

# Box Elder County Land Use Management & Development Code

## Article 6: Subdivisions

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### Chapter 6-1 – Subdivisions

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#### **6-1-010. Purpose.**

The purpose of this Code, and any rules, regulations, standards and specifications hereafter adopted pursuant hereto or in conjunction herewith are:

- A. To promote and protect the public health, safety and general welfare.
- B. To regulate future growth and development within the County in accordance with the General Plan and to promote the efficient and orderly growth of the County.

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- C. To provide procedures and standards for the physical development of subdivisions of land within the County.
- D. To provide for adequate light, air, and privacy, to secure safety from fire, flood and other dangers.
- E. To provide for harmonious and coordinated development of the County, and to ensure sites suitable for building purposes and human habitation.

### **6-1-020. Applicability.**

Where the provisions of this Code impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this Code shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this Code, the provisions of such statute, other regulation, ordinance or covenant shall prevail. If questions of interpretation occur, the County Zoning Administrator shall be responsible for such interpretations.

### **6-1-030. Definitions.**

Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is mandatory and the term "may" is permissive. The following terms as used in this Code shall have the respective meanings hereinafter set forth.

**Alley:** A public way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

**Applicant:** The owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have notarized written authorization from the owner.

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

**Building:** A structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

**Capital Project:** An organized undertaking which provides, or is intended to provide, the County with a capital asset. "Capital Asset" is defined according to generally accepted accounting principles.

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**County:** Generally, the unincorporated area of Box Elder County, but may also refer to the County as a whole.

**County Commission:** The elected legislative body of Box Elder County.

**Community Development Department:** The County department authorized by the County Commission to oversee the Land Use Development & Management Code.

**Community Development Director:** The person appointed by the County Commission to perform the duties and responsibilities of Community Development Director and Zoning Administrator, as defined by County ordinances and resolutions.

**Condominium:** The ownership of a single unit in a multi-unit project together with an undivided interest in the common areas and facilities of the property created pursuant to the *Utah Condominium Ownership Act (UCA §57-8-1 et seq. as amended)*.

**The Code:** The Box Elder County Land Use Development & Management Code as presently adopted and as amended hereafter by the County Commission.

**Developer:** Any person, applicant, firm, partnership, corporation or association who causes improvements to be constructed, land use to be changed, or land to be subdivided for himself/herself or others.

**Development Review Committee:** A committee comprised of the Zoning Administrator, the County Engineer, the County Surveyor, the County GIS department, the County Fire Marshal, the County Building Official, and the County Roads Supervisor.

**Easement:** A present or future right of use under, on, or above the surface of property by a person or agency other than the legal owner of the property.

**Family:** One individual, or two or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household. A family may include four, but not more than four, non-related persons living with the residing family. The term “family” shall not be construed to mean a group of non-related individuals, a fraternity, club or institutional group.

**Fee Schedule:** The schedule of fees adopted periodically of the County Commission setting forth various fees charged by the County.

**Final Plat:** A map of a subdivision, required of all subdivisions, which is prepared for final approval and recordation, and which has been accurately surveyed, so that streets,

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alleys, blocks, lots and other divisions thereof can be identified; such plat being in conformity with the ordinances of the County and *17-27a Part 6 of the Utah Code Annotated, 2005, as amended.*

**Financial Guarantee Agreement** shall be the following as prescribed by the County a letter of credit and/or escrow or bond with a Utah Lending Financial Institution.

**Financial Guarantee Warranty:** A promise that the materials and workmanship of improvements will comport with standards that the county has officially adopted; and will not fail in any material respect within a warranty period.

**Flag Lot:** A lot accessed through a private driveway and located behind other properties or lot(s).

**Flood, One Hundred Year:** A flood having a one percent chance of being equaled or exceeded in any given year.

**Flood, Ten Year:** A flood having a 10 percent chance of being equaled or exceeded in any given year.

**Flood Plain, One Hundred Year:** That area adjacent to a drainage channel which may be inundated by a 100-year flood as designated on the most recent Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

**General Plan:** The comprehensive, long-range General Plan for proposed future development of land in the County, as provided in *17-27a-401 of the Utah Code Annotated, 2005, as amended.*

**Land Use Authority:** A body or person designated by the Box Elder County Code as the responsible party for the processing and decision-making concerning a land use application, the County General Plan, ordinance amendments, and/or variances.

**Lot (Legal):** A unit of land shown as a lot or parcel on a subdivision plat map, a condominium record survey map, or other record of survey map provided it is created pursuant to this Code.

**Lot Area:** The area contained within the property lines of the individual parcels of land shown on a subdivision plat or required by this Code, excluding any area within an existing street right-of-way, or any area required as open space under this Code, and including the area of any easements.

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**Lot, Corner:** A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees.

**Lot, Interior:** A lot other than a corner lot.

**Lot Access Easement or Private Right-of-way:** An easement or privately owned access road, reserved by the lot owner as a private access to serve interior lots not otherwise located on a street.

**Natural Drainage Course:** Any natural watercourse which is open continuously, but may have intermittent flows, that generally allows for the flow of water in a definite direction or course.

**Official Map:** A map drawn by Box Elder County and recorded in the County Recorder's Office that shows actual and proposed rights-of-way for highways and other transportation facilities; Provides a basis for recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal and includes the possibility of acquiring the property through purchase, gift, voluntary dedication, or eminent domain and may require the dedication and improvement of a street if the dedication if the street is found necessary by the County because of a proposed development and if the dedication and improvement is consistent with exaction law.

**Owner:** Any person who alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, executor or trustee) has legal or equitable title to any property.

**Parcel:** A contiguous quantity of real property defined by metes and bounds which has a separate property identification number according to the records of the County Recorder and is not shown on a recorded final subdivision plat.

**Park Strip:** The area located between a street right-of-way line and the edge of asphalt or curb, but not including driveways, ditches, sidewalks, or trails.

**Person:** An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, including a trustee, receiver, assignee or similar representative of any of the foregoing.

**Planning Commission:** The Land Use Authority called the Box Elder County Planning Commission.

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**Preliminary Plat:** The initial formal plat of a proposed land division or subdivision showing information and features required by the provisions of this Code.

**Protection Strip:** A strip of land between the boundary of a land development and a street within the land development, for the purpose of controlling the access to the street by property owners abutting the land development.

**Public Improvements:** Streets, curb, gutter, sidewalk, water and sewer lines, storm sewers, and other similar facilities which are required to be dedicated to the County in connection with subdivision, conditional use, or site plan approval.

**Public Way:** Any road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right-of-way.

**Restricted Lot:** Any lot which requires restrictions from development.

**Secondary Water System:** Any system which is designed and intended to provide, transport and store water used for watering of crops, lawns, shrubberies, flowers and other non-culinary uses.

**Sidewalk:** Any strip or section of concrete, asphalt, or other hard surface that provide an appropriate surface a minimum of four feet in width, typically located adjacent to vehicle roadways, intended for use as a walkway for pedestrians. In cases where the sidewalk abuts a curb, then the minimum width of the sidewalk shall be six feet. Reference County Standards in Article 5 for details.

**Small Subdivision:** means a subdivision of not more than three (3) lots.

### **Streets:**

- A. Street - A thoroughfare which has been dedicated to the County and accepted by the County Commission, which the County has acquired by prescriptive right, deed or by dedication, or a thoroughfare which has been abandoned or made public by use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.
- B. Street, Freeway - A street with a fully controlled access designed to link major destination points. A freeway is designed for high speed traffic with a minimum of four travel lanes.
- C. Street, Half Street - The portion of a street within a subdivision comprising one-half of the minimum required right-of-way.

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- D. Street, Major Arterial - A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designed as a controlled-access highway, major street parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan.
- E. Street, Minor Arterial - Similar to major arterial, but considered to be of slightly less significance because of lower anticipated volume, narrower width, or service to a smaller geographic area.
- F. Street, Major Collector - A street, existing or proposed, which is the main means of access for adjacent development to connect with the arterial street system.
- G. Street, Minor Collector - A street, existing or proposed, which is supplementary to a collector street and of limited capacity which serves or is intended to serve the local needs of a neighborhood and generally connect to a major collector street.
- H. Street, Local - A minor street with limited capacity which provides access to abutting properties.
- I. Street, Private - A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as a private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the County and maintained by the subdivider or other private agency.
- J. Street, Cul-de-sac – A dead-end street with a turnaround of defined length and size as per regulations found in this Code and the Public Works Standards.

**Subdivider:** Any person(s):

- A. Who have an interest in land, causes it, directly or indirectly, to be divided into a subdivision or
- B. Who directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or
- C. Who engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale, lease, or development a subdivision, or
- D. Who is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

**Subdivision:** Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either by phases or upon any and all other plans, terms, and conditions.

- A. "Subdivision" includes:

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1. the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
2. except as provided in B. below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

B. "Subdivision" does not include:

1. A bona fide division or partition of agricultural land for agricultural purposes;
2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
  - a. no new lot is created; and
  - b. the adjustment does not violate applicable land use ordinances;
3. A recorded document, executed by the owner of record:
  - a. revising the legal description of more than one contiguous un-subdivided parcel of property into one legal description encompassing all such parcels of property; or
  - b. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate applicable land use ordinances;
4. A bona fide division or partition or joining of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:
  - a. an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or
  - b. an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility; or
5. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
  - a. no new dwelling lot or housing unit will result from the adjustment: and
  - b. the adjustment will not violate any applicable land use ordinance.
  - c. the joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision as to the un-subdivided parcel of property or subject the un-subdivided parcel to the county's subdivision ordinance.



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**Utilities:** Includes culinary waterlines, pressure and gravity irrigation lines, sanitary and storm sewer lines, subdrains, electric power, natural gas, broadband, and telephone transmission lines, underground conduits and junction boxes.

**Water and Sewer Improvement Districts:** Any water or sewer improvement districts existing or hereinafter organized which have jurisdiction over the land proposed for a subdivision.

**Zoning Administrator:** The person charged with the principal responsibility for interpreting and applying the provisions of the Land Use Development & Management Code and may also be the Community Development Director.

### **6-1-040. General Considerations.**

- A. The Official Zoning Map as applied to a particular parcel shall guide the use and future development of all land within the corporate boundaries of the County. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses as permitted in the Box Elder Land Use Development & Management Code, and other applicable ordinances.
- B. Trees, native land cover, natural watercourses, and topography shall be addressed in the subdivision design and preserved where possible. Trees to be removed shall be replaced within the subdivision on a one to one ratio. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with the Box Elder Land Use Development & Management Code. To assure road connections are considered in the design of new subdivisions, the subdivision shall consider, connect, and relate to, existing streets and their street widths, alignments and street names.
- C. Community facilities, such as parks, recreation areas, and transportation facilities shall be provided in the subdivision in accordance with the Box Elder Land Use Development & Management Code, and other applicable ordinances. This Code establishes procedures for the referral of information on proposed subdivisions to interested boards and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of this subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the subdivider shall coordinate with the County to dedicate, grant easements over or otherwise reserve land for

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schools, parks, playgrounds, public ways, utility easements, and other public purposes.

### **6-1-050. General Responsibilities and Processing.**

- A. The subdivider shall prepare plats consistent with the standards contained herein and shall pay for the design, construction and inspection of the improvements required. The County shall process said plans and plats in accordance with the regulations set forth herein. The subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until subdivider has obtained the necessary approvals as outlined herein.
- B. The Zoning Administrator shall review the information required, plans and plats for design and conformity to the Box Elder Land Use Development & Management Code; for potential environmentally detrimental effects of the subdivision design; and shall process the subdivision plats and reports as provided for in this Code.
- C. Plats and/or plans of proposed subdivisions may be referred by the Zoning Administrator to any County departments and special districts, governmental boards, UDOT, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The Zoning Administrator is responsible for coordinating any comments received from public and private entities and shall decide to which agencies to refer proposed subdivision plats and plans.
- D. The County Engineer shall review for compliance the engineering plans and specifications for the County required improvements for the subdivision and whether the proposed County required improvements are consistent with this Code and other applicable ordinances and shall be responsible for inspecting the County required improvements. Street layout and overall circulation shall be coordinated with the Zoning Administrator or designee.
- E. The Planning Commission is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the Box Elder Land Use Development & Management Code for preliminary plats.
- F. The County Attorney shall verify that the Financial Guarantee provided by the subdivider is acceptable, that the subdivider dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the subdivider, and may review matters of title such as easements and restrictive covenants.

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### 6-1-060. Compliance Required.

- A. It shall be unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the County except in compliance with this Code. No plat of any subdivision shall be recorded until it has been submitted and approved as herein. A plat shall not be approved if such plat is in conflict with any provision or portion of the Land Use Development & Management Code, or any other state law or County ordinance.
- B. An owner of land not subdivided in accordance with applicable State law and/or County ordinance shall not transfer, sell, or offer for sale such land, nor shall a building permit be issued for a structure thereon, until a final plat of a subdivision shall have been recorded in accordance with this Code and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.
  - 1. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed, for safety purposes, at each street intersection when construction of new roadways allows passage by vehicles.
- C. All lots, plots or tracts of land located within a subdivision shall be subject to this Code whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee, or contract purchaser of the land or any other person.
- D. The county may bring an action against an owner to require the property to conform to this code as provided under state law. (Utah Code 17-27a-611)

### 6-1-070. Exceptions to Plat Requirements.

- A. Public Utility Subdivision: The subdivision of land for the purpose of a public utility may be done by a meets and bounds description that is approved by the Zoning Administrator and recorded in the County Recorder's Office. The parcel designated for public utilities in a public utility subdivision may have less

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than the minimum lot area required by the applicable zone. Legal non-conforming parcels shall not lose their legal status if a public utility subdivision is necessary on said parcel.

### 6-1-080. Required Certificates, Permits, and Reviews.

- A. **Application:** Applications for each phase of subdivision approval (administrative review of small subdivisions, preliminary plat, and final plat) shall be made to the County's Community Development Department. Applications shall be made on the respective forms provided and shall be accompanied by the proper processing fee and by the documents and information required by this Code.
- B. **Approval:** Action on that application for a phase of a subdivision approval shall be completed in a timely manner after the date of submittal of all required information and items to the Community Development Department.
- C. **Concept Plan Review:** If an applicant requests a pre-application meeting, the county shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
  - 1. At a pre-application meeting, the staff shall provide or make publicly available the following: (1) copies of applicable land use regulations; (2) a complete list of standards required for the project; (3) preliminary and final application checklists; and (4) feedback on the concept plan.

### 6-1-090. Penalties.

It shall be a class "C" misdemeanor for any person to fail to comply with the provisions of this Code. In addition to any criminal prosecution, the County may pursue any other legal remedy to ensure compliance with this Code including, but not limited to, injunctive relief.

### 6-1-100. Variances.

A variance may be issued by the Appeal Authority if:

- 1. Literal enforcement of the ordinance would cause an unnecessary hardship and the applicant can demonstrate positive compliance with all of the following:
  - a. Something unique to the property, not commonly found in the neighborhood.
  - b. Not self-imposed.

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- c. Not primarily economic.
2. There are special circumstances attached to the property that do not generally apply to other properties in that zone – this means:
  - a. The circumstances must relate to the hardship complained about.
  - b. Generally deprives the owner of privileges granted to other properties in the zone.
  - c. Are not simply differences between this property and others in the area.
3. The variance is needed to enjoy the same property rights as others in the zone.
4. The variance will not substantially affect the General Plan and is not contrary to the public interest.
5. The spirit of the ordinance is observed and substantial justice done.

### **6-1-110. Staff Authority.**

For purposes of this Code, the Planning Commission shall be the reviewing body for preliminary plat applications. The Development Review Committee shall be the reviewing body for small subdivisions, large final plat applications, and non-residential subdivisions. After approvals for subdivisions, the staff shall manage guarantees and unpaid fees (if any), prior to recording the subdivision.

### **6-1-120. Administrative Review of Small Subdivisions.**

Proposed small subdivisions shall be processed and approved by the Development Review Committee after compliance review as outlined in this section.

1. Complete Application: An application for a land use approval is considered complete when:
  - a. The application is provided in a form that complies with the requirements of applicable ordinances;
  - b. A survey plat is submitted
  - c. All applicable fees have been paid;
  - d. Will-serve letters from the power, gas, and water companies (the water will-serve letter shall contain the project name, address of project, and number of lots for the proposed project) have been submitted;
  - e. A Bear River Health Department Letter of Feasibility is submitted; and
  - f. A current title report has been submitted.

The County Community Development staff shall review the application and determine if it is a complete submittal and if determined to not be complete, provide communication that describes the missing information or inadequate nature of the information submitted.

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2. The preliminary and final plats may be combined for concurrent processing if the subdivision is a small subdivision and the applicant has submitted a complete application in accordance with Section 6-1-080 of this Code.
3. A small subdivision is a subdivision where no more than three (3) new building lots will be created with no public improvements.
4. Approval of the small subdivision is subject to all conditions and requirements of the Box Elder County Land Use Management and Development Code, including plat and plan requirements, as per 6-1-130(c) and 6-1-140(c) for preliminary and final approval being met.
5. The subdivider shall comply with all recommendations and requirements of reviewing agencies and staff.
6. The subdivision design shall not impede access to interior lands or hamper future road circulation.
7. The subdivision shall meet the minimum residential access road requirements serving all lots as shown in the Box Elder County Public Works Standards.

### 6-1-130. Large Subdivision Preliminary Plat.

- A. Preliminary Plat – Purpose.** The purpose of the preliminary plat is to require formal preliminary approval of a subdivision as provided herein in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto, shall in all respects, be in compliance with the provisions of this Code and any other applicable County Ordinances.
- B. Application and Fees.** The subdivider of a subdivision shall file an application for preliminary plat approval with the County Community Development Department on a form prescribed by the County, together with an electronic pdf of the preliminary plat and an electronic pdf of all other information submitted, along with the Bear River Health Department Feasibility Letter, and Will-Serve Letter for Power, Gas, and Water (water will-serve letter shall contain the project name, address of project, and number of lots of project) – this constitutes a complete application. After a complete application has been submitted, the subdivider shall pay an application fee as provided in the Fee Schedule.
- a. No later than 15 business days after the day on which an applicant submits a complete application and pays the required fees, the County shall complete a review of the applicant’s preliminary subdivision land use application for a residential subdivision.
  - b. In reviewing the preliminary subdivision land use application, the County may require:

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- a. Additional information relating to an applicant's plans to ensure compliance with the County's ordinances and approved standards and specifications for construction of improvements; and
- b. Modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
- c. The County's request for additional information or modifications to plans under subsection (B)(2)(a) or (b) shall be specified and include citations to all County ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

**C. Plat Preparation and Required Information.** The applicant shall submit a preliminary plan to the Zoning Administrator. One (1) 24" X 36" pdf file shall be submitted along with a pdf of any other documents, forms, studies and supporting plans. All required fees shall be paid and all documentation shall be submitted at least twenty (20) business days (i.e., the third Friday of each calendar month) prior to the Planning Commission meeting and at any time for an administrative review for a small subdivision. The following information is required:

1. The proposed name of the subdivision.
2. The plat shall show the location of the subdivision as its forms part of a larger tract or parcel. The submittal shall include a sketch of the prospective future street system of the unplatted portion of the property, and the street system of the part submitted shall be considered in light of adjustments and connections with the future street system of the surrounding area and to maintain the current grid system.
3. A vicinity map of the proposed subdivision, drawn at a scale of 500 feet to the inch, showing all lots and streets in the project, and all abutting streets, with names of the streets.
4. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
5. A contour map at intervals of no more than 2 feet, showing all unusual topographic features, such as depressions, hills, wetlands, floodplain, drainages, springs, rock outcroppings, slopes over 30%, etc., with verification by a qualified engineer or land surveyor.
6. Certification of the accuracy of the preliminary plat of the subdivision and any traverse to permanent survey monuments by a land surveyor, registered to practice in the State of Utah.
7. The boundary lines of the tract to be subdivided, with all dimensions shown.

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8. Existing sanitary sewers, septic tanks, storm drains, subdrains, culinary and secondary water supply mains and culverts and other utilities within the tract or within 100 feet thereof.
9. The location, widths, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots with the size of each lot in square footage and proper labeling of spaces to be dedicated to the public.
10. The location, principal dimension, and names of all existing or recorded streets, alleys, and easements, both within the proposed subdivision and within 100 feet of the boundary thereof, showing whether recorded or claimed by usage; the location and dimensions to the nearest existing benchmark or monument, and section line; the location and principal dimensions of all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, power lines, and exceptional topography.
11. The location of existing bridges, railroad crossings, culverts, surface or subsurface drainage ways, utilities, buildings or other structures, pumping stations, appurtenances, or wetlands within the subdivision or within 200 feet thereof, and all known wells or springs (consult Utah State Engineer's Office), and location of the 100-year floodplain as determined by the Federal Emergency Management Agency (FEMA).
12. Proposed off-site and on-site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants.
13. A tentative plan by which the subdivider proposes to handle storm water drainage for a ten (10) year storm event, as determined by the County Engineer.
14. Each sheet of the set shall contain the name of the project, scale (not less than 100 feet to the inch), sheet number, and north arrow.
15. Boundary lines of adjacent tracts of unsubdivided land within 100 feet of the tract proposed for subdivision, showing ownership and property monuments. The Community Development staff may ask for a tentative plan for providing street lighting in the subdivision in districts where street lighting is required. Plans showing any required landscaping and/or park strip tree planting shall also be submitted, subject to staff approval.
16. If the site requires substantial cutting, clearing, grading, or other earthmoving operations in the construction of improvements, the application shall include a soil erosion and sedimentation control plan prepared by a registered civil engineer. This is known as the Storm Water Pollution Prevention Plan
17. Verification as to the accuracy of the plat by the owner. The subdivider shall provide with the application the following documents:



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- a. Copies of any agreements with adjacent property owners relevant to the proposed subdivision (i.e. quick claim deeds, ingress/egress deeds).
  - b. A comprehensive geotechnical and soils report prepared by a qualified engineer shall be submitted based upon the Box Elder County Public Works Standards.
    - i. In cases of small subdivisions, a letter from the design engineer, stamped and signed, certifying the road design against structural deficiencies may be substituted for the geotechnical report and submitted for review and acceptance by the County Engineer/Surveyor.
  - c. A copy of a preliminary title report evidencing satisfactory proof of ownership.
  - d. A letter(s) providing satisfactory evidence that all utilities and services will be available for the subdivision and that the utilities and easements therefore have been reviewed by the utilities.
  - e. A traffic study prepared by a qualified traffic engineer when required by the County Engineer.
  - f. Water pressure report which includes hydraulic calculations for fire hydrant systems and fire hydrants for fire suppression.
  - g. The subdivider shall comply with all other applicable federal, state and local laws and regulations and shall provide evidence of such compliance if requested by the County.
  - h. Copy of proposed protective covenants in all cases where sub-surface drains are to be located within the subdivision.
18. Subdivider shall work with the United States Postal Service for location and type of mailbox(s). The location(s) shall be shown on the preliminary plat and on the final plat.

### **D. Review and Approval by the Planning Commission.**

1. The Planning Commission shall review the submitted preliminary plat in an advertised public meeting and determine compliance with the standards and criteria set forth in this Subdivision Ordinance and all other ordinances of Box Elder County, including, but not limited to, the Box Elder Land Use Development & Management Code, and applicable building codes. The Planning Commission may: approve, approve subject to modification, terminate for processing until such time that the application can meet the written standards, or disapprove, if the application cannot meet the written standards of the County ordinances and shall make findings specifying any inadequacy in the application, non-compliance with County standards and regulations, and the need for any additional information which may assist

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the Planning Commission to evaluate the preliminary plat. The Planning Commission may review all relevant information pertaining to the proposed development including but not limited to the following: fire protection; sufficient supply of culinary and secondary water to the proposed subdivision; sewer service or septic tanks; traffic considerations; winter maintenance (snow removal); potential for flooding; coordination issues with the school district, etc. The subdivider shall be notified in writing of the action taken by and the findings of the Planning Commission regarding the submitted preliminary plat.

2. If the Planning Commission denies preliminary plat approval due to the inability of the application to meet County standards, no further review of the proposed subdivision shall be made by the Planning Commission, and a new complete preliminary application and plat, including all fees, shall be required to re-initiate the subdivision process.
3. Granting of a preliminary plat approval by the Planning Commission shall not constitute a final acceptance of the subdivision by the County nor shall approval of the preliminary plat relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all County standards and requirements. A preliminary plat approval allows the applicant, after any necessary revisions, to move toward a final plat with the Development Review Committee.

### **E. Expiration of Preliminary Plan Approval.**

1. Once preliminary plat approval has been granted, the subdivider may apply for final plat approval. If the final plat has not been recorded within two (2) years of the date of the preliminary plat approval by the Planning Commission, the preliminary plat must again be submitted to the Planning Commission for review and approval.
2. In those cases where a subdivision is proposed to be developed in phases, preliminary plat approval for the remaining portions of the subdivision shall not be voided if a final plat for the first phase is approved and recorded within two (2) years of the date of preliminary plat approval.

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### 6-1-140. Large Subdivision Final Plat.

- A. Plat – Purpose.** The purpose of the final plat is to require formal approval by the Development Review Committee before a subdivision plat is recorded in the Office of the Box Elder County Recorder. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Code. The final plat and construction plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure.
- B. Application and Fees.** The subdivider shall file an application for final plat approval with the County Community Development Department on a form prescribed by the County, together with one (1) pdf copy of the proposed final plat, one (1) pdf copy of the construction drawings, and a current title report. At the same time, the subdivider shall pay to the County the application fee for the subdivision as set forth in the Fee Schedule. This constitutes a complete application.
- C. Final Plat – Preparation and Required Information.** The following items shall be submitted to the Zoning Administrator for Final Plan review. Once all comments from staff have been satisfied and the subdivision is ready for recording, it will be taken to the Development Review Committee for final approval.
1. Drawings shall be prepared and certification made as to plan accuracy by a registered, professional, and licensed surveyor or engineer to do such work in the State of Utah. A workmanlike execution of the plan shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for Final Plan rejection, pending document revisions.
  2. The plan shall be a permanent photo-copy on 3 to 5 mil Mylar approved by the County. Submittal of One (1) 24” X 36” pdf file, and all other pdf documents that are a part of the submittal shall be provided.
  3. Plats will show accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions, and tied to two or more existing land monuments (and state plane coordinates when required by the County).  
When the plan is bounded by an irregular shore line or a body of water, the

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bearings and distances of a closing meander traverse should be given and a notation made that the plan includes all land to the water's edge or otherwise.

4. The plat shall be drawn to a scale not less than 1"=100' and shall indicate the basis of bearings, true North point, name of project and quarter section, block and lot number of property under consideration.
5. The plat shall be signed by all required and authorized parties with appropriate notarial acknowledgments and the final plat shall contain all information set forth in this section.
6. An accurate and complete survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground shall close within a tolerance of 1 foot to 10,000 feet. Survey tie into two or more legal corners or other permanent markers established by the County Surveyor/Engineer is required.
7. The final plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius, arc length of curves, and chord bearings and lengths, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall show the calculated Box Elder County coordinates. Lot and boundary closure shall be calculated to the nearest 100th of a foot.
8. All lots, blocks, and parcels offered for dedication for any purpose should be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot shall be shown. Parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.
9. Profiles of all streets, water, sewer, and drainage lines. These profiles should be shown on separate sheets but to a scale no smaller than 1"=20' vertical and 1"=40' horizontal.
10. The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within 50 feet of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing

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street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.

11. All streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted County street numbering system. Each lot shall show the street addresses assigned thereto, and shall be according to the standard addressing methods approved by the County. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.
12. The side lines of all easements shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.
13. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider under the direction of the County Engineer/Surveyor. The following required monuments shall be shown on the final plat:
  - a. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;
  - b. All right-of-way monuments at angle points and intersections as approved by the County Engineer.
14. The final plat shall contain the name of the surveyor and/or engineer, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgments and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:
  - a. Registered land surveyor's "Certificate of Survey";
  - b. Owners dedication certificate;
  - c. Notary public's acknowledgment for each owners dedication signature on the plat;
  - d. A correct metes and bounds description of all property included within the subdivision;
  - e. Plats shall contain blocks for signature of the Health Department, County Engineer (if improvement plans are a part thereof), County Surveyor, County Attorney, and County Commission. A block for the Box Elder County Recorder shall be provided in the lower right corner of the final plat.
  - f. Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this Code, or by the County Attorney;

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- g. Prior to recordation of the plat, the subdivider shall submit a current title report to be reviewed by the County Attorney. A "**current title report**" is considered to be one which correctly discloses all recorded matters of title regarding the property at the time of review.
  - h. The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the County's Subdivision Standards and Specifications.
  - i. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit, with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas.
  - j. A narrative shall be included on the plat which states the purpose of the survey, the basis on which the lines were established, and the found monuments and deed elements that controlled the established or re-established lines, any evidence on the ground that helps determine boundaries such as parole evidence, and/or fence lines, etc.
15. The following notes need to be on every plat:
- 1. Property owner shall obtain an excavation permit from the Box Elder County Roads Department prior to installing a mailbox and driveway approach.
  - 2. Any existing swale shall not be piped or filled in except for the Reinforced Concrete Pipe where the driveway is.
  - 3. Any concrete driveway shall terminate at the property line and not extend into the right-of-way or to the asphalt.

### **6-1-150. Construction Plan – Preparation and Required Information**

Complete and detailed construction plans and drawings of all improvements shall be prepared in conformance to the design standards of the County. They shall be submitted to the County Engineer for review at the same time the final plat is being reviewed. Final approval of the project shall not be granted until the plans have been reviewed and recommended for approval by the County Engineer. No construction shall be started until the final plat has been recorded, the construction plans have been approved by the County, and there has been a preconstruction meeting with the County, developer, and

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the developer's contractor. Plans for all the street utilities shall be drawn on the same plans.

### **6-1-160. Review by the Development Review Committee – Small Subdivisions.**

The Development Review Committee shall review the small subdivision and determine compliance with the standards and criteria set forth in Section 6-1-120 and all other applicable ordinances of the County and the State of Utah. There shall be up to 4 review cycles for small subdivisions. The initial review shall be completed within 15 business days of receiving a complete application as outlined in Section 6-1-080. All subsequent reviews shall be done within 20 business days of receiving an updated plat. A review cycle shall not be considered complete until the applicant has complied with all review comments.

### **6-1-170. Review by the Planning Commission – Preliminary Subdivisions.**

The Planning Commission shall review the preliminary plat and determine compliance with the standards and criteria set forth in Section 6-1-130 and all other applicable ordinances of the County and the State of Utah. There shall be one (1) review cycle for the preliminary plat; the review shall be completed within 15 business days of receiving a complete application as outlined in Section 6-1-130. A review cycle shall not be considered complete until the applicant has complied with all review comments. The preliminary plat shall be presented to the Planning Commission in accordance with Section 6-1-130-C.

### **6-1-180. Review by the County Attorney.**

During the final review cycle, the County Attorney shall review the final plat, the signed subdivision improvements agreement (if applicable), the current title report and the financial guarantee (if applicable) for ensuring completion of the improvements to verify compliance with the County's dedication and financial guarantee requirements. The County Attorney also may review public easements, protective covenants and other documents where applicable.

### **6-1-190. Review by the Development Review Committee – Final Subdivisions.**

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Within eighteen (18) months following the approval of the preliminary plat by the Planning Commission, the final plat shall be submitted to the Development Review Committee for its review and consideration. There shall be up to three (3) review cycles for the final plat; All rounds of reviews shall be completed within 20 business days of receiving the complete application (as outlined in Section 6-1-140) or an updated plat. A review cycle shall not be considered complete until the applicant has complied with all review comments. If the Development Review Committee determines that the final plat is in conformity with the requirements of this Code, other applicable ordinances, and that all fees have been paid as required, it may approve the final plat. If the Development Review Committee determines that the final plat is not in conformity with this Code or other applicable ordinances, it may discontinue processing until the plat is brought into compliance or disapprove the final plat specifying the reasons that the plat does not and cannot meet County standards for an approval. Within one year after the Development Review Committee has terminated processing or denied any plat, the subdivider may file with the County's Community Development Department a plat altered to meet the deficiencies identified by the Development Review Committee. No final plat shall have any force or effect unless the same has been approved by the Development Review Committee and recorded by the County Recorder.

### **6-1-200. Security for Improvements.**

- A. Prior to approval by the Development Review Committee and recordation of a final plat, the subdivider shall be required at the subdivider's cost to provide a cost estimate prepared by a licensed engineer with the affixed engineer's engineering stamp to the Community Development Department office to forward to the County Engineer/Surveyor for review and approval.
- B. The County Commission shall review and execute a subdivision improvement agreement and establish the kind and amount of financial security necessary to guarantee completion of the required improvements.
- C. The developer shall enter into an agreement with the County which establishes the kind and amount of financial security necessary to guarantee completion of the required improvements. A Financial Guarantee acceptable to the County as security to ensure completion of all improvements required to be installed in connection with the subdivision. The Financial Guarantee shall be in a form approved by the County Commission and may contain specific provisions approved by the County Attorney. The Financial Guarantee shall include but not be limited to the following provisions:
  1. The improvements shall be completed within a period of time not to exceed eighteen (18) months from the date the Agreement is executed.



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2. The improvements shall be completed to the satisfaction of the County and in accordance with the County's Subdivision Standards and Specifications as established by the County Engineer and adopted by the County Commission, and the approved plans and specifications for the project.
3. The Financial Guarantee shall be equal to 110% of the County Engineer's approved cost estimate of the improvements to be installed.
4. The County shall have immediate access to the Financial Guarantee proceeds in the event of default.
5. The Financial Guarantee proceeds may be reduced at intervals determined by the County Engineer upon the request of the developer as improvements are installed and completed. The amount of the reduction shall be determined from inspections by the County Engineer or Roads Department. Such requests may be made only once every thirty (30) days and no reduction shall be authorized until such time as the County Staff has inspected the improvements and found them to be in compliance with the County's Standards and Specifications and approved plans. All reductions shall be by written authorization of the County Engineer. No Financial Guarantee shall be reduced below ten percent (10%) of the estimated cost of the improvements plus the estimated cost of slurry seal until final acceptance of the improvements by the County Engineer or Roads Department following the warranty period.
6. If the Financial Guarantee proceeds are inadequate to pay the cost of the completion of the improvements according to the County's Standards and Specifications and approved plans, for whatever reason, including previous reductions, the developer shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed or, with County Commission approval, a new, satisfactory Financial Guarantee has been executed and delivered to the County or other satisfactory arrangements have been made to ensure completion of the remaining improvements.
7. In the event of default by the developer, the County's costs of administration, cost of obtaining the Financial Guarantee proceeds, and/or costs of completing the improvements, including, but not limited to administrative, engineering, legal, labor and materials costs, shall be deducted from any Financial Guarantee proceeds. The developer shall be required to reimburse the County any deficiencies in the Financial Guarantee funds to pay for such costs incurred by the County.
8. The developer shall hold the County harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the County certifies the improvements are complete and accepts the improvements, subject to the developer's warranty obligations.

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- D. The Financial Guarantee Agreement shall be the following as prescribed by the County: A bond, letter of credit, or escrow with a Utah Lending Financial Institution or Title Company.
1. The Financial Guarantee requires:
    - a. The establishment of a bond, letter of credit, or institution escrow for 110% of the County Engineer approved Cost Estimate of materials and labor for installing the required improvements.
    - b. Upon completion and inspection of the required improvements, the County Engineer will release the approved amount. No Financial Guarantee shall be reduced below ten percent (10%) of the estimated cost of the improvements plus the estimated cost of slurry seal until final acceptance of the improvements by the County Engineer following the warranty period.

### **6-1-210. Payment of Fees.**

All required and unpaid fees shall be paid by the subdivider to the County prior to recording of the final plat by the County Recorder.

### **6-1-220. Recording of Final Plat.**

After Development Review Committee approval, execution of the Subdivision Improvement Agreement described in this Chapter, and signing of the plat by the County Commission Chair, the final plat shall be presented to the Box Elder County Recorder for recordation.

### **6-1-230. Expiration of Final Approval.**

If the final plat is not recorded within six (6) months from the date of Development Review Committee approval, such approval shall be null and void. This time period may be extended by the County Zoning Administrator for up to an additional six (6) month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original six (6) months. No extension will be granted if it is determined that it will be detrimental to the County. If any of the fees charged as a condition of subdivision approval have increased, the County may require that the Financial Guarantee estimate be recalculated and that the subdivider pay any Financial Guarantee increases as a condition of granting an extension.

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### 6-1-240. General Requirements for All Subdivisions.

#### A. Subdivision Layout.

1. The subdivision layout shall conform to the requirements found in the Box Elder County Land Use Management & Development Code.
2. Where trees, groves, natural drainage course, scenic points, historic spots or other County assets and landmarks, as determined by staff and/or the Planning Commission, are located within a proposed subdivision, after identification (location, extent, type) and assessment of potential preservation options through alternative subdivision designs, final subdivision design shall reflect the alternative determined to have the least impact on the features suggested for preservation and the subdivision design.
3. The width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required by the provisions of this Code, unless the general layout of the vicinity, line of ownership, topographical conditions or locations of arterial streets or freeways justify or make necessary a variation from this requirement. The minimum width of a block shall not be less than 250 feet measured from center line of street to center line of street.
4. The maximum length of blocks shall be reasonable as approved by the County Engineer, and shall be limited to a distance not more than 1320 feet and not less than 330 feet and shall be designed to provide for convenient access and circulation for pedestrians, motor vehicles, and emergency vehicles.
5. Where blocks exceed 660 feet in length, pedestrian right-of-way of not less than 10 feet in width may be required by the County Engineer or Zoning Administrator through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five (5) feet in width shall be placed within the right-of-way, when required by the County Engineer or Zoning Administrator.
6. Subdivisions shall consider the future alignment of adjacent streets and the potential for street connections to assure walkability, major road continuity and vehicular circulation.
7. Subdivisions with more than thirty (30) lots shall have two full and complete accesses meeting County (if it is a County road) or UDOT roads standards (if it is a UDOT road).
8. Lot access shall be along any new internal roads (if feasible). In no case shall any new lot access onto an arterial or collector road unless that is the only option.

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9. Any restricted lot(s) within a subdivision shall have a note clarifying the restriction on the subdivision plat.

### **B. Lots.**

1. All lots shall conform to area requirements of any existing zoning regulations. Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the Bear River Health Department for septic or well considerations.
2. All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage, driveway grades, or other physical conditions.
3. All lots or parcels created by the subdivision shall have frontage on a private or dedicated street, improved to standards hereinafter required, equal to at least 50% of the streets' minimum required width except for a flag lot which shall have a minimum frontage as specified in the Box Elder Land Use Development & Management Code. Land designated as public right-of-way shall be separate and distinct from lots adjoining such right-of-way and not be included in the area of such lots.
4. Any proposed drainage basin for a subdivision shall be on its own parcel within the subdivision and dedicated to Box Elder County, unless the land being subdivided is within a special service district established to manage storm water, then the parcel shall be dedicated to the special service district. The parcel for the drainage basin does not need to meet zoning regulations.
5. The side lot lines of all lots, so far as possible, shall be at right angles to the street which the lots face, or approximately radial to the center of curves, if such street is curved. Side lines of lots shall be approximately radial to the center of a cul-de-sac on which the lots face. The County Engineer may recommend to the Development Review Committee alternatives due to geologic or geographic issues of the land to this requirement. Upon a showing of good cause, the Development Review Committee may allow reasonable alternatives to this requirement.
6. A lot should not be divided by a County limit line. Each such boundary line should be made a lot line.
7. Remnants of property shall not be left in the subdivision which do not conform to lot requirements or are not required or suitable for common open space, private utility, public purpose, or other purpose approved by the County Commission or staff.

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### C. Flag Lots

1. All flag lots shall be reviewed, and if needed, modified to meet the provisions of this Code and approved by the Zoning Administrator or through the subdivision process. The flag lot shall be granted approval only if:
  - a. The staff of the flag lot has a minimum width of thirty (30) feet.
  - b. The staff of the flag lot has a maximum length of two hundred fifty (250) feet;
  - c. The flag lot, exclusive of the staff portion meets all the zoning requirements of a lot in the area in which it is located; or be a minimum of ½ acre in lot size, whichever is greater.
  - d. The applicant for a flag lot has prepared a plan showing the location of fire hydrants to serve the flag lot and that plan has been approved by the Fire Marshall.
2. Flag lots shall be approved only in subdivisions containing four (4) lots or fewer.
3. The staff portion of a flag lot shall be used only for ingress/egress and utilities. The staff portion shall be improved to a private road standard as found in the Box Elder County Public Works Standards. The stem shall not be used for any lot area calculations.
4. All improvements to the flag lot, including installation of the hard surface and fire hydrants, shall be performed at the applicant's expense. No certificate of occupancy shall be issued for the proposed flag lot until the improvements are fully installed.

### D. Streets and Related Improvements.

1. Subdividers shall locate streets within the subdivision so that the streets connect with existing streets. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided such that streets provide connections that reduce driving and walking distances throughout the County.
2. All streets shall conform to the width and general alignment as designated by the County Engineer in consultation with the County Roads Supervisor and the Community Development Department.
3. When required by the County Engineer in consultation with the County Roads Supervisor, curbs, gutters, and sidewalks shall be installed on existing and proposed streets by the subdivider and shall meet the American's with

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Disability Act (ADA) requirements for wheelchair accessibility. Any sidewalk installed shall be a minimum 5 ft. in width.

4. Dedication of half streets is prohibited without the associated improvements.
5. Local streets shall approach an arterial or collector street at an angle of at least 85 degrees.
6. Minimum right-of-way widths for streets are found in the Box Elder County Public Works Standards.
7. Maximum cul-de-sac length shall be 660 ft. Other cul-de-sac regulations are found in the Box Elder County Public Works Standards.
8. Where a street is designed to remain only temporarily as a dead-end street, a satisfactory temporary turn-around area and recordable easement shall be provided at the end thereof to remain and be available for public use so long as the dead end exists. The County staff may require improvements to be installed in temporary turn-around areas.
9. To ensure conformity, the developer shall furnish and install all required County street signs which meet the County sign specifications and State street standards.
10. Permanent monuments shall be furnished, accurately established, and set by the subdivider's surveyor at such points as are necessary to definitely establish all lines of the plat except those defining individual lots.

### **E. Street Grades. The street grades shall be designed as follows:**

1. For all streets, a maximum grade of 10%, sustained grade shall be limited to 7%. Sustained grades are defined as more than 500 feet in length. Approaching street intersections shall have a vertical alignment such that the grade does not exceed 3% for a minimum distance of 100 feet each way from the right-of-way line of the intersecting streets. For cul-de-sacs progressing toward turnaround shall be limited to a maximum grade of 6% and have adequate easement for drainage. All cul-de-sacs shall terminate with a grade not to exceed 3% for the last 100 feet of traveled surface.
2. Minimum grades for all streets shall be 0.5%.
3. All horizontal and vertical curves shall be designed following AASHTO Standards using roadway classifications and design speeds.
4. Intersection with ADT's of above 1000 shall have a vertical alignment such that the grade does not exceed 3% for a minimum distance of 175 feet.

### **F. Utilities.**

1. All utilities shall be provided through underground service, except where existing utilities are already in place. All underground utilities specified in this section shall be installed prior to the installation of road base, surfacing, curbs, gutters and sidewalks. Underground utilities shall be installed only

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after streets have been rough graded to a line and grade approved by the County Engineer. If underground utilities are not installed prior to street surfacing sleeves shall be required.

2. An approved culinary water supply, shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of the County and requirements of the County Engineer. Where an approved public water supply is available, the County shall cause to be installed, at the subdivider's expense, water mains, valves, pressure reducing valves, and service laterals to each lot within the subdivision.
3. Fire hydrants shall be installed, tested and flushed, at the subdivider's expense, with all documentation submitted to the County Fire Marshall for review, at locations determined by the County Engineer and the County Fire Marshall. Hydrants located within the subdivision shall be charged with water and must be operable before a building permit may be issued.
4. Where a public sanitary sewer is available, the subdivider shall connect with a public sanitary sewer and provide sewer mains and extend laterals from the sewer main to each lot in the subdivision.
5. Utility easements shall be provided within the subdivision as required for public utility purposes.
  - a. A ten-foot (10 ft.) public utility easement shall traverse the front of each lot.
  - b. Where rear and side yard easements are required, a minimum of 10 feet shall be allocated as a public utility easement. Perimeter easements shall be not less than 10 feet in width.
  - c. All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be required if any utilities are to be overhead. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.

### **G. Sanitary Sewer Disposal – General Requirements.**

1. Any development of any size is required to get a septic feasibility letter from the Bear River Health Department, unless the development is serviced by a sanitary sewer system; if served by a sanitary sewer system, a will-serve letter will need to be submitted from the sanitary sewer provider.
2. Packed Bed Media System type septic system can only be used for a one (1) lot subdivisions. If a packed bed media septic system is to be used as part of a proposed subdivision, a note shall be added to the plat stating which lots will be restricted to a packed bed media system. Septic tanks and/or sealed

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vaults may be approved only if approved in writing by the Bear River Health Department.

### H. Sanitary Sewer Mains, Laterals, and House Connections – Future.

1. No building permit shall be issued without a septic permit issued by the Bear River Health Department.
2. Any development of any size which will be on a sewer system is required to enter into a development agreement with Box Elder County. Where a current public sewer system exists, a connection is required for the development if it falls within 300' distance of said sewer system, if there is capacity.

### I. Water in Sufficient Quantity to be the obligation of the developer.

1. The procurement of water, whether by purchase of water rights, water shares, exchange, or service agreement, shall be the responsibility of the developer; and the water shall be provided for the use of the development in an amount sufficient to meet minimum flows of 250 gallons per person per day plus outside irrigation and minimum static pressures of 50 pounds per square inch (psi), unless it can be proved to the Planning Commission that a lesser amount is adequate.
2. However, in no event shall the quantity of water provided by the developer be less than that required to meet fire flow standards as established by the County Fire Marshall and the County Commission, and the County Commission shall be given first right of refusal to purchase any excess water formerly used on the land.

### J. Culinary Water System.

1. Culinary water shall be provided by a public culinary water company if a water company has water lines within 1000 feet of the lot and *the water company is willing to provide water*.
  - a. Proof of contacting the closest water company shall be provided that shall indicate the water company will provide water to the proposed development lots, OR
  - b. the water company will not provide water to the proposed development lots and the reason why.
2. If a culinary water company will not provide water to the building site(s), then private wells, in accordance with 6-1-240(I)(3) may be utilized to provide drinking water according to the following provisions:



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- a. The proposed well shall have a bacteriological and nitrate test done by the Bear River Health Department. Both of the tests will need to show that the water meets the Utah Division of Drinking Water's standards for drinking water. All costs for testing shall be covered by the developer
3. The culinary water delivery system shall extend to the property line of every lot and shall be capable of delivering the flows and pressures as required.

### **K. Irrigation systems (including drainage facilities).**

1. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within 100 feet of a proposed development, complete plans for relocation, piping, covering or other safety precautions shall be submitted with an application for preliminary approval of a plat.
2. In all developments in which the smallest lot is less than one acre, all irrigation systems shall be underground.
3. All pressure irrigation systems in or within 100 feet of a proposed development shall be identified and otherwise color coded as to pipe and valve color to meet State standards and regulations.

### **L. Storm Drainage and Flood Plains.**

1. Complete drainage systems for the entire development area shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in phases, a general drainage plan for the entire area shall be presented with the first phase, and appropriate development milestones for the drainage system for each phase indicated. All drainage plans shall meet the adopted Box Elder County Public Works Standards (appendix A).
2. The drainage and flood plain systems shall be designed to:
  - a. Permit the unimpeded flow of natural water courses.
  - b. Ensure adequate drainage of all low points.
  - c. Ensure applications of the following regulations regarding development in designated flood plains:
    - 1) Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a 100-year storm.
    - 2) Building construction may occur in that portion of the designated flood plain where the return frequency is between a 100-year and a

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- maximum probable storm provided all usable floor space is constructed above the designated maximum probable flood level.
- 3) Where flow velocities in a flood plain are generally determined to be under 5 feet per second and maximum flood depth will not exceed 3 feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
  - 4) Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, uncased deep wells, sanitary landfills, septic tank and on-lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation.
  - 5) Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping, and filling operations in a designated floodway constitute an encroachment and must be approved by the Flood Plain Administrator before accomplishment.
  - 6) No lot of one (1) acre or less in area shall be included within a 100- year flood plain. All lots more than 1 acre shall contain not less than 40,000 square feet of land which is at an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood, or, where such data is not available, five (5) feet above the elevation of the maximum flood record.
3. The drainage basin as a whole shall accommodate not only runoff from the development area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the development itself, as well as its effects on lands downstream.
  4. All proposed surface drainage structures shall be indicated on the plans.
  5. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.
  6. All necessary permits shall be obtained from applicable local, state, and federal agencies (i.e. State Engineer, US Army Corps of Engineers, EPA, State Division of Health, Flood Plain Development Permit, etc.)

**M. Orderly Development Required.** Whenever the subdivider shall develop a subdivision, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and available as necessary during construction activities within the subdivision and that all of the improvements will be made available for the full, effective, and practical use and

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enjoyment thereof by the purchaser, grantee, assignee, transferee, or lessee of any of the lands subdivided within the time herein provided or in phases specified.

- N. Building Permits Required.** It shall be unlawful for any person to receive a building permit for a lot within a subdivision until water, sewer, storm drainage and all other required underground utilities located under the street surfaces within the subdivision are installed, inspected and approved by the County (or private utility with approval letter) for the entire subdivision, and all streets in the subdivision are rough graded and have had compacted road base put down.

It shall be the responsibility of the subdivider to allow no human occupancy until all necessary utilities are installed and basic improvements are adequate to render the subdivision habitable which improvements shall include paved streets, road base or other acceptable hard surface approved by the County Engineer. It shall be unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy will not be permitted until all required improvements and building code requirements are completed.

A model home may be considered, by the Zoning Administrator, if it is located adjacent to an existing improved roadway. All buildings will be subject to the International Building Code and require inspections as per that Code.

- O. Preconstruction Meetings.** Prior to excavating or starting of the work, the subdivider shall call the County to meet together for a preconstruction meeting. The developer shall have their contractor present at this meeting. This meeting will be in conformance with Section 4.02 of the Box Elder County Public Works Standards.

**P. Acceptance of Improvements.**

- 1. Conditional Acceptance.** After the completion of all improvements and upon receiving a written statement from the County Engineer that all required improvements have been satisfactorily completed, the County shall conditionally accept the improvements for a one (1) year guarantee period. Such approval shall not be given until the applicant's engineer has certified to the County, through submission of a detailed set of "as built" construction plans of the subdivision, indicating location, dimensions, materials and other information required by the County, that the layout of the line and grade of all improvements is in accordance with the construction plans filed with the final plat. One electronic copy of "as built" plans shall be submitted. A

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minimum of ten percent (10%) of the total principal amount plus the seal coat of the bond, escrow funds, or letter of credit, will be held during a one (1) year warranty period.

2. **Guarantee Period.** The developer shall warrant and guarantee all the improvements within the subdivision will remain in good condition for a period of one (1) year after the date of conditional acceptance by the County, and agrees to make all repairs to maintain the improvements during the guarantee period at no cost to the County. The guarantee shall extend to and include, but shall not be limited to, the entire street, sub-grade base and surface, all pipes, curbs, gutters, approaches, sidewalks, fences, and other accessories that are or may be affected by the construction operations. Whenever in the judgment of the County Engineer, said work shall be in need of repair, maintenance, or rebuilding, he/she shall cause a written notice to be served upon the developer and thereupon the developer shall undertake and complete such repairs, maintenance or rebuilding. The determination of the necessity for repairs and maintenance of the work rests with the County Engineer whose decision upon the matter shall be final and binding upon the developer. Upon the developer's failure to perform the required repair work within sixty (60) days from the date of service of such written notice, the County shall have such repairs made, and the cost of such repairs shall be paid for by use of the ten (10%) guarantee funds.

### Q. **Review Cycle Process for Small Subdivision, Large Preliminary Subdivision, and Large Final Subdivision Applications.**

1. A "Review Cycle" of a small, preliminary, or a final application shall consist of the applicant's submission of a complete subdivision land use application, the county's review of that subdivision land use application, the county's response to that subdivision land use application in accordance with Section 6-1-130-C and 6-1-140-C, and the applicant's reply to the county's response that addresses each of the county's required modifications or requests for additional information.
2. A Review Cycle shall be completed as outlined in Section 6-1-160, Section 6-1-170, and Section 6-1-190. If an applicant does not submit a revised plan within twenty (20) business days after the county requires a modification or requests additional information then the county shall have an additional twenty (20) business days to respond to the plans.
3. There shall be no more than a total of four (4) Review Cycles for any applicant whether such Review Cycles occur in the Small Subdivision Application, Large Preliminary Subdivision Application or Large Final Subdivision Application Process.

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4. Subject to Subsection (4)(a), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the county's plan review is waived.
  - a. A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
5. If an applicant makes a material change to a plan set, the County has the discretion to start the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantially effects.
6. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the County's previous Review Cycle, the County may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
7. In addition to revised plans, an applicant shall provide a written explanation in response to the County's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
8. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
9. If an applicant fails to address a review comment in the response, the Review Cycle is not complete and the subsequent Review Cycle by the County may not begin until all comments are addressed.

### R. Appeals After Final Review Cycle

1. If on the fourth or final review, the County fails to respond within twenty (20) business days, the County shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
  - a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code 17-27a-507(5)(d) to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the County, the panel shall consist of the following three experts: (i) one licensed engineer, designated by the County; (ii) one licensed engineer, designated by the land use applicant; and, (iii) one licensed engineer agreed upon and designated by the two designated engineers as appointed in subsections (i) and (ii) above.
  - b. A member of the panel assembled by the County under Subsection (a) may not have an interest in the application that is the subject of the appeal.

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- c. The land use applicant shall pay: (i) 50% of the cost of the panel; and (ii) the County's published appeal fee.
2. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

### S. **Approval of the Final Subdivision Application**

1. Approval shall not require planning commission or county commission approval. If a final subdivision application complies with the requirements of this section and applicable county ordinances, the County shall approve the final subdivision application.

### **6-1-250. Requirements for Non-Residential Subdivisions.**

- A. The Development Review Committee shall be the reviewing body for non-residential subdivisions. The street and lot layout of a non-residential subdivision shall be appropriate to the land for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the Box Elder County Land Use Management & Development Code.
- B. In addition to the principles and standards in this Code which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate 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:
  1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated, and to the requirements of the Box Elder County Land Use Management & Development Code.
  2. Street rights-of-way and pavements shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
  3. Special requirements may be imposed by the County with respect to street, curb, gutter and sidewalk design and construction.
  4. Special requirements may be imposed by the County with respect to the installation of public utilities, including water, sewer and storm water drainage.
  5. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries or adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic.

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- C. Improvements.** Standards for design, construction specifications, inspection of the street improvements, curbs, gutters, sidewalks and standards for design, construction specifications and inspection of water distribution systems, sewage disposal facilities, storm drainage and flood control facilities shall be prepared by the County Engineer. Standards for fire hydrants shall meet the requirements of any federal, state and local governmental entities having jurisdiction over the same. All subdivision standards and specifications and amendments thereto which are under the control of the County shall be approved by the County Commission before becoming effective. The County Commission may by ordinance adopt subdivision standards and specifications for the County which may be amended from time to time. All subdividers shall comply with any subdivision standards and specifications adopted by the County Commission. All improvements shall be installed in accordance with the County's Subdivisions Standards and Specifications, the requirements of the County Engineer, the subdivision improvements agreement between the subdivider and the County and all other applicable County Ordinances and regulations.
- D. Construction Plans.** Complete and detailed construction plans and drawings of all improvements shall be prepared in conformance to the design standards of the County. They shall be submitted to the County Engineer for review at the same time the final plat is being reviewed. Final approval of the project shall not be granted until the plans have been reviewed and recommended for approval by the County Engineer. No construction shall be started until the final plat has been recorded and the construction plans have been approved by the County. Plans for all the street utilities shall be drawn on the same plans.
- E. Standards for Construction Plans.** Standards are set for the purpose of standardizing the drawings and to obtain uniformity in appearance, clarity, size and reproduction. Three (3) copies of construction plans shall be submitted with one (1) set to be retained by the County Engineer, one (1) set to be furnished to the County, and one (1) set returned to the subdivider for corrections and revisions. After corrections and revisions by the subdivider, three (3) sets shall be submitted for final review by the County Engineer. All drawings and/or prints shall be clear and legible and conform to good engineering and drafting practice. Size of drawings shall be 24" x 36" (trim line) with ½" border on top, bottom, and right sides, left side 1 ½". The plans shall include the following information:
- a. North arrow (plan)
  - b. Elevations referenced to U.S.G.S. datum
  - c. Stationing and elevations for profiles
  - d. Title block located in lower right corner of sheet to include:

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- e. Project title (subdivision, etc.)
  - f. Specific type and location of work
  - g. Name of engineer or firm preparing drawings with license number. Utah Engineers stamp shall be required on all construction plans.
  - h. Scale 1" = 20' or 1" = 40' horizontally; 1" = 2' or 4' vertical.
  - i. Both plan view and profiles for curb and gutter plans shall be shown for each side of the street; street center line profile may be eliminated. Top of curb elevations with curve data must be shown for all curb returns.
  - j. Size and location of culinary water lateral mains, meters, valves and hydrants (these plans to be finalized by the County Engineer).
  - k. Type of pipe.
  - l. Size and location of irrigation lateral mains, valves, fittings and etc.
  - m. Size and location of sewer, storm drains and subdrains and their manhole cleanouts.
  - n. As needed, each set of plans shall be accompanied by a separate sheet of details for structures which are to be constructed. All structures shall be designed in accordance with minimum requirements established by the Subdivision Standards of the County.
- F. Preconstruction Meetings.** Prior to excavating or starting of the work, the subdivider shall call the County Engineer to meet together for a preconstruction meeting. The developer shall have their contractor present at this meeting. This meeting will be in conformance with Section 4.02 of the Box Elder County Public Works Standards.
- G. Inspection.** Construction work involving the installation of improvements in subdivisions shall be subject to inspection by the County Engineer. Daily inspection shall be required on the following types of work:
- 1. Laying of street surfacing.
  - 2. Placing of concrete for curb and gutter, sidewalks, and other structures.
  - 3. Laying of drainage pipe, water pipe, valves, hydrants and testing. Periodic inspections shall be required on the following:
    - a. Street grading and gravel base.
    - b. Excavations for curb and gutter and sidewalks.
    - c. Excavations for structures.
- H. Requests for Inspection.** Requests for inspections shall be made to the County Engineer by the person responsible for the construction. Requests for inspection on work shall be made one (1) working day prior to the commencement of the work.
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**I. Correcting Defective Work.** Inspections shall be made by the County Engineer after various phases of the construction work is completed. Any faulty or defective work shall be corrected by the subdivider or subdivider's contractor within a period of sixty (60) days from the date of County Engineer's inspection wherein the faulty or defective work is noted and written notice is given to the subdivider and/or contractor.