



2163 W Erda Way – Erda, UT  
(435)243-5577

# Amendment Title 16 Erda Code Ordinance

**Public Body:** Erda City Planning Commission

**Meeting Date:** October 10, 2023

**Request: Recommendation of approval for** Amendment to Title 16 of the Erda City Code regarding subdivisions

**Planner:** Rachelle Custer

**Planning Commission Recommendation:** Not Yet Received

**Planning Staff Recommendation:** Approval

**Applicant Name:** Staff proposed change

## PROJECT DESCRIPTION

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The proposed changes to Title 16 Subdivisions is to bring the ordinance into compliance with the State requirements. Concept plans are no longer required, preliminary plat to be approved by the Planning Commission acting as the Administrative Land Use Authority and final plat to be approved by staff. Planning Commission has recommended that the preliminary plat have a public hearing. State code allows for one public hearing on a subdivision. The proposed changes also clarify the financial assurance bond as being 110%. Eliminated Major subdivisions and are recommending a minor and a standard subdivision. In our code the standard and major subdivision had some different requirements. However, with the state code changes all subdivisions besides minor subdivisions must follow the same procedure.

## PLANNING STAFF ANALYSIS AND RECOMMENDATION

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Planning Staff recommends that the Erda City Planning Commission makes a motion to recommend approval to the Erda City Council for Amendment to Erda City Code Title 16 Subdivisions.

A discussion was held with the Planning Commission on September 26, 2023 and the proposed conditions are the result of that discussion.

# **TITLE 16: SUBDIVISION CODE**

## **CHAPTER 1: GENERAL PROVISIONS**

### **Section**

- 16-1-1. Short title.**
- 16-1-2. Purpose.**
- 16-1-3. Definitions.**
- 16-1-4. Notice.**
- 16-1-5. Penalties.**
- 16-1-6. Creation of substandard lots prohibited.**
- 16-1-7. Protection of land in an agriculture protection area.**
- 16-1-8. Notice of shooting range area.**
- 16-1-9. Plats required.**
- 16-1-10. Agricultural partitions.**
- 16-1-11. Condominium projects.**

**16-1-1. Short title.**

This title is known as the “Subdivision Ordinance of Erda City, Utah.”

**16-1-2. Purpose.**

The purpose of this title is to provide policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions; ensure that all subdivisions are consistent with the general plan and applicable specific plans; and to ensure that land is subdivided in a manner that will promote public health, safety, convenience, general welfare and the physical, social, and economic development of the area.

**16-1-3. Definitions.**

Definitions for words used in this title shall be the same as those in Utah Code Section 10-9a-101 et seq.

**16-1-4. Notice.**

(1) The City meets the requirements of reasonable notice for a proposed subdivision or an amendment to a subdivision by providing notice of the date, time, and place of a public ~~hearing~~ meeting that is:

(a) mailed not less than seven calendar days before the public ~~hearing~~ meeting and addressed to the record owner of each parcel adjoining the property ~~and to each affected entity; and~~

~~(b) mailed to each affected entity of a public hearing to consider a preliminary plat describing a multiple-unit residential development or a commercial or industrial development.~~

(2) The City shall notify the applicant by actual notice or by mail of the date, time, and place of each ~~public hearing and~~ public meeting to consider the application and of any final action on a pending application.

(3) For any proposal to vacate, alter, or amend a platted street ~~or public utility easement~~, the Planning Commission shall hold a public hearing and shall give notice of the date, place, and time of the hearing ~~at least 10 days before the public hearing~~ by:

~~(a) mailing notice as required in Subsection (1)(a); mailed to the record owner of each parcel that is accessed by the public street or municipal utility easement;~~

(b) mailing notice to each affected entity; and

~~(c) provided for the public street or municipal utility easement, as a class A notice under section U.C.A. 63G-30-102, for at least 10 days.~~

~~(e) publishing notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the City.~~

(4) For a proposed subdivision ~~or an amendment to a subdivision, notice of the date, time, and place of a public hearing shall be: the notice shall follow U.C.A. 10-9a-608~~

~~(a) mailed not less than seven calendar days before the public hearing and addressed to the record owner of each parcel adjoining the property; or~~

~~(b) posted not less than three calendar days before the public hearing on the property proposed for subdivision in a visible location with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.~~

~~—(5) Notice of a public hearing shall be mailed to each affected entity when considering a preliminary plat describing a multiple-unit residential development or a commercial or industrial development. (Reference UCA §17-27a-103, 17-27a-206, 17-27a-207, 17-27a-208)~~

**16-1-5. Penalties.**

- (1) (a) An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this chapter for each lot or parcel transferred or sold.
  - (b) The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (1)(a) or from the penalties or remedies provided in this chapter.
  - (c) Notwithstanding any other provision of this chapter, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this title:
    - (i) does not affect the validity of the instrument or other document; and
    - (ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable City ordinances on land use and development.
- (2) (a) The City may bring an action against an owner to require the property to conform to the provisions of this title.
  - (b) An action under this Subsection (2) may include injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.
  - (c) The City need only establish the violation to obtain the injunction.
- (3) The City may assess civil penalties for violation of any of the provisions of this title.
- (4) Violation of any of the provisions of this title is punishable as:
  - (a) as a class C misdemeanor;

**16-1-6. Creation of substandard lots prohibited.**

No lot shall be created that does not conform to the requirements of this title and the zoning district in which it is located.

**16-1-7. Protection of land in an agriculture protection area.**

For any subdivision located in whole or in part within 300 feet of the boundary of an agriculture protection area, the owner of the subdivision shall provide 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.

**16-1-8. Notice of shooting range area.**

For any subdivision located in whole or in part within 1,000 feet of the boundary of any shooting range that was established, constructed, or operated prior to the subdivision, the owner of the subdivision shall provide on any plat filed with the County Recorder the following notice:

**Shooting Range Area**

This property is located in the vicinity of an established shooting range. It can be anticipated that customary uses and activities at this shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from these uses and activities.

**16-1-9. Plats required.**

(1) Unless exempt or not included in the definition of a subdivision, whenever any lands are divided, the owner of those lands shall have an accurate plat made of them that sets forth and describes:

(a) all the parcels of ground divided, by their boundaries, course, and extent, and whether they are intended for streets or other public uses, together with any areas that are reserved for public purposes; and

(b) the lot or unit reference, the block or building reference, the road or site address, the road name or coordinate address, the acreage or square footage for all parcels, units, or lots, and the length and width of the blocks and lots intended for sale.

(2) (a) The owner of the land shall acknowledge the plat before an officer authorized by law to take the acknowledgment of conveyances of real estate.

(b) The surveyor making the plat shall certify it.

(c) The land use authority may approve the plat as provided in this title. Before the land use authority may approve a plat, the owner of the land shall provide the land use authority with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(3) After the plat has been acknowledged, certified, and approved, the plat shall be kept in the Community Development Department until the owner of the land shall file and record it in the County Recorder's office.

**16-1-10. Agricultural partitions.**

(1) A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of this title if the lot or parcel:

(a) qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland Assessment Act;

(b) meets the minimum size requirement of applicable zoning ordinances; and

(c) is not used and will not be used for any nonagricultural purpose.

(2) The boundaries of each lot or parcel exempted under Subsection (1)(a) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under this title, shall be recorded with the County Recorder.

(3) If a lot or parcel exempted under Subsection (1)(a) is used for a nonagricultural purpose, the lot or parcel shall comply with the requirements of the subdivision plat provisions of this title.

**16-1-11. Condominium projects.**

- (1) Condominium projects shall be considered a subdivision.
- (2) Condominium projects shall comply with all provisions of the Erda City Land Use Ordinance.
- (3) Condominium plats shall follow the same approval process and provide the same application materials as a Standard Subdivision as outlined in this Title. Each additional condominium plat within an identified expandable or contractual condominium shall follow the final plat approval process.
- (4) The Planning Commission shall also review and approve all declaration documents.

## Chapter 2: Subdivision Application Procedure

### Section

- 16-2-1. **Diligence.**
- 16-2-2. **Application procedure.**
- 16-2-3. **Concept plan requirements.**
- 16-2-4. **Preliminary plat requirements.**
- 16-2-5. **Infrastructure design and engineering drawings requirements.**
- 16-2-6. **Final plat requirements.**

#### **16-2-1. Diligence.**

Each development shall be actively pursued to completion. Any application that exceeds the time limits stated in this title will be deemed null and void and all vested rights shall be waived by the subdivider for that development. An application shall be null and void and all vested rights waived by the subdivider for that development if they do not complete a stage or they fail to make a progress report to the Planning Commission within 180 days. Any extension must be requested prior to the expiration of the original approval. Should an application become void, the applicant must reapply at the first stage for that level of development.

#### **16-2-2. Application procedure.**

(1) Each application for a subdivision shall have all required submittals before it is accepted as a complete application. No application for the next stage shall be accepted until such time that the Planning Commission has approved the application for the stage of the development currently under consideration.

(2) There shall be no presumption of approval of any aspect of the process.

(3) No application shall be accepted for any approval stage if the time limit has expired on the previous approval stage.

(4) The Planning Commission or Community Development Director, in the case of a minor subdivision, may request specific information found to be incomplete in its review and table further action until the information is submitted.

(5) A denial shall include written findings of fact and decision. Denial may be based, in addition to other reasons of good cause, upon incompatibility with the general plan, lack of a culinary water supply, insufficient fire suppression system, geological concerns, location, incompatibility with surrounding land uses, the inability of City service or utility providers to provide public services, or the adverse effect on the health, safety, and general welfare of the City and its residents.

(6) Appeals of the decision of the Community Development Director in consideration of a minor subdivision shall be made to the Planning Commission. Appeals from the decision of a Planning Commission on any subdivision shall be made to the administrative hearing officer in accordance with Section 4-8-3 of the Erda City Code.

### **16-2-3. Concept plan ~~requirements~~ (optional).**

The concept plan shall show:

(1) the general location of the subdivision, the property boundaries, and adjoining properties with ownership;

(2) lot and road layout indicating general scaled dimensions;

(3) County, township, range, section, quarter section, blocks, the number of lots, and true north;

(4) a vicinity map showing significant natural and man-made features on the site;

(5) the acreage of the entire tract and the acreage of the portion to be developed;

(6) the area for which approval will be requested for the first phase of development except for minor and standard subdivisions;

(7) an area plan showing the total area on a single sheet for subdivisions requiring more than one sheet at the required scale;

(8) the sites, if any, for multi-family dwellings, shopping centers, community facilities, industry, or other uses exclusive of single-family dwellings;

(9) total development area and the number of proposed dwelling units;

(10) easements and rights-of-way;

(11) the name of the subdivision limited to 40 characters including spaces as approved by the County Recorder;

(12) parcels of land that are to be dedicated for schools, roads, parks, or other public purposes; and

~~(13) an approval signature block for the Planning Commission chair.~~

### **16-2-4. Preliminary plat requirements.**

(1) The design stage preliminary plat shall be prepared and certification made as to its accuracy by a registered land surveyor who holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act, has completed a survey of the property described on the plat in accordance with Section 17-23-17, has verified all measurements and monumented any unmarked property corners, and has made reference to the filing number for the Record of Survey map filed with the County Surveyor's Office.

(2) Every detail of the plat shall be legible. A poorly-drawn or illegible plat shall be cause for its denial.



- (3) A traverse shall not have an error of closure greater than one part in 10,000.
- (4) Each plat shall show:
  - (a) the general location of the subdivision and adjoining properties with ownership;
  - (b) all deed lines of the subject and adjoining properties and lines of occupation such as fence lines;
  - (c) the 100 foot radius wellhead protection zone on all existing wells within and outside of the subdivision where the protection zone falls within the boundary of the subdivision;
  - (d) bearing and distance tie-in to the historic and dependant survey and at least one established monument, and if no historic monument can be located, it must be so stated upon the plat;
  - (e) County, township, range, section, quarter section blocks, plats, and true north;
  - (f) graphic scale of the plat;
  - (g) existing ground contours at 20-foot intervals;
  - (h) the name of the subdivision limited to 40 characters including spaces as approved by the City Recorder;
  - (i) the amount of water allocated to each lot in acre feet if the subdivision does not have a public water system connection; and
  - (j) approval signature blocks for:
    - (i) any improvement, service, and special districts where all or part of the development is located;
    - (ii) the City Engineer or its designee;
    - (iii) the City planner; and
    - (iv) the Planning Commission chair.
- (5) The bearings, distances, and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shoreline or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's high-level mark.
- (6) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.
- (7) All blocks and lots within each block shall be consecutively numbered. Addresses shall be issued by the Community Development Department and shall be shown on the plat with the corresponding lot number.
- (8) For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, cord bearing and distance, tangent, and arc length.
- (9) Excepted parcels shall be marked, "Not included in this subdivision."
- (10) All public lands shall be clearly identified.
- (11) All public roads shall be clearly marked as "dedicated public road."
- (12) All private roads shall be clearly marked as "private road."
- (13) All roads shall be identified by names approved by the Community Development Department.
- (14) All easements shall be designated as such and dimensions given.
- (15) All lands within the boundaries of the subdivision shall be accounted for, either as lots, walkways, streets, or as excepted parcels.
- (16) Bearings and dimensions shall be given for all lot lines and easements, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.

(17) Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.

(18) Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.

(19) Surveys shall tie into the state grid or other permanent marker established by the County Surveyor and shall give a description, the name, and the date on survey monuments found.

(20) The plat shall be labeled "Preliminary Plat."

(21) The surveyor shall provide remainder descriptions for all property from the original parcel or lot that is not included in the subdivision.

#### **16-2-5. Infrastructure design and engineering drawings requirements.**

(1) Infrastructure design and engineering drawings and documents shall be submitted in the design stage and shall include:

(a) plan, profile, and typical cross-section drawings of the roads, bridges, culverts, water, sewers, and drainage structures;

(b) a grading and drainage plan indicated by solid-line contours superimposed on dashed-line contours of existing topography;

(c) the general location of trees over six inches in diameter measured at four and one-half feet above the ground, and in the case of heavily wooded areas, an indication of the outline of the wooded area and location of trees which are to remain;

(d) proposed and existing water and sewage system layouts;

(e) location of fire hydrants;

(f) proposed road layouts in dashed lines for any portion of the property to be developed in a later phase;

(g) water courses and proposed storm water drainage systems including culverts, water areas, streams, areas subject to occasional flooding, marshy areas or swamps;

(h) areas within the 100-year flood plain;

(i) soil types and soil interpretations taken from the National Cooperative Soils Survey;

(j) a signing and striping plan showing the location of all street signs, striping, and traffic control devices required by the City in accordance with the Manual of Uniform Traffic Control Devices;

(k) a signature block for the City Engineer or its designee on each design and construction drawing;

(l) when the subdivision is located within the jurisdiction of a service or improvement district or area, a signature block for such service or improvement district or area;

(m) geologic maps and investigation reports regarding area suitability; and

(n) a design report stamped by an engineer licensed in the State of Utah as may be required by the Planning Commission or the Community Development Department.

(2) All drawings shall be drawn to a scale not less than one inch equals 100 feet, and shall indicate the basis of bearings, true north, the name of the subdivision, township, range, section, and quarter section, and lot numbers of the property.

(3) Poorly-drawn or illegible design and engineering drawings shall be cause for denial.

(4) To change any aspect of the design of the off-site improvements, a new set of infrastructure design and engineer drawings shall be submitted for approval. A signed set of drawings shall be on-site at all times during construction. All construction must conform to the approved plans.

#### **16-2-6. Final plat requirements.**

(1) The final plat shall be prepared and certification made as to its accuracy by a registered land surveyor who holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act, has completed a survey of the property described on the plat in accordance with Section 17-23-17, has verified all measurements and monumented any unmarked property corners, and has made reference to the filing number for the Record of Survey map filed with the County Surveyor's Office. The surveyor making the plat shall bond or provide to the City adequate security to place monuments as represented on the plat upon completion of the subdivision improvements.

(2) Every detail of the plat shall be legible. A poorly-drawn or illegible plat shall be cause for denial.

(3) A traverse shall not have an error of closure greater than one part in 10,000.

(4) The bearings, distances, and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shoreline or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's high-level mark.

(5) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

(6) All blocks and lots within each block shall be consecutively numbered. Addresses shall be issued by the Community Development Department and shall be shown on the plat with the corresponding lot number.

(7) For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, cord bearing and distance, tangent, and arc length.

(8) Excepted parcels shall be marked, "Not included in this subdivision."

(9) All public lands shall be clearly identified.

(10) All public roads shall be clearly marked as "dedicated public road."

(11) All private roads shall be clearly marked as "private road."

(12) All roads shall be identified by names approved by the Community Development Department.

(13) All easements shall be designated as such and dimensions given.

(14) All lands within the boundaries of the subdivision shall be accounted for, either as lots, walkways, roads, or as excepted parcels.

(15) Bearings and dimensions shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.

(16) Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.

(17) Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.

(18) Surveys shall tie into the state grid or other permanent marker established by the County Surveyor.

(19) The plat shall be labeled "Final Plat."

(20) The information on the final plat shall include:

- (a) the name of the subdivision, true north arrow and basis thereof, and date;
- (b) the owners' dedication which shall contain the language:

OWNERS' DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned are the owners of the hereon described tract of land and hereby cause the same to be divided into lots and streets together with easements as set forth hereafter to be known as (NAME OF SUBDIVISION). The undersigned owners hereby dedicate to Erda City all those tracts of land designated on this plat as streets, the same to be used as public thoroughfares forever. The undersigned owners also hereby convey to any and all public and private utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for drainage and the installation, maintenance and operation of utility service lines and facilities.

(c) names of the owner or owners including beneficial owners of record under the signature lines in the owners dedication;

(d) square footage of each lot under one acre or the lot acreage if one acre or larger;

(e) township, range, section and quarter section if a portion;

(f) graphic scale;

(g) the State plane coordinate of monuments used as a basis of bearing;

(h) survey monuments which are marked with a description, the name, and the date;

(i) the total water allocation in acre-feet for each lot;

(j) the 100-foot radius wellhead protection zone on all existing wells;

(k) signature blocks for:

(i) any improvement, service, and special districts or areas where any part of the platted property is located;

(ii) the City Engineer or its designee;

(iii) the County Surveyor;

(iv) the City Attorney;

(v) the Health Department;

(vi) the City Treasurer indicating at the time of signing that the property taxes due and owing have been paid in full;

(vii) the recordation of the plat by the County Recorder's office with a line for the recordation number, who it is recorded for, the date, time, and fee;

(viii) the Fire Warden if there is no fire department having jurisdiction; and

(ix) the City Planning Commission chair or, in the case of a minor subdivision, the Community Development Director.

## Chapter 3: Minor Subdivisions

### Section

**16-3-1. Definition.**

**16-3-2. Approval process (if not a minor subdivision created under Subsection 16-3-1(2) or Utah Code Section 10-9a-605).**

**16-3-3. Approval process for minor subdivision created under Subsection 16-3-1(2) or Utah Code Section 10-9a-605.**

### **16-3-1. Definition.**

- (1) A minor subdivision is a division of land into no more than four lots, or
- (2) Is a division of land compliant to Utah Code Section 10-9a-605 as follows:
  - (a) The parent parcel shall be at least 100 contiguous acres of agricultural land.
  - (b) One new lot, of at least one acre in size, may be created.
  - (c) It may not be within 1,000 feet of another minor subdivision created through this subsection.
- (3) A minor subdivision shall not:
  - (a) include the construction and dedication of new infrastructure;
  - (b) be a part or a phase of a larger subdivision;
  - (c) be a further division of land within three years from subdivision approval (if not a minor subdivision under Utah Code Section 10-9a-605); and
  - (d) include commercial or industrial uses.
- (4) All lots shall front on a City road or an approved private road (if not a minor subdivision under Utah Code Section 10-9a-605).
- (5) Land may be dedicated along existing City roads to increase the right-of-way to current City standards.
- (6) A minor subdivision shall be filed on a plat drawn and stamped by a licensed surveyor and shall not be created by deed alone (if not a minor subdivision under Utah Code Section 10-9a-605).
- (7) Public utility easements shall be granted in a minor subdivision (if not a minor subdivision under Utah Code Section 10-9a-605).

### **16-3-2. Approval process (if not a minor subdivision created under Subsection 13-3-1(2) or Utah Code Section 10-9a-605).**

- (1) The application for a minor subdivision shall be submitted to the Community Development Department. When the staff determines that the application is complete and correct, and all

signatures are on the plat, notice to all surrounding landowners giving them 14 days to give written comment, prints of the plat sent to those entities listed in (2)(c) giving them 20 days to submit comments to the Community Development Department, and a decision on the application shall be made within seven days after the comments are to be received, by the Community Development Director. The Community Development Director shall take written public comment and review the application. If the Mylar needs to be corrected, the Community Development Director shall postpone a decision until the plat is corrected. The Community Development Director shall then approve or deny the application.

(2) A minor subdivision application shall include:

- (a) the application form;
- (b) one 24" X 36" final plat on Mylar drawn by a surveyor licensed in the state of Utah;
- (c) ~~seven 24" X 36" prints of the plat~~A digital copy of the plat in PDF format, for distribution to:
  - (i) Community Development Department, ~~one copy~~;
  - (ii) the Health Department;
  - (iii) Tooele County School District;
  - (iv) the soil conservation district within which the subdivision is located;
  - (v) the County Recorder
  - (vi) the County Surveyor; and
  - (vii) the Fire Warden.
- (d) ~~an additional 8½" X 11" copy of the plat in each of the following circumstances:~~
  - (viii) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;
  - (ix) when the subdivision is located wholly or partially within the boundary of an improvement or special district or area;
  - (x) when applicable for review by any State or Federal agency;
  - (xi) for each servicing utility;
  - (xii) for the Utah State Department of Transportation if the property being subdivided abuts a state highway; and
- (~~e~~) proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months;
- (~~f~~) utility approval forms;
- (~~g~~) evidence of water rights for all lots;
- (~~h~~) a letter showing a completed Health Department Subdivision Feasibility Study deeming the project feasible;
- (~~i~~) names and addresses of the owners of all properties adjoining the proposed subdivision;
- (~~j~~) a plat map from the County Recorder's office showing the property and all adjoining properties around it;
- (~~k~~) approval of the subdivision name, limited to 40 characters including spaces, from the County Recorder's office;
- (~~l~~) geologic technical maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space;
- (~~m~~) if the applicant is not the owner of record, a notarized statement that the applicant has been authorized by the owner to make application;
- (~~n~~) a letter from the local fire district, or the Sheriff if not located within a fire district, acknowledging fire protection can and will be provided to the subdivision;

(~~ne~~) ~~an electronic copy of the plat in PDF format submitted on a computer disk in a format compatible with AutoCAD version 11 or later; and~~

(~~op~~) any unpaid fees owed to Erda City for development of land, code enforcement, or building permits.

(3) All signature blocks except for the Community Development Director's block shall be signed by each approving authority before the plat is taken to the public hearing.

(4) Should the Community Development Director's decision be to approve the plat, the Community Development Director then shall sign the plat. The plat shall be recorded within ~~30 days~~ 12 months or it shall be void.

**16-3-3. Approval process for minor subdivision created under Subsection 16-3-1(2) or Utah Code Section 10-9a-605).**

(1) Record in the County Recorder's Office:

(a) a recordable deed containing the legal description of the minor subdivision lot;

(b) a notice

(i) indicating that the owner of the land to be divided is making a minor subdivision;

(ii) that the minor subdivision is being made through the authority of Utah Code Section 10-9a-605.

(iii) containing the legal description of;

(A) the land to be divided (at least 100 acres)

(B) the minor subdivision lot (at least 1 acre)

(c) Record of Survey recorded in the County Surveyor's Office.

(2) A building permit for a minor subdivision of 100 contiguous acres will be approved by the Community Development Director with the following:

(a) Signed statement from the County Recorder's Office that minor subdivision has been recorded as specified above.

(b) Verification of qualifications for a minor subdivision under Utah Code Section 10-9a-605.

(i) 100 contiguous acres of agricultural land

(ii) May not be within 1,000 feet of another minor subdivision created under Section 16-3-1(2) or Utah Code Section 10-9a-605.

(iii) Lot created must be at least one (1) acre in size.

(c) Written approval of water and wastewater by the Health Department.

(d) Conformance to the minimum yard setback requirements of the RR-1 zone under the Erda City Land Use Ordinance 15-3-2.

(e) Conformance with:

(i) Agricultural and residential uses (Table 15-5-3.1 and Table 15-5-3.3 (all other uses are prohibited).

(ii) Off-Street Parking Requirements and Access Requirements of Chapter 6 of the Erda City Land Use Ordinance

(iii) The Erda City Road Plan in the Erda City General Plan

(iv) Title 15, Roads, in the Erda City Code

(v) Title 6, Public Safety, Chapter 20, Wildfire Protection Standards

(f) A site plan in conformance to Sections 12-4 and 12-5 of the Erda City Land Use Ordinance.

(g) Legal access.



## Chapter 4: Standard Subdivisions

### Section

#### 16-4-1. Application.

~~16-4-2. Approval process.~~

~~16-4-3. Design stage application.~~

~~16-4-4. Utility and public agency response.~~

~~16-4-5. Final plat stage application.~~

#### 16-4-1. Application.

~~—A standard subdivision is a division of land into no more than 14 lots. It may be phased for development. Infrastructure and public facilities shall be dedicated. A standard subdivision shall not include commercial or industrial divisions.~~

#### 16-4-2. Approval process.

~~—A standard subdivision shall be processed in two stages:~~

~~—(1) the design stage, which will go to Planning Commission public hearing and public meetings;~~

~~and~~

~~—(2) the final plat, which will be placed on the Planning Commission public meeting agenda.~~

#### 16-4-3. Design stage application.

~~—(1) A complete application for design stage approval of a standard subdivision shall be submitted to the Community Development Department.~~

~~—(2) Within 21 days after the applicant or authorized representative submits a complete application, a pre-design conference shall be set up with the applicant, the Community Development Department staff, all servicing utility companies, affected entities, Health Department, County Recorder, and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision.~~

~~—(3) After the pre-design conference, the applicant shall submit to the Community Development Department the corrected preliminary plat with all required signatures. When it is determined that all of the corrections to the preliminary plat are made and these items are determined to be~~

~~complete and correct, the submittal will be placed on the Planning Commission public hearing agenda for review. After the Planning Commission has reviewed the material and being satisfied with the submittal, it shall place the submittal on a public meeting agenda where it shall make a decision.~~

~~—(4) The design stage application shall include:~~

- ~~(a) the application form;~~
- ~~(b) eight 24" X 36" prints of the preliminary plat for distribution to the following:
  - ~~(i) Community Development Department, two copies;~~
  - ~~(ii) Health Department;~~
  - ~~(iii) Tooele County School District;~~
  - ~~(iv) the soil conservation district within which the subdivision is located;~~
  - ~~(v) County Recorder~~
  - ~~(vi) County Surveyor; and~~
  - ~~(vii) the Fire Warden.~~~~
- ~~(c) eight 8½" X 11" copies of the preliminary plat for distribution to each Planning Commission member; and~~
- ~~(d) an additional 8½" X 11" copy of the preliminary plat in each of the following circumstances:
  - ~~(i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;~~
  - ~~(ii) when the subdivision is located wholly or partially within the boundary of an improvement or special district;~~
  - ~~(iii) when applicable for review by any State or Federal agency;~~
  - ~~(iv) for each servicing utility; and~~
  - ~~(v) for the Utah State Department of Transportation if the property being subdivided abuts a state highway or road.~~~~
- ~~(e) eight 24" X 36" prints of the infrastructure design and engineering drawings for distribution to:
  - ~~(i) the Community Development Department, two copies; and~~
  - ~~(ii) the City Road Department or its designee.~~~~
- ~~(f) proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months;~~
- ~~(g) utility approval forms;~~
- ~~(h) evidence of water rights for all lots;~~
- ~~(i) names and addresses of the owners of all properties that border the proposed subdivision;~~
- ~~(j) a plat map from the County Recorder's office showing the property and all adjoining properties around it;~~
- ~~(k) approval of the subdivision name, limited to 40 characters including spaces, from the County Recorder's office;~~
- ~~(l) a list of off-site improvements and an estimate of the cost to complete such improvements;~~
- ~~(m) if the applicant is not the owner of record, a notarized statement that the applicant has been authorized by the owner to make application;~~

~~(n) the type of water system proposed, historic water use, the estimated number of gallons per day of water system requirements, and a description of water storage requirements for daily fluctuations, irrigation, and fire suppression;~~

~~(o) geologic technical maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space;~~

~~(p) a letter showing a completed Health Department Subdivision Feasibility Study where the project is deemed feasible;~~

~~(q) a letter from the local fire district, or the Sheriff if not located within a fire district, showing fire protection can and will be provided to the subdivision;~~

~~(r) the preliminary plat and construction drawings submitted on a computer disk in a format compatible with AutoCAD version 11 or later, with the boundary and ownership lines depicted on the plat, including the following layers and names, having an abbreviation of the subdivision name included in the blank space:~~

~~Exterior Boundary Lines — Sub — Bndy  
Right-of-way Lines — Sub — Row  
Lot Lines — Sub — LL  
Centerline Roads — Sub — CL  
Easement Lines — Sub — Ease  
Section Lines — Sub — Section  
Ties to Section Corners — Sub — Section Tie  
Street Monuments — Sub — St-Mon  
Lot Numbers — Sub — Lots  
Street Names — Sub — Streets; and~~

~~(s) any unpaid fees owed to Erda City for development of land, code enforcement, or building permits.~~

~~—(5) The design stage approval shall be valid for a period of not more than one year. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the Planning Commission. The Planning Commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative.~~

#### **16-4-4. Utility and public agency response.**

~~—Failure of any utility or public agency to respond to requested approval shall be deemed an approval by such agency.~~

#### **16-4-5. Final plat stage application.**

~~—(1) The applicant or authorized representative shall submit a final plat with all required fees and copies of all materials to the Community Development Department to start the final plat stage. When it is determined that all of the corrections to infrastructure design, engineering drawings, and, if needed, a new cost estimate of off-site infrastructure improvements from the predesign meeting are made and these items are determined to be complete and correct, staff determines that the application is complete, and all signatures are on the plat, the application shall be placed on the Planning Commission public meeting agenda. The final plat shall conform in all major respects~~

~~to the approved design stage plat. A final plat submittal shall not be accepted more than six months from the date of the design and engineering stage approval or approved extension.~~

~~—(2) The final plat stage application shall include:~~

- ~~(a) the application form;~~
- ~~(b) an original 24" X 36" Mylar of the final plat;~~
- ~~(c) a cost estimate for construction of infrastructure, approved and signed by the City Engineer or its designee;~~
- ~~(d) an agreement for subdivision improvements;~~
- ~~(e) eight 8½" X 11" copies of the final plat for distribution to each Planning Commission member;~~
- ~~(f) any unpaid fees owed to Erda City for development of land, code enforcement, or building permits; and~~
- ~~(g) the final plat submitted on a computer disk in a format compatible with AutoCAD version 11 or later.~~

~~—(3) All signature blocks except for the Planning Commission's block shall be signed by the appropriate authority before the plat is taken to the public meeting.~~

~~—(4) Should the Planning Commission's decision be to approve the plat, the chair shall then sign the plat. If approved, the improvement agreements and bonds shall be forwarded with a recommendation from the Planning Commission to the City Council. The plat shall be recorded within 30 days or it shall be void.~~

## Chapter 5: ~~Standard~~Major Subdivisions

### Section

- 16-5-1. Application.
- 16-5-2. Approval process.
- 16-5-3. Phase development.
- 16-5-4. Concept plan application.
- 16-5-5. Design stage application.
- 16-5-6. Utility and agency response.
- 16-5-7. Final plat stage application.

#### 16-5-1. Application.

A ~~standard~~major subdivision is a division of land ~~that is not considered a minor subdivision into 15 or more lots.~~ Subdivisions with 100 or more lots must include a master plan of the entire community. The master plan will be reviewed by the Planning Commission during the ~~concept preliminary plat~~ stage where the commission may approve or deny the plan. A major subdivision of more than ~~25~~ 45 lots shall be phased for development. Infrastructure and public facilities shall be dedicated. Phased developments may be excused from statutory time limits imposed by this chapter if the Planning Commission agrees to receiving progress updates by the developer every six months. All commercial or industrial land divisions shall only be done as a standard major subdivision.

#### 16-5-2. Approval process.

- (1) A ~~standard major~~ subdivision shall be processed in two ~~three~~ stages:
  - (a) ~~the concept stage, which will go to a Planning Commission public hearing where the Planning Commission shall take public comment, discuss and review the application, and then move the application to the public meeting to make a decision to approve or deny the application;~~
  - (ab) ~~the preliminary plat design stage, unless the application includes a multiple-unit residential structure, or commercial or industrial development, in which case the Planning Commission shall hold a public hearing, the application will go to a Planning Commission~~

~~work meeting where the Planning Commission shall discuss and review the application and then it will be placed on the Planning Commission public meeting agenda for a decision to approve or deny, in which case the Planning Commission shall hold a public hearing; and~~  
(be) the final plat, which will be ~~reviewed by staff to ensure it is in compliance with the preliminary plat and Planning Commission conditions, placed on the Planning Commission public meeting agenda where it~~ Staff shall make a decision to approve or deny. If approved the ~~Community Development Director or designee and the Planning Commission~~ chair shall sign the plat. If signed, the plat shall be recorded within ~~12 months~~ 30 days or it shall be void.

### 16-5-3. Phase development.

(1) The preliminary and final platting of subdivisions containing more than ~~45~~ 25 lots shall be done in phases, except as provided in Subsection (3). Development shall be performed so that the phases will be contiguous and the required improvements will be continuous.

(2) When off-site improvements are complete and approved by the City Engineer or its designee and the lots are 70 percent sold, the subdivider may submit the next phase for final plat approval.

(3) A ~~preliminary and~~ final plat including more than ~~25~~ 45 lots will be accepted only upon the submission of evidence indicating that the market absorption rate is such, and the financial ability of the subdivider is such that the off-site improvements for all lots in the final plat will be completed within two years.

(4) Where it is prudent to engineer road or utility lines that extend into the next phase, such work may be done if shown in the prior phase.

### 16-5-4. Concept plan application (optional).

(1) The application for concept plan approval of a major subdivision shall be submitted to the Community Development Department. When staff determines that the application is complete, the application shall be placed on the Planning Commission agenda. A concept plan application shall include:

(a) the application form;

(b) ~~six 24" X 36" prints a digital copy in PDF format~~ of the concept plan, for distribution to each of the following:

(i) Community Development Department, two copies;

(ii) the Health Department;

(iii) Tooele County School District;

(iv) the appropriate soil conservation district within which the subdivision is located;

and

(v) the Fire Warden;

~~(e) eight 8½" X 11" copies of the concept plan for distribution to each Planning Commission member; and~~

~~(d) an additional 8½" X 11" copy of the concept plan in each of the following circumstances:~~

~~(vi) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;~~

~~(vii) when the subdivision is located wholly or partially within the boundary of an improvement or special district;~~

~~(viii) when applicable for review by any State or Federal agency;~~

~~(iv) for each servicing utility; and~~

~~(xv) for the Utah State Department of Transportation if the property being subdivided abuts a state highway or road; and~~

~~(e) proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months;~~

~~(f) utility approval forms;~~

~~(g) evidence of water rights for all lots;~~

~~(h) names and addresses of the owners of all properties that border the proposed subdivision;~~

~~(i) approval of the subdivision name, limited to 40 characters including spaces, from the County Recorder's office;~~

~~(j) a plat map from the County Recorder's office showing the property and all adjoining properties around it;~~

~~(k) if the applicant is not the owner of record, a notarized statement that the applicant has been authorized by the owner to make application;~~

~~(l) a letter from the local fire district, or the Sheriff if not located within a fire district, acknowledging it can and will provide fire protection to the subdivision;~~

~~(m) the written consent of a municipality if the proposed development is located within the municipality's expansion area and contains:~~

~~(i) a housing development with more than 15 residential units and an average density greater than one residential unit per acre; or~~

~~(ii) a commercial or industrial development for which cost projections exceed \$750,000 for all phases.~~

~~(n) the concept plat submitted on a computer disk in a format compatible with AutoCAD version 11 or later; and~~

~~(o) any unpaid fees owed to Erda City for development of land, code enforcement, or building permits.~~

~~—(2) The concept plan approval shall be valid for a period of not more than six months. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the Planning Commission. The Planning Commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative.~~

**16-5-5. Preliminary plat Design-stage application.**

~~(1) Within six months of concept stage approval or within an approved six-month extension, a complete application for the design stage of a major subdivision shall be submitted to the Community Development Department.~~

~~(2) Within 21 days after the applicant or authorized representative submits an application, a pre-design conference shall be set up with the applicant, the Community Development Department~~

~~staff, all affected entities, Health Department, County Recorder, and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision.~~

~~(1)(3) After the pre-design conference, the applicant shall submit to the Community Development Department the corrected preliminary plat with all required signatures. When it is determined that all of the corrections to the preliminary plat are made and these items are determined to be complete and correct, the submittal will be placed on the Planning Commission public meeting agenda for review unless the proposed development includes a multiple unit residential structure, or commercial or industrial development, in which case the Planning Commission shall hold a public hearing. After the Planning Commission has reviewed the material and being satisfied with the submittal, it shall place the submittal on a public meeting agenda.~~

(42) The design stage preliminary plat must be completed within one year unless an extension of no more than six months is granted by the Planning Commission.

(53) The design stage application shall include:

(a) the application form;

(b) ~~eight 24" X 36" prints~~ a digital copy in PDF format of the preliminary plat for distribution to each of the following:

(i) Community Development Department, two copies;

(ii) the Health Department;

(iii) Tooele County School District;

(iv) the appropriate soil conservation district within which the subdivision is located;

(v) the County Recorder

(vi) the County Surveyor; and

(vii) the Fire Warden.

(viii) Planning Commission members

(iv) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;

(x) when the subdivision is located wholly or partially within the boundary of an improvement or special district;

(xi) when applicable for review by any State or Federal agency;

(xii) for each servicing utility; and

(xiii) for the Utah State Department of Transportation if the property being subdivided abuts a state highway;

(c) ~~five 24" X 36" prints~~ a digital copy in PDF format of the infrastructure design and engineering drawings;

(d) ~~eight 8½" X 11" copies of the preliminary plat for distribution to each Planning Commission member;~~

(e) an additional 8½" X 11" copy of the preliminary plat in each of the following circumstances:

~~(i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;~~

~~(ii) when the subdivision is located wholly or partially within the boundary of an improvement or special district;~~

~~(iii) when applicable for review by any State or Federal agency;~~

~~(iv) for each servicing utility; and~~



~~(v) for the Utah State Department of Transportation if the property being subdivided abuts a state highway;~~

~~(df)~~ a list of off-site improvements and an estimate of the cost to complete such improvements **to include engineering;**

~~(eg)~~ the type of water system proposed, historic water use, the estimated number of gallons per day of water system requirements, and a description of water storage requirements for daily fluctuations, irrigation, and fire suppression;

~~(fh)~~ proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months;

~~(gi)~~ geologic technical maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space;

~~(hj)~~ a letter showing a completed Health Department Subdivision Feasibility Study deeming the project feasible;

~~(ik) a digital copy in PDF format of the preliminary plat and construction drawings submitted on a computer disk in a format compatible with AutoCAD version 11 or later, with the boundary and ownership lines depicted on the plat, including the following layers and names, having an abbreviation of the subdivision name included in the blank space:~~

~~Exterior Boundary Lines — Sub \_\_ Bndy  
Right-of-way Lines — Sub \_\_ Row  
Lot Lines — Sub \_\_ LL  
Centerline Roads — Sub \_\_ CL  
Easement Lines — Sub \_\_ Ease  
Section Lines — Sub \_\_ Section  
Ties to Section Corners — Sub \_\_ Section-Tie  
Street Monuments — Sub \_\_ St-Mon  
Lot Numbers — Sub \_\_ Lots  
Street Names — Sub \_\_ Streets; and~~

~~(j)~~ any unpaid fees owed to Erda City for development of land, code enforcement, or building permits.

(46) Approval of the ~~design stage~~ preliminary plat shall be valid for not more than one year. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the Planning Commission. The Planning Commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative.

#### 16-5-6. Utility and agency response.

Failure of any utility or agency to respond to requested approval shall be deemed an approval by such agency.

#### 16-5-7. Final plat stage application.

(1) The applicant or authorized representative shall submit a final plat and copies of all required material to the Community Development Department to start the final plat stage. When all corrections to infrastructure design, engineering drawings, and, if needed, a new cost estimate of

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off-site infrastructure improvements from the ~~predesign-preliminary plat meeting~~ are made and these items are determined to be complete and correct, and all signatures are on the plat ~~the plat shall be signed by the Community Development Director or designee, the application shall be placed on the Planning Commission agenda.~~ The final plat shall conform in all major respects to the approved ~~preliminary design stage~~ plat. A final plat submittal shall not be accepted more than one year from the date of the ~~preliminary plat design stage~~ approval.

(2) An application shall include:

- (a) an application form;
- (b) an original 24" X 36" Mylar of the final plat;
- (c) cost estimate for construction of infrastructure ~~and engineering~~ signed by the City Engineer or its designee;
- (d) agreement for subdivision improvements;
- (e) ~~eight 8½" X 11" copies~~ A digital copy in PDF format of the plat for distribution to each Planning Commission member;
- (f) any unpaid fees owed to Erda City for development of land, code enforcement, or building permits; and
- (g) ~~the final plat submitted on a computer disk in a format compatible with AutoCAD version 11 or later.~~

(3) All signature blocks except for the ~~Community Development Director and~~ Planning Commission's block shall be signed by the appropriate approving authority before the plat is ~~taken to the business meeting submitted for final approval.~~

(4) Should the ~~Planning Commission's staff's~~ decision be to approve the plat, the ~~Community Development Director or designee and the Planning Commission~~ chair shall then sign the plat. If approved, the improvement agreements and bonds shall be forwarded with a recommendation from the ~~staff to the City Attorney for final approval Planning Commission to the City Council.~~ The plat shall be recorded within ~~12 months~~ 30 days, or it shall be void.

## Chapter 6: Design Standards

### Section

- 16-6-1. Application.
- 16-6-2. Lots.
- 16-6-3. Roads.
- 16-6-4. Frontage on arterial and collector roads.
- 16-6-5. Sidewalks, curbs, and gutters.
- 16-6-6. Blocks.
- 16-6-7. Monuments.
- 16-6-8. Easements.
- 16-6-9. Utilities to be underground.
- 16-6-10. Sewer systems.
- 16-6-11. Sanitary sewer mains, laterals, and house connections – Future.
- 16-6-12. Water supply.
- 16-6-13. Storm drainage and flood plains.
- 16-6-14. Fire mitigation standards.
- 16-6-15. Homeowner’s association organization.

### 16-6-1. Application.

- (1) All subdivisions shall comply with the design standards set forth in this title.
- (2) The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.
- (3) Land subject to hazardous conditions such as slides, mud flow, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall not be subdivided until the hazards have been eliminated or will be eliminated by the construction of the subdivision.

### 16-6-2. Lots.

- (1) No single lot shall be divided by a municipal, service, or improvement district, or City boundary line.
- (2) (a) A lot shall not be divided by a road or another lot.

(b) The administrative hearing officer may issue a special exception to Subsection (2)(a) if a division of land by a publicly dedicated or maintained road existing prior to January 10, 1975 and creates a substandard lot that cannot be absorbed into another parcel or lot under the same ownership on the same side of the road to create standard sized lot or parcel. The special exception must be applied for and issued prior to the application for final plat being submitted. Upon issuance of a special exception, the administrative hearing officer may:

- (i) allow a connection across the road to combine with the acreage of a larger parcel increasing the total acreage; or
  - (ii) make the lot buildable by classifying it as a legal nonconforming lot. If the board determines that the lot is to be a legal nonconforming lot, it shall issue setbacks in proportion to the minimum lot size in the zoning district where the lot is located.
- (3) The frontage of a wedge-shaped lot shall not be less than 30 feet in width.
  - (4) Side lot lines shall be at substantially right angles or radial to road lines.
  - (5) All lots shall front on a publicly dedicated road except as may be approved in planned unit developments, or upon private roads approved by the Planning Commission, subject to the standards set in the Tooele County Manual of Road and Highway Design Standards and Title 6, Chapter 20 of the Erda City Code on interface area requirements.
  - (6) All lots shall conform to area requirements of the existing zoning district.

### **16-6-3. Roads.**

- (1) Roads shall be designed in accordance with standards adopted by Erda City.
- (2) Roads shall bear the names of existing aligned roads. There shall be no duplication of road names. All road names shall be approved by the Community Development Department.
- (3) The subdivider shall bear the cost of all road and public safety signs which shall be erected by the City Road Department.
- (4) Temporary, legible road signs shall be installed by the developer with the road names approved on the plat.
- (5) Temporary road signs shall be maintained by the developer until permanent road signs are installed by Erda City when the infrastructure is inspected and accepted.
- (6) Dead-end stubbed roads shall be terminated with a cul-de-sac and shall be allowed only with the following conditions:
  - (a) "L," "T" or branch turnarounds shall not be allowed.
  - (b) Cul-de-sac roads that terminate with a 60-foot radius bulb shall be designed with a maximum trip generation of 120 trips as calculated by the Institute of Transportation Engineers Trip Generation, current edition.
  - (c) Roads terminating with a loop shall be designed with a maximum trip generation of 400 trips as calculated by the Institute of Transportation Engineers Trip Generation, current edition.
  - (d) Roads in commercial and industrial zoning districts shall be determined by the Community Development Department using the Institute of Transportation Engineers Trip Generation, current edition for road load and design for the transportation system.

(e) Cul-de-sac and loop end roads within the subdivision shall have intermediate turnarounds or roundabouts and terminate with a skewed loop at a length approved by the City Engineer or its designee.

(7) Half-roads shall not be permitted.

(8) All subdivisions shall construct roads to the following minimum standards:

(a) multiple use and agricultural zones shall construct rural low density roads of a gravel surface;

(b) rural residential, residential, and residential multi-family shall construct rural higher density roads with asphaltic or concrete surfacing;

(c) commercial or industrial zoning districts shall construct high level traffic roads designed specifically for commercial or industrial traffic loads and levels that serve the uses within the development; or

(d) mining, quarry, sand, and gravel excavation zone, municipal solid waste and construction debris overlay zones shall construct roads that mitigate impacts to surrounding land uses and minimize maintenance by the City.

(9) All subdivisions with internal roads with a maximum trip generation of 400 trips as calculated by the Institute of Transportation Engineers Trip Generation, current edition, shall have more than one access route, each of which will provide egress to different locations. The design of access routes shall consider traffic circulation and employ looped road networks. Roads shall be designed with stub roads for connection to future phases and subdivisions when required by the City Engineer or its designee.

(10) No building permits shall be issued until such time that all curb, gutter, sidewalk, and road infrastructure is bonded, installed, and accepted by Erda City.

#### **16-6-4. Frontage on arterial and collector roads.**

No residential dwelling lots shall directly access arterial or major collector roads. Subdivision design shall provide local access roads to lots along arterial and major collector roads.

#### **16-6-5. Sidewalks, curbs, and gutters.**

(1) Sidewalks, curbs, and gutters shall be provided in accordance with the requirements of the zoning district, the Planning Commission, or the City Engineer or its designee.

(2) Sidewalks, curbs, and gutters shall be installed in accordance with standards adopted by Erda City.

#### **16-6-6. Blocks.**

Block lengths shall be approved by the Planning Commission. They shall provide for convenient access and circulation for emergency vehicles.

#### **16-6-7. Monuments.**

(1) Permanent reference monuments shall be installed in accordance with standards adopted by Erda City. They shall be set on the external boundary of the subdivision, at all road centerline

intersections, and all beginning and end points of curves, to provide line of sight control for re-establishing the survey.

- (2) Block and lot monuments shall be set.
- (3) At least one second order benchmark shall be set within every subdivision.

**16-6-8. Easements.**

- (1) A ten-foot public utility easement shall traverse the front of each lot.
- (2) Guying easements at corners may be required.

**16-6-9. Utilities to be underground.**

All power lines, telephone lines, and other normally overhead utility lines shall be placed underground in all subdivisions. The developer shall establish final utility grades prior to utility lines being placed underground.

**16-6-10. Sewer systems.**

(1) Except as otherwise provided in this section, the subdivider shall provide a piped sanitary sewer system to the property line of every lot in the subdivision. The sewer system shall meet the minimum standards and requirements of the Health Department.

(2) On-site wastewater disposal systems will be approved only when an existing sewer system is more than one-half mile away from the boundary line of the subdivision, or the service provider will not provide the service to the subdivision. All on-site wastewater disposal systems shall be approved in writing by the Health Department. Subdivisions proposing to use on-site wastewater disposal systems shall submit a feasibility report to the Health Department, per Health Department Regulation #12. Percolation tests and soil exploration pits shall be required to determine the adequacy of the soil involved for on-site wastewater disposal systems to absorb sewage effluent. At the time an application is made for a building permit, every individual lot which will be serviced by a septic system will require a soil evaluation test where the proposed drain field will be located. The following requirements shall also be met:

- (a) Lands filled within the last ten years shall not be divided into building sites which are to be served by septic systems.
- (b) Each septic system shall be installed at a depth and location approved by the Health Department.
- (c) Land with unacceptable soil evaluations as determined by the Health Department shall not be divided into building sites to be served by septic systems.
- (d) Land rated as having severe limitations for septic tank absorption fields as defined by the County soil survey, U.S. Department of Agriculture, or Natural Resource Conservation Service, shall not be divided into building sites to be serviced by septic systems unless each such building site contains not less than 20,000 square feet of other soils rated suitable for installation of a septic system.

(e) An applicant desiring to install septic systems in soils having severe limitations shall have additional on-site investigations made, including soil evaluation tests. The applicant shall obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed septic system. The facilities shall meet Health Department standards and regulations. To be approved, the Health Department must find that proposed corrective measures have overcome the severe soil limitations.

**16-6-11. Sanitary sewer mains, laterals, and house connections – Future.**

Where City and regional general plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Planning Commission may require the installation and capping of sanitary sewer mains and house connections by the subdivider in addition to the installation of temporary individual on-lot sewage disposal systems. Whenever individual on-lot sewage disposal systems are proposed, the subdivider shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that those facilities be installed prior to or during the construction of the principal building. No building permit shall be issued until such installation is assured. In all other cases, sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sewer system.

**16-6-12. Water supply.**

(1) Standard and Major, and planned unit development subdivisions shall have a public water supply:

- (a) when more than 70% of the lots in the subdivision are less than two acres in area; and
- (b) when it is determined by the Health Department that conditions exist that a public water supply is necessary to protect the health of the public. The water system shall meet all applicable state and local laws.

(2) The supply of water from a source other than an approved public water system may be approved only if proof of adequate water rights and proof of water availability, flow, and quality meet the Safe Drinking Water Standards by a water sample from wells on ten percent of the lots rounded up to the next whole number. In the concept stage, the subdivider shall show possession of sufficient water rights to provide domestic use for the total number of dwellings being proposed for the entire development. The design stage for the first phase of development shall include the engineering for the water system, if required, for the entire development to include the water tank and treatment facilities with a fire flow calculation. The Health Department shall approve the location of the test wells prior to the subdivider drilling them. The samples shall be taken by and have a complete chemical analysis performed and approved by the Health Department. All non-public drinking water systems shall meet the standards of Tooele Health Department Regulation #5.

### 16-6-13. Storm drainage and flood plains.

(1) A storm drainage system for the entire subdivision shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work. Existing storm drainage features which are to be incorporated in the design shall be identified. If the subdivision has phases, a general storm drainage plan for the entire area shall be presented with the design and engineering stage. Appropriate development stages for the storm drainage system for each phase shall be indicated.

(2) No lot one acre or less in area shall include flood lands. All lots of more than one acre shall contain not less than 40,000 square feet of land at an elevation at least two feet above the elevation of the 100-year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood of record.

(3) Storm drainage systems shall be designed to consider the storm drainage basin as a whole and shall accommodate not only runoff from the subdivision but also, where applicable, the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands downstream.

~~(4) Storm drainage facilities shall be designed as follows and maintained by private property owner. Erda City will not accept dedication or maintenance responsibility of any detention/retention ponds.~~

~~(a) Facilities on 5 acre or larger lots/parcels shall be seeded with native grass and maintained by HOA or private property owner.~~

~~(b) Facilities smaller than 5 acres shall be lined with filter fabric and rocks and shall be maintained by HOA or private property owner.~~

~~(c) A perpetual storm drainage easement shall be placed on the plat and recorded on the lot/parcel. The easement shall state that the facility shall not be modified in any way without an engineer's recommendation and a permit from Erda City.~~

### 16-6-14. Fire mitigation standards.

(1) The Community Development Director, fire warden, and local fire department having jurisdiction shall perform a wildland fire protection analysis of all developments, existing or planned, to determine wildland fire protection ratings. The ratings developed under the analysis shall be the basis for the implementation of fire safe design and construction criteria and fire protection systems. The higher the relative value, the higher the wildland/urban interface and the fire protection hazard rating.

(2) The analysis shall contain, as a minimum, the following components:

- (a) wildland/urban interface or wildland/urban intermix boundaries;
- (b) means of access;
- (c) vegetation (fuel models);
- (d) topography within 300 feet of structures;
- (e) structure hazard rating;
- (f) history of fire occurrence in the area;



- (g) available fire protection in place and proposed; and
- (h) other ratings as they apply.

(3) Subdivision design shall reflect mitigation for those hazards identified in the fire protection analysis and those standards required in Title 6, Chapter 20 of the Erda City Code.

(4) Except for minor subdivisions, fire suppression water sources shall be reviewed and approved by the local fire department or fire warden. The system shall provide for fire flow storage of water that complies with the current state adopted fire code, local ordinances, local fire department regulations and NFPA guidelines for the type of occupancy and level of development. Any fire hydrants shall be placed in accordance with the National Fire Protection Association standards and shall be identified with a reflectorized marker.

(5) Defensible space for structures and buildings shall be used in all covenants, contracts, and subdivisions in conformance with development standards adopted by Erda City.

(6) Roads and streets shall provide for safe access for emergency equipment and civilian evacuation. They shall be designed for unobstructed traffic circulation during an emergency.

**16-6-15. Homeowner’s association organization.**

Payment of homeowner association dues shall be made into an escrow account starting with the first sale and including developer-owned lots. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowner’s association shall have lien authority to ensure the collection of dues from all members.

## Chapter 7: Conservation Subdivisions

### Section

- 16-7-1. Purpose.**
- 16-7-2. Applicability of regulations.**
- 16-7-3. Application requirements.**
- 16-7-4. Definition of open space.**
- 16-7-5. Open space requirements.**
- 16-7-6. Open space networks configuration.**
- 16-7-7. Open space and conservation areas.**
- 16-7-8. Primary conservation areas.**
- 16-7-9. Value of primary conservation areas.**
- 16-7-10. Secondary conservation areas.**
- 16-7-11. Ownership and management of open space.**
- 16-7-12. Prohibited uses of open space.**
- 16-7-13. Requirements for conservation easements.**
- 16-7-14. Notice of disclosure.**

### **16-7-1. Purpose.**

It is the purpose and intent of conservation subdivisions to preserve open space within residential developments; provide flexibility to allow for creativity in developments; minimize the environmental and visual impacts of new development on critical natural resources and historically and culturally significant sites and structures; provide an interconnected network of permanent open space; encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features; reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation; enhance the community character; permit clustering of houses and structures which will reduce the amount of infrastructure, including paved surfaces and utility lines; encourage street design that controls traffic speeds and creates street inter-connectivity; and promote construction of convenient and accessible walking trails and bike paths both within a subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.

### **16-7-2. Applicability of regulations.**

(1) The conservation subdivision option is available for single family detached residential developments in the following districts: residential, residential multi-family, rural residential, agricultural, and multiple use. Compliance with all applicable Erda City ordinances, regulations, or resolutions is required; however, when in conflict, the provisions of this title shall prevail.

(2) The maximum number of lots in the conservation subdivision shall be determined by either of the following two methods, adding any bonus density allowed in the zoning district where it is located, at the discretion of the applicant:

(a) The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:

- (i) slopes over 30% of at least 5,000 square feet contiguous area;
- (ii) the 100-year flood plain;
- (iii) bodies of open water over 5,000 square feet contiguous area; and
- (iv) wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act; or

(b) The maximum number of lots is based on a conventional subdivision design plan prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible.

#### **16-7-3. Application requirements.**

(1) Concurrent with the submission of a concept plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design and that the proposed open space will meet the requirements of this title. The site concept plan shall include the following features:

- (a) property boundaries;
- (b) all streams, rivers, lakes, wetlands, and other hydrologic features;
- (c) topographic contours of no less than 10-foot intervals;
- (d) all primary and secondary conservation areas labeled by type, as described in sections 13-8-8 and 13-8-10 of this chapter;
- (e) general vegetation characteristics;
- (f) general soil types;
- (g) the planned location of protected open space;
- (h) existing roads and structures; and
- (i) potential connections with existing greenspace and trails.

(2) An open space management plan, as described in Section 13-7-11, shall be prepared and submitted prior to the approval of the final plat.

(3) An instrument of permanent protection, such as a conservation easement as described in Section 13-7-13, shall be placed on the open space concurrent with the issuance of a land disturbance permit.

(4) The applicant shall adhere to all other applicable requirements of the underlying zoning and Erda City land use codes for the division of land.

#### **16-7-4. Definition of open space.**

(1) Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space shall be restricted in perpetuity through the use of an approved legal instrument.

(2) The required open space areas shall be protected in perpetuity from further development or unauthorized use by a conservation easement or permanent restrictive covenant per Utah Code Section 57-18-4. Erda City reserves the right to enforce all restrictive covenants and conservation easements per Utah Code Section 57-18-6. Uses of open space may include the following:

- (a) conservation of natural, archeological, or historical resources;
- (b) meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- (c) walking, equestrian, off-highway vehicle, or bicycle trails;
- (d) passive recreation areas, such as open fields;
- (e) active recreation areas which include 15% or less of the total open space area in impervious surfaces;
- (f) agriculture, horticulture, silviculture, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
- (g) landscaped stormwater management facilities, community wastewater disposal systems, and individual wastewater disposal systems located on soils particularly suited to such uses;
- (h) easements for drainage, access, and underground utility lines; and
- (i) other conservation-oriented uses compatible with the purposes of this chapter.

#### **16-7-5. Open space requirements.**

(1) Each conservation subdivision shall provide a minimum of 40% of its total acreage as open space. The open space shall be designated on the conceptual plan and recorded on the final plat. The minimum restricted open space shall comprise at least 40% of the gross tract area.

(2) Utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40% minimum area requirement, except historic structures and existing trails may be counted. Areas greater than 15% of the total open space area that is covered with any impervious surface shall be excluded from the open space.

(3) At least 25% of the open space shall consist of land that is suitable for building.

(4) At least 75% of the open space shall be in a contiguous tract. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

(5) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe, convenient access to the open space.

#### **16-7-6. Open space networks configuration.**

The minimum standards for open space networks are as follows:

- (1) The minimum width of any open space area is 25 feet.
- (2) All paths shall be a minimum of 20 feet from any property line except where interparcel access may be provided.
- (3) All open space networks shall provide connectivity to any common areas within the development and to any adjacent public places and rights-of-way.
- (4) Paths located in primary conservation areas shall be constructed of pervious materials.
- (5) Where path networks cross internal subdivision streets or public streets, access points shall be directly across from each other or as approved by the City Engineer or its designee.
- (6) Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges, and tunnels as approved by the City Engineer or its designee.

#### **16-7-7. Open space and conservation areas.**

Open space shall be designated as either primary conservation areas or secondary conservation areas and shall be configured to create or maintain a network of open space.

#### **16-7-8. Primary conservation areas.**

Primary conservation areas form the core of the open space to be protected. The following are considered primary conservation areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this chapter:

- (1) cemeteries;
- (2) alluvial soils identified by the Federal Emergency Management Agency (FEMA) and the 100-year flood plain;
- (3) archaeological sites, cemeteries, and burial grounds;
- (4) prime agricultural lands of at least five acres contiguous area;
- (5) habitats for endangered or threatened species;
- (6) wetlands identified by the County Soil Survey prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) or a certified wetlands delineation using data from the U.S. Army Corps of Engineers;
- (7) lakes, both natural and man-made, rivers, streams, existing ponds, stormwater management ponds and facilities, creeks, and State waters;
- (8) riparian zones along all perennial and intermittent streams equal to any required stream buffers and improvement setbacks;

- (9) existing slopes greater than 30% on average with a site area greater than 5,000 square feet identified as part of a site analysis conducted by a registered engineer, land surveyor, or landscape architect and calculated using topographic maps; and
- (10) critical wildlife habitat as identified by the State of Utah, Division of Wildlife Resources.

**16-7-9. Value of primary conservation areas.**

Because primary conservation areas are either protected or sensitive environmental areas, only 50% of the acreage of a primary conservation area may be counted as open space.

**16-7-10. Secondary conservation areas.**

- (1) Secondary conservation areas consist of undeveloped or unconstrained but buildable land and protected, or constrained, lands. Secondary conservation areas include the following:
  - (a) farmlands, including fields, pastures, and meadows;
  - (b) woodlands and buffers except riparian buffers;
  - (c) historic and/or archaeological sites as identified by the Utah Division of State History, Utah State Historical Society;
  - (d) passive recreation areas, public and private, including pedestrian, bicycle, and equestrian trails, picnic areas, community commons or greens, and similar areas;
  - (e) active recreation areas and facilities, public and private, to include parks, playing fields, and playgrounds, but recreation areas with impervious surfaces greater than 15% of the total secondary open space such as parking lots, tennis courts, basketball courts, and pools shall be excluded;
  - (f) existing healthy, native forests of at least one acre contiguous area;
  - (g) individual existing healthy trees greater than eight inches caliper, as measured from their outermost drip line;
  - (h) other significant natural features and scenic viewsheds such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads; and
  - (i) trails that connect the tract to neighboring areas.
- (2) One hundred percent of secondary conservation areas may be counted as open space.

**16-7-11. Ownership and management of open space.**

- (1) A homeowner's association representing residents of the conservation subdivision may own the open space. If owned by a homeowner's association, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowner's association shall have lien authority to ensure the collection of dues from all members.
- (2) The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.
- (3) The applicant shall submit a plan for management of open space and common facilities that:

(a) allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

(b) estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;

(c) provides that any changes to the plan be approved by the City Council; and

(d) provides for enforcement of the plan.

(4) In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, Erda City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the homeowner's association or to the individual property owners and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties in the case of a homeowner's association or the open space property.

#### **16-7-12. Prohibited uses of open space.**

(1) Uses of open space shall not include the following:

(a) roads;

(b) parking lots that occupy more than 15% of the open space;

(c) dwellings;

(d) commercial uses; or

(e) land set aside for use that solely benefits any one person or entity.

(2) The instrument for permanent protection shall include clear restrictions on the use of the open space.

#### **16-7-13. Requirements for conservation easements.**

(1) A conservation easement shall:

(a) clearly delineate primary and secondary conservation areas;

(b) describe the features of the subject property that should be permanently protected in accordance with the Land Conservation Easement Act, Utah Code Section 57 Chapter 18;

(c) clearly identify the boundaries of the property by survey and a metes and bounds legal description;

(d) clearly list restrictions;

(e) protect the open space in perpetuity by a binding legal instrument to be recorded, which instrument shall be:

(i) a permanent conservation easement in favor of either:

(A) a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate

provision for retransfer in the event the organization becomes unable to carry out its functions; or

(B) a governmental entity with an interest in pursuing goals compatible with the purposes of this chapter;

(ii) a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or

(iii) an equivalent legal tool that provides permanent protection, if approved by Erda City;

(f) show the area and a notation as to the conservation easement on the final plat and be duly recorded with the office of the County Recorder; and

(g) provide for amendments only with the express written permission of the property owners, the holder of the easement, and Erda City.

(2) If the entity accepting the easement is not Erda City, then a third right of enforcement favoring Erda City shall be included in the easement.

(3) The permanent restrictive covenants shall:

(a) clearly delineate the primary and secondary conservation areas;

(b) describe the features of the subject property that should be permanently protected;

(c) clearly identify the boundaries of the property by survey and a metes and bounds legal description;

(d) clearly list restrictions;

(e) provide for inspections of the property by Erda City;

(f) provide for maintenance of the property;

(g) be shown on the final plat and duly recorded with the office of the County Recorder; and

(h) provide for amendments only with the express written permission of the property owners and Erda City, which amendments to the covenant shall be recorded in the office of the County/City Recorder.

#### **16-7-14. Notice of disclosure.**

Before Erda City receives a conservation easement, it shall be disclosed to the easement's grantor, at least three days prior to the granting of the easement, the types of conservation easements available, the legal effect of each easement, and that the grantor should contact an attorney concerning any possible legal and tax implications of granting a conservation easement.



## Chapter 8: Financial Assurance

### Section

**16-8-1. Improvement installation guarantee.**

**16-8-2. Default.**

**16-8-3. Maintenance guarantee.**

**16-8-4. Acceptance and release of surety.**

**16-8-5. Engineering review and inspection fee.**

### **16-8-1. Improvement installation guarantee.**

(1) In lieu of actual installation of off-site and common open space improvements required by this title, after final plat approval by the land use authority and before the plat is recorded, the subdivider shall guarantee the installation of such improvements by a combination of one or more of the following financial guarantee methods that is acceptable to the City Attorney: a corporate surety bond, a deposit in escrow with an escrow holder, or a letter of credit with a financial institution.

(2) The guarantee shall be in an amount equal to ~~112~~10% of the cost of required improvements ~~and engineering~~ as estimated by an engineer retained by the subdivider and approved by the City Engineer or its designee, or in an amount estimated by the City Engineer or its designee. The guarantee shall assure the actual construction of such improvements within one year, or at a date approved by the City Engineer or its designee, immediately following the approval of the financial assurance by the City Council.

(3) The guarantee shall be filed with the treasurer.

(4) The guarantee shall be approved as to method, institution, and form by the City Attorney.

### **16-8-2. Default.**

In the event the subdivider defaults or fails or neglects to satisfactorily install required improvements within one year from date of approval of the final plat, or at a date approved by the City Engineer or its designee, the City Council may declare the bond, escrow, deed of trust, or letter of credit forfeit and may execute thereon and install or cause the required improvements to be installed using the proceeds from the collection to defray the expenses thereof. The subdivider shall be responsible for all costs incurred by the City to complete the required improvements in excess of the proceeds of the guarantee amount.

### **16-8-3. Maintenance guarantee.**

The subdivider shall guarantee all off-site improvements will remain in good condition for a period of one year after the date of final acceptance by the City. The subdivider shall make all repairs to and maintain the improvements in good condition during that one-year period at no cost to the City. Upon completion of the improvements, the City shall retain at least ~~2~~10% of the guarantee for a surety to cover the maintenance period. The exact amount retained shall be determined by the City Engineer or its designee. The City Engineer or its designee shall identify necessary repairs and maintenance, and this decision shall be final and binding upon the subdivider. The guarantee shall extend to and include, but shall not be limited to the entire street, subgrade, base, and surface and all pipes, joints, valves, backfill, and compacting as well as the working surface, curbs, gutters, sidewalks, and other accessories that are, or may be, affected by construction operations. Whenever, in the judgment of the City Engineer or its designee, the

improvements shall need repairs, maintenance, or re-building, the City Engineer or its designee shall cause a written notice to be mailed or given to the subdivider. Upon receipt, the subdivider shall undertake and complete such repairs, maintenance, or re-building. If repairs are not completed within the specified time, the City shall have such repairs made and the cost of such repairs shall be paid by the subdivider or by the City using the guarantee.

**16-8-4. Acceptance and release of surety.**

(1) The subdivider shall submit to the department of engineering a copy of the as-built construction drawings and verification of storm drainage system by design engineer. Acceptance of all improvements shall be in writing from the City Engineer or its designee.

(2) Final inspection by the City Engineer or its designee shall be made one year after all work has been completed and before release of the guarantee. All defects shall be corrected before acceptance by the City.

(3) Upon completion of off-site improvements and approval by the City Engineer or its designee, the financial assurances may be released, at which time the subdivision will be deemed accepted.

**16-8-5. Engineering review and inspection fee.**

In addition to the improvement and maintenance guarantee, the subdivider shall deposit with the City Auditor a sum equal to three percent of the cost of the improvements to cover engineering review and inspection.

## **Chapter 9: Vacation, Alteration, and Amendment of Subdivision Plats**

### **Section**

- 16-9-1. Vacating or changing a subdivision plat.**
- 16-9-2. Filing of a petition to vacate, alter, or amend a plat – Notice.**
- 16-9-3. Planning Commission consideration of petition to vacate or change a plat – Criteria for vacating or changing a plat – Recording the vacation or change.**
- 16-9-4. Exchange of title for portions of parcels by adjacent property owners of record.**

### **16-9-1. Vacating or changing a subdivision plat.**

(1) Subject to Subsection (2), the Planning Commission may, with or without a petition, consider and resolve any proposed vacation, alteration or amendment of a subdivision plat, any portion of a subdivision plat, or any road, lot, or alley contained in a subdivision plat at a public hearing.

(2) If a petition is filed, the Planning Commission shall hold the public hearing within 45 days after receipt of the petition if:

- (a) the plat change includes the vacation of a public road;
- (b) any owner within the plat notifies the City of their objection in writing within ten days of receiving mailed notification; or
- (c) all of the owners in the subdivision have not signed the revised plat.

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

(4) Any proposal to vacate or alter any road or alley located within a subdivision shall first be reviewed by the City Engineer or its designee. Upon receiving a recommendation from the City Engineer or its designee, it shall go to a public hearing of the Planning Commission. The Planning Commission shall make a recommendation to the City Council who shall consider the matter at a public meeting.

(5) The action of the City Council vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating ordinance, as a revocation of the acceptance thereof and the relinquishment of the City's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the franchise rights of any public utility may not be impaired thereby.

**16-9-2. Filing of a petition to vacate, alter, or amend a plat – Notice.**

(1) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a road or lot contained in a plat shall include:

- (a) the name and address of all owners of record of the land contained in the entire plat;
- (b) the name and address of all owners of record of land adjacent to any road that is proposed to be vacated, altered, or amended; and
- (c) the signature of each of these owners who consents to the petition.

(2) A petition that lacks the consent of all owners may not be scheduled for consideration at a public hearing before the Planning Commission until the following notice is given:

- (a) Notice shall be provided of the date, time, and place of a public hearing and shall be:
  - (i) mailed not less than five calendar days before the public hearing and addressed to the record owner of each parcel within specified parameters of that property; or
  - ~~(ii) posted not less than five calendar days before the public hearing, on the property in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.~~

(b) For any proposal to vacate, alter, or amend a platted street, the Planning Commission shall give notice of a public hearing with the date, place, and time of the hearing by as required by Utah Code:

(3) The petitioner shall pay the costs of the notice.

(4) Subject to Subsection (1), if the Planning Commission proposes to vacate, alter, or amend a subdivision plat or any road or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this section.

(5) The name of a recorded subdivision may be changed by recording an amended plat making that change, if the new name has been cleared and approved by the County Recorder. The recording of all other declaration or document that purports to change the name of a recorded plat is void.

~~(6) For any proposal to vacate, alter, or amend a platted street or public utility easement, the Planning Commission shall hold a public hearing and shall give notice of the date, place, and time of the hearing at least 10 days before the public hearing by:~~

- ~~(a) mailed to the record owner of each parcel that is accessed by the public street or municipal utility easement;~~
- ~~(b) mailing notice to each affected entity; and~~
- ~~(c) provided for the public street or municipal utility easement, as a class A notice under section U.C.A. 63G-30-102, for at least 10 days.~~

~~(7) For a proposed subdivision amendment the notice shall follow U.C.A. 10-9a-608~~

**16-9-3. Planning Commission consideration of petition to vacate or change a plat – Criteria for vacating or changing a plat – Recording the vacation or change.**

(1) Within 30 days after the required public hearing, or as that time period may be extended by agreement of the parties, the Planning Commission shall consider the petition to vacate or change a plat.

(2) If the Planning Commission is satisfied that the public will not be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation,

alteration, or amendment, the Planning Commission may vacate, alter, or amend the plat, any portion of the plat, or lot.

(3) The Planning Commission may approve the vacation, alteration, or amendment by resolution, amended plat, or administrative order.

(4) The Planning Commission shall ensure that the vacation, alteration, or amendment is recorded in the office of the County Recorder in which the land is located.

(5) The action of the Planning Commission vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating ordinance, as a revocation of the acceptance thereof, and the relinquishment of the City's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the franchise rights of any public utility may not be impaired thereby.

**16-9-4. Exchange of title for portions of parcels by adjacent property owners of record.**

(1) The owners of record of adjacent parcels described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the Community Development Director or City Engineer or its designee in accordance with Subsection (2).

(2) The Community Development Director or City Engineer or its designee shall approve an exchange of title under Subsection (1) if:

- (a) no new dwelling lot or housing unit will result from the exchange of title; and
- (b) the exchange of title will not result in a violation of applicable zoning requirements.

(3) If an exchange of title is approved under Subsection (2), a notice of approval by the Community Development Director or City Engineer or its designee shall be recorded in the office of the County Recorder by the owners with deeds which:

- (a) are executed by each owner included in the exchange and by the Community Development Director or City Engineer or its designee;
- (b) contain an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
- (c) recite the descriptions of both the original parcels and the parcels created by the exchange of title.

(4) A notice of approval recorded under Subsection (3) does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.

# **TITLE 16: SUBDIVISION CODE**

## **CHAPTER 1: GENERAL PROVISIONS**

### **Section**

- 16-1-1. Short title.**
- 16-1-2. Purpose.**
- 16-1-3. Definitions.**
- 16-1-4. Notice.**
- 16-1-5. Penalties.**
- 16-1-6. Creation of substandard lots prohibited.**
- 16-1-7. Protection of land in an agriculture protection area.**
- 16-1-8. Notice of shooting range area.**
- 16-1-9. Plats required.**
- 16-1-10. Agricultural partitions.**
- 16-1-11. Condominium projects.**

**16-1-1. Short title.**

This title is known as the “Subdivision Ordinance of Erda City, Utah.”

**16-1-2. Purpose.**

The purpose of this title is to provide policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions; ensure that all subdivisions are consistent with the general plan and applicable specific plans; and to ensure that land is subdivided in a manner that will promote public health, safety, convenience, general welfare and the physical, social, and economic development of the area.

**16-1-3. Definitions.**

Definitions for words used in this title shall be the same as those in Utah Code Section 10-9a-101 et seq.

**16-1-4. Notice.**

(1) The City meets the requirements of reasonable notice for a proposed subdivision or an amendment to a subdivision by providing notice of the date, time, and place of a public meeting that is:

(a) mailed not less than seven calendar days before the public meeting and addressed to the record owner of each parcel adjoining the property and to each affected entity (2) The City shall notify the applicant by actual notice or by mail of the date, time, and place of each public meeting to consider the application and of any final action on a pending application.

(3) For any proposal to vacate, alter, or amend a platted street or public utility easement, the Planning Commission shall hold a public hearing and shall give notice of the date, place, and time of the hearing at least 10 days before the public hearing by:

(a) mailed to the record owner of each parcel that is accessed by the public street or municipal utility easement;

(b) mailing notice to each affected entity; and

(c) provided for the public street or municipal utility easement, as a class A notice under section U.C.A 63G-30-102, for at least 10 days.

(4) For a proposed subdivision amendment the notice shall follow U.C.A. 10-9a-608

**16-1-5. Penalties.**

(1) (a) An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this chapter for each lot or parcel transferred or sold.

(b) The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (1)(a) or from the penalties or remedies provided in this chapter.

(c) Notwithstanding any other provision of this chapter, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this title:

- (i) does not affect the validity of the instrument or other document; and
  - (ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable City ordinances on land use and development.
- (2) (a) The City may bring an action against an owner to require the property to conform to the provisions of this title.
  - (b) An action under this Subsection (2) may include injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.
  - (c) The City need only establish the violation to obtain the injunction.
- (3) The City may assess civil penalties for violation of any of the provisions of this title.
- (4) Violation of any of the provisions of this title is punishable as:
  - (a) as a class C misdemeanor;

**16-1-6. Creation of substandard lots prohibited.**

No lot shall be created that does not conform to the requirements of this title and the zoning district in which it is located.

**16-1-7. Protection of land in an agriculture protection area.**

For any subdivision located in whole or in part within 300 feet of the boundary of an agriculture protection area, the owner of the subdivision shall provide 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.

**16-1-8. Notice of shooting range area.**

For any subdivision located in whole or in part within 1,000 feet of the boundary of any shooting range that was established, constructed, or operated prior to the subdivision, the owner of the subdivision shall provide on any plat filed with the County Recorder the following notice:

**Shooting Range Area**

This property is located in the vicinity of an established shooting range. It can be anticipated that customary uses and activities at this shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from these uses and activities.



**16-1-9. Plats required.**

(1) Unless exempt or not included in the definition of a subdivision, whenever any lands are divided, the owner of those lands shall have an accurate plat made of them that sets forth and describes:

(a) all the parcels of ground divided, by their boundaries, course, and extent, and whether they are intended for streets or other public uses, together with any areas that are reserved for public purposes; and

(b) the lot or unit reference, the block or building reference, the road or site address, the road name or coordinate address, the acreage or square footage for all parcels, units, or lots, and the length and width of the blocks and lots intended for sale.

(2) (a) The owner of the land shall acknowledge the plat before an officer authorized by law to take the acknowledgment of conveyances of real estate.

(b) The surveyor making the plat shall certify it.

(c) The land use authority may approve the plat as provided in this title. Before the land use authority may approve a plat, the owner of the land shall provide the land use authority with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(3) After the plat has been acknowledged, certified, and approved, the plat shall be kept in the Community Development Department until the owner of the land shall file and record it in the County Recorder's office.

**16-1-10. Agricultural partitions.**

(1) A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of this title if the lot or parcel:

(a) qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland Assessment Act;

(b) meets the minimum size requirement of applicable zoning ordinances; and

(c) is not used and will not be used for any nonagricultural purpose.

(2) The boundaries of each lot or parcel exempted under Subsection (1)(a) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under this title, shall be recorded with the County Recorder.

(3) If a lot or parcel exempted under Subsection (1)(a) is used for a nonagricultural purpose, the lot or parcel shall comply with the requirements of the subdivision plat provisions of this title.

**16-1-11. Condominium projects.**

(1) Condominium projects shall be considered a subdivision.

(2) Condominium projects shall comply with all provisions of the Erda City Land Use Ordinance.

(3) Condominium plats shall follow the same approval process and provide the same application materials as a Standard Subdivision as outlined in this Title. Each additional condominium plat within an identified expandable or contractual condominium shall follow the final plat approval process.

- (4) The Planning Commission shall also review and approve all declaration documents.

## **Chapter 2: Subdivision Application Procedure**

### **Section**

- 16-2-1. Diligence.**
- 16-2-2. Application procedure.**
- 16-2-3. Concept plan requirements.**
- 16-2-4. Preliminary plat requirements.**
- 16-2-5. Infrastructure design and engineering drawings requirements.**
- 16-2-6. Final plat requirements.**

#### **16-2-1. Diligence.**

Each development shall be actively pursued to completion. Any application that exceeds the time limits stated in this title will be deemed null and void and all vested rights shall be waived by the subdivider for that development. An application shall be null and void and all vested rights waived by the subdivider for that development if they do not complete a stage or they fail to make a progress report to the Planning Commission within 180 days. Any extension must be requested prior to the expiration of the original approval. Should an application become void, the applicant must reapply at the first stage for that level of development.

#### **16-2-2. Application procedure.**

(1) Each application for a subdivision shall have all required submittals before it is accepted as a complete application. No application for the next stage shall be accepted until such time that the Planning Commission has approved the application for the stage of the development currently under consideration.

(2) There shall be no presumption of approval of any aspect of the process.

(3) No application shall be accepted for any approval stage if the time limit has expired on the previous approval stage.

(4) The Planning Commission or Community Development Director, in the case of a minor subdivision, may request specific information found to be incomplete in its review and table further action until the information is submitted.

(5) A denial shall include written findings of fact and decision. Denial may be based, in addition to other reasons of good cause, upon incompatibility with the general plan, lack of a culinary water supply, insufficient fire suppression system, geological concerns, location, incompatibility with surrounding land uses, the inability of City service or utility providers to provide public services, or the adverse effect on the health, safety, and general welfare of the City and its residents.

(6) Appeals of the decision of the Community Development Director in consideration of a minor subdivision shall be made to the Planning Commission. Appeals from the decision of a Planning Commission on any subdivision shall be made to the administrative hearing officer in accordance with Section 4-8-3 of the Erda City Code.

### **16-2-3. Concept plan (optional).**

The concept plan shall show:

- (1) the general location of the subdivision, the property boundaries, and adjoining properties with ownership;
  - (2) lot and road layout indicating general scaled dimensions;
  - (3) County, township, range, section, quarter section, blocks, the number of lots, and true north;
  - (4) a vicinity map showing significant natural and man-made features on the site;
  - (5) the acreage of the entire tract and the acreage of the portion to be developed;
  - (6) the area for which approval will be requested for the first phase of development except for minor and standard subdivisions;
  - (7) an area plan showing the total area on a single sheet for subdivisions requiring more than one sheet at the required scale;
  - (8) the sites, if any, for multi-family dwellings, shopping centers, community facilities, industry, or other uses exclusive of single-family dwellings;
  - (9) total development area and the number of proposed dwelling units;
  - (10) easements and rights-of-way;
  - (11) the name of the subdivision limited to 40 characters including spaces as approved by the County Recorder;
  - (12) parcels of land that are to be dedicated for schools, roads, parks, or other public purposes;
- and

### **16-2-4. Preliminary plat requirements.**

(1) The design stage preliminary plat shall be prepared and certification made as to its accuracy by a registered land surveyor who holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act, has completed a survey of the property described on the plat in accordance with Section 17-23-17, has verified all measurements and monumented any unmarked property corners, and has made reference to the filing number for the Record of Survey map filed with the County Surveyor's Office.

(2) Every detail of the plat shall be legible. A poorly-drawn or illegible plat shall be cause for its denial.

(3) A traverse shall not have an error of closure greater than one part in 10,000.

(4) Each plat shall show:

- (a) the general location of the subdivision and adjoining properties with ownership;
- (b) all deed lines of the subject and adjoining properties and lines of occupation such as fence lines;

- (c) the 100 foot radius wellhead protection zone on all existing wells within and outside of the subdivision where the protection zone falls within the boundary of the subdivision;
  - (d) bearing and distance tie-in to the historic and dependant survey and at least one established monument, and if no historic monument can be located, it must be so stated upon the plat;
  - (e) County, township, range, section, quarter section blocks, plats, and true north;
  - (f) graphic scale of the plat;
  - (g) existing ground contours at 20-foot intervals;
  - (h) the name of the subdivision limited to 40 characters including spaces as approved by the City Recorder;
  - (i) the amount of water allocated to each lot in acre feet if the subdivision does not have a public water system connection; and
  - (j) approval signature blocks for:
    - (i) any improvement, service, and special districts where all or part of the development is located;
    - (ii) the City Engineer or its designee;
    - (iii) the City planner; and
    - (iv) the Planning Commission chair.
- (5) The bearings, distances, and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shoreline or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's high-level mark.
- (6) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.
- (7) All blocks and lots within each block shall be consecutively numbered. Addresses shall be issued by the Community Development Department and shall be shown on the plat with the corresponding lot number.
- (8) For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, cord bearing and distance, tangent, and arc length.
- (9) Excepted parcels shall be marked, "Not included in this subdivision."
- (10) All public lands shall be clearly identified.
- (11) All public roads shall be clearly marked as "dedicated public road."
- (12) All private roads shall be clearly marked as "private road."
- (13) All roads shall be identified by names approved by the Community Development Department.
- (14) All easements shall be designated as such and dimensions given.
- (15) All lands within the boundaries of the subdivision shall be accounted for, either as lots, walkways, streets, or as excepted parcels.
- (16) Bearings and dimensions shall be given for all lot lines and easements, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.
- (17) Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.
- (18) Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.

(19) Surveys shall tie into the state grid or other permanent marker established by the County Surveyor and shall give a description, the name, and the date on survey monuments found.

(20) The plat shall be labeled "Preliminary Plat."

(21) The surveyor shall provide remainder descriptions for all property from the original parcel or lot that is not included in the subdivision.

#### **16-2-5. Infrastructure design and engineering drawings requirements.**

(1) Infrastructure design and engineering drawings and documents shall be submitted in the design stage and shall include:

(a) plan, profile, and typical cross-section drawings of the roads, bridges, culverts, water, sewers, and drainage structures;

(b) a grading and drainage plan indicated by solid-line contours superimposed on dashed-line contours of existing topography;

(c) the general location of trees over six inches in diameter measured at four and one-half feet above the ground, and in the case of heavily wooded areas, an indication of the outline of the wooded area and location of trees which are to remain;

(d) proposed and existing water and sewage system layouts;

(e) location of fire hydrants;

(f) proposed road layouts in dashed lines for any portion of the property to be developed in a later phase;

(g) water courses and proposed storm water drainage systems including culverts, water areas, streams, areas subject to occasional flooding, marshy areas or swamps;

(h) areas within the 100-year flood plain;

(i) soil types and soil interpretations taken from the National Cooperative Soils Survey;

(j) a signing and striping plan showing the location of all street signs, striping, and traffic control devices required by the City in accordance with the Manual of Uniform Traffic Control Devices;

(k) a signature block for the City Engineer or its designee on each design and construction drawing;

(l) when the subdivision is located within the jurisdiction of a service or improvement district or area, a signature block for such service or improvement district or area;

(m) geologic maps and investigation reports regarding area suitability; and

(n) a design report stamped by an engineer licensed in the State of Utah as may be required by the Planning Commission or the Community Development Department.

(2) All drawings shall be drawn to a scale not less than one inch equals 100 feet, and shall indicate the basis of bearings, true north, the name of the subdivision, township, range, section, and quarter section, and lot numbers of the property.

(3) Poorly-drawn or illegible design and engineering drawings shall be cause for denial.

(4) To change any aspect of the design of the off-site improvements, a new set of infrastructure design and engineer drawings shall be submitted for approval. A signed set of drawings shall be on-site at all times during construction. All construction must conform to the approved plans.

### **16-2-6. Final plat requirements.**

(1) The final plat shall be prepared and certification made as to its accuracy by a registered land surveyor who holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act, has completed a survey of the property described on the plat in accordance with Section 17-23-17, has verified all measurements and monumented any unmarked property corners, and has made reference to the filing number for the Record of Survey map filed with the County Surveyor's Office. The surveyor making the plat shall bond or provide to the City adequate security to place monuments as represented on the plat upon completion of the subdivision improvements.

(2) Every detail of the plat shall be legible. A poorly-drawn or illegible plat shall be cause for denial.

(3) A traverse shall not have an error of closure greater than one part in 10,000.

(4) The bearings, distances, and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shoreline or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's high-level mark.

(5) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

(6) All blocks and lots within each block shall be consecutively numbered. Addresses shall be issued by the Community Development Department and shall be shown on the plat with the corresponding lot number.

(7) For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, cord bearing and distance, tangent, and arc length.

(8) Excepted parcels shall be marked, "Not included in this subdivision."

(9) All public lands shall be clearly identified.

(10) All public roads shall be clearly marked as "dedicated public road."

(11) All private roads shall be clearly marked as "private road."

(12) All roads shall be identified by names approved by the Community Development Department.

(13) All easements shall be designated as such and dimensions given.

(14) All lands within the boundaries of the subdivision shall be accounted for, either as lots, walkways, roads, or as excepted parcels.

(15) Bearings and dimensions shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.

(16) Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.

(17) Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.

(18) Surveys shall tie into the state grid or other permanent marker established by the County Surveyor.

(19) The plat shall be labeled "Final Plat."

- (20) The information on the final plat shall include:
- (a) the name of the subdivision, true north arrow and basis thereof, and date;
  - (b) the owners' dedication which shall contain the language:

OWNERS' DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned are the owners of the hereon described tract of land and hereby cause the same to be divided into lots and streets together with easements as set forth hereafter to be known as (NAME OF SUBDIVISION). The undersigned owners hereby dedicate to Erda City all those tracts of land designated on this plat as streets, the same to be used as public thoroughfares forever. The undersigned owners also hereby convey to any and all public and private utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for drainage and the installation, maintenance and operation of utility service lines and facilities.

- (c) names of the owner or owners including beneficial owners of record under the signature lines in the owners dedication;
- (d) square footage of each lot under one acre or the lot acreage if one acre or larger;
- (e) township, range, section and quarter section if a portion;
- (f) graphic scale;
- (g) the State plane coordinate of monuments used as a basis of bearing;
- (h) survey monuments which are marked with a description, the name, and the date;
- (i) the total water allocation in acre-feet for each lot;
- (j) the 100-foot radius wellhead protection zone on all existing wells;
- (k) signature blocks for:
  - (i) any improvement, service, and special districts or areas where any part of the platted property is located;
  - (ii) the City Engineer or its designee;
  - (iii) the County Surveyor;
  - (iv) the City Attorney;
  - (v) the Health Department;
  - (vi) the City Treasurer indicating at the time of signing that the property taxes due and owing have been paid in full;
  - (vii) the recordation of the plat by the County Recorder's office with a line for the recordation number, who it is recorded for, the date, time, and fee;
  - (viii) the Fire Warden if there is no fire department having jurisdiction; and
  - (ix) the City Planning Commission chair or, in the case of a minor subdivision, the Community Development Director.

# Chapter 3: Minor Subdivisions

## Section

**16-3-1. Definition.**

**16-3-2. Approval process (if not a minor subdivision created under Subsection 16-3-1(2) or Utah Code Section 10-9a-605).**

**16-3-3. Approval process for minor subdivision created under Subsection 16-3-1(2) or Utah Code Section 10-9a-605.**

### **16-3-1. Definition.**

- (1) A minor subdivision is a division of land into no more than four lots, or
- (2) Is a division of land compliant to Utah Code Section 10-9a-605 as follows:
  - (a) The parent parcel shall be at least 100 contiguous acres of agricultural land.
  - (b) One new lot, of at least one acre in size, may be created.
  - (c) It may not be within 1,000 feet of another minor subdivision created through this subsection.
    - (3) A minor subdivision shall not:
      - (a) include the construction and dedication of new infrastructure;
      - (b) be a part or a phase of a larger subdivision;
      - (c) be a further division of land within three years from subdivision approval (if not a minor subdivision under Utah Code Section 10-9a-605); and
      - (d) include commercial or industrial uses.
- (4) All lots shall front on a City road or an approved private road (if not a minor subdivision under Utah Code Section 10-9a-605).
- (5) Land may be dedicated along existing City roads to increase the right-of-way to current City standards.
- (6) A minor subdivision shall be filed on a plat drawn and stamped by a licensed surveyor and shall not be created by deed alone (if not a minor subdivision under Utah Code Section 10-9a-605).
- (7) Public utility easements shall be granted in a minor subdivision (if not a minor subdivision under Utah Code Section 10-9a-605).

### **16-3-2. Approval process (if not a minor subdivision created under Subsection 13-3-1(2) or Utah Code Section 10-9a-605).**

- (1) The application for a minor subdivision shall be submitted to the Community Development Department. When the staff determines that the application is complete and correct, and all



signatures are on the plat, notice to all surrounding landowners giving them 14 days to give written comment, prints of the plat sent to those entities listed in (2)(c) giving them 20 days to submit comments to the Community Development Department, and a decision on the application shall be made within seven days after the comments are to be received, by the Community Development Director. The Community Development Director shall take written public comment and review the application. If the Mylar needs to be corrected, the Community Development Director shall postpone a decision until the plat is corrected. The Community Development Director shall then approve or deny the application.

(2) A minor subdivision application shall include:

- (a) the application form;
- (b) one 24" X 36" final plat on Mylar drawn by a surveyor licensed in the state of Utah;
- (c) A digital copy of the plat in PDF format, for distribution to:
  - (i) Community Development Department;
  - (ii) the Health Department;
  - (iii) Tooele County School District;
  - (iv) the soil conservation district within which the subdivision is located;
  - (v) the County Recorder
  - (vi) the County Surveyor; and
  - (vii) the Fire Warden.
- (d)
  - (viii) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;
  - (ix) when the subdivision is located wholly or partially within the boundary of an improvement or special district or area;
  - (x) when applicable for review by any State or Federal agency;
  - (xi) for each servicing utility;
  - (xii) for the Utah State Department of Transportation if the property being subdivided abuts a state highway; and
- (d) proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months;
- e utility approval forms;
- (f) evidence of water rights for all lots;
- (g) a letter showing a completed Health Department Subdivision Feasibility Study deeming the project feasible;
- (h) names and addresses of the owners of all properties adjoining the proposed subdivision;
- (i) a plat map from the County Recorder's office showing the property and all adjoining properties around it;
- (j) approval of the subdivision name, limited to 40 characters including spaces, from the County Recorder's office;
- (k) geologic technical maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space;
- (l) if the applicant is not the owner of record, a notarized statement that the applicant has been authorized by the owner to make application;
- (m) a letter from the local fire district, or the Sheriff if not located within a fire district, acknowledging fire protection can and will be provided to the subdivision;
- (n) an electronic copy of the plat in PDF format

(o) any unpaid fees owed to Erda City for development of land, code enforcement, or building permits.

(3) All signature blocks except for the Community Development Director's block shall be signed by each approving authority before the plat is taken to the public hearing.

(4) Should the Community Development Director's decision be to approve the plat, the Community Development Director then shall sign the plat. The plat shall be recorded within 12 months or it shall be void.

**16-3-3. Approval process for minor subdivision created under Subsection 16-3-1(2) or Utah Code Section 10-9a-605).**

(1) Record in the County Recorder's Office:

(a) a recordable deed containing the legal description of the minor subdivision lot;

(b) a notice

(i) indicating that the owner of the land to be divided is making a minor subdivision;

(ii) that the minor subdivision is being made through the authority of Utah Code Section 10-9a-605.

(iii) containing the legal description of;

(A) the land to be divided (at least 100 acres)

(B) the minor subdivision lot (at least 1 acre)

(c) Record of Survey recorded in the County Surveyor's Office.

(2) A building permit for a minor subdivision of 100 contiguous acres will be approved by the Community Development Director with the following:

(a) Signed statement from the County Recorder's Office that minor subdivision has been recorded as specified above.

(b) Verification of qualifications for a minor subdivision under Utah Code Section 10-9a-605.

(i) 100 contiguous acres of agricultural land

(ii) May not be within 1,000 feet of another minor subdivision created under Section 16-3-1(2) or Utah Code Section 10-9a-605.

(iii) Lot created must be at least one (1) acre in size.

(c) Written approval of water and wastewater by the Health Department.

(d) Conformance to the minimum yard setback requirements of the RR-1 zone under the Erda City Land Use Ordinance 15-3-2.

(e) Conformance with:

(i) Agricultural and residential uses (Table 15-5-3.1 and Table 15-5-3.3 (all other uses are prohibited).

(ii) Off-Street Parking Requirements and Access Requirements of Chapter 6 of the Erda City Land Use Ordinance

(iii) The Erda City Road Plan in the Erda City General Plan

(iv) Title 15, Roads, in the Erda City Code

(v) Title 6, Public Safety, Chapter 20, Wildfire Protection Standards

(f) A site plan in conformance to Sections 12-4 and 12-5 of the Erda City Land Use Ordinance.

(g) Legal access.



# Chapter 5: Standard Subdivisions

## Section

- 16-5-1. Application.**
- 16-5-2. Approval process.**
- 16-5-3. Phase development.**
- 16-5-4. Concept plan application.**
- 16-5-5. Design stage application.**
- 16-5-6. Utility and agency response.**
- 16-5-7. Final plat stage application.**

### **16-5-1. Application.**

A standard subdivision is a division of land that is not considered a minor subdivision.. Subdivisions with 100 or more lots must include a master plan of the entire community. The master plan will be reviewed by the Planning Commission during the preliminary plat stage where the commission may approve or deny the plan. A major subdivision of more than 45 lots shall be phased for development. Infrastructure and public facilities shall be dedicated. Phased developments may be excused from statutory time limits imposed by this chapter if the Planning Commission agrees to receiving progress updates by the developer every six months. All commercial or industrial land divisions shall only be done as a standard subdivision.

### **16-5-2. Approval process.**

- (1) A standard subdivision shall be processed in two stages:
  - (a) the preliminary plat, application will go to a Planning Commission public meeting agenda for a decision to approve or deny, in which case the Planning Commission shall hold a public hearing; and
  - (b) the final plat, which will be reviewed by staff to ensure it is in compliance with the preliminary plat and Planning Commission conditions. Staff shall make a decision to approve or deny. If approved the Community Development Director or designee and the Planning Commission chair shall sign the plat. If signed, the plat shall be recorded within 12 months or it shall be void.

### **16-5-3. Phase development.**

(1) The preliminary and final platting of subdivisions containing more than 45 lots shall be done in phases, except as provided in Subsection (3). Development shall be performed so that the phases will be contiguous and the required improvements will be continuous.

(2) When off-site improvements are complete and approved by the City Engineer or its designee and the lots are 70 percent sold, the subdivider may submit the next phase for final plat approval.

(3) A final plat including more than 45 lots will be accepted only upon the submission of evidence indicating that the market absorption rate is such, and the financial ability of the subdivider is such that the off-site improvements for all lots in the final plat will be completed within two years.

(4) Where it is prudent to engineer road or utility lines that extend into the next phase, such work may be done if shown in the prior phase.

### **16-5-4. Concept plan application (optional)**

(1) The application for concept plan approval of a major subdivision shall be submitted to the Community Development Department. When staff determines that the application is complete, the application shall be placed on the Planning Commission agenda. A concept plan application shall include:

(a) the application form;

(b) a digital copy in PDF format of the concept plan, for distribution to each of the following:

(i) Community Development Department, two copies;

(ii) the Health Department;

(iii) Tooele County School District;

(iv) the appropriate soil conservation district within which the subdivision is located;

and

(v) the Fire Warden;

(vi) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;

(vii) when the subdivision is located wholly or partially within the boundary of an improvement or special district;

(viii) when applicable for review by any State or Federal agency;

(iv) for each servicing utility; and

(x) for the Utah State Department of Transportation if the property being subdivided abuts a state highway or road; and

### **16-5-5. Preliminary plat application.**

(1)

(1) When it is determined that all of the corrections to the preliminary plat are made and these items are determined to be complete and correct, the submittal will be placed on the Planning Commission public meeting agenda

(2) The preliminary plat must be completed within one year unless an extension of no more than six months is granted by the Planning Commission.

(3) The design stage application shall include:

(a) the application form;

(b) a digital copy in PDF format of the preliminary plat for distribution to each of the following:

(i) Community Development Department, two copies;

(ii) the Health Department;

(iii) Tooele County School District;

(iv) the appropriate soil conservation district within which the subdivision is located;

(v) the County Recorder

(vi) the County Surveyor; and

(vii) the Fire Warden.

(viii) Planning Commission members

(iv) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;

(x) when the subdivision is located wholly or partially within the boundary of an improvement or special district;

(xi) when applicable for review by any State or Federal agency;

(xii) for each servicing utility; and

(xiii) for the Utah State Department of Transportation if the property being subdivided abuts a state highway;

(c) a digital copy in PDF format of the infrastructure design and engineering drawings;

(d) a list of off-site improvements and an estimate of the cost to complete such improvements to include engineering;

(e) the type of water system proposed, historic water use, the estimated number of gallons per day of water system requirements, and a description of water storage requirements for daily fluctuations, irrigation, and fire suppression;

(f) proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months;

(g) geologic technical maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space;

(h) a letter showing a completed Health Department Subdivision Feasibility Study deeming the project feasible;

(i) a digital copy in PDF format of the preliminary plat and construction drawings, with the boundary and ownership lines depicted on the plat,

(j) any unpaid fees owed to Erda City for development of land, code enforcement, or building permits.

(4) Approval of the preliminary plat shall be valid for not more than one year. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the Planning Commission. The Planning Commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative.

**16-5-6. Utility and agency response.**

Failure of any utility or agency to respond to requested approval shall be deemed an approval by such agency.

**16-5-7. Final plat stage application.**

(1) The applicant or authorized representative shall submit a final plat and copies of all required material to the Community Development Department to start the final plat stage. When all corrections to infrastructure design, engineering drawings, and, if needed, a new cost estimate of off-site infrastructure improvements from the preliminary plat are made and these items are determined to be complete and correct, and all signatures are on the plat the plat shall be signed by the Community Development Director or designee. The final plat shall conform in all major respects to the approved preliminary plat. A final plat submittal shall not be accepted more than one year from the date of the preliminary plat approval.

(2) An application shall include:

- (a) an application form;
- (b) an original 24" X 36" Mylar of the final plat;
- (c) cost estimate for construction of infrastructure and engineering signed by the City Engineer or its designee;
- (d) agreement for subdivision improvements;
- (e) A digital copy in PDF format of the plat for distribution to each Planning Commission member;
- (f) any unpaid fees owed to Erda City for development of land, code enforcement, or building permits; and

(3) All signature blocks except for the Community Development Director and Planning Commission's block shall be signed by the appropriate approving authority before the plat is submitted for final approval.

(4) Should the staffs decision be to approve the plat, the Community Development Director or designee and the Planning Commission chair shall then sign the plat. If approved, the improvement agreements and bonds shall be forwarded with a recommendation from the staff to the City Attorney for final approval. The plat shall be recorded within 12 months, or it shall be void.

# Chapter 6: Design Standards

## Section

**16-6-1. Application.**

**16-6-2. Lots.**

**16-6-3. Roads.**

**16-6-4. Frontage on arterial and collector roads.**

**16-6-5. Sidewalks, curbs, and gutters.**

**16-6-6. Blocks.**

**16-6-7. Monuments.**

**16-6-8. Easements.**

**16-6-9. Utilities to be underground.**

**16-6-10. Sewer systems.**

**16-6-11. Sanitary sewer mains, laterals, and house connections – Future.**

**16-6-12. Water supply.**

**16-6-13. Storm drainage and flood plains.**

**16-6-14. Fire mitigation standards.**

**16-6-15. Homeowner's association organization.**

## **16-6-1. Application.**

(1) All subdivisions shall comply with the design standards set forth in this title.

(2) The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.

(3) Land subject to hazardous conditions such as slides, mud flow, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall not be subdivided until the hazards have been eliminated or will be eliminated by the construction of the subdivision.

## **16-6-2. Lots.**

(1) No single lot shall be divided by a municipal, service, or improvement district, or City boundary line.

(2) (a) A lot shall not be divided by a road or another lot.



(b) The administrative hearing officer may issue a special exception to Subsection (2)(a) if a division of land by a publicly dedicated or maintained road existing prior to January 10, 1975 and creates a substandard lot that cannot be absorbed into another parcel or lot under the same ownership on the same side of the road to create standard sized lot or parcel. The special exception must be applied for and issued prior to the application for final plat being submitted. Upon issuance of a special exception, the administrative hearing officer may:

- (i) allow a connection across the road to combine with the acreage of a larger parcel increasing the total acreage; or
  - (ii) make the lot buildable by classifying it as a legal nonconforming lot. If the board determines that the lot is to be a legal nonconforming lot, it shall issue setbacks in proportion to the minimum lot size in the zoning district where the lot is located.
- (3) The frontage of a wedge-shaped lot shall not be less than 30 feet in width.
  - (4) Side lot lines shall be at substantially right angles or radial to road lines.
  - (5) All lots shall front on a publicly dedicated road except as may be approved in planned unit developments, or upon private roads approved by the Planning Commission, subject to the standards set in the Tooele County Manual of Road and Highway Design Standards and Title 6, Chapter 20 of the Erda City Code on interface area requirements.
  - (6) All lots shall conform to area requirements of the existing zoning district.

### **16-6-3. Roads.**

- (1) Roads shall be designed in accordance with standards adopted by Erda City.
- (2) Roads shall bear the names of existing aligned roads. There shall be no duplication of road names. All road names shall be approved by the Community Development Department.
- (3) The subdivider shall bear the cost of all road and public safety signs which shall be erected by the City Road Department.
- (4) Temporary, legible road signs shall be installed by the developer with the road names approved on the plat.
- (5) Temporary road signs shall be maintained by the developer until permanent road signs are installed by Erda City when the infrastructure is inspected and accepted.
- (6) Dead-end stubbed roads shall be terminated with a cul-de-sac and shall be allowed only with the following conditions:
  - (a) "L," "T" or branch turnarounds shall not be allowed.
  - (b) Cul-de-sac roads that terminate with a 60-foot radius bulb shall be designed with a maximum trip generation of 120 trips as calculated by the Institute of Transportation Engineers Trip Generation, current edition.
  - (c) Roads terminating with a loop shall be designed with a maximum trip generation of 400 trips as calculated by the Institute of Transportation Engineers Trip Generation, current edition.
  - (d) Roads in commercial and industrial zoning districts shall be determined by the Community Development Department using the Institute of Transportation Engineers Trip Generation, current edition for road load and design for the transportation system.

(e) Cul-de-sac and loop end roads within the subdivision shall have intermediate turnarounds or roundabouts and terminate with a skewed loop at a length approved by the City Engineer or its designee.

(7) Half-roads shall not be permitted.

(8) All subdivisions shall construct roads to the following minimum standards:

(a) multiple use and agricultural zones shall construct rural low density roads of a gravel surface;

(b) rural residential, residential, and residential multi-family shall construct rural higher density roads with asphaltic or concrete surfacing;

(c) commercial or industrial zoning districts shall construct high level traffic roads designed specifically for commercial or industrial traffic loads and levels that serve the uses within the development; or

(d) mining, quarry, sand, and gravel excavation zone, municipal solid waste and construction debris overlay zones shall construct roads that mitigate impacts to surrounding land uses and minimize maintenance by the City.

(9) All subdivisions with internal roads with a maximum trip generation of 400 trips as calculated by the Institute of Transportation Engineers Trip Generation, current edition, shall have more than one access route, each of which will provide egress to different locations. The design of access routes shall consider traffic circulation and employ looped road networks. Roads shall be designed with stub roads for connection to future phases and subdivisions when required by the City Engineer or its designee.

(10) No building permits shall be issued until such time that all curb, gutter, sidewalk, and road infrastructure is bonded, installed, and accepted by Erda City.

#### **16 -6-4. Frontage on arterial and collector roads.**

No residential dwelling lots shall directly access arterial or major collector roads. Subdivision design shall provide local access roads to lots along arterial and major collector roads.

#### **16-6-5. Sidewalks, curbs, and gutters.**

(1) Sidewalks, curbs, and gutters shall be provided in accordance with the requirements of the zoning district, the Planning Commission, or the City Engineer or its designee.

(2) Sidewalks, curbs, and gutters shall be installed in accordance with standards adopted by Erda City.

#### **16-6-6. Blocks.**

Block lengths shall be approved by the Planning Commission. They shall provide for convenient access and circulation for emergency vehicles.

#### **16-6-7. Monuments.**

(1) Permanent reference monuments shall be installed in accordance with standards adopted by Erda City. They shall be set on the external boundary of the subdivision, at all road centerline

intersections, and all beginning and end points of curves, to provide line of sight control for re-establishing the survey.

- (2) Block and lot monuments shall be set.
- (3) At least one second order benchmark shall be set within every subdivision.

#### **16-6-8. Easements.**

- (1) A ten-foot public utility easement shall traverse the front of each lot.
- (2) Guying easements at corners may be required.

#### **16-6-9. Utilities to be underground.**

All power lines, telephone lines, and other normally overhead utility lines shall be placed underground in all subdivisions. The developer shall establish final utility grades prior to utility lines being placed underground.

#### **16-6-10. Sewer systems.**

(1) Except as otherwise provided in this section, the subdivider shall provide a piped sanitary sewer system to the property line of every lot in the subdivision. The sewer system shall meet the minimum standards and requirements of the Health Department.

(2) On-site wastewater disposal systems will be approved only when an existing sewer system is more than one-half mile away from the boundary line of the subdivision, or the service provider will not provide the service to the subdivision. All on-site wastewater disposal systems shall be approved in writing by the Health Department. Subdivisions proposing to use on-site wastewater disposal systems shall submit a feasibility report to the Health Department, per Health Department Regulation #12. Percolation tests and soil exploration pits shall be required to determine the adequacy of the soil involved for on-site wastewater disposal systems to absorb sewage effluent. At the time an application is made for a building permit, every individual lot which will be serviced by a septic system will require a soil evaluation test where the proposed drain field will be located.

The following requirements shall also be met:

(a) Lands filled within the last ten years shall not be divided into building sites which are to be served by septic systems.

(b) Each septic system shall be installed at a depth and location approved by the Health Department.

(c) Land with unacceptable soil evaluations as determined by the Health Department shall not be divided into building sites to be served by septic systems.

(d) Land rated as having severe limitations for septic tank absorption fields as defined by the County soil survey, U.S. Department of Agriculture, or Natural Resource Conservation Service, shall not be divided into building sites to be serviced by septic systems unless each such building site contains not less than 20,000 square feet of other soils rated suitable for installation of a septic system.

(e) An applicant desiring to install septic systems in soils having severe limitations shall have additional on-site investigations made, including soil evaluation tests. The applicant shall obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed septic system. The facilities shall meet Health Department standards and regulations. To be approved, the Health Department must find that proposed corrective measures have overcome the severe soil limitations.

#### **16-6-11. Sanitary sewer mains, laterals, and house connections – Future.**

Where City and regional general plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Planning Commission may require the installation and capping of sanitary sewer mains and house connections by the subdivider in addition to the installation of temporary individual on-lot sewage disposal systems. Whenever individual on-lot sewage disposal systems are proposed, the subdivider shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that those facilities be installed prior to or during the construction of the principal building. No building permit shall be issued until such installation is assured. In all other cases, sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sewer system.

#### **16-6-12. Water supply.**

(1) Standard and Major, and planned unit development subdivisions shall have a public water supply:

- (a) when more than 70% of the lots in the subdivision are less than two acres in area; and
- (b) when it is determined by the Health Department that conditions exist that a public water supply is necessary to protect the health of the public. The water system shall meet all applicable state and local laws.

(2) The supply of water from a source other than an approved public water system may be approved only if proof of adequate water rights and proof of water availability, flow, and quality meet the Safe Drinking Water Standards by a water sample from wells on ten percent of the lots rounded up to the next whole number. In the concept stage, the subdivider shall show possession of sufficient water rights to provide domestic use for the total number of dwellings being proposed for the entire development. The design stage for the first phase of development shall include the engineering for the water system, if required, for the entire development to include the water tank and treatment facilities with a fire flow calculation. The Health Department shall approve the location of the test wells prior to the subdivider drilling them. The samples shall be taken by and have a complete chemical analysis performed and approved by the Health Department. All non-public drinking water systems shall meet the standards of Tooele Health Department Regulation #5.

### **16-6-13. Storm drainage and flood plains.**

(1) A storm drainage system for the entire subdivision shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work. Existing storm drainage features which are to be incorporated in the design shall be identified. If the subdivision has phases, a general storm drainage plan for the entire area shall be presented with the design and engineering stage. Appropriate development stages for the storm drainage system for each phase shall be indicated.

(2) No lot one acre or less in area shall include flood lands. All lots of more than one acre shall contain not less than 40,000 square feet of land at an elevation at least two feet above the elevation of the 100-year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood of record.

(3) Storm drainage systems shall be designed to consider the storm drainage basin as a whole and shall accommodate not only runoff from the subdivision but also, where applicable, the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands downstream.

(4) Storm drainage facilities shall be designed as follows and maintained by private property owner. Erda City will not accept dedication or maintenance responsibility of any detention/retention ponds.

(a) Facilities on 5 acre or larger lots/parcels shall be seeded with native grass and maintained by HOA or private property owner.

(b) Facilities smaller than 5 acres shall be lined with filter fabric and rocks and shall be maintained by private property owner.

(c) A perpetual storm drainage easement shall be placed on the plat and recorded on the lot/parcel. The easement shall state that the facility shall not be modified in any way without an engineer's recommendation and a permit from Erda City.

### **16-6-14. Fire mitigation standards.**

(1) The Community Development Director, fire warden, and local fire department having jurisdiction shall perform a wildland fire protection analysis of all developments, existing or planned, to determine wildland fire protection ratings. The ratings developed under the analysis shall be the basis for the implementation of fire safe design and construction criteria and fire protection systems. The higher the relative value, the higher the wildland/urban interface and the fire protection hazard rating.

(2) The analysis shall contain, as a minimum, the following components:

(a) wildland/urban interface or wildland/urban intermix boundaries;

(b) means of access;

(c) vegetation (fuel models);

(d) topography within 300 feet of structures;

(e) structure hazard rating;

(f) history of fire occurrence in the area;

(g) available fire protection in place and proposed; and

(h) other ratings as they apply.

(3) Subdivision design shall reflect mitigation for those hazards identified in the fire protection analysis and those standards required in Title 6, Chapter 20 of the Erda City Code.

(4) Except for minor subdivisions, fire suppression water sources shall be reviewed and approved by the local fire department or fire warden. The system shall provide for fire flow storage of water that complies with the current state adopted fire code, local ordinances, local fire department regulations and NFPA guidelines for the type of occupancy and level of development. Any fire hydrants shall be placed in accordance with the National Fire Protection Association standards and shall be identified with a reflectorized marker.

(5) Defensible space for structures and buildings shall be used in all covenants, contracts, and subdivisions in conformance with development standards adopted by Erda City.

(6) Roads and streets shall provide for safe access for emergency equipment and civilian evacuation. They shall be designed for unobstructed traffic circulation during an emergency.

**16-6-15. Homeowner's association organization.**

Payment of homeowner association dues shall be made into an escrow account starting with the first sale and including developer-owned lots. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowner's association shall have lien authority to ensure the collection of dues from all members.

# Chapter 7: Conservation Subdivisions

## Section

- 16-7-1. Purpose.**
- 16-7-2. Applicability of regulations.**
- 16-7-3. Application requirements.**
- 16-7-4. Definition of open space.**
- 16-7-5. Open space requirements.**
- 16-7-6. Open space networks configuration.**
- 16-7-7. Open space and conservation areas.**
- 16-7-8. Primary conservation areas.**
- 16-7-9. Value of primary conservation areas.**
- 16-7-10. Secondary conservation areas.**
- 16-7-11. Ownership and management of open space.**
- 16-7-12. Prohibited uses of open space.**
- 16-7-13. Requirements for conservation easements.**
- 16-7-14. Notice of disclosure.**

### **16-7-1. Purpose.**

It is the purpose and intent of conservation subdivisions to preserve open space within residential developments; provide flexibility to allow for creativity in developments; minimize the environmental and visual impacts of new development on critical natural resources and historically and culturally significant sites and structures; provide an interconnected network of permanent open space; encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features; reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation; enhance the community character; permit clustering of houses and structures which will reduce the amount of infrastructure, including paved surfaces and utility lines; encourage street design that controls traffic speeds and creates street inter-connectivity; and promote construction of convenient and accessible walking trails and bike paths both within a subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.

### **16-7-2. Applicability of regulations.**

(1) The conservation subdivision option is available for single family detached residential developments in the following districts: residential, residential multi-family, rural residential, agricultural, and multiple use. Compliance with all applicable Erda City ordinances, regulations, or resolutions is required; however, when in conflict, the provisions of this title shall prevail.

(2) The maximum number of lots in the conservation subdivision shall be determined by either of the following two methods, adding any bonus density allowed in the zoning district where it is located, at the discretion of the applicant:

(a) The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:

(i) slopes over 30% of at least 5,000 square feet contiguous area;

(ii) the 100-year flood plain;

(iii) bodies of open water over 5,000 square feet contiguous area; and

(iv) wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act; or

(b) The maximum number of lots is based on a conventional subdivision design plan prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible.

### **16-7-3. Application requirements.**

(1) Concurrent with the submission of a concept plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design and that the proposed open space will meet the requirements of this title. The site concept plan shall include the following features:

(a) property boundaries;

(b) all streams, rivers, lakes, wetlands, and other hydrologic features;

(c) topographic contours of no less than 10-foot intervals;

(d) all primary and secondary conservation areas labeled by type, as described in sections 13-8-8 and 13-8-10 of this chapter;

(e) general vegetation characteristics;

(f) general soil types;

(g) the planned location of protected open space;

(h) existing roads and structures; and

(i) potential connections with existing greenspace and trails.

(2) An open space management plan, as described in Section 13-7-11, shall be prepared and submitted prior to the approval of the final plat.

(3) An instrument of permanent protection, such as a conservation easement as described in Section 13-7-13, shall be placed on the open space concurrent with the issuance of a land disturbance permit.

(4) The applicant shall adhere to all other applicable requirements of the underlying zoning and Erda City land use codes for the division of land.



#### **16-7-4. Definition of open space.**

(1) Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space shall be restricted in perpetuity through the use of an approved legal instrument.

(2) The required open space areas shall be protected in perpetuity from further development or unauthorized use by a conservation easement or permanent restrictive covenant per Utah Code Section 57-18-4. Erda City reserves the right to enforce all restrictive covenants and conservation easements per Utah Code Section 57-18-6. Uses of open space may include the following:

- (a) conservation of natural, archeological, or historical resources;
- (b) meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- (c) walking, equestrian, off-highway vehicle, or bicycle trails;
- (d) passive recreation areas, such as open fields;
- (e) active recreation areas which include 15% or less of the total open space area in impervious surfaces;
- (f) agriculture, horticulture, silviculture, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
- (g) landscaped stormwater management facilities, community wastewater disposal systems, and individual wastewater disposal systems located on soils particularly suited to such uses;
- (h) easements for drainage, access, and underground utility lines; and
- (i) other conservation-oriented uses compatible with the purposes of this chapter.

#### **16-7-5. Open space requirements.**

(1) Each conservation subdivision shall provide a minimum of 40% of its total acreage as open space. The open space shall be designated on the conceptual plan and recorded on the final plat. The minimum restricted open space shall comprise at least 40% of the gross tract area.

(2) Utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40% minimum area requirement, except historic structures and existing trails may be counted. Areas greater than 15% of the total open space area that is covered with any impervious surface shall be excluded from the open space.

(3) At least 25% of the open space shall consist of land that is suitable for building.

(4) At least 75% of the open space shall be in a contiguous tract. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

(5) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

#### **16-7-6. Open space networks configuration.**

The minimum standards for open space networks are as follows:

- (1) The minimum width of any open space area is 25 feet.
- (2) All paths shall be a minimum of 20 feet from any property line except where interparcel access may be provided.
- (3) All open space networks shall provide connectivity to any common areas within the development and to any adjacent public places and rights-of-way.
- (4) Paths located in primary conservation areas shall be constructed of pervious materials.
- (5) Where path networks cross internal subdivision streets or public streets, access points shall be directly across from each other or as approved by the City Engineer or its designee.
- (6) Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges, and tunnels as approved by the City Engineer or its designee.

#### **16-7-7. Open space and conservation areas.**

Open space shall be designated as either primary conservation areas or secondary conservation areas and shall be configured to create or maintain a network of open space.

#### **16-7-8. Primary conservation areas.**

Primary conservation areas form the core of the open space to be protected. The following are considered primary conservation areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this chapter:

- (1) cemeteries;
- (2) alluvial soils identified by the Federal Emergency Management Agency (FEMA) and the 100-year flood plain;
- (3) archaeological sites, cemeteries, and burial grounds;
- (4) prime agricultural lands of at least five acres contiguous area;
- (5) habitats for endangered or threatened species;
- (6) wetlands identified by the County Soil Survey prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) or a certified wetlands delineation using data from the U.S. Army Corps of Engineers;
- (7) lakes, both natural and man-made, rivers, streams, existing ponds, stormwater management ponds and facilities, creeks, and State waters;
- (8) riparian zones along all perennial and intermittent streams equal to any required stream buffers and improvement setbacks;

(9) existing slopes greater than 30% on average with a site area greater than 5,000 square feet identified as part of a site analysis conducted by a registered engineer, land surveyor, or landscape architect and calculated using topographic maps; and

(10) critical wildlife habitat as identified by the State of Utah, Division of Wildlife Resources.

#### **16-7-9. Value of primary conservation areas.**

Because primary conservation areas are either protected or sensitive environmental areas, only 50% of the acreage of a primary conservation area may be counted as open space.

#### **16-7-10. Secondary conservation areas.**

(1) Secondary conservation areas consist of undeveloped or unconstrained but buildable land and protected, or constrained, lands. Secondary conservation areas include the following:

(a) farmlands, including fields, pastures, and meadows;

(b) woodlands and buffers except riparian buffers;

(c) historic and/or archaeological sites as identified by the Utah Division of State History, Utah State Historical Society;

(d) passive recreation areas, public and private, including pedestrian, bicycle, and equestrian trails, picnic areas, community commons or greens, and similar areas;

(e) active recreation areas and facilities, public and private, to include parks, playing fields, and playgrounds, but recreation areas with impervious surfaces greater than 15% of the total secondary open space such as parking lots, tennis courts, basketball courts, and pools shall be excluded;

(f) existing healthy, native forests of at least one acre contiguous area;

(g) individual existing healthy trees greater than eight inches caliper, as measured from their outermost drip line;

(h) other significant natural features and scenic viewsheds such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads; and

(i) trails that connect the tract to neighboring areas.

(2) One hundred percent of secondary conservation areas may be counted as open space.

#### **16-7-11. Ownership and management of open space.**

(1) A homeowner's association representing residents of the conservation subdivision may own the open space. If owned by a homeowner's association, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowner's association shall have lien authority to ensure the collection of dues from all members.

(2) The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.

(3) The applicant shall submit a plan for management of open space and common facilities that:

(a) allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

(b) estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;

(c) provides that any changes to the plan be approved by the City Council; and

(d) provides for enforcement of the plan.

(4) In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, Erda City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the homeowner's association or to the individual property owners and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties in the case of a homeowner's association or the open space property.

#### **16-7-12. Prohibited uses of open space.**

(1) Uses of open space shall not include the following:

(a) roads;

(b) parking lots that occupy more than 15% of the open space;

(c) dwellings;

(d) commercial uses; or

(e) land set aside for use that solely benefits any one person or entity.

(2) The instrument for permanent protection shall include clear restrictions on the use of the open space.

#### **16-7-13. Requirements for conservation easements.**

(1) A conservation easement shall:

(a) clearly delineate primary and secondary conservation areas;

(b) describe the features of the subject property that should be permanently protected in accordance with the Land Conservation Easement Act, Utah Code Section 57 Chapter 18;

(c) clearly identify the boundaries of the property by survey and a metes and bounds legal description;

(d) clearly list restrictions;

(e) protect the open space in perpetuity by a binding legal instrument to be recorded, which instrument shall be:

(i) a permanent conservation easement in favor of either:

(A) a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate

provision for retransfer in the event the organization becomes unable to carry out its functions; or

(B) a governmental entity with an interest in pursuing goals compatible with the purposes of this chapter;

(ii) a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or

(iii) an equivalent legal tool that provides permanent protection, if approved by Erda City;

(f) show the area and a notation as to the conservation easement on the final plat and be duly recorded with the office of the County Recorder; and

(g) provide for amendments only with the express written permission of the property owners, the holder of the easement, and Erda City.

(2) If the entity accepting the easement is not Erda City, then a third right of enforcement favoring Erda City shall be included in the easement.

(3) The permanent restrictive covenants shall:

(a) clearly delineate the primary and secondary conservation areas;

(b) describe the features of the subject property that should be permanently protected;

(c) clearly identify the boundaries of the property by survey and a metes and bounds legal description;

(d) clearly list restrictions;

(e) provide for inspections of the property by Erda City;

(f) provide for maintenance of the property;

(g) be shown on the final plat and duly recorded with the office of the County Recorder; and

(h) provide for amendments only with the express written permission of the property owners and Erda City, which amendments to the covenant shall be recorded in the office of the County/City Recorder.

#### **16-7-14. Notice of disclosure.**

Before Erda City receives a conservation easement, it shall be disclosed to the easement's grantor, at least three days prior to the granting of the easement, the types of conservation easements available, the legal effect of each easement, and that the grantor should contact an attorney concerning any possible legal and tax implications of granting a conservation easement.

# Chapter 8: Financial Assurance

## Section

**16-8-1. Improvement installation guarantee.**

**16-8-2. Default.**

**16-8-3. Maintenance guarantee.**

**16-8-4. Acceptance and release of surety.**

**16-8-5. Engineering review and inspection fee.**

### **16-8-1. Improvement installation guarantee.**

(1) In lieu of actual installation of off-site and common open space improvements required by this title, after final plat approval by the land use authority and before the plat is recorded, the subdivider shall guarantee the installation of such improvements by a combination of one or more of the following financial guarantee methods that is acceptable to the City Attorney: a corporate surety bond, a deposit in escrow with an escrow holder, or a letter of credit with a financial institution.

(2) The guarantee shall be in an amount equal to 110% of the cost of required improvements and engineering as estimated by an engineer retained by the subdivider and approved by the City Engineer or its designee, or in an amount estimated by the City Engineer or its designee. The guarantee shall assure the actual construction of such improvements within one year, or at a date approved by the City Engineer or its designee, immediately following the approval of the financial assurance by the City Council.

(3) The guarantee shall be filed with the treasurer.

(4) The guarantee shall be approved as to method, institution, and form by the City Attorney.

### **16-8-2. Default.**

In the event the subdivider defaults or fails or neglects to satisfactorily install required improvements within one year from date of approval of the final plat, or at a date approved by the City Engineer or its designee, the City Council may declare the bond, escrow, deed of trust, or letter of credit forfeit and may execute thereon and install or cause the required improvements to be installed using the proceeds from the collection to defray the expenses thereof. The subdivider shall be responsible for all costs incurred by the City to complete the required improvements in excess of the proceeds of the guarantee amount.

### **16-8-3. Maintenance guarantee.**

The subdivider shall guarantee all off-site improvements will remain in good condition for a period of one year after the date of final acceptance by the City. The subdivider shall make all repairs to and maintain the improvements in good condition during that one-year period at no cost to the City. Upon completion of the improvements, the City shall retain at least 10% of the guarantee for a surety to cover the maintenance period. The exact amount retained shall be determined by the City Engineer or its designee. The City Engineer or its designee shall identify necessary repairs and maintenance, and this decision shall be final and binding upon the subdivider. The guarantee shall extend to and include, but shall not be limited to the entire street, subgrade, base, and surface and all pipes, joints, valves, backfill, and compacting as well as the working surface, curbs, gutters, sidewalks, and other accessories that are, or may be, affected by construction operations. Whenever, in the judgment of the City Engineer or its designee, the

improvements shall need repairs, maintenance, or re-building, the City Engineer or its designee shall cause a written notice to be mailed or given to the subdivider. Upon receipt, the subdivider shall undertake and complete such repairs, maintenance, or re-building. If repairs are not completed within the specified time, the City shall have such repairs made and the cost of such repairs shall be paid by the subdivider or by the City using the guarantee.

**16-8-4. Acceptance and release of surety.**

(1) The subdivider shall submit to the department of engineering a copy of the as-built construction drawings and verification of storm drainage system by design engineer . Acceptance of all improvements shall be in writing from the City Engineer or its designee.

(2) Final inspection by the City Engineer or its designee shall be made one year after all work has been completed and before release of the guarantee. All defects shall be corrected before acceptance by the City.

(3) Upon completion of off-site improvements and approval by the City Engineer or its designee, the financial assurances may be released, at which time the subdivision will be deemed accepted.

**16-8-5. Engineering review and inspection fee.**

In addition to the improvement and maintenance guarantee, the subdivider shall deposit with the City Auditor a sum equal to three percent of the cost of the improvements to cover engineering review and inspection.

# Chapter 9: Vacation, Alteration, and Amendment of Subdivision Plats

## Section

- 16-9-1. Vacating or changing a subdivision plat.**
- 16-9-2. Filing of a petition to vacate, alter, or amend a plat – Notice.**
- 16-9-3. Planning Commission consideration of petition to vacate or change a plat – Criteria for vacating or changing a plat – Recording the vacation or change.**
- 16-9-4. Exchange of title for portions of parcels by adjacent property owners of record.**

### **16-9-1. Vacating or changing a subdivision plat.**

(1) Subject to Subsection (2), the Planning Commission may, with or without a petition, consider and resolve any proposed vacation, alteration or amendment of a subdivision plat, any portion of a subdivision plat, or any road, lot, or alley contained in a subdivision plat at a public hearing.

(2) If a petition is filed, the Planning Commission shall hold the public hearing within 45 days after receipt of the petition if:

- (a) the plat change includes the vacation of a public road;
- (b) any owner within the plat notifies the City of their objection in writing within ten days of receiving mailed notification; or
- (c) all of the owners in the subdivision have not signed the revised plat.

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

(4) Any proposal to vacate or alter any road or alley located within a subdivision shall first be reviewed by the City Engineer or its designee. Upon receiving a recommendation from the City Engineer or its designee, it shall go to a public hearing of the Planning Commission. The Planning Commission shall make a recommendation to the City Council who shall consider the matter at a public meeting.

(5) The action of the City Council vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating ordinance, as a revocation of the acceptance thereof and the relinquishment of the City's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the franchise rights of any public utility may not be impaired thereby.



**16-9-2. Filing of a petition to vacate, alter, or amend a plat – Notice.**

(1) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a road or lot contained in a plat shall include:

- (a) the name and address of all owners of record of the land contained in the entire plat;
- (b) the name and address of all owners of record of land adjacent to any road that is proposed to be vacated, altered, or amended; and
- (c) the signature of each of these owners who consents to the petition.

(2) A petition that lacks the consent of all owners may not be scheduled for consideration at a public hearing before the Planning Commission until the following notice is given:

- (a) Notice shall be provided of the date, time, and place of a public hearing and shall be:
  - (i) mailed not less than five calendar days before the public hearing and addressed to the record owner of each parcel within specified parameters of that property; or
  - (b) For any proposal to vacate, alter, or amend a platted street, the Planning Commission shall give notice of a public hearing with the date, place, and time of the hearing by as required by Utah Code:

(3) The petitioner shall pay the costs of the notice.

(4) Subject to Subsection (1), if the Planning Commission proposes to vacate, alter, or amend a subdivision plat or any road or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this section.

(5) The name of a recorded subdivision may be changed by recording an amended plat making that change, if the new name has been cleared and approved by the County Recorder. The recording of all other declaration or document that purports to change the name of a recorded plat is void.

(6) For any proposal to vacate, alter, or amend a platted street or public utility easement, the Planning Commission shall hold a public hearing and shall give notice of the date, place, and time of the hearing at least 10 days before the public hearing by:

- (a) mailed to the record owner of each parcel that is accessed by the public street or municipal utility easement;
- (b) mailing notice to each affected entity; and
- (c) provided for the public street or municipal utility easement, as a class A notice under section U.C.A 63G-30-102, for at least 10 days.

(7) For a proposed subdivision amendment the notice shall follow U.C.A. 10-9a-608

**16-9-3. Planning Commission consideration of petition to vacate or change a plat – Criteria for vacating or changing a plat – Recording the vacation or change.**

(1) Within 30 days after the required public hearing, or as that time period may be extended by agreement of the parties, the Planning Commission shall consider the petition to vacate or change a plat.

(2) If the Planning Commission is satisfied that the public will not be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the Planning Commission may vacate, alter, or amend the plat, any portion of the plat, or lot.

(3) The Planning Commission may approve the vacation, alteration, or amendment by resolution, amended plat, or administrative order.

(4) The Planning Commission shall ensure that the vacation, alteration, or amendment is recorded in the office of the County Recorder in which the land is located.

(5) The action of the Planning Commission vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating ordinance, as a revocation of the acceptance thereof, and the relinquishment of the City's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the franchise rights of any public utility may not be impaired thereby.

**16-9-4. Exchange of title for portions of parcels by adjacent property owners of record.**

(1) The owners of record of adjacent parcels described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the Community Development Director or City Engineer or its designee in accordance with Subsection (2).

(2) The Community Development Director or City Engineer or its designee shall approve an exchange of title under Subsection (1) if:

- (a) no new dwelling lot or housing unit will result from the exchange of title; and
- (b) the exchange of title will not result in a violation of applicable zoning requirements.

(3) If an exchange of title is approved under Subsection (2), a notice of approval by the Community Development Director or City Engineer or its designee shall be recorded in the office of the County Recorder by the owners with deeds which:

- (a) are executed by each owner included in the exchange and by the Community Development Director or City Engineer or its designee;
- (b) contain an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
- (c) recite the descriptions of both the original parcels and the parcels created by the exchange of title.

(4) A notice of approval recorded under Subsection (3) does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.