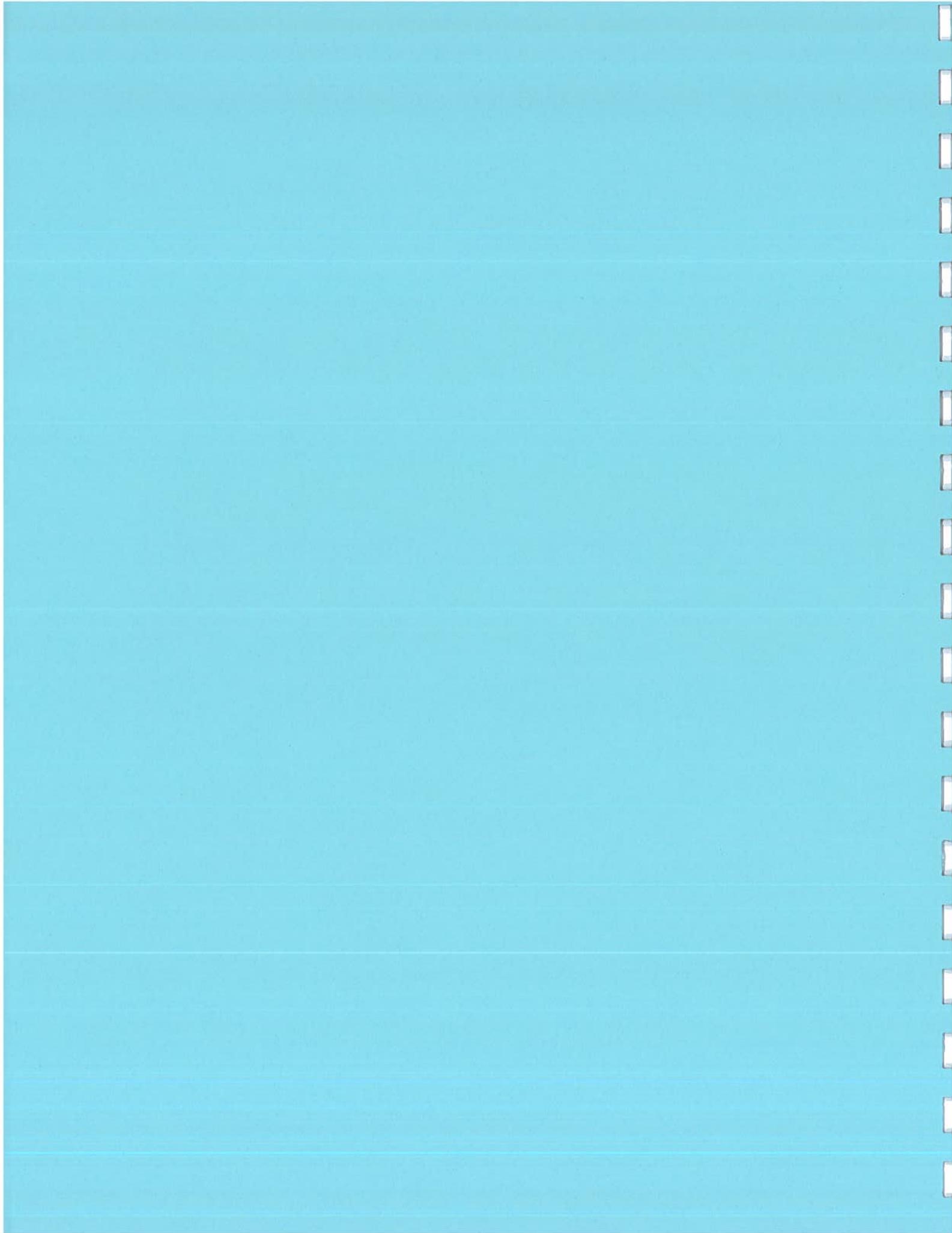


**GARFIELD COUNTY, UTAH**  
**SUBDIVISION ORDINANCE**  
**2003-2**

Adopted April 14, 2003



# GARFIELD COUNTY SUBDIVISION ORDINANCE

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# **GARFIELD COUNTY SUBDIVISION ORDINANCE 2003-2**

## **Subdivision Ordinance Revision Garfield County , Utah**

An ordinance of Garfield County, Utah, revising the Subdivision Ordinance adopted February 4, 1985, relating to the development and subdivision of lands lying within the unincorporated area of Garfield County, pursuant to UCA 17-27-801-803.

### **Preamble**

In order to provide for the health, safety, and general welfare of the citizens of Garfield County, Utah, the County Commission hereby adopts this ordinance to revise and establish a Subdivision Ordinance to implement the provisions of the General Plan of Garfield County, adopted 13 March 1995, and amended 26 January, 1998; to carry out the provisions of the Zoning Ordinance of Garfield County as adopted on 3 November 1986 and the laws of the State of Utah.

**WHEREAS**, Garfield County desires to revise the present Subdivision Ordinance consistent with Utah law, and

**WHEREAS**, pursuant to UCA 17-27-803, the County Commission is authorized to adopt and revise the subdivision ordinance; and

**WHEREAS**, the Planning Commission has made a recommendation to the County Commission to adopt this Subdivision Ordinance as amended pursuant to UCA 17-27-802; and

**WHEREAS**, the Planning Commission and the County Commission have held publicly noticed meetings according to the laws of Utah to discuss the provisions of this revised Subdivision Ordinance and to provide for public input. (UCA 17-27-802)

**NOW, THEREFORE, BE IT ORDAINED** by the County Commission of Garfield County, Utah, as follows:

**GARFIELD COUNTY, UTAH**  
**SUBDIVISION ORDINANCE 2003-2**

**ADOPTED FEBRUARY 4, 1985**

**REVISED AND ADOPTED**  
**APRIL 14, 2003**

**GARFIELD COUNTY, UTAH SUBDIVISION ORDINANCE**

AN ORDINANCE TO ESTABLISH POLICIES, STANDARDS, REQUIREMENTS AND PROCEDURES TO REGULATE AND CONTROL THE PLATTING AND RECORDING OF SUBDIVISIONS OF LAND IN GARFIELD COUNTY, STATE OF UTAH.

Be it ordained by the Board of Commissioners of Garfield County, Utah, as follows:

**Chapter 1. GENERAL PROVISIONS**

**1-1 Short Title.**

This Ordinance shall be known and may be cited as the Garfield County Subdivision Ordinance and may be identified within this document as "the Ordinance," "this Ordinance," "Subdivision Ordinance" or "Garfield County Subdivision Ordinance."

**1-2 Purpose.**

The purpose of this Ordinance is:

1. To promote the health, safety, and general welfare of the residents of Garfield County.
2. To promote the efficient and orderly growth of Garfield County consistent with the General Plan as well as the related plans and ordinances of the incorporated communities within the County.
3. To provide policies, procedures, requirements and standards for the physical development of subdivisions of land, construction of buildings and improvements within unincorporated areas of Garfield County including, but not limited to; the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, design standards for public facilities and utilities, access to public rights-of-ways and to establish fees and other charges for the authorizing of a subdivision.
4. To provide a uniform method of reviewing and approving subdivisions that will assist developers in utilizing their lands efficiently and to do so in a responsible way that will protect the public interest.
5. To provide a clear policy guideline to the Garfield County Planning Commission who is hereby appointed the administrative agency which is granted the authority to implement this Ordinance.

**1-3 Scope of Ordinance.**

1. After the date of adoption of this Ordinance, no person shall subdivide any parcel of land which is located in the unincorporated area of Garfield County into two (2) or more lots except in compliance with this Ordinance.
2. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a subdivision of a tract of land, nor offer for recording in the office of the County Recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this Ordinance.
3. This Ordinance shall apply to all subdivisions in process or originating after the date of its adoption. All subdivisions and lots approved prior to this date shall continue as authorized under the ordinances in effect at the time of their approval. If any changes are made in those previously approved subdivisions by plat amendment processes outlined herein, the proposed changes shall come under the authority of this Ordinance.

4. No lot within a subdivision created and recorded prior to the effective date of this Ordinance or approved by the Garfield County Planning Commission and Garfield County Board of Commissioners and recorded in the County Recorder's Office under the provisions of this Ordinance, shall be further divided, rearranged or reduced in area without conforming to this Ordinance and to other land use ordinances as adopted by the Garfield County Commission.
5. The boundaries of any lot shall not be altered in any manner so as to create more lots than initially recorded, or any nonconforming lot, without first obtaining the approval of the Garfield County Planning Commission as provided in this Ordinance. (GCSO, Feb. 4, 1984)
6. It shall be unlawful for any person to receive a building permit until all improvements including road base and utilities are installed to service the lot that is to be built upon.

**1-4 Penalty.**

Any person, organization, corporation, or other entity who violates any provision of this Ordinance shall be guilty of a Class C misdemeanor and is punishable by a fine, imprisonment, or both, as determined by a Court of competent jurisdiction.

**1-5 Effect on Previous Ordinance.**

The existing Subdivision Ordinance of Garfield County, Utah as adopted on February 4, 1985, is hereby superseded and amended to read as set forth herein, except that those provisions of the previous Ordinance, that are included herein, shall be continued whether in the same or in different language.

**1-6 Application.**

1. This Ordinance shall apply to all unincorporated lands located within the boundaries of Garfield County, Utah as shown on the official County map.
2. The provisions of this Ordinance shall be held to be a minimum requirement to provide for the health, safety, and general welfare of the residents of the County. Additional standards and requirements may be made by the Planning Commission, Board of Adjustment, or County Commission as provided by

law, to ensure that the intent of the General Plan and the Zoning Ordinance are carried out.

3. This Ordinance shall not change any law, ordinance or agreements which are more restrictive, but shall prevail over those provisions which are less restrictive.

#### **1-7 Waiver to the Ordinance.**

Where unusual topographic or other exceptional conditions exist, the Board of Adjustment may amend the requirements of this Ordinance after receiving the recommendation of the Garfield County Planning Commission, provided that such amendments will not substantially impair the intent of this Ordinance or other County ordinances related to the development of unincorporated land.

#### **1-8 Other Public Agencies.**

1. The Planning Commission may withhold approval of a preliminary plat for up to one (1) year, if all or part of the area to be subdivided may be needed for a park, school, street, or other public purpose.
2. The Planning Commission shall notify the appropriate agency in writing of the proposed subdivision and request review and written response concerning its feasibility prior to any further consideration or approval.
3. If proper means have not been initiated to acquire the desired property within one (1) year, the Planning Commission shall hold a public hearing concerning the proposed subdivision and proceed with consideration according to the provisions of this Ordinance.

#### **1-9 Interpretation.**

The following principles shall guide in the interpretation of this Ordinance and decisions that result therefrom:

1. Will the decision take or diminish private property rights?
2. Will the decision ensure a fair and open hearing to those directly influenced?
3. Will the decision serve to protect the public interest, and

4. Will the decision limit or repeal any other powers granted under State law?

In interpreting the provisions of this Ordinance the following rules shall apply:

1. The words "shall" or "must" are mandatory. The words "should" and "may" are permissive.
2. Words used or defined in one tense or form shall include other tenses or derivative forms, and words used in the present tense shall include the future tense also.
3. Words used in the singular shall include the plural; words used in the plural shall include the singular.
4. Words referring to one gender shall extend to the other gender. This Ordinance shall be considered gender neutral.
5. In the event of conflict between the text of this Ordinance and any map, charts, or other materials, the text of this Ordinance shall control
6. The word "building" shall include the word "structure."
7. The words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied.
8. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
9. The word "lot" includes the words plot, or parcel.

#### **1-10 Appeals.**

Pursuant to Utah Law, no person shall challenge in district court the County's land use decisions made consistent with Utah Law and this Ordinance until that person has exhausted all administrative remedies as provided herein and by UCA 63-34-13.

## **Chapter 2. EXCEPTIONS TO FULL PLAT PROCESS.**

This section applies to the subdivision of lands within the unincorporated area of Garfield County, that are not required to complete a formal preliminary or final plat process, but follow a simplified process as outlined herein.

### **2-1 Agricultural Land Exemptions.**

1. A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of this ordinance, if the lot qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland Assessment Act; meets the minimum size of ten (10) acres, and is not used or will not be used for non-agricultural purposes. (17-27-806.2(a) UCA).
2. The boundaries of each lot or parcel that is exempted shall be graphically illustrated on a **record of survey map** that has received the approval of the Building Official, County Engineer, Surveyor, and Planning Commission. (17-27-805 UCA).
3. If a lot or parcel exempted as agricultural land is used for non-agricultural purposes as defined by the Farmland Assessment Act, the County shall require the lot or parcel to comply with the related plat requirements of this ordinance.(17-27-804 UCA).
4. When the above requirements have been met, the property owner shall file the record of survey with the County Surveyor within 14 days of approval.
5. A person may not submit a document that subdivides property by metes and bounds unless it contains written approval from the Planning Commission required by this section. Recording a document otherwise shall be null and void.
6. 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 un-subdivided agricultural land, if neither the resulting combined parcel, nor the parcel remaining from the division or partition violates this ordinance or other ordinances of Garfield County.

**2-2 Minor Subdivisions. (17-27-806 UCA).**

1. A "Minor" Subdivision may be submitted to the County Recorder for recording without going through the full subdivision plat application process if the following requirements have been met:
  - a. The Sketch Plan and Record of Survey Map has been reviewed by the Building Official, County Engineer, and Surveyor/Recorder and they have given written recommendation to the County Planning Commission that the development qualifies as a minor subdivision and that it meets the necessary requirements of County and State Law.
  - b. The property is being subdivided into five(5) or less building lots that all front an existing dedicated County street or road, and do not require the dedication of any land for additional streets, roads, easements or any other public purposes.
  - c. The property is not traversed by the mapped lines of a proposed road or street as shown on the County General Plan.
  - d. Each lot created meets the requirements of the Zoning Ordinance for that zone, or has been granted a variance by the Board of Adjustment.
  - e. The Planning Commission has reviewed the development plan and has given its recommendations in writing to the County Commission for final approval.
2. Upon receiving the written recommendation from the Planning Commission, the County Commission may make the following decisions based on fact:
  - a. Approve as recommended;
  - b. Amend and approve; or
  - c. Reject the development if it is felt to not be in the public interest.
3. After the development has been approved by the County Commission, the developer shall file the Record of Survey Map with the County Surveyor, and may proceed with construction according to approved plans.
4. If any public improvements are required to complete the development, financial security shall be provided in this Ordinance.

5. All public improvements shall be installed to County Standards and Inspected as provided herein.

**2-3 Other Exceptions:**

1. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
  - a. No new lot is created; and
  - b. The adjustment does not result in a violation of this ordinance or other applicable ordinances.
2. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.

## Chapter 3. GENERAL PLAN/INTENT

The intent of this Ordinance is to be consistent with the General Plan. The General Plan will be referred to herein as it applies. If sections are found inconsistent with the intent of the General Plan, those sections shall be amended. In the administration of this ordinance, the Mission Statement of the General Plan shall be used for continual reference in making decisions relative to the development of Subdivisions within Garfield County.

### 3-1 Mission Statement of Garfield County:

*"We value our proud and unique pioneer heritage and the resulting values which have created our current customs, culture, and quality of life. We are committed to deterring those aspects that will detract from such values."*

*"Therefore, we are dedicated to maintaining and improving our basic services and infrastructure including affordable housing, health care, environmental health services, telecommunications, public facilities, educational and cultural amenities, roads, water resources, and utilities."*

*"... Garfield County will be home to a group of growing communities which will be home to a cooperative, progressive, and prosperous people. This will be achieved through retaining and expanding traditional businesses and industries; protecting and improving agricultural and ranching opportunities; through attracting new industry; and through promoting tourism. Each activity will allow the county to preserve and maintain the proud pioneer heritage and values which make Garfield County unique."*

### 3-2 General Plan Policy Statements Included Herein.

#### **Agricultural Protection Areas (Page 1-7, paragraph 3b, G.C.G.P.) Right to Farm.**

1. Agricultural Protection Areas, as provided by Utah law, and identified by the County Agricultural Protection Committee, shall be preserved and planned for in the review and approval of subdivisions in the County.
2. Agricultural Protection Areas shall be identified on the official County Zoning Map and updated from time to time by Resolution of the County Commission with the advice of the County Agricultural Committee and the Planning Commission.

**Development Cost Recovery (Page 1-7, paragraph 3d, G.C.G.P.)**

All developments and subdivisions that are built after the date of this ordinance shall pay the cost of providing County services to them. Said costs will be determined pursuant to state law, and agreed to in writing by the sub-divider prior to approval of the subdivision.

**Impact Policy Declaration (Page 1-8, paragraph 4 G.C.G.P.)**

All developments in the County shall provide comprehensive development plans that assure financing by revenues generated from the proposed project and not from County funds. The cost for providing public services to the project shall be covered by the development and not be a burden to the taxpayers of Garfield County.

**Cluster Developments (Page 1-8, paragraph 5, G.C.G.P.)**

Recreational developments occurring in Multiple Use or Forest Recreation districts shall be clustered so that they do not inhibit the continuing use of other lands for legitimate multiple uses. Residential subdivisions shall be located within existing municipalities for provision of needed services.

**Natural Resource Development (Page 1-8, paragraph 6, G.C.G.P.)**

Residential and commercial growth resulting from natural resource developments shall be encouraged to locate within existing municipalities where appropriate municipal services can be provided.

**Commercial Development ( Page 1-8, paragraphs 1-6, G.C.G.P.)**

1. All new commercial uses shall be encouraged to locate within existing municipalities for water, sewer, fire and police protection, and for support of the municipal tax base, unless justified as exceptions where location is mandatory, and the necessary business success can be demonstrated as not possible within a municipality.
2. Commercial areas adjacent to municipalities, or within their annexation growth areas, shall be encouraged to first be annexed before being developed.
3. All new commercial development costs for public services shall be paid by the developer so that they are not a burden to the existing taxpayers of the County.

4. All new subdivisions, residential, commercial or industrial, shall be required to install all improvements for each phase of development, before any building permits are issued.

**Agricultural Land Use (Page 1-9, paragraph 1-3, G.C.G.P.)**

1. The County shall encourage the development of vacant non-agricultural lands within municipalities, prior to developing lands in the unincorporated areas.
2. Prime agricultural land shall continue to be designated as greenbelt area as long as possible, including protection through the Farmland Assessment Act.
3. The County shall establish the Agriculture Protection Area Advisory Board to identify appropriate unincorporated areas which qualify for designation as Agriculture Protection Areas. The Board will make their recommendations to the Planning Commission for review and their recommendation to the County Commission for approval.
4. Property owners shall retain the opportunity to propose agricultural protection areas independent of the evaluation process of the Agricultural Protection Area Advisory Board.

**Manufacturing Land Development (Page 1-9, paragraph 1-4, G.C.G.P.)**

1. Industrial development shall be encouraged within municipalities except for those that require that they locate at raw material sources.
2. Industrial development shall have direct access to major highways to ensure that industrial vehicles do not move through residential areas.
3. Industrial development noise, dust, odors, glare, vibrations, etc. shall be kept within acceptable standards to protect adjacent land uses.
4. Industrial and Commercial developments and operations shall be kept in good repair and attractive in appearance.

## **Chapter 4. CONSTITUTIONAL TAKINGS ISSUES: PRIVATE PROPERTY RIGHTS PROTECTED**

### **4-1 Intent, Rights and Duties.**

1. It is the intent of Garfield County to ensure that property rights are protected in the public interest. When decisions are required that influence these rights, it is the policy of Garfield County to ensure that due process is provided to those land owners influenced, prior to final decisions being made. **63-90 UCA.**
2. The County Board of Adjustment is hereby designated to hear appeals concerning Constitutional Taking issues.
3. Any owner of private real property whose interest in a property is subject to a physical taking or exaction by the County may appeal the decision within thirty (30) days after a decision is made. The appeal shall be heard and a decision rendered within fourteen (14) days after it is submitted in writing. If the appeal is not heard and decided within fourteen (14) days of receipt, the decision of the County regarding the property is presumed to be approved **63-90(a)(4)UCA.**
4. The private property owner need not file the appeal authorized by this section before bringing an action in any court to adjudicate claims that are eligible for appeal.
5. A property owner's failure to appeal the action of the County does not constitute a failure to exhaust available administrative remedies or as a bar to bringing legal action.

## **Chapter 5. DEVELOPMENTS WITHIN ANNEXATION GROWTH AREAS OR WITHIN 1/2 MILE OF MUNICIPAL BOUNDARIES**

### **5-1 City and County Coordination:**

Pursuant to page 1-7 Section C, of the Garfield County General Plan, the following policy statements are adopted relative to subdivisions and urban development within the County:

1. Garfield County hereby establishes a policy to coordinate approval of subdivision plats, commercial development and the issuance of business licenses within each community's adopted Annexation Growth Area, as defined in their Annexation Policy Declarations prepared and filed by the respective communities.
2. If no such Annexation Policy Declaration is on file, the sphere of influence will be considered to be one-half (1/2) mile from the corporate limits.
3. The County hereby encourages the communities to consider annexation when considering extension of water service and other improvements.
4. All new urban-type development, both residential subdivisions and commercial developments shall be encouraged to locate within the boundaries of incorporated municipalities except for projects specifically justified in other locations as associated uses needed for basic permitted activities in the County.
5. Consistent with the General Plan, unincorporated areas are encouraged to incorporate when the population requires it and increased services are required. Landowners and residents in the vicinity of Panguitch Lake are encouraged to consider incorporation for this reason.

### **5-2 Annexation Growth Area Development Standards**

- A. 1. To avoid substandard developments within the Annexation Areas surrounding the Cities and Towns within Garfield County, subdivisions and developments approved by the County within the Annexation Areas, shall comply with the subdivision requirements of the related City's Subdivision Standards or the County Subdivision Standards when the City does not have Standards adopted. This shall be done to minimize the impact on residents

in those subdivisions in upgrading their subdivision improvements at the time of annexation to the related City.

2. Pursuant to State law, all developments within one-half (1/2) mile of municipal boundaries, or within their Annexation Growth Area, are to be reviewed by the related City or Town as to the possible impact, and a written response received by the County Planning Commission that outlines any concerns of the community, prior to being approved by the County for development.
3. Those subdivisions that are proposed to develop within the Annexation Growth Areas of the Cities and Towns in Garfield County, and are contiguous to the municipal boundaries, shall file petition to be annexed to the related municipality prior to review and approval of any subdivision by the County Planning Commission. If annexation is approved and completed, the subdivision shall be filed with the related City or Town Planning Commission for review and or approval according to that community's ordinances and Utah law.

B. If the subject property is not contiguous with the related municipality, and therefore cannot be annexed without the consent of adjacent and contiguous properties, the subdivision shall not be considered by Garfield County Planning Commission until after receiving a written statement from the related City and property owners, that:

1. The property cannot be annexed to the City according to State law, and/or
- 2.. The owners of the property have signed a petition to annex to the City when the necessary conditions of Utah law can be met.
3. Municipal services, if any, will be available to the proposed development from the municipality.

C. If the related City or Town desires to provide the needed services outside their boundaries until the area qualifies for annexation, the owners of said property shall file a petition to annex to the related City or Town, and sign an agreement to annex when the necessary signatures are obtained from property owners in the area to qualify the area to annex according to the municipality's standards.

D. Subdivisions that are not located within an approved Annexation Growth Area, or are not within one-half (1/2) mile of a municipality, shall be

considered by the County Planning Commission, without submitting it to a municipality prior to its approval.

## Chapter 6. DEFINITIONS.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other ordinance adopted by the Garfield County Commission.

1. **Acreage.** Any parcel of land, of one (1) or more parcels, and those areas where a legal subdivision has not been previously made, or where a legal subdivision has declared the parcel as acreage.
2. **Agricultural Land Exemption.** A bona fide division or partition of agricultural land for agricultural purposes, as defined at §59-2-502 et. Seq., Utah Code Annotated, 1953 as amended and providing a minimum parcel size of ten (10) acres for each parcel created. Bona fide division for agricultural purposes does not include the division of any lands for the purposes of establishing a building, structure or improvement to allow a single-family dwelling unit, recreational use, cabin, or other residential use or any commercial, industrial or public use, and does not qualify for the issuance of a building permit to establish such a use.
3. **Annexation Growth Area.** An area lying outside the corporate boundaries of a municipality, outlined on an official map, that has been adopted formally by the governing body as an area that the municipality desires to annex in the future and provide municipal services to.
4. **Annexation Growth Policy Plan.** A written plan that outlines the plans of a municipality to grow through annexation. The Plan outlines the areas of growth desired, timing, conditions of zoning in the areas, financial impacts anticipated, etc.. The Annexation Growth Area is attached by reference in map form.
5. **AASHTO Standards.** Those standards published by the American Association of State Highway and Transportation Officials for the design of highways and streets.
6. **Beginning of Construction.** Grading or removal of any vegetation or earth from a site for construction of access routes or preparation for excavation of building pads or footings.
7. **Billboard.** A freestanding ground sign located on industrial, commercial, or residential property, if the sign is designated or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.
8. **Bona Fide.** The legitimate or intended purpose behind an action or approved action.
9. **Boundary Adjustment.** A minor shift or rotation of an existing lot line where no additional parcels are created, nor deleted, as approved by the Planning Commission.
10. **Building.** Any structure used or intended to be used for shelter or enclosure of persons or property.
11. **Building Height of.** The vertical distance from the average finished grade surface to the highest point of the building roof or coping.
12. **Building Setback Line.** A line parallel to the street line between which no building, structure, or portion thereof, may be erected, constructed, or established.

13. **Building Official.** The official designated as the Building Inspector for Garfield County by the County Commission.
14. **Campground.** A parcel designated and approved by the County for occupancy by tents, trailers, motor homes or campers on a temporary basis.
15. **Commission.** Unless otherwise indicated, the County Commission of Garfield County, Utah.
16. **Commission's Authorized Representative.** "Commission's Authorized Representative" shall mean the Planning Director, Building Official or any other County employee or official who has been designated by the County Commission to represent the County in enforcing or carrying out the functions set forth in this Ordinance.
17. **Constitutional Taking.** Is defined as provided in Section 63-34-13 Utah Code Annotated. Generally it is the taking of property or property rights without due process and/or just compensation.
18. **Conversion.** The creation of separate ownership of existing real property together with a separate interest in space of buildings or building space.
19. **County.** County shall mean Garfield County, Utah.
20. **County Attorney.** The attorney representing Garfield County.
21. **County Engineer.** County engineer shall mean the County Engineer of Garfield County or any individual or firm retained or designated by Garfield County for the purpose of performing engineering duties for the County.
22. **Design.** Design refers to street alignment, grades and widths, and alignment and widths of easements and rights-of-way for roads, drainage, sewage, water supply and other utilities, lot area and dimensions, and the treatment of such factors for the proposed use of the land.
23. **Development.** Any use or activity for any land, lot, building or structure that requires the issuance of a building permit, as required by the adopted building codes of the County.
24. **Division of Agricultural Land for Agricultural Purposes.** A bona fide division or partition of agricultural land for agricultural purposes as defined at §59-2-502 et. Seq. Utah Code Annotated, 1953 as amended and providing a minimum parcel size of ten (10) acres.
25. **Dwelling.** Any building or portion thereof, which is designed for residential use.
  26. **Dwelling, Single-Family.** A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
  27. **Dwelling, Multiple-Family.** A building arranged or designed to be occupied by more than one (1) family.
27. **Easement.** The acquired privilege or right-of-use or enjoyment that one (1) person may have on the land of another.
28. **Engineer.** "Engineer" shall mean the engineer or surveyor engaged by the sub-divider to prepare a final plat or to complete such data as may be required in connection therewith in accordance with the provisions of this Ordinance.
29. **Family.** An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.
30. **Fence.** A physical barrier to delineate, contain, or designate an area designed for a specific use i.e., an enclosure for a dwelling unit; an area for storage, etc.

31. **Final Plat.** "Final Plat" shall mean a final plat prepared in accordance with the provisions of this Ordinance which plat is designed to be placed in the office of the County Recorder.
32. **Flood Plain.** An area of land subject to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses as defined on the most recent FEMA Flood Maps where applicable.
33. **Frontage Block.** All property fronting on one (1) side of the street between intersecting or intercepting streets or between a street and right-of-way, waterway, end of dead-end street, or political subdivision boundaries, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intersects.
34. **General Plan.** Means a document that the County adopts that sets forth general guidelines for proposed future development of land within the County, as set forth in Sections 17-27-301 and 17-27-302 Utah Code Annotated.
35. **Geological Hazard.** A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth.
36. **Grade.** The finished ground level adjoining the building or as defined by the current building code of Garfield County.
37. **Improvement Standard.** A specific requirement imposed by this ordinance relating to the installation, modification or removal by the sub-divider, of a street, sidewalk, utility, well, tree, storm drain or other facility as necessary for the general use, by the lot owners of the subdivision or local neighborhood.
38. **Irrigated Land.** Parcels that have surface or underground water diverted continuously or intermittently upon them for the production of crops or pasture, through the utilization of man-made improvements.
39. **Legislative Body.** The County Commission of Garfield County.
40. **Local Governing Body.** "Local Governing Body" shall mean the Garfield County Commission.
42. **Official Map.** The official map of Garfield County as designated by the County Commission by Ordinance and filed with the County Recorder..
43. **Lot.** A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plot used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into three (3) or more smaller units.
44. **Lot, Corner.** A lot abutting upon two (2) or more streets at their intersection.
45. **Lot, Depth.** The horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.
46. **Lot Lines.** The property lines bounding the lot.
47. **Lot Line Adjustment.** The relocation of the property boundary line between two adjoining lots with the consent of the owners of record.
48. **Lot Line, Front.** For an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street as elected by the lot owner.
49. **Lot Line, Rear.** Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where these

definitions are not applicable, the Garfield County Building Inspector shall designate the rear lot line.

50. **Lot Line, Side.** Any lot boundary line not a front or rear lot line. In an interior lot, a side lot line separates a lot from another lot or lots. In a street side lot, a side lot line separates a lot from a street.
51. **Lot, Right-of-way.** A strip of land of not less than sixteen (16) feet in width connecting a lot to a street for use as private access to that lot.
52. **Manufactured Home.** A transportable factory build housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. All manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.
53. **Manufactured Home Subdivision.** A subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by manufactured homes exclusively.
54. **Master Plan.** A long range policy plan prepared and adopted by the Garfield County Commissioners to guide County growth.
55. **Merger.** The joining of two (2) or more contiguous parcels of land under one (1) ownership into one (1) parcel.
56. **Mobile Home.** A transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).
57. **Mobile Home Lot.** A lot within a mobile home subdivision, designed and to be used for accommodation of one (1) mobile home.
58. **Mobile Home Park.** Land designed and approved by the Garfield County Commissioners for occupancy by mobile homes, to be under single ownership or management, and meeting all other local or state requirements for Mobile Home Parks.
59. **Mobile Home Subdivision.** A subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes exclusively.
60. **Modular Home.** A permanent dwelling structure built in pre-fabricated units, which are assembled and erected on the site, or at another location and brought as a unit to the site; said modular home is classified as an unfinished structure until it is placed on a permanent foundation and complies with all governing building codes.
61. **Municipality.** An incorporated City or Town in Garfield County.
62. **Non-Public Water System.** Any potable water system that is subject to the rules of the Southwest Utah Public Health Department which is any potable (culinary) water system that is to serve less than fifteen (15) lots or less than twenty five (25) people.

63. **Off-Site Facilities.** Improvements not on individual lots but generally within the boundaries of the subdivision which they serve.
64. **Official Map.** The official map or maps adopted by Garfield County pursuant to the County zoning and planning enabling legislation.
65. **On-Site Facilities.** Construction or placement of the dwelling and its appurtenant improvements on a lot.
66. **Open Space.** The area reserved in parks, courts, playgrounds, golf courses, and other similar open area to meet density requirements.
67. **Parcel of Land.** Contiguous land owned by and recorded as the property of a person. Land under one (1) ownership but physically divided by a public highway, road or street is considered contiguous under this definition.
68. **Parking Lot.** An open area, other than a street, used for the parking of more than four (4) automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.
69. **Person.** An individual, corporation, partnership, organization, association, trust, government agency, or any other legal entity.
70. **Plat.** A map or other graphical representation of lands being laid out and prepared in accordance with Section 17-27-804, UCA.
71. **Plot Plan.** A plat of a lot, drawn to scale showing its actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the Garfield County Planning Commission.
72. **Predevelopment Activity.** A public hearing of the Planning Commission or County Commission concerning a proposed zoning change, preliminary or final plat, subdivision plat amendment or modification of the General Plan whereby the capacity of a county road is proposed to be increased.
73. **Preliminary Plat.** "Preliminary Plat" shall mean a plat made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it. Such plat need not be based upon an accurate or final survey of the property. The Preliminary Plat is essentially a study plan which, when approved, shall serve as a basis for the preparation of the final plat.
74. **Protective Strip.** A strip of land between the boundary of a subdivision and street within the subdivision, for the purpose of controlling the access to the street by property owners abutting the subdivision.
75. **Public Improvements.** Improvements required to be installed for the use of the general public; located in public right-of-ways and/or easements.
76. **Public Water System.** Any potable water system that is subject to the rules of the Utah Department of Environmental Quality which is any potable (culinary) water system that is to serve fifteen (15) lots or more, or at least an average of twenty five (25) individuals at least sixty (60) days a year.
77. **Record of Survey Plat Map.** A map of a survey of land prepared in accordance with Section 17-23-17, UCA and filed with the County Surveyor within ninety (90) days of completion.
78. **Recreational Coach.** A vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without motor power, designed and/or constructed to travel on the public thoroughfare

in accordance with the provisions of the Utah Vehicle Code, and designed for the use as a human habitation for a temporary and recreational nature.

- 79. Recreational Coach Park.** Any park or tract of land or a separate designated section within a Mobile Home Park where lots are rented or held out for rent to one (1) or more owners or users of recreational coaches for a temporary time not to exceed one hundred twenty (120) days. Such park may also be designated as an "overnight" park.
- 80. Remainder.** That portion of an existing parcel which is not included as part of the proposed subdivision. The remainder is not required as part of the subdivision but shall be shown on the required maps as part of the area surrounding the subdivision development.
- 81. Residential Facility for the Elderly.** A single-family or multiple-family dwelling unit that meets the requirements of Utah Laws.
- 82. Special District.** All entities within Garfield County established under the authority of Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state of Utah.
- 83. Streets. (The following are defined as they are consistent with AASHTO definitions)**
- (1) **Street:** A thoroughfare which has been approved by the County, which the County has acquired by prescriptive right or which the County owns, or has approved on an approved final plat, or a thoroughfare of at least twenty-four (24) feet in width which has been abandoned or made public by right of use land and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.
  - (2) **Street, Major:** A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled-access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.
  - (3) **Street, Collector:** A street, existing or proposed, which is the main means of access to the major street system.
  - (4) **Street, Minor:** A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.
  - (5) **Street, Marginal Access:** A minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.
  - (6) **Street, Private:** A thoroughfare on private land, or within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of Garfield County and maintained by the subdivider or other private agency.
- 84. Sub-divider.** Any person, developer, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or others.
- 85. Subdivision.** The division of any tract, lot or parcel of land into two (2) or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of sale, lease, or of building development, provided that the term "subdivision" shall not apply to those divisions excepted or exempted in this Ordinance. The word "subdivide" and any other

derivative thereof shall have reference to the word "subdivision" as herein defined.

86. **Sub-divider's Authorized Representative.** "Subdivider's Authorized Representative" shall mean any person or legal entity that has been legally designated by the sub-divider in writing, which designation has been filed with the County Planning Commission, as the authorized person to represent the sub-divider.
87. **Vicinity Plan.** A map or drawing to scale showing the physical relationship of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classification of all land within three hundred (300) feet of the property proposed for development.
88. **Zoning Ordinance.** "Zoning Ordinance" shall mean the Zoning Ordinance of Garfield County, Utah.
89. **Zoning Officer.** That person assigned formally by the Garfield County Commission to enforce the provisions of the Zoning Ordinance, Subdivision Ordinance, and any other related Ordinances of the County.

## **Chapter 7. ADMINISTRATION**

### **7-1 County Commission.**

Consistent with state law, the County Commission is designated by state law as the legislative body to make and adopt policy in the form of resolutions and ordinances, and to create and assign the necessary board, commissions, and staff to administer this Ordinance.

### **7-2 Planning Commission.**

Under the policy direction of the Garfield County Commission, the Planning Commission of Garfield County is hereby designated as the administrative agency with respect to subdivisions and shall have all powers and duties with respect to subdivisions as granted by state law and this Ordinance.(State Law)

### **7-3 Building Official/Zoning Administrator and Other Officials.**

The Garfield County Building Official is hereby appointed to ensure that the provisions of this ordinance are carried out on an as needed basis and to act as staff to the Planning Commission. The Building Official shall work with the County Engineer, Recorder/Surveyor, the County Fire Marshall, and related Municipal Fire Marshals within the area of a proposed development, in the preliminary review of all subdivisions and other developments requiring site plan reviews, and make recommendations to the developer and Planning Commission prior to formal presentation in public meeting.

### **7-4 Board of Adjustment.**

As per the Zoning Ordinance, the Board of Adjustments shall hear appeals concerning the administrative decisions of the Planning Commission, the Building Official, Zoning Administrator, County Engineer, or any other administrative official designated by the County Commission to assist in the administration of this Ordinance.

## **Chapter 8. ENFORCEMENT AND PERMITS**

### **8-1 Building Official to Enforce.**

The Building Official and the County Attorney are hereby authorized as the officers charged with the enforcement of this Ordinance and they shall enforce all the provisions of this Ordinance.

### **8-2 Permits.**

The Building Official shall not grant a permit nor shall any officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any state law or rule or regulation of the state or ordinance of Garfield County until a subdivision plat has been approved pursuant to this Ordinance. Any license or permit issued in conflict with such provisions shall be null and void.

### **8-3 Inspections.**

- (1) The Building Official shall inspect or cause to be inspected all buildings, installations or repairs for structures that are applicable under state law.
- (2) Excavation for fire hydrants, water and sewer mains and laterals, shall be approved by the Building Official or the Garfield County Engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the Garfield County Engineer or Authorized County Representative.

### **8-4 Form of Agreement.**

Prior to any approval of a Preliminary Plat of a subdivision the sub-divider shall enter into an agreement with Garfield County which shall be in substantially the following form:

## AGREEMENT

This Agreement is made by and between \_\_\_\_\_ (hereafter "Sub-divider") and Garfield County.

Sub-divider hereby acknowledges receipt of a copy of the Garfield County Subdivision Ordinance. Sub-divider hereby acknowledges that they have read the Subdivision Ordinance (or that an agent of Sub-divider has), and that they understand the provisions of the Subdivision Ordinance and that they will fully and completely comply with the provisions and requirements therein contained pursuant to Chapter 12 Section 6, the Sub-divider agrees to record the final plat within 14 days of final approval.

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Sub-divider

Witnessed By:

\_\_\_\_\_  
Planning Commission Secretary

NOTARY:

The form of signature shall include a provision for a notary in which the sub-divider represents that the person signing has the authority to execute the agreement.

**The above signed agreement shall be made an integral part of the subdivision plat approval process and made a matter of public record at the time of approval by the County Commission.**

## Chapter 9. PERMITS AND FEES

### 9-1 Permits.

From the effective date of this Ordinance, the Building Official shall not grant a permit, nor shall any officer of the county grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this Ordinance, the Garfield County Zoning Ordinance or the subdivision regulations or on a lot in a subdivision created by judicial decree, until a subdivision plat thereof has been recorded, or approved as required by this Ordinance. Any license or permit issued in conflict with such provisions shall be null and void.

### 9-2 Fees.

At the time of filing for any platting, zoning or subdivision action, a non-refundable fee shall be submitted, payable to Garfield County, in accordance with the currently adopted fee schedule as adopted by the Garfield County Commission by resolution.

## **Chapter 10 . SKETCH PLAN PROCEDURES**

### **10-1 Sketch Plan Review Meeting.**

1. Upon receipt of application, the Planning Commission Secretary shall notify the Building Official/ Zoning Officer or other Authorized County Representative who shall schedule a Sketch Plan Review Meeting with the Sub-divider, Garfield County Engineer, County Surveyor/Recorder, County Fire Marshal, and the related Municipal Fire Chief, or other related individuals as deemed necessary, to review the proposed plans, and make recommendations to the Sub-divider for the preparation of the formal preliminary plat for submission to the Planning Commission.
2. At this meeting, it shall be determined if the proposed development qualifies as an exception to the formal subdivision requirements of this Ordinance as provided herein.
3. For large areas where development is anticipated over an extended period of years, the Sketch Plan shall show the area for which preliminary plan approval will be requested for the first phase of development and also show a concept sketch map of the entire property and its environs.
4. The concept sketch map shall have no official standing or approval. It may be amended or modified from time to time by the sub-divider as deemed appropriate prior to submission and approval of the Planning Commission.

### **10-2. The Sketch Plan shall include the following:**

1. Date of review.
2. The general location of the subdivision and the property, boundaries of the proposed subdivision area, outlined in red, true north and designated public access. It should show significant natural and man-made features on the site and describe the historical use of the property.
3. Topographic contours from available data, e.g. USGS maps.
4. Acreage of the entire tract as well as the number of lots to be created by the subdivision.
5. Brief written statement or a brief oral presentation to be given with sufficient detail that the intent of the sub-divider is clear to those

reviewing the proposals.

6. A list of the owners of the land and the names of the individuals who are authorized to develop the land as proposed.
7. The sub-divider shall prepare the formal preliminary plat according to the recommendations from the Sketch Plan Review and present the full application to the Planning Commission Secretary along with the required fee, for review and scheduling on the Planning Commission agenda.

**10-3 Sketch Plan not an Application for Subdivision Approval.**

1. The Sketch Plan shall not constitute an application for subdivision approval, as provided and required by this Ordinance, and is in no way binding on the County or the applicant. Any discussion that occurs at the Sketch Plan review meeting shall not be considered any indication of subdivision approval or disapproval, either actual or implied.
2. Formal application for subdivision approval shall only be considered filed with Garfield County upon payment of the required fees and the submission of all information and materials as required for a preliminary subdivision plat as contained herein, and after a determination of subdivision application completeness by the Garfield County Planning Commission.
3. Those developments that are determined exceptions to the formal plat process shall be recommended to the Planning Commission in writing as such for formal review and approval as outlined herein.

## **Chapter 11. FORMAL PRELIMINARY PLAT PROCESS**

### **11-1 Submission Requirements.**

1. Copies of all required materials for a Preliminary Plat shall be officially submitted to the Planning Commission Secretary and fees paid at least thirty (30) days prior to the date of the Garfield County Planning Commission meeting at which the preliminary subdivision plat is to be reviewed.
2. If the proposed subdivision lies within one-one half ( $\frac{1}{2}$ ) mile of a municipality or lies within a municipality's Annexation Growth Area, the Preliminary Plat shall be delivered to the related City or Town Clerk for their review, and receive written approval by the municipality prior to approval of the Preliminary Plat by the Garfield County Planning Commission.

### **11-2 Plat Requirements.**

1. A minimum of eight (8) black on white or blue on white or brown on white prints of the Preliminary Plat. Copies are to be distributed according to the following: One (1) to the Building Official/Zoning Officer, One (1) to the County Engineer, One (1) to the County Surveyor, One (1) to the Planning Commission, copies to the related utility companies, One (1) to the related municipality, One (1) to the School District, and others as needed.
2. One (1) additional print is required when the property being subdivided abuts a state highway.
3. When a proposed subdivision lies wholly or partially within one-half ( $\frac{1}{2}$ ) mile of the boundaries of a municipality or within its Annexation Growth Area, an additional print shall be furnished for each such municipality.
4. A legal description of the property contained in the subdivision.

### **11-3 Drawing Requirements.**

1. Boundaries and monuments shall be keyed to Public Lands Corners, BLM monuments or other legally established survey monuments and the accuracy certified by a registered land surveyor licensed to do such work in the State of Utah. A workmanlike execution of the plat shall be made in every detail.

2. The preliminary subdivision plat shall be 24"x36", prepared in pen and the sheets shall be numbered in sequence if more than one (1) sheet is used and be drawn on Mylar. The following data shall be submitted as part of the Preliminary Plat submission:
3. A vicinity sketch showing perimeter outline of the plan, accesses, abutting subdivision outlines and names, and any other relevant information within a one-half (½) mile distance of the perimeter of the proposed plat.
4. A Record of Survey Plat showing the perimeter of the proposed subdivision. The error of closure shall not be greater than one (1) part in five thousand (5,000), and shall have a positional tolerance of 0.5 feet. Surveys shall tie in to at least two (2) Public Lands Corners, BLM monuments or other legally established survey monuments as per Utah law.
5. The existing contours at two (2) foot intervals for predominant ground slopes within the tract between level and five (5) percent grade and five (5) foot contours for predominant ground slopes within the tract over five (5) percent grade. Elevations shall be based on National Geologic Survey sea level data. In the case of predominantly level topography throughout a subdivision, one (1) foot interval contours may be required.
6. Lot and street layout.
7. Dimensions of all lots and streets.
8. Total acreage of entire proposed subdivision.
9. Lots and blocks numbered consecutively within the entire proposed subdivision.
10. Location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells proposed, active and abandoned, and springs used for culinary water, the location of percolation test holes and proposed septic systems and drain fields, as applicable, and the location of fire hydrants, and secondary water facilities, if proposed, shall be shown.
11. Locations and identification of all existing and proposed public and private easements.
12. Existing and proposed street names.
13. Street profiles to show proposed grades.

14. The plat shall be drawn to a scale not less than one (1) inch equals one hundred (100) feet, and shall indicate the basis of bearings, true north arrow, name of subdivision, name of county, township, range, section and quarter section, block and lot number of the property under consideration. For special circumstances, the Garfield County Planning Commission may adjust the map scale requirement.
15. All fence lines in and adjacent to the proposed subdivision.
16. The identification and location of known natural features on the subdivision site including, but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, water bodies, flood ways and drainage ways, slopes exceeding 30%, and any other natural features as required by the Zoning Administrator, Planning Commission or County Commission, including a tabulation of the acres in each.
17. Location and size of existing and proposed irrigation canals, ditches, and easements, as applicable, and existing and proposed storm drainage improvements for both surface and flood water, including, location, size, and depth of storm drainage systems.
18. Location of all existing Drinking Water Source Protection Zones located on the subdivision site.
19. Sites, if any, to be reserved or dedicated for parks, playgrounds, schools or other public uses.
20. Location, function, ownership and manner or maintenance of common open space not otherwise reserved or dedicated for public use.
21. Existing buildings, other easements, fences, telephone lines, gas lines, power lines, and other features located on the subdivision and within two hundred (200) feet of its boundaries.
22. A composite utilities easement plan showing location, size and proposed use of all easements. All utilities shall be constructed within approved easements.
23. The substance of all other covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings or structures.

**11-4 Supporting Documents Required.**

The following shall accompany and be a part of the submission:

1. Sub-divider Agreement signed by Sub-divider..
2. One (1) copy of an application for approval of a Preliminary Plat and all supporting documents (Appendix A).
3. Location and vicinity map showing the following:
  - a. Adjacent or adjoining municipalities, their annexation growth areas, and spheres of influence (if applicable).
  - b. Related existing and planned streets and highway systems.
  - c. Subdivision boundary lines (shown in red).
  - d. Existing Special Improvement Districts (identified by type)
4. A letter from each utility company involved, addressed to the Garfield County Planning Commission, stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easements.
5. A statement from the Garfield County Treasurer that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure such payment.
6. An itemized estimate of the cost of all proposed or required improvements, including labor and material, prepared by the County Engineer.
7. One (1) copy of the proposed deed restrictions or covenants in final form and signed by all of the owners of any interest in the subdivision who sign the final subdivision map. This copy shall be acknowledged by a notary public and shall be recorded in the office of the Garfield County Recorder along with the Final Plat.
8. An affidavit that the applicant is the owner or has authorization by the owner, in writing, to make application for the land proposed to be subdivided.

9. Evidence of title to the land to be subdivided.
10. For any subdivision proposed within the area of a Habitat Conservation Plan a letter from an authorized State or Local agency identifying compliance with the Habitat Conservation Plan.
11. A letter, or official comments from the Garfield County Fire Marshall, or other agency responsible for providing fire protection to the proposed subdivision, identifying any items related to providing adequate fire protection and suppression services. The proposed subdivision shall meet the requirements for fire protection and suppression as adopted by the agency responsible for fire protection, including the provision of fire hydrants, adequate water supply, water storage and other facilities necessary for fire protection and suppression.
12. If the proposed subdivision is adjacent to a State or Federal road, a letter or official comments from the Utah Department of Transportation acknowledging the proposed subdivision, identifying any potential impacts resulting from the proposed subdivision, and approval of any access needed.
13. If the proposed subdivision is located within the boundaries of a Special Service District or a Special Service Area, a letter, or official comments from the Service District or Service Area governing board acknowledging the proposed subdivision and identifying any potential impacts resulting from the proposed subdivision.
14. If the proposed subdivision is located within the boundaries of an Irrigation Company or Canal Company, a letter, or official comments from the governing board acknowledging the proposed subdivision and identifying any potential impacts resulting from the proposed subdivision.

**11-5 Summary Statement of Proposal.**

A summary statement to be submitted shall include:

1. Total development area, and number of proposed dwelling units, and other buildings and their proposed use.
2. Total number of square feet in nonresidential area.

3. Total number of off-street parking spaces, including those associated with a single-family residential development.
4. Estimated number of gallons per day of water system requirements.
5. Estimated number of gallons per day of sewage to be treated, where central sewage treatment facility is proposed.
6. Estimated construction cost and proposed method of financing of the streets and related facilities; water distribution system; sewage collection system; storm drainage facilities; and such other utilities as may be necessary.
7. Copies of survey notes of subdivision perimeter survey and copies of all monument records.

**11-6 Review Procedures - Preliminary Plat.**

When a Preliminary Plat has been officially submitted and received by the Planning Commission Secretary it shall be placed on the agenda of the Garfield County Planning Commission meeting within forty-five (45) days for subdivision review. This means that all review data has been completed, fees paid, and recommendations received from the appointed staff of the County as provided herein prior to being placed on the Planning Commission Agenda.

**11-7 The Planning Commission Approval.**

1. The Garfield County Planning Commission shall approve recommendations for only those Preliminary Plats which it finds have been developed in accordance with the standards and criteria specified in this Ordinance and all other ordinances of Garfield County including, but not limited to, the Zoning Ordinance, major road plans, the Garfield County General Plan, building codes, and other applicable codes.
2. The Garfield County Planning Commission shall consider the application and all materials submitted and input and comments received and may recommend approval of the preliminary subdivision application as presented, recommend approval with revisions and/or conditions, or recommend denial of the preliminary subdivision application. The determination of the Garfield County Planning Commission shall be accomplished by findings of fact.

3. The Garfield County Planning Commission may recommend onsite and offsite improvements, facilities and amenities if they are determined necessary and accompanied by a finding of the Planning Commission that such onsite and offsite improvements, facilities and amenities are required to protect the public health, safety and welfare of the residents of the subdivision, or the residents of Garfield County.
4. The recommendations of the Planning Commission shall be made in writing to the County Commission.

**11-8 The County Commission Approval.**

1. Following receipt of the Planning Commission's recommendation, the County Commission shall schedule a public hearing, providing public notice to receive comment on the proposed preliminary subdivision plat according to the following:
  - a. Being provided by U.S. Mail to all owners of record of real property adjacent to the lands proposed for subdivision;
  - b. Publishing notice of the public hearing in a newspaper of general circulation within Garfield County, at least thirty (30) days prior to the public hearing; and
  - c. Providing a minimum of thirty (30) days notice to any affected municipality.
2. Based on findings of fact and after considering the proposed preliminary subdivision application and all materials submitted and input and comments received, the County Commission may:
  - a. Approve the preliminary subdivision application as recommended by the Planning Commission;
  - b. Approve the preliminary subdivision application with revisions, and/or conditions, or
  - c. Deny the preliminary subdivision application.
3. The County Commission may require onsite and offsite improvements, facilities and amenities if they are determined necessary to protect the health, safety, and general welfare of the residents of the County, and are found consistent with the intent of

this and other related ordinances.

4. Approval of the preliminary subdivision application by the County Commission shall not constitute final approval of the subdivision by the County but allows the applicant to proceed with the preparation of the final subdivision application and all required documents.
5. A preliminary subdivision application approval by the County Commission shall not authorize the development of land or the issuance of any building permit for the subdivision site or any proposed lots.
6. The approval of a preliminary subdivision application shall be effective for a period of one (1) year from the date the preliminary subdivision application is approved by the County Commission. If a final subdivision application is not submitted for approval within the one (1) year period, the preliminary subdivision approval shall be void, and the applicant shall be required to submit a new preliminary subdivision application for review and approval, subject to the related County and State laws in effect at that time.

## **Chapter 12. FINAL PLAT PROCEDURE**

### **12-1 Final Plat Required.**

After compliance with preliminary plat requirements, and after written approval by the related municipality as applicable, a Final Plat of the subdivision covering all or part of an approved Preliminary Plat shall be prepared by a licensed surveyor not in the employ of Garfield County in conformance with the design standards and submitted within one (1) year from the date of the Preliminary Plat approval, unless the time is extended by the Garfield County Planning Commission in writing. Otherwise, preliminary approval shall be deemed to have been withdrawn.

### **12-2 Application Requirements for Final Subdivision Application.**

The following information is required for a complete final subdivision application:

1. A 24"x36" final subdivision plat, prepared by a licensed land surveyor, conforming to current surveying practice and in a form acceptable to the Garfield County Recorder for recordation. The final subdivision plat shall be presented in ink on reproducible Mylar at the same scale and contain the same information, except contour lines but containing any changes, additions, or revisions required by the County Commission, for the approved preliminary subdivision plat. All revision dates shall be shown as well as the following:
  - a. Notation of any self-imposed restrictions, other restrictions as required by the County Commission in accordance with this Ordinance.
  - b. Endorsement by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes and easements imposed on the property.
  - c. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted. The legend for metal monuments shall indicate the kind of metal, the diameter and length of the monuments.

- d. The owner's certificate of consent including a legal description of the subdivision's boundaries and the dedication of all required public ways or spaces. This certificate shall be signed, dated, and notarized. The owner's certificate should include a reference to any covenants and blanks where the County Recorder may enter the book and page number of their recording.
  - e. A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed and dated.
  - f. Signature blocks prepared for the dated signatures of the Board of County Commissioners Chair, or authorized designee, Planning Commission Chair, County Surveyor, County Engineer, and County Attorney. A blank 2"x2" recording block shall be located in the lower right corner as close to the edge as possible for recording validation.
  - g. Other Final Subdivision Plat notes, as required by the Board of County Commissioners.
2. Final subdivision plats shall be prepared on Mylar. Five (5) paper copies shall also be submitted along with the Mylar original copy. A computer disk copy, in a computer format acceptable to the County Recorder, shall also be provided.
  3. Multiple plat sheets may be used. All sheets shall be numbered and referenced to an index map, and all required certificates shall appear on a single sheet (along with the index and vicinity maps). Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre.
  4. Plans and specifications (improvement drawings) for the development and construction of the proposed water system. The location and size of the proposed culinary water lines and the location of all wells, active and abandoned, and springs used for culinary water shall be shown. Prior to final subdivision approval by the County Commission the proposed culinary water system, including water quantity and quality, shall be approved by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable, identifying compliance with all rules for the provision of culinary water, as adopted by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable.

5. The location of the approved absorption site for all on site wastewater disposal systems shall be shown as a \*, or a similar symbol, on the final subdivision plat, as approved by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable. This requirement shall not apply to those subdivisions, or phases thereof that received onsite wastewater disposal feasibility approval prior to December 9, 1997.
6. Final design drawings, prepared by a licensed engineer, and approved by the County Engineer for the road system, and all other required subdivision improvements, facilities and amenities. All such improvements shall comply with the design and construction standards of Garfield County, as established.
7. A tax clearance from the Garfield County Treasurer, indicating that all taxes, interest and penalties owing for the property have been paid and taxes, interest and penalties have been paid for the current tax year, if applicable.
8. Payment of the final subdivision application fee, as established by Resolution by the Board of County Commissioners

### **12-3 Acceptance of Streets and Other Public Land Dedication.**

Pursuant to Utah Law, acceptance of dedication of proposed public lands or streets or street rights-of-way or facilities for public use in an approved plat can be made only by the Board of Garfield County Commissioners. All facilities so accepted and dedicated shall meet the standards of this Ordinance and shall receive written recommendation from the County Building Official, County Engineer, and the Planning Commission prior to said acceptance.

### **12-4 Phase Development.**

1. The final platting of subdivisions may be done in phases. Each phase shall consist of a number of lots which can be completely developed with off-site public improvements within a two (2) year period. If the roads and other public improvements are not established within the two (2) year period, a hearing will be held with the Planning Commission and the subdivider to determine the reasons for noncompliance, and make a determination as to whether the final plat period should be extended or ended.
2. The intent is that improvements be completed within the two (2) year period. If little work has been done, and there are no immediate plans for substantial work to be completed, the Planning Commission shall rule the plat null and void by reason of inactivity.

3. When the public off-site improvements have been completed and approved by the County Engineer, the sub-divider may submit the next phase of the proposed development in accordance with the provisions of this Ordinance.
4. A Final Plat will be accepted only upon the submission of qualified evidence indicating that the sub-divider has the financial ability to complete the off-site public improvements for all lots within the Phase submitted.

**12-5 Final Subdivision Application Approval.**

The Garfield Board of County Commissioners shall be the final approval authority for final subdivision applications. The County Commission may approve the final subdivision plat as presented, approve the final subdivision with conditions, or deny the final subdivision application, accompanied by findings of fact. The County Commission's action to deny a final subdivision application shall be made with a finding of noncompliance with the requirements of this Ordinance or the recommendation of the Planning Commission.

**12-6 Recording and Nature and Effective Period of Final Subdivision Approval.**

1. After a final subdivision application has been approved by the Board of County Commissioners, or authorized designee of the Board of County Commissioners, it shall be recorded in the Office of the Garfield County Recorder by the sub-divider within fourteen (14) days of approval.
2. Owners of lots within the recorded final subdivision plat may apply for building permits consistent with the approved final subdivision application and the requirements for a building permit.
3. The approval of a final subdivision shall be effective for a period of one (1) year from the date the final subdivision application is approved by the Board of County Commissioners at the end of which time the approved final subdivision plat shall be recorded in the Office of the Garfield County Recorder.
4. If the approved final subdivision plat is not recorded within one (1) year period of date of approval, the final subdivision approval shall be void, and the applicant shall be required to submit a new preliminary subdivision application for review and approval subject to the then existing provisions of

this Ordinance, the Garfield County Zoning Ordinance and all other applicable Local, State and Federal requirements.

**12-7 Monuments.**

1. Permanent reference monuments as approved by the County Engineer shall be set on the external boundary of the subdivision, and at all street centerline intersections and all beginning and end points of curves to provide line-of-sight controls for re-establishing the survey. All lot corners shall be monumented with not less than a suitable permanent monument stamped with the lot numbers and the surveyors state license number.
2. Block and lot monuments shall be set, based on correlation with the nearest Public Lands Corners, BLM monuments or other legally established monuments on the survey.

**12-8 Site Preparation Work and Building Permits Prohibited until Final Subdivision Application Approved.**

No excavation, grading or re-grading shall take place on any land, and no building permits shall be issued, until final subdivision approval has been received from the Board of County Commissioners and has been recorded in the office of the County Recorder.

**12-9 Copies of Recorded Final Plats and Distribution.**

The sub-divider shall provide a copy of the recorded Final Plat or prints as follows:

1. County Building Official
2. County Engineer
3. Planning Commission
4. County Surveyor

## **Chapter 13. ACCEPTANCE OF DEDICATED STREETS AND PUBLIC IMPROVEMENTS**

### **13-1 Dedication.**

1. The sub-divider shall bring public streets, easements and other public improvements to Garfield County standards and maintain them in that condition for a period of one year before dedication as a public facility may be requested. Only after inspection and recommendation by the County Engineer shall the County Commission consider them for acceptance as public improvements; however, the developer will be required to maintain said improvements until such time as the County decides to accept the streets dedicated to Garfield County.
2. At the time the County decides to accept the dedication, it will do so only when it finds that the sub-divider has constructed, installed and maintained the public improvements required as a condition of approval and this Ordinance, and that the improvements comply with the minimum standards and requirements of the County at the time the project was approved for completion.
3. County services will not be provided to the subject area until the public improvements are accepted and the roads are formally dedicated.
4. In the event the Garfield County Commission does not accept the dedicated public improvements, the subdivider shall be so advised in writing of the reason for the non-acceptance and corrective actions necessary by the County Attorney. If the needed corrections are not made within a reasonable time, as so stated in the notice, the County may have the improvements completed and paid for out of the security deposits for the subdivision.

## **Chapter 14. DESIGN STANDARDS**

### **14-1 Natural Conditions Protected.**

All subdivisions shall comply with the following standards:

1. The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil and trees.
2. Land subject to hazardous conditions such as slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

### **14-2 Lots.**

All lots approved for building shall comply with the following:

1. All lots shall conform in dimension and acreage requirements of the zone in which they are located.
2. Lots shall meet the minimum requirements of the County Engineer and the Southwest Utah Public Health Department for sewage disposal.
3. One of the two methods specified in the Utah Department of Environmental Quality regulations for individual wastewater disposal systems shall be used for determining minimum lot size for a single-family dwelling when an individual wastewater disposal system is to be used.
4. All lots shall abut a dedicated street, a public street, a street which has become public by right of use or a private street maintained by a maintenance agreement.
5. The travel surface for streets shall be at least twenty-four (24) feet wide. In the event a lot abuts a public right-of-way created by use, the subdividers shall improve the right-of-way to the standards required by this Ordinance.
6. Corner lots shall have extra width sufficient for maintenance of required

building lines and setbacks on both streets.

7. Side lines of lots shall be at right angles or radial to the street line or lots shall be extra width to provide the same width building space within the side setback lines for the normal depth of building area.
8. All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than allowed to remain lot remnants.
9. Where the land in a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be held in either single or joint ownership before approval of the final plan and such ownership shall be recorded in the office of the Garfield County Recorder.
10. No single lot shall be divided by a municipal or county boundary line.
11. A lot shall not be divided by a road, alley or other lot.
12. No wedge-shaped lot shall be less than thirty (30) feet in width at the front property line.
13. All residential lots in subdivisions shall front on a public street, or on a private street or court approved by the Garfield County Planning Commission and the Garfield County Commission, except as may be approved for Planned Unit Developments, cluster subdivisions or other special dwellings.

#### **14-3 Street Standards.**

All County streets and roads shall be designed and built to the AASHTO Standards. The designing engineer shall certify in writing that this is the case when the preliminary plats are submitted for approval.

1. Minor streets shall be laid out to discourage through traffic.
2. Stub streets with approved turn-arounds shall be provided where needed to connect to adjacent undeveloped land, and new streets shall be provided where needed to connect to existing stub streets in adjacent subdivisions. Not more than three (3) lots shall front stub streets, except where a temporary cul-de-sac turnaround side is provided.
3. Intersections of minor streets with major streets shall be kept to the minimum possible.

4. Streets shall have the following minimum right-of-way widths:
- a. Major Collector: Minimum of one hundred (100) feet or AASHTO Standards.
  - b. Minor Collector: Minimum of sixty-six (66) feet or AASHTO Standards.
  - c. Major Street: A minimum of one hundred (100) feet or AASHTO Standards.
  - d. Collector Street: Not less than sixty-six (66) feet or according to AASHTO Standards.
  - e. Minor Streets and Frontage Road: Not less than fifty (50) feet or AASHTO Standards.
  - f. Private Street or Road:
    1. Private Streets or Road right-of-ways are not under the authority of the County and shall not be restricted in any manner except that the County may require a minimum fifty foot (50') road right of way for future public needs if it is apparent that more lots may developed in the future that will require a public road to service these lots.
    2. Maintenance of private streets are the responsibility of the land owner (s). If the street is to ever become a public street, it shall be brought up to County road standards.
    3. If the private property owners, that the road serves, request that the road become a public road, they shall pay the cost of doing so. If the County or some other public entity requests that the road become a public road, the costs of bringing the road to County standards will be born by that entity.
    4. The County shall not take a private road right of way from private property owners for public use without due process and fair compensation. (See Constitutional Takings Chapter of this ordinance and Utah Law.)
    5. All County roadway travel surface widths shall be consistent with AASHTO Standards for the use and speed

to be traveled on said roads as determined by the County Engineer.

6. Ten foot (10') shoulders shall be provided where there are no curbs installed.
7. No half-streets are permitted, except if required to complete a half-street already existing and approved by the Garfield County Planning Commission and the County Commission..
8. Dead-end streets and or street stubs shall have approved temporary turn-arounds and/or built to accommodate future access to adjoining properties.
9. Approved permanent cul-de-sac streets serving no more than six (6) lots and extend not more than five hundred (500) feet with the cul-de-sac having a minimum radius of fifty (50) feet or more, and the outside curb or pavement edge radius as required by fire code.
10. No more than four (4) streets shall enter an intersection.
11. Streets shall intersect at ninety (90) degrees.
12. Two streets meeting a street from opposite sides shall meet at the same point, or their center lines shall be offset at least two hundred (200) feet.
13. Streets shall have the names of existing streets which are in alignment or which connect directly to the end of a street. There shall be no duplication of street names within the area. All street names shall be approved by the Garfield County Planning Commission. Permanent signs shall be installed by the developer at his expense at the time of installation of other off-site public improvements.
14. All lots shall have street numbers to enable lot owners to obtain telephone service.

**15. Curvature and Alignment.**

- A. All horizontal curves shall comply with AASHTO Standards for desired speeds.
- B. All vertical curves shall comply with AASHTO Standards for desired speeds.

C. Where a subdivision abuts a highway, frontage roads may be required for the safety of the public.

**16. Roadbed Construction.**

Minimum roadbed grading and paving for County streets and roads shall be according to AASHTO Standards.

**17. Road Grades.**

All roads and street grades shall be designed in compliance with AASHTO Standards and approved by the County Engineer.

**18. Block Standards.**

Block lengths shall be reasonable as approved by the Garfield County Engineer, and in total design shall provide for safe, convenient access and circulation for the general public and emergency vehicles as per fire code.

**19. Pedestrian Crosswalks.**

Where blocks exceed one thousand (1,000) feet in length, pedestrian rights-of-way of not less than ten (10) feet in width may be required by the Garfield County Planning Commission through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five (5) feet in width shall be placed within the rights-of-way, as required by the Garfield County Planning Commission.

**14-4 Easement Standards.**

1. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of fifteen (15) feet apportioned equally in abutting properties except where the gradient or terrain may require additional space for working or maintenance of the easement.
2. Where front-line easements are required, a minimum of fifteen (15) feet shall be allocated as a utility easement. Perimeter easements shall not be less than fifteen (15) feet in width, extending throughout the peripheral area of the development, if required by the Garfield County Planning Commission.
3. All easements shall be designed so as to provide efficient installation of utilities or street planning.

4. The Garfield County Planning Commission may require the exterior perimeter of any subdivision to be fenced if the need is apparent to protect the health, safety, and welfare of the residents or others.
5. Unless the Garfield County Planning Commission and Garfield County Commission determine, upon application by a sub-divider, supported by recommendation of the County Engineer, that it is not feasible to do so, all power lines, telephone lines, and other utility lines shall be placed underground by the sub-divider.

#### **14-5 Alleys.**

The Garfield County Planning Commission may approve service access to the interior of blocks in certain instances, in which case alleys shall be indicated on the plan and plat.

#### **14-6 Water System Standards.**

1. State approved culinary water sources shall be required for all subdivisions and dwellings. Every effort should be made to secure water system extensions of an existing water system, approved by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable.
2. The design of all culinary water delivery systems shall be approved by the appropriate agency of the State of Utah and written certification received prior to the approval of the subdivision.
3. Prior to final subdivision approval the proposed culinary water system plans and specifications (improvement drawings), including water quantity and quality, shall be approved by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable.
4. Hauling water to a proposed subdivision to meet the water and fire protection requirements of this Ordinance is prohibited and shall not be accepted by Garfield County as a method of providing any subdivision with water and fire protection services.
5. Culinary Water Supply
  - A. The sub-divider shall provide a piped, public or private culinary water supply to the property line of every lot in any subdivision.

- B. Said system shall be designed and built to safe drinking water standards as evidenced by written approval from the State of Utah.
- C. The culinary water system and plans shall also be approved by the State Department of Environmental Quality, County Fire Marshall, and County Engineer before approval is issued.

**14-7 Sewer System Standards.**

1. The Southwest Utah Public Health Department and the Department of Environmental Quality shall review and approve the proposed sewage treatment method and submit its approval in writing with the application for preliminary plat approval. It shall be the responsibility of the applicant to provide information and materials as required by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable, necessary to evaluate the proposed sewage treatment method.
2. Connection to an existing public sewer system, with adequate sewer treatment capacity, is required for all subdivisions and individual lots, if public sewer lines are within three hundred (300) feet of the borders of the subdivision or any lot to be developed within the un-incorporated lands of the County or as dictated by State Law.
3. If connection to an existing public sewer system is not authorized, the applicant shall present an alternative, that has been approved by the Public Health Department in writing, to the Garfield County Planning Commission with the Preliminary Application.
4. Based upon the recommendations of the Building Official and/or Zoning Officer, County Engineer, and Public Health Department, the Planning Commission may recommend, and the County Commission may require, the installation of a private central sewer system, and/or the provision of sewer lines (dry sewer), necessary to facilitate the connection of the proposed subdivision to a central sewer system at a later date.
5. In all cases where a proposed subdivision is not to be connected to an approved public sewer system, approval for the proposed sewage treatment method shall be obtained from the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable.

6. For all proposed subdivisions, or subdivision phases, where onsite wastewater disposal systems are proposed, the preliminary subdivision application shall include written approval from the health department for each lot proposed.
7. Larger lots, than those provided by the Zoning District in which the proposed subdivision is located, may be required by the County to assure that each lot will provide adequate onsite sewer treatment. The location of the approved absorption site shall be shown and identified clearly on the preliminary subdivision plat.
8. Septic tanks and/or sealed vaults or other alternative treatment methods may be approved only when an existing public sanitary sewer system is more than three hundred (300) feet from the nearest boundary of the lot or the nearest boundary of a proposed subdivision. Written approval from the State Department of Environmental Health shall be required for all forms of sewer disposal.
9. When individual on-lot sanitary sewage disposal systems are proposed, the lot owner shall install such facilities at the time the principal building is constructed, and no building permit shall be issued until such installation is assured and approved by the Building Official
10. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel that is to be used for residential or commercial building.

**14-8 Flood Plain Standards.**

1. All subdivisions and buildings within a flood plain shall be the responsibility of the Sub-divider and not Garfield County.
2. No subdivision in Garfield County shall be allowed in a flood plain unless each lot is situated where there is sufficient area for the location of a dwelling entirely outside the flood plain, and where all setback requirements of the zone in which the subdivision is located, can be met.
3. Flood plains shall be determined according to the latest FEMA flood maps.

**14-9 Storm Drainage Standards.**

1. Complete drainage systems for the entire subdivision area shall be designed

by a professional engineer, licensed in the state of Utah and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be identified. If the Final Plat is to be presented in phases, a general drainage plan for the entire area shall be presented with the first phase, and appropriate development stages for the drainage system for each phase indicated.

2. The drainage system shall be designed by a registered engineer who shall certify that it has been done according to professional drainage standards. The Sub-divider shall be responsible for the results and performance of the drainage system.
3. The drainage system shall be designed by the subdivider to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also accommodate the runoff from those areas adjacent to and "upstream" from the subdivision itself, as well as its effects on lands downstream.
4. All proposed surface drainage structures shall be indicated on the plans.
5. All appropriate designs, details, and dimensions needed to explain clearly proposed construction materials and elevations shall be included in the drainage plans.

## **Chapter 15. RURAL, MOUNTAIN AND DESERT SUBDIVISIONS.**

### **15-1 Scope.**

The Garfield County Planning Commission and Garfield County Commission may make special requirements for the regulation of subdivisions in rural, mountainous or desert areas for prevention of erosion, pollution and excessive costs to the public; protection of existing social, physical or economic values; and protection from fire and other hazards.

### **15-2 Application.**

Before applying special requirements to rural, mountain or desert subdivisions, either more restrictive or less restrictive than those otherwise applicable by this Ordinance, the Garfield County Planning Commission shall cause copies of the Preliminary Plat and proposed modifications of standard requirements to be submitted to the State Department of Environmental Quality, the State Board of Forestry and Fire Control, and the local Soil Conservation District Supervisor for comment and recommendations. The Garfield County Planning Commission shall then make its recommendation to the Garfield County Commission and the Commission shall determine what special requirements shall apply if any.

### **15-3 Additional Provisions.**

1. Notwithstanding any other provisions herein, the following requirements shall apply to all rural, mountain and desert subdivisions:
  - a.. No area shall be subdivided which has an average grade in excess of thirty (30) percent, as determined by a topographic map furnished by a registered land survey or by reference to USGS 7.5 topographic quadrangle maps; the area to be used for residential building lots (as opposed to reserved open spaces) shall not exceed an average grade of twenty-five (25) percent.
  - b. No subdivision design or plan shall be approved which constitutes the creation of hazardous conditions relating to flooding, pollution, fire or geologic hazards or excessive damage or danger to environmental values.
  - c. No building or septic system shall be allowed within five hundred (500) feet of high water line of fresh water lakes or streams.

- d. No building or septic system shall be allowed within five hundred (500) feet of all tributaries that flow into fresh water lakes unless approved by the Health Department.
  - e. Under no circumstances will outdoor privies be allowed.
  - f. All newly constructed roads, cuts and fills, and other surface disruptions shall be re-seeded.
2. Geologic stability and soils suitability for the proposed development shall be the responsibility of the sub-divider. Garfield County shall be held harmless for any result of the development of subdivisions on sensitive or hillside lands.
  3. The sub-divider shall determine whether the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earth-moving operations in the construction of the subdivision or otherwise entail an erosion hazard, and if so, present a plan of action to the Garfield County Planning Commission showing steps to be taken to protect the land and future residents from present or future damage as a result of the development. The steps to be taken shall be the responsibility of the Sub-divider and the County shall be held harmless for any results that may accrue therefrom.
  4. If the site requires substantial cutting, clearing, grading or other earth-moving operations in construction of structures or roads in the proposed development, the Garfield County Planning Commission may require the applicant to provide soil erosion and sediment control plans and specifications prepared by a registered civil engineer.

## **Chapter 16. FINANCIAL RESPONSIBILITY**

### **16-1 Guarantee.**

To insure that improvements are installed as required by this Ordinance, and before Final Plat approval by the Garfield County Commission, the sub-divider shall guarantee the installation thereof by one or a combination of one (1) or more of the methods specified as follows:

### **16-2 Performance Bonds.**

The sub-divider shall furnish and file with the Garfield County Clerk a corporate surety bond, to assure that the actual construction of such improvements is completed within a period of two (2) years immediately following the approval of the Final Plat and subdivision by the Garfield County Commission, which bond shall be approved by the Garfield County Commission and the Garfield County Attorney.

### **16-3 Escrow Deposit.**

The sub-divider shall deposit in escrow with an escrow holder approved by the County Commission an amount of money, under an interest bearing escrow agreement conditioned upon the installation of said improvements within two (2) years from the approval of the Final Plat and subdivision. The escrow agreement aforesaid shall be approved by the Garfield County Commission and the Garfield County Attorney and shall be filed with the Garfield County Recorder.

### **16-4 Irrevocable Letter of Credit.**

The sub-divider shall file with the Garfield County Commission an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution, which letter shall contain provisions substantially similar to those required by the escrow agreement and shall be approved by the County Commission and County Attorney before being accepted:

- a. The amount of the above instruments shall be equal to one hundred-ten percent (110%) of the cost of the improvements as estimated by the County engineer plus a percentage to cover inflation.
- b. The guarantee employed shall be approved as to method and form by the Garfield County Attorney.
- c. The Garfield County Commission is authorized to prescribe by administrative rule, or regulation, forms and procedures to insure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision and the strict compliance with the requirements of the Ordinance.

**16-5 Default.**

In the event the sub-divider defaults or fails or neglects to install satisfactorily the required improvements within two (2) years from the date of approval of the Final Plat, the County Commission may declare the guarantee forfeited, and may install or cause the required improvements to be installed, using the proceeds from the collection of the posted security to defray the expenses thereof.

**16-6 Phased Development.**

Whenever the sub-divider shall develop a subdivision in phases, each phase shall be secured as provided herein, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all said improvements will be made available for full, effective and practical use thereof by lessee or grantee of any of the subdivided lands within herein before specified.

**16-7 Improvements Guarantee.**

1. The sub-divider shall warrant and guarantee that the improvements provided for herein and every part thereof, will remain in good condition for a period of one (1) year after the date of conditional acceptance by the Garfield County Commission and shall agree to make all repairs to and maintain the improvements and every part thereof in good condition during that one (1) year period at no cost to the County.
2. It is further agreed and understood that the identification of the necessity for repairs and maintenance of the work rests with the County Engineer, whose decision upon the matter shall be final and binding upon the sub-divider, and the guarantee hereby stipulated shall extend to and include, but not be limited to the entire street, sub-grade, base, and surface and all pipes, joints, valves, backfill and compacting as well as the working surface, curbs, gutters, sidewalks and other accessories that are, or may be, affected by the construction operations.
3. If the Sub-divider does not complete needed repairs after written notice from the County Engineer within thirty (30) days after the date of notice, the County Engineer, with the approval of the County Commission, shall have such repairs made, and the cost of such repairs shall be paid out of the performance security deposits held in the name of Garfield County for that project.

**16-8 Covenant.**

1. The sub-divider shall execute and acknowledge in a form approved by the County Attorney, and capable of recording in the office of the County Recorder, a written agreement with the Garfield County Commission by which the sub-divider covenants that he will not sell, lease or convey any of the subdivided property to anyone whomsoever unless he shall first record the approved final plat and posted the necessary financial security as provided in this chapter.
2. The agreement shall specifically provide that it shall be deemed to be a covenant running with the land to secure the installation of all the improvements required by this Ordinance together with a payment of all costs, including a reasonable attorney's fee, which the Garfield County Commission may incur in enforcing any of the terms and provisions of the agreement.
3. This condition shall be released when final release of security is approved by the County Commission.

**16-9 Acceptance and Release of Surety.**

Acceptance of public improvements and release of surety shall only be done following final inspection and recommendation by the County Engineer to the County Commission. No improvement security shall be released until all improvements are completed and approved and all defects corrected.

**16-10 Orderly Development Required.**

Whenever a sub-divider shall develop a subdivision, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all of the improvements will be made available for the full, effective and practical use and enjoyment thereof by the purchaser, grantee, assignee, transferor or lessee of any of the lands subdivided within the time hereinbefore or in phases specified.

**16-11 Progress Payments.**

1. Progress payments shall be made only after approval of the related improvements by the County Commission based upon written recommendation of the County Engineer. Payments shall only be made on a phase by phase basis as the work is completed to County Standards.
2. Progress payments may be made to the sub-divider from any deposit of money or letter of credit which the sub-divider may have made in lieu of providing a security

bond, provided however, that no progress payment shall be made for more than 90% of the value of any installment or work completed.

3. No progress payments from Cash Deposits shall be made except upon certification by the County Engineer, and approved by the County Commission.

**16-12 Completion and Release of Surety.**

1. Ten percent (10%) of the Surety posted with the County shall be held for the one year following completion of all phases of the sub-division.
2. This amount plus any interest earned shall be released to the sub-divider upon final inspection by the County Engineer and/or other Authorized County Representative, and approved by the County Commission in public meeting.
3. Upon completion of all requirements stated herein, a release of surety shall be prepared by the County Attorney for approval and signature of the County Commission and recorded with the County Recorder. A certified copy shall be provided to the sub-divider.

# Chapter 17. SUBDIVISION FIRE PROTECTION

## 17-1 Purpose:

To ensure that fire protection methods and infrastructure are planned and installed within all subdivisions developed in the unincorporated areas of Garfield County consistent with the provisions of the General Plan and Utah law.

## 17-2 Plan Required.

1. All subdivisions shall have a fire protection plan prepared by qualified individuals and approved by the State, County, or Community Fire Officials as the case may be prior to approval of any subdivision or development within Garfield County.
2. The fire protection plan shall apply to all lands that are to be developed as well as any properties adjacent to and that might otherwise be impacted by the possibility of fire.
3. The following shall be a minimum to be included in the plans:
  - a. Fire flow needs to protect all properties to be located in the development to a minimum fire protection rating.
  - b. Source, availability, amount, and delivery of water necessary to meet fire flow requirements.
  - c. Responsibility, training, and availability of personnel for maintenance and operation of required fire fighting infrastructure and equipment.
  - d. Written approval of the fire protection plan of all related Fire Officials.
4. The Fire Protection Plan shall be submitted with the preliminary plat application and be considered as an integral part of the subdivision plat approval process.
5. In the case of remote cabin sites, a minimum of one thousand (1000) gallons of water storage shall be required for fire protection for each dwelling during and following construction. It shall be the responsibility of the respective property owners to ensure that this provision is met.
6. Garfield County shall not be liable for any action taken by the sub-divider as a result of this chapter.

## **Chapter 18. SUBDIVISION PLAT AMENDMENTS**

### **18-1 Amendment to Recorded Plats.**

The Garfield County Commission may, with or without a petition, consider any proposed vacation, alteration, or amendment of a recorded final subdivision plat or record of survey, any portion of a final subdivision plat, or any road or lot, contained in a final subdivision plat or record of survey by following and complying with all the requirements for vacating or changing a subdivision plat, as identified at §17-27-808, Utah Code Annotated, 1953, as amended and §17-27-809, Utah Code Annotated, 1953, as amended.

### **18-2 Amendment by County Commission.**

When Garfield County proposes to vacate, alter, or amend a subdivision plat, or any road or lot contained in a subdivision plat or record of survey, the County Commission shall consider the issue at a public hearing after giving the notice, as required by §17-27-809 et. Seq. Utah Code Annotated, 1953, as amended.

### **18-3 Grounds for Subdivision Amendments and Recordation.**

1. Within thirty (30) days after the public hearing, as required by §17-27-810, Utah Code Annotated, 1953, as amended, the County Commission shall consider the petition.
2. Consistent and complying with the requirements of §17-27-810, Utah Code Annotated, 1953, as amended, and if the County Commission is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause, the County Commission may, by ordinance, vacate, alter, or amend the plat or record of survey, any portion of the plat or survey, or any road or lot.
3. The County Commission shall provide that any plat or survey affected by a vacation, alteration or amendment, passed by ordinance, is stamped, marked or signed, indicating approval of such action by the County Commission. The County Commission shall ensure that any approved vacation, alteration, or amendment is recorded by the petitioner in the Office of the Garfield County Recorder.

### **18-4 Appeal of Subdivision Amendment Decisions.**

An aggrieved party may appeal administrative decisions of the County Engineer, Building Official, or the Planning Commission to the Garfield County Board of Adjustment. The decision

of the County Commission concerning a plat or minor subdivision record of survey amendment shall be appealed to district court, as provided in §17-27-1001, et. seq. Utah Code Annotated, 1953, as amended.

**18-5 Lot Line Adjustments Within a Recorded Plat.**

Property owners may adjust their lot lines and record the amendments if the following conditions are met:

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

Lot adjustments that are recorded and do not meet the above conditions shall be considered a violation of this Ordinance.

## **Chapter 19. VALIDITY**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

## **Chapter 20. AMENDMENTS OR REVISIONS**

Any amendments or revisions to this Ordinance shall first be submitted to the Garfield County Planning Commission for their recommendations to the Garfield County Commission after due consideration at a public hearing of reasonable notice of at least fourteen (14) days. The Garfield County Commission shall after reasonable notice of fourteen (14) days hold a public hearing to consider the proposed amendments or revisions, and the Garfield County Planning Commission's recommendations shall adopt, amend and adopt, or reject such amendments or revisions deemed to be in the best interest of Garfield County.

# Chapter 21. ADOPTION

Passed and adopted by the Board of County Commissioners of Garfield County, Utah, this 14<sup>th</sup> day of April, 2003.

Signatures and Vote:

Yes

No

Chairman:

*Maloy Dodds*  
Maloy Dodds

X

—

Commissioner:

*Del LeFevre*  
Del LeFevre

X

—

Commissioner:

*Clare M. Ramsay*  
Clare Ramsay

X

—

ATTEST:

County Clerk:

*Camille Moore*  
Camille Moore

County Seal:



Published in the Garfield County News on April 24, 2003.

# APPENDIX A

## APPLICATION FOR APPROVAL OF PRELIMINARY PLAT

### [GARFIELD COUNTY SUBDIVISION ORDINANCE]

SUBDIVISION \_\_\_\_\_

TO GARFIELD COUNTY PLANNING COMMISSION DATE \_\_\_ / \_\_\_ / \_\_\_

Submitted for Approval is the Preliminary Plat of  
 \_\_\_\_\_ Subdivision. Attached are:

	<u>Section Reference</u>	<u>(Planning Commission Use Only)</u>	
		<u>Present</u>	<u>Missing</u>
1. Three (3) Prints of Preliminary Plat		_____	_____
2. One (1) Additional Print Each if:		_____	_____
a. Property abuts State Highway		_____	_____
b. Property adjacent to a municipality		_____	_____
3. Plat sent to Adjacent City (If Applicable)		_____	_____
4. Agreement		_____	_____
5. Location and Vicinity Map		_____	_____
6. Water Feasibility Statement		_____	_____
7. Sewer Feasibility Statement		_____	_____
8. Geologic Map and Report		_____	_____
9. Soil Map and Report		_____	_____
10. Erosion & Sedimentation Plans (If Applicable)		_____	_____
11. Letters from Utility Companies Approving Easements		_____	_____
12. Treasurers Statement that all taxes or assessments are paid		_____	_____

- 13. Engineer's Estimated Cost of Improvements \_\_\_\_\_
- 14. Executed copy of restrictions or covenants \_\_\_\_\_
- 15. Affidavit of Ownership \_\_\_\_\_
- 16. Evidence of Title \_\_\_\_\_
- 17. Letter or Comments Concerning HCP (If Applicable) \_\_\_\_\_
- 18. Letter or Comments from Fire Protection Agency \_\_\_\_\_
- 19. Letter or Comments from UDOT (If Applicable) \_\_\_\_\_
- 20. Letter or Comments from Special Service District (If Applicable) \_\_\_\_\_
- 21. Letter or Comments from Irrigation District (If Applicable) \_\_\_\_\_
- 22. Summary Statement \_\_\_\_\_

\_\_\_\_\_  
 Sub-divider/Developer

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 City/State                  Zip

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Sub-divider Signature of Application: \_\_\_\_\_

**RECEIPT**

Receipt is hereby acknowledged of the foregoing Application for Approval of Preliminary Plat and the required fees have been paid.      Date \_\_\_/\_\_\_/\_\_\_

Garfield County

By \_\_\_\_\_  
 Planning Commission Secretary

## APPENDIX B

### CHECKLIST FOR FILING OF FINAL SUBDIVISION PLAT

SUBDIVISION : \_\_\_\_\_

DATE PRELIMINARY PLAT APPROVED BY PLANNING COMMISSION : \_\_\_\_\_

DATE PRELIMINARY PLAT APPROVED BY COUNTY COMMISSION : \_\_\_\_\_

DATE FINAL PLAT SUBMITTED TO COUNTY COMMISSION : \_\_\_\_\_

DATE FINAL PLAT APPROVED BY COUNTY COMMISSION : \_\_\_\_\_

(Within 14 days of approval)

DATE FINAL PLAT RECORDED: \_\_\_\_\_

(Within 14 days of approval)

	<u>Complete</u>	<u>Incomplete</u>
1. Final Plat in Conformance with approved Preliminary Plat, and in conformance with any additional conditions as required by the County Commission.	_____	_____
2. Notation of Restrictions or other Plat Notes as Required	_____	_____
3. Monuments	_____	_____
4. Owners Certificate of Consent	_____	_____
5. Surveyors Certificate	_____	_____
6. Signature Blocks for:	_____	_____
1. County Planning Commission Chairperson		
2. County Commission Chairperson		
3. County Engineer		
4. County Recorder		
5. County Surveyor		
6. Recording Validation Block		
7. Mylar plus (3) Copies	_____	_____
8. Water System Construction Drawing	_____	_____
9. Sewer System Construction Drawings or Site Designation of Septic Systems	_____	_____

for each lot.

10. Road System Construction Drawings

\_\_\_\_\_

\_\_\_\_\_

11. Tax Clearance

\_\_\_\_\_

\_\_\_\_\_

12. Payment of all Fees

\_\_\_\_\_

\_\_\_\_\_

13. Financial Guarantee Posted

\_\_\_\_\_

\_\_\_\_\_

14. Copy of Protective Covenants

\_\_\_\_\_

\_\_\_\_\_



