

Draft 09/24/24

**ORDINANCE 2024-A  
BOULDER TOWN, STATE OF UTAH**

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

**WHEREAS** the State of Utah has adopted new regulations pertaining to the subdivision of lands in Utah; and

**WHEREAS** 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 comply with State law and to enact a new subdivision ordinance.

**NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Boulder Town Council, Garfield County, State of Utah to rescind and supersede, in its entirety, Chapter 152 of the Boulder Town Code governing Subdivisions and to replace it with the Code contained herein.

**APPROVED and PASSED** by the Boulder Town Council, State of Utah, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

Boulder Town Clerk \_\_\_\_\_

Boulder Town Mayor \_\_\_\_\_

VOTE:

Judy Drain, Mayor \_\_\_\_\_

Josh Ellis, Councilmember \_\_\_\_\_

Ray Gardner, Councilmember \_\_\_\_\_

Gladys LaFevre, Councilmember \_\_\_\_\_

John Veranth, Councilmember \_\_\_\_\_

**CHAPTER 152 OF BOULDER TOWN CODE**  
**SUBDIVISION ORDINANCE**

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## 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 chapter.”

### 152.002 PURPOSE.

This chapter 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 chapter is also enacted to require that an application for the subdivision of lands in Boulder Town complies with the intent of the Boulder Town General Plan, the Boulder Town Infrastructure Design Standards, the provisions of this chapter, and Utah law (**UCA 10-9a-6**) before the subdivision plat or record of survey may be filed or recorded in the County Recorder’s Office and before lots may be sold.

### 152.003 DEFINITIONS.

This chapter shall be interpreted using the definitions provided in the Boulder Town Zoning Code, the State of Utah Land Use, Development, and Management Act (hereinafter 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 plat or other recordable document.

**Administrative Land Use Authority (ALUA).** The individual, board, consultant, or commission formally appointed or employed by the Town, including members of staff or the Planning Commission. The ALUA does not include the Town Council or a member of the Town Council.

**Building Lot.** Any lot that is not separately demarked for common use or open space protection and which is, thus, available for any principal use permitted in the applicable zoning district.

**Conceptual Plan.** An outline and plan for a potential subdivision that precedes development of a Preliminary Subdivision Application and can be reviewed by the Zoning Administrator.

**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 plat or other recordable elements, from private to public ownership.

**Development Agreement.** An agreement recorded with a plat to maintain an open space/agricultural land lot within a subdivision as outlined in the Boulder Town Infrastructure Design Standards.

**Driveway.** A privately owned access route serving a single lot.

**Easement.** The portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use under, on or above said lot or lots.

**Improvements.** Street grading, street surfacing and paving, water mains and lines, water meters, fire hydrants, wastewater systems, storm drainage facilities, culverts, bridges, public utilities, or other such installations designated by the Town Council.

**Private Road.** A transportation and utility easement that provides access to two or more lots or parcels that is not maintained by the Town. 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. an 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 Plan.** The civil engineering plans associated with required infrastructure improvements for a subdivision as outlined in the Boulder Town Infrastructure Design Standards.

**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 the Boulder Town Infrastructure Design Standards.

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

#### **152.004 AUTHORITY.**

This chapter is enacted under the authority of the LUDMA (UCA 10-9a).

#### **152.005 APPLICABILITY.**

This chapter shall govern and apply to the subdivision of all lands within the municipal boundaries of Boulder Town, Garfield County, State of Utah. Exemptions are noted in Section 152.200.

#### **152.006 INTERPRETATION.**

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

#### **152.007 SEVERABILITY.**

If any section of this chapter 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 all applications related to subdivisions including preliminary/final subdivision applications, subdivision amendment applications, boundary line agreements, property boundary adjustments and all activities related to processing an application, including reviews, additional engineering services, variance or appeal requests, or any other service required by this chapter.

- A. **Amounts.** Fee amounts shall be set by resolution of the Boulder Town Council.
- B. **Additional Costs.** The applicant shall pay all additional costs incurred by the Town for the provision of services provided by the ALUA and/or a Professional Engineer, Surveyor, other consultant hired by the ALUA 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 additional work required by the ALUA and/or the

intent to hire consultants and shall have the option to amend or withdraw the application prior to any additional work.

**152.009 PENALTIES.**

**A. Violations.** Any violation of this chapter shall be a civil offense, punishable in accordance with Boulder Town code and Utah State law where applicable.

**B. Fees.** For violations of this chapter, persons shall be assessed a fee relative and proportional to the violation itself and the cost to the Town for any remedial measures taken to repair or rectify the violation limited to the following dollar amounts:

- 1) First offense: up to \$500
- 2) Second offense: \$500-\$2500
- 3) Third offense: \$2,500-\$10,000

**152.010 APPEALS.**

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 chapter until said person has exhausted all administrative remedies as provided by the Town and by **UCA 10-9a-701 et seq.**

Appeal authority and procedure is incorporated by reference to Boulder Town Code Sections 153.355-153.366 inclusive.

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

Subdivision applications will not be accepted that rely on property measurements using metes and bounds. Recording of existing parcels described by metes and bounds is regulated by state law.

**152.012 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 ALUA,
2. the final Subdivision Improvement Plan has been approved by the ALUA,
3. all applicable fees have been paid.



## **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, 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. **Terms.** 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. **Removal.** 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 chapter and state law, and/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. All costs for ALUA review shall be covered by the applicant prior to subdivision approval.

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

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

## **152.200 EXEMPTIONS FROM SUBDIVISION REQUIREMENTS**

### **152.201 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 shall be 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 adjustment 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 required information, the boundary line adjustment shall be approved.
3. Applicants shall pay all fees established by resolution of the Boulder Town Council.

### **152.202 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 required information, the boundary line agreement shall be approved.
3. Applicants shall pay all fees established by resolution of the Boulder Town Council.

### **152.203 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 chapter. 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 subdivider shall notify the Zoning Administrator of the subdivision exemption prior to the recording of deeds.

### **152.204 ONE-LOT SUBDIVISIONS**

One lot may be created from an existing lot within a subdivision or parcel. The following conditions apply.

#### **A. Requirements:**

1. All of the requirements of this chapter shall apply to one-lot subdivisions with the exception of the exemptions shown in (C) below.
2. The plat for a one-lot subdivision shall include at final recording a notation that the lot is the result of a one-lot subdivision.
3. A one-lot subdivision may be applied only once on a lot or parcel. Any future subdivision of the lot or parcel shall comply with the full requirements of this chapter.

**B. Process.** The Preliminary Application may be approved by the ALUA as a Final Application if all conditions are met.

**C. Exemptions.** The following are not required in a one-lot subdivision.

- 1) A private road maintenance agreement
- 2) A stormwater drainage plan
- 3) A subdivision improvement plan
- 4) Infrastructure development (water and utilities) prior to recording of the plat.

## 152.300 SUBDIVISION APPLICATION AND REVIEW PROCESS

### 152.301 PROCESS SUMMARY

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

- 1) 1) An applicant is encouraged to submit an optional Conceptual Plan for review by the Zoning Administrator. Within 15 business days of receipt of the Conceptual Plan, the Zoning Administrator will schedule a meeting to review the Conceptual Plan.
- 2) An applicant will electronically submit a complete Preliminary Subdivision Application meeting the requirements outlined in the Preliminary Application Checklist and including payment of the application fee.
- 3) The ALUA will review the Preliminary Subdivision Application for completeness and compliance with state and Boulder Town Code and provide comments to the applicant no later than 30 business days after submission.
- 4) The applicant will electronically submit a Final Subdivision Application addressing items identified by the ALUA during their review of the Preliminary Application and the additional requirements outlined in the Final Application Checklist and the payment of any additional fees.
- 5) The ALUA shall review the Final Application and Subdivision Improvement Plan and offer comments to the applicant within 40 business days of submission.
- 6) The applicant will respond to comments in writing and make changes to their submission within 40 business days of the ALUA's comments.
- 7) Steps 5 and 6 may be repeated up to a total of 4 times until the Application and Plan are deemed compliant and complete by the ALUA.

**B. Changes.** A Subdivision Application or Subdivision Improvement Plan that is substantially revised from ALUA comments and requests and resubmitted shall constitute a new application and the process, including payment of fees, 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 be developed and a review meeting scheduled with the Zoning Administrator to provide clarifications on the process and interpretations of the requirements of this chapter. If an applicant requests a pre-application meeting to review a Conceptual Plan, the Zoning Administrator shall, within 15 business days after the request, schedule the meeting to review the Conceptual Plan and give initial feedback. There is no fee for the review of a Conceptual Plan.

## 152.303 PRELIMINARY SUBDIVISION APPLICATION

**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.

**B. Noticing.** Applicants shall provide contact information for the Town's use in notifying the following to seek comments and information on existing easements and/or property boundary issues. The Town will provide notice within 10 business days of submission of a preliminary subdivision application,

1) **Adjacent Property Owners:** All property owners within 300 feet of the proposed subdivision.

2) **Owners of Water Conveyance Facilities (UCA 10-9a-603(d)(i):** Local irrigation company and water supply company located entirely or partially within 100 feet of the proposed subdivision.

3) **Private Utilities.** Electric company and any other utilities located within or providing service to the proposed subdivision.

3) **Special Service District:** Members of the governing board or any special service district within which the proposed subdivision may be located.

4) **Owners of Property on Private Roads Accessing the Subdivision.** All owners of property along any private road that provides access to the proposed subdivision,

### C. Requirements Checklist for Preliminary Subdivision Application

Applicants will provide the following information in their Preliminary Subdivision Application:

- 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) **Proposed accurate subdivision plat** prepared by a professional surveyor meeting the requirements of **UCA 10-9a-603**, including the following:
  - a. a subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office;
  - b. the boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;
  - c. the lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale;
  - d. 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, water conveyance facilities, field drains, irrigation canals and ditches

- a. Any water conveyance facility located entirely or partially within the plat that is not recorded and of which the owner of the land has actual or constructive knowledge.
- 5) Current and proposed road and access easements
- 6) location of sensitive lands as per Boulder Town Code.
- 7) signature blocks for:
  - a. Surveyor’s certificate,
  - b. ALUA certificate,
  - c. Mayor’s certificate,
  - d. Owner’s certificate,
  - e. Acknowledgement,
  - f. Certificate of recording.
- 8) **Proof of legal access to a public road** for each lot in the subdivision.
- 9) **Potable drinking water availability** written approval from the State of Utah Divisions of Water Rights and Drinking Water or local water company.
- 10) **Wastewater disposal/septic feasibility** written approval from the Southwest Utah Public Health Department and/or the State of Utah Department of Environmental Quality.
- 11) **Fire protection plan** as outlined in the Boulder Town Infrastructure Design Standards and approved by the Boulder Town Fire Authority.
- 12) **Storm drainage plan** – as outlined in the Boulder Town Infrastructure Design Standards
- 13) **Local approval** in written form if the proposed subdivision will be part of an existing Homeowner’s Association, Special Service District, Local Improvement District or any other local entity that applicable services will be provided.
- 14) **Utility companies** will-serve letter(s) showing an ability to serve the area (i.e., power provider, fiber-optic internet, gas, etc.).
- 15) **Contact information** for all individuals and entities identified in the noticing requirements listed in 152.303 (B).
- 16) **Fees** required for subdivision application as established in Boulder Town Code.

**D. Review of Preliminary Subdivision Application.**

The ALUA shall review the subdivision application within 30 business days of submission to determine completeness of the application in terms of the requirements outlined in 152.303 (C) and compliance with state and Boulder Town Codes.

The ALUA may request clarifications in the submitted materials and additional information to be submitted with the Final Subdivision Application. Any request for additional information or modifications shall be in writing and be specific and include citations to all Town codes, standards, or specifications.

**E. Effective Period.**

The ALUA response to an applicant on their Preliminary Subdivision Application shall be effective for a period of 180 business days. If the Final Subdivision Application and its attachments and responses to the ALUA requests for clarification and additional materials is not

submitted within that timeframe, the application shall be deemed null and void and the applicant shall be required to submit a new Preliminary Subdivision Application for review and consideration by the ALUA.

#### **F. Extensions.**

The applicant may request time extensions for the expiration of a Preliminary Subdivision Application by submitting a request in writing to the ALUA prior to the 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 code, or this chapter in effect at the time of the extension request.

### **152.304 FINAL SUBDIVISION APPLICATION**

**A. Submission.** Final Subdivision Application materials shall be submitted electronically to the Town. Applications shall only be deemed complete once all requirements of this section have been met.

#### **B. Requirements Checklist**

In addition to any modifications, clarifications, or additions requested by the ALUA in their review of the Preliminary Subdivision Application, the following are required to be submitted as part of a Final Subdivision Application.

- 1) **Subdivision Improvement Plan** that complies with the Boulder Town Infrastructure Design Standards
- 2) **Road maintenance agreement** as outlined in the Boulder Town Infrastructure Design Standards and this chapter.
- 3) **Tax Clearance Evidence** showing that all taxes, interest, and penalties owing on the land have been paid.

#### **B. Review of the Final Subdivision Application.**

- 1) The ALUA shall review the Final Subdivision Application and Subdivision Improvement Plan within 40 business days of submission of a complete final application. The ALUA may request:
  - 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 applicant shall respond with a written explanation to the ALUA within 40 days of requested modifications or corrections. If the applicant does not respond within this

timeframe, once they do submit their changes, the ALUA has 60 days to review and respond. This cycle may be repeated for a total of four reviews.

- 3) If the applicant fails to respond to a comment in the review, the review cycle is not complete and any subsequent review may not commence until all comments are addressed.
- 4) If the applicant makes a material change to the Subdivision Improvement Plan, the Town has the discretion to restart the review process at the first review with respect to the portion of the Subdivision Improvement Plan affected.
- 5) If a dispute arises on a Subdivision Improvement Plan, on the 4<sup>th</sup> or final review, and the ALUA fails to respond within 40 business days (or 60 business days if the applicant has not responded within 40 days), the applicant 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 Subdivision Application. The ALUA must do this within 10 days of receiving the request.
- 6) If a dispute arises 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.

#### **D. Final Subdivision Application Decision**

If the Final Subdivision Application complies with the requirements of this chapter, the ALUA shall approve it. The applicant shall have two years to complete infrastructure improvements outlined in the subdivision improvement plan and record the plat.

#### **E. Final Subdivision Application 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 code or this chapter in effect at the time of the extension request.

#### **F. 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 the Subdivision Improvement Plan prior to the sale of any lots.

#### **G. Final Recording**

The final plat shall be recorded, by the applicant, at the office of the Garfield County Recorder within two years of final plat approval by the ALUA or the final subdivision approval shall be



null and void and a new application will be required. The final subdivision plat shall only be recorded when:

- 1) The ALUA has been notified that the required improvements have been installed, and all required signature blocks have been appropriately signed.
- 2) Each owner of record of the land described in the plat has signed the owner's dedication as shown on the plat.
- 3) The signature of each owner is acknowledged as provided by law.
- 4) The Surveyor who prepares the plat certifies that they:
  - a. Hold a license in accordance with [Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act](#),
  - b. Have completed a survey of the property described on the plat and has verified all measurements,
  - c. Have referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries, and
  - d. Have placed monuments as represented on the plat.

## **152.400 DESIGN STANDARDS**

### **152.401 LOT STANDARDS.**

**A. Standards.** All lots in a subdivision (with the exception of Flag Lots) shall meet the following minimum standards:

- 1) Lots shall meet the minimum area, width, length, and land use requirements of the Boulder Town Zoning Code, Table of Development Standards (section 153.118)
- 2) Lots on a cul-de-sac shall have a minimum 40' width at the front property line.
- 3) All lots shall have legal access indicated on the plat. Legal access may be provided by having frontage on a public road or on 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.
- 4) No single lot shall be divided by a Boulder Town or Garfield County boundary line.

**A. Easements.** 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.
- 4) The easement shall allow construction and future maintenance as needed to meet the Boulder Town Infrastructure Design Standards.

### **152.402 ENGINEERING AND INFRASTRUCTURE STANDARDS.**

Subdivision design and construction shall comply with the current edition of the Boulder Town Infrastructure Design Standards. These standards may be supplemented or amended by Boulder Town Council resolution. 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.

### **152.403 FLAG LOTS.**

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

## **152.500 REQUIRED SUBDIVISION IMPROVEMENTS**

### **152.501 SUBDIVISION IMPROVEMENT PLANS.**

A Subdivision Improvement Plan is required for all subdivisions in Boulder Town other than as noted in this chapter. The Subdivision Improvement Plan shall be submitted with the Final Subdivision Application and shall comply with the Boulder Town Infrastructure Design Standards.

### **152.502 SUBDIVISION ACCESS REQUIREMENTS**

All subdivision lots shall have access by a road that meets the Utah Wildland-Urban Interface Code and the Boulder Town Infrastructure Design Standards. Such access may be directly from a public road or from a private road that connects to a public road meeting the requirements of 152.503.

### **152.503 ROADS**

#### **A. Minimum Standards.**

Roads shall be designed and built to the Boulder Town Infrastructure Design Standards specifications.

#### **B. Road Maintenance Responsibilities.**

- 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 a subdivision, except as noted in this chapter. This Agreement is required to be submitted to the ALUA with the Final Subdivision Application.
- 2) If access to the proposed subdivision is via a private road crossing property outside of the subdivision, a Road Maintenance Agreement is encouraged among all owners of property using the private road. This Agreement shall accompany the Final 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.
- 3) The Town, at its discretion, shall reserve the right to maintain any private road without a Road Maintenance Agreement at the property owners' expense to ensure public safety access.

#### **C. Roads Proposed for Dedication to the Town**

Subdivision roads may remain in private ownership as a "private road" or be dedicated to the Town as a "public road." Acceptance of dedication of a proposed road is at the full discretion of the Boulder Town Council.

## **152.504 WATER.**

### **A. Potable Drinking Water**

- 1) 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) 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) 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) 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.

## **152.505 WASTEWATER DISPOSAL.**

All subdivisions shall assess the feasibility of a wastewater disposal or septic system available to each lot in the subdivision.

- A. **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.
- B. **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.

## **152.506 FIRE PROTECTION.**

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

### **152.507 STORM DRAINAGE.**

Development of a subdivision shall preserve existing drainage from adjacent areas. A storm drainage plan complying with the Boulder Town Infrastructure Design Standards is required for all subdivision applications except as noted in this chapter.

### **152.508 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.

### **152.509 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.

## **152.600 SUBDIVISION OPTIONS FOR OPEN SPACE/RURAL LAND PRESERVATION**

This section provides alternatives for subdivisions that may be used at the request of the applicant. The intent of these options is to preserve the rural character of Boulder Town as outlined in the General Plan by encouraging the preservation of open space and agricultural land while at the same time providing a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences.

### **152.601 SUBDIVISIONS USING LOT SIZE AVERAGING**

#### **A. APPLICABILITY AND INCENTIVES**

- 1) Lot-size-averaging may be used only in the GMU and LDR zones.
- 2) A subdivision application using lot-size-averaging waives the density, minimum lot size, and lot width requirements of the Table of Development Standards (section 153.118).
- 3) All other requirements of this Subdivision Chapter apply when using lot-size-averaging.
- 4) One acre is the minimum building lot size when using lot-size-averaging.
- 5) The intent of lot-size-averaging is to allow the creation of building lots of different sizes and shapes with the total number of building lots equal to one building lot per five acres of the total acreage of the lot or parcel being subdivided.
- 6) Tracts dedicated to open space, agriculture, and rights of way defined as non-buildable in section (C) are not counted as building lots.
- 7) 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 subdivision using lot-size-averaging.

#### **B. PROCESS**

- 1) The subdivision application shall indicate the intent to utilize lot-size averaging.
- 2) The preliminary and final plats shall show in a plat note the process used to calculate the number of building lots in the subdivision, based on one lot per five acres within the subdivision boundary existing on the date of the application.
- 3) The final plat recorded with the County will document the calculation used and final number of lots allowed in the subdivision. This will be the number of lots ultimately allowed in the subdivision or on the parcel and will be recorded as a plat note. No additional lots will be allowed.

#### **C. NON-BUILDABLE LOTS**

- 1) Lots designated on plats as rights-of-way, roads, or similar tracts shall be considered non-buildable.
- 2) Lots designated as open space or agriculture and reserved 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 and are not considered in the calculation of total building lots.

- 3) An Open Space/Agricultural Maintenance Plan as outlined in the Boulder Town Infrastructure Design Standards will define the means to maintain and protect the non-buildable lot and shall be filed with the Final Subdivision Application. This Agreement will clarify ownership of the lot (individual, non-profit, homeowner's association, etc.) and responsibilities for maintenance and use of the lot, including availability of water for irrigation.
- 4) The land use restrictions for non-buildable lots shall be recorded on the plat concurrent with the recording of the final subdivision plat.

## **152.602 PLANNED UNIT DEVELOPMENTS**

Reserved number for future consideration.

### **Alternative option for consideration**

## **152.603 RURAL PRESERVATION SUBDIVISION**

### **A. APPLICABILITY AND INCENTIVES**

- 1) A Rural Preservation Subdivision may only be created in the GMU and LDR zones on a lot or parcel 20 acres or more in size.
- 2) The intent of a Rural Preservation Subdivision is to allow the creation of more and smaller lots than would be allowed under current Boulder Town zoning and other sections of this subdivision chapter while maintaining a large portion of a parcel or lot as open space or agricultural land, protected from future development.
- 3) A Rural Preservation Subdivision may be created on a single lot or parcel or on a group of lots or parcels that have been combined to create at least 20 acres by boundary adjustments prior to applying for a Rural Preservation Subdivision.
- 4) No lot smaller than 1 acre can be created in a Rural Preservation Subdivision.
- 5) The calculation of number of building lots in a Rural Preservation Subdivision will be based on the number of 5 acre lots allowable on the lot/parcel prior to subdivision under current Boulder Town zoning.
- 6) At least 30% of the lot/parcel and no fewer than 6 acres of the lot/parcel shall be dedicated to open space/agricultural uses.
- 7) The incentives for the number of lots within the Rural Preservation Subdivision are based on the percentage of the lot/parcel dedicated to open space/agricultural protection and the proximity to infrastructure of the new lots to be created as outlined in the Table of Lot Standards below:

<b>Table of Lot Standards</b>		
<b>% of Lot/Parcel to be Dedicated to Open Space/ Agricultural Uses</b>	<b>Proximity of New Lots to Infrastructure</b>	<b>Incentive Multiplier</b>
>= 50%	<= 100 feet	1.75
	> 100 feet	1.50
40-50%	<= 100 feet	1.50
	> 100 feet	1.25
30-40%	<= 100 feet	1.25
	> 100 feet	None

B.

**PROCESS**

- 1) An application for a Rural Preservation Subdivision shall meet all of the requirements outlined in this subdivision chapter.
- 2) The plat submitted for subdivision shall indicate the intent to create a Rural Preservation Subdivision and the locations of all lots and existing infrastructure.
- 3) The application must show the calculation for the number of lots to be created based on the number of 5 acre lots that could exist within the subdivision boundary existing on the date of submission of this application and the number based on application of the incentive multiplier.
- 4) An Open Space/Agricultural Maintenance Plan for the open space/agricultural use lot shall be submitted with the Preliminary Application that shall outline the following:
  - a. The proposed ownership of the open space/agricultural land (this may be an individual, a Homeowners' Association, a non-profit, the Town, etc.)
  - b. The party responsible for the maintenance of the lot.
  - c. The proposed use of the open space/agricultural lot.
- 5) A Final Open Space/Agricultural Maintenance Plan shall be submitted with the Final Subdivision Application outlining maintenance responsibilities for the non-buildable, open space/agriculture lot and addressing the means for permanent preservation (conservation easement, deed restriction, plat note, or other mechanism) and maintenance within the subdivision. If the applicant proposes to dedicate the open space/agriculture lot to the Town, the Maintenance Plan must outline all the conditions and terms for the lot and must be accepted by the Town prior to final subdivision approval. The Plan shall include the following:
  - a. Ownership agreements for the open space/agricultural land;
  - b. A description of how the land will be maintained and by whom;
  - c. In the case of agricultural land, the arrangements for irrigation.
- 6) The Final Maintenance Plan must be approved by the ALUA prior to or concurrent with the final plat approval for the subdivision. This plan will be recorded against the property within the subdivision at the final recording and shall include provisions for the Town's corrective action rights.