

Title 5: Subdivisions

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5.01 GENERAL

5.01.01 PURPOSE

The purpose of this Title is to comply with Utah Code (notably §10-9a-6), establish an efficient method for reviewing subdivision applications, and promote the health and general welfare of the Town's current and future residents.

5.01.02 SCOPE OF APPLICABILITY

This Title applies to all applications or petitions to subdivide land in Bluff, Utah. The requirements of this Title do not apply retroactively to subdivision applications or petitions that were approved by the Town prior to the enactment of this ordinance.

5.01.03 INTERPRETATION AND CONFLICT OF LAWS

Where any provision in this Title conflicts with state law, state law shall prevail. Where any provision in this Title conflicts with other ordinances enacted by the Town, the provisions in this Title shall prevail unless the Town intended such conflicting ordinances not in this Title to amend this Title.

5.01.04 APPROVED AND RECORDED DOCUMENTS REQUIRED

- A. No land shall be subdivided which is located wholly or in part in the Town, except in compliance with this Title and Utah Code as adopted and amended.
- B. A subdivision of land is not valid unless its governing document is approved by the Land Use Authority and properly recorded in the County Recorder's Office.

5.01.05 PENALTY FOR NONCOMPLIANCE

It is unlawful to transfer ownership of any parcel of land pursuant to an invalid subdivision. The Town may, in its discretion, void such transfers and impose on the transferor a fine of up to \$1,000 for each lot divided. Additionally, the subdivider shall be liable to the purchaser of any parcel for damages resulting from an invalidation of the transfer.

5.01.06 DEFINITIONS

The following words and phrases, as used throughout Town ordinances, shall have the following meanings. Words and phrases not defined in Town ordinances shall have the meaning defined in state law. Words and phrases not defined in Town ordinances or state law shall have their plain meaning in common usage:

- A. "Adjacent" means, when describing a parcel of land, a parcel that shares a boundary with the parcel of real property that is the subject of an application under this Title. For purposes of this Title, a parcel is adjacent to another if it is separated only by a public street or easement.
- B. "Affected entities" means a county; a municipality; a local district; a special service district under the Utah special service district act; a school district; an interlocal cooperation entity established under the interlocal cooperation act; an electrical, gas, or telephone utility as defined in §54-2-1 of Utah State Code (as amended); a property owner; a property owners' association; or the Utah Department of Transportation (UDOT), if:

- a. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
 - b. The entity has filed with the Town a copy of the entity's general or long-range plan; or
 - c. The entity has filed with the Town a request for notice during the same calendar year and before the Town provides required notice to an affected entity.
- C. “Alley” means a public thoroughfare less than 25 feet wide as through a continuous row of houses, permitting access from the street to backyards, garages, etc.; a narrow access.
- D. “Appeal authority” means the person or persons designated by ordinance enacted by Town to hear land use appeals under this Title.
- E. "Association" means the same as that term is defined in Utah Code Section 57-8a-102, as amended.
- F. “Architect” means a professional architect licensed in the state of Utah who exercises responsible care over the preparation and submission of materials required under this Title.
- G. “Boundary line adjustment” means the same as “lot line adjustment” defined in this Section.
- H. “Building permit” means documentation of official Town approval, in compliance with Town ordinances, allowing construction or remodeling to proceed on the property for which the permit was issued. Building permits are intended to ensure that projects comply with local standards for land use, zoning, and construction.
- I. “Common area" means property that an Association (as defined in Utah Code Section 57-8a-102):
- a. Owns;
 - b. Maintains;
 - c. Repairs; or
 - d. Administers
- J. “Common area and facilities” means:
- a. The land included within the condominium project, whether leasehold or in fee simple;
 - b. The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances, and exits of the building;
 - c. The basements, yards, gardens, parking areas, and storage spaces;
 - d. The premises for lodging of janitors or persons in charge of the property;
 - e. Installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, and incinerating;
 - f. The elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use;
 - g. Such community and commercial facilities as may be provided for in the declaration; and

- h. All other parts of the property necessary or convenient to its existence, maintenance, and safety, or normally in common use.
- K. “Condominium” means a multi-unit development in which individual units are separately owned and each owner receives a recordable deed to the unit, together with an undivided interest in any common elements. A condominium development shall be regarded as a subdivision.
- L. “Construction” means the lawful placing of substantial construction materials in a permanent position, fastened in a permanent manner.
- M. “Development” means, on land, in or under land or water, the placement or erection of any solid material or structure; construction, reconstruction, or alteration of the size of any structure, including any facility of any private, public, or municipal utility, trail, or road.
- N. “Driveway” means a paved or unpaved vehicle access provided between a street or road and a parking area or a loading space.
- O. “Duplex” means a free-standing dwelling held in single ownership that may be offered for rent or lease, in which two dwelling units share a single common wall and roof.
- P. “Engineer” means a professional engineer licensed in the state of Utah who exercises responsible care over the preparation and submission of materials required under this Title.
- Q. “Facility owner” means, in the context of water conveyance, an individual, entity, mutual water company, or unincorporated organization:
 - a. Operating a water conveyance facility;
 - b. Owning any interest in a water conveyance facility; or
 - c. Having a property interest in real property based on the presence of the water conveyance facility located and operating on the real property.
- R. “Floodplain” means the area of land that marks the delineation of the 100-year flood event, as defined by the Federal Emergency Management Agency (FEMA) on its Flood Insurance Rate Map. In the absence of a FEMA delineation of the floodplain, the Town may require floodplain delineation as to a parcel of real property proposed for development via engineering modeling performed by a suitably qualified engineer or other professional.
- S. "Improvement plan" means a plan, complete with civil engineering plans, to complete permanent infrastructure on the subdivision that is essential for the public health and safety, that is required for human occupation, or that is required by applicable law in connection with a subdivision application, and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.
- T. “Improvement warranty” or “warranty” in the context of completed improvements means an applicant’s unconditional warranty that the applicant’s installed and accepted landscaping or infrastructure improvement complies with the Town’s written standards for design, materials, and workmanship; and will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

- U. “Land use application”: an application required by the Town and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.
- V. "Land use authority" means an individual, board, or commission appointed or employed by the Town to make land use decisions. “Land use authority” includes any appropriately authorized designees.
- W. “Lot line adjustment” means the process of combining two or more lawful existing lots into a fewer number of total lots than existed prior to the boundary line adjustment; or the moving of a boundary line between two or more lots where the total number of lots after the change remains the same.
- X. “Minor subdivision” means a subdivision application in which no more than six total lots are created, exclusive of common elements.
- Y. “Major Subdivision” means a subdivision application in which seven or more lots are created, exclusive of common elements.
- Z. "Period of administrative control" means the period of control described in Utah Code § 57-8-16.5(1), as amended.
- AA. “Plat” means an instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah Code, as amended.
- BB. “Public landscaping improvement” means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:
 - a. Will be dedicated to and maintained by the Town; or
 - b. Are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.
- CC. “Review cycle”, as used and further defined in Section 5.02.05(C) of this Title, means the occurrence of:
 - a. The applicant's submittal of a complete subdivision land use application;
 - b. The Town’s review of that subdivision land use application;
 - c. The Town’s response to that subdivision land use application, in accordance with this section; and
 - d. The applicant's reply to the Town’s response that addresses each of the Town’s required modifications or requests for additional information.
- DD. “Setback” means the minimum distance from a specified boundary that a structure or other feature must be located.

- EE. “Sanitary Waste Facility” means an approved form of sewage disposal, including individual septic systems, the Town sewer system (including sewer laterals), and any other human waste disposal system.
- FF. “State engineer's inventory of canals" means the state engineer's inventory of water conveyance systems established in Utah Code § 73-5-7.
- GG. “Subdivider” means the person submitting a subdivision application under this Title.
- HH. “Subdivision” means any land that is divided, subdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
 - a. Subdivision includes:
 - i. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
 - ii. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
 - b. Subdivision does not include:
 - i. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
 - ii. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
 - iii. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-608 of Utah State Code (as amended) if no dwelling lot or housing unit is created and the adjustment will not violate any applicable land use ordinance;
 - iv. A road, street, or highway dedication plat;
 - v. A deed of easement for a road, street, or highway purpose.
- II. "Subdivision ordinance review" means review by the Town to verify that a subdivision land use application meets the criteria of the Town’s subdivision ordinances.

JJ. “Surveyor” means a professional land surveyor licensed in the state of Utah who exercises responsible care over the preparation and submission of materials required under this Title.

KK. "Underground facility" means infrastructure or equipment that is buried or placed below ground level for use in the storage or conveyance of any of the following:

- a. Water;
- b. Sanitary Waste Facilities;
- c. Communications, including electronic photonic, telephonic, or telegraphic communications;
- d. Television, cable television, or other telecommunication signals, including transmission to subscribers of video or other programming;
- e. Electric power;
- f. Oil, gas, or other fluid and gaseous substances;
- g. Steam;
- h. Slurry; or
- i. Dangerous materials or products.

LL. “Variance” means an authorization by the Planning & Zoning Commission (“Planning and Zoning Commission” or “P&Z”) , acting as the Land Use Authority pursuant to state law, relative to specific parcel of land for a modification of a zone’s standard height, bulk, area, width, setback, or separation requirement; as distinguished from a conditional use, the allowing of a use not listed as permitted in a zone, or any other change in zoning requirements.

MM. "Water conveyance facility" means 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.

- a. “Water conveyance facility” does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

5.01.07 SUBDIVISION LAND USE AUTHORITY

Matrix of Approval Processes: The following processes apply to all approvals under this Title.

Application/Action	Land Use Authority	Appeal Body	Public Hearing?
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<i>New Subdivision Application</i>	Planning & Zoning Commission	Town Council	Optional
<i>Lot Line Adjustment</i>	Town Council	District Court	No
<i>Subdivision Amendment</i>	Town Council	District Court	Yes

- A. The Land Use Authority for subdivision applications is the Planning & Zoning Commission (“P&Z”). For purposes of subdivision applications, the Commission shall be responsible for the following, but may delegate any responsibility to Town staff:
1. Rendering land use decisions related to all subdivision applications.
 2. Reviewing all subdivision applications in an impartial manner and according to the standards and deadlines described in this Title. The Town Manager at the Town Office will accept subdivision applications, petitions, etc., during office hours and ensure they are delivered to the appropriate Land Use Authority.
 3. Holding a public hearing for all subdivision applications (when P&Z deems necessary).
 4. Providing feedback to applicants on their subdivision applications.
 5. Scheduling and holding a pre-application meeting with potential applicants (when requested).
 6. Keeping application forms and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants. This task is delegated to Town staff by default.
 7. Providing notice to entities and parties as required by this Title. This task is delegated to Town staff by default.
 8. Ensuring that landowners and subdivision applicants properly record documents with the County after final subdivision approval as required by this Title. This task is delegated to Town staff by default.
- B. As subdivision application decisions are administrative, not legislative, P&Z and delegated Town staff are authorized to make any land use decision described by this Title without Town Council approval.
- C. Except when operating as the Appeal Authority, the Town Council shall not require the Planning & Zoning Commission to approve or deny any application for a new subdivision under this Title.

5.01.08 SUBDIVISION APPEALS

- A. The Appeal Authority for Planning & Zoning Commission decisions relating to this Title, except where otherwise noted, is the Town Council. The Appeal Authority for Town Council decisions relating to this Title, except where otherwise noted, is the District Court.
- B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authorities and shall hear complaints about the conduct of the Land Use Authorities in administering the provisions of this Title.
- C. A party appealing or complaining of a Land Use Authority's decision under this Title must exhaust its remedies under this section (by appealing or complaining to the Appeal Authority) before bringing an action against the Town in a court of law.
- D. A party who has submitted a subdivision application or petition may appeal or complain to the Appeal Authority under this Title. In such an appeal or complaint, the party may appeal or complain only regarding the Land Use Authority's treatment of that party's own application; a third party may not appeal or complain of Land Use Authority decisions or conduct.
- E. A party desiring to appeal or complain of a Land Use Authority decision shall submit to the Appeal Authority the following in writing:
 - 1. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the Land Use Authority's decision and treatment of the application or petition, and why the applicant believes the Land Use Authority misapplied the provisions of this Title or abused the discretion given it by this Title.
 - 2. The most recent version of the application or petition the party submitted.
 - 3. Any supplemental documentation or information that the Appeal Authority requests.
 - 4. All appeals and complaints must be emailed or mailed to the Town Manager using the Managers official Town address and/or email account listed on the Town website.
- F. After receiving a complete appeal or complaint in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 30 calendar days after the Appeal Authority receives the appeal or complaint.

5.02 SUBDIVISION APPLICATIONS

5.02.01 SUBDIVISION APPLICATION REQUIREMENTS

- A. The Town shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Title and received approval from the appropriate Land Use Authority.
- B. The Town Manager shall accept subdivision applications and petitions at the Town office during office hours and ensure they are delivered to the appropriate Land Use Authority.
- C. To be considered complete, a subdivision application must include at least the following elements:
 1. **An approved land use application** that describes how the property will be used after it is subdivided.
 - a. If the intended use is permitted by right under Town ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
 - b. If the intended use is prohibited under Town ordinances and requires a variance, the land use application must include an *approved*, Town-issued variance authorizing the intended use. Should an applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.
 2. **A plat.** The plat must be accurate and must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder's Office. The plat must include:
 - a. The proposed subdivision name, which must be distinct from any subdivision name on a plat recorded in the County Recorder's office, and the general location of the subdivision, in bold letters at the top of the sheet.
 - b. The boundaries, course, and dimensions of all proposed parcels. All parcels on the plat must comply with the lot size requirements of Section 5.04.02.
 - c. The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.
 - d. Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.
 - e. Any known and unrecorded water conveyance facility located within 100 feet of a subdivision plat, entirely or partially.
 - f. Whether any parcel is intended to be used as a street or for any other public use.

- g. Whether any parcel is reserved or proposed for dedication for a common area or common area and facilities.
 - h. If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).
 - i. If any portion of the proposed subdivision is within 1,000 feet of an Industrial Protection Area, the notice language found in Utah Code §17-41-403(4).
 - j. If any portion of the proposed subdivision is within 1,000 feet of a Critical Infrastructure Materials Protection Area, the notice language found in Utah Code §17-41-403(4).
 - k. If any portion of the proposed subdivision is within 1,000 feet of a Mining Protection Area, the notice language found in Utah Code §17-41-403(4).
 - l. If any portion of the proposed subdivision is within 1,000 feet of a Vested Critical Infrastructure Materials Operation (extracting, excavating, processing, or reprocessing sand, gravel, or rock aggregate where that use is not permitted by Town ordinances), the notice language found in Utah Code §10-9a-904.
 - m. If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.
3. **Studies and reports:** As required or waived by the Planning and Zoning Commission.
- a. A traffic study completed by a qualified expert, if one is required by an applicable UDOT Access Management Plan.
 - b. A water report from a qualified expert, regarding flood risks and stormwater needs.
 - c. A soils report from a qualified soils engineer, identifying the types of soils within the proposed subdivision area and identifying any soils constraints on the proposed subdivision.
4. **An improvement plan**, created in accordance with applicable portions of Title 5.03 and 5.04 of this Title, for all public improvements proposed by the applicant or required by Town ordinances.
- a. In addition to the requirements in Sections 5.03 and 5.04, the improvement plan must contain an engineer’s estimate of the cost of completing the required improvements.
5. **Certifications**, including:
- a. A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.

- b. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
 - c. An affidavit from the applicant certifying that the submitted information is true and accurate.
 - d. Certification that the surveyor who prepared the plat:
 - i. Holds a license in accordance with Utah Code 58-22; and
 - ii. Either
 - (A) Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 - (B) Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - iii. Has placed monuments as represented on the plat.
 - iv. Has, to the extent possible, consulted with the owner or operator, or a representative designated by the owner or operator, of any existing water conveyance facility located within the proposed subdivision, or of any existing or proposed underground facility or utility facility located within the proposed subdivision, to verify the accuracy of the surveyor's depiction of the:
 - (A) Boundary, course, dimensions, and intended use of the public rights-of-way, a public or private easement, or grants of record;
 - (B) Location of the existing water conveyance facility, or the existing or proposed underground facility or utility facility; and
 - (C) Physical restrictions governing the location of the existing or proposed underground facility or utility facility.
 - e. Certification of application approval from the culinary water authority, the sanitary waste authority, the local health department, the local fire department, and the local public safety answering point.
6. **Binding dedication documents**, including:
- a. As applicable, formal, irrevocable offers for dedication to the public of streets, Town uses, utilities, parks, easements, and other spaces, signed by each owner of the land to be subdivided.

- b. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
7. An electronic copy of all plans in PDF format, plus an electronic copy of the plat in AutoCAD format.
8. Three printed copies of the full application.
9. Payment of any application-processing fees required by the Town (see the Town’s Fee Schedule).

5.02.02 EXCEPTIONS TO SPECIFIC APPLICATION REQUIREMENTS

A. Agricultural Land:

1. Applications to subdivide agricultural land are exempt from the plat requirements (but not the other application requirements) of Section 5.02.01 if the resulting parcels:
 - a. Qualify as land in agricultural use under Utah Code §59-2-502;
 - b. Meet the minimum size requirement of applicable Town land use ordinances; and
 - c. Are not used and will not be used for any nonagricultural purpose.
2. For subdivision applications for which this exception applies, an applicant may submit to the Town—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.
3. If the Town approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the Town, with the County Recorder’s Office. This shall be done in the same manner as is done for a plat under Sections 5.02.06 and 5.02.07.
4. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The Town may, in its discretion, impose the penalty in Section 5.01.05 and/or require a subdivision amendment before issuing a building permit.

B. Minor Subdivisions:

1. Applications to subdivide land are exempt from plat requirements (but not the other application requirements) of Section 5.02.01 if the subdivision:
 - a. Results in no more than six parcels;
 - b. Is not traversed by the mapped lines of a proposed street (as shown in the Bluff General Plan), Town easement, or any other land required for public purposes;

- c. Has been approved by the culinary water authority and the sanitary waste authority; and
 - d. Is located in a zoned area.
 2. Notwithstanding Subsection 5.02.02(B)(1), minor subdivisions are not permitted unless all lots front a platted and dedicated planned or existing public street. This prohibition may be waived by the Planning & Zoning Commission during the application review process.
 3. For subdivision applications for which this exception applies, an applicant may submit to the Town—in place of a plat—both:
 - a. A record of survey map that illustrates the boundaries of the parcels; and
 - b. A legal metes-and-bounds description that describes the parcels illustrated by the survey map.
 4. If the Town approves a subdivision application based on a record of survey map and metes-and-bounds description, the applicant shall record the map and description, signed by the Town, with the County Recorder’s Office. This shall be done in the same manner as is done for a plat under Sections 5.02.06 and 5.02.07, except that the Town shall also provide the notice required in Utah Code §10-9a-61(1).

C. Development Agreements:

1. Subdivisions platted in a valid development agreement are exempt from the application requirements (Section 5.02.01) and review and approval requirements (Section 5.02.05 and 5.02.06) of this Title.
2. Clauses in a valid development agreement with the Town supersede all conflicting requirements in this Title, except where a clause in the development agreement poses a substantial danger to the health and safety of Town residents.

5.02.03 PRE-APPLICATION MEETING

- A. A party intending to submit a subdivision application under this Title may request a pre-application meeting with P&Z or other Town staff for the purpose of reviewing any element of the party’s proposed subdivision application. The proposed application need not be complete for purposes of this meeting and may—if the party desires—be limited to a concept plan.
 1. If a party requests a pre-application meeting, the Town shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur within 20 business days after scheduling.
 2. The Planning & Zoning Commission or delegated Town staff shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the Town website the following at the time of the meeting:

- a. Copies of applicable land use regulations,
- b. A complete list of standards required for the project, and
- c. Relevant application checklists.

5.02.04 NOTICE TO AFFECTED ENTITIES

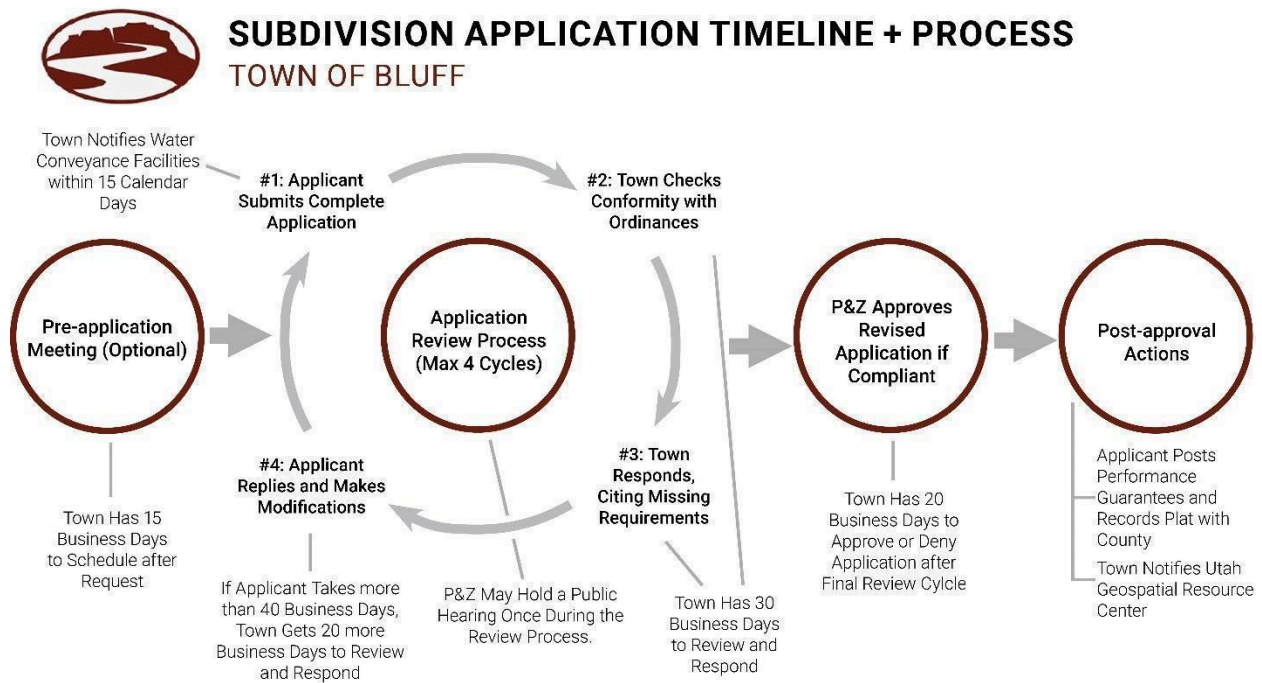
- A. Within 20 days after receiving a complete subdivision application under this Title, Town staff shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
- B. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a subdivision application at least 20 days after the day on which the Town mails to each facility owner the notice. This waiting period does not apply to revised applications the applicant may submit during the application review process.
 1. A water conveyance facility owner’s failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority’s authority to approve the subdivision application.

5.02.05 REVIEW

- A. The Land Use Authority shall review all subdivision applications in accordance with the requirements of this Section before approving or denying those applications.
- B. The review process begins when an applicant submits a complete application.
 1. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
 2. If the Land Use Authority determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.
- C. After the applicant submits a complete application, as defined in section 5.02.01, the Land Use Authority shall review and provide feedback to the applicant in a maximum of **four “review cycles.”**
 1. A review cycle consists of the following phases:
 - a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
 - b. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances.
 - c. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary

revisions to the applicant within **30 business days** after the day that the application is submitted. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.

- d. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the Town’s review comments, identifying and explaining the applicant’s revisions and reasons for declining to make revisions, if any. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.



D. The Land Use Authority (and other Town representatives or agents) shall adhere to the maximum number of review cycles and the review deadlines described in 5.02.05(C), except as described below. If no further revisions are needed, the Land Use Authority may end the review process early and approve or deny the application.

- 1. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the Town is exempt from limits on the number of permitted review cycles and the Town’s deadlines for reviewing and responding (Phases #2 and #3).

2. If the applicant makes a material change to an application not requested by the Town at any point in the review process, the Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
 3. If an applicant takes longer than 40 business days to submit a revised subdivision improvement plan responding to the Town's requests for modifications and additions (in Phases #1 and #4), the Town shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
 4. If an applicant takes longer than 180 calendar days to submit a revised application and respond to the Town's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.
- E. When an application's review period ends, the Land Use Authority shall approve or deny the respective application within 20 business days.
1. If the Land Use Authority has not approved or denied the application within 20 business days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the Town shall, within 10 business days:
 - a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-51(5)(d) to review and approve or deny the revised set of plans; or
 - b. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.
- F. After the Land Use Authority provides comments in the fourth or final review cycle for an application, the Town shall not require further modifications or corrections to the application unless those modifications or corrections are necessary to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.
1. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the Town waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
 2. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.

- G. The Land Use Authority may, at its discretion, conduct one public hearing during the review period (including all review cycles) for a subdivision application.
 - 1. The purpose of this public hearing is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.
 - 2. If the Land Use Authority elects to hold a public hearing, the hearing must occur before the end of Phase #3 of the last review cycle. Scheduling issues shall not extend the review and approval deadlines in this Title.
- H. Other sections of this Title notwithstanding, the Land Use Authority shall approve or deny applications under this Title after reviewing the complete applications as described in this Section. This singular application and review process includes the combined elements of traditional “preliminary” and “final” applications, as those terms are used in Utah Code §10-9a-604.2. For purposes of applying Utah Code §10-91-604.1(3)(a) and §10-91-604.1(9)(b), this Chapter describes a “preliminary” review and approval, with “final” approval happening automatically when the plat is recorded.

5.02.06 APPROVAL

- A. The Land Use Authority shall approve any complete applications made under this Title that comply with applicable Town ordinances.
- B. The Land Use Authority shall issue all approvals in writing and shall certify the approved plat, either by signing the plat directly or by attaching a signed certification to the plat.

5.02.07 POST-APPROVAL ACTIONS

- A. The applicant shall record the approved plat with the County Recorder’s Office within 365 calendar days after the Land Use Authority approves the subdivision application, provided that the applicant has completed any improvements or posted any performance guarantee required by Town ordinances or described in the approved improvement plan. The applicant shall not record the approved plat until such improvements are completed or guaranteed in compliance with Town ordinances and the approved improvement plan.
 - 1. An approved plat not properly recorded within the timeline specified in this provision is void unless P&Z approves an extension.
- B. Town staff shall submit to the Utah Geospatial Resource Center (so the subdivision can be included in the 911 database), within 30 calendar days after the application is approved, either:
 - 1. An electronic copy of the approved plat; or
 - 2. Geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

5.02.08 AMENDING A SUBDIVISION

- A. This Section describes three ways a subdivision may be amended: (1) by vacating private land for

public use, (2) by fixing immaterial typographical or clerical errors on recorded documents, and (3) by materially adjusting the lot sizes or number of lots on a plat.

- B. **Vacating private land:** The Town Council may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that describes the subdivision or the portion being vacated and recording that ordinance in the County Recorder's Office.
- C. **Immaterial corrections:** A property owner or agent of a property owner may correct minor typographical or clerical errors in a document of record by filing with the County an affidavit or other appropriate instrument. This provision does not apply to changing the name of a subdivision, which requires a material amendment described in the following provisions.
- D. **Material amendments:** A fee owner of land in a platted subdivision may request a material subdivision amendment by filing a written petition with the Town Council. This petition must meet all the requirements for a subdivision application specified in Section 5.02.01, with the following changes:
 - 1. The plat (or the record of survey map, if applicable) should:
 - a. Depict only the portion of the subdivision that is proposed to be amended;
 - b. Include a plat name distinguishing the amended plat from the original plat and all other plats within County records;
 - c. Describe the differences between the amended plat and the original plat;
 - d. Include references to the original plat; and
 - e. Meet all the other plat requirements specified in Section 5.02.01(B)(2).
 - 2. The petition must additionally include the name and address of each property owner affected by the petition and the signature of each of those property owners who consent to the petition.
 - 3. The petitioner must include with the petition envelopes addressed to each property in the subdivision.
- E. Upon receipt of an amendment petition, the Town Council (or Town staff, as delegated) shall provide notice of the petition to:
 - 1. Each utility provider that services a parcel of the subdivision. The Town shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers. The Town may notify the utility providers in any effective manner (email, mail).
 - 2. Each property owner in the subdivision. The Town shall notify these property owners by mail.
- F. The Town Council shall hold a public hearing, before approving an amendment petition, and within 45 calendar days after the day on which the petition is submitted if:
 - 1. A property owner objects in writing to the amendment within 10 days of the Town notifying the property owner by mail, or

2. Not every property owner in the subdivision has signed the revised plat.
- G. Notwithstanding Section 5.02.08(E), the Town Council need not hold a public hearing if notice has been given to adjoining property owners in accordance with any applicable local ordinance and the petition seeks to:
1. Join two or more of the petitioner’s contiguous lots;
 2. Subdivide one or more of the petitioner's lots;
 3. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
 4. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
 5. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as a common area.
- H. If the Town Council approves the amendment petition, the petition must be signed by the Town Council and signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended. Then the petitioner shall record the plat, subject to the completion or guarantee of any improvements, as described in Section 5.02.07.
- I. Any amendment petition the Town Council approves must identify and preserve any easements owned by a culinary water authority and sanitary waste authority for existing facilities located within the subdivision.

5.02.09 LOT LINE ADJUSTMENTS

- J. The fee owners of two parcels may petition to adjust the lot line separating the parcels without a subdivision amendment. Such a petition shall include:
1. A record of survey map and a metes-and-bounds description showing the adjustment.
 2. An explanation of the reason for the adjustment.
 3. Signatures from all the parcel owners involved in the adjustment.
 4. Any other information the Town Council requests.
- A. If the adjustment will not result in a violation of a land use ordinance or an adverse development condition, the Town Council shall approve the petition.
- K. If the adjustment is approved, the Town Council shall sign the record of survey map and accompanying metes-and-bounds description, and the petitioner shall record the document in the County Recorder’s Office.

5.03 SUBDIVISION IMPROVEMENTS

5.03.01 REQUIRED IMPROVEMENTS

The following improvements are required for all subdivisions, except those that qualify under the Agricultural Land exemption of Section 5.02.02(A):

- A. Utilities, including water, sanitary waste, telephone, cable, gas, and electricity.
 - 1. All primary buildings requiring culinary water and sanitary waste services shall be connected to the public culinary water of Town of Bluff and individual septic systems or other Sanitary Waste Facilities, as approved by the Town.
 - 2. All utilities shall be provided underground, with the following exceptions:
 - a. Transformers, pedestals, fire hydrants, and any other appurtenances connected to underground utility facilities but not normally located underground are permitted on the surface of the ground.
 - b. The development of existing lots in areas of the Town now served with existing above-ground utilities, are exempt from this requirement.
 - 3. Where possible, underground utilities shall be located within or immediately adjacent to the disturbed areas of a lot or parcel, such as driveways and roadways.
 - 4. Generators shall not be allowed as a primary source of energy or an alternative source of energy but may be used as a temporary source of energy when the Bluff Town power system is down.
- B. Streets.
- C. Street Grading and Surfacing, except to the extent waived by the Planning & Zoning Commission to permit dirt roads.
- D. Storm Water Drainage.
- E. Fire Hydrants.
- F. Street Signs and Monuments.
- G. Any other infrastructure (or infrastructure improvement) that is reasonably necessary to meet the needs of the proposed development.
 - 1. The Land Use Authority may require an analysis to be completed and provided to determine if adequate public facilities and services are available to serve the proposed development and if such development will change the existing levels of service or will create a demand for services that exceeds acceptable service levels. Public facilities that may be required by the Land Use Authority to be included in a public facilities analysis include, but are not limited to, road and street facilities and capacities, intersection and

bridge capacities, culinary water facilities, Sanitary Waste Facilities, storm drainage facilities, fire protection and suppression facilities, park and recreational facilities, culinary water pressure, fire and emergency services response times, police protection services, and other required public facilities and services. The Land Use Authority may deny or modify any proposed development activity if the demand for public facilities and services exceeds accepted or adopted levels of service, or require an applicant for an approval, license, or permit to provide the required facilities and services concurrent with the demand created by the development activity, consistent with all applicable legal authorities.

5.03.02 COST OF IMPROVEMENTS

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

5.03.03 COMPLETION OF IMPROVEMENTS

- A. Before a subdivision plat may be recorded, and before a building permit may be issued, all improvements required by this Title or other Town ordinances shall be either:
 - 1. Completed, inspected, and accepted by the Town, or
 - 2. Guaranteed according to Section 5.03.04.
- B. The decision whether to guarantee an improvement or to complete it before recording and obtaining a building permit rests solely with the applicant.
- C. All improvements are subject to Town inspection before such improvements may be accepted by the Town or considered complete. The Town Engineer shall be responsible for conducting such inspections. Improvements shall be accepted only if they conform to applicable Town ordinances (notably Section 5.04 of this Title) and do not pose a risk to public health or safety. All public improvements are subject to the warranty described in Section 5.03.04.
- D. The provisions of this Title do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

5.03.04 IMPROVEMENT GUARANTEES, COMPLETION ASSURANCES, AND WARRANTIES

- A. If an applicant elects to guarantee any required improvement, the applicant shall provide completion assurance for 110% of the cost of the improvement, guaranteeing that the improvements will be completed within two years after the date of the guarantee.
- B. For the purpose of posting an improvement guarantee, the cost of the improvement shall be determined by an engineer's estimate or licensed contractor's bid.
- C. The Town shall accept any of the following forms of guarantee for an improvement:
 - 1. Bond. The applicant may furnish a bond with corporate surety, which bond shall be

- approved by the Town Attorney and filed with the Town Recorder.
2. Escrow. The applicant may make a deposit in escrow with an escrow holder approved by the Town Council, under an escrow agreement approved by the Town Attorney and filed with the Town Recorder.
 3. Letter of Credit. The applicant may provide a letter of credit from a financial institution approved by the Town Council, under an agreement to complete the improvements that is approved by the Town Attorney and filed with the Town Recorder.
- D. As improvements are completed, inspected, and accepted by the Town, the Town Council shall, each quarter, at the option of the applicant, issue a partial release of bonded or escrow funds proportional to the improvements accepted during the prior quarter.
- E. The Town shall not require improvement guarantees for any of the prohibited uses listed in Utah Code §10-9a-604.5(3)(d), including improvements the Town has previously inspected and accepted, private improvements that are not essential to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation.
- F. Upon acceptance of all required improvements, the applicant shall warrant that said improvements shall remain free from defects in material and workmanship for a period of 12 months after the date of acceptance by the Town. The subdivider shall be solely responsible for all repairs and maintenance required to keep the improvements in good working condition for this 12-month period.

5.04 SUBDIVISION DESIGN STANDARDS

5.04.01 SUBDIVISION DESIGN STANDARDS, GENERALLY

The following standards shall apply to the design and construction of all improvements required by Town ordinances:

- A. The current (2007) edition of the **Manual of Standard Specifications** published by the Utah Chapter of the American Public Works Association (APWA), as amended. References to “owner” shall mean Town of Bluff and references to “engineer” shall mean Town of Bluff’s engineer.
- B. The current (2007) edition of the **Manual of Standard Plans** published by the Utah Chapter of the American Public Works Association (APWA), as amended.
- C. The Town’s lot and zoning restrictions.
- D. Any other requirements in this Title.

5.04.02 LOT SIZE REQUIREMENTS

- A. No subdivision is permissible that does not comply with the lot size, frontage, width, depth, and all other requirements of the Town’s Land Use Ordinances.
- B. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the adopted construction and fire codes of the State, this Code, and in providing reasonable driveway access to buildings on such lots from an approved street.

5.04.03 PLATS STRADDLING MUNICIPAL BOUNDARIES

- A. In general, lot lines and/or roads shall not be laid out so as to cross municipal boundary lines.
- B. If the area in the County is not annexed, the Town and the County shall work together in a cooperative arrangement or through an interlocal agreement, if necessary, to ensure that the portion of development lying in the County is as compatible as possible with the Town codes, development regulations and General Plan.

5.04.04 FENCING

- A. Each subdivider and/or developer shall be required to furnish and install fences wherever the Planning & Zoning Commission determines. The fences shall be built according to standards sufficient to mitigate the hazardous conditions.
- B. Owners of livestock shall have the responsibility to fence in livestock so as to prevent animals from trespassing on another’s property.
- C. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

5.04.05 ROADS

A. Frontage on Improved Roads:

1. No subdivision shall be approved unless the area to be subdivided shall have frontage on and/or access from an existing public street unless such street is:
 - a. An existing state or county highway; or
 - b. A street shown upon a plat approved by the Land Use Authority and recorded in the County Recorder's office. Such street or highway must be suitably improved as required by the highway rules, regulations, specifications, or orders, or be secured by a performance guarantee required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations or the Streets Master Plan. Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved as provided herein above.
2. Whenever the area to be subdivided is to utilize existing road frontage and/or existing road access, such road shall be suitably improved from the closest street that meets Town's current public street standards, meaning such road shall be suitably improved to the standards provided in this Code and any other applicable standards.

B. Topography and Arrangement.

1. Roads shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and re-vegetated. A combination of steep grades and curves as well as large cut and fill sections shall be avoided.
2. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the Streets Master Plan or Land Use Maps or Zoning Maps.
3. Roads shall not bisect or travel through any private lot so as to require an easement.
4. All thoroughfares shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing, proposed, and future land uses.
5. Minor or local streets shall be laid out to conform as much as possible to the natural topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
6. The rigid rectangular gridiron street pattern shall generally be adhered to, and the use of

curvilinear streets, or U-shaped streets shall be allowed only where topography requires as approved by the Planning & Zoning Commission.

7. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Land Use Authority such an extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
 8. Subdivisions shall be designed to provide adequate emergency access to and from the development. The Land Use Authority may require more than one point of ingress and egress to better facilitate emergency access and escape.
- C. Blocks: The size, dimensions, and shapes of blocks shall complement and build upon the existing block pattern and layout of the Town.
- D. Access to Highway, Arterial or Collector Streets: Where a subdivision borders on or contains an existing or proposed highway, arterial or collector, the Land Use Authority may require that access to such streets be limited by one of the following means:
1. The subdivision of lots so as to back onto the highway, arterial or collector and front onto a parallel local street; no direct access shall be provided from the primary arterial or collector, and screening shall be provided in a strip of land along the rear property line of such lots.
 2. A series of U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the highway, arterial or collector roadway.
 3. If the subdivision application proposes adding an exit or entrance off of a state highway, the applicant or developer shall provide a UDOT Access Management Plan, consult with UDOT in designing the plat and improvement plans, adhere to any additional standards or requirements imposed by UDOT, bear all costs associated with the improvement.
- E. Road Names: The applicant/developer, upon consent of the Land Use Authority, shall name all roads at the time of approval. Names shall be sufficiently different in sound and in spelling from other road names in San Juan County or Bluff, Utah, so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name.
- F. Road Regulatory Signs: The applicant/developer shall erect or post acceptable guarantees ensuring each road sign required by the Town Engineer at all road intersections. All road signs shall be installed before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within and abutting the subdivision, the type, design and location of which to be approved by the Town Engineer. Street signs shall be designed according to Town specifications and standards.

G. Street Lights: Installation of street lights shall be compliant with the outdoor lighting ordinance.

H. Road Surfacing and Improvement:

1. Roads shall be graded and improved and conform to the standards in 5.04.01.
2. After sanitary waste, water and other applicable utilities have been installed by the developer, the applicant shall construct curbs and gutters (if required) and shall surface, or cause to be surfaced, roadways to the widths prescribed in the pertinent regulations.
3. Said surfacing shall be of such character as is suitable for the expected traffic. Acceptable types of surfacing shall be determined by the Town Engineer. Dirt roads may be allowed upon approval by the Planning & Zoning Commission.
4. Adequate provision shall be made for culverts, drains and bridges.
5. All road surfacing, pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Town and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

5.04.06 INTERSECTIONS

- A. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle within ten (10) degrees of perpendicular is required. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred feet (100') therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Land Use Authority.
- B. Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any intersections on the opposite side of such street. Street jogs with center-line offsets of less than one hundred and fifty feet (150') shall not be permitted. Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least eight hundred feet (800') feet apart.
- C. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) slope for a distance of sixty feet (60'), measured from the nearest right-of-way line of the intersecting street.
- D. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- E. The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.

5.04.07 DRAINAGE AND STORM

- A. General Requirements: The Planning & Zoning Commission shall not approve or recommend for approval any subdivision application which does not make adequate provision for storm or flood water runoff channels or catch basins. The storm water drainage system shall be separate and independent of the sanitary waste system. Storm drains, where required, shall be designed by the Rational Method, or other methods as approved by the Town Engineer, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred feet (600') in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.
- B. Location: The applicant/developer may be required by the Land Use Authority, upon the recommendation of the Town Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.
- C. Accommodation of Upstream Drainage Areas: A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The developer shall hire a qualified engineer licensed in the State of Utah to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by this Code and the General or Master Plan. The Town Engineer must review and approve the design.
- D. Effect on Downstream Drainage Areas: The Town Engineer may require the developer's qualified engineer to study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Town storm drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Land Use Authority may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the Land Use Authority and Town Engineer shall determine. No subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility.
- E. Areas of Poor Drainage: Whenever a plat is submitted for an area which is subject to flooding, the Land Use Authority, may approve such subdivision provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the maximum probable flood, as determined by the Town Engineer. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall

any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the Town Engineer. Development in areas of extremely poor drainage will not be allowed.

- F. Flood Plain Areas: The Land Use Authority may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. These flood plain areas should be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Land Use Authority.

5.04.08 WATER FACILITIES

- A. General Requirement: Necessary action shall be taken by the applicant to extend or create a safe water supply system for the purpose of providing a water-supply capable of providing domestic water use and fire protection. All improvements whether on or off site shall be constructed and paid by the developer. The impact of the development on the Town’s water system must be determined by the impact analysis process as outlined in Town ordinances.
- B. Existing Systems: Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and Town.
- C. Fire Hydrants: Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than four hundred and fifty (450) feet apart and shall be approved by the Fire Department and Town Engineer in accordance with International Fire Code or the more stringent code if a conflict exists between Town and International Fire Codes. In some instances, the Town may determine that due to wild-land fire potential, hydrants will be required to be located no more than three hundred feet (300’) apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the subdivision plat.
- D. Dedication of Water: As a condition of approval of the subdivision, the Land Use Authority shall require each developer to show proof of and provide usable water for the development for outside and culinary use.

5.04.09 SANITARY WASTE FACILITIES

- A. General Requirements: The applicant shall install Sanitary Waste Facilities in a manner prescribed by the Town construction standards and specifications. All plans shall be designed in accordance with current Town, State and EPA rules, regulations, and standards. Necessary action shall be taken by the applicant to extend sanitary waste service for the purpose of providing waste facilities to the subdivision. Offsite requirements may be necessary to meet impacts imposed by the development on the Town’s waste facilities.

5.04.10 OTHER UTILITIES

- A. Location: Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new subdivisions wherever underground location does not violate safety standards of the particular utility and where such underground location does not impose any potential additional maintenance burden on the Town's streets and water/waste personnel in the opinion of the Land Use Authority. Underground service connections for water and waste shall be installed to the street property line of each platted lot at the expense of the subdivider and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the Town Engineer.