

**ORDINANCE 2024-3
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 19 day of December, 2024.

ATTEST:

Boulder Town Clerk Jessica LeFevre
Boulder Town Mayor Judy Drain

VOTE:

Judy Drain, Mayor Aye
Josh Ellis, Councilmember Aye
Ray Gardner, Councilmember Aye
Gladys LeFevre, Councilmember Aye
John Veranth, Councilmember Aye

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, adopted by reference; 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.

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, water mains and lines, water meters, fire hydrants, wastewater systems, storm drainage facilities, culverts, bridges, public utilities, or other such installations designated in the subdivision improvement plan.

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 on the Boulder Town Site Plat excluding roads vacated by legislative action;
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 Final Subdivision Application and Subdivision Improvement Plan,
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 152.500 et seq. and 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 the Final Subdivision Application has been approved by the ALUA.

152.013 PHASED DEVELOPMENTS

Phased development subdivisions are prohibited in Boulder Town.

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 designate the Zoning Administrator as the ALUA. Planning Commissioners, additional firms or individuals may be consulted by the ALUA as needed to assess specific conditions in a subdivision application.

152.103 COSTS.

All costs for ALUA review shall be covered by the applicant prior to subdivision approval.

152.104 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**. If a dwelling unit is located on the parcel, a boundary line agreement is required per **152.202**.

152.202 BOUNDARY LINE AGREEMENTS.

Adjoining property owners executing a boundary line agreement, or any boundary adjustment on a parcel or lot containing a dwelling unit, shall meet the requirements of **UCA 10-9a-524 et seq.**

Additionally, the Town requires review of boundary line agreements to ensure that building setbacks and parcel areas conforming to the requirements of Boulder Town Zoning Code are met. This review is subject to a fee set by resolution by the Town. The Zoning Administrator shall complete the review and communicate with the property owner within 14 days of receipt of the agreement as outlined in the requirements in 10-9a-524 (5).

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 new 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 once every two years on a lot or parcel.

B. Process. The Preliminary Application may be approved by the ALUA as a Final Application if all conditions are met, including Tax Clearance Evidence per **152.304 (B) (3)**.

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

- 1) A Subdivision Improvement Plan as described in **152.500 et seq.** and required by **152.304 (B)(1)**;
- 2) Infrastructure development (water and utilities) prior to recording of the plat as required by **152.304 (G) (1)** and **(G) (2)**.

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) An applicant is encouraged to electronically submit to the Zoning Administrator an optional Conceptual Plan for review. Within 15 business days of receipt of the Conceptual Plan, the Zoning Administrator will schedule a meeting to review the Conceptual Plan. Additional details and requirements for Conceptual Plan Review are provided in 152.302.
- 2) An applicant shall electronically submit a complete Preliminary Subdivision Application on the form provided by the Town and electronically provide information meeting the requirements outlined in 152.303 (C). Additional details and requirements for Preliminary Subdivision Applications are provided in 152.303.
- 3) The ALUA shall 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 shall electronically submit a Final Subdivision Application on the form provided by the Town. The applicant must also provide electronically information addressing items identified by the ALUA during their review of the Preliminary Application and provide information meeting the requirements outlined in 152.304 (B). Additional details and requirements for Final Subdivision Applications are provided in 152.304.
- 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 until the Application and Plan are deemed compliant and complete by the ALUA, or up to a total of 4 times at which point the applicant shall be notified of appeal options.

B. Changes.

A Subdivision Application that is resubmitted with substantive changes (e.g., reconfiguration of lots) beyond the additional information or clarifications requested by the ALUA 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. The Conceptual Plan should provide a simple layout of proposed lots, easements, existing roads and utilities, rights-of-way, and any other features relevant to the proposed subdivision. The applicant should identify any questions they have about the subdivision for the Zoning Administrator to address. 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 initial review of a Conceptual Plan. A maximum of four Conceptual Plan reviews are allowed. Each review after the first shall be subject to a fee established by the Boulder Town Council.

152.303 PRELIMINARY SUBDIVISION APPLICATION

A. Submission.

Preliminary Subdivision Application forms can be found on the Town's official website and/or the Town Office and shall be submitted electronically according to the instructions on the form.

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 Clerk shall provide written notice within 10 business days of the ALUA's initial receipt of a Preliminary Subdivision Application to the following parties:

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

2) **Owners of Water Conveyance Facilities (UCA 10-9a-603(3)(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) **Service Providers:** Members of the governing board of any Local Improvement/Special Service District or Home Owner's Association 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 shall provide the following information in their Preliminary Subdivision Application. Applications shall only be deemed complete when all requirements of this section have been met.

- 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) **Preliminary subdivision plat** prepared by a professional surveyor meeting the requirements of **UCA 10-9a-603** and prepared according to the current edition of the Utah Council of Land Surveyors “Final Subdivision Plat Guidance Document”.
Additional Town requirements include:
 - a. Lot design and easements shall comply with **152.400**.
 - b. Location of sensitive lands as per Boulder Town Code.
 - c. Notes and conditions
 - d. Signature blocks for:
 - i. Surveyor’s certificate,
 - ii. ALUA certificate,
 - iii. Mayor’s certificate,
 - iv. Owner’s certificate,
 - v. Acknowledgement,
 - vi. Certificate of recording.
- 4) **Proof of legal access to a Public Road** for each lot in the subdivision. If access to the proposed subdivision is via a private road crossing property outside of the subdivision, the subdivision must have recorded access and utility easements.
- 5) **Potable drinking water feasibility:** Statement of intent to apply for a Water Right, OR, a letter from a local water company showing availability of water shares and describing any infrastructure development necessary to supply water to the lot.
- 6) **Wastewater disposal/septic feasibility:** Written approval from the Southwest Utah Public Health Department and/or the State of Utah Department of Environmental Quality.
- 7) **Fire protection plan** as outlined in the Boulder Town Infrastructure Design Standards and approved by the Boulder Town Fire Authority.
- 8) **Local approval** in written form if the proposed subdivision will be part of an existing Homeowners Association, Special Service District, Local Improvement District or any other local entity that applicable services will be provided.
- 9) **Contact information** for all individuals and entities identified in the noticing requirements listed in 152.303 (B).
- 10) **Fee** payment required for Preliminary Subdivision Application as established in Boulder Town Code.

D. Review of Preliminary Subdivision Application.

The ALUA shall review the preliminary subdivision application within 30 business days of receipt to determine completeness of the application in terms of the requirements outlined in 152.303 (C) and compliance with state and Boulder Town Codes. This timeline shall also apply to new, updated, or additional information provided after initial submission of the preliminary application.

The ALUA may request clarifications in the submitted materials to ensure completeness and request 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. These requests and interactions do not constitute a Review Cycle.

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 a time extension of 180 days beyond 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 forms can be found on the Town's official website and/or the Town Office and shall be submitted electronically according to the instructions on the form.

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. Applications shall only be deemed complete when all requirements of this section have been met.

- 1) **Subdivision Improvement Plan** that complies with the requirements in **152.500 et seq.**
 - a. A preliminary (draft) **Private Road Maintenance Agreement** as outlined in **152.503 (C)** is adequate for Final Subdivision Application approval.
- 2) **Tax Clearance Evidence** showing that all taxes, interest, and penalties owing on the land have been paid.
- 3) **Fee payment** required for Final Subdivision Application as established in Boulder Town Code.
- 4) **Final subdivision plat** prepared by a professional surveyor meeting the requirements of **152.303 (C) (3)**.

C. Review and Review Cycles 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 4th or final Review Cycle, 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 business days of receiving both the written request and payment of the appeal fee.
- 6) If a dispute arises from the subdivision ordinance review, the ALUA shall 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 after payment of any outstanding fees. 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 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 a finding of non-compliance with the zoning code or this chapter in effect at the time of the extension request. If the extension is denied the final subdivision approval shall be null and void and a new application will be required.

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 or granted extension 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 after:

- 1) The applicant has provided to the ALUA a signed affidavit, provided by the Town, attesting to the completion of all infrastructure improvements and that all requirements described in the Final Application have been met. Attached to the affidavit shall be:
 - i. Proof of Appropriation certificate for potable drinking water from the State of Utah Division of Water Rights and Drinking Water, OR, a water share certificate for each lot from a local public water company.
 - ii. The Private Road Maintenance Agreement, as outlined in **153.503 (C)**, signed by all extant parties to the agreement.
 - iii. Final plat, provided as a physical copy for Town signatures, that has:
 1. A registered professional land surveyor's signed stamp and certificate of survey.
 2. All signature blocks on the plat, beside those of the Town, legally signed.
- 2) All required signature blocks on the plat have been appropriately signed. The ALUA and Mayor shall not sign the plat until the requirements of **152.304 (G) (1)** have been met and any additional outstanding fees have been paid.
 - a.

152.400 LOT 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.

B. 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 at 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 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.

152.403 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 SUBDIVISION IMPROVEMENTS PLAN

152.501 SUBDIVISION IMPROVEMENT PLANS.

A Subdivision Improvement Plan is required for all subdivisions in Boulder Town, other than as noted in this chapter, and shall address all items listed under this section. Subdivision Improvement Plans 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.

152.502 SUBDIVISION ACCESS ROAD 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. Dedicated Public Roads

- 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.
- 2) Roads offered to the town for dedication shall be designed by a professional engineer and shall meet American Association of State Highway and Transportation Officials (AASHTO) standards for the anticipated traffic level.

B. Minimum Standards for Private Roads

- 1) If a private road is not offered for dedication or the Town does not accept it, a Private Road Maintenance Agreement, as outlined in **152.503 (C)**, shall be required, except as exempted in this chapter.
- 2) Private roads shall meet the requirements of the Utah Wildland-Urban Interface Code, the International Fire Code, and site-specific requirements in the approved Fire Protection Plan.
- 3) Private roads designed and built based on the Boulder Town Infrastructure Design Standards will be presumed acceptable as all-weather roads.
- 4) The intersection of a private road and a Town road shall meet the Boulder Town Infrastructure Design Standards. Private roads intersecting Highway 12 shall meet UDOT requirements and have UDOT approval prior to recording.

C. Standard for Private Road Maintenance Agreements

- 1) The Road Maintenance Agreement shall:

- a. Provide for maintenance of all roads within the subdivision and for the road from the subdivision boundary to the public road.
 - b. Be perpetual and run with the land.
 - c. Be binding on future property owners.
 - d. Require maintaining emergency access meeting the Utah Wildland Urban Interface Code.
 - e. Clearly articulate who is responsible for approving and paying for the maintenance work.
 - f. Allow the town to repair the road if condition (d) is not met and to file a lien against the subdivision lots to recover repair costs.
 - g. Be recorded with the plat when the subdivision is finalized.
- 2) If an existing private road crosses the subdivision all existing access rights will be preserved and noted on the plat.
 - 3) Increased traffic due to the subdivision shall not impose increased costs or maintenance obligations on property owners outside the subdivision without their written consent.
 - 4) Boulder Town encourages a Private Road Maintenance Agreement that includes all property owners using the road, but subdivision approval is not contingent on parties outside the subdivision signing the agreement.

152.504 WATER.

All subdivisions shall have a permanent supply of potable water complying with State of Utah requirements available to the property line of each building lot in the subdivision. Hauling water to any lot in a subdivision as the primary source is prohibited.

152.505 WASTEWATER DISPOSAL.

All subdivisions shall assess the feasibility of a wastewater disposal or septic system available to each building 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 RESERVED

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 flexibility to landowners and a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences.

152.601 SUBDIVISIONS USING LOT-SIZE AVERAGING

1. This approach to subdividing land is outlined in Boulder Town Zoning Code 153.119.
2. When an entire lot or parcel is developed as a subdivision using the lot-size averaging option, plats recorded for each lot in the subdivision shall note that: "The lot-size averaging provisions of the Boulder Town Subdivision and Zoning Codes were applied in creating the (insert name) Subdivision and further subdivision is not allowed."
3. Areas of rights-of-way, common areas, agricultural areas or open space, will be clearly demarked as such and as non-buildable on the plats recorded with the County Recorder.

4. When a subdivision occurs on part of a parcel, with a possibility of future subdivision on that same parcel, the lot(s) remaining outside of the initial subdivision shall require the recording of notes on the plat indicating the maximum number of lots that may be developed on the remaining part of the lot/parcel based on the initial lot size averaging calculation outlined in Boulder Town Zoning Code 153.119.

152.602 PLANNED UNIT DEVELOPMENTS

Reserved number for future consideration.