

Draft 08/20/2024

# BOULDER TOWN

STATE OF UTAH

## SUBDIVISION ORDINANCE

CHAPTER 152 OF BOULDER TOWN CODE

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**\*\*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) and to replace it with the Code contained herein.

**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

# TABLE OF CONTENTS

152.000 GENERAL PROVISIONS.....	1
152.001 SHORT TITLE.....	1
152.002 PURPOSE.....	1
152.003 DEFINITIONS.....	1
152.004 AUTHORITY.....	3
152.005 APPLICABILITY.....	3
152.006 INTERPRETATION.....	3
152.007 SEVERABILITY.....	3
152.008 FEES.....	3
152.009 PENALTIES. (FOR REVIEW BY MICHAEL WINN, BOULDER ATTORNEY).....	3
152.010 APPEALS. (FOR REVIEW BY MICHAEL WINN, BOULDER ATTORNEY).....	4
152.011 SITE PREPARATION WORK PROHIBITED.....	4
152.100 ADMINISTRATIVE LAND USE AUTHORITY.....	5
152.101 ESTABLISHMENT.....	5
152.102 APPOINTMENT.....	5
152.103 TERMS AND REMOVAL FOR CAUSE.....	5
152.104 COMPENSATION.....	5
152.105 DUTIES AND POWERS.....	5
152.200 EXCEPTIONS FROM SUBDIVISION REQUIREMENTS.....	6
<b>152.201 MINOR SUBDIVISION EXEMPTION.....</b>	<b>6</b>
<b>152.202 AGRICULTURAL LAND EXEMPTION. UCA 10-9a-605(2).....</b>	<b>6</b>
152.203 METES AND BOUNDS SUBDIVISION UCA 10-9a-605(3).....	7
152.204 PROPERTY BOUNDARY ADJUSTMENTS.....	7
152.205 BOUNDARY LINE AGREEMENTS.....	7
152.206 SUBDIVISION AMENDMENT. UCA 10-9a-608 et seq.....	7
152.207 PUBLIC RIGHT-OF-WAY SUBDIVISIONS.....	8
152.300 SUBDIVISION REVIEW PROCESS.....	9
<b>152.301 SUBDIVISION REVIEW PROCESS SUMMARY.....</b>	<b>9</b>
152.302 CONCEPTUAL PLAN REVIEW.....	9
152.303 PRELIMINARY PLAT.....	9

152.304 CONCURRENT PROCESSING.....	11
152.305 FINAL PLAT.....	12
<b>152.306 SUBDIVISION INFRASTRUCTURE IMPROVEMENTS.....</b>	13
<b>152.307 PHASED DEVELOPMENTS.....</b>	14
152.308 FINAL RECORDING.....	14
152.400 SUBDIVISION PLAT AND RECORD OF SURVEY REQUIREMENTS.....	15
152.401 SUBDIVISION PLAT.....	15
152.402 AMENDED PLAT.....	15
<b>152.403 RECORD OF SURVEY. (QUESTION FOR KADEN – We require full plats, is this section necessary?).....</b>	15
152.500 DESIGN STANDARDS.....	17
152.501 LOT STANDARDS.....	17
152.502 ENGINEERING AND INFRASTRUCTURE STANDARDS.....	17
152.600 REQUIRED IMPROVEMENTS.....	18
152.601 SUBDIVISION IMPROVEMENT PLANS.....	18
<b>152.602 ROAD REQUIREMENT.....</b>	18
<b>152.603 ROAD IMPROVEMENTS.....</b>	18
<b>152.604 ROADS PROPOSED FOR DEDICATION TO THE TOWN (MICHAEL WINN TO REVIEW).....</b>	18
152.605 through 152.610 are reserved for future road requirements.....	18
152.611 WATER.....	18
152.612 WASTEWATER DISPOSAL.....	19
152.613 FIRE PROTECTION.....	19
152.615 FLOOD PLAINS.....	20
152.616 OTHER UTILITIES.....	20
152.6620 FLAG LOTS.....	20
<b>152.700 OPEN SPACE.....</b>	21
<b>152.702 PLANNED UNIT DEVELOPMENTS.....</b>	22

## 152.000 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” 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 intent of the Boulder Town General Plan and the provisions of this ordinance and Utah law (UCA 10-9a-6) before:

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

### 152.003 DEFINITIONS.

This ordinance shall be interpreted using the definitions provided in the Zoning Ordinance, LUDMA (UCA 10-9a-103, UCA 10-9a-604(1), UCA 10-9a-604(2)) 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 plot or other recordable document.

**ADMINISTRATIVE LAND USE AUTHORITY (ALUA).** The individual, board, or commission formally appointed or employed by the Town, including staff or the Planning Commission. The ALUA does not include the Town Council or a member of the Town Council.

**BUILDING LOT.** A lot that allows construction of a dwelling or commercial structure. This term excludes any tract of land shown on a subdivision plot that is limited to use for shared access, trails, utilities, open space, or agriculture by an internal lot restriction.

**COUNTY.** Garfield County, State of Utah, United States of America.

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

**DRIVEWAY.** A privately owned access route serving a single lot. Driveways are described further in the Utah Wildland Urban Interface Code.

**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.

**IMPROVEMENT.** For the purposes of this ordinance, an improvement shall mean the installation of infrastructure and utilities such as potable drinking water systems, power lines, roads, communication lines, wastewater disposal systems, building pads, or any other improvement to the property or subdivision.

~~**MAINTENANCE RESPONSIBILITY.** The obligation and responsibility of keeping roads or improvements in a condition that provides responsible use. (Definition is unclear and unnecessary).~~

**PRIVATE ROAD.** A transportation and utility easement that provides access to one or more lots or parcels and are not platted to or maintained by the Town. Private roads are maintained by the landowners pursuant to a road maintenance agreement that runs with the land. The area of private roads may be included within the lot area for purposes of determination of lot size within zoning districts.

**PUBLIC ROAD.** For the purpose of access to subdivision lots, a public road is one of the following:

1. Utah State Highway 12;
2. Class-C roads on the current map of Boulder Town roads;
3. Platted, but unmaintained roads within Boulder Town;
4. Forest Service roads;
5. Any road that has been formally claimed as a public right-of-way by Boulder Town ordinance or resolution; and
6. Any road that has been adjudicated to be a public road in accordance with **UCA 72-5-104.**

**REVIEW CYCLE.** The occurrence of:

1. the applicant's submittal of a complete subdivision application;
2. the Town's review of said subdivision application;
3. the Town's response to the subdivision application in accordance with Boulder Town Code; and
4. the applicant's reply to the Town's response that addresses each of the Town's required modifications or requests for additional information.

**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.

**STATE.** The State of Utah, United States of America.

**SUBDIVISION IMPROVEMENT PLANS.** The civil engineering plans associated with required infrastructure required for a subdivision.

**SUBDIVISION PLAN REVIEW.** A review of the applicant’s subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with state law, Boulder Town Codes and applicable standards and specifications.

**TOWN.** The Town of Boulder, Garfield County, State of Utah, United States of America.

**152.004 AUTHORITY.**

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

**152.005 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 “Town”). Exceptions are noted in 152.200.

**152.006 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.

**152.007 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.

**152.008 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. Applicants are required to reimburse the Town for the costs of processing subdivision applications.

- (A) Fees for subdivision applications, plan reviews, approvals, and appeals shall be set by Town Council resolution.
- (B) The applicant shall pay all additional costs incurred by the Town for the provision of services provided by a Professional Engineer, Surveyor, or other consultant hired by the ALUA and necessary to review the subdivision application materials for conformity to the requirements of this chapter and accepted engineering standards and practice. The applicant shall be notified of the intent to hire consultants and shall have the option to amend or withdraw the application prior to any consultant work.

**152.009 PENALTIES. (FOR REVIEW BY MICHAEL WINN, BOULDER ATTORNEY)**

Any violation of this ordinance shall be a civil offense, punishable in accordance with Boulder Town code and Utah State law and punishable by fines set by the Boulder Town Council.



**152.010 APPEALS. (FOR REVIEW BY MICHAEL WINN, BOULDER ATTORNEY**

Pursuant to Utah law, no person shall challenge in District Court, the ALUA's decisions made consistent with Utah State law, Boulder Town Code, and this ordinance until said person has exhausted all administrative remedies as provided by the Town and by **UCA 10-9a-701 et seq.**

**152.011 SITE PREPARATION WORK PROHIBITED.**

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

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.

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## **152.100 ADMINISTRATIVE LAND USE AUTHORITY**

### **152.101 ESTABLISHMENT.**

This section hereby establishes the Boulder Town Administrative Land Use Authority (ALUA) for review and approval of preliminary and final subdivision applications.

### **152.102 APPOINTMENT.**

The Town Council shall appoint three members to the ALUA, including the Zoning Administrator, a Planning Commission member (~~recommended by the Planning Commission~~), and a planning consultant. Additional firms or individuals may be consulted by the ALUA as needed to assess specific legal or engineering conditions.

### **152.103 TERMS AND REMOVAL FOR CAUSE.**

- A. The PC member and consultant shall serve two-year terms and may be re-appointed by the Town Council. The Zoning Administrator shall be a standing position.
- B. Any member may be removed from their position for cause by the Town Council, including, failure to attend or participate in ALUA meetings, imposing requirements inconsistent with this ordinance and state law, or committing any act inimical to public service.

### **152.104 COMPENSATION.**

Members of the ALUA shall be compensated at an hourly rate established by the Town Council.

### **152.105 DUTIES AND POWERS.**

The ALUA shall consider subdivision applications within the incorporated areas of Boulder Town in accordance with this ordinance and **UCA 10-9a-604(1)**.

## 152.200 EXCEPTIONS FROM SUBDIVISION REQUIREMENTS

### 152.201 MINOR SUBDIVISION EXEMPTION.

A. Subdivisions where an existing parcel is being divided to create only one new parcel are considered a minor subdivision.

B. Requirements for minor subdivisions.

1) The parcel to be subdivided shall not be part of a subdivision previously approved by Boulder Town.

2) Each parcel created via a minor subdivision shall:

i) Conform to the minimum area, width, length, and land use requirements of the Boulder Town Zoning Code.

ii) Not be further subdivided within 3 years of the filing and recording date of the minor subdivision where the subject parcel was originally created.

3) Applications for a minor subdivision shall include:

i) A plat prepared by a professional land surveyor,

ii) Documentation of legal access from a public road or private road to the two parcels,

iii) A septic system feasibility application approved by the local health department,

iv) Proof of culinary water availability.

C. The following are not required in creating a minor subdivision:

1) A private road maintenance agreement,

2) A fire protection plan and fire protection infrastructure,

3) A stormwater drainage plan,

4) A subdivision improvement plan.

D. If one of the minor subdivision parcels is dedicated to agriculture as indicated on the plat, the following provisions apply to the dedicated agricultural lot:

1) The agricultural lot is not a building lot as defined in this chapter. No commercial or dwelling use is permitted.

2) Potable water and proof of septic feasibility are not required for the agricultural lot.

3) Access does not need to meet the requirements of the Utah Wildland-Urban Interface Code.

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

These exemptions are not currently allowed in Boulder Town.

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

- A. Subdivision applications are not allowed to be submitted using metes and bounds.
- B. Recording of existing parcels described by metes and bounds is regulated by state law.

### **152.204 PROPERTY BOUNDARY ADJUSTMENTS.**

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 et seq and 10-9a-524(5), in addition to the following:

1. If a parcel that is the subject of a property boundary adjustment contains a dwelling unit, review of the boundary line agreement by the Zoning Administrator is required to ensure setbacks and parcel areas are conforming to the requirements of the corresponding Boulder Town zoning district(s).
2. This review shall be completed and the property owner notified of the results of the review within 14 business days after the day on which the property owner submits the boundary line agreement for review. If the review finds deficiencies, the Zoning Administrator shall describe the specific deficiency or need for additional information. The Zoning Administrator shall state that if the property owner corrects the deficiencies or provides the additional information, the boundary line agreement shall be approved. Written notice of approval shall be provided within 14 business days.

### **152.205 BOUNDARY LINE AGREEMENTS.**

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

1. If a parcel that is the subject of a property boundary adjustment contains a dwelling unit, review of the boundary line agreement by the Zoning Administrator is required to ensure setbacks and parcel areas are conforming to the requirements of the corresponding Boulder Town zoning district(s).
2. This review shall be completed and the property owner notified of the results of the review within 14 business days after the day on which the property owner submits the boundary line agreement for review. If the review finds deficiencies, the Zoning Administrator shall describe the specific deficiency or need for additional information. The Zoning Administrator shall state that if the property owner corrects the deficiencies or provides the additional information, the boundary line agreement shall be approved. Written notice of approval shall be provided within 14 business days.

### **152.206 SUBDIVISION AMENDMENT. UCA 10-9a-608 et seq**

The ALUA may consider an owner's petition for a subdivision amendment if the petition seeks to:

1. Join 2 or more of the petitioning fee owner's contiguous lots;
2. Subdivide one or more of the petitioning fee owner's lots, if the proposed subdivision amendment 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. Adjust an internal lot restriction imposed by the Town on a lot owned by the petitioning fee owner,; 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:
  - a. owned by the petitioner; or
  - b. designated as a common area.

### **152.207 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. **The public entity shall notify the Zoning Administrator of the subdivision and the exemption shall be confirmed and approved by the ALUA prior to the recording of deeds.**

## 152.300 SUBDIVISION REVIEW PROCESS

### 152.301 SUBDIVISION REVIEW PROCESS SUMMARY

A. The subdivision review process for Boulder Town, State of Utah shall be as follows:

- 1) An applicant may submit an optional Conceptual Plan for Town review. Such review does not count against the Review Cycles outlined below. A meeting to review the Conceptual Plan will be scheduled by the Town within 15 business days of the request;
- 2) An applicant will electronically submit a complete *preliminary subdivision application*, including payment of the application fee and a Subdivision Improvement Plan;
- 3) The ALUA will review the *preliminary subdivision application*;
- 4) The ALUA will provide comments on the completeness of the *preliminary subdivision application* in accordance with this ordinance and Boulder Town Code within 30 business days of application submission;
- 5) The applicant's reply to the ALUA's required modifications or requests for additional information is required within 90 business days;
- 6) A maximum of three review cycles for the preliminary application and one review cycle for the final application are allowed.
- 7) If applicable, an applicant will submit a complete *final subdivision application* within 90 business days of the ALUA response to the *preliminary subdivision application*;
- 8) If applicable, the ALUA will review and provide comments within 40 days of the *final subdivision application* submission.

B. A subdivision application that is revised and resubmitted that is not in response to ALUA comments or requests for additional information shall constitute a new application and the process will be restarted.

### 152.302 CONCEPTUAL PLAN REVIEW

Pre-application meetings to discuss subdivision proposals are not required pursuant to UCA 10-9a-604(1). The Town, however, strongly encourages that a conceptual plan review meeting be scheduled with the Town to provide clarifications on the process and interpretations of the requirements of this section. If an 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. Time spent by the Town staff on concept plan review shall be reimbursed according to the Boulder Town Code fee schedule.

### 152.303 PRELIMINARY PLAT

**A. Submission.** Subdivision application forms can be found on the Town’s official website and/or the Town Office and shall be officially submitted **electronically** to the Town. Applications shall only be deemed complete once all requirements of this section have been met. A Subdivision Improvement Plan shall accompany the preliminary application.

**B. Noticing.**

1) **Adjacent Property Owners:** Applicant will provide contact information for all property owners adjoining the proposed subdivision. The Town will provide notice to adjacent owners within 3 business days of the filing of the preliminary subdivision application seeking comments on existing easements and/or property boundaries.

2) **Private Utilities:** The town will notify the local irrigation company and water supply company of the proposed subdivision and will request comment regarding any existing easements.

3) **Special Service District:** If the subdivision is located within the boundaries of a special service district, the applicant shall notify the governing board of the district of the proposed subdivision.

**C. Requirements for Preliminary Subdivision Applications**

1. **Applicant Information/Owner’s Affidavit** of the current owner of real property, mailing address, email address, and phone number.

2. **Current plat or property map** on file with the county recorder for all land in the proposed subdivision.

3. **Subdivision Information** showing 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.

4. **Proof of legal access to a public or private road** for each lot in the subdivision.

5. **Subdivision Plat** prepared by a Professional Land Surveyor that includes the following:

- i. Location of any known human-made features on or contiguous to the subdivision site, including existing platted lots, all utility easements, power lines and power poles, bridges, culverts, drainage channels, road rights-of-way and easements, field drains, irrigation canals and ditches
- ii. Proposed roads and access easements
- iii. Identification of sensitive lands per Town Code
- iv. Identification of natural hazards

**6. Subdivision Improvement Plan**

7. **Potable Drinking Water Availability** written approval from the State of Utah Divisions of Water Rights and Drinking Water or local water company.

8. **Wastewater Disposal Feasibility** written approval from the Southwest Utah Public Health Department and/or the State of Utah Department of Environmental Quality.

9. **Fire Protection Plan** approved by the Boulder Town Fire Authority.

10. **Storm Drainage Plan** prepared by a licensed engineer.

11. **Local Approval** in written form 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 that applicable services will be provided.

12. **Utility Companies** will-serve letter showing servicing the area (i.e., power provider, fiber-optic internet, gas, etc.).

13. **Fees** required for subdivision application as per Boulder Town Code.

**C. Review of Preliminary Plat.** The ALUA shall review the subdivision application within 30 business days of submission of a complete preliminary application.

- 1) In reviewing the subdivision application, the ALUA may require:
  - a. additional information relating to an applicant's plans to ensure compliance with Boulder Town Code and approved standards and specifications for construction of public improvements; and
  - b. modifications to plans that do not meet current codes, applicable standards or specifications, or do not contain complete information.
- 2) The ALUA's request for additional information or modifications to plans under Subsection 1(a) or (b) shall be specific and include citations to all Town codes, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

**D. Preliminary Plat Decision.** After the ALUA has reviewed the preliminary plat, the applicant shall be advised of any required changes and/or additions. The ALUA shall provide written notice to the applicant with the date of approval, required modifications, or denial and the justification for the decision.

**E. Effective Period.** The approval of a preliminary plat shall be effective for a period of 90 business days. If the final application is not submitted within the required timeframe, the subdivision application shall be null and void and the applicant shall be required to submit a new subdivision application for review and consideration by the ALUA. (NT question – if the preliminary is approved – then it becomes final according to section 152.304 below – so why is a final application required?)

**F. Extensions.** The applicant may request time extensions for the expiration of a preliminary plat approval by submitting a request in writing to the ALUA prior to original expiration date. The ALUA shall review requests for extensions and may only consider the request when the applicant 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.

#### **152.304 CONCURRENT PROCESSING.**

If the preliminary plat application is approved by the ALUA without modifications, it shall be considered the final plat.



## 152.305 FINAL PLAT

Any modification or correction required by the ALUA from the preliminary plat application shall be made prior to review and consideration of the final plat by the ALUA.

A. **Review of Final Plat.** The ALUA shall review the final plat application at staff level within 40 business days of submission of a complete final application.

- 1) In reviewing the final subdivision application, the ALUA may require:
  - a. additional information relating to an applicant's plans to ensure compliance with Town Codes and approved standards and specifications for construction of public improvements; and
  - b. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
- 2) The ALUA's request for additional information or modifications to plans under Subsection 1(a) or (b) shall be specific and include citations to all Town codes, standards, or specifications that require the modifications to plans.
- 3) If an applicant makes a material change to a plan set, the ALUA has the discretion to restart the review process at the 1<sup>st</sup> review of the final application, but only with respect to the portion of the plan set that the material changes substantively effect.
- 4) If an applicant does not submit a revised plan within 20 business days after the ALUA requires a modification or correction, the ALUA shall have an additional 20 business days to respond to the plans.
- 5) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the ALUA's previous review cycle, the ALUA may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
  - a. In addition to revised plans, an applicant shall provide a written explanation in response to the ALUA's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
  - b. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
  - c. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle by the ALUA may not begin until all comments are addressed.
- 6) If, on the 4<sup>th</sup> or final review, the ALUA fails to respond within 20 business days, the property owner may request that the ALUA assemble an appeal panel in accordance with

**UCA 10-9a-508(5)(d)** to review and approve or deny the final revised application. The ALUA must do this within 10 days of receiving the request. The appeal panel shall function as follows:

- 1) Unless otherwise agreed by the applicant and the municipality, the panel shall consist of the following three experts:
  - a. one licensed engineer, designated by the ALUA;
  - b. one licensed engineer, designated by the land use applicant; and
  - c. one licensed engineer, agreed upon and designated by the two designated engineers as appointed in subsection (a) i and ii of this section.
- 2) A member of the panel assembled by the ALUA may not have an interest in the application that is the subject of the appeal.
- 3) The land use applicant shall pay:
  - a. 50% of the cost of the panel; and
  - b. the ALUA's published appeal fee
- 7) For a dispute arising from the subdivision ordinance review, the ALUA may advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

#### **B. Final Plat Decision.**

If the final plat complies with the requirements of **UCA 10-9a-604(1)**, this ordinance, and the preliminary subdivision approval, the ALUA shall approve the final subdivision application. The applicant shall have two years to complete infrastructure improvements outlined in the Subdivision Improvement Plan and record the plat.

#### **C. Final Plat Extensions**

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

#### **152.306 SUBDIVISION INFRASTRUCTURE IMPROVEMENTS.**

After the final plat is approved by the ALUA and prior to recording, the developer may begin to install the required infrastructure and/or utilities for the subdivision as outlined in the Subdivision Improvement Plan. This timing applies to new lots being created in the subdivision and does not prevent routine agricultural operations or maintenance of existing buildings and infrastructure within the boundaries of the pending subdivision. The applicant shall certify in

writing that the improvements have been completed in accordance with the design standards and their Subdivision Improvement Plan.

**NOTE FROM JOHN VERANTH - Personally, I am going to advocate allowing recording and selling lots without any improvements (buyer beware) for reasons we can discuss. Perhaps the concerns can be addressed by requiring recording an affidavit stating that the lots being sold are non-buildable without certain additional infrastructure.**

### **152.307 PHASED DEVELOPMENTS.**

Phased subdivision developments are not allowed in Boulder Town unless the subdivision is being proposed using lot size averaging (see code section 152.700 et seq).

### **152.308 FINAL RECORDING.**

The final plat shall be recorded, by the applicant, at the office of the Garfield County Recorder within 2 years of final plat approval by the ALUA. The final subdivision plat shall only be recorded once the ALUA has been notified that the required improvements have been installed, and all required signature blocks have been appropriately signed. If the final plat is not recorded within the required timeframe, the final subdivision approval from the Boulder Town ALUA shall be null and void and the applicant shall be required to submit a new subdivision application for review and consideration by the ALUA.

## **152.400 SUBDIVISION PLAT AND RECORD OF SURVEY REQUIREMENTS**

### **152.401 SUBDIVISION 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:
  - a. surveyor's certificate,
  - b. administrative land use authority's certificate,
  - c. mayor's certificate,
  - d. owner's certificate,
  - e. acknowledgement,
  - f. certificate of recording.

### **152.402 AMENDED PLAT.**

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

1. a title distinguishing the amended plat from the original plat (i.e., Boulder Town Subdivision, 2<sup>nd</sup> Amendment)
2. signature blocks for:
  - a. surveyor's certificate,
  - b. administrative land use authority's certificate,
  - c. mayor's certificate,
  - d. owner's certificate,
  - e. acknowledgement, and
  - f. certificate of recording.

### **152.403 RECORD OF SURVEY.(QUESTION FOR KADEN – We require full plats, is this section necessary?)**

A record of survey for an exempt subdivision submitted to the Town shall meet the minimum requirements of **UCA 17-23-17 et seq** (**This reference is incorrect**) in addition to the following:

1. a title stating "Record of Survey for [the specific exempted subdivision] (i.e., Minor Lot Subdivision, Agricultural Land Exemption, etc.)"

2. signature blocks for:

a. surveyor's certificate,

b. administrative land use authority's certificate, and

c. mayor's certificate.

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## 152.500 DESIGN STANDARDS

### 152.501 LOT STANDARDS.

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

- A. Lots shall meet the minimum area, width, length, and land use requirements of the Boulder Town Zoning Code.
- B. All lots shall have legal access indicated on the plat. Legal access may be provided by having frontage on a public road or a private road on a recorded easement extending from each lot to a public road. Subdivisions of more than 10 lots shall have two points of access to the subdivision.
- C. The requirements for an easement for lot access by a private road are as follows:
  1. The easement documents must be recorded, cited on the plat, and run with the land;
  2. The easement must be least 40 feet in width;
  3. The easement shall allow installation of utilities adjacent to the driving surface; and
  4. The easement shall allow construction and future maintenance as needed to meet the Boulder Town Infrastructure Design Standards which are adopted by reference.
- D. No single lot shall be divided by a Boulder Town and Garfield County boundary line.
- E. Lots on a cul-de-sac shall have a minimum 40' width at the front property line.

### 152.502 ENGINEERING AND INFRASTRUCTURE STANDARDS.

- A. Subdivision design and construction shall comply with the current edition of the Boulder Town Infrastructure Design Standards.
- B. The Boulder Town Infrastructure Design Standards may be supplemented or amended by Town Council resolution.
- C. Alternative infrastructure designs complying with nationally recognized codes or standards may be submitted as part of the Subdivision Application process for review and approval by the ALUA as complying with the intent of this section
- D. The Boulder Town Infrastructure Design Standards are intended to provide default design criteria based on current local practice, The ALUA may presume the default design to be adequate to protect town interests when reviewing Subdivision Improvement Plans.
- E. The default standards are minimums appropriate to a rural, agricultural community and the town does not warrant that the designs will be adequate for all intended uses by buyers of subdivision lots.
- F. The standards assume typical local conditions on sites not involving flood plains, sensitive lands, or natural hazards. Situations outside the scope of the standard shall require design by a licensed professional engineer.

## 152.600 REQUIRED IMPROVEMENTS

### 152.601 SUBDIVISION IMPROVEMENT PLANS.

Subdivision improvement plans shall be required for all subdivisions, other than minor subdivisions, in Boulder Town. The subdivision plans are required to be submitted with the preliminary subdivision application.

### 152.602 ROAD REQUIREMENT

All subdivision lots shall have access by a road that meets the Utah Wildland-Urban Interface Code. Such access may be directly from a public road or from a private road meeting the requirements of 152.603.

### 152.603 ROAD IMPROVEMENTS.

- A. **Minimum Standards.** Roads shall be designed and built to the Boulder Town Infrastructure Design Standards specifications.
- B. **Maintenance Responsibilities.** (MICHAEL WINN TO REVIEW)
  1. Within the proposed subdivision, private roads may be offered for dedication to the Town as a public road. Acceptance of such dedication is at the discretion of the Town Council. If a private road is not offered for dedication or the Town does not accept it, a Road Maintenance Agreement, as outlined in the Boulder Town Infrastructure Design Standards, is required for all private roads within the subdivision. This Agreement is required to be submitted to the ALUA before final approval for the subdivision will be granted.
  2. If access to the proposed subdivision is via a private road, a Road Maintenance Agreement is encouraged among all owners of property using the private road. This Agreement shall accompany the subdivision application and be recorded with the plat when the subdivision is finalized and disclosed to future buyers. Subdivision approval is not contingent on all parties signing the agreement.

### 152.604 ROADS PROPOSED FOR DEDICATION TO THE TOWN (MICHAEL WINN TO REVIEW)

- A. Subdivision roads may remain in private ownership as a “private road” or be dedicated to the Town as a “public road.”
- B. Acceptance of dedication of a proposed road is at the full discretion of the Town Council.
- C. Boulder Town is not currently approving requests for dedication of new public roads due to concerns over maintenance costs.

152.605 through 152.610 are reserved for future road requirements

### 152.611 WATER.

**A. 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 is 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 for the dwelling unit and shall have written approval from the Utah Division of Water Rights for domestic use and/or a binding contract for a water share from a public water company regulated by the State of Utah.
4. **Documentation.** The subdivision application shall include a copy of the signed water company agreement to supply the lot or the approval from the Utah Division of Water Rights for groundwater.

**B. Landscaping/Irrigation Water**

If additional water use from a well 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.

**152.612 WASTEWATER DISPOSAL.**

All subdivisions shall have a feasible wastewater disposal system available to each lot in the subdivision.

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.

**152.613 FIRE PROTECTION.**

All new subdivisions are required to have a Fire Protection Plan as outlined in the Boulder Town Infrastructure Design Standards that is approved by the Boulder Town Fire Authority.

**152.614 STORM DRAINAGE.**

- A. **Requirements.** Development of a subdivision shall preserve existing drainage from adjacent areas.
- B. **Minor Subdivisions and subdivisions less than 20 acres** may use the default designs in the Boulder Town Infrastructure Design Standards.
- C. **Large Developments.** A flood plain analysis and stormwater drainage plan prepared by a Professional Engineer shall be required for subdivisions larger than 20 acres.



**152.615 FLOOD PLAINS.**

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

**152.616 OTHER UTILITIES.**

Installation of utilities shall be provided through underground service in properly recorded easements or rights of way. The Town encourages that existing overhead power lines within a proposed subdivision be relocated underground whenever feasible.

**152.617 through 152.619**

Reserved for future utility and infrastructure requirements.

**152.6620 FLAG LOTS.**

Flag lots in any subdivision may be permitted by the ALUA. The minimum width of the "pole" access shall be 40 feet.

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## **152.700 OPEN SPACE**

### **152.701 LOT SIZE AVERAGING**

**A. INTENT:** This subchapter provides alternatives that may be used at the request of the applicant. Boulder town encourages the preservation of open space and agricultural land when subdividing by allowing creation of smaller, more affordable, building lots while preserving a larger lot for agricultural or open space preservation.

### **B. APPLICABILITY AND INCENTIVES**

1) Lot size averaging may be used only in the GMU and LDR zones.

2) The intent of lot size averaging is to allow the creation of a number of building lots equal to one building lot per five acres of total subdivided land, as allowed by current zoning, plus one non-buildable bonus lot dedicated to agriculture or open space.

3) The plat submitted for a lot size averaging subdivision shall indicate the use of lot averaging and the calculation used to establish the number of lots allowed.

4) Lot size averaging may be used on a single lot or parcel or on a group of lots or parcels that have been combined by boundary adjustments prior to applying for a lot size averaging subdivision.

5) The existing plats or survey maps on file with the county recorder for all land within the area proposed to be subdivided shall be provided with any application for a lot size averaging subdivision.

### **C. CALCULATION OF NUMBER OF LOTS**

1) The number of building lots as defined in this chapter shall not exceed one lot per five acres within the subdivision boundary existing on the date of initial lot size averaging subdivision application.

2) Areas indicated separately on the plat as rights-of-way, common areas, agricultural areas or open space and clearly demarked and recorded as such and as non-buildable on the plat, do not count towards the total number of building lots allowed in the subdivision.

- i) Areas designated as non-buildable shall be permanently restricted from any future development by a plat note, conservation easement, deed restriction, or other method of long-term protection and preservation acceptable to the ALUA.
- ii) The land use restrictions for non-buildable lots shall be recorded concurrent with the recording of the final subdivision plat.

### **D. PHASED LOT SIZE AVERAGING**

1) Phased development of parcels using lot size averaging is allowed but does not increase the total number of building lots to a number greater than one building lot per

five acres calculated over the total area of the parcel existing at the date of the initial lot size averaging subdivision application.

2). The plat provided with an application for a phased lot size averaging subdivision shall indicate the number of lots in the current phase, the access and infrastructure associated with the current phase, access to future phases, and the calculation showing the ultimate number of lots allowed in all future phases.

3) All required infrastructure for each phase must be completed before the lots in that phase are recorded or sold.

#### **E. LOT SIZE AVERAGING INCENTIVES FOR AFFORDABLE HOUSING**

Reserved for future affordable housing incentive rules.

(JMV comment - we need to eventually talk about bonus lots if a portion of the subdivision is deed restricted for affordable housing. This was a topic at the housing forum last year. A placeholder serves as a reminder.)

#### **152.702 PLANNED UNIT DEVELOPMENTS**

Reserved number for future consideration.