

PIUTE COUNTY

STATE OF UTAH

SUBDIVISION ORDINANCE

ORDINANCE ADOPTION

PIUTE COUNTY, UTAH

ORDINANCE 2024-121600

SUBDIVISIONS

AN ORDINANCE ENACTING A SUBDIVISION ORDINANCE, REGULATING THE SUBDIVISION OF LANDS WITHIN THE UNINCORPORATED AREAS OF PIUTE COUNTY, STATE OF UTAH.

WHEREAS, the Board of Piute County Commissioners as the legislative body of Piute County, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the County, to amend the subdivision ordinance; and

WHEREAS, the Utah State Legislature has enacted into law, SB174 and HB 476, which require municipalities and counties to make certain amendments to their subdivision ordinance regarding the review process for subdivision applications.

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Board of Piute County Commissioners, State of Utah to amend the Subdivision Ordinance for Piute County, State of Utah.

ORDAINED AND ENACTED by the Board of Piute County Commissioners, State of Utah, on this 16 day of December, 2024.



Scott Dalton
Chair, Piute County Commission

ATTEST:



Kali Gleave
Piute County Clerk/Auditor

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CHAPTER 1

GENERAL PROVISIONS

1-1 Short Title

This ordinance shall be known, and may be cited as the “Piute County Subdivision Ordinance” and may be identified within this document as “this ordinance,” or “Subdivision Ordinance”.

1-2 Purpose

1. After the date of adoption of this ordinance, no person shall subdivide any parcel of land in the unincorporated area of Piute County into two or more lots, nor shall any person sell or exchange any parcel of land which is any part of a subdivision of a tract of land, nor offer for recording in the office of the County Recorder any deed conveying such parcel of land, or any interest therein, except in compliance with this ordinance.
2. All subdivisions and lots approved prior to this date shall continue as authorized under the ordinances in effect at the time of their approval. If any changes are made in those previously approved subdivisions by plat amendment processes outlined herein, the proposed changes shall come under the authority of this ordinance.

1-3 Authority

This ordinance is enacted under the authority of the State of Utah County Land Use, Development, and Management Act [hereinafter “LUDMA”] (UCA 17-27a).

1-4 Applicability

This ordinance shall govern and apply to the subdivision of all lands within the unincorporated areas of Piute County, State of Utah (hereinafter the “County”).

1-5 Interpretation

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

1-6 Severability

If any section of this ordinance should for any reason be found invalid, by a court of competent jurisdiction, the remaining sections nevertheless shall be carried into effect.

1-7 Fees

Appropriate fees shall be charged for land use applications, plan reviews, engineering services, variance or appeal requests, or any other service required by this ordinance. Such fees shall be established via resolution by the Board of Piute County Commissioners.

1-8 Penalties

Any civil offense against this ordinance shall be an infraction, which shall be punishable in accordance with Utah law.

1-9 Appeals

Pursuant to Utah law, no person shall challenge in District Court, the County's land use decisions made consistent with Utah law, the Zoning Ordinance, and this ordinance, until said person has exhausted all administrative remedies as provided herein and by **UCA 17-27a-7**.

1-10 Legal Nonconforming Properties

Utah law and Piute County Code shall govern the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of any approved nonconforming use and any approved noncomplying structure related to such use.

1-11 Site Preparation Work Prohibited

No excavation, grading, or other improvement related to the development of the subdivision shall take place on any land within the proposed subdivision until:

1. the final subdivision plat or record of survey has been approved by the County;
2. the subdivision plat has been filed or recorded at the office of the County Recorder;
3. applicable deeds have been recorded at the office of the County Recorder; and
4. all applicable fees have been paid.

1-12 Building Permits

No building permit shall be issued for any lot in a proposed subdivision until the requirements of this ordinance have been met.

1-13 Definitions

This ordinance shall be interpreted using the definitions provided in the Piute County Zoning Ordinance, LUDMA (**UCA 17-27a-103, UCA 17-27a-604.1, UCA 17-27a-604.2**) in addition to, or as modified by the following:

ACCEPTANCE. Actions of the County to take ownership of rights of way dedicated to public use as shown on the subdivision plot or other recordable downward.

ADMINISTRATIVE LAND USE AUTHORITY (ALUA). The individual formally appointed and/or employed by Piute County, including staff. The ALUA does not include the County Commission or a member of the County Commission.

COUNTY. Piute County, State of Utah, United States of America.

DEDICATION. Action of the developer to transfer ownership and control of rights of way shown on the subdivision plot or other recordable elements from private to public ownership.

DRY SUBDIVISION. A recorded subdivision located within the unincorporated areas of Piute County without infrastructure improvements made by the developer. In other words, the subdivision may not include any or all of the following: 1) a public drinking water system, 2) a public wastewater disposal system, 3) electrical or 4) road improvements in certain cases.

EASEMENT. An interest in land belonging to another person, so that the easement owner has a limited right to use or enjoy the other person's property.

PRESCRIPTIVE EASEMENT. A prescriptive easement is created when a person uses another person's property (even though the use was not expressly agreed to) for a prolonged period. Prescriptive easements recognize long-standing usage, especially if the use was relied upon for the enjoyment of property. To establish a prescriptive easement, the use must be:

1. Open, or used in such a way that the property owner would be aware that the property is being used;
2. Notorious, or used in such a way that the general public would be aware that the property is being used;
3. Adverse to the owner's interest, or without permission or approval from the property owner; and
4. Continuously used for at least 10 years for private use; or
5. Continuously used for at least 20 years for public use.

REVIEW CYCLE. The occurrence of:

1. the applicant's submittal of a complete subdivision land use application;
2. the County's review of said subdivision land use application;
3. the County's response to the subdivision land use application in accordance with this ordinance; and
4. the applicant's reply to the County's response that addresses each of the County's required modifications or requests for additional information.

RIGHT-OF-WAY. The legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another owner.

STATE. The State of Utah, United States of America.

SUBDIVISION IMPROVEMENT PLANS. The civil engineering plans associated with required infrastructure required for a subdivision.

SUBDIVISION PLAN REVIEW. A review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with County ordinances and applicable standards and specifications.

MAINTENANCE RESPONSIBILITY. The obligation and responsibility of keeping road, street, or improvement in a condition that provides responsible use.

CHAPTER 2.

ADMINISTRATIVE LAND USE AUTHORITY

2-1 Establishment

This chapter hereby establishes the Piute County Administrative Land Use Authority.

2-2 Appointment

The Board of Piute County Commissioners may appoint an individual, board, or firm as the ALUA to consider land use applications arising from subdivision applications within the unincorporated areas of Piute County, State of Utah.

2-3 Terms – Removal for Cause

1. The County shall contract with the individual, board, or firm on an annual basis. At the end of each year, the Board of Piute County Commissioners may elect to continue the contract, or put the contract out to bid. In the event the County does not contract with a new individual, board, or firm at the end of each calendar year, the current individual, board, or firm shall continue serving as the ALUA until otherwise notified by the County.
2. The individual, board, or firm may be removed from their position for cause by the County Commission. "Cause" includes, but is not limited to, failing to review, hear, and decide subdivision applications within the required timeframes or committing any act inimical to public service.

2-4 Compensation

The ALUA shall be compensated at a fixed amount agreed upon by the individual, board, or firm and the County Commission. The costs derived from the review and decision of the ALUA shall be the responsibility of the applicant, not the County.

2-5 Duties and Powers

The Board of Piute County Commissioners hereby designate the ALUA to review and approve preliminary and final subdivision applications within the unincorporated areas of Piute County in accordance with this ordinance and **UCA 17-27a-604.1, 3(a)(b)**.

CHAPTER 3. DESIGN STANDARDS

3-1 Natural Conditions

All subdivisions shall meet the following minimum standards:

1. The design and development of subdivisions shall preserve insofar as possible, cultural or historic sites, natural terrain, natural drainage, existing topsoil, trees, hillsides, etc.
2. Land subject to hazardous conditions (i.e., slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, etc.) shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

3-2 Lot Standards

All lots in a subdivision shall meet the following minimum standards:

1. Lots and buildings shall meet the minimum area, width, and setback requirements of the Piute County Zoning Ordinance.
2. All lots shall have written approval from the local or state health department for onsite wastewater disposal.
3. Lots with a private or shared well shall have written approval from the State of Utah Division of Water Rights, Division of Drinking Water, and the local or State health department.
4. All lots shall front a public or private road with legal access.
5. No single lot shall be divided by a Piute County and a municipal boundary line.
6. Lots on a cul-de-sac shall have a minimum 30' width at the front property line.

3-3 Road Standards

All roads in a subdivision shall meet the minimum standards of Piute County, in addition to the following:

1. All roads must have at least 6 inches of pit run rock and 3 inches of gravel.
2. All roads must be graded and drained with adequate crowning, pipe culverts, and barrow ditches.
3. All drainage and improvements must be accepted by the County.
4. These standards are the minimum required, and in some cases may be enhanced.
5. Each road proposal shall be reviewed, inspected, and approved by the County Public Works Director before any building permit is issued.

3-4 Planned Unit Developments – Open Space

Purpose. This section is provided as an alternative subdivision layout option to encourage the preservation and protection of open space and scenic, cultural, historic, and sensitive lands located within the County. This subdivision layout option is designed to promote efficiencies in the delivery of required infrastructure, facilities, and services in subdivision development. The planned unit development also provides an opportunity to promote the desired goals and policies to enhance the community character of the County.

Zoning Districts. Planned Unit Developments may be allowed in the following zoning districts:

1. Agricultural (A);
2. Commercial (C); and
3. Residential (R).

Application. A planned unit development application shall be made as a preliminary subdivision application and a final subdivision application, and is subject to subdivision review and approval standards as provided by this ordinance for a preliminary and final subdivision application.

General Requirements.

1. **Lot Area.** In order to achieve the effect of clustering and provide desirable open space, the minimum lot area within a planned unit development may be smaller than the minimum size required in the zoning district, as approved by the ALUA.
2. **Lot Width and Frontage.** The minimum lot width and minimum lot frontage provided for each lot located within a planned unit development may be reduced from the minimum requirements of the zoning district, as approved by the ALUA.
3. **Setbacks.** The minimum front, side, and rear yard setback requirements provided for each lot located within a planned unit development may be reduced from the minimum requirements of the zoning district, as approved by the ALUA.

Open Space.

1. **Minimum Area.** A planned unit development shall provide for a minimum of 50% of the total acreage of the subdivision site as open space in accordance with the open space standards, maintenance and dedication requirements provided by this section. As practicable, the open space lands within a planned unit development shall be contiguous and shall provide connectivity to other open space areas.
2. **Preservation and Protection.** Open space areas provided in a planned unit development shall be identified as permanently restricted from any future development by a plat note, conservation easement, or other method of long-term protection and preservation. Open space protection and preservation methods shall be recorded concurrent with the recording of the final subdivision plat.

3. **Ownership.** The ownership of any open space areas shall be in a single ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental agency or private individual, as approved by the County Commission.
4. **Maintenance Responsibility.**
 - a. All preliminary and final subdivision applications proposing a planned unit development shall provide an open space ownership and maintenance plan addressing the proposed ownership and permanent maintenance of the open space area within the planned unit development. The maintenance responsibility of open space areas shall be clearly stated by a plat note, recordable document, or other method approved by the ALUA in concurrence with the final approval of the subdivision plat.
 - b. Any amendments to an approved open space ownership and maintenance plan shall be approved by the ALUA.

Improvements Guarantee. All preliminary and final subdivision applications proposing a planned unit development shall comply with all land use ordinances of the County, including all on-site and off-site improvements and guarantee for the installation of subdivision improvements.

CHAPTER 4. IMPROVEMENT STANDARDS

4-1 Road Improvements

1. **Minimum Standards.** Roads shall be designed and built to the minimum standards of the County Public Works Department and the Wildland Urban Interface Code. The designing engineer shall certify in writing that the minimum standards have been met prior to any site work or issuance of any building permits in the subdivision.
2. **Lot Frontage.** All lots in a proposed subdivision shall have adequate frontage and shall have legal access from a public or private roadway, improved to the minimum standards of this ordinance. No proposed lot in a subdivision shall be divided by a County road. Existing County road rights of way shall be platted and formally dedicated to the County.
3. **Rights of Way.** Roadways shall have the following minimum right of way widths:

Roadway Type	Minimum Width
Major Collector	100 feet
Minor Collector	66 feet
Collector Street and road	66 feet
Major Street and road	66 feet
Minor or Frontage Street and road	66 feet
Private Street and road	50 feet

4. **Easements.** Easements shall follow lot lines whenever practical and shall have a minimum width of 20 feet apportioned equally in abutting properties except where the grade or terrain may require additional space for utilities or maintenance of the easement.
5. **Flag Lots.** Flag lots shall be prohibited for any new subdivision developments.
6. **Intersections.** Roads shall intersect at 90-degree angles and no more than 4 roads shall enter any intersection.
7. **Grades.** No street and road shall exceed an 8% grade unless specifically approved by the County Public Works Director and certified by a licensed engineer.
8. **Signage.** Street and road name signs shall be required and shall be installed by the applicant. Signage shall conform to the minimum standards of the County Public Works Department and provided where necessary for proper identification of all streets and street and roads.

9. Dedication and Acceptance.

- a. The applicant shall identify public roads and improvements that are to be transferred to public ownership on the subdivision plat or other recordable document. Dedication shall not occur until widths, alignments, location, and design features of the proposed rights of way are approved by the County.
- b. The applicant shall bring public street and roadways and other improvements to the minimum standards of the County and maintain them in that condition for a period of 1 year before maintenance as public facility may be requested. Only after inspection and approval shall the County accept the facilities for public maintenance.
- c. County services shall not be provided to the subdivision until maintenance responsibility for the public improvements is accepted, and the facilities are formally dedicated to the County.
- d. In the event the County does not accept maintenance responsibility of the proposed public improvements, the applicant shall be so advised in writing by the County stating the reason for the rejection or necessary corrective actions. If the needed corrections are not made within a reasonable time, as so stated in the notice, the County may have the improvements completed and paid for out of the security deposits for the subdivision.

4-2 Potable Drinking Water Supply

1. **Supply.** All subdivisions, unless specifically exempted by this ordinance, shall have a permanent supply of potable water available to each lot in the subdivision. Hauling water to any lot in a subdivision as the primary source shall be prohibited.
2. **Approval.** Water quantity, quality, and distribution system plans shall be approved, in writing, by the State of Utah Department of Environmental Quality and Divisions of Drinking Water and Water Rights.
3. **Quantity.** A minimum of 0.45 acre-feet of water shall be required for each lot in a proposed subdivision and shall have written approval from the Utah Division of Water rights for such use. If outdoor water use is anticipated for irrigation, livestock, landscaping, recreation, etc., additional water rights shall be required for each lot and shall have written approval from the Utah Division of Water rights for such use.

4-3 Wastewater Disposal Systems

1. **System.** All subdivisions shall have a feasible wastewater disposal system available to each lot in the subdivision.
2. **Approval.** An onsite wastewater system feasibility application shall be approved in writing by the local health department for any proposed subdivision in Piute County.
 - a. **Onsite Septic Systems.** A subdivision application proposing individual septic systems for each lot shall include written approval from the health department for wastewater feasibility prior to consideration by the County.
 - b. **Wastewater Treatment Facilities.** A subdivision application proposing a public or private wastewater treatment facility shall include written approval for wastewater feasibility, and an approved construction permit from the local health department or DEQ prior to consideration by the County.

4-4 Fire Protection

1. **Requirements.** All subdivisions shall have a fire protection plan prepared by a licensed engineer and approved by a State or County Fire Official.
2. **Compliance.** All fire flow, line size, and hydrant standards shall conform to the International Fire Code and the Wildland Urban Interface Code.

4-5 Storm Drainage

1. **Requirements.** A stormwater drainage system shall be provided and shall be separate and independent of the wastewater disposal system. The final plans for the drainage system shall be prepared by a licensed engineer and approved by the County prior to any site work or issuance of any building permits in the subdivision.
2. **Ditches and Canals.** No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users, for such use. No ditch or canal shall be used for stormwater unless adequately improved to handle such water as might be reasonably expected to flow from canal ditch water, subdivision runoff water, and other water expected to reach such canal or ditch. The applicant shall work with irrigation companies as to the responsibility for the periodic inspection, cleaning, and maintenance of such ditches, pipes, and culverts. In cases where canals or ditches cross public roads or proposed public streets and street and roads, specifications and grades for pipe or culvert must be approved by the County.
3. **Impact on Adjoining Properties Prohibited.** The development of a subdivision may not cause drainage from the subdivision to impact adjoining properties. The designing engineer shall prepare drainage plans to be inspected and approved by the County. Holding and retention basins shall be the preferred method of retaining drainage.

4-6 Flood Plains

All lots in any proposed subdivision shall have sufficient area for the location of a dwelling entirely outside the flood plain, and where all setback requirements of the zoning district in which the subdivision is located, can be met.

4-7 Other Utilities

Installation of utilities shall be provided through underground service in properly recorded easements or rights of way. The County encourages existing overhead power lines within a proposed subdivision be relocated underground whenever feasible.

4-8 Qualifications for Agricultural Use Assessment (Greenbelt)

1. A private parcel of land shall qualify for the agricultural use assessment as set forth in **UCA 59-2-503**.
2. A private lot or parcel of land shall not qualify for the agricultural use assessment if any of the following conditions are met:
 - a. The parcel or lot:
 - i. does not meet the qualifications for agricultural use assessment as set forth in **UCA 59-2-503**;
 - ii. is subdivided, with the exception of an Agricultural Land Exemption;
 - iii. has a zone change or any other land use designation request formally approved by the Board of Piute County Commissioners; or
 - iv. has been divided into lots or parcels smaller than 6 acres.
3. When a tract of land is does not qualify for the agricultural use assessment, the owner of said land shall pay the 5-year rollback tax in accordance with **UCA 59-2-506** at the Office of the County Treasurer prior to recording the final subdivision plat. The County Recorder shall not record the final plat until evidence of payment is provided showing the applicable rollback taxes have been paid in-full to the County.
4. Any owner of land in Piute County may apply (or reapply) for the agricultural use assessment in accordance with **UCA 59-2-503**.

CHAPTER 5. IMPROVEMENTS GUARANTEE

5-1 Guarantee Required

In lieu of the actual completion and acceptance of the improvements required by this ordinance and before approval of the final plat by the County Commission, the applicant shall guarantee the installation and construction of the required improvements free from defective material or workmanship and in compliance with all County standards.

5-2 Form of Guarantee

Said guarantee shall be in the form of a cash bond or irrevocable letter of credit for an amount equal to 120% of the cost of improvements not previously accepted and as estimated by the developer's engineer and approved by the County.

5-3 Request for Final Inspection

After the completion of all subdivision improvements, the applicant shall make a written request to the County for a final inspection. Inspections shall be made within 8 days from the date of request by the County supervisor. A letter of final inspection shall be written within 8 days by the County specifying the acceptability of all subdivision improvements, or if rejected, a letter stating the deficiencies.

5-4 Release of Guarantee

Once all improvements are approved by the County, any guarantee filed with the County therefor shall be released within 5 days from the date of approval. In any event, the applicant shall provide the County with a letter of guarantee stating that all subdivision improvements will be maintained in a good state of repair and free from defective material or workmanship which becomes evident for one year from their request for final inspection, and will supply the bond as required in this section. A 2-year bond may be required pursuant to **UCA 10-9a-604.5**, as amended.

5-5 Installation Time Period

All such improvements shall have been installed within a one-year time period unless extended by the County Commission for one additional year.

5-6 Partial Release

1. A letter of credit or cash bond may be released in part, as progress payment for improvements, subject to the following conditions:
 - a. The developer shall submit to the county public works director, or other assigned county inspector, a request for payment against the letter of credit, showing to whom and for what amount the release is requested. Upon inspection by the county, and approval of the requested amount, the county will authorize the holder of the credit account to disperse the approved payments.
 - b. Said payment requests may be made upon completion of the various phases of development as follows:
 - i. Complete water system installation, including any required storage facility, wells, hydrants or other improvements, etc.
 - ii. Complete street and road construction, including all survey monuments, traffic control and street and road name signs. Street and road construction shall also include storm drainage systems.
 - iii. Complete waste disposal system, as required.
 - iv. Staking of lot corners and any other required survey field work.
 - v. Completion of utilities, including power, telephone, data transmission lines, and natural gas, if bonded by the developer.
2. Requests shall not be submitted more frequently than on a monthly basis. A minimum of 20% of each element shall be retained as required for the guarantee bond required in subsection G of this section.

5-7 Retention

In any event, 20% of the total amount of all improvements shall be retained until one year following completion of the project as a guarantee of quality of improvements. A cash bond or irrevocable letter of credit for 20% of the total amount of all improvements shall be filed prior to the release of the improvement bond.

5-8 Cost Estimate for Improvements

For a developer who proposes to install improvements prior to recording a final plat, as provided by this section, a cost estimate of improvements shall be submitted by the developer's engineer and approved by the County prior to the start of construction, as the basis for determining the amount of the 20% guarantee bond that shall be posted upon final approval of the improvements by the County.

CHAPTER 6.

PROCESS FOR SUBDIVISION REVIEW AND APPROVAL

6-1 Conceptual Plan Review

Pre-application meetings for subdivision land use applications are not required pursuant to **UCA 17-27a-604.1, 4(a)(b)**. However, the County strongly encourages a conceptual plan review meeting be scheduled with the applicant and the County to provide recommendations and educate the applicant on the requirements of this ordinance. If an applicant requests a pre-application meeting, the County shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.

At the pre-application meeting, the staff shall provide or have available on the County website the following:

1. copies of applicable land use regulations;
2. a complete list of standards required for the project;
3. preliminary and final application checklists; and
4. feedback on the concept plan.

6-2 Administrative Land Use Authority Review

Preliminary Plat. The ALUA shall complete a preliminary plat subdivision application review at staff level within 15 business days of submission of a complete preliminary application. If a preliminary plat subdivision application complies with the provisions of this ordinance and State code (**UCA 17-27a-604.1**), the ALUA shall approve the preliminary plat.

Concurrent Processing. If the preliminary plat application is approved by the ALUA without modifications, it shall be considered the final plat.

Final Plat. The ALUA shall complete a final plat subdivision application review at staff level within 15 business days of submission of a complete final application. If a final plat subdivision application complies with the provisions of this ordinance and State code (**UCA 17-27a-604.1**), the ALUA shall approve the final plat.

6-3 Final Recording.

The final subdivision plat shall be recorded by the applicant at the office of the County Recorder within 60 calendar days of final approval by the ALUA. If the final plat is not recorded within the required timeframe, the final subdivision approval from Piute County shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

CHAPTER 7. PRELIMINARY PLAT

7-1 Requirements

Submission. Preliminary subdivision applications shall be found on the County's official website and shall be officially submitted to the Piute County Planning Department. Applications shall only be deemed complete once all requirements of this section have been met.

7-2 Review of Preliminary Plat

The ALUA shall review the preliminary plat application at staff level within 15 business days of submission of a complete preliminary application.

1. In reviewing the preliminary subdivision land use application, the ALUA may require:
 - a. additional information relating to an applicant's plans to ensure compliance with County ordinances and approved standards and specifications for construction of public improvements; and
 - b. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
2. The ALUA's request for additional information or modifications to plans under Subsection 1(a) or (b) shall be specific and include citations to all County ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

7-3 Consideration – Preliminary Decision

After the ALUA has reviewed the preliminary plat, the applicant shall be advised of any required changes and/or additions. The ALUA shall provide written notice to the applicant with the date of approval, required modifications, or denial and the justification for the decision.

7-4 Effective Period

The approval of a preliminary plat shall be effective for a period of 60 calendar days. If the final application is not submitted within the required timeframe, the preliminary application shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

7-5 Extensions

The applicant may request time extensions for the expiration of a preliminary plat approval by submitting a request in writing to the ALUA prior to original expiration date. The ALUA shall review requests for extensions and may only consider the request when the applicant is able to demonstrate no change in circumstance, including physical changes to the property or surroundings, that would result in an unmitigated impact or that would result in a finding of non-compliance with the general plan, zoning ordinance, or this ordinance in effect at the time of the extension request.

CHAPTER 8. FINAL PLAT

8-1 Requirements

If the preliminary application requires modifications and/or the installation of infrastructure improvements, said modifications and/or improvements shall be made prior to review and consideration of the final plat by the ALUA.

8-2 Review of Final Plat

The ALUA shall review the final plat application at staff level within 20 business days of submission of a complete final application.

1. In reviewing the final subdivision land use application, the ALUA may require:
 - a. additional information relating to an applicant's plans to ensure compliance with County ordinances and approved standards and specifications for construction of public improvements; and
 - b. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
2. The ALUA's request for additional information or modifications to plans under Subsection 1(a) or (b) shall be specific and include citations to all County ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.
3. If an applicant makes a material change to a plan set, the ALUA has the discretion to restart the review process at the 1st review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.
4. If an applicant does not submit a revised plan within 20 business days after the ALUA requires a modification or correction, the ALUA shall have an additional 20 business days to respond to the plans.
5. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the ALUA's previous review cycle, the ALUA may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
 - a. In addition to revised plans, an applicant shall provide a written explanation in response to the ALUA's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
 - b. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

- c. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle by the ALUA may not begin until all comments are addressed.
6. If, on the 4th or final review, the ALUA fails to respond within 20 business days, the ALUA shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
 - a. for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with **UCA 17-27a-507(5)(d) et seq.** to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the municipality, the panel shall consist of the following three experts:
 - i. one licensed engineer, designated by the ALUA;
 - ii. one licensed engineer, designated by the land use applicant; and
 - iii. one licensed engineer, agreed upon and designated by the two designated engineers as appointed in subsection (a) i and ii of this section.
 - b. A member of the panel assembled by the ALUA under Subsection i may not have an interest in the application that is the subject of the appeal.
 - c. The land use applicant shall pay:
 - i. 50% of the cost of the panel; and
 - ii. the ALUA's published appeal fee; or
7. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

8-3 Consideration

If the final plat complies with the requirements of **UCA 17-27a-604.1**, this ordinance, and the preliminary subdivision approval, the ALUA shall approve the final subdivision application.

8-4 Effective Period

The approval of a final plat shall be effective for a period of 1 year. If the required improvements are not installed and/or final plat is not recorded within the required timeframe, the final application shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

8-5 Exceptions

The applicant may request time extensions for the expiration of a final plat approval by submitting a request in writing to the ALUA prior to original expiration date. The ALUA shall review requests for extensions and may only consider the request when the applicant is able to demonstrate no change in circumstance, including physical changes to the property or surroundings, that would result in an unmitigated impact or that would result in a finding of non-compliance with the general plan, zoning ordinance, or this ordinance in effect at the time of the extension request.

8-6 Phase Developments

1. The final platting of subdivisions may be done in phases. Each phase shall consist of a number of lots which can be completely developed with improvements within a specific time period required by the ALUA.
2. The intent is that improvements be completed within a reasonable period of time designated by the ALUA. If little to no work has been done within said time period, and there are no immediate plans for substantial work to be completed, the ALUA shall rule the plat null and void by reason of inactivity.
3. When the improvements have been completed and approved by the ALUA, the applicant may submit the next phase of the proposed development in accordance with the provisions of this ordinance.
4. A final plat shall be accepted only upon the submission of qualified evidence indicating that the applicant has the financial ability to complete the proposed improvements for all lots within the phase to be submitted.

8-7 Recording

The final plat shall be recorded, by the applicant, at the office of the County Recorder within 1-year of final plat approval by the ALUA. The final subdivision plat shall only be recorded once the required improvements have been installed, approved by the County, and all required signature blocks have been appropriately signed. If the final plat is not recorded within the required timeframe, the final subdivision approval from Piute County shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

CHAPTER 9. SUBDIVISION PLAT AND RECORD OF SURVEY REQUIREMENTS

9-1 Subdivision Plat

A subdivision plat submitted to the County shall meet the minimum requirements of **UCA 17-27a-603(2)** in addition to the following:

1. a title with a unique name not used anywhere else in Piute County, State of Utah;
2. signature blocks for:
 - a. surveyor's certificate;
 - b. administrative land use authority's certificate;
 - c. owner's certificate;
 - d. acknowledgement;
 - e. certificate of recording;

9-2 Amended Plat

An amended subdivision plat submitted to the County shall meet the minimum requirements of **UCA 17-27a-608** in addition to the following:

1. a title distinguishing the amended plat from the original plat; and
 - a. (i.e., Piute County Subdivision, 2nd Amended, etc.)
2. signature blocks for:
 - a. surveyor's certificate;
 - b. administrative land use authority's certificate;
 - c. owner's certificate;
 - d. acknowledgement;
 - e. certificate of recording;

9-3 Record of Survey

A record of survey for an exempt subdivision submitted to the County shall meet the minimum requirements of **UCA 17-23-17** in addition to the following:

1. a title stating "Record of Survey for [the specific exempted subdivision]"; and
 - a. (i.e., Minor Lot Subdivision, Agricultural Land Exemption, etc.)
2. signature blocks for:
 - a. surveyor's certificate; and
 - b. administrative land use authority's certificate.

CHAPTER 10.

EXEMPTIONS FROM PLAT REQUIREMENT

10-1 Minor-Lot Subdivision UCA 17-27a-605(1)

Parcel(s) created from the division of unincorporated land(s) are exempt from the subdivision plat requirements of this ordinance, if:

1. the record of survey has been reviewed by the ALUA and certified that the proposed development qualifies as a minor-lot subdivision as set forth herein.
2. the parent parcel is being subdivided into 5 or less parcels that all front an existing dedicated, accepted, and improved Piute County right of way;
3. each proposed parcel shall conform to minimum area, width, and land use provisions of the current zoning district. An approved zone change in conjunction to the proposed minor-lot subdivision shall be required by the County Commission if the above conditions are not met. If the zone change request is denied by the County Commission, the minor-lot subdivision application shall be null and void.
4. the applicant shall provide the following:
 - a. Potable drinking water supply shall not be required for minor-lot subdivisions. If the applicant desires such improvements, the following shall be required:
 - i. approved connections to an existing public or private culinary water system for each proposed parcel, if applicable; or
 - ii. if a well is to be drilled, a well permit and water right number(s) with sufficient water rights approved by the State of Utah Division of Water Rights for the proposed location and use of the minor-lot subdivision;
 - b. a subdivision wastewater feasibility study performed by a licensed engineer and approved by the Central Utah Public Health Department; and
 - c. improvement plans for other utilities to be provide, if applicable.
5. a parcel created from a minor-lot subdivision shall not be further subdivided within 3 years of the filing and recording date of the minor-lot subdivision where the subject parcel was originally created.
6. evidence of recordable deeds for each proposed parcel in the minor-lot subdivision.
7. the record of survey shall be filed, and accompanied by appropriate deeds for each parcel to be recorded, at the office of the County Recorder within 60 calendar days of final approval by the ALUA. If the record of survey is not filed and appropriate deeds are not recorded within the required timeframe, the minor-lot subdivision approval shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

10-2 Agricultural Land Exemption UCA 17-27a-605(2)

1. A lot or parcel resulting from a division of agricultural land is exempt from the subdivision plat requirements of this Chapter, if the lot(s):
 - a. qualify as land in agricultural use under **UCA 59-2-5 Farmland Assessment Act**;
 - b. are not used and will not be used for nonagricultural purposes; and
 - c. each have a minimum area of 6 acres.
2. The boundaries of each lot or parcel that is exempted shall be graphically illustrated on a Record of Survey map and approved by the ALUA.
 - a. If the Agricultural Land Exemption lots are created via aliquot parts or by metes and bounds descriptions, the Record of Survey shall not be required.
 - b. Appropriate deeds shall be prepared to meet the requirements of this ordinance and the County Recorder's Office.
3. If a lot or parcel exempted as agricultural land is used for nonagricultural purposes as defined by the Farmland Assessment Act, the County shall require the lot to comply with the related plat requirements of this ordinance.
4. Upon final approval from the ALUA, the developer shall file the Record of Survey with the County Surveyor's Office, if applicable, and record deeds with the County Recorder's Office.

10-3 Metes and Bounds Subdivisions UCA 17-27a-605(3)

1. a person may not submit a document that subdivides property by metes and bounds unless it contains written approval from the ALUA required by this ordinance. Recording a document otherwise shall be null and void.
2. the boundaries of each lot or parcel that is exempted shall be graphically illustrated on a record of survey and approved by the ALUA.

10-4 Property Boundary Adjustments UCA 17-27a-522

To make a property boundary adjustment (i.e., parcel boundary or lot line adjustment), a property owner shall meet the requirements of State law, in addition to the following:

1. if a parcel that is the subject of a property boundary adjustment contains a dwelling unit, the County shall require a review of the boundary line agreement to ensure required setbacks and parcel areas are conforming to the corresponding zoning district(s); and
2. upon review of the property boundary adjustment, the County shall send written notice of the boundary line agreement's approval to the property owner within 14 calendar days.

10-5 Boundary Line Agreements UCA 10-9a-523

Adjoining property owners executing a boundary line agreement, shall meet the requirements of State law, in addition to the following:

1. if a parcel that is the subject of a boundary line agreement contains a dwelling unit, the County shall require a review of the boundary line agreement to ensure required setbacks and parcel areas are conforming to the corresponding zoning district(s); and
2. upon review of the boundary line agreement, the County shall send written notice of the boundary line agreement's approval to the property owner within 14 calendar days.

10-6 Subdivision Amendment 17-27a-608

The ALUA may consider an owner's petition for a subdivision amendment if:

1. the petition seeks to:
 - a. join 2 or more of the petitioning fee owner's contiguous lots;
 - b. subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of this Ordinance or a development condition;
 - c. adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join the petition, regardless of whether the properties are located in the same subdivision;
 - d. on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
 - e. alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - i. owned by the petitioner; or
 - ii. designated as a common area.

10-7 Public Right of Way Subdivisions

A parcel of land divided by a public (County or State) right of way is exempt from the subdivision plat requirements of this Ordinance and the owner of real property may legally subdivide the property, only as it is currently portrayed, by recording deeds at the Office of the County Recorder. Prior to recording the deeds, the exemption shall be confirmed and approved by the ALUA prior to recording of deeds.

CHAPTER 11. DRY SUBDIVISIONS

11-1 Applicability

This section shall apply to any lot or parcel in a dry subdivision located within the unincorporated areas of Piute County. Additionally, this section shall apply to parcels previously divided by metes and bounds and any tract of land with a total land area of less than 1 acre within the unincorporated areas of Piute County.

1-2 Road Improvements

Unless specifically agreed upon and accepted by the County, it shall be the responsibility of the applicant to make the initial road improvements in a subdivision. The roads shall be developed in accordance with County's minimum standards. If improved and maintained by the applicant for a period of 1 year, the County may consider accepting maintenance responsibilities thereafter and, only then, may the applicant dedicate said rights of way to the County.

In the event that street and road improvements were not made by the applicant, it shall be the responsibility of the landowners to make the initial street and road improvements, unless specifically agreed upon and accepted by the County. Before making any improvements in a County right of way, landowners shall obtain an approved right of way encroachment permit from the County. If improved and maintained by the landowners for a period of 1 year, the County may consider accepting maintenance responsibilities thereafter.

11-3 Development Requirements

To develop lot(s) within a dry subdivision, the owner(s) of said property shall:

1. own a lot or tract of land consisting of at least 1 acre;
 - a. If the individual lot or land area is less than 1 acre, the owner(s) shall:
 - i. own or purchase multiple contiguous lots that add up to a land area of at least 1 acre; and
 - ii. join the contiguous lots via the subdivision amendment process consistent with State law and this ordinance.
 - b. The local health department and ALUA may grant variances or allow exceptions when multiple lots are serviced by a water system or shared well.
2. own or purchase sufficient water rights and receive approval from the State of Utah to drill, or connect to an existing well;
3. meet the requirements of the building official, State of Utah, and the local health department for potable drinking water and wastewater disposal systems.

Once subsections 1-3 of this Section have been completed and prove to be compliant with the requirements of this Ordinance, the property owner may apply for building permits and associated land use applications, if applicable. Developing a lot within a dry subdivision contrary to subsections 1-3 of this section shall be null and void.