

## **CHAPTER 2.01 GENERAL PROVISIONS**

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**2.01.005 TITLE.** This Title shall be known and may be cited as the "Subdivision Ordinance of Tremonton City, Utah."

**2.01.010 PURPOSES.** The purposes of this Title are:

- A. To promote the health, safety and general welfare of the residents of the City.
- B. To ensure the efficient and orderly development of land within the City.
- C. To prevent the uncontrolled division and development of real property, which may be done without considering the rights and best interests of adjoining property owners and the City as a whole?
- D. To avoid poorly planned developments that:
  - 1. Do not comply with the Tremonton City General Plan or Tremonton City Ordinances;
  - 2. Cannot be adequately served by existing utilities or public services;
  - 3. May prove to be dangerous or unsafe;
  - 4. May cause an undue burden on existing traffic or transportation services; or
  - 5. May require the future expenditure of public funds to correct problems caused by the development.
- E. To minimize the number of boundary line disputes in the City and to eliminate existing property line gaps and property line overlaps.
- F. To provide a mechanism requiring each developer to pay for the public improvements associated with a particular subdivision, and to provide a mechanism for each subdivision to pay its fair share of increased burdens on existing public services.
- G. To provide design standards for public improvements, facilities and utilities including but not limited to: culinary water; sanitary sewer; storm drainage; natural gas; electrical service; telephone; cable TV; internet; and to provide for accesses to public rights-of-way, to provide for the dedication of land and streets deemed necessary for

the proper development of the subdivision, and to provide for easements or rights-of-way that are necessary to service the property.

**2.01.015 DEFINITIONS.** Unless otherwise noted within this Title all definitions shall be found in Chapter 1.03 of Title I.

**2.01.020 PENALTY FOR VIOLATING TITLE.** Unless otherwise specified by State law or this Title, the violation of any of the provisions of this Title shall be a Class C misdemeanor. This provision shall not be used against City officers and staff in their good faith attempts to administer and enforce the terms of this Title.

**2.01.025 LAND USE AUTHORITIES TO ENSURE COMPLIANCE WITH ORDINANCE.** All Land Use Authorities shall issue no permit or license for subdivision where the same would be in conflict with the provisions of this Title and any such permit or license, if issued in conflict with the provisions of this Title, shall be null and void.

**2.01.030 BURDEN OF PROOF.** The burden demonstrating compliance with this Title rests with the Developer or Property owner.

**2.01.035 LEGAL REMEDIES FOR VIOLATION.** In accordance with UCA 10-9a-802, the Tremonton City Council or any owner of real estate within the zoning district in which an alleged violation of this Title has occurred in addition, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, or subdivision.

**2.01.040 ENFORCEMENT RESPONSIBILITY.** The Zoning Administrator is hereby designated and authorized as the officer charged with the enforcement of this Title.

**2.01.045 REASONABLE CONDITIONS IMPOSED.** This Title is designed to inform the subdivision developer and the public of the requirements for obtaining subdivision plat approval. To this end, an attempt has been made to outline all subdivision requirements in this Title and other applicable Ordinances and laws. Because each parcel of real property is unique and has its own set of problems to be dealt with, and because there may be some aspects of subdivision development that cannot be easily articulated, it is not possible to cover every possible contingency. Therefore, the Planning Commission and/or the Land Use Authority Board have the authority to impose reasonable conditions upon a subdivider in addition to those expressly required, provided that:

- A. The conditions are not arbitrary or capricious;
- B. The Planning Commission and/or the Land Use Authority Board find that the conditions are necessary to promote the health, safety or welfare of the citizens of Tremonton;
- C. The conditions do not conflict with any applicable law; or
- D. The conditions imposed are in compliance with Utah Code 10-9a-508 as amended by the Utah Legislature.

**2.01.050 PROPOSED AMENDMENTS TO THIS TITLE.** Proposed amendments to this Title shall be processed according to Chapter 1.32 of Title I.

**2.01.055 CONFLICTING STANDARDS.** This Title shall not nullify more restrictive laws or more restrictive provisions set forth in covenants, agreements or deed restrictions governing the subdivided property, but shall prevail over such laws or provisions that are less restrictive. This provision shall not be interpreted to imply that the City shall enforce restrictive covenants to which it is not a party.

**2.01.060 SEVERABILITY.** Should any portion of this Title be found to be invalid or unconstitutional by a court of competent jurisdiction, all remaining portions not found to be invalid or unconstitutional shall remain in full force and effect.

**2.01.065 UNLAWFUL SUBDIVISIONS.**

A. Any division of real property located within the City shall be subject to the terms of this Title unless specifically exempt by this Title.(See Section 2.01.075) The division of real property includes any sale, gift, transfer, conveyance, split or other division that results in changing the boundaries or legal description of a given parcel of real property.

1. **Illegal Transfer.** It is unlawful to transfer, sell, convey, gift or assign any subdivided property before a final subdivision plat for the property to be transferred, sold, conveyed, gifted or assigned is approved and recorded pursuant to the requirements of this Title and applicable State law.

2. **Lot Standards and Access.** Except as otherwise provided, all lots/parcels created by the subdivision of real property shall comply with the City's lot size, lot width, and buildable area requirements, and shall abut on a dedicated street or private drive connected to a dedicated street.

3. **Compliance of Illegal Subdivision.** Any developer desiring to develop property that has been subdivided illegally shall comply with the requirements of this Title before developing the property, regardless of whether or not the developer was the one who illegally subdivided the property. No Building Permit may be issued for a lot that has been illegally subdivided.

4. **Recorded Plat Amendments.** It is unlawful to amend, vacate, alter or modify any plat which has already been approved and/or recorded, without first receiving City approval of the amended, vacated, altered or modified plat.

5. **Protection Strips and Undevelopable Lots.** It is unlawful to divide real property in such a way that a parcel of property is created or left behind that cannot be developed according to the requirements of this Title, the City Zoning Ordinance Title I, or other applicable laws, regardless of whether or not a subdivision plat is required for the division. Examples of this type of violation include, but are not limited to, nuisance or protection strips, parcels created or left for the sole purpose of denying another property owner access to his or her property, parcels with insufficient square footage, parcels with insufficient buildable area, parcels that do not meet the requirements of this Title, or the City Zoning Ordinance Title I, and parcels that do not abut on a dedicated street.

**2.01.070 COMPLIANCE WITH APPROVAL AND STANDARDS.** All property shall be developed in strict compliance with the approved Preliminary Plat, the approved Final Plat, the approved Construction Drawings, Title III General Public Works Construction Standards and Specifications and all notes, restrictions, covenants, development agreements, dedications, boundaries, and other commitments shown on the approved Preliminary and/or Final Plat. Failure on an approved plan to note any improvement required by this Title on the Preliminary Plat, Final Plat or the construction drawings shall not eliminate the developer's responsibility to complete that improvement in the subdivision.

**2.01.075 NONCONFORMING STRUCTURES.** It shall be unlawful for a subdivision that has the effect of rendering any existing structure nonconforming to current City Ordinances, and shall not be allowed. All property lines, streets and other improvements shall be located in such a way as not to render any existing use or structure nonconforming. However, the Land Use Authority Board may grant an exception to this requirement if, due to substantial difficulty with the topography of the property, a street cannot reasonably and practically be located in such a way that avoids creating a nonconforming structure.

**2.01.080 EXEMPT SUBDIVISIONS.** Exempt Subdivisions do not exempt development of the lot or parcel created from compliance with this or any other Title, Ordinance, Policy or Procedure that the City has established. No subdivision approval shall be required for:

A. **Parcel Size.** Any division of land in which all resulting parcels are more than one hundred-sixty (160) acres in size;

B. **Court Decree.** Any division of land that results from a court decree for the distribution of specific parcels of property;

C. Public Purpose. Any division of land that results from a condemnation proceeding or the voluntary sale or gift of land to a public entity for a public purpose as determined by the Land Use Authority Board through the Concept Plan review process; or

D. Adjustment for Unplatted Property Lines. Any adjustment of unplatted property lines in which no new parcel is created and no new nonconforming lot, use, or building results.

## **CHAPTER 2.02 CONCEPT PLANS**

Sections:

- 2.02.005 Purpose.
- 2.02.010 Concept Plan Required.
- 2.02.015 No Vesting With Concept Plan Review.
- 2.02.020 Submission of Application.
- 2.02.025 Form and Contents of Required Documents.
- 2.02.030 Public Notice.
- 2.02.035 Review Procedures.
- 2.02.040 Entitlements.
- 2.02.045 Appeals.

**2.02.005 PURPOSE.** This Chapter establishes the Concept Plan review process, submittal requirements, and duties of the Zoning Administrator and Land Use Authority Board regarding the review and processing of Concept Plans. The Concept Plan review process is a means for applicants, developers or property owners to receive input from the Zoning Administrator and Land Use Authority Board on a proposed development prior to incurring the costs associated with further stages of the approval process.

**2.02.010 CONCEPT PLAN REQUIRED.** A Concept Plan is a required process prior to making application for a Preliminary Plat.

**2.02.015 NO VESTING WITH CONCEPT PLAN REVIEW.** The Concept Plan review does not create any vested rights to proceed with development in any particular configuration and developers may anticipate that the Zoning Administrator and Land Use Authority Board will raise other issues not addressed at the concept plan stage.

### **2.02.020 SUBMISSION OF APPLICATION.**

A. Only property owners or their duly authorized agents shall make application for a Concept Plan on forms approved by the Zoning Administrator.

B. No Concept Plan application shall be processed without the submission of the application, all the supporting materials as required by this Chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances. The time frame for when an application shall be submitted in order to be heard first at a Land Use Authority Board meeting shall be set by policy of the Zoning Administrator.

C. The application for Concept Plan review shall include the following:

1. Three (3) full size (24" x 36") and one (1) small size (11" x 17") copies of each sheet of the Concept Plan.
2. Payment of all applicable fees as set by Resolution of the City Council.

D. A Preliminary Plat may be submitted for approval concurrently with the Concept Plan, provided the Preliminary Plat meets the requirements of Chapter 2.03. If the developer chooses to submit the Preliminary Plat and Concept Plan concurrently, the City maintains the right to deny the request for approval of the Preliminary Plat, and the developer shall bear all risks associated with their preparation and submittal.

**2.02.025 FORM AND CONTENTS OF REQUIRED DOCUMENTS.** The following materials shall be submitted with any application for a Concept Plan. The number of hard copies listed in 2.02.020 C, as well as the appropriate format of each listed below. The proposed Concept Plan, drawn to a scale of not more than one (1) inch equals one hundred (100) feet showing the following:

1. Property boundary with dimensions.
2. Ownership of all adjacent tracts of land.

3. Locations and widths of existing and proposed streets.
4. Configuration of proposed lots with minimum and average lot sizes.
5. Approximate locations, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use.
6. Those portions of property designated as flood plain and slopes between twenty (20) and thirty (30) percent. See Section 2.06.100.
7. Total acreage of the entire tract proposed for subdivision.
8. General topography.
9. North arrow, scale, and date of drawing.

**2.02.030 PUBLIC NOTICE.**

A. Public Meeting. Twenty four (24) hour notice of public meeting posted in at least three (3) public places or posted on the City website and Utah public notice website. No public hearing is required when presenting or discussing a Concept Plan as defined in this Chapter.

B. Notice to Applicant. Pursuant to Utah Code Annotated 10-9a-202 the Zoning Administrator shall: notify the Applicant of the date, time, and place of each public meeting to consider their Concept Plan application; provide to each Applicant a copy of each staff report, if a report is prepared, regarding their Concept Plan application at least three (3) business days before the public meeting; and notify the Applicant of any final action on their Concept Plan application.

**2.02.035 REVIEW PROCEDURES.** The Zoning Administrator shall review each application submitted to determine the completeness of the application. At a public meeting with the Land Use Authority Board (LUAB) and the developer shall discuss the land use requirements of development, zoning ordinances, General Plan and applicable City ordinances pertaining to the development prior to proceeding with a Preliminary Plat.

**2.02.040 ENTITLEMENTS.** The Entitlement associated with a Concept Plan is the eligibility to submit an application for a Preliminary Plat review.

**2.02.045 APPEALS.** There is no appeal process with regard to Concept Plans.

## **CHAPTER 2.03 PRELIMINARY PLATS**

Sections:

- 2.03.005 Purpose.
- 2.03.010 Preliminary Plat Required.
- 2.03.015 Submission of Application.
- 2.03.020 Form and Contents of Required Documents.
- 2.03.025 Parcels Previously Divided.
- 2.03.030 Public Notice.
- 2.03.035 Review and Approval Procedures.
- 2.03.040 Entitlements.
- 2.03.045 Appeals.
- 2.03.050 Stub Streets, Street or Easement Dedication May be Required.
- 2.03.055 Validity of Preliminary Plat Approval, Prior to Final Plat Approval.

**2.03.005 PURPOSE.** The purpose of the Preliminary Plat is to plan for the overall development of the subdivision and review the development of the subdivision in context with the land and infrastructure surrounding the subdivision.

**2.03.010 PRELIMINARY PLAT REQUIRED.** A Preliminary Plat is a required process prior to approval of a Final Plat. A Preliminary Plat shall be approved for a parcel before a Final Plat can be approved for that parcel.

### **2.03.015 SUBMISSION OF APPLICATION.**

A. Only property owners or their duly authorized agent's shall make application for Preliminary Plat on forms approved by the Zoning Administrator.

B. No Preliminary Plat application shall be processed without the submission of the application, all the supporting materials as required by this Chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances. The time frame for when an application shall be submitted in order to be heard first at a Land Use Authority Board meeting and then a Planning Commission meeting shall be set by policy of the Zoning Administrator.

C. The application for Preliminary Plat approval shall include the following:

1. Four (4) full size (24" x 36") and one (1) small size (11" x 17") copies of each sheet of the Preliminary Plat.
2. All documents required in Section 2.03.020 below.
3. Payment of the applicable fee as set by Resolution of the City Council.

D. A Final Plat may be submitted for approval concurrently with the Preliminary Plat, provided the Final Plat meets the requirements of Chapter 2.04. If the developer chooses to submit the Preliminary and Final Plats concurrently, the City maintains the right to deny the request for approval of the plats, and the developer shall bear all risks associated with their preparation and submittal.

### **2.03.020 FORM AND CONTENTS OF REQUIRED DOCUMENTS.**

A. The Preliminary Plat shall not exceed twenty four inches by thirty six inches (24" x 36"), and shall be drawn to scale. The scale shall be indicated on each sheet, but shall not be less than one (1) inch equals sixty (60) feet.

B. The Preliminary Plat shall contain the following:

1. An arrow indicating north, scale, and date of drawing drawn on each sheet.
  2. The proposed name of the subdivision. (The City may reject a proposed subdivision name if the proposed name is similar to or may be confused with an existing subdivision name.)
  3. A vicinity map accurately locating the property shown on the plat.
  4. The names and addresses of the property owner(s), the developer and the engineer or surveyor of the proposed subdivision.
  5. The names and addresses of the current owners of all parcels immediately adjoining the proposed subdivision, and the boundary lines of such parcels.
  6. Contours drawn at two (2) foot intervals, unless waived by the City Engineer.
  7. The boundary lines of the parcel to be subdivided and a description of the proposed outside boundary of the property contained within the Preliminary Plat that is referenced to two (2) section corner monuments and is prepared by a licensed land surveyor. The section corner monuments and the point of beginning shall indicate computed "State Plane Coordinates."
  8. The dimensions and square footage of each lot.
  9. The dimensions and locations of existing and proposed improvements, structures, easements, and topographical features within the parcel to be subdivided and within two hundred (200) feet of the proposed subdivision boundaries.
  10. For each lot, the location and dimensions of existing and proposed irrigation systems, easements and field drains.
  11. Final grade elevations, if required by the City Engineer.
  12. The layout and location of future public streets. Where the Preliminary Plat covers only a part of a larger unsubdivided or undeveloped area, the plat shall show the location of the subdivision as it forms part of the larger area, and shall include a sketch proposing a future street system of the unsubdivided or undeveloped area.
  13. A storm water drainage plan approved by the City Engineer, which is designed to accommodate the water generated by a "one hundred (100) year storm" and designed following Title III General Public Works Construction Standards and Specifications.
  14. The location of any areas of potential flood hazard within the subdivision boundaries or within two hundred (200) feet of the subdivision boundaries.
  15. The location of any known fault lines located within one thousand (1,000) feet of any part of the subdivision as determined from the Box Elder County Hazards Map and/or any other source.
  16. The location of existing structures within the Preliminary Plat boundaries, and a notation as to whether the existing structures will remain or be demolished.
- C. The following documents shall be included with the application:
1. A preliminary title report prepared by a title company licensed to practice in the State of Utah which shows that the owner/applicant owns or represents the owner(s) of all of the property contained within the

Preliminary Plat. The City may require that the owner/developer resolve any boundary overlaps, gaps or other title discrepancies before approval of the Preliminary Plat.

2. A special report that details all environmental, geological, and engineering concerns for Subdivisions as required by the Land Use Authority Board.

3. Any other documents related to the development that the City may reasonably require ensuring compliance with the terms and purposes of City Ordinances.

**2.03.025 PARCELS PREVIOUSLY DIVIDED.** The Zoning Administrator may require any parcel of property which was originally part of a parcel now being subdivided, and which was divided off from the parcel being subdivided to be included in the Preliminary Plat of the proposed subdivision unless it has already been recorded as part of another subdivision or unless it is owned by someone other than the developer.

**2.03.030 PUBLIC NOTICE.**

A. Public Meeting. Twenty four (24) hour notice of public meeting posted in at least three (3) public places or the City website and Utah Public Notice website. No public hearing is required.

B. Notice to Applicant. Pursuant to Utah Code Annotated 10-9a-202 the Zoning Administrator shall: notify the Applicant of the date, time, and place of each public meeting to consider their Preliminary Plat application; provide to each Applicant a copy of each staff report, if a report is prepared, regarding their Preliminary Plat application at least three (3) business days before the public meeting; and notify the Applicant of any final action on their Preliminary Plat application.

**2.03.035 REVIEW AND APPROVAL PROCEDURES.**

A. Zoning Administrator Review. The Zoning Administrator shall review each application submitted to determine the completeness of the application. The Zoning Administrator shall forward complete applications to the Land Use Authority Board (LUAB).

B. LUAB Review. The LUAB shall review all applications for the purpose of determining compliance with all applicable City Ordinances and the City General Plan. If the development proposed in the application meets all the applicable regulations and standards, the LUAB shall forward the application to the Planning Commission; otherwise, it shall be returned to the applicant for appropriate modification. In no case shall the application proceed to the Planning Commission if it does not meet the regulations and standards imposed by all applicable Ordinances. The LUAB may forward applications to the Planning Commission subject to conditions or Ordinance amendments being made by the appropriate body.

C. Planning Commission Review. The Planning Commission shall approve, conditionally approve or deny the application request based upon findings of fact.

1. The Planning Commission is the final approving authority for Preliminary Plats. The Planning Commission shall approve the Preliminary Plat if it finds that the Preliminary Plat complies with all applicable Ordinances. Approval of a Preliminary Plat is an Administrative Decision. The Planning Commission may impose conditions upon its approval if it finds that such conditions are reasonably necessary to meet the objectives of this Title, Zoning Title and General Plan.

2. The Planning Commission may deny an application for Preliminary Plat approval for including but not limited to the following reasons:

a. There is insufficient evidence to demonstrate that the applicant either owns or represents the owner(s) of all of the property contained within the Preliminary Plat.

b. The Planning Commission may withhold approval of a Preliminary Plat if the owner/applicant has not resolved all boundary gaps, overlaps or other property disputes which affect the property contained within the Preliminary Plat; or

c. The Preliminary Plat does not comply with all applicable City Ordinances or State Statutes.

d. Other findings that are supported by laws.

3. If the Planning Commission denies a Preliminary Plat application, it shall state the findings of fact for the denial.

D. Notification to Rocky Mountain Power. As per Section 18-130 Revised Ordinances of Tremonton City Corporation before the Planning Commission approves any Preliminary Plat the Zoning Administrator shall mail notification of such approval and a copy of the plat to Rocky Mountain Power at the address contained in the aforementioned section of the Revised Ordinances.

E. Preliminary Plat Amendments. The Preliminary Plat shall be amended and re-approved through the process if the developer desires to increase the number of lots in the subdivision, or change the grade or location of streets within the subdivision. The Preliminary Plat need not be amended and re-approved to decrease the number of lots in the subdivision, to make minor lot boundary changes, or to make other minor changes if the LUAB finds that amending the Preliminary Plat is not necessary to protect the interest of the City or adjoining property owners.

**2.03.040 ENTITLEMENTS.** Entitlements of a Preliminary Plat approval allow a Developer to submit a Final Plat in accordance with the approved densities, streets, and lot configuration of the Preliminary Plat. In accordance with 2.01.025 any Preliminary Plat approved which is in conflict with this Title shall be null and void.

**2.03.045 APPEALS.**

A. Preliminary Plats. Any person aggrieved by the decision of any part of the Preliminary Plat or amending a Preliminary Plat approval process may appeal in accordance with Chapter 1.04 of Title I.

B. The Appeal Authority and deadline for filing an appeal of a Preliminary Plat shall be as follows:

1. First Appeal. Person has ten (10) days to appeal the decision of the Land Use Authority Board or Planning Commission to the City Council.

2. Second Appeal. Person has thirty (30) days to appeal the decision of the City Council to District Court. (See Utah Code 10-9a-801)

3. Third Appeal. None.

**2.03.050 STUB STREETS, STREET OR EASEMENT DEDICATION MAY BE REQUIRED.**

A. The City may require streets and stub streets in the Preliminary Plat in such locations, sizes, and of such design as may be necessary to provide adequate traffic circulation and access to the property contained with the Preliminary Plat and to other parcels of property in surrounding areas and for streets that are identified on the City's Master Road Plan. See Section 2.06.045

B. The Planning Commission may require that the owner dedicate to the City any or all of the street rights-of-way or easements designated on the Preliminary Plat as a condition of approval of the Preliminary Plat. The dedication shall also be made on the Final Plat. The City may require streets and stub streets in the Preliminary Plat in such locations, sizes and of such design as may be necessary to provide adequate traffic circulation and

access to the property contained within the Preliminary Plat and to other parcels of property in the surrounding area.

**2.03.055 VALIDITY OF PRELIMINARY PLAT APPROVAL, PRIOR TO FINAL PLAT APPROVAL.**

A. An approved Preliminary Plat is valid for one (1) year. The Land Use Authority Board (LUAB) may grant a one (1) year extension of the Preliminary Plat, provided the plat still complies with all applicable ordinances or the LUAB may approve the extension subject to compliance with new standards in the ordinances. The Applicant requesting a one (1) year extension shall submit a written request along with the payment of the applicable fee.

B. Appeal One Year Extension of Preliminary Plat. Any person aggrieved by the decision of any part of the One Year Extension of Preliminary Plat may appeal in accordance with Chapter 1.04 of Title I.

C. The Appeal Authority and deadline for filing an appeal of One Year Extension of Preliminary Plat shall be as follows:

1. First Appeal. Person has ten (10) days to appeal the decision of the Land Use Authority Board to the Planning Commission.
2. Second Appeal. Person has ten (10) days to appeal the decision of the Planning Commission to the City Council.
3. Third Appeal. Person has thirty (30) days to appeal the decision of the City Council to District Court. (See Utah Code 10-9a-801)

D. If a Final Plat which covers only a portion of the approved Preliminary Plat is recorded within the one (1) year time limit or extension thereof, the validity of the unrecorded portion of the Preliminary Plat shall be extended for one (1) year from the date of recording the Final Plat.

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## **CHAPTER 2.04 FINAL PLATS**

Sections:

- 2.04.005 Purpose.
- 2.04.010 Final Plat Required.
- 2.04.015 Submission of Application.
- 2.04.020 Form and Contents of Required Documents.
- 2.04.025 Street Dedication.
- 2.04.030 Public Notice.
- 2.04.035 Review and Approval Procedures.
- 2.04.040 Entitlements.
- 2.04.045 Development Agreement of Owner/Developer.
- 2.04.050 Appeals.
- 2.04.055 Validity of Final Plat Approval.
- 2.04.060 Procedures for Recording Final Plat and Development Agreements.
- 2.04.065 Existing Structures as Part of Final Plat.
- 2.04.070 Amendments to Final Plat and Construction Drawings.
- 2.04.075 Amendments to Recorded Plats.
- 2.04.080 Lot Line Adjustments.

**2.04.005 PURPOSE.** The purpose of the Final Plat is to require formal approval by the Land Use Authority Board before a subdivision plat is recorded in the office of the Box Elder County Recorder to ensure that the Final Plat, Construction Drawings and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Title, and requirements specified during the Preliminary Plat process.

**2.04.010 FINAL PLAT REQUIRED.** A Final Plat is a required process prior to the Subdivision Plat being recorded in the office of the Box Elder County Recorder.

### **2.04.015 SUBMISSION OF APPLICATION.**

A. Only property owners or their duly authorized agent's ~~developer~~ shall make application for Final Plat on forms approved by the Zoning Administrator.

B. No Final Plat application shall be processed without the submission of the application, all the supporting materials as required by this Chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances. The time frame for when an application shall be submitted in order to be heard at a Land Use Authority Board meeting shall be set by policy of the Zoning Administrator.

C. The application for Final Plat approval shall include the following:

1. Three (3) full-size (24" x 36") copies, one (1) small-size (11" x 17") copy and one (1) regular-size (8½" x 11") copy of each sheet of the Final Plat and Construction Drawings.
2. All documents required in Section 2.05.020 below.
3. Payment of the applicable fee as set by Resolution of the City Council.

D. A Final Plat may be submitted for approval concurrently with the Preliminary Plat, provided the Final Plat meets the requirements of this Chapter. If the developer chooses to submit the Preliminary and Final Plats concurrently, the City maintains the right to deny the request for approval of the plats, and the developer shall bear all risks associated with their preparation and submittal.

**2.04.020 FORM AND CONTENTS OF ~~FINAL PLAT~~ AND REQUIRED DOCUMENTS.**

A. The Final Plat shall be drawn on a sheet approved by the Box Elder County Recorder's Office. The Final Plat shall be drawn to scale. The scale shall be indicated on the plat and shall not be less than one (1) inch equals sixty (60) feet.

B. The Final Plat shall contain the following:

1. An arrow indicating north, scale and date of drawing on each sheet.
2. The name of the subdivision.
3. The subdivision boundary lines showing the proper bearings and dimensions, which lines shall be of heavier line weight than any other lines on the drawing, and which shall be referenced to two (2) section corner monuments and is prepared by a licensed Land Surveyor. The section corner monuments and the point of beginning shall indicate computed "State Plane Coordinates." All bearing change locations of the subdivision boundary shall indicate computed "State Plane Coordinates."
4. The names, widths, lengths, bearings and curve data of all streets and other areas intended for public use.
5. The numbers of all lots, blocks, and streets, which numbering shall be in accordance with the City street numbering system, as designated by the Zoning Administrator. Streets shall not be given names other than the appropriate number designation (e.g. 600 North) for the street, except in the case of streets that cannot be readily assigned numerical designations because of a configuration which is not aligned with north-south or east-west coordinates.
6. The bearings, dimensions, and square footage of each lot.
7. The bearings, dimensions, and locations of all easements within the subdivision.
8. A "Certificate of Survey" with a metes and bounds description, the signature of a Land Surveyor licensed in the State of Utah and the land surveyor's seal.
9. A provision containing the notarized signatures of all of the owners, dedicating all streets, public utility easements and other public areas to the City for the perpetual use of the City as follows (unless alternative language is approved by the City Attorney):

**OWNER'S DEDICATION**

We, the undersigned owners of all the real property depicted on this plat and described in the surveyors certificate on this plat, having clean title and full legal authority to dedicate the same, have caused the land described on this plat to be divided into lots, streets, parks, open spaces, easements and other public uses as designated on the plat, and to be hereinafter known as the "\_\_\_\_\_ Subdivision." We now do hereby dedicate, grant, and convey, in perpetuity, pursuant to the provisions of 10-9a-607, Utah Code, without condition, restriction or reservation to Tremonton City, Utah, all public streets or other public rights-of-way as public thoroughfares, and also dedicate all designated easements for public utilities and drainage purposes, which shall be used for the installation, maintenance and operation of public service utility lines and drainage as intended for public use, open spaces shown as public open spaces, public parks and all other places of public use and enjoyment to Tremonton City, Utah, together with all improvements required by the Development Agreement, executed between the undersigned and Tremonton City, for the benefit of Tremonton City and the inhabitants thereof.

OWNER(S):

PRINTED NAME OF OWNER

AUTHORIZED SIGNATURE(S)

**ACKNOWLEDGMENT**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me the persons signing the foregoing Owner's Dedication known to me to be authorized to execute the foregoing Owner's Dedication for and on behalf of the owners who duly acknowledged to me that the Owner's Dedication was executed by them on behalf of the Owners.

\_\_\_\_\_  
NOTARY PUBLIC

10. According to Utah Code Annotated 17-41-403 (4) (a) any new subdivision development located in whole or in part within 300 feet of the boundary of an agriculture protection area, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

**AGRICULTURE PROTECTION AREA**

This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

11. A notice of all covenants, conditions and other restrictions that may be relevant and applicable to the property contained within the Final Plat.

12. An "Acceptance by Tremonton City" approval block for the signatures of the Land Use Authority Chairperson, Mayor, City Engineer, and attestation by the City Recorder. A signature line for the City Attorney to sign approved as to form shall be provided. The Land Use Authority approval includes but is not limited to Culinary Water Authority, Sanitary Sewer Authority and Fire Authority.

13. A note indicating the following: "High Ground Water levels may be present in the area. Tremonton City's inspection of construction does not constitute any assumption of liability for high water table issues. The buyer of each individual lot is solely responsible for all risks involved in purchasing and building on these lots."

C. The following documents shall be included with the application for Final Plat approval:

1. Construction drawings showing existing ground and/or asphalt elevations, planned grades and elevations of required subdivision improvements contained in this Title, the location of all public utilities in accordance with Section 3.01.015 of Title III. Improvements shown on the construction drawings shall be in accordance with the approved Preliminary Plat. All Construction drawings shall be designed by a Professional Engineer, licensed in the State of Utah and qualified to perform such work. All construction drawings shall have the design Engineer State license seal stamped and signed on all submitted sheets.

2. Documents evidencing conveyances or consents from owners of property interests within the subdivision when such are required by law.

3. Engineers estimates of all the required subdivision improvements associated with the Final Plat and construction drawings.

4. A title report prepared by a title company licensed to practice in the State of Utah which shows that the owner/applicant owns or represents the owner(s) of all of the property contained within the Final Plat.

5. A soil report prepared and stamped by a licensed Geotechnical Engineer. (See Section 2.06.040 of this Title for what is to be included in the Geotechnical report).
6. Documents evidencing consent from other utility providers stating that they will provide service to the subdivision.
7. Any other documents the City may reasonably require ensuring compliance with the terms and purposes of City Ordinances.

**2.04.025 STREET DEDICATION.** Unless previously dedicated, the developer shall dedicate to the City the full width of all street rights-of-way on the Final Plat; provided, however, that in cases where a proposed street in the subdivision abuts undeveloped property where no street currently exists and the property is not owned by the applicant the Land Use Authority Board (LUAB) may waive the full width dedication requirement and allow the dedication of a lesser width if LUAB finds that such is necessary to promote the health, safety, and welfare of the public. In no case, however, shall the lesser width allowed be less than half of the full right-of-way plus ten (10) feet.

**2.04.030 PUBLIC NOTICE.**

A. Final Plats- Public Meeting. Twenty-four (24) hour notice of public meeting posted in at least three (3) public places or the City website and Utah public notice website. No public hearing is required.

B. Amendment to Recorded Plat- Vacating or Amending a Public Street, Right-of-Way, or Easement. Vacating or Amending a Public Street, Right-of-Way, or Easement the Legislative Body shall hold a public hearing and give notice of the date, place and time of the public hearing at least ten (10) days before the public hearing and notice mailed to the record owner of each parcel that is accessed by the Public Street, Right-of-Way, Easement; notice mailed to each Affected Entity; notice posted on or near the street, right-of-way, or easement in a manner that will alert the public; publish in a newspaper of general circulation in the City in which the land subject to the amendment is located for four (4) consecutive weeks; and publish on the Utah Public Notice website. Twenty-four (24) hour notice of public meeting posted in at least three (3) public places or the City website and Utah public notice website.

C. Amendment to Recorded Plat. Amendments other than vacating or amending a Public Street, Right-of-Way, or Easement the Land Use Authority shall hold a public hearing as noted in Section 2.04.030 B1, if any owner within the plat objects to the amendment in writing to the City within ten (10) days of the mailed notice or because all of the owners in the subdivision have not signed the revised plat. Twenty-four (24) hour notice of public meeting posted in at least three (3) public places or the City website and Utah Public Notice website.

D. Notice to Applicant. Pursuant to Utah Code Annotated 10-9a-202 the Zoning Administrator shall: notify the Applicant of the date, time, and place of each public hearing and public meeting to consider their Final Plat application; provide to each Applicant a copy of each staff report, if a report is prepared, regarding their Final Plat application at least three (3) business days before the public hearing or public meeting; and notify the Applicant of any final action on their Final Plat application.

**2.04.035 REVIEW AND APPROVAL PROCEDURES.**

A. The Zoning Administrator shall review each application submitted to determine the completeness of the application. The Zoning Administrator shall forward complete applications to the Land Use Authority Board.

B. The Land Use Authority Board (LUAB) shall review all applications for Final Plat approval for the purpose of determining compliance with approved Preliminary Plat, all applicable City Ordinances and the City General Plan. The City Engineer shall review Construction Drawings for compliance with all applicable City Ordinances.

C. The Land Use Authority Board (LUAB) is the final approving authority for Final Plats, and the City Engineer is the final approving authority for Construction Drawings.

1. The LUAB shall approve the Final Plat and the City Engineer shall approve the Construction Drawings if they meet the requirements of the Preliminary Plat and all applicable City Ordinances and State Statutes. Approval of a Final Plat is an Administrative Decision. The LUAB may approve the Final Plat with conditions if allowed discretion by applicable City Ordinances and State Statutes.

2. The LUAB may deny approval of the Final Plat and the City Engineer may deny the Construction Drawings if they do not comply with all applicable City Ordinances, State Statutes and requirements of the Preliminary Plat, based upon finding of facts supported by law.

3. If the request for Final Plat or Construction Drawings approval is denied, the LUAB or City Engineer shall state the findings of fact for the denial.

D. In the case of a Final Plat that is a part of a Planned Unit Development (PUD), or Planned Development (P), the City Council shall have the final approving authority.

E. The City Engineer shall:

1. Review and approve all required Construction Drawings prior to recording. The City Engineer shall deny approval of the Construction Drawings unless they comply with generally accepted engineering standards, Title III General Public Works Construction Standards and Specifications, Geotech reports, and any other specifications, standards or policies established by the City.

2. Make recommendations to the Land Use Authority Board in accordance with City requirements concerning the Final Plat.

3. Review the Development Agreements and or easements and advise the LUAB and the Mayor that the engineering aspects of the agreements or easements are in order and ready for signature.

4. Review and approve Engineering cost estimates for development improvements and provide details for any applicable Escrow Bond.

5. Prior to recording, review the Final Plat and surveyor's certification for acceptability.

6. After final approval by the City Engineer and Land Use Authority Board, sign the plat, and stamp the Construction Drawings as approved provided they meet all the requirements of this Chapter.

F. The City Attorney shall:

1. Review Title reports and advise the LUAB.

2. Prior to recording, review all Developments Agreements and or easements and advise the LUAB and the Mayor that the legal aspects of the agreements or easements are in order and ready for signature.

3. Prior to recording, review form of Bond.

4. Prior to recording, review the Final Plat Owner's Dedication and other elements for acceptability.

**2.04.040 ENTITLEMENTS.** Entitlements of Final Plat approval allows the Developer to enter into a Development Agreement with the City, and have the Final Plat recorded with the Box Elder County Recorder. In accordance with 2.01.025 any Final Plat approved which is in conflict with this Title shall be null and void.

**2.04.045 DEVELOPMENT AGREEMENT OF OWNER/DEVELOPER.** No final subdivision plat shall be recorded until, the developer of the subdivision has tendered the bond required by Chapter 2.05 of this Title and entered into a Development Agreement with the City in which the developer agrees to: install the improvements as required by this Title and other applicable Titles; and to indemnify and hold the City harmless from any claims, suits or judgments arising from the condition of the property dedicated to the City, from the time that the property is dedicated to the City to the time when the improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period); and the owner(s) of the subdivision has given written permission to the City or it's representatives to enter upon the property included within the Final Plat to complete any subdivision improvements required by this Title in the event that the owner/developer fails to satisfactorily complete such improvements in the time allowed by this Title; and other requirements associated with the approval of the Final Plat. The Development Agreement shall be recorded with the Final Plat.

**2.04.050 APPEALS.**

A. Final Plats. Any person aggrieved by the decision of any part of the Final Plat or amending a Final Plat may appeal in accordance with Chapter 1.04 of Title I.

B. The Appeal Authority and deadline for filing an appeal of a Final Plat or amending a Final Plat is as follows:

1. First Appeal. Person has ten (10) days to appeal the decision of the Land Use Authority Board to the City Council or if the City Council approved the Final Plat, thirty (30) days to appeal decision to the District Court.
2. Second Appeal. Person has thirty (30) days to appeal the decision of the City Council to District Court. (See Utah Code 10-9a-801)
3. Third Appeal. None.

C. Construction Drawings. Any person aggrieved by the decision of any part of the Construction Drawings may appeal in accordance with Chapter 1.04 of Title I.

D. The Appeal Authority and deadline for filing an appeal of the Construction Drawings shall be as follows:

1. First Appeal. Person has ten (10) days to appeal the decision of the City Engineer to the Land Use Authority Board.
2. Second Appeal. Person has ten (10) days to appeal the decision of the Land Use Authority Board to the City Council.
3. Third Appeal. Person has thirty (30) days to appeal the decision of the City Council to District Court. (See Utah Code 10-9a-801)

E. Geologic Hazards. Any person aggrieved by the decision of any part of the Final Plat associated with a Geologic Hazard may appeal in accordance with Chapter 1.04 of Title I.

F. The Appeal Authority and deadline for filing an appeal of a Final Plat associated with a Geologic Hazard shall be as follows:

1. First Appeal. Person has ten (10) days to appeal the decision of the Land Use Authority associated with a Geologic Hazard to a panel of qualified experts pursuant to UCA 10-9a-703 (2).

2. Second Appeal. None.

3. Third Appeal. None.

**2.04.055 VALIDITY OF FINAL PLAT APPROVAL.** The Final Plat approval shall expire and be void one (1) year after approval by the LUAB, unless the plat has been recorded.

**2.04.060 PROCEDURES FOR RECORDING FINAL PLAT AND DEVELOPMENT AGREEMENTS.**

A. The following fees shall be paid to the City prior to recording the Final Plat:

1. A fee for street identification signs and for each traffic control sign.

2. A fee for the installation of street lighting.

3. A fee for a duplicate copy of the Final Plat.

4. The estimated fee for recording the Final Plat and Subdivision Development Agreement.

5. Additional fees, if the processing of the Preliminary and Final Plats required more resources, than anticipated in the fee originally charged in the fee schedule. The charging and collection of this type of fee shall be in accordance with a Resolution adopted by the City Council.

6. Pay appropriate Roll Back taxes as determined by Box Elder County for property that is being subdivided and was previously taxed as Green Belt property.

7. Any other fees or bonds required by the City, including a proportionate fee for off-site improvements or improvements that cannot be constructed or completed with the subdivision improvements.

B. The City shall record the Final Plat and Development Agreements in the Office of the Box Elder County Recorder after the fees required in subsection (A) above are received by the City and after the developer has completed all other City requirements for recording.

**2.04.065 EXISTING STRUCTURES AS PART OF FINAL PLAT.** Lots having existing residential or commercial structures shall be included in a Final Plat.

**2.04.070 AMENDMENTS TO FINAL PLAT AND CONSTRUCTION DRAWINGS.**

A. The City Engineer may approve minor engineering amendments to approved Final Plats before the plat is recorded if he/she finds that the proposed amendment(s) does not jeopardize the interests of the City or adjoining property owners. The types of minor amendments contemplated by this section include, but not limited to legal description mistakes, minor boundary changes, and items that should have been included on the original Final Plats. Major amendments such as lot additions, streets, boundary changes, etc. to unrecorded approved Final Plats shall go back through the Preliminary and Final approval process.

B. The City Engineer may approve amendments to Construction Drawings upon payment of applicable fee as set by Resolution of the City Council.

**2.04.075 AMENDMENTS TO RECORDED PLATS.**

A. Amending or Vacating a Recorded Subdivision Plat. Upon a recommendation of the Land Use Authority Board, the City Council shall consider and approve or disapprove after a public hearing if required, with or without a petition, any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or lot, contained in a subdivision plat. If the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, that no street, alley, right-of-way, or

easement requires vacating or amending and that there is good cause for the vacation, alteration, or amendment, the City Council may vacate, alter, or amend the plat, any portion of the plat, or any lot. The City Council shall approve by resolution the Amending or Vacating a recorded subdivision plat and resolution shall be recorded with the Box Elder County Recorder.

B. Amending or Vacating Public Streets, Right-of-Ways or Easements. The City Council shall hold a public hearing and approve when vacating some or all of a street, right-of-way, or easement. If an entire subdivision is vacated, the City Council shall do so by an Ordinance containing a legal description of the entire vacated subdivision and record the Ordinance with the County Recorders Office. The City Council may vacate a public utility easement upon finding that all applicable public utility agencies, including those responsible for natural gas, electric power, cable television, telephone, fiber optic, storm system, sewer, culinary water and other services deemed to be of a public-utility nature by the City, have provided written assurance to the City that the public utility easement proposed to be vacated is not currently being used for such utility and will not be needed for the future use of such utilities.

C. Amended Plats or amended and vacated plats approved by the City Council shall be recorded in the Office of the Box Elder County Recorder.

D. Appeal Amended Recorded Subdivision Plat. Any person aggrieved by the decision of any part of the Amended Recorded Subdivision Plat may appeal in accordance with Chapter 1.04 of Title I.

E. The Appeal Authority and deadline for filing an appeal of an Amended Recorded Subdivision Plat shall be as follows:

1. First Appeal. Person has thirty (30) days to appeal the decision of the City Council to District Court. (See Utah Code 10-9a-801)
2. Second Appeal. None.

F. Appeal Amendment or Vacating Public Streets, Right-of-Ways or Easements. Any person aggrieved by the decision of any part of the Appeal Amendment or Vacating Public Streets, Right-of-Ways or Easements may appeal in accordance with Chapter 1.04 of Title I.

G. The Appeal Authority and deadline for filing an appeal of Amendment or Vacating Public Streets, Right-of-Way or Easement shall be as follows:

1. First Appeal. Person has thirty (30) days to appeal the decision of the City Council to District Court. (See Utah Code 10-9a-801)
2. Second Appeal. None.

**2.04.080 LOT LINE ADJUSTMENTS.** Lot Line Adjustments. No public notice is required for a Lot Line Adjustment to an existing recorded plat.

A. The Zoning Administrator or his/her designee may approve adjustments lot lines of a recorded plat between adjacent properties if:

1. No new dwelling lot or house unit results from the Lot Line Adjustment;
2. The adjoining property owners consent in writing to the Lot Line Adjustment;
3. The Lot Line Adjustment does not result in remnant land that did not previously exist; and
4. The adjustment does not result in violation of applicable zoning requirements.

B. Appeal a Lot Line Adjustment. Any person aggrieved by the decision of a Lot Line Adjustment may appeal in accordance with Chapter 1.04 of Title I.

C. The Appeal Authority and deadline for filing an appeal of a Lot Line Adjustment shall be as follows:

1. First Appeal. Person has ten (10) days to appeal the decision of the Zoning Administrator to the Land Use Authority Board.
2. Second Appeal. Person has ten (10) days to appeal the decision of the Land Use Authority Board to the City Council.
3. Third Appeal. Person has thirty (30) days to appeal the decision of the City Council to District Court. (See Utah Code Section 10-9a-801)

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**CHAPTER 2.05  
SUBDIVISION IMPROVEMENTS**

Sections:

- 2.05.005 Required Improvements.
- 2.05.010 Off-Site Improvements.
- 2.05.015 Fee-in-Lieu of Construction for Required Improvements.
- 2.05.020 Utility Upsizing.
- 2.05.025 Improvement Deadlines.
- 2.05.030 Construction of Subdivision Improvements.
- 2.05.035 Debris in Streets.
- 2.05.040 Public Utilities and Improvements Installation Priority.
- 2.05.045 Bond for Improvements.

**2.05.005 REQUIRED IMPROVEMENTS.** The following table of improvements is mandatory in all Subdivisions and shall be installed by the developer in accordance with Title III General Public Works Construction Standards and Specifications. Additional requirements and standards pertaining to the required improvements include but are not limited to this section and other sections of this Title and Title I as noted by section references below.

<b>REQUIRED IMPROVEMENTS</b>
Street dedication and paving. See 2.06.045 and 2.06.050
Curb, gutter, and sidewalk. See 2.06.005
Drive approaches for each lot. See Title I Chapter 1.23
Culinary water systems. See 2.06.010
Sanitary sewer systems. See 2.06.020
Surface water runoff drainage systems. See 2.06.025
Telecommunication Conduit. See 2.06.060
Permanent markers to identify lot corners and service laterals. See 2.06.075 D, 2.06.010 and 2.06.025
Additional Utilities, including but not limited to electrical service, natural gas, telephone, cable television, and internet services. See 2.06.060
Fire hydrants in accordance with the Appendix C, International Fire Code.
Easements. See 2.06.085
Off street parking. See Title I Chapter 1.09
Subsurface & surface water drainage systems. Including easements and improvements to existing Field Drain Systems and Canals. See 2.06.025
Bridges, Pipes and Culverts. See 2.06.065
Fences. See 2.06.045 and 2.06.095
Grading. See 2.06.100
Retaining walls. See 2.06.100
Covering, piping, relocating or abandoning irrigation ditches. See 2.06.090
Public facilities.
Extending and constructing roads, water lines, sewer lines and storm drain lines beyond the boundary limits of the Final Plat. See 2.05.010
Engineered footings. See International Building Codes.
Walkways. See 2.06.070
Street lighting conduit and Street Lights. See 2.06.055
Street signs.
Temporary turn around. See 2.06.045
Stub streets to adjoining properties. See 2.06.045
Restoration of vegetation on hillsides and natural open space areas. See 2.06.100
The looping (multiple water main's serving the same subdivision) of culinary water system. See 2.06.010

<b>REQUIRED IMPROVEMENTS</b>
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Other public and private utilities. See 2.06.055
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A. The City Engineer or Land Use Authority Board may also require the developer to install or provide any or all of the following improvements according to the particular needs of the subdivision:

1. Landscaping.
2. Buffers and screenings to mitigate potential nuisances.
3. All other improvements which the City deems reasonably necessary to promote the public health, safety and welfare.

B. In determining the particular needs of the subdivision and in determining whether any of the improvements specified in 2.05.005(A) shall be required in a particular subdivision, the City Engineer or Land Use Authority Board shall consider, among other things:

1. Compliance with existing plans adopted by the City Council.
2. Recommendations from staff, or the Planning Commission.
3. The requirements of the International Building Codes and the International Fire Code.
4. The topography of the property, the type of soil on the property, the existence of subsurface water drainage systems in the vicinity of the property, and the City's storm water drainage master plan.
5. The extent to which the proposed subdivision causes or contributes to the need for the improvement.
6. The need for the improvement to protect the health, safety and welfare of residents of the subdivision and the community at large.
7. The types of development and uses adjacent to the subdivision.
8. Existing historical uses across the property such as field drains, canals and irrigation ditches.
9. The improvements imposed are in compliance with Utah Code 10-9a-508 as amended by the Utah Legislature.

**2.05.010 OFF-SITE IMPROVEMENTS.** The developer may be required to install off-site improvements when it is shown that the proposed subdivision causes or contributes to the need for such improvements. In cases where the proposed subdivision causes or contributes to the need for off-site improvements but the developer is not required to install them, the City may impose a proportionate fee, or may otherwise require financial contribution pursuant to written agreements between the City and the developer. Whether or not the developer actually installs the improvements, the City may require that owners of other undeveloped properties, the development of which shall also contribute to the need for the improvements, pay a proportionate fee or be party to such agreements. The City shall follow the requirements of all applicable statutory (Utah Code 10-9a-508) and case law in arriving at a just and equitable distribution of the costs of the improvements. Written findings shall be made by the City showing the reasons and justification for the allocation of the costs. The fees or the monies collected pursuant to such agreements shall be used towards the costs of installing the improvements. This Subsection shall not apply in the case of required off-site water and sewer systems, the financing of which is covered by Subsections 2.05.045(B) and (C).

**2.05.015 FEE-IN-LIEU OF CONSTRUCTION FOR REQUIRED IMPROVEMENTS.** In cases where a developer shall be required by City Ordinance to install an improvement but due to circumstances as determined by the City Engineer prevent the construction of the improvement the Land Use Authority Board may allow the developer to pay a fee-in-lieu of construction. The fee-in-lieu payment shall be the current cost of constructing the

improvement as estimated by the City Engineer. The fee-in-lieu payment shall be formalized in an agreement between the City and developer and the payment shall be made prior to the recordation of the subdivision or permit being issued. Whether off-site improvements are installed or financed in whole or in part by the developer through the use of fees or agreements, the City shall follow the requirements of all applicable statutory (Utah Code 10-9a-508) and case law in arriving at a just and equitable distribution of the costs of the improvements. Written findings shall be made by the City showing the reasons and justification for the allocation of the costs. The fee-in-lieu payment shall be used towards the costs of installing the improvements and absolve the developer from making the improvement in the future or paying the future cost of the improvement.

**2.05.020 UTILITY UPSIZING.** The City may require a developer to install water, sewer or storm drain lines that are larger than that which would be necessary to meet the service needs of the subdivision. The City shall participate in the cost of sewer, storm water and water main lines when the City requires the developer to install or provide lines that are larger or greater than those necessary to provide the required services for all phases of the subdivision. The size of such improvements shall be specified by the City and the amount of City participation in the cost of the improvements shall be agreed formalized in an agreement between the City and the developer prior to approval of the subdivision plat; provided, however, that the City shall not participate in the construction of any sewer line less than ten (10) inches in diameter or water line less than twelve (12) inches in diameter, and in all cases, the maximum financial participation by the City shall be limited to the difference in costs between the improvements needed to service the subdivision and those improvements actually required by the City.

**2.05.025 IMPROVEMENT DEADLINES.** All required improvements shall be completed and pass City inspections within one (1) year of the date that the Final Plat is recorded. Required improvements for plats recorded between November 1<sup>st</sup> and March 31<sup>st</sup> shall be completed by the next October 1<sup>st</sup>. For example, the required improvements for a plat recorded on February 6<sup>th</sup>, shall be completed by October 1<sup>st</sup>, in the same calendar year. Failure to meet this time frame may result in forfeiture of the bond.

**2.05.030 CONSTRUCTION OF SUBDIVISION IMPROVEMENTS.** All subdivision improvements shall be completed by qualified contractors in accordance with Title III General Public Works Construction Standards and Specifications. No work may be commenced on improvements intended to be dedicated to the City without approved construction drawings and a pre-construction meeting with the City.

**2.05.035 DEBRIS IN STREETS.** When installing any of the subdivision improvements, the developer and contractor shall be required to keep all paved streets, sidewalks and gutters within or outside the subdivision free from any debris, trash, mud or dirt from the project. Upon notification by the City of a violation of this provision, the developer shall have the area affected cleaned within twenty four (24) hours. If he/she fails to do so, the City may clean it and the developer shall reimburse the City for all costs incurred. Bond money may be used to cover cleaning costs.

**2.05.040 PUBLIC UTILITIES AND IMPROVEMENTS INSTALLATION PRIORITY.**

A. Underground utilities, service lines and water and sewer systems, including laterals, shall be installed prior to the installation of any other street improvements, unless the City Engineer waives this requirement in writing.

B. All gravity flow systems shall be installed prior to installation of pressurized systems.

C. All new sewer lines shall be inspected by television monitoring equipment before the installation of asphalt paving. The developer of the subdivision shall be required to provide for the television monitoring.

D. No Building Permits (either temporary or permanent) shall be issued until all water, sewer, and storm drain lines have been extended to the farthest lot line of any lot being developed in the subdivision plat and the water and sewer lines have been approved by the City, unless the City Engineer waives this requirement in writing. All curb, gutter, sidewalk, base gravel and compaction shall be installed in accordance with Title III General Public Works Construction Standards and Specifications and approved by the City before any Certificate of Occupancy shall be issued for any lot in the subdivision.

## **2.05.045 BOND FOR IMPROVEMENTS.**

A. The developer's bond shall be held to guarantee that all required improvements by City Ordinances and State Statues shall:

1. Be constructed in accordance with Title III General Public Works Construction Standards and Specifications and the construction drawings approved by the City Engineer.
2. Be completed and pass City inspection within one (1) year of the date that the Final Plat is recorded.
3. Remain free from defects for a period of one (1) year following the date that all improvements pass City inspection. The developer shall repair or replace any improvements which are or become defective during this time period. All repairs or replacements shall be made to the satisfaction of the City. The City may require the developer to guarantee and warrant that any repairs remain free from defect for a period of one (1) year following the date that the repairs pass City inspection. The City may retain the developer's bond until the repairs have lasted through the warranty period, and may take action on the bond if necessary to properly complete the repairs.

B. The Bond guaranteeing the developer's timely and proper installation and warranty of required improvements shall be equal in value to at least one hundred-ten (110) percent of the cost of the required improvements, as estimated by the City Engineer. The purpose of the bond is to enable the City to make or complete the required improvements in the event of the developer's inability or failure to do so. The City need not complete the required improvements before collecting on the bond. The City may, in its sole discretion, delay taking action on the bond and allow the developer to complete the improvements if it receives adequate assurances that the improvements shall be completed in a timely and proper manner. The additional ten (10) percent shall be used to make up any deficiencies in the bond amount and to reimburse the City for collection costs, including attorney's fees, inflationary costs, etc.

C. The Bond shall be an escrow bond, or cash bond in favor of the City. The requirements relating to each of these types of bonds are detailed below. The City Attorney shall approve any bond submitted pursuant to this section. The City Attorney reserves the right to reject any of the bond types if it has a rational basis for doing so. Escrow bonds shall be held by a federally insured bank, savings and loan or credit union or a title insurance underwriter authorized to do business in the State of Utah. A developer may use a cash bond by tendering the required bond amount in cash or certified funds to the City, partial releases may be made from the cash bond as allowed for other bond types, but shall retain ten (10) percent of the bond through the warranty period for any repairs necessary prior to final approval at the end of the warranty period. If no repairs are required at the end of the warranty period the remaining portion of the bond shall released to the Developer. The City shall not pay any interest on funds held as a cash bond.

## CHAPTER 2.06 SUBDIVISION REGULATIONS AND STANDARDS

### Sections:

- 2.06.005 Curb, Gutter and Sidewalks.
- 2.06.010 Culinary Water Systems.
- 2.06.015 Fire Hydrants.
- 2.06.020 Sanitary Sewer Systems.
- 2.06.025 Drainage Systems.
- 2.06.030 Flood Plains.
- 2.06.035 Subdivision Proposal in a Flood Plain Area.
- 2.06.040 Geologic Nature, Geologic Hazards, and High Water Table Areas.
- 2.06.045 Streets.
- 2.06.050 Street Grades.
- 2.06.055 Street Lighting.
- 2.06.060 Public and Private Utilities.
- 2.06.065 Bridges, Pipes and Culverts.
- 2.06.070 Walkways.
- 2.06.075 Lots.
- 2.06.080 Deep Lots or Flag Lot Developments.
- 2.06.085 Easements.
- 2.06.090 Ditches, and Canals and Natural Waterways.
- 2.06.095 Fencing Major Canals.
- 2.06.100 Street Lighting Hillside Developments.
- 2.06.105 Secondary Water – *Reserved*.

**2.06.005 CURB, GUTTER AND SIDEWALKS.** A buffered sidewalk separated from the street by a landscaped strip shall be installed in any residential zone and shall be designed and constructed in accordance with Title III General Public Works Construction Standards and Specifications and shall comply with the Streets Master Plan. The Planning Commission may waive the buffered sidewalk requirement if it finds that compliance with the requirement would be functionally or aesthetically inconsistent with existing development located near or adjacent to the property.

A. Curb, gutter, and sidewalk on both sides of the street. Exception: RR-1 one (1) acre; and R1-20 one-half (½) acre zones may, upon approval by the LUAB use the low impact roadway section in Title III General Public Works Construction Standards and Specifications. Individual lots shall not be less than 20,000 square feet in size.

B. The requirement to install curb, gutter and/or sidewalk may be waived by the Land Use Authority Board if it finds that the property has a topography or location that does not lend itself to curb, gutter and/or sidewalk construction. The Land Use Authority Board may approve trails constructed in accordance with Title III General Public Works Construction Standards and Specifications in lieu of sidewalks. Except as otherwise provided herein, the developer shall pay for all costs of designing, purchasing, installing, warranting and otherwise providing the improvements required by this Title.

**2.06.010 CULINARY WATER SYSTEMS.** Culinary water systems shall be extended to each lot in a subdivision and shall be in conformance with Title III General Public Works Construction Standards and Specifications. The developer shall install main water lines throughout the entire subdivision, extending to the farthest boundaries thereof. The City Engineer may require culinary water mains to be looped. All water laterals shall be installed by the developer. The developer shall locate and mark at the property line the location of the ends of culinary water laterals.

**2.06.015 FIRE HYDRANTS.**

A. Fire hydrants shall be installed by the developer in accordance with the International Fire Code and Title III General Public Works and Construction Standards at locations approved by the City as designated on the Preliminary Plat and the City-approved construction drawings.

B. All cul-de-sacs shall have a fire hydrant located within the turn-around area of the end of the street.

**2.06.020 SANITARY SEWER SYSTEMS.** Sanitary sewer systems shall be extended to each lot in a subdivision and shall be in conformance with Title III General Public Works Construction Standards and Specifications. The developer shall install main sewer lines and laterals throughout the entire subdivision, extending to the farthest boundaries thereof. The developer shall locate and mark at the property line the location of the ends of sanitary sewer laterals.

**2.06.025 DRAINAGE SYSTEMS.**

A. Surface water runoff drainage systems shall be designed and installed to handle all runoff generated within the subdivision according to Title III General Public Works Construction Standards and Specifications.

B. Ground water drainage systems shall be designed by a Professional Engineer and approved by the City Engineer.

C. All drainage systems shall be required to extend to the outermost boundaries of the subdivision.

D. Drainage System. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Utah 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 phases, a general drainage plan for the entire area shall be presented with the first phase, and appropriate development stages for the drainage system for each phase indicated. Design requirements for Tremonton City shall be provided by the City Engineer. The drainage system shall be designed to consider the drainage basin 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, as well as its effects on lands downstream. 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 plans.

E. Subsurface Drainage System. The requirements of this Section 2.06.025 shall also require that the subdivider or developer address and remedy any subsurface drainage water concerns when determined necessary by the Land Use Authority Board. The provisions of Subsection (D) above relating to Drainage Systems shall be applied to any subsurface drainage system determined to be necessary as shall any other applicable provisions of this Subdivision Ordinance or other Ordinances of the City relating to drainage systems

1. Field Drains. Tremonton City and the surrounding area have an existing closed drain field drainage systems, these drainage systems are vital to lowering water tables and improving farmland productivity, therefore, developers and builders shall identify field drains when any excavation, installation or construction of any building or infrastructure takes place. Field drains that are disturbed shall be repaired or routed as to not interfere with the water flow of the field drain system.

**2.06.030 FLOOD PLAINS.** Any Subdivision or Development in or adjacent to a flood plain identified by the Army Corps of Engineers, Federal Emergency Management Agency (FEMA) or State and Federal laws. Shall comply with the provisions of Chapter 1.12 Flood Damage Prevention Overlay Zone of Title I and any other Tremonton City Ordinances.

## **2.06.040 GEOLOGIC NATURE, GEOLOGIC HAZARDS, AND HIGH WATER TABLE AREAS.**

A. Geotechnical Report. All Applications for a Site Plan or Subdivision approval shall provide a Geotechnical Report prepared by a Professional Engineer licensed in the State of Utah. The report shall identify Geologic nature of the proposed site and provide recommendations for planning, engineering design, and construction techniques to be utilized showing the location and height of all subsurface ground water areas. If roads are to be constructed through the subdivision the Geotechnical Report shall include the California Bearing Ratio (CBR). This report shall be completed and submitted to the City prior to Final Plan approval.

B. Condition, Requirements, and Restrictions. A Land Use Authority shall place condition(s), requirement(s), and restriction(s) on a Site Plan or Subdivision when a Geotechnical Report contains findings that a Geologic Hazard is present on the site that presents risk to: life; substantial loss of real property; or substantial damage to real property.

C. High Water Table. Tremonton City is known to be a high water table area and CAUTION should be used in development design. Unless otherwise specified that to the contrary in a Geotechnical Report any Site Plan or Subdivision that has a high water table area shall comply with the provisions of this Section. Additional conditions, requirements or restrictions may be imposed in accordance with 2.06.040 B or as specified in other applicable City Ordinances.

1. The City may prohibit basements in high water table areas.
2. Any subdivision which has a high water table area shall be designed and developed to provide each lot with a buildable area behind the front setback line of at least forty (40) percent of the minimum lot area required by the zone in which the lot is located.
3. The developer shall install or replace, when required by the City, all sewer and water systems within a high water table area to eliminate or minimize possible damage to such systems, discharge from such systems into the water table, or infiltration of water table liquids into such systems.

## **2.06.045 STREETS.**

A. All street and right-of-way improvements shall be designed and constructed in accordance with Title III General Public Works Construction Standards and Specifications and shall be extended to the farthest boundaries of the subdivision.

B. The angle formed by the intersection of two (2) streets shall be ninety (90) degrees, except where otherwise approved as necessary by the Land Use Authority Board.

C. Two (2) streets which intersect a third (3<sup>rd</sup>) street on opposite sides of the third (3<sup>rd</sup>) street shall be offset from each other at least one hundred-fifty (150) feet, except where otherwise approved as necessary by the Land Use Authority Board.

D. A cul-de-sac may be permitted on local minor street, standard residential street and low impact residential roads only and shall be terminated by a circular turnaround of not less than ninety one (91) feet in diameter from back of curb to back of curb as described in Title III General Public Works Construction Standards and Specifications. The City Engineer may approve other types of turnarounds on private streets only, provided the design and minimum dimensions comply with the requirements of Appendix D of the International Fire Code. The right-of-way width for the cul-de-sac turnarounds shall vary depending on the street type. A cul-de-sac shall not exceed six hundred-fifty (650) feet in length in a residential zone. A cul-de-sac in any other zone may not exceed one thousand (1000) feet in length. A cul-de-sac length is measured from its intersection with another street to the radius point of the cul-de-sac turn-around.

E. The minor streets, standard residential streets and low impact residential road design may be used for streets located in a residential zone that are either cul-de-sacs or through streets. Minor streets standard residential streets and low impact residential roads shall conform to the standards and requirements shown in the cross-section in Title

III General Public Works Standard Drawings. The requirements of Section 2.06.045 may be waived or modified by the City Engineer upon a finding that the waiver or modification would not be contrary to the purposes of this Title and would not have a negative impact on public safety.

F. The City may require stub streets in such locations, sizes, and of such design as may be necessary to provide adequate traffic circulation and access to other parcels of property in surrounding areas and for streets that are identified on the City's Master Road Plan. Stub streets shall be complete with asphalt, curb, gutter and sidewalk; all applicable utilities shall be installed and extended to the end of the stub street. Temporary turnarounds shall be required at the end of all incomplete street sections or stub streets and shall remain in place and be maintained until the street section is complete. When a temporary turnaround is required a temporary easement for the turnaround shall be included on the Final Plat with a note that the easement shall be eliminated when a plat is recorded that continues the street and all improvements associated with the continued street have been installed and approved. When a temporary turnaround is constructed on a lot that is intended to be a building lot upon the City's releases of the temporary turnaround easement then the City Engineer shall require the developer to construct as many of the City required improvements that can practically be constructed at the present time. The developer shall make a fee-in-lieu payment for the remaining required improvements that cannot be made in accordance with Section 2.05.015.

**2.06.050 STREET GRADES.** All road and street grades shall be designed as follows:

A. Arterial and Collector streets shall be limited to a maximum grade of ten (10) percent. Sustained grades shall be limited to seven (7) percent.

B. Minor streets, standard residential streets and low impact residential roads shall be limited to a maximum grade of twelve (12) percent. Sustained grades shall be limited to nine (9) percent.

C. Cul-de-sacs with a negative grade progressing toward the turnaround shall be limited to a maximum grade of six (6) percent. The cul-de-sac shall terminate with a grade of not to exceed three (3) percent for the last one hundred (100) feet of traveled surface. The cul-de-sac shall be limited to a maximum length of six hundred-fifty (650) feet and have adequate curb, gutter, and easement for drainage.

D. Street intersections shall have a vertical alignment such that the grade shall not exceed three (3) percent for a minimum distance of fifty (50) feet each way from the centerline of the intersection.

E. Maximum grades shall be approved only when accompanied by changes to a lesser grade, and where length of that portion of that road at maximum grade is less than six hundred (600) feet.

F. All changes in vertical alignment shall refer to the 2004 AASHTO Policy on Geometric Design of Highways and Streets, Chapter three (3).

**2.06.055 STREET LIGHTING.** Street lighting conduits for street lights shall be installed in all subdivisions by the developer at locations determined by the Land Use Authority Board. Locations of Street lights shall be shown on construction drawings and approved by the LUAB prior to recording the Final Plat. The Developer shall also pay the costs associated with Rocky Mountain Power or other utility company purchasing and installing the street lights. The Developer shall pay the costs associated with the purchase and installation of the street lights prior to recording the Final Plat. A bond for the amount of installation of the conduit shall be included in the Development agreement and bond.

**2.06.60 PUBLIC AND PRIVATE UTILITIES.**

A. The developer shall be responsible for the installation of gas mains, power mains, water mains, sewer mains, storm water mains, communications mains and service lines prior to street paving.

B. All utilities that will serve the parcel being subdivided shall be buried beneath the surface of the ground and shall be located within the easements provided for such use or within the streets, which location shall be determined by the City.

C. All utility structures shall be included as part of the construction drawings submitted with Final Plats.

D. There shall be no above ground utility structure placed in a street or sidewalk.

**2.06.065 BRIDGES, PIPES AND CULVERTS.** The developer shall pay all costs of designing and constructing or installing any bridge, pipe, culvert or other structure required by the City for any ditch, canal or water way within the subdivision. Materials for any bridge, pipe, or culvert or other structure required shall be concrete.

**2.06.070 WALKWAYS.**

A. The developer shall install concrete surface the full width and length of a walkway. Walkways up to eight (8) feet in width may be required within a subdivision where there is a strong public need for pedestrian access to public places or community facilities such as churches, schools, parks, neighborhood shopping areas, etc. The walkway shall be dedicated to the City.

B. The developer shall install a fence at least four (4) feet and in some cases six (6) feet in height on each side of the walkway for its full length, if found to be needed for the safety and welfare of such use the fence type shall be as determined by the City and shall be constructed in accordance with Title III General Public Works Construction Standards and Specifications. The fence shall be owned and maintained by the City.

**2.06.075 LOTS.**

A. Every parcel of land created by a subdivision shall comply with the minimum lot size requirements of the City Zoning Ordinance Title I and except as otherwise provided herein, shall be platted as part of a subdivision. Where a major canal for which a fence is required is part of any lot in a subdivision, the area of the portion of the canal which is located on the lot shall not be included in the computation of neither total lot size nor side or rear yard setbacks for purposes of determining compliance with the Zoning Ordinance.

B. All lots within a residential zone shall abut upon and have access to a dedicated street except as provided herein or in the Zoning Ordinance of the City. Any non-residential zoned lot that does not abut upon a dedicated street shall show access to a dedicated street by easements across other property.

C. All lot corners, points of curvature, tangency, and bearing changes shall be marked with permanent metal stakes approved by the City. The front corners of the lot shall be marked on the top back of the curb. It shall be unlawful for any person to remove any stake placed in the ground or mark made in the top back of curb pursuant to this subsection unless he/she does so as part of an official survey. It shall also be unlawful for any builder to commence construction on any lot without having all survey stakes in place.

D. Lots in a subdivision shall not be designed to have double frontage unless, in the opinion of the Planning Commission, it is necessary to reduce traffic hazards, allow for unusual site conditions, or if a proposed subdivision and any area adjacent thereto will be aesthetically enhanced thereby.

E. The Planning Commission may prohibit lots from fronting onto or from having direct vehicular access to any arterial or collector roadway in cases where the Planning Commission deems it to be necessary to promote traffic safety and where access to another street is possible. In the alternative, the Planning Commission may require lots which front onto any arterial, major collector or collector street to share an access or have a frontage road. Where possible, any residential subdivision adjacent to arterial street shall be designed in such a way as to prevent direct vehicular access from any lot directly on to such arterial street.

F. Residential developments designed with rear lot lines abutting an arterial or collector roadways shall install privacy fencing improvements along all rear lot lines abutting an arterial and collector road and shall concrete in the parkstrip and install street trees, tree grates, and sprinkler system. The privacy fencing and park strip improvements shall be constructed as detailed in Title III General Public Works Construction Standards and Specifications. The

Developer shall be required to install privacy fencing and park strip improvements as part of the subdivision improvements.

G. A subdivision of greater than thirty (30) building lots may be required to have a second access road into the development prior to recordation of the Subdivision. The Planning Commission shall determine the need of additional access roads based on density, traffic patterns, development location, natural land settings, and the General Plan.

#### **2.06.080 DEEP LOT OR FLAG LOT DEVELOPMENT.**

A. Purpose. The purpose of this section is to establish development criteria for subdivisions of parcels that may not contain the minimum lot width as specified in Section 1.07.015 of the Title I. Parcels of this nature generally has only a private driveway or right-of-way leading from a dedicated street to the buildable area of the lot. These parcels shall be referred to as "deep lots" or "flag lots." The Planning Commission may approve deep lots only when it is impossible or impractical to develop the lot according to normal subdivision standards. The area of a deep lot, excluding the area of any private drive, right-of-way, or "flag stem" (hereinafter collectively referred to as a "private drive") portion of the lot shall meet or exceed the minimum lot area and street frontage requirements of the zone in which it is located. The required width of a lot from which a deep lot is created may include the width of the private drive if the private drive is included in that lot.

B. Development Requirements. A deep lot may be created and developed on a private drive or right-of-way in any residential zone provided that all of the following conditions exist:

1. The property cannot physically be subdivided with public streets and standard size lots, either at the time of the application or in the foreseeable future.
2. The deep lot or flag lot has no frontage on a dedicated street except for the access, which may be a private drive or right-of-way. The access shall be a minimum width of twenty four (24) feet and no wider than thirty (30) feet.
3. The private drive or right-of-way serving the property is paved with either concrete or asphalt at least twelve (12) feet in width if there are no more than two (2) lots served by the drive and at least twenty four (24) feet in width if more than two (2) lots are served by the drive. The private drive or right-of-way shall be designated on the Final Plat as a perpetual public utility and right-of-way easement.
4. A private drive or right-of-way shall not service more than four (4) lots and each deep lot shall have no more than one (1) single-family dwelling per lot.
5. A flag lot shall serve no more than one (1) building lot.
6. Provide or be within the required distance of a fire hydrant. See Appendix C, Uniform Fire Code.
7. Provide an adequate turn around at the end of the private drive/lot for emergency response vehicles. See Appendix D, Uniform Fire Code.
8. Setbacks shall conform to the requirements of Chapter 1.07 of Title I.
9. The Preliminary and Final Plats shall delineate the total buildable area.

#### **2.06.085 EASEMENTS.**

- A. Each lot shall have the following perpetual public utility easements:
1. An easement fifteen (15) feet in width adjacent to all public streets;

2. An easement seven feet-six inches (7'-6") in width along the rear property line; except that where the rear property line is contiguous with an outside boundary line of the subdivision, the easement shall be fifteen (15) feet in width; and

3. An easement seven feet-six inches (7'-6") in width along both of the side lot lines.

B. Easements for surface water runoff drainage cut and fill slopes, canals, field drains, irrigation ditches, waterways, public utilities, clear vision areas, sidewalks, and rights-of-way within the subdivision and across adjoining property shall be required by the City when necessary to properly serve the subdivision or protect the citizens of the City. It is the responsibility of the Developer to secure all required off-site easements.

C. Only the City and utility agencies which have a valid, current franchise agreement with the City may locate facilities within a public utility easement. In order to promote the orderly installation and maintenance of utilities, the City shall have the right to determine the location within the public utility easement where a public utility agency may locate its facilities.

D. The City Engineer may waive or modify the requirement for a public utility easement under this section if the easement has not been recorded and the City Engineer determines that the public utility easement is not needed for existing or future utilities.

#### **2.06.090 DITCHES, CANALS AND NATURAL WATERWAYS.**

A. Anytime a ditch, whether irrigation, drainage or a canal is piped, the developer shall obtain from the person or entity operating the ditch or canal and the City Engineer, approval regarding the design, construction size and type of pipes, cleanout boxes, diversion boxes, grates etc. to be used. The irrigation system shall then be constructed and installed in accordance with the approved design. If the ditch or canal is required to be abandoned, the developer shall obtain from the person or entity operating the ditch or canal a letter stating that they concur in the abandonment of the ditch.

B. Alteration or Relocation of Natural Waterways. Alteration or relocation of any natural waterway may be permitted provided the flow capacity and flow velocity is not changed. A request for alteration or relocation of a natural waterway shall be accompanied by appropriate engineering and copies of any permits or approval that may be required by any State or Federal agency and approved by the City Engineer to ensure the following:

1. That the flow capacity and velocity of the waterway shall not change with the proposed alteration or relocation.
2. That the soils conditions in the proposed location shall not increase flooding potential.
3. That the proposed waterway can be adequately maintained.

#### **2.06.095 FENCING MAJOR CANALS.**

A. The developer of any parcel being subdivided which is adjacent to or has within its boundaries a recorded or prescriptive right-of-way of the Central, Highline, Bothwell or Corinne canals shall provide and construct along such right-of-way a fence that effectively keeps people away from the canal area. The height of the fence shall be six (6) feet minimum and seven (7) feet maximum. Fences shall be constructed in accordance with Title III General Public Works Construction Standards and Specifications.

B. All fences shall match the grade at the bottom of the fence so that there are no gaps between the fence and the ground. The developer shall install a concrete strip, if necessary, to eliminate gaps between the bottom of the fence and the ground. As an alternative to fencing the canal, and with the consent of the City Engineer, the developer may pipe the canal. If the canal is piped, the developer shall obtain permission from the canal company and meet all the requirements of this Section.

C. All fences bordering canals which are shown on the construction drawings or any plat shall be installed as part of the improvements in the Final Plat. No Occupancy Permits, whether temporary or final, shall be granted until all required fencing is installed in the entire plat.

## **2.06.100 HILLSIDE DEVELOPMENTS.**

A. Any subdivision within a hillside area shall comply with the provisions of this Section as well as other applicable City Ordinances.

B. No grading shall take place on a hillside area until a subdivision grading plan has been submitted to and approved by the City Engineer. The grading plan shall be indicated by solid-line contours at two (2) foot intervals, imposed on dashed line contours, also using two (2) foot intervals which includes building lot areas and the proposed grading for each lot or parcel where coordinated drainage may be from one building lot to another. The Final Plat shall have a note stating that building lots/pads cannot be altered without City Engineer and Building Official approval.

C. Retaining walls supporting a surcharge (sloping backfill, building, or other stored materials) shall be required to be installed where slopes exceed 2:1 (two (2) horizontal to one (1) vertical). Retaining walls shall be designed by a Professional Engineer licensed in the State of Utah and approved by the City Engineer.

1. Retaining walls adjacent to streets shall not exceed a height of four (4) feet and shall be set back a minimum of ten (10) feet from the front property line. A retaining wall exceeding four (4) feet in height is required to be designed and engineered by a licensed engineer; however, any wall in the rear yard shall not exceed eight (8) feet in height.

2. Construction of a retaining wall shall include a drainage plan which provides for containment of run off water on site or drainage to a City approved location. Any person constructing a retaining wall that exceeds four (4) feet in height requiring engineering shall also be required to obtain a building permit prior to construction which shall also include a stamped engineered plan for that wall at that location.

3. A person who constructs a retaining wall within a public utility easement shall be financially responsible for removal or reconstruction if that easement is needed per Utah Code 54-3-27. A typical lot in Tremonton may include a seven foot-six inch (7'-6") minimum to fifteen (15) foot public utility easement entirely around the boundary of each lot. Any person constructing a retaining wall within a public utility easement where utilities do not exist shall install conduit or sleeve for future use.

4. Retaining walls shall not be permitted within public utility easements where a storm drain, culinary water line, pressurized irrigation line, or sewer line is installed.

D. Every lot intended for building construction shall have a minimum buildable area behind the front setback line of at least forty(40) percent of the minimum lot area required by the zone in which the lot is located, prior to any grading.

E. Any area within a subdivision which has an average slope of thirty one (31) percent or greater shall remain ungraded.

F. Any area within a subdivision that has an average percent of slope between twenty (20) percent and less than thirty one (31) percent may be graded, provided, however, the grading area shall be less than one half of the area of such slopes. Developer shall provide a slope analysis with shade areas according to slope to determine areas that may be graded.

G. Any fill material shall be prepared and compacted as specified in Section 1804 of the International Building Code. Developer shall provide a compaction test report to the City Engineer and Building Official.

H. Cut slopes shall be no steeper than one and one-half (1½) feet horizontal to one (1) foot vertical (1½:1).

I. Fill slopes shall be no steeper than two (2) feet horizontal to one (1) foot vertical (2:1).

J. Tops or Toes of slopes shall be set back from property boundaries a minimum distance of five (5) feet.

K. Areas that have been graded shall be planted within one hundred-twenty (120) days after the completion of final grading with natural vegetation or materials approved by the City Engineer. If the City determines that the area is subject to erosion danger, then the developer shall plant actively growing sod with an appropriate irrigation system. If final grading is completed between October 15<sup>th</sup> and March 15<sup>th</sup> of the next year, then organic cover material shall be placed on the graded area to eliminate erosion until such time that the soil can be permanently planted.

L. Natural vegetation shall remain in areas where grading is not permitted, and additional vegetation may be required by the City in such areas. The City may also require additional landscaping in areas that were graded in order to supplement the natural vegetation and to prevent erosion and slope failures.

M. Surface water runoff drainage shall be designed and installed to prevent both on-site and off-site flooding and erosion. Such drainage design shall channel water runoff away from cut and fill slopes and away from all buildings.

N. Any buildable area or portion of a buildable area shall be no closer than thirty (30) feet to any man-made or natural drainage channel.

O. All drainage areas shall be kept free of debris and soil sedimentation during subdivision development and building construction.

**2.06.105 SECONDARY WATER. – Reserved**

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REV 10/08.0  
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REV 08-12.1

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