

TITLE 10: SUBDIVISIONS AND DEVELOPMENT

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CHAPTER 10.1 GENERAL

10.1.1 TITLE

This Title shall be known as the “Joseph Town Subdivision Ordinance” and may be so cited and pleaded.

10.1.2 PURPOSE

The purpose of this Title is to comply with Utah Code; to establish an efficient method for reviewing subdivision applications, promote the health, safety, convenience and general welfare of the Town’s current and future residents by standardizing subdivision design and improvements; to facilitate the transfer of land having accurate legal descriptions; and to establish the rights, duties, and responsibilities of subdividers with respect to land subdivision and the improvements thereon.

10.1.3 SEVERABILITY

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

10.1.4 SCOPE OF APPLICABILITY

- A. This Title applies to all applications or petitions to subdivide land in the Town. 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.
- B. *Building Permits*: The Town’s approval of a subdivision under this Title does not authorize the construction, alteration, or repair of any building or structure within the Town. Separate from the subdivision process, landowners and their contractors must obtain a building permit before beginning any construction, alteration, or repair of any building or structure.
- C. *Certificate of Occupancy*: The Town’s approval of a subdivision under this Title does not authorize the human occupation of any building or structure within the Town. Separate from the subdivision process, landowners must obtain a certificate of occupancy before the human occupation of any building or structure.

10.1.5 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.

10.1.6 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 Planning Commission (as the preliminary subdivision land use authority) and Planning Commission Chair (as the final subdivision land use authority) and properly recorded in the County Recorder's Office.
- C. Before the subdivision plat may be filed and recorded in the County Recorder's Office and before lots may be sold, a subdivision plat must comply with the Town's subdivision ordinances, other ordinances, and state law (notably Utah Code §10-9a-6, as amended).

10.1.7 PENALTY FOR NONCOMPLIANCE

- A. 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.
- B. Any person who illegally divides land in the Town shall be fined \$1,000 per lot.

10.1.8 FEES

Any fees listed on the Town's fee schedule, plus the reasonable costs the Town incurs for engineer or attorney review of an application, shall be paid for by the subdivider.

10.1.9 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. "Association" means the same as that term is defined in Utah Code Section 57-8a-102, as amended.
- B. "Common Area" means property that an Association owns, maintains, repairs, or administers.
- C. "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.
- D. "Declarant" means the person who executes a declaration and submits it for recording in the office of the recorder of the county in which the property described in the declaration is located; "declarant" includes the person's successor and assignee.

- E. “Declaration” means the instrument by which the property is submitted to the provisions of this act, as it from time to time may be lawfully amended.
- F. “Easement” means a land use right offered for a specific purpose or use over, upon or beneath the land. The easement must be
 - 1. Accurately described in location and extent in the letting process or by separate document using metes and bounds.
 - 2. Distinct from land ownership and granted to the public, a particular party or public utility.
- G. “Facility owner” means the same as that term is defined in state law and includes a canal owner or associated canal operator contact described in different sections of state law.
- H. “Final Plat” means a permanent map or chart, accurately describing a division of land which has been surveyed and marked on the ground so that streets, blocks, lots and other divisions may be identified and located.
- I. “Improvement plan” means a plan 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 and that a subdivider must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.
- J. “Improvement Warranty” means a subdivider's unconditional warranty that the subdivider's installed and accepted landscaping or infrastructure improvement:
 - 1. Complies with the Town’s written standards for design, materials, and workmanship; and
 - 2. Will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.
- K. “Improvement Warranty Period” means a period:
 - 1. No later than one year after a Town’s acceptance of required landscaping; or
 - 2. No later than one year after a Town’s acceptance of required infrastructure, unless the Town:
 - a. Determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and

- b. Has substantial evidence, on record:
 - 1. Of prior poor performance by the subdivider; or
 - 2. That the area upon which the infrastructure will be constructed contains suspect soil and the Town has not otherwise required the subdivider to mitigate the suspect soil.
- L. “Land use application” means an application required by the Town and submitted by a land use subdivider to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.
- M. “Lot” means a parcel of real property shown as a delineated parcel of land with a number and designation on the final plat of a subdivision recorded in the office of the Sevier County Recorder, or a parcel of land, the dimension or boundaries which are defined by the record in the office of the Sevier County Recorder.
- N. “Land use authority” means an individual, board, or commission appointed or employed by a municipality to make land use decisions. “Land Use Authority” includes any appropriately authorized designees.
- O. “Metes and Bounds” means the description of a lot or parcel of land by courses and distances.
- P. “PC” means the Planning Commission.
- Q. “PC Chair” means the Planning Commission Chair.
- R. “PC or PC Chair” means whichever of the Planning Commission or Planning Commission Chair is the applicable Land Use Authority for the preliminary or final subdivision application to which the provision is being applied.
- S. “Period of Administrative Control” means the period in which the person who filed the association’s governing documents or the person’s successor in interest retains authority to appoint or remove members of the association’s board of directors or exercise power or authority assigned to the association under the association’s governing documents.
- T. “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 State Code (as amended).
- U. “Preliminary Plat” means a map or plan of a proposed land division prepared in accordance with the regulations of this Title.

- V. “Public Landscaping Improvement” means landscaping that a subdivider is required to install to comply with published installation and inspection specifications for public improvements that (1) will be dedicated to and maintained by the Town or (2) are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.
- W. “Resubdivision” means the changing or amending of any existing lot or lots of any subdivision plat previously recorded in the records of the county recorder as provided in this Title.
- X. “Review Cycle” means the occurrence of the subdivider’s submittal of a complete subdivision application; the Town’s review of that subdivision application; the Town’s response to that subdivision application; and the subdivider’s reply to the Town’s response that addresses each of the Town’s required modifications or requests for additional information.
- Y. “Sketch Plan” means a preliminary map or pre application plat showing the concept of the proposed development or subdivision, having sufficient detail to illustrate on site characteristics of the proposed subdivision and adjacent parcels.
- Z. “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.
 - 1. Subdivision includes:
 - a. 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
 - b. 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.
 - 2. Subdivision does not include:
 - a. 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;

- a. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;
- b. 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;
- c. A joining of one or more lots to a parcel;
- d. A road, street, or highway dedication plat; or
- e. A deed or easement for a road, street, or highway purpose.

AA. “Subdivision ordinance review” means review by the Town to verify that a subdivision application meets the criteria of the Town’s ordinances.

BB. “State engineer’s inventory of canals” means the state engineer’s inventory of water conveyance systems established in state law.

CC. “Town Engineer” means a permanent registered engineer that the Town hires and that is a licensed surveyor, registered engineer, or an engineering firm as designated by the Town Council on either a retainer or per job basis, or a designee appointed by the Town Council.

DD. “Underground facility” means the same as that term is defined in state law.

EE. “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. “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.

10.1.10 SUBDIVISION LAND USE AUTHORITY

- A. The Land Use Authority for preliminary applications under this Title is the Planning Commission (PC). For purposes of subdivision applications, the Planning Commission shall be ultimately responsible for the following but may delegate any task to the Town Engineer, Town staff, or members of the PC:
 - 1. Rendering land use decisions related to preliminary applications under this Title, including approving or denying preliminary applications.

2. Reviewing all preliminary applications under this Title in an impartial manner and according to the standards and deadlines described in this Title.
 3. Holding public meetings for reviewing preliminary applications as required by this Title.
 4. Providing feedback to subdividers on their preliminary applications in the manner required by this Title.
 5. Scheduling and holding a pre-application meeting (and reviewing concept plans) with potential subdividers as required by this Title.
 6. Keeping subdivision application forms (both preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential subdividers. This task is delegated to Town staff by default.
- B. The Land Use Authority for final applications under this Title is the Planning Commission Chair (PC Chair) with the advice and counsel of an Attorney and Engineer, designated by the Town Council. For purposes of subdivision applications, the PC Chair shall be responsible for the following, but may delegate any task to the Town Engineer, Town staff, or members of the PC:
1. Rendering land use decisions related to final applications under this Title, including approving or denying final applications.
 2. Reviewing all final applications under this Title in an impartial manner and according to the standards and deadlines described in this Title.
 3. Providing feedback to subdividers on their final applications in the manner required by this Title.
 4. Providing notice to entities and parties as required by this Title.
 5. Signing final application approvals as required by this Title.
 6. Ensuring that documents are properly recorded with the County as required by this Title.
- C. As subdivision application decisions are administrative, not legislative, the Planning Commission is authorized to make land use decisions described by this Title without Town Council approval.
- D. Except when operating as the Appeal Authority, the Town Council shall not require the

PC or PC Chair to approve or deny an application for a new subdivision under this Title.

10.1.11 SUBDIVISION APPEAL AUTHORITY

- A. The Appeal Authority for Town decisions relating to this Title, except where otherwise noted, is the Town Council.
- B. The Appeal Authority shall hear appeals on final decisions made by the PC and shall hear complaints about the conduct of the PC and PC Chair in administering the provisions of this Title.
- C. A party appealing or complaining of a PC or PC Chair 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. A party desiring to appeal or complain of a PC or PC Chair 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 PC or PC Chair's decision and treatment of the application or petition, and why the subdivider believes the PC or PC Chair 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 Clerk using the Clerk's official Town address and/or email account listed on the Town website.
- E. After receiving a complete appeal or complaint in accordance with this Chapter, the Appeal Authority shall deliver a decision to the subdivider, in writing, no later than 45 calendar days after the Appeal Authority receives the appeal or complaint.

CHAPTER 10.2 SUBDIVISION APPLICATION

Subdivision Application Review Process (Overview)
Joseph Town, Utah



10.2.1 PRE-APPLICATION MEETING AND SKETCH PLAN REVIEW

- A. A party intending to submit a subdivision application under this Title may request, and is **strongly encouraged** to request, a pre-application meeting with the Planning Commission 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.
1. If a party requests a pre-application meeting, the Town staff shall schedule the meeting within 15 business days after the request. The meeting shall occur at the next regularly scheduled Planning Commission meeting for which appropriate public notice is attainable.
 2. Potential subdividers are *strongly* encouraged to submit a sketch plan to the Planning Commission in advance of the pre-application meeting. It is *strongly* recommended that this sketch plan consist of a simple layout of:
 - a. *Existing*: vegetation, topography, structures, easements, streets, drainage channels, utilities, land uses, and water courses, including irrigation supply and waste ditches in relation to the existing *and* planned streets within ¼ mile of the development; and

- b. *Proposed*: streets, lots, major buildings, utilities, and drainage channels.
- B. The Planning Commission shall conduct the meeting, provide feedback on materials as requested by the potential subdivider, and shall provide or have available on the Town website the following at the time of the meeting:
1. Copies of applicable land use regulations,
 2. A complete list of standards required for the project, and
 3. Relevant application checklists.
- C. The pre-application meeting in no way shall be construed to constitute approval of any development. The primary purpose of the pre-application meeting is to permit the potential subdivider to review with the Planning Commission the general concept of the proposed development and to review informal feedback from the Planning Commissioners as to whether the development appears feasible, whether there appear to be obvious defects in the development scheme, and whether the proposed development is in harmony with the General Plan and Town ordinances. This meeting is intended to aid the subdivider in the preparation of the plans and documents before incurring potentially unnecessary expenses of a detailed preliminary application.
1. At the conclusion of the pre-application meeting, if it is determined that a zone change is necessary, the potential subdivider must submit an application for the zone change before proceeding with a preliminary subdivision application.

10.2.2 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 both a preliminary approval and a final approval from the respective Land Use Authorities.
- B. Applications for a minor subdivision (up to 9 lots) or agricultural subdivisions are exempted from some of the following requirements, as explained in Chapter 10.2.7.
- C. **PRELIMINARY APPLICATION:** To be considered complete, a preliminary subdivision application must include at least the following elements:
1. General information, including:
 - a. The name, address, telephone number and email of the subdivider.
 - b. The subdivider's agent, if there is one;

- c. The subdivider's engineer or surveyor's name, address and phone number; and
 - d. The subdivider's attorney's name, address, and phone number, if applicable.
2. Land Use Application. 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 subdivider believes authorizes the intended use.
 - b. If the intended use requires a conditional use permit or is otherwise conditioned on Town approval, the land use application must include an *approved*, Town-issued permit authorizing the intended use. Should a subdivider seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
 - c. If the intended use is prohibited under Town ordinances and requires a variance or rezoning, the land use application must include an approved, Town-issued variance or rezoning authorizing the intended use. Should a subdivider seek a variance or rezoning concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.
3. A preliminary plat. The preliminary plat 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 preliminary 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.
 - b. The location of the property proposed to be subdivided.
 - c. Total acreage of the entire proposed subdivision.
 - d. The boundaries, course, and dimensions of all proposed parcels. Lots and blocks must be numbered consecutively.
 - e. Proposed lot and street layout, dimensions, and names.

- f. The proposed location of septic systems.
- g. Required setbacks on all lots.
- h. Whether any parcel is reserved or proposed for dedication for a public purpose.
- i. Location of existing on-site water supply mains, culinary or secondary water sources, storage facilities, water treatment facilities, fire hydrants, and culverts within the tract or within five hundred feet (500') thereof.
- j. Location, width, and other dimensions of proposed lots, streets, alleys, easements, parks and other open spaces with proper labeling of spaces to be dedicated to the public.
- k. Location, principal dimension, and names of all existing or recorded streets, alleys, and easements, both within the proposed subdivision and within five hundred feet (500') of the boundary thereof, showing whether recorded or claimed by usage; the location and principal dimensions for all watercourses, including ditches, canals, and natural drainage channels, public utilities, and existing structures within the land and adjacent to the tract to be subdivided, including railroads, and exceptional topography.
- l. Location of existing bridges, culverts, surface, or subsurface drainageways, open waterways, areas subject to occasional flooding, marshy areas, swamps, utilities, buildings, pumping stations or appurtenances within the subdivision or within five hundred feet (500') thereof.
- m. Location of the nearest elevation benchmark and survey control monument.
- n. Landowners adjoining the land to be subdivided and the boundary lines of adjacent tracts of unsubdivided land, showing ownership and property monuments.
- o. Existing contours at two-foot (2') intervals for predominant ground slopes within the tract between level and five percent (5%) grade and five-foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. Elevations shall be based on national geodetic survey sea level data. In cases of level topography through a subdivision, one-foot (1') contours may be required.

- p. Where the plat submitted covers only a part of the subdivider's land, or is part of a larger vacant area, the plat shall show the location of the subdivision as it forms part of a larger tract or parcel. In such a case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
 - q. Identification of the plat as “Preliminary”
 - r. Date of preparation.
 - s. Signature blocks (for use after final approval) for the owners of the land to be subdivided, the Planning Commission Chair, and the Mayor with the Town Clerk to attest.
4. A vicinity map, drawn at a scale not less than one-inch equals two thousand feet (1" = 2,000'), showing the perimeter of the plat, access points, abutting subdivision outlines and names, and other relevant information within one-half (0.5) mile of the perimeter of the proposed plat.
5. An improvement plan and drawings, created in accordance with applicable portions of Chapters 10.3 and 10.4 of this Title, for all public improvements proposed by the subdivider or required by Town ordinances. In addition to the requirements in Chapters 10.3 and 10.4, the improvement plan must contain:
- a. An engineer’s estimate of the cost of completing the required improvements.
 - b. A description of proposed water facilities, including pipe diameters, valve locations, fire hydrant locations, water sources, water rights, reservoirs, pumps and design calculations.
 - c. Septic design drawings.
 - d. A description of planned excavation or grading of areas requiring in excess of three-foot (3') cuts or fills.
 - e. Street plans showing proposed grades, curb-gutter, sidewalks, and typical street cross sections.
 - f. Environmental Impact Analysis shall be prepared, if the Planning Commission deems necessary, indicating or describing the measures that will be taken with respect to:

- i. Control of erosion and dust;
 - ii. Reseeding of cuts and fills;
 - iii. Disposition of any geologic hazard and/or soil conditions which may cause injury or damage to improvements;
 - iv. Disposal of surface water;
 - v. Prevention of fire, and accumulation of weeds and debris;
 - vi. Preservation of natural drainage channels.
- g. A site plan showing proposed dwelling locations and driveway locations for each lot where sensitive or special topographic and geologic conditions exist. The Planning Commission may determine, after review of the preliminary application or sketch plan, that lot site plans are required because existing conditions merit more specific details or requirements for developing specific lots.
- h. Proof of sufficient water rights for the proposed development.
- i. A feasibility study that demonstrates the feasibility of the proposed water and septic systems necessary to meet the requirements of this Title, including a written certification from the State Health Department that all lots in the subdivision are tested and are found adequate for installation and operation of septic tank systems in concurrence with State Health Department regulations.
- j. A traffic study, if one is required by an applicable UDOT Access Management Plan, for any subdivision touching any road built or maintained by UDOT.
6. Certifications, including:
- a. An affidavit from the subdivider, certifying that the submitted information is true and accurate.
 - b. The signature of each owner of the land to be subdivided, signifying their consent to the preliminary subdivision application and their intent to dedicate any portions of the subdivision to the public as described on the plat.

- c. Letters of approval from the culinary water authority, fire department, Central Utah Public Health Department.
- d. Certification that the surveyor who prepared the plat:
 - i. Holds a license in accordance with Utah Code 58-22; and
 - ii. Either:
 - I. Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 - II. 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.

- 7. Restrictive Covenants Contract/CC&Rs, if any.
- 8. Copies of any agreements with adjacent property owners relevant to the proposed subdivision and the substance of all other covenants, grants of easements, or restrictions to be imposed upon the use of the land, buildings, and structures.
- 9. An electronic copy of all plans in PDF format and six (6) printed copies of the application and plat.
- 10. Payment of any preliminary-application fees required by the Town (see the Town's Fee Schedule), plus the cost of any engineering, consulting, or legal assistance from an attorney reasonably incurred by the Town in reviewing the application.

D. **FINAL APPLICATION:** To be considered complete, a final subdivision application must include at least the following elements:

- 1. General information, including:
 - a. The name, address, telephone number and email of the subdivider.
 - b. The subdivider's agent, if there is one;
 - c. The subdivider's engineer or surveyor's name, address and phone number; and

- d. The subdivider's attorney's name, address, and phone number, if applicable.
2. A copy of the approved preliminary application for reference.
3. A final plat. The final plat should be the version of the preliminary plat approved by the Planning Commission during the preliminary application review process, plus any other additions and immaterial changes (e.g., formatting) necessary to comply with the recording requirements of the County Recorder's Office.
4. A completion assurance for all public improvements required by the improvement plan approved in the preliminary application, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the subdivider records the plat, as required by Chapter 10.3 of this Title.
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 subdivider certifying that the submitted information is true and accurate.
 - d. The signature of each owner of record of land described on the plat, signifying their consent to the final subdivision application and their dedication and approval of the final plat.
 - e. Certification from the surveyor who prepared the amended plat, according to Provision 10.2.2(C)(6)(e) of this Title.
 - f. Owner's Certificate of Dedication.
 - g. Notary Public's acknowledgement.
6. Binding dedication documents, including:
 - a. As applicable, formal, irrevocable offers for dedication to the public of streets, Town uses, utilities, parks, easements, or other spaces.
 - 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 and six (6) printed copies of the application.
 8. Payment of any final-application fees required by the Town (see the Town's Fee Schedule), plus the cost of any engineering, consulting, or legal assistance reasonably incurred by the Town in reviewing the application.
- E. Town staff shall produce, maintain, and make available to the public a list of the specific items that comprise complete preliminary and final applications and a breakdown of any fees due upon submission or approval of the applications.
- F. The Planning Commission may require, and the subdivider shall provide, additional information beyond the requirements of this Chapter or those published by the Town relating to a subdivider's plans to ensure compliance with Town ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of Town residents.
- G. Notwithstanding Subsections 10.2.2(C) and (D), the Planning Commission Chair may waive specific application requirements on a case-by-case basis when those requirements are irrelevant to the proposed development.
- H. All application materials shall be emailed to the Town Clerk or printed copies delivered to the Town office. The Town Clerk shall then forward all materials to the PC or PC Chair.

10.2.3 NOTICE TO AFFECTED ENTITIES

- A. Within 15 calendar days after receiving a complete subdivision application under this Title, the Town Clerk shall provide written notice of the proposed subdivision to the facility owner of any water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
1. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, the Town Clerk shall review information:
 - a. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
 - b. From the state engineer's inventory of canals; or

- c. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
- B. To give water conveyance facilities time to provide feedback on subdivision applications, the Planning Commission shall not approve a subdivision application under this Title sooner than 20 calendar days after the subdivider submits a complete application. This waiting period does not apply to revised applications the subdivider may submit during the application review process.
1. A water conveyance facility owner's failure to provide comments to the Planning Commission about a subdivision application does not affect or impair the Planning Commission's authority to approve the subdivision application.

10.2.4 REVIEW

- A. The PC or PC Chair shall review all subdivision applications under this Title in accordance with the requirements of this Chapter before approving or denying a subdivision application.
- B. The review process begins when a subdivider submits a complete application.
1. The PC or PC Chair shall not review an incomplete subdivision application, except to determine whether the application is complete.
 2. If the PC or PC Chair determines that an application is not complete, it shall notify the subdivider of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until completed.
- C. After the subdivider submits a complete application, the PC or PC Chair shall review and provide feedback to the subdivider in a series of "review cycles."
1. A review cycle consists of the following phases:
 - a. Phase #1: The subdivider submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
 - b. Phase #2: The PC or PC Chair reviews the application in detail and assesses whether the application conforms to local ordinances.
 - c. Phase #3: The PC or PC Chair responds to the subdivider, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the subdivider, within the timeframe specified in Table 10.2.4. For any required modification or addition to the

application or request for more information, the PC or PC Chair shall be specific and include citations to ordinances, standards, or specifications that require the modification and shall provide the subdivider with an index of all requested modifications or additions.

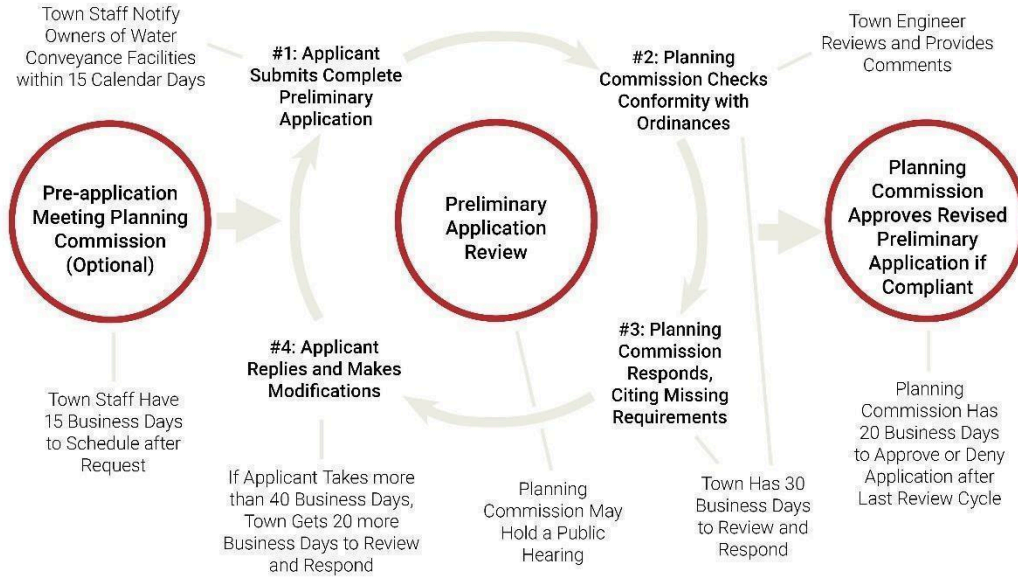
- d. Phase #4: The subdivider revises the application, addressing each comment or requirement the PC or PC Chair made. The subdivider must submit both revised plans and a written explanation in response to the Town’s review comments, identifying and explaining the subdivider’s revisions and reasons for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

Table 10.2.4 – Review Cycles, Hearings, and Timelines by Subdivision Use Type					
<i>Use Type</i>	<i>Approval Stage</i>	<i>Max Review Phases</i>	<i>Max Public Hearings</i>	<i>City Turnaround Deadline**</i>	<i>Subdivider Turnaround Deadline***</i>
1-2 Family Residential*	Preliminary	4	1	30 Business Days	180 Calendar Days
	Final	1	0	30 Business Days	180 Calendar Days
All Other Uses	Preliminary	6	2	30 Business Days	180 Calendar Days
	Final	1	0	30 Business Days	180 Calendar Days

**Includes single-family homes, duplexes, and townhomes.*
***Describes the total time (per review cycle) the City may take to complete both Phase #2 and Phase #3.*
****Describes the total time (per review cycle) the subdivider may take to submit a revised application before the application expires.*

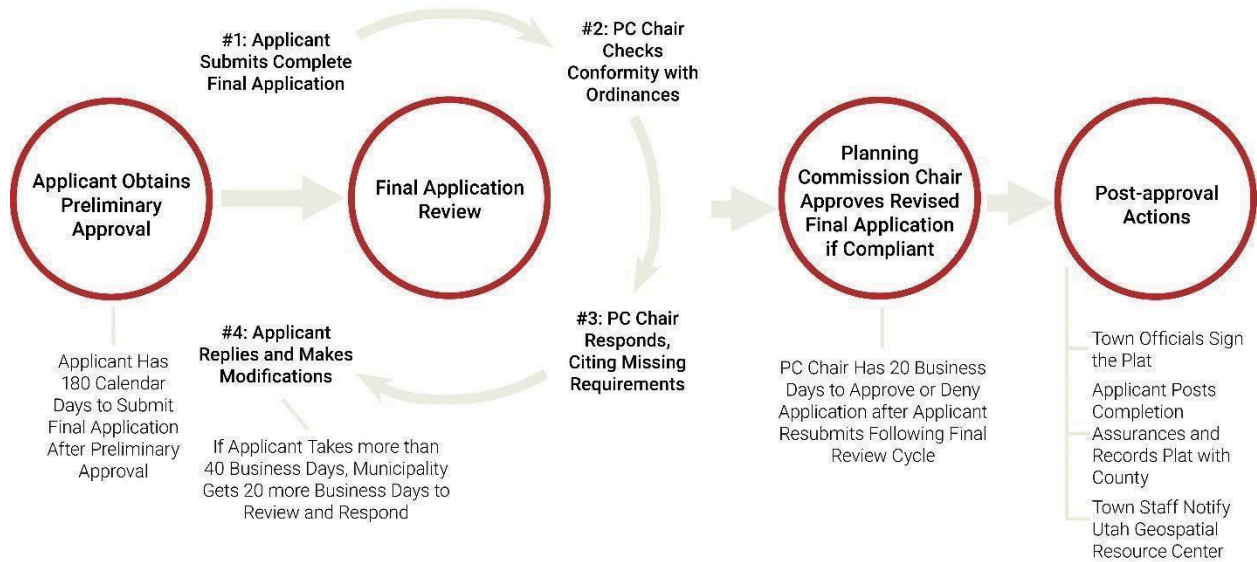
Preliminary Subdivision Application Process

Joseph Town, Utah



Final Subdivision Application Process

Joseph Town, Utah



- D. The PC or PC Chair shall not (nor shall any other representative of the Town) exceed the number of review cycles of the deadlines in Table 10.2.4. If no further revisions are needed, the PC or PC Chair may end the review period 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 subdivider makes a material change to an application not requested by the Town at any point in the review process, the Planning Commission may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
 3. If a subdivider 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 a subdivider 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 PC and PC Chair, expire. If an application expires, the subdivider must restart the subdivision application process.
- E. The PC may request comments from the Engineer and Attorney, designated by the Town Council, during the preliminary application review period and shall review these comments, if provided, before approving or denying a subdivision application.
- F. The PC Chair shall request comments from the Engineer and Attorney, designated by the Town Council, during the final application review period and shall review these comments, if provided, before approving or denying a subdivision application.
- G. After the last review cycle is complete and the subdivider has resubmitted the application with any requested revisions, the PC or PC Chair shall approve or deny the application within 20 business days.
1. If the PC or PC Chair has not approved or denied the application within 20 business days after the last review, the subdivider may request a final 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-508(5)(d) to review and approve or deny the final revised set of plans; or
 - b. For a dispute arising from the subdivision ordinance review, advise the subdivider, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.
- H. After the PC or PC Chair provides comments in the last review cycle, the Town shall not require further modifications or corrections in that review phase unless those modifications or corrections are needed to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the subdivider making a material change that the PC or PC Chair 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 municipality waives noncompliant subdivision-related requirements that the PC or PC Chair do not identify during the review process.
 2. The subdivider 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.
- I. The Planning Commission may conduct one (but no more than one) public hearing for the purpose of asking questions of the subdivider and receiving commentary on the technical aspects of the application from affected entities, interested parties, and the public. If the Planning Commission elects to hold this public hearing, the hearing must occur before the end of the Planning Commission's review period in the last review cycle of the **preliminary** review phase. Scheduling issues shall not extend the review and approval deadlines in this Chapter.
- J. Other Chapters of this Title notwithstanding, the PC or PC Chair shall approve or deny a subdivision application under this Title after reviewing a complete subdivision application as described in this Chapter.

10.2.5 APPROVAL

- A. The PC and PC Chair shall approve any complete subdivision application made under this Title that complies with Town ordinances and state law and that shows no signs of being detrimental to the health, well-being, and safety of the residents of the Town. The PC and PC Chair shall issue all approvals in writing.

- B. After approval by the PC and PC Chair, the final plat shall be signed by the owners of the land to be subdivided, the Planning Commission Chair, and the Mayor.
 - 1. The signatures on the plat of the owners of the land and of the Mayor, when recorded, functions as an acceptance of the dedication of any streets or public places and vests the fee of those parcels of land in the Town for the public for the uses named or intended in the plat. However, such a dedication does not impose liability upon the Town for public streets and other public places that are dedicated in this manner but are unimproved unless adequate financial assurance has been provided in addition to the Town accepting the dedication.

10.2.6 POST-APPROVAL ACTIONS

- A. The subdivider shall record the approved subdivision plat with the County Recorder's Office within 90 calendar days after the Town approves the subdivision application, provided that the subdivider has provided all improvement guarantees required by Chapters 10.3 and 10.4 of this Title. The subdivider shall not record the approved subdivision plat until the subdivider has provided all such required guarantees.
 - a. An approved plat not properly recorded within the timeline specified in Subsection 10.2.6(A) is void, unless the Planning Commission approves an extension.
 - b. An approved plat, the required improvements for which are not completed or guaranteed before recording, is void, unless the Planning Commission approves an extension.

10.2.7 EXCEPTIONS TO SPECIFIC APPLICATION AND PLAT REQUIREMENTS

A. Agricultural Land:

- 1. Applications to subdivide agricultural land are exempt from the preliminary and final plat and improvement plan requirements (but not the other application requirements) of Chapter 10.2.2 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, a subdivider 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 subdivider 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 Chapters 10.2.5 and 10.2.6.
4. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall no longer be exempt under this Chapter and shall be required to conform to typical plat requirements. The Town may, in its discretion, impose the penalty in Chapter 10.1.7 and/or require a subdivision amendment before issuing a building permit.

B. Minor Subdivisions:

1. Applications to subdivide land are exempt from the preliminary and final plat and improvement plan requirements (but not the other application requirements) of Chapter 10.2.2 if the subdivision:
 - a. Results in no more than nine (9) parcels;
 - b. Is not traversed by the mapped lines of a proposed street (as shown in the Redmond General Plan), Town easement, or any other land required for or intended to be dedicated for public purposes;
 - c. Has been approved by the culinary water authority, the sanitary sewer authority (if applicable), and the Central Utah Public Health Department;
 - d. Is located in a zoned area; and
 - e. Is already serviced by an existing and improved street such that no public improvements are required.
2. For subdivision applications for which this exception applies, a subdivider 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.
3. If the Town approves a subdivision application based on a record of survey map and metes-and-bounds description, the subdivider 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 Chapters 10.2.5 and 10.2.6,

except that the Town shall also provide the notice required in Utah Code §10-9a-605(1).

C. Development Agreements:

1. At the request of a subdivider, the Town may approve a subdivision through a development agreement entered into between a subdivider and the Town.
 - a. The Town Council shall not enter into any development agreement until the Planning Commission has held a public hearing and provided a recommendation to the Town Council.
2. Subdivisions platted in a valid development agreement are exempt from the application and review and approval requirements of this Title.
3. Clauses in a valid development agreement with the Town superseded 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.

10.2.8 AMENDING A SUBDIVISION

A. Vacating a Subdivision: 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, in accordance with Utah Code.

B. Subdivision Amendments:

1. A fee owner of land, as shown on the last county assessment roll, in a platted subdivision may request a subdivision amendment by filing a written petition with the Planning Commission. This petition must meet all the requirements for a preliminary subdivision application specified in Chapter 10.2.2, with the following changes:
 - a. The preliminary plat (or the record of survey map, if applicable) should:
 - i. Depict only the portion of the subdivision that is proposed to be amended;
 - ii. Include a plat name distinguishing the amended plat from the original plat;

- iii. Describe the differences between the amended plat and the original plat;
 - iv. Include references to the original plat; and
 - v. Meet all the other preliminary plat requirements specified in Chapter 10.2.2.
- b. The petition must additionally include:
- i. The name and address of each property owner affected by the petition; and
 - ii. The signature of each of those property owners who consents to the petition; and
 - iii. Certification from the surveyor who prepared the amended plat, according to Chapter 10.2.2(C)(6)(e) of this Title.
- c. The petitioner must include with the petition envelopes addressed to each property owner in the subdivision.
2. Upon receipt of an amendment petition, the Town Clerk , shall provide notice of the petition to:
- a. 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 Clerk may notify the utility providers in any effective manner (email, mail, etc.).
 - b. Each property owner in the subdivision. The Town Clerk shall notify these property owners by mail.
3. The Planning Commission 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:
- a. A property owner objects in writing to the amendment within 10 days of the Town notifying the property owner by mail, or
 - b. Not every property owner in the subdivision has signed the revised plat.
4. The Planning Commission may not approve a petition for a subdivision amendment unless the amendment identifies and preserves any easements owned

by a culinary water authority for existing facilities located within the subdivision.

5. Notwithstanding Chapter 10.2.8(D)(3), the Planning Commission 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:
 - a. Join two or more of the petitioner's contiguous lots;
 - b. Subdivide one or more of the petitioner's lots;
 - c. 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;
 - d. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
 - e. 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.
6. The Planning Commission may approve the vacation or amendment of a plat by signing the amended plat showing the vacation or amendment if the Planning Commission finds that:
 - a. There is good cause for the vacation or amendment; and
 - b. No public or private harm; and
 - c. No public street or municipality utility easement has been vacated or amended.
7. If the Planning Commission approves the amendment petition, the Mayor and PC Chair shall sign the amended plat in the manner described in Chapter 10.2.5.
8. The petitioner shall then record the plat, subject to the completion or guarantee of any improvements, as described in Chapter 10.2.6, after the plat has been signed, acknowledged, and dedicated by each owner of the portion of the plat that is amended.

10.2.9 LOT LINE ADJUSTMENTS

- A. 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 Planning Commission requests.
- B. If the adjustment will not result in a violation of a land use ordinance or an adverse development condition, the PC and PC Chair shall approve the petition.
- C. If the adjustment is approved, the PC Chair and Mayor shall sign the record of survey map and accompanying metes-and-bounds description.
- D. The petitioner shall record in the County Recorder's Office:
1. A notice of lot line adjustment that:
 - a. Is approved by the land use authority; and
 - b. Recited the legal descriptions of both the original properties and the properties resulting for the exchange of title; and
 2. A document of conveyance.

CHAPTER 10.3 SUBDIVISION IMPROVEMENTS

10.3.1 REQUIRED IMPROVEMENTS

The following improvements are required for all subdivisions, except those that qualify under the Agricultural Land exemption of Chapter 10.2.7(A):

- A. Monuments and Lot Staking:
1. Permanent monuments shall be accurately set and established at such points as are necessary to definitively establish all lines of the plat except those outlining Individual lots. Monuments shall be of a type approved by Joseph Town Council.
 2. Survey stakes shall be placed at all lot corners so as to completely identify the lot boundaries on the ground.
- B. Utilities, including water, septic/sewer, telephone, cable, gas, and electricity.

1. Water lines and fire hydrants: A culinary water supply, waterlines, and fire hydrants shall be required as follows.
 - a. The subdivider shall have prior approval for connections to the system or other source and shall make such water available to each lot within the subdivided area at the subdivider's expense. Sizes of water mains shall be subject to the approval of the Town and shall be based upon fire protection requirements, but in no case shall they have a diameter of less than eight (8") inches.
 - b. Additions to the Town water system shall be in accordance with R309 Series 500 of the State of Utah Drinking Water Rules for Public Drinking Water Systems. Further, additions to the water system shall meet the requirements of the Sevier County Fire Marshall, who is the local fire suppression authority.
 - c. Additions to the water system shall be checked on the computer model of the town water system to ensure that the addition meets the requirements of the Rules.
 - d. Water system additions may be subject to impact fees, as published on the Town's Fee Schedule.
 - e. Fire hydrants shall be installed at intervals within the subdivision in such a manner that no lot will be a distance greater than five hundred (500') feet from the closest hydrant, measured along the streets.
 - f. Fire Hydrants shall be in compliance with standards adopted by the Monroe City Fire Chief and the Joseph Town Culinary Water Department.
2. Sewage Disposal: A subdivider must certify in written form from the State Health Department to the Planning Commission, prior to approval, that all lots in the subdivision are tested and are found adequate for installation and operation of septic tank systems in concurrence with State Health Department regulations.
3. Storm Water: Subdivision improvements must ensure that stormwater is contained within the subdivision with water quantities measured by the 100-year storm table. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.
4. Natural gas: If natural gas is made available to the Town, the subdivider must provide for connection to each lot.
5. Electricity, Telephone, and Other Utilities: These improvements shall be

completed before the streets are hard surfaced to each lot.

- a. A subdivider shall be required to provide street lights in conformity with the Town street light standards.
 - b. All power lines, telephone lines and normal overhead lines shall be placed underground by the subdivider.
- C. Streets, curbs, gutters, sidewalks, trails, and other improvements described in Chapter 10.4 of this Title.
1. All streets shall be graded, compacted with a minimum of 6” untreated base course (UBC), and paved with a minimum of 3” Hot Mixed Asphalt (HMA) or constructed per a Geotechnical Engineer’s recommendation.
 2. Traffic regulatory, safety, and street identification signs shall be erected.
 3. Streets must also follow the requirements in Chapter 10.4.2 of this Title.
- D. Any other infrastructure (or infrastructure improvement) that is reasonably necessary to meet the needs of the proposed development.

10.3.2 COST OF IMPROVEMENTS

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

10.3.3 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 Chapter 10.3.4.
- B. 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 and do not pose a risk to public health or safety. All public improvements are subject to the warranty described in Chapter 10.3.5.
1. The subdivider shall, in accordance with the Town’s Fee Schedule, pay to the Town an inspection fee before the Town shall accept any improvements.

- C. The provisions of this Title do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.
- D. For subdivisions where no performance guarantee has been posted, if the improvements are not completed within the period specified in the approved subdivision improvement plan, the approval shall be deemed to have expired. In those cases where a performance guarantee has been posted and required improvements have not been installed within the terms of such performance guarantee, the Town may thereupon declare the guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the guarantee is declared to be in default. In the event that the un-released portion of the guarantee is not sufficient to pay all the cost for installing the required improvements, the Town may maintain an action against the person giving the guarantee for the necessary amount to complete the improvements.

10.3.4 IMPROVEMENT GUARANTEES, COMPLETION ASSURANCES, AND WARRANTIES

- A. If a subdivider elects to guarantee any required improvement, the subdivider 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; The sum of the completion assurance shall not exceed:
 - 1. 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and
 - 2. 10% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.
- 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 subdivider may furnish a bond with corporate surety, which bond shall be approved by the Town Attorney and filed with the Town Clerk.
 - a. The bond shall have an express irrevocable term of two (2) years from the date of approval of the final plat of the subdivision. Further, such bond shall contain language unconditionally guaranteeing the performance of the subdivider, A provision shall be provided for unconditional payment of the face amount of the bond within thirty (30) days from the day the Town declares, for cause, that the subdivider is in default.

2. Escrow. The subdivider 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 Clerk.
- D. As improvements are completed, inspected, and accepted by the Town, the Town Council shall, each quarter, at the option of the subdivider, issue a partial release of bonded or escrow funds proportional to the improvements accepted during the prior quarter.
1. Subject to maintenance provisions contained in this Code below, the Town will not accept dedication of required improvements, or release or reduce a performance guarantee, until the Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the subdivider's engineer or surveyor has certified to the Town Engineer, through submission of detailed "as-built" survey plats of, the subdivision, indicating location, dimensions, materials, improvements and other information required by the Planning Commission and Town Engineer, that the layout of the line and grade of all public improvements is in accordance with the Town approved construction plans for the subdivision and that a title insurance policy has been furnished to the Town and Town Engineer indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances.
 2. In no event shall a performance guarantee be reduced below 25% retainage of the principal amount until total completion and acceptance of the improvements by the Town.
 3. After acceptance by the Town of the improvements, the Town shall, to warrant that the improvements are free of defects, either:
 - a. Retain 10% of the principal amount of the guarantee for an additional 12 months; or
 - b. If the subdivider supplies a separate guarantee equal to 10% of the principal amount of the initial improvement guarantee, accept the new warranty guarantee and release the prior guarantee.
- E. If all required improvements are not completed within two years from the day of final application approval, the party who guaranteed the improvements shall be in default, and at the option of the Town Council, shall relinquish the remaining amount of the performance guarantee to the Town.
- F. Even if the infrastructure improvement is not complete, the Town shall still issue a

building permit as long as the improvement is essential for issuing a building improvement under the building and fire codes or for which the Town has accepted a completion assurance; but the Town may deny it if there is another valid reason besides the incomplete improvement.

- G. 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.
- H. Upon acceptance of all required improvements, the subdivider shall warrant that said improvements shall remain free from defects in material and workmanship for a period of twelve (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 twelve-month period.
 - 1. If the subdivider guarantees all required public improvements under this Section before recording a plat, 10% of the principal amount of the guarantee shall be retained during this 12-month warranty period as described in Paragraph (D) of this Section.
 - 2. If the subdivider completes any required public improvements before recording a plat, then the subdivider shall provide a 12-month, 10% warranty guarantee on those improvements, as described in Paragraph (D) of this Section, before the Town accepts the improvements and before the plat is recorded
 - 3. If, during the 12-month warranty period, any defects are discovered in the public improvements warranted under this Section, the Town may use the funds from the guarantee to cover repairs to the improvements.

CHAPTER 10.4 SUBDIVISION DESIGN STANDARDS

10.4.1 SUBDIVISION DESIGN STANDARDS, GENERALLY

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

- A. The current (2017) 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 Joseph Town and references to “engineer” shall mean Joseph Town’s engineer.

- B. The current (2017) edition of the Manual of Standard Plans published by the Utah Chapter of the American Public Works Association (APWA), as amended.
- C. All Town land use, building, and development ordinances, including those in this Title.
- D. Any design standards promoted by Sevier County Development Officials applicable to the Town.
- E. The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, and trees and vegetation.
- F. Land subject to hazardous conditions such as landslides, mud flows, rock falls, snow avalanches, ground subsidence, shallow water table, open quarries, floods, and polluted water supply shall be identified and shall not be subdivided until the hazards have been eliminated or evidence submitted that said hazards will be eliminated by the subdivision and construction plans.

10.4.2 STREETS

A. Grading and Paving:

1. Minimum street grades of 0.6% running slope will be required with the maximum grade being 7 per cent for collector streets and 10% for minor streets. Where the observance of this standard is unfeasible, the Planning Commission shall have the power to grant an exception when special pavement surfaces and adequate leveling areas are installed or in the opinion of the Planning Commission the best subdivision of the land is thereby secured.
2. After all earth work is completed and brought to lines, grades, and cross sections, the sub-grade shall be brought to a firm unyielding surface by rolling or other means of compaction. All soft material which will not compact readily shall be removed and approved sub-based material will be placed when required by the Planning Commission.
3. All sewer and water trenches located in street and sidewalk areas shall be thoroughly compacted, it shall be the subdividers responsibility to restore to grade and resurface all street and sidewalk areas damaged from later settlement of such trenches. The Subdivider shall be responsible for any settlement within trenches for a period of 12 months following the final completion date of the construction phase in which the trench work was completed.

4. A minimum of 6 inches of Untreated Base Course (UBC) shall be prepared and placed on the sub-grade. Earthwork. Place 8 inch maximum layers, dampen (do not soak), and mechanically tamp to 95% of minimum of maximum density as established by ASTM-D 1557. Granular base shall meet the requirements of UDOT Standard Specifications Section 301 for Road and Bridge Construction. Granular base shall be within the following limits:

Table 10.4 – Required Street Grading and Paving	
Sieve Size	Percent passing (Dry Weight)
1 inch	100
½ inch	79-91
No.4	49-61
No.16	27-35
No. 200	7-11

5. Any work within a UDOT right-of-way shall be completed in accordance with UDOT requirements. The subdivider is responsible to secure a UDOT encroachment permit and must meet all UDOT requirements for pavement and base construction, pipeline bury depth, backfill and flowable fill, traffic control, bonding, and other UDOT requirements.
6. After the establishment of a suitable road base (minimum of 6” UBC), the street shall be a minimum of 3” bituminous material. The selection of the mix to be determined by the Town Engineer. The bituminous material shall be prepared and installed in accordance with the APWA standards of this Town and State of Utah.

B. Street Widths: Major and collector streets shall conform to the width assigned on the Master Street Plan wherever a subdivision falls in an area for which a Master Street Plan has been adopted. Where a Master Street Plan has not been completed at the time the Preliminary Plan is submitted to the Planning Commission, streets shall be provided as follows:

1. Residential streets shall have a minimum width of fifty-four (54) feet.
2. Collector streets shall have a minimum width of sixty-six (66) feet as required by

fire code.

3. Secondary arterial streets shall have a minimum width of eighty-seven (87) feet, or as shown on the General Plan, whichever is greater.
 4. Minimum width of roadway wherever curb and gutters are installed (face to face of curb) shall be as follows:
 - a. For residential streets- forty-four (44) feet.
 - b. For collector streets and arterial - sixty-six (66) feet, or conform to Master Street Plan, whichever is greater.
 5. Rural residential roadways shall have a minimum right of way with fifty-four (54) feet, with a roadways width of forty-four (44) feet.
 6. Flag lots access road minimum fifty-four (54) feet with a one-hundred (100) feet diameter cul-de-sac.
- C. Alleys: Alleys shall have a minimum width of twenty (20) feet. Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the Planning Commission.
- D. Reverse Curves: Reverse curves shall have a tangent of at least ninety (90) feet unless in the opinion of the Planning Commission such is not necessary.
- E. Street Intersections: Streets shall intersect each other as near as possible at right angles. Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees. Offsets in street alignment of more than ten (10) feet or less than one hundred twenty (120) feet shall be prohibited.
- F. Street Curves: Where the street lines within a block deflect from each other at any one point more than ten (10) degrees, there should be a connecting curve. The radius of the curve for the inner street line should not be less than 350 feet for major streets, 250 feet for an important neighborhood street, and 100 feet for minor streets.
- G. Curbs, Gutters and Sidewalks: In subdivisions in which one or more lots have frontage, along a public street, curbs gutters and sidewalks shall be installed on both side of all streets (except on streets bounding the subdivision, curbs, gutters and sidewalks shall be required only on the subdivision side); minimum width for sidewalks is 4 feet and curb and gutters 2 feet, however, required sidewalks may be waived by the Town Council upon recommendation of the Planning Commission.
- H. Street Names: Proposed streets shall bear a number, obviously a continuation of another

already in existence should bear the same number (or name). Before a street is named, the proposed name and number must be submitted to and approved by the Planning Commission.

- I. Street Dedications: All streets shall be dedicated for public use. The dedication of half streets in any subdivision is prohibited, except on the borders.
- J. Relations to Adjoining Street System: The arrangement of streets in new subdivisions shall make provision for the continuation the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) unless variations are deemed necessary by the Planning Commission, insofar as such may be deemed necessary by the Planning Commission, for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.
- K. Cul-de-sacs: Cul-de-sacs (end turn around). Each cul-de-sac shall have a minimum right-of-way width of fifty-four (54) feet and must be terminated by a turn around of not less than one-hundred (100) feet in diameter. Surface water must drain away from the turn-around, except that where surface water cannot be drained away from the turn-around along the street, due to grade, necessary catch basins and drainage easements shall be provided.
- L. Easements: Where alleys are not provided, easements of not less than seven (7) feet on each side of all rear lot lines and side lines will be required where necessary for poles, wire, conduits, storm or sanitary sewers, gas and water mains, and other public utilities. Easements of greater width may be required along property lines where necessary for surface overflow or for the extension of main sewers or similar utilities. Eminent Domain shall be used by Joseph Town if necessary.
- M. Protection Strips: Where subdivision streets parallel contiguous property of other owners, the subdivider may retain a protection strip not less than-one foot in width between the street and the adjacent property, provided that an agreement approved by the Town has been made by the sub- divider contracting to dedicate the one foot or larger protection strip free of charge to the town for street purposes upon payment by the then owners of the contiguous property to the subdivider of a consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements properly chargeable to the contiguous property, Plus the value of one-half the land in the street at the time of the agreement, together with the interest at a fair rate from the time of the agreement, until time of subdivision of such contiguous property. Buffering will be in

accordance with the General Plan.

- N. Parks and Public Spaces: In subdividing property, consideration shall be given to suitable sites for parks, playgrounds and other areas for public use. Any provision for such open spaces shall be indicated on the preliminary plat.

10.4.3 BLOCKS AND LOTS

A. Blocks:

1. Length: The maximum length of blocks, generally, shall be 660 feet. Smaller blocks may be recommended by the Planning Commission and approved by the Town Council.
2. Width: The width of blocks generally shall be sufficient for two lots.
3. Use: Blocks intended for business or industrial use shall be designed for such purposes with adequate space set aside for off-street parking, alleys, and delivery facilities.

B. Lots:

1. Building Sites: The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for building and be properly related to topography and conform to requirements set forth herein.
2. All lots shown on the subdivision plan must conform to the minimum requirements of the Zoning Title.
 - a. The minimum width for lots shall be as required by the Zoning Title for area and shall not be less than 85 feet at the setback line.
 - b. The minimum area of a lot shall not be less than 1/3 Acre (14,520) square feet so as to provide adequate area for the sewage disposal system to operate properly and adequately use lots for the purpose in which they were designed.
 - c. Any lot owned or purchased prior to the effective date of this ordinance that is 10,625 square feet or greater, but less than 14,520 square feet may be exempted from the minimum lot size of this ordinance provided, the owner of said property makes a request for exemption to the Planning Commission and upon recommendation of the Planning Commission is approved by the Town Council.
 - d. The minimum square footage of any living quarters shall have a minimum of not less than 1000 square feet at ground level, not including garage.

C. Frontage on Street: Each lot on a cul-de-sac shall be determined by an engineered design which will follow the Ordinances of Joseph Town.

1. Double frontage lots shall be prohibited, This does not include corner lots.
2. Comer lots shall have extra width for maintenance of required setbacks.
3. Remnants of lots below minimum size leftover must be attached to adjacent lots rather than allowed to remain as unusable parcels.

10.4.4 DRAINAGE

- A. Lots shall be designed and graded to direct stormwater runoff in a way that prevents flooding, erosion, or sediment transfer onto adjacent properties. Each lot must include adequate measures, such as swales, berms, sumps, or drainage systems, to manage stormwater on-site for the 10-year, 24-hour storm event.
1. The exception is, unless the subdivider can utilize an existing storm drain infrastructure that is properly sized for the additional flow that will be added and the Planning Commission approves.
- B. Design plans should minimize stormwater pollutant load by incorporating features like permeable surfaces, rain gardens, or sediment traps, where feasible, to reduce potential water pollution.

10.4.5 IRRIGATION

- A. In a proposed subdivision with irrigation ditches running adjacent to frontage or within the area to be subdivided, the subdivider shall provide culverts or bridges in conformance with UDOT Standards and or irrigation company standards for the purpose of providing proper access to each lot in the proposed subdivision.
1. In no cases shall the culvert be less than twelve (12) inches in diameter and ten (10) feet long.

10.4.6 FENCING

The fencing of canals, open ditches, and waterways, non-access streets, open reservoirs or bodies of water, railroad rights-of-ways and other such features judged by the Planning Commission to be a potential hazard, shall be required in a manner satisfactory to the Planning Commission.

10.4.7 INSPECTION OF IMPROVEMENTS

Sevier County Building Inspector shall inspect or cause to be inspected all structures, streets, fire hydrants, water supply and sewage disposal systems in the course of construction, installation or repair, etc. Excavation for fire hydrants, utilities, water and sewer mains and laterals shall not be covered over or back-filled until such installation shall have been approved by Joseph Town. If any such installation is covered *before* being inspected and approved, it shall be uncovered after

notice to uncover has been issued to the responsible person.

10.4.8 IMPROVEMENTS COMPLETED

No final plat of a subdivision of land shall be recorded without receiving a statement signed by the town engineer or designee certifying that the improvements described in the subdivider's plans and specifications have been completed, that they comply with the requirements of this Title, and that they comply with the standards, rules and regulations for subdivisions approved by the Planning Commission, which standards, rules and regulations are hereby incorporated in this Title by reference.