

SUBDIVISION ORDINANCE

TOWN OF AMALGA

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Planning Commission Approval:

Shane Munk, Chairman

Date

Public Hearing:

Date

Adoption by Amalga Town Council

Date

Acknowledged _____
David Wood, Mayor

Date

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Alan Noble, Chairman

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TABLE OF CONTENTS

SECTION I: GENERAL PURPOSE - SCOPE - DEFINITIONS..... 1

I - 1 PURPOSE..... 1

I - 2 AUTHORITY TO REGULATE 1

I - 3 INTERPRETATION 1

I - 4 CONFLICT 2

I - 5 SEVERABILITY 2

I - 6 EFFECT ON PREVIOUS ORDINANCES..... 2

I - 7 SCOPE OF ORDINANCE 2

I - 8 DEFINITIONS..... 3

SECTION II : DOCUMENT SUBMISSION AND REVIEW PROCEDURES..... 16

II - 1 GENERAL REQUIREMENTS 16

II - 2 APPROVAL PROCESS 18

 Step 1..... 18

 Step 2..... 20

 Step 3..... 28

 Step 4..... 36

II - 3 FORM OF INSTRUMENTS ON FINAL PLAT 37

SECTION III: IMPROVEMENTS..... 43

III - 1 IMPROVEMENTS REQUIRED 43

III - 2	ESSENTIAL FACILITIES	43
III - 3	ORDER OF MAKING IMPROVEMENTS	45
III - 4	MINIMUM IMPROVEMENTS TO BE INSTALLED BEFORE ISSUING OCCUPANCY PERMIT	45
III - 5	IMPROVEMENTS COMPLETION	45
III - 6	PARTIAL DEVELOPMENT-IMPROVEMENTS TO BE CONTINUOUS AND ORDERLY	46
III - 7	COST DISTRIBUTION FOR IMPROVEMENTS	47
III - 8	OVER-SIZED FACILITIES	50
III - 9	COST SHARING AGREEMENT	50
III - 10	INSPECTION	50
III - 11	GUARANTEE OF WORK.....	52
III - 12	IMPROVEMENTS GUARANTEE AGREEMENT	53
III - 13	PARTIAL RELEASE OF AGREEMENT FOR FUNDS.....	54
III - 14	CONDITIONAL ACCEPTANCE	56
III - 15	FINAL ACCEPTANCE AND RELEASE.....	57
III - 16	ACCEPTANCE PERIOD.....	57
SECTION IV: SUPPLEMENTARY REGULATIONS		58
IV - 1	RE-SUBDIVISION PROCEDURE	58
IV - 2	AMENDING A RECORDED SUBDIVISION PLAT	58
IV - 3	NO PERMIT OR LICENSE FOR USE IN VIOLATION OF THE SUBDIVISION ORDINANCE.....	59

IV - 4 ADMINISTRATIVE BODY	59
IV - 5 ADMINISTRATIVE OFFICER.....	59
IV - 6 APPEAL TO TOWN COUNCIL	59
IV - 7 DECISION OF TOWN COUNCIL AND JUDICIAL REVIEW	59
IV - 8 PROTECTION STRIP	59
IV - 9 CONDITIONAL USES	60
IV - 10 PROHIBITED ACTS	60
IV - 11 IMPACT FEES.....	61
IV - 12 LAND EXCAVATIONS	61
IV - 13 RESPONSIBILITY	62
SECTION V: CONSTRUCTION AND DRAWING STANDARDS.....	63
V - 1 GENERAL CONDITIONS	63
V - 2 CONSTRUCTION STANDARDS.....	63
A. Intent of CONSTRUCTION STANDARDS	63
B. Supplementary Definitions.....	63
C. Contracts and Subcontracts	64
D. DESIGN STANDARDS	66
1. Streets-General Requirements	66
2. Easement Standards.....	70
3. Utilities to be Underground	70
4. Blocks	70

5.	Lots.....	71
6.	Storm Drainage and Flood Plains	72
7.	Sewage Disposal.....	74
8.	Water of Sufficient Quantity	75
9.	Culinary Water System	76
10.	Secondary Water Systems	77
11.	Safety Fences	77
V - 3 DRAWING STANDARDS		78
V - 4 PLAT DRAWING REQUIREMENTS		86
SECTION VI: PLANNED RESIDENTIAL UNIT DEVELOPMENT - P.R.U.D.....		89
VI - 1 DESIGN STANDARDS.....		89
VI - 2 PROVISION FOR COMMON OPEN SPACE		89
VI - 3 GUARANTEE OF COMMON OPEN SPACE		89
VI - 4 CONTINUATION OF COMMON OPEN SPACE.....		89
VI - 5 PRESERVATION, MAINTENANCE, AND OWNERSHIP OF OPEN SPACES, AND COMMON AREA.....		90

ORDINANCE NO. _____

AN ORDINANCE DEFINING AND REGULATING SUBDIVISIONS

SECTION I: GENERAL PURPOSE - SCOPE - DEFINITIONS

I - 1 PURPOSE

The purpose and intent of this ordinance is:

- A. To promote the health, safety, convenience, and general welfare of the residents of The Town of Amalga in matters relating to the subdivision, re-subdividing, and development of land.
- B. To promote the efficient and orderly growth of The Town of Amalga and to assist in implementing the objectives, policies, and programs of the General Plan.
- C. To assure that a proper survey of the properties is made to avoid land discrepancies.
- D. To assure that each lot meets the zoning requirements.
- E. To assure that the development, including on-site and off-site improvements, does not impact any wetlands or encroach upon flood plains.
- F. To assure that each lot is adequately provided with proper street frontage and access, utility easements, culinary water, secondary water where applicable, sanitary sewer, fire protection, drainage, etc., to the standards of The Town of Amalga.
- G. To ensure that the subdivider(s) bear all costs of improving and providing land for streets and easements, and for extending culinary, sanitary sewer, storm drains and secondary water where applicable to the subdivision site.
- H. To restrict development on land which is unsuitable because of poor drainage, or severe septic tank or foundation limitations.

I - 2 AUTHORITY TO REGULATE

The authority of the local jurisdiction to regulate subdivisions of land is provided for under the applicable portions of Title 10 of the Utah Code dealing with subdivision regulation.

I - 3 INTERPRETATION

In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set

forth.

I - 4 CONFLICT

This subdivision ordinance shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

I - 5 SEVERABILITY

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

I - 6 EFFECT ON PREVIOUS ORDINANCES

This newly adopted subdivision ordinance replaces all previous efforts or ordinances to regulate subdivisions.

I - 7 SCOPE OF ORDINANCE

- A. No person shall subdivide any tract of land which is located wholly or in part within the boundaries of The Town of Amalga, except in compliance with this ordinance. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a subdivision of a larger tract of land, nor offer for recording in the office of the County Recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this Ordinance and other local regulations. This Ordinance shall not apply to lots legally created prior to the adoption of this Ordinance, unless they are further subdivided after the creation of this ordinance.

Subdivisions which qualify as minor subdivisions, as defined by this ordinance are exempt from the platting requirements herein and may be sold, purchased, and recorded by metes and bounds. All applicable requirements of the Amalga Land Management and Development Code, or zoning ordinance, must be met in minor subdivision applications.

- B. A subdivision refers to the division, singular or multiple, of any tract, lot, or parcel of land recorded as an undivided tract in the County Recorder's office at the time of the adoption of this Ordinance, into lots, plots, sites, parcels, or other divisions of land for the purpose of, whether immediate or future, sale and/or building development; provided that this definition shall not include a bona fide division of land for agricultural, commercial, manufacturing, or industrial purposes where no new streets are required or are to be dedicated for public use. Property divided for agricultural, commercial, or industrial purposes shall not be converted to residential use without meeting the requirements for a subdivision as set forth in this Ordinance.

- C. Building permits will not be issued on parcels which have been created in violation of this Ordinance. Furthermore, those improvements which are required to be in place prior to the issuance of building permits must be completed before such issuance.
- D. Any land divided for any purpose into two (2) or more parts after the adoption of this Ordinance shall be subject to the provisions and regulations herein, except for the bona fide divisions for partitions of commercial land for commercial purposes; and industrial land for industrial purposes, as defined herein.
- E. All lots, plots, or tracts of land located within a subdivision shall be subject to this ordinance whether the tract is owned by the SUBDIVIDER or a subsequent purchaser, transferor, or holder of the land.

I - 8 DEFINITIONS

Attorney: The person selected or appointed by the TOWN COUNCIL to represent The Town of Amalga as the TOWN'S ATTORNEY.

Bench Mark: The mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.

Bona fide Division of Land:

1. Bona Fide Division of Agricultural Land for Agricultural Purposes: The division of agricultural land into two (2) or more parcels for which the PLANNING COMMISSION makes the following written findings of fact upon petition for such findings by a land owner:
 - a. No urban services will be required by said division of agricultural land.
 - b. The purpose and use of each of the lots in the division shall be agricultural industry or business, or recreational.
 - c. Each of the parcels created has access to an existing public street. [Amended 2010]
 - d. Each of the lots created shall be found by the PLANNING COMMISSION to be capable of producing an income from the sale of agricultural products sufficient to justify its existence as the controlling facets used in making a decision as to whether a division of land is or is not a bona fide division or partition of agricultural land for agricultural purposes, the PLANNING COMMISSION and the TOWN COUNCIL shall make findings as to the availability of water for irrigation or stock watering purposes; the class of the soil and depth of the soil mantle; the slope of the land, past history of agricultural production, and the present state of agricultural technology.
2. Bona Fide Division of Commercial Land for Commercial Purposes: The division

of commercial land into two (2) or more parcels for which the PLANNING COMMISSION makes the following written findings of fact upon petition for such findings by a land owner:

- a. The purpose and use of each of the lots in the division shall be for commercial purposes and not for manufacturing, warehousing, construction, or assembly of goods, agricultural production, recreation, or residential housing.
- b. Each of the lots created has access to a public street. [Amended 2010]
- c. Each of the lots shall have an adequate water supply.
- d. Each lot shall have access to adequate sewage collection and disposal facilities.

Buildable Area, Natural: The portion of a lot remaining after the required yards have been provided, and having a natural existing slope of fifteen (15) percent or less. Land with an average natural existing slope exceeding (15) percent shall not be considered buildable unless it is approved by a conditional use permit or approved as part of a subdivision approval.

Building Official: The person designated by the TOWN COUNCIL as the BUILDING OFFICIAL or BUILDING INSPECTOR.

Common Area: That area within a Planned Residential Unit Development which includes common open space where provisions for shared ownership and perpetual maintenance is declared and established in a Home Owner's Association or provided for in a perpetual care agreement with the TOWN. [Amended 2010]

Common Area Open Space: That area within the Common Area of a Planned Residential Unit Development which does not include public roads which is to be perpetually preserved as landscaped area, agricultural area, or park area, where provisions for shared ownership and perpetual maintenance is declared and established in a Home Owner's Association or provided for in a perpetual care agreement with the TOWN. [Amended 2010]

Community: The Town of Amalga.

Concept Plan: A scaled drawing on a topographic base map that shows the location of the proposed subdivision, a concept layout, and the general location of existing roads, utilities, major natural features, public features, etc. Items to be included in Sketch Plan are listed in Section V-3-F.

Conditional Acceptance: A written notice to the Subdivider establishing the date beginning his two (2) year guarantee period.

Construction Standards: The MINIMUM PUBLIC WORKS CONSTRUCTION STANDARDS AND SPECIFICATIONS adopted by the TOWN which include but shall not be limited to: drawings, tables, charts, and references which establish minimum standards for the design and construction of subdivision requirements.

Condominium: The ownership of a single unit in multi-unit project, together with an individual interest in common in the common areas and facilities of the property as provided by State Law. A condominium development is comparable to a subdivision in that each development is characterized by multiple individual ownerships in structures, whereas in subdivisions such ownerships are in land. For regulation purposes, the development of a condominium project is treated by Utah State Law and by this Code as a subdivision; therefore, condominium developments must comply with the subdivision regulations of the Code.

Cost Sharing Agreement: An agreement entered into between the SUBDIVIDER and intervening property owners (and in some cases, The Town of Amalga) whereby the SUBDIVIDER will be reimbursed proportionately for installing improvements over intervening properties.

Crosswalk or Walkway: A right-of-way designated for use by pedestrians and not intended for use by motor vehicles of any kind; a crosswalk, walkway or pedestrian way may be located within or without a street right-of-way, at grade, or grade-separated from vehicular traffic.

Cul-De-Sac: A street which is designated to remain permanently closed at one end, with the closed end terminated by a vehicular turnaround. For purposes of this Code, the length of a cul-de-sac shall be measured from the centerline of the intersecting street along the centerline of the cul-de-sac, to the center of the turnaround.

Culinary Water Facilities: Water, water supply, pipelines, pumps, springs, wells, and/or any other physical facilities necessary to provide a sufficient quantity of approved quality water to each lot.

Developer: See SUBDIVIDER.

District Sanitarian: The local health officer from the Bear River District Health Department. The District Sanitarian must approve and issue permits for individual waste and disposal systems, if connection to the community's public sewer system is not required by the community's sewer ordinance.

Easement: That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use on, under, or above said lot or lots.

Engineer, Town: The person and/or professional engineering firm appointed by the TOWN COUNCIL to represent The Town of Amalga as their ENGINEER, especially for the purpose of reviewing subdivision proposals.

Environmental Impact Assessment: A report which describes, by means of written narrative as well as maps, a geographical area in terms of existing: (1) slope, (2) soils, (3) water courses and storm water drainage, (4) water table, (5)

flood hazard areas, (6) geologic hazards, (7) vegetative types, (8) wildlife, (9) wildlife habitat, (10) significant farm lands, and (11) essential urban services presently available.

The report includes a tabulation of proposed population density and the numbers and types of proposed dwellings and other buildings and spaces to be occupied at full development.

The report further describes by means of written narrative as well as maps the impact of the proposed development on the following specific subject areas once the anticipated population density is achieved within the area to be developed: (1) water courses and flood hazards, (2) natural vegetation, (3) wildlife, (4) erosion, (5) topsoil loss, (6) sedimentation of water courses and reservoirs, (7) slope stability, (8) dust, (9) fire potential, (10) accumulation of solid and liquid wastes, and (11) the need and desire for urban services.

Essential facilities: Each SUBDIVIDER shall provide or make provisions for the full and beneficial use of each owner in the subdivision, the following minimum facilities:

1. Culinary water supply in adequate supply and quantity to each dwelling unit and, adequate water for irrigation of lawns, gardens and shrubs.
2. Where irrigation or secondary water is available to the property, the SUBDIVIDER shall provide facilities to irrigate lawns, gardens and other landscaping from the available irrigation or secondary water.
3. Sanitary sewage disposal facilities.
4. Storm water collection, detention and adequate drainage facilities.
5. Improved roads including sidewalk and curb and gutter as required by The Town of Amalga Land Development Code.
6. Electricity, distribution system, and adequate street lighting.
7. Telephone.
8. Natural gas and distribution facilities where gas is available.

Excavations: Any disruption of the soil mantle and/or man-made surfacing of the same. Excavations may be either in the nature of a process or a use. Excavations undertaken for the purpose of preparing a site for an ultimate land use or for repairing or constructing urban service facilities are processes; whereas excavations such as gravel pits, quarries or mines are uses which require specific use authorization in the zoning district where located, in addition to a conditional use permit if such is required.

Final Acceptance: A written notice to the SUBDIVIDER establishing the date of termination of the SUBDIVIDER'S guarantee period. This notice shall be given only after all defective improvements have been repaired and/or replaced. All of the improvements shall be inspected by the ENGINEER and certified to as complying with the CONSTRUCTION STANDARDS before the TOWN COUNCIL can issue a notice of Final Acceptance.

Final Plat: A map or chart of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, lots, and other divisions thereof can be identified. The plat must be drawn accurately to scale with permanent black ink on approved mylar and have all measurements, data certificates, and dedications required for approval and acceptance by the proper agencies and for recording in the office of the County Recorder. The final, complete plat in the sub-division approval process.

Fire Fighting Facilities: Such water supply, water lines, fire hydrants and other protective devices as may be required in accordance with the provision of this Ordinance for fire suppression.

Fiscal Impact Study: An economic analysis of the feasibility of the project to assure that the development will not create a financial obligation for the TOWN. This report should evaluate the potential area-wide economic impact of the development on both private and public economic sectors and the potential impact on school, public utility, and transportation systems. The report should recommend measures which, if undertaken, will mitigate or obviate the adverse impacts resulting from construction of the proposed development, and what adverse impacts cannot be avoided and the extent of their detrimental influence.

Flood Hazard: A water hazard to land or improvements due to inundation or due to overflow, water having sufficient velocity to transport or deposit debris, scour the surface soils, dislodge or damage buildings, erode the banks of water channels, and/or flood basements.

Flood Plain: Areas adjacent to any streams, ponds or lakes which are subject to the 100-year recurrence interval floods as shown on Flood Hazard Boundary maps prepared by FEMA, or a similar study conducted by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines.

Floodway: The channel of a watercourse and those portions of the adjoining floodplain required to provide for the passage of a 100-year return interval flood with an insignificant increase in the flood levels above that natural conditions. As used in the National Flood Insurance Program, floodway must be large enough to pass the 100-year flood without causing an increase in elevation of more than a specified amount (one foot in most areas). Floodways are normally designated on Flood Hazard Boundary maps prepared by FEMA.

General Plan: A plan which has been prepared and adopted for the purpose of guiding development and which has been adopted by the TOWN as the "Comprehensive Plan of The Town of Amalga, Utah".

Geological Hazard: A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth. Geologic hazards include but are not limited to: rockfills, slide areas, flood plains, fault lines, high water table, and other groundwater problems such as liquefaction, etc.

Health Officer: See DISTRICT SANITARIAN.

Improvements, Subdivision: Work, objects, devices, facilities, or utilities, required to be constructed or installed for the development of land for residential, commercial, industrial, or recreational uses. Such improvements may include, but are not limited to street construction to required standards, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities or construction necessary for the proper development of the proposed land development project as required by this ordinance, the CONSTRUCTION STANDARDS, or by the PLANNING COMMISSION and/or the TOWN COUNCIL.

Improvements Agreement: An agreement between the TOWN COUNCIL and SUBDIVIDER, wherein the SUBDIVIDER agrees to install the Subdivision Improvements required by this Code, the CONSTRUCTION STANDARDS, or by the PLANNING COMMISSION, and/or the TOWN COUNCIL for the necessary property development of the proposed land development.

Intervening Property: Any property located between the legally described perimeter of the subdivision and any existing public facilities or utilities.

Lot: A parcel or unit of land abutting a public street, described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a subdivision plat or condominium plot. [Amended 2010]

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

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

Lot Depth: The horizontal distance between the front and the rear lot lines

measured in the main direction of the side lot lines.

Lot Frontage: The length, in feet, of the front lot line which is co-terminus with the front street line.

Lot Frontage, in Cul-De-Sacs: The frontage width in a cul-de-sac is defined as the length of the curved line at the front yard set-back distance, which distance is equal to the minimum distance for front yard set back for the zoning district in which the property is situated.

Lot Frontage, Required: The minimum length, in feet, of the front lot line which is co-terminus with the front street line.

Lot Held In Separate Ownership: Shall mean all contiguous land held in one ownership at the time of the passage of the Code or at any time hereafter, whether or not such land has been or is described separately, has separate chains of title, is described on one or more than one property tax notice, or is otherwise divided on paper.

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

Lot Lines: The property lines bounding the lot.

Lot Line, Front: For an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

Lot Line, Rear: Ordinarily, that line or lines of a lot which are opposite and most distant from the front line of the lot.

Lot, Restricted: A lot having an average slope of twenty-five (25) percent or more; a lot which does not contain a natural buildable area at least seventy-five (75) feet by one-hundred (100) feet with an average slope of fifteen (15) percent or less; a lot which because of type of soils, flood hazard, geology or topography requires special engineering and/or architectural designs and/or considerations; and/or a lot which has vehicular access longer than 40 feet from the property line to the main building or structure, which upon completion of construction of the access on the site, has a slope of greater than 10%. Building on restricted lots is prohibited unless geotechnical design solutions to problems associated with such lots have been prepared by a qualified professional team and approved by the PLANNING COMMISSION in a conditional use permit or as part of a subdivision approval.

Lot Line, Side: Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

Lot Width: The horizontal distance between the side lot lines measured at the required front yard setback line or rear yard setback line, whichever is shorter.

Lot, Unrestricted: A lot having a natural average slope of less than twenty-five (25) percent and containing a natural buildable area of at least seventy-five (75) feet by one-hundred (100) feet with an average slope of fifteen (15%) or less, which buildable area is designated as such on the subdivision plat, and which has vehicular access with a slope of 10% or less for driveways longer than 40 feet and 15% or less for driveways which are 40 feet or less in length.

Master Street Plan: A map which shows existing public streets and which has been officially adopted by the PLANNING COMMISSION as the master street plan.

Minor Subdivision: The subdivision of a single lot from an undivided tract, recorded as such in the County Recorder's office. Such division shall be considered a minor subdivision if:

- A. Only one lot is divided from the property. Additionally, the construction of a dwelling upon either the original parcel or upon the newly created lot shall be deemed as the allotted construction for a minor subdivision. The remaining parcel shall be deemed as ineligible for dwelling construction under the minor subdivision provisions until four years from the issuance of the building permit for either lot. This applies regardless of any property ownership changes.
- B. No other division of this land, as identified by the county tax number, has occurred less than four years prior to this division.
- C. No zoning change or rezone is required.
- D. No street expansion or improvement is required.
- E. The division requires no other infrastructure changes.
- F. The division meets all other requirements of the Utah Code, Title 10, The Municipal Land Use and Development Act, Section 10.9.806.
- G. The development is in harmony with the goals of the Amalga General Plan and does not conflict with any provision or portion of the Amalga Land Management and Development Code, Official Zoning Map, Land Use Map, Transportation and Circulation Element of the General Plan, or any other town ordinance or regulation.
- H. The subdivider must agree to be bound by the current version of this code and the Town General Plan. The property must not contain sensitive lands or lie under the sensitive lands overlay zone. (Revised 05/2001)

Official Map: A map which has been officially adopted by the TOWN COUNCIL according to state law.

Off-Site Facilities and Utilities: Facilities and utilities installed in, under, upon, or over other property outside the legally described perimeter of a subdivision which are required for the proper development of such subdivision and which may be located and designed to serve such other property.

On-Site Facilities and Utilities: Facilities and utilities installed in, under, upon, or over public streets, rights of way or easements within the legally described perimeter of a subdivision.

Open Space: Land used for recreation, agriculture, resource protection, or buffers, and is freely accessible to all residents of the subdivision except in the case of agricultural lands where access may be restricted. The open space land shall be shown on the subdivision plats with the necessary instruments being filed with the County Recorder to ensure that it remains in perpetuity for such uses as defined in the covenants and agreements establishing the open space. Open space does not include land occupied by non-recreational buildings, roads, or road rights-of-way; nor does it include the yards or lots of single or multiple family dwelling units or parking areas as required by the provisions of this Code. Open Space should be left in a natural state, except in the case of agricultural or recreational uses which may require the construction of certain improvements for the benefit of the residents subdivision.

Open Space, Usable: Usable open space shall be any portion of a lot or building which meets all the following conditions:

1. The open space shall be open to the sky and shall be open to view on at least two sides.
2. The space shall be readily accessible by foot traffic from the dwelling unit to which it is accessory.
3. If the space is provided on a balcony, roof, or other facility above grade, it shall have such protective devices as are deemed necessary by the BUILDING OFFICIALS to assure reasonably safe usage by children and adults.
4. The space shall not be provided from any required front or side yard, parking area, or driveway space.

Oversized Facilities and Utilities: Facilities and utilities which are designed, with added capacity, width, depth, etc., with the express purpose of making service available to other properties outside the legally described perimeter of the subdivision.

Parcel of Land: A contiguous area of land in the possession or ownership of a person described by one or more descriptions on file with the County Recorder.

Permanent Monument: Any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of this Code.

Permitted Use: A use of land which is allowed within a particular zoning district without the necessity of obtaining a conditional use permit.

Perpetual Care Fund: Also referred to as perpetual maintenance trust fund, this fund is set aside by the developer for the purpose of maintaining open spaces within a development that has been set aside for recreational or park use. The amount of

the fund set aside must be satisfactory to and approved by the planning commission and the Town council.

Person: An individual, tenants in common, joint tenants, corporation, partnership, firm, limited partnership.

Planner: The PLANNER employed by or officially representing the COMMUNITY.

Planning Commission: The PLANNING COMMISSION of the COMMUNITY.

Planning Commission Staff: The professional staff consisting of the ENGINEER, PLANNER, DISTRICT SANITARIAN and such other professionals or experts as selected by the PLANNING COMMISSION to assist in the subdivision review.

Preliminary Plat: A drawing to scale, representing a proposal to subdivide a tract, lot or parcel of land, but which does not have the certificates and dedications necessary for acceptance by the COMMUNITY. A plat which is developed as a result of additions and improvements as required by the planning commission to the concept plan or sketch plat.

Presiding Official: The Mayor of the COMMUNITY.

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

Right-Of-Way: That portion of land dedicated to public use for street and/or utility purposes or maintained in private ownership for similar purposes.

Roadway Width: The distance back to back of curb or curb-gutter. On roadways where gutter or curb-gutter has been waived, the width shall be the actual width of the paved area.

Sewage Facilities: Sanitary sewage collection systems, sewage treatment plants, or approved individual sewage disposal facilities as may be permitted by local sewer ordinance.

Street, Collector: A street, existing or proposed, which is the main means of access to the major street system, and shall have a right-of-way equal to that shown on the Master Street Plan.

Street, Major: A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled-access highway, major street, parkway or other equivalent term identifying those streets comprising the basic structure of the Master Street Plan.

Street, Minor: A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs

of a neighborhood, and shall have a right-of-way equal to that shown on the Master Street Plan.

Street, Private: [Amended 2010]

Street Public: A thoroughfare at least fifty (50) feet in width which has been accepted and is or will be maintained by the COMMUNITY and which:

1. The COMMUNITY, county, or state has acquired by prescriptive right.
2. The COMMUNITY, county, or state owns.
3. Has been approved by the PLANNING COMMISSION and offered for dedication on an approved final subdivision plat.
4. Is a thoroughfare that has been privately abandoned or made public by right of use.
5. Provides access to abutting property.

Street, Stub: A street extending from within the subdivision to the boundary thereof and temporarily terminating there with no permanent vehicular turnaround. Stub streets are provided to permit access to adjacent parcels of land.

Street, Cul-De-Sac: A minor terminal street provided with a turnaround (see Cul-De-Sac).

Subdivider: an individual, corporation, or registered partnership owning or controlling any tract, lot, or parcel of land to be subdivided; or a group of two or more persons owning any tract, lot or parcel of land to be subdivided who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the purpose of the subdivision.

Subdivision: The division of any tract, lot or parcel of land recorded as an undivided tract in the County Recorder's office at the time of the adoption of this Ordinance, into two or more lots, plots, issues or other divisions of land for the purpose, whether immediate or future, of sale or of building development; provided that his definition shall not include a bona fide division of land for agricultural, commercial, or industrial purposes shall not be converted to residential use without meeting the requirements for a subdivision as set forth in this Ordinance. (See Bona Fide Division of Land.) For the purpose of these regulations a division of land shall include:

- a. The dedication of a road, highway, or street through a tract of land, regardless of area, which may create a division of lots or parcels constituting a "subdivision".

- b. Re-subdivision of land heretofore divided or platted into lots, sites, or parcels.

Surveyor: The person elected or appointed by the TOWN COUNCIL to represent The Town of Amalga as their SURVEYOR.

Town: The Town of Amalga.

Town Council: The Governing Body representing the TOWN.

Urban Services: Those services normally associated with urban living, including but not limited to the following: electricity, natural gas, streets, schools, culinary water, secondary or irrigation water where applicable, sewage collection and treatment facilities, police and fire protection.

Utilities: Includes culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, electric power, gas and telephone transmission lines, underground conduits and their appurtenances.

Vicinity Map: A map or drawing to scale of any area proposed for development, showing the location of the proposed subdivision, existing and proposed streets, buildings, public facilities and utilities within the general influence area of the proposed subdivision within one (1) mile radius; boundaries of zoning districts, taxing districts, and other special districts on and in the immediate vicinity of the land proposed for subdivision; water courses, impoundments, streams, springs, wells and areas subject to continuous or occasional flooding on and in the immediate vicinity of the land proposed for subdivision, significant vegetative patterns on and in the immediate vicinity of the land proposed for subdivision.

Water Facilities: Culinary water facilities includes the water, water supply, springs, wells, transmission, and distribution pipe lines, service laterals, pumps, valves, fittings, reservoirs, fire hydrants, and all appurtenant facilities necessary to provide and deliver a sufficient quantity of an approved quality of water to each lot and/or dwelling unit. A sufficient quantity of water shall be defined as follows:

1. For lots not served by a secondary water system, the culinary water facilities shall be designed and constructed so as to furnish 3.4 gallons per minute of water at 40 psi minimum to each dwelling unit or each 10,000 square foot lot of area.
2. For lots with a secondary source of water the quantity of water may be reduced to 1.7 gallons per minute for each lot and/or dwelling unit.
3. Fire suppression water facilities shall be included in the culinary water facilities and shall include the water supply and delivery capabilities adequate to furnish 500 gallons per minute for 2 hours, with a residual pressure of no less than 20 psi, from each of two fire hydrants located not more than 350 feet from any single fire (dwelling unit).

Zoning Ordinance: The currently adopted Land Development Code, or Land Use Management and Development Code, or Zoning Ordinance of the TOWN, which ever is in affect, and appurtenant maps.

SECTION II : DOCUMENT SUBMISSION AND REVIEW PROCEDURES

II - 1 GENERAL REQUIREMENTS

A. All applications and submittals are to be reviewed at regularly scheduled PLANNING COMMISSION meetings. Whenever applications to the PLANNING COMMISSION for formal action are required by the land development code or zoning and subdivision ordinance, application materials must be submitted to the PLANNING COMMISSION secretary at the following required intervals prior to the regularly scheduled public meeting of the PLANNING COMMISSION:

Concept Plan - Two (2) to Four (4) Weeks
Preliminary Plan - Two (2) to Three (3) Weeks
Final Plat - Two (2) Weeks to Three (3) Weeks

B. Time Periods for PLANNING COMMISSION Action: Time periods for PLANNING COMMISSION action shall not begin to run until after all fees are paid and complete applications are officially received and reviewed by the PLANNING COMMISSION at a regularly scheduled public meeting.

C. Pre-Submittal Procedures: To facilitate the handling of applications, the PLANNING COMMISSION may, from time to time, adopt additional pre-submittal procedures to allow for adequate investigations and staff review and may require compliance with such pre-submittal review procedures as a prerequisite to formal receipt and action by the PLANNING COMMISSION. Pre-submittal review shall in no way be interpreted to mean a review by the PLANNING COMMISSION.

D. Fees: Fees may be charged applicants for subdivision applications, zoning amendments, conditional use permits, design review, and such other services as are required by this Code. Such fees shall be established by the TOWN COUNCIL by resolution and shall be in amounts reasonably needed to defray costs to the public.

E. Docketing for Review: Upon receipt of all required writings, fees, and materials for any specific stage of the review procedure, the PLANNING COMMISSION shall docket the application for review. Incomplete submittals shall not be docketed for PLANNING COMMISSION review but shall be returned to the SUBDIVIDER for completion.

F. Approval or Disapproval: At each step of the review procedure, the PLANNING COMMISSION shall approve or disapprove of the writings and materials submitted to it, and where applicable, shall approve or disapprove of the entire application or any portion thereof. Any approval or disapproval made by the PLANNING COMMISSION shall be in the form of written findings of fact and conclusions, which findings and conclusions shall be made available to the applicant and all parties concerned, by the PLANNING COMMISSION within twenty-five (25) calendar days of the PLANNING COMMISSION meeting at which the application was reviewed.

G. Copies: A minimum of ten (10) copies of all required materials shall be submitted to the PLANNING COMMISSION at each step of the review process, unless otherwise specified. Additional copies may be required by resolution of the PLANNING COMMISSION.

H. Formal Action: Formal action on any application, i.e., action approving or denying any application, shall be taken only at regularly scheduled or officially called meetings of the PLANNING COMMISSION.

I. Public Meeting: Unless specifically required by this Code or other applicable law, no public hearing need be held for subdivision review. However, a hearing may be held when the PLANNING COMMISSION shall deem such a hearing to be necessary and in the public interest. Whenever a public hearing is held, notice thereof shall be given as required by applicable law or if there is not otherwise applicable law, then by a method reasonable calculated to give notice to interested parties. Such notice shall be given a minimum of fifteen (15) calendar days prior to the public hearing or as required by state law, whichever period of time is greater. Failure of interested parties to receive actual notice of said hearing shall in no way affect the validity of action taken.

J. Application Forms: Application for any required PLANNING COMMISSION action shall be submitted on forms prepared for that purpose by the PLANNING COMMISSION.

K. Retention of Plans: Plans, specification, and reports for all applications submitted to the PLANNING COMMISSION shall become the property of the public and shall be retained by the TOWN for a minimum period of two (2) years.

L. Applicability of Application and Document Requirements to Types of Uses. Applications and Concept Plans are required for all uses. Applications, Preliminary Plans, and Final Plats are required for all subdivisions and planned unit developments for residential, commercial or industrial purposes.

M. SUBDIVIDER'S Responsibility: Approval of the Concept, Preliminary Plan and/or Final Plat and the supporting documents by the PLANNING COMMISSION and/or the ENGINEER shall not be construed to waive the responsibility of the SUBDIVIDER and/or his engineer/surveyor of complying with any section of the land development code or zoning and subdivision ordinances unless such waiver is in writing signed by the Chairman of the PLANNING COMMISSION and approved by the TOWN COUNCIL, or of complying with all other applicable laws, rules, and regulations applicable to the development of the subdivision.

N. Resubmittal Design Review Fee:

1. In order to minimize the cost of reviewing the plans, drawings, and data for compliance with the local ordinances, the SUBDIVIDER and his professional engineer, registered in the State of Utah, shall assure themselves that they have read and are completely familiar with the local ordinances relating to subdivision

of lands within the TOWN boundaries.

2. The initial design review fee shall entitle the SUBDIVIDER to a preliminary and final review of the Preliminary Plan and its supporting data and a preliminary and final review of the Final Plat, plans, and drawings. Plans and drawings which are incomplete, inaccurate and not in compliance with this ordinance will be returned without action. If plats, plans, or drawings are resubmitted for additional review which requires additional work on the part of the ENGINEER, then the SUBDIVIDER and/or his engineer shall be required to pay any and all costs incurred by the TOWN for such additional reviews before the plat will be approved by the PLANNING COMMISSION.

II - 2 APPROVAL PROCESS

Applications and documents are to be submitted and reviewed in four (4) steps. Each step shall be reviewed by the appropriate personnel and their recommendations shall be forwarded to and reviewed by the PLANNING COMMISSION before any action shall be taken by that body. The steps in the approval process are as follows:

Step 1 Prior to subdividing any tract of land, a SUBDIVIDER and his engineer shall comply with the following requirements:

1. Obtain or possess a copy of the current land development code or zoning and subdivision ordinances and become completely familiar with all of its requirements. The SUBDIVIDER and his engineer shall meet with the PLANNER and/or ENGINEER who review the proposed subdivision with them to determine general appropriateness of the location, the zoning, the location of the nearest utilities and vehicle access, and advise the applicant regarding preparation of the documents required by this ordinance. This meeting with the PLANNER and/or ENGINEER shall not relieve the SUBDIVIDER of his responsibility to comply with all of the provisions of this ordinance.
2. Submit Concept Plan to PLANNING COMMISSION. At least two (2) weeks prior to a regularly scheduled meeting of the PLANNING COMMISSION, applicants shall submit a Concept Plan to the PLANNING COMMISSION which shall enable the applicant and the PLANNING COMMISSION to have an informal review of a proposed project for general scope and conditions which might affect the proposed project and/or the local area. The PLANNING COMMISSION shall either approve or reject the Concept Plan, with or without conditions.
3. Concept Plan Requirements. The Concept Plan shall include a drawing on 24 x 36 inch tracing vellum or mylar. Drawings shall have a 1 1/2 inch margin on the left and 1/2 inch margin on the three remaining sides. The drawing may be in pencil but shall be clear and legible. The entire plan shall include the following:

- A. The name of the proposed subdivision.
 - B. The name, home, and business address of the developer.
 - C. The name and business address of the project designer and Engineer.
 - D. The dimensions, area, and general location of the site.
 - E. North point, or arrow, pointing to the left or top of sheet.
 - F. Locations of existing buildings.
 - G. Locations and names of existing streets and general location of proposed streets.
 - H. Public and private easements related to site.
 - I. Water courses and impoundments.
 - J. Location and description of existing vegetation.
 - K. Storm water disposal facilities; location and size of utility service (water, sewer, power, gas, telephone cable) lines; location and type of proposed sewage disposal facilities; type of water system proposed; location of all other proposed on-site and off-site improvements.
 - L. Topographic contours from existing data such as U.S.G.S. quads.
 - M. Soils and geologic map indicating soils types, their boundaries, and any known geologic hazards such as fault zones, unstable soils, etc.
 - N. Vicinity map.
 - O. Name and address of property owners within 300 feet of proposed subdivision.
 - P. Adjacent properties and names of owners.
 - R. Existing Zoning.
 - S. Environmental Impact Assessment.
4. The Concept Plan review.
- A. The PLANNING COMMISSION, or its authorized representatives shall upon receipt of the complete Concept Plan submission, distribute copies of the

plan to such governmental departments and other agencies for review and comment as in the opinion of the PLANNING COMMISSION may contribute to a decision in the best interests of the public.

Notification of adjacent property owners: At least seven (7) days prior to the PLANNING COMMISSION meeting the PLANNING COMMISSION secretary will notify the owners of property abutting the boundary of the proposed Subdivision, by a written notice stating the time, date and place where the PLANNING COMMISSION will consider giving Concept Plan approval to the Subdivision. The SUBDIVIDER shall provide the PLANNING COMMISSION with the names of all persons to whom the notice is to be given. Failure of adjacent land owners to receive actual notice of meeting shall in no way affect the validity of the action taken.

The PLANNING COMMISSION or its authorized representative shall review the Concept Plan submittals for substantive content, for compliance with the General plan, Ordinances, and other regulations of the TOWN. The PLANNING COMMISSION after completion of their review shall notify the SUBDIVIDER, in writing, of the Concept Plan review findings, including approval or denial of the application, as well as reasons for denial, such as questionable design or engineering feasibility, inadequacy of submittals, noncompliance with local regulations, and the need for other information which may assist the PLANNING COMMISSION to evaluate the proposed subdivision. If it is determined by the PLANNING COMMISSION that the proposed development would violate local ordinances and regulations, no further review of the proposed development shall be made and it shall be returned to the SUBDIVIDER with written notification. Other than mentioned above, the denial of the application for the Concept Plan approval shall not constitute an absolute disapproval of the proposed development, but rather shall operate in such a manner as to give the SUBDIVIDER guidance as to the requirements and constraints for development within the COMMUNITY. Once Concept Plan approval is granted, the SUBDIVIDER may proceed to Step 2 and submit the Preliminary Plan. If the Preliminary Plan approval for a proposed development has not been obtained within one (1) year of the date on which the Concept Plan was approved, a resubmittal of the Concept Plan shall be made to the PLANNING COMMISSION and approved by them prior to filing an application for Preliminary Plan approval.

Step 2 Preliminary Plan Approval. Submit Preliminary Plan and its supporting documents, to the PLANNING COMMISSION and pay the required application and design review fees. The Preliminary Plan shall propose design solutions to problems identified in the approved Concept Plan and ascertained during the design process. The PLANNING COMMISSION shall either approve, conditionally approve, or reject the Preliminary Plan. Conditional approval shall require the SUBDIVIDER to resubmit a Preliminary Plan that has satisfied the conditions stated in the Conditional Approval.

1. Submission of Preliminary Plan. At least two (2) weeks prior to the date of a

regularly scheduled meeting of the PLANNING COMMISSION, the SUBDIVIDER shall submit ten (10) copies of the Preliminary Plan and all required supporting documents of the proposed subdivision to the PLANNING COMMISSION secretary together with the required filing fees. Incomplete plans and supporting documents will be returned to the SUBDIVIDER without action and will not be accepted for review until complete and resubmitted at least two (2) weeks prior to another regularly scheduled meeting of the PLANNING COMMISSION.

2. Preliminary Plan Drawing Standards. The Preliminary Plat shall be drawn to a scale on standard 24 inch by 36 inch tracing vellum or mylar. The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor licensed to do such work in the State of Utah. A workmanlike execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for rejection. The following data shall be submitted as part of the Preliminary Plat submission:
 - A. The proposed name of the Subdivision.
 - B. Where the plat submitted covers only a part of the SUBDIVIDER'S tract, or is part of a larger vacant area, the plat shall show the location of the Subdivision as it forms part of a larger tract or parcel. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
 - C. Sufficient information to locate accurately the property shown on the plat.
 - D. A boundary traverse map of the perimeter of the proposed subdivision. The surveying shall have an error of closure of not greater than one part in 10,000. The boundary survey and traverse shall be certified by a land surveyor, registered to practice in the State of Utah.
 - E. A vicinity map showing perimeter outline of the plan, accesses, abutting subdivision outlines and names, and other relevant information within one half (1/2) mile distance of the perimeter of the proposed plat. Scale not less than one inch equals two thousand feet.
 - F. The names and addresses of the SUBDIVIDER, the ENGINEER or SURVEYOR of the Subdivision, and the owners of the land immediately adjoining the land to be subdivided.
 - G. Proposed changes to existing zoning district boundaries or zoning classifications, if any.

H. Existing conditions:

1. Locations of existing on-site wastewater disposal systems, sanitary sewer systems, storm drains, water supply mains, culinary or secondary water sources, storage facilities, water treatment facilities, and culverts within the tract or within 500 feet thereof.
2. The location, widths and other dimensions of proposed lots, streets, alleys, easements, parks, and other open spaces with proper labeling of spaces to be dedicated to the public.
3. The location, principal dimension, and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within 500 feet of the boundary thereof, showing whether recorded or claimed by usage; the location and principal dimensions for all water courses including ditches, canals and natural drainage channels, public utilities and other important features and existing structures within the land and adjacent to the tract to be subdivided, including railroads, exceptional topography, airports and approaches to the airport.
4. The location of existing bridges, culverts, surface or subsurface drainage ways, areas subject to occasional flooding, marshy areas, swamps, utilities, buildings, pumping stations or appurtenances, within the Subdivision or within 500 feet thereof.
5. The location of the nearest elevation bench mark and survey control monument.
6. The owners of the land immediately adjoining the land to be subdivided and the boundary lines of adjacent tracts of unsubdivided land, showing ownership and property monuments.
7. The existing contours at two (2) foot intervals for predominant ground slopes within the tract between level and five percent (5%) grade and five (5) foot 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 level topography through a Subdivision, one (1) foot contours may be required.
8. Copies of any agreements with adjacent property owners relevant to the proposed Subdivision and the substance of all other covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings, and structures.

I. Proposed development:

1. Lot and street layout.
2. Dimension of all lots to nearest foot (which may be scaled values).
3. Total acreage of entire proposed Subdivision.
4. Lots and blocks numbered consecutively.
5. Locations and identification of all existing and proposed public and private easements.
6. Existing and proposed street names.
7. Street plans to show proposed grades, curb-gutter, and sidewalks.
8. Typical street cross sections.
9. Proposed water facilities including pipe diameters, valve locations, fire hydrant locations, water sources, water rights, reservoirs, pumps and design calculations.
10. Excavation or grading of areas requiring in excess of three foot cut or fills.
11. A site plan showing proposed dwelling locations and driveway locations for each lot where sensitive or special topographical and geologic conditions exist. The PLANNING COMMISSION may determine, after review of the Concept Plan, that lot site plans are required because existing conditions merit more specific details or requirements for developing specific lots.
12. Proposed storm sewer systems indicating pipe diameters, location of detention ponds, manholes, inlets and other pertinent appurtenances with the design calculations.
13. Proposed on-site wastewater facilities including dimensioned locations of septic tanks, pump facilities, and wastewater drain fields.
14. Approximate boundaries of areas subject to inundation or storm water overflows or floods of an intensity estimated to occur with a return frequency of once every hundred (100) years.
15. The plat shall be drawn to a scale not less than one (1) inch equals one hundred (100) feet, and shall indicate the basis of bearings, true north point, name of Subdivision, name of municipality, township, range, section, and quarter section, block and lot number of the property under consideration.

16. An affidavit that the applicant is the owner, the equitable owner, or authorized by the owner in writing to make application for the proposed Subdivision.
 17. Sites, if any, to be reserved or dedicated for parks, play grounds, schools, or other public uses.
 18. Sites, if any, for multi-family dwelling, shopping center, community facilities, industry, or other uses, exclusive of single-family dwellings.
 19. Proposed phases of development. All development and improvements to be continuous and contiguous to abutting developments.
3. Required Documents To Be Submitted With Preliminary Plan. Where it is determined by the PLANNING COMMISSION, after review of the Concept Plan, that one or more of these requirements is not applicable to the project under consideration, such requirements may be waived. Such waiver of requirement shall be made in writing with findings of fact substantiating the inapplicability of said requirements.
- A. One (1) copy of an application for approval of a Preliminary Plan and all other required supporting documents.
 - B. A minimum of ten (10) copies of the Preliminary Plan and one (1) reproducible vellum or mylar of each sheet comprising the Preliminary Plan.
 - C. One (1) additional print is required when the property being subdivided abuts a State Highway.
 - D. If services are to be provided by some agency other than the TOWN, a letter is required from the municipality, district, or other public agency which is to provide water and/or sewage service to the proposed subdivision. The letter should state that they have the required capacity and capability to provide the required service and include the conditions upon which the service will be provided.
 - E. A letter from each utility company involved addressed to the PLANNING COMMISSION, stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easements. The plan as approved by the utility company shall be initialed by an official of the company and furnished to the PLANNING COMMISSION.
 - F. Statement of the estimated starting and completion dates for each phase of development, including the grading work proposed and any landscape work that may be required.

- G. A certificate of title insurance for land to be dedicated to the TOWN.
- H. Trust agreement for perpetual care funds, if applicable..
- I. A copy of proposed protective covenants, articles of incorporation, and association guarantees, if applicable.
- J. Appropriate supporting documents showing that potable water will be available to the SUBDIVIDER in the quantities required by local or state codes.
- K. Where applicable, supporting documents showing that the local health department has approved the subdivision and all lots contained therein for on-site wastewater disposal systems.
- L. Estimated construction cost and proposed method of financing of all improvements including the streets and related facilities; water facilities; sewage facilities; storm drainage facilities; electrical distribution system; street lighting; and all such other utilities as may be necessary.
- M. Evidence that the applicant has sufficient financial capability and adequate control over the land to effectuate the proposed use.
- N. Fiscal Impact Study.
- O. Names and addresses of owners within three hundred (300) feet.
- P. A soils report prepared by a registered civil engineer, soil engineer, or engineering geologist or North Cache Soil Conservation District, that certifies to the types of soils, the geologic hazards, development restrictions, and suitability of the area for subdivision development.

The PLANNING COMMISSION secretary shall issue a receipt to the SUBDIVIDER for the Preliminary Plan application and supporting documents when it has been determined that the submission includes all of the requirements set forth in the applicable regulations. The date of the PLANNING COMMISSION meeting to review the plans shall be specified on the receipt, said date shall be not less than two (2) weeks nor more than four (4) weeks from the date of receipt by the PLANNING COMMISSION secretary.

- 4. Plan review. The Preliminary Plan review procedure is as follows:
 - A. The PLANNING COMMISSION, or its authorized representative shall, upon receipt of the complete Preliminary Plan submission, distribute one (1) copy of the plan and supporting data to the ENGINEER and one (1) copy each to

such other governmental departments and other agencies for review and comment as in the opinion of the PLANNING COMMISSION may contribute to a decision in the best interests of the public. One (1) print may be delivered by the PLANNING COMMISSION staff to each of the following for the information and recommendation: the school district, the fire department, and to each company or agency furnishing water, sewage collection and treatment, electric, gas and telephone service. Each district, department, company or agency shall be requested to review the plat and the site and prepare recommendations concerning feasibility of providing services and the placement of easements. The district, department, company or agency may sketch recommended alterations on a copy of the plat and return that copy with comments directly to the PLANNING COMMISSION secretary at least ten (10) calendar days in advance of the proposed presentation of the Preliminary Plan to the PLANNING COMMISSION. The PLANNING COMMISSION secretary shall promptly furnish all data received to the ENGINEER for inclusion on his copies of the Preliminary Plan. Failure of any of the recipient departments or agencies to respond to the PLANNING COMMISSION with comments concerning the development within ten (10) days of receipt of a copy of the Preliminary Plan from the PLANNING COMMISSION secretary shall be construed as indicating that such agency or department has no adverse concern with the proposed development. The PLANNING COMMISSION shall consider the application for Preliminary Plan approval at its next regularly scheduled public meeting following the two (2) week to four (4) week review and processing period. The review and processing period shall be measured from the date on which the Preliminary Plan application is officially received.

- B. The PLANNING COMMISSION shall approve those Preliminary Plans which the COMMISSION finds:
1. To be developed in accordance with the intent, standards and criteria specified in the land development code or the zoning and subdivision ordinances, the major street plan, the General plan, and all other applicable local regulations.
 2. To be in conformance with the approved Concept Plan.
 3. That the development will not create a financial obligation for the TOWN.
 4. That the development will not create an environmental impact which will adversely affect the health, safety, and welfare of the inhabitants of the TOWN.
- C. The PLANNING COMMISSION shall determine from the review of the Preliminary Plan the need for an environmental impact analysis, which would take into account the soil, slope, vegetation, drainage and other geological

characteristics of the site. If development of the Subdivision site requires substantial cutting, clearing, grading or other earth moving operations or will otherwise create, augment or expand an erosion or other geologic hazard, the PLANNING COMMISSION shall require the SUBDIVIDER to provide soil erosion, geological hazard and sedimentation control plans and specifications. Such control plans and specifications shall be prepared by a qualified professional engineer with the cost of preparation of such plans and specifications being borne by the SUBDIVIDER.

- D. When the General plan indicates a public facility or facilities are to be located within the boundaries of the proposed Subdivision, the SUBDIVIDER shall reserve a site appropriate in an area and location for such public facility. Such site shall be reserved by the SUBDIVIDER for a period of not to exceed one (1) year from the date of Preliminary Plan approval, to provide the appropriate public agency an opportunity to purchase the site. A determination by the PLANNING COMMISSION to require such a reservation by a SUBDIVIDER shall be made in writing and shall state the reasons for such requirements.
- E. Within four (4) weeks after the date established as the commencement of the PLANNING COMMISSION review period and at a regularly scheduled meeting, the PLANNING COMMISSION shall approve, disapprove, or approve with conditions the Preliminary Plan and notify the SUBDIVIDER in writing of such action, or may postpone action to allow the SUBDIVIDER time to provide additional material or information as needed by the PLANNING COMMISSION. The PLANNING COMMISSION may, if sufficient information has been provided in the initial Preliminary Plan submittal, approve, disapprove, or approve with conditions the Preliminary Plan at the first public meeting that the plan is officially considered by the PLANNING COMMISSION and staff.
- F. The PLANNING COMMISSION may approve or reject the Preliminary Plan, or conditionally grant approval. The PLANNING COMMISSION'S conditional approval shall include those written conditions necessary to cause the Subdivision plan to be in compliance with the requirements of the TOWN'S applicable ordinances. Approval of the Preliminary Plan by the PLANNING COMMISSION shall not constitute final acceptance of the Subdivision by the PLANNING COMMISSION. One (1) copy of the approved Preliminary Plan with written conditions attached and signed by the Chairman of the planning commission shall be given to the SUBDIVIDER and one (1) copy to the ENGINEER. Receipt of this signed copy shall be authorization for the SUBDIVIDER to proceed to Step 3 and with preparation of plans and specifications for the minimum improvements required in this ordinance and with the preparation of the Final Plat. Prior to the construction of any improvements required in this ordinance and prior to the submission of any guarantee, the SUBDIVIDER shall furnish and receive approval of all plans,

information, and data necessary for subdividing the land and installing the improvements. The construction of buildings or improvements shall not begin until after recording of the Final Plat. The approval of the Preliminary Plan shall expire unless a Final Plat based thereon is submitted within one (1) year from the date of such approval.

Step 3 Submit the Final Plat, construction plans and drawings, and supporting documents to the PLANNING COMMISSION accompanied with the appropriate design review fees. The Final Plat and drawings shall provide complete technical and engineering solutions in order that the land may be properly subdivided and all improvements located and constructed in compliance with applicable ordinances and the Construction Standards of the TOWN or other regulating agency having jurisdiction over any or all parts of properties or facilities effected by the subdivision.

1. Submission of Final Plat. At least two (2) weeks prior to the next established PLANNING COMMISSION meeting, the SUBDIVIDER shall submit at least three (3) copies of the Final Plat, construction drawings and supporting documents to the PLANNING COMMISSION secretary together with the required design review fees. Plats, plans, and supporting documents not received as required herein shall not be considered as accepted until the next regularly scheduled PLANNING COMMISSION meeting. Incomplete plats, plans and supporting documents will be returned without action and shall be considered as having received a preliminary review. The date of the regularly scheduled PLANNING COMMISSION meeting at which the Final Plat and supporting documents are officially received shall be the starting date for the review period.
2. Plat Preparation. The Final Plat, covering all or part of the Subdivision, as approved by the PLANNING COMMISSION in Step 2 shall be prepared and certified to by a licensed professional land surveyor not in the employ of the TOWN in conformance with the design standards contained herein. Design construction plans, drawings, and specifications submitted with the Final Plat shall be prepared by a qualified licensed professional engineer, not in the employ of the TOWN, whose engineering discipline is consistent with the nature of the facilities designed. The Final Plat, plans and supporting documents must be submitted within one (1) year from the date of Preliminary Plan approval unless the time is, in writing, extended by the PLANNING COMMISSION. Otherwise, such approval shall be deemed to have lapsed, and the SUBDIVIDER shall revert to re-application to the PLANNING COMMISSION.
3. Requirements of Final Plat Drawing. The Final Plat shall consist of a sheet of approved mylar to the outside of trim line dimensions of 24 inches by 36 inches on the border line of the plat shall be drawn in heavy lines leaving a space of at least 1 1/2 inches on the left side and at least 1/2 inch margin on other sides. The plat shall be so drawn that the top of the drawing faces either North or East, whichever accommodates the drawing best. All lines, dimensions and markings

shall be made on 3 mil thick mylar with approved waterproof black "India Drawing Ink" or waterproof black plotter ink. The plat shall be made to a scale large enough to clearly show all details and in any case not smaller than 100 feet to the inch. Surveying, calculations, angular data, linear dimensions and bearings shall be limited to an error of closure of not greater than one part in 10,000. The workmanship on the finished drawing shall be neat, clean and readable. The Final Plat shall contain the following information:

- A. Subdivision name which must be approved by the PLANNING COMMISSION and the general location of the Subdivision in bold letters at the top of the sheet.
- B. North point, scale and graphic scale of the drawing and the date .
- C. Description of land to be included in the Subdivision.
- D. Accurately drawn boundaries, showing the bearings and dimensions of all boundary lines of the Subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines. When the plan is bounded by an irregular shore line of a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plan included all land to the water's edge as established on the date of the survey. Accurate angular and linear dimensions shall be shown for all lines, angles and curves used to describe boundaries, streets, lots, easements, areas to be reserved for public use and other important features. Parcels not contiguous shall not be included on one plat. Contiguous parcels owned by different parties may be embraced in one plat, provided all owners join in dedication and acknowledgement.
- E. Lengths shown to hundredths of a foot, and angles and bearings shown to seconds of arc.
- F. True angles and distances to the nearest established street lines or official monuments which are accurately described on the plat and shown by appropriate symbol.
- G. Radius, internal angles, points of curvature, tangent lengths and bearings, long tangent and bearings, the length of all arcs and the lengths of each intercepted arc.
- H. Accurate location of all monuments to be installed shown by an appropriate symbol. All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property, shown and preserved in precise position.
- I. Bearings, distances and curve data of all perimeter boundary lines indicated

outside the boundary line, not inside with the lot dimensions.

- J. All lots and blocks numbered consecutively under a definite system approved by the PLANNING COMMISSION. All proposed streets named or numbered in accordance with and in conformity with the adopted street naming and numbering system. All lot street addresses assigned thereto with corner lots multiple addressed for each part of the lot having frontage on separate streets.
- K. Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and any area to be reserved by deed or covenant for common use of all property owners.
- L. All lands within the boundaries of the plan which shall be accounted for as either lots, walkways, streets, or reserved as excepted parcels. Excepted parcels shall be marked "not included in this development" and the boundary completely indicated by bearings and distances.
- M. All streets, walkways, and easements, designated as such. Streets shall be named and/or numbered as required by the PLANNING COMMISSION.
- N. A dedication to the COMMUNITY of all streets, highways, easements and other lands intended for public use that are included in the proposed Subdivision.
- O. Street monuments shall be installed by the SUBDIVIDER'S Engineer or land SURVEYOR at such points designated on the Final Plat as are approved by the ENGINEER. Standard monuments will be furnished by the SUBDIVIDER and placed as approved.
- P. Pipes or other such iron markers as shall be placed at each lot corner prior to final approval.
- Q. The instruments to be included on the Final Plat are as follows:
 - 1. The registered professional Land Surveyor's Certificate..
 - 2. The Owner's Certificate of Dedication.
 - 3. A Notary Public's acknowledgement.
 - 4. The ENGINEER'S Approval.
 - 5. DISTRICT SANITARIAN'S Approval.
 - 6. The PLANNING COMMISSION'S Approval.

7. The ATTORNEY'S Approval.
8. The TOWN COUNCIL'S Approval with signature of the PRESIDING OFFICIAL and attestation by the TOWN Clerk.
9. An occupancy restriction if applicable.

The form of instruments to be affixed to the Final Plat are found at the end of this chapter.

4. Requirements of Final Improvement Drawings and Plans. The plans and designs shall meet the standards and specifications hereinafter outlined. The minimum information required on drawings for public works improvements are as follows:
 - A. Plans and Profiles - Plans and profiles and all construction drawings shall be submitted in triplicate on 24" x 36" drawings. Drawings shall have 1 1/2 inch border on left and 1/2 inch border on the three remaining sides. All drawings shall be complete, clear, and legible and shall conform to the accepted standards of the profession. Illegible or poorly drawn drawings shall be returned without action and will be considered as having received a preliminary review. In general, the following should be included on drawings:
 1. North arrow (plan) .
 2. Scale, bench mark datum and elevations including the location of permanent bench marks and their true elevations according to U.S.G.S. or the COMMUNITY'S datum. All profiles and construction drawings shall be drawn using true elevation.
 3. Complete data for field layout and office checking.
 4. Stationing and elevations for profiles.
 5. Title block, located in lower right corner of sheet to include:
 - a. Name of County.
 - b. Project title (Subdivision, etc.).
 - c. Specific type and location of work.
 - d. Space for approval signature of local ENGINEER and date.
 - e. Name of Engineer or firm preparing drawings with license number and sealed by the responsible Engineer.

6. "As Built Drawings" shall be reproducible on mylar, or linen and shall be furnished to the ENGINEER upon completion of the improvements. The COMMUNITY will retain the improvement guarantee until such plans have been furnished in a manner acceptable to the ENGINEER.
 7. All printing and drawing shall be done using black India Ink with clear, legible and uniformly sized letters, numbers and lines. The size of the lettering, and width of lines shall vary according to the needs of clarifying and identifying the various items constructed and establishing clear and concise vertical and horizontal control.
 8. Plan and profile drawings will include details of curb and gutter; sidewalks; street cross sections; locations and elevations of manholes, catch basins, storm sewers and their appurtenant works; elevations and location of fire hydrants, water mains, type of pipe, valves and their appurtenant works; location, size and elevations of sanitary sewer mains, their grades and type of pipe (rubber gasket mandatory); manholes, cleanouts; and other appurtenant works. The drawing shall include the details for a non-culinary (irrigation) water system indicating size, location and kind of pipe, valves, and turnouts. All stationing must coincide with existing stationing as shown on existing COMMUNITY drawings. Engineer's station equations will not be approved except at street intersections where the stationing of the intercepting street will be shown as well as the stationing of the intercepted street.
- B. Curb and gutter, drains and drainage structures, sidewalks and street surfacing drawings should show:
1. Scale: 1"=50' horizontal, 1"=5' or 10' vertical.
 2. Profiles shall indicate finished and existing grades for the centerline and each side of the street at the curb-gutter line, and shall extend a minimum of 200 feet beyond the limits of the proposed project. Cross-sections shall be provided when requested by the ENGINEER.
 3. Stationing and top of curb elevations with curve data must be shown for all curb returns and at least one additional control point for elevations besides those at the P.C. (point of curvature) and P.T. (point of tangency) shall be indicated on the plans and staked in the field to insure drainage at the intersections.
 4. Type of cross gutter or waterway structures at intersections with adequate flow line elevations.
 5. B.M. location and elevation (use U.S.C.& G.S. datum where possible).

6. Type of curb and gutter and distance back to back of curb.
7. Elevations for the top of curbs and road centerlines shall be shown on the plans for all P.C.'s, P.T.'s and at all BVC's (begin vertical curve) and EVC'S (end vertical curve).
8. Complete curve data must be shown for all horizontal and vertical curves. The minimum length of vertical curve is 200 feet unless otherwise approved.
9. Street monuments to be installed by the SUBDIVIDER'S Engineer or land SURVEYOR and shall be designated on the final drawings and approved by the ENGINEER. The monuments must be accurately set at the approved locations prior to release of the improvement surety.
10. The SUBDIVIDER'S Engineer will, when requested by the ENGINEER, furnish copies of the field notes relating to any or all of the work prepared or done.

C. Sewer and storm drain drawings should show:

1. Scale: 1"=50' or 1"=100' horizontal, 1"=5' or 1"=10' vertical.
2. Location, size and grade of pipe.
3. Location and elevation of catch basins and all appurtenant facilities.
4. Manhole size, location and flow elevation.
5. Type of pipe.
6. B.M. location and elevation.

D. Culinary and secondary water drawings should show:

1. Scale (not specified).
2. Size and location of water mains, valves, fittings and hydrants.
3. Pipe specifications.
4. Minimum cover.

E. Detail Drawings:

Each set of plans shall be accompanied by a separate sheet of structure details which are to be constructed. All structures shall be designed in accordance with minimum standards of these specification drawings requirements:

1. Drawing size: 24" x 36".
 2. Scale of each detail.
 3. Title block, lower right hand corner (same format on all sheets) including the name of the SUBDIVIDER.
 4. Completely dimensioned and described.
5. Phase Development. Final Plat approval may be granted on less than the entire project covered by the Preliminary Plan approval. Final Plat approval on projects containing more than twenty-five (25) lots shall be done in phases, except as provided herein. Each phase shall consist of the number of lots which can be completely developed with off-site improvements within a two (2) year period. The development of the project shall be in an orderly manner and in such a way that all the phases will be contiguous, the required improvements will be made available for the full, effective, and practical use and enjoyment thereof by the lessees or the grantees of any of the lands within the Subdivision. When the off-site improvements have been one hundred (100) percent completed within the boundaries of the recorded plat of any phase and approved by the ENGINEER, and on-site improvements are seventy (70) percent completed, the SUBDIVIDER may submit the next phase of the proposed Subdivision in accordance with the rules and regulations of this Code. A Final Plat including more than twenty-five (25) lots will be accepted only upon the submission of qualified evidence indicating that the market absorption rate is such, and the financial ability of the SUBDIVIDER is such that the off-site improvements for all lots in such Final Plat will be completed within two (2) years, and that on-site improvements will be completed on at least seventy (70) percent of the lots within two (2) years of such approval.
6. Distribution and Review. The PLANNING COMMISSION shall circulate for comment and review copies of the Final Plat to all departments of the TOWN, the ENGINEER, the ATTORNEY, and any special purpose district, including school districts. The ENGINEER shall consider approval of the Final Plat within a reasonable time after the plat is submitted to the PLANNING COMMISSION secretary. If he disapproves, he shall state in writing to the PLANNING COMMISSION the reasons for the disapproval. The PLANNING COMMISSION shall consider approval of the Final Plat, if the submittal is complete and responsive to previous review comments, within a reasonable time after the plat is received from the SUBDIVIDER. If the PLANNING COMMISSION disapproves the Final Plat it will so notify the SUBDIVIDER in writing which

states that the plat has been disapproved and the reasons therefore. The reason for rejection of a Final Plat shall be its non-conformance to adopted rules, regulations, ordinances and state laws currently in force and affecting the land and its development, its lack of conformance with the approved Preliminary Plan or technical inaccuracies.

7. Approvals by the TOWN.

The PLANNING COMMISSION shall approve the Subdivision if it finds that the Subdivision complies with the physical development standards of the adopted land development code, or zoning ordinance and subdivision ordinance, the laws of the State of Utah and the rules and regulations promulgated pursuant thereto and that the Subdivision will have all of the essential facilities; an adequate water supply with individual, public or private supplies and if public or private that the addition of the Subdivision will not decrease the pressure in the culinary water system at any point within the service area of the water system or Subdivision to less than 40 pounds per square inch; that the Subdivision will have an approved sewage disposal method or system and will not cause the existing sewer system to exceed its capacity to deliver or treat sewage; that the traffic created thereby will not unduly congest existing traffic; that it will not create a substantial burden on the school districts or create a financial obligation on the TOWN.

The ENGINEER shall approve the Final Plat if he finds that the Subdivision and proposed improvements comply with the minimum requirements of the applicable ordinances, that the survey description is correct and that the easements are appropriately located.

The ATTORNEY shall approve the Final Plat if he finds that:

- A. There is a current title opinion from a licensed title company showing that the person dedicating the property described on the Final Plat is the title owner as shown on the records of the County Recorder of the county in which the Subdivision is located.
- B. The bond, escrow, letter of credit, trust deed or the agreement deposited with the TOWN Clerk is in appropriate form and signed by the necessary parties.
- C. That the SUBDIVIDER has executed an agreement signed by the property owners adjacent to a protection strip in a form sufficient for recordation in the office of the County Recorder.
- D. That the SUBDIVIDER has executed the Subdivision Agreement required by the applicable ordinances.
- E. That the Subdivision does not, in his or her opinion, violate any ordinance of the TOWN or the laws of the State of Utah or the rules and regulations

promulgated pursuant thereto.

8. The PLANNING COMMISSION shall review the Final Plat at a regularly scheduled public meeting. If the Final Plat and all supplementary data complies with the applicable requirement of these regulations and the requirements of the approved Preliminary Plan, the PLANNING COMMISSION shall certify approval of the plat providing the following instruments are properly signed and dated:
 - A. SURVEYOR'S certificate.
 - B. Owner's dedication.
 - C. Notary and/or corporate acknowledgements.
 - D. ENGINEER'S approval.
 - E. ATTORNEY'S approval.

The PLANNING COMMISSION shall either approve or reject the Final Plat. Conditional approval shall not be given.

9. Within ten (10) days after review of the Final Plat at the public meeting, the PLANNING COMMISSION shall send written notification of its review and official action taken to the TOWN COUNCIL. This notification shall specify the modifications of the Final Plat, if any, which were made incidental to approval of such plat by the PLANNING COMMISSION.

Step 4 Town Council Approval. Following Final Plat approval, the PLANNING COMMISSION shall forward the approved Final Plat to the TOWN COUNCIL for review. The applicant shall appear before the TOWN COUNCIL to answer any questions. The TOWN COUNCIL shall either approve or reject the Final Plat if it finds that all other persons required to approve the plat have given their approval and that the Final Plat meets all of the requirements of the ordinances and that all fees and assessments have been fully paid. Acceptance of dedication of proposed public lands or streets, or street right-of-way in an approved Final Plat can be made only by the TOWN COUNCIL. Final Plat approval by the TOWN COUNCIL will be deemed an acceptance of dedication, unless streets and other public spaces are shown as "not intended for dedication" or unless the TOWN COUNCIL expressly repudiates the presumed dedication. The Final Plat, bearing all official approvals as above required, shall be deposited in the office of the County Recorder for recording at the expense of the SUBDIVIDER who shall be notified of such deposit by the office of the County Recorder. No subdivision shall be recorded in the office of the County Recorder until the plat is so approved and accepted by the town council and no lot included in such Subdivision shall be sold or exchanged and no offer shall be made to sell or exchange any such lot until the plat is duly recorded.

II - 3 FORM OF INSTRUMENTS ON FINAL PLAT

SURVEYOR'S CERTIFICATE

I, _____, a registered professional land surveyor, holding Certificate No. _____, as prescribed by the laws of the State of Utah, and do hereby certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described herewith, and have subdivided said tract of land into lots and streets to be hereafter known as, and that the same has been surveyed and staked on the ground as shown on this plat.

Signed on this _____ day of _____, _____.

Registered Land Surveyor

OWNER'S DEDICATION

Know all men by these presents that we, the undersigned owners of the described tract of land below, having caused the same to be subdivided into lots and street to hereafter be known as _____, do hereby dedicate for perpetual use of the public all parcels of lands owned on this plat as intended for public use, and do warrant, defend, and save the Town harmless against any easements or other encumbrances on the dedicated streets which will interfere with the Town's use, operation, and maintenance of the streets and do further dedicate the easements as shown.

In witness thereof, we have hereunto set our hands this day of _____, _____.

Signed

Signed

OWNER'S ACKNOWLEDGEMENT OF RESPONSIBILITY

Know all men by these presents that we, the undersigned owners of the tract(s) of land contained within in the Subdivision Boundary described hereon, acknowledge that failure of the Local Jurisdiction or Planning Commission to observe or recognize hazardous, unknown or unsightly conditions, or to recommend denial of the subdivision because of

said unrecognized hazardous, unknown or unsightly conditions shall not relieve the developer or owner from responsibility for the condition or damages resulting therefrom, and shall not result in the Local Jurisdiction or Planning Commission, its officers or agents, being responsible for the conditions and damages resulting therefrom.

In witness thereof, we have hereunto set our hands this day of

_____, _____.

Signed

Signed

ACKNOWLEDGEMENT

STATE OF UTAH County of Cache

On the _____ day of _____ A.D., _____, personally appeared before me, the undersigned Notary Public, in and for said County of Cache, in the State of Utah, the signer(s), of the above Owner's Dedication and Owner's Acknowledgement of Responsibility, _____ in number, who duly acknowledged to me that _____ signed it freely and voluntarily and for the uses and purposes therein mentioned.

NOTARY PUBLIC

Residing at

My Commission expires:

CORPORATE ACKNOWLEDGEMENT

STATE OF UTAH County of Cache

On this the _____ day of _____ A.D., _____, personally appeared before me, the undersigned NOTARY PUBLIC, in and for the State and County Cache, who after being a duly sworn, acknowledged to me that _____, a _____ corporation, that signed the Owner's Dedication and Owner's Acknowledgement of Responsibility freely and voluntarily for and in behalf of the corporation for the purpose therein mentioned and that the corporation executed the same.

NOTARY PUBLIC

Residing at

My Commission expires:

OCCUPANCY RESTRICTION

THE TOWN OF AMALGA has an ordinance which restricts the occupancy of buildings within this Subdivision. Accordingly, it is unlawful to occupy a building located within this Subdivision without first having obtained a certificate of occupancy issued by TOWN Building Inspector.

THE TOWN OF AMALGA PLANNING COMMISSION APPROVAL

Approved this _____ day of _____ A.D., _____
by the _____ PLANNING COMMISSION.

CHAIRMAN

TOWN ATTORNEY'S APPROVAL AS TO FORM

Approved as to form this _____ day of _____ A.D., _____.

THE TOWN OF AMALGA ATTORNEY

BEAR RIVER DISTRICT HEALTH DEPARTMENT APPROVAL

Waste Disposal System and Culinary Water System Approval

this _____ day of _____, _____.

DISTRICT SANITARIAN

** (required only if development is not to be served by public sewer and water systems)

TOWN COMMISSION APPROVAL AND ACCEPTANCE

Presented to The Town of Amalga Commission this _____ day
of A.D., _____ at which time this Subdivision and the Owner's Dedication was
approved and accepted.

ATTEST:

TOWN CLERK

COMMISSION CHAIRMAN

TOWN ENGINEER'S APPROVAL

I certify that I have had this plat examined and find that it is correct and in accordance with the information on file in this office. I also certify that a copy of all accepted improvement plans for this subdivision have been submitted to this office each affixed with a stamp and signature of a Professional Engineer registered in the State of Utah who is in the employ of the owner or developer.

_____ DATE _____ TOWN ENGINEER _____

COUNTY RECORDER NO. _____

State of Utah, County of _____,
recorded and filed at the request of _____
Date _____ Time _____
Fee _____ Abstracted _____

Index _____

Filed: _____
_____ COUNTY RECORDER

SECTION III: IMPROVEMENTS

III - 1 IMPROVEMENTS REQUIRED

No Final Plat of a Subdivision of land shall be recorded without receiving a statement signed by the ENGINEER certifying that the improvements described in the SUBDIVIDER'S plans and specifications meet the minimum requirements of all ordinances of the COMMUNITY, that they comply with the recommendations of the local and/or State Board of Health, the PLANNING COMMISSION, the fire and other community departments and with the standards, rules and regulations for Subdivisions approved by the TOWN COUNCIL, which standards, rules and regulations are hereby incorporated in this title by reference.

No Final Plat of a Subdivision of land shall be recorded unless the SUBDIVIDER shall furnish to the COMMUNITY a guarantee in an amount equal to 115% of the reasonable cost of the improvements required by this section. The amount of the guarantee shall be estimated by the SUBDIVIDER'S Engineer and approved by the ENGINEER and conditioned upon payment by the SUBDIVIDER of all expenses incurred and for all labor or material used in the construction of required improvements. The provisions of the guarantee shall be for the protection of laborers and material men and to guarantee the quality, quantity, and performance of all improvements as required herein. In no event shall the COMMUNITY be deemed liable under this section on any claim asserted by a laborer or material men.

III - 2 ESSENTIAL FACILITIES

The SUBDIVIDER of any land shall install or guarantee the installation of the following essential facilities in compliance with the Construction Standards of The Town of Amalga.

- A. Water Supply: Subdividers must gain approval from the governing board for water rights and connections to any public or private culinary water system. In cases where it is not feasible to hook into a public or private water system, SUBDIVIDERS must develop a water system that conforms with the standards of the State Division of Safe Drinking Water, Cache County Health Department and The Town of Amalga Standards, including fire protection standards.
- B. Secondary Water Supply: Where secondary water rights are available to property to be subdivided, the SUBDIVIDER shall install the water mains valves, turnouts, and service lines or laterals for such mains prior to the installation of road base, surfacing, curb, gutters, and sidewalks.

Where culinary water is of insufficient quantity to satisfy irrigation needs of the property to be subdivided, the SUBDIVIDER must develop a secondary water system as required by the PLANNING COMMISSION.

- C. Sewage Disposal: The Bear River Health Department shall issue a permit for

each lot according to its capacity to support an individual sewage disposal system. In such case and before a final plat may be recorded, the DISTRICT SANITARIAN must certify that soil exams, completed at the SUBDIVIDER'S expense, indicate that individual sewage disposal systems are feasible.

- D. Storm Water Drainage: The SUBDIVIDER must obtain approval from the TOWN ENGINEER for plans to control storm water to assure that any increase in storm water runoff will not flow from the subdivision to adjacent properties, unless drainage easements have first been obtained for such properties.

The final plans for the drainage system shall be prepared by a licensed engineer and shall include all pipe, inlets, manholes, detention ponds, outlet structures and appurtenant works including such bridges and culverts as may be needed. The width of bridges or lengths of culverts shall be equal to the width of the street right of way but not more than 66 feet for any one bridge or culvert. The complete storm water drainage system shall be installed prior to the surfacing of streets and the installation of road base, curbs, gutters, and sidewalks.

E. Road Improvements:

1. Unless specified otherwise by the local Zoning Ordinance, all roads to be constructed and dedicated to The Town of Amalga shall meet the County Standards and shall have a minimum improved width consisting of 35 feet of bituminous surfacing and 2.5' wide curb/gutter on each side for a total improved width of 40 feet. Sidewalks shall be required on each side between the curb/gutter and right-of-way line in conformance with the PUBLIC WORKS CONSTRUCTION STANDARDS. The width of a dedicated road right-of-way, if it is an extension of an existing street, shall be equal to the width of said existing street right-of-way width which shall be either 50, 60, 66 or 80 feet. The widths of improvements shall match the width of existing improvements unless required otherwise by the PLANNING COMMISSION. Unless specified otherwise by the PLANNING COMMISSION, minor roads which are not extensions of existing streets shall have a right-of-way of 60 feet and minor roads serving only Cul-de-sacs shall have 50 foot rights-of-way with a 55 foot radius turnaround.
2. Developers of subdivisions adjacent to substandard roads shall dedicate additional rights-of-way and improve the adjacent one-half width of said road to conform to County Standards. Said improvements shall be made to the nearest improved collector street.

- F. Fire Protection: Fire hydrants shall be placed within six hundred (600) feet of one another throughout the subdivision. They will be installed according to the local or prevailing standards.

- G. Electricity and Distribution System: SUBDIVIDER shall be responsible for securing service agreements with Utah Power and Light and shall be financially responsible for any associated costs to extend electrical service and distribution to the development.
- H. Telephone: SUBDIVIDER shall be responsible for securing service agreements with the utility franchise providing local telephone service and shall be financially responsible for any associated costs to extending telephone service to the development.
- I. Natural Gas and Distribution Facilities: SUBDIVIDER shall be responsible for securing service agreements with Mountain Fuel Company and shall be financially responsible for any associated costs to extending natural gas service to the development.
- J. Street Signs: The contractor will furnish and install all necessary street signs at required locations and in conformance with County Standards.
- K. Monuments: Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type approved by the ENGINEER. All Subdivision plats shall be tied to a section corner, a monument of record or an established land office survey corner.

III - 3 ORDER OF MAKING IMPROVEMENTS

The improvements required in this ordinance shall be installed in compliance with the CONSTRUCTION STANDARDS. No improvements shall be installed until their location and specifications are approved by the ENGINEER.

Unless waived in writing by the ENGINEER, all underground utilities, water, sewer and gas laterals and fire hydrants shall be installed prior to road base, curbs, gutters, sidewalks and surfacing the streets.

III - 4 MINIMUM IMPROVEMENTS TO BE INSTALLED BEFORE ISSUING OCCUPANCY PERMIT

No occupancy permit shall be issued until the following improvements are installed and approved,
in writing, by the ENGINEER:

- A. All underground utilities including telephone, electrical, gas, and water facilities;
- B. Sanitary sewerage and storm systems.
- C. Curb, gutter, sidewalk and road base.

III - 5 IMPROVEMENTS COMPLETION

All improvements including the street paving shall be completed within twelve (12) months after issuance of the first building permit in the Subdivision. The seal and

chip portion of the paving shall be completed within two (2) years after approval of the Final Plat of the Subdivision.

III - 6 PARTIAL DEVELOPMENT-IMPROVEMENTS TO BE CONTINUOUS AND ORDERLY

Whenever the SUBDIVIDER shall develop a Subdivision one phase at a time, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all of the said improvements will be made available for the full, effective and practical use and enjoyment thereof by the purchasers, lessees, grantees, assignees or transferors of any of the lands subdivided within the time herein before specified or within the phases specified.

III - 7 COST DISTRIBUTION FOR IMPROVEMENTS

Cost of improvements which are required under the provisions of this ordinance, as well as the cost of other improvements which the SUBDIVIDER may be required to install, shall be shared between the SUBDIVIDER and the COMMUNITY according to the following schedule. The COMMUNITY shall not share in the cost of any improvements not expressly noted within this section.

A. IMPROVEMENT DESCRIPTION	SUBDIVIDER % OF COST OR RESPONSIBILITY	COMMUNITY % COST OR RESPONSIBILITY
Easements and rights of way; grading of streets' curb and gutter; cross drains; dip stones and connecting piping; driveways; sidewalks; monuments; street signs; fire hydrants and companion valves; thrust blocks.	100%	0%
B. Base gravel course; street paving; seal and chip, bridges and culverts.	100% for all streets required road widths of 60 feet back to back of curb and gutter or less. of curb and gutter.	100% for all additional width required by the PLANNING COMMISSION in excess of 60 feet back to back
C. Street lighting.	100% of easements rights-of-way and facilities.	0%
D. Electric utilities.	100% of all facilities including easements and rights-of-way necessary to serve Subdivision and comply with this ordinance.	0% See Section III - 8 "Over-sized Facilities" & Section III - 9 "Cost Sharing Agreement"
E. Culinary Water and secondary water facilities.	100% of all costs of all facilities necessary to serve the Subdivision and comply with this ordinance.	0% See Section III - 8 "Over-sized Facilities" & Section III - 9 "Cost Sharing Agreement"

F. Sanitary sewer and storm sewer facilities.	100% of all costs of all facilities necessary to serve the Subdivision and comply with this ordinance.	0% See Section III - 8 "Over-sized Facilities" & Section III - 9 "Cost Sharing Agreement"
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G. Extension of culinary water and secondary water facilities, storm sewer facilities and sanitary sewer facilities.	100% and/or cost sharing agreement.	0% See Section III - 8 "Over-sized Facilities" & Section III - 9 "Cost Sharing Agreement"
H. Extensions of electrical distribution system.	100% and/or cost sharing agreement.	0% See Section III - 8 "Over-sized Facilities" & Section III - 9 "Cost Sharing Agreement"
I. Extension of streets.	100% of all costs including R-O-W.	0% See Section III - 8 "Over-sized Facilities" & Section III - 9 "Cost Sharing Agreement"
J, Town Engineering costs beyond those covered by the design review fee.	100%	0%

III - 8 OVER-SIZED FACILITIES

When it is determined by the ENGINEER that specifications for subdivision improvements are not adequate to meet the demands above and beyond the demands within the subdivision and it is necessary for said improvements to serve intervening or other properties, the SUBDIVIDER will be required to install "over-sized" facilities. Reimbursement for costs will be handled through a cost sharing agreement with the property owners to reap the benefits. In some cases a modified cost sharing agreement may be entered into with The Town of Amalga.

III - 9 COST SHARING AGREEMENT

Whenever any intervening property is located between the terminus of existing service facility and the proposed Subdivision, and the intervening property will be benefited by the installation of any of the required facilities, the SUBDIVIDER shall pay for having all facilities, not installed by a utility company, constructed over, under, and/or across the intervening property. If approved by the TOWN COUNCIL before approval of the Final Plat and prior to any construction, the SUBDIVIDER may enter into an agreement with the TOWN for a partial cost reimbursement, otherwise agreements will be made with intervening property owners.

The cost of the facilities to be included in the agreement shall be the actual construction cost as determined by competitive bids and shall include all cost for having the facilities installed, including legal, administrative and engineering costs.

The agreement shall state the proportionate share of the costs to be borne by the SUBDIVIDER and the proportionate share to be reimbursed to the SUBDIVIDER from fees collected from the intervening property owners.

The COMMUNITY shall thereafter enter a deferred credit in its book and records and shall charge the benefited property owners the fee rates for sewer, water and electrical connections in effect at the time such connections are made. Such fees, not to exceed the maximum stated in the agreement, shall then be returned to the SUBDIVIDER to reimburse the subdivider for the proportionate share of the costs of the installation of the facilities. The COMMUNITY may also elect to reimburse the SUBDIVIDER for such "off-site" facilities after the SUBDIVIDER has furnished the COMMUNITY with acceptable evidence that an agreed number of housing units are occupied. No interest shall accrue or become payable on such reimbursement. Engineering drawings showing benefited property shall be prepared by the ENGINEER.

III - 10 INSPECTION

All construction work involving the installation of improvements in subdivisions shall be subject to inspection by the TOWN and the Construction Standards of the following types of improvements. The Inspector shall make continuous inspections on the following improvements:

A. Street surfacing, including seal coats.

- B. Preparation of base and pouring of concrete for curb and gutter, sidewalks and other structures.
- C. Laying of sewer pipe, drainage pipe, water pipe, valves, hydrants and all pipe testing.
- D. Installation of any mechanical equipment.

Arrangement for inspection must be made with the ENGINEER at least seven (7) days prior to beginning construction of the improvements requiring continuous inspection. The Inspector shall make periodic inspections on the following improvements:

- A. Street grading and gravel base.
- B. Excavations for curb and gutter and sidewalks.
- C. Excavations for structures.
- D. Trenches for laying pipe.
- E. Forms for curb and gutter, sidewalk and structures.

Notice to the ENGINEER shall be given three (3) days in advance of the starting of work requiring periodic inspection.

The SUBDIVIDER shall require his engineer to make inspections as often as necessary in order to assure the SUBDIVIDER that the improvements are being properly installed, that the improvements comply with the intent of the CONSTRUCTION STANDARDS and that all improvements are laid to the proper grade, alignment, depth, and are constructed of the required quality of materials and that errors in design and/or construction are corrected before acceptance by the TOWN.

Prior to making a request for Partial Release of Escrow Funds or Conditional Acceptance of the Subdivision improvements, the SUBDIVIDER shall request that his engineer inspect the improvements and certify as to their acceptability. This certificate shall be attached to all Partial Release Requests and the request for Conditional Acceptance.

All materials and equipment used in the construction of the improvements shall be subject to adequate inspection and testing in accordance with generally accepted standards, as required and defined in the CONSTRUCTION STANDARDS.

In order to further assure the TOWN that the intent of the CONSTRUCTION STANDARDS and the Subdivision Ordinance are being complied with the

COMMUNITY shall provide the continuous inspection and testing services at the expense of the SUBDIVIDER. Payment for this service will be made monthly from the Escrow Account or from funds deposited with the COMMUNITY by the SUBDIVIDER.

The ENGINEER shall act as the TOWN's representative during the construction period. He shall decide questions which may arise as to quality and acceptability of materials furnished and work performed. He shall interpret the intent of the CONSTRUCTION STANDARDS in a fair and unbiased manner. The ENGINEER will make periodic visits to the site and determine if the work is proceeding in accordance with the Subdivision Ordinance.

The SUBDIVIDER will be solely responsible for complying with the intent of the CONSTRUCTION STANDARDS and Subdivision Ordinance in regard to the quality of materials, workmanship and execution of the work.

The ENGINEER will be responsible for the construction means, controls, techniques, sequences, procedures, or construction safety.

Inspections, test or approvals by the ENGINEER or other agent representing the COMMUNITY shall not relieve the SUBDIVIDER from his obligation to perform the work in accordance with the requirements of the CONSTRUCTION STANDARDS and Subdivision Ordinance.

III - 11 GUARANTEE OF WORK

The SUBDIVIDER shall warrant and guarantee, for a minimum period of two (2) years from the date of "Conditional Acceptance" that all of the improvements are free from defects due to faulty materials or workmanship and the SUBDIVIDER shall, at no cost to the TOWN, promptly make such corrections as may be necessary by reason of such defects including the repairs of any damage to other improvements resulting from such defects. The TOWN will give notice of observed defects with reasonable promptness. In the event that the SUBDIVIDER should fail to make such repairs, adjustments, or other work that may be made necessary by such defects, the TOWN may do so and charge the SUBDIVIDER the cost thereby incurred. the improvements guarantee shall remain in full force and effect through the guarantee period and until the SUBDIVIDER receives a written Final Acceptance from the TOWN COUNCIL.

- A. Repairs: The SUBDIVIDER shall agree and understand that the determination of the necessity for repairs and maintenance of the work rests with the ENGINEER. His decision upon the matter shall be final and binding upon the SUBDIVIDER, and the guarantee hereby stipulated shall extend and include, but shall not be limited to the entire street base, all pipes, joints, valves, backfill and compacting as well as the working surface, curbs, gutters, sidewalks, and other accessories that are, or may be affected by the construction operations, and whenever, in the judgement of the ENGINEER, said work shall be in need

of repairs, maintenance or re-building, he shall cause a written notice to be served the SUBDIVIDER and thereupon the SUBDIVIDER shall undertake and complete such repairs, maintenance or re-building, and upon the SUBDIVIDER'S failure to do so or make arrangements there for within ten (10) days from the date of the service of such notice, the ENGINEER shall, upon approval of the TOWN COUNCIL, have such repairs made, and the cost of such repairs shall be paid by the SUBDIVIDER, together with twenty-five percent (25%) in addition thereto as and for stipulated damages for such failure on the part of the SUBDIVIDER to make such repairs.

III - 12 IMPROVEMENTS GUARANTEE AGREEMENT

The SUBDIVIDER shall execute, acknowledge, and cause to be recorded in the office of the TOWN Clerk, a written agreement with the TOWN by which he will covenant and agree that he will not lease or convey any of the subdivided property to anyone whomever unless he shall first, as a condition precedent thereto, either:

- A. Install and pay for all of the improvements aforesaid necessary to the full, effective and practical use and enjoyment thereof by the lessee or grantee of the lands so to be conveyed, including but not limited to, all street improvements in front of such property and thence along the dedicated streets to a connection with existing improvements, whichever is required as a condition of the Subdivision approval, or
- B. In lieu of actual construction of the improvements, the SUBDIVIDER may furnish the TOWN, at the time a subdivision final plat is approved, one of the following guarantees that the improvements, not then installed, will be constructed and paid for within a period of two years from the date of approval of the subdivision:
 1. A bond with a corporate surety in an amount equal to one hundred fifteen percent (115%) of the cost of the improvements plus costs estimated by the ENGINEER to perform inspection of said improvements by the ENGINEER'S staff.
 2. Deposit in escrow with an escrow holder approved by the TOWN COUNCIL an amount of money equal to one hundred fifteen percent (115%) of the cost of the improvements plus costs estimated by the ENGINEER to perform inspection of said improvements by the ENGINEER'S staff.
 3. File an irrevocable letter of credit from a duly chartered bank or savings and loan institution which shall contain provisions substantially similar to that required in the escrow agreement.

The said agreement shall specifically provide that it shall be deemed to be a covenant running with the subdivided lands for the benefit of the TOWN and shall particularly and accurately describe said lands. By said agreement the

SUBDIVIDER shall further give and grant to the TOWN a lien on said lands to secure the installation of all of the improvements required by this chapter, together with the payment of all costs, including a reasonable attorney's fee which the TOWN may incur in enforcing any of the terms and provisions of said agreement and costs of inspection by the ENGINEER'S staff.

The covenant and agreement aforesaid shall be approved as to form by the ATTORNEY. The TOWN COUNCIL is authorized to prescribe, by administrative rule or regulation filed for record with the TOWN Clerk, the forms and applications for the approval of a proposed Subdivision and the strict compliance with the requirements of this ordinance. The agreement shall be restricted to the guaranteeing and paying for the improvements required by this ordinance. It shall be separated from any other financing or funding programs required by the SUBDIVIDER. Funds can be released or the amount of the bond or letter of credit decreased only upon receipt of written authorization signed by the Presiding Official of the TOWN COUNCIL.

III - 13 PARTIAL RELEASE OF AGREEMENT FOR FUNDS

The TOWN COUNCIL is authorized and directed from time to time at the request of the SUBDIVIDER or his successors in interest to release from the bonds, release from the escrow agreement, and release from the burdens of the covenant and lien the estimated costs of the improvements installed and approved by the ENGINEER.

- A. Applications for Partial Release: At least ten (10) days before each partial release is required, (but not more often than once a month), the SUBDIVIDER will submit to the ENGINEER for review, the application for release, filled out and signed by the SUBDIVIDER covering the work completed as of the date of the application and supported by such data as the ENGINEER may reasonably require. The SUBDIVIDER shall include with his application for release of funds a written statement of the current status of the escrow account signed by an officer of the bonding company, the escrow agent, or the institution issuing the letter of credit. The statement shall show the total dollars included in the agreement, the date and the amount of the releases and the current funds.

The SUBDIVIDER warrants and guarantees that title to all work, materials and equipment covered by an application for release, whether incorporated in the work or not, will have passed to the TOWN prior to the making of the application, free and clear of all liens, claims, security interest and encumbrances; and that no work, materials or equipment covered by an application for release will have been acquired by the SUBDIVIDER or by any other person performing the work at the site or furnishing materials and equipment for the project.

The ENGINEER will, within the (10) days after receipt of each application for release, either indicate in writing his approval of release and present the application to the TOWN or return the application to the SUBDIVIDER, indicating in writing his reasons for refusing to approve release. In the latter case, the SUBDIVIDER may

make the necessary corrections and resubmit the application. The TOWN will, within ten (10) days of presentation to it of an approved application for release, release the amount approved by the ENGINEER.

- B Approval of Payments of the Application: The ENGINEER'S approval of any requested release shall constitute a representation by him to the TOWN, based on the ENGINEER'S on-site observations of the work in progress as an experienced and qualified design professional and on his review of the application for release and the supporting data, that the work has progressed to the point indicated; that, to the best of his knowledge, information and belief, the quality of the work is in accordance with the CONSTRUCTION STANDARDS (subject to an evaluation of the work as a functioning project upon substantial completion, to the results of any subsequent test for in the CONSTRUCTION STANDARDS and any qualifications stated in his approval); and that the SUBDIVIDER is entitle to a release of the amount approved. However, by approving any such payment, the ENGINEER shall not thereby be deemed to have represented that he made exhaustive or continuous on-site inspections to check the quality or quantity of the work, or that he has reviewed the means, methods, techniques, sequences, and procedures of construction or that he has made any examination to ascertain how or for what purpose the SUBDIVIDER has used the moneys released.

The ENGINEER may refuse to approve the whole or any part of any release if, in his opinion, he is unable to make such foregoing representation to the TOWN. He may also refuse to approve any such release, or because of subsequently discovered evidence, or the results of subsequent inspections or tests, nullify any such release previously approved, to such extent as may be necessary in his opinion to protect the TOWN from loss because:

1. The work is defective.
2. Claims have been filed or there is reasonable evidence indicating the probable filing thereof.
3. The TOWN has been required to correct defective work or complete the work,
or
4. Unsatisfactory prosecution of the work, including failure to clean up as required.

The SUBDIVIDER shall not obtain a release from the bonds, withdraw from the covenant and lien improvements guarantee any amount in excess of 100% of the estimated cost of the improvements, but shall pay from other sources any costs for such improvements which exceed 100% of the costs approved by the ENGINEER.

If the SUBDIVIDER installs any or all of the required improvements prior to the final plat approval, the SUBDIVIDER shall furnish the TOWN one of the three

guarantees listed in paragraph III-12-B at the time the final plat is approved, in an amount equal to fifteen percent (15%) of the cost of the improvements as a guarantee that the improvements, as installed, shall remain free from defects and shall be maintained by the SUBDIVIDER until Final Acceptance by the TOWN COUNCIL.

If the SUBDIVIDER furnishes a bond, an escrow, or letter of credit, the TOWN COUNCIL shall hold the remaining fifteen percent (15%) as a guarantee that the improvements, as installed, shall remain free from defects and shall be maintained by the SUBDIVIDER until Final Acceptance by the TOWN COUNCIL.

If the fifteen percent (15%) retainage is in the form of money deposited in an escrow account, release of said retained funds may be effected by the SUBDIVIDER providing the SUBDIVIDER files a bond, or furnishes an irrevocable letter of credit with the TOWN COUNCIL in an amount equal to the fifteen percent (15%) being retained.

At any time during the guarantee period and in the event the required improvements are not installed within the two (2) years provided, or are not being maintained during the guarantee period, after Conditional Acceptance, or are found to have latent defects, the ENGINEER shall, by written notice, advise the SUBDIVIDER has thirty (30) days to make the necessary installation, construction, repair, or replacement which time may be extended by the TOWN COUNCIL at its sole discretion, and that the TOWN will make the necessary installation, construction, repair, or replacement if the SUBDIVIDER does not do so within the time permitted and that the TOWN will exercise its rights, as contained in the agreement, to obtain the funds and/or pay for the installation, construction, repair or replacement of the required improvements. If, after one (1) year after the TOWN has conditionally accepted the improvements required by its Subdivision ordinance, the required improvements remain substantially free from latent defects, the TOWN COUNCIL may release to the SUBDIVIDER the balance of the bonds, escrow account, and/or letter of credit. This release and any prior approval of the ENGINEER shall not relieve the SUBDIVIDER of any of his responsibilities as required by the Subdivision Ordinance which includes guaranteeing the improvements for a total of two (2) years from the date of Conditional Acceptance.

III - 14 CONDITIONAL ACCEPTANCE

After all required improvements are complete, the SUBDIVIDER shall, in writing, notify the TOWN and the ENGINEER that the Subdivision is complete and request Conditional Acceptance by the TOWN. The Conditional Acceptance request shall be accompanied with:

- A. A certificate, signed by the SUBDIVIDER'S Engineer attesting to the fact that all improvements are installed, free from defects and that they comply with the intent of the CONSTRUCTION STANDARDS. Any variation from said Standards shall be noted in the certificate.

B. A mylar copy of the "As Built" construction drawings.

The ENGINEER shall make an inspection within the (10) days of receipt of the notice, and notify the SUBDIVIDER in writing of any particulars in which this inspection reveals that the work is defective. The SUBDIVIDER shall immediately make such corrections as are necessary to remedy such defects.

After all required improvements have been satisfactorily installed and approved by the ENGINEER, and as a requirement of "Conditional Acceptance", the SUBDIVIDER shall furnish a mylar or mylar copy of all original construction drawings. These drawings shall show the "as constructed" condition of all improvements.

The ENGINEER shall as soon as the improvements are acceptable and after receipt of the "As Built" drawings, notify the TOWN COUNCIL in writing, his approval of the improvements. The TOWN COUNCIL shall, within fifteen (15) days after receipt of the ENGINEER'S approval, present to the SUBDIVIDER a notice of Conditional Acceptance establishing the date for beginning his two (2) year guarantee period.

III - 15 FINAL ACCEPTANCE AND RELEASE

The SUBDIVIDER shall be responsible for requesting Final Acceptance and Release. The SUBDIVIDER shall send the TOWN a written request for Final Acceptance and Release, at least twenty (20) days prior to the terminal date of his guarantee period. The ENGINEER shall, within ten (10) days, make an inspection of the Subdivision improvements. If defects exist in the improvements, the ENGINEER shall notify the SUBDIVIDER, in writing, who shall promptly replace and/or repair all defective work.

When the improvements are acceptable, the ENGINEER shall notify the TOWN COUNCIL, in writing, who shall within fifteen (15) days of receipt of said notice, issue a letter of Final acceptance and Release.

III - 16 ACCEPTANCE PERIOD

Requests for Conditional and Final Acceptance shall be made during periods when all of the improvements can be visually inspected by the ENGINEER. Any improvements buried with soil or snow or otherwise not visible shall not be approved.

Generally, no acceptances will be made during the months of November through and including March.

SECTION IV: SUPPLEMENTARY REGULATIONS

IV - 1 RE-SUBDIVISION PROCEDURE

A. Prior to the re-subdivision of a recorded plat, or a portion thereof, and where street improvements or alterations thereof are required as part of the re-subdivision, a plan complying with the requirements for a preliminary plan indicating the existing lots, their ownership, the proposed re-subdivision, and a petition for vacation of the recorded plat or portion thereof, signed by all the owners of the land contained in the plat or the portion thereof to be re-subdivided, shall be made to the PLANNING COMMISSION for their approval.

Where street improvements will not be required as part of the re-subdivision of a recorded plat, a concept drawing complying with the requirements for a concept plan indicating the existing lots, their ownership, the proposed re-subdivision, and a petition for vacation of the recorded plat or portion thereof, signed by all the owners of the land contained in the plat or the portion thereof to be re-subdivided, shall be made to the PLANNING COMMISSION for their approval.

Before considering the Concept Plan or Preliminary Re-subdivision Plan, a public hearing shall be held in the manner prescribed in SECTION II - 1.I. Owners of land contiguous or bordering the plat or the portion thereof to be re-subdivided, shall be notified in writing of the intent to re-subdivide an existing recorded subdivision plat.

B. After the public hearing and subsequent approval of the Concept Plan or Preliminary Re-subdivision Plan, a Final Plat complying with the provisions of the Ordinance shall be submitted to the PLANNING COMMISSION for approval accompanied with those construction drawings and cost estimates as necessary to establish any changes required in existing or proposed improvements and the guarantee of their installation.

C. The Town Council shall, after receipt of the completed petition and a plat approved by all signatories required on the Final Plat, order the vacation of such portion of or the entire plat to be vacated as defined in the petition of vacation.

D. The vacation order and Re-subdivision Plat shall be consecutively filed in the office of the Recorder of the County where such land is situated. The title of the Re-subdivision Plat shall include reference that this is a Re-subdivision of an "existing plat" (specify name for the words "existing plat") or a Re-subdivision of "portion" (specify existing lot(s) and /or blocks(s) for the word "portion") and the month and year of the Re-subdivision.

IV - 2 AMENDING A RECORDED SUBDIVISION PLAT

A recorded subdivision plat may be amended only to correct minor surveying or drafting errors. All other changes in a recorded plat shall be allowed only upon compliance with the re-subdivision procedures of the Ordinance. The PLANNING COMMISSION shall determine whether the recorded plat may be amended, or first

vacated and resubdivided, in accordance with the intent of this section. If it is discovered that there is a minor survey or drafting error in a recorded Final Plat, the Subdivider shall be required to file a Final Plat with an affidavit witnessed by the SURVEYOR concerning the change which shall be approved by the PLANNING COMMISSION and the Town Council. If, however, the correction of the error results in such major alterations that the corrected plat no longer meets the design standards and criteria of these regulations, then the filing of a corrected plat shall comply with the re-subdivision procedures.

IV - 3 NO PERMIT OR LICENSE FOR USE IN VIOLATION OF THE SUBDIVISION ORDINANCE

No officer of the TOWN shall grant any permit or license for the use of any building or land if such would be in violation of the Subdivision Ordinance.

IV - 4 ADMINISTRATIVE BODY

The PLANNING COMMISSION shall be the administrative body to administer this Subdivision Ordinance.

IV - 5 ADMINISTRATIVE OFFICER

The PLANNING COMMISSION CHAIRMAN shall be the administrative officer.

IV - 6 APPEAL TO TOWN COUNCIL

Any party aggrieved by a decision of the PLANNING COMMISSION may appeal such decision to the TOWN COUNCIL. Such appeal shall be taken within thirty (30) calendar days of the official action of the PLANNING COMMISSION by filing a notice of appeal with the TOWN COUNCIL. The notice of appeal shall specify the grounds of appeal and all previous actions of the PLANNING COMMISSION related thereto. Upon receipt of the notice of appeal, the TOWN COUNCIL shall immediately notify the PLANNING COMMISSION, and said PLANNING COMMISSION shall notify all aggrieved parties of the date of such meeting. Any party may appear at the said public meeting in person or by agent or by attorney and may call witnesses in support or opposition to the issues raised by the appeal.

IV - 7 DECISION OF TOWN COUNCIL AND JUDICIAL REVIEW

The decision of the TOWN COUNCIL shall be final as to the administrative action taken by The Town of Amalga, and such decision may affirm or reverse the decision of the PLANNING COMMISSION in whole or in part.

Any party aggrieved by the decision of the TOWN COUNCIL may seek and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided petition for such relief is presented to the court within thirty (30) calendar days after the regularly scheduled public meeting at which the TOWN COUNCIL rendered its decision.

IV - 8 PROTECTION STRIP

Where subdivision streets parallel contiguous property of others, the SUBDIVIDER may, upon approval of the PLANNING COMMISSION, retain a protection strip not less than one (1) foot in width between said street and adjacent property, provided that an agreement approved by the ATTORNEY has been made by the SUBDIVIDER contracting to deed to the owners of the contiguous property the one (1) foot or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of the land in contiguous property, plus the value of one-half (1/2) the land in the street at the time of agreement. One (1) copy of the agreement shall be submitted to and approved by the ATTORNEY and the PLANNING COMMISSION prior to approval of the Final Plat. Protection strips shall not be submitted at the end of a public street or proposed street.

IV - 9 CONDITIONAL USES

Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions, strict compliance with the provisions of this Code would cause an unusual and unnecessary hardship on the SUBDIVIDER, the PLANNING COMMISSION may allow specific variances or exceptions to the ordinance. The PLANNING COMMISSION may require such additional conditions which will, in its judgement, secure substantially the objectives of the standards or requirements so varied or modified. The TOWN COUNCIL may upon receipt of written recommendations from the PLANNING COMMISSION require such other conditions as will further secure, insofar as practicable, the objectives of the standards or requirements varied or modified. Any special use authorized shall be entered in the minutes of the PLANNING COMMISSION and the TOWN COUNCIL together with the circumstances that justified the special use. The PLANNING COMMISSION will prepare a Conditional Use Permit which specifies the certain specific variations and/or exceptions to this ordinance for specific parcel(s) of land. Said document shall be approved by the TOWN COUNCIL and signed by the PRESIDING OFFICIAL becoming part of the official minutes of the TOWN.

IV - 10 PROHIBITED ACTS

It shall be unlawful for any person to subdivide for the purpose of transferring, selling, conveying, or assigning any tract or parcel of land which is located wholly or in part in the TOWN, except in compliance with this Ordinance.

It shall be unlawful for any person to sell or exchange or offer to sell or exchange any parcel of land which is part of a subdivision of a larger tract of land, or record in the office of the County Recorder any subdivision plat unless the subdivision has been approved by the TOWN and meets the provisions of this Ordinance.

It shall be unlawful for any person to receive a building permit until the road base, sidewalk and curb/gutter where required, and all underground utilities are installed. It shall be the responsibility of the BUILDING OFFICIAL to see that there is no human occupancy until the improvements have been accepted by the TOWN, the lot fully complies with the subdivision and zoning ordinances and the building

complies with the building code of the TOWN. It shall be unlawful for any SUBDIVIDER to sell any portion of an approved subdivision until the prospective buyer or builder has been advised, in writing, that occupancy permits will not be issued until the improvements are completed.

IV - 11 IMPACT FEES

These fees will be based on the relative burden already borne and yet to be borne by the newly developed properties and other properties. as illustrated by the following indicators: (1) the cost of existing capital facilities; (2) the manner of financing existing capital facilities (such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants); (3) the relative extent to which the newly developed properties and the other properties in The Town of Amalga have already contributed to the cost of existing capital facilities (by such means as user charges, special assessments, or payment from the proceeds of general taxes); (4) the relative extent to which the newly developed properties and the other properties in The Town of Amalga will contribute to the cost of existing capital facilities in the future; (5) the extent to which the newly developed properties are entitled to a credit because The Town of Amalga is requiring their developers or owners (by contractual agreement or otherwise) to provide common facilities (inside or outside the proposed development) that have been provided by the municipality and financed through general taxation or other means (apart from user charges) in other parts of the County; (6) extraordinary costs, if any, in servicing the newly developed properties; and (7) the time-price differential in fair comparisons of amounts paid at different times.

IV - 12 LAND EXCAVATIONS

No person shall commence or perform any grading or excavation in existing lots or for gravel pits or rock quarries, in excess of the limits specified below without first obtaining a conditional use permit as per the Local Zoning Ordinance or Land Development Code for such grading or excavation.

In this section, all references to conditional use permit shall mean a conditional use permit for grading and excavation.

- A. A conditional use permit shall be required in all cases where development comes under any one or more of the following provisions unless such work is otherwise exempted elsewhere in this section:
1. Excavation, fill or any combination thereof exceeding one thousand (1,000) cubic yards.
 2. Fill exceeding five (5) feet in vertical depth at its deepest point measured from the adjacent undisturbed ground surface.
 3. An excavation exceeding five (5) feet in vertical depth at its deepest point.
 4. An excavation, fill or combination thereof exceeding an area of one (1) acre.
 5. Vegetation removal from an area in excess of one (1) acre.

- B. A conditional use permit as per the Local Zoning Ordinance or Subdivision Ordinance shall not be required in the following cases:
1. Excavations below finished grade for which a building permit is required and has been issued by the Local Jurisdiction, including, but not limited to, the following: septic tanks and drain fields, tanks, vaults, tunnels, equipment, basements, swimming pools, cellars, or footings for buildings or structures.
 2. Excavation or removal of vegetation within property owned by public utility companies or within public utility easements by public utility companies.
 3. Removal of vegetation as a part of the work authorized by an approved building permit.
 4. Tilling of soil or cutting of vegetation for agricultural or fire protection purposes.
 5. Commercial quarries operating with valid conditional use permits and/or in appropriate industrial zones as provided for in the Zoning Ordinance.
 6. Engineered interior fills or surcharge on the property with respect to industrial development.
 7. Items not covered by this section which are exempted from required permits by the Zoning Ordinance and the building code of the Local Jurisdiction.
 8. Grading and/or excavation done pursuant to an approved final subdivision plan.

IV - 13 RESPONSIBILITY

Failure of Local Jurisdiction or Planning Commission to observe or recognize hazardous or unsightly conditions, or to recommend denial of the conditional use permit or subdivision because of said unrecognized hazardous or unsightly conditions shall not relieve the permittee, developer or owner from responsibility for the condition or damages resulting therefrom, and shall not result in the Local Jurisdiction or Planning Commission, its officers or agents, being responsible for the conditions and damages resulting therefrom.

SECTION V: CONSTRUCTION AND DRAWING STANDARDS

V - I GENERAL CONDITIONS

- A. DESIGN AND CONSTRUCTION STANDARDS - Minimum standards of design, specifications for materials, specifications for construction and inspection shall be prepared by the ENGINEER and after approval by the PLANNING COMMISSION and TOWN COUNCIL, shall be adopted, by resolution of the TOWN COUNCIL, as the MINIMUM PUBLIC WORKS CONSTRUCTION STANDARDS AND SPECIFICATIONS for Public Improvements. These standards shall be applicable to all Subdivision improvements.

V - 2 CONSTRUCTION STANDARDS

A. Intent of CONSTRUCTION STANDARDS - It is the intent of these CONSTRUCTION STANDARDS to describe the minimum acceptable requirements necessary to complete the improvements required by the TOWN. Any work or improvements that may be reasonably inferred from these STANDARDS, as being required to produce the intended result, shall be supplied whether or not it is specifically called for. Work, materials, or equipment described in words which so applied have a well known technical or trade meaning shall be deemed to refer to such recognized standards. Details and specifications for public works facilities construction shall be as shown and called for in the "MINIMUM PUBLIC WORKS CONSTRUCTION STANDARDS AND SPECIFICATIONS" adopted by the TOWN.

B. Supplementary Definitions - Whenever used in these documents, the following terms **shall** have the meaning indicated which **shall** be applicable to both the singular and plural thereof:

1. COMMUNITY - The TOWN of Amalga.
2. Contractor - The person, firm, or corporation who is to perform the work.
3. Contract Documents - CONSTRUCTION STANDARDS of the COMMUNITY, Plans and Specifications of the SUBDIVIDER as approved by the ENGINEER.
4. CONSTRUCTION STANDARDS - Minimum public works construction standards and specifications or public improvements of the COMMUNITY.
5. Drawings - The drawings and plans which show the character and scope of the work to be performed and which have been prepared or approved by the ENGINEER.
6. ENGINEER - The ENGINEER or his duly authorized representatives appointed to serve as the COMMUNITY'S consulting engineer charged with serving in an advisory capacity in enforcement and application of this ordinance.

7. Final Release - A release granted by the TOWN COUNCIL, at the request of the SUBDIVIDER, for the balance of the bond, escrow funds or covenant and lien after receipt by the SUBDIVIDER of written approval by the ENGINEER of the installation of the improvements represented by said bonds, escrow funds, or covenant and lien.
8. Partial Release - A release granted by the TOWN COUNCIL, at the request of the SUBDIVIDER, of that portion of the bond, escrow funds or covenant and lien which is attributable to those lands on which the installation of the improvements has been fully performed. The TOWN shall release an amount equal to ninety percent (90%) of the cost of said improvements as approved by the ENGINEER. The ten percent (10%) retainage shall be retained by the TOWN until Final Acceptance is granted.
9. Project - The entire construction to be performed as required by the Subdivision Ordinance.
10. Specifications - The general term, comprising all the directions, provisions, and requirements contained herein, together with such as may be added, adopted or approved for inclusion in the Contract Documents as Supplemental Specifications or Special Provisions, all of which are necessary for the proper performance of the work.
11. Subcontractor - An individual, firm or corporation having a direct contract with the SUBDIVIDER or his contractor or with any other subcontractor for the performance of a part of the work at the site.
12. SUBDIVIDER - The person proposing to do the work necessary to improve or develop a Subdivision within the TOWN.
13. Work - Any and all obligations, duties and responsibilities necessary to the successful completion of the improvements assigned to or undertaken by the SUBDIVIDER under the requirements of the Subdivision Ordinance, including the furnishing of all labor, materials, equipment and other incidentals.

C. Contracts and Subcontracts - Prior to construction, the SUBDIVIDER will submit to the TOWN and the ENGINEER for approval, a list of the names of all contractors and/or subcontractors the SUBDIVIDER proposes to employ in constructing the improvements required herein.

The SUBDIVIDER will not employ any contractor or subcontractor (whether initially or as a substitute) against whom the TOWN or the ENGINEER may have reasonable objection nor will the SUBDIVIDER be required to employ any contractor or subcontractor against whom he has reasonable objection.

The SUBDIVIDER will be fully responsible for all acts and omissions of his

contractors and subcontractors and of persons directly or indirectly employed by him.

Nothing in the contract documents shall create any contractual relationship between any contractor or subcontractor and the TOWN or the ENGINEER or any obligations on the part of the TOWN or the ENGINEER to pay or to see to the payment of any moneys due any contractor or subcontractor, except as may otherwise be required by law.

The SUBDIVIDER shall agree to specifically bind every contractor and subcontractor to all of the applicable terms and conditions of the CONSTRUCTION STANDARDS. Every contractor or subcontractor, by undertaking to perform any of the work, will thereby automatically be deemed to be bound by such terms and conditions.

D. DESIGN STANDARDS

1. Streets-General Requirements

The arrangement of streets in new Subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas in so far as such continuation or access shall be deemed necessary by the PLANNING COMMISSION. The new street must connect with existing public streets.

The street arrangement should be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided. Half streets, consisting of half of a standard road right-of-way width and half of a fully developed street, on the boundary of a Subdivision are prohibited. Sharing of road development costs with abutting property owners and recovery of same is provided for with a PROTECTION STRIP as described in Section IV - 8.

- A. All streets must conform to any approved TOWN street plan.
- B. Road right-of-way widths - Major and collector streets shall conform to the width designated on the Master Street Plan wherever a Subdivision is in an area for which a Master Street Plan has been adopted. For territory where such street plan has not been completed at the time the Subdivision preliminary plat is submitted to the PLANNING COMMISSION, streets shall be provided as required by the PLANNING COMMISSION, with minimum widths of 80 feet for collector streets and extensions of existing 80 foot wide streets, and 60 feet for minor streets. Minor streets serving cul-de-sacs only, shall have a minimum width of 50 feet.
- C. Stub Streets - Stub streets shall be collector streets provided where needed to connect to adjacent undeveloped land and new streets and must be provided where needed to connect to existing stub streets in adjacent Subdivisions. Not more than six (6) lots shall front on a stub street, except where a temporary cul-de-sac turnaround is provided.
- D. Cul-de-sacs - Cul-de-sacs (dead end streets) not more than 650 feet long and serving no more than ten (10) lots, whichever is more restrictive, shall be used only where unusual conditions exist which make other designs undesirable. Each cul-de-sac must be terminated by a turnaround of not less than one hundred (110) feet in diameter and the face of curb or pavement edge radius shall be forty (45) feet or more. If surface water drainage is into the turnaround due to the grade of the street, necessary catch basins and drainage easements shall be provided. All temporary cul-de-sacs or dead end streets shall be provided with a turning area at the dead end thereof

satisfying the foregoing requirements and shall be available for public use as long as the dead end condition exists.

- E. Road obstructions and termination - In the event that any road or street in any Subdivision shall terminate at or within 50 feet of any ditch canal, creek, waterway, or other obstruction which will, in the opinion of the ENGINEER, require a bridge or other structure in order to continue the road over or across the canal, ditch, creek, waterway or other obstruction, the SUBDIVIDER shall deposit with the TOWN a sum of money equal to one half of the ENGINEER'S estimate of the cost for constructing a proper and suitable bridge over the same. The ENGINEER shall, on request, furnish the SUBDIVIDER a cost breakdown for any such structure. At such time, in the opinion of the TOWN COUNCIL, as it becomes desirable to construct such structure, the same shall be constructed by the TOWN applying such deposit toward the construction costs and charging the other one-half of such cost to the person developing the other side, or if there is no person so developing the other side, the half shall be borne as a TOWN expense.
- F. Frontage on major highways - Where a residential Subdivision abuts a major highway, frontage roads, pulloffs, or shoulder lanes may be required.
- G. Street names - Streets shall have the names of existing streets which are in alignment. There shall be no duplication of street names within the area. All street names must be approved by the PLANNING COMMISSION, and opportunity shall be given the TOWN Recorder for review and recommendation prior to the approval of street names by the PLANNING COMMISSION.
- H. Design Criteria.
 - 1. No more than four (4) streets shall enter an intersection.
 - 2. Streets shall intersect at ninety (90) degrees, except where otherwise approved as necessary by the PLANNING COMMISSION.
 - 3. The centerlines of two subordinate streets meeting a through street from opposite sides shall extend as a continuous line, or the centerlines shall be offset at least one hundred fifty (150) feet.
- I. Curvature and alignment.
 - 1. To ensure adequate sight distances, street roadway lines connections shall be made by horizontal curves. The minimum centerlines radius for minor streets shall be one hundred fifty (150) feet and of all other streets shall be three hundred (300) feet. On collector and major streets a minimum tangent of one hundred (100) feet shall be required between a curve and street intersection, a minimum tangent of one

hundred (100) feet shall be required between reverse curves.

2. Vertical curves shall be used at all changes of grades exceeding one (1) percent and shall be designed to provide minimum sight distances of two hundred (200) feet for minor streets and three hundred (300) feet for all other streets, except that vertical curves for major streets shall be as determined by the current specifications of the Utah State Department of Transportation (UDOT). The minimum acceptable horizontal length of vertical curves from beginning of the vertical curve to the end of the vertical curve is two hundred (200) feet for collector and minor streets and three hundred (300) feet for major streets.

J. Street Grades

All street grades shall be designed as follows:

1. Major and collector streets shall be limited to a maximum grade of eight percent (8%). Sustained grades shall be limited to five percent (5%).
2. Minor streets shall be limited to a maximum grade of ten (10) percent. Sustained grades shall be limited to seven (7) percent.
3. Cul-de-sacs with a negative grade progressing toward the turnaround shall be limited to a maximum grade of six (6) percent. The cul-de-sac shall terminate with a grade not to exceed three percent (3%) for the last one hundred (100) feet of traveled surface. The cul-de-sac shall be limited to a maximum length of six hundred fifty (650) feet and have adequate easement for drainage.
4. Street intersections shall have a vertical alignment such that the grade shall not exceed three (3) percent for a minimum distance of fifty (50) feet each way from the centerline of the intersection.
5. Maximum grades shall be approved only when accompanied by changes to a lesser grade, and where length of that portion of that road at maximum grade is less than six hundred (600) feet.
6. Streets in mountainous or hillside terrain shall be designed at less than maximum allowable grade in order that they can be safely negotiated and that snow can be removed during winter.

K. Shoulders and Pavement.

1. Four (4) foot shoulders shall be provided where curbs are waived. Design shall comply with THE TOWN OF AMALGA CONSTRUCTION STANDARDS.

2. Pavements shall be designed in accordance with the procedures promulgated by the Utah Department of Transportation and contained in Part 8 "Materials", of their manual of instruction. The SUBDIVIDER'S Engineer shall submit his design calculations and supporting data with the Final Plat. The minimum base thickness is eight (8) inches. The minimum acceptable pavement thickness is two and one-half (2 1/2) inches. All pavements shall be seal coated during following construction season. The seal coat shall comply with the UDOT Standard Specification for Bituminous Seal Coat Type A.

L. Sidewalk, Curbs and Gutters.

1. Sidewalks, curbs, and gutters shall be provided on streets to be dedicated to the public, unless waived by the Planning Commission. Sidewalks, curbs, and gutters may be required by the TOWN COUNCIL on existing streets bordering the Subdivision. Minimum grade of streets and curb-gutter is four-tenths percent (0.4%).
2. All curb corners shall have a radius of not less than twenty five (25) feet.
3. On curb returns, at least one additional control point for elevation besides those at points of curvature shall be established. Control points shall be staked in the field to insure drainage of intersections.
4. Curbs and gutters on all urban streets shall be concrete of the standard high-back type design being 30 inches wide from back of curb to lip of gutter and not less than six inches (6") thick where the curb abuts the street pavement. The top of the curb shall be approximately 3.5" higher in elevation than the lip of the gutter.

2. Easement Standards

- A. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of twenty (20) feet, apportioned equally (10 feet on each side) to abutting properties.
- B. Where front lot line easements are required, a minimum of ten (10) feet shall be allocated as utility easement. Perimeter easements shall be not less than fifteen (15) feet in width, extending throughout the peripheral area of the development, as required by the PLANNING COMMISSION.
- C. All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be required if any utilities are to be overhead. Public utility installation shall be located so as to permit multiple installations within the easements. The SUBDIVIDER shall establish final utility grades prior to utility installation.
- D. Whenever any stream or important surface drainage course is located in an area that is being subdivided, the SUBDIVIDER shall dedicate an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream for drainage, parkway or recreational use.
- E. The PLANNING COMMISSION shall , unless waived for good and sufficient cause, require that easements for drainage through a Subdivision and adjoining property be provided by the SUBDIVIDER.

3. Utilities to be Underground

- A. Unless the PLANNING COMMISSION and TOWN COUNCIL determine, upon application by the SUBDIVIDER, supported by recommendation of the ENGINEER, that it is not feasible to do so, all power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the SUBDIVIDER.
- B. The SUBDIVIDER, by designating the location for easements for all utility lines and installations thereof, shall agree, as one of the conditions for the approval of any plan, that he will at his own expense remove any obstruction that, in the opinion of the ENGINEER, makes such location impracticable for use until the obstruction is removed or altered. If additional expense is required for underground installation of power or other utility, the SUBDIVIDER shall agree to pay any additional expense occasioned thereby and sign an agreement with the TOWN for the purpose of carrying out this requirement to completion.

4. Blocks

- A. Blocks shall not exceed thirteen hundred (1300) feet in length. Blocks over eight hundred (800) feet in length shall be provided with a dedicated walkway through the block at its approximate center. Such walkways shall be not less than ten (10) feet in width. The width of blocks generally shall be sufficient to allow two (2) tiers of lots. Blocks intended for business or industrial uses shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.
- B. Property lines at all street intersections shall be rounded with curves having a minimum radius of fifteen (15) feet.

5. Lots

- A. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and to existing and probable future requirements.
- B. All lots shown on the Subdivision plan must conform to the minimum requirements of the zone in which the Subdivision is located, and to the minimum requirements for sewage disposal.
- C. Each lot shall abut on a street dedicated by the recording of a Subdivision or on an existing publicly-dedicated street, or on a street which has become public by right of use and is at least fifty (50) feet wide. [Amended 2010]
- D. Double frontage lots are prohibited unless approved by the PLANNING COMMISSION for reasons of topography.
- E. No wedge-shaped lot shall be less than thirty (30) feet in width at the front property lines, or less than the lot frontage at the front set back line required in the zoning district, whichever is larger.
- F. Side lot lines shall be at right angles or radial to street lines, except where justified by the SUBDIVIDER and approved by the PLANNING COMMISSION.
- G. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
- H. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.
- I. Where the land covered by a Subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall

be transferred by deed to either single or joint ownership before approval of the Final Plat, and such transfer certified to the PLANNING COMMISSION by the TOWN Recorder.

J. No single lot shall be divided by a municipal or county boundary line.

K. A lot shall not be divided by a road, alley, or other lots.

6. Storm Drainage and Flood Plains

Complete drainage systems for the entire Subdivision area shall be designed by a professional ENGINEER, licensed in the State of Utah and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in phases, a general drainage plan for the entire area shall be provided with the Preliminary Plat, and appropriate development stages for the drainage system for each section indicated.

A. The Drainage and Flood Plain Systems shall be designed to:

1. Permit the unimpeded flow of natural water courses.
2. Ensure adequate drainage of all low points.
3. Ensure applications of the following regulations regarding development in designated flood plains.

B. The Use of Land in Flood Plains shall be limited as follows:

1. Construction of buildings shall not be permitted in a designated floodway with a minimum return frequency of 100 years.
2. Building construction may occur in that portion of the designated floodway where the return frequency is less than 100 years provided the main floor space is constructed above the designated maximum probable flood level and provisions are made in the design and construction of the buildings to prevent entry of flood waters into the lower levels.
3. Where floodway velocities are generally determined to be under five (5) feet per second and maximum flood depth will not exceed three (3) feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
4. Any use of land is prohibited where flooding would create a public health

hazard or problem. This includes shallow wells, uncased deep wells, sanitary landfills, septic tank and on-lot sewage disposal systems, water treatment plants, and sewage disposal systems not completely protected from inundation.

5. Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping, and filling operations in a designated floodplain constitutes an encroachment and must be approved by the ENGINEER and the PLANNING COMMISSION before any work is done.
6. No lot one (1) acre or less in area shall include flood plains. All lots more than one (1) acre shall contain not less than twenty thousand (20,000) square feet of land which is at an elevation at least one (1) foot above the elevation of one hundred (100) year recurrence interval flood, or, where such data is not available, three (3) feet above the elevation of the maximum flood record.

C. The Design of the Storm System shall:

1. Consider the drainage system as a whole and shall include:
 - a. Runoff from the Subdivision area.
 - b. Where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the Subdivision.
 - c. The effects of the storm waters on lands downstream.
 - d. Limit peak runoff discharge from any new development area to 0.2 cfs per acre. Detention ponds with discharge control structures shall be used to store storm water run-off in excess of the peak permissible discharge.
2. Include all facilities necessary to accommodate that quantity of water attributable to a storm having a minimum ten (10) year frequency.
 - a. Gutter capacities will be limited to that flow which will not create a hazard, damage or flood adjacent properties and which can be safely intercepted at the inlets.
 - b. Storm water inlets and catch basins shall be provided within the roadway improvements at points approved by the ENGINEER.

- c. No ditch or canal shall be approved as suitable for the disposal of storm drainage water without the written permission of the appropriate ditch, canal company or of the water users of said ditch or canal. No ditch or canal shall be used for storm water disposal unless adequately improved to handle such water as might be reasonably expected to flow in the canal or ditch as irrigation water, the Subdivision runoff water, and any other water expected to reach such canal or ditch. No ditch, canal or other waterway shall be permitted within property dedicated or to be dedicated for public use except as specifically approved by PLANNING COMMISSION and TOWN COUNCIL. The SUBDIVIDER shall remove such waterways from property to be dedicated before the submission of the Final Plat.
- d. Complete design calculations shall be submitted with the plans for the storm sewer system.

7. Sewage Disposal

Sanitary Sewage Disposal - General Requirements - Unless otherwise exempted by Local or State Health Department requirements or prohibited by the local sewer district or owner(s) of the public sewer system, if any subdivision lies within the boundaries of an established sewer district or within reasonable proximity to a public sewer system, the SUBDIVIDER shall connect to said sewer system and provide, or have provided, a piped sanitary sewage system to the property line of every lot in the Subdivision. The sewage system shall meet the minimum standards and requirements of the DISTRICT SANITARIAN, the State Division of Environmental Health, and this Ordinance.

A. Sanitary Sewer Mains, Laterals, and House Connections.

1. All sewer mains shall be a minimum of eight (8) inches in diameter and shall be designed with adequate capacity for the current and future development.
2. All sewer laterals and house connections shall be a minimum of four (4) inches in diameter.
3. Where local, county and regional general plans indicate that construction or extension of sanitary sewers may serve the Subdivision area within a reasonable time, the PLANNING COMMISSION may require the installation and capping of sanitary sewer mains and house connections **by** the SUBDIVIDER, in addition to the installation of temporary individual on-site sanitary disposal systems.

B. On-Site Sewage Disposal.

1. Septic tank systems and drain fields are generally permitted, unless specifically prohibited in unusual conditions in the COMMUNITY'S sewer ordinance.
2. Whenever individual septic tanks are proposed as sanitary sewage disposal systems, the SUBDIVIDER shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such Subdivision that on-lot sanitary sewage disposal facilities be installed by the purchaser in accordance with Bear River Health Department Standards.
3. Each subdivided lot to be served by an on-site soil absorption sewage disposal system shall contain an adequate site for such system and shall meet minimum requirements of the Utah Department of Health Regulations For Individual Wastewater Disposal Systems and must be approved in writing by the DISTRICT SANITARIAN.

8. Water of Sufficient Quantity

In normal circumstances, connection to the existing town water system is required. Where connection to an existing community or public culinary water system is not feasible and a private non-community water system is proposed to serve a subdivision development, the procurement of water, whether by purchase of water rights, water shares, exchange, or service agreement, shall be the responsibility of the SUBDIVIDER. Water shall be provided for the exclusive use of the Subdivision in an amount sufficient to meet the following flow standards, unless it can be proved to the PLANNING COMMISSION that a lesser amount is adequate.

A. Where a separate secondary water system is not available for each lot:

1. A minimum of 292,000 gallons per year per dwelling unit for the first 10,000 square feet of lot area. Approximately two-thirds of this water shall be available for use during the months of May through October. Each additional 10,000 square feet of lot area shall require an additional 225,000 gallons which shall be available for use during the months of May through October.
2. The distribution system shall be designed to deliver the above quantities of water at a minimum pressure of 40 psi. In no case shall the capacity of the system be less than 1.6 gallons per minute per dwelling unit in

addition to the water required for fire suppression.

- B. Where a separate secondary water system is available at each lot:
 - 1. A minimum of 146,000 gallons per year per dwelling unit.
 - 2. The distribution system shall be designed to deliver the above quantity of water at a minimum pressure of 40 psi. In no case shall the capacity of the system be less than 1.6 gallons per minute per dwelling unit in addition to the water required for fire suppression.
- C. Design Calculations. When requested, complete design calculations shall be furnished to the ENGINEER.

9. Culinary Water System

Where connection to the existing TOWN water system is feasible and required, the culinary water system for the subdivision shall meet the following requirements:

- A. The culinary water facility shall extend to the property line of every lot and shall be capable of delivering the flows required in Section in V.D.8 above . All water mains shall be a minimum of six (6) inches in diameter except in cul-de-sacs where the diameter may be four (4) inches if no fire hydrant is connected to the pipe. The storage capacity of reservoirs shall provide a minimum of 1100 gallons for each dwelling unit in addition to the required storage for fire suppression. Fire suppression storage shall be equal to a minimum fire flow of 500 GPM for a two (2) hour period, or 60,000 gallons, or as specified by other local fire districts, or local and state regulations.
- B. Fire hydrants shall be installed in accordance with the regulations of the fire district or the following requirements, whichever is most restrictive:
 - 1. Be connected to a pipe six (6) inches in diameter or greater.
 - 2. Shall comply with the provisions of the latest revision of the National Fire Code.
 - 3. Located such that any single dwelling unit will be no more than three hundred fifty (350) feet from the nearest fire hydrant when measured along the most probable access route.
 - 4. Waterline construction shall comply with the community's CONSTRUCTION STANDARDS.

10. Secondary Water Systems

- A. When a pressurized secondary water system for irrigation is located within three hundred (300) feet of the Subdivision boundary and secondary water rights are available to the property from said secondary water system to be subdivided, it shall be piped to the Subdivision and made available for the full and beneficial use of each lot owner.
- B. All pressure irrigation systems in a proposed Subdivision shall identified and otherwise color coded as to pipe and valve color to meet State standards and regulations.
- C. The capacity of the pipe system shall be adequate to serve the demand of the Subdivision.
- D. Plans and specifications for the system must be approved in writing by the agency furnishing the water and the ENGINEER.
- E. Turnouts or valves must be located on each lot.
- F. Where an existing irrigation system consisting of open ditches is located on or adjacent to a proposed Subdivision, complete plans for relocation or covering and other safety precautions shall be submitted with an application for Preliminary Approval of a plat.
- G. The open ditches or canals shall not be allowed within or adjoining a Subdivision except when fenced along rear or side lot lines. The SUBDIVIDER shall work with irrigation, drainage or ditch companies regarding:
 - 1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the Subdivision.
 - 2. The size of pipe and culverts required.
 - 3. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. in cases where canals or ditches cross public road or proposed public roads, specifications and grades for pipe or culvert must be approved by the ENGINEER.

11. Safety Fences

The SUBDIVIDER shall install a six (6) foot, non-climbable chain link fence, or its equivalent, along all open ditches, canals or waterways, non-access

streets, open reservoirs or bodies of water, railroad right-of-way and other such features of potentially hazardous nature, crossing or contiguous to the property being subdivided, except on those features which the PLANNING COMMISSION shall determine would not be a hazard to life.

V - 3 DRAWING STANDARDS

The following instructions are for the purpose of standardizing the preparation of drawings to obtain uniformity in appearance, clarity, size and style.

The construction plans shall be submitted in triplicate (minimum) with two (2) approval sets to be retained by the ENGINEER and one (1) approval set returned to the SUBDIVIDER. This set shall be kept available at the construction site. Specifications shall accompany the plans where pertinent.

The plans and designs shall meet the standards and specifications hereinafter outlined. The minimum information required on drawings for public works improvements are as follows:

A. Plans and Profiles - Plans and profiles and all construction drawings shall be submitted in triplicate on 24" x 36" drawings. Drawings shall have 1 1/2 inch border on left and 1/2 inch border on the three remaining sides. All drawings shall be complete, clear, and legible and shall conform to the accepted standards of the profession. Illegible or poorly drawn drawings shall be returned without action and will be considered as having received a preliminary review. In general, the following should be included on drawings:

1. North arrow (plan) .
2. Scale, bench mark datum and elevations including the location of permanent bench marks and their true elevations according to U.S.G.S. or the COMMUNITY'S datum. All profiles and construction drawings shall be drawn using true elevation.
3. Complete data for field layout and office checking.
4. Stationing and elevations for profiles.
5. Title block, located in lower right corner of sheet to include:
 - a. Name of County.
 - b. Project title (Subdivision, etc.).
 - c. Specific type and location of work.

- d. Space for approval signature of local ENGINEER and date.
 - e. Name of Engineer or firm preparing drawings with license number and sealed by the responsible Engineer.
6. "As Built Drawings" shall be reproducible on mylar and shall be furnished to the ENGINEER upon completion of the improvements. The TOWN will retain the improvement guarantee until such plans have been furnished in a manner acceptable to the ENGINEER.

All printing and drawing shall be done using black India Ink or waterproof plotter ink with clear, legible and uniformly sized letters, numbers and lines. The size of the lettering, and width of lines shall vary according to the needs of clarifying and identifying the various items constructed and establishing clear and concise vertical and horizontal control.

7. Plan and profile drawings will include details of curb and gutter; sidewalks; street cross sections; locations and elevations of manholes, catch basins, storm sewers and their appurtenant works; elevations and location of fire hydrants, water mains, type of pipe, valves and their appurtenant works; location, size and elevations of sanitary sewer mains, their grades and type of pipe (rubber gasket mandatory); manholes, cleanouts; and other appurtenant works. The drawing shall include the details for a non-culinary (irrigation) water system indicating size, location and kind of pipe, valves, and turnouts. All stationing must coincide with existing stationing as shown on existing TOWN drawings. Engineer's station equations will not be approved except at street intersections where the stationing of the intercepting street will be shown as well as the stationing of the intercepted street.
- B. Curb and gutter, drains and drainage structures, sidewalks and street surfacing drawings should show:
- 1. Scale: 1"=50' horizontal, 1"=5' or 10' vertical.
 - 2. Profiles shall indicate finished and existing grades for the centerline and each side of the street at the curb-gutter line, and shall extend a minimum of 200 feet beyond the limits of the proposed project. Cross-sections shall be provided when requested by the ENGINEER.
 - 3. Stationing and top of curb elevations with curve data must be shown for all curb returns and at least one additional control point for elevations besides those at the P.C. (point of curvature) and P.T. (point of tangency) shall be indicated on the plans and staked in the field to insure drainage at the intersections.

4. Type of cross drainage structures at intersections with adequate flow line elevations.
 5. B.M. location and elevation (use U.S.C. & G.S. datum where possible).
 6. Type of curb and gutter and distance back to back of curb.
 7. Elevations for the top of curbs and road centerlines shall be shown on the plans for all P.C.'s, P.T.'s and at all BVC's (begin vertical curve) and EVC'S (end vertical curve).
 8. Complete curve data must be shown for all horizontal and vertical curves. The minimum length of vertical curve is 200 feet unless otherwise approved.
 9. Street monuments to be installed by the SUBDIVIDER'S Engineer or land SURVEYOR and shall be designated on the final drawings and approved by the ENGINEER. The monuments must be accurately set at the approved locations prior to release of the improvement bond.
 10. The SUBDIVIDER'S Engineer will, when requested by the ENGINEER, furnish copies of the field notes relating to any or all of the work prepared or done.
- C. Sewer drawings should show:
1. Scale: 1"=50' or 1"=100' horizontal, 1"=5' or 1"=10' vertical.
 2. Location, size and grade of pipe.
 3. Location and elevation of catch basins and all appurtenant facilities.
 4. Manhole size, location and flow elevation.
 5. Type of pipe (rubber gasket joints required).
 6. B.M. location and elevation.
- D. Culinary and secondary water drawings should show:
1. Scale (not specified).
 2. Size and location of water mains, valves, fittings and hydrants.
 3. Kind of pipe.
 4. Minimum cover.

E. Detail Drawings:

Each set of plans shall be accompanied by a separate sheet of structure details which are to be constructed. All structures shall be designed in accordance with minimum standards of these specification drawings requirements:

1. Drawing size: 24" x 36".
2. Scale of each detail.
3. Title block, lower right hand corner (same format on all sheets) including the name of the SUBDIVIDER.
4. Completely dimensioned and described.

F. Concept Plan:

The sketch plan shall consist of a drawing on 24 x 36 inch tracing vellum. Drawings shall have a 1 1/2 inch margin on the left and 1/2 inch margin on the three remaining sides. The drawing may be in pencil but shall be clear and legible. The plan shall include the following:

1. The name of the proposed subdivision.
2. The name, home, and business address of the developer.
3. The name and business address of the project designer and Engineer.
4. The dimensions, area, and general location of the site.

5. North point, or arrow, pointing to the left or top of sheet.
6. Locations of existing buildings.
7. Locations and names of existing streets and general location of proposed streets.
8. Public and private easements related to site.
9. Approximate section corners or lines..
10. Water courses and impoundments.
11. Location and description of existing vegetation.
12. Storm water disposal facilities; location and size of utility service (water, sewer, power, gas, telephone cable) lines; location and type of proposed sewage disposal facilities; type of water system proposed; location of all other proposed on-site and off-site improvements.
13. Topographic contours from existing data such as U.S.G.S. quads.
14. Soils and geologic map indicating soils types, their boundaries, and any known geologic hazards such as fault zones, unstable soils, etc.
15. Vicinity map.
16. Name and address of property owners within 300 feet of proposed subdivision.
17. Adjacent properties and names of owners.
18. Existing Zoning

G. Preliminary Plat:

The Preliminary Plat shall be drawn to a scale on standard 24 inch by 36 inch tracing vellum or mylar. The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor licensed to do such work in the State of Utah. A workmanlike execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for rejection. The following data shall be submitted as part of the Preliminary Plat submission:

1. The proposed name of the Subdivision.
2. Where the plat submitted covers only a part of the SUBDIVIDER'S tract, or

is part of a larger vacant area, the plat shall show the location of the Subdivision as it forms part of a larger tract or parcel. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.

3. Sufficient information to locate accurately the property shown on the plat.
4. A boundary traverse map of the perimeter of the proposed subdivision. The surveying shall have an error of closure of not greater than one part in 10,000. The boundary survey and traverse shall be certified by a land surveyor, registered to practice in the State of Utah.
5. A vicinity map showing perimeter outline of the plan, accesses, abutting subdivision outlines and names, and other relevant information within one half (1/2) mile distance of the perimeter of the proposed plat. Scale not less than one inch equals two thousand feet.
6. The names and addresses of the SUBDIVIDER, the ENGINEER or SURVEYOR of the Subdivision, and the owners of the land immediately adjoining the land to be subdivided.
7. Proposed changes to existing zoning district boundaries or zoning classifications, if any.
8. Existing conditions:
 - a. Existing sanitary sewers, storm drains, water supply mains and culverts within the tract or within 500 feet thereof.
 - b. The location, widths and other dimensions of proposed lots, streets, alleys, easements, parks, and other open spaces with proper labeling of spaces to be dedicated to the public.
 - c. The location, principal dimension, and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within 600 feet of the boundary thereof, showing whether recorded or claimed by usage; the location and principal dimensions for all water courses including ditches, canals and natural drainage channels, public utilities and other important features and existing structures within the land and adjacent to the tract to be subdivided, including railroads, exceptional topography, airports and approaches to the airport.
 - d. The location of existing bridges, culverts, surface or subsurface drainage

ways, areas subject to occasional flooding, marshy areas, swamps, utilities, buildings, pumping stations or appurtenances, within the Subdivision or within 300 feet thereof.

- e. The location of the nearest elevation bench mark and survey control monument.
- f. The owners of the land immediately adjoining the land to be subdivided and the boundary lines of adjacent tracts of unsubdivided land, showing ownership and property monuments.
- g. The existing contours at two (2) foot 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. Elevations shall be based on National Geodetic Survey sea level data. In cases of level topography through a Subdivision, one foot (1') contours may be required.
- h. A soils report prepared by a registered civil engineer, soil engineer, or engineering geologist, that certifies to the types of soils, the geologic hazards, development restrictions, and suitability of the area for subdivision development.
- i. Copies of any agreements with adjacent property owners relevant to the proposed Subdivision and the substance of all other covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings, and structures.

9. Proposed development:

- a. Lot and street layout.
- b. Dimension of all lots to nearest foot (which may be scaled values).
- c. Total acreage of entire proposed Subdivision.
- d. Lots and blocks numbered consecutively.
- e. Locations and identification of all existing and proposed public and private easements.
- f. Existing and proposed street names.
- g. Street plans to show proposed grades, curb-gutter, and sidewalks.

- h. Typical street cross sections.
 - i. Proposed water facilities including pipe diameters, valve locations, fire hydrant locations, water sources, water rights, reservoirs, pumps and design calculations.
 - j. Excavation or grading of areas requiring in excess of three foot cut or fills.
 - k. Proposed sanitary and storm sewer systems indicating pipe diameters, location of detention ponds, manholes, inlets and other pertinent appurtenances with the design calculations.
 - l. Approximate boundaries of areas subject to inundation or storm water overflows of an intensity estimated to occur with a return frequency of once every hundred (100) years or more.
 - m. The plat shall be drawn to a scale not less than one (1) inch equals one hundred (100) feet, and shall indicate the basis of bearings, true north point, name of Subdivision, name of municipality, township, range, section, and quarter section, block and lot number of the property under consideration.
 - n. An affidavit that the applicant is the owner, the equitable owner, or authorized by the owner in writing to make application for the proposed Subdivision.
 - o. Sites, if any, to be reserved or dedicated for parks, play grounds, schools, or other public uses.
 - p. Sites, if any, for multi-family dwelling, shopping center, TOWN facilities, industry, or other uses, exclusive of single-family dwellings.
 - q. Proposed phases of development. All development and improvements to be continuous and contiguous to abutting developments.
10. Plat format:

The Preliminary Plat and drawings shall be prepared in the same format as the Final Plat and shall include the following instruments signed or to be signed and dated:

- a. SUBDIVIDER'S engineer and/or surveyor's signature and seal.
- b. Owner's approval.

- c. PLANNING COMMISSION approval.
- d. ENGINEER'S approval.
- e. DISTRICT SANITARIAN'S approval.

V - 4 PLAT DRAWING REQUIREMENTS

A. Final Plat:

The Final Plat shall consist of a sheet of approved mylar to the outside of trim line dimensions of 24 inches by 36 inches on the border line of the plat shall be drawn in heavy lines leaving a space of at least 1 1/2 inches on the left side and at least 1/2 inch margin on other sides. The plat shall be so drawn that the top of the drawing faces either North or East, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen or mylar with approved waterproof blue ink or black "India Drawing Ink". The plat shall be made to a scale large enough to clearly show all details and in any case not smaller than 100 feet to the inch. Surveying, calculations, angular data, linear dimensions and bearings shall be limited to an error of closure of not greater than one part in 10,000. The workmanship on the finished drawing shall be neat, clean and readable. The Final Plat shall contain the following information:

1. Subdivision name which must be approved by the PLANNING COMMISSION and the general location of the Subdivision in bold letters at the top of the sheet.
2. North point, scale and graphic scale of the drawing and the date .
3. Description of land to be included in the Subdivision.
4. Accurately drawn boundaries, showing the bearings and dimensions of all boundary lines of the Subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines. When the plan is bounded by an irregular shore line of a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plan included all land to the water's edge as established on the date of the survey. Accurate angular and linear dimensions shall be shown for all lines, angles and curves used to describe boundaries, streets, lots, easements, areas to be reserved for public use and other important features. Parcels not contiguous shall not be included on one plat. Contiguous parcels owned by different parties may be embraced in one plat, provided all owners join in dedication and acknowledgement.

5. Lengths shown to hundredths of a foot, and angles and bearings shown to seconds of arc.
6. True angles and distances to the nearest established street lines or official monuments which are accurately described on the plat and shown by appropriate symbol.
7. Radius, internal angles, points of curvature, tangent lengths and bearings, long tangent and bearings, the length of all arcs and the lengths of each intercepted arc.
8. Accurate location of all monuments to be installed shown by an appropriate symbol. All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property, shown and preserved in precise position.
9. Bearings, distances and curve data of all perimeter boundary lines indicated outside the boundary line, not inside with the lot dimensions.
10. All lots and blocks numbered consecutively under a definite system approved by the PLANNING COMMISSION. All proposed streets named or numbered in accordance with and in conformity with the adopted street naming and numbering system. All lot street addresses assigned thereto with corner lots multiple addressed for each part of the lot having frontage on separate streets.
11. Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and any area to be reserved by deed or covenant for common use of all property owners.
12. All lands within the boundaries of the plan which shall be accounted for as either lots, walkways, streets, or reserved as excepted parcels . Excepted parcels shall be marked "not included in this development" and the boundary completely indicated by bearings and distances.
13. All streets, walkways, and easements, designated as such. Streets shall be named and/or numbered as required by the PLANNING COMMISSION.
14. A dedication to the TOWN of all streets, highways, easements and other lands intended for public use that are included in the proposed Subdivision.
15. Street monuments shall be installed by the SUBDIVIDER'S Engineer or land SURVEYOR at such points designated on the Final Plat as are approved by the ENGINEER. Standard monuments will be furnished by the SUBDIVIDER and placed as approved.

16. Pipes or other such iron markers as shall be placed at each lot corner prior to final approval.
- B. The instruments to be included on the Final Plat are as follows:
1. The registered professional ENGINEER and/or land SURVEYOR'S "Certificate of Dedication".
 2. The Owner's Certificate of Dedication.
 3. The Owner's Acknowledgement of Responsibility.
 4. A Notary Public's acknowledgement and/or corporate acknowledgement.
 5. The ENGINEER'S Approval.
 6. DISTRICT SANITARIAN'S Approval.
 7. The PLANNING COMMISSION'S Approval.
 8. The ATTORNEY'S Approval.
 9. The TOWN COUNCIL'S Approval.
 10. Signature for the PRESIDING OFFICIAL and attestation by the TOWN Secretary.
 11. An occupancy restriction.

SECTION VI: PLANNED RESIDENTIAL UNIT DEVELOPMENT - P.R.U.D.

VI - 1 DESIGN STANDARDS

The design of the Preliminary and Final Plats of the Subdivision in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the intent of zoning elements of the general plan that has been adopted by the PLANNING COMMISSION and approved by the TOWN COUNCIL. Streets shall be so designed as to take advantage of open space vistas and, create drives with a rural, agricultural, or open space character. The subdivider must maintain the overall density of the zone in which the P.R.U.D. is approved.

VI - 2 PROVISION FOR COMMON OPEN SPACE

The SUBDIVIDER P.R.U.D. shall submit plans of landscaping and improvements for the common open space. He shall also explain the intended use of the open space and provide detailed provisions of how the Subdivision must meet the requirements of the zoning ordinance, must assure proper use, construction, and maintenance of open space facilities and must result in a development superior to conventional development in terms of its benefit to future residents of the Subdivision, surrounding residents and the general public.

The PLANNING COMMISSION may place whatever additional conditions or restrictions it may deem necessary to insure development and maintenance of the desired residential or agricultural character, including plans for disposition or reuse of property if the open space is not maintained in the manner agreed upon or is abandoned by the owners. Where the intent of the general plan and TOWN ordinances are being met to the fullest extent, additional lots may be approved by the Planning Commission and Town Council.

VI - 3 GUARANTEE OF COMMON OPEN SPACE IMPROVEMENTS [Amended 2010]

As assurance of completion of common space improvements, the SUBDIVIDER at the request of the TOWN COUNCIL, shall be required to file with the TOWN a surety or cash bond, or other agreement, in a form satisfactory to the ATTORNEY guaranteeing such completion within two (2) years after such filing. Upon completion of the improvements for which a surety or cash bond or other agreement has been filed, the SUBDIVIDER shall call for inspection by the PLANNING COMMISSION, such inspection to be made within fifteen (15) days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds or surety therefore shall be released. If the bonds or surety are not released, refusal to release and reasons therefore shall be given the SUBDIVIDER in writing.

VI - 4 CONTINUATION OF COMMON OPEN SPACE

As assurance of continuation of common open space used in accordance with the plans approved by the PLANNING COMMISSION, the SUBDIVIDER shall grant to the TOWN an "open space easement" on and over the common open space prior

to the recording to the Final Plat, which easement will not give the general public the right of access but will provide that the common open space remains open, particularly for agricultural use.

**VI- 5 PRESERVATION, MAINTENANCE, AND OWNERSHIP OF OPEN SPACES,
COMMON AREA [Amended 2010]**

The preservation, maintenance, and ownership of Open Spaces within a subdivision development shall be accomplished by:

- A. Dedication of the land to the Local Jurisdiction as a public park or parkway system, including a certificate of title insurance; or
- B. Granting to the Local Jurisdiction a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in agricultural, recreational, or park use, with ownership and maintenance being the responsibility of an Owners' Association established with articles of association and by-laws which are satisfactory to the Town council; or
- C. Granting to the Local Jurisdiction a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in agricultural, recreational, or park use, to be maintained from the proceeds of a perpetual maintenance trust fund established by the developer in an amount satisfactory to the Town council; or by
- D. Complying with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities, and requires that the SUBDIVIDER, prior to the recording of the Final Plat, cause to be incorporated under the laws of the State of Utah, a lot owners association. By proper covenants running with the land and through the articles of incorporation and bylaws of the association it shall, among other things, be provided:
 - 1. That membership in the association shall be mandatory for each lot purchaser, their guaranties, successors and assignees.
 - 2. That the common area and open space restrictions shall be permanent and not just for a period of years.
 - 3. That the association be responsible for maintaining liability insurance, paying general property taxes and maintaining recreational and all other facilities.
 - 4. That all lot owners shall pay their pro-rata share of the costs of upkeep, maintenance, and operation.

5. That any assessment levied by the associations may become a lien on the real property of any lot owner which may be foreclosed and the property sold as on sales under execution.