



Subdivision Ordinance

Adopted By
The Sanpete County Board Of County Commissioners
June 6, 2023

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Chapter 13.04 GENERAL PROVISIONS AND ADMINISTRATION

Sections:

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13.04.010 Title; Authority.

This title shall be known as the Sanpete County Subdivision Ordinance and may be identified within this document as “this chapter”, or the “subdivision ordinance”.

The Sanpete County Board of County Commissioners adopts this title pursuant to the County Land Use Development and Management Act, §17-27a, of Utah State Code (as amended) for the purposes set forth therein.

13.04.020 Intent And Purpose.

The purpose of this title and the intent of Sanpete County in the adoption of this ordinance is to promote the health, safety, and welfare; promote the prosperity; improve the morals, peace, good order, comfort, convenience, and aesthetics of the present and future inhabitants of the County; protect the tax base; secure economy in governmental expenditures; foster the state’s agricultural and other industries; protect both urban and nonurban development; protect and ensure access to sunlight for solar energy devices; provide fundamental fairness in land use regulation; facilitate orderly growth and allow growth in a variety of housing types; and protect property values.

13.04.030 Scope.

1. To accomplish the purposes of this title, the County may enact all ordinances, resolutions, and rules, and may enter into other forms of land use controls and development agreements that the County considers necessary or appropriate for the use and development of land within the unincorporated area of the County, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing: uses, density, open spaces, structures, buildings, energy-efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, and considerations of surrounding land uses

to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.

2. No person shall subdivide any tract of land, sell, exchange or offer to sell any parcel of land which is part of a subdivision of a larger tract of land, nor offer for recording any deed conveying such a parcel of land, or any interest in, except in compliance with this title, the Sanpete County zoning ordinance, §17-27a of Utah State Statutes (as amended), and other applicable state and federal laws.
3. No lot within a subdivision created and recorded prior to the effective date of the ordinance codified in this title or approved by the Sanpete County Board of County Commissioners and recorded in the office of the County Recorder under the provisions of this title, shall be further divided, rearranged, added to or reduced in area, nor shall any boundaries of any lot be altered in any manner so as to create or form an additional lot, without first obtaining the appropriate approval of the County, as required.
4. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring lots, plots, parcels, sites, unites, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions does not exempt the transactions from the requirements of this title and such action from the penalties or remedies provided by this title, the Sanpete County zoning ordinance, or the laws of the State of Utah.
5. No division of land that leaves a remainder parcel or lot of less than the required size for a legal parcel or lot shall be allowed for development purposes in any zone. Parcels or lots already in existence with less than the legal parcel or lot size may remain, but may not be developed. These parcels may be combined with adjacent parcels or lots to make a legal sized parcel or lot which may be allowed to be developed.

13.04.040 Permits; Licenses.

The Zoning Administrator of Sanpete County shall not grant a permit, nor shall any other officer of Sanpete County grant any license or permit for the use of any land or for the construction or alteration of any building or structure on a lot which would be in violation of any of the provisions of this title, the Sanpete County zoning ordinance, or on a lot in a subdivision created by judicial decree, until a subdivision plat has been recorded, or approved as required by this title. Any license or permit issued in conflict with such provisions shall be null and void.

13.04.050 Violation-Penalty.

1. Any person, firm or corporation, whether as principal, agent or employee who violates or causes the violation of any of the provisions of this title shall be guilty of a misdemeanor and upon conviction shall be punished as provided by §17-27a-803 of Utah State Code (as amended) or as outlined in Section 14.90 of the Sanpete County Code.
2. In addition, Sanpete County by action of the Sanpete County Board of County Commissioners or by the County Attorney, with or without express action of the Sanpete County Board of County Commissioners, may institute injunction, mandamus, abatement or other appropriate civil action or actions to prevent, enjoin, abate or remove acts or uses in violation of this title

13.04.060 Severability.

If any section, provision, sentence, or clause of this title is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this title which shall remain in full force and effect.

13.04.070 Exceptions - When Permitted.

In cases where unusual topographic, aesthetic or other exceptional conditions exist, or the welfare, best interests and safety of the general public will be usefully served or protected, variations and exceptions of this title may be made by the Land Use Authority, provided that such variations and exceptions may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this title.

13.04.080 Appeals.

The applicant or any person adversely affected by a final decision of a Land Use Authority regarding a subdivision or amendment thereto shall have the right to appeal the decision to the Appeal Authority by filing a letter with the Zoning Administrator stating the reasons for appeal within ten (10) days after the final decision. The Appeal Authority shall review the record and the decision to determine whether the decision was arbitrary, capricious, or illegal. After hearing the appeal, the Appeal Authority may affirm, reverse, alter, or remand the decision for further consideration.

13.04.090 Definitions.

Definitions outlined in Title 14 of the Sanpete County Code (as amended) are hereby adopted by reference and shall be construed to apply herein.

Chapter 13.08 - ADMINISTRATION

Sections:

- 13.08.005** **Designation Of Land Use Authority.**
- 13.08.010** **Development Agreements.**
- 13.08.020** **General Application Requirements.**
- 13.08.025** **Applicant Notice Required - Waiver Of Requirements.**
- 13.08.030** **Proposed Development Within A Municipal Annexation Declaration Area.**
- 13.08.040** **General Responsibilities.**
- 13.08.050** **Exemption From Plat Requirements - Agricultural Lands.**
- 13.08.060** **Exemption From Plat Requirements - Small Subdivision.**
- 13.08.070** **Minor Subdivision.**

13.08.005 Designation Of Land Use Authority.

The following chart designates the Land Use Authority for subdivision and annexation approvals within Sanpete County.

Type Of Land Use Application	Reviewing Body	Recommending Body	Land Use Authority	Appeal Authority
Annexation	County Staff	N/A	Board Of County Commissioners	District Court
Concept Plan	County Staff	N/A	Zoning Administrator	Board Of County Commissioners
-If Requested By Applicant Or Deemed In Best Interest Of Public By Zoning Administrator	County Staff	Zoning Administrator	Planning Commission	Board Of County Commissioners
Preliminary Plan (Single Family, Two Family, or Townhomes)	County Staff	Zoning Administrator	Planning Commission	Board Of County Commissioners
Final Plat / Small Subdivision (Single Family, Two Family, or	County Staff	Zoning Administrator	Planning Commission	Board Of County Commissioners

Townhomes)				
<i>-Preliminary Plan / Final Plats (Not Single Family, Two Family, or Townhomes. Includes All Sensitive Lands)</i>	<i>County Staff</i>	<i>Planning Commission</i>	<i>Board Of County Commissioners</i>	<i>District Court</i>
Minor Subdivision	County Staff	N/A	Zoning Administrator	Board Of County Commissioners
Vacating Or Amending A Plat	County Staff	Planning Commission	Board Of County Commissioners	District Court
Lot Line Adjustment / Parcel Boundary Adjustment	County Staff	N/A	Zoning Administrator	Board Of County Commissioners
Development Agreement	County Staff	Planning Commission	Board Of County Commissioners	District Court
Variance / Appeals	N/A	N/A	Board Of County Commissioners	District Court

Note:

Pursuant to §17-27a-308 of Utah State Code (as amended) the Land Use Authority shall apply the plain language of land use regulations. If a land use regulation does not plainly restrict a land use application, the Land Use Authority shall interpret and apply the land use regulation to favor the land use application. A decision of a Land Use Authority shall be considered an administrative act, even if the Land Use Authority is the Board of County Commissioners.

13.08.010 Development Agreements.

1. At the full discretion of the Sanpete County Board of County Commissioners, the County may, but under no circumstances is required, to enter into a development agreement with an applicant for development approval. The development agreement shall constitute a binding contract between the County and the applicant and shall contain those terms and conditions agreed to by the County and the applicant. The Sanpete County Board of County Commissioners, or their designee(s), are authorized to negotiate development agreements on behalf of the County.
2. All development agreements found to be required to advance the policies of the County, and negotiated and drafted by the Sanpete County Board of County Commissioners, or their designee(s), shall be

- reviewed and recommended by the Planning Commission, and reviewed and approved by the Sanpete County Board of County Commissioners before taking effect.
3. The procedures for consideration of a development agreement shall be identical to those required for an amendment to this title, including the conducting of a public hearing. Any amendment to an adopted development agreement shall be considered and approved by the Sanpete County Board of County Commissioners by following the procedures required for the adoption of the development agreement.
 4. **Criteria For Entering Into A Development Agreement.** The Sanpete County Board of County Commissioners, following the receipt of the Planning Commission's recommendation, may authorize and approve a development agreement upon the following findings:
 - a. The development agreement has been reviewed and considered by the County in accordance with the requirements of this title.
 - b. The area proposed to be covered by the development agreement is of sufficient size to facilitate and allow the proposed development.
 - c. The proposed development agreement advances policies, implements goals, or achieves other desired results not generally available under the other implementation strategies of the County.
 - d. The proposed development to which the development agreement pertains is in conformity with the County's adopted General Plan, land use ordinance, public improvement requirements, construction standards, and all other applicable requirements.
 - e. The proposed development contains outstanding features which advance the goals, policies, and objectives of the County's adopted General Plan.
 - f. The development proposed under the terms of the development agreement provides amenities and features which add to the quality of life in the area in which the development is proposed, or the applicant agrees to contribute facilities and improvements which exceed the requirements of the County and which advance the provision of desired facilities and improvements within the County.
 5. **Contents Of A Development Agreement.** As applicable, an approved development agreement may contain, but shall not be limited to the following:
 - a. A legal description of the land(s) subject to the agreement;
 - b. The names of all persons and parties having a legal or equitable ownership interest in the land(s) under the agreement;
 - c. The duration of the development agreement;
 - d. The uses permitted, including the approval procedures and development requirements and regulations, including lot sizes, maximum densities, building heights, setbacks, landscaping, parking, and other requirements as recommended by the Planning Commission or required by the Sanpete County Board of County Commissioners;
 - e. A description of the public facilities, amenities, and services to be provided, including the date for their provision, and any applicable requirements to ensure the provision of such facilities, amenities, and services;
 - f. A description of any reservations and dedications, conditions or restrictions necessary to find that the proposed development is consistent with the County's adopted General Plan;
 - g. A statement indicating the required monitoring of the agreement, and the actions available to the parties thereto to ensure compliance with the terms of the agreement; and
 - h. A statement that the rights and obligations of the development agreement shall be binding upon all successors in interest to the parties to the development agreement.
 6. **Monitoring.** The Sanpete County Board of County Commissioners, or their designee(s), shall review all terms and conditions of a development agreement at least annually to determine that all requirements of the development agreement are being complied with. In the event the Sanpete County Board of

County Commissioners, or their designee(s) finds, on the basis of evidence presented, that there has been a failure to comply with the terms of a development agreement, the development agreement may be enforced under the terms of the agreement, or as allowed by federal and state law, or revoked or modified by the Sanpete County Board of County Commissioners upon giving written notice to the parties thereto and providing a public hearing, complying with the notice requirements for an amendment to the development agreement.

7. **Assignment Of A Development Agreement.** A development agreement shall provide requirements for the assignment of a development agreement. Such requirements shall identify that all proposed assignments of a development agreement, including any of its provisions, terms or conditions, shall be subject to review by the Sanpete County Board of County Commissioners. A development agreement shall provide that the rights of the County, provided by a development agreement shall not be assigned.
8. **Recording.** Not later than twenty-one days after the adoption of the development agreement by the Sanpete County Board of County Commissioners and execution of a development agreement, or amendments thereto, the County shall record an original copy of the development agreement with the office of the County Recorder. The recorded document shall be considered the original and official development agreement. The County Recorder shall provide copies of the recorded agreement to all parties thereto and shall maintain a copy in the official records of the County. The applicant for a development agreement shall bear any expenses incurred during the recordation of a development agreement.
9. **Third Party Rights.** Except as expressly provided, a development agreement shall create no rights enforceable by an individual or party who is not a party to the development agreement.

13.08.020 General Application Requirements.

The Land Use Authority shall review and approve submitted applications for land use and development as provided in this title. The following general requirements shall apply to an application required by this title.

1. **Application Forms.** Submitted applications shall be on forms provided by the Zoning Administrator, and with the required documentation outlined on such application in quantities as reasonably required by the Zoning Administrator for each particular type of land use application. Applicants shall submit all applications to the Zoning Administrator for review to ensure compliance with the requirements as outlined in this title.
2. **County Initiated Applications.** The Zoning Administrator, Planning Commission, or Board of County Commissioners may initiate any action under this title without an application. Notice, hearing, and other procedural requirements of this title shall apply to an application initiated by the County.
3. **Accurate Information.** All applications, accompanying documents, plans, reports, studies and information provided to the County by an application in accordance with the requirements of this title shall be accurate and complete.
4. **Determination Of Complete Application.** After receipt of an application, the Zoning Administrator shall determine whether the application is complete. If the application is not complete, the Zoning Administrator shall notify the applicant in writing and identify the deficiencies by specifying the required information, and shall advise the applicant that the County will take no further action on the request until the submission of a complete application.
5. **Fees.** The applicant shall pay the County fees as outlined in the County's fee schedule as adopted and amended from time to time by the Board of County Commissioners upon the filing of an application.

Application fees shall be in amounts reasonably determined to defray actual costs incurred by the County to review applications and their accompanying documents including plans and specifications, act upon application, and conduct subsequent inspections to ensure compliance with County regulations. The Zoning Administrator shall return any application as incomplete if the application has not been submitted with the required fee. Fees shall be non-refundable, except as provided in subsection 6 of this section. Applications initiated by the County shall not require fees.

6. **Remedy Of Deficiencies.** If an applicant fails to correct specified deficiencies within thirty (30) days after notification thereof, the County may deem an application withdrawn and shall return it to the applicant upon request. The County shall refund application fees to the applicant, less any fee established to cover the cost of determining completeness of the application.
7. **Substantial Action Required.** If any applicant has not taken substantial action to obtain approval within six (6) months after filing an application, the application shall expire and any vested rights accrued thereunder shall terminate.
8. **Validity.** The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
9. **Extensions Of Time.** Unless otherwise prohibited or outlined in this title, upon written request and for good cause shown, the Land Use Authority may without any notice or hearing, grant extension of any time limit imposed by this title on such application, its approval, or the applicant, provided the Zoning Administrator receives such as request or initiates an extension prior to the date of expiration. The total period of time granted by any such extension or extensions shall not exceed half the length of time of the original time period.

13.08.025 Applicant Notice Required - Waiver Of Requirements.

1. When required, for each subdivision application, the County shall:
 - a. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
 - b. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business days before the public hearing or public meeting; and
 - c. Notify the applicant of any final action on a pending application.
2. If the County fails to comply with the requirements of this section, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

13.08.030 Proposed Development Within A Municipal Annexation Declaration Area.

All proposed subdivision applications within Sanpete County which are located within a municipality's annexation declaration area shall be required to submit documentation from the potential annexing municipality stating the municipality's disinterest or rejection of an annexation request.

If the applicant is unable to obtain such documentation from a potential annexing municipality the applicant may provide documentation to the Zoning Administrator which demonstrates a reasonable effort was made by the

applicant to notify the potential annexing municipality, including the allowance for response within a reasonable time frame.

13.08.040 General Responsibilities.

1. An applicant shall prepare a concept plan, preliminary, and final plats consistent with the standards contained herein and shall pay for the design, review, construction, and inspection of the improvement required. The County shall process said plans and plats in accordance with the regulations set forth herein. The applicant shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the applicant has obtained the necessary approvals as described in this title. The applicant is responsible to obtain and be familiar with all applicable subdivision ordinances, construction regulations, and all other rules and related standards of Sanpete County.
2. The Land Use Authority shall review submitted plans and plats for design, conformity to the applicable requirements of the General Plan, the zoning ordinance, and shall process the plans and plats as provided for in this title.
3. Plans and/or plats of proposed subdivisions may be referred by the Zoning Administrator or Land Use Authority to the County's various departments and staff, special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comments. The Zoning Administrator shall be responsible for coordinating any comments received from public and private entities and shall decide which agencies to refer proposed subdivision plans and plats to.
4. Unless designated as the Land Use Authority, the Planning Commission shall act as an advisory agency to the Board of County Commissioners. The Planning Commission shall be charged with making investigations, reports, and recommendations on proposed subdivisions as to their conformance with the General Plan, the zoning ordinance and other pertinent rules, regulations, and standards of the County. After determining that a referred plan or plat complies with applicable requirements, the Planning Commission shall recommend approval, approval with conditions, or disapproval of the plan or plat to the Board of County Commissioners. Failure of the Planning Commission to render an official recommendation shall be deemed a recommendation of approval.
5. The Land Use Authority shall have final jurisdiction in the approval of subdivision plans and plats.

13.08.050 Exemptions From Plat Requirements - Agricultural Lands.

1. Division of bona fide agricultural land(s) are not included within the definition of subdivision pursuant to §17-27a-103 of Utah State Code (as amended). A lot or parcel resulting from the division of agricultural land is exempt from the plat requirements of this title if each resulting lot or parcel:
 - a. Qualifies as land in agricultural use under §59-2-502 of Utah State Code (as amended);
 - b. Meets the minimum size requirements within the zone in which the lot or parcel is located; and
 - c. Is not used and will not be used for any non-agricultural purpose until a future zone change permits other uses.

2. A completed application including the boundaries of each lot or parcel exempted under this division of agricultural land exemption shall be described by legal description and submitted to the Zoning Administrator for review. After receiving approval from the Zoning Administrator that the proposed division complies with this section, shall be recorded with the County Recorder.
3. If recordation has not been completed within six (6) months from the date of the Zoning Administrator's approval, the application will be deemed to have been abandoned, and a new application shall be required.
4. If a lot or parcel exempted under this section is used for non-agricultural purpose, the County shall require the lot or parcel to comply with the requirements of this title.

13.08.060 Exemptions From Plat Requirements - Small Subdivisions.

1. **Criteria.** For the purposes of this section a small subdivision shall be defined as a subdivision of four (4) or fewer lots by legal description from a parcel which meets the following criteria:
 - a. There is no dispute, whether actual or implied by conflicting records of title or surveys, as to the ownership of the land within the proposed subdivision;
 - b. The proposed lots are not part of an existing, platted, recorded subdivision;
 - c. The proposed subdivision is not located within one thousand feet (1,000') of another small subdivision;
 - d. The proposed subdivision does not result in remnant land (land which cannot be developed due to size, setbacks, etc.) that did not previously exist;
 - e. The parcel proposed to be subdivided currently has the zoning designation required for the minimum lot sizes proposed;
 - f. Each lot within the proposed subdivision meets the frontage, width, and area requirements of the zone district in which it is to be located or has properly received a variance from the requirements of an otherwise conflicting and applicable zoning ordinance;
 - g. The subdivision does not require the dedication of any land for streets or other public purposes within the subdivision and is not traversed by the mapped lines of a proposed street(s) as shown in the County's General Plan unless the County has approved the location and dedication of any public street, County utility easement, any other easement, or any other land for public purposes;
 - h. All proposed lots have acceptable access to a public street, either by direct frontage or through access by an approved private street which meets this title and the County's standards and adopted specifications as outlined in the Sanpete County Road Design Manual;
 - i. The subdivision does not require the addition of infrastructure above and beyond that which is generally available in the surrounding area; and
 - j. Each lot has or will be provided with improvements as required in this title..
2. **Authority.** The Land Use Authority shall have the ability to approve, approve with conditions, or deny a small subdivision in accordance with the regulations outlined in this chapter. Alternatively, after review of the small subdivision application the Zoning Administrator or the Land Use Authority may direct the applicant to follow the standard procedures for subdivision approval as described elsewhere in this chapter when deemed to be in the public's best interest.
3. **Process.**
 - a. Upon receipt of a complete application for a small subdivision, the Zoning Administrator shall distribute copies of the application to other County departments, other other agencies or advisors

- as in the opinion of the Zoning Administrator may contribute comments or suggestions on the application leading to a decision which is in the best interest of the public.
- b. Once comments have been received from all notified County departments, agencies or advisors the Zoning Administrator shall review the submitted application and check for compliance with the relevant requirements of the County's General Plan, subdivision ordinance, zoning ordinance, and other appropriate regulations, and shall present a staff report to the Land Use Authority at their next regularly scheduled meeting.
 - c. Based on the staff report the Land Use Authority shall make findings regarding the submitted application, specifying the approval, approval with conditions, or denial of the proposed small subdivision specifying any inadequacy in the information submitted, noncompliance with County regulations, questionable or undesirable design and/or engineering. The Zoning Administrator shall prepare a notice of decision and deliver it to the applicant within a reasonable time period following the review, outlining the decision of the Land Use Authority, including any findings or conditions of approval.
 - i. The Land Use Authority may require additional information, data, or studies to be provided by the applicant for the small subdivision before any determination is made as to the acceptability of the proposed subdivision.
 - ii. The Land Use Authority shall take the following into account when determining whether the application should proceed forward as a small subdivision or be required to follow the standard subdivision process:
 1. The size of the proposed development;
 2. Whether the proposed subdivision lies within a sensitive land area (i.e., a geologic hazard study area or similar);
 3. Compliance with the County's ordinances and relevant sections of the general plan;
 4. Requests for exceptions or modifications;
 5. Compatibility with surrounding properties; and
 6. Whether the proposal is routine and uncontested.
4. **Appeals.** The applicant may appeal any decision of the Land Use Authority to the Board of County Commissioners within fourteen (14) days of the notice of decision. The appeal shall be submitted in writing to the Zoning Administrator. The Board of County Commissioners shall then, during a public meeting, review the record of the decision and determine if the Land Use Authority's decision was in accordance with this title.
 5. **Recordation.** Once an approval of a small subdivision has been granted, the recordable deed including the legal description(s) along with the Land Use Authority's certificate of written approval as described in §17-27a-605 of Utah State Code (as amended) shall be recorded with the County Recorder. If recordation has not been completed within six (6) months from the date of the Land Use Authority's approval, the application will be deemed to have been abandoned, and a new application shall be required.

13.08.070 Minor Subdivision.

Pursuant to §17-27a-605 of Utah State Code (as amended), an owner of at least one hundred (100) contiguous acres of agricultural land may make one (1) new minor subdivision parcel by submitting for recording with the County Recorder:

1. A recordable deed containing the legal description of the minor subdivision lot, along with a record of survey which created the parcel description; and
2. A notice:
 - a. Indicating that the owner of the land to be divided is making a minor subdivision, which refers specifically to the authority to do so as granted by §17-27a-605 of Utah State Code (as amended);
 - b. Containing the legal description of the land to be divided and the minor subdivision lot.
3. Standards for minor subdivision approval:
 - a. The minor subdivision lot may not be less than one (1) acre in size;
 - b. The minor subdivision lot may not be within one thousand feet (1,000') of another minor subdivision lot; and
 - c. The minor subdivision lot is not subject to this title; and
 - d. Land to be divided by a minor subdivision may not include divided land. Divided land is described as the land to be divided in a notice under subsection 2 of this section, or land that has been previously divided as a minor subdivision.
4. The County may not deny a building permit to an owner of a minor subdivision lot based on:
 - a. The lot's status as a minor subdivision lot or the absence of standards in subsection 5 of this section; and
 - b. May, in connection with the issuance of a building permit, subject the minor subdivision lot to reasonable health, safety, and access standards that the County has established and made public.
5. Prior to the issuance of a building permit on a minor subdivision lot, the following information shall be provided to the County, in addition to any submittal requirements of the County's Building Official:
 - a. A site plan showing the location of the proposed building in relation to parcel boundaries prepared by a surveyor licensed in the State of Utah, to ensure that the building meets all setback standards of the zone in which the minor subdivision lot resides;
 - b. Proof of purchase of a culinary water right, including copies of the actual certificate and right, and verification of wet water that will provide culinary and fire suppression requirements, pursuant to the health and safety requirements for water supply;
 - c. Evidence of legal access to the property that complies with County requirements;
 - d. Evidence that the proposed building site complies with the provisions for adequate fire suppression and access including the International Fire Code and Wildland Urban Interface Code; and
 - e. Evidence of wastewater permit, water source protection area, and final well approval from the Health Department for the new minor subdivision lot.
6. The Land Use Authority shall verify any conditions of approval of the subdivision and building permit in writing prior to the recording of the minor subdivision lot and the issuance of a building permit.
7. **Recordation.** Once an approval of a minor subdivision has been granted, the recordable deed including the legal description(s) along with the Land Use Authority's certificate of written approval as described in §17-27a-605 of Utah State Code (as amended) shall be recorded with the County Recorder. If recordation has not been completed within six (6) months from the date of the Land Use Authority's approval, the application will be deemed to have been abandoned, and a new application shall be required.

Chapter 13.12 - CONCEPT PLAN

Sections:

- 13.12.005 Pre-Application Meeting Required; Determination By Zoning Administrator If Concept Plan Required**
13.12.010 Concept Plan; Requirements For Submission.
13.12.020 Review Procedure - Concept Plan.

13.12.005 Pre-Application Meeting Required; Determination By Zoning Administrator If Concept Plan Required

1. **Pre-application Meeting Required.** Before submitting a subdivision application to the County for review, applicant(s) shall attend a pre-application meeting with the Zoning Administrator to discuss development plans on an informal basis.
 - a. The Zoning Administrator may choose to waive the requirement of a pre-application meeting or subsequent concept plan review at the applicant's request.
 - b. The Zoning Administrator may provide any helpful suggestions or cautions, including relevant specifications and regulations, to help the applicant understand what must be done to have the subdivision application accepted by the Land Use Authority.
 - c. The Zoning Administrator shall determine whether the proposed subdivision shall require the submission of a concept plan.
2. The applicant must be the property owner or an official representative of the property owner and shall provide the County with complete and accurate information about the size and scope of the proposed project.

13.12.010 Concept Plan; Requirements For Submission.

To promote efficiency in the subdivision review and approval processes of Sanpete County, and to allow applicants the opportunity to present their initial subdivision proposals to the County, all applicants shall present a concept plan of the proposed subdivision to the Zoning Administrator.

The purpose of concept plan review is to allow an informal discussion to occur between the applicant and relevant County staff at a conceptual plan review meeting, which is designed to allow for the identification of County policies, issues, application procedures, standards and other items that may need to be considered in the subdivision review process once a formal application is received. At the applicant's request, the conceptual plan review may be conducted in conjunction with the Planning Commission during a regularly scheduled public meeting.

The concept plan submittal shall not constitute an application for subdivision approval, as provided and required by this title, and is in no way binding on the County or the applicant. Any discussion that occurs at the conceptual plan review meeting shall not be considered any indication of subdivision approval or disapproval, either actual or implied.

Once concept plan recommendations have been provided to the applicant by the Zoning Administrator, the applicant may apply for preliminary plan approval consistent with the submitted concept plan and recommendations received. In the event a conceptual plan is substantially modified by the applicant (as evidenced by the submission of a preliminary plan) the Zoning Administrator may deny the acceptance of the preliminary plan application and require the developer to resubmit for concept plan review.

If preliminary plan approval for any portion of a reviewed concept plan has not been obtained within one (1) year from the date on which the concept plan was reviewed, the resubmittal of the concept plan may be required by the Zoning Administrator.

Submittal requirements. The applicant shall submit a completed concept plan application to the Zoning Administrator for review. The concept plan shall include, but not be limited to, the following items:

1. The proposed name of the subdivision;
2. Map of the proposed subdivision with property boundaries, including all adjacent properties within the same ownership or development conglomerate;
3. Approximate acreage of subdivision;
4. Current zoning designation of properties included in the proposed subdivision;
5. A proposed layout of the subdivision, indicating the general dimensions, areas, and number of lots, access points and street configurations, including right-of-way widths; etc.;
6. The location of sensitive lands (i.e., geologic, flood plan hazards, etc.) which are located within the tract.
7. Approximate location of nearest utilities and those proposed to service the subdivision including:
 - a. A description of the type of water system proposed including documentation of water rights, and of historic water use. If the proposed well is to be shared, a well share agreement will be required; and
8. A description of the type of sewer or sanitary waste system proposed;
 - a. When private wells and on-site septic systems are proposed, a description of how each proposed lot will conform to the standard protection radius around the well-head; (refer to 13.24.170)
9. A written statement of sufficient detail so that the intent of the applicant is made clear to those persons who review the proposals, including information on phased development and associated timelines, methods of financing improvements, maintenance and ownership of non-buildable lands or common open spaces; and
10. Other materials or documents as identified or required by the Zoning Administrator during the pre-application meeting with the applicant(s).

13.12.020 Review Procedure - Concept Plan.

The Zoning Administrator shall, upon receipt of the complete concept plan submission, distribute copies of the plan to County departments and other agencies as in the opinion of the Zoning Administrator who may contribute comments or suggestions on the proposed subdivision which are deemed to be in the best interests of the public.

County departments, contracted positions, and selected consultants shall review the submitted concept plan and check compliance of applicable sections of the County's General Plan, Master Transportation Plan, subdivision and zoning ordinances, and other appropriate regulations and standards. County departments, contracted positions, and selected consultants shall make findings regarding the submitted concept plan, specifying any inadequacy in the information submitted or noncompliance with County regulations. County departments, contracted positions, and selected consultants may also request additional information or studies to be provided for the overall development which may assist them to evaluate the proposed subdivision.

The Zoning Administrator shall review the concept plan submittal and comments received by other County departments and other agencies and determine compliance with the County's General Plan, subdivision and zoning ordinance, and other regulations of the County.

Within fourteen (14) days of submittal, the Zoning Administrator shall notify the applicant in writing of review findings including any questionable design or engineering feasibility issues, inadequacy of submittal, noncompliance with local regulations, and/or the need for other information which may assist the Zoning Administrator to evaluate the proposed conceptual plan. Recommendations regarding the concept plan by the Zoning Administrator shall not constitute an approval or disapproval of the proposed subdivision, but rather shall operate in such a manner as to give the applicant guidance as to the requirements and constraints for the applicant's proposed subdivision within the County.

If the applicant has requested the Planning Commission participate in the review of the submitted concept plan, or when deemed by the Zoning Administrator to be within the best interest of the County, within fourteen (14) days of submission of a complete application, the Zoning Administrator shall schedule review of the submitted concept plan at the Planning Commission's next available regularly scheduled meeting. The Zoning Administrator shall be responsible for providing the applicant with a copy of the written summary of the Planning Commission's evaluation within three (3) business days preceding the conclusion of the public meeting.

Once concept plan recommendations have been received from the County as provided herein, the applicant may apply for preliminary plat approval consistent with the concept plan. If preliminary plat approval for any portion of a reviewed concept plan has not been obtained within one (1) year from the date on which comments were provided to the applicant for the conceptual plan, a resubmittal of the concept plan shall be required. One (1) extension may be granted by the Zoning Administrator if the County's ordinances regulating subdivisions have not changed, and if the applicant requests the extension in writing prior to the original expiration date.

Chapter 13.16 PRELIMINARY PLAN

Sections:

- 13.16.010 Preliminary Plan; Requirements For Submission.
- 13.16.020 Review Procedure -- Preliminary Plan.
- 13.16.030 Agricultural, Industrial, Critical Infrastructure, And Mining Protection Areas; Required Plat Notations

13.16.010 Preliminary Plan; Requirements For Submission.

The purpose of the preliminary plan 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 plan and all information and procedures relating thereto, shall in all respects, be in compliance with the provisions of this title and any other applicable County ordinances.

Applicant(s) shall submit a complete application for preliminary plan approval including the fee as required on the County's fee schedule to the Zoning Administrator on a form prescribed by the Zoning Administrator, together with the number and size of plans indicated on the application form, including all digital submittals of the preliminary plan. A poorly drawn or illegible preliminary plan shall be sufficient cause for rejection.

1. **Requirements For Submission.** The preliminary plat shall be prepared by a professional engineer or land surveyor licensed in the State of Utah. The preliminary plat shall not be less than twenty-four by thirty-six inches (24" x 36") and shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100'). The preliminary plat and plan shall include following information:
 - a. The proposed name of the subdivision and the section, township, range, quarter section, principal meridian and county of its location;
 - b. A north arrow, graphic and written scale and basis of bearings used;
 - c. A title block showing:
 - i. Name and address of owner(s) of record and the name and address of the licensed land surveyor and/or engineer responsible for preparing the preliminary subdivision plat; and
 - ii. Date of preparation of the preliminary subdivision plat including any revision dates.
 - d. A vicinity map of the subdivision site at a minimum scale of one inch equals two thousand (2,000) feet;
 - e. Signature blocks prepared, as required and provided by the County;
 - f. Layout of the proposed subdivision including:
 - i. The legal description of the entire subdivision site boundary;
 - ii. The tabulation of the number of acres in the proposed subdivision, the total number of proposed lots, and the areas of each lot. All proposed lots are to be numbered and addressed in a system acceptable to the Zoning Administrator;

- iii. The surveyed boundary of the proposed subdivision; accurate in scale, dimension and bearing, giving the location of and ties to the nearest two (2) control monuments. All surveys shall be tied into the State's coordinate system. This information shall provide data sufficient to determine readily the location, bearing, and length of all lines and the location of all proposed monuments. Bearings, distances, and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions. When the plat is bounded by an irregular shoreline or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge, or otherwise. On curved boundaries and all the curves on the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. This curve data shall include the following for circular curves: radius of curve; central angle; tangent; and arc length.
 - iv. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of an arc.
 - v. The names of adjoining property owners of record shall be shown. Excepted parcels shall be marked "Not included in this subdivision" and the boundary completely indicated by bearings and distances;
 - vi. The identification and location of known natural features on the subdivision site, including but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, water bodies, floodways and drainage ways, slopes exceeding thirty percent (30%), and any other natural features as required by the Zoning Administrator, Planning Commission, or Land Use Authority, including tabulation of the areas in each;
 - vii. As required by the Zoning Administrator, on the preliminary subdivision plat or separate map, the existing contours at two foot (2') intervals for predominant ground slopes within the tract between level and five percent (5%) grade and 5 foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. Elevations shall be based on National Geodetic Survey sea level data. In cases of predominantly level topography throughout a subdivision, one foot (1') contours may be required. This requirement may be waived by the Zoning Administrator if it is determined the percent grade is below ten percent (10%);
 - viii. The location of all existing platted lots within, or contiguous to the subdivision site. All bearings and lengths shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines. All dimensions or irregularly shaped lots shall be indicated on each lot;
 - ix. The location and dimensions of all existing buildings, property lines and fences within the subdivision site; and
 - x. Parcels not contiguous shall not be included in the same plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided all owners join in dedication and acknowledgment.
- g. All rights-of-way and easements proposed to be created by the subdivision along with their boundary, bearings, lengths, widths, name, number, or purpose shall be given including;

- i. The location and size of existing and proposed culinary water and sewer lines;
- ii. The location of all wells proposed, active, and abandoned, and springs used for culinary water;
- iii. The location of all existing drinking water source protection zones located on the subdivision site;
- iv. The location of percolation test holes and proposed septic systems and drain fields, as applicable;
- v. The location of fire hydrants and secondary water facilities, if proposed;
- vi. The location and size of existing and proposed irrigation canals, ditches, and easements, as applicable;
- vii. Existing and proposed storm drainage improvements for both surface and flood water, including the location size, and depth of storm drainage facilities;
- viii. The location of existing and proposed power lines and power poles, telephone lines and easements, gas lines and easements, other utilities with necessary easements;
- ix. Equestrian, pedestrian, and bicycle trails, existing livestock trails, and any farm areas or open space areas, including the location and dimensions of all property proposed to be set aside for public or private reservation, with designation of the purpose of those set aside including conditions, if any, of the dedication or reservation;
- h. All proposed roads shall be shown, including dimensions, grades, and typical cross sections. All proposed roads shall be designed to comply with the Sanpete County Road Design Manual;
- i. As required by the Zoning Administrator, located on the preliminary plat or separate map, the identification of the required minimum building setback lines for each lot; and
- j. All protective and restrictive covenant and required plat notices outlined in this title identifying agriculture, industrial, critical infrastructure, and mining protection areas.
- k. All lands within the boundaries of the preliminary plat shall be accounted for.

2. Other Information And Materials.

- a. A title report shall be provided with the preliminary subdivision application, prepared by a title company within thirty (30) days of the date of submission of the preliminary subdivision application which specifically references the boundary survey and matches the legal description of the outside boundary of the subdivision.
- b. When the Zoning Administrator, Planning Commission, or Land Use Authority deem necessary, the applicant may be required to provide other information, conduct studies and provide evidence indicating the suitability of the area for the proposed subdivision, including but not limited to:
 - i. If located within a municipal annexation area, documentation from the potential annexing municipality stating the municipality's disinterest or rejection of an annexation request.
 - ii. A development phasing schedule, including the sequence for each phase, approximate size of each phase, and proposed phasing of all private and public improvements.

- iii. A geotechnical investigation report prepared by a licensed professional in the State of Utah identifying the suitability of the soils in the proposed subdivision for development and building construction. The investigation and report shall be sufficiently comprehensive to identify whether the soils have characteristics that make them susceptible to volumetric changes, shifting, collapse, hydrocompaction, subsidence, or other engineering geologic problems (i.e., gypsiferous soil and rock, liquefaction, shallow bedrock, caliche, wind-blow sand, and soils susceptible to piping and erosion). The report shall assess such structural characteristics of the soil and identify specific mitigation measures to address any soil limitations. Standard professional care shall be exercised when investigating and reporting on soil suitability, including disclosure of any geologic hazards encountered.
 - iv. A will serve letter from all utility companies or providers that states:
 - 1. That their system has capacity to serve the proposed development, documentation of such available capacity and specifying the amount of such capacity that will be utilized for the project; and
 - 2. Any conditions of required improvements before they can serve the subdivision.
 - v. Written verification of all proposed water sources including proof of all water rights, including quantities (water rights certificates, etc.) for each well and water source to be utilized for development.
 - vi. A traffic study completed by a licensed engineer in the State of Utah providing estimated site-generated traffic, impact on the public street system and on the proposed development, identify on-site and off-site improvements that may be needed as a result of the development, the relationship of the development to the surrounding roadway network, access location and design, interconnection and cross-access with adjacent properties, and on-site circulation and parking.
 - vii. Any necessary maintenance agreements or agreements with adjacent property owners regarding matters pertinent to subdivision approval. These agreements shall include those relative to drainage, easements, protection strips and improvement bonds.
 - viii. For any subdivision proposed within the area of a habitat conservation plan, a letter from an authorized state or local agency identifying compliance with the habitat conservation plan.
 - ix. For proposed subdivisions with covenants, conditions and restrictions, a copy of the proposed CC&Rs.
 - x. Any additional submittal requirements required for or by specific development agreements, or requirements and conditions of other applicable ordinances or previous approvals.
3. **Incomplete Submissions.** The lack of any information required by this title for preliminary plan shall be cause for the Zoning Administrator to find the application for preliminary plan incomplete. The Zoning Administrator's determination of an incomplete preliminary plan submittal shall prohibit the Planning Commission and Land Use Authority from considering any material, items or other information related to the proposed subdivision. The Zoning Administrator shall notify the applicant of the required information lacking from the preliminary plan application in writing.

13.16.020 Review Procedure -- Preliminary Plan.

The Zoning Administrator shall, upon receipt of the complete preliminary plan submission, distribute copies of the plan to County departments and other agencies as in the opinion of the Zoning Administrator who may contribute comments or suggestions on the proposed subdivision which are deemed to be in the best interests of the public.

The Zoning Administrator, County departments, contracted positions, and selected consultants shall review the submitted preliminary plan and check compliance of applicable sections of the County's General Plan, Master Transportation Plan, subdivision and zoning ordinances, and other appropriate regulations and standards and shall make findings regarding the submitted preliminary plan, specifying any inadequacy in the information submitted or noncompliance with County regulations. The Zoning Administrator, County departments, contracted positions, and selected consultants may during their reviews request additional information or studies to be provided for the overall development which may assist them to evaluate the proposed subdivision. The Zoning Administrator shall be responsible for compiling all review comments into a staff report which shall be transmitted with the preliminary plan application to the Recommending Body and Land Use Authority as outlined in 13.08.005.

When identified as the Recommending Body, the Planning Commission at their next regularly scheduled meeting, shall review the staff report and preliminary plan submittal and determine compliance with the County's General Plan, subdivision and zoning ordinance, and other regulations of the County in a public meeting and shall recommended approval, approval with modifications, or denial of the submitted preliminary plan application to the Land Use Authority.

The Land Use Authority shall then consider the application for preliminary plan approval at its next available regularly scheduled public meeting. The Land Use Authority shall approve, or approve with modifications only those preliminary plans which it finds to be developed in accordance with the intent, standards, and criteria specified in this title and other regulations of the County. Approval of the preliminary plan application by the Land Use Authority shall not constitute final approval of the subdivision by the County, but shall allow the applicant to proceed with the preparation of the final subdivision application and all required documents. A preliminary subdivision approval by the Land Use Authority shall not authorize the issuance of any building permit for the subdivision site or any proposed lots.

Unless otherwise specified in a development agreement or during the preliminary plan approval by the Land Use Authority, the approval of a preliminary subdivision application shall be effective for a period of one (1) year from the date the preliminary subdivision application is approved by the Land Use Authority. If a final subdivision application is not submitted for approval within the one (1) year period, the preliminary plan approval shall be void, and the applicant shall be required to submit a new preliminary plan application for review and approval. One (1) extension of six months (6) may be approved by the Zoning Administrator upon the written request of the applicant prior to the expiration of the original preliminary plan approval.

13.16.030 Agriculture, Industrial, Critical Infrastructure, And Mining Protection Areas; Required Plat Notations.

1. **Agricultural Protection Areas.** For any new subdivision development located in whole or in part within three hundred feet (300') of the boundary of an agriculture protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
 - a. "Agriculture Protection Area. This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."
2. **Industrial Protection Areas.** For any new subdivision development located in whole or in part within one thousand feet (1,000') of the boundary of an industrial protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
 - a. "Industrial Protection Area. This property is located in the vicinity of an established industrial protection area in which normal industrial uses and activities have been afforded the highest priority use status. It can be anticipated that such industrial uses and activities may now or in the future be conducted on property included in the industrial protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal industrial uses and activities."
3. **Critical Infrastructure Materials Protection Areas.** For any new subdivision development located in whole or in part within one thousand feet (1,000') of the boundary of a critical infrastructure materials protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
 - a. "Critical Infrastructure Materials Protection Area. This property is located in the vicinity of an established critical infrastructure materials protection area in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal critical infrastructure materials operations."
4. **Mining Protection Areas.** For any new subdivision development located in whole or in part within one thousand feet (1,000') on the boundary of a mining protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
 - a. "Mining Protection Area. This property is located within the vicinity of an established mining protection area in which normal mining uses and activities may now or in the future be conducted on property included in the mining protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from the normal mining uses and activities."

Chapter 13.20 - FINAL PLAT

Sections:

13.20.010	Final Plat; Submission Requirements.
13.20.020	Phased Development Required.
13.20.030	Supporting Documents.
13.20.040	Review Procedure - Final Plat; Improvements Agreement And Compliance With This Title Required For Approval.
13.20.050	Security For Required Improvements.
13.20.060	Recording Final Plat; Notification To Utah Geospatial Resource Center.
13.20.070	File of Recorded Subdivisions.

13.20.010 Final Plat; Submission Requirements.

It shall be the intent of this chapter that approval of a final subdivision plat be an administrative action of the Land Use Authority, accompanied with findings of fact, and assuring compliance with all applicable requirements of this chapter and any conditions imposed by the Land Use Authority during the approval of the preliminary subdivision plan.

Applicant(s) shall submit a complete application for final plat approval including the fee as required on the County's fee schedule to the Zoning Administrator on a form prescribed by the Zoning Administrator, together with the number and size of plans indicated on the application form, including all digital submittals of the final plat.

The applicant shall submit supporting documents outlined in 13.20.030, and the final plat shall conform in all respects to those regulations and requirements specified during the preliminary plan process. A revised proposal summary statement shall be submitted which shall reflect any changes made from the summary statement of the approved preliminary plan. Additionally, all other final plat requirements such as title report(s), improvement guarantees, agreements, etc., shall be included. A poorly drawn or illegible final plat shall be sufficient cause for rejection.

1. Submission Requirements.

- a. The mylar copy of the final plan shall be submitted to the Zoning Administrator at the request of the Zoning Administrator, until then submission of paper copies shall be sufficient for review.
- b. The final plat shall consist of a mylar with the outside or trim line dimensions of twenty-four inches by thirty-six inches (24" x 36") and one eighteen by eighteen inches (18" x 18"). The borderline of the plat shall be drawn in heavy lines leaving a space of at least one and one half inches (1 ½") on the left side and at least one half inch (½") margin on the other sides. The plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on a mylar with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case shall not be smaller than one inch equals one hundred feet (1" = 100'). Workmanship on the finished drawing shall be neat, clean cut and readable.
- c. The final plat shall conform in all respects to the preliminary plat as previously reviewed and approved by the Land Use Authority and shall have incorporated all modifications required in its review.

- d. 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 benchmark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the applicant under the direction of the County Surveyor. The following required monuments shall be shown on the final plat:
 - i. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;
 - ii. All right of way monuments at angle points and intersections as approved by the County Surveyor.
- e. The final plat shall contain the name, stamp, and signature of a professional land surveyor licensed in the State of Utah, who prepared the plat, together with the date of the survey, the scale of the map, and number of sheets. The following certificates, acknowledgements, and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:
 - i. Professional Land Surveyor’s “Certificate of Survey”:

SURVEYOR’S CERTIFICATE

I, [NAME OF PROFESSIONAL LAND SURVEYOR], do hereby certify that I am a Professional Land Surveyor, and that I hold License No. _____, in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act; I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17, have verified all measurements, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as [NAME OF SUBDIVISION AND PHASE NUMBER IF APPLICABLE] and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

- ii. Owners dedication certificate in the following form:

OWNERS DEDICATION

Known all men by these presents that we, the undersigned owner(s) of the above described tract of land, having caused said tract to be subdivided into lots and streets to be hereafter known as [name of subdivision] do hereby dedicate for perpetual use of the public all parcels of land, other utilities, or easements shown on this plat as intended for public use. In witness whereof, we have hereunto set out hands this _____ day of _____, 20_____.

(Add appropriate acknowledgements)

- iii. Notary public’s acknowledgement for each signature on the plat;
- iv. A correct metes and bounds description of all property included within the subdivision;
- v. Signature lines of the water provided (if provided by a culinary water system), sewer provided (if provided by a sewer improvement district), Health Department, Planning Commission Chair, County Engineer, County Attorney, and Chair of the Board of County Commissioners with an attestation by the County Clerk. A block for the County Recorder shall be provided in the lower right hand corner of the final plat; and

- vi. Such other affidavits, certificates, acknowledgements, endorsements, and notarial seals as are required by law, this title, the County Attorney, and/or County Surveyor.
 - f. Prior to recordation of the final plat, the applicant shall submit a current title report to be reviewed by the county. The current title report shall disclose all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat. The title report shall set forth the names of all property owners included in the plat and shall include a list of all mortgages, judgements, liens, easements, contracts and agreements of record in the County which shall affect the property covered by such plats. If the opinion of title discloses such encumbrances, than at the option of the City Attorney, the holders or owners of such mortgages, judgements, liens, easements, contracts, or agreements shall be required to join in and approve the application before the plat shall be acted upon by the Land Use Authority.
 - g. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the applicant 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 and any access easements which may be required by the County.
2. **Incomplete Submissions.** The lack of any information required by this title for final plat shall be cause for the Zoning Administrator to find the application for final plat incomplete. The Zoning Administrator's determination of an incomplete final plat submittal shall prohibit the Planning Commission and Land Use Authority from considering any material, items or other information related to the proposed subdivision. The Zoning Administrator shall notify the applicant of the required information lacking from the final plan application in writing.

13.20.020 Phased Development Required.

1. The final platting of subdivisions containing more than twenty-five (25) lots shall be done in phases, except as provided in this section. Each phase shall consist of the number of lots which can be completely developed with both off-site and on-site improvements within a two-year period, or twenty-five (25) lots, whichever is larger. Off-site improvements are construed to be those improvements required by this title. On-site improvements shall be construed to mean the construction or placement of the dwelling and its appurtenant improvements on each lot. The development of the subdivision shall be in an orderly manner and in such a way that the phases will be contiguous, the required improvements will continue, and all of the off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the land subdivided within the time hereinafter specified.
2. When the off-site improvements have been one hundred (100) percent completed within the boundaries of the recorded plat and approved by the County's Engineer, and on-site improvements are seventy percent (70%) completed, the applicant may submit the next phase of the proposed development in accordance with the rules and regulations of this title. Cost of the County's Engineer time shall be paid by the applicant.
3. A final plat including more than twenty-five (25) lots may be accepted only upon the submission of qualified evidence indicating that the financial ability of the applicant is such that the on-site and off-site improvements for all lots in such a final plat will be completed within two (2) years of such approval.

13.20.030 Supporting Documents.

The following supporting documents shall be submitted with the final plat, and shall be considered a part of the submission:

1. Construction drawings showing layout, profile, and detail design of:
2. All utilities and easements, plus statements from utility companies (water, sewer, electric, gas, telephone, etc.) as applicable, that the service will be provided to every lot of the development;
3. Plan, profile and typical cross-section drawings of roads, bridges, culverts, sewers and other drainage structures;
4. Grading and drainage plan. The proposed grading plan shall be indicated by solid-line contours superimposed on dashed-line contours of existing topography for the area of the final plat. Such contours shall be at two-foot (2') intervals for predominant ground slopes within the tract between level and five percent (5%) grade, and five-foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. In the case of predominantly level topography throughout a subdivision, one-foot (1') contour intervals may be required;
5. Erosion control plan where required, to be submitted as a result of preliminary design plan review;
6. Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the County must be submitted;
7. Where the subdivider is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent is required from the public agency receiving the dedication and stating how applicable improvement standards will be met. When land within a subdivision is to be purchased by a public agency for public use, a letter of intention to purchase shall be required;
8. When a new street will intersect with a state highway or will cross a railroad, a copy of the state highway permit or railroad crossing permit shall be permitted; Rear yard or side yard setbacks abutting railroad tracks shall be a minimum of forty feet (40'), unless an earthen berm or other sound barrier is provided along the property line adjacent to the railroad tracks;
9. Where improvements are not to be completed prior to approval of the final plat, cost estimates shall be submitted for construction of streets and related facilities, water distribution system, sewage collection system, floodplain protection, storm drainage facilities, and such other facilities as may be required. In addition, the subdivider shall submit a proposal to satisfy the requirements of Chapter 13.28;
10. All information required by FHA when subdivision will be submitted to that agency for feasibility and approval under a federal program.

13.20.040 Review Procedure --Final Plat; Improvements Agreement And Compliance With This Title Required for Approval.

The Zoning Administrator shall, upon receipt of the complete final plat submission, distribute copies of the plat to County departments and other agencies as in the opinion of the Zoning Administrator who may contribute comments or suggestions on the proposed subdivision which are deemed to be in the best interests of the public.

The Zoning Administrator, County departments, contracted positions, and selected consultants shall review the submitted final plat and check compliance of applicable sections of the County's General Plan, Master Transportation Plan, subdivision and zoning ordinances, and other appropriate regulations and standards and shall make findings regarding the submitted final plat, specifying any inadequacy in the information submitted or noncompliance with County regulations. The Zoning Administrator, County departments, contracted positions, and selected consultants may during their reviews request additional information or studies to be provided for the overall development which may assist them to evaluate the proposed subdivision. The Zoning Administrator shall be responsible for compiling all review comments into a staff report which shall be transmitted with the final plat application to the Recommending Body and Land Use Authority as outlined in 13.08.005.

When identified as the Recommending Body, the Planning Commission at their next regularly scheduled meeting, shall review the staff report and final plat submittal and determine compliance with the County's General Plan, subdivision and zoning ordinance, and other regulations of the County in a public meeting and shall recommend approval, approval with modifications, or denial of the submitted final plat application to the Land Use Authority.

The Land Use Authority shall then consider the application for final plat approval at its next available regularly scheduled public meeting. The Land Use Authority shall approve, or approve with modifications only those final plats which it finds to be developed in accordance with the intent, standards, and criteria specified in this title and other regulations of the County.

1. Board of County Commissioners. When identified as the Land Use Authority, the Board of County Commissioners shall review a final plat application within forty-five (45) days of receipt of the recommendation of the Planning Commission, at a regularly scheduled public meeting. If the Board of County Commissioners determines that the final plat submission complies with the applicable requirements of this title, they shall certify approval of the plat on the space provided.
2. No final plat shall be approved by a Land Use Authority unless accompanied by an improvements agreement.

13.20.050 Security For Required Improvements.

The applicant shall complete all required landscaping or infrastructure improvements prior to any plat recordation or development activity. This section shall not apply if upon the applicant's request, the County has authorized the applicant to post an improvement completion assurance in a manner that is consistent with this section.

Prior to signing of a final plat by the county, the applicant shall enter into an improvements guarantee acceptable to the County as security to ensure completion of all improvements required to be installed in the subdivision. The improvements guarantee shall be in a form approved by the County Attorney. The agreement shall include, but not be limited to:

1. The applicant's agreement to complete all improvements within a period not to exceed one (1) year from the date the agreement is executed;
2. The improvements shall be completed to the satisfaction of the County and in accordance with the County's design and construction standards as adopted by the Board of County Commissioners;
3. A provisions that the improvements guarantee amount of deposit shall be equal to one hundred ten percent (110%) of the County Engineer's estimated cost of the improvements to be installed;
4. That the County shall have immediate access to the deposited funds when necessary to remedy a deficiency in required subdivision improvements or a violation of the improvements agreement;
5. That deposited funds may only be reduced upon the written request of the applicant as system improvements are completed.
 - a. The amount of the reduction shall be determined by the County Engineer. Reductions shall be made only as they apply to the completion, satisfactory to the County Engineer, of entire systems.
 - b. The improvements for subdivisions shall be grouped into system categories (i.e., culinary water, storm drainage, roadways, parks/trails and landscaping, erosion control, and miscellaneous/finish items.) Such written reduction requests may be made only once every thirty (30) days and no reduction shall be authorized until such time as the County Engineer has inspected the improvements and found them to be in compliance with the County's standards and specifications.
 - c. All reductions shall be by written authorization of the County Engineer. No deposited funds shall be reduced below ten percent (10%) of the County Engineer's estimated costs of the improvements to be installed until final acceptance by the County Engineer following an improvement assurance warranty period.
 - d. No reduction in deposited funds shall be allowed for materials which are delivered to the subdivision site but not installed in accordance with approved construction drawings.
6. That if the deposited funds are inadequate to pay the cost of the completion of the improvements according to the County's standards or specifications for whatever reason, including previous reductions, the applicant shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed or, with the Board of County Commissioners's approval, a new, satisfactory deposit and improvements guarantee has been executed and delivered to the County;
7. That the County's cost of administration and engineering costs incurred in obtaining the deposited funds, including attorney fees and court costs, shall be deducted from any deposited funds;
8. That the applicant shall guarantee all improvements installed against any damage arising from any defect in construction, materials, or workmanship during the warranty period and shall promptly repair the same upon notice from the County;
9. That the applicant shall agree to hold the County harmless from any and all liability which may arise as a result of defects in materials and workmanship on the improvements which are installed until such time as the County certifies the improvements are complete and accepts the improvements at the end of the warranty period.

10. The improvements guarantee and deposited funds may be extended by the County Engineer one (1) time for six (6) months for good cause shown. Any subsequent extension shall require approval of the Board of County Commissioners following timely written request by the applicant.

13.20.060 Recording Final Plat; Notification To Utah Geospatial Resource Center.

1. After the Land Use Authority has granted approval of the final plat, and the submitted improvements guarantee has been approved by the County, the mylar copy of the final plat shall be presented to the Zoning Administrator for execution of signatures by identified County individuals. The applicant shall be responsible for collecting all other signatures on the mylar copy of the final plat prior to depositing the mylar with the Zoning Administrator. After all County signatures have been executed, the final plat shall be presented to the County Recorder for recordation.
2. The applicant shall pay the expenses of such recording.
3. The County Recorder shall furnish the subdivider with a receipt, upon the filing of the final plat.
4. If the final plat is not recorded within six (6) months from the date of Land Use Authority approval, such approval shall be null and void. This time period may be extended by the Zoning Administrator for up to one (1) additional six (6) month period for good cause shown. The applicant shall submit a request in writing for an extension prior to the expiration of the original six (6) months. No extension shall be granted if it is determined that it will be detrimental to the County. The County may require that the bond estimate be recalculated and that the applicant pay any applicable fee increases as a condition of granting an extension.
5. Pursuant to §17-27a-603 of Utah State Code (as amended), the County shall:
 - a. Submit an electronic copy of the final plat to the Utah Geospatial Resource Center for inclusion in the unified statewide 911 emergency service database; or
 - b. Preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bound of the approved plat.

13.20.070 File Of Recorded Subdivisions

The County shall maintain a filing system of all recorded subdivisions, which includes copies of all maps, data and official subdivisions; also, a master location map (or maps) referenced to the filing system, for public use and examination.

Chapter 13.22 SUBDIVISION AMENDMENTS, PROPERTY BOUNDARY ADJUSTMENTS, AND BOUNDARY LINE AGREEMENTS

Sections:

13.22.010 **Amendments To Recorded Plats; Vacation Of Public Street.**

13.22.020 **Property Boundary Adjustments; Boundary Line Agreements.**

13.22.010 **Amendments To Recorded Plats; Vacation Of Public Street.**

This Board of County Commissioners may, consider any proposed vacation, alteration, or amendment of a recorded subdivision plat, any portion of the recorded subdivision plat, or any road or lot contained in a the recorded subdivision plat by following and complying with all the requirements for amending a subdivision, or vacating a public street as identified in §17-27a-608, §17-27a-609, and §17-27a-609.5 of Utah State Code (as amended).

Applicant(s) shall submit a complete application including the fee as required on the County's fee schedule to the Zoning Administrator on a form prescribed by the Zoning Administrator, together with the number and size of plans indicated on the application form, including all digital submittals.

Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this title or as outlined in §17-27a-608, §17-27a-609, and §17-27a-609.5 of Utah State Code (as amended) shall be cause for the Zoning Administrator's determination of an incomplete submittal shall prohibit the Planning Commission and Land Use Authority from considering any material, items or other information related to the proposed subdivision amendment or vacation of public right-of-way. The Zoning Administrator shall notify the applicant of the required information lacking from the application in writing.

An aggrieved party may appeal the decision of the Board of County Commissioners concerning a subdivision plat amendment or vacation of public right-of-way to district court as provided in §17-27a-8 of Utah State Code (as amended).

13.22.020 **Property Boundary Adjustments; Boundary Line Agreements.**

Property boundary adjustments including parcel boundary adjustments, lot line adjustments, and boundary line agreements shall follow the process identified in §17-27a-522 and §17-27a-523 of Utah State Code (as amended).

When subject to review by the Land Use Authority, applicant(s) shall submit a complete application including the fee as required on the County's fee schedule to the Zoning Administrator on a form prescribed by the Zoning Administrator, together with the number and size of plans indicated on the application form, including all digital submittals.

Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this title or as outlined in §17-27a-522 and §17-27a-523 of Utah State Code (as amended) shall be cause for the Zoning Administrator's determination of an incomplete submittal shall prohibit the Land Use Authority from

considering any material, items or other information related to the application. The Zoning Administrator shall notify the applicant of the required information lacking from the application in writing.

The County may withhold approval of a subsequent land use application for property that is subject to a recorded boundary line agreement or other document used to adjust a mutual boundary line if the County determines that the lots or parcels, as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line, are not in compliance with the County's land use regulations in effect on the day on which the boundary line agreement or other document used to adjust the mutual boundary line is recorded.

An aggrieved party may appeal the decision of the Land Use Authority to the Board of County Commissioners.

Chapter 13.24 DESIGN STANDARDS

Sections:

13.24.010	General Design Standards.
13.24.020	Reserved.
13.24.030	Lots.
13.24.040	Street Requirements.
13.24.050	Street Names.
13.24.060	Reserved.
13.24.070	Reserved.
13.24.080	Reserved.
13.24.090	Reserved.
13.24.100	Sidewalks, Curbs and Gutters.
13.24.110	Reserved.
13.24.120	Reserved.
13.24.130	Lot Size Standards.
13.24.140	Easement Standards.
13.24.150	Utilities To Be Underground.
13.24.160	Alleys.
13.24.170	Sanitary Sewage Disposal--General Requirements.
13.24.180	Sanitary Sewer Mains, Laterals and House Connections--Future.
13.24.190	Test Procedures.
13.24.200	Water in Sufficient Quantity To Be An Obligation Of The Subdivider.
13.24.205	Addendum On Water Requirements.
13.24.210	Culinary Water System.
13.24.220	Culinary/Fire Protection Water Storage Facility.
13.24.230	Storm Drainage and Floodplains.
13.24.240	Irrigation Systems.
13.25.250	Fire Protection.

13.24.010 General Design Standards.

All subdivisions shall comply with the following general standards:

1. The design and development of subdivisions within Sanpete County shall preserve as much as possible the natural terrain, natural drainage, existing topsoil and trees.
2. Sensitive lands, or lands subject to hazardous geotechnical conditions such as slides, mudflows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non potable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

13.24.030 Lots.

1. No single lot shall be divided by a municipal or County boundary line.
2. A lot shall not be divided by a road, alley, or other lot.
3. A subdivision shall not create lots which would make improvements impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage, access grades, or other physical conditions.
4. **Wedge-Shaped Lots.** No wedge-shaped lot shall be less than thirty (30) feet in width at the front property line, or the lot frontage required by the zoning ordinance, whichever is larger.
5. **Lot lines.** Side lot lines shall be at right angles or radial to street lines, except where justified by the subdivider and approved by the Land Use Authority.
6. **Street Frontage.** All residential lots in subdivisions shall front on a public street. Required frontage shall not be considered to be provided if vehicular access across the street line is prohibited.
7. In all zones which require a front yard, no obstruction to view in excess of three feet (3') in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty-five feet (45') from the intersection of the street lines. All billboards shall be located at least one hundred feet (100') from the point of intersection of any two intersecting streets or highways.

13.24.040 Street Requirements.

1. All streets within unincorporated Sanpete County will be required to meet the standards in the Sanpete County Road Design Manual. If any conflict arises the Sanpete County Road Manual will be followed.
2. The County Commission is authorized to acquire any real property or interests, deemed necessary for temporary, present, or reasonable future County highway purposes by gift, agreement, exchange, purchase, condemnation, or otherwise.
3. Whenever the Board of County Commissioners determines that any real property or interest, acquired for County highway purposes, is no longer necessary for such purpose, the Commission may lease, sell, exchange or otherwise dispose of such real property or interest.

13.24.050 Street Names.

Streets shall have the names of existing streets which are in alignment. Creation of names for new streets shall be approved by the GIS addressing process. There shall be no duplication of street names within the areas. All street names must be approved by the Land Use Authority after review by the GIS addressing department.

13.24.100 Sidewalks, Curbs and Gutters.

Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public in RA zones and in other zones as otherwise required by the Land Use Authority. Sidewalks, curbs and gutters may be required by the Land Use Authority s on existing streets bordering the subdivision.

13.24.130 Lot Size Standards.

Density standards or minimum lot size requirements are specified by the zoning ordinance. All lots shall conform to area requirements of existing zoning ordinance. (See Title 14)

13.24.140 Easement Standards.

1. Easements shall follow lot lines and shall have a minimum total width of the set back established in the specific zone. 14.24.050 Table of development Standards, in abutting properties.
2. Where front-line easements are required, a minimum of ten (10) feet shall be allocated as a utility easement. Perimeter easements shall be not less than fifteen (15) feet in width, extending throughout the peripheral area of the development, if required by the Land Use Authority
3. All easements shall be designed so as to provide efficient installation of utilities or street planning. Special guying easements at corners may be required. 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.
4. There shall be no permanent structures located on or over easements without written approval of the Zoning Administrator and the utility for which the easement is provided.

13.24.150 Utilities to be Underground.

Unless otherwise determined by the Land Use Authority, all power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the applicant. All utilities shall be developed in provided easements and shall extend to the property line of every lot within the subdivision.

13.24.160 Alleys.

The Land Use Authority may approve service access to the interior of blocks where deemed to be in the public interest, in which case such alleys shall have a plan for maintenance and be indicated in the preliminary design plans and on the final plat.

13.24.170 Sanitary Sewage Disposal--General Requirements.

1. **Sanitary Sewerage System Required.** Except as otherwise provided below, the applicant shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the subdivision. The sewerage system shall meet the minimum standards and requirements of the State, Central Utah Public Health Department, and this title.
2. **On-Lot Sewage Disposal System.** Septic tanks and/or sealed vaults will be approved only when an existing sanitary sewer system is more than three hundred feet (300') from the boundary of the subdivision and shall be disapproved in any case unless approved in writing by the State and Central Utah Public Health Department of Health. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, an interpretive map based on the National Cooperative Soil Survey showing the suitability of the soil for septic tank fields or pits shall be submitted, along with the results of percolation tests. The results of this data will be reviewed by the state and Central Utah Public Health Department, in addition to any other information available to them, for recommendation to the Land Use Authority. The following requirements shall be met:
 - a. Land made, altered or filled with non-earth materials within the last ten (10) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.
 - b. Each subdivided lot to be served by an on-site absorption sewage disposal system shall contain an adequate site for such a system. An adequate site required a minimum depth of eight feet (8') from the surface of the ground to impermeable bedrock, and a minimum depth of six feet (6') from the surface (based on annual high-water level). Each site must also be at least one thousand five hundred feet (1,500') from any shallow water supply well and one hundred feet (100') from any other well; at least one hundred feet (100') from any stream or water-course, and at least ten feet (10') from any dwelling or property line whichever is further or applicable.
 - c. Soils having a percolation rate slower than or faster than standards allowed by the State and Central Utah Public Health Department shall not be divided into building sites to be served by soil absorption sewage disposal systems.
 - d. Land rated as having severe limitations for septic tank absorption fields as defined by the County soil survey, U.S. Department of Agriculture, Soil Conservation Service, shall not be divided into building sites to be serviced by soil absorption sewage disposal systems unless each such building site contains not less than twenty thousand (20,000) square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system.
 - e. An applicant desiring to install soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the preliminary plan review, shall:
 - i. Have additional on-site investigations made, including percolation tests; obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed soil absorption sewage disposal system; and meet state and Central Utah Public Health Department standards and regulations. In addition, the local health officer shall find that the proposed corrective measures have overcome the severe soil limitations.

- f. Other applicable standards adopted by the Board of County Commissioners and state Health Department.
- g. Shall follow all area requirements of existing zoning ordinances.

13.24.180 Sanitary Sewer Mains, Laterals and House Connections--Future.

Where local, county and regional plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Land Use Authority may require the installation and capping of sanitary sewer mains and house connections by the applicant, in addition to the installation of temporary individual on-lot sanitary disposal systems by the applicant, subdivider, or lot purchaser. Whenever individual on-lot sanitary sewage disposal systems are proposed, the applicant shall either install such facilities or required by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed, and no building permit shall be issued until such installation is assured. In all other cases, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a complete community or public sanitary system.

13.24.190 Test Procedures.

Tests of sanitary sewer mains, laterals and house connections shall be conducted in accordance with the most recent U.S. Public Health Service Publication Edition, and with other local and state health requirements.

13.24.200 Water In Sufficient Quantity To Be An Obligation Of Subdivider.

1. The procurement of water, whether by purchase of water rights, water shares, exchange or service agreement shall be the responsibility of the subdivider, and water shall be provided for each building lot for the exclusive use of the subdivision in an amount sufficient to meet the following flow standards:
 - a. If connected to a public or private water company which provides culinary water, a letter from the water company stating it will provide the necessary culinary water connection to each dwelling or lot in the subdivision.
 - b. If culinary water is to be provided from a well, one (1) acre foot (.0037cfs) of water is required for each dwelling unit or lot in the subdivision. This water right must be in the name of the subdivision applicant and assigned by the State Division of Water Rights to each subdivision lot.
2. For approval of a subdivision the above listed water rights must be approved by the Land Use Authority and the following documentation shall be provided during the platting process:

- a. Documentation from the State Division of Water Rights showing that a change order application has been made with the State Division of Water Rights, changing the appropriate amount of water, to the appropriate subdivision lot(s) in the applicant's name.
 - b. Letter from the public or private water company indicating their ability to provide culinary water to the subdivision lot(s).
 - c. Letter from the irrigation or canal company indicating the irrigation water is owned by the applicant and that it is available for the subdivision lot(s).
3. Where the culinary water for a subdivision is from a culinary well, the approved water change order or final water right approval from the State Division of Water Rights must be completed, and a copy provided. The final change order must be in the subdivision applicant's name and assigned to each subdivision lot.
 4. The above standards are in addition to the requirements of the Central Utah Board of Health.

13.24.205 Addendum On Water Requirements.

1. After the well is drilled, Sanpete County will approve building permits in legally recorded subdivisions for the amount of water approved for each lot at the time the subdivision was recorded, provided it is not less than what the State Water Rights require at the time*. This addendum applies only to subdivisions recorded prior to April 6th, 2004.
 - a. *State Water Rights Requirements:
 - i. .45 acre-foot for full time residence. (No outside watering)
 - ii. .25 acre-foot for part-time residence, 181 days or less. (No outside watering)
 - iii. 3 acre-foot for each acre watered
2. All other lots not in a recorded subdivision must comply with the water requirements of the current subdivision ordinances.

13.24.210 Culinary Water System.

1. The culinary water system in any subdivision shall extend to the property line of every lot and shall be capable of delivering the flows required by Section 13.24.200.
2. Any water system for a subdivision where culinary water will be pumped from one well and serve more than one (1) dwelling unit, or lot, or proposing any system other than one (1) well per dwelling unit, or lot, must be engineered by a professional engineer. The subdivision applicant must provide engineered and stamped plans for the proposed water system from a professional engineer qualified to engineer water systems and licensed in the State of Utah. The design must include a storage tank, water lines and where necessary fire hydrants as per Section 13.24.220, and 13.24.250. These engineered plans must be approved by the Land Use Authority and meet all requirements of the Utah Department of Environmental Quality.

3. Any water system that exceeds the number of connections for a private system, according to the Utah Department of Environmental Quality rules, thus becomes a public water system and must meet all requirements for a public system.

13.24.220 Culinary/Fire Protection Water Storage Facility.

The culinary/fire protection water storage facility shall have a storage capacity as required for fire protection by the International Fire Code, NFPA 22, and meet all regulations of Utah Division of Environmental Quality.

13.24.230 Storm Drainage and Floodplains.

1. **Drainage System.** Complete drainage system for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the final plat is to be presented in sections, a general drainage plan for the entire subdivision shall be presented with the first section, and appropriate development stages for the drainage system for each section indicated.
2. **Design.** The drainage and floodplain systems shall be designed to:
 - a. Permit the unimpeded flow of natural watercourses;
 - b. Ensure adequate drainage of all low points;
 - c. Ensure applications of the following regulations regarding development in designated floodplains:
 - i. Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a one hundred (100) year storm.
 - ii. Building construction may occur in that portion of the designed floodway where the return frequency is between a one hundred (100) years and a maximum probable storm provided all usable floor space is constructed above the designated maximum probable flood level.
 - iii. Where floodway velocities are generally determined to be under five feet per second and maximum flood depth will not exceed three feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
 - iv. 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, not completely protected from inundation.
 - v. Recreational vehicles and similar uses shall not be permitted in any designated floodway.

- vi. Any contemplated floodplain encroachment or channeling shall be thoroughly analyzed and its effect on steam flow determined before such encroachment is undertaken and must be approved by the Land Use Authority, before accomplishment.
- vii. No lot one (1) acre or less in area shall include floodlands. All lots more than one (1) acre shall contain not less than forty thousand (40,000) square feet of land which is at an elevation at least two feet (2') above the elevation of the one hundred (100) year recurrence interval flood, or, where such data is not available, five feet (5') above the elevation of the maximum flood of record.

3. Drainage System Plans.

- a. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff for the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the subdivision itself, as well as its effects on land downstream.
- b. All proposed surface-drainage structures shall be indicated on the plans.
- c. All appropriate designs, details and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.

13.24.240 Irrigation Systems.

- 1. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within one hundred (100) feet of a proposed subdivision, complete plans for relocation or covering, or other safety precautions shall be submitted with an application for preliminary approval of a plat.
- 2. In all subdivisions in which the smallest lot is less than one (1) acre, all irrigation systems shall be underground.
- 3. All newly installed pressure irrigation systems in or within one hundred (100) feet of a proposed subdivision shall be identified, and otherwise color coded as to pipe and valve color to meet state standards and regulations. Existing systems shall be exempt from this requirement.

13.24.250 Fire Protection.

- 1. The Land Use Authority may authorize alternative fire protection in place of fire hydrants when hydrants are not feasible, and the applicant demonstrates that the proposed method is sufficient. Engineering certification shall be required.
- 2. The Land Use Authority may require additional fire protection or policies when because of the location, type of natural features or other factors contributing to fire danger, other precautions are deemed necessary.

Chapter 13.28 - FINANCIAL RESPONSIBILITY

Sections:

- 13.28.010** **Guarantee.**
- 13.28.020** **Performance Bonds.**
- 13.28.030** **Deposit in Escrow.**
- 13.28.040** **Default.**
- 13.28.050** **Phased Development.**
- 13.28.060** **Guarantee for One Year.**
- 13.28.070** **Acceptance and Release of Surety.**

13.28.010 **Guarantee.**

Before actual installation of the improvements required by this title and before execution of County signatures on the final plat, the applicant shall guarantee the installation thereof by one, or a combination of one or more of the methods specified below, in an amount equal to the cost of the improvements plus ten percent (10%) as estimated by the applicant's engineer and approved by the County.

The guarantee employed shall be approved as to method and form by the Board of County Commissioners and the County Attorney. The Board of County Commissioners may prescribe by administrative rule, or regulation, forms and procedures to ensure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision and the strict compliance with the requirements of this title and §17-27a-604.5 of Utah State Code (as amended).

13.28.020 **Performance Bonds.**

The applicant shall furnish and file with the County a corporate surety bond in an amount equal to the cost of the required improvements as estimated by the applicant's engineer plus ten percent (10%) and approved by the County, to assure the actual construction of such improvements within a period of one (1) year immediately following the approval of the final plat by the Land Use Authority, which bond shall be approved by the Board of County Commissioners and the County Attorney.

13.28.030 **Deposit in Escrow.**

The applicant shall deposit in escrow with an escrow holder approved by the Board of County Commissioners an amount of money equal to the cost of improvements required as estimated by the applicant's engineer plus ten percent (10%) and approved by the County under an escrow agreement conditioned for the installation of said improvements within one (1) year from the approval of the final plat. The escrow agreement shall be approved by the Board of County Commissioners and the County Attorney and shall be filed with the County Recorder.

13.28.040 Default.

In the event the subdivider defaults or fails or neglects to satisfactorily install required improvements within one (1) year from the date of approval of the final plat, the Board of County Commissioners may declare the bond or escrow deposit forfeited, and may install or cause the required improvements to be installed, using the proceeds from the collection of the bond or escrow deposit to defray the expense thereof.

13.28.050 Phased Development.

Whenever the applicant proposes to develop a subdivision in portions or phases, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all said improvements will be made available for full, effective and practical use thereof by lessee or grantee of any of the subdivided lands within the time hereinbefore specified.

13.28.060 Guarantee for One Year.

1. The applicant upon submission of their plans, shall deposit with the County a fee in the amount required by the Board of County Commissioners, to cover engineering review and inspection of the above improvements.
2. The applicant shall warrant and guarantee that the improvements provided for in this chapter, and every part thereof, will remain in good condition for a period of one (1) year after the date of conditional acceptance by the Board of County Commissioners and agree to make all repairs to and maintain the improvements and every part thereof in good condition during that period at no cost to the County. It is further agreed and understood that identifying necessity for repairs and maintenance of the work rests with a civil engineer licensed by the State of Utah, whose decision upon the matter shall be final and binding upon the applicant, and the guarantee stipulated shall extend to and include but shall not be limited to the entire street, subgrade, base and surface and all pipes, joints, valves, backfill and compaction as well as the working surface, curbs, gutters, sidewalks and other accessories that are, or may be affected by the construction operations.
3. Whenever, in the judgement of the County, said work shall be in need of repairs, maintenance or rebuilding, they shall cause a written notice to be served to the applicant. Upon receipt of such written notice, the applicant shall undertake and complete the repairs, maintenance or rebuilding as required by the above-stated written notice. The cost of such repairs, maintenance or rebuilding shall be paid by the applicant. Should the applicant fail to complete such repairs, maintenance or rebuilding as are required by written notice, within a reasonable time from the date when such notice was received (not to exceed six (6) months), the Board of County Commissioners may initiate any and all legal actions necessary to compel compliance with the requirements of the written notice.

13.28.070 Acceptance and Release of Surety.

1. Conditional acceptance of all the improvements shall be in writing from the Board of County Commissioners, after written approval has been received from the County Engineer.
2. Final inspection by the County shall be made one (1) year after all work has been completed and before the release of the improvement bond or escrow deposit. All defects shall be corrected before acceptance by the Board of County Commissioners.
3. Final acceptance shall be in writing by the Board of County Commissioners, after written approval is received from a civil engineer licensed by the State of Utah.

Chapter 13.32 - CLUSTER SUBDIVISIONS AND OPEN SPACE

Sections:

- 13.32.010** **Cluster Subdivision Standards**
- 13.32.020** **Unit Density Calculation and Density Bonus**
- 13.32.030** **Open Space.**

13.32.010 **Cluster Subdivisions Standards**

The purpose of cluster development is for maximum design flexibility, separate residential uses from agricultural uses, and to preserve the rural and agricultural character of the County to the maximum extent possible, while still permitting new residential uses.

1. Clustering of residential development shall be done in such a way that:
 - a. Unbuilt areas of the property are maintained by any one or combination of the following:
 - i. Creation of a Homeowners Association with approved covenants.
 - ii. A deed restriction following procedures outlined in Section 13.32.030.
 - iii. Alternate option approved by the Land Use Authority.
 - b. No building, structure, or fence shall be placed on greater than the percentage of built area for any zone.
 - c. Minimum setbacks are reserved.
 - d. Traditional access through the property to public lands shall be maintained in accordance with the County's General Plan.
 - e. The area surrounding and included in the development are not adversely affected by the design.
 - f. All lots in cluster subdivisions shall be served by an internal access road with limited access to existing County roads.
2. Cluster subdivisions shall follow all procedures outlined in this title.
3. The following rules should apply in cluster subdivisions:
 - a. The density permitted in cluster subdivisions will be as specified in each individual zone.
 - b. All parcels in a cluster subdivision except the residual parcel should be grouped together and contiguous.
 - c. The open space that is created through clustering should allow for agricultural lands to continue to be farmed, storm water to be channelized or detained by grass swales and ponding areas, and preserve open spaces that provide natural habitat areas.
 - d. If open space of the cluster development is to be used for agriculture a buffer between residential and agricultural uses may be necessary.

- e. Where development exists adjacent to proposed development an attempt should be made to interconnect development and open space.
- f. The location of buildings in clustering should follow the following criteria for site selection:
 - i. Buildings should be built on least fertile soils.
 - ii. Buildings should not occur on wetlands, buffers, transition areas, flood plains, or areas with steep slopes.
 - iii. Buildings should be clustered in the least visible portions of the site, such as the edges of fields.

13.32.020 Unit Density Calculation and Density Bonus.

- 1. The maximum number of units developed shall be determined by the amount of land proposed for development divided by the lot acreage required in the zone.
- 2. Existing homes owned by the same property owner as the land being developed are to be considered a unit in the unit calculation method.
- 3. For every increment of twenty (20) acres of contiguous open space in a subdivision development one (1) bonus lot shall be added to the maximum number of units calculated in all zones.

13.32.030 Open Space.

- 1. A deed restriction must be filed on the property remaining in open space stating use of the land will be limited to the uses permitted in Subsection 14.24.040, until such time as any of the following occur:
 - a. Zoning classification change; or
 - a. Annexation by a municipality; or
 - b. Other jurisdictional transfer.
- 2. Areas or spaces designated as open space by Section 13.32.010 shall not be developed or used except as follows, subject to the regulations of the zoning district in which the development is located:
 - a. Agriculture, forestry, and fisheries;
 - b. Game preserves, wildlife sanctuaries, and the like; and
 - c. Non-commercial recreational structures and uses.
- 3. No required yard or other open space around existing building, or which is hereafter provided around any building, for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established.

Chapter 13.34 - DRY SUBDIVISIONS

Sections:

13.34.010 Dry Subdivisions

13.34.010 Dry Subdivisions

1. Whereas, historically there have existed some “dry” subdivisions and developments in Sanpete County. A “dry” subdivision or development is defined as an approved subdivision or development with single-family dwelling lots where a source of on-site potable water was not required for approval of the subdivision or the obtaining of a building permit. On-site potable water is water delivered from a well on the property or delivered to the property from a central water system. Lots in dry subdivisions or developments were permitted either to have no water at all or a water tank serviced by the hauling of water to the property.
2. Whereas, the current County Zoning and Subdivision Ordinances do require an approved source of on-site potable water delivered from a well on the property or by a central water system in amounts as required by law.
3. Whereas, on June 21, 1994, the Sanpete County Commissioners formally recognized 15 dry subdivisions. These dry subdivisions are the following:
 - a. Aspen Hills;
 - b. Big Hollow;
 - c. Holiday Oaks;
 - d. Indian Ridge;
 - e. Jap Valley;
 - f. Mount Baldy;
 - g. Sky Hi;
 - h. Skyline Villas;
 - i. South Valley Estates;
 - j. Temple View Estates;
 - k. Pine Creek;
 - l. Spring City Rancheros;
 - m. Whispering Pines;
 - n. Panorama Woods; and
 - o. Sports Haven, also known as Skyline Mountain Resort.
4. Whereas, for single family dwelling on lots in these developments for recreational summer homes (defined as dwelling lived in less than 181 days a year) the Commissioners further adopted a policy on June 21, 1994, that allowed a 500-gallon supply of water delivered to a water closet with certain pressure requirements.
5. Therefore, the Commissioners desire to update and redefine the water requirements for these enumerated dry subdivisions and developments recognizing the increasing building of recreational homes in the mountain subdivisions of Sanpete County and corresponding concern for the health, safety, and welfare of the occupants and the general public.
6. Now therefore be it ordained by the Commissioners of Sanpete County as follows:

- a. The recognized “dry” subdivisions in Sanpete County are the same as listed above except for Panorama Woods. Panorama Woods is no longer recognized as a dry subdivision or development because no plat was ever presented to the County for filing.
- b. Single family dwelling building permits in these recognized dry subdivisions will continue to be allowed under the following conditions:
 - i. The dwelling is a recreational summer home, meaning a dwelling lived in less than 181 days of the year. Dwellings lived in more than 181 days per year must have an approved source of on-site potable water from a well or water delivered from a central water system.
 - ii. A water supply of 1,000 gallons per dwelling delivered/piped into the dwelling at not less than 25 psi. Piping must be 2 inches or larger and also brought to within 15 feet of any accessible road or driveway and fitted with a shut off valve followed by a 2 ½” male fire thread adapter. This fire outlet must be cleared of vegetation and clearly marked in 1 ½” letters as “Fire Fitting, 1000 gals, suction only.”
- c. Metal roof construction.
- d. 10 pound fire extinguisher at each outside entry door.
- e. A site-specific defensible space area as provided by the Building Inspector and local Fire Warden. The size of the defensible space to be determined by the type of wild land vegetation near the dwelling and the steepness of the terrain.