

Title 12 Subdivision Regulations

12.01 GENERAL PROVISIONS

12.01.01 Definitions – Process Related

Administrative Land Use Authority. The appointed board consisting of the City Administrator and/or City Planner, Public Works Director, City Engineer, and the Planning Commission Chair who are responsible for reviewing and approving applications and land use decisions arising from subdivision applications.

Administrative Land Use Authority Review. The Administrative Land Use Authority shall complete a review of each completed Application and provide written comments to the Applicant requesting additional information and/or modifications to plans. Each request shall be specific and include citations to ordinances, standards, or specifications.

Applicant or Subdivider. A person or persons making application to create a subdivision.

Applicant Response to Review. The Applicant shall submit revised plans along with a written explanation in response to the Administrative Land Use Authority's review comments identifying and explaining their revisions and reasons for declining to make revisions (if any). Each explanation shall be specific and include citations to ordinances, standards, or specifications. If the Applicant fails to address a review comment in the response, the review cycle is not complete and subsequent review cycle may not begin until all comments are addressed.

Complete Application. A Subdivision Application shall be considered complete as defined in each Application Section.

Geological Hazard. The restrictions and requirements of the review cycle do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

Review Cycle. There shall be no more than four (4) total review cycles. A review cycle shall be considered complete when:

1. Complete Application is submitted to the Administrative Land Use Authority;
2. The Administrative Land Use Authority Review is complete;
3. The Applicant Response to Review is complete; and
4. The Administrative Land Use Authority provides a written statement to Applicant stating completion of the review cycle and next required steps for approval.

Review Cycle, Exceptions.

1. Additional Review Cycle(s). May be required when a modification or correction is necessary to protect public health and safety or to enforce state or federal law when a change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phase plan that adjusts infrastructure needed for the specific development.
2. Additional Time for Review. If the Applicant does not submit a revised plan within twenty (20) business days after the Administrative Land Use Authority requires a modification or correction, the Administrative Land Use Authority shall have an additional twenty (20) business days to respond.

Subdivision Improvement Plans. Civil engineering and design plans associated with required infrastructure and City owned/operated utilities required for a Subdivision.

Subdivision Ordinance Review. A review to verify that an application for a Subdivision meets the criteria of the applicable City Ordinance(s). The Administrative Land Use Authority shall notify the Applicant in writing of the deficiency in the application and the right to appeal the determination to a designated Appeal Authority as stated in Title 2, Authorities and Commissions.

Subdivision Plan Review. A review of the Applicant's Subdivision improvement plans and other aspects of the Subdivision application to verify that the application complies with all ordinances and applicable standards and specifications, including the current Public Works Standards for Development, Design, and Construction.

12.01.02 Purpose

Promote the health, safety, convenience, and general welfare of the inhabitants of the City in the matter of Subdivisions or matters affected by Subdivisions through provisions designed to:

1. Encourage and facilitate the orderly use, growth, and development of the land within the city and to assure sites are suitable for Subdivision development and human habitation.
2. Ensure adequate traffic circulation and open space.
3. Facilitate the conservation of or production of adequate water, sanitation, drainage, and energy resources.
4. Avoid developments that are scattered and premature causing insufficient public services and facilities or necessitating an excessive expenditure of public funds for the supply of such services and facilities.
5. Ensure utilization of the land in the best interest of the public welfare of the area concerned.

12.01.03 Scope

1. This Title is designed to inform the Subdivider and public of the requirements and conditions necessary to obtain approval of a Subdivision. To this end, all requirements, where possible, are expressly delineated in this Title, the City’s Public Works Standards for Development, Design, & Construction (also known as the Public Works Standards, or Standards), and other applicable ordinances.
2. This Title shall apply to lots or parcels where public rights of way are dedicated, and public improvements and infrastructure are installed regardless of whether the land is subdivided.

12.01.04 Validity

If any section, subsection, sentence, clause, or phrase of this Title is, for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this Title.

12.02 ADMINISTRATION

12.02.01 Final Platting and Recording Required

1. **Subdivision of Land.** No land which is located wholly or in part in Harrisville City may be subdivided, the plat be filed and recorded in the County Recorder’s Office, nor lots be sold unless such Subdivision has been created pursuant to and in accordance with the provisions of this ordinance.
 - a. **Exception.** Joining a lot or lots to an existing parcel does not constitute a Subdivision nor does it require a Subdivision plat amendment.
2. **Final Plat Approval.** Lots shall not be transferred or sold, nor shall a building permit be issued for a structure thereon, until the final plan of a Subdivision is approved and the final plat is recorded in accordance with this Title and the provisions of state statute, and until the improvements and infrastructure required in connection with the Subdivision have been constructed or guaranteed as provided herein.
3. **Sales of Land Parcels.** No person shall sell or exchange or offer to sell or exchange any parcel of land which is in any part of a Subdivision or a larger tract of land or offer for a recordation in the County Recorder’s Office, any deed conveying such a parcel of land or any interest therein, unless such Subdivision has been created pursuant to, and in accordance with, the provisions of this Title.
4. **Building Permits.** Building permits shall not be issued prior to approval and recordation of the final plat.

12.02.02 Work to be Done by Registered Professional

All plans must be prepared and stamped by licensed and/or certified professionals in the State of Utah including, but not limited to, architects, landscape architects, land planners, engineers, surveyors, geotechnical engineers, transportation engineers or other professionals as deemed necessary by the City.

12.02.03 Rezone of Property

If rezoning the property is required, prior to subdividing, the Applicant must first obtain rezone approval as required in City Code.

12.02.04 Approval Procedure

1. **Approval Process.** The approval process for a Subdivision shall be in sequential order consisting of no more than four (4) review cycles:
 - a. Concept Plan (optional)
 - b. Preliminary Plat Review
 - c. Preliminary Improvement Plan Review
 - d. Final Plat and Improvement Plan Review
2. **Expiration.** Each Subdivision application review cycle shall be valid for a period of not more than one (1) year. At the request of the Subdivider, the Administrative Land Use Authority may grant up to two (2) six-month (6) extensions if substantial progress has been demonstrated by the Applicant. Expired applications shall be deemed null and void and require the Subdivider to start the Subdivision approval process over.

12.02.05 Phasing

Subdivisions containing thirty (30) or more lots shall be done in phases. Each phase shall follow the Approval Procedure as outlined in 12.02.03.

1. The phases shall be shown as part of the Preliminary Plat and shall be submitted with the Preliminary Plat for phase 1 of the Subdivision.
2. Development shall be organized such that the phases will be contiguous, and the required improvements and infrastructure will be continuous as deemed feasible and desirable by the Administrative Land Use Authority.
3. Less desirable or expensive aspects of the Subdivision should not be delayed to the final phases of development.
4. The Administrative Land Use Authority may require a pro-rated portion of the improvements and infrastructure be developed, or guaranteed in escrow, in earlier phases.

5. Where it is prudent to install improvements and infrastructure that extend into the next phase, such work may be done when it is shown on the plans and approved accordingly.
6. When all required improvements and infrastructure of a phase are installed, complete (except for sidewalk), and have received Conditional Acceptance, the Subdivider may submit the Final Plat and Improvement Plans Application for the next phase.

12.02.06 Application Requirements and Review Process

Notwithstanding the specific requirements outlined in this Section for each Application, all proposed Subdivisions shall show compliance with all applicable laws and standards. Poorly drawn, incomplete, or illegible drawings shall be cause for denial. The Administrative Land Use Authority may waive certain informational and design requirements when they clearly do not apply and are irrelevant to a proposed Subdivision and shall state such waiver as part of the review cycle.

12.02.06.01 Concept Plan

1. **Purpose.** An applicant may request a meeting with the Administrative Land Use Authority to obtain initial feedback and information prior to making a formal preliminary application for a Subdivision. This meeting shall be optional, non-binding, and considered separate from and independent of the required Subdivision approval review cycles. It is highly recommended that the Applicant participate in this optional Review Cycle.
2. **Application Required.** To provide a basic framework of the proposed Subdivision, the Applicant shall submit the required application to the Administrative Land Use Authority.
3. **Fees.** There are no fees associated with this type of application.
4. **Time Frame.** Within fifteen (15) business days after the receipt of the completed application, the Applicant shall be placed on the agenda of the next regularly scheduled meeting of the Administrative Land Use Authority for discussion.

12.02.06.02 Preliminary Plat Review Cycle

1. **Purpose.** For the Administrative Land Use Authority to complete an initial Subdivision Ordinance Review and an initial Subdivision Plan Review.
2. **Application Required.** The Applicant shall submit the required Preliminary Subdivision Plat Application for review and approval by the Administrative Land Use Authority.
3. **Complete Application.** An application shall be considered complete and begin the first review cycle when the following items are submitted:

- a. A completed Preliminary Subdivision Plat Application as provided by the City.
- b. Additional information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.
- c. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
- d. Current Weber County ownership plat depicting property proposed for subdivision and all contiguous property around land proposed to be subdivided.
- e. A recent Title Report covering the proposed subdivided property identifying ownership, easements of record, liens or other encumbrances and verifies payment of taxes and assessments.
- f. Proof of plat submitted to Weber County Surveyor for review and comment.
 - i. Applicant shall make the corrections requested by the County in addition to those required by the City.
 - ii. Applicant shall pay any County review fees and establish any required County escrow.
 - iii. Applicant has an ongoing duty to provide the County with the most current version of the plat being considered by the City during the approval process.
- g. A digital copy of the preliminary plat that contains at a minimum the following:
 - i. All information as required in the current Public Works Standards for Development, Design, and Construction.
 - ii. Name of the Subdivision and the words "Preliminary Plat – Not to be Recorded".
 - iii. Layout of lots including lot sizes and dimensions.
 - iv. Layout of roads (current and proposed).
 - v. Existing structures and nature features such as drainages, waterways, waterbodies, special views, existing vegetation to preserve, and other unique features.
 - vi. Data tables showing the number of lots/units, buildable area for each lot, percentage of landscaping/open space, and density of units per acre.
- h. Additional information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.
- i. Payment of fees as stated in the City's current adopted Fee Schedule.

4. **Time Frame.**
 - a. Within fifteen (15) business days after the receipt of the completed application, the Applicant shall receive written comments from the Administrative Land Use Authority.
 - b. After the Applicant's complete Response is received the Applicant will be placed on the agenda of the next regularly scheduled meeting of the Planning Commission for approval of the Preliminary Plat.
 - c. Approval of the Preliminary Plat from the Planning Commission shall complete the Review Cycle.

12.02.06.03 Preliminary Improvement Plans Review Cycle

1. **Purpose.** For the Administrative Land Use Authority to complete a Subdivision Ordinance Review and Subdivision Improvement Plans Review.
2. **Application Required.** The Applicant shall submit the required Preliminary Subdivision Improvement Plans Review Application for review and approval by the Administrative Land Use Authority.
 - a. **Exception.** When a proposed Subdivision does not involve the development of new public infrastructure, an exception may be granted by the City Engineer to waive, in writing, the need for the Preliminary Improvement Plans Review Cycle.
3. **Complete Application.** An application shall be considered complete and begin the review cycle when the following items are submitted:
 - a. Completion of all requirements from previous Review Cycle.
 - b. A completed Preliminary Subdivision Improvement Plans Application as provided by the City.
 - c. Additional information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.
 - d. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
 - e. A digital copy of the updated preliminary Subdivision plat drawing revised as required in the previous review cycle.
 - f. Availability letters from all applicable service providers.
 - g. Written approval from other agencies as applicable (e.g. Army Corps of Engineers, Utah Department of Transportation, Weber County Surveyor).

- h. A digital copy of the design and improvement plans and infrastructure detail drawings drawn to a scale not less than one inch (1") equals fifty feet (50') that contain, at a minimum, the following:
 - i. The location of the Subdivision, as forming a part of a larger tract or parcel where the plan submitted covers only a part of the original parcel(s). The entire parent parcel shall be shown including all phases and property reserved for future development.
 - ii. The location, width, and other dimensions of all existing or final platted streets and other important features, such as watercourses, exceptional topography, and structures within the tract.
 - iii. Existing sanitary sewers, storm drains, water supply mains, bridges, and other utilities within the tract, or within two hundred feet (200') thereof.
 - iv. The location, width and other dimensions of proposed streets, alleys, shared driveways, easements, parks and other open spaces, with proper labeling of spaces to be dedicated to the public, or to be reserved for common use and benefit of Subdivision residents.
 - v. Engineered drawings, including typical cross-sections and plans and/or written statements regarding the width and type of proposed streets; location, size and type of proposed water mains, sanitary sewers, or other sewage disposal facilities; storm drainage facilities; detention basins; and other proposed improvements and infrastructure.
 - vi. A grading and drainage plan indicated by solid-line contours superimposed on dashed-line contours of existing topography.
 - vii. The general location of existing trees over six inches (6") in diameter measured at four and one-half feet (4.5') above the ground, and in the case of heavily wooded areas, an indication of the outline of the wooded area and location of trees which are to remain.
 - viii. Proposed future street layout and drainage plan for any portion of the property to be developed in a later phase.
 - ix. Areas within the one hundred (100) year flood plain, water courses including culverts, water areas, streams, areas subject to occasional flooding, wetlands, marshy areas or swamps, or any other flood-prone area as listed by the Federal Emergency Management Agency.
 - x. Storm water calculations and retention/removal plan certified by a licensed engineer and design drawings of the infrastructure necessary to accomplish the plan.
 - xi. Compliance with the Public Works Standards.
 - xii. Plan and profile drawings for all roadways.
 - xiii. Utility plans.
- i. Payment of fees as stated in the City's current adopted Fee Schedule.

4. **Time Frame.**

- a. **Location is Not Within 100 Feet of Water Conveyance Facility.** Within fifteen (15) business days after the receipt of the completed application, the Applicant shall receive written comments from the Administrative Land Use Authority.
- b. **Location is Within 100 Feet of Water Conveyance Facility.** Within twenty (20) calendar days after the receipt of the completed application, the City shall notify in writing the Water Conveyance Facility Owner(s) of the Application and request comments related to the following aspects of the water conveyance facility:
 - i. Access;
 - ii. Maintenance;
 - iii. Protection;
 - iv. Safety; and
 - v. Any other issue related.

Within fifteen (15) business days after the twenty (20) calendar days comment period, whether comments are received from the Water Conveyance Facility Owner(s) or not, the Applicant shall receive written comments from the Administrative Land Use Authority. Total time frame shall not exceed forty (40) calendar days.

- c. **Water Conveyance Facility.** Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. *See State Code 73-1-15.5-1b.*

12.02.06.04 Final Plat and Improvement Plans Review Cycle

- 1. **Purpose.** For the Administrative Land Use Authority to complete a final Subdivision Plan Review.
- 2. **Application Required.** The Applicant shall submit the required Final Subdivision Plat and Improvement Plans Application for review and approval by the Administrative Land Use Authority.
- 3. **Complete Application.** An application shall be considered complete and begin the review cycle when the following items are submitted:
 - a. Completion of all requirements from previous Review Cycle.
 - b. A completed Final Plat and Improvement Plans Application as provided by the City.
 - c. Additional information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.

- d. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
- e. Proof of tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.
- f. A Notice of Intent (NOI) from the State of Utah for storm water, if not previously submitted.
- g. Will serve letter / "final approval" from the applicable service providers.
- h. A digital copy of the final design and improvement plans and infrastructure drawings as revised and updated from the previous review cycle.
- i. A digital copy of the final plat and a mylar print for signatures drawn to a scale of one inch (1") equals one hundred feet (100') or larger and include the following standards:
 - i. Prepared, and certification made as to its accuracy by a registered Land Surveyor licensed to do such work in the State of Utah.
 - ii. Setback dimensions from proposed property boundaries to existing structures shall be shown.
 - iii. For all curves, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, tangent, and arc length.
 - iv. Excepted and remainder parcels shall be marked, "Not included in this Subdivision."
 - v. All public lands and streets shall be clearly identified.
 - vi. Streets shall be identified by coordinate numbers, approved by the County Recorder, that conform to the City's addressing system.
 - vii. All easements shall be designated as such, and dimensions given.
 - viii. All lands within the boundaries of the Subdivision shall be accounted for, either as lots, walkways, streets, or as remainder parcels.
 - ix. Bearings and dimensions shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.
 - x. Parcels not contiguous shall not be included in one (1) final plat, neither shall more than one (1) final plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one (1) final plat, provided that all owners join in the dedication and acknowledgments.
 - xi. Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.
 - xii. Surveys shall tie to a minimum of two (2) duly established section corners. Additional ties may also be required to the State grid system or other publicly recorded control system as required by the County Surveyor or County Recorder.

- xiii. Notes and restrictions, shown as an “R” on each Lot, that includes applicable information regarding:
 - 1. Specialized development standards.
 - 2. The existence of CCR’s (where applicable).
 - 3. Special utility or district requirements.
- xiv. When the Subdivision is located adjacent to existing agricultural property or use the following statement shall be included:
“Harrisville City is a right-to-farm community. This Subdivision is located adjacent to agricultural property and/or agricultural land uses. Lot owners are hereby notified that agricultural operations may take place and work hours may begin early and end late. Agricultural operations may contribute to noise, smells, and other impacts that may be objectionable to some residents. Agricultural operations shall be allowed to continue as provided by law and no agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this Subdivision.”
- xv. Any other restrictive language or notes approved by the City to give notice to prospective buyers and others of special terms, restrictions, and conditions related to the Subdivision.
- xvi. The information on the final plat shall include, at a minimum:
 - 1. The name of the Subdivision, true north arrow, and basis thereof, and date.
 - 2. Name of the Owner(s) of record, the surveyor of the Subdivision, and the Owner of the land immediately adjoining the land to be subdivided.
 - 3. The acreage and square footage of each lot carried to three (3) decimal places.
 - 4. Township, range, section and quarter section if a portion.
 - 5. Graphic scale.
 - 6. Ties to a minimum of two (2) section corners with bearings and distances.
 - 7. Survey monuments.
 - 8. Language conveying to the Community Association items as required in State Code Title 57.
 - 9. Signature blocks for:
 - a. The Owner(s) dedication
 - b. The City Engineer
 - c. The Mayor
 - d. The City Recorder
 - e. Administrative Land Use Authority
 - f. The City Attorney
- j. Final covenants, conditions, and restrictions (if applicable) which shall be recorded with the final plat.
- k. Final agreements (if applicable) executed by all parties.

l. Engineer’s Cost Estimate for all improvements and infrastructure that includes quantities, units, and costs for all improvements and infrastructure required.

m. Payment of fees as stated in the City’s current adopted Fee Schedule.

5. **Review Cycle.** The Administrative Land Use Authority may complete up to two (2) final review cycles, as deemed necessary. After the Applicant has responded to either the fourth or final review cycle, and the Applicant has complied with each modification requested in the Administrative Land Use Authority’s previous review cycle, no additional reviews are required if the Applicant has not materially changed the plan – other than those changes in response to the requested modifications or corrections.

6. **Time Frame.** Within twenty (20) business days after the receipt of the completed application, the Applicant shall receive written comments from the Administrative Land Use Authority and be placed on the agenda of the next regularly scheduled meeting of the Administrative Land Use Authority for final approval.

a. **Appeal of Improvement Plans Approval.** If, on the fourth or final review, the Administrative Land Use Authority fails to respond within the time frame, the Applicant may make a formal request for a decision to approve or deny the final revised set of plans.

Within ten (10) days of this request, the City shall assemble an appeal panel consisting of one (1) licensed engineer designated by the City, one (1) licensed engineer designated by the Applicant, and one (1) licensed engineer agreed upon and designated by the engineers selected by the City and the Applicant. No member of the panel may have any interest in the application that is the subject of the appeal.

The Applicant shall pay fifty percent (50%) of the cost of the appeal review and the City’s fee as stated in the current adopted Consolidated Fee Schedule.

The decision by the appeal panel shall be final, subject to a petition being filed within thirty (30) days of the decision in District Court.

7. **Final Plat Approval – Notice Required.** Within thirty (30) days after approving a final plat, the municipality shall submit an electronic copy of the final approved plat to the Utah Geospatial Resource Center for inclusion in the unified statewide 911 emergency services database.

12.02.07 Development Activity Prior to Plat Recording

1. **Pre-Construction Meeting.** Upon completion of the Final Plat and Improvement Plans Review Cycle and prior to commencing any construction activity, the Applicant

shall schedule and attend a pre-construction meeting as required in the City's Public Works Standards for Development, Design, and Construction.

- a. If the General Contractor changes at any time during construction, an additional pre-construction meeting shall be held before additional work commences.
2. **Inspections.** All construction shall be subject to inspections as required in the City's Public Works Standards for Development, Design, and Construction.
3. **Improvement Completion Assurance.** At any time after receiving final approval, the Applicant may post an improvement completion assurance as outlined in 12.02.08 for:
 - a. Completion of one hundred percent (100%) of the required public improvements or infrastructure; or
 - b. If the City has inspected and accepted a portion of the public improvements, one hundred percent (100%) of the incomplete or unacceptable public improvements or infrastructure.

12.02.08 Subdivision Plat Recording

1. After the plat has been acknowledged, certified, and approved, the Owner of the land seeking to record the plat shall record the plat in the office of the County Recorder within fifteen (15) business days.
 - a. Failure to record within fifteen (15) business days shall render the plat void.

12.02.08.01 Signors of Plat

1. Planning Commission Chair or his/her designee;
2. Mayor (as a non-discretionary and ministerial act for the acceptance of land and public improvements that may be proposed for dedication to the City);
3. City Recorder;
4. City Engineer;
5. City Attorney;
6. Each Owner of the record of land described on the plat – Owner's Dedication as shown on the plat and notarized;
7. A surveyor who prepares the plat shall certify that the surveyor holds a license in accordance with State Code Title 58, Chapter 22 and has completed a survey of the property, verifying all measurements, or has referenced a record of survey map of the existing property boundaries shown on the plat, and verified the locations of the boundaries and has placed monuments as represented on the plat.

12.02.09

Improvements Completion Assurance and Guarantee of Performance

To assure the completion of required improvements and infrastructure as required by the approved plans, Public Works Standards, and all applicable ordinances, the Subdivider shall establish an approved escrow guarantee (letter of credit) with either a federally insured financial institution or as cash deposited directly to the City.

This completion assurance shall be established prior to recording the Subdivision plat. If the Subdivider installs the infrastructure and improvements and such infrastructure and improvements are inspected and approved by the City prior to recording the plat, then only warranty portion of the completion assurance shall be required.

The provisions of this section do not supersede the terms of a valid Development Agreement, an adopted phasing plan, or the State Construction Code.

1. **Cost Estimate.** The Subdivider shall submit an updated Engineer's Cost Estimate for all improvements and infrastructure required within the Subdivision. The cost estimate shall include quantities, units, and costs for all improvements and infrastructure required, and shall indicate which items have already been installed.

The City Engineer shall review and approve the cost estimate and may adjust the costs to meet current industry standards. Those items that are deemed as a "direct fee" shall be removed from the escrow and shall be accounted separately.

2. **Guarantee Amount.** The guarantee shall be equal to one hundred ten percent (110%) of the cost estimated and approved by the City Engineer.
 - a. One hundred percent (100%) shall be for the cost of those improvements and infrastructure not yet installed; and
 - b. Ten percent (10%) shall be to cover administrative costs.
 - c. Ten percent (10%) shall be for a required one-year (1) warranty period (see Subsection 9 hereof). The warranty amount calculated shall be based upon the total cost of all required improvements and infrastructure.
3. **Liability.** The Subdivider and/or contractor shall indemnify and hold harmless the City and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorney's fees, arising out of, or resulting from the installation of the required improvements and infrastructure. The indemnity required hereby shall be included in the applicable Escrow Agreement.
4. **Default.** In the event the Subdivider is in default with any provision of this Section, or fails or neglects to satisfactorily install the required improvements and infrastructure within two (2) years from the date of approval of the final plat, or to pay all liens in connection therewith, or to correct deficiencies or damages to the improvements and infrastructure required for final acceptance (see Subsection 10 hereof), the City may declare the escrow forfeited and the City may install, repair, or cause the required improvements and infrastructure to be installed or repaired, using the proceeds from the collection of escrow to defray the expense thereof.

The City may apply all sums deposited in escrow against the cost of completing all required improvements and infrastructure and to pay all expenses, including, but not limited to, all unreimbursed engineering expenses related to the development, the ten percent (10%) administration fee for the securing of contracts, and court costs and attorney fees. The default provisions required hereby shall be included in the applicable Escrow Agreement.

5. **Improvements and Infrastructure Required for Building Permit.** No building permit shall be issued by the City unless all required improvements are installed, inspected, and approved, with the exception of sidewalk, asphalt pavement, streetlights, and street signs.
6. **Improvements and Infrastructure Required for Occupancy.** No occupancy permit shall be issued by the City unless the improvements and infrastructure adjacent to and directly servicing the lot are complete and warranted as herein required. This shall include, but is not limited to, streets, utilities, and sidewalks.
7. **Release of Funds.** The Subdivider shall be responsible for the quality of all materials and workmanship. If improvements and infrastructure are properly installed and verified via City inspections and testing, liens are paid, and other conditions are found to be satisfactory, then the City's Escrow Agent shall authorize the money held in escrow for the specific improvement completed (except for the 10% held during the hereinafter described warranty period) to be released. If the conditions of material or workmanship show unusual depreciation, or do not comply with the acceptable standards of durability, or if required inspections or testing have not been done, or if any outstanding liens are not paid, then the City may withhold releasing the money and the City may declare the Subdivider in default. The City shall have exclusive control over the release of the escrow funds, and they may be released only upon written approval by the City.
8. **Direct Costs.** The Subdivider shall pay the following direct costs at the time they submit the Final Plat and Improvements Plans Application:
 - a. Funds to cover the costs of all required public improvements and infrastructure inspections and to create GIS data shall be in the amount of five percent (5%) of the approved Engineer's Cost Estimate for all improvements and infrastructure.
9. **Conditional Acceptance of Improvements and Infrastructure.** The Public Works Director shall issue conditional acceptance upon the following:
 - a. Completion of all required improvements and infrastructure.
 - b. The site has been left in an orderly and clean condition following construction. Construction waste, debris, excess fill material, or any other similar material shall not be left or abandoned on the site or on other nearby properties.

- c. The final plat has been recorded.
- d. The Subdivider makes a written request for inspection of improvements and infrastructure for the purpose of conditional acceptance.
- e. Improvements and infrastructure are inspected by the City and found to be acceptable and in compliance.
- f. Reproducible as-built drawings have been submitted to and accepted by the City Engineer.

10. **Warranty Period.** Upon receipt of Conditional Acceptance, all required improvements and infrastructure shall be warranted by the Subdivider for a period of one (1) calendar year.

11. **Final Acceptance.** Following the completion of the Warranty Period, the Public Works Director shall issue final acceptance of the Subdivision improvements and infrastructure when:

- a. The Subdivider makes a written request for inspection of improvements and infrastructure for the purpose of Final Acceptance.
- b. Improvements and infrastructure are inspected by the City and found to be acceptable and in compliance.

12. **Release of Remaining Escrow.** Upon acceptance by the Public Works Director, the City's Escrow Agent shall authorize the release of all remaining escrow monies.

12.03 IMPROVEMENTS AND INFRASTRUCTURE

12.03.01 General Requirements

All improvements and infrastructure related to a Subdivision shall be installed according to the requirements of the City Code and the Public Works Standards. The Subdivider shall be responsible for extending all utilities and improvements and infrastructure to the Subdivision if they are not already adjacent to or on the site including curb, gutter, and sidewalk on streets operated by the Utah Department of Transportation. When the City is to take ownership of public infrastructure and improvements, the City shall require the Subdivider to install such improvements in a manner that does not cause excessive liability or maintenance costs for the City at the convenience or advantage of the Subdivider.

12.03.02 Utilities Required

The following utilities are required to be provided by the Subdivider to each lot:

1. **Culinary Water.** The water source shall be the Bona Vista Water District unless an alternative permanent source is approved by the City Engineer and the Weber-Morgan Health Department.
2. **Sewer.** The sewer service provided shall be Harrisville City. Public sewer lift stations are generally not permitted.
 - a. Public sewer lift stations may be granted by exception by the Administrative Land Use Authority and the City Engineer when a lift station is deemed clearly preferable to the interest of the City and gravity sewer is not feasible.
3. **Secondary Water.** Secondary water service shall be provided by Pine View Water Systems, the Four Mile Special Service District, or an alternative permanent source as approved by the City and the Bona Vista Water District.
4. **Land Drain.** A land drain system may be required in areas with shallow groundwater. If basements are eliminated and the geotechnical report can provide sufficient documentation that groundwater levels (including historical) are deep enough to eliminate the need for the land drain system, the Administrative Land Use Authority may allow this requirement to be waived.
5. **Electrical Power.** The electrical power will be provided by Rocky Mountain Power (RMP) or their successors and all installations must follow RMP Standards.
6. **Natural Gas.** The natural gas service will be provided by Dominion Energy or their successors and all installations must follow Dominion Energy Standards.

12.03.03 Inspections

All improvements and infrastructure shall receive inspections by the City Public Works Department and/or City Engineer as required in the Public Works Standards and as necessary to verify conformance with the City Code and the Public Works Standards.

Failure to obtain the necessary inspections shall result in a fine as outlined in this Title. Failure to obtain the necessary inspections may also necessitate removal and re-installation of the improvements and infrastructure at the Subdivider's sole cost, as such removal and re-installation are determined by the Public Works Department and/or City Engineer.

12.03.04 Storm Water

Storm water plans shall meet the requirements of the Public Works Standards and the City Code. The City Engineer shall determine the appropriate implementation strategy for meeting the City's storm water-related standards; this may include decisions

regarding ownership and access to storm water ponds, and where and how the water shall flow as part of the City's overall storm water system.

12.03.05 Deferral Agreement

Subdivisions adjacent to a rural road or another road where the surrounding area is lacking public improvements and infrastructure may receive a deferral for certain required improvements and infrastructure. An Agreement approving a deferral of improvements and infrastructure (Deferral Agreement) may be approved during the Preliminary Improvement Plans Application phase by the Administrative Land Use Authority. Deferral Agreements should only be approved when it is clearly unreasonable or undesirable for the improvements and infrastructure to be installed with the development. The Deferral Agreement shall:

1. Be noted on the final plat.
2. Upon execution, be recorded with the County Recorder's Office by and at the cost of the Subdivider. The Subdivider shall provide evidence of the recordation to the City as expeditiously as possible.
3. Require the property Owner to acknowledge full understanding of the terms of the Deferral Agreement, including having taken the opportunity to consult with his/her legal counsel regarding them.
4. Require the property Owner to install or pay for the deferred improvements and infrastructure on demand at a future time determined by the City.
5. Waive the right of protest if the City were to establish a Special Assessment Area to pay for the improvements and infrastructure.

OR

12.03.05 Fee in Lieu of Actual Improvements

Subdivisions adjacent to a rural road or another road where the surrounding area is lacking public improvements and infrastructure may request the option to pay a fee in lieu of constructing the required improvements and infrastructure. The Administrative Land Use Authority and City Engineer may also require payment of the fee in lieu to make improvements as a part of a larger future project. An Agreement approving the payment of the fee in lieu may be approved during the Preliminary Improvement Plans Application phase by the Administrative Land Use Authority and City Engineer. Fee in lieu Agreements should only be approved when it is unreasonable or undesirable for the improvements and infrastructure to be installed with the development. The Agreement should include a calculation of the cost of the improvements not being installed.

12.04 ENGINEERING AND DESIGN REQUIREMENTS

12.04.01 General Requirements

1. **Access.** All lots shall be accessed by a fully improved city street and shall meet the frontage requirements as stated in Title 11, Land Use. It shall be the responsibility of the Subdivider to provide proper road access to the Subdivision as required in City Code, the Public Works Standards, and (where applicable) the Utah Department of Transportation. The mere existence of a public road or right-of-way to the proposed Subdivision does not mean that adequate access exists. It shall be the Subdivider's responsibility to construct and dedicate all public roads required by the City to provide access to the Subdivision.
2. **Design Standards.** All Subdivisions shall comply with the current adopted design standards set forth in the City Code and in the Public Works Standards.
3. **Public Infrastructure and Improvements.** The City Engineer shall have authority to require adjustments to the utility plan associated with a proposed Subdivision including adjustments to the type, manner, and location of utilities. Such adjustments to the utility plan may be required to provide connectivity among developments, provide for public safety, and minimize public infrastructure maintenance and liability.
4. **Additional Reports and Studies.**
 - a. Geotechnical reports as required by the Public Works Standards and the City Engineer.
 - b. Storm water pollution protection as required by the Public Works Standards and City Code.
 - c. A traffic study may be required by the City Engineer depending on his/her judgment regarding the size of the Subdivision, complex traffic movements involved with the proposal, interaction of streets with State roads, traffic volume in or near the Subdivision, history of crashes or expected crashes in the area, general safety, or anticipated traffic delays due to the Subdivision.
 - d. Wetland delineation and mitigation may be required as determined by the City Engineer.
5. **Preservation of Natural Conditions.** The design and development of Subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees as determined by the Administrative Land Use Authority for the Preliminary Subdivision Applications.
6. **Hazards.** Land subject to hazardous conditions such as slides, mud flows, rock falls, faults, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall not be subdivided

until the hazards have been properly mitigated or will be properly mitigated by the construction of the Subdivision.

12.04.02 Street Layout and Access

1. **General.** All streets shall conform, as much as practicable, to the adopted Master Plan(s) and the Public Works Standards.
2. **Approval.** Overall street layout and access shall be reviewed and approved as part of the Preliminary Subdivision Applications. The Administrative Land Use Authority shall have authority to require stub roads, additional access into the development, and adjustments to the street layout, street cross-section, and right of way widths. Such adjustments to the Subdivision plan may be required to provide connectivity among developments, provide for public safety and emergency access, minimize public infrastructure maintenance and liability, and align with the General Plan and adopted transportation plans.
3. **Required Access and Spacing.** A minimum of two (2) separate ingress/egress routes for vehicular access, which are fully improved public roads, shall be required as referenced in the Public Works Standards.
4. **Exceptions.** The Administrative Land Use Authority for the Preliminary Subdivision Applications may waive these access requirements as referenced in the Public Works Standards.

12.04.03 Trails

1. **Required.** Where a proposed Subdivision includes or adjoins an existing or planned public trail system as specified in the City's General Plan or Trails Master Plan the Subdivision plat shall include and provide for the development of a public trail infrastructure in accordance with said Plan.
2. **Improvements.** Trails shall be developed in accordance with applicable AASHTO standards with sufficient width, and to safely accommodate two-way bicycle and pedestrian traffic along the trail corridor. In absent applicable AASHTO standards, the Weber County Trails Standards are hereby adopted and apply.
 - a. The Administrative Land Use Authority, when feasible, may allow the trail right-of-way to be a substitute for required sidewalk and park strip area on one side of the street right-of-way dedicated within the Subdivision.
 - b. All trail improvements shall be dedicated to the City or an agreed upon non-profit third party, for the operation and maintenance after final acceptance.

12.04.04 Easements

A minimum ten foot (10') general utility easement shall traverse the frontage(s) of each lot. The Administrative Land Use Authority may require additional easements to accommodate utility planning and future access.

12.04.05 Lots and Parcels

1. The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for structures and be properly related to topography and conform to requirements set forth herein. Side lines of lots shall be approximately at right angles, or radial to the street line whenever possible and desirable.
2. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage or frontage, which would be unusable for normal purposes.
3. For Subdivisions containing more than three (3) residential building lots, no lots shall directly access an arterial or minor arterial street.
4. All lots shown on the final plat must conform to the minimum requirements of the zoning code for the zone in which the Subdivision is located, except for remainder parcels as follows:
 - a. May be used for agricultural purposes but shall not be eligible for habitation, commercial uses, or primary structures.
 - b. May not be eligible for building permits and may not be eligible for other permitted uses. All limitations and restrictions shall be clearly noted on the final plat.
 - c. Shall be described on the final plat; however, an exception may be granted by the City Engineer.
5. Each lot shall have frontage on an improved public road as required in the zoning code and the Public Works Standards unless a shared driveway has been approved.
6. All remnants of land left over after subdividing, shall be attached to adjacent lots or made part of the common area governed by a Community/Homeowners Association, rather than allowed to remain as unusable parcels. All lands within the boundaries of the Subdivision shall be accounted for, either as lots, right of way, or as remainder parcels.
7. Lots having double frontage shall not be approved except where necessitated by topographic or other unusual conditions or where the lots are adjacent to a road that does not permit direct access (exception: corner lots).
8. Contiguous parcels owned by different parties may be embraced in one final plat, provided that all Owners join in the dedication and acknowledgments.

12.04.06 Flag Lots

To encourage the more efficient use of land, flag lots not having frontage on a street as required by City Code, but having access to such street by means of fee title access strips, may be allowed in any zone when, determined by the Administrative Land Use Authority to be preferable.

During the Preliminary Plat Review Cycle, the Applicant shall provide written and illustrated evidence showing property development with and without the proposed flag lot which demonstrates:

1. The flag lot will result in more efficient use of land;
2. The design of the flag lot is appropriate to and compatible with the configuration of the overall subdivision and adjacent property;
3. No other viable subdivision design alternatives exist that will allow for a conventional lot, including consideration of:
 - a. The current, proposed, or alternative zoning;
 - b. The possibility of incorporating the subject property with adjacent property to achieve a more unified development of the area and eliminate the need for a flag lot;
 - c. Alternative street designs and improvements; and
 - d. Any other reasonable means that would render a flag lot unnecessary.
4. The flag lot is infill to the development of the general area; and
5. Access to the flag lot is provided through the pole portion of the lot.
6. Flag lots must meet the requirements outlined in the Public Works Standards.

12.04.07 Utilities to be Underground

All utilities, including those that are normally overhead shall be placed underground in all Subdivisions. The Subdivider shall establish final utility grades prior to utilities being placed underground. Exception: wireless communication equipment or where underground connection is not permitted by the Provider.

12.05 VARIANCES AND APPEALS

12.05.01 Variances and Appeals Generally

Any Person may petition for a variance or appeal a decision pertaining to this Title to the Appeal Authority as established in Title 2, Authorities and Commissions. Appeals shall be made within thirty (30) days of the approval of the application.

12.06 PENALTY

1. Any Person, who shall transfer or sell, or cause to be transferred or sold, any lot or land in a Subdivision, which Subdivision has not been approved by the City, and recorded in the office of the County Recorder, shall be guilty of a Class B misdemeanor for each lot or parcel of land so transferred or sold, and the description of such lot or parcel of land by metes and bounds in the instrument of transfer, or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties or from the remedies provided in this Title. The City may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, or may recover the penalty by civil action in any court of competent jurisdiction, together with costs and attorney fees incurred in enforcing this Title.
2. Any Person violating any of the provisions of this Title shall be guilty of a Class B misdemeanor.
3. Any Person violating any of the provisions of this Title or the Public Works Standards or failing to obtain the necessary inspections and tests required for public improvements and infrastructure shall be assessed a fine as stated in the City's current adopted Consolidated Fee Schedule. Fines may be applied daily and separately for each violation.
4. The City may bring an action against an Owner to require the property to conform to the provisions of this Title, the zoning ordinance, or any other applicable Law. The action may include an injunction, abatement, merger of title, or any other appropriate action or proceedings to prevent, enjoin, or abate the violation. The City need only establish the violation to obtain the injunction.

12.07 VACATING OR ALTERING A SUBDIVISION FINAL PLAT, VACATING A STREET, RIGHT OF WAY, OR EASEMENT, AND PARCEL ADJUSTMENTS

12.07.01 Vacating, Altering, or Amending a Final Plat

1. Vacating, altering, or amending a final plat shall be done in accordance with Utah Code Annotated 10-9a-608, or its successor statute. This includes changing a Subdivision boundary, dedicated right of way, the number or layout of lots, easements, the Subdivision name, and any other aspect of a recorded final plat. If an amendment proposes significant changes to the existing Subdivision, then the Administrative Land Use Authority may require the changes to be made through the vacation of the existing final plat and/or approval of the changes being done through the process required for new Subdivisions; this should be done to ensure that significant changes receive proper review and adequate fees are obtained to cover costs to the City.
2. The Administrative Land Use Authority for vacating, altering, or amending a final plat shall be the same as that for the final plat application.

3. Combining Parcels not in a recorded Subdivision does not require approval of the City.

12.07.02 Vacating a Street, Right of Way, or Easement

1. Vacations shall be done in accordance with Utah Code Annotated 10-9a-609.5 or its successor statute.
2. The Land Use Authority shall be the City Council.
3. Making adjustments or modifications to an existing street, right of way, or easement while not eliminating the street, right of way, or easement, and while still maintaining access, does not constitute a vacation.

12.07.03 Parcel Boundary Adjustments Not in a Recorded Subdivision

Prior to executing a Parcel Boundary Adjustment not in a recorded Subdivision, the property owner shall notify the City and provide the dimensions and setbacks of the proposed parcel boundaries.

12.08 EXEMPTIONS FOR BONA FIDE AGRICULTURAL PURPOSES

12.08.01 Purpose and Intent

Utah Code 10-9a-605(2) exempts agricultural lands from plat requirements under the certain conditions therein.

12.08.02 Qualifications of Land for Agricultural Purposes

Agricultural land may be divided or partitioned under this Chapter only under the following circumstances:

1. The property must have been solely in agricultural use and actively devoted to agricultural use as defined by Utah Code 59-2-502, and must continue to be used solely for agricultural use in the future.
2. All of the lots or parcels must meet the minimum lot size requirements of the applicable zoning district.

12.08.03 Agricultural Partition Parcels as Buildable Lots

An agricultural partition lot is buildable for only bona-fide agricultural purposes. A parcel created in accordance with this Chapter is not considered a buildable lot for residential, commercial, industrial, or any other non-agricultural purposes.

12.08.04 Public Improvements and Infrastructure

The City shall not require any public improvements and infrastructure to be installed as a condition of approval for agricultural partitions.

12.08.05 Use of Property Created Under This Part for Non-Agricultural Purposes

If a lot or parcel created by this part is used for a non-agricultural purpose, the City shall require the lot or parcel to comply with the requirements of the Subdivision and land use provisions of the City.

12.08.06 Utilities

A Subdivision of land for utility purposes (unmanned facilities such as: substations, regulator stations, towers, etc.) creating a parcel(s) under eight thousand square feet (8,000 ft²) in size may be exempted by the Administrative Land Use Authority for certain provisions of this Title and/or provisions of City Code relating to lot size, frontage, setbacks, and improvements and infrastructure.

12.08.07 Parent Parcels

The parent parcel from which the agricultural or utility lot(s) is created shall be labeled as a remainder parcel and shall not be part of an approved Subdivision until such time as it complies with the provisions of this Title and other relevant sections of the City Code and has received the applicable land use approval(s).