

TITLE 16

SUBDIVISIONS

Chapters:

- 16.02 Overview
- 16.04 Definitions
- 16.10 Concept plan
- 16.12 Preliminary plat
- 16.16 Final plat
- 16.20 Improvements and design standards
- 16.24 Administration and enforcement
- 16.28 Mini-subdivisions

Chapter 16.02

OVERVIEW

For purposes of this title, the term subdivision means the division of a parcel of land to create building lots.

There are two types of subdivisions, which are broken down into specific types. The subdivider is required to obtain copies of title 16 and 17 as well as a copy of "design standards and construction specifications for public works construction in Hyrum City," hereinafter referred to as the design standards. The design standards contain vital information required to develop any property.

Commented [MH1]: Do we want to separate out processes or manage them all through the same process. There seems to be less chance of messing up the process if it is uniform. The only difference would be to have an extra step for PUD approval. Perhaps for PUD we do a hearing with the council to set the terms for the agreement/development plan that is then considered for the preliminary and final stages of the plat and improvements.

The first type is the administrative subdivision. This can be further broken down as such:

1. Administrative Residential Subdivision. (ARS) The ARS follows a path of approval based solely upon administrative review and is governed by the development code, zoning code, and the construction standards. This path involves preliminary review by staff, and the Planning Commission followed by final review and approval by the administrative land use authority.
2. Administrative Commercial Subdivision. (ACS) The ACS follows a path of approval based solely upon administrative review and is governed by the development code, zoning code, and the construction standards. This path involves preliminary review by staff, and the Planning Commission followed by final review and approval by the City Council.
3. Administrative Mini Subdivision. (AMS) ; This is the smallest ~~is called a mini~~-subdivision, which is explained in section 16.28. It allows a single parcel of property to be divided into three (3) portions. This approval process is similar to the ARS described above. Its major features are; having a licensed surveyor produce a plat, and then gaining approval from the planning commission and the city council. ~~Persons (subdividers) who want to create a mini-subdivision should purchase a copy of section 16.28.~~

Commented [MH2]: The admin land use authority may not be PC or CC. Currently for Mini-subs this is the ZA, Recorder, and the City Admin. The Treasurer is an alternate for the recorder if unavailable. This may be good panel for final approvals.

The zoning administrator is available to help with submittal details.

The second type of subdivision is a larger division of property, in excess of three (3) portions Planned Unit Development (PUD). The subdivider is required to purchase copies of title 16 and 17 as well as a copy of "design standards and construction specifications for public works construction in Hyrum City," hereinafter referred to as the

Commented [MH3]: Alternatively this could be done as a separate application. The developer would have a concept that they work out to set the "zoning" for this development. They would enter by this action into an agreement to develop with certain rights in exchange for additional measures. Once this is approved by Council, this would be eligible to start the standard subdivision process and be bound to the agreement.

~~design standards. The design standards detail a step by step process sub dividers must take to gain approval for their subdivision.~~ Title 16 explains the three (3) major review phases for ~~their~~ subdivision; concept plan, preliminary plat, and final plat. The Hyrum City zoning administrator is the primary contact for subdividers wishing to develop a subdivision. He/she is available to provide interpretation of the code, and provide guidance through the approval process.

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Chapter 16.04

DEFINITIONS

Sections:

16.04.010 Definitions.

16.04.010 Definitions.

The following terms used in this title shall have the respective ~~meanings~~meanings hereinafter set forth.

Administrative Appeals Hearing Officer. "Administrative Appeals Hearing Officer" means an individual, appointed by the Mayor, with advice and consent from the City Council, to hear and make rulings on requests for variances and appeals of decisions applying Land Use Code (Title 17.16)

Alley. "Alley" means a public way which affords a secondary means of access to abutting property.

Applicant. "Applicant" includes a corporation, company, individual, or entity who has made application on behalf of a land owner.

~~Bench mark~~Benchmark. "~~Bench mark~~Benchmark" means an accepted mark affixed to a permanent ~~semi-permanent~~ object along a line of survey to furnish a datum level, required for the establishment of reference for the development.

Block. "Block" means a piece of land surrounded by streets or other rights-of-way other than an alley or land which is designed as a block on any recorded subdivision plat.

Business Day. "Business Day" means a regular work day under the City's approved work schedule, excepting any days of closure or disruption to standard operations due to emergency circumstances.

City Council. "City Council" means the City Council of Hyrum.

City Engineer / Engineer. "City Engineer" means any registered civil engineer appointed by the City Council, or any other person designated by the City Administrator, to accomplish the objectives of this title; provided, that no such person may serve the City and a subdivider simultaneously where he would have to check his own work or the work of a member of his firm in connection with any subdivision in the City. ~~"Engineer" means licensed in the State of Utah for discipline required and in good standing with The Division of Occupational and Professional Licensing.~~

Collector street. "Collector street" means a street which carries traffic from all areas to the major street system.

Commission. "Commission", unless otherwise clearly indicated, means the Hyrum City Planning Commission.

Concept plan. "Concept plan" means a conceptual drawing of the proposed development prepared in accordance with the requirements of this title.

Condominium. "Condominium" means the ownership of a single unit in a multiunit project together with undivided interest in common in the common areas and facilities of a property as provided by state law.

Contiguous Land. "Contiguous Land" means land that is adjacent to another parcel or lot. This includes land separated by a roadway.

Crosswalk and walkway. "Crosswalk" and "walkway" means a right-of-way designated for use by pedestrians and not intended for use by motor vehicles of any kind.

Cul-de-sac. "Cul-de-sac" means a street having one open end and being terminated at the other end by a vehicular turnaround.

Driveway. "Driveway" means a private roadway access, the use of which is limited by persons residing, employed or otherwise using or visiting the lot on which the roadway is located. Not a publicly maintained street.

Easement. "Easement" means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

Engineer. "Engineer" means licensed in the State of Utah for discipline required and in good standing with The Division of Occupational and Professional Licensing. See also City Engineer.

Environmental impact assessment. "Environmental impact assessment" means a report which describes by means of written narrative as well as maps a geological area in terms of existing:

- A. Slope;
- B. Soils;
- C. Watercourses;
- D. Water table;
- E. Flood hazard areas;
- F. Geologic hazards;
- G. Vegetative types;
- H. Wildlife;
- I. Wildlife habitat; and
- J. Available urban services (i.e., electricity, gas, roads, schools, culinary water, sewage facilities, police, and fire protection).

Feeder Street. "Feeder Street" means 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.

Final plat. "Final plat" means a subdivision map prepared in accordance with the provisions of this title that is accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, ~~lots~~lots, and other divisions thereof can be ~~identified~~identified, and which is designated to be placed on record in the office of the county recorder.

Lot. "Lot" means a portion of the real land legally created by subdivision, exempted from subdivision, or parcel of land that was created prior to the adoption of a subdivision ordinance and is intended as a unit for building development or transfer of ownership. Sometimes used interchangeably with "Parcel."

Major streets. "Major streets" means a street existing or proposed which serves or is intended to serve as a major traffic way, as a controlled access highway, major street parkway, arterial, or other equivalent term to identify those streets comprising the basic structure of the street plan.

General plan. "General Plan" means a plan including maps or reports or both which has been approved by the City Council and the Planning Commission which helps to establish lines of current and future planned streets, roads, highways, etc., as provided in UCA 10-9a-401, et. seq. For the purposes of land use planning, the terms master plan, comprehensive plan, and general plan are synonymous.

Official map. "Official map" means any map adopted by the City Council, under the provision of the Utah State Code.

Owner. "Owner" means and refers to the person, corporation, partnership, or other entity in which is vested the fee simple unencumbered title of the property to be subdivided, unless otherwise clearly indicated.

Parcel. "Parcel" means a tract of land whether intended for building or other uses that may not be a buildable lot. Sometimes used to mean "lot."

Planning Commission. "Planning Commission" means the Hyrum City Planning Commission unless another Planning Commission is specifically named.

Preliminary plat. "Preliminary plat" means a map or plan of a proposed land division or subdivision prepared in accordance with the requirements of

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this title.

Public improvements. "Public improvements" means work objectives, devices, facilities or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, secondary irrigation system streets, trees, street signs, street lights, traffic control or safety devices, fire hydrants and such other facilities or construction required by this title.

Subdivision.

- A. Subdivision means any land that is divided, re-subdivided, or proposed to be divided into two 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 all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

Subdivide. "Subdivide", and any derivative thereof, shall have reference to the term subdivision as herein defined.

Subdivider. "Subdivider" means one who subdivides a parcel of land and may also be referred to as a developer.

Subdivision requirements. "Subdivision requirements" means those that are adopted by the various governing bodies in the City for the necessary proper development of the proposed subdivision. (Ord.08-13)

Chapter 16.10

CONCEPT PLAN

Sections:

- 16.10.010 Concept plan.
- 16.10.020 Concept Plan Approval Process
- 16.10.030 Consideration and Effect of Concept Plan
- 16.10.040 Plan Format.
- 16.10.050 Plan Contents.
- 16.10.060 Submittal to the Zoning Administrator.
- 16.10.070 Submittal to the Planning Commission.
- 16.10.080 Site Visit by Planning Commission.
- 16.10.090 Commission Requirements and Recommendations.
- 16.10.100 Submittal to the City Council.
- 16.10.110 Administrative, Professional, and Inspection Fees.

16.10.010 Concept Plan.

The Concept plan is intended to be the first step for a developer to present his/her ideas for a development to City Staff, the Planning Commission, and the City Council and for these agencies to advise him/her of any potential problems and make suggestions to better fit the project into the community. The Concept Plan gives the applicant, staff, Planning Commission and City Council an opportunity to discuss the project in the conceptual stage. The applicant can use the Concept Plan meetings to receive direction on project layout as well as discuss the procedure for approval, the specifications and requirements that may be required for layout of streets, drainage, water, sewerage, fire protection, and similar matters prior to the preparation of a more detailed preliminary subdivision plat.

A Preliminary Engineering review will be conducted by the **Public Works Committee** and City Engineer to identify any major concerns about the proposed project. The Concept plan may go through several revisions before it gains Council approval. A prospective developer shall be required to obtain copies of Hyrum City Municipal Code Titles 16 and 17 and the City's Design Standards and Construction Specifications for Public Works Construction and ensure that his/her Engineering firm meets all requirements and specifications on his/her subsequent plats.

16.10.020 Concept Plan Approval Process.

Following review of a Concept Plan, the Planning Commission may recommend approval, approval with conditions or denial of the Concept Plan. The City Council, following review of the Concept Plan and the Planning Commission's recommendations may approve, amend and approve, approve with

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conditions, remand the application back to the Planning Commission for further discussion, or deny approval of the Concept Plan. The Planning Commission and/or City Council may advise the applicant of specific changes or additions, if any, they will require in the layout as a prerequisite to the approval of the Preliminary Plat. Concept plan approval is recommended but not required for single family dwellings, two-family dwellings, or townhomes within neighborhoods zoned to allow such without legislative action by the City Council. All other developments, including Planned Unit Developments are required to obtain concept plan approval.

16.10.030 Consideration and Effect of Concept Plan.

Approval of a Concept Plan indicates the general trend of a development and may be used as a guide for preparing the Preliminary Plat. The Preliminary Plat drawings may refine and/or alter the Concept Plan based on changed circumstances, hearing input, compliance with City, State or other codes, infrastructure requirements, technical data, and interactions with adjacent properties and roads. Substantial deviations from the approved Concept Plan may require a new Concept review by the **Public Works Committee**, Planning Commission and Council. The Concept plan is an informal discussion document designed to allow the identification of City policies, development issues, application procedures, development standards, requirements of this Code and other items that may be considered in the review and approval processes of the City once a formal development application is received. The Concept plan shall not constitute a development permit.

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16.10.040 Plan Format.

A drawing of the proposed subdivision drawn to a scale of not less than one inch equals one hundred feet shall contain the following:

16.10.050 Plan Contents.

- A. The name of the subdivision;
- B. The property boundaries of the proposed subdivision;
- C. The names and addresses of all adjacent property owners; -.
- D. the name and address of the owner of the property to be divided, and proof of ownership or authority to act for the owner of the property to be divided;
- DE. The approximate number of lots proposed and street layout;
- EF. The approximate total acreage of development as well as size of individual lots;
- FG. A description of the type of water system proposed along with the water rights;
- GH. A description of the type of sewer or sanitary waste system proposed;

H- I. Submitted with the plan shall be the following items:

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1. A current plat map highlighted to show the location of the property (~~Plat~~-Based upon deeds and plats available from the Cache County Recorder and title research);
2. A contour map of the current topographic terrain(request for these maps can be made from the U.S. Geological Survey (USGS) or a topographic survey). A more accurate contour map must be provided if so requested by the Planning Commission;
3. A map showing soil types. Requests for these maps can be made through the Soil Conservation Service (SCS);
4. A written statement from the subdivider as to his/her intent in the development and the feasibility, design criteria and overall impact.

16.10.060 Submittal to the Zoning Administrator.

The sub-divider shall submit ~~ten copies a complete application~~ of ~~athe~~ Concept plan to the Zoning Administrator for distribution to the staff. ~~These individuals shall provide written comments on their findings and concerns to the Zoning Administrator. The Zoning Administrator will provide this information to the developer and shall advise the developer of the date of the Planning Commission meeting for which he/she should seek an agenda appointment. The comments of the City Staff may require redrawing of the Concept plan. Concerns raised by City Staff will be forwarded to the Planning Commission and City Council.~~

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16.10.070 Submittal to the Planning Commission.

The subdivider shall submit ~~ten copies of a the~~ Concept plan revised to include staff requirements and related documents to the Zoning Administrator as well as a written response to any issues raised by the City Engineer or City staff members. These documents shall be submitted at least two weeks prior to the regular scheduled meeting.

16.10.080 Site Visit by Planning Commission.

Members of the Planning Commission, the secretary, and Zoning Administrator shall visit the site accompanied by the developer or his representative. The developer should display and explain his site analysis map.

Commented [MH5]: Is this a may or shall?
If this is done with a quorum it must be an open and public meeting. Change to "Members of the PC, and staff may visit the site accompanied by the developer..." Aerial photos and technology make this something that can replace some field visits. If the visit were to fall in the winter, the site may be inaccessible due to deep snow.

16.10.090 Commission requirements and recommendations.

The subdivider will meet with the Planning Commission, present his/her plan, and respond to any questions or concerns of Commission members. The Commission ~~will may~~ hold a public hearing. Following this review, and not later than thirty days after this review, the Zoning Administrator will

communicate with the subdivider the Commissions', comments, requirements, and recommendations. (Ord. 08-19)

16.10.100 Submittal to the City Council.

The subdivider will submit the Concept plan to the City Council for its review and action at least two weeks prior to the next regularly scheduled meeting of the City Council. Members of the Council ~~shall~~ may visit the site prior to the regularly scheduled meeting. Upon approval by the City Council, the subdivider may then proceed with the preparation of the preliminary plat. In the event the preliminary plat has not been submitted to the Planning Commission for approval within twelve months from the date of the communication from the Planning Commission referred to in this section, a new Concept plan must be submitted for consideration by the Planning Commission ~~and/or City Engineer~~ before a preliminary plat can be submitted to the Planning Commission.

16.10.110 Administrative, Professional, and Inspection Fees.

All fee schedules shall be established by the City Council by means of a resolution. Such fee schedules and periodic adjustments thereof shall be a part of this title by reference.

Chapter 16.12

PRELIMINARY PLAT

Sections:

- 16.12.010 Preliminary Plat.
- 16.12.020 Plat Format.
- 16.12.030 Plat Contents.
- 16.12.040 Lack of Preliminary Plat Application Information.
- 16.12.050 Submittal to the Zoning Administrator.
- 16.12.060 Submittal to the Planning Commission.
- 16.12.070 Commission Requirements and Recommendations.
- 16.12.080 Submittal to the City Council.
- 16.12.090 Prompt Action Required.
- 16.12.100 Effect of Preliminary Subdivision Plat Approval.
- 16.12.110 Effective Period of Preliminary Plat Approval.

16.12.010 Preliminary Plat.

The Preliminary Plat is the stage of development where the major decisions of design, density, infrastructure, engineering, and agreements are made. ~~It Where a concept plan is required, the preliminary plat~~ must closely follow the approved Concept plan. This phase will be closely reviewed to verify compliance with City ordinances, regulations, and standards by City agencies and may also need several revisions before final approval.

16.12.020 Plat Format.

The following information is required for all preliminary subdivision plats. The applicant may be required to provide other information required by the **Public Works Committee**, Planning Commission ~~or City Council~~ necessary to evaluate the merits of the proposed subdivision plat.

- A. General Requirements. The preliminary plat shall be prepared by a licensed engineer or land surveyor licensed to practice in the State of Utah. All engineering and/or surveying documents submitted for City review shall be stamped by said engineer or land surveyor in accordance with the procedures of the Utah State Board for Professional Registration. The preliminary plat shall be prepared in pen and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the Cache County Recorder, but shall not be less than twenty-four by thirty-six (24 x 36) inches. A minimum of ~~two (2)~~ one (1) twenty-four by thirty-six (24 x 36) inch paper

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~~copies—copy~~ shall be presented to the City and ~~eight—(8)one~~ (1) 11 inch x 17 inch reproducible copies shall also be included. A digital submission of the preliminary plat is required in a portable digital file format (PDF). The PDF shall be configured to accept electronic markups and allow printing. It shall have a one and one-half inch border on the left and a one-half inch border on the three remaining sides; a workman-like execution of the plat shall be made in every detail. The City may request additional copies if required. A poorly drawn or illegible plat is sufficient cause for rejection.

- B. The plat shall be drawn to a scale of not less than one inch equals one hundred feet and shall indicate the base of bearing true north.
- C. Documents included in the preliminary plat submission not of a final nature shall be prominently marked with "PRELIMINARY NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION."

16.12.030 Plat Contents.

- A. Basic Information. In a title block located in the lower right-hand corner of the plat shall appear the following:
 - 1. Proposed name of the subdivision;
 - 2. Type of development;
 - 3. The location of the subdivision, including the address of the section, township and range;
 - 4. The names and addresses of the owner, subdivider if other than the owner, and surveyor or designer of the subdivision;
 - 5. Tabulation of acres, lots, open space, and units per acre; and
 - 6. Date of preparation.
 - 7. Zoning Designation
- B. Existing Conditions. ~~The~~ On its own sheet or set of sheets the plat shall also show:
 - 1. The location of the nearest bench—mark and monument;
 - 2. The legal boundary of the proposed subdivision and the acreage included;
 - 3. All contiguous property under the control of the subdivider even though only a portion is being subdivided, including
 - a. The names of all adjoining property owners of record, or the names of adjoining developments / platted subdivisions.
 - b. This information shall provide sufficient data, acceptable to the City Engineer, to

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determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; and the location of all proposed monuments.

4. Location of zoning boundary lines within and adjacent to the proposed subdivision.
 5. Location, height and type of existing fence lines within and contiguous to the subdivision;
 6. Location, width and name (number) of existing streets within one hundred feet of the subdivision and of all prior platted streets or other public ways, bridges, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and section and corporate lines within and adjacent to the tract;
 7. The location of all wells, proposed, active and abandoned, and of all springs or reservoirs within the tract and to a distance of at least one thousand (1,000) feet beyond the tract boundaries;
 8. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet beyond the tract boundaries, indicating pipe size, grades, manholes and ~~exact location~~other significant utility features;
 9. Existing ditches, canals, natural drainage channels, open waterways, and ~~proposed alignments~~ownership of the facilities within the tract and to a distance of at least one hundred feet beyond the tract boundaries;
 10. Equestrian, pedestrian and bicycle trails;
 11. Boundary lines of adjacent tracts of un-subdivided land showing ownership;
 12. Contour at vertical intervals of not more than two feet, one foot on predominately level land. High water levels of all watercourses, if any, ~~should~~shall be indicated on the same datum or contour elevation.
- C. Proposed Plan. The subdivision plat ~~on its own~~sheet or sheets shall also show:
1. The layout of the streets showing location, widths and other dimensions of proposed streets (designated by actual or proposed numbers), crosswalks, alleys and easements:
 - a. All streets shall be numbered;
 - b. Name streets will not be permitted;
 2. Location of all existing and proposed curb, gutter and sidewalk within the subdivision

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including:

- a. An indication of the grades, and
 - b. Flow arrows showing direction of storm water surface flows.
3. Typical street cross-section between curb and gutter and sidewalk and street grades.
 4. Location of any necessary temporary turnaround easements.
 5. If adjacent to a state road specify UDOT access size and location (UDOT approval will be required at final plat).
 6. Location and size of existing and proposed culinary and pressure irrigation water lines (including existing lines adjacent to and/or affected by the proposed subdivision).
 7. Location of existing and proposed sewer mains including size, depth, and slope (including existing lines adjacent to and/or affected by the proposed subdivision).
 8. Existing and proposed storm drainage improvements including:
 - a. Major drainage facilities, outfalls, and discharge.
 - b. Drainage pipe locations, sizes and depths.
 9. Location of detention/retention basins with an indication that the basin(s) will include the following:
 - a. Minimum 1-foot freeboard.
 - b. 3:1 slopes or flatter.
 - c. Grass covering and underground sprinkler system.
 - d. Designation of the purpose and conditions, if any, of the dedication or reservation.
 10. The location, size and grade of any required piping for irrigation ditches as per the irrigation company letter.
 11. The layout, numbers, frontage, square footage, and actual dimensions of lots;
 12. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in a subdivision including, but not limited to, sites to be reserved or dedicated for parks, playgrounds, schools or other public uses;
 13. Building setback lines, including showing dimensions where required by the Planning Commission; setbacks may be addressed in the notes.
 14. Easements for water, sewer, drainage, utility lines and other purposes as required by the

Public Works Committee.

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15. Sites, if any, for multifamily dwellings, shopping centers, community facilities, industry or other uses exclusive of the single-family dwelling;
 16. Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use;
 17. Identification of natural features or sensitive lands including, but not limited to:
 - a. Wetlands.
 - b. Floodplains, floodways, and areas, which would be covered in water in a 100-year storm event.
 - c. Areas where ground water rises periodically to within two (2) feet of the surface of the ground.
 - d. Slopes exceeding thirty (30) percent.
 - e. Vegetation areas (including name and size of all existing trees and shrubs which could be incorporated into the subdivision).
 - f. Threatened or endangered species habitat areas.
 18. Environmental impact statement;
 19. Location and extent of all cuts and fills exceeding three (3) feet anywhere on the project site and any associated retaining walls.
 20. The proposed treatment of the perimeter of the development, including materials and techniques used such as:
 - a. Fences.
 - b. Berms.
 - c. Walls.
 21. Intent to keep or abandon animal rights for lots of appropriate size.
- D. Additional Information Required. In addition to the Preliminary Plat, the applicant shall provide the following information:
1. A copy of the surveyor's plat showing existing fence lines, existing deed lines, existing road right of ways and ROW widths, and proposed subdivision boundary lines.
 2. A development phasing schedule (if applicable) including the sequence for each phase, approximate size in area of each phase, and proposed phasing of construction of public improvements, recreation and common open space areas.

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3. An explanation of any proposed restrictive covenants (CC&Rs), reservations, or private easements.
4. If the subdivision is proposed as a PUD, the applicant must follow the requirements of Title 17, Section 17.60.
5. Drainage system report including calculations and an explanatory narrative stamped and signed by a licensed engineer. (for detention/retention basins, submit calculations to justify sizing based on 100 year design storm)
6. A statement from the appropriate agency accepting responsibility for all surface and subsurface drainage that is directed into channels owned by the agency (such as irrigation companies, private landowners, etc.)
7. A written statement from the appropriate agency (such as irrigation companies, private land owners, etc.) regarding the effect of the proposed subdivision on any irrigation channels or ditches and any piping or other mitigation required.
8. Letter(s) of intent for any necessary offsite utility easements across privately owned land.
9. A letter from the Army Corp of Engineers regarding any wetland areas within boundaries of the proposed plat.
10. Landscaping plan for all park, open space, and common ownership areas including:
 - a. Location, name and size of all proposed trees, shrubs, and plants.
 - b. Indication of proposed seed mix for grass areas.
 - c. Indication of proposed irrigation facilities and their source.
11. A listing of the changes made to the plan since the Concept plan was approved.
12. The subdivider's detailed plan for protecting future residents of his/her development from such hazards as open ditches, canals or waterways, non-access streets, open reservoirs or bodies of water, railroad rights-of-way and other such features of a potentially hazardous nature located on, crossing, contiguous or near to the property being subdivided. The subdivider's plan needs not cover those features which the Planning Commission determine would not be a hazard to life and/or where the conforming structure designed to protect the future residents would itself

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Indication of turf and mulched areas
should be adequate for level of review.

create a hazard to safety of the public. The foregoing doesn't relieve the subdivider of the duty to investigate all possible means of protecting future residents from a potential hazard before a determination is made that the only conceivable means of protection is potentially more hazardous than the hazard itself.

13. Copies of any agreements with adjacent property owners, restrictive covenants, homeowners association agreements, storm water management plans, etc., relevant to the proposed subdivision shall be submitted with the plat to the Planning Commission, as well as any needed approvals from Utah Department of Transportation, (for development bordering State Highways), U.S. Army Corp of Engineers (wetlands issues), irrigation companies or other agencies;
14. Request for approval of animal rights for specific lots as per requirements of Title 17, Section 17.85. (Ord. 08-02) If a request is not made to maintain animal rights it shall be construed as not desired.

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16.12.040 Lack of Preliminary Plat Application Information.

The lack of information under any item specified in Section 16.12.030, or improper information supplied by the applicant may be cause to find the application incomplete or for disapproval of a preliminary plat application.

16.12.050 Submittal to the Zoning Administrator.

The subdivider shall ~~submit ten~~ copies of the Preliminary Plat and related documents per 16.12.020 and 16.12.030 ~~D~~ including restrictive covenants, homeowners association agreements, storm water management plans, etc., to the Zoning Administrator for distribution to the City Engineer and City staff members. These individuals shall provide written comments on their findings and concerns to the Zoning Administrator. The Zoning Administrator will provide this information to the developer. This phase also may result in revisions to the plat.

16.12.060 Submittal to the Planning Commission.

The subdivider shall submit ~~ten~~ copies of a Preliminary Plat with any required changes and related documents to the Zoning Administrator as well as a written response to any issues raised by the City Engineer or City staff members at least two weeks before their regularly scheduled meeting.

16.12.070 Commission requirements and recommendations.

The subdivider will meet with the Planning Commission,

Commented [MH9]: Do we want to allow a partial animal right to be retained? E.g., horses and cows are allowed but no roosters or goats.

Commented [MH10]: Can a public hearing with the Planning Commission be a requirement of the application to be complete? Planning Commission evaluates the proposal in a public meeting and then recommends the application as complete and ready for review?

If staff reviews prior to PC meeting and changes must be made due to comments, does this eat up a full review cycle?

present his/her plan, and respond to any questions or concerns by Commission members. The Planning Commission shall either ~~recommend approval, rejection, or conditional approval to the City Council or table it for action at the next regular meeting.~~

16.12.080 ~~Submittal to the City Council.~~

~~When the Planning Commission has completed its study, the Preliminary Plat shall be submitted to the City Council with its recommendation for approval, approval with conditions, or disapproval. This submittal shall be at least two weeks prior to the regularly scheduled meetings of the City Council. If the Preliminary Plat is approved, or approved with conditions, by the City Council, the Zoning Administrator shall return one copy of the plat signed by the Planning Commission chairman and the Mayor to the subdivider with any conditions attached. Other signed copies shall be forwarded to each of the interested City departments. The Planning Commission shall retain one signed copy of the plat for its files. If the Preliminary Plat is disapproved by the City Council, the City Recorder shall indicate such disapproval by written notice stating the reasons for disapproval.~~ Reserved

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16.12.090 Prompt Action Required.

Action shall be taken by the Planning Commission. ~~and the City Council within sixty days after the date of the meeting at which the plat is first considered by the Planning Commission.~~ If no action is taken within this period of time without good cause, which shall be stated in the minutes of the Planning Commission ~~and/or City Council~~ meeting, such non-action shall be deemed a recommendation for approval by the Planning Commission ~~and an approval by the City Council.~~

16.12.100 Effective Period of Preliminary Plat Approval.

The approval of a preliminary plat shall be effective for a period of six (6) months from the date the preliminary plat is approved by the ~~City Council~~ Planning Commission, at the end of which time the subdivider must have submitted a final subdivision plat for approval for the entire preliminary plat, or phase thereof. If a final subdivision plat is not submitted for approval within the six (6) month period following approval, or as extended by the ~~City Council~~ Planning Commission, the preliminary approval shall be void, and the subdivider shall be required to submit a new preliminary plat for review and approval subject to the then existing provisions of this Code. When a subdivision is developed in phases, the final plat for the next phase must be submitted for approval within two years of the previous phase approval or the preliminary plat approval shall be void.

Commented [MH11]: It may be beneficial to include the remainder portion not in the existing or previous phases as a remainder parcel on the final plats. This would incorporate it into the divided land and subject it to the 5 year window keeping it included in the same subdivision.

16.12.110 Administrative, Professional, and Inspection Fees.

All fee schedules shall be established by the City

| Council by means of a resolution. Such fee schedules and
| periodic adjustments thereof shall be a part of this title by
| reference.

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Chapter 16.16

FINAL PLAT

Sections:

- 16.16.010 Final Plat.
- 16.16.020 Plat Format.
- 16.16.030 Plat Contents.
- 16.16.040 Submittal to the City Administrator.
- 16.16.050 Multiple Sheets and Plat Accuracy.
- 16.16.060 Revisions.
- 16.16.070 Final Approval.
- 16.16.080 Nature and Effect of Final Subdivision Plat.
- 16.16.090 Effective Period of Final Subdivision Plat Approval.
- 16.16.100 Recording the Approved Final Subdivision Plat.
- 16.16.110 Administrative, Professional, and Inspection Fees.
- 16.16.120 Proceeding With Subdivision Construction.
- 16.16.130 As-Built Drawings.
- 16.16.140 Guarantees and Bonds.
- 16.16.150 Condominium Plats.
- 16.16.160 Amendment to Recorded Plats.
- 16.16.170 Amendment by Petition.
- 16.16.180 Notice of Hearing for Plat Change.
- 16.16.190 Grounds for Plat Amendments and Recordation.
- 16.16.200 Lot Line Adjustments.

16.16.010 Final Plat.

The final plat is a clean reproducible drawing with no redlined corrections. Submitted with it will be clean copies of all required collateral documents, including engineering drawings. The documents will be verified as meeting the requirements of the ~~Council preliminary plat~~ by members of the City Staff. The Zoning Administrator will have the authority to return the Plat to the developer for resubmission to the Council if in his/her judgment a significant change has been made to the Plat or collateral documents since ~~Council~~ approval of the Preliminary Plat.

16.16.020 Plat Format.

The plat format shall be the same as that for the Preliminary Plat (See Section 16.12.020). The applicant may be required to provide other information required by the ~~Public Works Committee, Planning Commission or City Council~~ to evaluate the merits of the proposed subdivision.

16.16.030 Plat Contents.

The following information is required for all final subdivision plats:

Commented [MH12]: A committee will require open and public meetings that will need to be noticed and held at a regular time.

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- A. General Requirements. The Final Plat shall be prepared by a land surveyor licensed to practice in the State of Utah and shall be presented in india ink on reproducible mylar. All engineering and/or survey documents submitted for City review shall be stamped by said engineer or land surveyor in accordance with the procedures of the Utah State Board for Professional Registration. The Final Plat shall substantially comply with the approved Preliminary Plat, ~~including any changes or additions as required by the City Council.~~
- B. Features to be shown on the final plat. The final plat shall contain at a minimum the following information:
1. The name of the subdivision, which name must be approved by the Planning Commission;
 2. A legal description of the subdivision boundaries that includes the quarter-quarter section, section, township, range, principal median and the County of its location;
 3. Written and graphic scale, not smaller than 1" to 100' or as recommended by the City Engineer;
 4. The basis of bearings used and a north point;
 5. A vicinity map locating the subdivision within the section identifying adjoining or nearby plats or certificates of survey and showing prominent landmarks;
 6. A notation of any adjoining plats or certificates of survey and titles thereto.
 7. The exterior boundaries of the platted area giving lengths and bearings of the boundary lines. If the subdivision is bounded by a water body or watercourse, a closing meander traverse of that boundary shall be made and shown on the plat. Where curving boundaries are used sufficient data to establish the boundary on angle, and arc length. It is necessary that all dimensions and calculations made by the Engineer shall show proper closures in all boundaries of the subdivision, and no final plat will be approved that shows a plus or minus distance for closure. All subdivisions must have proper closure;
 8. Accurate angular and lineal dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, rights-of-way or easements including those contiguous to the platted area, their nature, width, and the book and page number of their recording in the County's records, and areas to be reserved for public use and other important features;

9. Location of proposed easements including any required easements for water, sewer, drainage or irrigation, temporary turnaround easements and a ten (10) foot public utility easement shown along front lot lines and any rear lot lines adjacent to a public right of way or as otherwise required by the City in order to accommodate necessary public utilities;
10. An identification system for all lots, blocks and numbers of streets. Lot lines shall show dimensions in feet and hundredths;
11. The street address for each lot. Each street address shall be assigned by the developer to be consistent with the current numbering scheme;
12. Location of zoning boundary lines within and adjacent to the proposed subdivision;
13. Location of all existing homes or buildings within the proposed subdivision that are to remain;
14. True angles and distances to the nearest established street lines or official monuments which shall be accurately described in the plat and shown by appropriate symbol. If there is not a true centerline of the road, distances must be shown to the centerline of survey;
15. Radii, internal angles, points and curvatures, tangent bearings and length of all arcs. In the case of non-tangent curves, a radial bearing from the center to the point on curve shall be shown;
16. The accurate location of all monuments to be installed shown by the appropriate symbol. All United States, State, County or other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position. Monuments shall be set at street intersections, points of curvature, but not where a tract boundary intersects a street centerline;
17. The dedication to the City of all easements, rights, streets and highways included in the proposed subdivision shall be included in the owner's statement/declaration;
18. Street monuments shall be installed by the subdivider's engineer or land surveyor at such points designated on the final plat as are approved by the City Engineer. Standard precast monuments will be furnished by the subdivider and placed as approved;
19. T-posts with rebar and surveyor cap markers

Commented [MH13]: This is a preliminary plat type of item. This should be included in a table of data with the # lots and such but not shown in the body of the plat.

shall be shown on the plat and placed at each lot corner in the field;

20. Accurate outlines and dimensions to any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common use of all property owners;
21. All boundaries, lot and other geometries (bearings, distances, curved data, etc.) on the Final Plat shall pose to an accuracy of not less than one part in five thousand;
22. Location, type, and height of any new fencing, berming or other buffering to be installed as part of the development (indicate new fencing on the Final Plat and new and existing fencing on the construction drawings);
23. A notation of the distance from the asphalt centerline of each existing road to the new property line of the subdivision;
24. A detail diagram showing typical setbacks for corner and interior lots.
25. A summary of total project acreage, total acreage in lots, total number of units, total acreage of open space or other dedicated parcels, and total acreage in roads and lane miles of road;
26. A notation of any limited access restrictions on the lots that are affected.
27. If surface drainage is to be directed onto a privately owned area for detention or retention as part of the storm drainage system, show an easement around the detention/retention area with metes & bounds on the final plat.
28. ~~If~~ Because the proposed subdivision is adjacent to or in close proximity to an existing agricultural area or activity, the following note must be added to the Final Plat: *"This area is subject to the normal everyday sounds, odors, sights, equipment, facilities, and all other aspects associated with an agricultural lifestyle. Future residents should also recognize the risks inherent with livestock."*
29. Animal rights approved for specific lots, as per requirements of Title 17, Section 17.85, indicated on final plat and noted subject to future changes of City Code. Lots with animal rights shall also be identified in the Covenants, Conditions, and Restrictions.
30. A notation on the final plat that states the developer will plant two (2) trees, having a

Commented [MH14]: Might be phrased differently.

Commented [MH15]: All of Hyrum where development occurs is next to an agricultural use. The new areas are near fields and such and within the older lots of Hyrum, animal rights still exist. Do we need to define "close proximity" or do we count all of Hyrum close due to possible odors from the food plants and mink farm.

minimum diameter of one and one half (1 ½) inches, for each approved subdivision lot. Four (4) trees will be planted on corner lots.

C. Approval blocks for:

1. A registered surveyor's certificate of survey as applicable under state law;
2. The owner's certificate of dedication. The owners dedication shall be signed by every person having a security interest in the subdivision property, dated, and notarized and should include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording;
3. A notary public's acknowledgment for each signature of the owners in the dedication certificate;
4. The City Engineer's certificate of approval;
5. The City Attorney's certificate of approval;
6. The Mayor's certificate of approval;
7. A block for Hyrum City Culinary Water and Hyrum City Sanitary Sewer authorities to indicate their approval by signature;
8. A block for all other utility companies servicing the development to indicate their approval by signature;
9. The County Surveyor's certificate of approval;
10. The County Recorder's stamp of approval according to the requirements prior to final plat approval.
11. It shall be the responsibility of the developer to obtain signatures for blocks 1, 2, and 3.

D. Construction Drawings. Final construction/plan & profile drawings of all required public improvements consistent with Hyrum City Design Standards and Construction Specifications for Public Works Construction shall be provided with the final plat application. Construction drawings must be stamped by an engineer or land surveyor in accordance with the procedures of the Utah State Board for Professional Registration. All revision dates must be shown on the construction drawings. If any revision is included on the Final Plat, which was not present on the Preliminary Plat or a requirement of its approval ~~by the City Council~~, it is the applicant's responsibility to inform the Public Works Committee and City Council of the changes. Failure to inform the Public Works Committee or ~~City Council~~ of revisions not present on the Preliminary Plat or a requirement of its approval may result in revocation of any or all

Commented [MH16]: Some developers divide the lots and sell them individually. This means that there may be lots unbuilt when the developer is seeking the return of warranty money. If the trees are put in but no one is to water and care for them, the trees will die. This poses health risk to other trees, blight, etc. or requires City employees to maintain them. This could be moved to a builder/home owner responsibility and merely listed on the plat as a requirement.

Commented [MH17]: We have not been having the attorney sign the plats. The county has not been requiring this and I did not see this in state law. Do we remove this block?

Commented [MH18]: We have asked power to sign but have not required this. Should we remove this and include it in a single block with the water and sewer?

Commented [MH19]: County surveyor does not review the plat prior to recording or approval.

Commented [MH20]: The county block is filled out at recording. This cannot be prior to approval.

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approvals. Construction drawings shall include:

1. An overall public improvement plan or index sheet that includes a summary of all improvement and utility information (this sheet is used by City Staff to prepare the bond for public improvements);
2. Location of water and sewer service laterals for each lot including the location of the laterals in relation to each other (water laterals must be located at the center of the lot and sewer laterals 10 feet downstream from the water laterals);
3. Location, depth, pipe type (pipe type may be noted in a legend), and slope of all drainage, and sewer lines including the location and proper spacing of all boxes, manholes and other improvements and details of any detention basins and related piping and orifices;
4. If the placement of irrigation system improvements is required, provide a separate sheet within the construction drawings showing the irrigation improvements including all piping, head gates, boxes, grates, etc. (in conformance with letter issued by the irrigation company). This sheet must be stamped and signed by the irrigation company;
5. Location, pipe type, and size of existing and proposed culinary and pressurized irrigation lines and associated fire hydrants, valves, and blow-offs (note where bends are required on water lines). All valves will be clustered. Concrete collars will be round for culinary lines and square for irrigation lines;
6. Cross sections of all roads including the location of underground utilities, pavement design, base and sub-base amounts (indicate the CBR value used to determine the amount of sub-base required on the cross section);
7. Location of power line extensions, streetlights, domes, ~~and~~ transformers, and other appurtenances. Layout shall be coordinated prior to submission of the final plat and construction drawings;
8. Landscaping plan for all park, open space, and common ownership areas including:
 - (a) Planting areas with a list of the name, number and size of plants designated for each area;
 - (b) Location, name and size of all existing and proposed trees and shrubs, with notes

Commented [MH21]: This has been causing some issues with utilities being located under driveways. It would be good to have some utilities such as irrigation and sewer at the edges of the lots. Sewer should be at the most downhill/downstream portion of the lot

- for removal or protection;
- (c) Location and sizes of proposed irrigation facilities adequate to maintain the planting areas;
 - (d) Indication of proposed seed mix for grass areas and rate of application;
- 9. Street signs and traffic control signs;
 - 10. A note stating that one mylar and ~~one paper~~pdf set of ~~as-as~~-built drawings shall be submitted to the City upon completion of the public improvements;
 - 11. All other specifications, details, and references required by the Design Standards and Construction Specifications for Public Works Construction.
- E. Additional Information Required. In addition to the final plat and construction drawings, the applicant shall provide the following information:
- 1. Executed or signed easements for any necessary offsite easements across privately owned land;
 - 2. Any necessary deeds or boundary line agreements necessary for recording of the Final Plat;
 - 3. Any required UDOT approvals for access;
 - 4. ~~City~~An engineer's estimate of costs for construction of all required public improvements;
 - 5. Three (3) copies of the California Bearing Ratio (C.B.R.) test results, if required by the City Engineer;
 - 6. Evidence that all property taxes are current and that roll back taxes have been paid, and that no other debts or obligations are outstanding, and no liens or encumbrances are placed on the property;
 - 7. A preliminary title report covering all the property located within the subdivision. The report shall be prepared or updated within thirty (30) days of the date of recording of the Final Plat;
 - 8. A final copy of any restrictive covenants (CC&Rs), reservations, or private easements;
 - 9. Letter from the Cache County Health Department regarding any proposed septic tanks or leach fields;
 - 10. Prior to recording the final plat, the new property line adjacent to existing roads must be staked. (Ord. 09-03)

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16.16.040 Submittal to the Zoning Administrator.

~~Four (4)~~One (1) twenty-four by thirty-six (24 x 36) inch and ~~eight (8)~~two (2) 11 inch x 17 inch paper copies of the

final plat and construction drawings shall be submitted to the Zoning Administrator who shall distribute them to staff members for review and verification of accuracy and meeting the approval requirements of the City Council. The City may request additional copies if required. An electronic pdf copy ~~(e-mail / PDF)~~ acceptable to the City Engineer shall also be provided. The Zoning Administrator may return the plat to the developer for re-submission as a Preliminary Plat to the City Council if, in his/her opinion, a significant change has occurred. ~~The Council in turn, may require re-submittal to the Planning Commission.~~ (Ord. 08-19)

16.16.050 Multiple Sheets and Plat Accuracy.

Multiple sheet plats may be used. All sheets shall be numbered and referenced to an index map, and all required certificates shall appear on a ~~single-the first~~ sheet (along with the index and vicinity maps). Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre. Sheet numbering format shall be "Sheet # of X."

16.16.060 Revisions.

All revision dates must be shown as well as notation of any self-imposed restrictions. If any revision is included on the Final Plat that was not present on the Preliminary Plat or a requirement of ~~its approval by the City Council~~, it is the applicant's responsibility to inform the Public Works Committee, ~~Planning Commission and City Council~~ of the changes. Failure to inform the ~~Planning Commission or City Council~~ Administrative Land Use Authority of revisions not present on the Preliminary Plat or a requirement of approval may result in revocation of any or all approvals.

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16.16.070 Final Approval.

In reviewing an application for final subdivision plat approval the Public Works Committee ~~may, at their discretion, require review of the final plat by the Planning Commission prior to a final decision by the City Council.~~ Upon verification that the Final Plat meets City Council approval requirements, shall verify that all fees have been paid, and that the engineering drawings have been approved, ~~the City Administrator will place the Final Plat on the City Council Agenda for approval. The Zoning Administrator will summarize verification of all changes that have been made from when the Preliminary Plat was approved by the City Council. The developer will respond to any additional concerns. After the Final Plat has been approved by the City Council, the City Recorder will acquire the signatures required on the Final Plat.~~ After all signatures have been obtained and the surety of performance is in place, the City ~~Recorder~~ will record the Final Plat with the Cache County Recorder. (Ord. 10-01)

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Commented [MH22]: Do we include a statement that recording of the plat is not automatic and is subject to improvements and or bonds being in place per city and state code?

16.16.080 Nature and Effect of Final Subdivision Plat.

It is the intent of this Code that approval of a Final Subdivision Plat be a ministerial action by the City assuring compliance with the requirements of this Code and any conditions imposed by the City Council for preliminary plat approval. After a final subdivision plat has been approved ~~by the City Council~~ and recorded in the Office of the Cache County Recorder, and all improvements completed, the applicant may apply for building permits consistent with the approved final subdivision plat.

16.16.090 Effective Period of Final Subdivision Plat Approval.

The approval of a final subdivision plat shall be effective for a period of one (1) year from the date the final plat is approved and signed by the City Council, at the end of which time such final subdivision plat shall have been recorded in the office of the Cache County Recorder. If the approved final subdivision plat is not recorded within the one (1) year period of date of approval, or as extended by the City Council, the final subdivision plat approval shall be void, and the applicant shall be required to submit a new preliminary plat for review and approval subject to the then existing provisions of this Code.

Commented [MH23]: It would be good to set a maximum number of extensions. These extensions allow them to continue under the previous vested rights which may have changed. Also we should state that all land included in the application is understood as being subject to the subdivision ordinance in the same way a mini-sub is for 5 years. This would help to add conformity to development and exactions.

It is the applicant's responsibility to request extension of approval and must be heard by the Council prior to the deadline.

16.16.100 Recording the Approved Final Subdivision Plat.

One (1) Mylar drawing of the Final Subdivision Plat, following the receipt of all necessary approvals shall be submitted to the Zoning Administrator for review, checking and recording in the office of the Cache County Recorder. Any deficiency, gap, or overlap identified during the County and/or City review process must be corrected prior to plat recording. All approvals shall become void unless the plat is offered to the City for recording within one (1) year from the date of approval. The filing of any unapproved plat is prohibited and any recording officer who records such a plat is guilty of a misdemeanor. Any sale or contract to sell any land in violation of the legal controls of this Code is voidable at the option of the purchaser.

16.16.110 Administrative, Professional, and Inspection Fees.

All fee schedules shall be established by the City Council by means of a resolution. Such fee schedules and periodic adjustments thereof shall be a part of this title by reference.

Commented [MH24]: Fees should include not only the time to prepare this for the meetings but also time for review by staff. Billable time should include hourly wage, benefits, overhead, support staff time, equipment, etc.

16.16.120 Proceeding With Subdivision Construction.

Following ~~the recording of the final subdivision plat in the office of the Cache County Recorder~~, approval of the plat and construction drawing the developer/landowner may proceed with construction of the approved subdivision in accordance with the applicable provisions of the Hyrum City Design Standards and Construction Specifications for Public Works

Construction, and in accordance with the approved construction drawings. The developer and their contractor shall meet with the public works representatives and pay any fees required for inspection or impacts of the development not assessed in the building permit.

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16.16.130 As-Built Drawings.

At the completion of subdivision construction (and prior to final escrow release) the developer/owner shall deliver to the Zoning Administrator one mylar, one electronic file Auto CAD format, and one pdf paper set of "as-built" drawings. These drawings shall show the original design with all approved changes made during construction drawn as revisions in red and provide physical ties for all water lines, valves, sewer lines, manholes, etc. All remaining bonds held by the City will not be released until the "as-built" drawings are received and approved by the Zoning Administrator. As-built drawings shall be sealed if not exempted by State code.

16.16.140 Guarantees and Bonds.

Based on a cost estimate submitted by the developer/owner's contractor, the City Engineer shall prepare the bond estimate, revising the costs as required to match prevailing conditions for the construction and installation of all required public improvements as well as all private improvements required as specified in State code pursuant to the subdivision approval process, and including a twenty percent (~~20%~~10%) contingency fee. A performance bond shall be posted by the developer/owner guaranteeing the construction of all required public and said private improvements. Said bond (the bond) shall be in the form of one of the following: Cash Escrow Bond; Irrevocable Letter of Credit; Irrevocable Line of Credit. The form must be approved by the City Attorney and must be issued by a financial institution having an operating branch in the State of Utah that is acceptable to the City. The properly issued and executed bond, together with all required inspection fees shall be submitted to the City Administrator before the final subdivision plat is recorded with the Cache County Recorder. The bond shall be held for the minimum of an eighteen (18) month construction period and twelve (12) month warranty period for a total of thirty (30) months. The warranty period may be increased up to twenty four (24) months if there has been evidence of prior poor performance by the developer or if other environmental conditions exist.

Commented [MH25]: We need to check with the attorney to determine if a standard form can be provided for each.

- A. The amounts stated in the bond estimate shall be considered separate with respect to releases by Hyrum City, but each amount shall be applicable to every other part in the event of the developer/owner's failure to perform one or more of the improvements to the satisfaction of the City. Notwithstanding the itemization of type and cost of

improvements, any sum available pursuant to the bond may be used by the City, and not released to the developer for any other improvement covered by the bond as well as the specified improvement.

- B. The City Engineer, or designee, shall have authority to release to the developer/owner any funds held by the City. The City Engineer shall not release, prior to final acceptance, any amount(s) for each specified improvement in excess of eighty percent (80%) thereof. Before the City Engineer shall release more than fifty nine percent (59%) of such amount, related to any one or each separate improvement the City Engineer shall require that the developer/owner certify in writing that no material man's or mechanic's liens have been filed with respect to the required improvement(s). (Ord. 08-15)

Commented [MH26]: Change to 90% to meet the minimum warranty?

16.16.150 Condominium Plats.

Reference is made to Section 57-8 Utah Code for definition, and specific requirements.

- A. Building permits for condominium units can be issued following approval of the final plat by the City Council as provided by this Code. The building permit will be issued based upon a certified architectural plan of the building elevation and floor plans as approved by the Chief Building Official.
- B. All condominium plats shall be filed in the office of the Cache County Recorder following completion of construction and before acceptance of improvements.

16.16.160 Amendment to Recorded Plats.

The City Council may, with or without an application, consider, after a Public Works Committee and Planning Commission review and recommendation, any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any road or lot, contained in a subdivision plat at a public hearing. As per state law, some amendments to recorded plat may be approved by the Zoning Administrator or City Recorder when no new lots are created.

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16.16.170 Amendment by Petition.

- A. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted may, in writing, petition the City Council to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended.

- B. If a petition is filed, the City Council shall hold a public hearing within forty-five (45) days after it is filed.
- C. A petition to vacate, alter, or amend an entire plat, a portion of a plat, or a road or lot contained in a plat shall include:
 - 1. The name and address of all owners of record of the land contained in the entire plat;
 - 2. The name and address of all owners of record of land adjacent to the plat that is proposed to be vacated, altered, or amended;
 - 3. The signature of each of the owners who consent to the petition; and
 - 4. The signature of an authorized agent of all public utilities who maintain easements on any lots affected by the plat amendment.
- D. Petitions that lack the consent of all owners within the plat referred to in Section 16.16.170(C)(3) may not be scheduled for consideration at a public hearing before the City Council until the notice required by State law is given. The petitioner shall pay the cost of all required notice(s).

16.16.180 Notice of Hearing for Plat Change.

The City Council shall give notice of the date, place and time of a hearing to consider a vacation, alteration, or amendment without a petition, or to consider any petition that does not include the consent of all land owners by mailing the notice of hearing to all owners referred to in herein, addressed to their mailing addresses appearing on the rolls of the county assessor.

- A. The City Council shall give notice of the date, place, and time of the public hearing by:
 - 1. Mailing notice; and
 - 2. Publishing the notice once a week for four (4) consecutive weeks before the public hearing in a newspaper of general circulation in Hyrum City; or
 - 3. Post the notice for four (4) consecutive weeks before the public hearing in three (3) public places in the City.

16.16.190 Grounds for Plat Amendments and Recordation.

Within thirty (30) days after the public hearing required by Section 16.16.170(D), Section 16.16.180 and Section 16.16.190, the City Council shall consider the petition. If the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the City Council may, by ordinance, vacate, alter, or amend the plat, any portion of

the plat, or any road or lot. The City Council shall ensure that the vacation, alteration, or amendment is recorded in the Office of the Cache County Recorder.

16.16.200 Lot Line Adjustments.

- A. The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels and/or make lot line adjustments if the exchange of title or adjustment is approved by the Zoning Administrator or City Recorder in accordance with Subsection (B). The Zoning Administrator/City Recorder may require the approval of a lot line adjustment be forwarded to the Planning Commission if the Zoning Administrator or City Recorder determines the adjustment may have an impact on the health, safety, or general welfare of the surrounding properties, property values, or residents.
- B. All applications for lot line adjustments shall include the following:
 - 1. A scaled drawing showing the proposed lot line adjustment prepared by a licensed land surveyor. The drawing shall include the location of adjacent streets, the location of each lot affected by the adjustment, lot dimensions and lot sizes of the subject properties before and after the proposed lot line adjustment, building setbacks after proposed adjustment, easements, and any other information deemed necessary by the Zoning Administrator / City Recorder to determine whether the proposed adjustment will result in a violation of applicable zoning requirements. The format shall be in a manner as deemed suitable by the Zoning Administrator/City Engineer.
 - 2. A legal description of the proposed lot line adjustment.
 - 3. If the lot line adjustment affects any public utility easements, the applicant shall provide a Disclaimer of Easement Verification Form (provided by the City) signed by each of the affected public utilities necessary to vacate the public utility easement.
- C. The Zoning Administrator / City Recorder shall approve an exchange of title under Subsection (A) if:
 - 1. No new dwelling lot or housing unit will result from the exchange of title; and
 - 2. The exchange of title will not result in a violation of applicable zoning requirements.

Commented [MH27]: This should be drafted by a licensed surveyor.

Commented [MH28]: Need to create this form.

3. Any affected public utility easements have been vacated or modified as necessary.
- D. If an exchange of title is approved under Subsection (B), a notice of approval shall be recorded by the Zoning Administrator / City Recorder or authorized designee, in the office of the county recorder which:
1. Is executed ~~by each owner included in the exchange and~~ by the Zoning Administrator / City Recorder, or Planning Commission Chair, whichever is applicable;
 2. Recites the descriptions of both the original parcels and the parcels created by the exchange of title.
- E. A notice of approval recorded under this Subsection does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.
- F. Following approval of the lot line adjustment, the applicant is responsible to file the necessary title conveyance documents with the Cache County Recorders Office.

Chapter 16.20

IMPROVEMENTS AND DESIGN STANDARDS

Sections:

- 16.20.010 Public improvements-Construction drawings.
- 16.20.015 Development in phases.
- 16.20.020 Public improvements-Construction-Inspection.
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- 16.20.160 Local minimum standards and specifications.
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- 16.20.200 Storm drainage.
- 16.20.210 Irrigation ditches and canals.
- 16.20.220 Street lighting.
- 16.20.230 Electrical, telephone and natural gas service.

16.20.010 Public improvements-Construction drawings.

The developer's engineer shall prepare all construction drawings relative to public improvements in and out of the subdivision. All such drawings shall be reviewed and approved by the Staff, and **Public Works Committee**. The sub-divider will coordinate his activities with the Zoning Administrator and City Engineer in this effort. It is the developer's responsibility to design and construct any transition to existing infrastructure adjacent to their development necessary to provide continuous service and connections. This includes surface and subsurface improvements. (Ord. 08-13)

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16.20.015 Development in Phases.

A developer desiring to develop in phases shall gain concept plan and/or preliminary plat approvals of the entire subdivision showing clearly the individual phases. The preliminary plat must contain sufficient detail for the engineering review to ascertain that the public improvements for each phase will perform as required for each phase as well as the full subdivision. Final plat approval may be gained

for each phase independently but must be done within two years of the approval of the previous phase or the former approval shall be revoked.

16.20.020 Public improvements-Construction-Inspection.

- A. All construction of public improvements shall proceed after:
 - 1. The final plat and construction drawings have been approved.
 - 2. The security of performance has been approved and perfected; or has been waived in accordance with the provisions of 16.20.030(F);
 - 3. The final plat has been signed by the appropriate City officials and all others required by Section 16.16.030(C)
 - 4. The final plat has been recorded.
 - 5. All storm water permit requirements are in place. (See Section 13.18.110 and 120)
- B. All public improvements shall be completed within eighteen months of the date the final plat was approved by the City Council, and the City Engineer shall inspect the construction as it proceeds.
- C. At the completion of construction, or at the end of the eighteen month period stated in the last subparagraph, whichever comes first, the City Engineer shall make an inspection of all improvements and inform the developer and City of the results of the inspection. At the completion of construction, the subdivider shall call for inspection by the City Engineer and the inspection shall be made within ten days of the request therefore. The developer's engineer shall provide the City Engineer with record drawings accurately defining for permanent record the surface improvements and underground utilities as they were actually constructed. A construction punch list will be made up by the City Engineer indicating the items missing or needing correction prior to acceptance of the improvements by the City Engineer, and all required replacements or repairs shall be completed by the subdivider, at his expense, prior to acceptance by the City.
- D. Following final inspection and corrections according to the punch list made by the City Engineer concerning items missed or needing correction, the City Engineer shall provide a written statement to the City Council and subdivider that the improvements described in the construction drawings have been completed and that they meet the minimum requirements of all the ordinances, resolutions, rules and regulations of the City,

that they comply with the requirements of the county board of health, the City or county fire department, and with the standards, rules, regulations and policies formulated by the City Engineer and by the various City departments and approved by the City Council; which standards, rules, regulations and policies the City Council is empowered to approve and adopt by resolution or ordinance, and the same are incorporated in this title by reference. No final plat of a subdivision of land shall be recorded without the subdivider having first provided the City with a one-year written guarantee on all public improvements installed therein.

1. In some instances specified improvements such as sidewalks may be delayed upon written approval by the City Council; provided, that the subdivider furnishes to the City a security of performance, as set forth in Section 16.20.030(B), to guarantee the specified improvements will be constructed and paid for. The amount of the security shall be estimated by the City Engineer and conditioned upon payment by the subdivider of all expenses incurred for labor and materials used in construction of the required improvements. In no event shall the City be deemed liable under this section on any claim asserted by a laborer or material man. (Ord. 08-15)

16.20.030 Public improvements-Security of performance.

- A. No construction of the public improvements required herein shall be started unless and until the subdivider shall have furnished to the City a security of performance, acceptable to the City and as set forth in this section, in an amount set by the City Engineer and equal to at least ~~120~~110% of the reasonable value of the improvements.
- B. The security of performance required by this section, and in the City Council's discretion, may be furnished by any of the following methods:
 1. By providing a surety or cash bond in the amount specified herein and conditioned upon payment by the subdivider of all expenses incurred for labor or materials used in the construction of required improvements;
 2. By depositing the specified amount of cash in a bank account to which the City alone has access, but only in the event it becomes necessary, in order to complete, repair or replace the improvements as set forth herein;
 3. By depositing the specified amount of cash in

a supervised bank account to which the subdivider has access, with the approval and signature of the City, which funds shall be used to pay for the improvements as construction is completed and sufficient lien waivers presented. In the event it becomes necessary for the City to foreclose on the security of performance and move to complete, repair or replace the improvements as set forth below, then the City shall have access to said supervised bank account for the purpose of completing, repairing, or replacing improvements without the necessity of obtaining the approval of the sub divider.

4. Letter of credit.
- C. The security of performance required by this section is to assure the City that all improvements are constructed in conformance with all relevant City ordinances, regulations and standards. Further, the City may hold, within the discretion of the City Council, all or a portion of the security of performance provided by the subdivider until one year following the final inspection by the City Engineer, or for such other period of time up to two years as the City deems necessary to insure compliance as set forth herein. (Ord. 10-01)
- D. In the event construction of the public improvements is not completed or is not completed or is not completed in a satisfactory manner eighteen months from the date the final plat was approved, the City may proceed to install the improvements in a satisfactory manner at the subdivider's expense by foreclosing on the subdivider's security of performance held by the City.
- E. In the event the public improvements fail to meet the standards as set forth in the subdivider's written guarantee, the City shall so notify the subdivider who shall be given a reasonable time (up to 90 days) to repair or otherwise correct as requested. In the event the required repairs or corrections are not completed by the subdivider within the time allowed, the City may proceed to repair or replace the unsatisfactory improvements at the subdivider's expense by foreclosing on any security of performance still held by the City, and, in addition, the City may avail itself of any other remedy provided to it under the laws of the state and of the City. (Ord. 09-03)

16.20.040 Fees.

All fee schedules shall be established by the City

Council by means of a resolution. Such fee schedules and periodic adjustments thereof shall be a part of this title by reference.

16.20.050 Parks, schools, recreational facilities and other public spaces.

~~In addition to all other fees required by this or any other ordinance of the City, there is imposed an impact fee equal to five percent of the fair market value of the subdivision property valued as of the date of final approval.~~ The governing body may, at its discretion and in lieu of ~~the five percent reduced impact fees,~~ require allow the subdivider to dedicate ~~five percent of the land area in the~~ of the proposed subdivision to the City for public improvements as stated herein and for it to be used primarily for the benefit of the subdivision. If the City elects to require land in lieu of the ~~reduced~~ impact fee, the election shall be made on or before the date the preliminary plat is approved by ~~the City Council~~. The dedication or payment shall be made by the developer at or before the time of, and as a condition precedent thereto, the granting of final ~~approval by the City Council~~ of the sub-divider's final plat. The City shall use the land so dedicated for flood control, schools, parks, recreational facilities, or for other similar public uses; and any moneys received pursuant to the requirements of this section shall be held in a special fund and expended only for flood control, schools, parks, recreational facilities and for other similar public uses.

Commented [MH29]: Fees should be a base fee to cover secretarial time and office uses. Deposit based fees should be enough to cover the basic development review. This should include time for utility supervisors to review and comment.

Commented [MH30]: This seems to be a decision for the City Council that should be made before the preliminary plat.

16.20.060 Public improvements - Adjacent streets.

It shall become the responsibility of the developer to complete all of the necessary public improvements to one-half of all streets adjacent to the proposed development as required in the master documents of Hyrum City. This shall be done at the subdivider's sole expense.

Commented [MH31]: We do not have impact fees that collect for future roads from development. We need a traffic impact fee to provide for additional rights of way in major planned streets.

16.20.070 Water rights.

The intent of this section is to ensure that adequate culinary and irrigation water, represented by water rights or water shares in an irrigation company, canal company, or other company that has appropriated or otherwise controls irrigation water, accompany property proposed for development. Such water shares or water rights required of owners/developers or subdividers shall be provided in accordance with the provisions of this section, thereby enabling the City to meet additional demands for both culinary and secondary water created by a proposed development without diminishing the quality, quantity, or level of service to existing users.

- A. The city reserves the right to refuse annexation and/or development of property where adequate water represented by water shares or water rights for either irrigation or culinary water is not

- available for transfer to the City.
- B. Each owner/developer of real property shall be required to dedicate water rights and/or water shares as required by this Section. The water must be approved by the Utah Division of Water Rights for (1) diversion from one or more of the City's sources, or from another source acceptable to the City at its sole discretion; and (2) for municipal use within the City's service area. The City shall have sole discretion as to the acceptability of the quantity and quality of the water as well as the suitability of the water right or water shares. The City will cooperate with the developer in filing the required applications with the Utah Division of Water rights, but the developer shall be solely responsible for prosecuting any such applications and the City reserves the right to protest any applications which may interfere with its existing rights.
1. All single family residential developments are required to dedicate a minimum of 3.0 acre-feet per gross acre of land in its undeveloped state with a depletion allowance of 15 percent. If the depletion under the developed condition is greater than 15 percent, additional water rights or shares shall be transferred to account for additional depletion.
 2. For all uses except single family residential development, water rights or shares transferred to the city shall be equal to the standard of 0.45 acre-feet per equivalent residential unit for indoor use and 3.0 acre-feet per irrigated acre based upon a depletion allowance of 15 percent.
 3. For property located within the original service area of the municipal piped irrigation system or located within City limits as of the date of original adoption of this ordinance, July 17, 2003, as shown on the official zoning map as amended March 17, 2003, and attached hereto as Exhibit B, the City shall accept whatever rights or shares or stock traditionally associated with the land, according to records of the respective irrigation company, even if it totals less than the required dedication specified by this Section. This exemption does not extend to property under consideration for annexation, specifically 995.20 acres known as the "Richard Miller Annexation" or any other property outside City limits as of July 17,

2003.

- C. If sufficient water rights or shares in an acceptable water company to provide the required culinary and secondary water are not currently being used on, or are appurtenant to, the land, the City may, at its discretion, accept other acceptable water shares, water rights, or cash equivalent in value to the cost of the water rights and/or shares required to be dedicated. The equivalent consideration shall be based upon the availability of water purchased by the City for purposes of extending an opportunity for developers to develop land bearing insufficient water to satisfy the requirements of this section. The amount of the cash equivalent shall be set annually by the City Council based upon the most recent information of similar water sales available to the City or other market-value determiners. The necessary water right application approvals must be obtained and the ownership transfer must be completed prior to the recording of the final plat on the land being developed. No water may be delivered to the development until the transfer is complete.
- D. If the owners/developers of a proposed development located outside the bounds of the original service area of the municipal piped irrigation system or located within City limits as of the date of original adoption of this ordinance as shown on the official zoning map as amended March 17, 2003, and attached hereto as Exhibit B, choose to exclude such property from service by the municipal piped irrigation system, such action does not relieve said owners/developers of the obligation to provide equivalent subsurface water per gross acre annexed or developed, as provided by this Section, except for the provisions of Subsection H. Additionally, the City may limit the area per lot allowed for landscaping that requires watering or otherwise impose controls or restrictions on use of culinary water for outside watering.
- E. Despite the dedication requirement provided herein, the City Council, at its discretion, may request an independent study funded by the owners/developers to determine the amount of water required to serve the property proposed for development and obligate the owners/developers to provide sufficient water shares or rights to meet said water requirement. If the study indicates the development requires more than the amount specified under this Section, the City may require the developer to provide the additional water or impose the same type of

- restrictions referred to in Subsection D above or, in appropriate cases, may refuse to allow development of the property in question.
- F. The City shall be given first option to purchase any water shares or rights appurtenant to or historically used with the property proposed for development beyond those needed to meet the requirements for adequate water for the development as set forth herein. The purchase price for said shares or rights shall be the current market price as determined by independent appraisal.
- G. Where surface water shares or rights are associated with property, but said property cannot be served by the municipal piped irrigation system, the water shares/rights shall be transferred to the City, if the City can beneficially use them, and the City shall provide culinary water for irrigation purposes under predetermined restrictions for outside watering in the development and in the amounts equivalent to the water represented by the water shares or water rights transferred to the City. The requirements of this subsection do not relieve or lessen the owner/developer from meeting the requirements of Subsection B.
- H. Where a water conservation plan or other approved study funded by the owners/developers shows the development will require less water than the quantity specified by this Section, an exception may be granted by the City Council. Such exception shall include an evaluation of the water shares or water rights, and the amount of water they represent, as it relates to the area of landscaping to determine the amount of water needed to support the landscaping proposed for the development, as well as inside water use. Xeriscape or open space that is to be left in an undisturbed, native vegetative state, and without irrigation, may be considered as part of such a plan and, therefore, may reduce the amount of water needed for the development. Such xeriscape or open space shall be marked on the plat and accompanied by conditions, covenants, and restrictions (CC&R's) requiring perpetual maintenance of such xeriscape and open space. The analysis and recommendations for a requirement for less than the quantity specified by this Section shall be provided to the City. The City may seek an independent review of said study or analysis to determine the adequacy of the plan. Where supported by independent study, the City Council may waive a portion of the standard requirement for the transfer of water shares or water rights and/or reduce the amount of fees to be

paid, as required herein and accept, as a condition of development, the adoption and implementation of a water conservation plan. If the City Council waives a portion of the water shares required, then those areas justifying the reduction shall be indicated on the preliminary and final plats to be shown by metes and bounds, with the notation that if they are returned to irrigated areas that sufficient water shares will be issued to the City at that time. (Ord. 08-13)

- I. The owners/developers of all newly-annexed property must be able to transfer the required water or water rights to the City at the time of annexation or, upon approval of the City Council as provided in an annexation/development agreement, prior to final plat approval for each subdivision or portion thereof if said property is to be developed in phases. If such water is not available for use in the municipal piped irrigation system, no connection to the City's secondary system will be allowed and the City may limit the area per lot or impose other controls or restrictions on use of culinary water for outside watering purposes. Such restrictions and regulations may, however, under this Section or any other, be made applicable to both the use of culinary and secondary watering for outside purposes, in order to work towards the goal of having available culinary and secondary water for as long as possible.
- J. For all commercial and industrial properties, the water dedication requirements imposed by this Section may be increased or reduced according to the amount of impervious surface, landscaping, and inside water requirements proposed by the development plan. The City Council, at its discretion, may request an independent study funded by the owners/developers to determine the amount of water required to serve property for development and obligate the owners/developers to provide sufficient water shares or rights to meet said water requirement. If the study indicates the development requires more than the amount specified under this Section, the City may require the developer to provide the additional water to impose the same type of restrictions referred to in Subsection D above or, in appropriate cases, may refuse to allow development of the property in question.

16.20.080 Extension of public works facilities.

The extension of any City public works facilities including, but not limited to, roads, bridges, storm drains,

water mains, sewer lines and secondary water systems, shall be installed by the developer of any subdivision. There shall be no provisions for cost recovery made available to the developer for the extension of public works facilities by subsequent developers unless special or unusual circumstances warrant such provisions; which special or unusual circumstances must be approved by the City Council in writing on or before acceptance of the final plat. The City, however, may consider sharing (but is not obligated to share) the cost of materials necessary to upsize any water lines in excess of eight-inch diameter or sewer lines in excess of eight-inch diameter in anticipation of future growth. Extension of public works facilities shall be made to the edges of the development in order to provide connections for future development.

16.20.090 Installation of utilities.

All utilities, private or publicly owned, shall be placed underground unless otherwise approved or specified by the City. This will include, but not be limited to, telephone, gas, electric power, water, sewer, storm drains, etc. For utilities and utility sleeves within the proposed road surface improvements; installation shall be completed prior to road surfacing. For utilities outside of proposed road surface improvements; placement of curb and gutter prior to the installation of some utilities may be required to serve as a physical reference but in no case shall placement of sidewalk be initiated prior to the completion of all utilities. It is the developer's responsibility to coordinate the installation schedule with the utility companies. The standards and specifications for the installation of these utilities shall conform to rules and regulations adopted by the respective companies. (Ord. 09-03)

16.20.100 Mandatory use of City water and sewer system.

All subdivisions located within the corporate boundaries of the City shall be required to connect to the electrical, water, and sewer systems of the City, any ordinance or resolution to the contrary notwithstanding. The City Council expressly finds the requirements of this section to be in the best interests of the City and to promote the public health, safety and general welfare of the residents thereof.

16.20.120 Written agreements.

When and as written agreements are deemed to be necessary for the protection and understanding of all parties concerned, then they shall be entered into by all parties concerned, i.e., to cover areas of concern not specifically addressed by the subdivision ordinance or other requirements of the City, and shall be submitted with the preliminary plats to the Planning Commission and the City Council.

16.20.130 Guidelines and checklists.

The City is authorized and empowered to promulgate by way of resolution certain guidelines and/or checklists relative to this title. These materials shall be provided to any interested person upon request and upon payment of a fee specified by the City. These materials shall be for instructional purposes only and represent an attempt to aid those seeking to comply with this title. In the event any conflict arises between such guidelines and this title or other regulations, resolutions or policies of the City, then the ordinances, resolutions, regulations or policies shall be deemed controlling and all questions shall be resolved in their favor.

16.20.140 Waivers.

Where unusual topographic or other exceptional conditions exist, the City Council may waive the requirements of this title, after receiving the recommendations of the Planning Commission and the City Engineer; provided, that such variations will not substantially impair the intent of this title.

16.20.150 Design standards.

The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the Planning Commission and by other departments and agencies of the City government. Design standards shall be approved by the City Council and shall include provisions as follows which are approved by the City Council:

- A. Blocks shall not exceed ~~nine-eight~~ hundred feet in length.
- B. Blocks shall be wide enough to adequately accommodate two lots. Unless lots would front on a master-planned street with restricted access from the lots.
- C. Dedicated walkways through the block may be required where access is necessary to a point designated by the Planning Commission. Such walkways shall be a minimum of six feet in width, but may be required to be wider where determined necessary by the Planning Commission. The subdivider shall surface the full width of the walkway with a concrete surface, install a chain link fence or its equal at least four feet high on each side and the full length of each walkway and provide, in accordance with the standards, rules and regulations, barriers at each walkway entrance to prevent the use of the walkway by any motor vehicle or by any other non-motorized vehicle wider than four feet.

- D. Blocks intended for business or industrial use shall be designated specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.
- E. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, to the character of surrounding development and to existing requirements.
- F. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zoning title for the zone or proposed zone in which the subdivision is located except for ~~lot frontage, which must be 100 feet minimum for each lot and~~ subject to the provisions of Section 16.20.140.
- G. Each lot shall abut on a street shown on the subdivision plat or on an existing publicly-dedicated street. Double frontage lots shall be prohibited except where unusual conditions make other designs undesirable.
- H. Side lines of lots shall be approximately at right angles, or radial to the street lines.
- I. In general, all remnants of lots below minimum size must be added to adjacent lots, rather than allowed to remain as unusable parcels.

16.20.160 Local minimum standards and specifications.

Standards for design, construction specifications and inspection of street improvements, curbs, gutters, sidewalks, storm drainage, flood control facilities, water distribution and sewage disposal facilities shall be prepared by the City Engineer; and similar standards for fire hydrants by the fire department. All subdividers shall comply with the standards established by such departments and agencies of the City and county, provided that such standards shall be approved by the City Council. These standards in addition to the following general standards shall be used by all subdividers.

16.20.170 Street improvements.

- A. The developer will apply an approved seal coat to all paved roads in the development. The proposed dates of chip and seal coat application must have the approval of the City Administrator. To ensure completion, the developer shall post a bond at ~~120~~110% of the amount of the City Engineer's estimate of the cost of sealing and chipping. The application of the seal coat and other means of acceptable seals must be completed before the subdivision warranty period expires.
- B. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall

provide access to un-subdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the Planning Commission and approved by the City Council.

- C. New streets must connect with existing public streets.
- D. The subdivider shall install curbs, gutters and sidewalks on existing and proposed urban streets adjacent to and in all subdivisions, including on the rear of such lots that back on major streets not permitted access to such streets and those proposed for swales meeting City design standards.
- E. Street number signs and traffic control, conforming to the design and specifications and in the number provided by the standards, rules and regulations of the City, shall be provided by the developer at all street intersections. Installation shall be made by City departments, to insure uniformity, at the expense of the developer.
- F. Wherever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half shall be platted; however, in most cases, half-streets shall be prohibited.
- G. Curbs and gutters shall be provided on both sides of all public streets, unless the minimum lot width of lots within the subdivision is more than one hundred fifty (150) feet or a swale is approved. (Ord. 09-03)

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16.20.180 Water system.

- A. All culinary water pipes shall be as specified by the City Engineer and meet the City design standards.
- B. Fire hydrants shall be installed in all subdivisions in accordance with the regulations of the fire department and City standards.
- C. Where a subdivision does not border an existing City water line, the subdivider shall install and bear all cost for pipeline from the subdivision to the nearest existing City water line of adequate capacity to satisfy the demands of the subdivision.
- D. All waterlines shall be looped rather than dead ended except in the case of cul-de-sacs and temporary dead-end streets.
- E. Water meters shall be placed in the planting strip and shall not be surrounded by cement or asphalt.
- F. All water lines must be inspected by the City Engineer before backfilling is permitted.
- G. The entire system shall be designed and constructed in accordance with City standards and Utah State Health Department standards. If there is a conflict between the standards, the most stringent shall

rule. Final approval of the proposed water system shall be subject to approval by the City Engineer.

16.20.190 Sewer system.

- A. Sewer system design and layout shall meet all standards and specifications of Utah State Department of Health in addition to City standards.
- B. Sewer cleanouts should not be emplaced in driveways or walkways.
- C. Domestic wastes only shall be allowed to enter a common collection system. Downspouts for roof drains, basement drains which lower groundwater conditions, uncontaminated cooling and refrigeration outflows, and other similar possible inflows to the sewer system shall not be allowed.
- D. Unless unfeasible, the system shall be designed so that the system operates by gravity means only. Sewage lift stations and force mains should be used only as a last resort.
- E. The depth of sewers shall be adequate to service basements of all houses within the subdivision or areas beyond the subdivision where it is anticipated that there will be extensions to the sewer system.
- F. As with the water system, the subdivider shall be responsible for extending and connecting to the nearest existing sewer main that is adequate to handle the subdivision flows. Final line sizes and final approval shall also be subject to approval by the City Engineer.

16.20.200 Storm drainage.

- A. No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water user for such use. No ditch or canal shall be used for storm water unless adequately improved to handle such water as might be reasonably expected to flow from the canal and ditch water, subdivision runoff water, and other water expected to reach such canal or ditch. No ditch, canal or other waterway shall be permitted within property dedicated or to be dedicated for public use. The subdivider shall remove such waterways from property to be so dedicated before the submission of the final plat.
- B. The drainage system shall be designed to consider the drainage basis as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision itself. The

drainage system shall account for and provide an emergency outlet system designed to protect properties that would be negatively impacted by such flows.

- C. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the state and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the final plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section, and appropriate development stages for the drainage system for each section dedicated. All proposed surface drainage structures shall be indicated on the plans. All appropriate designs, details and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plan.
- D. The drainage and floodplain systems shall be designed to:
1. Permit the unimpeded flow of natural water-courses;
 2. Ensure adequate drainage of all low points;
 3. Ensure applications of the following regulations regarding development in designated floodplains:
 - a. Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a one hundred year storm,
 - b. Building construction may occur in the portion of the designated floodway where the return frequency is between a one hundred-year and a maximum probability storm provided all usable floor space is constructed above the designated maximum probable flood level,
 - c. Where floodway velocities are generally determined to be under five feet per second and maximum flood depth will not exceed three feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted,
 - d. Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, uncased deep wells, sanitary land fills, septic tank and on-lot sewage disposal systems, water treatment plants,

- and also sewage disposal systems not completely protected from inundation,
- e. Recreational coach or mobile home parks and similar uses shall not be permitted in any designated floodway,
 - f. Any contemplated floodplain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping and filling operations in a designated floodway constitutes an encroachment and must be approved by the Planning Commission, before accomplishment,
 - g. ~~No lot one acre or less in area shall include flood lands. All lots more than one acre shall contain not less than forty thousand square feet of land which is at an elevation at least two feet above the elevation of the one hundred year recurrence interval flood, or, where such data is not available, five feet above the elevation of the maximum flood of record.~~ Construction in floodplain areas to meet requirements of Section 15.56.
 - h. Also see: Prohibitions in Section 13.18.090, Illegal discharges in Section 13.18.100, Notice of Intent in Section 13.18.110, and Management Plan in Section 13.18.120.

16.20.210 Irrigation ditches and canals.

- A. Open ditches or canals shall not be allowed within or adjoining a subdivision. The subdivider shall work with irrigation, drainage, or ditch companies as to:
 - 1. Cover, realign or eliminate ditches or canals within or adjoining the subdivision.
 - 2. Identify the size of pipe and culverts required.
 - 3. Provide the responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipes or culvert must be approved by the City Engineer.
- B. When a lot contains or is adjacent to an irrigation ditch or canal that is not otherwise satisfactorily protected, as determined by the Planning Commission, the subdivider must construct a

continuous non-climbable chain link fence at a location twenty feet (measured horizontally) from the high water line of the ditch or canal.

16.20.220 Street lighting.

Street lighting, which is designed to be dark sky compliant, shall conform to the design specifications and standards, rules and regulations of the City Street Department and shall be provided by the subdivider.

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Chapter 16.24

ADMINISTRATION AND ENFORCEMENT

Sections:

- 16.24.010 Enforcement authority.
- 16.24.020 Inspections.
- 16.24.030 Permits and licenses.
- 16.24.040 Vested rights.
- 16.24.050 Exactions.
- 16.24.060 Amendments to the Subdivision Ordinance.
- 16.24.070 Compliance with provisions.
- 16.24.080 Violation-Penalty.
- 16.24.090 Appeals.

16.24.010 Enforcement authority.

The Planning Commission, the City Council, and such other departments and agencies and officials of the City government as are specified under the provisions of this title are designated and authorized as the agencies charged with the enforcement of the provisions of this title and shall enter such actions in court as are necessary. Failure of such departments to pursue appropriate legal remedies shall not legalize any violation of such provisions.

16.24.020 Inspections.

Appropriate agencies and departments and officials of the City shall inspect or cause to be inspected all buildings, fire hydrants and water supply and sewage disposal systems in the course of construction, installation or repair. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved by appropriate department, agency, or officials. 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 inspector.

16.24.030 Permits and licenses.

From the time of the effective date of this title, the City Engineer shall not grant a permit, nor shall any City office, department or agency grant any license or permit 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 provision of this title until a subdivision plat therefore has been recorded or approved as herein required. Any license or permit issued in conflict with such provisions shall be void.

16.24.040 Vested Rights.

- A. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the City's zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid unless:
 - 1. The City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
 - 2. In the manner provided by local ordinance and before the application is submitted, the City has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.
- B. The City shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:
 - 1. 180 days have passed since the proceedings were initiated; and
 - 2. The proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.
- C. An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
- D. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
- E. The City shall not impose on a holder of an issued land use permit a requirement that is not expressed:
 - 1. In the land use permit or in document on which the land use permit is based; or
 - 2. In the City's ordinances.
- F. The City will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:
 - 1. In the building permit or in documents on which the building permit is based; or
 - 2. In the City ordinances.

The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

16.24.050 Exactions.

Hyrum City may impose an exaction or exactions on proposed land use development if:

- A. An essential nexus exists between a legitimate governmental interest and each exaction; and
- B. Each exaction is roughly proportionate, both in nature and extent to the impact of the proposed development.

16.24.060 Amendments to the Subdivision Ordinance.

This Subdivision Ordinance may be amended from time to time by the Hyrum City Council after ten days notice and the City Council may hold a public hearing but all proposed amendments shall be first proposed to the Planning Commission for its recommendation, which shall be returned to the Hyrum City Council within thirty days, after the Planning Commission provides ten days notice and conducts its own public hearing in accordance with Utah law. Failure of the Planning Commission to submit its recommendations within the prescribed time shall be deemed approval by such commission of the proposed change or amendment. The Hyrum City Council may overrule the Planning Commission's recommendation by a majority vote of its members. (Ord. 08-13)

16.24.070 Compliance with provisions.

No person shall subdivide any tract or parcel of land located wholly or in part in the City except in compliance with the provisions of this title and/or the provisions of Title 17. No person shall purchase, sell or exchange any parcel of land which is any part of a subdivision or a proposed subdivision submitted to the Planning Commission, nor offer for recording in the office of the county recorder, any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title.

16.24.080 Violation-Penalty.

Whoever shall violate any of the provisions of this title shall be guilty of a Class B misdemeanor and, upon conviction of any such violation, shall be punishable ~~by a fine of not more than one thousand dollars or by imprisonment for not more than six months as categorized in State law, or by the penalty for transfer and sale of property provided in UCA 10-9-811,~~ except that in all cases where a corporation would be punishable as for a misdemeanor, and there is no other punishment prescribed by ordinance, such corporation is punishable by a fine not exceeding one thousand dollars. Provided further, that each violation of this title shall be considered a separate offense, and each day such violation is permitted to exist shall constitute a separate offense.

Commented [MH32]: This portion of state law no longer exists.

16.24.090 Appeals.

Appeals of any decisions applying Land Use Code shall be made to the Administrative Appeals Hearing Officer. Appeals shall be filed in writing with the City Recorder within ten (10) calendar days of the decision as per provisions of Chapter 17.16. (Ord. 08-13)

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Chapter 16.28

MINI-SUBDIVISIONS

Sections:

- 16.28.010 Applicability
- 16.28.020 Submission requirement.
- 16.28.025 Fees.
- 16.28.030 Submission to Planning Commission.
- 16.28.040 Submission to City Council.
- 16.28.045 Recording of Plat.
- 16.28.050 Improperly Created Mini-subdivisions.

16.28.010 Applicability

The provisions of this article shall apply only to mini-subdivisions which involves dividing a parcel of land into three (3) or less lots, including the parent property, in which the subdivided lots are on a paved, dedicated City street. All other provisions of this title, including specifically the requirements for preparing and drawing the final plat, shall apply to mini-subdivisions.

- A. The subdivider shall first meet with the Zoning Administrator to determine if the proposal meets the requirements of a "mini-subdivision".
- B. The subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for streets (except for correcting property lines fronting City streets) or other public purposes.
- C. Each lot in the mini-subdivision shall meet the frontage and area requirements of the zoning ordinance or has been granted a variance from those requirements by the Administrative Appeals Hearing Officer. (Ord. 08-19)
- D. No residential building permit will be issued unless each lot has frontage on a paved, city-owned street.
- E. The parcel being divided has not had other lots separated from it within the past five years. If another lot or lots have been separated within that time, it or they will be counted as part of the current request.

16.28.020 Submission requirement.

The subdivider shall submit eight (8) 11 inch X 17 inch plats, one (1) 24 X 36 inch plats and email a PDF similar to a final plat drawing, drawn to scale to the Zoning Administrator at least two weeks prior to a regularly scheduled meeting of the Planning Commission and pay a mini-subdivision plan fee.

Copies of the plat will be distributed to the Planning Commission, and other City agencies as appropriate. The Zoning Administrator shall advise the developer of the date of the Planning Commission meeting for which he should seek an agenda appointment.

The subdivider shall submit a final plat prepared by a registered land surveyor or certified engineer (See 16.16) and shall include the following:

- A. The property boundaries of the proposed subdivision including any boundary line agreements;
- B. The name and address of the owner of the property to be divided, and proof of ownership (preliminary title report, recorded deed) or authority to act for the owner of the property to be divided (notarized letter from owner);
- C. The number of lots proposed and location of lots in relation to existing streets, sidewalks, and curb and gutter, addresses as obtained from Hyrum City;
- D. The approximate total acreage of development as well as size of individual lots. The metes and bounds description of each lot.
- E. The location of all utilities in relation to the individual lots and the owner's plan to extend them. Sewer and water lines are required to have a right angle hookup between the house and the City system.
- F. The location of any unusual topographic features which may limit the way a lot can be used such as natural drainages, canals, rivers, abrupt changes in elevation, etc.
- G. Curbs, gutters, and sidewalks may be required in all subdivisions.
- H. Two (2) street trees, having a minimum diameter of one and one half (1 ½) inches, are required per lot. (Four (4) on corner lots).
- I. The location of the front property line showing that it is in correlation with the City's street right of way. If there is a discrepancy, the developer must dedicate the appropriate footage for compliance to the City.
- J. Location and name of adjacent property owners.
- K. The approved final plat shall be drawn to scale on a 24 inch by 36 inch reproducible mylar with signature blocks for:
 1. The owner's signature,*
 2. A notary public's acknowledgment,*
 3. The City Planning Commission's certificate of approval,
 4. The City Council's certificate of approval,
 5. The County Recorder's stamp of approval,
 6. The Hyrum City Culinary Water Authority,*
 7. The Hyrum City Sanitary Sewer Authority.*
 8. The Hyrum City Engineer.*

Commented [MH33]: How do we want to address extension of utilities? Do we require the everytime they do not extend as required to service the lots created?

Commented [MH34]: This requirement should have a trigger, such as curb and gutter exists upon other lots within the same frontage of the block.

9. The Hyrum City Attorney.

(Signature blocks with an asterisk (*) must be signed by the appropriate person prior to Planning Commission submittal.) (Ord. 09-03)

Commented [MH35]: These signatures are placed after the Planning Commission approval and before recording.

16.28.025 Fees.

A fee will be charged for recording and a full engineering review of the site. (i.e. sewer, water, drainage, etc.)

Commented [MH36]: Assess current fees. Currently \$200 fee and \$200 deposit. This may not be adequate for all of City time needed to do an extensive review.

16.28.030 Submission to Planning Commission.

The subdivider shall present the mini-subdivision plat to the Planning Commission. After reviewing the plat for compliance with zoning and all other city ordinances and receiving the recommendations from all city agencies, the Planning Commission will make a recommendation for approval, approval with conditions, or disapproval, and will provide its recommendations to the subdivider and to the City Council, or other officers that the City Council has designated, within thirty days after the date of the meeting at which the mini-subdivision plat is first considered by the Planning Commission, unless for good cause stated in the minutes of the Planning Commission meeting a longer time is necessary.

Commented [MH37]: This will need to have the same process as the large subdivisions.

16.28.040 Submission to City Council.

Upon receiving the recommendations from the Planning Commission, the subdivider shall submit the plat plan to the City Council Administrative Land Use Authority for action. ~~This submittal shall be at least two weeks prior to a regularly scheduled meeting of the City Council.~~ The ~~Administrative Land Use Authority City Council~~ may approve the plat, approve the plat with conditions, or disapprove the plat and require the subdivider to comply with all of the non-mini-subdivision requirements of this chapter. However; the Hyrum City Council has designated the City Administrator, the Recorder and the Zoning Administrator to grant approval, after Planning Commission approval, provided that all three agree to the approval. In the event one of the three designees is unable to participate in the approval (i.e. out-of-town, illness, conflict-of-interest, etc.) the City Treasurer will act as an alternate. If one or more designee does not approve the mini-subdivision, the Planning Commission recommendations will be submitted to the City Council for action by the Council.

Commented [MH38]: City Council is no longer allowed to approve or disapprove. This will need to be done by the ALUA. We could use the same officers listed here as the ALUA, a different group or make this subject to a single officer.

16.28.045 Recording of Plat.

After approval by the City Council or designees, all signatures have been obtained, and fees paid, the City Recorder will record the plat.

16.28.050 Improperly Created Mini-subdivisions.

- A. Punitive actions. Persons failing to create new mini-subdivisions without following the current ordinance are guilty of a Class B misdemeanor (per 16.24.060).

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