Title 105

RESERVED

Title 106

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CHAPTER 1. GENERAL PROVISIONS

Sec. 106-1-1. Purpose and intent.

The underlying purpose and intent of this title is to promote the health, safety, convenience and general welfare of the inhabitants of the unincorporated territory of Weber County in the matter of subdivision of land and related matters affected by such subdivision. Any proposed subdivision and its ultimate use shall be in the best interest 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 land use authority. In cases where unusual topographical or other exceptional conditions exist, variations and exceptions from this title may be made by the county commissioners, the appeal board for the subdivision ordinance, after a recommendation by the planning commission.
(Ord. of 1952, title 26, § 1-1)

Sec. 106-1-2. Scope.

(a) No person shall subdivide any tract of land which is located wholly or in part in the county, outside of incorporated cities or towns except in compliance with this title. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the county recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title; provided, that this title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the subdivision regulations adopted in Weber County on January 11, 1952.

(b) No lot within a subdivision approved by the planning commission and county commission and recorded in the county recorder's office in accordance with the provisions of this chapter, shall be further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be altered in any manner so as to create more lots than initially recorded or any non-conforming lot without first obtaining the approval of the land use authority.
(Ord. of 1952, title 26, § 1-2)

Sec. 106-1-3. Reserved.

Sec. 106-1-4. Subdivision application requirements.

(a) *Pre-application meeting required.* Each person who proposes to subdivide land in the unincorporated territory of the county shall confer with the county planning staff before preparing any plats, charts, or plans in order to become familiar with the county subdivision requirements and existing general plans for the territory in which the proposed subdivision lies and to discuss the proposed plan of development of the tract.

(b) *Subdivision application submittal.* Subdivision applications shall be submitted to the planning director or his designated staff member, by appointment, and shall include:

(1) A completely filled out subdivision application, signed by the property owners.

(2) 12 full size 24 by 36 copies, and one reduced size 11 by 17 copy, and one reduced size 8½ by 11 copy of a preliminary plan meeting the requirements listed in this title.

(3) All documents submitted in the subdivision application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc.), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF, DWG, DWF and JPEG files of the respective plans. Improvement drawings shall not be required to have accompanying JPEG files.

(4) A written statement of feasibility from the county or state health department which states the recommendation of the health department regarding sanitary sewage dis-

posal, and culinary water availability shall be provided with the submittal of any subdivision application.

(5) A non-refundable fee made payable to Weber County.

(6) A copy of the project notification form from the state department of environmental quality division of drinking water.

(Ord. of 1952, title 26, § 1-4)

Sec. 106-1-5. Preliminary plan requirements and approval procedure.

(a) The preliminary plan shall be prepared in conformance with the requirements of this chapter and all other county codes and regulations regulating the subdivision of land. The preliminary plan shall be drawn to a scale not smaller than 100 feet to the inch and shall show:

(1) The proposed name of the subdivision.

(2) The location as forming a part of a larger tract or parcel, where the plat submitted covered only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplatted parts shall be submitted, and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.

(3) Sufficient information to locate accurately the property shown on the plan, including sections corner ties.

(4) The individual or company names and addresses of the subdivider, the engineer and registered land surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.

(5) Contour map at intervals of one foot, two feet, five feet, or ten feet, as determined by the planning commission.

(6) The boundary lines of the tract to be subdivided showing bearings and distances.

(7) The location, widths and other dimensions of all existing or platted streets and other important features such as railroad lines, watercourses, exceptional topography, easements and buildings within or immediately adjacent to the tract to be subdivided.

(8) Existing and proposed sanitary sewers, storm drains, water supply mains, water wells, land drains, and culverts within the tract and immediately adjacent thereto.

(9) The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, parks, other open spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way.

(10) North point, scale and date.

(11) Lots classified as "restricted" by placing the letter "R" immediately to the right of the lot number of said lot.

(12) The location of percolation test holes on each lot.

(13) Plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed stormwater drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. Engineering drawings may be required during preliminary approval in subdivisions where roads are proposed over ground that has an average slope of ten percent or greater.

(14) Open space and common area improvements shall be submitted including but not limited to landscaping, structures, signs, parking, and other amenities.

(b) Approval procedure.

(1) A phasing plan for multi-phase subdivisions shall be submitted and approved by the planning commission.

(2) With the exception of minor subdivisions, the preliminary plan shall be presented to the planning commission for their recommendation. The planning commission's recommendation may be appealed to the county commission by filing an appeal within 15 days of the planning commission's recommendation. If the planning commission's recommendation is not appealed to the county commission, the planning commission's recommendation shall stand as the county's decision on preliminary approval.

(3) Grading limitation. No large scale excavation, grading or regrading as determined by the planning commission shall take place on any land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the planning commission and then only in accordance with the excavation ordinance of this Land Use Code.

(Ord. of 1952, title 26, § 1-5)

Sec. 106-1-6. Agency review and public notice.

(a) *Distribution of preliminary plan.* The planning commission office shall distribute a copy of the preliminary plan to each of the following for their information and recommendations: county engineer, county fire district, county health officer, county school board, county surveyor, and company furnishing telephone, electric, water and/or gas service. The planning commission office may distribute copies of the preliminary plan to other agencies and organizations to ensure thorough review of the proposed plan.

(b) *Public notice.* Notice of the proposed subdivision shall be mailed not less than seven calendar days before the planning commissions' public hearing on the proposed subdivision to the record owner of each parcel within 500 feet of the property proposed for subdivision; or posted not less than three calendar days before the public hearing, on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passersby.
(Ord. of 1952, title 26, § 1-6)

Sec. 106-1-7. Subdivision time limitations.

(a) *Time limitation for preliminary approval.* Subdivision applications that have not received preliminary approval within 18 months from the date of submittal shall be void. Subdivisions receiving preliminary plan approval shall have 18 months from the date of the approval to receive a recommendation for final approval of the subdivision or the first phase thereof, from the planning commission. An extension of preliminary approval for an additional time period of up to 18 months may be granted by the planning director upon repayment of the subdivision application fees and the plan being brought into compliance with county, state and federal ordinances current at the time of the extension. The extension request shall be submitted and approved prior to the expiration of the original approval period.

(b) *Time limitation for final approval.* A final subdivision plat for the first phase of a subdivision that receives a recommendation for final approval from the planning commission shall be offered to the county commission for final approval and recording within one year from the date of the planning commission's recommendation for final approval. After one year from that date, the plat shall not be received for recording and shall have no validity whatsoever. Subdivisions with multiple phases must record a new phase within one year from the date of the previous phase being recorded until the subdivision is completed or the plat shall not be received for recording and shall have no validity whatsoever. The planning commission may grant one time extension for final subdivision approval for a maximum of one year per subdivision. A multiple phase subdivision may receive only one time extension, not one time extension per phase.

(c) *Nonconforming.* Any subdivision that has received preliminary or final approval, including a subdivision with multiple phases in which all of

the phases have received preliminary approval, but has become nonconforming in any manner due to changes in applicable ordinances shall be allowed to retain the density which it was approved, provided that the originally approved phasing plan is followed and the time limitations for preliminary and final approval are met.
(Ord. of 1952, title 26, § 1-7)

Sec. 106-1-8. Final plat requirements and approval procedure.

(a) *Final plat required.*

(1) After compliance with the provisions of section 26-1-4, the subdivider shall submit 12 full size, 24 by 36; one reduced size, 11 by 17 copy of the final plat; and one 8½ by 11 copy of the final plat, meeting the remaining requirements listed in this chapter and any additional requirements set by the land use authority. Such plat shall be accompanied by a "letter of certification" by the subdivider's registered land surveyor, indicating that all lots meet the requirements of the Land Use Code.

(2) The final plat and accompanying information shall be submitted to the planning commission at least 35 days prior to a regularly scheduled planning commission meeting in order to be considered at said meeting.

(b) *Final plat requirements.*

(1) The final plat shall consist of a sheet of approved tracing linen or Mylar to the outside or trim dimensions of 24 by 36 inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half inch or a maximum of 1½) inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a licensed land surveyor in the state. All lines, dimensions and markings shall be made on the tracing linen or Mylar with permanent ink meeting industry requirements. The plat shall be made to scale large enough to clearly show all details in any case not smaller than 100 feet to the inch and the workmanship on the finished drawing shall be neat, clean cut and readable having a text size of not less than 0.09 of an inch (approximately 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (b)g of this section, duly authorized and required to sign and shall contain the following information:

a. A subdivision name, approved by the county recorder and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall be shown on the top of the plat.

b. Where a subdivision complies with the cluster subdivision provisions of the Land Use Code, the final plat shall indicate underneath the subdivision name the words, "Cluster Subdivision."

c. A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved, the scale of the drawing and the date of the survey noted in the heading. (Meaning the date, year and month the survey markers were placed.)

d. Accurately drawn boundaries, showing the distance and bearings of all lines traced or established by the survey, and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown. If the curve is a non-tangent curve, the chord bearing and distance must be shown as well. The words "basis of bearings" must be shown on the plat between two existing, described government monuments. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a government agency. The State Plane Grid Bearings (where available) shall be used in the survey and noted on the plat and the

Basis of Bearing sufficient for retracement shall also be noted on the final plat. A measurable mathematical relationship between the property and the monument from which it is described. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set.

e. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the county surveyor. All proposed streets shall be named or numbered consecutively under a definite system approved by the county surveyor and conform as far as practicable to the adopted street naming and numbering system of the county.

f. A house number indicating the street address for each lot in the subdivision shall be assigned by the county surveyor marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for frontage. Homes that are built on approved flag lots or rights-of-way shall have the address assigned and posted at the access point from a county road or private road.

g. Parcels of land to be dedicated as public park or to be permanently reserved for private common open space shall be included in the lot numbering system and shall also be titled "Public Park" or "Private Common Open Space," whichever is applicable.

h. The standard forms approved by the planning commission for all subdivision plats lettered for the following:

1. Description of land to be included in subdivision;
2. Licensed land surveyor's "certificate of survey";
3. Owner's dedication certificate;
4. Notary public's acknowledgment;
5. County planning commission's certificate of approval;
6. County engineer's certificate of approval;
7. County attorney's certificate of approval;
8. Board of county commissioners' certificate of acceptance;
9. County clerk's certificate of attest;
10. County surveyor's certificate of approval;
11. Weber-Morgan Health Department certificate of approval.

i. A three-inch by three-inch space in the lower right-hand corner of the drawing for recording information.

j. The subdivision boundary corners and lot corners not affected by road construction shall be set on the site prior to recording of the final plat. Lot corners affected by road construction shall be set prior to issuance of a residential building permit. Front lot line corners may be permanently referenced in curbs after completion of streets. The subdivision boundary corners, lot corners and centerline

street monuments shall be noted on the final plat in conformance to the record of survey requirements.

k. Map narrative.

1. The map shall contain a written narrative that explains and identifies:

(i) The purpose of the survey.

(ii) The basis on which lines were established. The surveyor should explain what decisions he made in formulating the boundary such as the basis of bearing for the description or the use of any proration methods.

(iii) The found monuments or deed elements that controlled the established or reestablished lines. If the description calls for any monuments in a broad sense of the term (right-of-way lines, subdivision boundaries, fences, etc.) the surveyor should indicate what he found relating to these calls.

2. If the narrative is a separate document, it shall also contain:

(i) Location by quarter section or lot number, section number, township and range.

(ii) Date of survey.

(iii) Surveyor's stamp or seal and signature.

(iv) Surveyor's business name and address.

3. The map and narrative shall be referenced to each other if they are separate documents.

(2) Reserved.

(3) Remaining parcel. When a division of property leaves a remaining area of 5.00 acres or greater, the remaining parcel boundary and record area will be shown, on the subdivision plat with the note: "Remaining Agricultural Parcel, Not Approved For Development." The remaining parcel boundary need not be labeled with bearings or distances.

(4) For subdivisions that include lots of a "restricted" category or lots with "buildable areas" as defined in this title, the following shall be required on the final plat:

a. Restricted lots shall be designated on the final plat by placing the letter "R" immediately to the right of the number of the said lot and by including the following notification on the final plat: "Notice of Purchases of Restricted "R" Lots. Lots designated by the letter "R" after the lot number are restricted lots and building development on such lots is subject to the provisions of the Land Use Code. Approval of a restricted lot does not guarantee the lot is buildable. A Hillside Review as outlined in the Hillside Development Review Procedures and Standards chapter of the Land Use Code shall be done to determine if a lot is buildable.

b. For lots approved with "building areas" such building areas shall be designated on the final plat by short dashed lines with dimensions and with distances to at least two lot lines to accurately indicate the location of such building area and by placing the words "building area" within the dashed lines and by including the following notification on the plat: "Notice to Purchasers of Lots with Designated Building Areas. Lots with designated "building areas" have been approved subject to the condition that building development shall take place only within such designated areas."

(5) For subdivisions that are located in areas of unincorporated areas of the county which

are zoned for agriculture (A-1, A-2, A-3, and AV-3), the following statement shall be required on each page of the final plat: "Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision."

(6) For subdivisions that include lots, which will be partially or completely in the base flood plain of any river, stream, watercourse, lake, or other body of standing water; a boundary and elevations of the floodplain shall be required on the final plat. The lowest elevation of any habitable floor in any structure for each lot shall also be shown on the final plat.

(7) On final subdivision plats where no preliminary plans are required to be submitted, the location of buildings or structures within or immediately to (within 30 feet) the tract of land to be subdivided shall be shown.

(c) *Final improvement plans.* The subdivider shall furnish to the county engineer at the same time of submittal of the final plat a complete set of drawings signed and stamped by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision together with the final plat. All such utility and road construction shall be in accordance with the adopted public works standards of the county.

(1) Copies of contracts with applicable utility companies such as water, sewer, electric, gas, and telephone for services to the subdivision.

(d) *Approval of final plat.*

(1) After approving and signing the final plat, the planning commission shall submit the plat for approval to the county engineer, who shall check the engineering requirements of the drawing, review the financial guarantee amount to assure construction of the improvements where necessary, and verify the Utah State Department of Environmental Quality Division of Drinking Water construct permit for the expansion of the water system, or for construction of wastewater treatment facilities. After approval and signature by the county engineer, the plat and financial guarantee shall be submitted to the county attorney and the board of county commissioners respectively, for their approval. The final plat, bearing all official approvals, as above required, shall be deposited in the offices of the county recorder for recording at the expense of the subdivider.

(2) No street improvements or utilities shall be installed until after approval of the improvement plans by the county engineer. No lots included in such plat shall be purchased, sold, exchanged nor offered for sale and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.

(e) *Final plat approval; minor subdivisions.* The planning director is delegated administrative authority to approve minor subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission. These subdivisions shall be offered for recording within 18 months, from the date of the submittal to the planning office for processing. If the subdivision is not offered for recording within this time frame, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the subdivision, with the appropriate fees to begin the subdivision process for the same parcel of land. If required by state code, the planning director shall hold a public hearing or public meeting prior to approving the minor subdivision plat.

(f) *Notice of minor subdivisions.* Notice of the proposed minor subdivision or public hearing on the proposed minor subdivision shall be mailed not less than seven calendar days before final approval of the minor subdivision or the public hearing on the minor subdivision, to the record owner of each parcel within 500 feet of the property proposed for subdivision; or posted not less

than three calendar days before the public hearing, on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passersby.

(g) *Additional documents.* Unusual conditions of development or other restrictions to the use of a lot or lots resulting from topography, geologic or environmental conditions or potential hazards, location or zoning regulations, etc., shall be identified in the actual location of the condition or restriction on the subdivision drawing if applicable, and/or shall be recorded as a protective covenant attached to the lot or lots so affected rather than being described as notes on the plat.

(h) *Tax clearance.* The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.
(Ord. of 1952, title 26, § 1-8; Ord. No. 2012-2, § 2, 1-10-2012)

CHAPTER 2. SUBDIVISION STANDARDS

Sec. 106-2-1. Relation to adjoining street systems.

(a) The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the planning commission for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

(b) Minor streets shall approach the major or collector streets at an angle of not less than 80 degrees.
(Ord. of 1952, title 26, § 2-1)

Sec. 106-2-2. Street and alley widths, cul-de-sacs, easements.

(a) Street dedication. Streets in year round subdivisions shall be dedicated to the county as public streets except that private streets improved to county public street standards may be permitted in planned residential unit developments or condominiums. Mountain land subdivisions in high mountain areas of the county for seasonal recreation and summer homes shall have private streets built to county private street standards for such subdivisions except that the county may require public dedication for major or loop road access purposes.

(b) Major and collector streets shall conform to the width designated on the master street plan wherever a subdivision falls in an area for which a master street plan has been adopted. For territory where such street plan has not been completed at the time the preliminary plan is submitted to the planning commission, major or collector streets shall be provided as required by the planning commission, with minimum widths of 80 or 100 feet for major streets and 66 feet for collector streets.

(c) Standard residential streets shall have a minimum width of 60 feet, except that minor terminal streets and loop streets or minor private streets and private access rights-of-way in summer home subdivisions may have widths of not less than 50 feet.

(d) Minor terminal streets (cul-de-sacs) proposed in the subdivision of flat land where topography presents no barriers to development, shall have a maximum length of 650 feet to the beginning of the turnaround and may serve a maximum of 14 lots. Minor terminal streets (cul-de-sacs) proposed in the subdivision of foothill or mountainous lands where topography dictates or limits the options in road design to a considerable extent, the planning commission will establish a maximum length based upon each individual situation. As a guide for design, a maximum length of 2,000 feet to the beginning of the turnaround is established. Each cul-de-sac shall be terminated by a turnaround of not less than 100 feet diameter in subdivisions below elevation 4,900 feet and of not less than 110 feet diameter in subdivisions above elevation 4,900 feet. If surface water drainage is into the turnaround, due to the grade of the street, if necessary, catchbasins and drainage easements shall be provided.

(e) Where a street is designated to remain only temporarily as a dead-end street, an adequate temporary turning area shall be provided at the dead-end thereof to remain and be available for public use so long as the dead-end conditions exists.

(f) Marginal access streets of not less than 40 feet in width shall be required paralleling all limited access major streets, unless the subdivision is so designed that lots back onto such major streets.

(g) Half-streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved.

(h) Standard street sections. All proposed streets, whether public or private shall conform to the county street cross-section standards as recommended by the planning commission and adopted by the county commission.

(i) Street grades. Except where due to special circumstances, street grades over sustained length shall not exceed the following percentages: on major public streets, eight percent; on collector streets, ten percent; on minor streets, 12 percent; on private streets, 15 percent. All street grades shall be reviewed and approved by the county fire district and county engineer.

(j) Alleys shall have a minimum width of 20 feet. Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission.

(k) Protection strips. Where subdivision streets parallel contiguous property of other owners, the subdivider may establish a protection strip of not less than one foot in width located within the road right-of-way and lying next to the adjacent property. The said strip shall be deemed part of the dedicated right-of-way, provided that an agreement with the county and approved by the county attorney has been made by the subdivider. A land owner choosing to access property across the protection strip shall make payment to the original developer in an amount equal to the fair cost of the street improvements, plus the value of one-half the land in the street at the time of the agreement. This agreement shall expire ten years from the date the agreement was signed and shall become void.
(Ord. of 1952, title 26, § 2-2)

Sec. 106-2-3. Blocks.

(a) The maximum length of blocks generally shall be 1,300 feet and the minimum length of blocks shall be 500 feet. Blocks over 800 feet in length may, at the discretion of the planning commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than six feet in width.

(b) The width of blocks shall be sufficient to allow two tiers of lots or as otherwise approved by the planning commission because of design, terrain, or other unusual conditions.

(c) Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.
(Ord. of 1952, title 26, § 2-3)

Sec. 106-2-4. Lots.

(a) The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and probable future requirements.

(b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of the Land Use Code for the zone in which the subdivision is located, or:

(1) Except as otherwise permitted by the granting of a variance by the board of adjustment as authorized by the Land Use Code;

(2) Where in accordance with the cluster subdivision provisions of the Land Use Code;

(3) As required by the county health officer as being the minimum area necessary for septic tank disposal and water well protection if greater than the above area requirements;

(4) For "restricted lots" and lots with a designated "building area", the minimum area

and width requirements shall be increased in accordance with the slope density tables contained in the Land Use Code.

(c) Each lot shall abut on a public street, private street, or private access right-of-way dedicated by the subdivision plat or an existing publicly dedicated street, or on a street which has become public by right of use and is more than 26 feet wide, except as provided in subsection (d) of this section. Interior lots having frontage on two streets shall be prohibited except where unusual conditions make other design undesirable.

(d) Lot right-of-way or fee title access strip (flag lots). Where approved by the board of adjustment, lots not having frontage on a street as required by the Land Use Code for the zone in which the subdivision is located but upon a right-of-way or fee title access strip may be included within a subdivision provided the requirements in the Land Use Code are met.

(e) Corner lots shall have extra width sufficient for maintenance of required building lines on both sides.

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

(g) Remnant parcels that are five contiguous acres or larger can be left as a remaining agricultural parcel not approved for development. Remnant parcel containing 5.25 contiguous acres (or more) and a home can be left as a remaining agricultural parcels not approved for additional single-family dwelling. Any construction of additional single-family dwelling or dwellings will require a subdivision approval.

(h) Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be properly executed to correctly vest title to the owner or owners.

(i) Natural drainage and other easements. The planning commission may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than ten feet in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision when required by the planning commission.

(j) Lots meeting the criteria established for a "restricted lot" shall be designated on the preliminary and final plat by the letter "R" and shall be subject to the provisions of the Land Use Code prior to any construction or building being undertaken upon such lot.

(k) A lot with an average slope of 25 percent or more over a major portion of its area, but with a "building area" as defined herein, within a buildable portion of the lot, may be classified as an unrestricted lot provided that the "building area" is approved by the planning commission as a suitable site for building and designated on the final plat as prescribed in section 106-5-1 and further provided that no building or construction or major cutting or filling of the natural terrain shall be made outside of such designated "building area".

(l) Parcels that are split by a taxing district shall have the entire parcel annexed into that taxing district prior to the recording of the subdivision. Exceptions will be made for bond obligations by the taxing district.
(Ord. of 1952, title 26, § 2-4)

Sec. 106-2-5. Parks, school sites and other public places.

(a) In all subdivisions other than summer home subdivisions and subdivisions where there are no public streets, the planning commission may require the dedication to the county of not more than three percent of the gross area of the subdivision for parks, open spaces or other public uses in such location as approved by the planning commission as indicated on the approved preliminary plan, unless the subdivision is approved as part of a cluster subdivision.

(b) Where it is determined that a greater amount of land is required for parks and open spaces to meet the general plan requirements for that area of the county, or a school site is required, the planning commission after so apprising the ap-

propriate agency, shall so indicate the open space or school site requirements to the subdivider on the approved preliminary plan.

(c) The subdivider, at the time of filing the final plat with the planning commission, must offer to sell at a fair market price to the county or other appropriate public agency, within one year immediately following the recording of the final plat, any land so designated for school sites or any land designated for park or open space in excess of the three percent of land area required to be dedicated in accordance with subsection (a) of this section.

(d) If any such proposed public areas or school sites have not been purchased by the appropriate public agency within one year after the recording of the final plat, such areas may be subdivided into lots and blocks in accordance with the requirements of this chapter.
(Ord. of 1952, title 26, § 2-5)

Sec. 106-2-6. Cluster subdivisions; special provisions.

(a) *Design standards.*

(1) The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the intent of zoning regulations, elements of the general plan that have been adopted by the commission and design standards recommended by the planning commission and approved by the county commission.

(2) Streets shall be so designed as to take advantage of open space vistas and to create drives with a rural or open space character.

(3) Cluster subdivisions, in the mountain areas of the county shall be designed in a cluster of approximately 20 lots surrounded by and generally in the middle of the common open space with distances of approximately 1,000 feet or more or significant topographic barriers separating the clusters. A major portion of land designated as common open space shall serve a direct beneficial and usable purpose to the lots in the cluster subdivision and shall be reasonably accessible land.

(4) Cluster subdivisions, in areas of the county where year-round living is normally expected or proposed, shall use the following design elements in preparation of the preliminary plat of the cluster subdivision:

a. A majority of the proposed lots shall have direct access to the common open space. The remaining lots shall be connected to the common open space by a trail system or by a sidewalk system in urban type subdivisions.

b. The proposed common open space shall consist of land which under normal circumstances could be considered for subdivision. Lands that can be mitigated such as floodplain and wetlands are considered developable and shall be counted towards density. Floodways, lakes, and rivers which could not be developed but provide an amenity may also be a part of the common open space, with 25 percent of this land credited towards the overall density of the development if this land is used to provide amenities to the development.

c. The planning commission shall approve any density bonus and total number of units/lots. The design of the clusters shall generally be such that open space vistas or developed open space intercede between clusters.

(5) If a bonus density is granted for affordable housing, then the affordable housing lots shall be identified on the subdivision plat. A deed restriction shall also be recorded on these lots limiting the sale, or renting of the homes to a household with incomes at or below 80 percent of the area median income.

(6) If an agricultural preservation easement is proposed, the agricultural parcel shall be a contiguous parcel containing a minimum of ten acres. Roads may bisect the parcel and shall be approved by the planning commission. An agricultural preservation plan shall be submitted at the time preliminary subdivision plans are submitted for review, with a letter from the agricultural extension agency approving the plan, if bonus density is requested for agricultural preservation.

(b) *Provision of common open space.*

(1) The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open space at preliminary submittal. If the property is to remain agricultural, then a copy of the agricultural preservation agreement shall be recorded with the final plat. A cluster subdivision shall meet the requirements of the Weber County Land Use Code, and shall assure proper use, construction and maintenance of open space facilities and shall result in a development superior to conventional development in terms of its benefits to future owners of the subdivision, surrounding residents and the general public.

(2) The planning commission may place additional conditions or restrictions necessary to ensure development and maintenance of the common open space, including plans for deposition or re-use of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners.

(3) Guarantee of common open space improvements. As assurance of completion of common open space improvements, the subdivider may be required to file with the county commissioners an approved financial guarantee, guaranteeing such completion in a manner satisfactory to the county commissioners, within two years of such filing. Upon completion of the improvements for which a financial guarantee has been filed, the subdivider shall call for inspection by the planning commission, such inspection to be made within 14 days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the financial guarantee therefore shall be released within seven days from the time of inspection. If the financial guarantee is not released, refusal to release and reasons therefore shall be given the subdivider in writing, within 14 days from the time of inspection.

(4) Continuation of common open space. As assurance of continuation of common open space use in accordance with the plans approved by the planning commission the subdivider shall grant to the county, or an approved land trust, or another approved entity an "open space easement" on and over the common open space as part of the final subdivision plat. The final subdivision plat will provide that the common open space remains open. If a bonus density was given for critical wildlife habitat, then a wildlife habitat easement shall be given to the state division of natural resources.

(5) Maintenance of common open space, etc.

a. As assurance of maintenance of the common open space and other improvements where so required, the subdivider shall cause to be formed prior to the recording of the final plat, a lot owners' association and shall establish articles of incorporation of the association, bylaws and covenants outlining the purpose, organization and operation of the association.

b. Such articles of incorporation and covenants shall among other things provide:

1. That membership shall be mandatory for each lot purchased and each successive buyer.

2. That common open space restrictions must be permanent, not just for a period of years.
3. That the association shall be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
4. That lot owners must pay their pro-rate share of the costs.
5. That the assessment levied by the association can become a lien on the property.
6. That the association shall be able to adjust the assessment to meet changed needs.
7. In the event the lot owners association does not maintain the common open space and improvements as proposed and indicated at the time of subdivision, the county may at its option, do or contract to have done the required maintenance and recover the costs incident thereto by means of a lien against the involved properties of the members of the lot owners association.

(Ord. of 1952, title 26, § 2-6)

Sec. 106-2-7. Mountain subdivisions; special provisions.

(a) *Lot owners' association.*

(1) In order to provide for the adequate maintenance of private streets, private access rights-of-way or other improvements, the subdivider shall form, prior to the final approval by the county, a lot owners' association and shall establish and record articles of incorporation of the non-profit association and by-laws outlining the purpose, organization and operation of the association.

(2) The articles of incorporation and bylaws, shall provide:

a. That membership be mandatory for each lot purchase.

b. That maintenance of the private streets, private access rights-of-way or other improvements shall be permanent and not for just a period of years.

c. That the association is responsible for liability insurance, taxes and costs of maintenance and that lot owners must assume their fair share of these costs.

(b) *Conversion to public streets.* It is the policy of the county not to approve the conversion of private streets or private access rights-of-way in mountain subdivisions, subdivisions in isolated areas, in planned residential unit developments or in condominium projects to public streets wherein the county becomes responsible for road maintenance and snow removal, etc., in any application to the county for such conversions, the applicants shall show and the county commission shall determine that it is in the general public interest to accept the street dedication and that the economic and physical advantages, public good and benefits outweigh the additional costs of maintenance or other responsibility that the county will incur. If such conversion is approved by the county commission, the private streets or access rights-of-way must first be improved to county standards for public streets or such improvements guaranteed by and approved financial guarantee.

(Ord. of 1952, title 26, § 2-7)

Sec. 106-2-8. Identification of floodplain.

(a) The floodplain as used herein shall mean the relatively flat area or lowlands adjoining a river, stream, watercourse, lake or other body of standing water that has or may be covered by floodwater. The boundaries of the floodplain are the boundaries of the base flood (100-year flood) as identified by the federal flood insurance administration in its flood hazard boundary map (FHBM) #490187A, dated May 2, 1978, as amended from time to time.

(b) In subdivisions with floodplain, base flood and ground elevation data shall be provided for each lot by the developer and approved by the county engineer. Such data shall appear on the

final subdivision linen. If this data is not available, then this area shall be shown on the plat as non-buildable area, and all buildings shall be located out of the non-buildable area. Any existing base flood elevation from federal, state, or local sources shall be utilized to determine such flood elevations.

(c) In accordance with guidelines set by the federal flood insurance administration, the elevations of the lowest inhabitable floor for any building or structure shall be equal to or higher than the base flood elevation as determined by the flood hazard boundary map and the county engineer.
(Ord. of 1952, title 26, § 2-8)

Sec. 106-2-9. General land development.

Cluster subdivision, master plan communities, or plan residential unit developments with slopes of 40 percent or more in the FR-1, FV-3, F-5, F-10, F-20 and F-40 zones and 30 percent or more in all other zones, shall not be classified as developable land. All other subdivisions shall meet the restricted lot requirement table, or show a buildable area as required by the Land Use Code.
(Ord. of 1952, title 26, § 2-9)

Sec. 106-2-10. Power and telephone utilities.

All electric power, television cable and telephone utility extensions to and in new subdivisions shall be installed underground to utility company specifications, except in those locations where the utility companies determine, and the planning commission concurs that it is impractical due to steep terrain, inaccessible location, or other physical deficiency with the land.
(Ord. of 1952, title 26, § 2-10)

CHAPTER 3. CONDOMINIUM PROJECTS*

Sec. 106-3-1. Reserved.

Sec. 106-3-2. Condominium projects; subdivision.

A condominium project shall be considered to be a subdivision, and a record of survey map or supplement thereto prepared pursuant to the Condominium Ownership Act, U.C.A. 1953, § 57-8, as amended, shall be considered to be a subdivision map or plat with respect to such real property or improvements that are to be dedicated to the use of the public, and to those units which are not contained existing or proposed buildings.
(Ord. of 1952, title 26, § 3-2)

Sec. 106-3-3. Condominium projects to comply with local ordinances.

(a) Condominium projects shall comply with all the provision of the Weber County Land Use Code, the building, health and similar development regulations and ordinances of the county, and with Weber County subdivision regulations and shall follow the procedure outlined in such regulations for processing subdivisions.

(b) The standards and criteria for geographical layout of a condominium project, the facilities of utility lines and roads, the percentage of the project to be devoted to common or recreational use shall comply with the provisions of the ordinances and regulations in the subsections of this chapter.
(Ord. of 1952, title 26, § 3-3)

Sec. 106-3-4. Approval of condominium declaration.

A copy of the preliminary condominium declaration prepared pursuant to U.C.A. 1953, § 57-8 as amended, shall be submitted to the planning commission along with the preliminary record of survey, for review and approval with respect to the standards for the maintenance, upkeep and operations of roads, the facilities of utility lines and roads, recreational areas, and open spaces in the project.
(Ord. of 1952, title 26, § 3-4)

Sec. 106-3-5. Installation of improvements.

The developer of a condominium project shall at his own expense install the improvements listed in the "Subdivision Improvements Required" chapter of this Code. In addition, proposed recreation facilities, clubhouses, recreation vehicle parking areas and landscaping materials in accordance with and approved plan shall be

*State law reference—Condominium Ownership Act, U.C.A. 1953, § 57-8-1 et seq.

included in the guarantee of improvements provided by the developer to Weber County prior to final approval by Weber County or except as provided in the "Subdivision Improvements Required" chapter of this chapter, in accordance with the plans and specifications of approved by the county.
(Ord. of 1952, title 26, § 3-5)

CHAPTER 4. SUBDIVISION IMPROVEMENTS REQUIRED

Sec. 106-4-1. Owner of subdivision responsible for costs.

The owner of any land to be platted as a subdivision shall at his own expense install or provide an escrow with Weber County for improvements prior to recording the final plat according to the specifications and standards contained in the "Public Work Standards and Technical Specifications" adopted January 26, 1982 and under the inspection of the county engineer. Septic tanks shall be installed according to the specifications and under the inspection of the county health officer.
(Ord. of 1952, title 26, § 4-1; Ord. No. 3-82, 1-26-1982; Ord. No. 2012-2, § 1(26-4-1), 1-10-2012)

Sec. 106-4-2. Improvements required.

(a) *Water supply.*

(1) *Public system.*

a. Where an approved public water supply is reasonably accessible or procurable, the applicant shall install water lines, or shall contract with the local water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. Water lines and fire hydrants shall be operational before building permits are issued for any structures.

b. Capacity assessment letter is required prior to final approval from the planning commission. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the county commission.

(2) *New system.* Where an approved public water supply or system is not reasonably accessible nor procurable, the applicant shall install a water distribution system and provide a water supply to each lot from a source meeting the requirements of the Utah Division of Drinking Water and/or the Weber Morgan Health Department.

(3) *Wells.* If individual well permits are issued by the Utah State Division of Water Rights, one well permit must be obtained along with a letter of feasibility from the Division of Water Rights and the Weber Morgan Health Department, which states that well permits can be issued in the proposed area by the Division of Water Rights for exchange purposes. The owner of record of the proposed subdivision property shall record a covenant to run with the land which advises the new lot owner of the requirements to be fulfilled before a building permit can be obtained. This shall include but not be limited to:

a. that a well permit must be obtained;

b. the time it may take to obtain the permit;

c. the well must be drilled;

d. water quality to be satisfactory; and

e. water quantity to be sufficient as required by the Weber County Health Department, before a building permit can be obtained.

If well permits cannot be obtained, the lot will no longer be deemed a buildable lot.

(b) *Sewage disposal.*

(1) Where any part of a building situated within the unincorporated areas of the

county is within 300 feet of any street, alley, court, passageway or area in which a public sewer or sewer owned or operated by any special improvement sanitary sewer district is in existence and use or the building is close enough in the determination of the county health officer to require a connection, the applicant shall connect sanitary sewer and provide adequate lateral lines to the property line of each lot. Sewer systems shall be approved by the county health official, and connections shall comply with the public work standards of the county. Where the construction of a sewer trunk line is required to serve the subdivision, the applicant shall be required to construct the trunk line in accordance with plans and specifications approved by the county and sewer improvement district. The new trunk line shall be designed with sufficient capacity for the service area as determined by the county engineer. The applicant may be entitled to reimbursement for the oversized costs through impact fee or development agreement within the service area for a period of ten years from the date of acceptance by the county.

(2) Where a public sanitary sewer is not accessible, the applicant shall obtain approval from the county health officer for individual sewage disposal for each of the lots. Written approval from the county health officer shall be submitted to the planning division at the time the subdivision application is submitted. Where a sewer treatment facility is being approved by the State of Utah Department of Environmental Quality Division of Water Quality, a letter of feasibility is required for preliminary approval and a construct permit from the state is required before final approval can be granted by the planning commission.

(c) *Stormwater.*

(1) The county engineer shall require the applicant to dispose of stormwater, if such provision is deemed necessary, and provide drainage structures so that runoff from the subdivision does not exceed the runoff under undeveloped or natural conditions. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the applicant to acquire such easements.

(2) When drainage structures such as storm water detention and/or retention facilities are required by the county engineer, the county, at its option, may require the facility to be dedicated or otherwise transferred to Weber County or it's designate. Weber County may also require the developer of the subdivision which the detention and/or retention facility serves, to form a Homeowners Association of all homes in the subdivision with articles of incorporation and by-laws filed with the department of commerce. Provision shall be made in said association for the contracting with the county engineer to do periodic inspections and maintain the drainage facilities. The purpose of the association shall be to own and maintain the detention and/or retention facility in satisfactory condition as specified by the county engineer. In such cases, the County shall be granted an easement over the detention/retention facilities to guarantee such facilities will remain and be used as intended for stormwater detention purposes.

(d) *Street grading and surfacing.* All public and private streets and private access rights-of-way shall be graded and surfaced in accordance with the public work standards.

(e) *Curbs and gutters.* Curbs and gutters shall be installed on existing and proposed streets by the applicant. Deferrals for curb and gutter will be required for lots in the Ogden Valley. Curb and gutter shall be installed by the applicant in subdivisions along the abutting Utah State Highways, if required by Utah State Department of Transportation.

(f) *Sidewalks.* Sidewalks shall be required by the planning commission for reasons of safety and public welfare, and where the proposed subdivi-

sion is located within the walking distance as established by the School District. Deferrals for sidewalk will be required for lots in the Ogden Valley. Weber County will not waive sidewalk requirements on state highways unless the Utah State Department of Transportation has waived the sidewalk requirement. If a letter is provided by the Utah State Department of Transportation for a waiver, then a deferral agreement may be approved by the county commission. Approved walking paths may be substituted for sidewalks.

(g) *Street monuments.* Permanent street monuments shall be accurately set at points necessary to establish all lines of the street. Street monuments shall be of a type specified by the county surveyor.

(h) *Street trees.* Street trees shall be planted by the applicant when so required by the planning commission and of a variety and location as approved by the planning commission.

(i) *Street signs.* Street signs shall be installed by the applicant at locations designated by the county engineer. Signs shall be a type and material prescribed by the county engineer. The county commissioners shall have the option to install signs and charge the costs to the applicant.

(j) *Fencing or piping of canals, etc.* A solid board, chain link, or other non-climbable fence not less than five feet in height shall be installed on both sides of existing irrigation ditches or canals which carry five second feet or more of water, or bordering open reservoirs, railroad rights-of-way or non-access streets, and which are located within or adjacent to the subdivision, except where the planning commission determines that park areas including streams or bodies of water shall remain unfenced. Fencing or piping of canals, etc., shall not be required on subdivisions of four or fewer lots, or where canals, are located 600 feet from the homes.

(k) *Staking subdivision corners.* Survey markers shall be placed at all subdivision corners and lot corners to completely identify the boundaries on the ground. This shall be performed and confirmed by the surveyor's office before the subdivision is recorded.

(1) The minimum standard for a boundary or lot corner monument shall be a number five rebar 24 inches in length and visibly marked or tagged with the registered business name or the letters P.L.S. (Professional Land Surveyor) followed by the registration number of the surveyor in charge. Where ground conditions do not permit such monumentation, substitute monuments shall be noted on the subdivision plat and must be durably and visibly marked or tagged with the registered business name or the letters "P.L.S." followed by the registration number of the surveyor in charge.

(2) If the monument is set by a public officer, it shall be marked with the official title of the office.

(l) *Peripheral fencing.* The planning commission may require fencing along the periphery of a subdivision in an agricultural zone to provide protection to adjacent farming lands from the adverse affects of residential living and vice versa.

(m) *Secondary water.* The term "secondary water" shall mean water furnished for other than culinary purposes. Where a subdivision is proposed within an existing culinary water district or service area of an existing water corporation or within a water district or water corporation service area created to serve such subdivision, the planning commission shall, as part of the approval of the subdivision, require the applicant to furnish adequate secondary water and install a secondary water delivery system to the lots in the subdivision sufficient to conform to the public works standards, if such water district or company files or has filed a written statement with the Weber County Planning Division which specifies that the policy of such water district or company is to the effect that its water is not to be used for other than culinary purposes and will not permit culinary water connections unless secondary water is provided by the applicant, a certified copy of the minutes of the board of trustees of such water district or company showing the enactment of such policy must be furnished to the planning commission. If secondary water is to be by shallow well, then a copy of the approved well permit shall be submitted, and the shallow well shall be pump tested with a copy of the test results submitted for review prior to the subdivi-

sign being recorded. When subdivisions are within the service area of a secondary water provider company or district, the applicant shall install a secondary water system in accordance with the provider's requirements or standards.

(n) *Transfer of irrigation water rights.* Where the county, on behalf of a culinary water agency, requires irrigation water to be provided to each lot in a subdivision as part of the required improvements, the applicant shall provide for the transfer of irrigation water rights by either of the following methods as determined by the planning commission.

(1) The applicant shall form a lot owners association as a non-profit corporation for owning the irrigation water rights or stock for the lots in the subdivision. The applicant shall transfer to the association at the time of subdivision recording, sufficient rights or stock as required by the irrigation agency for the number of lots in the subdivision. The articles of incorporation of the association shall provide, in addition to the association owning the required water rights or shares on behalf of each and every lot owner, that each lot owner shall automatically be a member of the association, is entitled to a pro rata share of irrigation water, is subject to a water distribution schedule and procedure established by the association, and is responsible for his share of the costs of ditch and system maintenance and assessments as made by the association from time to time, or

(2) The applicant shall provide the county with evidence that sufficient irrigation water rights or shares for all of the lots in the subdivision are held by the developer/property owner. At the time of recording the approved subdivision plat, the developer/property owner shall record a covenant to run with the land that these rights or shares will not be disposed of except to the lots in the subdivision and with the sale of each lot, a transfer at no cost, the required water rights or shares needed to properly irrigate the lot, to the lot purchaser who is to be responsible for the proper use of the water as outlined in the irrigation water district or company's distribution schedule and procedures.

(o) *Fire protection.*

(1) A letter from the Weber Fire District approving the fire protection method shall be provided prior to final approval of the subdivision by the planning commission. Before a land use permit is issued, the fire protection method shall be operational, and a letter to that affect will be required from the Weber Fire District.

(2) Subdivisions located in the Forest and Forest Valley Zones shall have requirements in the Subdivision Covenants, Conditions, and Restrictions on Wildfire mitigation as outlined by the Weber County Fire District.

(Ord. of 1952, title 26, § 4-2; Ord. No. 6-73, 4-17-1973; Ord. No. 3-82, 1-26-1982; Ord. No. 4-86, 3-10-1986; Ord. No. 22-87 12-14-1987; Ord. No. 19-90, 10-24-1990; Ord. No. 17-91, 8-27-1991; Ord. No. 2002-11, 6-18-02; Ord. No. 11-2005, 8-16-05; Ord. No. 2012-2, § 1(26-4-2), 1-10-2012)

Sec. 106-4-3. Guarantee of improvements.

(a) Deposit and escrow.

(1) All improvements shall be installed prior to issuance of any land use permit within a newly approved subdivision. The only improvement that may not be required prior to construction of a dwelling is the asphalt, chip and seal, landscaping, street monuments, secondary water (if not in the right-of-way), and curb, gutter, and sidewalk. All public and private utilities within the road right-of-way shall be installed prior to the road being asphalted. Cuts within one year of asphalt placement on a new road, will require a special permit and include requirements for special backfill and asphalt replacement.

(2) The applicant shall guarantee the installation of improvements by depositing the financial guarantee funds into the Weber County Engineer's Escrow which will allow the recording of a subdivision. The

recording of the subdivision will allow the developer to sell the lots, but not allow building and/or land use permits to be issued until all improvements are installed, except as listed above.

(3) The applicant shall furnish and file with the county commission the escrow of the Weber County Engineer in an amount equal to the future cost of the installation of the improvements at the termination of the financial guarantee period as estimated by the county engineer, to assure the installation of improvements within two years. The escrow shall be approved by the county commissioners and county attorney.

(4) Upon completion of the construction of roads and utility lines, the developer's engineer shall prepare and submit as-built plans for all improvements for the approval of the county engineer. As-built plans shall include a digital plan (dwg format) and one set of reproducible Mylars prior to the county acceptance for maintenance of roads.

(b) Upon completion of all improvements, ten percent of the approved financial guarantee shall be retained by Weber County for a period of one year at which time, upon recommendation of the county engineer, the roads may be accepted for maintenance by the county.

(c) Whenever the applicant develops a subdivision a phase at a time, such development shall be in an orderly manner and in such a way that the required improvements will be made available. The applicant shall be responsible for coordinating the installation of utility, street, water lines, fire hydrants, and all other required improvements with the buyers of lots.

(d) The county engineer, at the request of the applicant, may release portions of the escrow agreement when all obligations have been fully performed by the installation of the improvements.

(e) The applicant shall deposit with the County Engineer at the time of final plat approval, an amount of money equal to the estimated cost of purchase and installation of the traffic control and street name signs.

(f) The applicant shall sign a survey monumentation improvement agreement and pay applicable fees associated prior to the county surveyor signing the final subdivision plat Mylar.

(g) New subdivisions having to utilize a road that is substandard in road right-of-way width and/or improvements shall not be consider for approval or extension, until the substandard road is fully improved to County Public Work Standards.

(Ord. of 1952, title 26, § 4-3; Ord. No. 3-85, 4-17-1985; Ord. No. 13-91, 6-26-1991; Ord. No. 2002-11, 6-18-2002; Ord. No. 11-2005, 8-16-2005; Ord. No. 2009-32, 12-22-2009; Ord. No. 2012-2, § 1(26-4-3), 1-10-2012)

Sec. 106-4-4. Inspection of improvements.

The county engineer, building inspector, county surveyor, and county health officer shall inspect all buildings, structures, streets, street monuments, fire hydrants, water supply, and sewage disposal systems in the course of construction, installation or repair, etc. Excavations for fire hydrants, water and sewer mains, and laterals shall not be covered over or back-filled until such installations have been approved by the County Engineer, or utility owner's' representative. If any installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the County Engineer.

(Ord. of 1952, title 26, § 4-4; Ord. No. 3-82, 6-26-1982; Ord. No. 2002-11, 6-18-2002; Ord. No. 11-2005, 8-16-2005; Ord. No. 2012-2, § 1(26-4-4), 1-10-2012)

CHAPTER 5. ENFORCEMENT AND PERMITS

Sec. 106-5-1. Subdivision approval required for permit.

The county building inspector and planning director shall not issue any permit unless the

plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all provisions of this title. No county officer shall issue any permit or license for the use of any building, structure, or land when such land is a part of a subdivision as defined herein until such subdivision has been approved and recorded in the county recorder's office. Any license or permit issued in conflict with this title shall be null and void.
(Ord. of 1952, title 26, § 5-1)

Sec. 106-5-2. Subdivision processing fee; definitions.

When used in this chapter, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

Planning processing means the procedure followed by the staff of the Weber County planning commission in accordance with this title in checking and reviewing proposed subdivisions leading to final approval by the county.

Engineering checking and improvement inspection means the work performed by the county engineer in checking the plans for road construction and utility installation as proposed by the subdivider and the on-site inspection of the actual construction to ensure conformance with county standards.

Rural subdivisions means subdivisions in a primarily agricultural, rural, or mountain area and in which the requirements of curb, gutter, and sidewalk have been waived by the county in accordance with sections section 106-4-2(f) and (h).

Urban subdivisions means subdivisions with lots of less than 40,000 square feet and 150 foot frontage which are required by the county to have installed curb, gutter and/or sidewalk in accordance with section 106-4-2(f) and (h).
(Ord. of 1952, title 26, § 5-2)

CHAPTER 6. PENALTY, VALIDITY AND REPEALER

Sec. 106-6-1. Penalty.

Any person who shall violate any of the provisions of this title shall, upon conviction thereof, be punished by a fine not exceeding $750.00 or imprisonment in the county jail for a period not exceeding 90 days or by both fine and imprisonment.
(Ord. of 1952, title 26, § 6-1)

CHAPTER 7. OWNER'S DEDICATION

Sec. 106-7-1. Subdivision dedication.

We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots and streets (private streets, private rights-of-way) as shown hereon and name said tract, and do hereby dedicate, grant and convey to Weber County, Utah, or its designee, all those parts or portions of said tract of land designated as parks the same to be used as public open space:

(name of subdivision)

[include as applicable]

Public streets and parks. Dedicate to public use all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares.

Private streets, access, rights-of-way. Dedicate and reserve unto themselves, their heirs, their grantees and assigns, a right-of-way to be used in common with all others within said subdivision (and those adjoining subdivisions that may be subdivided by the undersigned owners, their successors, or assigns) on, over and across all those portions or parts of said tract of land designated on said plat as private streets (private rights-of-way) as access to the individual lots, to be maintained by a lot (unit) owners' association whose membership consists of said owners, their grantees, successors, or assigns.

Common open space. Grant and convey to the subdivision lot (unit) owners association, all those parts or portions of said tract of land designated as common areas to be used for recreational and open space purposes for the benefit of each lot (unit) owners association member in common with all others in the subdivision and grant and dedicate to the county a perpetual open space right and easement on and over the common

areas to guarantee to Weber County that the common areas remain open and undeveloped except for approved recreational, parking and open space purposes.

Public utility, drainage and canal maintenance easements. Grant and dedicate a perpetual right and easement over, upon and under the lands designated hereof as public utility, stormwater detention ponds drainage easements and canal maintenance easement, the same to be used for the installation maintenance and operation of public utility service line, storm drainage facilities, irrigation canals or for the perpetual preservation of water channels in their natural state whichever is applicable as may be authorized by the governing authority, with no buildings or structures being erected within such easements.

Private land drain easements. Grant and dedicate unto all owners of lots upon which private land drains are constructed or which are otherwise dependent upon such land drains, an easement over such land drains for the purpose of perpetual maintenance and operation.
(Ord. of 1956)

CHAPTER 8. SIGNATURE BLOCKS

Sec. 106-8-1. Signature blocks for various certifications and examinations.

The following signature blocks are for various forms required by this title:

(1) Weber County Attorney:

I have examined the financial guarantee and other documents associated with this subdivision plat and in my opinion they conform with the County Ordinance applicable thereto and now in force and affect.

Signed this ____ day of _____, 20____.

_____

Signature

(2) Weber County Surveyor:

I hereby certify that the Weber County Surveyor's Office has reviewed this plat for mathematical correctness, section corner data, and for harmony with lines and monuments on record in County offices. The approval of this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who execute this plat from the responsibilities and/or liabilities associated therewith.

Signed this ____ day of _____, 20____.

_____

Signature

(3) Weber County Engineer:

I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements.

Signed this ____ day of _____, 20____.

_____

Signature

(4) Weber County Planning Commission approval:

This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the ____ day of _____, 20____.

_____

Chairman, Weber County Planning Commission

(5) Weber County Commission acceptance:

This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision, thereon are hereby approved and accepted by the Commissioners of Weber County, Utah this ____ day of _____, 20____.

_____

Chairman, Weber County Commission

Attest: _____

Title: ____ _ _____

(6) Condominium:

(Corporation) Owner's Certificate of Consent to Record

Know all men by these presents: _____, President of _____ Inc., a Utah Corporation, which is the owner of the tract of land described hereon and the _____, a condominium project located on said tract of land, do hereby make this certificate for and on behalf of said Corporation by authority of a resolution of the Board of Directors of said Corporation, that said Corporation has caused a survey to be made, and this record of survey map, consisting of ____ sheets to be prepared; that said Corporation has consented to and does hereby consent to the recordation of this Record of Survey Map in accordance with the Utah Condominium Ownership Act.

In witness whereof I have set my hand and affixed the Corporate Seal this ____ day of _____, 20____.

(7) (Individual) owner's certificate of consent to record:

Know all men by these presents: _____ being the owners of the tract of land described hereon and the _____, a condominium project located on said tract of land, do hereby make this certificate that said owners have caused a survey to be made, and this record of survey map, consisting of ____ sheets to be prepared; that said owners have consented to and do hereby consent to the recordation of this Record of Survey Map in accordance with the Utah Condominium Ownership Act.

Signed this ____ day of _____, 20____.

_____

Signature

(Ord. of 1956)

Title 107

RESERVED