

ORDINANCE NO. 70-1

ORDINANCE PROVIDING FOR MINIMUM STANDARDS RELATING TO THE
PLATTING AND RECORDING OF SUBDIVISIONS OF LAND IN THE UNINCORPORATED
AREA OF DAGGETT COUNTY, STATE OF UTAH.

THE BOARD OF COMMISSIONERS OF DAGGETT COUNTY, UTAH,
ORDAIN AS FOLLOWS:

Section 1. GENERAL PROVISIONS.

A. The underlying purpose and intent of this Ordinance is to promote the health, safety, convenience and general welfare of the inhabitants of Daggett County in the matter of subdivision of land and related matters affected by such subdivisions.

B. Any proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area concerned and the subdivider shall present evidence to this effect when requested to do so by the Board of Commissioners.

C. In cases where unusual topographical or other exceptional conditions exist, variations and exceptions from this Ordinance may be made by the Board.

Section 2. SCOPE OF ORDINANCE.

A. No persons shall subdivide any tract of land which is located wholly or part in the incorporated limits of the County except in compliance with this Ordinance.

B. No person shall subdivide any tract of land which is located wholly or in part within the corporate limits of the County, nor shall any person sell, exchange, or offer for sale or purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land nor shall any person offer for recording any deed conveying such a parcel of land or any interest therein unless he shall first have or cause to have made a plat thereof, which plat shall be recorded before such sale or exchange is effected, and which shall be in accordance with all the requirements of this Ordinance.

Section 3. DEFINITIONS.

The following words and phrases used in this Ordinance shall have the respective meanings hereinafter set forth:

A. Subdivision. The subdivision as used in this Ordinance is hereby defined as the division of a tract or parcel of land into three (3) or more parts for the purpose whether immediate or future of sale or of building development; provided that if any one person within one calendar year divides any tract into three or more parts, such land shall be deemed a subdivision within the meaning of this Ordinance. Providing, however,

that this definition of a subdivision shall not include a bona fide division or partition of agricultural land in parcels of more than one acre for other than development purposes, nor shall it include the division of property dedicated to public use; nor shall it include or apply to the allocation of land in the settlement of an estate, or a court decree for the distribution thereof.

B. County. Daggett County, Utah.

C. Board of Commissioners or Board. The Board of Commissioners of Daggett County, Utah.

D. Lot. A parcel of land comprising a unit within a subdivision.

E. Parcel of land. "Parcel of Land" shall mean a contiguous quantity of land, in the possession of, or owned by or recorded as the property of the same claimant or person.

F. Person. Any individual, corporation, partnership, firm or association of individuals however styled or designated.

G. Planning Commission. The Daggett County Planning Commission.

Section 4. PLANNING COMMISSION.

Until such time as a Planning Commission is created and is serving, the Board of Commissioners shall act as the Planning Commission.

Section 5. PRE-APPLICATION SKETCH PLAN.

A. Each person who proposes to subdivide land shall become familiar with the County's subdivision requirements and existing master plans for the territory in which the proposed subdivision lies.

Preliminary sketches shall be prepared for review by the Planning Commission prior to submission of the preliminary plat. Two (2) such sketches shall be submitted on a topographic base map showing the relationship to proposed traffic arteries, existing arteries, shopping areas, schools, parks, church, etc.

Section 6. PRELIMINARY PLAN FILING.

A. A preliminary plan shall be prepared in conformance with the standards, rules and regulations contained herein and eight black and white prints thereof shall be submitted to the Planning Commission for approval or disapproval. One print shall be delivered by the Planning Commission to each of the following for their information and recommendation: District school board, utility companies furnishing telephone, electric and other such service and any other County or Town department considered necessary.

B. Preliminary plan application fee. At the time of filing the preliminary plan, the subdivider shall deposit with the County Clerk a non-refundable fee made payable to the County. The Board shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the County for the expense incidental to checking and approving of such subdivision plans and

improvements.

C. Preliminary plan requirements. The preliminary plat shall be prepared on tracing paper 21" x 30" and shall include the following information:

a. Proposed name of subdivision.

b. The location of the subdivision including the address, section, township and range and a metes and bounds description.

c. The names and addresses of the subdivider the engineer or surveyor of the subdivision and the owners of the land immediately adjoining the land to be subdivided.

d. The boundary lines of the tract to be subdivided.

e. The location, width and other dimensions of all existing or platted streets and other important features, such as railroad lines, water courses, exceptional topography and buildings within or immediately adjacent to the tract to be subdivided.

f. Existing sewer lines, storm drains, water supply mains, water wells and culverts within the tract or immediately adjacent thereto.

g. The location, width and other dimensions of all proposed streets, private access rights-of-way, alleys, utility easements, parks, other open spaces and lots, with proper labelling of spaces to be dedicated to the public, or designated as private streets or private access rights-of-way.

h. Names of subdivisions or owners of property adjoining the proposed subdivision.

i. All property under control of the subdivider, even though only a portion is being subdivided. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted and the street system of the part submitted shall be considered in the light of existing major street plans or other Planning Commission studies.

j. All existing streets in or within 200 feet of the subdivision and their names and numbers.

k. Appropriate contour lines.

l. North point scale and date.

m. Proposed lots, numbered and dimensioned.

n. Plans or written statements regarding the width and type of proposed hard surfacing, location, size and type of proposed sanitary sewers, proposed water mains and hydrants and other proposed utilities, proposed storm water drainage facilities and improvements such as sidewalks, curbs and gutters shall be submitted with the preliminary plan.

D. Preliminary plan approval. Following a review of the preliminary plan, the Planning Commission shall act on the plan as submitted or modified. If approved, the Planning Commission shall express its written approval with whatever conditions are attached by returning one (1) copy of the preliminary plan, signed by the Chairman of the Planning Commission, to the subdivider. If the preliminary plan is disapproved, the Planning Commission shall indicate its disapproval in writing and reasons therefor by similarly signed copy. Notification of approval of the preliminary plan shall be authorization for the subdivider to proceed with the preparation of the final plat and specification for the minimum improvements required.

E. Time limitations. Approval of the preliminary plan by the Planning Commission shall be valid for a maximum period of one year after such approval unless, upon application of the subdivider, the Planning Commission grants an extension. If the final plat has not been submitted within the one year or approved extended period, the preliminary plan must again be submitted to the Planning Commission for re-approval; however, preliminary approval of a large tract shall not be voided provided that the final plat of the first section is submitted for final approval within the one year period.

Section 7. FINAL PLAT REQUIREMENTS.

A. The final plat shall consist of a sheet of approved tracing linen to the outside or trim dimensions of 20" x 20 1/2" and the border of the plat shall contain no drawing or lettering, leaving a space of at least 1 1/2" from the margin on the left hand side of the sheet for binding, and not less than 1/2" margin, in from the outside of trim line around the other three sides or edges of the sheet. The plat shall be so drawn that the top of the sheet either faces North or West, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on the tracing linen with approved water-proof black "India Drawing Ink". The actual map drawn shall be made on a scale large enough to clearly show all details and the workmanship on finished drawing shall be neat, clean-cut and readable. The subdivider must also furnish, in addition to the original plat or drawing, an approved and acceptable reproduction of the original plat or drawing made on tracing linen, and to the same dimension and size as the original or he shall furnish two (2) original drawings, as above provided. The printing or reproduction process used shall not incur any shrinkage or distortion and the reproduced tracing furnished shall be of good quality to true dimensions, clear and readable and in all respects comparable to the original plat or drawing so that the lines, dimensions and markings will not rub off or smear. Both of the tracings, whether two originals or one original and a reproduction, shall be signed separately by all parties duly authorized and required to sign and the final drawings or plats shall contain the following information:

1. A subdivision name, approved by the Daggett County Recorder, and the general location of the subdivision in bold letters at the top of the sheet.

2. A North point and scale of the plat accurately drawn as to the bearing and distance, and dimensions of all boundaries.

3. Accurately drawn boundaries, showing the proper bearings, and lines of the subdivision. These lines should be slightly heavier than street and lot lines.

4. The names, widths, lengths, bearings, curve data on center line on both sides of proposed streets, alleys and easements desired or necessary, also the boundaries, bearings and dimensions of all portions within the subdivision intended to be dedicated to the use of the public. The sizes, lines, dimensions, bearings, and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks shall be numbered consecutively under a definite system and with numerical designation. All proposed streets shall be named or numbered in accordance with, and to conform to, the adopted street naming and numbering system of the Town of Manila.

5. The angle and departures of adjoining property, street and alley lines and the names of the streets and alleys adjoining or bounding the subdivision shall be shown. The plat shall show the names of all adjoining subdivisions, which have previously been recorded to show their relationship to the subdivision now offered for record. If adjoining land is unplatted, this information should be shown.

6. All public utilities within or in close proximity to the proposed subdivision, together with existing water courses or other features involved.

7. All dimensions and calculations made by the engineer shall show proper closures in all boundaries of the subdivision, and no plat will be accepted that shows a plus or minus distance for closure, unless approved by the Board.

8. The description and location of all monuments set or established by the County, State of Utah or the United States Government that are adjacent to or near the proposed subdivision.

9. The standard forms approved by the Planning Commission for all subdivision plats lettered for the following:

- a. Description of land to be included in subdivision.
- b. Registered professional engineer and/or land surveyor's "certificate of survey."
- c. Owner's dedication certificate.
- d. Notary public's acknowledgment.
- e. Board of Commissioners certificate of approval.

- f. Certificate of approval of County Engineer or Surveyor, if one exists.
- g. County attorney's certificate of approval.
- h. Board of Commissioners certificate of acceptance.

10. A 3" by 3" space in the lower right hand corner of the drawing for recording information.

11. The final plat shall be accompanied by a copy of any private restrictions proposed to be recorded for the purpose of providing regulations governing the use, building lines, open space or other aspects of ownership, development or use.

12. One drawing after all official approvals have been given, as herein provided, shall be returned to the subdivider or owner for recording in the Office of the Daggett County Recorder. The other drawing will be retained and will become the property of the County and will be filed in the Office of the County Clerk.

13. All of the above mentioned approvals shall become void unless the plat or drawing is recorded in the Office of the Daggett County Recorder within ten days from the date of final approval.

Section 8. SUBDIVISION STANDARDS.

A. Streets:

1. The alignment and width of all extended through streets shall be preserved unless unusual topographical conditions make a modification advisable.

2. All through streets in the subdivision must conform to the major street plan of the County.

3. Where a large subdivision abuts upon a major thoroughfare, the Planning Commission may require marginal access streets to be included in the street plan.

4. The arrangements of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the Planning Commission. New streets must connect with existing public streets.

5. Minor streets shall approach the major or collector streets at an angle of not less than 80 degrees.

b. Major Streets.

1. Major streets shall conform to the width designated on the major street plan wherever a subdivision falls in the area for which a major street plan has been adopted. The subdivider may be required either to provide land for widening of established streets within or adjacent to a proposed subdivision or to provide land for new major streets, provided neither of such requirements shall be imposed unless adequate provision be first made by the County to compensate the subdivider for the full value of land required beyond sixty-six (66) feet in width for any street and also compensation for or indemnity against any increased street improvement costs beyond a paving width of thirty six (36) feet, such compensation shall be payable in full not later than one year after date subdivision plat is recorded or date of improvement of the streets, whichever is later.

C. Collector Streets.

1. Collector streets shall have a minimum width of 60 feet and may be required by the Planning Commission and Board of Commissioners to be 66 feet wide.

D. Minor Streets.

1. Minor streets shall have a minimum width of 55 feet, except the Cul-de-sacs (dead end streets designed to be permanently closed to through traffic) or loop streets serving not more than ten lots, may have a minimum width of not less than 50 feet.

E. Cul-de-sacs.

1. Cul-de-sacs (dead end streets designed to be permanently closed to through traffic) shall be not longer than 400 feet to the beginning of the turn around, unless due to special circumstances, a greater length is permitted by the Planning commission. Each Cul-de-sac must be terminated by a turn around of not less than 100 feet diameter, measured to the property lines. If surface water drainage is into the turn around, due to the grade of the street, necessary catch basins and drainage easements shall be provided.

F. Easements.

1. Easements of not less than 5 feet on each side of all rear lot lines and sidelines will be required where necessary for poles, wire, conduits, storm and sanitary sewers, gas and water mains and other public utilities. Easements of greater width may be required along lines where necessary for surface overflow or for the extension of main sewers or similar utilities.

G. Width of Blocks.

1. The width of blocks generally shall be sufficient to allow two (2) tiers of lots.

H. Lots.

1. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, to the character of surrounding development and to existing requirements.

2. All lots shown on the subdivision plat shall have a minimum frontage of one hundred (100) feet and shall have a minimum area of twenty thousand (20,000) square feet, or larger if required by the State Board of Health, except as otherwise permitted by the Planning Commission, or if a Zoning Ordinance is in effect for the land covered by the subdivision, then the frontage and lot area requirements shall comply with the Zoning Ordinance requirements.

3. Each lot shall abut on a street shown on a subdivision plat or on an existing publicly dedicated street, or on a street which has become public by right of use and is more than 50 feet wide.

4. Sidelines of lots shall be approximately at right angles or radial to the street lines.

5. In general, all remnants of lots below minimum size must be added to adjacent lots, rather than allowed to remain as unusable parcels.

6. In considering a preliminary plat, the Planning Commission shall consider the master plans for public improvements, and where the subdivision under consideration is located at the general location of a proposed public improvement, the Planning Commission shall make recommendations to the Board or the Board of Education or other proper public bodies concerning the purchasing of required land and shall confer with the subdivider in designing the subdivision to properly relate to the proposed public improvements if the public agency enters into a contract to purchase the land.

Section 9. IMPROVEMENTS.

A. Time of Construction.

1. The improvements listed in this section shall be installed prior to recording the final plat, except as provided in (B) below. No improvements shall be installed until their location and specifications are approved by the Board. Water and sewer mains and fire hydrants where required shall be installed prior to the surfacing of streets and the installation of road base.

B. Performance Bond.

1. In lieu of actual completion of the improvements listed in this section, the subdivider may file with the Town a bond, in form to be prescribed by resolution, with a corporate surety or a cash bond, in an amount to be fixed by the Board, to guarantee the actual construction of such improvements within a period to be fixed by resolution of the Board and to be completed in a manner satisfactory to the Board. Upon completion of the improvements, for which a corporate surety or cash bond has been filed, the subdivider shall call for inspection by a person designated by the Board, such inspection to be made within five days from the date of request. If the inspection shows that County standards and specifications have been met and that the improvements are complete, the Board shall then by resolution release the corporate surety from any further obligation or if a cash bond has been posted, the same shall be returned to the person posting it.

C. Installation of Improvements to be at Subdivider's Expense.

1. All improvements referred to in this section shall be installed and provided by the subdivider at his expense.

D. Street Improvements.

1. All streets shall be constructed in accordance with the standards, rules and regulations of the County to be fixed by resolution of the Board.

E. Water Supply.

1. The subdivider shall provide at his own expense adequate culinary water to supply all lots within the subdivision and shall install all water mains and service lines or laterals from such mains to each lot in accordance with County requirements to be fixed by resolution.

F. Sewage Disposal.

1. Where a public sanitary sewer is available, the subdivider shall connect with such sanitary sewer and shall provide sewer mains and extend laterals from the main sewer lines to each lot in the subdivision.

G. Surface Water.

1. The subdivider shall provide adequate methods of conveyance and disposal of surface water in accordance with standard rules or regulations to be fixed by the Board.

Section 10. ENFORCEMENT AND PERMITS.

A. No official of the County shall grant any permit or license for the use of any building or land if such use would be in violation of this Ordinance.

B. No lots included in the subdivision shall be purchased, sold or exchanged and no construction of buildings upon such lots shall begin until the final plat is recorded.

Section 11. PENALTY.

A. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$299 or imprisonment for three months or by fine and imprisonment.

Section 12. EFFECTIVE DATE.

A. This Ordinance is necessary for the immediate preservation of the health and safety of the Town and shall take effect on the 5th day of August, 1970.

Adopted and approved this 5th day of August, 1970.

BOARD OF TRUSTEES

By /s/ Albert H. Neff
Chairman

Attest:

/s/ Gene Briggs
Clerk