or his/her assigned designee, and the community development director, or his/her assigned designee are hereby designated and authorized as the officers charged with the enforcement of this title. They shall enforce all the provisions of this title.

10-2-2: **PERMITS:** There shall not be granted any permit or license, by any officer of the city, for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any state law or rule or regulation of the state or ordinance of the city until a subdivision plat has been approved pursuant to this title. Any license or permit issued in conflict with such provisions shall be null and void.

10-2-3: **INSPECTIONS:** The public works inspector shall inspect or cause to be inspected all fire hydrants, water supplies, and sewage disposal systems in the course of construction, installation or repair. Excavations for fire hydrants and water and sewer mains and laterals shall have been approved by the city public works department. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the public works inspector.

10-2-4: **PENALTY:** Any person who shall violate any provision of this title shall be guilty of a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. Each day the violation continues shall be considered a separate offense.

CHAPTER 3

PLATS

SECTION:

- 10-3-1: Concept Plan Review
- 10-3-2: Overview Of Subdivision Approval Process
- 10-3-3: Preliminary Plat
- 10-3-4: Documents Required
- 10-3-5: Final Plat
- 10-3-6: Minor Subdivision
- 10-3-7: Lot Line Adjustments

10-3-1: **CONCEPT PLAN REVIEW:** Prior to submitting a preliminary plat, a subdivider may submit an initial written “concept plan” to the community development department, including a sketch plan of the proposed subdivision in which the proposed is sufficiently described to determine whether the proposed subdivision complies with the general plan, zoning ordinance, transportation plans and utility plans of the city. The community development department shall advise the subdivider of possible problems with the proposed subdivision after it receives the initial application, including sketch plans. Approval of the concept plan shall not constitute approval of the “preliminary plat”. This section is not mandatory and a subdivider may submit a preliminary plat in lieu of the concept plan.

10-3-2: **OVERVIEW OF SUBDIVISION APPROVAL PROCESS:** The following paragraphs provide a brief overview of the subdivision approval process. This section is not intended to give an exhaustive review of the subdivision process. Specific provisions relating to the application process are found elsewhere in this Chapter. Except as otherwise allowed or required by this Chapter, applications for approval of a subdivision shall be pursuant to the following procedure:

- A. The subdivider and/or his engineer are responsible for knowing and complying with the provisions of this Chapter. Copies of applicable city ordinances can be obtained from the community development department.

- B. The subdivider, after preparing a preliminary plat, submits a completed application which includes the preliminary plat, all required supporting documents, check lists, and the applicable fee to the community development department.
- C. The application for preliminary plat is reviewed by the city review committee to determine if it complies with all applicable city ordinances.
- D. If the city review committee finds that the proposed preliminary plat complies with applicable city ordinances, the preliminary plat is then scheduled to be forwarded onto the planning commission. If the city review committee finds that the proposed preliminary plat does not comply with applicable city ordinances, the preliminary plat and/or supporting documents must be revised to the satisfaction of the city review committee before the application can be forwarded to the planning commission.
- E. The planning commission will hold a public hearing in reviewing the application for preliminary plat. The planning commission, at the conclusion of the public hearing, will either recommend approval, conditional approval, or denial of the preliminary plat onto the city council.
- F. The city council, no sooner than twenty one (21) days, will review the preliminary plat at a regularly scheduled public meeting. The city council, after reviewing the preliminary plat, will either:
 - 1. Uphold and approve the planning commission's recommendation of approval, conditional approval, or denial; or
 - 2. Uphold and approve the planning commission's recommendation with modifications; or
 - 3. Overturn the recommendation of the planning commission altogether.
- G. If the city council approves or conditionally approves the preliminary plat, the developer is then permitted to proceed in preparing the specific construction drawings for the work to be performed in developing the subdivision. When approval of the construction drawings has been granted by all interested departments and utility companies, the developer may apply for final plat to the city.
- H. The subdivider, after preparing a final plat, submits a completed application which includes the final plat, all required supporting documents, the final plat checklist, and the applicable fee to the community development department.

- I. The application for final plat is reviewed by the city review committee to determine if it complies with all applicable city ordinances, and conforms to the approved preliminary plat.
- J. If the city review committee finds that the final plat complies with applicable city ordinances, and conforms to the approved preliminary plat, the final plat is then scheduled to be forwarded onto the planning commission. If the city review committee finds that the proposed final plat does not comply with applicable city ordinances, and does not conform to the approved preliminary plat, the proposed final plat and/or supporting documents must be revised to the satisfaction of the city review committee before the proposed final plat can be forwarded to the planning commission.
- K. The planning commission will review the application for final plat. If the planning commission determines that the proposed final plat conforms to the approved preliminary plat, the planning commission will recommend approval of the final plat onto the city council.
- L. Following the planning commission's recommendation, the city council will review the final plat at its next regularly scheduled meeting. If the city council, after reviewing the final plat, determines that the final plat conforms to the approved preliminary plat, the city council will approve the final plat.
- M. After approval by the city council, the final plat is forwarded onto an approved third party engineering firm, and onto the city attorney for review as to form and content. Once the third party engineering firm and city attorney have completed their reviews and the final plat receives their approvals, the final plat is then recorded in the office of the county recorder.

10-3-3: **PRELIMINARY PLAT:**

- A. Required: Prior to subdividing any tract of land, a subdivider shall comply with the requirements of this chapter.
- B. Submission Of Preliminary Plat: At least twenty-five (25) days prior to the date of the planning commission meeting at which the preliminary subdivision plat is to be reviewed, the subdivider shall submit a complete application of the proposed preliminary plat to the community development department. The community development department shall circulate for comment and review, copies of the proposed preliminary plat to all affected departments and divisions of municipal government, and to any districts which may be providing special services.

C. Planning Commission Recommendation:

1. Conditions Of Preliminary Plat Approval: The planning commission shall recommend approval of a preliminary plat to the city council if it finds that the preliminary plat has been developed in accordance with the standards and criteria specified in this title and all other applicable plans and ordinances of the city, including, but not limited to, the zoning ordinance, master transportation plan, general plan, construction design standards and current building codes.

2. Soil Controls: The city staff shall determine from a concept plan or preliminary plat the need for environmental impact analysis, which would take into account the soil, slope, vegetation, drainage and other geological characteristics of the site. If the site is one acre or more in area that will be disturbed, it is required that the applicant provide soil erosion and sedimentation control plans and specifications prepared by a registered civil engineer. It will be determined by city staff whether site disturbance of less than one acre in area will require soil erosion and sedimentation control plans and specifications, depending on the extent of disturbance.

3. Approval Or Denial Of Preliminary Plat: After its review of a preliminary plat, the planning commission shall make recommendation to the city council to approve, conditionally approve or deny the preliminary plat. The planning commission may recommend and the city council may impose such conditions as may be required in order to bring the preliminary plat into compliance with the requirements of city ordinances. In the event the city council denies the preliminary plat, it shall state to the subdivider each reason for the denial.

4. Authorization To Proceed: One copy of the approved preliminary plat with written conditions attached shall be retained by the community development department. The city council approved preliminary plat shall be authorization for the subdivider to proceed with the preparation of construction plans and specifications for the improvements required in the final plat. Prior to the construction of any improvements required by this title, the subdivider shall provide the city with all plans, information and data necessary to install and construct the improvements. These items shall be examined by the city staff and shall be approved if it is determined that the items are in accordance with the requirements of city ordinances. No building permits shall be issued until after the final plat has been approved (unless approval has been granted through the "model home ordinance" as found in Title 9-14-23 of the city code) and recorded. Approval of the preliminary plat by the city council does not constitute acceptance of the final subdivision plat by the city council.

5. Approval For Twelve Months: Approval of a preliminary plat by the city council shall be valid for twelve (12) months unless an extension of time is granted. The subdivider shall request an extension of time on the preliminary plat prior to the expiration of the twelve (12) month time limit. The community development director may approve a six (6) month extension on a preliminary plat. In the case that a second six (6) month extension is needed, the subdivider shall request the second extension of time on the preliminary plat prior to the expiration of the first six (6) month extension time limit. The city council will approve or deny the requested second extension on the preliminary plat. (Ord. 2008-28, 8-13-2008)

6. Notification To Adjacent Property Owners: The applicant shall submit to the community development department a list of all property owners of property located within three hundred feet (300') of the boundary of a proposed subdivision. Written notice of the time, date and place where the planning commission will consider a preliminary plat will be mailed to the property owners by the community development department. The written notice shall also advise the property owners of the right to be present and to comment on the proposed subdivision. (Ord. 2003-24, 11-12-2003)

D. Form And Contents:

1. Scale Of Plat: The preliminary plat shall be drawn to a scale that is legible and adequately shows the design and dimensions of the proposed subdivision.

2. Content Of Preliminary Plat: The preliminary plat shall show:

- a. The proposed name of the subdivision.
- b. Sufficient information to locate accurately the property shown on the plat.
- c. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided as shown in the records of the county recorder.
- d. North arrow and scale.
- e. The boundary, legal description and phasing of the subdivision with associated numbering of lots which shall be established sequentially within each phase.
- f. The plan will show sectional monumentation including the type of monument, supply the number found on the monument referenced on the plan.

- g. The Basis of Bearing between two found Survey Monuments will be shown on the preliminary plat.
- h. Show all property being developed as part of the subdivision plat.
- i. The location, dimensions, and names of all proposed and existing or recorded streets, easements, both within the proposed subdivision and within six hundred feet (600') of the boundary thereof. The preliminary plat shall be in accordance and conform to the adopted City Master Transportation Plan.
- j. The location, width and names of all public open spaces within or adjacent to the proposed subdivision.
- k. Show all existing utilities (sewer, water mains, power lines, culverts, or other established utilities) located within the proposed subdivision and adjacent to within three hundred feet (300'). Each utility shown will be labeled and dimensioned.
- l. Show all existing and proposed new conveyances of paths, ditches, drainage channels, waterways, and major washes.
- m. The location of any and all floodplain and floodways with associated established elevations as designated by FEMA. Also, show any Erosion Hazard boundary lines as established by local jurisdictions.
- n. Where applicable, a note shall be attached to any proposed subdivision plat that falls within the designated airport flight paths.
- o. If the subdivision falls within the city's Hillside Protection Overlay zone, the plan must reflect such and include the limitations as directed by the Hillside Protection Committee.
- p. Vicinity map showing all properties within five hundred feet (500') of the proposed subdivision.
- q. Layout, number and dimension of each proposed lot within the subdivision.
- r. Public use areas, common or limited common areas, shall all to be labeled on the plan.
- s. Show all required legends and notes pertaining to the proposed subdivision.

t. All street cross sections (existing or proposed) shall be shown on the plan.

u. A tentative plan showing the proposal to handle a ten (10) year stormwater drainage for the subdivision, unless otherwise directed.

- E. Fees: Subdivision fees are required to be paid upon submission of a completed application, according to the development fee schedule adopted by the city council. (Ord. 2005-25, 7-13-2005)

10-3-4: **DOCUMENTS REQUIRED:** The subdivider shall provide to the community development department not later than the time the subdivision plat is submitted for preliminary review and approval the following documents:

- A. Agreements With Adjacent Owners: Copies of any required agreements with adjacent property owners to the proposed subdivision.
- B. Soil Report: A preliminary soil report prepared by a registered geotech engineer, based upon adequate test boring or excavations (if required by the city). (Ord. 80-4, 6-18-1980)

10-3-5: **FINAL PLAT:**

- A. Before application for a final plat can be submitted to the city, construction drawings and plans must first be approved by the city's public works department. These construction plans will be in accordance with the ordinances and design standards as adopted by the city.
- B. Required: After compliance with the provisions of section 10-3-3 of this chapter, a final plat of the subdivision covering all or part of an approved preliminary plat shall be prepared by a professionally licensed surveyor not in the employ of the city, in conformance with the design standards and submitted within twelve (12) months from the date of preliminary plat approval, unless the time is, in writing, extended by the community development director or city council. Otherwise, preliminary approval shall be deemed to have been withdrawn.
- C. Contents, Procedure And Form of Final Plat:
1. The final plat shall be so drawn that the top of the drawing faces either north or west,

whichever better accommodates the drawing. The plat shall be drawn to a scale that is legible and adequately shows the design and dimensions of the proposed subdivision. The plat shall be signed by all persons required to sign the final plat pursuant to subsection 10-3-5-(C)(k) of this section and the final plat shall contain the following information:

- a. The subdivision name in bold letters at the top of the sheet.
- b. Legible text size and orientation (a minimum of $\frac{1}{8}$ inch).
- c. A north arrow point (pointing to top of page or left side of sheet) and scale of the drawing with the current date.
- d. Vicinity map (minimum size to be 5"X5" at a scale of 1:1,000)
- e. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, label the basis of bearing between two found survey monuments. Give a description of monuments used (agency, date and type).
- f. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys, and easements, also the boundaries, bearings and dimensions of all portions within the subdivision intended to be dedicated to the use of the public; and the lines, dimensions, bearings and numbers of all lots, blocks, and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system. All proposed streets shall be named or numbered in accordance with and in conformity to the adopted street numbering system. All proposed streets shall also be labeled as public or private. (Ord. 80-4, 6-18-1980; amd. 2007 Code)
- g. The legal description of the boundaries of the subdivision.
- h. The registered professional engineer and/or land surveyor's certificate of survey with associated stamp/signature.
- i. The owner certificate of dedication.
- j. A notary public acknowledgement as per Utah Code Annotated: 46-1-16(c). No stamp is required.

- k. Signature blocks for: the city engineer approval; the planning commission chairperson; the city attorney; city council/mayor approval with attesting by the city recorder. A signature block for the county recorder's office will also be provided.
 - l. Where applicable, show floodplain and erosion hazard boundaries, as designated by FEMA and local flood hazard agencies.
 - m. Where applicable, show all open space, common, limited common and private areas, through the use of appropriate legend boxes. When these areas are made part of a subdivision, a note shall be added to the general note section stating that these areas have a blanket easement for public utilities and drainage.
 - n. Legends and all general notes pertaining to the proposed subdivision shall be shown.
 - o. Centerline road/street data to be provided.
 - p. Label all abutting property owners to the proposed subdivision.
 - q. Street monuments depicted at street intersections, and at radius points of cul-de-sacs, and on curve point of intersection (if within the asphalt area), point of curvature and point of tangent.
2. The final plat shall be submitted to the community development department. The community development department will circulate the final plat application for comment and review to all affected city departments and special service districts. Following the completion of all reviews, the community development department will move forward the final plat application onto the planning commission for review at their next scheduled public meeting.
3. After planning commission consideration of the final plat in a public meeting, the planning commission will recommend approval, approval with modification, or denial of the final plat to the city council. If the planning commission recommends denial, they shall state the reasons for such recommendation.
4. The city council will then review and consider the recommendation of the planning commission for the final plat and may approve, conditionally approve or deny the final plat. In the event the city council denies the final plat, it shall state to the subdivider each reason for the denial.

5. Approval For Twelve Months: Approval of a final plat by the city council shall be valid for twelve (12) months. If the final plat (or a final plat for a phase of the preliminary plat) has not been recorded within twelve (12) month period, the final plat shall expire. The recording of the final plat for any phase of a preliminary plat shall lock in the remaining phases of that preliminary plat so that it will not expire.

10-3-6: **MINOR SUBDIVISION:** The approval process for any subdivider meeting the requirements of a "minor subdivision", as defined in section 10-1-2 of this title, shall comply with the following procedures:

- A. For The Division Of Two (2) To Three (3) Lots (having no dedication of land to the city): The subdivider shall prepare a conceptual plan of the proposed minor subdivision which includes, at a minimum, a sketch of the lot layout and a legal description of each lot and submit such materials to the community development department for review and approval at the next planning commission meeting. After planning commission approval, the materials shall be submitted to the public works director, city engineer, city attorney and city manager for approval. After all approvals are obtained and all required improvements are provided and guaranteed by the subdivider, the community development department shall notify the county recorder's office of the minor subdivision and shall notify the subdivider, in writing, giving authorization for the subdivision to be recorded. In no case shall any lot of a minor subdivision be sold, transferred or conveyed until such subdivision is recorded by the county recorder.
(If land is to be dedicated to the city as part of the minor subdivision process, the procedures found in subsection B below shall be followed)
- B. For The Division Of Three (3) To Nine (9) Lots (and subdivisions with two (2) or more lots which involve dedication of land to the city): The subdivider shall prepare construction drawings for the proposed subdivision, and submit such materials to the city's public works department for review and approval. After obtaining approval of the construction drawings by the public works department, the subdivider shall prepare a final plat as described in section 10-3-5 of this title, and submit such materials to the community development department for review and recommendation at the next planning commission meeting. Following the planning commission meeting, and a minimum of twenty one (21) days, the recommendation of the planning commission will be forwarded on to the city council for review and possible approval.

10-3-7: LOT LINE ADJUSTMENTS:

- A. Conditions: Petitions to adjust lot lines between adjacent properties may be accomplished upon the recordation of an appropriate deed if:
1. No new dwelling lot or housing unit results from the lot line adjustment;
 2. The adjoining property owner(s) consent to the lot line adjustment;
 3. The lot line adjustment does not result in remnant land that did not previously exist; and
 4. The adjustment does not result in violation of applicable zoning and subdivision ordinance requirements.
- B. Approval:
1. The community development director shall give final approval of the lot line adjustment if it is found that the adjustment complies with the physical development standards, the laws of the state and the rules and regulations pursuant thereto.
 2. Any person shall have the right to appeal to the city council any decision rendered by the community development director in relation to a lot line adjustment decision. Appeals to the city council shall be made by filing with the city a written notice of appeal containing the reason for the appeal, within ten (10) days following the date upon which the decision is made by the community development director. After receiving said notice of appeal, the city council may reaffirm the decision of the community development director or set the appeal for a public hearing. If the appeal is set for public hearing, then:
 - a. The city council shall notify the community development director of the date of said hearing at least seven (7) calendar days prior to the date set for such hearing so that the community development director may prepare the record for the hearing; and
 - b. The city council, after proper review of the decision of the community development director and application of the standards, procedures and provisions of subsection A of this section, may affirm, reverse, alter or remand any decision of the community development director relating to a lot line adjustment. (Ord. 2008-28, 8-13-2008)

CHAPTER 4

**ACCEPTANCE OF DEDICATED STREETS AND
PUBLIC IMPROVEMENTS**

SECTION:

10-4-1: Dedication

10-4-2: Time Of Acceptance

10-4-1: **DEDICATION:** The subdivider shall dedicate the streets, easements and other public improvements to the city at the time the final plat is approved by the city. The dedication shall be deemed an offer by the subdivider which shall be irrevocable until one year after all of the improvements are completed. The city shall accept the offer of dedication only if it finds that the subdivider has constructed, installed and maintained the public improvements required by this title and that the improvements comply with the minimum requirements of this title at the time of acceptance. (Ord. 80-4, 6-18-1980)

10-4-2: **TIME OF ACCEPTANCE:** Unless the city council extends the time for acceptance of the dedicated public improvements, the dedication shall be accepted on action by the city council, or at the expiration of one year following the completion of the public improvements. In the event the city council does not accept the dedicated public improvements, the subdivider shall be so advised, in writing, of the reason for the nonacceptance. (Ord. 80-4, 6-18-1980)

CHAPTER 5

IMPROVEMENTS REQUIRED

SECTION:

- 10-5-1: Application Of Required Improvements
- 10-5-2: Improvements Made Prior To Recording Final Plat
- 10-5-3: Order Of Making Improvements
- 10-5-4: Guarantee Of Improvements
- 10-5-5: Release
- 10-5-6: Orderly Development Required
- 10-5-7: Subdivision Improvements And Construction Design Standards
- 10-5-8: Subdivision Grading
- 10-5-9: Rockery Walls
- 10-5-10: Penalty

10-5-1: **APPLICATION OF REQUIRED IMPROVEMENTS:** The improvements required by this title apply to all subdivisions and to all persons that purchase, lease, rent or receive any interest in any land which is located within a subdivision. (Ord. 80-4, 6-18-1980)

10-5-2: **IMPROVEMENTS MADE PRIOR TO RECORDING FINAL PLAT:** The improvements required by this title shall be constructed, installed and maintained by the subdivider until accepted by the city prior to recording the final plat in the office of the county recorder. The construction, installation and maintenance is guaranteed in the manner provided in section 10-5-4 of this chapter. Improvements shall not be installed or constructed until their location and specifications have been approved by the public works director or his/her assigned designee.

10-5-3: **ORDER OF MAKING IMPROVEMENTS:** Unless waived in writing by the public works director or his/her assigned designee, underground utilities, water and sewer laterals, and fire hydrants shall be installed prior to surfacing the streets and installing road base, curbs, gutters and sidewalks.

10-5-4: **GUARANTEE OF IMPROVEMENTS:** In lieu of the actual completion and acceptance by the city council of the improvements required by this title and before approval of the final plat by the city council, the subdivider shall guarantee the installation and construction of the required improvements within two (2) years from the date of approval of the final plat and that the improvements shall be maintained in a state of good repair, free from defective material or workmanship, for a period of twelve (12) months from the date of completion by one or more of the following methods:

A. Bond: The subdivider shall furnish and file with the city recorder a bond with corporate surety in an amount equal to the cost of the improvements not previously installed, as estimated by the city's public works director or his/her assigned designee, to assure the installation and construction of such improvements within twenty four (24) months immediately following the approval of the subdivision plat by the city council, which bond shall be approved by the **city council and city attorney**, and which bond shall guarantee that the improvements shall be maintained in a state of good repair, free from material and workmanship defects, for a period of twelve (12) months from the date of completion. After twelve (12) months following the completion of the improvements for which a surety or cash bond has been filed, the subdivider shall call for inspection by the public works director or his/her assigned designee, such inspection to be made within five (5) days from the date requested. If inspection shows that the standards and specifications have been met in completion of such improvements, the bonds therefore shall be released within fourteen (14) days from the time of inspection.

B. Escrow:

1. The subdivider shall deposit with any insurance company, bank or savings and loan institution in an escrow account and amount of money equal to at least one hundred twenty five percent (125%) of the costs of the improvements required by this title not previously accepted by the city. The costs of the improvements not accepted and not installed or constructed shall be determined by the city's public works director or his/her assigned designee. The escrow agreement shall be subject to approval by the city attorney and shall be signed by the subdivider, the city and the escrow holder, and shall contain substantially the following language:

Agreement

The undersigned hereby promises and warrants that it has on deposit in an escrow account for the benefit of _____ (name of municipality), the sum of \$_____ which represents at least 125% of the estimated costs of the improvements not accepted by the municipality and not constructed or installed by the developer of the _____ subdivision.

The undersigned hereby agrees that the foregoing sum of money shall be used exclusively for the purpose of paying for the costs of materials, and construction and installation of the improvements required by the municipality's subdivision ordinances. The undersigned further agrees that the money held in an escrow account shall be paid out to the contractors installing and constructing the required improvements only upon an order executed by the subdivider and by an authorized officer of the municipality.

The subdivider shall not withdraw from the escrow account any amount in excess of 100% of the estimated cost of the improvements, but shall pay from other sources any costs for such improvements which exceed 100% of the costs estimated by the engineer.

A sum equal to 25% of the estimated costs of improvements shall remain with the escrow holder for a period of one year after all improvements are made and completed.

If after two years, all or any part of the required improvements are not installed, constructed and maintained, according to the standards required in the municipality's subdivision ordinance, the municipality shall notify in writing the subdivider and the escrow holder of the defects and shall make demand on the subdivider that the defects be corrected. If the defects are not corrected within 30 days, the municipality may correct the defects and charge to the escrow holder the costs of correcting the defects.

The escrow holder shall on receiving reasonable proof from the municipality of the defect and that the municipality has incurred the cost of correcting the defect, pay to the municipality from the escrow account the cost of correcting the defect and the escrow holder shall be held harmless by the parties by reason of the payment to the municipality.

If, after one year after the council has accepted the improvements required by its subdivision or finance, the required improvements remain substantially free from latent defects, the municipality shall certify such fact to the escrow holder and the escrow holder shall release to the subdivider any money still held in the escrow account and the escrow holder shall be discharged of its obligations to the municipality.

(Authorized Signature)

2. The escrow agreement may contain such additional provisions as the parties deem necessary.

C. Irrevocable Letter Of Credit:

1. The subdivider shall file with the city an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution which letter shall contain provisions substantially similar to the required in the escrow agreement.

2. The form of the irrevocable letter of credit shall be substantially as follows:

Name of Bank
Address

Irrevocable Letter Of Credit

To: Name of Municipality
Municipal Council

Date
Letter of Credit No.:

Gentlemen:

We hereby establish our irrevocable letter of credit in your favor for the account of _____ (insert name of subdivider, subdivider's address) up to the aggregate amount of \$_____ (insert amount available by your drafts) drawn at sight on _____ (insert name of bank, address of bank) accompanied by _____ (here insert terms which give municipality control over payments). The terms would ordinarily read:

A statement signed by an officer of _____ (name of municipality) dated not later than _____ (insert estimated completion date plus a couple of months leeway) as follows:

We certify that the on site improvements related to the _____ (insert name of subdivision) have not been completed in accordance with municipal ordinances and that this drawing represents the amount necessary to complete those on site improvements.

We hereby agree with drawers, endorsers and bona fide holders that all drafts under and in compliance with the terms of this credit will be duly honored upon presentation and delivery of documents as specified to the drawee or drawn and

presented for negotiation on or before _____ (insert completion date above set forth) at our bank.

Very truly yours,

(Authorized Bank Officer Signature)

- D. **Deposit With City:** The subdivider shall deposit with the city a sum equal to one hundred ten percent (110%) of the costs of the required improvements not installed, constructed or accepted by the city. The subdivider shall have the right to draw against the account with the city all sums to one one hundred percent (100%) of the total account, which shall be paid to the order of persons installing, constructing or maintaining the improvements. The city shall hold the additional ten percent (10%) to guarantee that the improvements are installed, constructed and maintained until acceptance by the city. The city may, after making written demand on the subdivider in a manner required above, install construct or repair the improvements and pay such costs from the subdivider's account. The city shall refund any sums remaining in the subdivider's account after the city council accepts the improvements. (Ord. 80-4, 6-18-1980; amd. Ord. 93-27, 10-27-1993)

- E. **Corporate Assurance:**

1. In lieu of the methods outlined in subsection A through D of this section, the city may accept a corporate assurance accompanied by audited financial statements, from a subdivider, whose company's net assets are worth a minimum of fifty million dollars (\$50,000,000.00). The audited financial statements shall be reviewed by the city auditor prior to any acceptance by the city of the corporate assurance form. Acceptance of a corporate assurance in lieu of the other methods outlined shall be at the sole discretion of the city. The corporate assurance shall be in a form acceptable to the city.

2. In the event the city accepts the corporate assurance, the subdivider shall submit audited financial statements on an annual basis thereafter for approval by the city until the improvements are complete. If at any time the city deems itself insecure after review of the audited financial statements, the city shall send notice to the subdivider that the city has rejected the audited financial statements and require the subdivider to provide another method to guarantee the improvements pursuant to this section. (Ord. 99-27, 10-20-1999)

- 10-5-5: **RELEASE:** The city council is authorized from time to time, at the request of the subdivider or his successors in interest, to release of record from the burden of

the covenant and lien aforesaid all lots and parcels of land or portions thereof for which the covenant and agreement has been fully performed by any of the methods of guarantee above set forth in section 10-5-4 of this chapter. (Ord. 80-4, 6-18-1980)

10-5-6: **ORDERLY DEVELOPMENT REQUIRED:** Whenever the subdivider shall develop a subdivision, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all of the improvements will be made available for the full, effective and practical use and enjoyment thereof by the purchaser, grantee, assignee, transferor or leasee of any of the lands subdivided within the time hereinbefore or in phases specified. (Ord. 80-4, 6-18-1980)

10-5-7: **SUBDIVISION IMPROVEMENTS AND CONSTRUCTION DESIGN STANDARDS:** Subdivision improvements and construction design standards shall be as specified in the construction design standards adopted by the city and on file in the city office. (2007 Code)

10-5-8: **SUBDIVISION GRADING:**

- A. Compliance: All grading shall comply with most recent adopted version of the international building code including appendix J, and:
1. Retaining walls shall be installed between lots where there is an elevation change greater than three and one-half feet (3.5') in height, unless special circumstances require an alternative design. All designs shall be approved by a city designated official; and
 2. Retaining walls shall be installed at the time of the lot development; unless bonded for as per section 10-5-4 of this chapter; and
 3. If bonded for, then all walls shall be installed before the issuance of building permits for the homes.
- B. Permit Requirement: It shall be unlawful to construct, enlarge, alter, repair or demolish any retaining wall without a building permit. The application, submittal, permitting and inspection requirements for retaining walls shall be as specified in the adopted building code and other city codes and ordinances.

C. Definitions:

RETAINING WALL: A wall not laterally supported at the top; that resists lateral soil load and other imposed loads.

D. Design And Construction:

1. Retaining wall systems, including rockery walls (as outlined in section 10-5-9 of this chapter), shall be designed and certified by a professional engineer licensed to practice in the state of Utah for all loads as specified in the building code and in keeping with nationally recognized standards. Designs shall be based upon sound engineering and geotechnical principles; and

2. All engineering shall be reviewed through the building department of the city prior to installation; and

3. All special inspections shall comply with chapter 17 of the international building code.

E. Appeals: Any person or entity aggrieved by any decision or order of the building official under this chapter may appeal the decision in accordance with set procedures and timelines.

F. Conflicts: Where there is a conflict between this chapter and any other code or ordinance of the city, the more restrictive provisions shall apply. (Ord. 2008-22, 6-11-2008)

10-5-9: **ROCKERY WALLS:**

A. This section provides the minimum requirements for the design and construction of rockery walls. Rock material shall meet the minimum requirements of the "Rock Wall Construction Guidelines", as adopted by the Associated Rockery Contractors, dated August 15, 2000 edition, unless other materials are specifically pre-approved by the geotechnical engineer.

B. Definitions:

ROCK: A natural solid mineral matter occurring in large masses or fragments.

ROCKERY WALL: A system of stacked rocks constructed to retain soil or rock and include rock faced slopes.

- C. Permit Requirement: Rockery walls three feet high and greater, as measured from the ground surface to the top of the uppermost rock layer shall be subject to the provisions of this section and shall require a permit issued by the Washington City Public Works Department prior to construction unless the wall was included and approved on the engineered construction drawings for the subdivision.
- D. Documents Required: The following documentation shall be submitted at the time of application for a permit:
1. A dimensional drawing that identifies the location of each rockery wall with respect to the property lines, easements, streets, other rights of way, existing construction, required setbacks (as noted below), and drainage features shall be clearly identified on the drawings.
 2. A cross section of the wall showing the minimum rock size for each lift, maximum wall height, reinforcing, backfill specifications, drainage, slope of adjacent ground, embedment, cuts and batter.
 3. Engineering analysis and design is required for all rockery walls three feet (3') and greater in height, measure from the furthest point on the bottom to the furthest point on the top of the proposed rockery wall.
- E. Site Conditions: The following specific site conditions shall be considered for each wall design and noted on the drawings submitted:
1. Future structures and landscaping.
 2. Location of utilities and utility easements. The city reserves the right to deny a permit for a wall within, or over, a utility easement.
 3. Location of existing or future utility installations within eight feet (8') of the base and top of the wall.
 4. Data showing the subgrade soil conditions within eight feet (8') of the wall.
 5. Type of fill material to be replaced or removed.

6. The drawings shall note the drainage for surface water within eight feet (8') of the wall and all walls shall be designed assuming wet conditions.
7. The drawings shall note the subsurface water conditions within eight feet (8') of the wall.
8. The drawings shall note the keyway/foundation depth and width,
9. The drawings shall note the slope conditions and surcharge loads.
10. Maintenance and service access shall be shown on the drawings.

F. Construction: All construction shall be done on private property and not from any public roads or right of ways. No walls will be permitted inside of, or upon any utility easement. The construction of all rockery walls shall adhere to the following:

1. Monitoring: All phases of the rockery wall construction shall be monitored by the geotechnical engineer employed by the owner/contractor to verify that the nature and quality of materials being used are appropriate and that the construction is in accordance with the approved engineered design. The geotechnical engineer shall verify to the city in writing that the materials and construction of the rockery wall as built is in accordance with the engineered design after construction is complete.
2. Fill Compaction: Where the rockery wall(s) is constructed in front of a fill, the fill shall be placed and compacted in a manner that will provide a competent fill mass as noted in the drawings. All fills shall consist of quality fill material meeting the geotechnical engineer's recommendations as noted on the approved drawings and/or report.
3. Compaction Testing: Density tests to verify compaction shall be taken at random locations. At least two (2) tests per one hundred feet (100') of wall length and per two feet (2') of backfill shall be taken. In critical locations, the geotechnical engineer may request additional monitoring. The testing shall be conducted by a certified technician under the direction of the geotechnical engineer.
4. Fill Construction Reinforcement: All fill placed behind rockery walls shall be reinforced as recommended by the geotechnical engineer.
5. Rock Selection: The rocks used in the rockery wall should be of a generally cubical, tabular or rectangle shape. Rounded rocks should not be used and internal void spaces in the facing should be kept to a minimum. Prior to being placed, all rock shall be inspected and approved by the geotechnical engineer. The rock source shall be

pre-approved by the geotechnical engineer. Rocks shall be placed to decrease in size with increasing wall height. Rocks shall be placed to bear on good flat to flat surfaces. The long dimension of the rocks shall extend back toward the cut/fill face. Rocks shall bear on at least two (2) or more other rocks. The contractor shall have sufficient space and stockpile material available to select from among a number of rocks for each space in the rockery wall to be filled.

6. Rock Placement: Rocks shall be placed as recommended by the geotechnical engineer. A keyway (one foot (1') minimum) as recommended by the geotechnical engineer shall be constructed into unyielding soil.

7. Drainage: A rock drainage filter or geosynthetic filter fabric shall be installed between the rear face of the rockery wall and soil face being protected. The drainage design shall consider adjacent conditions and potential for water and erosion, and shall be constructed as directed by the engineer.

8. Surface Drainage: Surface drainage shall be directed away from the rockery wall face to a positive and permanent discharge well away from, and beyond the rockery wall. The surrounding site shall be graded such that water cannot flow over the top of the wall.

9. Steepness Of Walls: The steepness of the wall shall not exceed one (1) horizontal to six (6) vertical. Specific recommendations from the engineer are required and shall be noted on the drawings.

10. Slopes: Slopes above and below rockery walls shall not exceed two (2) horizontal to one (1) vertical

11. Rock Stockpiles: Rock and other material shall not be stockpiled in or on public roads or right of ways.

G. Limitations:

1. Height: The height of any single rockery wall shall not exceed eight feet (8'), or as limited by the international building code, whichever is most restrictive.

2. Alignment: Walls shall be in continuous alignment without abrupt changes in direction.

3. Terminations, Intersections And Radii: Terminations, intersections, and radii of rockery walls shall be included in the engineering analysis.

4. Corner Lots: Corner lots require additional engineering and permits for setbacks, sight distance standards and public utility easements.

H. Setbacks:

1. Minimum Setbacks: The setback from a rockery wall to a building or structure shall meet all setback requirements as outlined in the international building code, foundation clearance from slopes, or the setback from a rockery wall shall be a minimum of the height of the rockery wall itself, whichever is most restrictive/greater.

2. Separate Rockery Walls Considered As One Wall: For height and setback restrictions, separate rockery walls shall be considered as one wall, unless separated by a horizontal distance greater than the vertical height of the lower wall. The distance shall be measured from the outside of the foundation of the structure to the exposed face of the rockery wall. This provision applies to buildings or structures at the low and high side of the wall.

3. Terraced Rockery Walls: Multiple rockery walls, designed as terraced retaining walls, shall be separated a minimum distance of one-half ($\frac{1}{2}$) the height of the lower rockery wall to another rockery wall. The height of an upper wall shall not exceed the height of a lower wall. The total combined height of all rockery walls shall not exceed eight feet (8').

4. Rockery Walls In Utility Easements: Rockery walls shall not be constructed within side or rear yard utility easements without prior written permission in a form acceptable to the city from each affected utility. Notwithstanding any written permission, the city reserves the right to deny a permit for a rockery wall within, or over, any utility easement.

I. Structural Analysis: All structural analysis shall be in accordance with adopted building codes of the city and in accordance with this section. The structural analysis shall also adhere to the following:

1. Factor Of Safety; Seismic Forces: The minimum factor of safety for sliding and over-turning of each rock in a rockery wall shall be two (2). This shall include load combinations with seismic forces.

2. Analysis Provisions: The following analysis provision shall apply:

a. The maximum unit weight of the rocks used in the design of a rockery wall shall be one hundred fifty five (155) **pcf** unless field verified by special inspection.

b. The maximum coefficient of friction between rocks in a rockery wall shall

be 0.5.

c. Surcharge load shall be taken into consideration in the analysis.

d. Specifications shall be provided to clearly define acceptance criteria for rock materials.

J. Inspections: Construction of rockery walls shall be supervised and inspected by a qualified geotechnical engineer employed by the owner/contractor. Supervision and testing shall be at a frequency specified by the geotechnical engineer, and shall include all phases of construction.

1. Schedule Required: A schedule for the continuous or periodic supervision and inspection of construction shall be specified on the construction documents and all such supervision and inspections shall be verified in writing.

2. Final Compliance Report Required: Upon completion of the wall, the geotechnical engineer shall submit a final compliance report to the city. The report shall include a description of the rock wall, including type of rock, size of rock, rock placement, embedment, inclination, property line setbacks, separations, and height of the wall. The report shall provide a professional opinion as to the compliance with all of the design recommendations and acceptance of the construction.

10-5-10: **PENALTY:** Violation of this chapter shall be a class B misdemeanor or lesser offense, as determined by the city prosecutor and, upon conviction, subject to penalty as provided. Each day the violation continues shall be considered a separate offense.