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8A GENERAL PROVISIONS

8A.1 Title

These regulations shall hereafter be known, cited and referred to as the Subdivision Ordinance of Bear River City, Utah or Chapter 8 of the Land Management and Development Code of Bear River City.

Subdivision applications are initially previewed by the Zoning Administrator and submitted to the Planning Commission for review and recommendation to the City Council. Final approval of a subdivision shall be granted by the City Council. Denied subdivision applications may go to the Appeal Authority as outlined in table 2.1 for appellate action and if denied at that point the District Court is the next level of appeal.

Feasibility review for subdivision proposals shall be done with the Zoning Administrator before being presented at a regular Planning Commission meeting. However, the application requirements for a subdivision must be completed and the necessary fees must be paid before official review can be conducted by the Planning Commission. Fees may include the cost of review by a city engineer, or other consultants as needed (See section 1.13, 3.27, and 9 of LMDC). After the City Council's final approval of the subdivision the applicants go to the Zoning Administrator to apply for a building permit. (Amendment #7, Ordinance No. 2009-11-04)

8A.2 Policy

8A.2.1 Control and Jurisdiction

It is hereby declared to be the policy of Bear River City to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of Bear River City pursuant to the official Comprehensive or General Plan of Bear River City for the orderly, planned, efficient, and economical development of Bear River City.

8A.2.2 Public Services and Health, Safety and Welfare Protection

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace, and land shall not be subdivided and developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If necessary and required public facilities, infrastructure and safety protections are not in place or cannot be provided for, the subdivision and/or development will not be allowed.

8A.2.3 Conformance with City Plans and Standards

The existing and proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Streets Master Plan, Official Zoning Map, the Bear River City Public Works Construction Standards, and the capital budget and infrastructure improvement program of Bear River City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the currently adopted Uniform Building and Housing Codes, the Land Management and Development Code, General Plan, Official Zoning Map, and capital budget and infrastructure improvement program(s) of Bear River City as they may be adopted.

8A.2.4 Exactions

The city may impose an exaction or exactions on proposed land use development if the following occurs:

- (1) an essential nexus exists between a legitimate governmental interest and each exaction; and
- (2) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

8A.3 Purposes

These regulations are adopted for the following purposes:

- (a) To protect and provide for the public health, safety, and general welfare of Bear River City.
- (b) To guide the future growth and development of Bear River City, in accordance with the Comprehensive or General Plan.
- (c) To provide for adequate light, solar access, open space, air, and privacy, to secure safety from fire, flood, landslides and other geologic and natural hazards, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (d) To protect the rural character (i.e. rights of farming) and the social and economic stability of all parts of Bear River City and to encourage the orderly and beneficial development of all parts of the municipality.
- (e) To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (f) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, streets, and other public requirements and facilities.
- (g) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic, throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- (h) To establish reasonable standards of design and procedures for subdivisions and re subdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- (i) To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

- (j) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize site disturbance and the removal of native vegetation and soil erosion; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (k) To preserve the natural and rural agricultural beauty and topography of Bear River City and to insure appropriate development with regard to these valued natural and historical features.

8A.4 Authority

8A.4.1 State Law

By authority of ordinance of the City Council of Bear River City (hereinafter referred to as "City Council") adopted pursuant to the powers and jurisdictions vested through Chapter 9, Title 10 of the Utah Code, Annotated (1953, as amended) and other applicable laws, statutes, ordinances, and regulations of the State of Utah, the City Council hereby exercises the power and authority to review, approve, and disapprove plats for the subdivision of land within the corporate limits of Bear River City which show lots, blocks, or sites with or without new streets or highways.

8A.4.2 Existing Subdivisions

By the same authority, the City Council does hereby exercise the power and authority to pass and approve development in subdivisions of land already recorded in the office of the County Recorder if such are entirely or partially undeveloped.

8A.4.3 Undeveloped Subdivision Definition

The subdivision shall be considered to be entirely or partially undeveloped if:

- (a) Said plat or subdivision has been recorded with the County Recorder's office without a prior approval by the City Council, or
- (b) Said plat or subdivision has been approved by the City Council where the approval has been granted more than three (3) years prior to granting a building permit, on the partially or entirely undeveloped land and the zoning regulations for the district in which the subdivision is located, have been changed subsequent to the original final subdivision approval.

8A.5 Jurisdiction

8A.5.1 Scope

These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of Bear River City.

8A.5.2 Requirements Prior to Subdividing

No land shall be subdivided within the corporate limits of Bear River City until:

- (a) The subdivider or his agent shall submit a sketch plat of the parcel to the Planning Commission through the Bear River City Zoning Administrator;
- (b) Obtained written approval of the sketch plat, preliminary plat, and final plat;
- (c) The approved plat is filed with the County Recorder by recorded plat.

8A.5.3 Permits Issued upon Conformity

No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations or approved under prior subdivision ordinance, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the applicable City regulations.

8A.6 Enactment

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted.

8A.7 Interpretation Conflict, and Seperability

8A.7.1 Minimum Requirements

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

8A.7.2 Conflict with Public and Private Provisions.

- (a) **Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
- (b) **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of the Planning Commission or the municipality in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and conditions imposed.

Provided, however, that the City is under no obligation to enforce private covenants.

8A.7.3 Seperability

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

8A.8 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

8A.9 Reservations and Appeals

Upon the effective date of these regulations according to law, any subdivision ordinance of Bear River City, Utah, as previously adopted and as amended, is hereby repealed, except as to any design or construction standards and specifications not included or updated in this code and any other such sections expressly retained herein.

8A.10 Amendments

For the purpose of providing the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by the subdivision regulations. A public hearing must be held on all proposed amendments as outlined in chapter 1 of this Code. The proposed changes then must be approved by the City Council at a properly noticed public meeting.

8A.11 Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to this Municipality. The developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of Bear River City and to the safety and general welfare of the future lot owners in the subdivision and of the community at large.

A subdivision plat must comply with the provisions of this ordinance and receive proper local approvals prior to: (1) its being filed or recorded in the county recorder's office; and (2) lots being sold. (Utah State Code 10-9a-601)

8A.12 Vacation, Alteration or Amendment of Plats

The City Council may, on its own motion, or pursuant to a petition, consider at a public hearing any proposed vacation, alteration or amendment of a subdivision plat, or any street, lot, alley or public use area contained in a subdivision plat, as provided in Section 10-9-808 through 10-9-810 of the Utah Code, Annotated (1953) as amended. If a petition for vacation, alteration or amendment is filed, a public hearing shall be held within 45 days of the date of filing.

8A.13 Variances

8A.13.1 General

Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority outlined in Table 2.1 for a variance from the terms of the ordinance. (10-9a-702) The responsibility for showing that the requirements for granting a variance are met is on the applicant.

8A.13.2 Standards of Review

The appeal authority may grant a variance only if:

- a) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances; and
- b) there are special circumstances attached to the property that do not generally apply to other properties in the same zone; and
- c) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone; and
- d) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
- e) the spirit of the land use ordinance is observed and substantial justice done.

8A.13.3 Conditions

In granting a variance, the appeal authority may impose additional requirements on the applicant that will: mitigate any harmful effects of the variance; or serve the purpose of the standard or requirement that is waived or modified.

8A.13.4 Procedures

A petition for any such variance shall be submitted to the appropriate appeal authority in writing in accordance with the Land Management and Development Code (Section 5.6) and on a letter of application provided to the City by the subdivider at the time the preliminary plat is filed or submitted. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The appeal authority shall schedule a public hearing and follow noticing requirements outlined in chapter 1.

8A.14 Enforcement, Violations, and Penalties

8A.14.1 Duties

It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the Mayor and City Council any violations or lack of compliance herewith.

8A.14.2 Sale Restrictions

No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the City Council in accordance with the provisions of these regulations, and filed with the County Recorder.

8A.14.3 Evasion and Adjustments

The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. Except that the City may approve metes and bounds descriptions for purposes of lot line adjustments, resolving conflicting boundary descriptions, and the recombination of old historically platted properties located within Bear River City. All such described subdivisions shall be subject to all of the requirements contained in these regulations.

8A.14.4 Permitting Restriction

No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

A lot is only an “approved lot” for building if it has been certified by the appropriate land use authority of Bear River City in accordance with the terms of this ordinance.

8A.14.5 Violations and Penalties

Any person, firm, or corporation who fails to comply with, or violates, any of these regulations is punishable by a Class B misdemeanor or by an appropriate civil penalty (Utah State Code 10-9a-803).

8A.14.6 Civil Enforcement

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, or to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

8B SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

8B.1 General Procedure

8B.1.1 Classification of Subdivisions

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedures. (See chapter 2 for subdivision definitions):

- (a) **Simple-Minor Subdivision:** not more than three (3) lots which:
- (1) all proposed lots are located on an existing concrete or asphalt public street – not transversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public use;
 - (2) all proposed lots must meet minimum building lot requirements and conform to all applicable ordinances;
 - (3) all proposed lots require direct access to existing municipal facilities – have been approved by the culinary water, secondary (irrigation), street, and sewer authorities without requiring any easements or extensions of existing utilities;
 - (4) meets the requirements of 8B.3.4 of one share per acre; and
 - (5) is located in the proper zoned area.
- (b) **Minor Subdivision:** sketch plat, preliminary plat, and final subdivision plat. A Minor Subdivision is any subdivision containing ten, but not more than ten lots which:
- (1) is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;
 - (2) has been approved by the culinary water authority, the sanitary sewer authority, the fire authority, and the secondary water (irrigation water) authority;
 - (3) is located in a zoned area; and
 - (4) conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.
- (c) **Major Subdivision:** sketch plat, preliminary plat, and final subdivision plat.

(all 8B.1.1 Amendment #11, Ordinance No. 2015-04-03)

8B.1.2 Official Submission Dates

For the purpose of these regulations for both major and minor subdivisions, the date of the regular meeting of the Planning Commission at which the Planning Commission makes a final recommendation to the City Council of the subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat.

8B.1.3 Phasing Plan Required

8B.1.3.1 When a phasing plan is required

All residential Major Subdivisions shall include a phasing plan which specifies the timing of public improvements and residential construction. This plan must be submitted to the Planning Commission at or before the submission of the preliminary plat.

8B.1.3.2 Phasing plan requirements

A phasing plan shall include:

- (a) The number of units or parcels to be developed in each phase and the timing of each phase.
- (b) The timing on construction of public improvements and subdivision amenities to serve each phase whether on and/or off site.
- (c) The relationship between the public improvements in the current subdivision and contiguous land previously subdivided and yet to be subdivided.

8B.1.3.3 Revisions

A developer may request a revision of the phasing plan which may be necessary due to such conditions as changing market conditions, inclement weather or other factors.

8B.2 Simple-Minor Subdivision Procedures

8B.2.1 Pre Application

Contact person is the Zoning Administrator

Applicant meets with Zoning Administrator to:

- (a) Discuss the procedure for approval of a subdivision
- (b) Discuss requirements for a subdivision and review application requirements (application may be obtained from Bear River City Office or Zoning Administrator)
- (c) Discuss the requirements for a concept drawing (can be 8.5" x 11") to include the following: frontage for each lot, dimensions and area of each lot, existing buildings, easements, field drains, rights of way, location of utilities, and proposed use of each lot.
- (d) Zoning Administrator determines whether subdivision is simple-minor, minor, or major

8B.2.2 Review and Approval of Concept Drawing

Contact person is the Zoning Administrator

- (a) Zoning Administrator reviews preliminary concept drawing and makes recommendations to applicant as to changes or additions or approves the concept drawing.
- (b) Signature and date of Zoning Administrator's approval on concept drawing.

8B.2.3 Complete application

Contact persons are the City Recorder and the Zoning Administrator
Supporting documents and fees to be submitted to Bear River City Office at least two weeks prior to regular planning commission meeting to be put on the agenda.

- (a) Holding disclosure of all contiguous holding of the owner and an affidavit of legal ownership of property (example of ownership: property tax statement or copy of deed)
- (b) Preliminary concept drawing, one copy with Zoning Administrator's signature of approval and date. An electronic copy is acceptable. If an electronic copy is used the Zoning Administrator certifies by letter to the Planning Commission that the concept drawing is approved and keeps a copy of electronic copy for future reference.
- (c) Document of proof of transfer of irrigation water share(s) to City as per 8B.3.4
- (d) Application/review fees are paid. These fees are non refundable.
- (e) City Office puts the application on the Planning Commission's agenda for final plat review. The final plat is to be prepared by a licensed land survey with permanent survey monuments on each corner of each lot.

8B.2.4 Planning Commission Review of Final Plat

The Planning Commission shall study the final plat drawing and advise the applicant of any specific changes or additions required if necessary. Upon completion of any required changes or additions the Planning Commission will recommend the subdivision to the City Council for final approval.

Official submission date shall be the date of the regular Planning Commission meeting at which they make the final recommendations to the City Council of the plat.

Subsequent to the recommendation of the Planning Commission the applicant shall submit seven (7) copies of the final subdivision plat (four (4) electronic copies and three (3) hard copies will be acceptable) to the City Recorder to be placed on the City Council agenda for final approval. Copies must be submitted at least two (2) weeks before a regular City Council meeting.

Expiration: final plat recommendation by the Planning Commission shall expire within one year unless application for Final Approval has been submitted to the City Council within the one year period.

8B.2.4.1 Documents needed for Final Approval by City Council

- (1) Documents showing ownership and authorized agent if acting on behalf of owner. Copy of deed or property tax notice. Agents shall provide document showing the extent of their authority granted by the owner.
- (2) Disclosure by owner of all contiguous holdings to the proposed subdivision.
- (3) Transfer of ownership of Bear River Canal Company shares to Bear River City at a rate of 1 share for each acre within the subdivision.
- (4) Affidavit from Zoning Administrator that Survey Monuments are on each corner of each lot in the subdivision.
- (5) Affidavit from the Zoning Administrator that the subdivision meets the requirements of a simple minor subdivision.
- (6) Document from Title Company that Title Insurance will be issued when subdivision is recorded.
- (7) Document verifying all outstanding obligations are paid.

- (8) Document from City Recorder that all fees have been paid.
- (9) Signatures of approval on Mylar copies of the final plat for the following:
 - (A) Culinary water authority (ACME Water Company)
 - (B) Irrigation authority (City Councilmember over irrigation system)
 - (C) Sanitary sewer authority (City Councilmember over sanitary sewer system)
 - (D) Surveyor certification on Mylar

After the approval of the subdivision by the City Council

- (E) Bear River City Planning Commission Chairman
- (F) Bear River City Mayor
- (G) Attest: City Recorder

(Note: A licensed title company is required in the recording of the final plat and providing title insurance)

8B.2.5 Determination and Final Approval

Contact person is the City Recorder

The City Council shall approve, modify and approve, or disapprove the application. One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon, and the reasons therefore accompanying the plat.

8B.2.6 Vested Rights

Vesting for purposes of zoning occurs upon the filing of a complete application provided, however, that no vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission and the Mayor of Bear River City. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the subdivision or to all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the Chairman of the Planning Commission and Mayor. Where the Planning Commission or City Council has required the installation of improvements prior to signing of the final plat, the Planning Commission or Council shall not unreasonably modify the conditions set forth in the final approval.

8B.2.7 Signing and Recording of Subdivision Plat

Contact person is City Recorder

8B.2.7.1 Signing of Plat

The Chairman of the Planning Commission and Mayor shall endorse approval on the plat.

8B.2.7.2 Recording of Plat

A licensed title company is required for recording the plat by Box Elder County Recorder.

- (a) The Chairman of the Planning Commission and the Mayor of Bear River City will sign the tracing cloth or reproducible Mylar original of the subdivision plat and two (2) sepia prints of the subdivision plat. The sepia prints will be returned to the applicant's engineer with the original given to the applicant's title company.
- (b) It shall be the responsibility of the developer's licensed title company to file the original Mylar plat with the County Recorder within thirty (30) days of the date of signature.
- (c) Provide Bear River City Recorder a copy of the recorded plat
- (d) In addition to the formal subdivision plat requirements of the State of Utah and Bear River City, the requirements of the Box Elder County Recorder must also be met.

(8B.2 Simple-Minor Subdivision Procedures, Amendment #11, Ordinance No. 2015-04-03. Adoption of this amendment requires an adjustment in numbering 8B.2. Previous section 8B.2 was renumbered as 8B.2a)

8B.2a Sketch Plat

8B.2a.1 Discussion of Requirements

Before preparing the sketch plat for a subdivision, the applicant should arrange for a pre application conference with the Zoning Administrator to discuss the procedure for approval of a subdivision plat and the specifications and requirements as to general layout of streets and for reservations of land, street improvements, drainage, irrigation ditches, water, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services.

The Zoning Administrator shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those agencies who must eventually approve those aspects of the subdivision plat coming within their jurisdiction; such as, the Fire Authority, Box Elder County School District, and the various utility service providers including culinary water. The Zoning Administrator shall also advise the applicant of the requirement to dedicate secondary water shares to the City. Neighbors of the planned project should also be consulted to get their views and/or concerns.

8B.2a.2 Application Procedure and Requirements

Prior to any process or procedure for subdividing land as contained in this code, an owner of the land or his/her representative shall file an application for approval of a sketch plat. The application shall:

- (a) **Form.** Be made on a form available from Bear River City or the Zoning Administrator.
- (b) **Holdings Disclosure.** Include all contiguous holdings of the owner, unless specifically waived in writing by the Zoning Administrator and Planning

Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date a contract of sale was executed, if any corporations are involved, a copy of the resolution legally empowering the applicant to make the application, and any other legal document recognized by the state of Utah which affects ownership of the property.

- (c) **Copies.** Be accompanied by a minimum of nine (9) copies of the sketch plat as described in 8E of these regulations and complying in all respects with these regulations.
- (d) **Delivery.** Be presented to and received by the Zoning Administrator at least two (2) weeks prior to a regularly scheduled Planning Commission meeting to allow time for review and be placed on the Planning Commission agenda.
- (e) **Fee.** A review fee in accordance with the adopted Fee Schedule of Bear River City in effect at the time the application is filed is due to the City Recorder before being placed on the Planning Commission agenda.
- (f) **Contact.** The application shall include an address and telephone number of an agent located within either the territory of Bear River City or the State of Utah who shall be authorized to receive all notices required by these regulations.
- (g) **Surrounding Owners.** Be accompanied by a list of all property owners within one thousand (1000) feet of the proposed subdivision boundary (or 2500 feet if a re-zone is necessary). This requirement is waived if the subdivision meets the criteria to qualify as a minor subdivision.

8B.2a.3 Classification

Tentative classification of the sketch layout shall be made by the Zoning Administrator as to whether the subdivision is a major or minor subdivision as defined in these regulations. Subsequent to tentative classification of the subdivision and its preliminary report, as required by these regulations, the Zoning Administrator shall have the matter placed on the next available regular meeting agenda of the Planning Commission for formal classification and submittal of the sketch layout. After such approval by the Planning Commission the applicant may proceed to the filing of a preliminary subdivision plat as provided in these regulations before filing for final subdivision plat approval

8B.2a.4 Review of Sketch Plat

If the Planning Commission deems it necessary, a review by a review team may be required. The Zoning Administrator and/or the appropriate City Officials, shall transmit the sketch plat for review to appropriate officials or agencies of the local government, adjoining counties or municipalities, school, fire and other special service type districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. The review team members shall request that all officials and agencies, to whom a request for review has been made, submit their report to the review team within thirty (30) calendar days after receipt of the request. The review members will consider

all the reports submitted by the officials and agencies concerning the sketch plat and shall submit a report for proposed action to the Planning Commission for the next available regular meetings.

Once an application is received, it will be reviewed, as quickly as time and workload allows. It is reasonable to expect that an application will appear before the Planning Commission with a recommendation within 90 days of receipt of the application. The scale or complexity of a project or staff workload may necessitate a longer processing period. In such cases, the Zoning Administrator will notify the applicant when an application is filed as to the projected time frame. If the workload is too great for processing by available City Staff, the project review may be sent out to a consulting planner, engineer, or architect approved by the City. The developer would be responsible for all fees incurred in any plan or development review process undertaken by an outside agency or consultant.

8B.2a.5 Planning Commission Review of Sketch Plat

The Planning Commission shall study the sketch plat and the report of the staff, taking into consideration the requirements of the Subdivision Ordinance and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and width of streets, their relation to sewerage disposal, drainage, utilities, erosion, location of natural or geologic hazards, lot sizes and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Official Zoning Map, General Plan, Land Use map(s) and Streets Master Plan, as adopted by the Planning Commission and City Council.

8B.2a.6 Approval of Sketch Plat

After reviewing and discussing the sketch plat and report from the Staff Review team and other reports, as submitted by invited agencies and officials, the Planning Commission will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the subdivision plat. The Planning Commission may require additional changes as a result of further study of the subdivision in final form. Said approval shall constitute authorization to prepare and submit a preliminary plat.

8B.2a.7 Expiration

Approval of the sketch plat by the Planning Commission shall expire within one year unless a preliminary plat in compliance with the following section, has been submitted for review.

8B.3 Preliminary Plat

8B.3.1 Application Procedure and Requirements

Based upon sketch plat approval by the Planning Commission the applicant should file an application for approval of a preliminary plat. The application shall be made on a form available from Bear River City or the Zoning Administrator and contain the following elements:

- (a) **Surrounding Owners.** Include all land which the applicant proposes to subdivide and all land immediately adjacent extending one thousand (1000) feet therefrom, or of that directly opposite thereto, extending one thousand (1000) feet from the street frontage of such opposite land, with the names and addresses of the owners as shown on the County Assessor's tax files, together with a stamped, addressed envelope for each such owner. The mailing address information may be shown on a separate current tax map reproduction from the Assessor's Office showing the subdivision imposed thereon.

The requirement to provide names and addresses of owners within 1000 feet together with a stamped, addressed envelope for each such owner is waived if the subdivision meets the criteria for a minor subdivision.

- (b) **Utility Coordination.** Design and installation of public utilities shall be under the direction of a professional engineer. The developer bears the cost of meeting this requirement.
- (c) **Copies.** Be accompanied by a minimum of nine (9) copies of the preliminary plat as described in these regulations.
- (d) **Prior Regulations.** Comply in all respects with the sketch plat as previously approved.
- (e) **Presentation.** Be presented to the Planning Commission at least two (2) weeks prior to a Staff Review meeting and four (4) weeks prior to a regular meeting of the Planning Commission. The Planning Commission may refer the proposed preliminary plat to the Staff Review and/or Technical Review Committee members or hold work sessions for their review, recommendations, and report. Such reports shall be submitted in writing to the Planning Commission prior to the next regular meeting of the Planning Commission.
- (f) **Fee.** A Preliminary Plat application fee, in accordance with the Bear River City Fee Schedule in effect at the time of application, is due to the City Recorder before being reviewed or placed on the Planning Commission agenda.

8B.3.2 Public Hearings

The Planning Commission shall hold a public hearing on the preliminary plat of a major subdivision. Such hearings shall be advertised in accordance with the requirements of Chapter 1 of the Land Management and Development Code and in the same manner as the subsequent public hearing on the final subdivision plat held by the City Council. Minor subdivisions do not require a public hearing.

8B.3.3 Preliminary Approval

After the Planning Commission has reviewed the preliminary plat and the report of the staff including any City recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. One copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. Before the Commission approves a preliminary plat showing land for public use (other than proposed public streets) proposed to be dedicated to the local government, the Planning Commission shall obtain written preliminary approval of the park or land reservation from the City Council. If the project involves a conservation type easement, the Commission must receive approval or comments from an approved Land Trust involved in the transaction.

8B.3.4 Public Improvements

- (a) The Planning Commission may require that all public improvements be installed and/or dedicated prior to the signing of the final subdivision plat by the City Council.
- (b) The Planning Commission shall require the dedication and transfer for the benefit of the lot owners' sufficient irrigation or "secondary" water shares for all newly created lots shown in the subdivision plat. Shares of water shall be required at the ratio of one (1) share of water per one (1) acre to the closest one one-hundredth (0.01) share.
- (c) Both the preliminary and final plat shall contain notes specifically stating that each lot shall be conveyed with a share of irrigation water, or the fractional amount of a share according to the formula set forth sub-paragraph (b) above.
- (d) If the Planning Commission elects not to require that all public improvements be installed and dedicated prior to signing of the final subdivision plat by the City Council, the amount of the guarantee, in compliance with the requirements of the Land Management and Development Code, shall be established by the Planning Commission based upon the recommendation of the City Engineer and appropriate City Officials, which shall be submitted by the applicant at the time of application for final subdivision plat approval.
- (e) Both the preliminary and final plat shall indicate all roads and public improvements to be dedicated, all special districts for water, sewer, fire, and other utility improvements which shall be required to be established or extended, all City approved street names and addresses, and any other special requirements deemed necessary by the Planning Commission in order to conform the subdivision plat to the Official Zoning Map and the Master Plans of Bear River City.

(Amendment #10, Ordinance No. 2014-04-02)

8B.3.5 Effective Period of Preliminary Approval

The approval of a preliminary plat shall be effective for a period of one year at the end of which time final approval on the subdivision must have been obtained from the City Council, although the plat need not yet be signed and filed with the County Recorder. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application and plat for preliminary approval subject to all new review requirements, zoning restrictions and subdivision regulations that may be in effect.

8B.3.6 Zoning Regulations

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Land Management and Development Code rendering the plat non conforming as to bulk or use, provided the final approval is obtained within the one-year period.

8B.4 Final Subdivision Plat

8B.4.1 Application Procedure and Requirements

Following the approval of the preliminary plat, the applicant, if he wishes to proceed with the subdivision, shall file with the City Council an application for final approval of a subdivision plat.

The final plat application shall be made on a form available from Bear River City and contain the following elements:

- (a) **Scope and Highway Access.** Include the entire subdivision, or section thereof, which derives access from an existing state, county or local government highway.
- (b) **Copies.** Be accompanied by a minimum of seven (7) copies of the subdivision plat as described in these regulations (8E.2). In the case of a major subdivision three (3) sets of construction plans are also required (8E.3).
- (c) **Compliance with Prior Submissions.** Comply in all respects with the sketch plat and preliminary plat, as approved, amended, or conditional - whichever is applicable.
- (d) **Submission Schedule.** In the case of a minor subdivision, the final subdivision plat shall be presented to the City Council at least two (2) weeks before a regular meeting in order that it may be reviewed and posted on the official agenda.

In the case of a major subdivision, the final subdivision plan shall be presented to the City Council at least four (4) weeks prior to a regular meeting in order that a public hearing may be scheduled and the required notice give.

- (e) **Dedications.** All required dedications shall be accompanied by a formal irrevocable offer of dedication to the public of all required streets, secondary water shares, utilities, parks, easements, or other public uses in a form approved by the City Attorney; and the subdivision plat shall be marked with the notation indicating the formal offers of dedication as follows:

“The owner(s), or their representative, hereby irrevocably offer for dedication to Bear River City ** number of shares of irrigation water in the Bear River Canal

Company for the benefit of each prospective owner of Lots 1-*** in the (*insert name of subdivision*) in accordance with an irrevocable offer of dedication.
(Amendment #10, Ordinance No. 2014-04-02)

- (f) **Temporary License to Use Dedicated Water.** The owner/applicant, or their representative may obtain a temporary license to use all or a part of the water shares dedicated for the subdivision lots on other property during the development and construction of the public improvements in the subdivision until such time as a lot owner obtains a building permit for a subdivide lot (“Temporary Use License”). At such time as a building permit is issued, the license right shall terminate. The Temporary Use License shall be granted in a form approved and prepared by the City Attorney.
(Amendment #10, Ordinance No. 2014-04-02)
- (g) **Surrounding Owners.** Be accompanied by a list of owners of property immediately adjacent extending one thousand (1000) feet therefrom, or of that directly opposite thereto extending one thousand (1000) feet from the street frontage of such opposite property owners as are correct within the knowledge of the applicant as shown on the latest tax assessment roll, together with a stamped, addressed envelope for each such owner. This requirement is waived if the subdivision meets the criteria to qualify as a minor subdivision.
- (h) **Proof of Utility Service.** Be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission upon preliminary plat approval.
- (i) **Outstanding Obligations.** Provide a tax clearance from the County as evidence that all property taxes (including interest and penalties) are current and that no other debts or obligations are outstanding and no liens or encumbrances are placed on the property.
- (j) **Title Policy.** Provide a title report or commitment for title insurance from a licensed title company, no more than thirty (30) days of age.
- (k) **Fee.** A Final Plat application fee, in accordance with the adopted Bear River City Fee Schedule in effect at the time of application is due to the City Recorder before being placed on the City Council agenda or a Public Hearing is scheduled.

8B.4.2 Notice of Public Hearing

Upon receipt of final application and all accompanying materials and fees, the City Council shall schedule a public hearing for its next scheduled meeting for which adequate notice, in compliance with the noticing requirements contained in Chapter 1 of the Land Management and Development Code, can be given.

The Public Hearing requirement and the associated notice are waived if the subdivision meets the criteria to qualify as a minor subdivision.

8B.4.3 Determination

Within a reasonable time the City Council shall approve, modify and approve, or disapprove the application.

Determination for minor and major subdivisions shall be made by resolution which shall set forth in detail any conditions to which the approval is subject or reasons for disapproval. One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon, and the reasons therefore accompanying the plat.

In the case of a major subdivision the City Council shall stipulate in the final resolution the period of time when the performance guarantee shall be filed or the required improvements installed, whichever is applicable. Provided however, that no plats will be approved or released for recording until necessary guarantees have been established in accordance with the Land Management and Development Code. In no event shall the period of time stipulated by the City Council for completion of required improvements exceed two (2) years from the date of the final resolution. One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon, and the reasons therefore accompanying the plat.

8B.4.4 Submission and Review

Subsequent to the resolution of the Planning Commission, seven (7) paper copies of the subdivision plat shall be submitted to the City Council for final review.

In the case of a major subdivision three (3) duplicate paper copies of the construction plans (one for culinary water provider, one for city, and one for applicant), shall also be submitted to the City Council for final review.

8B.4.5 Final Approval

No final approval shall be endorsed on the plat until the City Council's review determines that all requirements, conditions, or regulations adopted by the Planning Commission and/or City Council have been met and that the plat is consistent with the General Plan and this code.

8B.4.6 Vested Rights

Vesting for purposes of zoning occurs upon the filing of a complete application provided, however, that no vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission and the Mayor of Bear River City. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the subdivision or to all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the Chairman of the Planning Commission and Mayor. Where the Planning Commission or City Council has required the installation of improvements prior to signing of the final plat, the Planning Commission or Council shall not unreasonably modify the conditions set forth in the final approval.

8B.5 Signing and Recording of Subdivision Plat

8B.5.1 Signing of Plat

- (a) **When a guarantee of improvements is required**, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the guarantee has been approved by the City Council, and all the conditions of the resolution pertaining to the plats have been satisfied.
- (b) **When installation of public improvements is required**, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown by a certificate signed by the City Engineer. The City Attorney shall provide written evidence that the necessary dedication of lands and improvements has been accomplished.

8B.5.2 Recording of Plat (See section 1.21)

- (a) The Chairman of the Planning Commission and the Mayor of Bear River City will sign the tracing cloth or reproducible mylar original of the subdivision plat and two (2) sepia prints of the subdivision plat. The sepia prints will be returned to the applicant's engineer with the original given to the applicant's title company.
- (b) It shall be the responsibility of the developer's licensed title company to file the original mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the City Attorney.
- (c) In addition to the formal subdivision plat requirements of the State of Utah and Bear River City, the requirements of the Box Elder County Recorder must also be met.

8B.5.3 Sectionalizing Major Subdivision Plats

Prior to granting final approval of a major subdivision plat, the Planning Commission and City Council may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Planning Commission and City Council may require that the performance guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance guarantee principal amount until the remaining sections of the plat are offered for filing. The developer may also file irrevocable offers to dedicate streets and public improvements only in those sections submitted to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any additional conditions imposed by the Planning Commission or City Council, and offers shall be granted concurrently with final approval of the balance of the plat. The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the City Council, all fees paid, all instruments and offers of dedication submitted and performance guarantees approved and actually filed with the County Recorder within one year of the date of final subdivision approval of the subdivision plat.

8C ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

8C.1 ***Improvements and Performance Guarantee***

8C.1.1 ***Completion of Improvements***

Before the plat is signed by the Chairman of the Planning Commission and the Mayor, all applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the Appropriate City Officials and the City Engineer, all the street, sanitary sewer, water and other improvements (i.e.: storm drainage, trails, street lighting, sidewalk, curb, gutter, street signs, irrigation ditches, etc.), including lot improvements on the individual lots of the subdivision as required, specified in the final subdivision plat, and as approved by the Planning Commission and the City Council, and to dedicate all applicable public improvements to the local government(s) involved in the project and to the culinary water provider, including any water right transfers to the City, conservation easements or dedications of public lands to Land Trusts, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

8C.1.2 ***Performance Guarantees***

The City Council in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post an acceptable guarantee (in accordance with the supplementary regulations of this Code (3.17)) at the time of application for final subdivision approval in an amount estimated by the City Engineer, Planning Commission and City Council as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall also secure all lot improvements on the individual lots of the subdivision as may be required. Such performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in the Land Management Code.

The period within which required improvements must be completed shall be specified by the Planning Commission and the City Council in the resolution approving the final subdivision plat and shall be incorporated in the guarantee and shall not in any event exceed two (2) years from date of final approval. Such guarantee shall be approved by the City Council with surety and conditions satisfactory to them. The Zoning Administrator may, upon proof of difficulty, recommend to the City Council extension of the completion date set forth in such guarantee for a maximum period of one additional year. The City Council may at any time during the period of such guarantee accept a substitution of principal or sureties.

In the event the applicant's ability to post an acceptable guarantee is dependent upon prior recording of the plat due to requirements of the Interstate Land Sales Act or other Federal law or regulations, the City Council may authorize plat approval and recording upon receipt from the applicant of an executed and acknowledged agreement signed by all owners of fee, leasehold, contract and security interests in the subject property, in the form of a restrictive covenant that the applicant will not sell, lease or otherwise convey any lot, parcel or portion of a lot of the subject property unless he shall first as a

condition precedent thereto, satisfy the foregoing requirements of this Chapter as applicable. The agreement shall be in recordable form, shall specifically provide that the encumbrance created shall be deemed to be a covenant running with the land, binding on applicant's successors and assigns, to install or guarantee installation of all required improvements, and to pay all costs, including attorney's fees, which the City may incur in enforcing the terms and provisions of the agreement, and shall contain the express irrevocable consent of all signers to vacation of the recorded plat if the guarantee requirements have not been complied with within a specified time determined by the City Council of the date of recording of the plat. The encumbrance posed by the agreement shall only be released upon compliance by the applicant or his successors with the provisions of this Code and the Agreement.

8C.1.3 Temporary Improvement

The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission, Appropriate City Officials or City Engineer and shall maintain the same for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate suitable guarantee, in accordance with this Code, for temporary facilities, which guarantee shall insure that the temporary facilities will be properly constructed, maintained, and removed.

8C.1.4 Costs of Improvements

All required improvements shall be made by the applicant, at their expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

8C.1.5 Other Governmental Units

Other Governmental units which develop within the City, and to which these guarantees and contract provisions apply may file in lieu of said contract or guarantees a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Code.

8C.1.6 Failure to Complete Improvement

For subdivisions for which no performance guarantee has been posted, if the improvements are not completed within the period specified by the Planning Commission and City Council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance guarantee has been posted and required improvements have not been installed within the terms of such performance guarantee, the local government may thereupon declare the guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the guarantee is declared to be in default.

8C.1.7 Acceptance of Dedication Offers

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the City Council. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the City Council of any street, easement, or park shown on said plat. The Planning Commission may require said plat to be endorsed with appropriate notes to this effect.

8C.2 Inspection of Improvements

8C.2.1 General Procedure and Fees

The Planning Commission in consultation with or upon the advice of the Appropriate City Officials, City Engineer or Zoning Administrator, shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall, in accordance with the City's fee schedule, pay to the City an inspection fee and the subdivision plat shall not be signed by the Chairman of the Planning Commission or Mayor unless such fee has been paid. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. If the Appropriate City Official and the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications being used by the City, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications. Prior to commencement of construction on any public improvement or private improvement required to be built to public standards, the developer shall first obtain a Notice to Proceed from the Zoning Administrator.

8C.2.2 Release or Reduction of Performance Guarantee

8C.2.2.1 Certificate of Satisfactory Completion

Subject to maintenance provisions contained in this Code below, the City will not accept dedication of required improvements, or release or reduce a performance guarantee, until the Appropriate City Officials and the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Appropriate City Officials and the City Engineer, through submission of detailed "as-built" survey plats of the subdivision, indicating location, dimensions, materials, improvements and other information required by the Planning Commission and the Appropriate City Officials or the City Engineer, that the layout of the line and grade of all public improvements is in accordance with the City approved construction plans for the subdivision and that a title insurance policy has been furnished to the City Attorney and City Engineer indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

8C.2.2.2 Reduction of Performance Guarantee

A performance guarantee may be reduced upon actual completion and/or acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance guarantee be reduced below the twenty-five percent (25%) retainage of the principal amount until total completion.

8C.3 Escrow Deposits or Letters of Credit for Lot Improvements

8C.3.1 Acceptance of Escrow Funds

Whenever, by reason of the season of the year any lot improvements required by the subdivision regulations cannot be performed, the Zoning Administrator may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit or letter of credit in an amount to be determined by the Appropriate City Officials and the City Engineer for the cost of said improvements. The performance guarantee covering such lot improvements shall remain in full force and effect.

8C.3.2 Procedures on Escrow Fund

All required improvements for which escrow moneys or letters of credit have been accepted by the Zoning Administrator at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period, the Zoning Administrator shall give two (2) weeks written notice to the developer requiring him to install same, and in the event that same are not installed properly in the discretion of the Zoning Administrator, the Zoning Administrator may request the City Council to authorize the City to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit. At the time of the issuance of the certificate of occupancy for which escrow moneys/letters of credit are being deposited with the Zoning Administrator, the applicant shall obtain and file with the Zoning Administrator prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Zoning Administrator to install the improvements at the end of the nine-month period in the event that the same have not been duly installed by the developer.

8C.4 Maintenance of Improvements

8C.4.1 Prior to Completion

The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of said improvements by the City Council. If there are any certificates of occupancy on a street not dedicated to the City, the City may on twelve (12) hours notice plow the street or effect emergency repairs and charge same to applicant. The City will not normally accept water improvements or street improvements or assume responsibility for either general maintenance or snow removal until over 50 % of the lots within the subdivision are built upon.

8C.4.2 Warranty after acceptance and dedication

The applicant shall be required to file a maintenance guarantee with the City, prior to acceptance, in an amount considered adequate by the Appropriate City Official and the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one year after the date of their acceptance by the City and dedication of same to the local municipality.

8C.5 Waiver or Deferral of Required Improvements

8C.5.1 Waiver

The Planning Commission may recommend that the City Council defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

8C.5.2 Deferral

Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the City prior to the signing of the final subdivision plat, or the applicant may post a guarantee insuring completion of said improvements upon demand of the City.

8C.6 Issuance of Building Permits and Certificate of Occupancy

8C.6.1 Dedication before Certificate of Occupancy

Where a performance guarantee has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of same to the City and the culinary water provider, as required in the Planning Commission's and City Council's final approval of the subdivision plat.

8C.6.2 Street Improvements Guarantee

The extent of street improvements shall be adequate for vehicular access by the prospective occupant and by police and fire equipment, prior to the issuance of any occupancy permit. The developer shall at the time of the dedication submit moneys in escrow or an acceptable letter of credit to the City in a sum determined by the Appropriate City Officials and the City Engineer for the necessary final improvement of the street.

8C.6.3 Final Building Permits

No building permits shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) is less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the Planning Commission for the plat have been fully completed and dedicated to the local government(s) and the culinary water provider and the appropriate city officials and city engineer have submitted a certificate stating that all required improvements have been satisfactorily completed.

8C.7 Consumer Protection Legislation and Conflicts of Interest Statutes

8C.7.1 Violations Prior to Permit Issuance

No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

8C.7.2 Revocation of Permits and Certificates of Occupancy

With respect to said lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the municipality until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

8C.7.3 Penalties for Violation

Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; State "Blue Sky" laws; State subdivision disclosure acts or conflicts of interest statute, law, or ordinance) shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in this Code.

8D REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

8D.1 General Improvements

8D.1.1 Conformance to Applicable Rules and Regulations

In addition to the requirements established herein, all subdivision plats shall comply with the following law, rules, adopted policy statements and regulations, as currently adopted, unless otherwise approved by the City Council:

- (a) All applicable statutory provisions.
- (b) The Land Management and Development Code, Sensitive Lands Overlay Zone regulations, Flood Damage Prevention Ordinance, currently approved Building Codes and related Codes, City design standards and specifications, and all other applicable laws of the appropriate jurisdictions. (Amend. #9, Ord, No. 2001-11-03)
- (c) The Official Streets Master Plan, Bear River City General Plan, Official Zone Map, the "Bear River City Public Works Construction Standards," Public Utilities plans, Land Use Maps and Capital Improvements Program of the City or any other Local Government having jurisdiction in the development,

including all streets, trails, drainage systems, and parks shown on the Official Map or General Plan as adopted or amended for the subdivision.

- (d) The special requirements of these regulations and any rules of the Box Elder County Health Department, Fire Authority, Box Elder County School District and/or appropriate State or Federal Agencies that may have jurisdiction in the project. Compliance with these agencies regulations must be certified by letter to the City or signature on the applicable plat(s) as provided for under this code.
- (e) The rules of the Utah Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connection street.
- (f) The Bear River City Design Standards, Construction Specifications, and Standard Drawings as may be in force and in effect and any other standards and regulations adopted by the City Engineer and all Boards, Commissions, Agencies, and Officials of the City of Bear River City.
- (g) All pertinent standards contained within the planning guides published by the Bear River Association of Governments.
- (h) Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy and purposes of these regulations established in these regulations.

8D.1.2 Self-Imposed Restrictions

If the owner places restrictions on any of the land contained in the subdivision greater than those required by this Code or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in form to be approved by the City Attorney.

8D.1.3 Plats Straddling Municipal Boundaries, Annexations

Whenever a subdivision is proposed across land under County jurisdiction, the Planning Commission may require the annexation of the property involved. In general, lot lines and/or roads shall not be laid out so as to cross municipal boundary lines. The annexation may be enlarged at the discretion of the City to avoid creating islands or peninsulas of incorporated territory that may be difficult to manage. All annexations must comply with the current annexation policy declarations in force at the time the annexation is proposed or a new annexation policy must be prepared and approved.

If the area in the County is not annexed, the City will strive to work with the County in a cooperative arrangement or through an interlocal agreement, if necessary, to insure that the portion of development lying in the County is as compatible as possible with the City codes, development regulations and General Plan.

8D.1.4 Monuments (Survey Markers)

The applicant shall place permanent reference monuments in the subdivision as required herein or as otherwise required by the City Engineer and appropriate City Official.

- (a) Monuments shall be constructed in accordance with the Bear River City Public Works Construction Standards and located on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be spaced so

as to be within sight of each other, the sight lines being contained wholly within the street limits.

- (b) Permanent reference monuments are required in each of the four corners of each building lot in the subdivision. During construction temporary markers may be placed in the front corners with permanent monuments required in the back corners. All permanent monuments in the front corners are required before any building permits are issued. If a building lot contains more than four (4) corners, only four (4) monuments are required. If a building lot contains less than four (4) corners at least three (3) monuments are required. If permanent reference monuments are already in place additional monuments are not required.
- (c) All monuments shall be properly set in the ground and approved by a Registered Land Surveyor, licensed in the state of Utah, prior to the final plat approval unless a performance guarantee is established in accordance with the provisions of this ordinance.

8D.1.5 Character of the Land and Unsuitability

Land which the Planning Commission or City Council finds to be unsuitable for subdivision or development due to natural hazards, flooding, improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, or other natural features, including ridge lines and hilltops, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed.

The development and land use may be made suitable if adequate methods are formulated by the developer and approved by the City, upon recommendation of a qualified planner or engineer hired by the developer and approval of the City Engineer, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. Unsuitable land shall be set aside or reserved for uses as shall not involve such a danger or severe environmental impact. Lands located in sensitive lands areas may be further regulated by chapter 10 of this code.

8D.1.6 Subdivision Name

The proposed name of the subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area covered by these regulations or in Box Elder County, Utah. The City Council shall have final authority to designate the name of the subdivision and to select street names, both of which shall be determined at the time of sketch plat approval.

8D.1.7 Roads, Utility Lines and Concurrency

Roads and all utility lines should be designed to work with the existing grade and cut and fill slopes should be minimized. Roads and utilities should be placed so that disturbance of significant vegetation is minimized. All roads and utilities, whether on or off site, must be installed concurrently with the development.

8D.1.8 Drainage Ways, Field Drains, and Irrigation Ditches

Existing natural drainage, field drains, and irrigation ditches or rights-of-ways should be maintained and designed around. If any of these are disturbed during construction the damaged portion shall be restored to proper working condition by the developer or contractor. Notification and/or approval of irrigation companies for development may be required in certain circumstances as determined by the City if the development impacts irrigation works and/or access. (Amend. #9, Ord. No. 2011-11-03)

8D.1.9 Soil Conditions

Consideration must be given to soil conditions and ground water existence and may include appropriate setbacks and conservation requirements.

8D.1.10 Trails and Sidewalks

Trails and sidewalks should be provided to allow efficient internal circulation as well as links to adjacent trail systems on other properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements.

Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall circulation plan. In most cases, the homeowners will be required to maintain the trails.

8D.1.11 Limits of Disturbance/Vegetation Protection

A separate plan which addresses limits of disturbance and vegetation protection during construction and re-vegetation of disturbed areas will be required. This shall include construction necessary for all project improvements such as roads and utilities.

8D.2 Lot Improvements

8D.2.1 Lot Arrangement

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Uniform Building Code, this Code, and in providing reasonable driveway access to buildings on such lots from an approved street.

In areas that are determined to be in high fire danger areas, the building sites shall be located or situated in areas of the development that are less hazardous or are naturally clear of the hazardous vegetation.

8D.2.2 Building Sites

Building sites or envelopes shall be designed which minimize disturbance of existing vegetation.

8D.2.3 Landscaping

The amount of common and private area available for formal landscaping may be restricted. Agricultural uses of open space will be encouraged using irrigation water for watering, not culinary water. Outside irrigation creates a significant water demand if using culinary water and these type of irrigated areas may be limited in the design of the subdivision.

8D.2.4 Limits of Disturbance/Vegetation Protection

Limits of disturbance or building pad lines shall be shown on the preliminary and final plats if the staff determines that there is significant vegetation on the site or if it is important to clearly designate future building locations. "Significant vegetation" includes large trees of 6" caliper or greater, groves of 5 or more smaller trees, or clumps of trees.

A plan for vegetation protection during construction and re-vegetation after construction will also be required. A security will be required to be posted to ensure compliance with the limits of disturbance plan. Guidelines are as follows:

- (a) All construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.
- (b) Building pad lines may be specified on some plats instead of limits of disturbance. If building pad lines are designated, no part of the new construction may lie outside of the building pad line; however, construction disturbance may extend as far as ten (10) feet beyond the building pad line. Access to the building pad should be along the planned driveway.
- (c) The Zoning Administrator has the authority to vary the platted limits of disturbance or building pad line if such a variation results in less visual impact or more effective preservation of mature trees. In no case, however, should a variation in the limits of disturbance boundary result in an increase in the amount of buildable area.
- (d) Limits of disturbance or building pad lines with definitions as approved by the staff must be reflected on the final plat. Because limits of disturbance or building pad lines are sometimes varied by the Zoning Administrator, the plat may not reflect the final location of the limits.
- (e) Limits of disturbance must be designated in the field prior to commencement of excavation with fencing or other methods approved by the Zoning Administrator.

8D.2.5 Square Footage

Maximum dwelling or unit square footage will be required. Smaller parcels will be expected to limit building sizes significantly so that homes relate to the parcels upon which they are built. Limited building heights may also be required for visually sensitive areas. Both the limitations of building square footage's and building height will be required to be shown on recorded plats for the project.

8D.2.6 Architectural or Design Standards

Architectural or design standards may be required on large projects or developments which could have a significant effect on the small rural agricultural character of Bear River City. These standards will be developed on a case by case basis by the City or its design review committee (as outlined in chapter 3 of this code) which will result in compatible building design and materials within the development and the respective zone. Guidelines should include consistency of roof pitch, roofing materials, siding materials, colors, porch details, window types and similar provisions. These guidelines should also be compatible with adjacent developments. Buildings should be designed to blend and harmonize with the existing environment rather than compete with it.

Development approval may be delayed a reasonable period of time while these standards are developed by the City.

8D.2.7 Fire Sprinkling

Fire sprinkler systems may be required of all projects as determined by the City or the Fire Authority. This determination is based upon an analysis of the size of structures, vegetation surrounding the structures and location of the project as it relates to the Fire Department response time.

8D.2.8 Staggered Front Set-Backs

In new subdivisions, front setbacks may be required to be staggered with consideration of existing site conditions. The minimum front setbacks shall be consistent with the zone in which the subdivision is proposed.

8D.2.9 Lot Dimensions

Lot dimensions shall comply with the minimum standards of the Land Management and Development Code. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines). Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in this Code.

8D.2.10 Double Frontage Lots

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

8D.2.11 Soil Preservation, Grading, and Seeding

8D.2.11.1 Top Soil Preservation and Final Grading

No final plat approval or certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision plat and the lots recovered with top soil with an average depth of at least six (6) inches which shall contain no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between any approved sidewalks and curbs, and shall be stabilized by seeding or planting. Slope stabilization and erosion control, as determined necessary by the City Engineer, will also be required to be installed according to the approved specification.

8D.2.11.2 Lot Drainage

Lots shall be laid out so as to provide positive drainage away from all buildings in accordance with the Uniform Building Code or its successor and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from any lot to adjacent lots.

8D.2.11.3 Lawn-Grass Seed and Sod

All lots shall be top soiled and re-vegetated in accordance with this Code to avoid erosion and improve the visual quality of the development. If re-vegetation is required in a development, at a minimum, lawn-grass seed shall be sown at not less than four (4) pounds to each one-thousand (1,000) square feet of land area. In the spring, the seed shall be sown between March 15 and May 15; and in the fall, the seed shall be sown between August 15 and September 30. All lots shall be seeded from the roadside edge of the unpaved right-of-way back to a distance of twenty-five (25) feet behind the principal residence on the lot. No final plat approval or certificate of occupancy shall be issued until re-spreading of soil and seeding of lawn has been completed; except that between October 1 and March 15, May 15 and August 15, the applicant shall submit an agreement in writing signed by the developer and/or the property owner, with a copy to the Zoning Administrator, that re-spreading of soil and seeding of lawn will be done during the immediate following planting season as set forth in this section and leave a cash escrow or letter of credit for performance in such amount as shall be determined by the Zoning Administrator in accordance with this Code. Sod may be used to comply with any requirement of seeding set forth herein.

8D.2.12 Debris and Waste

Unless otherwise approved by the City Engineer and Zoning Administrator, no cut trees, timber, debris, earth, rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy on a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

8D.2.13 Fencing

Each subdivider and/or developer shall be required to furnish and install fences wherever the Planning Commission determines upon the recommendation of the Zoning Administrator that a hazardous condition may exist. The fences shall be constructed according to established standards as verified by the City Engineer and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

8D.2.14 Irrigation Ditches, Water-Bodies and Water-Courses

If a tract being subdivided contains a water body or course, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the adjacent lots. The Planning Commission upon the recommendation of the Zoning Administrator may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a City responsibility. No more than twenty-five per cent (25%) of the minimum area of a lot required under the Land Management and Development Code may be satisfied by land which is under water. Where a watercourse or irrigation ditches separates the buildable area of a lot from the street by which it has access, provisions shall be made for installations of a culvert or other structure, of design in accord with the Bear River City Public Works Construction Standards or if not applicable, of design approved by the Appropriate City Official and the City Engineer.

8D.2.15 Performance Guarantee to Include Lot Improvements

The performance guarantee shall include an amount to guarantee completion of all requirements contained in this Chapter, the Supplemental Regulations Chapter of this code and in these regulations including, but not limited to, soil preservation, final grading, lot drainage, landscaping, lawn-grass seeding, curb, gutter and sidewalk, removal of debris and waste, fencing, and all other lot improvements required by the Planning Commission or City Council. Whether or not a certificate of occupancy has been issued, at the expiration of the performance guarantee, the City may enforce the provisions of the guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

8D.3 Roads

8D.3.1 Frontage on Improved Roads

No subdivision shall be approved unless the area to be subdivided shall have frontage on and/or access from an existing public street such as:

- (a) An existing state or county highway; or
- (b) A street shown upon a plat approved by the Planning Commission and recorded in the County Recorder's office. Such street or highway must be suitably improved as required by the highway rules, regulations, specifications, or orders, or be secured by a performance guarantee required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations or the Streets Master Plan. Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved as provided herein above.

8D.3.2 Grading and Improvement Plan

Roads shall be graded and improved and conform to the Bear River City Public Works Construction Standards and Standard Drawings as adopted and shall be approved as to design and specifications by the City Engineer and the Appropriate City Official, in accordance with the construction plans required to be submitted prior to final plat approval.

8D.3.3 Topography and Arrangement

- (a) Roads shall be related appropriately to the topography. All streets shall be arranged so as to obtain building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and re-vegetated. A combination of steep grades and curves as well as large cut and fill sections shall be avoided. All construction shall comply with the Bear River City Public Works Construction Standards and shall be approved by the City Engineer and Appropriate City Official.
- (b) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the Streets Master Plan or Land Use Maps or Zoning Maps.

- (c) All thoroughfares shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing, proposed, and future land uses.
- (d) Streets shall be laid out to conform as much as possible to the natural topography, to permit efficient drainage and utility systems, and to provide convenient and safe access to property.
- (e) The rigid rectangular gridiron street pattern shall be adhered to.
- (f) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission and City Council such an extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- (g) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of transportation facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- (h) Subdivisions shall be designed to provide adequate emergency access to and from the development. The Planning Commission may require more than one point of ingress and egress to better facilitate emergency access and escape. The Fire Authority must approve the street design on major subdivisions.

8D.3.4 Blocks

- (a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, or water ways.
- (b) The lengths, widths, and shapes of blocks shall follow the gridiron street pattern. Allowances may be made if circumstances peculiar to the subdivision property make it impossible to follow the gridiron street pattern, but under no circumstances shall block lengths in residential areas exceed one thousand two hundred (1,200) feet or twelve (12) times the minimum lot width required in the zoning district, whichever is greater, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than six hundred (600) feet in length.
- (c) In long blocks are allowed due to peculiar circumstances the Planning Commission or City Council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
- (d) Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access

to schools, playgrounds, shopping centers, transportation, trails, or other community facilities. Blocks designed for industrial or commercial uses shall be of such length and width as may be determined suitable by the Planning Commission and City Council for prospective use.

8D.3.5 Access to Highway, Arterial or Collector Streets

Where a subdivision borders on or contains an existing or proposed highway, arterial or collector, the Planning Commission may require that access to such streets be limited by the following means:

- (a) The subdivision of lots so as to back onto the highway, arterial or collector and front onto a parallel local street; no direct access shall be provided from the primary arterial or collector, and screening shall be provided in a strip of land along the rear property line of such lots.

8D.3.6 Road Names

The sketch plat as submitted shall not indicate any names upon proposed streets. The developer, upon consent of the Planning Commission and City Council, shall name all roads at the time of preliminary approval. The local Postmaster shall be consulted prior to Planning Commission approval. Names shall be sufficiently different in sound and in spelling from other road names in Box Elder County or Bear River City, Utah so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name.

8D.3.7 Road Regulatory Signs

The applicant shall erect or post acceptable guarantees ensuring each road sign required by the City Engineer and the Appropriate City Official at all road intersections. All road signs shall be installed before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within and abutting the subdivision, the type, design and location of which to be approved by the City Engineer and the Appropriate City Official. Street signs shall be designed according to City specifications and standards.

8D.3.8 Street Lights

Installation of street lights shall be required in accordance with Bear River City Public Works Construction Standards, ordinance, or as designated and located by the Planning Commission or City Council and shall be approved by the City Engineer and Appropriate City Official.

8D.3.9 Reserve or Protection Strips

The creation of reserve or protection strips may be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street, provided such a strip is clearly shown on both the preliminary and final subdivision plat.

8D.3.10 Construction of Roads and Dead-End Roads

8D.3.10.1 Construction of Roads

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street

temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary Dead-End streets, with the notation on the subdivision plat that land outside the normal street right-of way shall revert to abutters whenever the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

8D.3.10.2 Dead-End Roads (Permanent)

Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, snow removal/storage or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length to six hundred and fifty (650) feet.

8D.3.11 General Design Standards

In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the design standards for roads are hereby required to be in compliance with the "Bear River City Public Works Construction Standards," and Standard Drawings, and the Streets Master Plan, as adopted or as may otherwise be determined by the City Engineer, Appropriate City Official, Planning Commission or City Council.

8D.3.12 Road Surfacing and Improvements

After Sewer and Water and other applicable utilities have been installed by the developer, the applicant shall surface or cause to be surfaced roadways to the widths prescribed in the pertinent regulations. Said surfacing shall be of such character as is suitable for the expected traffic. Types of pavement shall be determined by the City Engineer and Appropriate City Official.

The developer may apply for construction of curbs and gutters and other improvements or improvements may be required by the Planning Commission or City Council. After receiving design approval, installation shall be made prior to road surfacing. Adequate provision shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the City and shall be incorporated into the construction plans required to be submitted by the developer for plat approval. All construction shall be designed and performed in accordance with the Bear River City Public Works Construction Standards.

8D.3.13 Excess Right-of-Way

Right-of-Way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one, unless specifically approved by the City Engineer.

8D.3.14 Intersections

- (a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle within ten (10) degrees of perpendicular is required. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.
- (b) Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any intersections on the opposite side of such street. Street jogs with center-line offsets of less than one hundred and fifty (150) feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous.
- (c) Minimum radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- (d) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) slope for a distance of sixty (60) feet, measured from the nearest Right-of-Way line of the intersecting street.
- (e) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public Right-of-Way to the extent deemed necessary to provide an adequate sight distance.
- (f) The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.

8D.3.15 Bridges

Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Planning Commission and City Council, will be fixed by special agreement between the City Council and the applicant. (See "Exactions" 8A.2.4)

8D.3.16 Road Dedications and Reservations

- (a) **New Perimeter Streets.** Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street Right-of-Way width.

- (b) **Widening and Realignment of Existing Roads.** Where a subdivision borders an existing narrow road or when the Streets Master Plan, Land Use Maps or Zoning Maps indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate at his/her expense such areas for widening or realignment of such roads that are necessary and for the benefit of the subdivision. Such frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by the Bear River City Streets Master Plan.

8D.4 *Drainage and Storm Sewers*

8D.4.1 *General Requirements*

The Planning Commission shall not recommend for approval any subdivision plat which does not make adequate provision for storm or flood water runoff channels or catch basins in their opinion. Plans shall be reviewed for compliance with the Bear River City Design Standards, Construction Specifications, and Standard Drawings or other standards as may be adopted. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the City Engineer and Appropriate City Official, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

8D.4.2 *Location*

The applicant may be required by the Planning Commission, with or without the recommendation of the City Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road Right-of-Way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

8D.4.3 *Accessibility to Public Storm Sewers in Major Subdivisions*

- (a) Underground Storm sewer systems shall be constructed throughout major subdivisions and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the City Engineer and Appropriate City Official.
- (b) If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer, Appropriate City Official and the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat.

8D.4.4 Accommodation of Upstream Drainage Areas

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by this Code and the General or Master Plan. The City Engineer must review and approve the design.

8D.4.5 Effect on Downstream Drainage Areas

The City Engineer and Appropriate City Official shall also require the developer's qualified engineer to study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. City storm drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission, City Engineer and Appropriate City Official shall determine. No subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility.

8D.4.6 Areas of Poor Drainage

Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission upon recommendation of the City Engineer, may approve such subdivision provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the maximum probable flood, as determined by the City Engineer. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the City Engineer. Development in areas of extremely poor drainage will not be allowed.

8D.4.7 Flood Plain Areas

The Planning Commission may, with or without recommendation of the City Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas should be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

8D.4.8 Dedication of Drainage Easements

8D.4.8.1 General Requirements

Where a subdivision is traversed by a watercourse, drainage way, channel, river or stream, there shall be provided a storm water easement or drainage Right-of-Way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever

possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

8D.4.8.2 Drainage Easements

- (a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- (b) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (c) The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Planning Commission, Appropriate City Official and City Engineer.
- (d) Low-lying lands along watercourses including the Bear River Bottoms subject to flooding or overflowing, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedure nor for computing the area requirement of any lot.

8D.5 Water Facilities

8D.5.1 General Requirement

Necessary action shall be taken by the applicant to extend or create a safe water supply system for the purpose of providing a water-supply capable of providing domestic water use and fire protection. All improvements, whether on or off site shall be constructed and paid for by the developer. The impact of the development on the water system must be determined by the impact analysis process as outlined in Chapter One of this code.

8D.5.2 Existing Systems

Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and the culinary water supplier. All water mains shall be at least eight (8) inches in diameter.

8D.5.3 Approval

Water main extensions and Water facilities improvements shall be approved by the water provider.

8D.5.4 Guarantees

To facilitate the above, the location of all fire hydrants, all water storage and supply improvements, and the boundary lines of proposed improvement districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost

of installing the same, whether on or off the development shall be included in the performance guarantee to be furnished by the developer.

8D.5.5 Ownership of Facilities

Prior to approval of the Subdivision Plat by the City Engineer, a determination shall be made by the City Council and Zoning Administrator as to the location and extent of facilities to be maintained by Bear River City. Private facilities may be required to be so noted on the plat and will be the responsibility of the developer or owners of the development.

8D.5.6 Fire Hydrants

Fire hydrants shall be required for all subdivisions. Fire hydrants shall be approved by the Fire Authority and the water provider in accordance with Uniform Fire Code or the more stringent code if a conflict exists between City, Fire Authority and Uniform Fire Codes. In some instances, the City and Fire Authority may determine that due to wild-land fire potential, hydrants will be required to be located no more than three hundred (300) feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

8D.5.7 Proof of Water

If the applicant is dedicating or providing water rights to the project or the City, the Planning Commission shall require adequate proof of ownership of “wet” water (as opposed to paper only) in a quantity, quality, annual duration or availability throughout the entire year. The proof must be provided in a legal form, opinion or title policy that is acceptable to the City and/or the City Attorney.

8D.6 Sewerage Facilities

8D.6.1 General Requirements

The applicant shall install sanitary sewer facilities in a manner prescribed by the Bear River City Sewer Ordinance, Public Works Construction Standards or other applicable standards and specifications. All plans shall be designed in accordance with current City and State rules, regulations, and standards. Necessary action shall be taken by the applicant to extend sanitary sewer service for the purpose of providing sewerage facilities to the subdivision. Off site requirements may be necessary to meet impacts imposed by the development on the City’s Sewer Facilities. The impact analysis required in chapter one of this code may be necessary for approval of the development by the Planning Commission.

8D.6.2 Residential and Non-residential Subdivisions

Sanitary sewerage facilities shall connect with the public sanitary sewer at sizes required by the City and the City Engineer. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted in the part of the City serviced by the sewer system and within three hundred (300) feet or less of that system as measured from the subdivision property line closest to the system lines. Sanitary sewerage facilities (including the installation of laterals in the right-of-way and dedication of easements) shall be subject to the City specifications, rules, regulations, and guidelines and this Code. All major subdivisions are required to extend the system to their development if their residential density is greater than one residence per five (5) acres. Approved septic

systems are allowed for subdivisions that have a density lower than this or are minor subdivisions and meet Box Elder County Health Department approval as evidenced in writing.

8D.6.3 Future Sewer Accessibility Requirements

If a subdivision has more than three (3) developable lots, including any future phases and in the City's opinion, the project is in an area that may be serviced with a sewer system in the next 10 years, the City Council or Planning Commission may require sewer improvements to be installed in the subdivision. These improvements must be constructed to current City standards, properly capped, marked as to their termination in the lots (with acceptable "as-built" drawings provided to the City) and be made separate from the septic system in place or proposed. This system would make it more feasible and less costly and troublesome on the residents of the subdivision in the future when the service would be available and/or the connection would become mandatory.

8D.7 Sidewalks, Curbs, Hiking Trails, Bike Paths, Horse Trails

8D.7.1 Location

Sidewalks if required or approved shall be included within the dedicated non-pavement right-of-way of all roads, unless an alternate location has been specifically approved by the Planning Commission. In many cases pedestrian paths separate from the road right of way may be preferable due to snow removal or visual concerns.

8D.7.2 Curbs

Concrete curbs may be approved or required at the discretion of the Planning Commission and City Council.

8D.7.3 Improvements

Sidewalks shall be improved as required in these regulations and shall be designed to best facilitate their type of use and serve the public interest and safety.

8D.7.4 Pedestrian Paths

Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access.

8D.7.5 Other Trails

Walking and hiking trails, bike paths, and horse trails shall be provided by the developer in accordance with the City Trails Master Plan if adopted and/or where otherwise necessary as determined by the Planning Commission. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, and other significant natural features. Such trails shall be built to City specifications and easements shall be dedicated for such trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to this code for improvements.

8D.8 Other Utilities

8D.8.1 Location

In the case of major subdivisions utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be encouraged to be located underground in new subdivisions wherever underground location does not violate safety standards of the particular utility and where such underground location does not impose any potential additional maintenance burden on Bear River City's streets and sewer personnel in the opinion of the City Council and Zoning Administrator. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the subdivider and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the City Engineer and Appropriate City Official.

8D.9 Parks, Playgrounds, Recreation Areas and Other Public Uses

8D.9.1 Recreation Standards

The Planning Commission, in its review of each major subdivision, shall require that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations designated on any Master Plans or otherwise where such reservations would be appropriate and the park would benefit the subdivision and its residents. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate access for the particular purposes envisioned by the Planning Commission. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes." The developer will also be required to install improvements to the recreation areas. These improvements will be built to City specifications.

When recreation areas are required, the Planning Commission shall determine the number of acres to be reserved using the following formula as a minimum: providing one acre of recreation area for developments up to one hundred (100) single family dwelling units and one acre for every one hundred (100) units or fractions thereafter. This calculation equates to four hundred thirty seven (437) square feet per single family dwelling unit. The Planning Commission shall also determine the level of improvements required. All required improvements shall be built to City specifications. The Planning Commission may refer such proposed reservations to the City official or department in charge of operating parks and recreation for recommendation. The developer shall dedicate all such recreation areas and facilities to the City as a condition of final subdivision plat approval.

8D.9.2 Minimum Size of Park and Playground Reservations

In general, land reserved for recreation purposes shall have an area of at least one acre. When the percentages from the above formula would create less than one acre, the Planning Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than one-quarter (1/4) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. This smaller amount will be accepted only when it is on the edge of the subdivision or when the staff feels that the reduced size will result in a functional and usable recreation site.

8D.9.3 Recreation Sites

Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the City standards required by the Planning Commission, which improvements shall be included in the performance guarantee. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the City official in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the City for park purposes shall have prior approval of the City Council and shall be shown marked on the plat "Reserved for Park and/or Recreation Purposes."

8D.9.4 Alternative Procedure for Subdivisions of Fewer than 30 Lots

Subdivisions, including commercial or agricultural subdivisions, with fewer than 30 lots would result in a land area of less than one-third (1/3) acre to be reserved for recreation facilities. In this case the developer may pay an "In Lieu of" fee in those cases where the "in-lieu-of" fee is specifically approved by or required by the Planning Commission. Fees shall be paid on a per unit rate and be based upon fair market value as indicated in the City adopted Fee Schedule.

8D.9.5 Applicability to Land Utilizing Average Density

Any subdivision plat in which the principle of average density or flexible zoning has been utilized shall not be exempt from the provisions of this section, except as to such portion of land which is actually dedicated to the City for park and recreation purposes.

8D.9.6 Other Recreation Reservations

The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

8D.9.7 Other Public Uses

- (a) **Plat to Provide for Public Uses.** Except when an applicant utilizes a master planned development concept in which land is set aside by the developer as required by the provision of the Land Management and Development Code, whenever a tract to be subdivided includes a school, recreation uses, or other public use as indicated on the Master Plan or any portion thereof, such space shall be suitably incorporated by the applicant into the sketch plat. After proper determination of its necessity by the Planning Commission and the Appropriate City Official or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and final plats.
- (b) **Referral to Public Body.** The Planning Commission shall refer the sketch plat to the public body concerned with acquisition for its consideration and report. The Planning Commission or City Council may propose alternate areas for such acquisition and shall allow the public body or agency 30 days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

- (c) **Notice of Property Owner.** Upon receipt of an affirmative report, the Planning Commission shall notify the property owner and shall designate on both the preliminary and final plats that area proposed to be acquired by the public body.

8D.10 *Preservation of Natural Features and Amenities*

Existing features which add Natural value or Historical amenities to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Existing vegetation should also be retained as much as possible. Vegetation protection shall be required during construction so that disturbance is limited. Existing features such as water courses, rivers, irrigation works, wetlands, historic sites, critical meadow lands, important vistas, and other irreplaceable assets shall be preserved in the design of the subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plat shall show the number, size, and location of existing trees as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed trees along the street side of each lot. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations contained in chapter 10 of this code.

8D.11 *Non-residential Subdivisions*

8D.11.1 *General*

If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Planning Commission may require. A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Land Management and Development Code. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards as are required by the Planning Commission, and shall conform to the proposed land use and standards established in the General Plan, Streets Master Plan, Land Use Maps, Land Management and Development Code, and Bear River City Design Standards, Construction Specifications, and Standard Drawings.

8D.11.2 *Standards*

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (a) Proposed agricultural or industrial parcels shall be suitable in area and dimensions to the types of agricultural or industrial development anticipated.
- (b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be placed thereupon.
- (c) Special requirements may be imposed by the City with respect to street, curb, gutter, and sidewalk design and construction.

- (d) Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer, and storm water drainage.
- (e) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip and/or fencing when necessary or required.
- (f) Streets carrying non-residential traffic, especially truck or equipment traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas or uses.

8E SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

8E.1 Sketch Plat

Sketch plats submitted to the Planning Commission, prepared in pen or pencil, shall be drawn to an engineers' scale of not more than one hundred (100) feet to an inch and shall show the following information. These requirements are the minimum, other information may be required by the Zoning Administrator and/or Planning Commission as the need dictates.

8E.1.1 Name

- (a) Name of subdivision if property is within an existing subdivision.
- (b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Box Elder County, Utah.
- (c) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

8E.1.2 Ownership

- (a) Name and address, including telephone number, of legal owner or agent of property, a property report, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
- (b) Citation of any existing legal rights-of-way or easements affecting the property.
- (c) Existing covenants on the property, if any.
- (d) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.

8E.1.3 Description

Location of property by government lot, section, township, range and county, graphic scale, north arrow, and acres.

- (a) Location of property lines, existing easements, burial grounds, mine or known geologic hazards, railroad rights-of-way, water courses, and existing wooded areas or trees eight (8) inches or more in diameter, measured four (4) feet above ground level; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; for major subdivisions the names of adjoining property owners from the latest assessment rolls within one thousand (1000) feet of any perimeter boundary of the subdivision.

- (b) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, field drains, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way. (Amend. #9, Ord. No. 2011-11-03)
- (c) Approximate topography, at the same scale as the sketch plat with at least 5-foot contour intervals.
- (d) The approximate location and widths of proposed streets.
- (e) Preliminary proposals for connection with existing water supply and sanitary sewage systems; preliminary provisions for collecting and discharging surface water drainage.
- (f) The approximate location, dimensions, and areas (acreage) of all proposed and existing lots.
- (g) The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
- (h) The location of temporary stakes to enable the Planning Commission to find and appraise features of the sketch plat in the field.
- (i) Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street and trail system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
- (j) A vicinity map showing streets and other general development of the surrounding area. The sketch plat shall show all school and improvement district lines with the zoning districts properly designated.
- (k) A plan designating limits of disturbance for each parcel and for subdivision improvements, such as utilities and roads.

8E.2 Preliminary Plat

These preliminary plat requirements are the minimum, other information may be required by the Zoning Administrator and/or Planning Commission as the need dictates.

8E.2.1 General

The preliminary plat shall be prepared by a licensed land surveyor at an engineers' scale not more than one inch equals one hundred (100) feet, may be prepared in pen, or pen and pencil, and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than 24" x 36". It should be noted that the map prepared for the preliminary plat may also become the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible mylar.

8E.2.2 Features

The preliminary plat shall show the following:

- (a) The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of adjoining developments, the names of adjoining streets.
- (b) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot. Acreage amounts should also be disclosed.
- (c) The location of existing streets, easements, water bodies, rivers, streams, and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or as determined by the Planning Commission.
- (d) The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-ways and building setback lines.
- (e) The location, type, height, and light output of all street lights.
- (f) The location, dimensions, and areas of all proposed and existing lots.
- (g) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservations with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation.
- (h) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
- (i) The date of the map, approximate true north point, scale, and title of the subdivision.
- (j) Sufficient data acceptable to the City Engineer and Appropriate City Officials to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground, the location of all proposed monuments.
- (k) Names of the subdivision and all new streets, subject to the approval of the Planning Commission.
- (l) Indication of the use of any lot whether single-family, agricultural, commercial, as well as all uses other than those specified that are proposed by the subdivider.
- (m) All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.
- (n) All information required on the sketch plat should also be shown on the preliminary plat, and the following notation shall also be shown:

- (1) Explanation of drainage easements, if any.
 - (2) Explanation of site easements, if any.
 - (3) Explanation of reservations and conservation easements.
 - (4) Owners dedication, if any, and Consent to Record as required by applicable State Law.
- (o) Form for endorsements by the Planning Commission Chairman, Mayor, City Recorder, County Recorder's Office, as well as signature blocks for the Culinary Water Authority, Sewer Authority, Irrigation Water Authority, Street Authority, Flood Plain Administrator, City Attorney, City Engineer, Fire Authority, and Box Elder County School District. (Amend. #9, Ord. No. 2011-11-03)
 - (p) Any restrictions or requirements necessary to ensure solar access shall be defined as well as any view easements designated.
 - (q) All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat or on accompanying engineering plans.
 - (r) The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a preliminary plat.
 - (s) A plan designating limits of disturbance or building pads and utilities corridors and connections for each parcel and for subdivision improvements, such as utilities and roads.

8E.3 Construction Plans

Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. These requirements are the minimum, other information may be required by the Zoning Administrator, Planning Commission or City Council as the need dictates. Three duplicate copies of the final construction plans with signed signature approval blocks are required before a final plat application. The following shall be shown:

- (a) Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
- (b) The Planning Commission may require, upon recommendation by the City Engineer, where steep slopes exist, that typical cross-sections of all proposed streets be shown.

- (c) Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitude's, rights-of-way, manholes, and catch basins; the locations of street trees, street lights, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
- (d) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, field drains, easements, water bodies or impoundment's, streams, and other pertinent features such as swamps, wetlands, buildings, features noted on the Official Zoning Map or Master Plans, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight (8) inches or more, measured four (4) feet above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the Bear River City Engineer's or U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than fifty (50) feet back from the ordinary high-water mark of such water ways. (Amend, #9, Ord. No 2011-11-03)
- (e) Topography at the same scale as the sketch plat with a contour interval of two (2) feet, referred to sea-level datum. All datum provided shall be from the latest applicable U.S. Geodetic Survey datum and should be so noted on the plat.
- (f) All other specifications, details, and references required by the Bear River City Design Standards, Construction Specifications, and Standard Drawings if adopted, including a site-grading plan for the entire subdivision.
- (g) Notation of approval by the Owner, City Engineer, Sewer Department, Road Department, Irrigation Department and the culinary water provider.
- (h) Title, name, address, signature, and seal of the professional engineer preparing the plans, and date, including revision dates.
- (i) A limits of disturbance and re-vegetation plan.

8E.4 Final Subdivision Plat

The final subdivision plat shall be prepared by a registered land surveyor licensed by the State of Utah and certified as to the same on the plat. The surveyor shall also certify on the plat that a survey of the subject property in accordance with Section 17-23-17, U.C.A. has been completed and all measurements have been verified. The final subdivision plat shall be presented in India ink on tracing cloth or reproducible mylar at the same scale and contain the same information as a preliminary plat, except for any changes or additions required by resolution of the Planning Commission or City Council. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the Planning Commission's or City Council's resolutions. These requirements are the minimum, other information may be required by the Zoning Administrator, Planning Commission or City Council as the need dictates. All revision dates must be shown as well as the following:

- (a) Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Planning Commission in accordance with these regulations.
- (b) All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments. All such construction shall comply with Bear River City Public Works Construction Standards.

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