

PLANNING COMMISSION RECOMMENDATION TO  
MILLARD COUNTY BOARD OF COUNTY COMMISSIONERS

AMENDMENTS TO THE MILLARD COUNTY SUBDIVISION ORDINANCE  
RELATED TO PLATTED SUBDIVISIONS (3/12/2014)

Proposed Amendments to Millard County Code, Title 11 – Subdivision Ordinance, as adopted.

Underline materials indicate proposed additions; Strikeout materials indicate proposed deletions.

Necessary Reorganization of Materials and required Renumbering and Formatting to be completed upon Board of County Commissioners review and decision.

Chapter 1  
GENERAL SUBDIVISION PROVISIONS

11-1-2: COUNTY POLICY:

A. It is hereby declared to be the policy of the county to consider the subdivision of land and the subsequent development of the land or amendment of a subdivision plat, or the adjustment of lot lines therein, as subject to the control of the county for the orderly, planned, efficient, and economical development of the county. Land to be subdivided or resubdivided, or have lot lines adjusted therein, shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic hazards or other menace. It is further declared to be the policy of the county that land shall not be subdivided, resubdivided or adjusted until appropriate public or private facilities and improvements exist and proper provision has been made for drainage, water, sewerage, power, gas, and other necessary public **and private** improvements.

**~~B. Except for nonplat subdivisions which meet all the requirements of of this title, all subdivisions containing four (4) or more lots will be subject to the planned unit development requirements.~~**

C. Existing and proposed public improvements shall conform and be properly related to the provisions of the county master plan, the county zoning ordinance, transportation/streets plan, and other applicable county plans as adopted. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

D. It is intended that this title shall supplement and facilitate the enforcement of the provisions and standards of the adopted building code, the county zoning ordinances and zoning maps, and the county master plan. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001; amd. 2005 Code)

11-1-3: PURPOSES:

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The purposes of this title are to:

- A. Avail the county of the power granted under Utah Code Annotated title 17, chapter 27, pertaining to land development and subdivision to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the county and its present and future inhabitants and businesses.
- B. Protect the tax base, secure economy in governmental expenditures, foster agricultural and other industries, protect both urban and nonurban development, and protect property values.
- C. Guide the future growth and development of the county in accordance with the master plan.
- D. Preserve and protect, to the maximum extent possible, unique and valuable natural and cultural resources and amenities of the county, and improve the public access to and enjoyment of these resources.
- E. Preserve and protect the environmental and aesthetic character of undeveloped areas of the county by preventing detrimental impacts to soil, vegetation, and drainage through the control of grading and vegetation removal.
- F. Provide for the efficient and economical delivery of public services through encouraging development to take place adjacent or close to incorporated areas.
- G. Ensure that all required public and private facilities are provided, and that the burden of installation and maintenance of required improvements is borne by those benefitting from the subdivision development, and ensure that appropriate provision is made, through a homeowners' association, performance bonding, special districts, or by other means, for completion of all required improvements. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

11-1-4: DEFINITIONS:

The following definitions shall be used in the interpretation and construction of this chapter:

- A. Words used in the present tense include the future; singular in number shall include the plural and the plural the singular.
- B. The word "building" shall include the word structure.
- C. The word "use" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used or occupied.
- D. The word "shall" is mandatory and not directive, and the word "may" is permissive.

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E. The word "person" includes a firm, association, organization, partnership, trust, limited liability company, or corporation, or any other legal entity, as well as an individual.

ACT: Means the State of Utah County Land Use, Development, and Management Act, and as provided at §17-27a et seq. Utah Code Annotated, 1953, as amended.

ALLEY: A public accessway, less than sixteen feet (16') wide, which is designed to give access to lots of abutting properties. An "alley" shall not be considered a street for the purpose of this chapter.

BLOCK: The land surrounded by streets or other rights of way other than an alley, or land which is designated as a block on any approved and recorded subdivision plat.

CUL-DE-SAC: A street designed to remain permanently closed at one end, with the closed end terminating in a vehicular turnaround.

CULINARY WATER AUTHORITY: Means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

DWELLING UNIT: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, not more than one family, and excluding tent, camper, travel trailer, fifth wheel, hotel, motel or nursing home.

EASEMENT: That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owners of said property. An "easement" may be for use under, on, or above said lot or lots.

FIRE AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

IMPROVEMENTS: Facilities or utilities required to be installed or constructed in a subdivision as a requirement of subdivision approval. These improvements may include, but are not limited to: streets and roads; water systems; sewer system; including fire protection and suppression systems; drainage system; lighting; curb, gutter, and sidewalks; and such other improvements as may be required.

IMPROVEMENT COMPLETION ASSURANCE: A cash deposit, surety bond, letter of credit, or other similar security, as reviewed and recommended by the County Attorney, and approved by the Board of County Commissioners, to insure that required subdivision improvements will be completed, as approved in the event the subdivider defaults in their obligations to install required improvements.

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IMPROVEMENT WARRANTY: A cash deposit, surety bond, letter of credit, or other similar security, as reviewed and recommended by the County Attorney, and approved by the Board of County Commissioners, and held for the warranty period and required to insure all required improvements are installed, completed, and perform as designed and required for the warranty period.

LOT: A discrete parcel of land described and placed on record, either by recordation of a subdivision plat or by deed, in accordance with the provisions of this title.

LOT, CORNER: A lot abutting on two (2) or more streets at their intersection.

LOT, FLAG: A lot which does not abut a public right of way, but which has a right of access to a public right of way from a private road or driveway (the lot right of way).

LOT PLAN: A map of a lot, drawn to scale, showing its actual measurements, the size and location of existing buildings and buildings to be erected, the location of the lot in relation to abutting streets, natural features such as water bodies and topographic features, and such other information as may be required by the planning commission.

LOT, RESTRICTED: A lot having an average slope of twenty five percent (25%) or more. In order to qualify as a legal subdivision lot, the lot must contain a natural, ungraded buildable area, a minimum of seven thousand five hundred (7,500) square feet in area, with an average slope of less than twenty five percent (25%). The buildable area of restricted lots must be shown on the subdivision plat. All structures on a restricted lot must be located within the buildable area. No removal of vegetation or soil grading or other surface disturbing activities will be allowed outside the designated buildable area, except for that necessary for the construction of driveways and installation of utilities.

LOT RIGHT OF WAY: A documented right of way over a strip of land not less than twenty eight feet (28') in width connecting a lot to a public street for use as access to the lot.

OPEN SPACE: An area reserved for parks, greenbelts, paths, trails, natural areas, courts, playgrounds, golf courses, playing fields, underground utilities, and other similar uses which may be approved by the planning commission and county commissioners.

PEDESTRIANWAY: A right of way designed for pedestrian use and not allowed for use by motor vehicles of any kind.

PERFORMANCE BOND: Surety in the form of cash, a letter of credit, commercial bond or other form approved by the county attorney held by Millard County to assure that required improvements in a subdivision will be completed as approved

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~~in the event a developer defaults in his obligation to install required improvements.~~

PLANNED UNIT DEVELOPMENT (PUD): Land under unified control, planned and developed as a whole, in a single development operation or a definitely programmed series of development operations, for uses compatible with the character of the zone district in which it is located. A "PUD" will include a program for the provision, operation and maintenance of areas, improvements, facilities, and services as will be for common use by some or all of the occupants of the "PUD", but which will not be provided, operated or maintained at general public expense.

PLANNING AND ZONING ADMINISTRATOR: The county official, or ~~his~~ duly authorized representative, charged with the administration and enforcement of this title.

PLAT, FINAL: A drawing to scale depicting the features of a subdivision, resubdivision, or lot split showing the contour of the land; all lots and blocks numbered consecutively; streets, utilities and all other required on site improvements; ~~and providing for~~ the certification of a registered land surveyor; ~~and~~ signature blocks for the county attorney, county engineer, ~~planning commission, and Board of County Commissioners Chair, County Attorney, County Engineer, and others and that ; which~~ meets the final plat requirements of this title and which is ready for recordation with the county recorder.

PLAT, PRELIMINARY: A drawing to scale depicting the features of a proposed subdivision, resubdivision or lot split ~~showing the contour of the land; all lots and blocks numbered consecutively; streets, utilities and all other required on site improvements; and providing for the certification of a registered land surveyor; and signature blocks for the Board of County Commissioners Chair, County Attorney, County Engineer, and others and that which~~ meets the preliminary plat requirements of this title.

~~REQUIRED IMPROVEMENTS: Facilities or utilities required to be installed or constructed in subdivision as a condition of subdivision approval. These improvements may include, but are not limited to: streets and roads; water systems; sewer system; fire hydrants; drainage system; lighting; curb, gutter, and sidewalks; and such other improvements as may be required by this title.~~

RESUBDIVISION: The division or partition of any lot, block or other land within an approved and recorded subdivision plat, or within an area that has been approved by the county for subdivision without recordation of a plat.

ROAD DEPARTMENT: Means the Millard County Road Department.

**SANITARY SEWER AUTHORITY:** Means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

**SERVICE DISTRICT:** A special district established in the manner provided by Utah Code Annotated **Title 17A**, under article XIV, section 8 of the constitution of the state of Utah.

**SKETCH PLAN:** A generalized layout of a proposed subdivision with accompanying general description of the features of the subdivision and relating the proposed subdivision to its geographic area; topography and natural features; streets and roads; public and private utilities; other facilities and services; and to any special physical conditions which may exist in that area.

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

**STREET, FRONTAGE (Also FRONTAGE ROAD):** A minor street, parallel and adjacent to a limited access major street, which provides access to abutting properties from, and protection from the through traffic on, the major street.

**STREET, MAJOR:** A street, existing or proposed, which serves or is intended to serve primarily through traffic, and is designated on the master plan as a controlled access highway, major street, parkway, or other equivalent term.

**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 the neighborhood and provides primary access to abutting properties.

**STREET, PUBLIC:** A public thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than twenty eight feet (28') wide which has been accepted by the public and which affords the principal access to abutting property.

**STREET RIGHT OF WAY:** The land dedicated to public use for streets, shoulders, curbs, gutters, sidewalks, park strips, and related uses, including utilities.

**SUBDIVISION:** For the purposes of this Ordinance, and the Act, a subdivision shall be, and shall mean; Any land that is divided, resubdivided 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.

"Subdivision" includes:

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1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
1. All divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes; unless exempted by the Act. A. Any land that is divided, resubdivided 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.

As provided by the Act “Subdivision” does not include:

- 1) A bona fide division or partition of agricultural land for agricultural purposes.
- 2) A recorded agreement between owners of adjoining 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 boundary line agreement, as provided by the Act.
- 4) A recorded agreement, 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 joinder does not violate applicable Land Use Ordinances.
- 5) A bona fide division or partition of land for the purpose of siting , on one or more of the resulting separate parcels;
  - a) An electrical transmission line or substation;
  - b) A natural gas pipeline or a regulation station; or
  - c) An unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility.

6) A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:

a) No new dwelling lot or housing unit will result from the adjustment; and

b) The adjustment will not violate any applicable Land Use Ordinance.

7) A bona fide division or partition of land by deed or other instrument where the Land Use Authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels.

8) A parcel boundary adjustment, as provided by the Act.

9) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a “subdivision” as to the unsubdivided parcel of property or subject the unsubdivided parcel to this Ordinance.

B. “Subdivision” includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.

C. “Subdivision” does not include:

1. A bona fide division or partition of agricultural land for agricultural purposes;

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

a. No new lot is created; and

b. The adjustment does not result in a violation of applicable zoning ordinances;

3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or

4. A bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:

a. An unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or

b. An unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility.

D. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a “subdivision”, under subsection A of

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~~this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision ordinance.~~

SUBDIVISION, NONPLAT (MINISUBDIVISION): The subdivision of land into nine (9) or fewer parcels by recordation of a document that divides the property by metes and bounds description, and which meets all the requirements of this title.

SUBDIVISION, RECREATIONAL: A subdivision of land for residential purposes where, because of the temporary occupancy, topography, natural vegetation, and other natural features, the standards for roads, utilities and other improvements may differ from those for residential areas occupied year round. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001; amd. 2005 Code)

11-1-5: COMPLIANCE WITH PROVISIONS; PLANS AND PLATS REQUIRED:

A. No person shall "subdivide", ~~as that term is defined herein,~~ any parcel of land in the county except in compliance with this title.

B. From the effective date hereof, the building official shall not grant any permit for ~~the use of any land or~~ the construction of any building or structure on a lot or parcel created in violation of this title, or on a lot in a subdivision created by judicial decree, until a subdivision plat has been approved and properly recorded as required by this title. Any license or permit issued in conflict with the provisions of this title shall be null and void.

C. The owner of all lands to be subdivided shall have an accurate ~~preliminary plat and final plat~~ made of the lands that sets forth and describes all the parcels of ground divided, by their boundaries, course, and extent, and whether they are intended for streets or other public uses, together with any areas that are reserved for public purposes, and the lot or reference unit, the block or building reference, the street or site address, the acreage or square footage for all parcels, units, or lots, and the length and width of the blocks and lots intended for sale.

D. No person shall sell, lease, exchange, encumber or otherwise convey any parcel of land which is the result of subdivision of a larger tract of land unless and until a final plat or deed, prepared in accordance with the provisions of this title, shall have been first approved by the ~~P~~lanning ~~C~~ommission and ~~C~~ounty ~~C~~ommissioners and recorded in the ~~O~~ffice of the ~~C~~ounty ~~R~~ecorder.

E. No lot within a subdivision created and recorded prior to the effective date hereof shall be further divided, rearranged, added to, or reduced in area, nor shall the boundaries of any approved lot be altered in any manner so as to create more lots than initially recorded, or any nonconforming lot, without first obtaining ~~the approval of the land use authority, as applicable. approval of the planning commission and the county commissioners as provided in this title.~~ (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

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11-1-6: FEES:

At the time of filing the preliminary plat, a nonrefundable fee shall be paid in accordance with the fee schedule adopted by the county commissioners. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

The Applicant for a Preliminary Plat or Final Plat approval required by this Title shall pay all costs that may be incurred by the County for the provision of services necessary to process, review and consider the Application. These services may include, but are not limited to engineering, land use planning, transportation engineering, geotechnical, hydrological, and other services.

11-1-7: HARDSHIP VARIANCE:

Should a property owner clearly demonstrate that, because of a particular physical condition pertaining to his land and not to other lands similarly zoned, that the literal enforcement of one or more requirements of this title is impractical or will cause a particular undue hardship not suffered by other owners of similarly zoned property, the Land Use Hearing Officer board of adjustment may allow such variance from the strict application of this title as is necessary to relieve the hardship, upon a finding that such variance is necessary and will not be inconsistent with the general purposes and intent of this title. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

11-1-8: EXEMPTIONS FROM PROVISIONS:

A. A bona fide division or partition of agricultural land for agricultural purposes is not a subdivision of land under this title (see chapter 3 of this title). Any owner of real property who seeks to divide or partition land pursuant to the exception of this subsection shall meet the requirements of chapter 3 of this title.

B. A bona fide division or partition of land, for the purpose of siting, on one or more of the resulting separate parcels, an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company is not a subdivision of land under this title.

C. A recorded agreement between owners of adjoining properties adjusting their mutual boundary is not a subdivision of land under this title if no new lot is created and the adjustment does not result in a violation of the county zoning regulations.

D. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property is not a subdivision of land under this title.

E. A property owner may submit to the county recorder's office for recording a document that subdivides property by metes and bounds into nine (9) or fewer lots

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without the necessity of recording a plat, when the requirements of chapter 3 of this title are met. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

11-1-9: VIOLATION; PENALTY:

Any plat of subdivision recorded without the approval of the county commissioners, as provided herein, is void. Any violation of the provisions of this title shall be a class C misdemeanor, and subject to penalty as provided in section 1-4-1 of this code. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001; amd. 2005 Code)

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Chapter 2

SUBDIVISION PLATS AND PROCEDURES

11-2-1: PREAPPLICATION CONFERENCE:

11-2-2: SKETCH PLAN PROCEDURE:

11-2-3: PRELIMINARY PLAT PROCEDURE:

11-2-4: FINAL PLAT PROCEDURE:

11-2-5: INFORMATION AND SPECIFIC REQUIREMENTS:

11-2-1: PREAPPLICATION CONFERENCE:

Any person wishing to divide, partition, or subdivide land within the county shall secure from the planning and zoning administrator information pertaining to the requirements for subdivisions ~~and waivers and the county's plans of zoning, streets, parks, drainage, and other master plan requirements~~ affecting the subject land. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

11-2-2: SKETCH PLAN PROCEDURE:

The property owner or his agent (hereafter "the property owner") shall submit a sketch plan to the planning and zoning administrator for review. The sketch plan is intended to enable the planning and zoning administrator and the property owner to have an informal review of the site and proposed development for general configuration, scope and ~~requirements conditions that which~~ might affect the proposal. The sketch plan shall contain the information required in subsection 11-2-5A of this chapter. For a large area, where development is anticipated over several years, the sketch plan shall show the development proposed in phases. The planning and zoning administrator will review the sketch plan and provide information to the property owner concerning its degree of conformity with county requirements. The sketch plan shall be a guide to the property owner concerning the configuration and specifications of the preliminary plat, but shall confer no approval on the property owner. General acceptance of the sketch plan concepts by the planning and zoning administrator does not constitute approval of the preliminary plat. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

11-2-3: PRELIMINARY PLAT PROCEDURE:

Board of County Commissioners the Land Use Authority for Plat Subdivisions -  
Preliminary Subdivision Applications:

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The Board of County Commissioners, following the receipt of a Planning Commission recommendation, is authorized as the Land Use Authority responsible to approve, approve with requirements, or deny all Preliminary Plat Subdivision Applications.

A. A-Submission Andand Review: Following planning and zoning administrator review of the sketch plan, the property owner may shall submit a preliminary plat application and a title report on the subject property. The preliminary plat submission shall include the information required in subsection 11-2-5B of this chapter. Both the preliminary plat and the title report will be forwarded to the county recorder surveyor who will check for correctness. After the surveyor approval, the planning commission will review the preliminary plat at a properly noticed meeting. The planning commission may elect to conduct a public hearing on the preliminary plat. If a public hearing is scheduled, the property owner shall provide a list of the names and addresses of the owners of all properties within one thousand feet (1,000') of the exterior boundaries of the proposed subdivision area. Notice shall be mailed to each affected property owner, and the notice of hearing shall be published at least one week prior to the hearing in a newspaper of general circulation. The property owner shall provide a list of reasons why the proposed subdivision would benefit the county, and a description of the feasibility of the road, water and sewer systems proposed.

B. B- Decisions; Expiration oOf Preliminary Plat Recommendation: The planning commission may recommend the Board of County Commissioners approve, reject, or approve with modifications the preliminary plat. A planning commission recommendation approval of the preliminary plat shall be valid for one year from the date of approval unless an extension is requested by the property owner and granted by the planning commission. If no preliminary final plat is submitted to the Board of County Commissioners for approval within one year, the preliminary plat recommendation of the planning commission approval will expire, and a new preliminary plat must be submitted for planning commission review and recommendation approval. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

C. Depending on the subdivision location, size, and nature, and unless evidence is provided to recommend otherwise, the Planning Commission shall recommend onsite and offsite improvements, facilities, services, and amenities, provided one hundred percent (100%) by the Applicant(s) for Preliminary Plat approval, including but not limited to:

- a. Culinary Water facilities.
- b. Sanitary Sewer facilities.

- c. Fire Protection and Suppression facilities, including fire protection and suppression systems, access, and water storage facilities.
- d. Road and Street Improvements, including layout, design, grading and surfacing.
- e. Secondary Water facilities.
- f. Storm Drainage facilities.
- g. Erosion Control facilities.
- h. Traffic Circulation and Access Management facilities.
- i. Park and open space areas and facilities.
- j. Public features and recreational amenities.
- k. Electrical Power and Telecommunications facilities.
- l. Fencing treatments.
- m. Street lighting facilities.
- n. Measures designed to protect the natural features of the site, including, but not limited to, wetlands, drainage ways, ground water protection, and slopes.
- o. Such other measures, improvements, facilities, amenities and services determined reasonable and necessary to allow the proposed subdivision to be in compliance with the requirements of this Ordinance, all other Land Use Ordinances, and all Federal, State, or Local regulations, as applicable.

D. Submission and Review: Following the consideration of the Preliminary Plat recommendation of the Planning Commission, and all information and materials presented, the Board of County Commissioners, acting as the Land Use Authority, may approve the Preliminary Plat as presented, approve with revisions and requirements, or deny the Preliminary Plat with findings of compliance or non-compliance with this Ordinance, the County's other Land Use Ordinances and Resolutions, and other requirements, as applicable.

E. Decisions; Expiration of Preliminary Plat Approval: The continuing validity of a Preliminary Plat approval by the Board of County Commissioners is conditioned upon the Applicant(s) proceeding after approval to implement the approval with reasonable diligence. The approval of a Preliminary Plat, with or without revisions and requirements shall be effective for a period of one year from the date of approval by the Board of County Commissioners, at the end of which time the Applicant(s) shall have submitted a Final Plat Application, or proceeded with diligence to install necessary subdivision improvements. If a Final Plat is not received by the County within one year, or if subdivision improvements have not been significantly installed, the Board of County Commissioner's approval of the Preliminary Plat shall be rendered void and invalid.

F. Depending on the subdivision location, size, and nature, and unless evidence is provided to require otherwise, the Board of County Commissioners shall require onsite and offsite improvements provided one hundred percent

(100%) by the Applicant(s) for Preliminary Plat approval, including but not limited to:

- a. Culinary Water facilities.
- b. Sanitary Sewer facilities.
- c. Fire Protection and Suppression facilities, including fire protection and suppression systems, access, and water storage facilities.
- d. Road and Street Improvements, including layout, design, grading and surfacing.
- e. Secondary Water facilities.
- f. Storm Drainage facilities.
- g. Erosion Control facilities.
- h. Traffic Circulation and Access Management facilities.
- i. Park and open space areas and facilities.
- j. Public features and recreational amenities.
- k. Electrical Power and Telecommunications facilities.
- l. Fencing treatments.
- m. Street lighting facilities.
- n. Measures designed to protect the natural features of the site, including, but not limited to, wetlands, drainage ways, ground water protection, and slopes.
- o. Such other measures, improvements, facilities, amenities and services determined reasonable and necessary to allow the proposed subdivision to be in compliance with the requirements of this Ordinance, all other Land Use Ordinances, and all Federal, State, or Local regulations, as applicable.

#### 11-2-4: FINAL PLAT PROCEDURE:

Within one year from the date of Board of County Commissioners planning commission approval of the preliminary plat, the property owner shall submit a final plat for review by the planning commission and approval by the Board of County Commissioners. Submission of the final plat must be accompanied by a current title report on the subject property, cost estimates for the installation of all required subdivision improvements, a draft of the surety proposed to be posted to secure installation of the required improvements for review by the county engineer and the county attorney, and all other requirements of subsection 11-2-5C of this chapter. Upon approval of the final plat, but before the plat is released to the property owner for recordation, surety in an amount approved by the county engineer and in a form approved by the county attorney must be posted with the county. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

#### 11-2-5: INFORMATION AND SPECIFIC REQUIREMENTS:

##### A. Sketch Plan:

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1. The property owner shall submit three (3) copies of a sketch plan of the area to be subdivided to the planning and zoning administrator for review of the site plan, natural features and general conditions. The sketch plan shall include the following:

a. A map showing the location of the proposed subdivision, the property boundaries and true north.

b. A vicinity map showing significant natural and manmade features on site and within one-half (1/2) mile of any portion of the proposed subdivision, including, but not limited to, surface water features, floodplains, wetlands, mines, and structures.

c. Topographic contours from maps such as USGS topographic maps. The topographic contour interval to be utilized on the preliminary plat shall be determined at the sketch plan stage.

d. A lot and street layout showing street widths and scaled dimensions of lots to the nearest foot.

e. The type, ownership and management of the water system proposed, together with documentation of water rights and historic water use.

f. The type of sewer or sanitary waste system proposed.

g. The locations of all fire protection and suppression systems, fire hydrants.

h. The acreage of the area to be subdivided with a legal description.

i. A draft proposal for the maintenance of all public improvements proposed to be dedicated to Millard County, copy of any proposed covenants, and a description of any proposed homeowners' association.

2. The planning and zoning administrator shall review and provide comments on the sketch plan within sixty (60) days of submission of a complete sketch plan application. Acceptance of the sketch plan by the planning and zoning administrator shall be staff approval of the subdivision concept only, and does not constitute approval of the preliminary or final plat.

B. Preliminary Plat:

1. Upon acceptance of the sketch plan concept, tThe property owner shall submit one (1) 24 inch x 36 inch original copy three (3) copies of a surveyed preliminary plat of the subdivision on white paper or mylar and drawn to a scale of one inch equals one hundred feet (1" = 100') and fourteen (14) 11 inch x 17 inch copies of such preliminary plat. The preliminary plat sheets shall measure approximately twenty-four inches by thirty-six inches (24" x 36"). The preliminary plat shall be submitted at least fourteen (14) days prior to the planning commission meeting scheduled for review of the preliminary plat. The preliminary plat shall be certified by a registered professional engineer and shall include the following:

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a. All information required for a Sketch Plan.

Certification from the county treasurer's office that property taxes on the subject property are paid to date;

b. The proposed subdivision name, and the names of the property owners, with the owners' addresses and telephone numbers;

c. A map (USDA or NRCS) showing soil types and their boundaries with a table of interpretations, and high water table information for each lot within the subdivision showing areas where the water table is within five feet (5') of the ground surface.

d. The topography of the area to be subdivided, shown at a contour interval specified by the planning and zoning administrator.

e. The signature of a registered land surveyor certifying plat accuracy and correctness, and the signature of a professional engineer to certify routing for installation of utilities and soil excavation.

f. A copy of a recent title report, within 3 months of submission of the Preliminary Plat, setting forth any mortgages, judgments, liens, easements, contracts, and agreements of record which affect the subject property for review by the county recorder.

g. f. A copy of a percolation test and the design-proposed engineering design and construction specifications for all proposed improvements meeting the design and construction standards of the proposed owner or operator, including culinary water, sanitary sewer, storm drainage, and all other proposed services, for water, sewer and storm drain systems. (See section 11-4-4 of this title.)

i. The preliminary plat shall contain signature blocks for approval by the Chair, Board of County Commissioners, County Engineer, County Attorney, and all proposed utility and service providers.

REQUIRED IMPROVEMENTS AND COMPLIANCE. Written evidence shall accompany the Preliminary Plat sufficient to confirm:

1. The proposed Preliminary Plat has been reviewed and complies with all requirements of the Culinary Water Authority, as applicable, and required for written feasibility approval by the Culinary Water Authority for the proposed culinary water system and all culinary water sources for each lot proposed to be created. A copy of the Culinary Water Authority's written feasibility approval shall be included and shall accompany the Preliminary Plat.

2. The proposed Preliminary Plat has been reviewed and complies with all requirements of the Sanitary Sewer Authority, as applicable, and required for written feasibility approval by the Sanitary Sewer Authority for the proposed sanitary sewer system services, or onsite wastewater systems for each lot

proposed to be created. A copy of the Sanitary Sewer Authority's written feasibility approval shall be included and shall accompany the Preliminary Plat.

3. The proposed Preliminary Plat has been reviewed and complies with all requirements of the Fire Authority, as applicable, and required for written feasibility approval by the Fire Authority for the proposed fire protection and suppression system. A copy of the Fire Authority's written approval of the feasibility of the proposed fire protection and suppression system shall be included and shall accompany the Preliminary Plat.

4. The proposed Preliminary Plat has been reviewed and complies with all requirements of the Millard County Road Department for the proposed road and street system. A copy of the County Road Department's written approval of the proposed road and street system shall be included and shall accompany the Preliminary Plat.

When a complete preliminary plat and supporting information has been properly filed, it shall be placed on the agenda of the planning commission meeting.

INSTALLATION AND COMPLETION OF ALL REQUIRED IMPROVEMENTS PRIOR TO FINAL PLAT APPROVAL AND RECORDATION AND DEVELOPMENT ACTIVITY. For Applicants requesting to install and complete all required improvements prior to Final Plat approval and recordation, the Applicant shall provide the following additional materials with the Preliminary Plat for review and approval by the Board of County Commissioners.

a) The boundary, course, dimensions, and intended use of the right-of-way and easement grants of record.

b) The location of existing underground and utility facilities; and

c) Any conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision. Such approval shall be provided in writing by the proposed owner or operator of the improvements, as applicable.

d) Full engineering design and construction plans for all public and quasi-public services and improvements as approved and complying with all design specifications and construction requirements of the proposed owner or operator, as evidenced in writing by the proposed owner or operator.

e) Engineer's cost estimates for the installation of all required subdivision improvements for review by the county engineer.

f) A proposed improvement warranty, to be established for a minimum 12-month warranty period after the acceptance of any improvements proposed to be dedicated to Millard County, and in the form of a cash deposit, surety bond, letter of

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credit, or other similar security, for review and recommendation by the County Attorney, and approval by the Board of County Commissioners, in an amount of up to 10% of the lesser of the:

(i) Engineers original estimated cost of completion; or

(ii) Applicants reasonable proven cost of completion.

Construction Activities Prior to Preliminary Plat Approval: No vegetation removal, grading, improvements or construction shall commence on the subject property until the Preliminary Plat has been approved by the Board of County Commissioners. Any vegetation removal, grading or construction on the subject property prior to approval of the preliminary plat is a violation of this Title and grounds for denial of a Preliminary Plat.

Completion of Improvements: All subdivision improvements shall be completed within two (2) years of the date of approval by the Board of County Commissioners.

2. When a complete preliminary plat and supporting information has been properly filed, it shall be placed on the agenda of the next available planning commission meeting.

When all subdivision improvements have been completed, and inspected as required, the applicant may apply for final plat approval that will include the providing an improvement warranty, as reviewed and recommended by the County Attorney, and approved by the Board of County Commissioners.

C. Final Plat:

1. Time Limit For Submission: A final plat shall be submitted for review by the planning commission within twelve (12) months from the date of planning commission action on the preliminary plat. No final plat will be accepted for review and approval after one year from the date of planning commission approval of the preliminary plat unless the property owner has requested and been granted an extension by the planning commission.

2. Phased Developments:

a. The final platting of a subdivision containing more than twenty-five (25) lots shall be done in phases, except as provided herein. Each phase shall consist of the number of lots for which required subdivision improvements can be completed within a two (2) year period, or twenty five (25) lots, whichever is larger. The phase development shall be sequential, and the required improvements shall be made available for the full, effective and practical use of all the lots created in the phase approved before additional phases will be approved.

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b. When required phase improvements have been one hundred percent (100%) completed within the boundaries of the recorded plat, and have been approved by the county surveyor, and when lot owner improvements have been completed on seventy percent (70%) of the lots in the phase, the property owner may submit the next phase of the proposed subdivision for review in accordance with the requirements of this title.

3. Required Documents: The final plat shall include and be accompanied by the following:

a. All information required for a Preliminary Plat, complying with all requirements for Preliminary Plat approval.

a. An exact copy of the certificate of a title company or attorney which shall set forth mortgages, judgments, liens, easements, contracts, and agreements of record which affect the subject property for review by the county attorney or his designee; A copy of a recent title report, within 3 months of submission of the Final Plat, setting forth any mortgages, judgments, liens, easements, contracts, and agreements of record which affect the subject property for review by the County Recorder.

b. A certificate of property tax clearance from the county treasurer assessor indicating that all taxes, interest, and penalties owing on the subject property have been paid.

c. The final plat shall contain signature blocks for approval by the Chair, Board of County Commissioners, County Engineer, County Attorney, and all proposed utility providers.

d e. An Improvement Completion Assurance of not less than 125% of: (i) Engineers original estimated cost of completion; or (ii) Applicants reasonable proven cost of completion and an Improvement Warranty, in an amount of up to 10% of the lesser of the: (i) Engineers original estimated cost of completion; or (ii) Applicants reasonable proven cost of completion, both in the form of a cash deposit, surety bond, letter of credit, or other similar security to be reviewed and recommended by the County Attorney, and approved by the Board of County Commissioners. Surety for the installation of required subdivision improvements in the form of an escrow, performance bond, letter of credit as approved by the county attorney and accepted by the county commissioners;

REQUIRED IMPROVEMENT PLANS:

a) The boundary, course, dimensions, and intended use of the right-of-way and easement grants of record.

b) The location of existing underground and utility facilities; and

c) Any conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the

subdivision. Such approval shall be provided in writing by the proposed owner or operator of the improvements, as applicable.

d) All proposed, or “As-Built,” full engineering design and construction plans for all public and quasi-public improvements, as approved and complying with all design specifications and construction requirements of the proposed owner or operator, as evidenced by in writing by the proposed owner or operator.

e) Engineer’s cost estimates for the installation of all required subdivision improvements for review by the county engineer.

f) A proposed improvement warranty, to be established for a minimum 12-month warranty period after the acceptance of all improvements proposed to be dedicated to Millard County, and in the form of a cash deposit, surety bond, letter of credit, or other similar security, for review and recommended by the County Attorney, and approved by the Board of County Commissioners, in an amount of up to 10% of the lesser of the:

(i) Engineers original estimated cost of completion; or

(ii) Applicants reasonable proven cost of completion.

d. The final plat shall contain signature blocks for approval by the chair of the planning commission, chair of the county commissioners, county engineer, and the county attorney.

4. Approval Prior To Construction Activities: No vegetation removal, grading, improvements or construction shall commence on the subject property until the final plat has been approved by the county commissioners, the required surety for installation of required subdivision improvements has been posted with the county, and the final plat has been properly recorded with the county recorder. These requirements may be specifically waived by the planning commission upon a showing of extraordinary circumstances. Any vegetation removal, grading or construction on the subject property prior to approval and recordation of the final plat, or without the waiver of the planning commission, may constitute grounds for vacation of the subdivision plat.

5. Completion Of Improvements: All required subdivision improvements shall be completed within two (2) years of the date of approval by the county commissioners.

6. Expiration of Unrecorded Plats: Unrecorded final plats shall expire one year from the date of approval by the county commissioners, and shall not be entitled to recordation after that time. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

**REQUIRED IMPROVEMENTS.** Depending on the subdivision location, size, and nature, and unless evidence is provided to require otherwise, the Board of County Commissioners shall require onsite and offsite improvements provided one

hundred percent (100%) by the Applicant(s) for Final Plat approval, including but not limited to:

- a. Culinary Water facilities.
- b. Sanitary Sewer facilities.
- c. Fire Protection and Suppression facilities, including fire protection and suppression systems, access, and water storage facilities.
- d. Road and Street Improvements, including layout, design, grading and surfacing.
- e. Secondary Water facilities.
- f. Storm Drainage facilities.
- g. Erosion Control facilities.
- h. Traffic Circulation and Access Management facilities.
- i. Park and open space areas and facilities.
- j. Public features and recreational amenities.
- k. Electrical Power and Telecommunications facilities.
- l. Fencing treatments.
- m. Street lighting facilities.
- n. Measures designed to protect the natural features of the site, including, but not limited to, wetlands, drainage ways, ground water protection, and slopes.
- o. Such other measures, improvements, facilities, amenities and services determined reasonable and necessary to allow the proposed subdivision in compliance with the requirements of this Ordinance, all other Land Use Ordinances, and all Federal, State, or Local regulations, as applicable.

#### SUBDIVISION IMPROVEMENT INSTALLATION AND MAINTENANCE:

Prior to the recording of the final plat and the commencement of the installation of any required subdivision improvements the Applicant shall post with the County:

2. An Improvement Completion Assurance and in the form of a cash deposit, surety bond, letter of credit, or other similar security, for review and recommendation by the County Attorney, and approval by the Board of County Commissioners, in an amount of not less than 125% of the lesser of the:

(i) Engineers original estimated cost of completion; or

(ii) Applicants reasonable proven cost of completion.

2. An Improvement Warranty, to be established for a minimum 12-month warranty period after the acceptance of all improvements proposed to be dedicated to Millard County, and in the form of a cash deposit, surety bond, letter of credit, or other similar security, for review and recommended by the County Attorney, and approved by the Board of County Commissioners, in an amount of up to 10% of the lesser of the:

(i) Engineers original estimated cost of completion; or

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(ii) Applicants reasonable proven cost of completion.

2-3. The maintenance and other obligations associated with all subdivision improvements not dedicated to Millard County shall remain the responsibility of the Applicant or owner of such improvements.

Chapter 4  
DESIGN AND IMPROVEMENT STANDARDS

11-4-1: GENERAL REQUIREMENTS:

11-4-2: LOTS AND BLOCKS:

11-4-3: STREETS AND ROADS:

11-4-4: UTILITIES:

11-4-5: HOMEOWNERS' ASSOCIATION:

11-4-6: GUARANTEE OF IMPROVEMENTS:

11-4-1: GENERAL REQUIREMENTS:

A. Preservation of Natural Features: The design and development of subdivisions shall preserve, insofar as possible, the natural terrain, natural drainage and existing topsoil and major vegetation. **No vegetation removal, grading or other changes to the terrain shall be permitted until the final plat of the subdivision is recorded, unless a specific waiver of this requirement, as described in section 11-2-5 of this title, is first obtained from the planning commission.**

B. Hazardous Conditions: Land subject to hazardous conditions such as steep slopes, landslides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods and polluted or unusable water supply shall be identified and shall not be approved for subdivision until the hazards have been appropriately addressed by subdivision and construction standards.

C. Removal of Debris And Waste: All debris and waste shall be removed from lots and street rights of way prior to construction of improvements thereon.

D. Surface Water Drainage: The subdivision plan shall make adequate provision for the relocation of active irrigation ditches and shall adequately provide for removal of return flow waters from adjacent farmlands. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

11-4-2: LOTS AND BLOCKS:

A. Prohibited Divisions In Single Lots:

1. No single lot shall be divided by a municipal or county boundary line.
2. No single lot shall be divided by a road, alley or other lot.

B. Wedge Shaped Lots: Wedge shaped lots shall maintain the minimum street frontage required by the zoning ordinance.

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C. Side Lots: Side lots shall be at substantially right angles or radial to street lines. Lot lines not at right angles to street lines shall be shown.

D. Flag Lots: Flag lots may be allowed in certain circumstances to accommodate the development of property that could not reasonably be otherwise developed under the requirements of this title. A flag lot is comprised of a "staff", the lot right of way leading from a public right of way to the lot, and the "flag", the main area of the lot. No more than two (2) flag lots may be served by a single lot right of way. The lot right of way must be at least twenty-eight feet (28') in width. The front yard of a flag lot shall be the side of the "flag" portion of the lot that adjoins the "staff". The minimum front yard setback for flag lots is the minimum front yard setback required in the zone, plus thirty three feet (33') from the centerline of the lot right of way. All flag lots must provide a bulb type emergency vehicle turnaround a minimum of fifty feet (50') in diameter, or a T-type turnaround approved by the fire marshal.

E. Residential Lot Frontage: All residential lots in a subdivision shall front on a county road or street or private street, except as may be approved in PUDs, cluster subdivisions, flag lots, or other special circumstances.

F. Sidewalks, Curbs And Gutters: The need for sidewalks, curbs and gutters will be evaluated for each subdivision, taking into consideration such factors as the size of the development, lot sizes, snow removal, pedestrian circulation, etc. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

G. Block Length: Block length shall conform to the county's adopted addressing system<sup>1</sup>: one thousand (1,000) numbers per mile in the Delta grid and West Desert grid, and seven hundred (700) numbers per mile in the FilmoreFillmore grid. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001; amd. 2005 Code)

H. Minimum Area: All lots shall conform to the zone minimum area requirements of the county zoning ordinance. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

11-4-3: STREETS AND ROADS:

A. A. Compliance wWith County General Plan And Standards: The street and road layout shall conform to the county general master plan and official county roads map as adopted by the planning commission. All public streets and roads, public and private, must shall be designed, constructed and constructed and paved to county standards and shall be approved by a professional engineer.

A.B. All streets or roads not constructed to county standards shall be deemed and identified as private streets and roads. The county shall not accept for dedication any streets or roads not constructed to county standards or any private streets or roads. No Final Plat shall be approved by the Board of County Commissioners, and no Final Plat shall be recorded, containing any roads or streets not constructed to county standards, or any private roads or streets, unless the Final

Plat includes a note as follows: “Millard County does not now and will not accept for dedication any roads or streets not constructed to county standards, or any private roads or streets, and does not now and will not maintain any such roads or streets unless and until such roads and streets are constructed to county standards and accepted for dedication by the Millard County Board of County Commissioners.”

B. Minor Streets: Minor streets shall be laid out to discourage through traffic.

C. Stubbed Streets: Stubbed streets shall be provided where needed to provide future access to adjacent undeveloped land. Streets must be laid out to connect to existing stubbed streets in adjacent subdivisions. Not more than six (6) lots shall front on a dead end street, including those where a temporary cul-de-sac turnaround is provided.

D. Intersections:

1. The number of intersections between minor streets and major streets shall be kept to a minimum.
2. No more than four (4) streets shall enter an intersection.
3. Streets shall intersect at ninety-degree (90°) angles.
4. Two (2) subordinate streets meeting a through street from opposite sides shall either meet at the same point, or their centerlines shall be offset at least two hundred feet (200').

E. Highway Abutments; Encroachment Permit Required: Where a residential subdivision abuts a state or county highway, an encroachment permit must be obtained from the state department of transportation or the county.

F. Right-of-Way Widths: Right of way widths for streets and roads shall be as follows:

1. Major collector: Minimum of sixty-six feet (66') wide.
2. Minor collector: Minimum of fifty feet (50') wide.
3. Frontage road: Minimum of fifty feet (50') wide.
4. Private street or road: Minimum of twenty-eight feet (28') wide.

G. Shoulders: Where no curbs are installed, minimum six foot (6') wide shoulders must be provided.

H. Half Width Streets: Half width streets are not permitted, except to complete an already existing half street.

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I. Dead End Streets: Dead end streets, other than permanent cul-de-sacs, are permitted only as stubbed streets to provide future access to adjoining property and must include temporary turnarounds. Temporary bulb turnarounds must be a minimum of fifty feet (50') in diameter.

J. Cul-De-Sacs: No more than six (6) lots may front on a permanent cul-de-sac. Permanent cul-de-sacs must include a turnaround bulb a minimum of eighty feet (80') in diameter.

K. Grades: All roads and street grades shall be designed as follows:

1. Major and collector roads and streets are limited to a maximum grade of eight percent (8%). Sustained grades shall be limited to five percent (5%).

2. Minor roads and streets are limited to a maximum grade of ten percent (10%). Sustained grades shall be limited to seven percent (7%).

3. Cul-de-sacs with a negative grade progressing toward the turnaround shall be limited to a maximum grade of six percent (6%). The cul-de-sac shall terminate with a grade not to exceed three percent (3%) for the last one hundred feet (100') of traveled surface. Cul-de-sacs shall be limited to a maximum length of nine hundred feet (900') and shall have adequate easement for drainage.

4. Intersections must have a vertical alignment such that the grade shall not exceed three percent (3%) for a minimum distance of fifty feet (50') each way from the centerline of the intersection.

5. Roads in mountainous terrain may be required to have grades less than otherwise allowed in order that they can be safely negotiated and snow removed in the winter.

L. Street Names And Numbers:

1. Where subdivision streets are in basic alignment with existing streets, they shall have the same name and number. No subdivision street names shall be duplicates of street names elsewhere in the county.

2. Street names shall be erected on signs in compliance with the addressing system<sup>2</sup>.

3. All lots shall have assigned street numbers on the final plat. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

11-4-4: UTILITIES:

A. Underground Utilities: Utilities are **to encouraged to** be placed underground, including power, telephone, and any other required utilities.

B. Sewer Systems: **All sanitary sewers systems shall comply with the requirements of the Sanitary Sewer Authority, as applicable. Sewer systems shall conform to state health requirements. Documentation of perc test and sewer and water permits for each lot must be filed with the building official and state health department. The**

design and operation of the sanitary sewer system shall be approved by the Sanitary Sewer Authority, as applicable.

C. Water Systems:

1. All culinary water systems shall comply with the requirements of the Culinary Water Authority, as applicable. For public water systems, the developer shall provide a piped water supply to the property line of each lot. Such systems shall meet the requirements established by the state department of environmental quality, division of drinking water. The design and operation of the culinary water system shall be approved by the Culinary Water Authority, as applicable. state engineer.

2. Private on lot water supply systems from a communal well or spring may be allowed if the property owner meets the following requirements:

a. The property owner shall provide documentation of a certificated water right with an approved point of diversion and sufficient quantity and flow to meet the needs of the subdivision. The property owner shall submit a letter of approval for the well, spring and system from the state department of health and the state engineer before subdivision construction begins.

b. The property owner shall provide a geologic report containing a specific section on ground water, prepared by a qualified geologist which shows the probability of success of wells or on site supply systems, the expected long term yield of such wells and systems, the expected depth of usable water, expected quality of water, and any expected problems with long term supply pollution and long term maintenance of the system. System operation shall be included in the homeowners' association bylaws.

c. Private water systems which serve twenty-five (25) or more persons must meet state standards for a public water supply.

3. All water systems, public and private, must be designed and operated to meet minimum fire storage and flow requirements as established by the county fire fire authority marshal.

4. In the case of private water systems, the county shall not be held responsible for water system malfunction, water quality, or water quantity.

D. Drainage System: All drainage system plans must be approved by the drainage district board when the subdivision lies within the drainage district and proposes to use the existing drains. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

SUBDIVISION IMPROVEMENT MAINTENANCE:

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The maintenance and other obligations associated with all subdivision improvements not dedicated to Millard County shall remain the responsibility of the owner, or operator, of such improvements.

11-4-5: HOMEOWNERS' ASSOCIATION:

As assurance that required, nonpublic subdivision improvements will be put in place and properly maintained, a homeowners' association may shall be formed by the property owner before any lots are sold. Such an association shall establish bylaws and covenants outlining the purpose and organization of the association, and ensure the proper operation of the development. Such articles and covenants may shall, among other things, provide:

A. Membership shall be mandatory for each lot owner and any successive buyer.

B. The association will be responsible for liability insurance, local taxes, and the maintenance of recreation and other facilities.

C. The association will be responsible for the operation and maintenance of all private water systems.

D. For an assessment to be levied to each lot owner or association member for the purpose of meeting the costs of operation of the association. Such assessment, if it becomes past due and unpaid, shall become a lien against the property of the delinquent lot owner. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

11-4-6: GUARANTEE OF IMPROVEMENTS:

Before final plat approval, the property owner must provide documentation that surety in favor of the county, in a form approved by the county attorney and county commissioners, will be posted to ensure that required subdivision improvements will be installed. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)