



CENTRAL VALLEY TOWN

SUBDIVISION ORDINANCE

Ordinance #2005-011

Amended October 16, 2024

## INDEX

Preamble

Section 1 – General Provisions

Section 2 – Definitions

Section 3 – Required Improvements

Section 4 – Cost of Improvements

Section 5 – Design Standards

Section 6 – Geological Hazard Assessment

Section 7 – Subdivision Application Procedures, Requirements, Review and Approval

Section 8 – Effective Date

**PREAMBLE**

**ORDINANCE NO. 2005-011**

**AN ORDINANCE AMENDING PROCEDURES AND STANDARDS FOR THE PHYSICAL DEVELOPMENT OF SUBDIVISIONS OF LAND AND CONSTRUCTION OF BUILDINGS AND IMPROVEMENTS THEREON WITHIN CENTRAL VALLEY TOWN:**

**WHEREAS**, the Town of Central Valley (“Town”) wishes to regulate future growth and development within the Town in accordance with the general plan and provide for the efficient and orderly growth of the Town; and

**WHEREAS**, the Town Council desires to coordinate development of the Town and assure sites suitable for building purposes and human habitation as well as provide for the health, safety, and welfare of the present and future inhabitants of Central Valley Town; and

**WHEREAS**, the Town Council wishes to prevent overburdening of the land and undue congestion of population; and

**WHEREAS**, the Town Council desires to comply with recent changes in State Law; and

**WHEREAS**, the Council determined that it is appropriate to amend the current Central Valley Town Subdivision Ordinance as amended October 2019; and

**WHEREAS**, a public hearing concerning the proposed amendments to the Subdivision Ordinance was held before the Planning and Zoning Commission, after proper notice, on October 9, 2024.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CENTRAL VALLEY, SEVIER COUNTY, UTAH, AS FOLLOWS:**



## Section 1 General Provisions

### 1.1 Short Title.

This Chapter shall be known as the "Central Valley Town Subdivision Ordinance" and may be so cited.

### 1.2 Purpose.

The purpose of this ordinance shall be to promote the health, safety, convenience, and general welfare of the present and future development of the Town; to facilitate the transfer of land having accurate land descriptions; to bring about the development of a more attractive and wholesome environment within and about the Town; and to establish the rights, duties, and responsibilities of subdivider with respect to land subdivision and improvements thereon; and to facilitate the implementation of official Town plans; and to comply with Utah Code §10-9a-6, as amended.

### 1.3 Interpretation.

In any interpretation and application, the provisions of the Chapter shall be considered as minimum requirements. Where the provisions of this Chapter impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this Chapter shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this Chapter, the provision of such statute, other regulations, ordinance or covenant shall prevail.

### 1.4 Severability.

Should any chapter, section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

### 1.5 Scope of Ordinance.

From the effective date of this ordinance, no person shall subdivide any tract of land which is located wholly or in part within the limits of Central Valley, Utah, nor shall any person sell, exchange, or offer for sale, or purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land within the Town, nor shall any person offer for recording any deed conveying such a parcel of land or any interest therein unless such person or persons shall first make or cause to have made a record of survey plat, plat or as required in this ordinance. The plat shall be in accordance with all of the requirements of this ordinance and shall have been approved by the Planning Commission and recorded in the Office of the County Recorder. The provisions of this Chapter do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

### 1.6 Applicability

This Chapter applies to any subdivision of land in Central Valley Town. Applications to subdivide for use as single-family, and no other uses, are governed by this Chapter. All other uses must proceed through a development agreement with the Town Council and Developer.

### 1.7 Fees.

Any fees listed on the Town's Consolidated Fee Schedule, costs for an engineer or attorney designated by the town, or any other reasonable fee or cost the town incurs required for a final approval, will be paid for by the developer/applicant.

**1.8 Penalties.**

- a. Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or permitting the violation of the provisions of the ordinance shall be guilty of a Class B misdemeanor determined by the Sevier County Attorney and punishable by law.
- b. Such person, firm, or corporation who intentionally violates this ordinance shall be deemed to be guilty of a separate offense for each and every day during which any violation of this ordinance is committed, continued, or permitted by such person, or corporation, and shall be punishable as herein stated.
- c. Central Valley Town can void transfers of land done pursuant to an invalid subdivision.



## Section 2 Definitions

*The following words and phrases, as used in this Chapter, shall have the following meanings. Words and phrases not defined here have the meaning expressed elsewhere in Town ordinances or, if not defined in Town ordinances, the meaning defined in Utah State Code:*

**Access:** A way of approaching or entering a property. In land use and subdivision regulations, lots of records usually are required to have direct access to a public street or highway or to a private street meeting public standard. In the context of land use controls, access includes engrossing, the right to leave.

**Affected Entities:** A county; a municipality; a local district; a special service district under the Utah special service district act; a school district; an interlocal cooperation entity established under the interlocal cooperation act; an electrical, gas, or telephone utility as defined in §54-2-1 of Utah State Code (as amended); a property owner; a property owners' association; or the Utah Department of Transportation (UDOT), if:

- a. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- b. The entity has filed with the Town a copy of the entity's general or long-range plan; or
- c. The entity has filed with the Town a request for notice during the same calendar year and before the Town provides required notice to an affected entity.

**Alley:** A street or thoroughfare less than twenty (20) feet wide which affords only secondary access to abutting property.

**Amended/Amendment of a Subdivision:** The changing or amending of any existing lot or lots of any subdivision plat previously recorded in the records of the County Recorder as provided in this Chapter.

**Annexed Ground:** A parcel of land annexed into the Town after the date this ordinance was amended, October 16, 2024.

**Appeal Authority:** The person or persons designated by ordinance enacted by Town to hear land use appeals under this Chapter.

**Association:** The same as that term is defined in Utah Code Section 57-8a-102, as amended.

**Bonding:** Bonding is a guarantee that the principal involved in the construction of a subdivision will finance and adhere to the current Central Valley Subdivision ordinance.

**Common Area:** Property that an Association (as defined in Utah Code Section 57-8a-102):

- a. Owns;
- b. Maintains;
- c. Repairs; or
- d. Administers

**Common Area And Facilities:**

- a. The land included within a condominium project, whether leasehold or in fee simple;
- b. The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances, and exits of the building;
- c. The basements, yards, gardens, parking areas, and storage spaces;
- d. The premises for lodging of janitors or persons in charge of the property;
- e. Installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, and incinerating;



- f. The elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use;
- g. Such community and commercial facilities as may be provided for in the declaration; and
- h. All other parts of the property necessary or convenient to its existence, maintenance, and safety, or normally in common use.

**Concept Plan:** A map or pre-application plat showing the concept of the proposed development or subdivision, having sufficient detail to illustrate on site characteristics of the proposed subdivision and adjacent parcels. Maybe in sketch form.

**Construction Plans:** Plans that include all applicable phases of development, ie. roads, utilities, drainage, sidewalks and lighting.

**Corner Lot:** A lot having frontages on a primary and also a secondary street; or two (2) or more improved public or private streets.

**Cul-de-sac:** A street or passage closed at one end; **NOT** a through street.

**Dedications:** All streets within the subdivision that are not designated as private shall be dedicated for public use. This dedication must be reflected on the subdivision plat with accurate legal property descriptions. Public dedications shall include all streets, public parks, and other areas intended for public use.

**Designated Town Engineer:** The term shall mean the engineer of the Town, or any individual or firm retained or designated by the Town for the purpose of performing engineering duties.

**Developer:** Any person or legal entity laying out or making a land division for the purpose of sale.

**Easement:** A legally recognized right to use a specific portion of land for a designated purpose, such as access, utilities, or drainage, which is distinct from land ownership. The location and dimensions of the easement must be precisely defined, either within the subdivision approval process or by a separate legal document, using metes and bounds or other legal description methods. An easement may be granted to the public, a specific individual or entity, or a public utility, and is enforceable under Utah State Code.

**Facility Owner:** The same as that term is defined in state law and includes a canal owner or associated canal operator contact described in different sections of state law.

**Infrastructure Change(s):** Roads, water mains, electricity, gas lines.

**Intervening Property:** Property located between an existing service facility and the property under development.

**Invalid Subdivision:** Any approved subdivision where transfers of land were done in violation of this Subdivision Ordinance. Such as Improvements not being completed or guaranteed before transferring land.

**Non-Annexed Ground:** A parcel of land that has been located in the Central Valley Town boundaries before the date this ordinance was amended, October 16,2024.

**Non-Compliant Subdivision:** Any lot(s) left in a subdivision where the water conveyance obligation has not been paid.

**Improvement Plan:** A plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety, that is required for human occupation, or that is required by applicable law and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.

**Improvement Warranty:** An applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

- a. Complies with the municipality's written standards for design, materials, and workmanship; and



- b. Will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

**Improvement Warranty Period:** A period:

- a. No later than one year after a municipality's acceptance of required landscaping; or
- b. No later than one year after a municipality's acceptance of required infrastructure, unless the municipality:
  - i. Determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
  - ii. Has substantial evidence, on record:
    - 1. Of prior poor performance by the applicant; or
    - 2. That the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.

**Land Use Application:** An application required by the municipality and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.

**Land Use Authority:** An individual, board, or commission appointed or employed by a municipality to make land use decisions. "Land Use Authority" includes any appropriately authorized designees.

**Lot:** A parcel of real property shown as a delineated parcel of land with a number and designation on the plat of a subdivision recorded in the office of the Sevier County Recorder, or a parcel of land, the dimensions or boundaries of which are defined by record in the office of the Sevier County Recorder.

**Metes and Bounds:** The description of a lot or parcel of land by courses and distances. Or "the precisely described boundary lines of a parcel of land.

**Parcel of land:** A broader term that encompasses any defined portion of land, whether large or small, often used in legal and surveying contexts.

**Plat:** An instrument, such as a map or plan of a proposed land division, subdividing property into lots that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).

**Plat Procedure and Checklist:** A checklist containing all information and procedures as required by the current Central Valley Town Subdivision Ordinance.

**Projected Road System Overlay for Undeveloped Land:** If a proposed subdivision is located within a larger tract or parcel of land, and the subdivision plat covers only a portion of that tract or parcel, the developer must submit a conceptual sketch of the future road system for the remaining undeveloped land. This projected road system will be reviewed in the context of existing master street plans and other relevant Town studies.

**Protection Strip:** A strip of land between the boundary of a subdivision and a street within the subdivision, for the purpose of controlling the access to the street by the property owners abutting the subdivision.

**Public Hearing:** An advertised open hearing where the public can express any concerns regarding the proposed development.

**Public Landscaping Improvement:** Landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

- a. Will be dedicated to and maintained by the municipality; or
- b. Are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.



**Registered Covenants:** A registered covenant is a type of restrictive covenant that is recorded on the title of the burdened land, ensuring that future purchasers are aware of and bound by the restrictions. These covenants must be registered with the County Recorder and may include easements or other similar property interests.

**Restrictive Covenants:** Restrictive covenants are private agreements that limit the use or development of certain parcels of land within the subdivision to protect or benefit other land within the subdivision. The land subject to these restrictions is referred to as the "burdened" land, while the land that benefits from these restrictions is known as the "benefited" land. Common examples of restrictive covenants include limitations on the use of a lot to single family residential dwelling, restrictions on building materials, or the prohibition of certain types of fences.

**Review Cycle:** The occurrence of:

- a. The applicant's submittal of a complete subdivision land use application;
- b. The Planning Commission's review of that subdivision land use application;
- c. The Planning Commission's response to that subdivision land use application, in accordance with this section; and
- d. The applicant's reply to the Planning Commission's response that addresses each of the Planning Commission's required modifications or requests for additional information.

**Review Date:** The day the application went under review for a Review Cycle.

**Review Phase:** One full cycle through of the steps under Review Cycle, as defined above.

**Review Period:** The period starting with any Review Date up to and including the day immediately preceding the next Review Date or starting with the last Review Date up to the end of the Cycle.

**State Engineer's Inventory of Canals:** The state engineer's inventory of water conveyance systems established in state law.

**Subdivide:** Any act or combination of acts that results in a subdivision, as that term is defined in this Chapter.

**Subdivider:** Any person who creates a subdivision.

**Subdivision:** Any land that is divided, subdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

- a. Subdivision includes:
  - i. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
  - ii. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
- b. Subdivision does not include:
  - i. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
  - ii. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;

- iii. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
- iv. A joining of one or more lots to a parcel;
- v. A road, street, or highway dedication plat;
- vi. A deed or easement for a road, street, or highway purpose; or
- vii. Any other division of land authorized by law.

**Subdivision Ordinance Review:** Review by the Town to verify that a subdivision application meets the criteria of the Town's ordinances.

**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 municipal ordinances and applicable installation standards and inspection specifications for infrastructure improvements.

**Title Insurance:** A condensed history, taken from public records or documents, of the ownership of a piece of land.

**Underground facility:** Term meaning the same as that term is defined in state law.

**Utah State Department of Health Feasibility Certificate:** A written certificate verifying that all lots of the subdivision have been tested (perc test) and are found adequate for the installation and operation of septic tank systems in accordance with the current state regulations.

**Utah State Department of Transportation Standard Specifications:** Specifications written by the Utah State Department of Transportation written to the contractor explaining what the contractor must do. Unless otherwise noted, all actions are to be performed by the contractor.

**Vacating a Public Street:** When a municipality transfers the rights-of-way of a public street to a private property owner, and that the public's right to use a street is completely or partially terminated. The property is returned to the owner of the underlying fee interest, and the vacated area can then be used by the owner for their own purposes.

**Water Conveyance Facility:** A ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. "Water conveyance facility" does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

**Water Conveyance:** A water assessment applied to each lot of a subdivision which is used by the Town to provided additional water demanded by the subdivision. The assessment is required and shall be conveyed to Central Valley Town as a condition of subdivision approval and prior to the issuance of any building permits.



## Section 3 Required Improvements

### 3.1 Required Improvements.

- a. The following improvements are required for all subdivisions, except those that qualify under the Agricultural Land exemption of Section 7.6 of this Chapter:
  - i. Utilities, including water, sewer, telephone, cable, gas, and electricity.
    1. All primary buildings requiring culinary water and sanitary sewer services shall be connected to the public culinary water of Central Valley Town and supply their own septic tank installation for sewer.
    2. All utilities shall be provided underground as recommended by the planning commission with the following exceptions;
      - A. Transformers, pedestals, fire hydrants, street lights, and other appurtenances normally associated with “underground” utility installations are permitted on the surface of the ground.
      - B. The development of existing lots in areas of the Town now served with existing above ground utilities, are exempt from this requirement.
    3. Where possible, underground utilities shall be located within or immediately adjacent to the disturbed areas of a lot or parcel, such as driveways and roadways.
    4. Generators shall not be allowed as a primary source of energy or an alternative source of energy but may be used as a temporary source of energy when the Central Valley Town power system is down.
  - ii. Streets and roadways including curbs, gutters, and sidewalks as deemed reasonable, necessary or feasible by the planning commission and/or the town council.
  - iii. Street grading, paving and surfacing.
  - iv. Storm water drainage or management systems.
  - v. Fire hydrants every 500 feet.
  - vi. Street lights, signs, traffic control devices and monuments.
1. Any other infrastructure (or infrastructure improvement) that is reasonably necessary to meet the needs of the proposed development.
  - A. The Land Use Authority may require an analysis to be completed and provided to determine if adequate public facilities and services are available to serve the proposed development and if such development will change the existing levels of service or will create a demand for services that exceeds acceptable service levels. Public facilities that may be required by the Land Use Authority to be included in a public facilities analysis include, but are not limited to, road and street facilities and capacities, intersection and bridge capacities, culinary water facilities, sanitary sewer facilities, storm drainage facilities, fire protection and suppression facilities, park and recreational facilities, culinary water pressure, fire and emergency services response times, police protection services, and other required public facilities and services. The Land Use Authority may deny or modify any proposed development activity if the demand for public facilities and services exceeds accepted or adopted levels of service, or require an applicant for an approval, license, or permit to provide the required facilities and services concurrent with the demand created by the development activity, consistent with all applicable legal authorities.



### **3.2 Streets, Grading, Trenching, and Paving.**

All design and construction must conform with the current UDOT construction standards.

- a. Compaction and street construction must comply with Utah Department of Transportation (UDOT) specifications.

All water trenches located in street areas shall be thoroughly compacted and inspected with approval of the Town/designee inspector. All water trenches located under streets and sidewalks shall meet current UDOT construction standards compaction specifications. It shall be the subdivider's responsibility to restore, to grade and resurface all street and sidewalk areas damaged from later settlement of such trenches within two (2) years of construction.

### **3.3 Curb, Gutter and Sidewalks.**

A subdivider shall be required to provide curb, gutter and sidewalks as recommended by the Planning Commission.

### **3.4 Water Supply.**

A subdivider must install water lines to make adequate water supplies available to each lot within a subdivision. (See current Central Valley Town Culinary Water Ordinance for specifics). Water mains of not less than six inches in diameter shall be put in the streets, and the subdivider shall extend existing water mains in the community water system from the nearest available source to the subdivision at the subdivider's expense and in accordance to Town standards as adopted by resolution. Larger water lines may be required to meet future growth needs.

### **3.5 Water Stock Conveyance.**

A Water Stock Conveyance is required and shall be conveyed to Central Valley Town as a condition of subdivision approval and prior to the issuance of any building permits.

- a. Annexed subdivision ground: One (1) acre-foot of underground water is required per subdivision lot.
- b. Non-annexed ground: One (1) acre-foot of underground water per subdivision lot, or, One (1) irrigation canal water share or monies in lieu of water stock per subdivision lot (see current Central Valley Town Consolidated Fee Schedule for amount). Conveyance will be determined by Town Council.
- c. Subdivision lots with current well sources shall convey well rights to the Town as a condition of a water hookup prior to approval of plat and issuance of any building permits.

Given that each parcel of real property is unique and may present specific circumstances, and recognizing that some aspects of subdivision development are difficult to standardize, it is acknowledged that not all possible conditions can be explicitly covered herein. Therefore, the Town Council retains the authority to impose additional exactions upon a subdivider, beyond the standards and requirements contained herein, including but not limited to exactions concerning water. No building permit shall be issued until the appropriate water conveyance is paid in full to the Town Clerk.

### **3.6 Private Irrigation Water.**

If property has previously been under irrigation, the developer must provide private irrigation water for lots larger than one (1) acre. The amount of water shall be equivalent to one (1) share per acre and a minimum of two (2) acre feet per share.

### **3.7 Storm Water.**

The Town council shall require the subdivider to dispose of stormwater as such provisions are deemed necessary. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements. In new subdivisions, a plan shall be submitted showing a drainage plan with barrow ditches and disposal method for stormwater. Storm water shall not be discharged or disposed of in such a way as to harm or cause damage to adjacent properties. All existing waterways shall be preserved and maintained within the area of influence.

### **3.8 Sewage Disposal.**

A subdivider must certify in written form from the State Health Department to the Town Council prior to approval that all lots in the subdivision are tested (PERC Test) and found adequate for installation and operation of septic tank systems in concurrence with State Health Department regulations.

### **3.9 Public Utilities.**

Utilities must be installed by an applicable utility company underground unless deemed unfeasible by the utility company, planning commission and/or town council. The developer and Central Valley Town must agree on installation design. The developer shall bear all costs of materials and installation. Power lines shall meet all standards of the National Electric Code.

### **3.10 Fire Hydrants.**

Fire hydrants shall be installed by the subdivider prior to the completion of the subdivision and shall be in compliance with standards adopted by the local jurisdiction. Fire hydrants shall be located a maximum of 500 feet apart. Size and type of hydrants shall be approved by Central Valley Town prior to installation. All hydrants shall have adequate thrust blocking or restrained joint type fittings.

### **3.11 Street Lights.**

A subdivider shall be required to provide street lights as recommended by the Planning Commission.

### **3.12 Monuments and Lot Staking.**

- a. Permanent monuments. Monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type approved by Central Valley Town, and shall conform to current industry standards.
- b. Survey Starting monument. Surveys must always originate from the north.
- c. Survey stakes. Stakes shall be placed at all lot corners so as to completely identify the lot boundaries on the ground.



## Section 4 Cost of Improvements

### 4.1 Cost of Improvements.

All required improvements shall be made by the owner/developer of the subdivision, at the owner/developer's expense, without reimbursement by the Town and in accordance with related codes, fee schedules, and ordinances.

### 4.2 Improvement Bonds.

To ensure the timely and satisfactory completion of necessary infrastructure improvements in Central Valley, Utah, developers are required to provide a performance bond or other acceptable security before a subdivision plat approval. This section is established in compliance with Utah Code § 10-9a-604.5.

### 4.3 Completion of Improvements.

- a. Before a subdivision plat may be recorded, and before a building permit may be issued, all improvements required by this Chapter or other Town ordinances shall be either:
  - i. Completed, inspected, and accepted by the Town, or
  - ii. Guaranteed according to this Section 4.
- b. The decision whether to guarantee an improvement or to complete it before recording the official plat and obtaining a building permit rests solely with the applicant.
- c. All improvements are subject to Town inspection before such improvements may be accepted by the Town or considered complete. The designated Town Engineer shall be responsible for conducting such inspections. Improvements shall be accepted only if they conform to applicable Town ordinances (notably Section 3 of this Chapter) and do not pose a risk to public health or safety. All public improvements are subject to the warranty described in Subsection 4.4 of this Chapter.

### 4.4 Improvement Guarantees, Completion Assurances, And Warranties.

- a. An applicant must guarantee any required improvement, and shall provide completion assurance for 110% of the cost of the improvement, guaranteeing that the improvements will be completed within two years after the date of the guarantee.
- b. For the purpose of posting an improvement guarantee, the cost of the improvement shall be determined by an engineer's estimate or licensed contractor's bid.
- c. The Town shall accept any of the following forms of guarantee for an improvement:
  - i. Bond. The applicant may furnish a bond with corporate surety or cash, which bond shall be approved by the Town Attorney and filed with the Town Recorder.
  - ii. Escrow. The applicant may make a deposit in escrow with an escrow holder approved by the Town Council, under an escrow agreement approved by the Town Attorney and filed with the Town Recorder.
  - iii. Letter of Credit. The applicant may provide a letter of credit from a financial institution approved by the Town Council, under an agreement to complete the improvements that is approved by the Town Attorney and filed with the Town Recorder.
- d. As improvements are completed, inspected, and accepted by the Town, the Town Council shall, each quarter, at the option of the applicant, issue a partial release of bonded or escrow funds proportional to the improvements accepted during the prior quarter.

- e. The Town shall not require improvement guarantees for any of the prohibited uses listed in Utah Code §10-9a-604.5(3)(d), including improvements the Town has previously inspected and accepted, private improvements that are not essential to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation.
- f. Upon acceptance of all required improvements, the applicant shall warrant that said improvements shall remain free from defects in material and workmanship for a period of 12 months after the date of acceptance by the Town. The subdivider shall be solely responsible for all repairs and maintenance required to keep the improvements in good working condition for this 12-month period.

#### **4.5 Default.**

- a. If the developer fails to complete the required improvements within the time frame specified in the development agreement or as extended by the Central Valley Town Council, the Town Council may, after providing notice and a hearing, declare the bond or security to be in default.
- b. Use of Bond Funds: In the event of default, Central Valley Town may use the bond funds to complete the required improvements. Any funds remaining after completion shall be returned to the developer or surety.

#### **4.6 Extensions.**

The Central Valley Town Council may grant extensions to the completion deadline upon a written request from the developer, provided that an updated cost estimate is submitted and additional security is provided if deemed necessary.

#### **4.7 Inspections.**

All infrastructure improvements must be inspected and approved by the designated Central Valley Town Engineer during and upon completion of construction to ensure compliance with approved plans and specifications.



## Section 5 Design Standards

### 5.1 Lots.

- a. Front yard. The minimum setback for any building shall be thirty (30) feet.
- b. Building sites. The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for building and be properly related to topography and conform to requirements set forth herein
- c. Lot sizes. All lots shown on the subdivision plan must conform to the minimum requirements of the zone in which the subdivision is located.
- d. Frontage. The minimum frontage for any lot shall be one hundred thirty (130) feet of continuous lot frontage along the street line.

### 5.2 Corner Lots.

- a. Minimum Frontage Requirement. Each corner lot shall have a minimum frontage of 155 feet along the primary street and a minimum of 130 feet along the secondary street.
- b. Setback Requirements. The minimum setback from both the front and side property lines shall be 30 feet to ensure adequate space and visibility at intersections.
- c. Access and Driveways. Driveway access to corner lots should be designed to minimize traffic hazards, with preference given to access from the secondary street where feasible. Driveways and access are only permitted on the front of lots.
- d. Corner Visibility. No structures, landscaping, or other obstructions shall be placed within the clear sight triangle, as defined by the local traffic ordinance, to ensure unobstructed views for vehicles at the intersection.
- e. Sidewalks and Public Rights-of-Way. Corner lots must maintain clear access to sidewalks and public rights-of-way, adhering to all applicable standards for pedestrian and vehicular safety.
- f. Compliance with State and Local Codes. All corner lot developments must comply with applicable Utah state codes and local regulations regarding lot frontage, setbacks, and access.

### 5.3 Remnants of Lots.

All lots or parcels created through the subdivision process within Central Valley Town, Utah, must be established as legal lots. No subdivision plat shall be approved or recorded unless each lot or parcel meets the criteria for a legal lot as defined in this ordinance and complies with all applicable zoning, land use, and subdivision regulations specific to Central Valley.

### 5.4 Drainage.

Lots shall be designed in such a manner as to mitigate any flooding or pollution of adjacent properties and homes.

### 5.5 Side Lines of Lots.

Side lines of lots shall be approximately at right angles, or radial to the street lines.

### 5.6 Irrigation Ditches.

In proposed subdivisions with irrigation ditches running adjacent to the frontage or within the area to be subdivided, the developer shall provide culverts or bridges in conformance with Town standards and or

irrigation company standards for the purpose of providing proper access to each lot in the proposed subdivision. In no cases shall the culvert or bridge be less than eighteen (18) inches in diameter and thirty (30) feet long. Any variation to this requirement must be approved by the Land Use Authority.

#### **5.7 Blocks.**

- a. Block length. The maximum length of blocks, generally, shall be one thousand (1000) feet and the minimum length of block shall be four hundred (400) feet. In blocks over eight hundred (800) feet, the developer may be required to dedicate a ten (10) foot wide walkway.
- b. Block width. The width of blocks generally shall be sufficient for two (2) lots.

#### **5.8 Block Use.**

Blocks intended for business or industrial use shall be designed for such purposes with adequate space set aside for off-street parking, alleys, and delivery facilities. This applies to the R2C zone also.

#### **5.9 Alleys.**

Alleys are not allowed unless prior approval has been obtained from the Town Council. If approved they shall have a maximum width of twenty (20) feet. Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission.

#### **5.10 Streets, Reverse Curves, Street Intersections, and Street Curves.**

Refer to the current UDOT Construction Standards.

#### **5.11 Street Names.**

Street names shall be numerical.

#### **5.12 Street Dedications.**

All streets shall be dedicated for public use. The dedication of half streets in any subdivision is prohibited. All street dedications are to be legally described on the plat.

Relationship to adjoining street system/s. New streets will align with existing and projected streets. Street widths will be the same as, or greater than, existing street widths, but no less than required by this ordinance. Street arrangement must not cause unnecessary hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Streets leading to, and within a proposed subdivision shall be brought to required standards for width and construction. The developer shall bear the full responsibility for the completion of required improvements. The Town will not accept a street until it is brought up to standards. It shall be the developer's responsibility for relocation of utilities if needed.

#### **5.13 Cul-De-Sacs.**

Cul-de-sacs in Central Valley subdivisions shall comply with Utah State Code, Central Valley ordinances, and in accordance with current UDOT Cul-de-sac design standards.



#### **5.14 Protection Strips.**

Where subdivision streets parallel contiguous property of other owners, the sub-divider may establish a protection strip of not less than one (1) foot in width located within the road right of way and lying next to the adjacent property. The said strip of property shall be deemed part of the dedicated right of way, provided that an agreement with the Town Attorney has been made by the sub-divider. A land owner choosing to access property across the protection strip shall make payment to the original developer in an amount equal to the fair cost of the street improvements, plus the value of one-half (1/2) the land in the street at the time of the agreement. The agreement shall expire 10 years from the date the agreement was signed and shall become void.

#### **5.15 Projected Street System.**

If the proposed subdivision location is part of a larger tract or parcel of land and the subdivision plat covers only a part of the larger tract or parcel, the developer is to submit a projected future street system sketch of the undeveloped land. The projected street system shall be considered in conjunction with the master street plan or other Town studies.

#### **5.16 Public Utility Easements.**

Easements will be required where necessary for poles, wire, conduits, storm or sanitary sewers, gas and water mains, and other public utilities. Where alleys are not provided and an easement is necessary, easements on internal lot lines shall be no less than five (5) feet. Easements on back line lots will not be required unless utilities are present.

#### **5.17 Provision for Public Use Spaces (parks, schools, other public spaces).**

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other areas for public use. Any provision for such open spaces shall be indicated on the plat in order that it may be determined when and in what manner such areas will be dedicated to, or acquired by, the appropriate agency. If any such proposed public areas have not been purchased at a fair price by the agency within one (1) year after the recording of the plat, such areas may be divided into lots and sold by the developer in accordance with lot requirements of this ordinance. When any such public space is shown on the plat, a copy of such plat shall be made available to the appropriate public agency for its consideration within a reasonable time after receipt of copies of the plat by the Town.

## Section 6 Geological Hazard Assessment

### 6.1 Geologic Hazard Investigation.

Central Valley Town reserves the right to require a geologic hazard investigation, prepared by a qualified geological technical expert, at the expense of the developer. The developer must reveal to Central Valley Town any potentially hazardous conditions not already identified by the Town.

- a. The design and development of subdivisions shall preserve, in so far as it is possible, the natural terrain, natural drainage, existing topsoil and trees and vegetation.
- b. Land subject to hazardous conditions such as landslides, mud flows, rock falls, ground subsidence, evidence of land mass movements, sinkholes, ground cracks, fault activity, shallow water table, open quarries, floods, and polluted water supply shall be identified and shall not be subdivided until the hazards have been eliminated or evidence submitted that said hazards will be eliminated or mitigated by the subdivision and construction plans.
- c. Any development in hazard potential areas shall receive special attention in order to mitigate hazards.
- d. Pending the completion by the Utah Geological Survey of a Fault Hazard Map for Central Valley, the Planning Commission may rely upon the existing information available from UGS or other publicly or privately prepared geological reports to identify fault hazards or the historic features or character of an area.
- e. Whenever development or construction is or may be subject to unusual potential or actual geologic or flood hazards, the applicant shall meet the special conditions required by the Planning Commission to reduce or eliminate such hazard, or if such conditions cannot be met or will not be met, the application for subdivision development may be denied.

### 6.2 Watercourses and Identification of Flood Plain.

- a. The setback from any natural watercourse, including canals, rivers, sloughs shall be:
  - i. Canal-One hundred feet (100)
  - ii. River-One hundred-fifty feet (150)
- b. Only when in a populated setting and if required by the Planning Commission shall watercourses be covered or fenced. Covering or fences shall conform to the best management practices specified by a water engineer designated by the Town Council.
- c. No irrigation system shall be covered or fenced without prior written approval of the affected irrigation company. This includes waste water ditches.
- d. Flood plain development is prohibited unless prior approval is granted by the Town Council.
- e. The flood plain as used herein shall mean the relatively flat area or lowlands adjoining a river, stream, water course that has in the past or may in the future be covered with flood water.
- f. In all subdivisions near the floodplain, base flood and ground elevation data shall be provided for each lot by the developer and approved by a water engineer designated by the Town Council.



## Section 7 Subdivision Application Procedures, Requirements, Review And Approval

### 7.1 Subdivision Land Use Authority.

- a. The Land Use Authority under this Chapter, except where otherwise noted, is the Planning Commission.
- b. The Land Use Authority is responsible for the following, but may delegate any task to the Planning Secretary:
  - i. Rendering a land use decision on all subdivision applications and petitions under this Chapter.
  - ii. Reviewing all applications under this Chapter in an impartial manner and according to the standards and deadlines described in this Chapter.
  - iii. Providing feedback to applicants in the manner required by this Chapter
  - iv. Scheduling and holding a pre-application meeting with potential applicants as required in this Chapter.
  - v. Keeping subdivision application forms and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants.
  - vi. Providing notice to entities and parties as required in this Chapter.
  - vii. Signing application and petition approvals as required in this Chapter.
  - viii. Ensuring that documents are properly recorded with the County as required in this Chapter.
- c. The Planning Commission will not approve a subdivision application until the application and plat have been reviewed with comments by an attorney and civil engineer, designated by the Town Council.
- d. As Subdivision application decisions are administrative, not legislative, decisions, the Land Use Authority is authorized to make any land use decision described by this Chapter without Town Council approval.
- e. Except when operating as the Appeal Authority, the Town Council shall not require the Land Use Authority to approve or deny an application.

### 7.2 Subdivision Appeal Authority.

- a. The Appeal Authority for Town decisions relating to this Chapter, except where otherwise noted, is the Town Council.
- b. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authority and shall hear complaints about the conduct of the Land Use Authority in administering the provisions of this Chapter.
- c. A party appealing or complaining of a Land Use Authority decision under this Chapter must exhaust its remedies under this section (by appealing or complaining to the Appeal Authority) before bringing an action against the Town in a court of law.
- d. A party who has submitted a subdivision application or petition may appeal or complain to the Appeal Authority under this Chapter. In such an appeal or complaint, the party may appeal or complain only regarding the Land Use Authority's treatment of that party's own application; a third party may not appeal or complain of Land Use Authority decisions or conduct.

- e. A party desiring to appeal or complain of a Land Use Authority decision shall submit to the Appeal Authority the following in writing:
  - i. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the Land Use Authority's decision and treatment of the application or petition, and why the applicant believes the Land Use Authority misapplied the provisions of this Chapter or abused the discretion given it by this Chapter.
  - ii. The most recent version of the application or petition the party submitted.
  - iii. Any supplemental documentation or information that the Appeal Authority requests.
- f. All appeals and complaints must be emailed or mailed to a member of the Appeal Authority using that member's official Town address and/or email account listed on the Town's website.
- g. After receiving a complete appeal or complaint in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 30 days after the Appeal Authority receives the appeal or complaint.

### **7.3 Pre-Application Meeting/Concept Plan.**

- a. A party intending to submit a subdivision application under this Part may request a pre-application meeting with the Planning Commission or other Town staff for the purpose of reviewing any element of the party's proposed subdivision application. The proposed application need not be complete for purposes of this meeting and may—if the party desires—be limited to a concept plan.
  - i. If a party requests a pre-application meeting, the Town shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur within 20 business days after scheduling.
  - ii. The Planning Commission or delegated Town staff shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the Town website the following at the time of the meeting:
    - 1. Copies of applicable land use regulations,
    - 2. A complete list of standards required for the project, and
    - 3. Relevant application checklists.
  - iii. A concept plan must illustrate the concept of the proposed subdivision and show street width and approximate lot acreage.

### **7.4 Plat Requirements.**

- a. To be considered complete, a subdivision application must include at least the following elements:
  - i. The Name, Address, Phone Number and Email of the Owner/Applicant on a completed application form.
  - ii. The Name, Address, Phone Number and Email of the Engineer and/or Surveyor who prepared the plat, on a completed application form.
  - iii. An approved land use application that describes how the property will be used after it is subdivided.
    - 1. If the intended use is permitted by right under Town ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
    - 2. If the intended use requires a conditional use permit or is otherwise conditioned on Town approval, the land use application must include an approved, Town-



issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.

- ii. A plat, unless exempted under Section 7.5 of this Section. The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder's Office. The plat must include:
  1. The proposed subdivision name, which must be distinct from any subdivision name on a plat recorded in the County Recorder's office.
  2. A graph scale and north arrow
  3. The date of preparation
  4. The boundaries, course, and dimensions of all proposed parcels. All parcels on the plat must comply with the lot size requirements of Section 5.1 of this Chapter.
  5. 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.
  6. Every existing right-of-way and recorded easement located within the plat for underground water, and utility facilities.
  7. The proposed name(s) of streets with legal description of road dedication.
  8. A vicinity map showing lots, streets and public rights-of-way.
  9. A description of the width dimension of proposed street(s), alleyways, easements and open space and common areas.
  10. Proposed and Existing Street Lighting
  11. Proposed and Existing Water Facilities and Fire Hydrants
  12. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.
  13. Whether any parcel is intended to be used as a street or for any other public use.
  14. Whether any parcel is reserved or proposed for dedication for a public purpose.
  15. If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).
  16. If any portion of the proposed subdivision is within 1,000 feet of an Industrial Protection Area, the notice language found in Utah Code §17-41-403(4).
  17. If any portion of the proposed subdivision is within 1,000 feet of a Critical Infrastructure Materials Protection Area, the notice language found in Utah Code §17-41-403(4).
  18. If any portion of the proposed subdivision is within 1,000 feet of a Mining Protection Area, the notice language found in Utah Code §17-41-403(4).
  19. If any portion of the proposed subdivision is within 1,000 feet of a Vested Critical Infrastructure Materials Operation (extracting, excavating, processing, or reprocessing sand, gravel, or rock aggregate where that use is not permitted by Town ordinances), the notice language found in Utah Code §10-9a-904.
- iii. Reports and studies, including:
  1. A traffic study and access permit, if one is required by an applicable UDOT Access Management Plan or requested by the Land Use Authority.
  2. Environmental Impact Study:
    - A. Location of stress, wetlands and high-water marks

- B. Location of prominent natural features
    - C. Seismically active area
    - D. Soil Erosion
    - E. Vegetation preservation
    - F. Flood Plain Permit
  - 3. Geologic Hazard Report and Study identifying the watercourses and flood plains according to the requirements in Section 6.1 of this Chapter.
  - 4. Any other study or report reasonably necessary to ensure compliance with Town design standards and improvement requirements.
- iv. An improvement plan, created in accordance with applicable portions of Sections 3 and 5 of this Chapter, for all public improvements proposed by the applicant or required by Town ordinances.
  - 1. In addition to the requirements in Sections 3 and 5, the improvement plan must contain:
    - A. An engineer's estimate of the cost of completing the required improvements
    - B. Grading Plan
    - C. Road Composition
    - D. Drainage Plan
    - E. Common Area Landscaping
    - F. Pressurized Irrigation
- v. Certifications, including:
  - 1. An affidavit from the applicant certifying that the submitted information is true and accurate.
  - 2. The signature of each owner of record of land described on the plat, signifying their consent to the subdivision application and their intent to dedicate portions of the plat to the public as described in the application.
  - 3. Certification that the surveyor who prepared the plat:
    - A. Holds a license in accordance with Utah Code 58-22; and
    - B. Either:
      - (1) Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
      - (2) Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
    - B. Has placed monuments as represented on the plat.
  - 4. Percolation Test: Sewer and Water Feasibility Statement and Certificate awarded by the Utah State Health Department, certifying that all lots in the subdivision are tested and are found adequate for installation and operation of septic tank systems.
  - 5. Proof of water rights.
  - 6. A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.



7. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
  8. An affidavit from the applicant certifying that the submitted information is true and accurate.
  9. Owner's Certificate of Dedication.
  10. Proof of approval by the culinary water authority, the sanitary sewer authority, Sevier County Health Department, the local fire department, and the local public safety answering point.
- vi. A completion assurance for all public improvements required by the approved improvement plan, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the applicant records the plat, as required by Section 7.7.3 of this Chapter.
  - vii. Restrictive Covenants Contract/CC&Rs, if any.
  - viii. Other if applicable and requested by the Planning Commission:
    1. Fencing
  - ix. Binding dedication documents, including:
    1. As applicable, formal, irrevocable offers for dedication to the public of streets, Town uses, utilities, parks, easements, or other spaces.
    2. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
  - x. Copies, including:
    1. One electronic copy of the plat in AutoCAD format, with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to.
    2. A PDF document of the complete application (including the plat and all other plans and supporting documents required by this Section).
    3. Three 8.5" x 11" printed copies of the complete application, delivered to the Town office, for review.
    4. A copy of the plat drawn on Mylar for signing and recording. The applicant may wait to produce this recording-form copy until the Land Use Authority has completed two review cycles, but in such case, the Land Use Authority need not approve the application until this copy has been produced and reviewed.
  - xi. Payment of any application-processing fees required by the Town. In addition to any fees listed on the Town's Fee Schedule, the applicant shall be liable for any reasonable costs the Town incurs in obtaining engineering and legal review of the application.
- b. The Planning Commission Secretary shall produce, maintain, and make available to the public a list of the specific items that comprise complete subdivision applications and a breakdown of any fees due upon submission or approval of the applications.
  - c. The Planning Commission may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the Town relating to an applicant's plans to ensure compliance with Town ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of Town residents.
  - d. Notwithstanding 7.4(a), the Planning Commission may, in its sole discretion, waive any of the specific requirements found in this Subsection on a case-by-case basis.

## **7.5 Exceptions to Specific Application Requirements.**

- a. Agricultural Land:
  - i. Applications to subdivide agricultural land are exempt from the plat requirements (but not the other application requirements) of Section 7.4 if the resulting parcels:
    - 1. Qualify as land in agricultural use under Utah Code §59-2-502;
    - 2. Meet the minimum size requirement of applicable Town land use ordinances; and
    - 3. Are not used and will not be used for any nonagricultural purpose.
  - i. For subdivision applications for which this exception applies, an applicant may submit to the Town—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.
  - ii. If the Town approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the Town, with the County Recorder's Office.
    - 1. This shall be done in the same manner as is done for a plat under Sections 7.7.2 and 7.7.3.
  - iii. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The Town may, in its discretion, impose the penalty in Section 1.7 and/or require a subdivision amendment before issuing a building permit.
- b. Development Agreements:
  - i. Subdivisions platted in a valid development agreement are exempt from the application requirements (Section 7.4) and review and approval requirements (Section 7.7) of this Chapter.
  - ii. Clauses in a valid development agreement with the Town superseded all conflicting requirements in this Chapter, except where a clause in the development agreement poses a substantial danger to the health and safety of Town residents.

## **7.6 Vacating a Public Street.**

- a. A legislative body may approve a petition to vacate a public street in accordance with this section.
- b. This applies to stand-alone petitions to vacate a public street and does not apply to the process of vacating some or all of a public street through a plat or amended plat process.
- c. Where any provision in this Section conflicts with state law, state law shall prevail.
- d. Where any provision in this Section conflicts with other ordinances enacted by the Town, the provisions in this Section shall prevail unless:
  - iii. The conflicting ordinance is the Subdivision Chapter, in which case the Subdivision Chapter shall prevail or
  - iv. The Town intended such conflicting ordinances not in this Chapter to amend this Chapter.
- e. Petition Requirements
  - i. The petitioner must submit a petition that includes:
    - 1. The name and address of each owner of record of land that is:
      - A. Adjacent to the public street or municipal utility easement between the two nearest public street intersections; or
      - B. Accessed exclusively by or within 300 feet of the public street or municipal utility easement
    - 2. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located.
    - 3. The signature of each owner under (1.) who consents to the vacation.



## **7.7 Review And Approval.**

### **7.7.1 Review.**

- a. The Land Use Authority shall review all subdivision applications in accordance with the requirements of this Section before approving or denying those applications.
- b. The review process begins when an applicant submits a complete application.
  - i. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
  - ii. If the Land Use Authority determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.
- c. After the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of "review cycles."
  - i. A review cycle consists of the following phases:
    1. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
    2. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances.
    3. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.
    4. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the Town's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. This written explanation must be comprehensive and specific, including citations to applicable standards and ordinances and an index of requested revisions or additions for each required correction. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

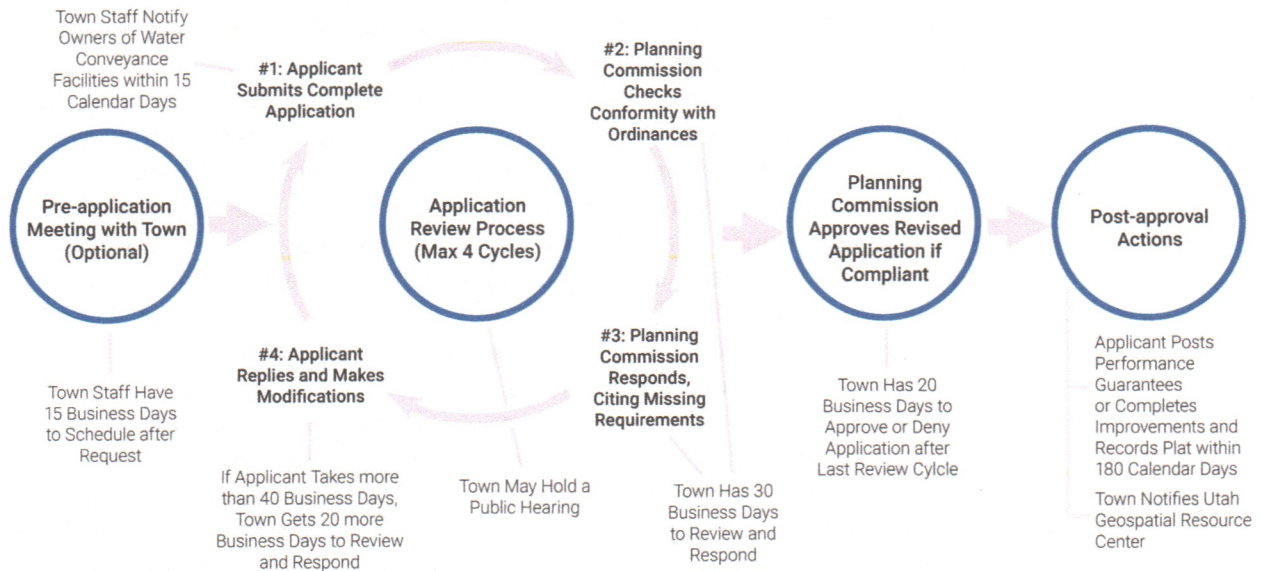
Table A – Review Cycles, Hearings, and Timelines by Subdivision Use Type			
Use Type	Max Review Phases	Max Public Hearings	Town Turnaround Deadline*
All Uses	4	1	30 Business Days

\*Describes the total time (per review cycle) the Town may take to complete both Phase #2 and Phase #3.



## SUBDIVISION APPLICATION REVIEW PROCESS AND TIMELINE

CENTRAL VALLEY TOWN



- d. The Land Use Authority (and other Town representatives and agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table A, except as described below. If no further revisions are needed, the Land Use Authority may end the review process early and approve or deny the application.
- This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the Town is exempt from limits on the number of permitted review cycles and the Town’s deadlines for reviewing and responding (Phases #2 and #3).
  - If the applicant makes a material change to the application not requested by the Town at any point in the review process, the Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.



- iii. If an applicant takes longer than 40 business days to submit a revised subdivision improvement plan responding to the Town's requests for modifications and additions (in Phases #1 and #4), the Town shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
    - iv. If an applicant takes longer than 180 calendar days to submit a revised application and respond to the Town's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.
  - e. After the fourth or final review cycle is complete, the Land Use Authority shall approve or deny the application within 20 business days.
    - i. If the Land Use Authority has not approved or denied the application within 20 business days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the Town shall, within 10 business days for a dispute arising from the:
      - 1. Subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the revised set of plans; or
      - 2. Subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.
  - f. After the Land Use Authority provides comments in the fourth or final review cycle, the Town shall not require further modifications or corrections to the application unless those modifications or corrections are necessary to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.
    - i. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the municipality waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
    - ii. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.
  - g. The Land Use Authority may conduct only **one** public hearing during the review period for a subdivision application.
    - i. The purpose of the public hearing is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.
    - ii. If the Land Use Authority elects to hold a public hearing, the hearing must occur before the end of the Land Use Authority's review period in the fourth or final review cycle.
      - i. Scheduling issues shall not extend the review and approval deadlines in this Chapter.
  - h. Other Sections of this Chapter notwithstanding, the Land Use Authority shall approve or deny a subdivision application under this Part after reviewing a complete subdivision application as described in this Section. This singular application and review process includes the combined



elements of traditional “preliminary” and “final” applications, as those terms are used in Utah Code § 10-9a-604.2. For purposes of applying Utah Code §10-91-604.1(3)(a) and §10-91-604.1(9)(b), this Chapter describes a “preliminary” review and approval, with “final” approval happening automatically when the plat is recorded.

#### **7.7.2 Approval.**

- a. The Land Use Authority shall approve any complete subdivision applications made under this Chapter that comply with applicable town ordinances.
- b. No application may be approved by the Land Use Authority without first being reviewed by an attorney and engineer, designated by the Town Council.
- c. A subdivision application is approved when the Land Use Authority certifies the approved plat, either by signing the plat directly or by attaching a signed certification to the plat.

#### **7.7.3 Post-Approval Actions.**

- a. The applicant shall record the approved subdivision plat with the County Recorder’s Office within 180 calendar days after the Land Use Authority approves the subdivision application, provided that the applicant has completed any improvements or posted any performance guarantee required by Town ordinances or described in the approved improvement plan. The applicant shall not record the approved subdivision plat until such improvements are completed or guaranteed in compliance with Town ordinances and the approved improvement plan.
  - i. An approved plat not properly recorded within the timeline specified in this provision is void, unless the Planning Commission approves an extension.
- a. The Planning Commission Secretary shall submit to the Utah Geospatial Resource Center (so the subdivision can be included in the 911 database), within 30 calendar days after the application is approved, either:
  - i. An electronic copy of the approved plat; or
  - ii. Geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

### **7.8 Amendments and Lot Line Adjustments**

#### **7.8.1 Vacating or Amending a Subdivision.**

- a. The Town Council may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that describes the subdivision or the portion being vacated and recording that ordinance in the County Recorder's Office.
- b. A property owner or agent of a property owner may correct minor typographical or clerical errors in a document of record by filing with the County an affidavit or other appropriate instrument. This provision does not apply to changing the name of a subdivision, which requires a material amendment described in the following provisions.
- c. A fee owner of land in a platted subdivision may request a material subdivision amendment by filing a written petition with the Planning Commission. This petition must meet all the requirements for a subdivision application specified in Section 7.4, with the following changes:
  - i. The plat (or the record of survey map, if applicable) should:
    1. Depict only the portion of the subdivision that is proposed to be amended;
    2. Include a plat name distinguishing the amended plat from the original plat;
    3. Describe the differences between the amended plat and the original plat;



4. Include references to the original plat; and
5. Meet all the other plat requirements specified in Section 7.4(a)(ii).
- ii. The petition must additionally include the name and address of each property owner affected by the petition and the signature of each of those property owners who consents to the petition.
  1. The petitioner must include with the petition envelopes addresses to each property in the subdivision.
- iii. Upon receipt of an amendment petition, the Planning Commission (or Town staff, as delegated) shall provide notice of the petition to:
  1. Each utility provider that services a parcel of the subdivision. The Town shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers. The Town may notify the utility providers in any effective manner (email, mail, etc.).
  2. Each property owner in the subdivision. The Town shall notify these property owners by mail.
- iv. The Planning Commission shall hold a public hearing before approving an amendment petition and within 45 calendar days after the day on which the petition is submitted if:
  1. A property owner objects in writing to the amendment within 10 days of the Town notifying the property owner by mail, or
  2. Not every property owner in the subdivision has signed the revised plat.
- v. Notwithstanding Section 7.7.1(g), the Planning Commission need not hold a public hearing if notice has been given to adjoining property owners in accordance with any applicable local ordinance and the petition seeks to:
  1. Join two or more of the petitioner's contiguous lots;
  2. Subdivide one or more of the petitioner's lots;
  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 in the petition, regardless of whether the properties are located in the same subdivision;
  4. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
  5. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as a common area.
- vi. If the Planning Commission approves the amendment petition, the Planning Commission shall sign the amended plat in the manner described in Section 7.8.2(b), and the petitioner shall record the plat, subject to the completion or guarantee of any improvements, as described in Section 4 of this Chapter.

#### **7.8.2 Lot Line Adjustments.**

- a. The fee owners of two parcels may petition to adjust the lot line, or boundary separating the parcels without a subdivision amendment. Such a petition shall include:
  - i. A record of survey map and a metes-and-bounds description showing the adjustment.
  - ii. An explanation of the reason for the adjustment.
  - iii. Signatures from all the parcel owners involved in the adjustment.
  - iv. Any other information the Planning Commission requests.
- b. If the adjustment will not result in a violation of a land use ordinance or an adverse development

condition, the Planning Commission shall approve the petition.

- c. If the adjustment is approved, the Planning Commission shall sign the record of survey map and accompanying metes-and-bounds description, and the petitioner shall record the document in the County Recorder's Office.

#### **7.8.3 Parcel Consolidations.**

- a. The Town Council may approve any lot or parcel consolidation that conforms to the minimum lot sizes of the zone where the property is located and conforms to all zoning and land use regulations.
- b. The Town Council shall not approve any subdivision amendments that create a new lot.

#### **7.8.4 Re-subdivision of a lot.**

- a. Once a subdivision has been approved into individual lots, it shall be unlawful for the owner to re-subdivide such lot, even though the acreage may be sufficient, without first obtaining the approval of the Planning Commission, subject to state code requirements for amending a subdivision plat.

#### **7.9 Notice to Affected Entities.**

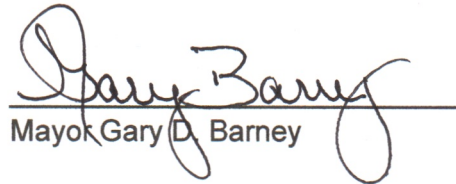
- a. Within 15 calendar days after receiving a complete subdivision application under this Part, Town Staff shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
  - i. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, Town staff shall review information:
    1. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
    2. From the state engineer's inventory of canals; or
    3. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
- b. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a subdivision application under this Chapter sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.
  - i. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.



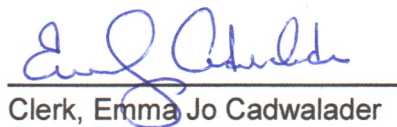
## Section 8 Effective Date

This ordinance shall be deemed effective upon adoption and posting.

Passed and adopted by the Town Council of Central Valley, Utah, this 16th day of October, 2024.

  
Mayor Gary D. Barney

ATTEST:

  
Clerk, Emma Jo Cadwalader



Voting:

David Nielson	Susan Outzen	Charles Evans	Kody Winkel
Aye <u>Nay</u>	<u>Aye</u> Nay	Aye <u>Nay</u>	<u>Aye</u> Nay

