Draft – 052024

BOULDER TOWN

STATE OF UTAH

SUBDIVISION ORDINANCE

CHAPTER 152 OF BOULDER TOWN CODE

**\*\*ORDINANCE ADOPTION\*\***

**BOULDER TOWN, STATE OF UTAH**

**SUBDIVISION ORDINANCE**

 **AN ORDINANCE ENACTING A SUBDIVISION ORDINANCE, REGULATING THE SUBDIVISION OF LANDS WITHIN THE INCORPORATED AREAS OF BOULDER TOWN, GARFIELD COUNTY, STATE OF UTAH.**

 **WHEREAS**, the Boulder Town Council as the legislative body of Boulder Town, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the town, to enact a subdivision ordinance.

**NOW THEREFORE** **BE IT ORDAINED AND ENACTED** by the Boulder Town Council, State of Utah to rescind and supersede, in its entirety, the Subdivision Ordinance for Boulder Town, Garfield County, State of Utah (Chapter 152 of Boulder Town Code).

**ORDAINED AND ENACTED** by the Boulder Town Council, State of Utah, on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024.

 Judy Drain

 Boulder Town Mayor

ATTEST:

 Jessica LeFevre

 Boulder Town Clerk

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# GENERAL PROVISIONS

## 152.001 SHORT TITLE

This chapter shall be known, and may be cited as the “Boulder Town Subdivision Ordinance” and may be identified within this document as “this ordinance,” “this chapter,” or “Subdivision Ordinance”.

## 152.002 PURPOSE.

This ordinance is established to provide for the orderly division of lands within the incorporated areas of Boulder Town, to avoid incompatibilities in land use, and to secure the provision and long-term maintenance of necessary infrastructure and services in an efficient and economical manner for existing and future residents. This ordinance is also enacted to require that an application for the subdivision of lands in Boulder Town comply with the provisions of this ordinance, Utah law (**UCA 10-9a-6)**, and before:

1. the subdivision plat or record of survey may be filed and/or recorded in the County Recorder's Office; and
2. lots may be sold.

## 152.003 AUTHORITY.

This ordinance is enacted under the authority of the State of Utah Municipal Land Use, Development, and Management Act (**UCA 10-9a**).

## 152.004 APPLICABILITY.

This ordinance shall govern and apply to the subdivision of all lands within the municipal boundaries of Boulder Town, Garfield County, State of Utah (hereinafter the “town”).

## 152.005 INTERPRETATION.

In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.

## 152.006. SEVERABILITY.

If any section of this ordinance should for any reason be found invalid, by a court of competent jurisdiction, the remaining sections nevertheless shall be carried into effect.

## 152.007 FEES.

Appropriate fees shall be charged for land use applications, plan reviews, engineering services, variance or appeal requests, or any other service required by this ordinance. Such fees shall be established via resolution by the Boulder Town Council.

## 152.008 PENALTIES.

Any civil offense against this ordinance shall be a Class C Misdemeanor, which shall be punishable in accordance with Utah law.

## 152.009 APPEALS.

Pursuant to Utah law, no person shall challenge in district court, the administrative land use authority’s decisions made consistent with Utah law and this ordinance, until said person has exhausted all administrative remedies as provided herein and by **UCA 10-9a-7**.

1. Any person with standing aggrieved by any decision of the administrative land use authority shall have the right to make such appeals as provided by this ordinance or Utah law (**UCA 10-9a-7**).
2. Administrative land use authority decisions shall be final and may be appealed by:
	1. requesting arbitration and mediation through the Office of the Property Rights Ombudsman; and/or
	2. filing a petition for review to the local state district court.
3. Appeals shall be in writing and shall be filed with the Town Clerk not more than 10 days after the decision by the administrative land use authority. The Property Rights Ombudsman and/or local State district court may affirm, modify, or reverse the decision of the administrative land use authority. Appeal review shall be recorded in an open public meeting.
4. The Property Rights Ombudsman’s and/or local state district court’s decision shall be final.

## 152.010 LEGAL NONCONFORMING PROPERTIES.

Utah law and Boulder Town Code shall govern the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of any approved nonconforming use and any approved noncomplying structure related to such use.

## 152.011 SITE PREPARATION WORK PROHIBITED.

No excavation, grading, or other improvement related to the development of the subdivision shall take place on any land within the proposed subdivision until:

1. the final subdivision plat or record of survey has been approved by the town;
2. the subdivision plat has been filed or recorded at the office of the County Recorder;
3. applicable deeds have been recorded at the office of the County Recorder; and
4. all applicable fees have been paid.

## 152.012 BUILDING PERMITS.

No building permit shall be issued for any lot in a proposed subdivision until the requirements of this ordinance have been met.

## 152.013 DEFINITIONS.

This ordinance shall be interpreted using the definitions provided in the State of Utah Municipal Land Use, Development, and Management Act (**UCA 10-9a**) and the Boulder Town Zoning Ordinance except for, in addition to, or as modified by the following:

**ACCEPTANCE.** Actions of the Town to take ownership of rights of way dedicated to public use as shown on the subdivision plat or other recordable document.

**DEDICATION.** Action of the developer to transfer ownership and control of rights of way shown on the subdivision plot or other recordable elements from private to public ownership.

**DRY SUBDIVISION.** A recorded subdivision located within the incorporated areas of Boulder Town without infrastructure improvements made by the developer (i.e., drinking water system, wastewater disposal system, electricity, road improvements, etc.).

**EASEMENT.** An interest in land belonging to another person, so that the easement owner has a limited right to use or enjoy the other person’s property.

**PRESCRIPTIVE EASEMENT.** A prescriptive easement is created when a person uses another person’s property (even though the use was not expressly agreed to) for a prolonged period. Prescriptive easements recognize long-standing usage, especially if the use was relied upon for the enjoyment of property. To establish a prescriptive easement, the use must be:

1. Open, or used in such a way that the property owner would be aware that the property is being used;
2. Notorious, or used in such a way that the general public would be aware that the property is being used;
3. Adverse to the owner’s interest, or without permission or approval from the property owner; and
4. Continuously used for at least 10 years for *private* use; or
5. Continuously used for at least 20 years for *public* use.

**RIGHT-OF-WAY.** The legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another owner.

**MAINTENANCE RESPONSIBILITY.** The obligation and responsibility of keeping any road or improvement in a condition that provides responsible use.

# DESIGN STANDARDS

## 152.014 NATURAL CONDITIONS.

All subdivisions shall meet the following minimum standards:

1. The design and development of subdivisions shall preserve insofar as possible, cultural or historic sites, natural terrain, natural drainage, existing topsoil, trees, hillsides, etc.
2. Land subject to hazardous conditions (i.e., slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, etc.) shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

## 152.015 LOT STANDARDS.

All lots in a subdivision shall meet the following minimum standards:

1. Lots and buildings shall meet the minimum area, width, and setback requirements of the Boulder Town Zoning Ordinance.
2. All lots shall have written approval from the local or State health department for onsite wastewater disposal.
3. Lots with a private or shared well shall have written approval from the State of Utah Division of Water Rights, Division of Drinking Water, and the local or State health department.
4. All lots shall have a building footprint located entirely out of a floodplain.
5. All lots shall front a public or private roadway with legal access.
6. No single lot shall be divided by a Boulder Town and Garfield County boundary line.
7. Lots on a cul-de-sac shall have a minimum 30’ width at the front property line.

## 152.016 ROAD STANDARDS.

All roads in a subdivision shall meet the minimum standards of Boulder Town (see EXHIBIT 1), in addition to the following:

1. Drainage and improvements shall be illustrated on the subdivision plat.
2. Each road proposal shall be reviewed, inspected, and approved by the town before any building permit is issued.

## 152.017 CLUSTER SUBDIVISIONS – OPEN SPACE.

**Purpose.** This section is provided as an alternative subdivision layout option to encourage the preservation and protection of open space and scenic, cultural, historic, and sensitive lands located within the town. This subdivision layout option is designed to promote efficiencies in the delivery of required infrastructure, facilities, and services in subdivision development. The cluster subdivision also provides an opportunity to promote the desired goals and policies to enhance the community character of the town.

**Zoning Districts.** A cluster subdivision may be allowed in the following zoning districts:

1. Greenbelt Multiple Use Zoning District (GMU);
2. Low-Density Residential District (LDR);
3. Medium-Density Residential District (MDR); and
4. High-Density Residential District (HDR).

**Application.** A cluster subdivision application shall be made as a preliminary subdivision application and a final subdivision application, and is subject to subdivision review and approval standards as provided by this ordinance for a preliminary and final subdivision application.

**General Requirements.**

1. **Lot Area.** In order to achieve the effect of clustering and provide desirable open space, the minimum lot area within a cluster subdivision may be smaller than the minimum size required in the zoning district, as approved by the administrative land use authority.
2. **Lot Width and Frontage.** The minimum lot width and minimum lot frontage provided for each lot located within a cluster subdivision may be reduced from the minimum requirements of the zoning district, as approved by the administrative land use authority.
3. **Setbacks.** The minimum front, side, and rear yard setback requirements provided for each lot located within a cluster subdivision may be reduced from the minimum requirements of the zoning district, as approved by the administrative land use authority.

**Open Space.**

1. **Minimum Area.** A cluster subdivision shall provide for a minimum of 50% of the total acreage of the subdivision site as open space in accordance with the open space standards, maintenance and dedication requirements provided by this section. As practicable, the open space lands within a cluster subdivision shall be contiguous and shall provide connectivity to other open space areas.
2. **Preservation and Protection.** Open space areas provided in a cluster subdivision shall be identified as permanently restricted from any future development by a plat note, conservation easement, or other method of long-term protection and preservation. Open space protection and preservation methods shall be recorded concurrent with the recording of the final subdivision plat.
3. **Ownership.** The ownership of any open space areas shall be in a single ownership and may be owned and maintained by one of the following entities: homeowners’ association, land trust, conservation organization, governmental agency or private individual, as approved by the Town Council.
4. **Maintenance Responsibility.**
	1. All preliminary and final subdivision applications proposing a cluster subdivision shall provide an open space ownership and maintenance plan addressing the proposed ownership and permanent maintenance of the open space area within the cluster subdivision. The maintenance responsibility of open space areas shall be clearly stated by a plat note, recordable document, or other method approved by the administrative land use authority in concurrence with the final approval of the subdivision plat.
	2. Any amendments to an approved open space ownership and maintenance plan shall be approved by the administrative land use authority.

**Improvements Guarantee.** All preliminary and final subdivision applications proposing a cluster subdivision shall comply with all land use ordinances of the town, including all on-site and off-site improvements and guarantee for the installation of subdivision improvements.

# IMPROVEMENT STANDARDS

## 152.018 ROAD IMPROVEMENTS.

1. **Minimum Standards.** Roads shall be designed and built to the Boulder Town Road Standards specifications (see EXHIBIT 1) and the Wildland Urban Interface Code. The designing engineer shall certify in writing that the minimum standards have been met prior to any site work or issuance of any building permits in the subdivision.
2. **Lot Frontage.** An application to subdivide lands shall not be considered unless all proposed lots and other areas to be subdivided have adequate frontage, either by minimum widths or appropriate accesses as required by this ordinance and the zoning ordinance. All lots in a proposed subdivision shall be accessed on a private or public road improved to the minimum standards of this ordinance.
3. **Rights of Way.** Boulder Town roadways shall have the following minimum right of way widths:

|  |  |
| --- | --- |
| **Road Type** | **Minimum Width** |
| Major Collector | 100 feet |
| Minor Collector | 66 feet |
| Collector Road | 66 feet |
| Major Road | 66 feet |
| Minor or Frontage Road | 66 feet |
| Private Road | 50 feet |

1. **Easements.** Easements shall follow lot lines whenever practical and shall have a minimum width of 20 feet apportioned equally in abutting properties except where the grade or terrain may require additional space for utilities or maintenance of the easement.
2. **Flag Lots.** Flag lots in any subdivision may be permitted by the administrative land use authority. Whenever feasible, lots shall meet the minimum width and frontage requirements of this ordinance and the zoning ordinance.
3. **Intersections.** Roads shall intersect at 90-degree angles and no more than 4 roads shall enter any intersection.
4. **Grades.** No road shall exceed an 8% grade unless specifically approved by the town and certified by a licensed engineer.
5. **Signage.** Road name signs shall be required and shall be installed by the subdivider. Signage shall conform to the minimum standards of the town and provided where necessary for proper identification of all roads.
6. **Dedication and Acceptance.**
	1. The subdivider shall identify public roads and improvements that are to be transferred to public ownership on the subdivision plat or other recordable document. Dedication shall not occur until widths, alignments, location and design features of the proposed rights of way are approved by the town.
	2. The subdivider shall bring public roadways and other improvements to the minimum standards of the town and maintain them in that condition for a period of 1 year before maintenance as public facility may be requested. Only after inspection and approval shall the town accept the facilities for public maintenance.
	3. Town services shall not be provided to the subdivision until maintenance responsibility for the public improvements is accepted, and the facilities are formally dedicated to the town.
	4. In the event the town does not accept maintenance responsibility of the proposed public improvements, the subdivider shall be so advised in writing by the town stating the reason for the rejection or necessary corrective actions. If the needed corrections are not made within a reasonable time, as so stated in the notice, the town may have the improvements completed and paid for out of the security deposits for the subdivision.

## 152.019 POTABLE DRINKING WATER.

1. **Supply.** All subdivisions shall have a permanent supply of potable water available to each lot in the subdivision. Hauling water to any lot in a subdivision as the primary source shall be prohibited.
2. **Approval.** Water quantity, quality, and distribution system plans shall be approved, in writing, by the State of Utah Department of Environmental Quality and Divisions of Drinking Water and Water Rights.
3. **Quantity.** A minimum of 0.45 acre-feet of water shall be available to each lot in a proposed subdivision and shall have written approval from the Utah Division of Water rights for domestic use. If outdoor water use is anticipated for irrigation, livestock, landscaping, recreation, etc., additional water rights shall be required for each lot and shall have written approval from the Utah Division of Water rights for such use.

## 152.020 WASTEWATER DISPOSAL.

1. **System.** All subdivisions shall have a feasible wastewater disposal system available to each lot in the subdivision.
2. **Approval.** An onsite wastewater system feasibility application shall be approved in writing by the local health department for any proposed subdivision in Boulder Town.
	1. **Onsite Septic Systems.** A subdivision application proposing individual septic systems for each lot shall include written approval from the health department for wastewater feasibility prior to consideration by the town.
	2. **Wastewater Treatment Facilities.** A subdivision application proposing a public or private wastewater treatment facility shall include written approval for wastewater feasibility, and an approved construction permit from the local health department or DEQ prior to consideration by the town.

## 152.021 FIRE PROTECTION.

1. **Requirements.** All subdivisions shall have a fire protection plan prepared by a licensed engineer and approved by a state, county, or town fire official prior to consideration by the administrative land use authority.
2. **Compliance.** All fire flow, line size, and hydrant standards shall conform to the International Fire Code.
3. **Line Size.** Water distribution lines in all subdivisions shall be a minimum of 8 inches in diameter. Minimum line sizes may be increased to provide for required fire flow.
4. **Loops and Valves.** Water systems shall be looped when possible and valves shall generally be spaced such that a break in any one length of main will put no more than 1,000 feet out of service during repairs.
5. **Exceptions.** In the event that existing water distribution lines do not meet the minimum requirements of this ordinance, the subdivider may:
	1. make necessary improvements to the water distribution lines to meet the minimum requirements of this ordinance; or
	2. increase the minimum lot areas to at least 1 acre and the administrative land use authority shall increase the minimum front, side, and rear setbacks by 100% to
	50 feet (front), 20 feet (side), and 40 feet (rear).

## 152.022 STORM DRAINAGE.

1. **Requirements.** A stormwater drainage system shall be provided and shall be separate and independent of the wastewater disposal system. The final plans for the drainage system shall be prepared by a licensed engineer and approved by the town prior to any site work or issuance of any building permits in the subdivision.
2. **Ditches and Canals.** No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users, for such use. No ditch or canal shall be used for stormwater unless adequately improved to handle such water as might be reasonably expected to flow from canal ditch water, subdivision runoff water, and other water expected to reach such canal or ditch. The subdivider shall work with irrigation companies as to the responsibility for the periodic inspection, cleaning, and maintenance of such ditches, pipes, and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the town.
3. **Impact on Adjoining Properties Prohibited.** The development of a subdivision may not cause drainage from the subdivision to impact adjoining properties. The designing engineer shall prepare drainage plans to be inspected and approved by the town. Holding and retention basins shall be the preferred method of retaining drainage.

## 152.023 FLOOD PLAINS.

All lots in any proposed subdivision shall have sufficient area for the location of a dwelling entirely outside the flood plain, and where all setback requirements of the zoning district in which the subdivision is located, can be met.

## 152.024 OTHER UTILITIES.

All utilities shall be provided through underground service in properly recorded easements or rights of way. Existing overhead power lines within the proposed subdivision shall be relocated underground.

# IMPROVEMENTS GUARANTEE

## 152.025 GUARANTEE REQUIRED.

In lieu of the actual completion and acceptance of the improvements required by this ordinance and before approval of the final plat by the town council, the subdivider shall guarantee the installation and construction of the required improvements free from defective material or workmanship and in compliance with all town standards.

## 152.026 FORM OF GUARANTEE.

Said guarantee shall be in the form of a cash bond or irrevocable letter of credit for an amount equal to one-hundred twenty percent (120%) of the cost of improvements not previously accepted and as estimated by the developer's engineer and approved by the town.

## 152.027 REQUEST FOR FINAL INSPECTION.

After the completion of all subdivision improvements, the subdivider shall make a written request to the town for a final inspection. Inspections shall be made within eight (8) days from the date of request by the town supervisor. A letter of final inspection shall be written within eight (8) days by the town specifying the acceptability of all subdivision improvements, or if rejected, a letter stating the deficiencies.

## 152.028 RELEASE OF GUARANTEE.

Once all improvements are approved by the town, any guarantee filed with the town therefor shall be released within five (5) days from the date of approval. In any event, the subdivider shall provide the town with a letter of guarantee stating that all subdivision improvements will be maintained in a good state of repair and free from defective material or workmanship which becomes evident for one year from their request for final inspection, and will supply the bond as required in this section. A two (2) year bond may be required pursuant to **UCA 10-9a-604.5**, as amended.

## 152.029 INSTALLATION TIME PERIOD.

All such improvements shall have been installed within a one-year time period unless extended by the town council for one additional year.

## 152.030 PARTIAL RELEASE.

1. A letter of credit or cash bond may be released in part, as progress payment for improvements, subject to the following conditions:
	1. The developer shall submit to the county public works director, or other assigned county inspector, a request for payment against the letter of credit, showing to whom and for what amount the release is requested. Upon inspection by the county, and approval of the requested amount, the county will authorize the holder of the credit account to disperse the approved payments.
	2. Said payment requests may be made upon completion of the various phases of development as follows:
		1. Complete water system installation, including any required storage facility, wells, hydrants or other improvements, etc.
		2. Complete road construction, including all survey monuments, traffic control and road name signs. Road construction shall also include storm drainage systems.
		3. Complete waste disposal system, as required.
		4. Staking of lot corners and any other required survey field work.
		5. Completion of utilities, including power, telephone, data transmission lines, and natural gas, if bonded by the developer.
2. Requests shall not be submitted more frequently than on a monthly basis. A minimum of twenty percent (20%) of each element shall be retained as required for the guarantee bond required in subsection G of this section.

## 152.031 RETENTION.

In any event, twenty percent (20%) of the total amount of all improvements shall be retained until one year following completion of the project as a guarantee of quality of improvements. A cash bond or irrevocable letter of credit for twenty percent (20%) of the total amount of all improvements shall be filed prior to the release of the improvement bond.

## 152.032 COST ESTIMATE FOR IMPROVEMENTS PRIOR TO FINAL RECORDING.

For a developer who proposes to install improvements prior to recording a final plat, as provided by this section, a cost estimate of improvements shall be submitted by the developer's engineer and approved by the town prior to the start of construction, as the basis for determining the amount of the twenty percent (20%) guarantee bond that shall be posted upon final approval of the improvements by the town.

# PROCESS FOR SUBDIVISION REVIEW AND APPROVAL

## 152.033 CONCEPTUAL PLAN RERVIEW

Pre-application meetings for subdivisions are not required pursuant to **UCA 10-9a-604.1**. However, the town strongly encourages a conceptual plan review meeting be scheduled with the subdivider and the town to provide recommendations and educate the subdivider on the requirements of this ordinance. If a subdivision applicant requests a pre-application meeting, the town shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.

## 152.034 ADMINISTRATIVE LAND USE AUTHORITY

**Preliminary Plat.** The administrative land use authority shall complete a preliminary subdivision application review in a public meeting. If a preliminary subdivision application complies with the provisions of this ordinance and the requirements of **UCA 10-9a-604.1**, the administrative land use authority shall approve the preliminary plat.

**Concurrent Processing.** If the preliminary plat application is approved without modifications or the installation of infrastructure improvements by the administrative land use authority, it shall be considered the final plat.

**Final Plat.** If the preliminary application requires modifications and/or the installation of infrastructure improvements, said modifications and/or improvements shall be made prior to review and consideration of the final plat by the administrative land use authority. If the final plat complies with the provisions of this ordinance and the requirements of **UCA 10-9a-604.1**, the administrative land use authority shall approve the final plat.

## 152.035 RECORDING.

The subdivision plat shall be recorded at the office of the County Recorder within 30 days of final approval by the administrative land use authority. If the final plat is not recorded within the required timeframe, the final subdivision approval from Boulder Town shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the administrative land use authority.

# SUBDIVISION PLAT AND RECORD OF SURVEY REQUIREMENTS

## 152.036 SUBDIVSION PLAT.

A subdivision plat submitted to the town shall meet the minimum requirements of
**UCA 10-9a-603(2)** in addition to the following:

1. a title with a unique name not used anywhere else in Garfield County, State of Utah;
2. signature blocks for:
	1. surveyor’s certificate;
	2. the town administrative land use authority’s certificate;
	3. mayor’s certificate;
	4. owner’s certificate;
	5. acknowledgement;
	6. certificate of recording;

## 152.037 AMENDED PLAT.

An amended subdivision plat submitted to the town shall meet the minimum requirements of **UCA 10-9a-608** in addition to the following:

1. a title distinguishing the amended plat from the original plat; and
	1. (i.e., Boulder Town Subdivision, 2nd Amended, etc.)
2. signature blocks for:
	1. surveyor’s certificate;
	2. the town administrative land use authority’s certificate;
	3. mayor’s certificate;
	4. owner’s certificate;
	5. acknowledgement;
	6. certificate of recording;

## 152.038 RECORD OF SURVEY.

A record of survey for an exempt subdivision submitted to the town shall meet the minimum requirements of **UCA 17-23-17** in addition to the following:

1. a title stating “Record of Survey for [the specific exempted subdivision]”;
	1. (i.e., Minor Lot Subdivision, Agricultural Land Exemption, etc.)
2. signature blocks for:
	1. surveyor’s certificate;
	2. the town administrative land use authority’s certificate;
	3. mayor’s certificate;

# PRELIMINARY PLAT

## 152.039 REQUIREMENTS.

**Submission.** Preliminary subdivision applications shall be officially submitted to Boulder Town and shall only be deemed complete once all requirements of this ordinance and the Boulder Town Subdivision Checklist (see EXHIBIT 2) have been met.

**Subdivision Application.**

1. **Applicant Information.** The applicant shall provide the current owner of real property, mailing address, email address, and phone number.
2. **Subdivision Information.** The applicant shall provide the proposed subdivision type, number of lots, minimum acreage of the lots, current zoning, address of the current parcel, property tax ID, proposed road access to all lots in the subdivision, and the proposed development of the subdivision.
3. **Subdivision Plat.** A preliminary plat shall meet the minimum requirements of this ordinance, and **UCA 10-9a-6**.
4. **Potable Drinking Water**. Potable drinking water systems, including water rights, source, storage, and supply lines shall have written approval from the State of Utah Divisions of Water Rights and Drinking Water.
5. **Wastewater Disposal.** Subdivision applications shall have written approval from the Southwest Utah Public Health Department and/or the State of Utah Department of Environmental Quality for Subdivision wastewater disposal feasibility.
6. **Local Approval.** If the proposed subdivision will be part of an existing Home Owner’s Association, Special Service District, Local Improvement District or any other local entity, written approval from said entity shall be provided for applicable services.
7. **Utility Companies.** A will-serve letter shall be provided from any utility company servicing the area (i.e., power provider, fiber-optic internet, gas, etc.).
8. **Construction Costs.** Estimated construction cost and proposed method of financing of the roads and related facilities; water distribution system; wastewater disposal systems; storm drainage facilities; and such other utilities as may be necessary.
9. **Other.** Any other data or applicable documentation for the proposed subdivision application as may be provided by the applicant.

**Subdivision Amendment Application.**

1. **Applicant Information.** The applicant shall provide the current owner of real property, mailing address, email address, and phone number.
2. **Subdivision Information.** The applicant shall provide the proposed subdivision amendment type, subdivision name, current zoning, address of the current lot(s), and property tax ID(s).
3. **Subdivision Plat.** The amended plat shall meet the minimum requirements of this ordinance and **UCA 10-9a-6**
4. **Other.** Any other data or applicable documentation for the proposed subdivision amendment application as may be provided by the applicant.

## 152.040 REVIEW OF PRELIMINARY PLAT.

The administrative land use authority shall schedule a public meeting to review the preliminary plat application within 14 days of submission of a complete preliminary application.

152.041 CONSIDERATION – PRELIMINARY DECISION.

After the administrative land use authority has reviewed the preliminary plat in a public meeting, the subdivider shall be advised of any required changes and/or additions. The town shall provide written notice to the subdivider with the date of approval, required modifications, or denial and the justification for the decision.

152.042 IMPROVEMENTS.

The administrative land use authority may require that all improvements be installed and dedicated prior to the signing of the final subdivision plat.

## 152.043 EFFECTIVE PERIOD.

The approval of a preliminary plat shall be effective for a period of one (1) year. If the required improvements are not installed and/or final plat is not approved and recorded within the required timeframe, the preliminary application shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the administrative land use authority.

## 152.044 EXTENSIONS.

The subdivider may request time extensions for the expiration of a preliminary plat approval by submitting a request in writing to the administrative land use authority prior to original expiration date. The administrative land use authority shall review requests for extensions and may only consider the request when the subdivider is able to demonstrate no change in circumstance, including physical changes to the property or surroundings, that would result in an unmitigated impact or that would result in a finding of non-compliance with the general plan, zoning ordinance, or this ordinance in effect at the time of the extension request.

# FINAL PLAT

## 152.045 REQUIREMENTS.

If the preliminary plat application is approved without modifications or the installation of infrastructure improvements by the administrative land use authority, it shall be considered the final plat.

If the preliminary application requires modifications and/or the installation of infrastructure improvements, said modifications and/or improvements shall be made prior to review and consideration of the final plat by the administrative land use authority.

152.046 REVIEW OF FINAL PLAT.

Once the requirements of the preliminary application have been met and confirmed by the town, the administrative land use authority shall schedule a public meeting to review the final plat application within 14 days of submission of a complete final application.

152.047 CONSIDERATION – FINAL DECISION.

If the final plat complies with the requirements of **UCA 10-9a-604.1,** this ordinance, and the preliminary subdivision approval, the administrative land use authority shall approve the final subdivision application.

152.048 IMPROVEMENTS.

If the administrative land use authority elected not to require that all improvements be installed and/or dedicated prior to signing of the final subdivision plat, the amount of the guarantee, in compliance with the requirements of this ordinance, shall be established by the administrative land use authority.

152.049 EFFECTIVE PERIOD.

The approval of a final plat shall be effective for a period of one (1) year. If the required improvements are not installed and/or final plat is not recorded within the required timeframe, the final application shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the administrative land use authority.

## 152.050 EXTENSIONS.

The subdivider may request time extensions for the expiration of a final plat approval by submitting a request in writing to the administrative land use authority prior to original expiration date. The administrative land use authority shall review requests for extensions and may only consider the request when the subdivider is able to demonstrate no change in circumstance, including physical changes to the property or surroundings, that would result in an unmitigated impact or that would result in a finding of non-compliance with the general plan, zoning ordinance, or this ordinance in effect at the time of the extension request.

## 152.051 PHASE DEVELOPMENTS.

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 improvements within a period designated by the administrative land use authority.
2. The intent is that improvements be completed within a reasonable period of time designated by the administrative land use authority. If little to no work has been done within said time period, and there are no immediate plans for substantial work to be completed, the administrative land use authority shall rule the plat null and void by reason of inactivity.
3. When the improvements have been completed and approved by the administrative land use authority, the subdivider may submit the next phase of the proposed development in accordance with the provisions of this ordinance.
4. A final plat shall be accepted only upon the submission of qualified evidence indicating that the subdivider has the financial ability to complete the proposed improvements for all lots within the phase to be submitted.

## 152.052 RECORDING.

**Subdivision Plat.** The subdivision plat shall be recorded at the office of the County Recorder within one (1) year of approval of the final plat by the administrative land use authority. If the final plat is not recorded within the required timeframe, the final plat approval shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the administrative land use authority.

# EXEMPTIONS FROM PLAT REQUIREMENT

## 152.053 MINOR-LOT SUBDIVISION. UCA 10-9a-605(1)

Parcel(s) created from the division of incorporated land(s) are exempt from the subdivision plat requirements of this ordinance, if:

1. the record of survey has been reviewed by the administrative land use authority and certified that the proposed development qualifies as a minor-lot subdivision as set forth herein.
2. the parent parcel is being subdivided into 5 or less parcels that all front an existing dedicated, accepted, and improved Boulder Town right of way.
3. each proposed parcel shall conform to minimum area, width, and land use provisions of the current zoning district. An approved zone change in conjunction to the proposed minor-lot subdivision shall be required by the Town Council if the above conditions are not met. If the zone change request is denied by the Town Council, the minor-lot subdivision application shall be null and void.
4. the subdivider has provided:
	1. approved connections to an existing public or private culinary water system for each proposed parcel. If a well is to be drilled, a well permit and water right number(s) with sufficient water rights approved by the State of Utah Division of Water Rights for the proposed location and use of the minor-lot subdivision;
	2. a subdivision wastewater feasibility study performed by a licensed engineer and approved by the Southwest Utah Public Health Department;
	3. utility plans for other utilities to be provided (power, gas, fiber optics, etc.)
5. a parcel created from a minor-lot subdivision shall not be further subdivided within 3 years of the filing and recording date of the minor-lot subdivision where the subject parcel was originally created.
6. before any minor-lot subdivision application is considered by the administrative land use authority, the subdivider shall furnish evidence of recordable deeds for each proposed parcel in the minor-lot subdivision.
7. the record of survey shall be filed, and accompanied by appropriate deeds for each parcel to be recorded, at the office of the County Recorder within 30 days of final approval by the administrative land use authority. If the record of survey is not filed and appropriate deeds are not recorded within the required timeframe, the minor-lot subdivision approval shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the administrative land use authority.

## 152.054 AGRICULTURAL LAND EXEMPTION. UCA 10-9a-605(2)

Agricultural parcel(s) created from the division of incorporated land(s) are exempt from the subdivision plat requirements of this ordinance in accordance with **UCA 10-9a-605(2)**, in addition to the following:

1. newly created parcels shall meet the minimum parcel area of 6 acres;
2. if a parcel exempted as agricultural land is used for nonagricultural purposes as defined by the Farmland Assessment Act, the town shall require the lot to comply with the related plat requirements of this ordinance; and
3. therecord of survey shall be filed, and accompanied by appropriate deeds for each parcel to be recorded, at the office of the County Recorder within 30 days of final approval by the administrative land use authority. If the record of survey is not filed and appropriate deeds are not recorded within the required timeframe, the agricultural land exemption approval shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the administrative land use authority.

## 152.055 METES AND BOUNDS SUBDIVISION UCA 10-9a-605(3)

1. a person may not submit a document that subdivides property by metes and bounds unless it contains written approval from the administrative land use authority required by this ordinance. Recording a document otherwise shall be null and void.
2. the boundaries of each lot or parcel that is exempted shall be graphically illustrated on a record of survey and approved by the administrative land use authority.

## 152.056 PROPERTY BOUNDARY ADJUSTMENTS. UCA 10-9a-523

To make a property boundary adjustment (i.e., parcel boundary or lot line adjustment), a property owner shall meet the requirements of **UCA 10-9a-523**, in addition to the following:

1. if a parcel that is the subject of a property boundary adjustment contains a dwelling unit, the town shall require a review of the boundary line agreement to ensure required setbacks and parcel areas are conforming to the corresponding zoning district(s); and
2. upon review of the property boundary adjustment, the town shall send written notice of the boundary line agreement's approval to the property owner within 14 days.

## 152.057 BOUNDARY LINE AGREEMENTS. UCA 10-9a-524

Adjoining property owners executing a boundary line agreement, shall meet the requirements of **UCA 10-9a-524**, in addition to the following:

1. if a parcel that is the subject of a boundary line agreement contains a dwelling unit, the town shall require a review of the boundary line agreement to ensure required setbacks and parcel areas are conforming to the corresponding zoning district(s); and
2. upon review of the boundary line agreement, the town shall send written notice of the boundary line agreement's approval to the property owner within 14 days.

## 152.058 SUBDIVISION AMENDMENT. UCA 10-9a-608

The administrative land use authority may consider an owner's petition for a subdivision amendment if:

1. the petition seeks to:
	1. join two or more of the petitioning fee owner's contiguous lots;
	2. subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of this Ordinance or a development condition;
	3. adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join the petition, regardless of whether the properties are located in the same subdivision;
	4. on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
	5. alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
		1. owned by the petitioner; or
		2. designated as a common area.

## 152.059 PUBLIC RIGHT OF WAY SUBDIVISIONS.

A parcel of land divided by a public (Town, County, or State) right of way is exempt from the subdivision plat requirements of this Ordinance and the owner of real property may legally subdivide the property, only as it is currently portrayed, by recording deeds at the Office of the County Recorder. Prior to recording the deeds, the exemption shall be confirmed and approved by the administrative land use authority prior to recording of deeds.

# DRY SUBDIVISIONS

## 152.060 APPLICABILITY.

This section shall apply to any lot or parcel in a dry subdivision located within the incorporated areas of Boulder Town. Additionally, this section shall apply to parcels previously divided by metes and bounds and any tract of land with a total land area of less than 1 acre within the incorporated areas of Boulder Town.

## 152.061 ROAD IMPROVEMENTS.

Unless specifically agreed upon and accepted by the town, it shall be the responsibility of the subdivider to make the initial road improvements in a subdivision. The roads shall be developed in accordance with town’s minimum standards. If improved and maintained by the subdivider for a period of 1 year, the town *may* consider accepting maintenance responsibilities thereafter and, only then, may the subdivider dedicate said rights of way to the town.

In the event that road improvements were not made by the subdivider, it shall be the responsibility of the landowners to make the initial road improvements, unless specifically agreed upon and accepted by the town. Before making any improvements in a town right of way, landowners shall obtain an approved right of way encroachment permit from the town. If improved and maintained by the landowners for a period of 1 year, the town *may* consider accepting maintenance responsibilities thereafter.

## 152.062 DEVELOPMENT REQUIREMENTS.

To develop lot(s) within a dry subdivision, the owner(s) of said property shall:

1. own a lot or tract of land consisting of at least 1 acre;
	1. If the individual lot or land area is less than 1 acre, the owner(s) shall:
		1. own or purchase multiple contiguous lots that add up to a land area of at least 1 acre; and
		2. join the contiguous lots via the subdivision amendment process consistent with State law and this ordinance.
	2. The local health department and town council may grant variances or allow exceptions when multiple lots are serviced by a water system or shared well.
2. receive a town water connection or own or purchase sufficient water rights and receive approval from the State of Utah to drill, or connect to an existing well;
3. meet the requirements of the building official, State of Utah, and the local health department for potable drinking water and wastewater disposal systems.

Once subsections 1-3 of this Section have been completed and prove to be compliant with the requirements of this Ordinance, the property owner may apply for building permits and associated land use applications, if applicable. Developing a lot within a dry subdivision contrary to subsections 1-3 of this section shall be null and void.

## EXHIBIT 1 BOULDER TOWN ROAD STANDARDS

## EXHIBIT 2 BOULDER TOWN SUBDIVISION CHECKLIST