

## CHAPTER 8

## SUBDIVISIONS

## ARTICLE A. GENERAL PROVISIONS

## SECTION:

- 8-8A-1: Short Title
- 8-8A-2: Purpose
- 8-8A-3: Authority
- 8-8A-4: Jurisdiction
- 8-8A-5: Violation; Penalty !2R!

## 8-8A-1: SHORT TITLE:

This chapter shall be known as the *DAGGETT COUNTY SUBDIVISION ORDINANCE* and may be identified within this document as "this chapter" or "the subdivision ordinance".

## 8-8A-2: PURPOSE:

This chapter is established to promote the health, safety and welfare of residents and to provide for the orderly subdivision of land within the unincorporated area of the county.

## 8-8A-3: AUTHORITY:

This chapter is enacted and authorized under the provisions of Utah Code Annotated title 17, chapter 27a et seq., as amended. Upon adoption by the board of county commissioners, this title repeals the current subdivision ordinance.

## 8-8A-4: JURISDICTION:

A. Applicability: This chapter shall govern and apply to the subdivision, platting and recording of all lands lying within the unincorporated area of the county.

B. Compliance: No person shall subdivide any land, nor shall any building permit be issued for any lot or parcel of land which is located wholly, or in part, within the unincorporated area of the county, except in compliance with this chapter, the zoning ordinance, and all applicable local, state and federal laws.

C. Recording Without Approval: Any plat of a subdivision, or any metes and bounds subdivision, filed or recorded without the approvals required by this chapter is void, for the purposes of development or the issuance of a building permit, as required by Utah Code Annotated section 17-27a-601 et seq., as amended.

8-8A-4: VIOLATION; PENALTY:

A. Violation:

1. Any owner or agent of the owner of any land located in a "subdivision", as defined in section 8-2-3 of this title, who transfers or sells any land located within the subdivision before the subdivision has been approved and recorded, is guilty of a violation of this chapter and state law at Utah Code Annotated section 17-27a-611, as amended, for each lot or parcel transferred or sold.

2. The description by metes and bounds in the instrument or transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation from the penalties or remedies provided by this ordinance or the laws of the state.

B. Penalty: Any violation of any section of this chapter is a class C misdemeanor and, upon conviction, subject to penalty a provided in section 1-4-1 of this code.

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## ARTICLE B. CONCEPT PLANS

## SECTION:

8-8B-1: Concept Plan Required

8-8B-2: Plan Requirements

8-8B-3: Consideration And Effect Of Plan

8-8B-4: Plan Not Application For Subdivision Approval !2R!

## 8-8B-1: CONCEPT PLAN REQUIRED:

To promote efficiency and an understanding of the subdivision review and approval process and to allow applicants to present their initial subdivision proposals to the county, applicants for subdivision approval shall present a concept plan of the proposed subdivision to the planning commission and county staff for initial review.

## 8-8B-2: PLAN REQUIREMENTS:

The concept plan is an informal discussion document only, designed to allow the identification of polities, procedures, standards and other items that may be considered in the subdivision review process, once a subdivision application is received. To achieve these objectives, and to promote the identification of all items necessary for consideration by the applicant, no specific submission requirements are identified. However, the applicant should provide and the planning commission and county staff may require, information necessary to identify the relevant issues affecting the proposed subdivision.

## 8-8B-3: CONSIDERATION AND EFFECT OF PLAN:

The planning commission shall discuss the concept plan with the applicant at a planning commission meeting. At this meeting, the planning commission and the applicant may review the procedure anticipated for subdivision approval, the goals, objectives and policies of the county general plan, the applicable standards of the zoning ordinance, this chapter, and all other applicable local, state and federal requirements, and any other matters deemed appropriate. The planning commission shall take no action on a concept plan.

8-8B-4: PLAN NOT APPLICATION FOR SUBDIVISION APPROVAL:

A. A concept plan shall not constitute an application for subdivision approval and is in no way binding on the county or the applicant. Any discussion before the planning commission, at the meeting when the concept plan is discussed, shall not be considered any indication of subdivision approval or disapproval, either actual or implied.

B. An application for subdivision approval shall only be considered filed with the county upon the submission of all information and materials as required for a preliminary plat or metes and bounds subdivision, as contained herein.

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## ARTICLE C. MINOR SUBDIVISIONS

## SECTION:

8-8C--1: Purpose; Applicability; Statute  
8-8C--2: Minor Subdivision Defined  
8-8C--3: Concept Plan Required  
8-8C--4: Application For Minor Subdivision  
8-8C--5: Evidence Of Availability Of Necessary Services  
8-8C--6: Suitability Of Area For Subdivision  
8-8C--7: Coordination With Service Providers Required  
8-8C--8: Engineering Review Fees  
8-8C--9: Planning Commission To Determine Complete Application  
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8-8C-12: Building Permits  
8-8C-13: Effective Period Of Approval  
8-8C-14: Site Preparation Work Prohibited Before Approval And  
Recording !2R!

## 8-8C-1: PURPOSE; APPLICABILITY; STATUTE:

A. The purpose of these requirements is to facilitate the review and approval of subdivisions with six (6) or fewer lots and where no area of the proposed subdivision is traversed by the mapped lines of a proposed road or street, and when the dedication of any land for a road or street or any other public purpose is not required.

B. Subdivisions, proposing more than six (6) lots or where any area of the subdivision is traversed by a proposed road or street and where land dedications are proposed or required, shall not be considered as a minor subdivision.

C. Unless otherwise provided, the provisions of Utah Code Annotated section 17-27a-605 shall apply.

## 8-8C-2: MINOR SUBDIVISION DEFINED:

A "minor subdivision" is a subdivision containing six (6) or fewer lots and where no area of the proposed subdivision is traversed by the mapped lines of a proposed road or street, or the dedication of any land for a road or street, or any other public purpose, is not

proposed or required.

8-8C-3: CONCEPT PLAN REQUIRED:

An application for a minor subdivision shall be initiated by presenting a concept plan, as required by article B of this chapter.

8-8C-4: APPLICATION FOR MINOR SUBDIVISION:

The following information is required for all applications for a minor subdivision. The applicant may be required to provide other information required by the planning commission or county commission necessary to evaluate the merits of the proposed minor subdivision and compliance with this chapter:

A. Application; Authorized Signature: A minor subdivision application, completed and signed by the owner, or authorized agent of the owner, of the land parcels proposed to be divided.

B. Record Of Survey Map:

1. A metes and bounds description of the parcels or lots proposed to be created, and as required by Utah Code Annotated section 17-27a-605(3), as amended, accompanied by the boundaries of each lot or parcel created being graphically illustrated on a record of survey map, at a convenient scale of not more than one inch equals one hundred feet (1" = 100'), or at a scale as approved by the administrative official. The record of survey map shall be prepared in pen and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such a size as is acceptable for recordation in the office of the county recorder. One mylar copy of the record of survey map shall be presented, along with five (5) paper copies. The administrative official may request additional copies if required.

2. The record of survey map, as required, shall be prepared by a professional land surveyor in accordance with Utah Code Annotated section 17-23-17, as amended, and shall show the following information:

- a. The location of survey by quarter section and township and range;
- b. The date of survey;
- c. The scale of drawing and north point;
- d. The distance and course of all lines traced or established, giving

the basis of bearing and the distance and course to a section corner or quarter corner, including township and range, or an identified monument within a recorded subdivision;

e. All measured bearings, angles and distances separately indicated from those of record;

f. A written boundary description of the property surveyed;

g. All monuments set and their relation to older monuments found;

h. A detailed description of monuments found and monuments set, indicated separately;

i. The surveyor's seal or stamp; and

j. The surveyor's business name and address.

3. The record of survey map shall contain a written narrative that explains and identifies:

a. The purpose of the survey;

b. The basis on which the lines were established; and

c. The found monuments and deed elements that controlled the established or reestablished lines.

4. If the narrative is a separate document, it shall contain:

a. The location of the survey by quarter section and by township and range;

b. The date of the survey;

c. The surveyor's stamp or seal; and

d. The surveyor's business name and address.

5. The map and narrative shall be referenced to each other if they are separate documents.

C. Agriculture Protection Area: If the minor subdivision is located in whole or in part within three hundred feet (300') of the boundary of an agriculture protection area, the owner of the proposed minor subdivision shall provide notice on the metes and bounds description and record of survey filed with the county recorder the following notice:

*Agriculture Protection Area*

*This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.*

!SETLRM!!SETFNT!!SETTAB!

D. Information Required: On the record of survey map, or other map, the following information shall be provided, as applicable:

1. Identification of known natural features, including, but not limited to, wetlands as identified by the U.S. army corps of engineers, areas which would be covered in the event of 100-year floods, all water bodies, floodways and drainageways, slopes exceeding thirty percent (30%), and any other natural features as required by the planning commission or county commission, for the property, including a tabulation of the acres in each.
2. Identification of known manmade features, including, but not limited to, high voltage power lines, high pressure gas lines, hard surfaced roads, road easements, road rights of way, bridges, culverts and drainage channels, field drains, existing water and sewer trunk lines, all easements, irrigation ditches, canals and canal easements within and adjacent to the property.
3. The location and dimensions of all buildings, existing property lines and fence lines.
4. Other applicable notes, as required by the planning commission or county commission.
5. A tax clearance from the county treasurer indicating that all taxes, interest and penalties owing for the property have been paid.
6. Stamped, addressed envelopes of all owners of record of real property adjoining the parcel of land proposed for the minor subdivision.
7. Payment of the nonrefundable administrative processing fee, and a refundable minor subdivision application fee, as established by resolution by the county commission.

8-8C-5: EVIDENCE OF AVAILABILITY OF NECESSARY SERVICES:

In addition to the information required in section 8-8C-4 of this

article, the following information is required to be presented as part of the minor subdivision application, necessary to establish the availability of basic services to the proposed subdivision:

A. Water Requirements:

1. Hauling Water Prohibited: All minor subdivision applications shall meet the water and sewage treatment requirements of this section. The hauling of water to a proposed minor subdivision to meet the water and fire protection requirements of this section is prohibited and shall not be accepted by the county as a method of providing any minor subdivision with water and fire protection services.

2. Health Department: The Tri-County health department shall be considered the county's expert in evaluating the proposed culinary water supply system. It shall be the responsibility of the applicant to provide information and materials as required by the Tri-County health department.

3. Distance To State Approved System: Connection to a state approved water system is required if water lines are within three hundred feet (300') of any part of the property boundary proposed for a minor subdivision. The applicant for the minor subdivision shall submit a letter of intent for service from the water supplier at the time of minor subdivision application.

4. Information Required: In addition to the requirements of the Tri-County health department, the following information shall be provided, necessary to evaluate the adequacy of the culinary water system intended to serve the proposed minor subdivision:

a. Evidence of adequate water rights.

b. Evidence shall be provided identifying adequate water rights to serve the proposed minor subdivision.

c. Such evidence shall identify a minimum of one (1.0) acre foot of water right per residential unit, or equivalent, which is not dedicated to any other use.

5. Individual Wells And Springs: If individual on site wells or springs are proposed as a method of providing culinary water, the well or spring shall have documentation providing the following information as part of the application materials for a minor subdivision:

A water quality analysis indicating the quality of water

recovered from the well or spring meets all public health standards for culinary water. Water samples shall be provided for review by the Tri-County health department.

**B. Sewage Requirements:**

1. **Health Department:** The Tri-County health department shall be considered the county's expert in evaluating the proposed sewage treatment system. It shall be the responsibility of the applicant to provide information and materials as required by the Tri-County health department.

2. **Distance To State Approved System:** Connection to a state approved sewer system is required if sewer lines are within three hundred feet (300') of any part of the property boundary proposed for a minor subdivision. The applicant for the minor subdivision shall submit a letter of intent for service from the sewer system provider at the time of minor subdivision application.

3. **Percolation Test:** For all proposed minor subdivisions, where on site wastewater disposal systems are proposed, the minor subdivision application shall include final percolation test results, meeting the requirements of the Tri-County health department, for each lot proposed. Larger lots than allowed by the zoning ordinance may be required by the county to assure that each lot will provide adequate on site sewer treatment. The location of the approved absorption site shall be shown.

**8-8C-6: SUITABILITY OF AREA FOR SUBDIVISION:**

In addition to the information required in sections 8-8C-4 and 8-8C-5 of this article, the following information is required to be presented as part of the minor subdivision application, necessary to establish the suitability of the site for the proposed minor subdivision:

**A. Endangered Or Threatened Wildlife Habitat:** For any minor subdivision proposed within the area of a habitat conservation plan, the applicant shall provide a letter from an authorized state or federal agency identifying compliance with any habitat conservation plan.

**B. Fire Control:** A letter must be provided from the fire district or fire department responsible for providing fire protection to the proposed minor subdivision, identifying any items related to providing the proposed subdivision with adequate fire protection and suppression services. The proposed minor subdivision shall meet the

requirements for fire protection and suppression as adopted by the county and the fire district or responsible fire department.

C. Other Information And Materials: When the county staff, planning commission or county commission deem necessary, the applicant for a minor subdivision may be required to provide other information or letters of feasibility, conduct studies and provide evidence indicating suitability of the area for the proposed minor subdivision, including, but not limited to, groundwater protection, plant cover maintenance, geologic or flood hazard, erosion control, and any other physical or environmental matters necessary to fully identify the suitability of the area for the proposed minor subdivision.

#### 8-8C-7: COORDINATION WITH SERVICE PROVIDERS REQUIRED:

In addition to the information required herein, the following information is required to promote coordination with affected service providers:

A. Location Within Special Service District: If the proposed minor subdivision is located within the boundaries of a special service district, a letter from the service district governing board acknowledging the proposed minor subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.

B. Location Within Irrigation, Canal Company: If the proposed minor subdivision is located within the boundaries of an irrigation company or canal company a letter from the governing board, acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed minor subdivision.

#### 8-8C-8: ENGINEERING REVIEW FEES:

The applicant for minor subdivision approval shall pay all costs incurred by the county for the provision of engineering services, provided by a licensed engineer and appointed by the county, acting as the county engineer, necessary to review the minor subdivision application.

#### 8-8C-9: PLANNING COMMISSION TO DETERMINE COMPLETE APPLICATION:

Prior to considering a minor subdivision application, the planning commission shall determine and find that the minor subdivision

application is complete and contains all the minor subdivision application materials as required herein.

8-8C-10: LACK OF APPLICATION INFORMATION; INCOMPLETE APPLICATION:

A. Incomplete: The lack of information under any item specified in this article, or improper information supplied by the applicant, shall cause the planning commission to find the minor subdivision application incomplete.

B. Notice: A planning commission determination of an incomplete minor subdivision application shall prohibit the planning commission from considering any material, items or other information related to the proposed minor subdivision. The planning commission shall notify the applicant of the required information lacking from the minor subdivision application. If the minor subdivision application remains incomplete after thirty (30) days from date of notification of an incomplete minor subdivision application, the planning commission shall return the incomplete minor subdivision application to the applicant.

8-8C-11: APPROVAL; PROCEDURES:

A. Consideration: Following a determination of a complete minor subdivision application by the planning commission, the minor subdivision application may be scheduled for consideration by the planning commission.

B. Public Hearing: The planning commission shall schedule a public hearing, providing at least ten (10) days public notice, to receive comment on the proposed minor subdivision, with notice of the public hearing:

1. Providing at least ten (10) days public hearing notice to all owners of record of all property adjoining the proposed minor subdivision;

2. Being posted in at least three (3) public places in the county, at least ten (10) days prior to the public hearing;

3. Providing at least ten (10) days public hearing notice to the legislative body of each municipality and county whose boundaries are within one mile of the property that is the subject of the minor subdivision application.

C. Consideration: Following the close of the public hearing, the

planning commission shall consider the application and all materials submitted and input and comments received. The planning commission may recommend approval of the minor subdivision as presented, recommend approval with conditions, or recommend denial of the minor subdivision. The planning commission may require on site and off site improvements, facilities and amenities, with findings determined necessary by the planning commission to protect the public health, safety and welfare of anticipated residents of the subdivision, or the existing residents of the county, including, but not limited to:

1. Road improvements, grading and hard surfacing, bridges, culverts, curbs, gutters, road signs and lighting.
2. Flood control areas and facilities.
3. Culinary water facilities.
4. Sanitary sewer facilities.
5. Parks, trails, open space areas and facilities.
6. Fire protection facilities, including fire hydrants and water storage facilities.
7. Irrigation facilities.
8. Electrical power and telephone facilities.
9. Fencing.

D. Recommendation: The planning commission shall transmit its recommended on to the county commission for consideration.

E. County Commission Hearing: Following receipt of the planning commission's recommendation, the county commission shall schedule a public hearing to receive comment on the planning commission's recommendation of the minor subdivision application, with notice of the public hearing:

1. Providing at least ten (10) days public hearing notice to all owners of record of all property adjoining the proposed minor subdivision;
2. Being posted in at least three (3) public places in the county, at least ten (10) days prior to the public hearing;
3. Providing public hearing notice to the legislative body of each municipality and county whose boundaries are within one mile of the

property that is the subject of the minor subdivision application.

F. Consideration: Following the close of the public hearing, the county commission shall consider the application and all materials submitted and input and comments received. The county commission may approve the minor subdivision as presented, approve the minor subdivision with conditions or deny the minor subdivision application. The county commission may require on site and off site improvements, facilities and amenities, with findings determined necessary by the county commission to protect the public health, safety and welfare of anticipated residents of the subdivision, or the existing residents of the county, including, but not limiting to:

1. Road improvements, grading and hard surfacing, bridges, culverts, curbs, gutters, road signs and lighting.
2. Flood control areas and facilities.
3. Culinary water facilities.
4. Sanitary sewer facilities.
5. Parks, trails, open space areas and facilities.
6. Fire protection facilities, including fire hydrants and water storage facilities.
7. Irrigation facilities.
8. Electrical power and telephone facilities.
9. Fencing.

#### 8-8C-12: BUILDING PERMITS:

After a minor subdivision has been approved by the county commission and filed in the office of the county recorder, the applicant may apply for building permits consistent with the approved minor subdivision and the requirements for a building permit.

#### 8-8C-13: EFFECTIVE PERIOD OF APPROVAL:

The approval of a minor subdivision shall be effective for a period of one year from the date the minor subdivision is approved by the county commission, at the end of which time such minor subdivision

shall have been recorded in the office of the county recorder. If the approved minor subdivision is not recorded within the one year period of date of approval, the minor subdivision approval shall be void, and the applicant shall be required to submit a new subdivision application for review and approval, subject to the then existing provisions of this chapter and all other applicable county requirements.

8-8C-14: SITE PREPARATION WORK PROHIBITED BEFORE APPROVAL AND RECORDING:

No excavation, grading or regrading shall take place on any land, and no building permits shall be issued, until a proposed minor subdivision has received approval from the county commission and the minor subdivision has been recorded in the office of the county recorder.

## CHAPTER 8

## SUBDIVISIONS

## ARTICLE D. MAJOR SUBDIVISIONS

## SECTION:

## 8-8D-1: Preliminary Subdivision Plat

8-8D-1--1: Application Requirements

8-8D-1--2: Evidence Of Availability Of Necessary Services

8-8D-1--3: Suitability Of Area For Subdivision

8-8D-1--4: Coordination With Municipalities And Service  
Providers Required

8-8D-1--5: Engineering Review Fees

8-8D-1--6: Planning Commission To Determine Complete Application

8-8D-1--7: Lack Of Application Information; Incomplete  
Application

8-8D-1--8: Approval; Procedures

8-8D-1--9: Effect Of Preliminary Subdivision Plat Approval

8-8D-1-10: Effective Period Of Approval

## 8-8D-2: Final Subdivision Plat

8-8D-2-1: Application Requirements

8-8D-2-2: Engineering Review Fees

8-8D-2-3: Plat Materials, Size, Copies

8-8D-2-4: Multiple Sheets, Plat Accuracy

8-8D-2-5: County Commission To Determine Complete Application

8-8D-2-6: Lack Of Application Information; Incomplete  
Application

8-8D-2-7: Final Subdivision Plat Approval

8-8D-2-8: Nature And Effective Period Of Final Subdivision Plat  
Approval8-8D-2-9: Site Preparation Work Prohibited Before Approval And  
Recording !2R!

## 8-8D-1: PRELIMINARY SUBDIVISION PLAT:

## 8-8D-1-1: APPLICATION REQUIREMENTS:

The following information is required for the subdivision of all lands located within the county, unless the subdivision qualifies as a minor subdivision, as provided in article D of this chapter. The applicant may be required to provide other information required by the county staff, planning commission or county commission necessary to evaluate the merits of the proposed subdivision.

A. General: A preliminary subdivision plat shall be prepared by an engineer or land surveyor, licensed in the state, at a convenient scale of not more than one inch equals one hundred feet (1" = 100'), or at a scale as approved by the planning commission. The preliminary plat shall be prepared in pen or may be printed and the sheets shall be numbered in sequence if more than one sheet is used. The preliminary plat should be drawn or printed on tracing cloth or reproducible mylar. A minimum of ten (10) paper copies shall be presented to the county, as part of the preliminary plat application. The county may request additional copies if required.

B. Features: The preliminary subdivision plat shall show the following:

1. A layout plat to a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the planning commission.

2. A title block, placed on the lower right hand corner of the plat showing:

a. Proposed name of the subdivision and the section, township, range, principal median, and county of its location.

b. Name and address of owner of record and name and address of engineer and land surveyor preparing the preliminary plat.

c. North arrow, graphic and written scale, basis of bearings used and date of preparation.

d. Tabulation of the number of acres in the proposed subdivision, showing the total number of lots, and the areas of each lot.

3. A vicinity map of the site at a minimum scale of one inch equals one hundred feet (1" = 100').

4. Surveyed boundary of the proposed subdivision, accurate in scale, dimension and bearing, including all adjoining and contiguous property under the control of the owner, even if only a portion is to be subdivided, giving the location of and ties to the nearest horizontal control monument and section corner, benchmark (acceptable to the county and tied to USGS benchmarks) or monument. The names of all adjoining property owners of record shall be shown. This information shall provide data sufficient to determine readily the location, bearing and length of all lines and the location of all proposed monuments.

5. All existing monuments found during the course of the survey (including a physical description such as "brass cap").

6. Topographic contour intervals of no greater than ten feet (10') for the entire subdivision site, unless otherwise required by the planning commission.

7. Identification of natural features, including, but not limited to, wetlands as identified by the U.S. army corps of engineers, floodplains and floodways, slopes exceeding thirty percent (30%), and threatened or endangered species habitat for the entire subdivision site, including a tabulation of the acres in each.

8. The location and dimensions of all existing buildings, property lines and zoning district boundary lines shall be shown, as well as existing fence lines.

9. The location of existing platted lots, and other important features, including public utility easements, railroads, power lines, culverts, drainage channels, flood channels, water bodies, irrigation ditches, and areas which would be covered in the event of 100-year floods within and contiguous to the subdivision site.

10. All lots, rights of way and easements created by the subdivision with their boundary, bearings, heights, widths, name, number or purpose, shall be given. All lots are to be numbered under a system acceptable to the county recorder. All proposed new roads shall be named or numbered acceptable to the county commission.

11. All proposed roadway locations and dimensions, their proposed names, numbers and rights of way with cross sections of all proposed roads, showing proposed cuts and fills exceeding three feet (3').

12. Location and size of existing and proposed culinary water and sewer lines and/or the location of all wells and springs used for culinary water and the location of all septic systems and drain fields, as applicable, and storm drainage improvements, including location, size, depth and slope, together with related appurtenances, fire hydrants, valves, manholes, cleanout boxes and culverts.

13. Proposed drainage system for both surface and floodwater.

14. Layout of proposed power lines, bridges, utilities, utility easements and any common space or open space areas, including the location and dimensions of all property proposed to be set aside for public or private reservation, with designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation.

15. Location of existing springs or water sources within one thousand feet (1,000').

16. Location of all existing and proposed drinking water source protection zones.

17. A development phasing schedule (if applicable) including the sequence for each phase, approximate size in area of each phase, and proposed phasing of construction of all private and public improvements.

18. Stamped, addressed envelopes of all owners of record of real property within one thousand feet (1,000') of the parcel of land proposed for subdivision.

19. Payment of the preliminary plat application fee, as established by resolution by the county commission.

#### 8-8D-1-2: EVIDENCE OF AVAILABILITY OF NECESSARY SERVICES:

In addition to the information required in section 8-8D-1-1 of this article, the following information is required to be presented as part of the preliminary subdivision plat application, necessary to establish the availability of basic services to the proposed subdivision:

##### A. Water Requirements:

1. Hauling Water Prohibited: All major subdivision applications shall meet the water and sewage treatment requirements of this section. The hauling of water to a proposed subdivision to meet the water and fire protection requirements of this section is hereby prohibited and shall not be accepted by the county as a method of providing any subdivision with water and fire protection services.

2. Health Department: The Tri-County health department shall be considered the county's expert in evaluating the proposed water supply system. It shall be the responsibility of the applicant to provide information and materials as required by the Tri-County health department.

3. Distance To State Approved System: Connection to a state approved water system is required if water lines are within three hundred feet (300') of any part of the property boundary proposed for a major subdivision. The applicant for the major subdivision shall submit a letter of intent for service from the water supplier at the time of major subdivision application.

4. Adequate Water Rights: In addition to the requirements of the Tri-County health department and the Utah department of environmental quality, as applicable, for the provision of culinary water, the following information shall be provided, as necessary, to evaluate the adequacy of the water system intended to serve the proposed subdivision:

- a. Evidence of adequate water rights.
- b. Evidence shall be provided identifying adequate water rights to serve the proposed major subdivision.
- c. Such evidence shall identify a minimum of one (1.0) acre foot of water right per residential unit, or equivalent for nonresidential uses, which is not dedicated to any other use.

5. Individual Wells And Springs: If individual on site wells or springs are proposed as a method of providing culinary water, the well or spring shall have documentation providing the following information as part of the application materials for a major subdivision.

A water quality analysis indicating the quality of water recovered from the well or spring meets all public health standards for culinary water. Water samples shall be provided for review by the Tri-County health department.

B. Sewage Requirements:

1. Health Department: The Tri-County health department shall be considered the county's expert in evaluating the proposed sewage treatment system. It shall be the responsibility of the applicant to provide information and materials as required by the Tri-County health department.

2. Distance To State Approved System: Connection to a state approved sewer system is required if sewer lines are within three hundred feet (300') of any part of the property boundary proposed for a major subdivision. The applicant for the major subdivision shall submit a letter of intent for service from the sewer system provider at the time of major subdivision application.

4. Percolation Test: For all proposed major subdivisions, where on site wastewater disposal systems are proposed, the major subdivision application shall include final percolation test results, meeting the requirements of the Tri-County health department for each lot proposed. Larger lots than allowed by the zoning ordinance may be

required by the county to assure that each lot will provide adequate on site sewer treatment. The location of the approved absorption site shall be shown.

8-8D-1-3: SUITABILITY OF AREA FOR SUBDIVISION:

In addition to the information required in sections 8-8D-1-1 and 8-8D-1-2 of this article, the following information is required to be presented as part of the preliminary subdivision plat application, necessary to establish the suitability of the site for the proposed subdivision:

A. Soils Suitability: A letter or soils report from the local soil conservation district identifying the types of soils within the proposed subdivision area and identifying any soils constraints for a subdivision.

B. Endangered Or Threatened Wildlife Habitat: For any subdivision proposed within the area of a habitat conservation plan, a letter from an authorized state or local agency identifying compliance with the habitat conservation plan.

C. Fire Control: A letter must be provided from the fire district or fire department, responsible for providing fire protection to the proposed minor subdivision, identifying any items related to providing the proposed subdivision with adequate fire protection and suppression services. The proposed minor subdivision shall meet the requirements for fire protection and suppression as adopted by the county and the fire district or responsible fire department.

D. Other Information And Materials: When the county staff, planning commission or county commission deem necessary, the applicant may be required to provide other information or letters of feasibility, conduct studies and provide evidence indicating suitability of the area for the proposed subdivision, including, but not limited to, groundwater protection, plant cover maintenance, geologic or flood hazard, erosion control, and any other physical or environmental matters necessary to fully identify the suitability of the area for the proposed subdivision.

8-8D-1-4: COORDINATION WITH MUNICIPALITIES AND SERVICE PROVIDERS REQUIRED:

In addition to the information required in sections 8-8D-1-1 and 8-8D-1-2 of this article, the following information is required to be presented as part of the preliminary subdivision plat application,

necessary to promote coordination with affected jurisdictions and other service providers:

A. Incorporated Municipality: For all proposed major subdivisions within one-half ( $1/2$ ) mile of an incorporated municipality, a letter from the legislative body of the municipality acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision and the municipality's willingness to annex the proposed subdivision area.

B. State Or Federal Road: If the proposed subdivision is within five hundred feet (500') of a state or federal road, a letter from the Utah department of transportation acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.

C. Special Service District Or Area: If the proposed subdivision is located within the boundaries of a special service district or a special service area, a letter from the service district or service area governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.

D. Irrigation Or Canal Company: If the proposed subdivision is located within the boundaries of an irrigation company or canal company, a letter from the governing board, acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.

8-8D-1-5: ENGINEERING REVIEW FEES:

The applicant for preliminary plat approval shall pay all costs incurred by the county for the provision of engineering services, provided by a licensed engineer and appointed by the county, acting as the county engineer, necessary to review the preliminary plat application.

8-8D-1-6: PLANNING COMMISSION TO DETERMINE COMPLETE APPLICATION:

Prior to considering a preliminary plat application, the planning commission shall determine and find that the preliminary plat application is complete and contains all preliminary subdivision plat application materials as required by sections 8-8D-1-1 through 8-8D-1-5 of this article.

## 8-8D-1-7: LACK OF APPLICATION INFORMATION; INCOMPLETE APPLICATION:

A. The lack of any information required by this section or improper information supplied by the applicant, shall be cause for the planning commission to find the preliminary subdivision plat application incomplete.

B. A planning commission determination of an incomplete preliminary subdivision plat application shall prohibit the planning commission from considering any material, items or other information related to the proposed preliminary subdivision plat. The planning commission shall notify the applicant of the required information lacking from the preliminary plat application. If the application for preliminary plat approval remains incomplete after thirty (30) days from date of notification of an incomplete preliminary plat application, the planning commission shall return the entire incomplete preliminary plat application to the applicant.

## 8-8D-1-8: APPROVAL; PROCEDURES:

A. Consideration: Following a determination of a complete preliminary subdivision plat application by the planning commission, the preliminary subdivision plat application shall be scheduled for consideration by the planning commission.

B. Public Hearing: The planning commission shall schedule a public hearing, providing at least ten (10) days public notice, to receive comment on the proposed preliminary subdivision plat, with notice of the public hearing:

1. Being provided by U.S. mail to all owners of record of real property within one thousand feet (1,000') of the parcel of land proposed for subdivision;

2. Being posted in at least three (3) public places in the county, at least ten (10) days prior to the public hearing;

3. Providing at least ten (10) days public hearing notice to the legislative body of each municipality and county whose boundaries are within one mile of the property that is the subject of the preliminary plat application.

C. Consideration; Recommendation: Following the close of the public hearing, the planning commission shall consider the application and all materials submitted and input and comments received. The planning commission may recommend approval of the preliminary subdivision plat as presented, recommend approval of the preliminary subdivision

plat with conditions, or recommend denial of the preliminary subdivision plat. The planning commission may recommend on site and off site improvements, facilities and amenities, with findings, determined necessary by the planning commission to protect the public health, safety and welfare of anticipated residents of the subdivision, or the existing residents of the county, including, but not limited to:

1. Road improvements, grading and hard surfacing, bridges, culverts, curbs, gutters, road signs and lighting.
2. Flood control areas and facilities.
3. Culinary water facilities.
4. Sanitary sewer facilities.
5. Parks, trails, open space areas and facilities.
6. Fire protection facilities, including fire hydrants and water storage facilities.
7. Irrigation facilities.
8. Electrical power and telephone facilities.
9. Fencing.

D. Recommendation To County Commission: The planning commission shall transmit its recommendation to the county commission for consideration.

E. County Commission Hearing: Following receipt of the planning commission's recommendation, the county commission shall schedule a public hearing, providing at least ten (10) days public notice, on a county commission meeting agenda to consider the planning commission's recommendation, with notice of the public hearing:

1. Being provided by U.S. mail to all owners of record of real property within one thousand feet (1,000') of the parcel of land proposed for subdivision;
2. Being posted in at least three (3) public places in the county, at least ten (10) days prior to the public hearing;
3. Providing at least ten (10) days public hearing notice to the legislative body of each municipality and county whose boundaries are within one mile of the property that is the subject of the

preliminary plat application.

F. Consideration: Following the close of the public hearing, the county commission shall consider the application and all materials submitted and input and comments received. The county commission may approve the preliminary subdivision plat as presented, approve the preliminary subdivision plat with conditions, or deny the preliminary subdivision plat. The county commission may require on site and off site improvements, facilities and amenities, with findings, determined necessary by the county commission to protect the public health, safety and welfare of anticipated residents of the subdivision, or the existing residents of the county, including, but not limited to:

1. Road improvements, grading and hard surfacing, bridges, culverts, curbs, gutters, road signs and lighting.
2. Flood control areas and facilities.
3. Culinary water facilities.
4. Sanitary sewer facilities.
5. Parks, trails, open space areas and facilities.
6. Fire protection facilities, including fire hydrants and water storage facilities.
7. Irrigation facilities.
8. Electrical power and telephone facilities.
9. Fencing.

8-8D-1-9: EFFECT OF PRELIMINARY SUBDIVISION PLAT APPROVAL:

Approval of the preliminary subdivision plat by the county commission shall not constitute final acceptance of the subdivision by the county, but allows the applicant to proceed with the preparation of the final plat and all required documents. A preliminary subdivision plat shall not authorize the development of land. After a preliminary subdivision plat has been approved by the county commission, the applicant may file an application for final subdivision plat approval.

8-8D-1-10: EFFECTIVE PERIOD OF APPROVAL:

The approval of a preliminary subdivision plat shall be effective for a period of one year from the date the preliminary plat is approved by the county commissioners, at the end of which time the applicant must have submitted a final subdivision plat for approval for the entire preliminary plat, or portion thereof. If a final subdivision plat is not submitted for approval within the one year period, the preliminary approval shall be void, and the applicant shall be required to submit a new preliminary subdivision plat application for review and approval, subject to the existing provisions of this chapter and all other applicable local, state and federal requirements.

8-8D-2: FINAL SUBDIVISION PLAT:

8-8D-2-1: APPLICATION REQUIREMENTS:

In addition to the requirements for the preliminary subdivision plat contained in section 8-8D-1-1 of this article, all final subdivision plats shall provide the following information. The final subdivision plat shall be prepared by a licensed engineer or land surveyor, and conform to current surveying practice and be in a form acceptable to the county recorder for recordation and identify the following:

A. General: The final subdivision plat shall be presented in ink on tracing cloth or reproducible mylar at the same scale and contain the same information, except for any changes or additions required by the county commission, as shown on the approved preliminary plat. All revision dates must be shown as well as the following:

1. Notation of any self-imposed restrictions, or other restrictions, if required by the county commission in accordance with this chapter.

2. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes and easements imposed on the property.

3. All monuments erected, corners and other points established in the field in their proper places. The material of which the monuments, corners or other points are made shall be noted.

4. The owner's certificate of consent including a legal description of the subdivision's boundaries and the dedication of public ways or spaces. This certificate shall be signed, dated and notarized. The owners certificate should include a reference to any covenants that may be declared and blanks where the county recorder may enter

the book and page number of their recording.

5. A certificate showing the name and registration number of the engineer or surveyor responsible for making the plat, and certifying to the plat's accuracy.
6. Signature blocks prepared for the dated signatures of the planning commission chair, county commission chair, county engineer, county recorder, county attorney and county treasurer.
7. Final design and construction drawings of all required public improvements consistent with the requirements of the county.
8. A tax clearance from the county treasurer, indicating that all taxes, interest and penalties owing for the property have been paid.
9. Payment of the final plat application fee as established by resolution by the county commission.

8-8D-2-2: ENGINEERING REVIEW FEES:

An applicant for final subdivision plat approval shall pay all costs incurred by the county for the provision of engineering services, provided by a licensed engineer and appointed by the county, acting as the county engineer, necessary to review the final plat application materials, as required herein, for conformity to the requirements of this section and accepted engineering standards and practice.

8-8D-2-3: PLAT MATERIALS, SIZE, COPIES:

Final subdivision plats shall be prepared on linen or on a stable base polyester film (mylar). Ten (10) paper copies shall be submitted along with the linen or film copy. An eleven inch by fourteen inch (11" x 14") black line original shall also be provided. A computer disk copy, in a computer format acceptable to the county, shall also be provided.

8-8D-2-4: MULTIPLE SHEETS, PLAT ACCURACY:

Multiple sheet plats may be used. All sheets shall be numbered and referenced to an index map, and all required certificates shall appear on a single sheet (along with the index and vicinity maps). Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre.

8-8D-2-5: COUNTY COMMISSION TO DETERMINE COMPLETE APPLICATION:

Prior to considering a final plat application, the county commission shall determine and find that the final plat application is complete and contains all application materials as required herein.

8-8D-2-6: LACK OF APPLICATION INFORMATION; INCOMPLETE APPLICATION:

A. Incomplete: The lack of information under any item specified in this section, or improper information supplied by the applicant, shall cause the county commission to find the application incomplete.

B. Return To Applicant: A county commission determination of an incomplete final subdivision plat application shall prohibit the county commission from considering any material, items or other information related to the proposed final subdivision plat. If the application for final plat application remains incomplete after thirty (30) days from date of notification of an incomplete final plat application, the county commission shall return the incomplete final subdivision plat application to the applicant.

8-8D-2-7: FINAL SUBDIVISION PLAT APPROVAL:

It is the intent of this section that approval of a final subdivision plat be a ministerial action by the county commission, assuring compliance with all applicable requirements of this chapter and any conditions imposed by the county commission for preliminary plat approval.

8-8D-2-8: NATURE AND EFFECTIVE PERIOD OF FINAL SUBDIVISION PLAT APPROVAL:

A. Building Permits: After a final subdivision plat has been approved by the county commission and recorded in the office of the county recorder, the applicant may apply for building permits consistent with the approved final subdivision plat and the requirements for a building permit.

B. Approval Period: The approval of a final subdivision plat shall be effective for a period of one year from the date the final plat is approved by the county commission, at the end of which time such final subdivision plat shall have been recorded in the office of the county recorder. If the approved final subdivision plat is not

recorded within the one year period of date of approval, the final subdivision plat approval shall be void, and the applicant shall be required to submit a new preliminary plat for review and approval subject to the then existing provisions of this chapter and all other applicable local, state and federal requirements.

8-8D-2-9: SITE PREPARATION WORK PROHIBITED BEFORE APPROVAL AND RECORDING:

No excavation, grading or regrading shall take place on any land, and no building permits shall be issued, until a proposed subdivision has received final plat approval from the county commission and the final subdivision plat has been recorded in the office of the county recorder.

## CHAPTER 8

## SUBDIVISIONS

## ARTICLE E. CLUSTER SUBDIVISIONS

## SECTION:

- 8-8E-1: Purpose And Intent
- 8-8E-2: Use Regulations
- 8-8E-3: General Requirements
- 8-8E-4: Development Standards
- 8-8E-5: Farm Area And Open Space Provision And Maintenance
- 8-8E-6: Application For Cluster Subdivision !2R!

## 8-8E-1: PURPOSE AND INTENT:

The cluster subdivision option is provided and designed to encourage creativity in subdivision layout and to allow for the protection of the natural features and amenities of the county. Full compliance with all the provisions of this title, and all other applicable county, state and federal requirements is required.

## 8-8E-2: USE REGULATIONS:

The cluster subdivision option may be permitted in all zoning districts of the county, at the discretion of the county commission, and following the receipt of a planning commission recommendation. An application for a cluster subdivision shall be considered concurrently with an application for subdivision approval. All use requirements of the zoning district in which the cluster subdivision is located shall apply, and the requirements for either a subdivision plat or minor subdivision, as applicable, shall apply.

## 8-8E-3: GENERAL REQUIREMENTS:

A. Number Of Dwelling Units: The total number of dwelling units allowed in a cluster subdivision shall be the same as the number allowed by the minimum lot area requirements of the zoning district in which the proposed cluster subdivision is located. Any land used for other uses shall not be included in the area for determining the total number of permitted dwelling units. The total number of permitted dwelling units must also recognize any critical area requirements that may be applicable as identified in this title.

B. Ownership: The land proposed for a cluster subdivision shall be in a single ownership or the application for a cluster subdivision shall be filed jointly by the owners.

8-8E-4: DEVELOPMENT STANDARDS:

A. Minimum Lot Area: The minimum lot area may be reduced below the minimum lot area required by the zoning district requirements in which the cluster subdivision is located, as recommended by the planning commission, and as approved by the county commission.

B. Minimum Lot Width And Minimum Yard Requirements: The minimum lot width, side yard, front yard and rear yard requirements of the zoning district in which the cluster subdivision is located may be reduced as recommended by the planning commission, and as approved by the county commission.

C. Use And Height Requirements: All cluster subdivisions are required to comply with the use and height requirements of the zoning district in which they are located.

8-8E-5: FARM AREA AND OPEN SPACE PROVISION AND MAINTENANCE:

All areas to be preserved for farm use and/or open space areas, as a result of a cluster subdivision approval, shall be preserved and restricted by way of a condition of approval, with a deed restriction recorded, assuring the long term use of such areas. These areas shall only be used and shall be maintained in accordance with a condition of cluster subdivision approval, as recommended by the planning commission, and approved by the county commission.

8-8E-6: CLUSTER SUBDIVISION APPLICATION:

An application for a cluster subdivision approval shall be submitted to the county in accordance with the requirements for a preliminary plat application, or a minor subdivision application, as applicable, and as required by this title.

CHAPTER 8

SUBDIVISIONS

ARTICLE F. PLAT AMENDMENTS AND AMENDMENTS TO SUBDIVISIONS

SECTION:

8-8F-0: Statute Applicable

8-8F-1: Amendment To Recorded Plats And Subdivisions Created By Record Of Survey

8-8F-2: Amendment By Petition

8-8F-3: County Commission Public Hearing

8-8F-4: Grounds For Plat Amendments, Record Of Survey Subdivision Amendments And Recordation

8-8F-5: Appeal Of Plat Amendment And Record Of Survey Subdivision Amendment Decisions

8-8F-6: Lot Line Adjustments Within Recorded Plat Or Minor Subdivision !2R!

8-8F-0: STATUTE APPLICABLE:

Unless otherwise provided, the provisions of Utah Code Annotated section 17-27a-608 et seq., are applicable to this article.

8-8F-1: AMENDMENT TO RECORDED PLATS AND SUBDIVISIONS CREATED BY RECORD OF SURVEY:

The board of county commissioners may, with or without a petition, consider a vacation, alteration or amendment of a subdivision plat or subdivision created by record of survey, any portion of a subdivision plat or subdivision created by record of survey, or any road or lot, contained in a subdivision plat or subdivision created by record of survey.

8-8F-2: AMENDMENT BY PETITION:

A. Authorized: Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted, or any fee owner, as shown on the last county assessment rolls, of land within a subdivision recreated by record of survey description may, in writing, petition the county commission to have the plat or subdivision created by record of survey description, or any portion of it, or any road or lot contained in it, vacated, altered or amended.

B. Public Hearing: If a petition is filed, the county commission shall hold a public hearing within forty five (45) days after it is filed, unless exempted under Utah Code Annotated section 17-27a-608.

C. Information Required: A petition to vacate, alter or amend an entire plat or subdivision created by record of survey description, a portion of a plat or record of survey subdivision, or a road or lot contained in a plat or record of survey subdivision, shall include:

1. The name and address of all owners of record of the land within the entire plat or record of survey subdivision;

2. The name and address of all owners of record of land adjacent to any road that is proposed to be vacated, altered or amended;

3. The signature of each of the owners who consent to the petition; and

4. The signature of an authorized agent of all public utilities who maintain easements on any lots affected by the plat amendment.

D. Notice When Lack Of Consent: A petition that lacks the consent of all owners within the plat or record of survey subdivision may not be scheduled for consideration at a public hearing before the county commission until the notice required by Utah Code Annotated section 17-27a-608, as amended, is provided. The petitioner shall pay the cost of all required notices.

#### 8-8F-3: COUNTY COMMISSION PUBLIC HEARING:

When the county proposes to vacate, alter or amend a subdivision plat or record of survey subdivision, or any road or lot contained in a subdivision plat or record of survey subdivision, the county commission shall consider the issue at a public hearing after giving the notice, as required by Utah Code Annotated section 17-27a-608, as amended.

#### 8-8F-4: GROUNDS FOR PLAT AMENDMENTS, RECORD OF SURVEY SUBDIVISION AMENDMENTS AND RECORDATION:

A. Time Limit For Consideration: Within thirty (30) days after the public hearing, the county commission shall consider the petition.

B. Action By County Commission: If the county commission is satisfied

that neither the public nor any person will be materially injured by the proposed vacation, alteration or amendment, and that there is good cause for the vacation, alteration or amendment, the county commission, by ordinance, may vacate, alter or amend the plat or record of survey subdivision, any portion of the plat or record of survey subdivision, or any road or lot. The county commission shall provide that any plat or record of survey subdivision affected by a vacation, alteration or amendment, passed by ordinance, is stamped, marked or signed, indicating approval of such action by the county commission.

C. Recording Required: The county commission shall ensure that any approved vacation, alteration or amendment is recorded in the office of the county recorder.

#### 8-8F-5: APPEAL OF PLAT AMENDMENT AND RECORD OF SURVEY SUBDIVISION AMENDMENT DECISIONS:

An aggrieved party may appeal the decision of the county commission concerning a subdivision amendment to district court, as provided in Utah Code Annotated section 17-27a-801, as amended.

#### 8-8F-6: LOT LINE ADJUSTMENTS WITHIN RECORDED PLAT OR MINOR SUBDIVISION:

A. Conditions For Petition: Petitions to adjust lot lines between adjoining properties may be executed upon the recordation of an appropriate deed if:

1. No new dwelling lot or housing unit results from the lot line adjustment.
2. All adjoining property owners consent to the lot line adjustment.
3. The lot line adjustment does not result in a remnant piece of land that did not exist previously.
4. The lot line adjustment does not result in the violation of any applicable zoning district requirements.

B. Requirements Prior To Recordation: Prior to recordation of the appropriate deed, the county recorder shall ensure the requirements of this section are met. The county recorder shall review the materials presented for a lot line adjustment prior to recordation.

## CHAPTER 8

## SUBDIVISIONS

## ARTICLE G. RECORDING AND CONSTRUCTION

## SECTION:

8-8G-1: Construction Of Required Subdivision Improvements

8-8G-2: Proceeding With Subdivision Construction

8-8G-3: As Built Drawings

8-8G-4: Guarantees And Escrow Bond !2R!

## 8-8G-1: CONSTRUCTION OF REQUIRED SUBDIVISION IMPROVEMENTS:

Construction of any subdivision improvements, including infrastructure and facilities, necessary to meet the requirements of this chapter, and any conditions required by the county commission for final subdivision approval, shall comply with the requirements as established by ordinance by the county commission.

## 8-8G-2: PROCEEDING WITH SUBDIVISION CONSTRUCTION:

Following the recording of the approved subdivision in the office of the county recorder, the landowner may proceed with construction of the approved subdivision. However, no improvements shall be installed until their location and "cut sheets" have been approved by the county engineer. Water mains, sewer lines, laterals, drainage facilities and fire hydrants shall be installed and tested prior to the surfacing of roads and the installation of road base. A preconstruction meeting shall be held either prior to recording of the final subdivision plat or as directed by the county engineer.

## 8-8G-3: AS BUILT DRAWINGS:

At the completion of subdivision construction (and prior to final escrow release) the subdivider shall deliver to the county engineer three (3) sets of "as built" drawings. These drawings shall show all approved changes made during construction and provide physical ties for all water lines, valves, sewer lines, manholes, etc. All bonds held by the county will not be released until the as built drawings are received by the county engineer.

## 8-8G-4: GUARANTEES AND ESCROW BOND:

The county may require guarantees and bonding necessary to ensure the installation of all public improvements. Any required guarantee of bonding shall be recommended by the county engineer and approved by the county attorney consistent with the established procedures of the county.

## CHAPTER 8

## SUBDIVISIONS

## ARTICLE H. BUILDING PERMITS

## SECTION:

8-8H-1: Legal Lot Required

8-8H-2: Water, Sewage And Road Requirements !2R!

## 8-8H-1: LEGAL LOT REQUIRED:

The building inspector shall not issue any permit for a proposed building, use or structure, excluding agricultural buildings, as exempt by state law, on a lot within the county unless:

A. The lot is within a subdivision and the lot was legally created pursuant to this chapter, or the county subdivision ordinance adopted January 19, 1994.

B. The lot is a legal lot of record, created prior to January 19, 1994.

## 8-8H-2: WATER, SEWAGE AND ROAD REQUIREMENTS:

As required by this section, all applications for a building permit, excepting agricultural buildings as exempt by state law, shall comply with the following requirements for the provision of basic infrastructure and service:

## A. Water Requirements:

1. The hauling of water to meet the water and fire protection requirements of this chapter for the issuance of a building permit is prohibited and shall not be accepted by the county as a method of providing any building or structure with water and fire protection services.

2. The Tri-County health department shall be considered the county's expert in evaluating the proposed water supply system. It shall be the responsibility of the applicant to provide information and materials as required by the Tri-County health department.

3. In all cases where a proposed building, use or structure will require culinary water and the proposed building, use or structure

will not be connected to an existing and approved public water supply, approval for the culinary water system must be obtained from the Tri-County health department.

B. Sewage Requirements:

1. The Tri-County health department shall be considered the county's expert in evaluating the proposed sewage treatment system. It shall be the responsibility of the applicant to provide information and materials as required by the Tri-County health department.

2. For all buildings, uses and structures, where on site wastewater disposal systems are proposed, the building permit application shall include final percolation test results, meeting the requirements of the Tri-County health department.

C. Road Requirements:

1. All proposed buildings, uses and structures are required to provide direct access to a publicly dedicated road, improved to the minimum requirements for road improvements as established by the county.

2. For all building permit applications providing direct access to publicly dedicated roads, but not improved to the minimum requirements for road improvements, the board of county commissioners may issue a building permit, on a case by case basis, by requiring the applicant for a building permit to sign an agreement with the county agreeing to the following:

a. Acknowledging the required road improvements; and

b. Indicating voluntary participation, running with the property, in the establishment of an improvement district, service district or other mechanism necessary for the installation of the required road and street improvements, at a time determined necessary by the county commission.