CHAPTER 12. SUBDIVISION AND DEVELOPMENT

SECTION 1. GENERAL PROVISIONS

1-100. TITLE: This ordinance shall be known as the "Annabella Town Subdivision Ordinance" and may be so cited and pleaded.

1-200. PURPOSE:

1-201. Promote the health, safety, convenience, and general welfare of the present and future development of the Town

1-202. Facilitate the transfer of land having accurate land descriptions

1-203. Bring about the development of a more attractive and wholesome environment within and about the Town

1-204. Establish the rights, duties, and responsibilities of subdivider with respect to land subdivision and improvements thereon

1-205. Facilitate the implementation of official Town plans

1-206. Comply with Utah Code §10-20-801, as amended.

1-207. Ensure the provision of public infrastructure without imposing an undue financial burden on the Town or its taxpayers.

1-300. SCOPE OF APPLICABILITY: This Chapter applies to all applications or petitions to subdivide land in the Town. The requirements of this Chapter do not apply retroactively to subdivision applications or petitions that were approved by the Town prior to the enactment of this ordinance.

1-301. The Town shall withhold building permits, utility connections, and certificates of occupancy for any lot or parcel created illegally or without proper subdivision approval in accordance with this Title.

1-400. AMENDING AND SUPPLEMENTING THIS TITLE: Amendments and additions to this Title may be made upon a hearing and recommendation of the Planning Commission and enactment by the Town Council. In addition to those contained in this Title, additional Engineering and Design Standards may be set at any time by resolution of the Town Council as set forth in State law.

1-500. APPROVED AND RECORDED DOCUMENTS REQUIRED:

1-501. From the effective date of this ordinance, no person shall subdivide any tract of land that is located wholly or in part within the limits of Annabella, Utah, nor shall any person sell, exchange, or offer sale, or purchase, or offer to purchase any parcel of land

which is any part of a subdivision of a larger tract of land within the Town, except pursuant to a final plat or other governing document properly approved and recorded in compliance with this Title and Utah Code as adopted and amended.

1-502. A subdivision of land is not valid unless its governing document is approved by the Land Use Authority and properly recorded in the County Recorder's Office. Any license or permit issued in conflict with this ordinance or as a result of inadvertence, error or mistake shall be null and void.

1-503. In accordance with Utah Code § 10-20-804, no person shall record a subdivision plat or other document creating a subdivision without the final approval of the Land Use Authority. The recording of an unapproved plat or document is void and constitutes a direct violation of this Title.

1-600. EFFECTIVE DATE: This ordinance shall become effective after passage, publication and posting as set forth in State law.

1-700. PENALTY FOR NONCOMPLIANCE:

1-701. Any person who shall violate any of the provisions of the ordinance shall, upon conviction thereof, be punished by a fine not exceeding $1,000.00 or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment.

1-702. In addition to any criminal penalties, the Town may institute an injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove the unlawful use or development of an illegal subdivision. The Town shall refuse to recognize any lot created pursuant to an invalid subdivision as a buildable parcel and shall withhold all building permits, utility connections, and municipal services until the property is brought into full compliance with this Title and state law.

1-800. INTERPRETATION AND CONFLICT OF LAWS:

1-801. Where any provision of this Chapter conflicts with state or federal law, state or federal law shall prevail. In the event of a conflict between this Chapter and another Town ordinance, this Chapter shall govern subdivision procedures, subdivision application review and approval, subdivision appeals, platting, public improvement requirements, completion assurances, and subdivision phasing. The Town Land Use Ordinance shall govern zoning districts, permitted and conditional uses, lot area, frontage, setbacks, building height, and other zoning and dimensional requirements. Where both ordinances impose compatible substantive development standards, the more restrictive standard shall apply.

1-802. Should any chapter, section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

1-803. The Town does not enforce private restrictive covenants, conditions, and restrictions (CC&Rs), or other private agreements between property owners, developers, or homeowners associations."

SECTION 2. DEFINITIONS

2-100 INTERPRETATION: The following words and phrases, as used in this Title, shall have the following meanings. Words and phrases not defined here have the meaning expressed elsewhere in Town ordinances or, if not defined in Town ordinances, the meaning defined in Utah State Code.

2-101. ACCESS: A means of approaching or entering a property. Lots must have legal access to a public or private street that meets Town standards. Access includes both ingress (entry) and egress (exit) rights.

2-102. AGRICULTURAL LAND: Land that is actively devoted to the raising of useful plants and animals, which legally qualifies as land in agricultural use under the specific provisions of Utah Code §59-2-502.

2-103. ALLEY: A street or thoroughfare less than twenty (20) feet wide which affords only secondary access to abutting property.

2-104 APPEAL: When a person believes a decision was made in error, an appeal may be filed so that a higher decision-making body can review the case.

2-105. APPEAL AUTHORITY: The person, board, or commission appointed or recognized by the Town Council to hear and decide appeals of decisions made by the Land Use Authority under this Title.

2-106. APPLICANT: Any fee owner of record, or a person, firm, partnership, corporation, or association having a legally recognized property interest in the land to be subdivided, or their explicitly authorized agent (such as a licensed professional engineer, surveyor, or attorney), who executes and submits a subdivision land use application under this Title.

2-107. AS-BUILT (RECORD) DRAWINGS: A certified set of engineered drawings submitted by a licensed professional engineer upon the completion of a project. These drawings must reflect all modifications made to the original specifications and working drawings during the construction process, depicting the exact, finalized dimensions, geometry, and location of all installed public improvements.

2-108. BENEFIT AREA: The specific geographic area, formally designated in an approved Reimbursement (Pioneer) Agreement, containing undeveloped properties that will financially benefit from utilizing oversized public infrastructure paid for and constructed by an initial developer.

2-109. BOUNDARY LINE AGREEMENT: A recorded legal document executed between owners of adjoining parcels or lots that adjusts the mutual property line, provided that no new, separate

parcel or dwelling lot is created by the adjustment, utility easements remain in place and no zoning regulations are violated.

2-110 BUILDING OFFICIAL: The person responsible for the administration and enforcement of the building, housing, plumbing, electrical and related codes. All such officials in Utah need to be certified by the State of Utah.

2-111. CERTIFICATE OF OCCUPANCY: A formal document issued by the Building Official certifying that a structure complies with all applicable building codes and that all required public improvements serving the lot have been fully completed, inspected, and accepted by the Town.

2-112 COMPLETION ASSURANCE: A surety bond, letter of credit, cash, or other financial security required by the Town to guarantee that required public improvements are completed in compliance with Town standards and approved plans.

2-113. COMMON AREA: Parcels of land, amenities, or infrastructure within a subdivision that are designated for the shared use and enjoyment of the subdivision's residents, which are owned and maintained by an HOA rather than being dedicated to or maintained by the Town.

2-114. CUL-DE-SAC: A local street with only one outlet for vehicular traffic that terminates in a permanent, circular vehicular turnaround.

2-115. DEDICATION: The deliberate, voluntary setting apart or transfer of land, infrastructure, or an interest in real property by its owner for any general or public use. A dedication is not complete or legally binding upon the Town until the final subdivision plat is recorded and the public improvements have received formal, written acceptance from the Town Council.

2-116. DEVELOPER: Any person, firm, partnership, corporation or association who causes improvements to be constructed and use to be changed, or land to be subdivided for himself/herself or others.

2-117. DEVELOPMENT IMPACT FEES: A fee or charge imposed on developers to pay for the costs to the community of providing services to a new development. It is a means of providing a fund for financing new public improvements without resorting to deficit financing.

2-118. DEVELOPMENT (LAND): The conversion or alteration of use or physical characteristics of land; placing improvements on the land; or putting land to intensive use such as subdivision, PUD, mobile home park, recreation vehicle park, shopping center, industrial park, excavation, etc.

2-119. DEVELOPMENT AGREEMENT: A legally binding, recorded contract between the Town Council and a property owner or developer that establishes specific, vested development rights, obligations, and standards for a particular property, which must run with the land and bind all successors.

2-120. DWELLING, ACCESSORY UNIT (ADU): A secondary dwelling unit located on the same lot as a primary single-family home. An ADU has its own living, sleeping, cooking, and bathroom facilities and is either a detached structure or an attached addition that expands the footprint of the primary dwelling.

2-121. DWELLING, INTERNAL ACCESSORY UNIT (IADU): An accessory dwelling unit that is created entirely within the footprint of an existing single-family dwelling, such as a basement or portion of the main house, with a separate entrance and independent living facilities for the purpose of offering a long-term rental of 30 consecutive days or longer.

2-122. EASEMENT: A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give or sell an easement on the property to allow utility facilities such as power or pipe lines.

2-123. FORMAL ACCEPTANCE (OR WRITTEN NOTICE OF ACCEPTANCE): The official, documented legislative or administrative action by the Town Council (or its authorized designee) acknowledging that all required public improvements for a subdivision or phase have been constructed to Town standards, officially transferring maintenance responsibilities (subject to the warranty period) to the Town.

2-124. FRONTAGE: The total contiguous linear distance where a lot or parcel directly abuts and shares a boundary with a dedicated public street or an approved private street. Frontage is measured entirely along the shared right-of-way line between the two side lot lines.

2-125. GEOLOGIC HAZARD AREA: Any land identified by Town, County, or State mapping—or identified by a site-specific geotechnical study—as being susceptible to adverse geological events, including but not limited to landslides, mudflows, rockfalls, subsidence, high groundwater, or active fault ruptures.

2-126. GRADE: The average elevation of the adjoining street or streets.

2-127. HOMEOWNERS ASSOCIATION (HOA): A legally established and incorporated entity operating under recorded covenants, conditions, and restrictions (CC&Rs) to which each lot owner in a subdivision is automatically bound, created for the purpose of owning, managing, and maintaining common areas and enforcing private community rules.

2-128. HEARING OFFICER: An independent, impartial professional appointed by the Mayor with the advice and consent of the Town Council, tasked with hearing specific land use appeals as designated by this Title. The Hearing Officer shall have expertise in land use law or planning and shall not be an employee of the Town or serve as the Town Attorney.

2-129. IMPROVEMENT PLAN: A plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety, that is required for human occupation, or that is required by applicable law and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.

2-130. IMPROVEMENT WARRANTY RESERVE: A mandatory financial retention, equal to 10% of the total estimated cost of all required public improvements, held by the Town throughout the twelve (12) month warranty period to secure the Subdivider's obligation to repair any defects in material or workmanship.

2-131. LAND USE APPLICATION: An application required by the Town and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.

2-132. LAND USE AUTHORITY: An individual, board, or commission appointed or employed by the Town to make land use decisions. "Land Use Authority" includes any appropriately authorized designees.

2-133. LOT: A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area as required by this ordinance, having frontage upon a street or upon a right-of-way approved by the Planning Commission. Except for group dwellings, not more than one dwelling structure shall occupy any one lot.

2-134. LOT, CORNER: A lot abutting upon two or more intersecting streets, or upon two segments of the same street, where such streets or street segments form an interior angle of less than one hundred thirty-five (135) degrees at their point of intersection or alignment change.

2-135. LOT, DEPTH: The mean horizontal distance from the front lot line to the rear lot line, measured generally along the lot's centerline, or as nearly as possible to that line in the case of irregularly shaped lots.

2-136. LOT, INTERIOR: A lot other than a corner lot.

2-137. LOT, LINES: The property lines bounding the lot.

2-138. LOT WIDTH: The horizontal distance between the side lines of a lot, measured at the minimum front yard setback line required by the applicable zoning district, parallel to the street right-of-way.

2-139. MASTER PHASING PLAN: A comprehensive, mapped plan submitted with a preliminary subdivision application that details the intended sequential division and development of a multi-phase project, explicitly showing the boundaries, infrastructure extensions, and lot layouts for all current and future phases.

2-140. MATERIAL CHANGE: Any modification or amendment made to an approved preliminary plat, final application, or engineered improvement plan by an applicant that substantively alters the layout or scope of the project. This includes, but is not limited to: an increase in the total number of lots ; the reconfiguration of streets or intersections ; modifications that affect stormwater drainage calculations ; or changes that alter the routing, sizing, or capacity of required public utility lines.

2-141. PARCEL: Any contiguous land that is not a lot, created by a metes and bounds description or other recorded instrument, that has not been approved as part of a formal subdivision plat.

2-142. PHASE (OR DEVELOPMENT PHASE): A specific, geographically distinct portion of a larger master-phased subdivision project that is planned, designed, and constructed to be completely self-sufficient. Each individual phase must independently satisfy all Town standards for street connectivity, looping utilities, secondary fire access, and stormwater drainage without relying on unbuilt infrastructure in future phases.

2-143. PLANNING COMMISSION: The administrative body charged with the development of the general plan, formulation and administration of the land use map and ordinance, and review and administration of any other land-use matters designated by ordinance or the Mayor and Town Council. For more information, see Utah Code 10-20-302, as amended.

2-144. PLAT: An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with Utah State Code.

> **2-144.1. PLAT, PRELIMINARY:** A map or drawing representing a proposed subdivision, submitted for initial review and approval by the Land Use Authority.
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> **2-144.2. PLAT, FINAL:** The final map or graphic representation of a subdivision, prepared by a licensed professional land surveyor, that has received all required Town approvals and is ready for recording in the County Recorder's Office.

2-145. PUBLIC IMPROVEMENT: Streets, curbs, gutters, sidewalks, water and sewer lines, storm drains, and other similar facilities which are required to be dedicated to the Town in connection with a subdivision, Conditional Use, or Site Plan approval.

2-146. PUNCH LIST: A formal written document prepared by the Town Engineer following a final inspection that itemizes specific construction defects, incomplete tasks, or public improvements that fail to conform to approved plans or Town standards. The Subdivider must fully resolve all items on this list prior to the Town granting Formal Acceptance.

2-147. REIMBURSEMENT (PIONEER) AGREEMENT: A legally binding contract authorized by the Town Council that establishes a defined benefit area and allows an initial developer, who privately funds and constructs oversized off-site public infrastructure, to recover a proportional share of those costs from subsequent developers who later utilize that infrastructure.

2-148. RIGHT OF WAY: The portion of land dedicated to the public use for street and/or utility purposes or maintained in private use for similar purposes.

2-149. SPITE STRIP (OR RESERVE STRIP): A narrow parcel or strip of land strategically created or retained along the boundary of a subdivision or public street for the purpose of denying adjacent, undeveloped properties access to the street or public utilities.

2-150. STREET, PUBLIC: A dedicated public right-of-way, including the road surface, sidewalk, and park strip, that has been constructed to Town engineering standards, formally accepted by the Town Council, and is maintained by the Town for the purpose of vehicular and pedestrian traffic.

2-151. STREET, PRIVATE: A privately owned and maintained multi-lot easement, right-of-way, or road corridor that provides vehicular access to two or more lots. Private streets must be constructed to Town engineering standards but are not accepted by the Town for maintenance; responsibility for upkeep, repairs, and snow removal must remain with a Homeowners Association (HOA) or the abutting property owners.

2-152. STRUCTURE: Anything constructed or erected which requires a fixed location on the ground, or to something having a location on the ground, including signs and billboards.

2-153. SUBDIVIDER: The term subdivider is any person laying out or making a land division for the purpose of first sale, or first selling for himself or others a subdivision or any part thereof.

2-154. SUBDIVISION: Any land that is divided, subdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

2-154.1. SUBDIVISION INCLUDES:

a. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
b. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

2-154.2. SUBDIVISION DOES NOT INCLUDE:

a. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
b. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-20-907 of Utah State Code (as amended) if no new parcel is created;
c. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
d. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-20-907 and §10-20-812 of Utah State Code and this Title, if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;
e. A road, street, or highway dedication plat;
f. A deed or easement for a road, street, or highway purpose; or

g. Any other division of land authorized by law.
h. The creation of an Internal Accessory Dwelling Unit (IADU) or an Accessory Dwelling Unit (ADU) within an existing primary dwelling or on a single-family lot, provided no new parcel or lot is created.

2-155. SUBDIVISION REVIEW COMMITTEE (SRC): An administrative, ministerial body established by the Town, consisting of the Town Clerk, the Town Engineer, and the Town Attorney, tasked solely with reviewing and approving final subdivision applications to ensure strict compliance with the approved preliminary plat and Town engineering standards.

2-156. VESTED RIGHT: The legally protected right of an applicant to have a land use application reviewed, approved, and developed under the specific land use ordinances, zoning maps, and regulations that were officially in effect on the exact date the applicant submitted a fully complete application.

2-157. REVIEW CYCLE: As used and further defined in Section 5 of this Title, "review cycle" means the occurrence of:

a. The applicant's submittal of a complete subdivision land use application;
b. The Town's review of that subdivision land use application;
c. The Town's response to that subdivision land use application, in accordance with this section; and
d. The applicant's reply to the Town's response that addresses each of the Town's required modifications or requests for additional information.

2-158. STREET, ARTERIAL: A major high-capacity roadway designed primarily to move large volumes of traffic over long distances between municipalities and major traffic generators, providing for relatively high travel speeds with minimal interference to through-traffic.

2-159. STREET, COLLECTOR: A mid-capacity roadway designed to link traffic generators (such as schools or parks) and distribute traffic from local residential streets to higher-classification arterial routes.

2-160. STREET, RESIDENTIAL (LOCAL): A lower-capacity street designed primarily to provide direct vehicular access to abutting residential properties and route local traffic to collector streets over relatively short distances.

2-161. STUB STREET: A dedicated public street extending from an existing roadway and temporarily terminating at an adjacent property boundary, designed and mandated to provide future street connectivity when the adjoining land is developed.

2-162. WATER CONVEYANCE FACILITY: A ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline or other watercourse. "Water conveyance facility" does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

2-163. TOWN COUNCIL: The Town Council of Annabella Town, Utah.

2-164. TOWN ATTORNEY: The attorney of the Town, or any individual or firm retained or designated by the Town for the purpose of performing legal services.

2-165. TOWN ENGINEER: The engineer of the Town, or any individual or firm retained or designated by the Town for the purpose of performing engineering duties.

2-166. WILL-SERVE LETTER: A formal, written commitment from a utility provider, municipal authority, or special service district explicitly verifying that the provider has the legal rights, physical system capacity, and intent to provide continuous, adequate service (such as water or sewer) to every lot within a proposed subdivision.

SECTION 3. SUBDIVISION LAND USE AUTHORITY

3-100. The Land Use Authority for preliminary applications under this Title is the Planning Commission. For purposes of subdivision applications, the Planning Commission shall be responsible for the following, but may delegate any responsibility to Town staff:

a. Rendering land use decisions related to preliminary applications.
b. Reviewing preliminary applications in an impartial manner and according to the standards and deadlines described in this Title.
c. Holding a public hearing for preliminary applications when the Planning Commission determines one is appropriate, provided that no more than one (1) public hearing shall be held per subdivision application in accordance with state law.
d. Providing feedback to applicants on their preliminary applications.
e. Scheduling and holding a pre-application meeting with potential applicants (when requested).
f. Keeping application forms (both preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants. This task is delegated to Town staff by default.
g. Providing notice to entities and parties as required by this Title. This task is delegated to Town staff by default.
h. Ensuring that documents are properly recorded with the County after final approval as required by this Title. This task is delegated to Town staff by default.

3-200. The Land Use Authority for final applications under this Title is the Subdivision Review Committee (SRC). For purposes of subdivision applications, the Subdivision Review Committee shall be responsible for the following:

a. Rendering land use decisions related to final applications.
b. Reviewing final applications in an impartial manner and according to the standards and deadlines described in this Title.
c. Signing final application approvals as required by this Title.

3-300. The Subdivision Review Committee shall be organized as follows:

a. Membership shall include one or more members of the Planning Commission, the Town Engineer, the Town Clerk, and the Town Attorney.
b. The SRC may meet informally on an as-needed basis. Final plat review is an administrative, ministerial action. The SRC shall approve the final application if it

materially conforms to the approved preliminary application, meets all conditions of the preliminary approval, and complies with all applicable engineering and design standards.

3-400. MANDATORY APPROVAL OF ADMINISTRATIVE DECISIONS: Subdivision application decisions under this Title are administrative, not legislative. The Land Use Authority is authorized—and required—to approve any subdivision application that complies with the objective standards set forth in this Title, the Town's engineering standards, and state law. The Land Use Authority may not deny an application based on public clamor or subjective preferences. Town Council approval is not required for subdivision applications.

3-500. Except when operating as the Appeal Authority, the Town Council shall not require the Land Use Authority to approve or deny an application under this Title.

3-600. STAFF DELEGATION: The Land Use Authority may rely upon the Town Engineer, Town Attorney, and Town staff to review applications for technical compliance, conduct completeness checks, and handle administrative communications. However, the final decision to approve, conditionally approve, or deny the preliminary or final application remains with the designated Land Use Authority.

SECTION 4. SUBDIVISION APPEAL AUTHORITY

4-100. The Appeal Authority for Town decisions relating to this Title, except where otherwise noted, is the Town Council.

4-200. The Appeal Authority shall hear and decide appeals from final administrative decisions applying the provisions of this Title. The Appeal Authority shall not entertain general complaints about the conduct of the Land Use Authorities outside the scope of a formal appeal of a land use decision.

4-300. A party appealing a Land Use Authority's decision under this Title must exhaust its remedies under this section (by appealing to the Appeal Authority) before bringing an action against the Town in a court of law.

4-400. A land use applicant, a board or officer of the Town, or an adversely affected party may appeal a Land Use Authority decision under this Title to the designated Appeal Authority by alleging that there is error in an order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of this Title.

4-500. A party desiring to appeal a Land Use Authority decision shall file a written notice of appeal with the Town Clerk within ten (10) calendar days after the written decision of the Land Use Authority is issued. The submitted appeal must include the following:

a. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the Land Use Authority's decision and treatment of the application or petition, and why the applicant believes the Land Use Authority misapplied the provisions of this Title or abused the discretion given it by this Title.
b. The most recent version of the application or petition the party submitted.
c. Any supplemental documentation or information that the Appeal Authority requests.

d. All appeals must be emailed or mailed to the Town Clerk using the address of the Town office or the Clerk's official email account listed on the Town website.
e. After receiving a complete appeal in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 45 calendar days after the Appeal Authority receives the appeal or complaint.

4-600. For ease of reference, the Land Use Authorities and Appeal Authorities for actions under this Chapter are described in Table 4.

4-700. STANDARD OF REVIEW AND BURDEN OF PROOF:

4-701. The Appeal Authority shall act in a quasi-judicial manner and serve as the final arbiter of issues involving the interpretation or application of this Title.

4-702. The appellant bears the burden of proving that the Land Use Authority erred.

4-703. Appeals shall be reviewed on the record. The Appeal Authority shall uphold the Land Use Authority's decision unless it is shown to be arbitrary, capricious, or illegal.

TABLE 4 - SUBDIVISION LAND USE AND APPEAL AUTHORITIES

Action	Recommending Body	Land Use Authority	Appeal Authority
Preliminary Subdivision Application	Town Staff	Planning Commission	Town Council
Final Subdivision Application	N/A	Subdivision Review Committee	Town Council
Petition to Materially Amend Existing Subdivision	N/A	Planning Commission	Town Council
Petition for Lot Line Adjustment	N/A	Planning Commission	Town Council
Petition to Vacate Existing Subdivision	Planning Commission	Town Council	Hearing Officer
Materially Amending a Subdivision	Planning Commission	Town Council	Hearing Officer
Acceptance and Approval of Required Improvements	Planning Commission	Town Council	Hearing Officer
Release of Completion Assurance (Full or Partial)	Building Official	Town Council	Hearing Officer

SECTION 5. SUBDIVISION APPLICATIONS AND PETITIONS

5-100. NEW SUBDIVISION APPLICATION REQUIREMENTS:

5-100-1. The Town shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Chapter and received both a preliminary approval and a final approval from the respective Land Use Authorities.

5-100-2. To be considered complete, a preliminary subdivision application must include at least the following elements:

a. An approved land use application that describes how the property will be used after it is subdivided.
    i. If the intended use is permitted by right under Town ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
    ii. If the intended use requires a conditional use permit or is otherwise conditioned on Town approval, the land use application must include an approved, Town-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
    iii. If the intended use is prohibited under Town ordinances and requires a variance or rezoning, the land use application must include an approved, Town-issued variance or the Town must enact a rezoning ordinance authorizing the intended use. Should an applicant seek a variance or rezoning concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued or rezoning ordinance is enacted.
b. A preliminary plat. The preliminary plat must be prepared by a registered engineer or surveyor to scale, not smaller than 100 feet to the inch, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder's Office. The preliminary plat must include:
    i. The name and contact information of the owner(s) of the land, the applicant (if different from the owner(s)), and the engineer and surveyor who prepared the application.
    ii. The proposed subdivision name, which must be distinct from any subdivision name on a plat recorded in the County Recorder's office.
    iii. Identification and legal description of the proposed subdivision, including street identification and location by section, township and range.
    iv. Accurately drawn boundaries, bearings, dimensions, and acreage of all properties, proposed lots, and existing structures within the proposed subdivision.
    v. The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage

for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.

vi. A graphic scale and north arrow.
vii. The date of preparation.
viii. Existing and finished contours of at least five-foot intervals.
ix. Location, description, and size of monuments.
x. A statement of public survey monuments found and restored.
xi. The ordinary high water marks of all streams and boundaries of any designated wetlands.
xii. The location of prominent natural features such as rock outcroppings, woodlands, steep slopes, potential hazards.
xiii. The location and dimensions of existing and proposed utilities and utility easements.
xiv. The location and dimensions of existing and proposed streets, roads, alleys, rights-of-way, and easements.
xv. Widths and names of existing and proposed streets and sidewalks.
xvi. Location and widths of existing and proposed utility and drainage easements.
xvii. Location and names of existing and proposed parks and other open space with accurate lot line dimensions.
xviii. Lot numbers and lot size dimensions and acreage.
xix. Existing sewage disposal systems, storm drains, water supply mains and culverts within the subdivision or within 100' thereof.
xx. The location, width, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces to be dedicated to the public, with complete description.
xxi. Signature blocks for the preliminary and final Land Use Authorities, the surveyor who prepared the plat, utility providers who will service the proposed subdivision, and the owner(s) of the land to be subdivided.
xxii. Any restrictive covenants associated with the proposed lots.
xxiii. Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.
xxiv. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.
xxv. Whether any parcel is intended to be used as a street or for any other public use.
xxvi. Whether any parcel is reserved or proposed for dedication for a public purpose.
xxvii. Identification of the plat as "preliminary"

c. Studies and Reports:
    i. Stormwater and Drainage Report: A comprehensive stormwater and drainage plan prepared by a licensed professional engineer, detailing flood risks, runoff calculations, and proposed mitigation to ensure post-development runoff does not exceed pre-development levels.
    ii. Culinary Water Commitment (Will-Serve Letter): A formal, written commitment letter from the applicable culinary water authority verifying that the provider has both the legal water rights and the

physical system capacity to provide continuous, culinary water service to every lot within the proposed subdivision.

iii. Water System Capacity and Fire Flow Analysis: A technical report prepared by a licensed professional engineer demonstrating that the existing municipal water infrastructure (and any proposed extensions) can provide domestic water pressure and required fire flow to all proposed lots in compliance with the Utah State Fire Code and Public Drinking Water Rules in Utah Administrative Code R309.

iv. Water Rights Verification: If the Town or water provider requires the dedication or transfer of water rights as a condition of service, the applicant must provide legal documentation verifying that sufficient, approved water rights have been secured and are ready to be transferred to the applicable water authority prior to final plat approval.

v. Soils Report: A soils report from a qualified soils engineer, identifying the types of soils within the proposed subdivision area and identifying any soils constraints on the proposed subdivision.

vi. Wastewater Feasibility Study: An onsite wastewater feasibility study as approved by the Central Utah Public Health Department, or a "Will-Serve" letter from the applicable sanitary sewer authority if the subdivision will connect to a municipal sewer system.

vii. Additional Studies: Any other study or report reasonably necessary to assess the impact of the proposed subdivision on the Town or to assess compliance with Town ordinances.

viii. Traffic Impact Study (TIS): A Traffic Impact Study, prepared by a licensed professional traffic engineer, shall be required to be submitted with the preliminary application if the proposed subdivision meets any of the following thresholds: **1.** The subdivision contains fifty (50) or more lots; **2.** The subdivision is projected to generate one hundred (100) or more peak-hour vehicle trips; or **3.** The Land Use Authority (Planning Commission) determines, based on the recommendation of the Town Engineer, that the subdivision may cause significant adverse impacts to existing collector or arterial roads, intersections, or safe pedestrian routing to schools. *The TIS shall evaluate the current and future Level of Service (LOS), intersection capacity, sight distances, and recommend necessary off-site improvements to mitigate the development's traffic impacts.*

ix.

d. Other items:

i. A vicinity map, at an appropriate scale, showing all lots and streets in the subdivision and all abutting streets and public rights-of-way.

ii. Where the proposed subdivision's location forms a part of a larger tract or parcel, and where the plat submitted covers only a part of the subdivider's tract, an overview of the prospective future street system of the undeveloped parts of the subdivider's lands shall be submitted. The street system of the part submitted shall be considered in the light of existing master street plans or other Town street studies.

e. An improvement plan, for all public improvements proposed by the applicant or required by Town ordinances. In addition to the requirements set forth in this ordinance, , the improvement plan must contain:
    i. An engineer's estimate of the cost of completing the required improvements.
    ii. A septic and water feasibility statement from the Central Utah Public Health Department.
    iii. A drainage plan prepared by a professional engineer, licensed in the State of Utah.
    iv. Proposed on-site and off-site water facilities, sanitary sewage disposal systems, storm drain facilities and fire hydrants.
    v. A grading plan, including all proposed changes in grade.
    vi. A soil erosion and sediment control plan, including grading of waterways and design of erosion control devices.
    vii. A vegetation preservation and protection plan, including trees and other vegetation proposed to be planted.
    viii. A landscaping plan for any public or common areas.
    ix. Proposed street lighting.
    x. Proposed or required fencing (specifying location, height, and material).
    xi. Stamped Engineering drawings showing typical cross sections of proposed streets, location and design of on and off-site improvements, proposed water and septic facilities and other proposed improvements such as sidewalks, curb and gutter, parks, and open spaces, fire hydrants, streetlights and drainage and flood control facilities.
f. Certifications, including:
    i. An affidavit from the applicant certifying that the submitted information is true and accurate.
    ii. The signature of each owner of record of land described on the preliminary plat, signifying their consent to the preliminary subdivision application and their intent to dedicate portions of the preliminary plat to the public as described in the application.
    iii. Certification that the surveyor who prepared the plat:
        1. Holds a license in accordance with Utah Code 58-22; and
        2. Either
            a. Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
            b. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
        3. Has placed monuments as represented on the plat.
g. Copies:
    i. An electronic copy of all plans in PDF format.
    ii. Five 11" x 17" printed paper copies for Town review.
h. Fees: Payment of any preliminary-application-processing fees required by the Town's Fee Schedule, plus the cost of any engineering or legal review required by the application.

5-101. To be considered complete, a final subdivision application must include the following:

5-101-1. Land Use Authority approval of the applicant's preliminary subdivision application, given within the last 365 calendar days.

5-101-2. The approved land use application that was accepted during the preliminary application review process.

5-101-3. A final plat. The final plat should be the version of the preliminary plat approved by the Town during the preliminary application review process, plus any other additions and immaterial changes (e.g., formatting) necessary to comply with the recording requirements of the County Recorder's Office.

5-101-4. The improvement plan that the Town approved during the preliminary application review process. This improvement plan is for reference only and is not to be amended except by submitting a new preliminary application.

5-101-5. A completion assurance for all public improvements required by the approved improvement plan, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the applicant records the plat, as required by section 6 of this Title.

5-101-6. Certifications, including:

a. A Title Report, Abstract of Title, Registered Property Certificate, or Title Insurance Policy for the land to be subdivided verifying property ownership.
b. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
c. An affidavit from the applicant certifying that the submitted information is true and accurate.
d. The signature of each owner of record of land described on the plat, signifying their consent to the final subdivision application.

5-101-7. Binding dedication documents, including:

a. As applicable, formal, irrevocable offers for dedication to the public of streets, Town uses, utilities, parks, easements, or other spaces.
b. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.

5-101-8. Copies, including:

a. One electronic copy of the final plat in AutoCAD format (DWG or DXF), Geodatabase format (GDB), or Shapefile format (SHP), with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to; and
b. A PDF document of the final plat and all other plans and supporting documents required by this Chapter.
c. A copy of the recording-ready final plat on Mylar to be kept by the Town.

5-101-9. Fees: Payment of any final-application-processing fees required by the Town, plus the cost of any engineering, consulting, or legal review required by the application.

5-102. The Land Use Authority shall produce, maintain, and make available to the public a list of the specific items that comprise complete preliminary and final applications and a breakdown of any fees due upon submission or approval of the applications.

5-103. The Land Use Authority may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the Town relating to an applicant's plans to ensure compliance with Town ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of Town residents.

5-104. Notwithstanding 5-100, the Land Use Authority may waive specific application requirements only if it is demonstrated that the requirement is fundamentally inapplicable to the project type.

5-105 EXCEPTIONS TO SPECIFIC APPLICATION REQUIREMENTS:

5-105-1. Agricultural Land:

a. Applications to subdivide agricultural land are exempt from the plat requirements (but not the other application requirements) of Section 5 if the resulting parcels:
    i. Qualify as land in agricultural use under Utah Code §59-2-502;
    ii. Meet the minimum size requirement of applicable Town land use ordinances; and
    iii. Are not used and will not be used for any nonagricultural purpose.
b. For subdivision applications for which this exception applies, an applicant may submit to the Town-in place of a plat-a record of survey map that illustrates the boundaries of the parcels.
c. If the Town approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the Town, with the County Recorder's Office. This shall be done in the same manner as is done for a plat under Sections 5-100-2 and 6.
d. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The Town may, in its discretion, impose the penalty in Section 1-700 and/or require a subdivision amendment before issuing a building permit.

5-105-2. Development Agreements:

a. Subdivisions developed pursuant to a Development Agreement shall be governed by the provisions of Section 8-100 of this Title.
b. A Development Agreement may modify specific design standards or zoning bulk requirements if expressly approved by the Town Council. However, no Development Agreement shall exempt a subdivider from submitting a complete preliminary and final subdivision application, nor shall it exempt the subdivider from the engineering review, platting, and recording requirements mandated by state law and this Chapter.

5-106. PRE-APPLICATION MEETING: A party intending to submit a subdivision application under this Chapter may request a pre-application meeting with the Land Use Authority for the purpose of reviewing any element of the party's proposed subdivision application (preliminary or final).

The proposed application need not be complete for purposes of this meeting and may-if the party desires-be limited to a concept plan.

a. If a party requests a pre-application meeting, the Land Use Authority shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur at the next regularly scheduled Planning Commission meeting for which appropriate public notice may be achieved.
b. The Land Use Authority (or a member of the body that makes up the Land Use Authority) shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the Town website the following at the time of the meeting:
    i. Copies of applicable land use regulations,
    ii. A complete list of standards required for the project, and
    iii. Relevant application checklists.

5-107. NOTICE TO AFFECTED ENTITIES: Within 15 calendar days after receiving a complete subdivision application under this Chapter, Town staff shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.

5-107.1. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, Town staff shall review information:

a. From the facility owner under Utah Code §10-20-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
b. From the state engineer's inventory of canals; or
c. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.

5-107.2 To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a preliminary (or related final) subdivision application under this Chapter sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.

a. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.

5-108. REVIEW

5-108-1. The respective Land Use Authorities shall review all subdivision applications in accordance with the requirements of this Section before approving or denying those applications.

5-108-2. For both preliminary and final applications, the review process begins when an applicant submits a complete application.

a. The Land Use Authority shall determine whether an application is complete within thirty (30) business days after the application is submitted. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
a. If the Land Use Authority determines that an application is incomplete, it shall notify the applicant in writing of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.

5-108-3. For both preliminary and final applications, after the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of "review cycles."

a. A review cycle consists of the following phases:
    i. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
    ii. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances.
    iii. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.
    iv. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the Town's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. This written explanation must be comprehensive and specific, including citations to applicable standards and ordinances and an index of requested revisions or additions for each required correction. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

Table 5 - REVIEW CYCLES, HEARINGS, AND TIMELINES BY SUBDIVISION USE TYPE

Use Type	Approval Stage	Max Review Cycles	Max Public Hearings	Town Turnaround Deadline*
All Zones/Uses	Preliminary	4	1	30 Business Days
	Final	4	0	40 Business Days
*Describes the total time (per review Cycle) the Town may take to complete both Phase #2 and Phase #3.				

5-108-4. A Land Use Authority (and other Town representatives or agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table 5, except as described below. If no further revisions are needed, a Land Use Authority may end the review process early and approve or deny the preliminary or final application.

a. This provision notwithstanding, for any subdivision application that affects 5-108-2property within an identified geological hazard area, the Town is exempt from limits on the number of permitted review cycles and the Town's deadlines for reviewing and responding (Phases #2 and #3).
b. If the applicant makes a material change to a plan set, the Land Use Authority has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively affects.
c. If an applicant does not submit a revised plan within twenty (20) business days after the Town requires a modification or correction, the Town shall have an additional twenty (20) business days to respond to the revised plans.
d. For both preliminary and final applications, if an applicant takes longer than 180 calendar days to submit a revised application and respond to the Town's requests for modifications and additions (Phases #1 and #4), the application shall expire. If an application expires, the applicant must restart the subdivision application process.
e. If the applicant has not submitted a final application within 365 calendar days after the Land Use Authority notifies the applicant that it has approved the related preliminary application, the related preliminary approval shall expire. In this case, the applicant shall not submit a final application until the Land Use Authority has issued a new preliminary application approval.
f. In accordance with Utah Code § 10-20-806, if, on the fourth or final review cycle, the Town fails to respond within the required timeframe, or if a dispute arises from the subdivision improvement plans, the Town shall, upon request of the property owner and within ten (10) business days, assemble an appeal panel in accordance with Utah Code § 10-20-911(4)(d) to review and approve or deny the final revised set of plans.

5-108-5. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the Town's previous review cycle, the Town may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

a. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the Town waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
b. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.

5-108-6. The Town may conduct one or more public hearings (up to the number described in Table 5) during the review period for a preliminary subdivision application.

a. The purpose of these public hearings is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.
b. If the Town elects to hold a public hearing, the hearing must occur before the end of the Land Use Authority's preliminary review period (end of Phase #3 of the last preliminary review cycle). Scheduling issues shall not extend the review and approval deadlines in this Chapter.
c. The Town shall not hold a public hearing during the review period for a final application under this Chapter.

5-108-7. Other chapters of this Title notwithstanding, the Land Use Authority shall approve or deny preliminary and final applications under this Chapter after reviewing the complete applications as described in this Section.

5-109. APPROVAL:

5-109-1. The respective Land Use Authorities shall approve any complete preliminary and final applications made under this Chapter that comply with applicable Town ordinances.

5-109-2. The Land Use Authorities shall issue all approvals in writing and shall certify the approved final plat, either by signing the plat directly or by attaching a signed certification to the plat.

5-110. POST-APPROVAL ACTIONS: The applicant shall record the approved final plat with the County Recorder's Office within 365 calendar days after the Town approves the final application, provided that the applicant has completed any improvements or posted any performance guarantee required by Town ordinances or described in the approved improvement plan. The applicant shall not record the approved final plat until such improvements are completed or guaranteed in compliance with Town ordinances and the approved improvement plan.

5-110-1. An approved final plat not properly recorded within the timeline specified in this provision is void, unless the Planning Commission approves an extension.

5-110-2. The Land Use Authority shall submit to the Utah Geospatial Resource Center (so the subdivision can be included in the 911 database), within 30 calendar days after approving a final application, either:

a. An electronic copy of the approved final plat; or
b. Preliminary geospatial data that depict any new streets and site addresses proposed for construction within the bounds of the approved final plat.

5-111. AMENDING A SUBDIVISION:

5-111-1. Vacating streets or subdivided parcels: The Town Council may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that

describes the subdivision or the portion being vacated and recording that ordinance in the County Recorder's Office.

5-111-2. Immaterial corrections: A property owner or agent of a property owner may correct minor typographical or clerical errors in a document of record by filing with the County an affidavit or other appropriate instrument. This provision does not apply to changing the name of a subdivision, which requires a material amendment described in the following provisions.

5-111-3. Material amendments:

a. A fee owner of land in a platted subdivision may request a material subdivision amendment by filing a written petition with the Town Council. This petition must meet all the requirements for a subdivision application specified in Section 5, with the following changes:
    i. The plat (or the record of survey map, if applicable) should:
        1. Depict only the portion of the subdivision that is proposed to be amended;
        2. Include a plat name distinguishing the amended plat from the original plat and all other plats within County records;
        3. Describe the differences between the amended plat and the original plat;
        4. Include references to the original plat; and
        5. Meet all the other plat requirements specified in Section 5-100-2(b).
    ii. The petition must additionally include the name and address of each property owner affected by the petition and the signature of each of those property owners who consent to the petition.
    iii. The petitioner must include with the petition envelopes addressed to each property in the subdivision.
b. Upon receipt of an amendment petition, the Town Council (or Town staff, as delegated) shall provide notice of the petition to:
    i. Each utility provider that services a parcel of the subdivision. The Town shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers. The Town may notify the utility providers in any effective manner (email, mail).
    ii. Each property owner in the subdivision. The Town shall notify these property owners by mail.
c. The Town Council shall hold a public hearing, before approving an amendment petition, and within 45 calendar days after the day on which the petition is submitted if:
    i. A property owner objects in writing to the amendment within 10 days of the Town notifying the property owner by mail, or
    ii. Not every property owner in the subdivision has signed the revised plat.
d. Notwithstanding Section 5-112-3(c), the Town Council need not hold a public hearing if notice has been given to adjoining property owners in accordance with any applicable local ordinance and the petition seeks to:
    i. Join two or more of the petitioner's contiguous lots;
    ii. Subdivide one or more of the petitioner's lots;

iii. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
iv. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
v. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as a common area.

e. If the Town Council approves the amendment petition, the petition must be signed by the Town Council and signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended. Then the petitioner shall record the plat, subject to the completion or guarantee of any improvements, as described in Section 6.
f. Any amendment petition the Town Council approves must identify and preserve any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

5-112. LOT LINE ADJUSTMENTS:

5-112-1. The fee owners of two parcels may petition to adjust the lot line separating the parcels without a subdivision amendment. Such a petition shall include:

a. A record of survey map and a metes-and-bounds description showing the adjustment.
b. An explanation of the reason for the adjustment.
c. Signatures from all the parcel owners involved in the adjustment.
d. Any other information the Planning Commission requests.
e. If the adjustment will not result in a violation of a land use ordinance or an adverse development condition, the Planning Commission shall approve the petition.

5-112-2. If the adjustment is approved, the Planning Commission shall sign the record of survey map and accompanying metes-and-bounds description, and the petitioner shall record the document in the County Recorder's Office.

SECTION 6. IMPROVEMENTS

6-100. REQUIRED IMPROVEMENTS: The following improvements are required for all subdivisions, except those that qualify under the Agricultural Land exemption of Section 5-106-1. The improvements required by the Town, including the improvements in each and every open space in the subdivision, shall be constructed and installed by the Subdivider and thereafter maintained by the Subdivider until after the warranty period and acceptance by the Town.

6-100-1. Street Grading And Paving:

a. After all earth work is completed and brought to lines, grades, and cross sections as approved by the designated Town engineer, the sub-grade shall be brought to a firm unyielding surface by rolling or other means of compaction. All soft material which will not be compact readily shall be removed and an approved

sub-base material will be placed. Sub-base material shall be approved pit-run material. Compaction and street construction must comply with Annabella Town Construction standards or American Public Works Association (APWA) specifications where town standards don't exist.

b. All utility and water trenches located within street and sidewalk areas shall be backfilled, compacted, tested, and inspected in accordance with the Annabella Town Construction Standards and applicable Standard Drawings ST-03 and ST-04. The subdivider shall restore disturbed areas to the required grades and surface condition and shall correct settlement occurring during the warranty period established in Section 6-300.
c. Subgrade preparation, granular borrow, and aggregate base course shall comply with Standard Drawing ST-01 and the approved pavement design prepared and stamped by a professional engineer licensed in Utah, except for unpaved roads permitted under subsection (d)(i).
d. Except as provided in subsection (d)(i), streets shall be surfaced with hot-mix asphalt in accordance with Standard Drawing ST-01 and the approved pavement design prepared and stamped by a professional engineer licensed in Utah. New asphalt pavement shall receive a chip seal or microsurfacing treatment in accordance with the Annabella Town Construction Standards.
    i. A development in which every lot is larger than two (2) acres is exempt from the asphalt pavement and surface-treatment requirements of subsection (d). Streets within such a development shall have a minimum of six (6) inches of compacted aggregate base course. Subgrade preparation, additional supporting material, drainage, and compaction shall conform to an engineered roadway design approved by the Town Engineer. The Town shall have no obligation to pave these roads in the future unless paving is provided through a special service district established for that purpose.

6-100-2. Groundwater: In areas where groundwater table is a concern, the Subdivider shall protect the structures from groundwater by:

a. Digging at least one test hole per acre or part thereof, at locations approved by the Town Engineer, and determining the depth of the groundwater table and the permeability and percolation rate of the soils. These tests shall be performed by a qualified soils engineer at the Subdivider's expense.
b. Preparing a detailed groundwater plan for the subdivision. showing the minimum level of all floors and crawl spaces. If any floor or crawl space is to be installed within one foot or below the groundwater table or where the permeability and percolation rate of the soil is not adequate, the Subdivider shall install a groundwater drainage system, with a lateral provided to each lot for a footing drain.
c. Making improvements to remove groundwater and prevent groundwater entry into buildings, including crawl spaces.
d. Preventing the discharge of surface water drainage into the groundwater drainage system.

6-100-3. Water Supply: A subdivider must install water lines to make water supplies available to each lot within a subdivision including laterals to the property line of each

lot. Water mains of not less than eight inches in diameter shall be put in the streets, and the subdivider shall extend existing water mains in the community water system from the nearest available suitable source to the subdivision at the subdivider's expense and in accordance to Town standards as adopted by resolution. Larger water lines may be required to meet future growth needs. All water lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision on all existing or proposed Town streets.

6-100-4. Sewage Disposal: A subdivider must provide written certification from the Central Utah Public Health Department to the Town Council prior to approval, indicating that all lots in the subdivision are tested and found acceptable for the installation and operation of septic tank systems in concurrence with Central Utah Public Health Department regulations.

6-100-5. Storm Water Improvements: The subdivider shall construct storm water management facilities in strict accordance with the approved hydrologic study and Section 7-100-4 of this Title. If easements are required across abutting properties to permit legal and safe drainage of the subdivision's runoff, it shall be the sole responsibility of the subdivider to acquire and record such easements prior to final plat approval. Under no circumstances shall storm water be discharged or routed in a manner that causes harm, flooding, or erosion to adjacent properties.

6-100-6. Fire Hydrants: Fire hydrants shall be installed by the subdivider prior to the completion of the subdivision and shall be in compliance with standards adopted by the local jurisdiction. Fire hydrants shall be located a maximum of 500 feet apart. A fire hydrant shall also be placed at the end of every dead-end water line, including the end of cul-de-sac ends. Size and type of hydrants shall be approved by Annabella Town prior to installation. All hydrants shall have thrust blocking or restrained joint type fittings.

6-100-7. Street Lights: A subdivider shall install street lights at all public street intersections, cul-de-sacs, and at intervals not exceeding 400 feet along all streets.

6-100-8. Street Drainage: Street drainage and drainage structures shall be required where the hydrologic study demonstrates surface runoff will exceed the capacity of the standard street cross-section during a 10-year storm event.

6-100-9. Street Signs: The Subdivider shall pay the cost of traffic control signs, street identification signs, and other street signs, installed by the Town. The cost will be charged to the Subdivider and shall be paid before the plat is recorded.

6-100-10. Electric Utilities: Power lines will be installed below ground. The subdivider shall bear the cost of materials and installation. Power lines shall meet all standards of the National Electric Code.

6-100-11. Monuments And Lot Staking:

a. Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining

individual lots. Monuments shall be of a type approved by the Land Use Authority and shall conform to current industry standards.

b. Survey stakes shall be placed at all lot corners so as to completely identify the lot boundaries on the ground.

6-200. COST OF IMPROVEMENTS: All required improvements shall be made by the owner/developer of the subdivision, at the owner/developer's expense, without reimbursement by the Town and in accordance with related codes, fee schedules, and ordinances.

6-300 COMPLETION OF IMPROVEMENTS:

6-300-1. Before a subdivision plat may be recorded, all public improvements required by this Title or other Town ordinances shall be either: a. Completed, inspected, and accepted by the Town, or b. Guaranteed by an improvement completion assurance according to Section 6-400. *Note: While a building permit may be issued once a plat is recorded and a financial guarantee is posted, the Town shall not issue a Certificate of Occupancy for any structure until all required public improvements serving that lot are completed, inspected, and accepted by the Town.*

6-300-2. The decision whether to guarantee an improvement or to complete it before recording and obtaining a building permit rests solely with the applicant.

6-300-3. The Town shall not accept any public improvements, nor shall any warranty period commence, until the following formal process is completed in its entirety:

a. Upon physical completion of the required public improvements, the Subdivider shall submit a formal written request for final inspection and acceptance to the Town. This request shall be considered incomplete unless accompanied by:
    i. A complete set of electronic and hard-copy "as-built" (record) drawings certified by a licensed professional engineer.
    ii. All required testing results verifying compliance with Town standards.
b. Within fifteen (15) business days of receiving a complete written request, the Town Engineer shall inspect the public improvements.
    i. If the improvements are incomplete, defective, or fail to meet standards, the Town Engineer shall issue a formal, written "punch list" of required corrections to the Subdivider.
    ii. If the improvements strictly conform to the approved improvement plans and applicable Town ordinances, the Town Engineer shall issue a formal written recommendation of acceptance to the Town Council.
c. Upon receiving the Town Engineer's recommendation, the Town Council (or its expressly designated administrative agent) shall formally accept the public improvements by issuing an official Written Notice of Acceptance to the Subdivider. The Town shall not accept any improvements that pose a risk to public health or safety, nor any improvements that deviate from the approved plans, unless the Town Engineer has formally certified the deviation as meeting or exceeding Town standards.

d. The mandatory twelve (12) month warranty period shall strictly commence on the exact date recorded on the Town's formal Written Notice of Acceptance. The Town shall retain the 10% improvement warranty reserve throughout this period. The Subdivider remains solely responsible for all repairs and maintenance required to keep the improvements in good working condition until this 12-month period expires and the Town officially releases the reserve.

6-300-4. The provisions of this Title do not supersede the Utah State Construction Code or other applicable state or federal laws. A valid, recorded Development Agreement or an approved Master Phasing Plan (as established in Section 8) may modify the specific timing, sequence, or design of certain public improvements if expressly approved by the Town Council. However, no agreement or phasing plan shall exempt a developer from the fundamental obligation to construct required public improvements, post completion assurances (guarantees), or comply with minimum public health and safety standards.

6-400. IMPROVEMENT GUARANTEES:

6-400-1. If the applicant elects to guarantee required public improvements rather than complete them before recording the plat or beginning development activity, the applicant shall provide an improvement completion assurance for one hundred percent (100%) of the estimated cost of the required improvements that have not been completed, inspected, and accepted by the Town.

a. The Town may also require an additional amount of up to ten percent (10%) of the completion assurance to cover administrative costs the Town may incur if it becomes necessary for the Town to complete the improvements.
b. A separate improvement warranty assurance shall not be required until the applicant has notified the Town in writing that the required improvements have been completed and requests inspection and acceptance.
c. Upon acceptance, the Town may require a warranty assurance of up to ten percent (10%) of the applicable improvement cost for the warranty period established by this Title.

6-400-2. For the purpose of posting an improvement guarantee, the cost of the improvement shall be determined by an engineer's estimate or licensed contractor's bid.
6-400-3. The Town shall accept any of the following forms of guarantee for an improvement:

a. Corporate Bond. The applicant may furnish a bond with corporate surety, which bond shall be approved by the Town Attorney and filed with the Town Clerk.
b. Escrow. The applicant may make a deposit in escrow with an escrow holder approved by the Town Council, under an escrow agreement approved by the Town Attorney and filed with the Town Clerk.
c. Letter of Credit. The applicant may provide a letter of credit from a financial institution approved by the Town Council, under an agreement to complete the improvements that is approved by the Town Attorney and filed with the Town Clerk.
d. As public improvements are completed, inspected, and accepted by the Town, the Town shall, upon written request by the applicant, release the applicable portion of the improvement completion assurance in accordance with state law. Upon the applicant's written request for acceptance of completed

improvements, the Town may require the separate improvement warranty assurance described in this Section.

e. The Town shall not require improvement guarantees for any of the prohibited uses listed in Utah Code §10-20-807(3)(d), including improvements the Town has previously inspected and accepted, private improvements that are not essential to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation.
f. Upon acceptance of all required public improvements, the applicant shall warrant that said improvements shall remain free from defects in material and workmanship for a period of twelve (12) months after the date of final acceptance by the Town. The Town shall hold the 10% improvement warranty reserve during this period. The subdivider shall be solely responsible for all repairs and maintenance required to keep the improvements in good working condition during this 12-month period. If no defects are found at the end of the warranty period, the Town shall release the remaining 10% warranty reserve.

SECTION 7. DESIGN STANDARDS

7-100. GENERAL STANDARDS:

7-100-1. Incorporation of Town Engineering and Design Standards. Any standards adopted by the Town Council by ordinance or resolution pertaining to the design, engineering, or construction of improvements are hereby incorporated by reference. Any applicant for a subdivision or developer of a lot shall comply with said standards as well as with those described in this Chapter.

7-100-2. Design. The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil and trees and vegetation.

7-100-3. Potential Hazards. Land subject to hazardous conditions such as land slides, mud flows, rock falls, ground subsidence, shallow water table, open quarries, floods, and polluted water supply shall be identified and shall not be subdivided until the hazards have been eliminated or evidence submitted that said hazards will be eliminated by the subdivision and construction plans.

7-100-4. Stormwater Management and Drainage Improvements:

a. Hydrologic and Hydraulic Study: A comprehensive hydrologic and hydraulic study, prepared by a professional engineer licensed in the State of Utah, shall be submitted with the preliminary application. The study shall calculate pre-development and post-development runoff and detail the design of a complete drainage system for the entire subdivision.
b. Minor and Major Storm Systems: The drainage system shall be designed to accommodate both minor and major storm events safely:

i. Minor System: Swales, borrow ditches, gutters, and underground pipes shall be designed to safely convey the 10-year storm event without street flooding or property damage.
ii. Major System (Overland Paths): The subdivision design shall establish safe overland drainage paths to route the 100-year storm event through the development without inundating any residential structures, blocking emergency access, or harming adjacent properties.

c. Detention and Retention: Detention or retention basins shall be designed and constructed so that the developed (post-development) peak storm water discharge does not exceed the pre-developed peak storm water discharge for both the 10-year and 100-year storm events.
d. Natural Drainage Preservation: In accordance with the Town Land Use Ordinance, development shall preserve natural drainage patterns to the greatest extent practicable. Modifying, filling, or rerouting natural watercourses requires prior written approval from the Town.
e. Erosion Control: The developer shall take all necessary measures to prevent eroded soils and sediments from discharging off the construction site. All storm drainage systems, including detention/retention basins, shall be fully cleared of all silt and sediments prior to final acceptance of the subdivision by the Town.

7-200. STREETS:

7-200-1. Street widths. Major and collector streets shall conform to the width assigned on the master street plan whenever a subdivision falls in an area for which a master street plan has been adopted. Where a master street plan has not been completed at the time the preliminary plan is submitted to the Planning Commission, streets shall be provided as follows:

a. Residential streets shall have a minimum right-of-way width of fifty-seven (57) feet. Residential streets provide access to residential property and land adjacent to collector streets. They primarily accommodate localized traffic. These streets are usually the majority of the streets in a community less than 5,000 population.
b. Collector streets shall have a minimum right-of-way width of eighty (80) feet. Collector streets link traffic generators such as public schools, parks, or shopping areas. They link routes of higher classifications such as arterial. Their function is to distribute traffic to local/residential streets.
c. Arterial streets shall have a minimum right-of-way width of one hundred six (106) feet, or as shown on the master plan, whichever is greater. Arterial streets link cities and other larger traffic generators (such as resort areas) which attract travel over long distances. They provide service for intercounty and interstate travel. These routes are expected to provide for relatively high travel speeds and minimum interference to through traffic.
d. Minimum width of roadway wherever curb and gutters are installed (face to face of curb) shall be as follows:
    i. For residential streets - 40 feet.
    ii. For collector streets - 59 feet.
    iii. For arterial streets - 85 feet, or conform to master street plan, whichever is greater.

e. Rural residential roadways shall have a minimum right-of-way of fifty-seven (57) feet with a surfaced roadway width of twenty four (24) feet.

7-200-2. Reverse curves: Reverse curves shall have a tangent of at least ninety (90) feet unless a licensed professional engineer certifies that a lesser tangent meets safety standards for the design speed.

7-200-3. Street intersection: Streets shall intersect each other as near as possible at right angles. Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees. Offsets in street alignment of more than ten (10) feet or less than one hundred twenty (120) feet shall be prohibited.

7-200-4. Street grades: Minimum street grades of 0.6 percent will be required with the maximum grade being 7 percent for collector streets and 10 percent for minor streets. Where topographic constraints make this standard mathematically impossible, exceptions may be granted only if an alternate design is certified by the Town Engineer to provide equal safety and traffic flow.

7-200-5. Street curves: Where the street lines within a block deflect from each other at any one point more than ten (10) degrees, there should be a connecting curve. The radius of the curve for the inner street line should not be less than 350 feet for major streets, 250 feet for an important neighborhood street, and 100 feet for minor streets.

7-200-6. Curbs: Curbs at all intersections shall be rounded with curbs having a minimum radius of 15 feet for minor streets and 25 feet for collector and major streets. Property lines at street intersections should be rounded with a curve where necessary to fit the curb radius. Curb construction shall comply with ADA requirements.

7-200-7. Street names: Street names will not have unique names, but must conform with the current address system.

7-200-8. Street dedications: All streets should be dedicated for public use. The dedication of half streets in any subdivision is prohibited.

7-200-9. Street Connectivity and Stub Streets: The arrangement of streets in new subdivisions shall provide for the continuation and connection of existing or platted streets in adjoining areas.

a. Stub Streets Required: Where adjoining land is undeveloped, the subdivider shall design and construct "stub streets" to the boundary of the subdivision to ensure future connectivity.
b. Temporary Turnarounds: Any stub street exceeding 150 feet in length shall be provided with a temporary cul-de-sac turnaround that meets the specifications of Section 7-200-10(b) and the current Utah State Fire Code.
c. Spite Strips Prohibited: The creation of reserve strips or "spite strips" adjacent to a proposed street to deny access to adjacent property is strictly prohibited.
d. Connecting to Existing Stubs: If a subdivision is proposed adjacent to a property with an existing stub street, the subdivider is required to connect to that stub street.

e. Streets leading to a proposed subdivision or development shall be brought to required Town standards for width and surface at the developer's expense prior to Town acceptance.

It shall be the developer's responsibility for relocation of utilities, if needed.

7-200-10. Cul-de-sacs: (End turnaround). Each residential cul-de-sac shall have a minimum right- of-way width of fifty-seven (57) feet and shall be terminated in a turnaround with a minimum diameter of ninety-six (96) feet. The right-of-way around the turnaround and other construction details shall conform to Standard Drawing ST-02. Surface water must drain away from the turnaround; however, where drainage cannot be achieved along the street due to grade constraints, necessary catch basins and drainage easements shall be provided. Cul-de-sacs shall have a maximum length of 500 feet.

a. Dead-end fire apparatus access roads longer than 150 feet shall comply with the width and turnaround provisions required by the current Utah State Fire Code as adopted by the Town.
b. Temporary Cul-de-sacs Where a street is intended to be extended in the future but currently terminates due to undeveloped adjacent property, a temporary cul-de-sac may be permitted under the following conditions:
    i. The temporary cul-de-sac shall meet the same dimensional requirements as a permanent cul-de-sac, including a minimum 96-foot turnaround diameter and appropriate surface drainage.
    ii. The right-of-way and improvements for the turnaround shall be constructed to public street standards unless otherwise approved by the Town Engineer.
    iii. A note shall be placed on the final plat and recorded indicating that the cul-de-sac is temporary and may be removed or modified upon future extension of the roadway.
    iv. The design shall provide for the removal or conversion of the cul-de-sac without adversely affecting adjacent lots, drainage, or utility connections.
    v. A temporary easement may be required to ensure access and maintenance until the street is extended.
    vi. Note: Temporary cul-de-sacs shall not be used as a justification for exceeding the maximum 500-foot dead-end length
c. Temporary cul-de-sacs must meet current Utah State Fire Code
d. A maximum of four (4) houses shall have frontage on the circular turnaround bulb of a permanent cul-de-sac. This restriction does not apply to houses fronting the street leading to the turnaround or to temporary turnarounds.
e. Curb, Gutter, and Sidewalks: Curb, gutter, and sidewalk requirements for cul-de-sacs shall comply with Note 1 of Standard Drawing ST-02.
f. Short Dead-End Roads: The no-turnaround allowance in Table 7 for roads one hundred fifty (150) feet or shorter applies only to dead-end access roads or temporary stub streets that are not designated as permanent cul-de-sacs. Permanent cul-de-sacs shall provide a turnaround conforming to Standard Drawing ST-02 regardless of street length. This allowance does not waive any turnaround or access requirement of the applicable Utah State Fire Code.

Table 7 - REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (FEET)	RIGHT OF WAY WIDTH W/ RURAL RESIDENTIAL ROADWAYS (FEET)	SURFACED ROADWAY WIDTH W/ RURAL RESIDENTIAL ROADWAY (FEET)	TURNAROUND REQUIREMENT
0-150	57	24	Not required except for permanent cul-de-sacs or where required by the applicable Utah State Fire Code. See §7-200-10(f).
151-500	57	24	96 foot diameter cul-de-sac
Over 500			Not Permitted

7-200-11. Easements: Where alleys are not provided, easement of not less than ten (10) feet on each side of all rear lot lines and side lines will be required for public utilities. Easements of greater width may be required along property lines where necessary for surface overflow or similar utilities.

7-200-12. Protection strips: Where subdivision streets parallel contiguous property of other owners, the subdivider may retain a protection strip not less than one foot in width between the street and adjacent property, provided that an agreement approved by the Town has been made by the subdivider, contracting to dedicate the one foot or larger protection strip free of charge to the Town for street purposes upon payment by the owners of the contiguous property to the subdivider of a consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half the land in the street at the time of the agreement together with the interest at a fair rate from the time of the agreement, until the time of subdivision of such contiguous property.

7-200-13. Parks, Open Space, and Public Facilities:

a. Dedication Requirements: In subdividing property, the subdivider shall dedicate land for parks, playgrounds, or other public open spaces where required by the Town's General Plan or Parks and Recreation Master Plan.
b. Proportionality: Any land dedication required by the Town shall comply with Utah Code § 10-9a-508. The Town shall demonstrate that an essential nexus exists between the required dedication and the burden imposed by the proposed subdivision, and that the dedication is roughly proportionate to the impact of the proposed development.
c. Reservation of Land: If a proposed park, school site, or other public facility shown on the General Plan is located in whole or in part within a proposed subdivision, and the Town or appropriate agency does not require dedication, the Land Use Authority may require the subdivider to reserve the land for a period of up to one (1) year from the date of final plat approval to allow the

appropriate public agency the opportunity to purchase the land at a fair market value.

7-200-14. Block Standards and Maximum Lengths:

a. **Block Length:** To ensure traffic circulation and emergency access, residential intersecting streets shall be provided at such intervals as to serve cross-traffic. Blocks shall not exceed one thousand (1,000) feet in length, measured between the centerlines of intersecting streets.
b. **Exceptions:** The Land Use Authority may approve block lengths up to 1,320 feet only if topographic constraints, environmental hazards, or existing surrounding development make a shorter block strictly unfeasible.
c. **Mid-Block Crossings:** For any block exceeding 800 feet in length, the Town may require a dedicated public easement (minimum 10 feet wide) near the center of the block to accommodate pedestrian trails, sidewalks, or emergency access.

7-200-15. Multiple Access and Emergency Routes:

a. **Purpose:** To ensure safe ingress and egress for residents and emergency responders in the event of an emergency, natural disaster, or road blockage, subdivisions shall provide multiple access points based on the size of the development.
b. **Cumulative Lot Counts:** The thresholds established in this section apply to the cumulative number of lots within a subdivision or planned development, including all current, proposed, and future phases.
c. **Access Thresholds:**
    i. **1 to 29 Lots:** A single public street access is permitted, provided all dead-end streets and cul-de-sacs comply with the maximum length requirements and turnaround standards established in this Title and the current Utah State Fire Code.
    ii. **30 to 99 Lots:** The subdivision must provide at least one primary public street access **AND** at least one approved secondary emergency vehicle access road. The emergency access road shall be constructed to an all-weather surface standard approved by the Town Engineer and Fire Marshal, and may be secured with an approved emergency access gate (e.g., Knox Box).
    iii. **100 or More Lots:** The subdivision must provide at least two (2) full, unrestricted, dedicated public street accesses.
d. **Access Separation:** Where two or more accesses are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, unless otherwise approved by the Town Engineer and Fire Marshal due to severe topographic constraints.

7-300. LOTS:

7-300-1. Building sites: The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for building and be properly related to topography and conform to the requirements set forth herein.

7-300-2. Lot sizes: All lots shown on the subdivision plat must strictly conform to the minimum area and width requirements established in the Annabella Town Land Use Ordinance for the specific zoning district in which the subdivision is located . No lot shall be created that is smaller than the minimum area required by the applicable zoning district (e.g., 1 acre for R-1-1; 0.75 acre for R-1-.75; 0.5 acre for R-1-.5).

7-300-3. Frontage on street: Each lot shall abut on a public street or an approved private street. The minimum street frontage for any newly created lot shall be one hundred and seven (107) feet, in accordance with the Land Use Ordinance.

a. Double frontage lots shall be prohibited, except for corner lots.
b. Corner lots shall have extra width as necessary to maintain required setbacks on all street frontages.

Remnants of land below the minimum required lot size shall be attached to adjacent lots and shall not be left as unusable parcels.

7-300-4. Drainage: Lots shall be designed in such a manner as to eliminate any flooding or pollution of adjacent properties, and homes.

7-300-5. Side lines of lots shall be approximately at right angles, or radial to the street lines.

7-300-6. Irrigation Ditches and Infrastructure: In proposed subdivisions with irrigation ditches, canals, or laterals running adjacent to the frontage or within the area to be subdivided, the subdivider shall provide culverts or bridges in conformance with Town standards and the standards of the applicable irrigation company. In no case shall the culvert or bridge be less than twelve (12) inches in diameter and twelve (12) feet long. As required by the Land Use Ordinance, irrigation ditches shall not be filled, obstructed, rerouted, or otherwise altered without prior written approval from both the water rights holder/ditch company and the Town.

7-300-7. The fencing of canals, open ditches, waterways, non-access streets, open reservoirs, or other features with standing water exceeding 24 inches in depth or slopes steeper than 3:1 shall be required at the developer's expense.

7-300-8. Once a subdivision has been approved and recorded, it shall be unlawful for an owner to re-subdivide a lot without first obtaining the approval of the Land Use Authority in accordance with the amendment procedures of this Title.

7-400. AGRICULTURAL PROTECTION AND BUFFERS:

7-400-1. Purpose: To protect existing agricultural operations from nuisance complaints, prevent conflicts between residential and agricultural uses, and preserve the rural heritage of Annabella Town.

7-400-2. Agricultural Boundary Fencing: Where a proposed subdivision abuts an existing agricultural use or an agricultural zoning district, the subdivider shall be required to install a solid, stock-tight, or other approved agricultural-grade fence along the entire shared boundary.

a. The fence shall be a minimum of six (6) feet in height.
b. The fence must be completed, inspected, and accepted prior to the recording of the final plat or the issuance of any building permits.
c. The burden of maintaining the fence shall be placed upon the future homeowners of the subdivision lots or a Homeowners Association (HOA), and shall not be the responsibility of the adjacent agricultural property owner.

7-400-3. Right to Farm Notice on Plat: For any subdivision located within five hundred (500) feet of an existing agricultural operation, the subdivider shall place the following "Notice of Agricultural Operations" in a prominent location on the Final Plat:

"Notice is hereby given that this subdivision is located in the vicinity of existing agricultural operations. Residents of this subdivision may be subjected to conditions arising from these operations, including but not limited to: noise from tractors or equipment operating at all hours, dust, odors, flies, smoke, and the use of agricultural chemicals. Annabella Town recognizes and protects the legal right of agricultural operators to continue these historical uses. By purchasing this lot, the owner acknowledges these conditions and assumes the risks associated with living in an agricultural community."

7-400-4. Irrigation Ditch Easements and Access: In accordance with the Town Land Use Ordinance, irrigation ditches, canals, and laterals shall not be filled, obstructed, rerouted, or otherwise altered without prior written approval from the water rights holder or ditch company and the Town.

SECTION 8. SPECIAL AGREEMENTS AND PHASING

8-100. DEVELOPMENT AGREEMENTS

8-100-1. Purpose: The Town Council may, at its sole discretion, enter into a Development Agreement with a property owner or developer to establish specific development standards, vest certain development rights, or secure public benefits such as trails, open space, or infrastructure upgrades that exceed standard ordinance requirements.

8-100-2. Legislative Action: The approval of a Development Agreement is a legislative act by the Town Council. The Town Council is never obligated to enter into a Development Agreement.

8-100-3. Relation to Ordinance: A Development Agreement may specify that certain Town regulations do not apply or are modified for a specific project. However, no Development Agreement shall permit a use not authorized by the Land Use Ordinance or pose a substantial danger to public health and safety.

8-100-4. Recording: All Development Agreements must be recorded in the Sevier County Recorder’s Office and shall run with the land, binding all future owners and successors.

8-200. SUBDIVISION PHASING

8-200-1. Master Phasing Plan Required: Any subdivision proposing more than thirty (30) lots, any subdivision to be developed in two or more phases, or any subdivision proposed to be developed over multiple years shall submit a Master Phasing Plan with the preliminary subdivision application.

8-200-2. Self-Sufficiency of Phases: Each individual phase of a subdivision must be entirely self-sufficient. This means each phase must independently meet all requirements for street connectivity, secondary fire access, stormwater drainage, and utility looping, even if subsequent phases are never built.

8-200-3. Phasing Sequence: The phasing sequence shall follow the logical extension of Town water, sewer, and road infrastructure. No phase shall be approved if it relies on unbuilt public infrastructure from a future phase for required connectivity, capacity, or secondary emergency access

8-200-4. Approval and Vesting of Future Phases: Approval of a Master Phasing Plan establishes the general layout and anticipated sequence of the subdivision but does not constitute final approval of any individual phase. Vesting of a subdivision application and the applicability of subsequently adopted Town ordinances shall be determined in accordance with Section 9 of this Title and applicable state law. A Development Agreement may establish additional or different vesting provisions to the extent permitted by law.

8-200-5. Separate Final Applications: Each phase of a Master Phasing Plan shall require its own distinct final subdivision application, final plat, and recordation process.

8-200-6. Separate Completion Assurances (Bonding): Completion assurances (bonds, escrows, or letters of credit) shall be calculated and posted separately for each individual phase prior to the recording of that phase's final plat. A subdivider shall not use, transfer, or roll over a completion assurance from one phase to cover required improvements in another phase.

8-200-7. Separate Inspections and Acceptance: Public improvements shall be inspected and accepted by the Town independently for each phase. Each phase shall independently satisfy all applicable requirements for required public improvements or provide an approved improvement completion assurance in accordance with Section 6-400 before the final plat for that phase is recorded. The issuance of building permits within a recorded phase shall be governed by Section 6 and applicable state law and shall not be conditioned upon final acceptance of improvements in a preceding phase.

8-200-8. Separate Warranties: The twelve-month warranty period and the 10% improvement warranty reserve required by this Title shall apply independently to each phase. The warranty period for a specific phase shall commence on the exact date the Town grants formal, written final acceptance of the improvements within that phase.

8-300. REIMBURSEMENT (PIONEER) AGREEMENTS

8-300-1. Purpose: To encourage the logical expansion of Town infrastructure, the Town Council may authorize a Reimbursement Agreement for a developer who privately funds and constructs oversized public infrastructure (such as larger water mains, sewer trunks, or wider arterial roads) that will serve future, unconnected development.

8-300-2. Eligibility: Reimbursement Agreements are strictly limited to the costs of "oversizing" or extending off-site infrastructure beyond what is strictly required to serve the developer's own subdivision.

8-300-3. Proportional Reimbursement: The agreement shall establish a defined "benefit area." If a subsequent property owner develops land within the benefit area and utilizes the oversized infrastructure, the Town shall require the subsequent developer to pay a proportional reimbursement fee prior to final plat approval. The Town will then remit those funds to the original developer.

8-300-4. Time Limitation: Reimbursement Agreements shall expire no later than ten (10) years from the date of Town acceptance of the improvements. The Town assumes no financial liability to reimburse the developer if subsequent development does not occur within the timeframe.

SECTION 9. VESTED RIGHTS AND APPLICABILITY

9-100. VESTED RIGHTS

9-100-1. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the Town's land use maps, zoning map, and applicable land use regulations in effect on the exact date that a complete application is submitted and all applicable fees have been paid.

9-100-2. An applicant does not accrue any vested rights to develop property under a specific set of ordinances simply by attending a pre-application meeting, submitting a concept plan, or engaging in informal discussions with Town staff or the Land Use Authority.

9-200. COMPLETE APPLICATION

9-200-1. For the purpose of establishing vested rights, an application is strictly defined as "complete" only when the Land Use Authority or its designated staff formally determines in writing that the application contains all mandatory elements, studies, fees, and signatures required by Section 5 of this Title.

9-200-2. If the Land Use Authority determines an application is incomplete, the applicant's rights do not vest. The date of vesting shall be the date the applicant submits the final, missing piece of information that renders the application fully complete.

9-300. APPLICABLE ORDINANCES

9-300-1. Once an application is deemed complete, the Town shall process, review, and approve or deny the application based solely on the applicable ordinances in effect at the time of the complete submission.

9-300-2. Exceptions to Vesting: The Town may apply a new or amended ordinance to a previously vested application only under the following strictly defined conditions:

a. The applicant formally agrees in writing to comply with the new ordinance
b. The Land Use Authority determines on the record that a compelling, countervailing public interest would be jeopardized by approving the application under the previous ordinances; or
c. The Town formally initiated proceedings to amend its ordinances (such as publishing public notice of a pending ordinance change) prior to the applicant submitting their complete application.

9-400. EXPIRATION OF VESTED RIGHTS:

9-400-1. Vested rights are not perpetual. If an application expires due to the applicant's failure to respond to Town reviews within the 180-day deadline (as established in Section 5), or if a preliminary approval expires before a final application is submitted, the applicant's vested rights are immediately voided. Any subsequent application for the same property must comply with the ordinances in effect at the time the new application is submitted.