

61 Neither the Zoning Administrator nor the Building Official shall authorize any building
62 permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use
63 fully conform to all provisions of this title.

64
65 It is unlawful for any person, or agent as defined herein to sell, offer for sale, agree to
66 sell, exchange, or otherwise convey any parcel, tract or plot of ground which is subject to
67 the provisions of Titles 16 and 17, or record in the office of the County Recorder any
68 subdivision plat, without first having complied with the provisions of Titles 16 and 17.
69 Any person violating the provisions hereof shall be guilty of a Class B misdemeanor for
70 each lot or parcel so transferred or sold, or any plat so recorded.

71
72 It is unlawful for any person, or agent as defined herein, to further divide any plot, lot, or
73 tract of land within an approved subdivision prior to obtaining the recommendation of the
74 Planning Commission and approval of the County Commission through a plat amendment
75 process. Said division is and shall be treated as a new subdivision.

76
77 It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair,
78 move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or
79 structure or cause or permit the same to be done in violation of Titles 16 and 17 or any other
80 adopted state or federal codes.

81
82 All lots, plots or tracts of land located within a subdivision shall be subject to this title,
83 regardless of whether or not the tract is owned by the subdivider or a subsequent purchaser,
84 transfer or holder of the land.

85
86 Upon the sale, transfer, or conveyance of any lot, or interest in any lot which is a part of a
87 subdivision, the subdivider shall record a deed or a notice of interest evidencing such sale,
88 transfer, or conveyance.

89
90 A building permit from Duchesne County shall be issued prior to utility companies
91 hooking up any service in Duchesne County. Said building permit is to be issued by the
92 Duchesne County Building Official to ensure compliance with all of the ordinances of Duchesne
93 County.

94
95 **Section 16.04.040 Definitions.**

96
97 The following words and phrases used in this title shall have the respective meanings
98 hereinafter set forth, unless a different meaning clearly appears from the context:

99
100 “Adjacent landowners” means any property owner of record, according to the records of
101 the County Recorder, whose property adjoins property proposed for subdivision, or any portion
102 thereof.

103
104 “Affected entity” means a county, municipality, independent special district under Title
105 17A, Chapter 2 of the Utah Code (Independent Special Districts), a local district under Title 17B,
106 Chapter 2 of the Utah Code (Local Districts), school district, interlocal cooperation entity
107 established under Title 11, Chapter 13 of the Utah Code (Interlocal Cooperation Act), specified
108 public utility or the Utah Department of Transportation, if:

109 (a). The entity’s services or facilities are likely to require expansion or significant
110 modification because of an intended use of land;

111 (b). The entity has filed with the county a copy of the entity’s general or long-
112 range plan; or

113 (c). The entity’s boundaries or facilities are within one mile of land that is the
114 subject of a general plan amendment or land use ordinance change.

115
116 “Agent,” in addition to the customary meaning, means one who has a written power of
117 Attorney and/or a real estate listing, to act in all respects for and in behalf of the owner and or
118 subdivider.

119 “Agricultural land” means a use of land through ranching and/or farming by production
120 of food or fiber or grazing and feeding of livestock or poultry.

121
122 “Appeal authority” means the person, board, commission, agency or other body
123 designated by ordinance to decide an appeal of a decision of a land use application or a variance.

124
125 “Cistern” means a small covered tank for storing water for a home or farm. Generally,
126 this tank is rainwater to be utilized for purposes other than in the potable water supply and such
127 tank is placed underground in most cases. In cases where the water will be used as the potable
128 water supply the tank and distribution lines are of a material and are installed to meet the
129 standards set forth by the Utah Division of Drinking Water.

130
131 “County” means the unincorporated area of Duchesne County, Utah.

132
133 “County B road” means all public highways, roads, and streets within the county that:
134 a. Are situated outside of incorporated municipalities and not designated as
135 state highways;
136 b. Have been designated as county roads; or
137 c. Are located on property under the control of a federal agency and
138 constructed or maintained by the county under agreement with the
139 appropriate federal agency.

140
141 “County D road” means any road, way, or other land surface route that has been or is
142 established by use or constructed to provide for usage by the public for vehicles with four or
143 more wheels that is not a Class A, Class B or Class C road as defined by the Utah Code.

144
145 “County planning office” means those persons employed by the County Commission or
146 Planning Commission, whether under direct employment or consultants under contractual
147 agreements. Offices under this title include planners, staff and secretaries.

148
149 “Culinary Water Authority” means the department, agency, or public entity with
150 responsibility to review and approve the feasibility of the culinary water system and sources for
151 the subject property.

152
153 “Dedication” means land set aside by an owner for any general or public uses, reserving
154 for himself or herself no other rights than such as are compatible with the full exercise and
155 enjoyment of the public uses to which the property has been devoted. The intention to dedicate
156 shall be evidenced by the owner by the presentment for filing of a final plat showing the
157 dedication thereof; and the acceptance by the public shall be evidenced by the approval of the
158 plat for recording by the County Commission.

159
160 “Developed area” means an incorporated area (city or town) within the County or an area
161 that has a central water system, and/or a central sewer system, paved highways and streets.

162
163 “Developer” means any entity, including a corporate person, who undertakes to develop
164 land, including subdividers.

165
166 “Development” means the improvement of any tract, lot or parcel of land by construction
167 thereon, or division thereof.

168
169 “Easement” means that portion of a lot or lots reserved or granted for the present or
170 future use by a person or agency other than the legal owner or owners of said property or
171 properties. The easement may be for use under, on the surface, or above said lots.

172
173 “Established right-of-way” means a right-of-way that has been established by deed,
174 convenience, or court order.

175

176 “Final plat” means the final drawing of the subdivision and dedication prepared for filing
177 for record with the County Recorder and in compliance with all the requirements set forth in this
178 title and adopted pursuant thereto.

179
180 “General plan” means a document that a county adopts that sets forth general guidelines
181 for proposed future development of the unincorporated land within the county.

182
183 “Land Use application” means an application required by one of the county’s land use
184 ordinances.

185
186 “Land Use authority” means a person, board, commission, agency or other body
187 designated by the local legislative body to act upon a land use application.

188
189 “Land Use ordinance” means a planning, zoning, development or subdivision ordinance
190 of the county but does not include the general plan.

191
192 “Lot” means a parcel of land comprising a unit within a subdivision or a unit of land for
193 building development or transfer of ownership, together with such yards, open spaces, lot width,
194 and area as required by this title and the zoning ordinance of Duchesne County.

195
196 “Lot line adjustment” means the relocation of the property boundary line between two
197 adjoining lots with the consent of the owners of record.

198
199 “Minor Subdivision” means the division of land into ten or fewer parcels provided that:

- 200 1. A minor subdivision survey is prepared by a professional land surveyor for
201 review and a decision by the land use authority after the required public
202 hearing;
- 203 2. Minimum lot size and other land use standards are met (or a variance
204 granted);
- 205 3. Written approval has been received from the sanitary sewer authority;
- 206 4. All parcels have public right of way access and no additional right of way is
207 required to be dedicated pursuant to the Official Map or county standards;
- 208 5. Has a water source, approved in writing by the culinary water authority;
- 209 6. No further division by minor subdivision shall be allowed within one (1) year.
210 Further division within one (1) year shall be accomplished by the standard
211 subdivision process.
- 212 7. Divisions requiring the construction of public roads, public water lines or
213 public sewer lines are not eligible for the minor subdivision process;
- 214 8. The minor subdivision survey map is recorded in the County Recorder’s
215 Office. An electronic copy of the map shall also be provided to the Recorder
216 at or before the time of recording.

217
218 “Non-potable Water” means water not safe for drinking, personal or culinary utilization
219 as determined by the culinary water authority.

220
221 “Official Map” means a map drawn by county authorities and recorded in the county
222 recorder’s office that:

- 223 a. Shows actual and proposed rights of way, centerline alignments and
224 setbacks for highways and other transportation facilities;
- 225 b. Provides a basis for restricting development in designated rights of way or
226 between designated setbacks to allow the government authorities time to purchase
227 or otherwise reserve the land; and
- 228 c. Has been adopted as an element of the county’s general plan.

229
230 “Off-site” means outside a specific parcel of land being developed or considered for
231 development.

232
233 “On-site” means within a specific parcel of land.
234

235 “Owner” means any individual, corporation, partnership, firm or association of
236 individuals, syndicate or other legal entity, however styled or designed.

237
238 “Parcel of land” means a contiguous quantity of land as assessed by a tax identification
239 number and of record.

240
241 “Person” means an individual, corporation, partnership, organization, association, trust,
242 governmental agency, or any other legal entity.

243
244 “Planned Unit Development (PUD)” means a special form of subdivision allowing for
245 diversification in the relationship of various uses permitting more flexibility in the layout of the
246 development. Mandatory for a PUD shall be the construction of a culinary water source.

247
248 “Planning Commission” means the Duchesne County Planning Commission.

249
250 “Plat” means a map or other graphical representation of lands being laid out and prepared
251 in accordance with UCA Section 17-27a-606, 17-23-17 or 57-8-13.

252
253 “Public drinking water system” means a system, either publicly or privately owned,
254 providing water for human consumption and other domestic uses which:

255
256 (a) Has at least 15 service connections, or

257
258 (b) Serves an average of at least 25 individuals daily at least 60 days out of the
259 year.

260
261 (c) Such term includes collection, treatment, storage, or distribution facilities
262 under control of the operator and used primarily in connection with the
263 system. Additionally, the term includes collection, pretreatment or storage
264 facilities used primarily in connection with the system but not under such
265 control (see 19-4-102 of the Utah State Code Annotated).

266
267 “Public hearing” means a hearing at which members of the public are provided a
268 reasonable opportunity to comment on the subject of the hearing.

269
270 “Public meeting” means a meeting that is required to be open to the public under Title 52,
271 Chapter 4 of the Utah Code (Open and Public Meetings).

272
273 “Reasonable notice” means posted notice of the hearing or meeting in at least three public
274 places within the jurisdiction and published notice of the hearing or meeting in a newspaper of
275 general circulation in the jurisdiction, if one is available, or mailed notice of the hearing or
276 meeting.

277
278 “Record of survey map” means a map of a survey of land prepared in accordance with
279 UCA Section 17-23-17.

280
281 “Road Supervisor” means the person appointed by the County Commission to be
282 responsible for the maintenance and construction of roads in Duchesne County. Also the person
283 who along with the Planning Department evaluates roads to determine if the roads have been
284 constructed to minimum County road construction specifications prior to granting a certificate of
285 acceptance for subdivision purposes. In addition to the above, the Road Supervisor, in
286 conjunction with the Planning Department, evaluates roads to be considered for inclusion on the
287 County road system. The Road Supervisor also works with the Planning Commission in
288 determining what roads and what type of improvements are needed on roads throughout the
289 County.

290

291 “Sanitary Sewer Authority” means the department, agency or public entity with
292 responsibility to review and approve the feasibility of sanitary sewer services or onsite
293 wastewater systems.

294
295 “Setback” means the distance from right-of-way line to edge of structure.

296
297 “Single tract of land” means a parcel of land, not a part of a subdivision or minor
298 subdivision that is suitable for development purposes for residential, industrial, commercial, or
299 public use.

300
301 “Specified public utility” means an electrical corporation, gas corporation, or telephone
302 corporation, as those terms are defined in Section 54-2-1 of the Utah Code.

303
304 “Streets” means: Public right-of-ways, including highways, avenues, boulevards, private
305 roads, parkways, roads, lanes, walks, alleys, viaducts, bridges, public easements and other ways
306 a public right of way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley,
307 viaduct, subway, tunnel, bridge, public easement, or other way and shall be constructed as
308 follows: A sixty-six (66) foot right-of-way with a twenty-four (24) foot travel surface with
309 three-foot shoulders on each side, except that in a PUD, trailer park, or in the residential zone, a
310 fifty (50) foot right-of-way may be used with a twenty-four (24) foot travel surface with three-
311 foot shoulders on each side. All street designations are subject to approval from the County
312 Road Supervisor, the Planning Commission, and the County Commission.

313
314 “Subdivider” means any entity, including a corporate entity, which undertakes to create a
315 subdivision.

316
317 “Subdivision” means:

318 A. Any land that is divided, resubdivided or proposed to be divided into two
319 or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether
320 immediate or future, for offer, sale, lease, or development either on the installment plan
321 or upon any and all other plans, terms, and conditions.

322
323 B. The division or development of land whether by deed, metes and bounds
324 description, devise and testacy, map, plat, or other recorded instrument.

325
326 C. The division of land for residential and nonresidential uses, including land
327 used or to be used for commercial, agricultural and industrial purposes except as provided
328 in Subsection D below.

329
330 The word “subdivide” and any derivative thereof shall have reference to the term
331 “subdivision” as herein defined.

332
333 For the purposes of these regulations, a subdivision of land shall include:

334
335 The dedication of a road, highway or street through a tract of land, regardless of area
336 which may create a division of lots or parcels constituting a “subdivision”; further division of
337 land heretofore divided or platted into lots, sites or parcels for the purpose of building
338 development, whether immediate or future.

339
340 D. “Subdivision” does not include:

341 1. A bona fide division or partition of agricultural land for
342 agricultural purposes:

343 2. A recorded agreement between owners of adjoining properties
344 adjusting their mutual boundary if:

345 a. No new lot is created: and

346 b. The adjustment does not violate applicable land use
347 ordinances:

348 3. A recorded document, executed by the owner of record,
349 consolidating the legal descriptions of more than one contiguous,

- 350 unsubdivided parcel of property into one legal description
351 encompassing all such parcels of property: or
352 4. A bona fide division or partition of land in a County other than
353 a first class County for the purpose of siting, on one or more of
354 the resulting separate parcels, an unmanned facility appurtenant
355 to a pipeline owned or operated by a gas corporation, interstate
356 pipeline company, or intrastate pipeline company or an
357 unmanned telecommunications, microwave, fiber optic,
358 electrical, or other utility service regeneration, transformation,
359 retransmission, or amplification facility.
360 5. The joining of a subdivided parcel of property to another parcel
361 of property that has not been subdivided does not constitute a
362 subdivision. Such joining is allowed only if it is consistent
363 with applicable land use ordinances.
364

365 “Transportation and circulation” means a plan, labeled “Transportation and
366 Circulation Plan,” approved by the County Commission pursuant to Section 17-27a-302(2)(b) of
367 the Utah Code as amended.
368

369 “Unincorporated” means the area outside of the incorporated area of a municipality.
370

371 “Zoning ordinance” means the zoning ordinance of Duchesne County, Utah, as adopted
372 by the County Commission and as amended.
373

373 **Chapter 16.08**

374
375 **ADMINISTRATION AND ENFORCEMENT**

376
377 **Sections:**

- 378 16.08.010 Variances and exceptions.
379 16.08.020 Plats required.
380 16.08.030 Reserved for future use.
381 16.08.040 Subdivider agreement.
382 16.08.050 Preliminary plat application fee.
383 16.08.060 Final plat application fee.
384 16.08.070 Recording fee.
385 16.08.080 Enforcement and responsibility.
386 16.08.090 Violation-Penalty.

387
388 **Section 16.08.010 Variances and exceptions.**

389
390 A. In cases where unusual topographical or other exceptional conditions exist,
391 variations and exceptions from Title 16 may be made by the County Commissioners after
392 recommendation by the Planning Commission.

393
394 B. Application Required. Application for such variance shall be submitted in writing
395 by the applicant at the time the preliminary plat is filed for the consideration of the Planning
396 Commission. The petition shall state fully the grounds for the application and all the facts relied
397 upon by the petitioner, and shall be supplemented with maps, plans or other additional data
398 which may aid the Planning Commission in analysis of the proposed project. The plans for such
399 development shall include such covenants, restrictions or other legal provisions necessary to
400 guarantee the full achievement of the plan.

401
402 C. Upon an appeal of the Planning Commission recommendation, the Board of
403 Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship
404 may result from strict compliance. In granting any variance, the Board of Adjustment shall
405 prescribe only conditions that it deems necessary to or desirable for the public interest. In making
406 its findings, as required herein, the Board of Adjustment shall take into account the nature of the
407 proposed use of land and the existing use of land in the vicinity, the number of persons to reside
408 or work in the proposed development and the probable effect of the proposed development upon
409 traffic conditions in the vicinity. No variance shall be granted unless the Board of Adjustment
410 finds:

- 411
412 1. That there are special circumstances or conditions affecting said property such that
413 the strict application of the provisions of this title would deprive the applicant of
414 the reasonable use of land.
415
416 2. That the variance is necessary for the preservation and enjoyment of a substantial
417 property right of the petitioner.
418
419 3. That the granting of the variance will not be detrimental to the public welfare or
420 injurious to other property in the territory in which said property is situated.

421
422 **Section 16.08.020 Plats required.**

423
424 Unless exempt under Section 16.12.050 or not included in the definition of a subdivision
425 under Section 16.04.040, whenever any lands are divided, the owner of those lands shall have an
426 accurate plat made of them that sets forth and describes:

- 427
428 (A) All the parcels of ground divided, by their boundaries, course and extent and whether
429 they are intended for streets or other public uses, together with any areas that are reserved
430 for public purposes; and

432 (B) The lot or unit reference, the block or building reference, the street or site address, the
433 street name or coordinate address, the acreage or square footage for all parcels, units, or
434 lots, and the length and width of the blocks and lots intended for sale.

435
436 The owner of the land shall acknowledge the plat before an officer authorized by law to
437 take acknowledgment of conveyances of real estate.

438
439 (A) The surveyor making the plat shall certify it.

440
441 (B) The County legislative body shall approve the plat as provided in this part. Before
442 the legislative body may approve a plat, the owner of the land shall provide the legislative
443 body with a tax clearance indicating that all taxes, interest, and penalties owing on the
444 land have been paid.

445
446 After the plat has been acknowledged, certified, and approved, the owner of the land shall
447 file and record it in the Duchesne County Recorder's office.

448
449 **Section 16.08.030 Reserved for future use.**

450
451 **Section 16.08.040 Subdivider agreement.**

452
453 Prior to any preliminary approval of a subdivision, the subdivider shall enter into an
454 agreement with Duchesne County as follows:

455
456 **AGREEMENT**

457
458 This agreement is made by and between _____, hereafter called
459 "Subdivider," and Duchesne County, a municipal corporation of the State of Utah.
460 Subdivider hereby acknowledges receipt of a copy of the Duchesne County Subdivision
461 Ordinance, Specifications, and Standard Drawings. Subdivider hereby acknowledges that
462 he or she has read the Subdivision Ordinance (or that an agent of the Subdivider has), and
463 that he or she understands the provisions of the Subdivision Ordinance, the
464 Specifications, and the Standard Drawings and that he or she will fully and completely
465 comply with the provisions and requirements therein contained to the best of his or her
466 ability.

467
468 Dated this _____ day of _____, _____.

469
470
471 **Subdivider/Agent**

472
473 The form of a corporate or partnership signature shall include a provision for a notary in
474 which the subdivider represents that the person signing for the corporation or partnership has the
475 authority to execute the agreement for the corporation or partnership, and a corporate seal.

476
477 **Reimbursement Agreement.** In the situation where the construction of subdivision
478 improvements would be of financial benefit to subsequent subdividers, the original subdivider
479 may draft a reimbursement agreement with the County, subject to approval by the County Road
480 Supervisor, the County Attorney, and Planning Commission, (who must recommend the same to
481 the County Commission), and the County Commission, and in accordance with all County
482 ordinances. This agreement must be submitted at the time of final plat approval. A
483 reimbursement agreement shall be made by the subdivider requesting repayment of construction
484 fees based on:

485
486 A. A pro-rated amount determined by the amount of improvement utilized.

487 B. A pro-rated amount established on an annual basis, decreasing the amount of fee to be
488 reimbursed to the original developer with a time frame not to exceed ten years.

489 Payment of construction fees shall be from any new subdivision utilizing improvements
490 provided for herein, when a reimbursement agreement exists, and shall be paid prior to final plat
491 approval of a new subdivision, to the original subdivider.
492

493 The maximum amount to be paid back to the original subdivider shall not exceed fifty
494 (50) percent of the original construction costs.
495

496 **Section 16.08.050 Preliminary plat application fee.**

497 At the time of the filing of the preliminary plat, the subdivider shall deposit with the
498 County Planning office, a nonrefundable fee made payable to Duchesne County. The County
499 Commission shall by resolution from time to time prescribe the amount of such fee, which shall
500 be for the purpose of reimbursing the County for the expense of checking and reviewing such
501 preliminary subdivision plats.
502

503 **Section 16.08.060 Final plat application fee.**

504 At the time of filing the final plat, the subdivider shall deposit with the County Planner's
505 office a nonrefundable fee made payable to Duchesne County. The County Commission shall by
506 resolution from time to time prescribe the amount of such fee, which shall be for the purpose of
507 reimbursing the County for the expense of checking and reviewing such final subdivision plats.
508

509 **Section 16.08.070 Recording fee.**

510 At the time of recording the final plat, the subdivider shall be responsible for the
511 recording fee.
512

513 **Section 16.08.080 Enforcement and responsibility.**

514
515 The County Building Official and all the administrative officials of Duchesne County
516 shall not issue any permit for the proposed erection, construction, reconstruction, alteration,
517 enlargement, conversion, or use until proof of full compliance with all the provisions of Titles 16
518 and 17 is received. No County officer shall issue any permit or license for the use of any
519 building, structure, or land when such land is part of a subdivision, as defined herein, until such
520 subdivision has been approved and recorded in the County Recorder's office. Any license or
521 permit issued in conflict with Titles 16 and 17 shall be null and void.
522

523 Nothing in Titles 16 and 17 shall prevent the restoration of a building or structure on a
524 nonconforming lot, destroyed by fire, wind storm, flood and explosion or act of public enemy or
525 accident, or prevent the continuance of the use thereof as it existed at the time of such
526 destruction, provided that restoration begins within one year of such destruction and there are no
527 life, safety and health violations.
528

529 **Section 16.08.090 Violation-Penalty.**

530 Whoever shall violate any of the provisions of Titles 16 and 17 shall be guilty of a Class
531 B misdemeanor and, upon conviction of any such violation, shall be punishable by a fine of not
532 more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six months in
533 the County jail, or by both fine and imprisonment. Additional penalties may be imposed for
534 violation of Section 17-27a-811 of the Utah Code as amended.
535
536

536 **Chapter 16.12**

537

538 **SUBDIVISION REVIEW PROCEDURES**

539

540 **Sections:**

541 16.12.010 Review procedures for a subdivision.

542 16.12.020 Public Offering Statement

543 16.12.030 Review procedure for a minor subdivision.

544 16.12.040 Reserved for future use.

545 16.12.050 Exemption from subdivision plat requirement.

546 16.12.060 Requirements for change from private to County road for subdivision
547 development.

548 16.12.070 Reserved for future use.

549 16.12.080 Phase development.

550 16.12.090 Establishment of a homeowners' association.

551

552 **Section 16.12.010 Review procedures for a subdivision.**

553

554 The County Commissioners or the Planning Commission shall use the following
555 guidelines to regulate subdivision review:

556

557 A. Phased development may be required on all subdivisions where the Commission
558 deems it best to develop the property in an orderly and feasible fashion. See Section
559 16.12.080.

560

561 B. A subdivision may be denied on the grounds that it places an undue hardship on the
562 County and the services the County provides (i.e., road maintenance, school bus routes,
563 and tax increases to other County residents due to "urban sprawl").

564

565 C. If the County Commissioners or the Planning Commission finds that the costs of
566 providing services to a subdivision would be excessive, such a finding can be the basis
567 for disapproval of a subdivision. The subdivider may then if so desired provide, that the
568 services within the subdivision would be provided by a homeowners' association,
569 additionally a subdivider may propose a homeowners' association in other situations
570 where development and the use of the subdivision would best be accomplished by such
571 an association. If the respective Commissions find that the associations can provide the
572 necessary services, the subdivision may be approved.

573

574 D. To initiate subdivision review, the following steps are necessary:

575

576 1. The subdivider contacts the County Planner's office for information
577 concerning the County subdivision requirements and compatibility with the
578 Duchesne County general plan, and discusses with staff members the
579 proposed plan of development prior to preparing any plats, plans or charts. At
580 this time the subdivider shall also submit an application for subdivision
581 approval, on a form provided by the County Planner's office. The subdivider
582 shall ensure a copy of the surveyor's license is on file with the planning
583 office.

584

585 2. The subdivider pays the preliminary plat fee.

586

587 3. The subdivider ascertains that he or she has made application or provides
588 proof of exemption with all requirements of the Utah Uniform Land Sales
589 Practices Act, (Section 57-11-1 et seq. Utah Code Annotated (1953), as
590 amended).

591

592 4. The subdivider submits the following to the County Planner's office:

593

- 594 a. Nine eleven (11) inch by seventeen (17) inch copies and one
595 twenty-four (24) inch by thirty-six (36) inch copy of the
596 preliminary plat prepared by a registered surveyor.
597
- 598 b. For a subdivision with a proposed water source or onsite waste
599 water systems, a letter from the Tri-County Health Department
600 approving both the onsite waste water system and the proposed
601 water source.
602
- 603 c. For a subdivision with electrical power available, a letter from
604 Moon Lake Electric stating that power is available and is currently
605 located within the proposed subdivision or will be extended to
606 serve the subdivision.
607
- 608 d. For any subdivision of ten lots or more, a public offering statement
609 covering all items identified in Section 16.12.020.
610
- 611 5. The County planning staff will review the documents and make
612 recommendations. Ten working days are allowed for completion of staff
613 review and to notify, by mail, adjoining property owners within designated
614 distance as established by the Planning Director. Said notice of the date,
615 time and place of the Planning Commission public hearing to consider the
616 preliminary plat must be mailed not less than three days before the public
617 hearing and be addressed to the record owner of each parcel within three
618 hundred feet of the subject property. As an alternative to mailed notice,
619 the county may post notice of the hearing on the property proposed for
620 subdivision, in a visible location, with a sign of sufficient size, durability
621 and print quality that is reasonably calculated to give notice to passers-by,
622 at least three days in advance of the hearing. Notice of a preliminary plat
623 associated with a multiple unit residential, commercial or industrial
624 development shall be provided to all affected entities.
625
- 626 6. Upon completion of the staff review, the County Planner's office will
627 place the item on the Planning Commission agenda. Health department
628 approval is mandatory prior to an item being placed on the Planning
629 Commission agenda, which means this approval must be received ten
630 working days prior to the Planning Commission meeting. In the event any
631 checklist requirement is lacking at close of business on the Friday
632 preceding the scheduled Planning Commission meeting, the Planning
633 Director shall remove the proposal from the Planning Commission agenda.
634
- 635 7. The Planning Commission will meet and review the preliminary plat and
636 take action. The subdivider or agent must attend and present the plat.
637
- 638 8. If approval is given, the subdivider then may proceed with final approval
639 by submitting nine, eleven (11) inch by seventeen (17) inch paper copies
640 and one twenty-four (24) inch by thirty-six (36) inch Mylar signed by the
641 landowners, notarized and verified by the County Records office to the
642 accuracy of the land owners to the County planner's office ten working
643 days prior to the scheduled Planning Commission meetings.
644
- 645 9. The County planning staff will review the documents and make
646 recommendations.
647
- 648 10. In addition, the subdivider submits the following to the County planner's
649 office:
650
- 651 a. Final plat fees.

652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708

- b. Checklist requirements submitted and completed. Any checklist requirement lacking, whether from the subdivider, their agent or County legal council or Road Supervisor by close of business on the Friday preceding the scheduled Planning Commission meeting, the Planning Director shall remove the proposal from the Planning Commission agenda.
11. The County Road Supervisor will inspect and upon approval either issue the planning office a letter of road approval, or
 12. The County Road Supervisor will calculate the surety required and notify both the subdivider and the County planning office.
 13. Upon approved completion of the staff review, the County Planning office will schedule the final plat for review by the County Planning Commission.
 14. Upon receipt (mandatory ten working days prior to scheduled Planning Commission meeting) of the Final Plat approval and review, the planning office submits the following to the County Attorney's office for their review and approval:
 - a. Complete improvements or provide guarantee;
 - b. Agreements including developer's title agreement if needed.
 - c. Developer's Title Agreement, shall be substantially in the following form:

Developer's title agreement

The undersigned holder of a security interest in the described real property hereby acknowledges acceptance of the subdivision, and agrees that provisions have been made to insure that purchasers of lots or parcels within the subdivision will obtain clear title to said property upon payment of the purchase price.

15. The Planning Commission will meet and review the final plat and take action. The subdivider or agent must attend and present the plat. Additionally, the subdivider is responsible to ensure the owner's dedication is properly signed and approved by the County Recorder prior to final plat approval.
16. If approval is recommended, the final plat will be signed by the Planning Commission chairperson.
17. When the Planning Commission has recommended approval of the final plat, the Planning Director will place the item on the County Commission agenda.
18. The subdivider or agent shall meet during a regularly scheduled meeting with the commissioners and present the plat along with the Planning Director to present the Planning Commission's recommendation.
19. If approval is given, the subdivider must do the following at the County offices:
 - a. Pay the following fees:
 - (i) Recording fees,

- 709 (ii) Other fees as may be enacted by the County
710 Commission;
711 b. Provide guarantee of improvements.
712
713 20. When the requirements above are met the final plat will be signed by the
714 County Commission chairperson.
715
716 21. The subdivider shall be responsible to record the final plat and the public
717 offering statement, as required, with the County Recorder within ninety (90)
718 days.
719

720 **Section 16.12.020 Public Offering Statement.**

721 Public Offering Statement of:
722 Subdivision Name
723 Company Name
724 Street Address
725 City, State
726
727

728 This Public offering statement is for information purposes only. The subdivider is responsible
729 for the accuracy and completeness. The parcels being offered are for recreational use (or
730 primary home building sites, but not both).
731

732 **Introductory Statement.** Briefly, what are the objectives of the subdivider in
733 developing this particular area?
734

735 **Farmland Assessment.** Is this subdivision qualified as land in agricultural use under
736 Title 59, Chapter 2, Part 5, Farmland Assessment? If yes, who is responsible to pay any roll
737 back taxes, when reassessed?
738

739 **Disclaimer.** The County makes no commitment to future improvements with access to
740 or within this subdivision. Any improvements beyond minimum requirements of Duchesne
741 County Subdivision Ordinance may be by special service and/or improvement districts.
742

743 **Improvements, Utilities, and Other Services.** Are there any completed roads, streets,
744 curbs, gutters, sidewalks or other improvements on the subdivided land? If yes, describe these
745 completed improvements and who is responsible for the maintenance of these improvements
746 and for their surface? Who will supply the electricity and gas to the lot owner and who pays for
747 these costs? Who is responsible for providing a sewage disposal system, is there a permit
748 required and who pays for these costs? Is culinary water presently available? If no, what will
749 be the water source and estimated costs? Is telephone service available and who is responsible
750 for paying these costs? Where are the nearest elementary and secondary schools located? Who
751 will provide for the transportation of the Children to these schools? Where are the nearest
752 medical and dental facilities? Where are the nearest fire station and police station? What is the
753 distance in miles by road from the principle surrounding cities or towns? What are the material
754 features of the subdivided lands and surrounding areas that could affect the use of the
755 subdivision?
756

757 **Deeds of Restriction, Zoning.** Are there any restrictions of record that could affect a
758 purchaser's use of the lot? If yes, what are they? Are there any zoning ordinances that could
759 affect the purchaser's use of the property, including further subdividing of their lot? If yes, what
760 are they?
761

762 **Receipt of Offering Statement**

763
764 The undersigned hereby acknowledges receipt of a copy of the above forgoing offering
765 statement for *subdivision name*.
766

767 NOTE: The receipt of offering statement shall be on a separate sheet of paper from the
768 public offering statement.

769

770 **Section 16.12.030 Review procedure for a minor subdivision.**

771

772 The Community Development Administrator is the land use authority for minor subdivisions
773 and shall act as the hearings officer for minor subdivisions. A notice of intent to act upon a
774 Minor Subdivision request shall be mailed to property owners within 300 feet of the land
775 being subdivided, said notice to be mailed at least seven days in advance of the
776 administrative decision date. The Community Development Administrator shall use the
777 standards in the definition of “minor subdivision” in making the decision to approve, approve
778 with conditions or deny the request. The Planning Commission shall serve as the appeal
779 authority for administrative minor subdivision decisions.

780

781 **Section 16.12.040 Reserved for future use.**

782

783 **Section 16.12.050 Exemption from subdivision plat requirement:**

784

785 A. A lot or parcel resulting from a division of agricultural land is exempt from the plat
786 requirements if the lot or parcel:

787

788 1. Qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland
789 Assessment

790

791 2. Meets the minimum area zoning requirements;

792

793 3. Is not used and will not be used for any nonagricultural purpose; and

794

795 4. The boundaries of each lot or parcel exempted under this Section shall be
796 graphically illustrated on a record of survey map that, after receiving the same
797 approvals as are required for a plat under UCA Section 17-27a-805, shall be
798 recorded with Duchesne County Surveyor’s office.

799

800 B. A recorded agreement between owners of adjoining properties adjusting their mutual
801 boundary if:

802

803 1. No new lot is created;

804

805 2. The adjustment does not violate the provisions of any applicable land use
806 ordinance;

807

808 3. The adjustment is approved by the Tri-County Health Department with
809 respect to domestic well and wastewater system location;

810

811 4. Access and utility easements are provided if deemed necessary by the
812 County Planning Director;

813

814 5. A record of survey is submitted to the County Planning Director for
815 review and approval.

816

817 C. A recorded document, executed by the owner of record, consolidating the legal
818 descriptions of more than one contiguous, un-subdivided parcel of property into one legal
819 description encompassing all such parcels of property.

820

821 D. A bona fide division or petition of land for the purpose of siting, on one or more of
822 the resulting separate parcels, an unmanned facility appurtenant to a pipeline owned or
823 operated by a gas corporation, interstate pipeline company, or intrastate pipeline

824 company or an unmanned telecommunications, microwave, fiber optic, electrical, or
825 other utility service regeneration, transformation, retransmission, or amplification facility.

826
827 E. The joining of a subdivided parcel of property to another parcel of property that has
828 not been subdivided, provided that the joining does not violate applicable land use
829 ordinances.

830
831 F. A minor subdivision meeting the criteria established in Section 16.12.030 of this code.

832
833 G. Exemption discretion authority is granted to the Planning Commission as allowed by
834 Utah Code Title 17-27a-806.

835
836 **Section 16.12.060 Requirements for change from private to County road for subdivision**
837 **development.**

838
839 The owner(s) of a private road connecting a subdivision proposal to an existing state
840 route, US Highway, city street or County B-road who desire to have said private road become
841 part of the County road system, shall deed the necessary sixty-six foot right-of-way to the
842 County from the existing state route, US Highway or County B-road. This is in addition to
843 signing the owner's dedication on the subdivision Mylar. Upon the Road Supervisor finding that
844 the road has been constructed to the current County minimum road specifications, and deeded to
845 the County, as ascertained by the County Attorney, then by both the Planning Commission and
846 the County Commissioners approving the subdivision, the road becomes a County B-road.

847
848 **Section 16.12.070 Reserved for future use.**

849
850 **Section 16.12.080 Phase development.**

851
852 When the Planning Commission has approved a project master plan for development, no
853 subsequent phase shall be considered until the prior phase is fifty-one (51) percent sold and
854 recorded in either a trust or warranty deed or a quit claim deed with the County Recorder, or
855 developer may furnish certified copies of real estate purchase contracts to be reviewed and
856 approved by the County Attorney; additionally, all improvements in the current phase shall be
857 completed.

858
859 **Section 16.12.090 Establishment of a homeowners' association.**

860
861 A. In the event that a homeowners' association is required to take the responsibility
862 of improvement construction and maintenance, the subdivider must establish a corporation
863 which, among other things, shall provide for the creation of a homeowners' association,
864 consisting of owners of property within the development with voting rights. Said association
865 shall be made responsible for the maintenance of the common property and facilities, including
866 open space, roadways, water supply, reservoirs, and water distribution facilities, solid waste
867 disposal facilities, and common domestic sewerage disposal facilities, and shall levy an equitable
868 assessment on the owners or occupants within the development, as determined by vote, which
869 assessment is sufficient to cover the costs of said maintenance.

870
871 B. Dedication of Common Areas and Facilities. Notation shall be made on the final
872 plat, indicating all areas, systems, and facilities to be held in common, and the use to which they
873 shall be put. The substance of said dedication shall be as follows:

874
875 **OWNERS' DEDICATION**

876
877 Know all men by these present, that we, the undersigned owners of the property
878 described in the surveyor's certificate herein, and shown on this map, have caused the
879 same to be subdivided into lots, blocks, streets, association property, and easements and
880 do hereby dedicate the _____
881 (specify the area, systems, and facilities to be owned in common)

882 To _____
883 (Name of Homeowner's Association)

884
885 A non-profit organization, and said corporation will be the owner of all streets,
886 walkways, utilities, systems, and common property, and facilities, included as part of the
887 development, and will be responsible for the maintenance of the same.

888
889 C. Taxes on Common Property. Ownership and tax liability of said open space, and
890 all buildings and structures held in common ownership, shall be assigned to the association or
891 corporation in a manner acceptable to the County Attorney, and made a part of the conditions of
892 the plan approval.

893
894 D. Additional Standards. Property development standards, or improvements in
895 excess of the minimum standards, or, improvements, as set forth in these regulations, and in the
896 zoning ordinance of Duchesne County, may be imposed as conditions of approval, where it is
897 determined by the County Planning Commission that they are necessary to insure proper
898 maintenance of the development.

899
900 E. All of the above shall conform with the provisions of the Condominium
901 Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953 as amended,
902 which provides for the payment of common expenses for the upkeep of common areas
903 and facilities.

904
905 F. All items specifically noted in the approval process cannot be amended without prior
906 approval of the Planning Commission.
907

907 **Chapter 16.16**

908

909 **PRELIMINARY PLATS**

910

911 **Sections:**

- 912 16.16.010 Preliminary consultation.
913 16.16.020 Preliminary plat filing.
914 16.16.030 Preliminary plat requirements.
915 16.16.040 Preliminary plat-Staff review.
916 16.16.050 Preliminary plat approvals.
917 16.16.060 Time limitation.
918 16.16.070 Prior construction.

919

920 **Section 16.16.010 Preliminary consultation.**

921

922 Each person who proposes to subdivide land in Duchesne County shall consult with the
923 County Director of Planning, Zoning & Community Development before preparing any plats,
924 charts or plans, in order to become familiar with the County subdivision requirements and
925 general plan for the territory in which the proposed subdivision lies, and to discuss the proposed
926 plan of development of the tract.

927

928 **Section 16.16.020 Preliminary plat filing.**

929

930 A preliminary plat shall be prepared in conformance with the standards, rules, and
931 regulations contained herein; and one eleven (11) inch by seventeen (17) inch copy and one
932 twenty-four (24) inch by thirty-six (36) inch copy (see Section 16.16.030 of this chapter) thereof
933 shall be submitted to the planning office for approval or disapproval. The preliminary plat and
934 accompanying information shall be submitted to the planning office at least ten working days
935 prior to a regularly scheduled Planning Commission meeting in order to be considered at said
936 meeting.

937

938 **Section 16.16.030 Preliminary plat requirements.**

939

940 The preliminary plat shall be drawn to a scale suitable to show sufficient detail and shall
941 be on twenty-four (24) inch by thirty-six (36) inch paper. The plat and attached documentation
942 shall show:

943

944 A. The proposed name of the subdivision (there shall be no duplication of
945 subdivision names within the unincorporated portion of Duchesne County).

946

947 B. Phased development shall include a master plan showing all future development
948 in phases and their relationship to each other. In such cases, a drawing of the prospective future
949 street system of the part submitted shall be considered in light of adjustments and connections
950 with the future street system of the larger area. The preliminary plat shall show all property
951 owned or optioned by the subdivider pertaining to the proposed subdivision at hand.

952

953 C. Sufficient information to locate accurately the property shown on the plat. The
954 nearest section corner tie must be shown.

955

956 D. The names and addresses of the subdivider, the registered surveyor of the
957 subdivision, and the owners of the land immediately adjoining the land to be subdivided shall be
958 shown on the preliminary plat.

959

960 E. Contours at intervals to show the topography of the land shall be shown.

961

962 F. The boundary lines of the tract to be subdivided, including total acreage proposed
963 for subdivision.

964

- 965 G. The location, widths, and other dimensions of all existing or platted streets and
966 other important features such as easements, railroad lines, water courses (including irrigation
967 canals and ditches), exceptional topography, bridges and buildings within or immediately
968 adjacent to the tract of land to be subdivided.
969
- 970 H. Existing power lines, sewerage, storm drains, irrigation canals, water supply
971 mains, and culverts within the tract and immediately adjacent thereto.
972
- 973 I. The locations, widths and other dimensions of proposed public streets, private
974 streets, utility easements, parks, other open spaces and lots, with proper labeling of spaces
975 dedicated to the public, or designated as private streets.
976
- 977 J. Buffer zones where noncompatible uses adjoin a proposed subdivision.
978
- 979 K. North arrow, and bar scale.
980
- 981 L. A review copy of proposed protective covenants, if applicable.
982
- 983 M. A statement of the existing zoning.
984
- 985 N. Proposed address of each lot.
986
- 987 O. Area of watershed, highlighting the resource areas of freshwater, groundwater,
988 wetlands, and salt water, showing the various storm water best management practices in a
989 systems approach.
990
- 991 P. Plans or written statements regarding the proposed storm drainage facilities and
992 other proposed special improvements such as planting and parks, and any grading of
993 individual lots.
994
- 995 Q. The proposed layout, dimensions, area, and number of each lot.
996
- 997 R. Established 66' right-of-way to existing County B road, state route or US
998 highway.
999
- 1000 S. Proposed construction, and permanent fencing along appropriate subdivision
1001 boundaries as determined by the Planning Commission. The fencing shall be as indicated in the
1002 subdivision standards.
1003
- 1004 T. The proposed Public Offering Statement, for subdivisions with ten or more lots, as
1005 outlined in Section 16.12.020 and any other items as established by the Planning Commission.
1006
- 1007 U. An approval letter from the sanitary sewer authority (Tri County Health Department)
1008 shall be on file with the planning office. The developer shall submit the following to the Tri
1009 County Health Department for their approval and approval shall be of record with the planning
1010 office ten working days prior to scheduling the preliminary plat before the Planning
1011 Commission:
1012
- 1013 1. Wherein onsite wastewater systems are proposed, the location of soil
1014 classification and percolation tests are shown proposing such use. Such location
1015 shall be indicated by "o" or a similar symbol.
1016
 - 1017 2. Wherein onsite waste water systems are proposed, the results of all final soil
1018 and percolation test results shall be shown in the box table form on, or attached to,
1019 the plat over the signature of the person qualified to perform such tasks. This may
1020 be supplemented by a soils report from the local Soil Conservation District
1021 identifying the types of soils within the proposed subdivision area and identifying
1022 any soils constraints for a subdivision.

1023 3. For any subdivision containing lots under 40 acres in size, and if a private
1024 water supply is proposed, the applicant shall submit adequate water rights and
1025 proof of water availability, flow and quality, in accordance with Section
1026 16.28.030 (C) of this code.

1027
1028 4. For any subdivision, if a public water supply is proposed, the applicant shall
1029 obtain a letter of approval from the Division of Drinking Water and Tri-County
1030 Health Department stating the water supply meets the Safe Drinking Water
1031 Standards, or a letter from the Water District ascertaining sufficient amount of
1032 culinary water for the subdivision can be provided and water lines are being
1033 installed to each lot.

1034
1035 V. Areas subject to flooding in the event of a 100-year flood as determined by an
1036 adopted flood study.

1037
1038 **Section 16.16.040 Preliminary plat-Staff review.**

1039
1040 Before scheduling preliminary plat review before the Planning Commission, plats shall
1041 be reviewed by the County Planner's office. An application for subdivision approval shall only
1042 be considered filed with Duchesne County upon the submission of all information and materials
1043 as required for a preliminary plat, as contained herein.

1044
1045 The lack of information under any item specified herein, or improper information
1046 supplied by the applicant, shall be cause to find the application incomplete, or for disapproval of
1047 a preliminary subdivision plat application.

1048
1049 **Section 16.16.050 Preliminary plat approvals.**

1050
1051 The preliminary plat shall be reviewed during a public hearing by the Planning
1052 Commission, which shall act on the plat as submitted within a reasonable time. If the preliminary
1053 plat is disapproved, the Planning Commission shall indicate its disapproval and reasons thereof.
1054 Upon the Planning Commission approval, the subdivider is authorized to proceed with the
1055 preparation of the final plat and detailed construction drawings and specifications for the
1056 improvements required in this title.

1057
1058 **Section 16.16.060 Time limitation.**

1059
1060 Approval of the preliminary plat by the Planning Commission shall be effective for one
1061 year after preliminary approval unless, upon application of the subdivider, the Planning
1062 Commission grants an extension. If the final plat is not submitted within one year, or within the
1063 approved extension period, the preliminary plat must begin anew. No more than one twelve (12)
1064 month extension shall be considered. However, preliminary approval of a large tract shall be
1065 allowed three years to completion of all phases, provided that the final plat of the first phase is
1066 submitted and approved within the one-year period. Pending preliminary plat request and plat
1067 amendments are also subject to a one-year time limitation. No request for extension shall be
1068 granted to pending preliminary plat or plat amendment request.

1069
1070 **16.16.070 Prior construction.**

1071 No excavation, grading or regarding shall take place on any land, and no building permits
1072 shall be issued, until a proposed subdivision has received final plat approval from the County
1073 Commission and the final subdivision plat has been recorded in the Office of the Duchesne
1074 County Recorder.

1075
1076

1076 **Chapter 16.20**

1077
1078 **FINAL PLATS**

1079
1080 **Sections:**

- 1081 16.20.010 Tentative final plat required.
1082 16.20.020 Final plat required.
1083 16.20.030 Final plat requirements.
1084 16.20.040 Vacating or changing a subdivision plat.
1085 16.20.050 Final plat approval.
1086 16.20.060 Dedication of Streets and Other Public Places

1087
1088 **Section 16.20.010 Tentative final plat required.**

1089
1090 Prior to the submission of the final plat, the subdivider shall submit one twenty-four (24)
1091 inch by thirty-six (36) inch plat (see Section 16.20.030 of this chapter) of the tentative final plat
1092 to the planning office, who shall check the tentative final plat against the requirements and
1093 conditions of approval of the preliminary plat.

1094
1095 **Section 16.20.020 Final plat required.**

1096
1097 After compliance with the provisions of Section 16.20.010, the subdivider shall submit a
1098 final plat twenty-four (24) inches by thirty-six (36) inches and one eleven (11) inch by seventeen
1099 (17) inch copies thereof to the planning office. The final plat and accompanying information
1100 shall be checked by the Planning Department for compliance with Titles 16 and 17. Such plat
1101 shall be submitted to the planning office at least ten working days prior to a regularly scheduled
1102 Planning Commission meeting in order to be considered at said meeting. A complete proposal is
1103 necessary to have the application placed on the Planning Commission agenda.

1104
1105 **Section 16.20.030 Final plat requirements.**

1106
1107 The final plat shall consist of a sheet of tracing Mylar at least three mil in thickness,
1108 approved by the County, to the outside trim dimensions of twenty-four (24) inches by thirty-six
1109 (36) inches, and the border line of the plat shall be drawn in heavy lines, leaving a space of at
1110 least one-half inch on the bottom, top, and right side, with at least one and one-half inches on the
1111 left side. The plat shall be so drawn that the top of the sheet faces either north or west, whichever
1112 accommodates the drawing best. All lines, dimensions, and markings shall be made on the Mylar
1113 with approved waterproof black ink. The plat shall be made to a scale suitable to show sufficient
1114 detail and the workmanship on the finished drawing shall be neat, clean and readable. The plat
1115 shall be signed by all parties duly authorized and required to sign, and shall contain the following
1116 information:

- 1117
1118 A. A subdivision name in bold letters at the top of the Mylar as approved by the
1119 Planning Director, and a vicinity map locating the subdivision.
1120
1121 B. A north point arrow, bar scale of the drawings and date.
1122
1123 C. Accurately drawn boundaries showing the proper bearings and dimensions of all
1124 boundary lines of the subdivision. These lines should be slightly heavier than street
1125 and lot lines.
1126
1127 D. The widths, lengths, bearings, (including basis of bearing), and curve data on center
1128 lines of proposed streets, and easements; the boundaries, bearing the dimensions of all
1129 portions within the subdivision as intended to be dedicated to the use of the public;
1130 the lines, dimensions, bearings, and the numbers of all lots, blocks, and parts
1131 consecutively by numbering approved by the Planning Commission. Private roads
1132 shall also be labeled. Description or notation of lands within the final plat subject to
1133 flooding as determined by an adopted flood study.

- 1134 E. Parcels of land to be dedicated as public parks or to be permanently reserved for
1135 private common open space shall also be titled “public park” or “private common
1136 open space,” whichever is applicable.
1137
- 1138 F. The standard form approved by the Planning Commission for all subdivision plats
1139 lettered for the following:
1140
- 1141 1. Legal description of the land for the subdivision.
1142
 - 1143 2. Registered professional land surveyor's “certificate of survey.”
1144
 - 1145 3. Owner's dedication certificate, including any records or other known interests.
1146
 - 1147 4. County Planning Commission's certificate of approval.
1148
 - 1149 5. Permanent address for each lot.
1150
 - 1151 6. County Commissioner's certificate of approval attested by the County Clerk.
1152
 - 1153 7. County Recorder’s certification of recording.
1154
 - 1155 8. Established 66 ft right-of-way to existing County B road or state route or U.S.
1156 highway.
1157
 - 1158 9. An affidavit from the County Treasurer showing that all taxes are current.
1159
 - 1160 10. An acknowledgment from the developer or their agent that the state of Utah
1161 Department of Business Regulation stating guidelines for the Land Sales
1162 Practices Act have been met for subdivisions having ten lots or more.
1163
 - 1164 11. A letter from the Road Supervisor approving the roads within the subdivision.
1165
 - 1166 12. The public offering statement as outline in Section 16.12.020.
1167
 - 1168 13. Title report.
1169
 - 1170 14. Any other items on the checklist as approved by the Planning Commission.
1171

1172 **Section 16.20.040 Vacating or changing a subdivision plat.**
1173

1174 Subject to reasonable notice, the County Commission may, with or without a petition,
1175 consider and resolve any proposed vacation, alteration, or amendment of a subdivision plat, any
1176 portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat.
1177

- 1178 A. If a petition is filed, the County Commission shall hold the public hearing within 45
1179 days after receipt of the Planning Commission’s recommendation under Subsection
1180 (2) if:
1181
- 1182 1. The plat change includes the vacation of a public street or alley;
1183
 - 1184 2. Any owner within the plat notifies the county of their objection in writing
1185 within ten days of mailed notification; or
1186
 - 1187 3. A public hearing is required because all of the owners in the subdivision have
1188 not signed the revised plat.
1189

1190 The Planning Commission shall consider and provide a recommendation for a proposed
1191 vacation, alteration or amendment before the County Commission takes final action.

1192 The Planning Commission shall give its recommendation within 30 days after the
1193 proposed vacation, alteration, or amendment is referred to it unless the time period is
1194 extended by agreement with the applicant.
1195

1196 Any fee owner, as shown on the last County assessment rolls, of land within the
1197 subdivision that has been laid out and platted as provided in this part may, in writing, petition to
1198 have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as
1199 provided in this section. Plat amendments shall be prepared by a surveyor licensed to do
1200 business in Utah. The surveyor shall complete a survey of the property described on the
1201 amended plat, verify all measurements and place monuments as represented on the plat.
1202

1203 Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot
1204 contained in a plat shall include:
1205

- 1206 A. The name and address of all owners of record of the land contained in the entire plat;
1207
1208 B. The name and address of all owners of record of land adjacent to any street that is
1209 proposed to be vacated, altered, or amended; and
1210
1211 C. The signature of each of these owners who consents to the petition.
1212

1213 A petition that lacks the consent of all owners may not be scheduled for consideration at a
1214 public hearing before the Planning Commission until the notice required by this part is given and
1215 the petitioner shall pay the cost of the notice.
1216

1217 Prior to the Planning Commission making a recommendation regarding an amended plat,
1218 the procedures to be followed shall be the same as outlined in Sections 16.20.030, 16.20.050, and
1219 16.28.030, including the Tri-County health department approval as outlined in Section
1220 16.16.030.
1221

1222 Said notice of the date, time and place of the Planning Commission public hearing to
1223 consider the amended plat must be mailed not less than three days before the public hearing and
1224 be addressed to the record owner of each parcel within three hundred feet of the subject property.
1225 As an alternative to mailed notice, the county may post notice of the hearing on the property
1226 proposed for amendment, in a visible location, with a sign of sufficient size, durability and print
1227 quality that is reasonably calculated to give notice to passers-by, at least three days in advance of
1228 the hearing. Notice of an amended plat associated with a multiple unit residential, commercial or
1229 industrial development shall be provided to all affected entities.
1230

1231 If the request involves the vacation, alteration or amendment of a platted street, the
1232 County Commission shall provide notice of its public hearing as follows:
1233

- 1234 A. Mail notice to the record owner of each parcel within three hundred feet of the
1235 subject property not less than three days before the public hearing;
1236 B. Mail notice to all affected entities and
1237 C. Publish notice once a week for four consecutive weeks before the hearing in a
1238 newspaper of general circulation in the county.
1239

1240 County Commission Review Process.
1241

- 1242 A. Within 30 days after the Planning Commission public hearing required by this part, or
1243 as that time period may be extended by agreement of the parties, the County
1244 Commission shall consider the petition to vacate or change a plat.
1245
1246 B. If the County Commission is satisfied that the public will not be materially injured by
1247 the proposed vacation, alteration, or amendment, and that there is good cause for the
1248 vacation, alteration, or amendment, the County Commission may vacate, alter, or
1249 amend the plat, any portion of the plat, or any street or lot.

- 1250 C. The County Commission may approve the vacation, alteration, or amendment by
1251 resolution, amended plat, administrative order, or deed containing a stamp or mark
1252 indicating approval by the County Commission.
1253
- 1254 D. The County Commission shall ensure that the vacation, alteration, or amendment is
1255 recorded in the office of the county recorder.
1256
- 1257 E. The action of the County Commission vacating or narrowing a street or alley that has
1258 been dedicated to public use shall operate to the extent to which it is vacated or
1259 narrowed, upon the effective date of the vacating ordinance, as a revocation of the
1260 acceptance thereof, and the relinquishment of the county's fee therein, but the right-
1261 of-way and easements therein, if any, of any lot owner and the franchise rights of any
1262 public utility may not be impaired thereby.
1263
- 1264 F. The name of a recorded subdivision may be changed by recording an amended plat
1265 making that change. The recording of a declaration or other document that purports
1266 to change the name of a recorded plat is void.
1267
- 1268 G. The County Commission may refuse to approve or renew any plat, subdivision plan,
1269 or dedication of any street or other ground, if deed restrictions, covenants, or similar
1270 binding agreements running with the land for the lots or parcels covered by the plat or
1271 subdivision prohibit or have the effect of prohibiting reasonably sited and designed
1272 solar collectors, clotheslines, or other energy devices based on renewable resources
1273 from being installed on buildings erected on lots or parcels covered by the plat or
1274 subdivision.
1275

1276 Lot Line Adjustments. Petitions to adjust lot lines (exchange title) between adjacent
1277 properties may be executed upon the recordation of an appropriate deed if:
1278

- 1279 A. No new lot is created;
1280
- 1281 B. The adjustment does not result in a violation of minimum area requirements and
1282 building setback requirements established in the zoning ordinance;-
1283
- 1284 C. The adjustment is approved by the Tri-County Health Department with respect to
1285 domestic well and wastewater system location;
1286
- 1287 D. Access and utility easements are provided if deemed necessary by the County
1288 Planning Director;
1289
- 1290 E. A lot line adjustment survey is submitted to the County Planning Director for review
1291 and approval.
1292
- 1293 F. A notice of approval shall be recorded in the office of the county recorder which:
1294
- 1295 1. Is executed by each owner involved in the lot line adjustment and the County
1296 Planner
1297
 - 1298 2. Contains an acknowledgement for each party executing the notice in
1299 accordance with the provisions of Title 57, Chapter 2a, Recognition of
1300 Acknowledgments Act; and
1301
 - 1302 3. Recites the legal descriptions of both the original parcels and the parcels
1303 created by the adjustment.
1304
- 1305 G. A notice of approval recorded does not act as a conveyance of title to real property and
1306 is not required for the recording of a document purporting to convey title to real
1307 property.

1308 **Section 16.20.050 Final plat approval.**

1309

1310 The final plat and associated documents shall be reviewed by the staff. The County Road
1311 Supervisor shall check the road engineering requirements of the drawing, check the road
1312 construction drawings, and determine the amount of the surety to assure construction of the road
1313 improvements where necessary. After approval and signature by the County Road Supervisor,
1314 the plat and/or surety agreement shall be submitted to the County Attorney for approval.

1315

1316 The final plat shall be reviewed by the Planning Commission, which shall act on the plat
1317 as submitted within sixty (60) days after its presentation to the commission or, if modified,
1318 within sixty (60) days of the presentation of the latest modification. The Commission shall then
1319 either approve or reject the subdivision final plat. If approved, the Planning Commission shall
1320 express its approval through the signature of the Commission chairman and shall forward the plat
1321 to the County Commission.

1322

1323 The final plat shall be reviewed by the County Commission, which shall act on the plat as
1324 submitted within sixty (60) days after its presentation to the Commissioners or, if modified,
1325 within sixty (60) days of the presentation of the latest modification. The Commissioners shall
1326 then either approve or reject the subdivision final plat.

1327

1328 No final plats shall be recorded in the office of the County Recorder, and no lots included
1329 in such final plat shall be sold or exchanged, unless and until the plat is so approved, signed, and
1330 accepted.

1331

1332 Any final plat not so approved and signed, or which shall not be offered for recording
1333 within ninety (90) days after the date of final approval, unless the time is extended by the County
1334 Commission, shall not be recorded or received for recording and shall have no validity
1335 whatsoever.

1336

1337 It is unlawful for any person to change the lines, drawings, lot sizes or shapes, or any
1338 other provision of a plat after it has been received by any person whose approval is required. Any
1339 plat that is changed in violation of this paragraph is void and the subdivider shall be guilty of a
1340 Class B misdemeanor and, upon conviction thereof, be punished by a fine of not more than one
1341 thousand dollars (\$1,000.00) or imprisonment for not more than six months, or by both fine and
1342 imprisonment. In addition the County may compel the person recording the plat to withdraw the
1343 plat from the recorder's office or to file a notice, or the County may itself file a notice that the
1344 recordation of the plat is void. The County Recorder is responsible for recording all subdivision
1345 plats. The subdivider shall be responsible for all recording and associated fees.

1346

1347 All final plats submitted for recording shall be accompanied by a disk containing the final
1348 plat drawing in an AutoCAD compatible format, such as dxf, dwg or shp.

1349

1350 **Section 16.20.060 Dedication of Streets and Other Public Places**

1351

1352 A. Plats, when made, acknowledged and recorded according to the procedures specified in
1353 this code, operate as a dedication of all streets and other public places, and vest the fee of
1354 those parcels of land in the county for the public for the uses named or intended in those
1355 plats.

1356

1357 B. The dedication established by this section does not impose liability upon the county for
1358 streets and other public places that are dedicated in this manner but are unimproved.

1359

1360

1360 **Chapter 16.24**

1361
1362 **DESIGN STANDARDS**

1363
1364 **Sections:**

- 1365 16.24.010 Relation to adjoining street system.
1366 16.24.020 Streets.
1367 16.24.030 Lots.
1368 16.24.040 Easements.
1369 16.24.050 Vistas-Restrictive covenants.

1370
1371 **Section 16.24.010 Relation to adjoining street system.**

1372
1373 The arrangement of streets in a new subdivision shall make provisions for the
1374 continuation of the existing streets in adjoining areas (or their protection where adjoining land is
1375 not subdivided), insofar as such may be deemed necessary by the Planning Commission for the
1376 public welfare. The street arrangement shall not cause unnecessary hardship to owners of
1377 adjoining property when they plat their own land and seek to provide for convenient access to it.
1378 All subdivisions shall be connected by a road to an existing County B road or to a state road for
1379 access to the subdivision. All subdivision roads shall have an access road constructed to B road
1380 specifications, accessing each lot (to and through), with the exception of a minor subdivision.

1381
1382 **Section 16.24.020 Streets.**

1383
1384 A. All streets shall be twenty-four (24) feet of travel surface with a three-foot
1385 shoulder on each side within a sixty-six (66) foot wide right-of-way, except that PUDs, mobile
1386 home parks, and within the residential zones (R-1 and R-1/2), roads may be twenty-four (24) feet
1387 of travel surface with a three-foot shoulder on each side within a fifty (50) foot wide right-of-
1388 way. A one-way single lane street shall be sixteen (16) feet travel surface with a three-foot
1389 shoulder on each side within a fifty (50) foot right-of-way. All proposed subdivision streets in
1390 the R½ and Commercial zones shall be paved and provided with curb, gutter and sidewalks
1391 meeting county standards. All proposed subdivision streets in the R-1 and Industrial zones shall
1392 be paved to county standards. All proposed subdivision streets in the A-2 ½ and A-5 zones shall
1393 be paved unless a variance is granted by the County Commission (on recommendation of the
1394 Planning Commission), taking into consideration location, lot size, distance to existing paving,
1395 anticipated traffic flows and undue hardship.

1396
1397 1. Minor terminal streets (cul-de-sacs) shall be no longer than the maximum
1398 length established for each zone. Note: Road loops within the subdivision are exempt,
1399 however; all spurs count towards the maximum length.

1400
1401 a. Residential zone (R-1/2), one thousand three hundred twenty
1402 (1,320) feet;

1403
1404 b. Residential rural zone (R-1), two thousand six hundred forty
1405 (2,640) feet;

1406
1407 c. Two and one-half acre agricultural zone (A-2.5), three thousand
1408 nine hundred eighty (3,980) feet;

1409
1410 d. Agricultural zone (A-5), five thousand two hundred eighty (5,280)
1411 feet;

1412
1413 e. Agricultural (A-10) zone, no limit providing there is a one hundred
1414 (100) foot diameter travel surface turnaround bubble every two
1415 thousand six hundred forty (2,640) feet within a one hundred
1416 twenty (120) foot wide right-of-way easement recorded.

1417
1418 2. Where a street is designed to remain only temporarily as a dead-end street,

1419 an adequate turning area shall be provided.

1420

1421 3. Where a street dead-ends into a subsequent phase of the same subdivision,
1422 a temporary, graveled one hundred (100) foot diameter (one hundred twenty (120) foot
1423 right-of-way) turnaround and an easement of right-of-way on the property shall be
1424 required.

1425

1426 B. Intersections. The intersection of more than two streets at one point shall be
1427 avoided. Streets shall intersect at a ninety (90) degree angle, where practical.

1428

1429 C. Standard Street Sections. All proposed streets, whether public or private, shall
1430 conform to the County street cross section standards as now or hereafter adopted by the County.

1431

1432 D. Street Grades. Street grades over a sustained length shall not exceed the following
1433 percentages: on arterial streets eight percent; on collector streets ten percent. Street grades shall
1434 be a minimum of 0.5 percent except as allowed by the County Planning Commission. The cross
1435 slope of the street cross section is defined in the standard drawings. Slight variations from these
1436 requirements may be approved by the County Planning Commission.

1437

1438 E. Bridges. Design and construction of new bridges, whether essential for the overall
1439 circulation plan of the County or required only to serve a subdivision, shall be approved in
1440 advance by the Road Supervisor.

1441

1442 F. Reimbursement Agreement. In the situation where the construction of a
1443 subdivision street would be of financial benefit to subsequent subdividers, enabling access to a
1444 subdivision without road construction and dedication, the original subdivider may draft a
1445 protection reimbursement agreement with the County, subject to and in accordance with Section
1446 16.08.040 of this title.

1447

1448 G. Excavations and Fills. Subdivision development adjacent to a natural drainage
1449 channel, or within any marsh or wetlands which will result in any discharge of excavated fill
1450 materials, may require obtaining a permit from the U.S. Army Corps of Engineers prior to the
1451 issuance of local permits for the deposition of fill material into any wetland or stream channel.
1452 This determination shall be made as part of the preliminary plat staff review.

1453

1454 H. Private Roads. In a subdivision where a homeowners' association will be
1455 responsible for road construction and maintenance, the minimum requirement for road
1456 construction shall be: twenty-four (24) foot road travel surface with a three-foot shoulder on
1457 each side within a sixty-six (66) foot right-of-way. Said road shall be the same specifications as a
1458 County B road.

1459

1460 I. Culvert Requirements. The minimum requirement for culverts on road
1461 construction is fifteen (15) inches by thirty (30) foot length.

1462

1463 J. Street Signs. Street or road signs, designed to a standard acceptable to the County
1464 Public Works Department, shall be installed at all street or road intersections at the expense of
1465 the developer.

1466

1467 **Section 16.24.030 Lots.**

1468

1469 A. The lot arrangement and design shall be such that the lots will provide satisfactory
1470 and desirable sites for buildings, and be properly related to topography and to
1471 existing and probable future utilities, rights-of-way, and other requirements.

1472

1473 B. Each lot shall have frontage on a public street dedicated by the subdivision plat, or
1474 an existing publicly dedicated street which has not become public by the right of use
1475 and is at least twenty-four (24) feet wide travel surface with three-foot shoulders on
1476 each side.

- 1477 C. Buildings constructed on corner lots shall comply with the minimum setback for
1478 both streets, as provided in the County zoning ordinance.
1479
- 1480 D. Side lines of lots shall be at approximately right angles to the street line, or radial to
1481 the street line.
1482
- 1483 E. Remnants of lots less than the minimum size required by the zoning ordinance after
1484 the subdividing of a larger tract shall be added to adjacent lots rather than allowed to
1485 remain as unusable parcels. In no event shall the subdivision of land create a lot
1486 which does not conform to the zoning ordinance requirements of Duchesne County.
1487
- 1488 F. Lots shall not exceed a ratio of five to one length to front. This standard is waived if
1489 the lot frontage width is $1/32^{\text{nd}}$ of the Section width or greater.
1490
- 1491 G. No lot shall be bisected by a road or stream in subdivisions with lot size less than
1492 twenty (20) acres minimum.
1493

1494 **Section 16.24.040 Easements.**
1495

1496 Easements for culinary water, sewerage, power, irrigation water, storm water drainage,
1497 and other utilities shall be provided by the subdivider and designated on the plat as required to
1498 accommodate the utility systems in the subdivision. Where natural drainage channels, interceptor
1499 systems, or flood zones cross the subdivision, the subdivider must obtain the necessary permits
1500 to modify such drainage facilities, and shall designate the channels, systems, or flood zones, and
1501 any associated restrictions, on the plat.
1502

1503 **Section 16.24.050 Vistas-Restrictive covenants.**
1504

1505 Any subdivision to take place in Duchesne County within direct sight from any federal,
1506 state highway or County road, or any other location that the Planning Commission believes
1507 would have significant impact by reason of the public view, shall, prior to acceptance of the
1508 preliminary plat from the Planning Commission, have drafted ample restrictive covenants to
1509 protect the view. If aforesaid covenants are not ample, in the opinion of the Planning
1510 Commission, to protect the scenic vistas existing in the proposed area, the commission may deny
1511 said subdivision proposal. Aforesaid denial postpones preliminary plat approval until such time
1512 as acceptable covenants are drafted. At such time as restrictive covenants are drafted to protect
1513 the public vista in the proposed subdivision, the Planning Commission may approve such
1514 subdivision approval. At the time the subdivider can present evidence that the accepted
1515 covenants are binding upon the proposed property the Planning Commission may proceed with
1516 final plat approval.
1517
1518

1518 **Chapter 16.28**

1519
1520 **IMPROVEMENTS**

1521
1522 **Sections:**

- 1523 16.28.010 Application of improvements required.
1524 16.28.020 Improvements made prior to recording final plat.
1525 16.28.030 Improvements required.
1526 16.28.040 Water users association compliance.
1527 16.28.050 Guarantee of improvements.

1528
1529 **Section 16.28.010 Application of improvements required.**

1530
1531 This title applies to all property owners located in any subdivision, whether standard or
1532 minor. Its provisions shall apply to all transferees, assignees, or purchasers.

1533
1534 **Section 16.28.020 Improvements made prior to recording final plat.**

1535
1536 The improvements required by Titles 16 and 17 shall be constructed, installed, and
1537 maintained by the subdivider until acceptance by Duchesne County prior to recording the final
1538 plat in the office of the County Recorder, unless the construction, installation, and maintenance
1539 is guaranteed in the manner provided in Section 16.28.030 of this chapter. Improvements shall
1540 not be installed or constructed until their location and specifications have been approved by the
1541 County Road Supervisor.

1542
1543 **Section 16.28.030 Improvements required.**

1544
1545 The owner of any land in or platted as a subdivision shall install the following
1546 improvements in compliance with the specifications contained in the technical specifications and
1547 standard drawings:

- 1548 A. Street Grading and Surfacing. All streets shall be surfaced, graded and maintained
1549 in accordance with the standards and specifications of Duchesne County.

1550
1551 No developer or agent shall sell, exchange, or offer for sale, any subdivided lot in the
1552 proposed development, nor shall approval be given until one of the following conditions
1553 are met:

- 1554 1. All roads into and within a subdivision are completed to County B
1555 road specifications, including the standards of Section 16.24.020 of this code (to
1556 and through) and approved by the County Road Supervisor.

- 1557
1558 a. If existing B roads accessing the proposed development are not
1559 up to the present County minimum standards a need for road
1560 improvement is being created by the developer, therefore, if the
1561 road is not on the County road improvement schedule, the
1562 developer can either upgrade the County road or any other road
1563 to County specifications accessing the site, or wait for the
1564 County to improve the existing B road as per their maintenance
1565 schedule.

- 1566
1567 b. A cost estimate of said road construction, approved by the
1568 County Road Supervisor, shall be submitted. A bond or other
1569 surety acceptable to the County, as outlined in Section
1570 16.28.050 of this chapter, shall be in place to cover at least one
1571 hundred twenty-five (125) percent of the costs of road
1572 construction, thereby guaranteeing the installation of said
1573 roads.

1574
1575

1576 B. Lot Sizes 40 Acre or Larger. All subdivisions with lot sizes 40 acres or larger shall
1577 have a potable water source, which may include hauled water and cistern storage, as
1578 approved by the culinary water authority.
1579

1580 C. Lot Sizes Less Than 40 Acres. All subdivisions with lot sizes less than 40 acres
1581 shall have an approved water source and/or an approved water system. Hauled water and
1582 cistern storage is not allowed. The developer / subdivider shall provide and comply with
1583 the following.
1584

1585 1. Evidence that the applicant has the legal right to use water under a
1586 valid water right whether owned by the applicant or by contract, or
1587 other type of legal documentation, allowing the applicant to use water
1588 as proposed. The water rights must be sufficient to meet the
1589 anticipated yearly demand and peak day demand of the system.
1590

1591 2. Evidence that wells proposed as water sources can be adequately
1592 isolated from all present or potential sources of pollution.
1593

1594 3. If individual wells are proposed as sources of supply for each
1595 subdivision lot, or if non-public water supply wells are proposed to
1596 serve several lots, a statement from the culinary water authority must
1597 be submitted indicating the feasibility of obtaining ground water
1598 suitable in quantity and quality to serve the proposed residences
1599 throughout the subdivision area. The Tri-County Health Department
1600 serves as the culinary water authority in this case.
1601

1602 4. If individual or non public springs are proposed as sources of supply
1603 for a single or several subdivision lots, the quantity, quality and legal
1604 right for each source must be determined and proven in the same
1605 manner as required for public water systems, and the information must
1606 be submitted for review, Subdivision lots must be large enough to
1607 permit required separation of culinary springs from present and
1608 potential pollution.
1609

1610 D. Public Water Supply System. For subdivisions with proposed Public
1611 Water Supply System, the subdivider shall install water lines to make the
1612 water supply available to each lot within the subdivision, including laterals
1613 to the property line of each lot. The location of the water mains shall be
1614 approved by the County Road Supervisor. Subdivision water lines shall
1615 be a minimum of eight inches in diameter and service laterals shall be a
1616 minimum of three-fourths inch in diameter. All water lines must be
1617 extended across the entire frontage of all existing streets and to the
1618 boundary of the subdivision on all existing or proposed streets (where
1619 applicable). All systems shall be installed to meet the minimum standard
1620 designs for drinking water.
1621

1622 E. Minimum Standards for water systems. Water systems shall be designed
1623 in compliance with this code and Utah Administrative Rule R309-550.
1624

1625 1. Approval for Plans and Specifications for Public Water Supply
1626 Projects.
1627

1628 a. The Executive Secretary with the State Of Utah Division of
1629 Drinking water must approve, in writing, all engineering
1630 plans and specifications for public drinking water projects
1631 prior to construction.
1632

1633 b. Operating permits shall be obtained by the public water
1634 system prior to placing any public drinking water facility

1635 into operation as required in R309-500-9 Division of
1636 Drinking water program.

1637
1638 2. Water Main Design. The distribution system shall be designed to
1639 PSI (at ground level) at all points of connection, under all
1640 conditions of flow, but specially during peak day flow conditions,
1641 including fire flows.

1642
1643 3. Source Sizing, Peak day demand and Average Yearly Demand.
1644 Sources shall legally and physically meet water demands under
1645 two separate conditions. First they shall meet the anticipated water
1646 demand on the day of highest water consumption. This is referred
1647 to as the peak day demand, Second, they shall also be able to
1648 provide one years supply of water, the average yearly demand.

1649
1650 4. Minimum Water Main Size. For water mains not connected to fire
1651 hydrants the minimum line size shall be 4-inch diameter. Minimum
1652 water main size serving a fire hydrant lateral shall be 8-inch
1653 diameter.

1654
1655 5. Fire Protection.

1656
1657 a. The design of the distribution system shall be consistent
1658 with the current fire code adopted by Duchesne County. As
1659 specified in this code, minimum fire flow requirements are:

1660
1661 (i) 1000 gpm for one-and two-family dwellings with an
1662 area of less than 3600 square feet.

1663
1664 (ii) 1500 gpm or greater for all other buildings.

1665
1666 b. The location of fire hydrants shall be determined by the
1667 Duchesne County Fire and Emergency Management
1668 Supervisor. Spacing between fire hydrants shall be no
1669 greater than 1000 feet.

1670
1671 c. An exception to the fire protection requirements of (a) and
1672 (b) may be granted if a suitable statement is received by the
1673 local fire protection authority.

1674
1675 d. Water mains not designed to carry fire flows shall not have
1676 fire hydrants connected to them.

1677
1678 e. The design engineer shall verify that the pipe network
1679 design permits fire flows to be met at representative
1680 locations while a minimum pressure of 20 psi is maintained
1681 at all times and at all points in the distribution system.

1682
1683 F. Sewerage Collection. For subdivision with proposed Sewage Collection, the
1684 subdivider shall connect to the sanitary sewerage and provide adequate lateral lines to the
1685 property line of each lot. Such sewerage connections and subdivision sewerage systems
1686 shall comply with the regulations and specifications of, and shall be approved by the
1687 sanitary sewer authority (Tri-County Health Department). Subdivision sewerage lines
1688 shall be a minimum of eight inches in diameter, and one four-inch diameter line shall be
1689 installed for each residential unit. All sewerage lines must be extended across the entire
1690 frontage of all existing streets and to the boundary of the subdivision of all existing or
1691 proposed streets (where applicable).

1692
1693 G. Storm Water. The subdivider shall properly dispose of storm water. If easements

1694 are required across abutting property to permit drainage of the subdivision, it shall be the
1695 responsibility of the subdivider to acquire such easements. The minimum size storm drain
1696 shall be fifteen (15) inches, where applicable. For subdivisions other than minor
1697 subdivisions, an engineer's report shall be required.

1698
1699 H. Monumentation. Subdivisions shall be surveyed according to the provisions of
1700 the Utah Code Annotated and recorded with the County Surveyor. Survey monuments
1701 shall be accurately set and established at angle positions on the subdivision boundary.

1702
1703 1. Each lot corner shall be staked with a minimum monument of a
1704 one-half inch by eighteen (18) inch iron rod, or permanently placed plug where
1705 applicable.

1706
1707 2. Any public land survey corners used shall be indicated on the plat.
1708 The plat shall give the location and description of each public land survey corner
1709 used, for the survey of the subdivision.

1710
1711 3. Staking of all lots shall be completed immediately following the
1712 approval of the subdivision plat by the Planning Commission. All permanent
1713 survey monuments shall remain in place, or be reset at the subdivider's expense,
1714 and all subdivision plats shall be tied to a section corner of record.

1715
1716 4. Minor corrections may be performed to correct survey errors if the
1717 following criteria are met:

- 1718 a. Such correction shall not violate the zoning established in
1719 the area.
1720 b. Lots shall not be added or subtracted from the plat.
1721 c. The existing general configuration of lots does not change.

1722
1723 I. Potable and Non-potable Water Systems. It is illegal for any person to
1724 connect together a culinary water system and a non-potable water system by any method.

1725
1726 J. Fire Hydrants. Fire hydrants shall be installed. Such fire hydrants shall be
1727 of a type, size, and number as adopted by the County fire marshal and installed in such
1728 locations as approved by the County Fire Marshal. A fire hydrant shall also be placed at
1729 the end of every cul-de-sac in which the water line dead-ends (where applicable).

1730
1731 K. Fencing of Subdivisions. A fencing of material acceptable to the Planning
1732 Commission shall be installed to a height acceptable to the Planning Commission, along
1733 all boundaries with the properties adjacent to the subdivision where adjacent uses are
1734 found to be noncompatible by the Planning Commission.

1735
1736 L. Public Offering Statement. Any subdivision, with the exception of a
1737 minor subdivision, shall be required to provide a complete public offering statement as
1738 outlined in Section 16.12.020.

1739
1740 M. Title Report. A complete title report shall be provided on all subdivisions.
1741 Said reports shall be submitted to the County planning office at the time of final plat
1742 submission.

1743
1744 N. Special Road Improvement. Land owners desiring road improvements
1745 beyond minimum requirements specified herein shall create special service and/or
1746 improvement districts within their subdivision per Utah Code.

1747
1748 **Section 16.28.040 Water users association compliance.**

1749
1750 Subdividers are required to declare any irrigation company involved on all subdivision
1751 proposals and furnish a development plan (if an irrigation company is involved) to cover the
1752 following:

1811 Duchesne County shall certify such fact to the escrow holder, and the escrow holder shall release
1812 to the subdivider any money still held in the escrow account, and the escrow holder shall be
1813 discharged of its obligation to Duchesne County.
1814
1815

(Authorized Signature)

1816
1817 The escrow agreement may contain such additional provisions as the parties deem necessary.
1818

1819 B. Irrevocable Letter of Credit. The subdivider shall file with Duchesne County an
1820 irrevocable letter of credit from a duly chartered state or national bank or savings and loan
1821 institution, which letter shall contain provisions substantially similar to that required in the
1822 escrow agreement. The form of the irrevocable letter of credit shall be substantially as follows:
1823

1824 Name of Bank
1825 Address

IRREVOCABLE LETTER OF CREDIT

1827
1828 To: Duchesne County Date: _____
1829 Letter of Credit No.: _____

1830 Gentlemen:
1831

1832 We hereby establish our irrevocable letter of credit in your favor for the account of
1833 (insert name of subdivider, subdivider's address) up to the aggregate amount of \$_____ (insert
1834 amount available by your draft(s) drawn on sight on _____ (insert name of bank,
1835 address of bank), accompanied by _____ (here insert terms which give Duchesne
1836 County control over payments). The terms would ordinarily read:
1837

1838 A statement signed by the officer of Duchesne County dated not later than
1839 (insert estimated completion date plus a couple of month leeway) as follows:
1840

1841 We certify that the on-site improvements related to the _____ (insert name of
1842 subdivision) have not been completed in accordance with County ordinances and that this
1843 drawing represents the amount necessary to complete those on-site improvements.

1844 We hereby agree with drawers, endorsers and bona fide holders that all drafts under and in
1845 compliance with the terms of this credit will be duly honored upon presentation and delivery of
1846 documents as specified to the drawee or drawn and presented for negotiation on or before
1847 (insert completion date as set forth) at our bank.
1848

1849
1850 Yours very truly,
1851
1852

Authorized Bank Officer

1853
1854
1855
1856 Upon completion and written acceptance of the road improvements guaranteed by the
1857 Irrevocable Letter of Credit, the County shall release its interest in 90% of the guarantee, with
1858 the remaining 10% held for two winters. Two winters after acceptance, if the road
1859 improvements continue to meet county standards, as determined by the County Public Works
1860 Department, the county will release its interest in the 10% guarantee. Upon completion and
1861 written acceptance of the water or sewer system improvements, the county shall release its
1862 interests in the entire letter of credit.
1863

1864 C. Bond. The subdivider shall furnish and file with the County planner a bond with
1865 corporate surety in an amount equal to one hundred twenty-five (125) percent of the cost of the

1866 improvements not previously installed, as estimated by an engineer or licensed contractor and
1867 approved by the County Road Supervisor to assure the installation and construction of such
1868 improvements within twelve (12) months immediately following the approval of the subdivision
1869 plat by the commissioners, which bond shall be approved by the commissioners and County
1870 Attorney. Upon completion and written acceptance of the road improvements guaranteed by the
1871 bond, the County shall release its interest in 90% of the bond, with the remaining 10% held for
1872 two winters. Two winters after acceptance, if the road improvements continue to meet county
1873 standards, as determined by the County Public Works Department, the county will release its
1874 interest in the 10% bond. Upon completion and written acceptance of the water or sewer system
1875 improvements, the county shall release its interests in the entire bond.

1876
1877 D. Improvement Guarantee Required. If the subdivision improvements are completed
1878 and accepted prior to final plat approval, an improvement guarantee of ten percent of the actual
1879 road construction cost shall be deposited with Duchesne County. Two winters after acceptance,
1880 if the road improvements continue to meet county standards, as determined by the County Public
1881 Works Department, the county will release its interest in the 10% bond.

1882
1883
1884 **SECTION 2. Severability.**
1885 If any court of competent jurisdiction declares any Section of this Ordinance invalid, such
1886 decision shall be deemed to apply to that Section only, and shall not affect the validity of the
1887 Ordinance as a whole or any part thereof other than the part declared invalid.

1888
1889 **SECTION 3. Effective Date.**
1890 This Ordinance shall become effective immediately upon passage.

1891
1892 DATED this 31st day of October, 2005

1893
1894 ATTEST:

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

1895
1896
1897
1898
1899 _____
1900 Diane Freston
1901 County Clerk/Auditor

1899 _____
1900 Larry S. Ross, Chairman

1901
1902
1903 _____
1904 Kent Peatross, Member

1905
1906
1907 _____
1908 W. R. Rod Harrison, Member

1909
1910 As amended by Ordinance No. 08-260, March 17, 2008