

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

March 17, 2022

Agenda review with Planning Commissioners at 6:00 p.m.

1. **CALL TO ORDER 7:00 p.m.** (County Commission Chamber Room, Main Floor)
 - a. Roll Call (Commissioners L. Munns, S. Zollinger, K. McGaha, M. Udy, B. Robinson, M. Wilding and J. Holmgren)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **PLANNING COMMISSION TO SELECT A CHAIR AND VICE CHAIR TO SERVE A TERM OF ONE (1) YEAR**
5. **APPROVAL of the February 17, 2022 Planning Commission Minutes.**
6. **UNFINISHED BUSINESS**
 - a. None.
7. **PUBLIC HEARINGS**
 - a. **ZONING MAP AMENDMENT, Z22-003**, Request for a zone change of 56.93 acres from Unzoned to R-1-20 (Residential 20,000 sq. ft.). The request is for all lots within Phase 1 and 2 of the Brookside Ranches Subdivision located at 13500 North East Garland Road. **ACTION**
8. **NEW BUSINESS**
 - a. **WARBURTON AGRICULTURAL SUBDIVISION, AS22-003**, Request for approval for an agricultural subdivision located at approximately 78500 West Etna Road in the Etna/Grouse Creek area of Unincorporated Box Elder County. **ACTION**
 - b. **NEW BEGINNINGS SUBDIVISION, SS22-003**, Request for approval for a subdivision located at approximately 15125 North 4400 West in the Riverside area of Unincorporated Box Elder County. **ACTION**
9. **WORKING REPORTS**
 - a. UCIP Training
 - b. Home Occupations/Home Businesses
 - c. Subdivisions
10. **PUBLIC COMMENT**
11. **ADJOURN** _____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES FEBRUARY 17, 2022

The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Commission Chambers at 7:00 p.m. The following members were present by a roll call, constituting a quorum:

Roll Call

Mellonee Wilding	Chairman
Jared Holmgren	Vice-Chair
Kevin McGaha	Member
Michael Udy	Excused
Steven Zollinger	Member
Bonnie Robinson	Member
Laurie Munns	Member

the following Staff was present:

Scott Lyons	Excused
Marcus Wager	County Planner
Destin Christiansen	County Planner
Steve Hadfield	County Attorney
Jeff Scott	Commissioner
Diane Fuhriman	Executive Secretary

Chairman Mellonee Wilding called the meeting to order at 7:00 p.m.

The Invocation was offered by **Commissioner Bonnie Robinson**.
Pledge was led by **Commissioner Laurie Munns**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the January 20, 2022 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Laurie Munns** to approve the minutes as written. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

ORDINANCE TEXT AMENDMENT, Z22-001, Request for a text amendment to remove Chapter 3-8-1, Master Planned Community Zone, from the Box Elder County Land Use Management & Development Code. ACTION

Staff explained the Box Elder County Planning Commission had directed staff to request consideration that a text amendment be made to remove Chapter 3-8-1, the Master Planned Community Zone from the Box Elder County Land Use Management & Development Code.

Staff read the standards for reviewing zoning text amendments as they apply to this request as follows:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The General Plan states: "Box Elder County understands that future development is most likely to occur in areas where adequate services are available. The County does not support extending services through or into areas that have not been identified for future development. With respect to responsible land use planning and efficient resource use, it is the County's preference that growth and development take place within existing communities or in unincorporated areas within which adequate services are or may be made available."

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; This text amendment would apply to all areas of unincorporated Box Elder County, the Planning Commission needs to decide if this amendment would be harmonious.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed amendment would likely have little effect on adjacent property. Whether the affect is adverse is possibly subjective and up to adjacent property owners. The public hearing process may shed additional light on this subject.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection. The proposed text amendment would likely reduce the effect on the facilities in the area of development.

The public hearing was then opened for comments. There were no comments.

Hearing no comments, a motion was made by **Commissioner Laurie Munns** to close the public hearing on the Ordinance Text Amendment Z22-001. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

ACTION

Staff explained county code allows for text amendments subject to review procedures and approval by the County Commission with a recommendation from the Planning Commission. The Planning Commission needs to determine if this application meets the standards in Section 2-2-080 outlined above.

Staff reminded the Planning Commission a text amendment application was received earlier requesting to reduce the minimum acreage needed from 100 to 50 acres. That request has since gone before the County Commission and was approved. Staff does not have any applications that would be vested under that approval.

Commissioner Mellonee Wilding asked if the Planning Commission forwards a recommendation of approval to the County Commission for the removal of the Master Planned Community Zone from county code, and the County Commission agrees and approve it, would that nullify the prior approval of reduced acreage? Staff replied it would.

Commissioner Bonnie Robinson thanked staff for moving quickly on this text amendment and for doing such an efficient job.

Commissioner Mellonee Wilding stated if there are going to be Master Planned Communities, it means there will be city services. The state has paved the way to be able to annex into a city willing to extend their services. The county would not be prohibiting anyone from developing, it just needs to be done under the umbrella of a city. She does not see any reason to have those communities serviced by the county when they have the ability to annex into the city.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for Ordinance Text Amendment Z22-001, a request for a text amendment to remove Chapter 3-8-1, Master Planned Community Zone, from the Box Elder County Land Use Management & Development Code and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

ORDINANCE TEXT AMENDMENT, Z22-002, Request for a text amendment to change Chapter 5-3, Signs, of the Box Elder County Land Use Management & Development Code.
ACTION

Staff stated this request is to update Chapter 5-3 Signs, of county code. The amendment would take out the ability for electronic signs to be in all zones and to further clarify the chapter to be more concise. In the last legislative session there was a bill allowing any billboard to be converted to a digital billboard if code allowed on-premise signs to be digitized, but not off-premise. The US Supreme Court is also currently making a decision on allowing billboards to be converted to digital. Staff is trying to be consistent and stay ahead of whatever decision is made by not allowing electronic signs in any sign zone.

Staff reviewed Section 2-2-080 of county code as it applies to this request as follows:

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County’s General Plan; The County General Plan doesn’t specifically address signage, but does address land uses that may rely upon signage. For those land uses it states “Box Elder County

understands that future development is most likely to occur in areas where adequate services are available. The County does not support extending services through or into areas that have not been identified for future development. With respect to responsible land use planning and efficient resource use, it is the County's preference that growth and development take place within existing communities or in unincorporated areas within which adequate services are or may be made available.”

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; This text amendment would apply to all areas of unincorporated Box Elder County.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection. The proposed text amendment should not have an effect on the adequacy of facilities.

The public hearing was then opened for comments.

Hearing no comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Ordinance Text Amendment, Z22-002. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

ACTION

Staff recommended the Planning Commission recommends forwarding a recommendation of approval to the County Commission along with the conditions listed in the staff report.

MOTION: A Motion was made by **Commissioner Laurie Munns** to forward a recommendation of approval to the County Commission for application Z22-002, an ordinance text amendment to change Chapter 5-3, Signs of the Box Elder County Land Use Management & Development Code, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

(See Attachment No. 2 – Proposed Text Amendment.)

NEW BUSINESS

AGRICULTURE PROTECTION AREA, AP22-01, Request to create a new agricultural protection area on multiple parcels around the Brigham City area of Unincorporated Box Elder County. ACTION

Commissioner Bonnie Robinson recused herself as she is a property owner in this request.

Staff explained the applicants are requesting to establish an Agriculture Protection Area on approximately 339.11 acres located on multiple parcels in the West Brigham City area. The surrounding land use is Rural Residential and Agricultural. The surrounding zones are A-20 and RR-5.

Staff read the approval standards for reviewing the creation of an Agricultural Protection Area as they apply to this request as follows:

A. The effect of the creation of the proposed area on the planning policies and objectives of the county; At this time, the County has nothing in place promoting or restricting the creation of Agriculture Protection Areas. The one aspect of Agriculture Protection Areas that affects county planning is that the county cannot change the zoning of or a zoning regulation affecting land within a protection area without written approval from all landowners within the protection area that is affected by the change.

B. Analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305;

- a. Whether or not the land is currently being used for agriculture production;** The proposed parcels are currently being used for agriculture production; however, one parcel (03-109-0044) contains a residence.
- b. Whether or not the land is zoned for agricultural use;** The proposed parcels are zoned for A-20 (agriculture-20 acres) and RR-5 (rural residential-5 acres).
- c. Whether or not the land is viable for agricultural production;** The proposed parcels are viable for agricultural production.
- d. The extent and nature of existing or proposed farm improvements;** 100% of the acreage is currently being used for agricultural production aside from the residence on parcel #03-109-0044.
- e. In the case of an agriculture protection area, anticipated trends in agricultural and technological conditions applicable to the use of the land in question.** This is something Planning Commissioners familiar with agricultural production may be more familiar with.

C. Recommends any modifications to the land to be included in the proposed agricultural protection area; Recommend removing parcels 03-003-0057, 03-003-0058, 03-109-0073, 03-109-0082, and 03-109-0084 from the proposed protection area as the parcels reside within Brigham City limits and the County does not have jurisdiction.

D. Analyzes and evaluates any objections to the proposal; To our knowledge no objections to the proposal have been submitted.

E. Includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal. This recommendation must come from the Planning Commission to the County Commission. Following your motion, staff will prepare a recommendation to the County Commission on your behalf

MOTION: A Motion was made by **Commissioner Jared Holmgren** to forward a recommendation to the County Commission to accept the proposal to create a new Agricultural Protection Area excluding those parcels located in Brigham City. The motion was seconded by **Commissioner Kevin McGaha** and unanimously carried.

BEAR HOLLOW EVENT CENTER SITE PLAN, SP21-010, Request for approval of an events center located at approximately 15010 North Bear Hollow Dr. in the Collinston area of Unincorporated Box Elder County. ACTION

Staff said this request was tabled last month in order to receive updated drawings. The applicant is requesting site plan approval for an event center including hard surface parking and sidewalks on approximately 51 acres located at approximately 15010 Bear Hollow Drive, Collinston area on Parcel: 06-035-0045. The surrounding land use is Agriculture and the surrounding zones are Un-zoned and A-20. County code allows for an event center as a commercial use in un-zoned areas and the Site Plan meets the standards for approval for permitted uses.

Staff recommends approval subject to certain conditions.

MOTION: A Motion was made by **Commissioner Kevin McGaha** to approve SP21-010, a request for approval of a Site Plan for an event center located in Bear Hollow and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

CONDITIONS:

1. Compliance with all review comments from Box Elder County Staff.
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

SURPLUS PROPERTY DISPOSAL FOR COUNTY PROPERTY IN BRIGHAM CITY. ACTION

Staff explained the Box Elder County Commission and Brigham City have proposed an exchange of property. Box Elder County has acquired the building at 100 S. and 100 E. (previously AFCU) and will be using it as the new DMV. North of the building is some parking on the same parcel. There is another 0.26 acre parcel to the north that is paved and improved as a parking lot and is

owned by Brigham City RDA. Box Elder County owns a 0.41 acre and a 0.66 acre unimproved parcel on Forest Street at 975 West and 893 West. Estimates show that the exchange is fair economically, in addition to the benefit based on public policy to provide a benefit to the County and its residents. The County Commission has directed staff to begin the surplus property disposal process as per county policy.

County Policy:

Box Elder County Policy #2000-01 requires all surplus property disposal of real estate to be reviewed by the Planning Commission to ensure they comply with the General Plan, Land Use Management and Development Code and any other applicable ordinances. The Planning Commission shall submit their recommendation within 15 days of the date of decision

Staff has found the County General Plan does not address county owned land within other jurisdictions; the Land Use Code also does not address county owned land within other jurisdictions. Staff recommends the Planning Commission discuss the topic and forward a recommendation to the County Commission.

Commissioner Mellonee Wilding asked if there is a benefit to the county; what would make this a good decision?

Commissioner Bonnie Robinson said one of the parcels on Forest Street is going to be landlocked with the new overpass. Staff explained where the new overpass will be located and thinks there will be an access road to the side of the overpass.

County Attorney Stephen Hadfield stated the Planning Commission’s role is not to forward a recommendation of approval or denial to the County Commission but to ensure it does not violate the County’s General Plan and Land Use Code. Based on the General Plan and Land Use Code not addressing county owned land within other jurisdictions, it becomes a non-issue; there is nothing to violate.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval regarding application number SPD22-01, surplus property disposal exchange of county owned parcels 03-105-0061 and 03-105-0063 for Brigham City owned parcel 03-121-0151, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Laurie Munns** and unanimously carried.

WORKING REPORTS

Home Occupations/Home Businesses

Prior to this meeting staff made available to the Planning Commission the existing Section 5-1-290-Home Occupation and the proposed Section 5-1-290. The intent is to gather their thoughts, information, and any questions they may have.

(See Attachment No. 3 – Home Occupation.)

Staff said one of the prohibited uses in other counties is tanning salons and asked County Attorney Stephen Hadfield what would be the basis for prohibiting tanning salons. **Attorney Hadfield** sees no specific reason; it would be no different than if it was a hair salon.

Commissioner Kevin McGaha said a few years ago there was concern at the state level about kids being exposed to UV rays, which could be a reason for prohibiting tanning salons.

Commissioner Bonnie Robinson likes the idea of having smaller lots verses bigger lots. **Attorney Hadfield** stated there may be an issue if a same business is making a difference based on lot size, it could create a constitutional claim.

Commissioner Mellonee Wilding thinks a Home Occupation/Home Business should look more like a home than a business. If it looks like a business and has employees, it needs to be in a business area. She feels it is unfair some people rent a building and hire employees and some people can make the second floor of their home an office and employ family.

Staff clarified that currently in county code there are both terms of Home Occupations and Home Business. The intent of the proposal would be to eliminate the Home Business as well as the associated definitions and only allow Home Occupations. Anything more than that would then be a commercial operation and would need to re-zone or move to a commercial zone to operate.

Commissioner Mellonee Wilding stated if someone builds a building it is no longer a Home Occupation as defined in county code. A discussion ensued on if an outbuilding is secondary and in addition to, the use of the home. In the proposal, staff has allowed the use of an external building as long as they are not displaying merchandise outside or manufacturing. They would also be able to use an outbuilding like a tough shed for storage etc.

Staff said there is still time for the Commissioners to give feedback on the proposal so they can bring any changes back at a future meeting.

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by **Commissioner Laurie Munns** to adjourn commission meeting. The motion was seconded by **Commissioner Bonnie Robinson** and meeting adjourned at 8:07 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION

STAFF REPORT

Meeting Date: March 17, 2022

Agenda Item #: 6a

Application Type:

Zoning Map Amendment

APPLICANT(S):

Darwin Bee

PROJECT #:

Z22-003

ADDRESS:

Approx. 13500 N East
Garland Road

PARCEL #:

30 individual parcels

CURRENT ZONE:

Unzoned

TYPE OF ACTION:

Legislative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting that 30 individual parcels be rezoned from Unzoned to the R-1-20 (Residential 20,000 sq. ft.) zone. The parcels are all lots in the Brookside Ranches Subdivision and total 56.93 acres.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner to apply for and request a re-zone subject to zoning map amendment approval by the County Commission with a recommendation from the Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Rural Residential	Unzoned
South	Agricultural	Unzoned
East	Agricultural	RR-2
West	Rural Residential	Unzoned

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 2-2-060-A states that zoning map amendments are a legislative proceeding. Per said section:

Decisions regarding a legislative application shall be based on the “reasonably debatable” standard, as follows:

- The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.
- In making such determination, the decision-making authority may consider the following: (1) Testimony presented at a public hearing or meeting; and (2) personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on

such conditions and activities, the values of other properties, and upon the general orderly development of the County.

- The decision-making body should state on the record the basis for its decision.

Box Elder County Land Use Management & Development Code section 2-2-080-E outlines the following standards for review for zoning map amendments.

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;

The County's General Plan states that the East Garland area is primarily agricultural with large lot single family and that the vision for the area suggests continuing the agricultural heritage. Where this subdivision is already divided and developed in single-family lots a residential or rural residential zone is appropriate.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

The area is a combination of mainly agricultural uses and some residential homes. A residential or rural residential zone could be considered harmonious.

C. The extent to which the proposed amendment may adversely affect adjacent property; and

The proposed amendment shouldn't affect the values of adjacent property. The public hearing process may bring forth additional information.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

The demand on the facilities and services created by the proposed rezone should not change.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from Unzoned to R-1-20 (Residential 20,000 sq. ft.) zone and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the re-zone of properties subject to zoning map amendment review procedures and approval.
2. It can be interpreted that the proposed map amendment meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.
3. This application is for a rezone from Unzoned to R-1-20.



RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission has three options to forward as a recommendation to the County Commission.** As this is a legislative decision additional information may be taken into account such as public input, resident preferences, private property rights, economic considerations, etc.

If a recommendation of approval is forwarded to the legislative body staff recommends it be subject to the following conditions:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z22-003, a zoning map amendment from Unzoned to the R-1-20 (Residential 20,000 sq. ft.) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table the review of application number Z22-003, a zoning map amendment from Unzoned to the R-1-20 (Residential 20,000 sq. ft.) zone to (give date), based on the following findings:”

1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z22-003, a zoning map amendment from Unzoned to the R-1-20 (Residential 20,000 sq. ft.) zone based on the following findings:”




1. List findings for denial...

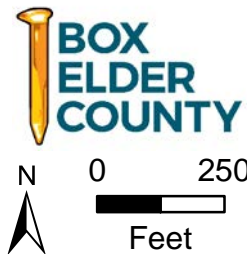
Please feel free to contact Scott Lyons at 435-734-3316 if you have any questions.



Proposed Rezone From Unzoned to Residential Single Family (R-1-20)

Legend

-  Roads
-  Parcels Proposed for Rezone
-  Tax Parcels



BEINS CHRISTOPHER
A ETUX
06-040-0007

JOHNSON
ERIK P
06-040-0025

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User

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PLANNING COMMISSION
STAFF REPORT

Meeting Date: March 17, 2022
Agenda Item #: 7a

Application Type:
Agricultural Subdivision

APPLICANT(S):
Lawrence Warburton

PROJECT #:
AS22-003

ORDINANCE:
State Code 12-27a-605

TYPE OF APPLICATION:
Administrative

REPORT BY:
Scott Lyons,
Community Development
Director

BACKGROUND

The applicant is requesting an agricultural subdivision to separate one parcel into two. Both new parcels both meet the zoning requirements for the area as well as the minimum acreage (parcel 1: 39.82 acres; parcel 2: 39.82 acres) to qualify as an agricultural parcel. The land is located in an un-zoned area in the Etna/Grouse Creek area of Box Elder County.

ANALYSIS

State Code:

Utah State Code Section 12-27a-605 allows subdivisions to be exempt from plat requirements as long as they include agricultural land and Planning Commission approval.

Land Use Ordinance Standards Review:

Utah State Code 17-27a-605(1)(b) and (2)(a)(ii) outlines the following standards for review for agricultural subdivisions.

17-27a-605(1)(b) the proposed subdivision:

- A. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;
Yes.
- B. Has been approved by the culinary water authority and the sanitary sewer authority;
Yes.
- C. Is located in a zoned area; and
Yes.
- D. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.
Yes.

(2)(a)(ii) the new owner of record completes, signs, and records with the county recorder a notice:

- A. describing the parcel by legal description; and
- B. stating that the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.

This document has been prepared and will be recorded following approval of this application.

FINDINGS:

Based on the analysis of the agricultural subdivision application, staff concludes the following:

1. The Utah State Code allows for agricultural subdivisions subject to review procedures and approval from the Planning Commission.
2. The proposed agricultural subdivision meets all of the Approval Standards found in Section 17-27a-605(1)(b) and (2)(a)(ii) of the Utah State Code.

RECOMMENDATION

Based on the information presented in this report and application materials submitted, **staff recommends the Planning Commission APPROVE application AS22-003.**

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number AS22-003, an agricultural subdivision, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

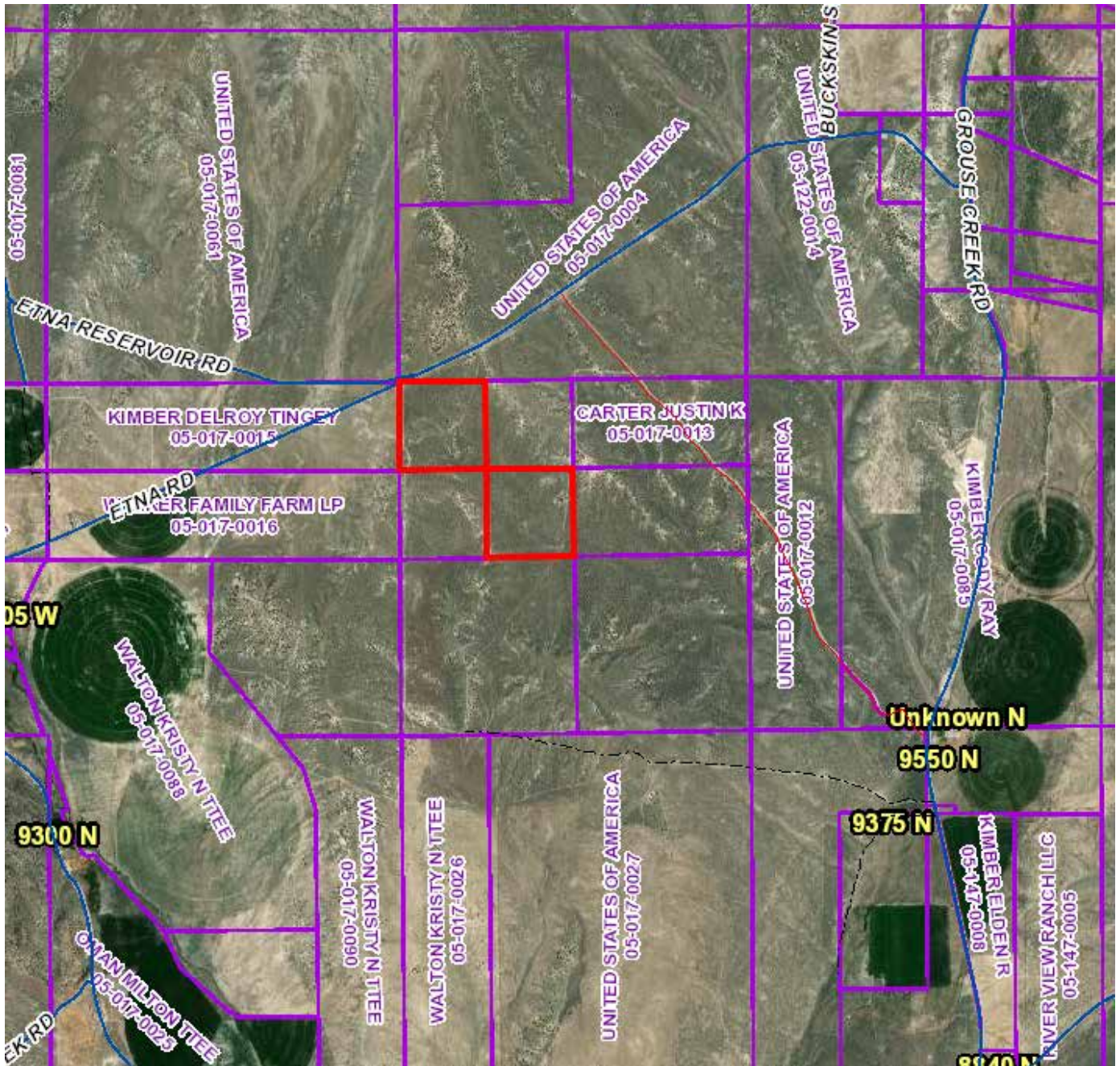
Table – “I move the Planning Commission table application number AS22-003, an agricultural subdivision, to (give date), based on the following findings:”

1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number AS22-003, an agricultural subdivision, based on the following findings:”

1. List findings for denial...

Please feel free to contact Scott Lyons at 435-734-3316 if you have any questions.



**PLANNING COMMISSION
 STAFF REPORT**

Meeting Date: March 17, 2022

Agenda Item #: ?

Application Type:
 Final Subdivision

APPLICANT(S):
 Jacob Jensen

PROJECT #:
 SS22-003

ADDRESS:
 15125 North 4400 West

ZONE:
 UNZONED

PARCEL #:
 06-048-0014

REPORT BY:
 Destin Christiansen,
 County Planner

BACKGROUND

The applicant is requesting Final approval of the New Beginnings Subdivision plat. The proposed subdivision is for 5 new lots, ranging from .80 acres to 1.51 acres in size. The existing parcel is 25 acres in size.

ANALYSIS

Land Use Ordinance Standards Review:

Land Use Management & Development Code 6-1-190 requires the subdivision of property receive final approval from the Box Elder County Commission with prior approval from the Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Rural Residential/Agriculture	Unzoned
South	Rural Residential/Agriculture	Unzoned
East	Rural Residential/Agriculture	Unzoned
West	Agriculture	Unzoned

Access:

Access will come off of 4400 West for the whole subdivision.

Utilities:

The County has received utility will-serve letters from the power, gas, and water companies and they are satisfactory for this subdivision. We have also received a feasibility letter from the Bear River Health Department. A soils report has also been submitted.

Setbacks:

All setbacks for the Unzoned area can be met. Setbacks will be reviewed and enforced during the building permit process.

County Department Reviews:

This application was started as a preliminary subdivision plat application, but has been changed over to a final subdivision plat application. At this time, we have not yet received the final plat to begin the reviewing process; however, all applicable County departments will be reviewing this subdivision.

Findings:

Based on the analysis of the proposed subdivision plat and a survey of surrounding area, staff concludes the following:

1. With conditions outlined in the recommendation section of the staff report, the final subdivision plat will comply with the final subdivision regulations of Box Elder County.

RECOMMENDATION

Based on the information presented in this report, application materials submitted, and the site review, **staff recommends the Planning Commission could either APPROVE the final plat with conditions OR TABLE the final plat until the following conditions have been met:**

-IF TABLING:

1. Table the application for up to 3 months.
2. The application can be brought back to the Planning Commission upon receipt of the final subdivision plat and the plat has been substantially reviewed by all applicable County departments.

-IF APPROVING:

1. Compliance with all County Staff reviews and comments.
2. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

Approval– “I move the Planning Commission approve application number SS22-003, a final plat for the New Beginnings Subdivision, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

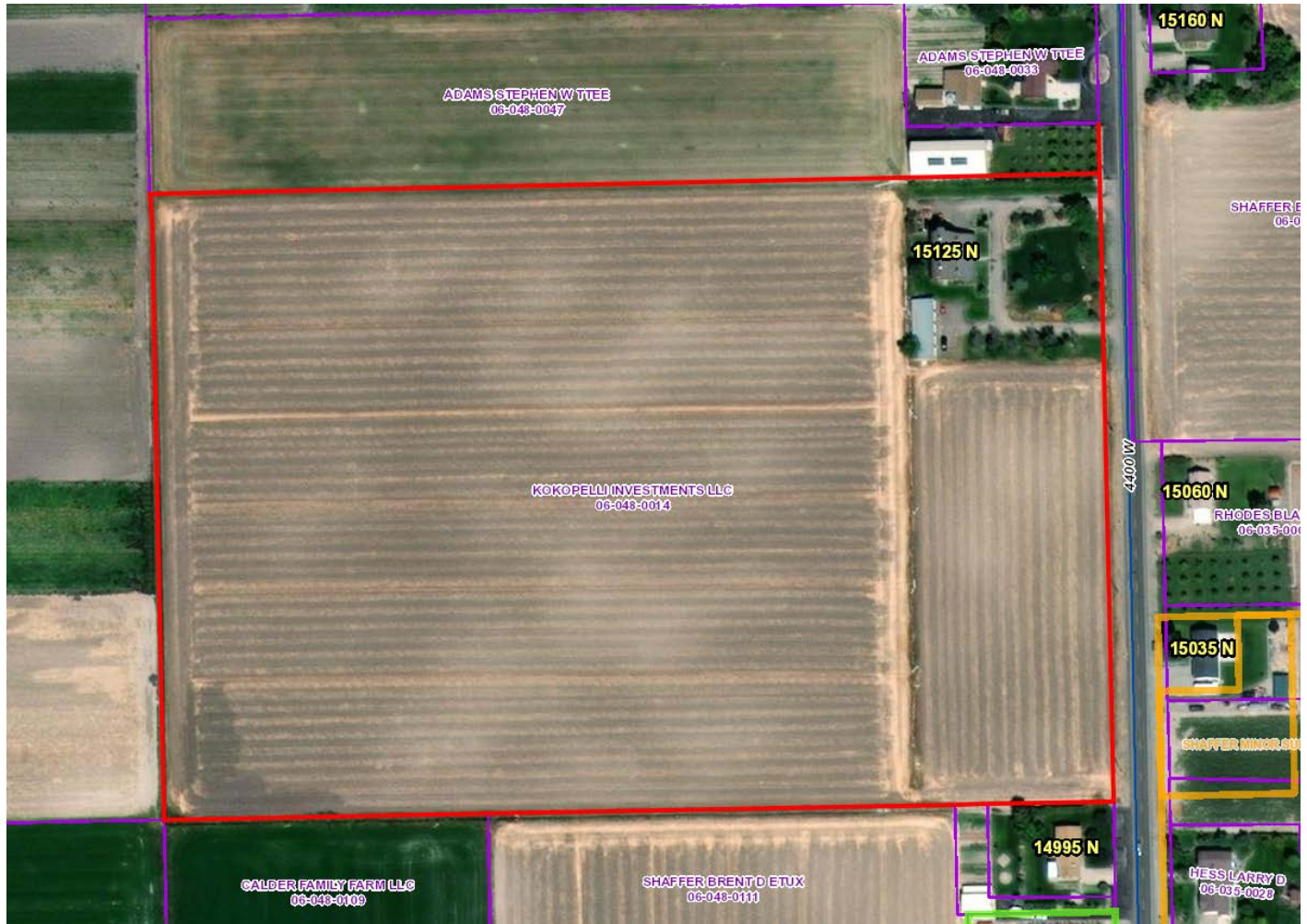
Table– “I move the Planning Commission table application number SS22-003, a final plat for the New Beginnings Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”

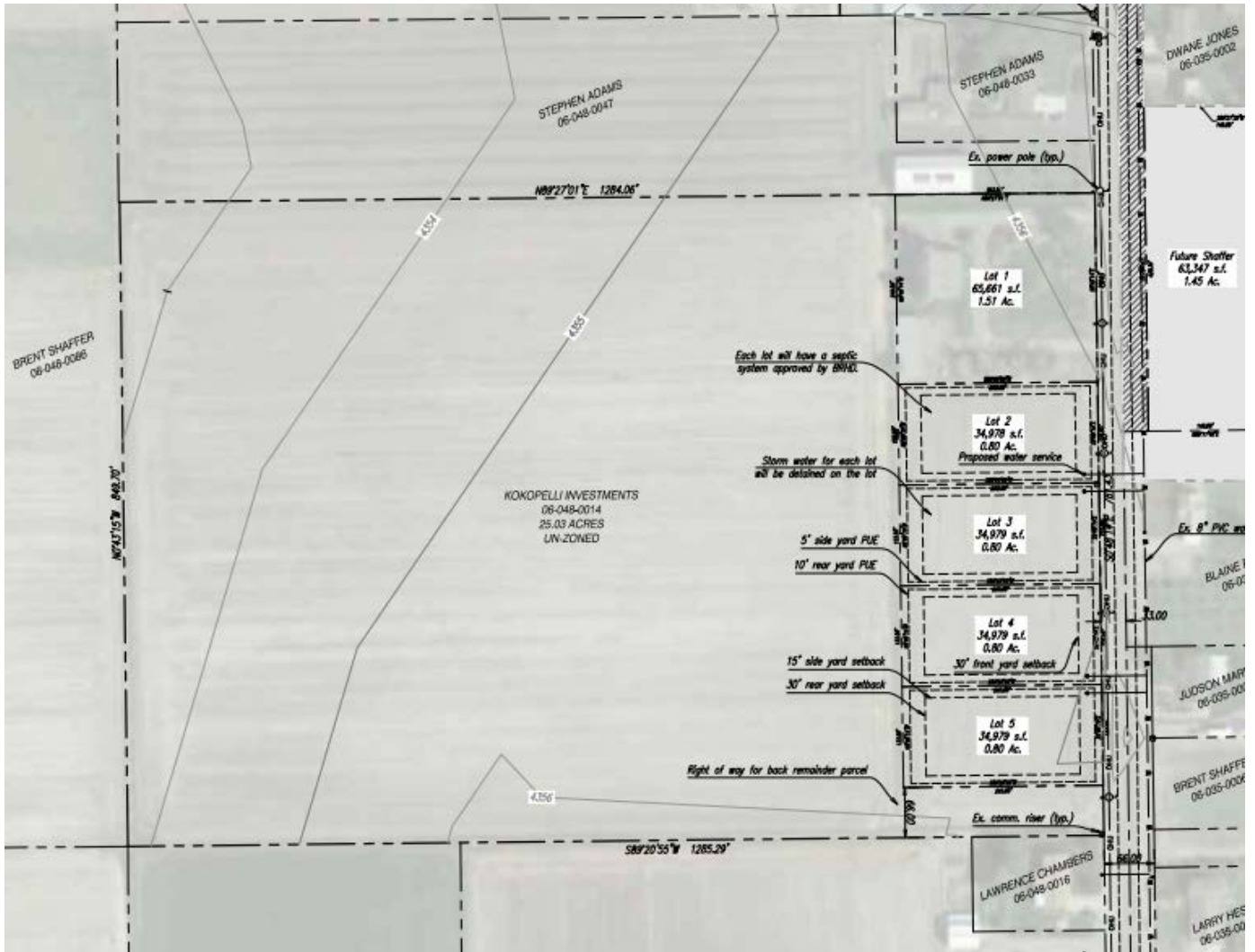
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial– “I move the Planning Commission deny application number SS22-003, a final plat for the New Beginnings Subdivision, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

Please feel free to contact Destin Christiansen at 435-695-2547 with any questions.





5-1-290. Home Occupation.

- A. Conditional Use Permit may be approved by the Planning Commission for a home occupation, i.e., an occupation of a person or family where they reside and which occupation is clearly incidental and secondary to the use of the structure for dwelling and residential purposes, and does not change the residential character of the dwelling or the neighborhood, and in connection with which there is no display and/or stock of merchandise.
- B. The home occupation shall not involve the use of any accessory building, either attached or detached, which substantially changes the character of the dwelling or of the neighborhood.
- C. The Planning Commission's review of an application in arriving at affirmative findings to meet the above policies shall also include the following specific standards:
 - 1. No employees (members of the immediate family residing in the home are not considered employees).
 - 2. No unusual traffic (delivery trucks, commercial vehicles, heavy equipment etc.) is permitted either on or off-site which are not customarily observed in residential use.
 - 3. No parking except for customary automobiles and other traditional residential vehicles including vans and pickups.
 - 4. No parking lots for more than four (4) vehicles on the premises outside of the residential structure(s).
 - 5. All required parking will be accommodated on-site.
 - 6. Unusual waste, or amounts, residential or otherwise may not be generated.
 - 7. Unusual electronic interference may not be generated.
 - 8. Non-residential dust, odors, noise, and other contamination may not be generated
- D. When day-care and pre-school centers for four (4) or more children under the age of fourteen (14) for more than four (4) hours a day are approved as "home occupations" the following conditions will also be required:
 - 1. A license shall be issued by the Utah Department of Workforce Services for the same, and all regulations and conditions imposed by that agency observed.
 - 2. Copies of all required State licenses will be attached to the application.
 - 3. Outside yard space will be fenced for the protection of the children (contain them safely).

- E. When a foster care home for more than one school age child, older person, or preschool child is approved as a “home occupation,” the following conditions will also be required:
1. A social worker licensed by the State shall submit to the County Commission, in writing or shall appear in person, to explain how the applicant complies with all the applicable State regulations.
 2. The host family shall be a husband and wife legally married or otherwise found to be a suitable host for a foster child by the County Commission.
 3. The foster child or adult can be assimilated reasonably well into the family (socially).
 4. The residence occupied by the host family and those placed in foster care shall have adequate eating, sleeping, living and sanitary facilities for the foster care individuals, the host family and all natural and adopted children of the host family
 5. There will be reasonable privacy and freedom for the foster care individuals to allow normal living and social growth.
 6. The foster care home is reasonably located with respect to neighborhood and other public facilities.
 7. The County Commission shall make a determination that approving the application will not adversely impact the neighborhood.
 8. The number of foster care persons living in the home shall be limited to five (5) or less.
- F. A Conditional Use Permit may be approved administratively by the Zoning Administrator for certain Home Occupations such as, daycare, computer/office services, professional, or crafts etc. under the following conditions:
1. The occupation is clearly incidental and secondary to the use of the structure for dwelling and residential purposes, and does not change the residential character of the dwelling or the neighborhood, and in connection with which there is no display and/or stock of merchandise.
 2. The home occupation shall not involve the use of any accessory building, either attached or detached, which substantially changes the character of the dwelling or of the neighborhood.
 3. The Zoning Administrator’s review of an application in arriving at affirmative findings to meet the above policies shall also include the following specific standards:
 - a. No employees (members of the immediate family residing in the home are not considered employees).
 - b. No unusual traffic (delivery trucks, commercial vehicles, heavy equipment etc.) is permitted either on or off-site which are not customarily observed in residential use.

- c. No parking except for customary automobiles and other traditional residential vehicles including vans and pickups.
- d. No parking lots for more than 4 vehicles on the premises outside of the residential structure(s).
- e. All required parking will be accommodated on-site.
- f. Unusual waste, or amounts, residential or otherwise may not be generated.
- g. Unusual electronic interference may not be generated.
- h. Non-residential dust, odors, noise, and other contamination may not be generated.
- i. When day-care and pre-school centers for 4 or more children under the age of 14 for more than 4 hours a day are approved as a home occupations the following conditions will also be required:
 - 1) A license shall be issued by the Utah Department of Workforce Services for the same, and all regulations and conditions imposed by that agency observed.
 - 2) Copies of all required State licenses will be attached to the application
 - 3) Outside yard space will be fenced for the protection of the children (contain them safely).

5-1-290. Home Occupation (Proposed).

A. *Definitions.*

1. “Home Occupation” shall mean any business activity, other than those listed below, which is conducted entirely within a dwelling or attached garage and is clearly incidental, secondary and in addition to the use of the structure for dwelling purposes. The purpose of the home occupation section is to allow the use of a portion of a home by one of its residents for business purposes, while establishing standards to ensure that the business use of the home will not adversely impact the residential character of the neighborhood in which the home occupation is located.

Unless otherwise prohibited herein, a home occupation is allowed as specified in respective zones provided it maintains compliance with the requirements and standards listed in this section.

B. *Prohibited uses.* The following uses are prohibited as home occupations:

1. Ambulance service;
2. Animal and veterinary clinic;
3. Any use involving the storage or sale of inflammable, explosive, or hazardous materials;
4. Body piercing, body art, or tattoo parlor;
5. Clinic or hospital;
6. Junkyards;
7. Lawn mower or small engine repair;
8. Major appliance repair or sales (washer, dryers, refrigerators, etc.);
9. Mortuaries or crematoriums;
10. Motor vehicle, boat, or recreational vehicle repair or sales (to include auto body repair);
11. Restaurant;
12. Sexually oriented business.
13. Tanning salons (ask Steve);
14. Towing operations;
15. Trucking or heavy equipment operations; or
16. Welding, iron works, foundries.

C. *Exemptions.* The following activities are exempted from regulation under this section:

1. Garage or yard sales; provided the sale is held for not more than three (3) consecutive days, and no more than two (2) times per year at the same location, and no consignment goods are offered for sale;
2. Temporary social gathering sales that do not exceed one (1) day, such as candle parties, book parties, etc. not to exceed four (4) occurrences per year.

D. *Requirements.* A home occupation shall comply with the following requirements:

1. An application for a land use permit with a site plan depicting the site boundaries and relevant buildings or facilities on-site shall be required in order to verify zoning requirements.
2. The property owner's written authorization shall be submitted as part of the application for the home occupation.
3. The home occupation shall obtain an annual business license.

E. *Standards.* A home occupation shall comply with the following standards:

1. The primary use of the dwelling must be residential. The extent of a home occupation shall be incidental and secondary to the use of the property for residential purposes.
2. The person(s) operating the business must reside in the dwelling on a full-time basis (at least nine months per year). Up to two additional persons may be employed by the home occupation provided the residence is on a lot with a minimum of one (1) acre in area.
3. The home occupation shall retain the general character and appearance of a residential dwelling and not change the general character of the neighborhood except for approved signage and parking. No exterior remodeling shall take place that would change the residential appearance of the home.
4. Interior structural alterations made to the home are allowed only if they are consistent with its primary use as a dwelling.
5. Except as specified herein, the home occupation shall only be carried on inside a dwelling unit. The home occupation shall not use any space in a yard or any space on the premises outside of the dwelling. This does not apply to the following:
 - a. A child day care or preschool, or an adult day care may use outdoor facilities for outdoor recreation or leisure.
 - b. Instructional activities may be conducted outdoors or in an accessory building provided that the instruction is limited to lessons and lesson-related equipment, materials, or objects in such a manner that maintains compliance with subsection E(3) of this section. Instructional activities conducted outdoors or in an accessory building shall not involve any of the following:
 - 1) Manufacturing, industrial processes, or the use of heavy equipment or machinery;
 - 2) Commercial scale assembly or creation of goods or materials;
 - 3) Commercial scale construction or contractor activities; or
 - 4) Outdoor storage.
6. Customers shall be allowed at the residence only if scheduled on an appointment basis, and are only allowed between the hours of seven a.m. (7 AM) and nine p.m. (9 PM). The hours of operation for day-care and preschool centers shall not begin any earlier than six a.m. (6 AM), or operate later than ten p.m. (10 PM) seven days a week. Group lessons or sessions shall not exceed six people at a time.

7. When day-care and preschool centers for 4 or more children under the age of 14 for more than 4 hours a day are approved as a home occupation, the following conditions will also be required:
 - a. A license shall be issued by the Utah Department of Workforce Services for the same, and all regulations and conditions imposed by that agency observed.
 - b. Copies of all required State licenses will be attached to the application.
 - c. Outside yard space will be fenced for the protection of the children (contain them safely).
8. Any instructional activity, except child day-care or preschool, or adult day care, that is conducted outdoors or in an accessory building shall require a minimum lot size of **two (2)** acres. Instructional activities shall not include recitals, competitions, tournaments, shows, or performances that may draw spectators.
9. Home occupations with visiting clientele will be subject to the following standards:
 - a. No more than one home occupation with visiting clientele shall be permitted on any property.
 - b. No home occupation with visiting clientele shall be allowed in multifamily dwelling units.
10. The storage or display of supplies, inventory, equipment, or materials in any portion of the yard is prohibited.
11. The home occupation shall not substantially increase the demand for public services in excess of those usually and customarily provided for residential uses. It shall not substantially increase foot and vehicular traffic, parking, noises, lighting, glare, vibration, odors, smoke, dust or airborne particulate matter, heat, fumes, refuse, interference with radio and/or television reception, or anything else that is uncommon to the established character of the neighborhood to such a degree as to constitute a nuisance to the residents of the immediate area.
12. The home occupation shall not create noise in excess of 60 decibels as measured from the property line.
13. Outdoor lighting used for the home occupation shall be downward directional and one hundred percent (100%) shielded from view from adjacent properties.
14. In addition to the parking spaces required for the residents of the dwelling, parking for customers and for any employee(s), if allowed under subsection (6) above, must be provided in the driveway or garage.
15. No vehicle larger than a passenger car, van, or one-ton pickup truck is allowed to be brought to, parked on, or stored on the property in conjunction with a home occupation.
16. There shall be no storage or parking on the premises or on the adjacent streets in the vicinity of the premises of tractor trailers, semi-trucks, or other heavy equipment used for an off-premises business for which the dwelling is being used as a home occupation office except that not more than one 14,000 pound or less truck (Class 3 GVWR or less) may be parked on-premises during off-work hours at night. A work trailer up to 22 feet in length may be parked at night as part of the home occupation business. All trucks and trailers used as part of the home

occupation shall be licensed and registered, and parked in accordance with this land use code.

17. Only those tools, equipment, or electric apparatus that are commonly used as accessories to or in conjunction with residential uses are allowed to be used as part of the home occupation.
18. Barber or beautician services shall be limited to two stations per residence.
19. The condition of the dwelling and landscaped areas shall be well maintained.
20. The home occupation shall maintain compliance with all applicable local, state, and federal regulations.

F. *Home occupation sign.* Any sign must comply with Chapter 5-3 of the Box Elder County Land Use Management and Development Code. **A land use permit is required for the sign. Any modification made to the permitted sign requires a new land use permit. No freestanding or banner signs shall be permitted.**

G. *Inspections.* Inspection during reasonable hours by county officials may occur as necessary to assure compliance with these regulations.

H. *Regulations and Enforcement.*

1. An application for a home occupation shall be submitted to the Planning and Zoning Department of Box Elder County for review and shall be accompanied by the application fee. Upon finding that the applicant understands and agrees to comply with the standards set forth in Section 5-1-290(E), the application shall be approved.
2. All home occupations are required to obtain a Box Elder County business license. The business license shall be renewed each year that the business is in operation.
3. Violations of the standards set forth in Section 5-1-290(E) shall be subject to the penalties outlined in Chapter 2-4 of this code. In addition, a business license revocation hearing may be scheduled at the discretion of the Box Elder County zoning administrator for any home occupation found to be in violation of the home occupation standards or of any other county ordinance.
4. The business owner is responsible for complying with all applicable health, fire, building and safety codes.
5. All home occupations shall be reviewed for compliance with the provisions of this section.
6. A change of business ownership and/or relocation to a new address is considered a new business and requires separate approval.

Box Elder County Land Use Management & Development Code

Article 6: Subdivisions

Chapter 6-1 – Subdivisions

Sections.

- 6-1-010. Purpose.
- 6-1-020. Interpretation.
- 6-1-030. Definitions. (~~Ordinance 309; 2-17-09~~)
- 6-1-040. General Considerations.
- 6-1-050. General Responsibilities.
- 6-1-060. Compliance Required. (~~Ordinance 389; 10-1-2014~~)
- 6-1-070. Exceptions to Plat Requirements.
- ~~6-1-0780.~~ Required Certificates, Permits, and Reviews.
- ~~6-1-0890.~~ Penalties.
- 6-1-1090. Variances.
- ~~6-1-1010.~~ Staff Authority.
- ~~6-1-110. Public Hearings and Comments.~~
- 6-1-120. Administrative Review of Small Subdivisions.
- 6-1-130. Large Subdivision Preliminary Plat.
- 6-1-140. Large Subdivision Final Plat.
- 6-1-150. Construction Plan – Preparation and Required Information.
- 6-1-160. Review by the County Engineer.
- ~~6-1-170. Planning Commission Action.~~
- 6-1-1870. Review by the County Attorney.
- ~~6-1-1980.~~ Review by the County Commission.
- ~~6-1-20190.~~ Security for ~~Public~~ Improvements.
- ~~6-1-2100.~~ Payment of Fees.
- 6-1-2210. Recording of Final Plat.
- ~~6-1-2320.~~ Expiration of Final Approval.
- ~~6-1-2430.~~ General Requirements for All Subdivisions. (~~Ordinance 249; 357~~)
- 6-1-2540. Requirements for PUD and Non-Residential Subdivisions.

6-1-010. Purpose.

The purpose of this Code, and any rules, regulations, standards and specifications hereafter adopted pursuant hereto or in conjunction herewith are:

- A. To promote and protect the public health, safety and general welfare.
- B. To regulate future growth and development within the County in accordance with the General Plan and to promote the efficient and orderly growth of the County.

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Article 6: Subdivisions

- C. To provide procedures and standards for the physical development of subdivisions of land ~~and construction of buildings and improvements thereon~~ within the County ~~including, but not limited to, the construction and installation of roads, streets, curbs, gutters, sidewalks, drainage systems, water and sewer systems, design standards for public facilities and utilities, access to public rights-of-way, dedication of land and streets, granting easements or rights-of-way~~ and to establish fees and other charges for the authorizing of a subdivision and for the development of land and improvements thereon.
- D. To provide for adequate light, air, and privacy, to secure safety from fire, flood and other dangers, ~~and to prevent overcrowding of the land and undue congestion of population.~~
- E. To provide for harmonious and coordinated development of the County, and to ensure sites suitable for building purposes and human habitation.

6-1-020. ~~Interpretation.~~ Applicability.

~~In their interpretation and application, the provisions of this Code shall be considered as minimum requirements for the purposes set forth.~~ Where the provisions of this Code impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this Code shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this Code, the provisions of such statute, other regulation, ordinance or covenant shall prevail. If questions of interpretation occur, the County Zoning Administrator shall be responsible for such interpretations.

6-1-030. Definitions.

Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is mandatory and the term "may" is permissive. The following terms as used in this Code shall have the respective meanings hereinafter set forth.

Alley: A public way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

Applicant: The owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have notarized written authorization from the owner.

Block: The land surrounded by streets and other rights-of-way other than an alley, or land which is designated or shown as a block on any recorded subdivision plat ~~or official map~~ or adopted plat ~~adopted by the County Commission.~~

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Building: A structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

Capital Project: An organized undertaking which provides, or is intended to provide, the County with a capital asset. "Capital Asset" is defined according to generally accepted accounting principles.

County: Generally, the unincorporated area of Box Elder County, but may also refer to the County as whole.

County Commission: The elected legislative body of Box Elder County.

~~Collector Street: See Streets.~~

Community Development Department: The County department authorized by the County Commission to oversee the Land Use Development & Management Code.

Community Development Director: The person appointed by the County Commission to perform the duties and responsibilities of Community Development Director and Zoning Administrator, as defined by County ordinances and resolutions.

Condominium: The ownership of a single unit in a multi-unit project together with an undivided interest in the common areas and facilities of the property created pursuant to the *Utah Condominium Ownership Act (UCA §57-8-1 et seq. as amended)*.

~~Condominium Subdivision: See Subdivision.~~

The Code: The Box Elder County Land Use Development & Management Code as presently adopted and as amended hereafter by the County Commission.

~~Cul-de-sac: See Streets.~~

Developer: Any person, applicant, firm, partnership, corporation or association who causes improvements to be constructed, land use to be changed, or land to be subdivided for himself/herself or others.

Easement: A present or future right of use under, on, or above the surface of property by a person or agency other than the legal owner of the property.

Family: One individual, or two or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household. A family

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may include four, but not more than four, non-related persons living with the residing family. The term “family” shall not be construed to mean a group of non-related individuals, a fraternity, club or institutional group.

Fee Schedule: The schedule of fees adopted periodically of the County Commission setting forth various fees charged by the County.

Final Plat: A map of a subdivision, required of all subdivisions, which is prepared for final approval and recordation, and which has been accurately surveyed, so that streets, alleys, blocks, lots and other divisions thereof can be identified; such plat being in conformity with the ordinances of the County and 17-27a Part 6 ~~601-607~~ of the *Utah Code Annotated*, ~~1953~~ 2005, as amended.

Financial Guarantee Agreement shall be the following as prescribed by the County A letter of credit and/or escrow or bond with a Utah Lending Financial Institution.

~~1. The Financial Guarantee requires:~~

- ~~a. The establishment of a letter of credit or institution escrow for 120% of the County Engineer approved Cost Estimate of materials and labor for installing the required improvements~~
- ~~b. Upon completion and inspection of the required improvements, Box Elder County Commissioners will release the escrow amount. However, 20% of the original escrow must be retained for the warranty period, one (1) year for the improvements. Upon the expiration of the financial guarantee warranty period, and after a satisfactory inspection of all improvements, the remaining amount will be released by the county Commission upon recommendation of the County Engineer.~~

Financial Guarantee Warranty: A promise that the materials and workmanship of improvements will comport with standards that the county has officially adopted; and will not fail in any material respect within a warranty period.

Flag Lot: A lot ~~that has been approved by the County where the staff has a minimum width of thirty (30) feet, and where the staff has a maximum length of two hundred and fifty (250) feet, and conforms to Ordinance 249 amending provisions of the Box Elder Land Use and Development Code passed 2001~~ accessed through a private driveway and located behind other properties or lot(s).

Flood, One Hundred Year: A flood having a one percent chance of being equaled or exceeded in any given year.

Flood, Ten Year: A flood having a 10 percent chance of being equaled or

Box Elder County Land Use Management & Development Code

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exceeded in any given year.

Flood Plain, One Hundred Year: That area adjacent to a drainage channel which may be inundated by a 100-year flood as designated on the most recent Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

~~Freeway: See Streets.~~

General Plan: The comprehensive, long-range General Plan for proposed future development of land in the County, as provided in 17-27a-401 of the *Utah Code Annotated*, ~~1953~~ 2005, as amended.

~~Half Streets." See streets.~~

Land Use Authority: A body or person designated by the Box Elder County Code as the responsible party for the processing and decision-making concerning a land use application, the County General Plan, ordinance amendments, and/or variances.

Lot (Legal): A unit of land shown as a lot or parcel on a subdivision plat map, a condominium record survey map, or other record of survey map provided it is created pursuant to this Code.

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

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

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

Lot Access Easement or Private Right-of-way: An easement or privately owned access road, reserved by the lot owner as a private access to serve interior lots not otherwise located on a street.

~~Master Street Plan: See Official Map.~~

Box Elder County Land Use Management & Development Code

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Natural Drainage Course: Any natural watercourse which is open continuously, but may have intermittent flows, for flow-of that generally allows for the flow of water in a definite direction or course.

Official Map: A map drawn by Box Elder County and recorded in the County Recorder's Office that: shows actual and proposed rights-of-way, ~~centerline alignments, and setback~~ for highways and other transportation facilities; Provides a basis for recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal and includes the possibility of acquiring the property through purchase, gift, voluntary dedication, or eminent domain and may require the dedication and improvement of a street if the dedication if the street is found necessary by the County because of a proposed development and if the dedication and improvement is consistent with exaction law.

~~A.—provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and~~

~~B.—has been adopted as an element of the Box Elder County General Plan.~~

Owner: Any person who alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, executor or trustee) has legal or equitable title to any property.

Parcel: A contiguous quantity of real property defined by metes and bounds which has a separate property identification number according to the records of the County Recorder and is not shown on a recorded final subdivision plat.

Park Strip: The area located between a street right-of-way line and the edge of asphalt or curb, but not including driveways, ditches, sidewalks, or trails.

Person: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, including a trustee, receiver, assignee or similar representative of any of the forgoing.

~~**Planned Unit Development (PUD):** An integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements. Planned Unit Development regulations may govern the subdivision of land if it is proposed by the development to sell individual lots in the Planned Unit Development. Thus Planned Unit Development regulations can be subdivision regulations which may be chosen by the~~

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~~developer as an alternative to specifically designated subdivision regulations of this Code, to become effective only through the Planned Unit Development approval process.~~

Planning Commission: The Land Use Authority called the Box Elder County Planning Commission.

Preliminary Plat: The initial formal plat of a proposed land division or subdivision showing information and features required by the provisions of this Code.

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

Public Improvements: Streets, curb, gutter, sidewalk, water and sewer lines, storm sewers, and other similar facilities which are required to be dedicated to the County in connection with subdivision, conditional use, or site plan approval.

Public Way: Any road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right-of-way.

Secondary Water System: Any system which is designed and intended to provide, transport and store water used for watering of crops, lawns, shrubberies, flowers and other non-culinary uses.

Sidewalk: Any strip or section of concrete, asphalt, or other hard surface that provide an appropriate surface a minimum of four feet in width, typically located adjacent to vehicle roadways, intended for use as a walkway for pedestrians. In cases where the sidewalk abuts a curb, then the minimum width of the sidewalk shall be six feet. Reference County Standards in Article 5 for details.

Small Subdivision: means a subdivision of not more than three (3) lots.

Streets:

- A. Street - A thoroughfare which has been dedicated to the County and accepted by the County Commission, which the County has acquired by prescriptive right, deed or by dedication, or a thoroughfare which has been abandoned or made public by use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.

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- B. Street, Freeway - A street with a fully controlled access designed to link major destination points. A freeway is designed for high speed traffic with a minimum of four travel lanes.
- C. Street, Half Street - The portion of a street within a subdivision comprising one-half of the minimum required right-of-way.
- D. Street, Major Arterial - A street, existing or proposed, which serves or is intended to serve as a major traffic way and is **designed** ~~designated in the Official Map~~ as a controlled-access highway, major street parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan.
- E. Street, Minor Arterial - Similar to major arterial, but considered to be of slightly less significance because of lower anticipated volume, narrower width, or service to a smaller geographic area.
- F. Street, Major Collector - A street, existing or proposed, which is the main means of access for adjacent development to connect with the arterial street system ~~to the major street system~~.
- G. Street, Minor Collector - A street, existing or proposed, which is supplementary to a collector street and of limited **capacity** ~~continuity~~ which serves or is intended to serve the local needs of a neighborhood **and generally connect to a major collector street**.
- H. Street, Local - A minor street **with limited capacity** which provides access to abutting properties ~~and protection from through traffic~~.
- I. Street, Private - A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as a private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the County and maintained by the subdivider or other private agency.
- J. Street, Cul-de-sac – **A dead-end street with a turnaround of defined length and size as per R** regulations found in ~~Article 5, Exhibit A~~ **public works standards**.

Subdivider: Any person **(S)**:

- A. Who have an interest in land, causes it, directly or indirectly, to be divided into a subdivision or
- B. Who directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or
- C. Who engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale, lease, or development a subdivision, or
- D. Who is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Box Elder County Land Use Management & Development Code

Article 6: Subdivisions

Subdivision: (~~Ordinance 309, 2-17-09~~) Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either **by phases** ~~on the installment plan~~ or upon any and all other plans, terms, and conditions.

A. "Subdivision" includes:

1. the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
2. except as provided in B. 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:

1. A bona fide division or partition of agricultural land for agricultural purposes;
 2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - a. no new lot is created; and
 - b. the adjustment does not violate applicable land use ordinances;
 3. A recorded document, executed by the owner of record:
 - a. revising the legal description of more than one contiguous un-subdivided parcel of property into one legal description encompassing all such parcels of property; or
 - b. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate applicable land use ordinances;
 4. A bona fide division or partition **or joining** of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:
 - a. an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or
 - b. an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility; or
 5. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - a. no new dwelling lot or housing unit will result from the adjustment: and
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- b. the adjustment will not violate any applicable land use ordinance.
- c. the joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision as to the un-subdivided parcel of property or subject the un-subdivided parcel to the county's subdivision ordinance.

Utilities: Includes culinary waterlines, pressure and gravity irrigation lines, sanitary and storm sewer lines, subdrains, electric power, natural gas, ~~cable television~~ broadband, and telephone transmission lines, underground conduits and junction boxes.

Water and Sewer Improvement Districts: Any water or sewer improvement districts existing or hereinafter organized which have jurisdiction over the land proposed for a subdivision.

Zoning Administrator: The person charged with the principal responsibility for interpreting and applying the provisions of the Land Use Development & Management Code and may also be the Community Development Director.

6-1-040. General Considerations.

- A. The ~~General Plan~~ Official Zoning Map as applied to a particular parcel shall guide the use and future development of all land within the corporate boundaries of the County. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses ~~shown~~ as permitted in ~~and the standards established in the General Plan~~, the Box Elder Land Use Development & Management Code, and other applicable ordinances.
- B. Trees, native land cover, natural watercourses, and topography shall be addressed in the subdivision design and ~~be~~ preserved where possible. Trees to be removed shall be replaced within the subdivision on a one to one ration. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with the Box Elder Land Use Development & Management Code. To assure road connections are considered in the design of new subdivisions, the subdivision ~~The design of new subdivisions~~ shall consider, connect, and relate to, existing streets and their street widths, alignments and street names.
- C. Community facilities, such as parks, recreation areas, and transportation facilities shall be provided in the subdivision in accordance with the General Plan standards, Box Elder Land Use Development & Management Code, and other applicable ordinances. This Code establishes procedures for the referral of

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information on proposed subdivisions to interested boards and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of this subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the subdivider shall coordinate with ~~may be required~~ the County to dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements, and other public purposes.

6-1-050. General Responsibilities and Processing.

- A. The subdivider shall prepare plats consistent with the standards contained herein and shall pay for the design, construction and inspection of the ~~public~~ improvements required. The County shall process said plans and plats in accordance with the regulations set forth herein. The subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until subdivider has obtained the necessary approvals as outlined herein.
- B. The Zoning Administrator shall review the information required, plans and plats for design and ~~;~~ ~~for~~ conformity ~~to the General Plan and~~ to the Box Elder Land Use Development & Management Code; for ~~the~~ potential environmental ~~quality~~ detrimental effects of the subdivision design; and shall process the subdivision plats and reports as provided for in this Code.
- C. Plats and/or plans of proposed subdivisions may be referred by the Zoning Administrator to any County departments and special districts, governmental boards, UDOT, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The Zoning Administrator is responsible for coordinating any comments received from public and private entities and shall decide to which agencies to refer proposed subdivision plats and plans.
- D. The County Engineer shall review for compliance the engineering plans and specifications for the County required improvements for the subdivision and whether the proposed County required improvements are consistent with this Code and other applicable ordinances and shall be responsible for inspecting the County required improvements. Street layout and overall circulation shall be coordinated with ~~transportation planning by~~ the Zoning Administrator or designee.
- E. The Planning Commission shall act as an advisory agency to the County Commission. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the General Plan, Box Elder Land Use Development & Management Code, and other

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pertinent documents. After reviewing the final plat and the applicable requirements, the Planning Commission may table the item or recommend approval, approval with conditions, or disapproval of the final plat to the County Commission.

- F. The County Attorney shall verify that the Financial Guarantee provided by the subdivider is acceptable, that the subdivider dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the subdivider, and may review matters of title such as easements and restrictive covenants.
- G. The County Commission has final jurisdiction in the approval of subdivision plats, the establishment of requirements and design standards for ~~public~~ improvements, and the acceptance of lands and public improvements that may be proposed for dedication to the County.

6-1-060. Compliance Required.

- A. It shall be unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the County except in compliance with this Code. No plat of any subdivision shall be recorded until it has been submitted and approved as herein. A plat shall not be approved if such plat is in conflict with any provision or portion of the ~~General Plan, Official Map,~~ Land Use Development & Management Code, or any other state law or County ordinance.
- B. An owner of land not subdivided in accordance with applicable State law and/or County ordinance shall not transfer, sell, or offer for sale such land, nor shall a building permit be issued for a structure thereon, until a final plat of a subdivision shall have been recorded in accordance with this Code and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational. (Ordinance No. 389)
 - 1. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed, for safety purposes, at each street intersection when construction of new roadways allows passage by vehicles.

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- C. All lots, plots or tracts of land located within a subdivision shall be subject to this Code whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee, or contract purchaser of the land or any other person.
- ~~D. Except as otherwise provided, it shall be unlawful for any person to receive a building permit for a lot within a subdivision until water and storm drainage within the subdivision are installed, inspected and approved by the County, and all streets in the subdivision are rough graded.~~
- ~~E. It shall be the responsibility of the subdivider to allow no human occupancy until all necessary utilities are installed, basic improvements are adequate to render the subdivision habitable which improvements shall include paved streets, road base, or other acceptable hard surface and adequate water and water pressure for fire protection are available. It shall be unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy will not be permitted until all required improvements are completed.~~
- F. **D.** The county may bring an action against an owner to require the property to conform to this code as provided under state law. (Utah Code 17-27a-611) **(Ordinance No. 389)**
- ~~G. Exceptions to plat requirement. Public utility subdivision. The subdivision of land for the purpose of a public utility may be done by a meets and bounds description that is approved by the Zoning Administrator and recorded in the County Recorder's Office. The parcel designated for public utilities in a public utility subdivision may have less than the minimum lot area required by the applicable zone. Legal non-conforming parcels shall not lose their legal status if a public utility subdivision is necessary on said parcel.~~

6-1-070. Exceptions to Plat Requirements.

- A. **Public Utility Subdivision:** The subdivision of land for the purpose of a public utility may be done by a meets and bounds description that is approved by the Zoning Administrator and recorded in the County Recorder's Office. The parcel designated for public utilities in a public utility subdivision may have less than the minimum lot area required by the applicable zone. Legal non-conforming parcels shall not lose their legal status if a public utility subdivision is necessary on said parcel.
- B. **Agricultural Subdivisions: ?????**

6-1-0780. Required Certificates, Permits, and Reviews.

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- A. Application:** Applications for each ~~of the separate stages~~ **phase** of subdivision approval (administrative review of small subdivisions, preliminary plat, and final plat) shall be made to the County's Community Development Department. Applications shall be made on the respective forms provided and shall be accompanied by the proper **processing** fee and by the documents and information required by this Code.
- B. Complete Application:** An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances, all applicable fees have been paid, when will serve letters from the power, gas, and water companies, Bear River Health Department letter of feasibility, and a current title report have been submitted. The County Community Development staff shall review the application and determine if it is a complete submittal, and if determined to not be complete, provide an email that describes the missing information or inadequate nature of the information submitted.
- C. Approval:** Action on that application for a ~~stage~~ **phase** of a subdivision approval shall be completed in a timely manner after of the date of submittal of all required information and items to the Community Development Department.

6-1-0890. Penalties.

It shall be a class "C" misdemeanor for any person to fail to comply with the provisions of this Code. In addition to any criminal prosecution, the County may pursue any other legal remedy to ensure compliance with this Code including, but not limited to, injunctive relief.

6-1-1090. Variances.

~~Where the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions, strict compliance with the provisions of this Code would cause an unusual and unnecessary hardship on the subdivider, the Hearing Officer may vary such requirements and require such conditions as will secure, insofar as practicable, the objectives of the requirement varied. Any variance shall be based on a problem with the land. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the Hearing Officer may not find an unreasonable hardship if the hardship is self imposed or economic.~~

A variance may be issued by the Appeal Authority if:

- 1. Literal enforcement of the ordinance would cause an unnecessary hardship and the applicant can demonstrate positive compliance with all of the following:**

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- a. Something unique to the property, not commonly found in the neighborhood
- b. Not self-imposed
- c. Not primarily economic
2. There are special circumstances attached to the property that do not generally apply to other properties in that zone – this means:
 - a. The circumstances must relate to the hardship complained about
 - b. Generally deprives the owner of privileges granted to other properties in the zone
 - c. Are not simply differences between this property and others in the area
3. The variance is needed to enjoy the same property rights as others in the zone
4. The variance will not substantially effect the General Plan and is not contrary to the public interest
5. The spirit of the ordinance is observed and substantial justice done.

6-1-1010. Staff Authority.

For purposes of this Code and for major subdivisions larger than ten (10) lots, the Zoning Administrator and all other officers and employees of the County act in an advisory capacity to the Planning Commission and the County Commission ~~and have no authority to make binding decisions or to make authoritative representations, approvals or determinations other than in a purely advisory and recommending capacity, unless provided for otherwise in~~. The Zoning Administrator and County staff may provide guidance and representations as per the standards and requirements of the Box Elder County Land Use Management & Development Code and adopted standards. After County Commission and Planning Commission approvals for major subdivisions, the staff shall manage the final revisions, guarantees, unpaid fees (if any), prior to recording the subdivision.

~~6-1-110. Public Hearings and Comments.~~

~~When a public hearing is required for any plan, plat, ordinance amendment or application under the terms of this Code or by state statute, the applicable hearing body shall provide reasonable notice of the public hearing at least ten (10) days before the date of the hearing. Reasonable notice shall include: (A) posting notice of the hearing in a newspaper of general circulation in the County, if one is available; or (B) giving actual notice of the hearing. Notice of any predevelopment activity within the County shall be given to nearby entities in accordance with the terms and provisions of Utah Code Ann. § 17-27a-205, as amended. If notice given under authority of this Section is not challenged in accordance with applicable appeal procedures within thirty (30) days from the date of the meeting for which the notice was given, the notice is considered adequate and proper. For~~

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~~purposes of this Code, the term “public hearing” is intended to refer to public hearings required by State law to be conducted by the County for the applicable application. The term “public comment” is intended to refer to public comment taken at a public meeting which is not required as a matter of State law to be taken on the applicable application, but which is provided and taken by the County as a courtesy.~~

6-1-120. Administrative Review of Small Subdivisions.

Proposed small subdivisions ~~may~~ **shall** be **processed and** approved by the County Commission after **compliance** review ~~and a positive recommendation for approval~~ by the Zoning Administrator, the County’s Engineer, County’s Surveyor, the County Roads Supervisor, the Bear River Health Department, the County Fire Marshall, **the County Building Official**, and the County Attorney as outlined in this section.

1. A small subdivision is a subdivision where no more than ~~three~~ **ten (10)** new building lots will be created ~~with no improvements~~.
2. Planning Commission **and County Commission** ~~preliminary and final review and~~ approvals ~~is~~ **are** waived subject to all other conditions and requirement of the Box Elder County Land Use Management and Development Code, including **plat and plan** requirements, ~~as per 6-1-130(c) and 6-1-140(c)~~ for preliminary and final approval being met.
3. The ~~developer~~ **subdivider** shall comply with all recommendations and requirements of reviewing agencies and ~~staff individuals~~.
4. **The subdivision design shall not impede access to interior lands or hamper future road circulation.** ~~The Zoning Administrator, the County’s Engineer, County’s Surveyor, the County Roads Supervisor shall conclude that:~~
 - a. ~~The subdivision does not require dedication of land for new streets or other public purposes;~~
 - b. ~~The subdivision is not traversed by the mapped lines of a proposed street or a street to be widened, as shown on the Official Map; and~~
 - c. ~~The subdivision will not impede access to interior lands or hamper future road circulation.~~
 - d. ~~The subdivision meets the minimum residential access road serving all lots as shown in the BOX ELDER COUNTY ROAD, STORM DRAIN, AND FENCING STANDARD DRAWINGS adopted March 25, 2010.~~
5. **The subdivision shall meet the minimum residential access road requirements serving all lots as shown in the Box Elder County Road, Storm Drain, and Fencing Standards Drawings.** ~~Any reviewing agency or individual listed in this section may require Planning Commission review and approval.~~
6. ~~Each of the lots in a small subdivision must meet the frontage, width, and area requirements of the zone district in which it is located, or must have been granted a variance from such requirements by the Hearing Officer.~~

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6-1-130. **Large Subdivision** Preliminary Plat.

- A. Preliminary Plat – Purpose.** The purpose of the preliminary plat is to require formal preliminary approval of a subdivision as provided herein in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto, shall in all respects, be in compliance with the provisions of this Code and any other applicable County Ordinances.
- B. Application and Fees.** The subdivider of a subdivision shall file an application for preliminary plat approval with the County Community Development Department on a form prescribed by the County, together with **an electronic pdf of the preliminary plat and an electronic pdf of all other information submitted with three copies of the preliminary plat.** ~~After a Title Report, Bear River Health Department Feasibility Letter, and Will Serve Letter for Power, Gas, and Water have been submitted~~ ~~At the same time,~~ the subdivider shall pay an application fee as provided in the Fee Schedule.
- C. Plat Preparation and Required Information.** The applicant shall submit a preliminary plan to the Zoning Administrator. ~~Three (3) copies 24" x 36"; e~~ **One (1) copy 11" x 17 and a 24" X 36" pdf file shall be submitted, along with a pdf of any other documents, forms, studies and supporting plans.** All required documentation shall be submitted at least twenty (20) business days (i.e., the third Thursday of each calendar month) prior to the Planning Commission meeting **and at any time for an administrative review for a small subdivision.**
1. The proposed name of the subdivision.
 2. The plat shall show the location of the subdivision as its forms part of a larger tract or parcel. The submittal shall include a sketch of the prospective future street system of the unplatted portion of the property, and the street system of the part submitted shall be considered in light of adjustments and connections with the future street system of the surrounding area and **to maintain the current grid system** ~~in accordance with the County's General Plan.~~
 3. A vicinity map of the proposed subdivision, drawn at a scale of 500 feet to the inch, showing all lots and streets in the project, and all abutting streets, with names of the streets.
 4. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
 5. A contour map at intervals of **at least no more than 2 feet**, showing all unusual topographic features, **such as depressions, hills, wetlands, drainages,**

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- springs, rock outcroppings, slopes over 30%, etc. with verification by a qualified engineer or land surveyor.
6. Certification of the accuracy of the preliminary plat of the subdivision and any traverse to permanent survey monuments by a land surveyor, registered to practice in the State of Utah.
 7. The boundary lines of the tract to be subdivided, with all dimensions shown.
 8. Existing sanitary sewers, septic tanks, storm drains, subdrains, culinary and secondary water supply mains and culverts and other utilities within the tract or within 100 feet thereof.
 9. The location, widths, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots with the size of each lot in square footage and proper labeling of spaces to be dedicated to the public.
 10. The location, principal dimension, and names of all existing or recorded streets, alleys, and easements, both within the proposed subdivision and within 100 feet of the boundary thereof, showing whether recorded or claimed by usage; the location and dimensions to the nearest existing bench mark or monument, and section line; the location and principal dimensions of all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, power lines, and exceptional topography.
 11. The location of existing bridges, railroad crossings, culverts, surface or subsurface drainage ways, utilities, buildings or other structures, pumping stations, or appurtenances, within the subdivision or within 200 feet thereof, and all known wells or springs (consult Utah State Engineer's Office), and location of the 100-year flood plain as determined by the Federal Emergency Management Agency (FEMA).
 12. Proposed off-site and on-site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants.
 13. A tentative plan by which the subdivider proposes to handle storm water drainage for a ten (10) year storm event ~~an event with a 10-year return interval~~, as determined by the County Engineer.
 14. Each sheet of the set shall contain the name of the project, scale (not less than 100 feet to the inch), sheet number, and north arrow.
 15. Boundary lines of adjacent tracts of unsubdivided land within 100 feet of the tract proposed for subdivision, showing ownership and property monuments. The ~~Planning Commission~~ Community Development staff may ask for a tentative plan for providing street lighting in the subdivision in districts where street lighting is required. Plans showing any required landscaping and/or park strip tree planting shall also be submitted, subject to staff approval.
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16. If the site requires substantial cutting, clearing, grading, or other earthmoving operations in the construction of improvements, the application shall include a soil erosion and sedimentation control plan prepared by a registered civil engineer. This is known as the Storm Water Pollution Prevention Plan
17. Verification as to the accuracy of the plat by the owner. The subdivider shall provide with the application the following documents:
 - a. Copies of any agreements with adjacent property owners relevant to the proposed subdivision (i.e. quick claim deeds, ingress/egress deeds).
 - b. A comprehensive geotechnical and soils report prepared by a qualified engineer based upon adequate test borings or excavations shall be submitted in accordance with the County's Subdivision Standards.
 - i. In cases of small subdivisions, a letter from the design engineer, stamped and signed, certifying the road design against structural deficiencies may be substituted for the geotechnical report and submitted for review and acceptance by the County Engineer/Surveyor.
 - c. A copy of a preliminary title report evidencing satisfactory proof of ownership.
 - d. A letter(s) providing ~~S~~satisfactory evidence that all utilities and services will be available for the subdivision and that the utilities and easements therefore have been reviewed by the utilities.
 - e. An adequate traffic report prepared by a qualified traffic engineer when required by the ~~Planning Commission~~ County Engineer.
 - f. Adequate water pressure report which includes hydraulic calculations for fire hydrant systems and fire hydrants for fire suppression.
 - g. The subdivider shall comply with all other applicable federal, state and local laws and regulations and shall provide evidence of such compliance if requested by the County.
 - h. Copy of proposed protective covenants in all cases where sub-surface drains are to be located within the subdivision.

D. Review and Approval by the Planning Commission.

1. The Planning Commission shall review the submitted preliminary plat in an advertised public meeting and determine compliance with the standards and criteria set forth in this Subdivision Ordinance and all other ordinances of Box Elder County, including, but not limited to, the Box Elder Land Use Development & Management Code, ~~General Plan, Official Map,~~ and applicable building codes. The Planning Commission may recommend: approve~~al~~, approve~~al~~ subject to modification, terminate for processing until

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such time that the application can meet the written standards, or disapprove, if the application cannot meet the written standards of the County ordinances ~~the submitted preliminary plat,~~ and shall make findings specifying any inadequacy in the application, non-compliance with County standards and regulations, ~~questionable or undesirable design and/or engineering,~~ and the need for any additional information which may assist the Planning Commission to evaluate the preliminary plat. The Planning Commission may review all relevant information pertaining to the proposed development including but not limited to the following: fire protection; sufficient supply of culinary and secondary water to the proposed subdivision; sewer service or septic tanks; traffic considerations potential for flooding; ~~burden on~~ coordination issues with the school district, etc. The subdivider shall be notified in writing of the action taken by and the findings of the Planning Commission regarding the submitted preliminary plat.

2. If the Planning Commission denies preliminary plat approval due to the inability of the application to meet County standards, no further review of the proposed subdivision shall be made by the Planning Commission, and a new complete preliminary application and plat, including all fees, shall be required to re-initiate the subdivision process.
3. Granting of a preliminary plat approval by the Planning Commission shall not constitute a final acceptance of the subdivision by the County Planning Commission. Nor shall approval of the preliminary plat relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all County standards and requirements. A preliminary plat approval allows the applicant, after any necessary revisions, to move toward a final plat with the County Commission.

E. Expiration of Preliminary Plan Approval.

1. Once preliminary plat approval has been granted, the subdivider may apply for final plat approval. If the final plat has not been recorded within two (2) ~~one~~ years of the date of the preliminary plat approval by the Planning Commission, the preliminary plat must again be submitted to the Planning Commission for review and approval.
2. In those cases where a subdivision is proposed to be developed in phases, preliminary plat approval for the remaining portions of the subdivision shall

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not be voided if a final plat for the first phase is approved and recorded within ~~one~~ two (2) years of the date of preliminary plat approval.

6-1-140. Large Subdivision Final Plat.

- A. Plat – Purpose.** The purpose of the final plat, for subdivisions larger than ten (10) lots, is to require formal approval by the ~~Planning Commission and~~ County Commission before a subdivision plat is recorded in the Office of the Box Elder County Recorder. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Code. The final plat and construction plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure.
- B. Filing Deadline, Application, and Fees.** Application for final plat approval shall be made within ~~twelve (12)~~ eighteen (18) months after approval or conditional approval of the preliminary plat by the Planning Commission. This time period may be extended for up to twelve (12) months for good cause shown if subdivider petitions the ~~Planning Commission~~ Zoning Administrator for an extension prior to the expiration date, however only one extension may be granted. Such extensions also extend the time period to record the subdivision by a corresponding amount. The subdivider shall file an application for final plat approval with the County Community Development Department on a form prescribed by the County, together with ~~three (3)~~ one (1) pdf copies of the proposed final plat and ~~three (3)~~ one (1) pdf copies of the construction drawings. At the same time, the subdivider shall pay to the County the application fee for the subdivision as set forth in the Fee Schedule.
- C. Final Plat – Preparation and Required Information.** The following items shall be submitted to the Zoning Administrator for Final Plan review. Once all comments from staff have been satisfied and the subdivision is ready for recording, it will be taken to the County Commission for final approval. All ~~required documents are due twenty (20) business days (or the third Thursday of each calendar month) and by appointment with the Zoning Administrator, prior to Planning Commission meeting.~~
1. Drawings shall be prepared and certification made as to plan accuracy by a registered professional licensed surveyor or engineer to do such work in the State of Utah. A workmanlike execution of the plan shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for Final Plan rejection, pending document revisions.

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2. The plan shall be a permanent photo-copy on 3 to 5 mil Mylar ~~or equivalent~~ approved by the County. Submittal of ~~three (3) copies 24" x 36"~~, ~~o~~One (1) copy 11" x 17 and a 24" X 36" pdf file, and all other pdf documents that are a part of the submittal shall be provided.
3. Plats will show accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions, and tied to two or more existing land monuments (and state plane coordinates when required by the County). When the plan is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plan includes all land to the water's edge or otherwise.
4. The plat shall be drawn to a scale not less than 1"-100' and shall indicate the basis of bearings, true North point, name of project and quarter section, block and lot number of property under consideration.
5. The plat shall be signed by all required and authorized parties with appropriate notarial acknowledgments and the final plat shall contain all information set forth in this section.
6. An accurate and complete survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground shall close within a tolerance of 1 foot to 10,000 feet. Survey tie into two or more legal corners or other permanent markers established by the County Surveyor/Engineer is required.
7. The final plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius, arc length of curves, and chord bearings and lengths, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall show the calculated Box Elder County coordinates. Lot and boundary closure shall be calculated to the nearest 100th of a foot.
8. All lots, blocks, and parcels offered for dedication for any purpose should be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot shall be shown. Parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown to determine readily the bearing and length of the

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boundary lines of every block, lot and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.

9. Profiles of all streets, water, sewer, and drainage lines. These profiles should be shown on separate sheets but to a scale no smaller than 1"=20' vertical and 1"=40' horizontal.
10. The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within 50 feet of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.
11. All streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted **County** street numbering system ~~adopted by the County~~. Each lot shall show the street addresses assigned thereto, and shall be according to the standard addressing methods approved by the County. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.
12. The side lines of all easements shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.
13. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider under the direction of the County Engineer/Surveyor. The following required monuments shall be shown on the final plat:
 - a. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;
 - b. All right-of-way monuments at angle points and intersections as approved by the County Engineer.
14. The final plat shall contain the name of the surveyor **and/or engineer**, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgments and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:
 - a. Registered land surveyor's "Certificate of Survey";
 - b. Owners dedication certificate;
 - c. Notary public's acknowledgment for each signature on the plat;

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- d. A correct metes and bounds description of all property included within the subdivision;
- e. Plats shall contain blocks for signature of the Planning Commission, County Engineer (if improvement plans are a part thereof), County Surveyor, County Attorney, and County Commission. A block for the Box Elder County Recorder shall be provided in the lower right corner of the final plat.
- f. Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this Code, or by the County Attorney;
- g. Prior to recordation of the plat, the subdivider shall submit a current title report to be reviewed by the County Attorney. A "**current title report**" is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.
- h. The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the County's Subdivision Standards and Specifications.
- i. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit, with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas.
- j. A narrative shall be included on the plat which states the purpose of the survey, the basis on which the lines were established, and the found monuments and deed elements that controlled the established or re-established lines, any evidence on the ground that helps determine boundaries such as parole evidence, and/or fence lines, etc.

6-1-150. Construction Plan – Preparation and Required Information

Complete and detailed construction plans and drawings of all improvements shall be prepared in conformance to the design standards of the County. They shall be submitted to the County Engineer for review at the same time the final plat is being reviewed. Final approval of the project shall not be granted until the plans have been reviewed and recommended for approval by the County Engineer. No construction shall be started until the final plat has been recorded, the construction plans have been approved by the County, and there has been a preconstruction meeting with the County, developer, and

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the developer's contractor. Plans for all the street utilities shall be drawn on the same plans.

6-1-160. Review by the County Engineer/Surveyor.

The County Engineer/Surveyor shall review the final plat and construction plans and determine compliance with the engineering and surveying standards and criteria set forth in this ordinance and all other applicable ordinances of the County and the State of Utah. The County Engineer/Surveyor shall sign the final plat if the County Engineer/Surveyor finds that the subdivision and the construction plans fully comply with the improvement standards required by this ordinance. The County Engineer/Surveyor shall review the final plat and determine if the survey description is correct, that all easements are correctly described and located and that there is no **interference survey/property line conflicts** with adjacent property owners. The County Engineer/Surveyor shall complete review of the plat and improvement drawings within thirty (30) days after the plat is submitted for review to the Engineer. If the final plat complies, the County Engineer/Surveyor shall sign the plat in the appropriate signature block and forward the plat to the Planning Commission. If the final plat or the construction plans do not comply the County Engineer shall return the plat and the improvement drawings to the subdivider with comment.

~~6-1-170. Planning Commission Action.~~

~~Upon receipt of the final plat signed by the County Engineer/Surveyor, the Planning Commission shall review the plat to determine whether the plat conforms to the preliminary plat, with all changes requested, and with all requirements imposed as conditions of acceptance. As part of the Planning Commission's review, the Zoning Administrator shall check the final plat for completeness and compliance with the requirements of this Code. If the submitted final plat is not acceptable, the Planning Commission shall notify the subdivider and specify the respects in which it is deficient. If the Planning Commission determines that the final plat is in conformity with all requirements and the ordinances of the County it shall recommend approval of the final plat and the Chair of the Planning Commission shall sign the plat in the appropriate block and forward the plat to the County Attorney.~~

6-1-1870. Review by the County Attorney.

The County Attorney shall review the final plat, the signed subdivision improvements agreement, the current title report and the financial guarantee for insuring completion of the improvements to verify compliance with the County's dedication and financial

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guarantee requirements. The County Attorney also may review public easements, protective covenants and other documents where applicable. Upon approval of the items specified in this section, the County Attorney shall sign the plat in the appropriate signature block and forward the plat to the County Zoning Administrator for presentation to the County Commission.

6-1-1980. Review by the County Commission.

Within ~~a reasonable time~~ **eighteen (18) months** following the ~~signing~~ **approval** of the ~~final preliminary~~ plat by the Planning Commission and the County staff, the final plat shall be submitted to the County Commission for its review and consideration **in a public meeting**. ~~The County Commission shall not be bound by the recommendations of the County staff, or the Planning Commission and may set its own conditions and requirements consistent with this Code.~~ If the County Commission determines that the final plat is in conformity with the requirements of this Code, other applicable ordinances, ~~and any reasonable conditions as recommended by the County's staff and Planning Commission or on the County Commission's own initiative,~~ **and** that all fees have been paid as required, ~~and that the County Commission is satisfied with the final plat of the subdivision,~~ it may approve the final plat. If the County Commission determines that the final plat is not in conformity with this Code or other applicable ordinances, ~~or any reasonable conditions imposed,~~ it may **discontinue processing until the plat is brought into compliance or** disapprove the final plat specifying the reasons **that the plat does not and cannot meet County standards for an approval for such disapproval**. Within one year after the County Commission has **terminated processing or** disapproved any plat, the subdivider may file with the County's Community Development Department a plat altered to meet the ~~requirements~~ **deficiencies identified** by ~~of~~ the County Commission. No final plat shall have any force or effect unless the same has been approved by the County Commission and signed by the County Commission Chair and **recorded by the** County Recorder.

6-1-20190. Security for Public Improvements.

- A. Prior to approval by the County Commission and recordation of a final plat, the subdivider shall be required at the subdivider's cost to provide a cost estimate prepared by a licensed engineer with the affixed engineer's engineering stamp to the ~~Planning Commission~~ **Community Development Department** office to forward to the County Engineer/Surveyor for review and approval.
- B. The County Commission shall review and execute a ~~developer's~~ **subdivision** improvement agreement and establish the kind and amount of financial security necessary to guarantee completion of the required ~~public~~ improvements.

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- C. The developer shall enter into an agreement with the County which establishes the kind and amount of financial security necessary to guarantee completion of the required ~~public~~ improvements. A Financial Guarantee acceptable to the County as security to ensure completion of all improvements required to be installed in connection with the subdivision. The Financial Guarantee shall be in a form approved by the County Commission and may contain specific provisions approved by the County Attorney. The Financial Guarantee shall include but not be limited to the following provisions:
1. The improvements shall be completed within a period of time not to exceed eighteen (18) months from the date the Agreement is executed.
 2. The improvements shall be completed to the satisfaction of the County and in accordance with the County's Subdivision Standards and Specifications as established by the County Engineer and adopted by the County Commission, and the approved plans and specifications for the project.
 3. The Financial Guarantee shall be equal to ~~11~~20% of the County Engineer's approved cost estimate of the improvements to be installed.
 4. The County shall have immediate access to the Financial Guarantee proceeds in the event of default.
 5. The Financial Guarantee proceeds may be reduced at intervals determined by the County ~~Commission~~ Engineer upon the request of the developer as improvements are installed and completed. The amount of the reduction shall be determined from inspections by the County ~~Zoning Administrator~~ Engineer. Such requests may be made only once every thirty (30) days and no reduction shall be authorized until such time as the County Staff has inspected the improvements and found them to be in compliance with the County's Standards and Specifications and approved plans. All reductions shall be by written authorization of the ~~County Commission with the approval of the~~ County Engineer. No Financial Guarantee shall be reduced below twenty percent (~~21~~0%) of the estimated cost of the improvements plus the estimated cost of slurry seal until final acceptance of the improvements by the County ~~Commission~~ Engineer following the warranty period.
 6. If the Financial Guarantee proceeds are inadequate to pay the cost of the completion of the improvements according to the County's Standards and Specifications and approved plans, for whatever reason, including previous reductions, the developer shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed or, with County Commission approval, a new, satisfactory Financial Guarantee has been executed and delivered to the

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County or other satisfactory arrangements have been made to ensure completion of the remaining improvements.

7. In the event of default by the developer, the County's costs of administration, cost of obtaining the Financial Guarantee proceeds, and/or costs of completing the improvements, including, but not limited to administrative, engineering, legal, labor and materials costs, shall be deducted from any Financial Guarantee proceeds. The developer shall be required to reimburse the County any deficiencies in the Financial Guarantee funds to pay for such costs incurred by the County.
 8. The developer shall hold the County harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the County certifies the improvements are complete and accepts the improvements, subject to the developer's warranty obligations.
- D. The Financial Guarantee Agreement shall be the following as prescribed by the County: A **bond**, letter of credit, ~~and/or~~ escrow with a Utah Lending Financial Institution.
1. The Financial Guarantee requires:
 - a. The establishment of a letter of credit or institution escrow for ~~1~~**20**% of the County Engineer approved Cost Estimate of materials and labor for installing the required improvements.
 - b. Upon completion and inspection of the required improvements, ~~Box Elder County Commissioners~~ **the County Engineer** will release the escrow amount. However, ~~2~~**10**% of the original escrow must be retained for the warranty period, one (1) year for the improvements. Upon the expiration of the financial guarantee warranty period, and after a satisfactory inspection of all improvements, the remaining amount will be released by the ~~county Commission upon recommendation of the~~ County Engineer.

6-1-21~~00~~**00. Payment of Fees.**

All required and unpaid fees shall be paid by the subdivider to the County ~~by cashier's check~~ prior to ~~approval~~ **recording** of the final plat by the County ~~Commission~~ **Recorder**.

6-1-22~~10~~**10. Recording of Final Plat.**

After County Commission approval, filing of the ~~Financial Guarantee~~ **Subdivision Improvement** Agreement described in ~~Section 6-1-200~~ **this Chapter**, and signing of the plat by the County Commission Chair and County Recorder, the final plat shall be presented ~~by the County Recorder~~ to the Box Elder County Recorder for recordation.

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6-1-23~~20~~²⁰. Expiration of Final Approval.

If the final plat is not recorded within ~~six (6)~~ eighteen (18) months from the date of County Commission approval, such approval shall be null and void. This time period may be extended by the County ~~Commission~~ Zoning Administrator for up to an additional six (6) month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original ~~six (6)~~ eighteen (18) months. No extension will be granted if it is determined that it will be detrimental to the County. If any of the fees charged as a condition of subdivision approval have increased, the County may require that the Financial Guarantee estimate be recalculated and that the subdivider pay any ~~applicable fee~~ Financial Guarantee increases as a condition of granting an extension.

6-1-24~~30~~³⁰. General Requirements for All Subdivisions.

A. Subdivision Layout.

1. The subdivision layout shall conform to the requirements found in the Box Elder County Land Use Management & Development Code ~~General Plan~~.
2. Where trees, groves, waterways, scenic points, historic spots or other County assets and landmarks, as determined by staff and/or the Planning Commission, are located within a proposed subdivision, after identification (location, extent, type) and assessment of potential preservation options through alternative subdivision designs, ~~reasonable steps should be taken to preserve these features~~ final subdivision design shall reflect the alternative determined to have the least impact on the features suggested for preservation and the subdivision design.
3. The width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required by the provisions of this Code, unless the general layout of the vicinity, line of ownership, topographical conditions or locations of arterial streets or freeways justify or make necessary a variation from this requirement. The minimum width of a block shall not be less than 250 feet measured from center line of street to center line of street.
4. The maximum length of blocks shall be reasonable as approved by the ~~Planning Commission~~ County Engineer, and shall be limited to a distance not more than 1320 feet and not less than 330 feet and ~~in total design~~ be designed to provide for convenient access and circulation for emergency vehicles.
5. Where blocks exceed 1,000 feet in length, pedestrian right-of-way of not less than 10 feet in width may be required by the ~~Planning Commission~~

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County Engineer through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five (5) feet in width shall be placed within the right-of-way, when required by the ~~Planning Commission~~ **County Engineer**.

6. **Subdivisions shall consider the future alignment of adjacent streets and the potential for street connections to assure walkability, major road continuity and vehicular circulation.**
7. Subdivisions with more than thirty (30) lots shall have two **full and complete** accesses **meeting County roads standards**.

B. Lots.

1. All lots shall conform to area requirements of any existing zoning regulations. Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the ~~Planning Commission~~ **Bear River Health Department for septic considerations**.
2. All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage, driveway grades, or other physical conditions.
3. All lots or parcels created by the subdivision shall have frontage on a **private or** dedicated street, improved to standards hereinafter required, equal to at least 50% of ~~it's~~ **the streets'** minimum required width except for a flag lot which shall have a minimum frontage as specified in the Box Elder Land Use Development & Management Code. Land designated as public right-of-way shall be separate and distinct from lots adjoining such right-of-way and not be included in the area of such lots.
4. ~~The minimum area and dimensions of all lots shall conform to the requirements of the Box Elder Land Use Development & Management Code for the district in which the subdivision is located.~~
5. The side **lot** lines of all lots, so far as possible, shall be at right angles to the street which the lots face, or approximately radial to the center of curves, if such street is curved. Side lines of lots shall be approximately radial to the center of a cul-de-sac on which the lots face. The ~~Planning Commission~~ **County Engineer** may recommend to the County Commission **exceptions alternatives due to geologic or geographic issues of the land** to this requirement. Upon a showing of good cause, the County Commission may allow **exceptions reasonable alternatives** to this requirement.
6. A lot should not be divided by a County limit line. Each such boundary line should be made a lot line.

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7. Remnants of property shall not be left in the subdivision which do not conform to lot requirements or are not required or suitable for common open space, private utility, public purpose, or other purpose approved by the County Commission or staff.

B-1C. Flag Lots (Ordinance 249)

1. All flag lots shall be reviewed, and if needed, modified to meet the provisions of this Code and approved ~~as a special provision to the Land Use and Development Code~~ by the ~~Planning Commission~~ Zoning Administrator or through the subdivision process. The ~~Planning Commission~~ Zoning Administrator ~~may~~ shall grant approval only if: ~~1) The applicant makes written application for a flag lot on a form approved by the Planning Commission and pays the required fees at the time the application is submitted, 2) there are special circumstances attached to the property that do not generally apply to other properties in the same area and, 3) the Planning Commission specifically finds that all of the following conditions are met as to the proposed flag lot.~~
 - a. ~~It is necessary, reasonable and feasible to allow the flag lot in the area;~~
 - b. ~~Approval of a flag lot in the area will not substantially affect the general plan;~~
 - c. ~~Approval of a flag lot in the area will not be contrary to the public interest;~~
 - d. The staff of the flag lot has a minimum width of thirty (30) feet.
 - e. The staff of the flag lot has a maximum length of two hundred fifty (250) feet;
 - f. The flag lot, exclusive of the staff portion meets all the zoning requirements of a lot in the area in which it is located; or be a minimum of ½ acre in lot size, whichever is greater.
 - g. The applicant for a flag lot has prepared a plan showing the location of fire hydrants to serve the flag lot and that plan has been approved by the Fire Marshall.
2. Flag lots shall be approved only in subdivisions containing four (4) lots or fewer.
3. The staff portion of a flag lot shall be used only for ingress/egress and utilities. The staff portion ~~shall be landscaped to be in harmony with other adjacent property and~~ shall be improved by the installation of an improved 20' wide hard surface such as concrete, asphalt or compacted road base with a dust prevention treatment and a swale covering the 5 foot areas on each side of the road. The stem shall not be used for any lot area calculations.

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4. All improvements to the flag lot, including installation of the hard surface and fire hydrants, shall be performed at the applicant's expense. No certificate of occupancy shall be issued for the proposed flag lot until the improvements are fully installed.
- ~~5. The Planning Commission may impose such additional requirements of conditions on the proposed flag lot as it deems necessary.~~
- ~~6. The Planning Commission may hold a public hearing on each flag lot application it receives. Notice of such hearings shall be given to property owners within a three hundred (300) foot radius of the proposed flag lot. The costs of such notices shall be paid by the applicant.~~

ED. Streets and Related Improvements.

1. Subdividers shall locate streets within the subdivision so that the streets connect with existing streets. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided such that streets provide connections that reduce driving and walking distances throughout the County.
2. All streets ~~should~~ shall conform to the width and general alignment as designated by the County Engineer in consultation with the County Roads Supervisor and the Community Development Department ~~County's Official Map wherever a subdivision is in an area for which an Official Map has been adopted. For territory where the Official Map does not designate a street, streets shall be provided as required by the Planning Commission and County Commission.~~
3. When required by the County Engineer in consultation with the County Roads Supervisor, ~~C~~urbs, gutters, and sidewalks shall be installed on existing and proposed streets by the subdivider and shall meet American's with Disability Act (ADA) requirements for wheelchair accessibility. Any sidewalk installed shall be a minimum 5 ft. in width.
 - ~~a. The County Commission may, for good cause, after receiving a recommendation from the Planning Commission, grant a deferral on the installation of curb, gutter and sidewalk for small subdivisions and subdivisions where the minimum lot size is five (5) acres or greater.~~
4. Dedication of half streets is prohibited without the associated improvements.
5. Local streets shall approach an arterial or collector street at an angle of at least 85 degrees.

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6. Minimum right-of-way widths for ~~public~~ streets are found in the Box Elder County Road, Storm Drain, and Fencing Requirements Drawings Article 5, Exhibit A. (Ordinance 357)
7. Maximum cul-de-sac length shall be 660 ft. Other Ccul-de-sac regulations are found in the Box Elder County Road, Storm Drain, and Fencing Requirements Drawings Article 5, Exhibit A.
8. Where a street is designed to remain only temporarily as a dead-end street, a satisfactory temporary turn-around area and recordable easement shall be provided at the end thereof to remain and be available for public use so long as the dead end exists. The County staff may require improvements to be installed in temporary turn-around areas.
9. To ensure conformity, the developer shall furnish and install all required County street signs which meet the County sign specifications and State street standards.
10. Permanent monuments shall be furnished, accurately established, and set by the subdivider's surveyor at such points as are necessary to definitely establish all lines of the plat except those defining individual lots.
11. County approved street lights shall be installed at all street intersections, school or pedestrian crossings, or at bends or curves in the street by the subdivider.

~~D~~E. **Street Grades. The street grades shall be designed as follows:**

1. For ~~major, minor, and collector~~ all streets, a maximum grade of 10%, sustained grade shall be limited to 7%. Sustained grades are defined as more than 500 feet in length. Approaching street intersections shall have a vertical alignment such that the grade does not exceed 3% for a minimum distance of 100 feet each way from the right-of-way line of the intersecting streets. For cul-de-sacs progressing toward turnaround shall be limited to a maximum grade of 6% and have adequate easement for drainage. All cul-de-sacs shall terminate with a grade not to exceed 3% for the last 100 feet of traveled surface.
2. Minimum grades for all ~~major, collector and minor~~ streets shall be 0.5%.
3. All horizontal and vertical curves shall be designed following AASHTO Standards using roadway classifications and design speeds.
4. Intersection with ADT's of above 1000 shall have a vertical alignment such that the grade does not exceed 3% for a minimum distance of 175 feet.

E. ~~Sidewalks, curbs and gutters. Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public, unless approved otherwise by the Planning Commission and County Commission. Sidewalks, curbs and~~

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~~gutters may be required by the County Commission on existing streets bordering the development.~~

- ~~1. In cases for Small Subdivisions, this may be deferred by use of a Rural Road/Improvement Agreement.~~

F. Utilities.

- All utilities, ~~including cable TV conduits~~, shall be provided through underground service, except where existing utilities are already in place. All underground utilities specified in this section shall be installed prior to the installation of road base, surfacing, curbs, gutters and sidewalks. Underground utilities shall be installed only after streets have been rough graded to a line and grade approved by the County Engineer. If underground utilities are not installed prior to street surfacing sleeves shall be required.
- An approved culinary water supply, shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of the County and requirements of the County Engineer. Where an approved public water supply is available, the County shall cause to be installed, at the subdivider's expense, water mains, valves, pressure reducing valves, and service laterals to each lot within the subdivision.
- Fire hydrants shall be installed, tested and flushed, at the subdivider's expense, with all documentation submitted to the County Fire Marshall for review, at locations determined by the County Engineer and the County Fire Marshall. Hydrants located within the subdivision shall be charged with water and must be operable before a building permit may be issued.
- Where a public sanitary sewer is available, the subdivider shall connect with a public sanitary sewer and provide sewer mains and extend laterals from the sewer main to each lot in the subdivision, ~~unless waived by the County Commission.~~
- ~~County approved street lights shall be installed, in those zoning districts which require them, at all street intersections, school or pedestrian crossings, and at bends or curves in the street at intervals specified in the County's Subdivision Standards.~~
- 5.** Utility easements shall be provided within the subdivision as required for public utility purposes.
 - A ten-foot (10 ft.) public utility easement shall traverse the front of each lot.
 - Where rear and side yard easements are required, a minimum of 10 feet shall be allocated as a public utility easement. Perimeter easements shall be not less than 10 feet in width.
 - All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be

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required if any utilities are to be overhead. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.

- G. ~~Landscaping.~~** ~~Whenever, in the opinion of the Planning Commission, and/or the County Commission, the cuts and fills in a hillside subdivision are of sufficient size or visibility to demand special treatment, the subdivider may be required to landscape such areas with suitable permanent plant materials and to provide for their maintenance. The subdivider shall submit a landscaping plan for review and approval by the County. The landscaping plan shall indicate how maintenance of the landscaping will be performed and by whom.~~

HG. Sanitary Sewer Disposal – General Requirements.

1. Any development of any size is required to get a septic feasibility letter from the Bear River Health Department, unless the development is serviced by a sanitary sewer system. ~~Except as otherwise provided below, the developer shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the development. The sewerage system shall meet the minimum standards and requirements of the County and Bear River Health Department.~~
2. ~~Septic tanks and/or sealed vaults may be approved only if approved in writing by the Bear River Health Department. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, the County or the Health Department may require the digging of test holes to verify soil types and depth to water table. Pereolation tests may also be required. The results and data collected from these tests will be reviewed by the Health Department, in addition to any other information available to them, for recommendations to the Planning Commission. The following requirements shall be met:~~
 - a. ~~Land made, altered, or filled with non-earth materials within the last 10 years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.~~
 - b. ~~Each developed lot to be served by an on-site soil absorption sewerage disposal system shall contain an adequate site for such system. An adequate site requires:~~
 - 1) ~~A minimum depth of 4 feet from bottom of absorption system to impermeable bedrock;~~
 - 2) ~~A minimum depth of 2 feet from bottom of absorption system to groundwater surface (based on annual high water level);~~

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- ~~3) The site must be 100 feet from any stream, water course or body of water;~~
- ~~4) The site must be 10 feet from any dwelling or property line for new septic systems;~~
- ~~5) The site must be at least 200 feet from shallow wells located on the same lot.~~
- ~~e. Soils having a percolation rate slower than or faster than standards allowed by the Bear River Health Department shall not be divided into building sites to be served by soil absorption sewage disposal systems.~~
- ~~d. Other standards adopted by the County Commission or State Division of Health shall also apply in the permitting of soil absorption sewage disposal systems and lots that will be served by them.~~

H. Sanitary Sewer Mains, Laterals, and House Connections – Future.

1. **No building permit shall be issued without a septic permit issued by the Bear River Health Department.** ~~Where local, county and regional master plans indicate that construction or extension of sanitary sewers may serve the development area within a reasonable time, the Planning Commission may require the installation and capping of sanitary sewer mains and house connections by the developer, in addition to the installation of temporary individual on-lot sanitary disposal systems by the developer or lot purchaser. Whenever individual on-lot sanitary sewage disposal systems are proposed, the developer shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such development that on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed, and no building permit shall be issued until such installation is assured. In all other cases, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a complete community or public sanitary system. All sewer mains shall be a minimum of 8 inches in diameter.~~
2. **Any development of any size which will be on a sewer system is required to enter into a development agreement with Box Elder County.** ~~Where a current public sewer system exists, a connection is required for the development if it falls within 300' distance of said sewer system.~~
3. ~~Test of sanitary sewer mains, laterals, and house connections shall be conducted in accordance with Local and State Health requirements. New sewer mains shall be inspected by a camera before acceptance. If new main construction is not in ground water, an air test shall be required to hold 5 psi for two (2) minutes.~~

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J. Water in Sufficient Quantity to be the obligation of the developer.

1. The procurement of water, whether by purchase of water rights, water shares, exchange, or service agreement, shall be the responsibility of the developer; and the water shall be provided for the use of the development in an amount sufficient **as per the Utah Division of Drinking Water** ~~to meet minimum flows of 250 gallons per person per day plus outside irrigation and minimum static pressures of 50 pounds per square inch (psi), unless it can be proved to the Planning Commission that a lesser amount is adequate.~~
2. ~~However, in no event shall the quantity of water provided by the developer be less than that required to meet fire flow standards as established by the County Fire Marshall and the County Commission, and the County Commission shall be given first right of refusal to purchase any excess water formerly used on the land.~~

KJ. Culinary Water System.

1. Culinary water shall be provided by a public culinary water company if a water company has water lines within 1000 feet of the lot and **the water company is willing to provide water.**
 - a. Proof of contacting the closest water company shall be provided that shall indicate the water company will provide water to the proposed development lots, OR
 - b. the water company will not provide water to the proposed development lots and the reason why.
2. If a culinary water company will not provide water to the building site(s), then **a private wells** may be utilized to provide drinking water. ~~according to the following provisions:~~
3. **A private well is only an option for a one (1) lot subdivision. Any one (1) lot subdivision using a private well shall submit a water right as proof of a water will serve letter.**
 - a. ~~Lots to be served by private deep wells (confined aquifers)– For lots receiving water from a private confined aquifer (a deep well in which water is tapped from an aquifer that has a 30 foot layer of confining clay above it), the well water must meet the U.S. Environmental Protection Agency standards for non-community water systems for coliform bacteria, nitrates and sulfates.~~
 - b. ~~Lots to be served by private shallow wells (unconfined aquifers)– Shallow wells which receive water from an unconfined aquifer (one that does not have a 30 foot layer of confining clay above it) must be placed at least 200 feet from any property line, any on-site soil absorption~~

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~~sewerage disposal system, or any other point source of contamination such as a feed yard, manure pile, or salt pile. In addition, the well water from these wells must either:~~

~~1) meet the standards for coliform bacteria, nitrates and sulfates, inorganics, organics, and pesticides that the U.S. Environmental Protection Agency has established for non-community water systems, OR~~

~~2) be treated with a reverse osmosis unit or its equivalent and a chlorinator with a retention time of 30 minutes.~~

~~e. Determination of whether well water meets the standards mentioned above must be done through tests conducted by a certified lab in accordance with procedures established by the Health Department. All costs of testing must be covered by the developer.~~

- ~~4. The culinary water delivery system shall extend to the property line of every lot and shall be capable of delivering the flows and pressures as required. All water mains shall be a minimum of 6 inches in diameter.~~

LK. Irrigation systems (including drainage facilities).

- Where an existing irrigation system consisting of open ditches is located on or adjacent to or within 100 feet of a proposed development, complete plans for relocation, piping, covering or other safety precautions shall be submitted with an application for preliminary approval of a plat.
- In all developments in which the smallest lot is less than one acre, all irrigation systems shall be underground.
- All pressure irrigation systems in or within 100 feet of a proposed development shall be identified and otherwise color coded as to pipe and valve color to meet State standards and regulations.

ML. Storm Drainage and Flood Plains.

- Complete drainage systems for the entire development area shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in ~~sections~~ **phases**, a general drainage plan for the entire area shall be presented with the first ~~section~~ **phase**, and appropriate development ~~stages~~ **milestones** for ~~the~~ drainage system for each ~~section~~ **phase** indicated. All drainage plans shall meet adopted flood control standards and limit run-off to a maximum of .2 second feet per acre. There may be cases where ~~we may want~~ **a need exists** to

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reduce the discharge to .1 second feet per acre, ~~upon~~ after a determination and approval by the County Engineer/~~Surveyor~~.

2. The drainage and flood plain systems shall be designed to:
 - a. Permit the unimpeded flow of natural water courses.
 - b. Ensure adequate drainage of all low points.
 - c. Ensure applications of the following regulations regarding development in designated flood plains:
 - 1) Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a 100-year storm.
 - 2) Building construction may occur in that portion of the designated flood plain where the return frequency is between a 100-year and a maximum probable storm provided all usable floor space is constructed above the designated maximum probable flood level.
 - 3) Where flow velocities in a flood plain are generally determined to be under 5 feet per second and maximum flood depth will not exceed 3 feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
 - 4) Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, uncased deep wells, sanitary landfills, septic tank and on-lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation.
 - 5) Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping, and filling operations in a designated floodway constitute an encroachment and must be approved by the Planning Commission before accomplishment.
 - 6) No lot of one (1) acre or less in area shall be included within a 100- year flood plain. All lots more than 1 acre shall contain not less than 40,000 square feet of land which is at an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood, or, where such data is not available, five (5) feet above the elevation of the maximum flood record.
 3. The drainage basin as a whole shall accommodate not only runoff from the development area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the development itself, as well as its effects on lands downstream.
 4. All proposed surface drainage structures shall be indicated on the plans.
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5. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.
6. All necessary permits shall be obtained from applicable local, state, and federal agencies (i.e. State Engineer, US Army Corps of Engineers, EPA, State Division of Health etc.)

NM. **Orderly Development Required.** Whenever the subdivider shall develop a subdivision, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and available as necessary during construction activities within the subdivision and that all of the improvements will be made available for the full, effective, and practical use and enjoyment thereof by the purchaser, grantee, assignee, transferee, or lessee of any of the lands subdivided within the time herein provided or in phases specified.

ON. **Building Permits Required.** It shall be unlawful for any person to receive a building permit for a lot within a subdivision until water, sewer, storm drainage and all other required underground utilities located under the street surfaces within the subdivision are installed, inspected and approved by the County (or private utility with approval letter) for the entire subdivision, and all streets in the subdivision are rough graded.

It shall be the responsibility of the subdivider to allow no human occupancy until all necessary utilities are installed and basic improvements are adequate to render the subdivision habitable which improvements shall include paved streets, road base or other acceptable hard surface approved by the County Engineer. It shall be unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy will not be permitted until all required improvements and building code requirements are completed.

A model home may be considered, by the Zoning Administrator, if it is located adjacent to an existing improved roadway. All buildings will be subject to the International Building Code and require inspections as per that Code.

O. **Preconstruction Meetings.** Prior to excavating or starting of the work, the subdivider shall call the County to meet together for a preconstruction meeting. The developer shall have their contractor present at this meeting.

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Inspection. Construction work involving the installation of improvements in subdivisions shall be subject to inspection by the County Engineer. Inspections shall be required on the following types of work:

1. Laying of street surfacing.
2. Placing of concrete for curb and gutter, sidewalks, and other structures.
3. Laying of drainage pipe, water pipe, valves, hydrants and testing. Periodic inspections shall be required on the following:
 - a. Street grading and gravel base.
 - b. Excavations for curb and gutter and sidewalks.
 - c. Excavations for structures.

Requests for Inspection. Requests for inspections shall be made to the County by the person responsible for the construction. Requests for inspection on work shall be made five (5) working days prior to the commencement of the work.

Correcting Defective Work. Inspections shall be made by the County Engineer after various phases of the construction work is completed. Any faulty or defective work shall be corrected by the subdivider or subdivider's contractor within a period of sixty (60) days from the date of County Engineer's inspection wherein the faulty or defective work is noted and written notice is given to the subdivider and/or contractor.

P. Acceptance of **Off-site** Improvements.

1. **Conditional Acceptance.** After the completion of all **off-site** improvements and upon receiving a written statement from the County Engineer/~~Surveyor~~ that all required improvements have been satisfactorily completed, the County ~~Commission~~ shall conditionally accept the improvements for a one (1) year guarantee period. Such approval shall not be given until the applicant's engineer has certified to the County, through submission of a detailed set of "as built" construction plans of the subdivision, indicating location, dimensions, materials and other information required by the County, that the layout of the line and grade of all **public** improvements is in accordance with the construction plans filed with the final plat. **One electronic copy of Said** "as built" plans shall be submitted ~~in ink on reproducible plat map~~. A minimum of ~~twenty ten~~ percent (~~21~~10%) of the total principal amount of the escrow funds or performance Financial Guarantee or letter of credit commitment, will be held during a one (1) year warranty period.
2. **Guarantee Period.** The developer shall warrant and guarantee all the improvements within the subdivision will remain in good condition for a

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period of one (1) year after the date of conditional acceptance by the County, and agrees to make all repairs to maintain the improvements during the guarantee period at no cost to the County. The guarantee shall extend to and include, but shall not be limited to, the entire street, sub-grade base and surface, all pipes, curbs, gutters, approaches, sidewalks, fences, and other accessories that are or may be affected by the construction operations. Whenever in the judgment of the County Engineer/~~Surveyor~~, said work shall be in need of repair, maintenance, or rebuilding, he/she shall cause a written notice to be served upon the developer and thereupon the developer shall undertake and complete such repairs, maintenance or rebuilding. The determination of the necessity for repairs and maintenance of the work rests with the County Engineer/~~Surveyor~~ whose decision upon the matter shall be final and binding upon the developer. Upon the developer's failure to perform the required repair work within sixty (60) days from the date of service of such written notice, the County shall have such repairs made, and the cost of such repairs shall be paid for by use of the ~~ten (10%)~~ **ten (10%)** guarantee funds.

6-1-2540. Requirements for Non-Residential Subdivisions.

- A. The street and lot layout of a non-residential subdivision shall be appropriate to the land for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the ~~Box Elder County General Plan and the~~ Box Elder Land Use Development & Management Codes of the County.
- B. In addition to the principles and standards in this Code which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 - 1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated, and to the requirements of the Box Elder Land Use Development & Management Code.
 - 2. Street rights-of-way and pavements shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
 - 3. Special requirements may be imposed by the County with respect to street, curb, gutter and sidewalk design and construction.
 - 4. Special requirements may be imposed by the County with respect to the installation of public utilities, including water, sewer and storm water drainage.

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5. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries or adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic.
- D. Public Improvements.** Standards for design, construction specifications, inspection of the street improvements, curbs, gutters, sidewalks and standards for design, construction specifications and inspection of water distribution systems, sewage disposal facilities, storm drainage and flood control facilities shall be prepared by the County Engineer. Standards for fire hydrants shall meet the requirements of any federal, state and local governmental entities having jurisdiction over the same. All subdivision standards and specifications and amendments thereto which are under the control of the County shall be approved by the County Commission before becoming effective. The County Commission may by resolution adopt subdivision standards and specifications for the County which may be amended from time to time. All subdividers shall comply with any subdivision standards and specifications adopted by the County Commission. All **public** improvements shall be installed in accordance with the County's Subdivisions Standards and Specifications, the requirements of the County Engineer, the subdivision improvements agreement between the subdivider and the County and all other applicable County Ordinances and regulations.
- E. Construction Plans.** Complete and detailed construction plans and drawings of all improvements shall be prepared in conformance to the design standards of the County. They shall be submitted to the County Engineer for review at the same time the final plat is being reviewed. Final approval of the project shall not be granted until the plans have been reviewed and recommended for approval by the County Engineer. No construction shall be started until the final plat has been recorded and the construction plans have been approved by the County. Plans for all the street utilities shall be drawn on the same plans.
- F. Standards for Construction Plans.** Standards are set for the purpose of standardizing the drawings and to obtain uniformity in appearance, clarity, size and reproduction. Three (3) copies of construction plans shall be submitted with one (1) set to be retained by the County Engineer, one (1) set to be furnished to the County, and one (1) set returned to the subdivider for corrections and revisions. After corrections and revisions by the subdivider, three (3) sets shall be submitted for final review by the County Engineer. All drawings and/or prints shall be clear and legible and conform to good engineering and drafting practice. Size of drawings shall be 24" x 36" (trim line) with ½" border on top, bottom, and right sides, left side 1 ½". The plans shall include the following information:
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1. North arrow (plan)
2. Elevations referenced to U.S.G.S. datum
3. Stationing and elevations for profiles
4. Title block located in lower right corner of sheet to include:
5. Project title (subdivision, etc.)
6. Specific type and location of work
7. Name of engineer or firm preparing drawings with license number. Utah Engineers stamp shall be required on all construction plans.
8. Scale 1" = 20' or 1" = 40' horizontally; 1" = 2' or 4' vertical.
9. Both plan view and profiles for curb and gutter plans shall be shown for each side of the street; street center line profile may be eliminated. Top of curb elevations with curve data must be shown for all curb returns.
10. Size and location of culinary water lateral mains, meters, valves and hydrants (these plans to be finalized by the County Engineer).
11. Type of pipe.
12. Size and location of irrigation lateral mains, valves, fittings and etc.
13. Size and location of sewer, storm drains and subdrains and their manhole cleanouts.
14. As needed, each set of plans shall be accompanied by a separate sheet of details for structures which are to be constructed. All structures shall be designed in accordance with minimum requirements established by the Subdivision Standards of the County.

G. Preconstruction Meetings. Prior to excavating or starting of the work, the subdivider shall call the County Engineer to meet together for a preconstruction meeting. The developer shall have their contractor present at this meeting.

H. Inspection. Construction work involving the installation of **public** improvements in subdivisions shall be subject to inspection by the County Engineer. Daily inspection shall be required on the following types of work:

4. Laying of street surfacing.
5. Placing of concrete for curb and gutter, sidewalks, and other structures.
6. Laying of drainage pipe, water pipe, valves, hydrants and testing. Periodic inspections shall be required on the following:
 - a. Street grading and gravel base.
 - b. Excavations for curb and gutter and sidewalks.
 - c. Excavations for structures.

H. Requests for Inspection. Requests for inspections shall be made to the County Engineer by the person responsible for the construction. Requests for inspection

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on work shall be made one (1) working day prior to the commencement of the work.

- I. **Correcting Defective Work.** Inspections shall be made by the County Engineer after various phases of the construction work is completed. Any faulty or defective work shall be corrected by the subdivider or subdivider's contractor within a period of ~~thirty~~ **sixty** (360) days from the date of County Engineer's inspection wherein the faulty or defective work is noted and written notice is given to the subdivider and/or contractor.