

CHAPTER 1

GENERAL PROVISIONS Filing of Preliminary and Final Plans

June 17, 2011

Amd. Ord. 95-31, 11/11/95; 10-2005, 8/16/05; 2008-11 4/15/08

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26-1-1 Purpose and Intent. The ~~underlying~~ purpose and intent of this Ordinance is to promote the health, safety, convenience, and general welfare of the inhabitants of the unincorporated ~~territory~~ area 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. This ordinance outlines the procedures for processing subdivisions and their approvals.~~

26-1-2 Variances. The County Commission is the appeal board for the subdivision ordinance. The County Commission may vary the standards in cases where unusual topographical or other exceptional conditions exist, variations and exceptions from this Ordinance may be made by the County Commissioners. the appeal board for the subdivision ordinance, after a recommendation by the Planning Commission. The following are not considered exceptional conditions such as financial, economic, or self-imposed. The Planning Commission shall make a recommendation to the County Commission prior to the consideration of any variances.

26-1-2 3 ~~Scope of Ordinance. Subdivision Required. 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 Ordinance. 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 Ordinance. provided, that This Ordinance shall not apply to any lot or lot(s) 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.~~

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 Ordinance, 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. (Amd. Ord. #2-71, 2/25/71)

26-1-3 4 Definitions. The following words and phrases used in this Ordinance shall have the respective meanings

hereinafter set forth, unless a different meaning clearly appears from the context:

- ~~1. "Alley": A public thoroughfare less than twenty six (26) feet wide.~~
1. "Average Percent of Slope": An expression of rise or fall in elevation along a line perpendicular to the contours of the slope connecting the highest point of a slope to the lowest point of the same slope within a parcel or lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart measured on a horizontal plane is a one hundred percent (100%) grade. The horizontal distance between any two measured points shall not exceed 50 feet.
(Amd. Ord. #2-71, Feb. 25, 1971; #15-92, 12/16/92)
2. "Block": The land surrounded by streets and other rights-of-way ~~other than an alley~~, or land which is designated as a block on any recorded subdivision plat.
3. "Bonafide division or partition of agricultural land for agricultural purposes": shall mean the division of agricultural land into lots or parcels of five (5) acres or more in area whose principal use is the raising and grazing of animals or agriculture as ~~that use is~~ defined in the Weber County Zoning Ordinance and provided that:
 - a. No dedication of any streets shall be required to serve any ~~such lots or~~ parcels of agricultural land ~~so created~~.
 - b. ~~The division of land in the mountain areas (Forest Zones) of the County for investments, building development or summer cabin usage shall not be deemed to be a bona fide division or partition of agricultural land for agricultural purposes.~~
 - eb. The agricultural ~~lots or~~ parcels ~~so created~~ shall not ~~thereafter~~ be further divided into parcels of less than five acres without being subdivided in accordance with this ordinance ~~the Subdivision Regulations of Weber County~~.
 - dc. No dwellings shall be permitted unless all subdivision, zoning and health requirements ~~of the County~~ are met.
(Amd. Ord. #20-72, #4-81)
- 5 4. "Buildable Area". As defined in the Hillside Development Review Procedures and Standards in the Weber County Zoning Ordinance ~~"Building Area": A portion of a lot, parcel, or tract of land, which is to be utilized as the building site having an area of at least one hundred (100) feet by seventy five (75) feet with an average slope of less than twenty five percent (25%), such building area to be designated as the only area in which building may take place and outlined on the subdivision plat in which the lot is located. Easements and setbacks cannot be located within this area.~~
(Amd. Ord. #2-71, 2/25/71, #2002-03, 3/05/02)
6. ~~"Building Parcel Designation": Building parcel designation recognizes two (2) or more lots within an approved subdivision as one (1) lot for building purposes. This does not allow for the creation of additional lots, and the original lot lines as recorded do not change. The Planning Director can administratively approve Building Parcel Designation (Ord #2002-3, 3/05/02)~~
7. ~~"County": Weber County, Utah.~~
8. ~~"County Commissioners": The Board of Commissioners of Weber County, Utah.~~
9. ~~"County Health Officer": The Administrative and Executive Officer of the Weber County Health Department and Local registrar of Vital Statistics or his duly authorized representatives.~~
10. ~~"Holding Strip": A strip of land bordering both situated within a street right of way adjoining a boundary of a subdivision and a street within the subdivision for the purpose of controlling the access of property owners abutting the subdivision to the street. Holding strips may not be placed at the terminus of a right of way. The Holding strip is to be one (1) foot in~~

~~width, or as required by the County Commission.~~ (Ord. #2007-1, 1/09/07)

- ~~115.~~ "Easement": That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.
- ~~126.~~ "Land Use Authority" : A person, board, commission, agency, or other body designated by the Weber County Commission, through this ordinance, to act upon subdivision applications. (Ord. #2007-1, 1/09/07)
- ~~13.~~ "~~Land Use Ordinance~~": ~~The Land Use Ordinance is to be known as the Uniform Zoning Ordinance of Weber County as adopted by the Board of County Commissioners, December 30, 1958 as amended from time to time.~~
- ~~14.~~ "Lot": A parcel of land capable of being occupied by an allowed use, building or group of buildings (main or accessory), and approved for human occupancy either full or part time; together with such yards, open spaces, parking spaces and other areas required by this Ordinance and the Zoning Ordinance, of Weber County. Such parcel shall also have frontage on a street or on a right of way approved by the Board of Adjustment. Except for group dwellings and guest houses, not more than one (1) dwelling structure shall occupy any one (1) lot. (Amd. Ord. #2-71, 2/25/71)
- ~~7.~~ "Lot Combination": A Lot combination recognizes two (2) or more lots within an approved subdivision as one (1) lot for building purposes. This does not allow creation of additional lots, and the original lot lines as recorded do not change. The lots have to conform to current zoning or be part of a cluster subdivision. If the lots do not conform to current zoning then an amended subdivision plat is required. The Planning Director can administratively approve Lot Combination Application that meet current zoning.
- ~~158.~~ "Lot Line Adjustment": Allows owners of lots within approved subdivisions to adjust ownership lines between lots. An Amended Plat is required to do a Lot Line Adjustment. Non-conforming lots cannot become more non-conforming. (Ord. #2002-3, 3/05/02)
- ~~169.~~ "Lot, Restricted": ~~A lot (1) Which has an average slope of twenty five (25%) percent or more over a major portion of its area, or (2) which does not have a building area of at least seventy five (75) feet by one hundred (100) feet on a buildable portion of the lot with an average slope of less than twenty five (25%) percent, or (3) which has been identified as having potential geologic or other environmental hazards or which requires further investigation prior to the issuance of a building permit. The lot shall be increased in area and width if over the twenty five (25%) percent slope category and shall be regulated and developed in accordance with Chapter 36B of the Weber County Zoning Ordinance and conditions imposed by the Hillside Development Review Board in addition to the requirements of this Ordinance.~~ (Amd. Ord. #2-71, 2/25/71, #9-88, 5/9/88)
- ~~17.~~ "Lot, Unrestricted": ~~A lot having an average slope of less than twenty five percent (25%) over a major portion of its area or a lot having an average slope of twenty five percent (25%) or more which contains a building area on a buildable portion of the lot with an average slope of less than twenty five percent (25%), and the building area is designated as such on the subdivision plat in which the lot is located.~~ (Amd. Ord. #2-71, 2/25/71)
- ~~18.~~ "Lot Right of way": ~~A strip of land of not less than sixteen (16) feet wide connecting a lot to a street for use as private access to that lot.~~
- ~~19.~~ "Master Street Plan": ~~A plan, labeled "Master Street Plan" of Weber County.~~
- ~~2010.~~ "Minor Subdivision": (Ord. #2007-1, 1/09/07)
- a.. A subdivision consisting of ~~three (3)~~ ten (10) or fewer lots and for which no streets will be created or realigned, or

- b. An amended subdivision consisting of ~~five (5)~~ ten (10) or fewer lots and for which no streets will be created or realigned; or
 - c. A subdivision phase consisting of ~~five (5)~~ ten (10) or fewer lots which has a valid preliminary approval by the Planning Commission and meets all conditions of ~~that~~ preliminary approval, including proposed street layouts, and phasing plan.
- ~~24~~11. "Non-Buildable Area": ~~The area of a lot, which, because of identified potential geologic, or other environmentally hazardous conditions, has been determined unsuitable for construction of residential buildings and other structures for human occupancy. Decks, patios, pergolas, storage sheds, unattached private garages and other accessory structures may be allowed however within the designated non-buildable area of a lot~~ As per Chapter 36B of the Weber County Zoning Ordinance.
(Amd. Ord. #9-88, 5/9/88)
22. "Official Map": ~~A map adopted by the Board of County Commissioners under the provisions of 17-27-7, Utah Code 1953 as amended.~~
23. "Parcel of Land": ~~Parcel of land shall mean a contiguous quantity of land in the possession of, owned by, or recorded as the property of the same claimant or person.~~
24. "Person": ~~Any individual, corporation, partnership, firm or association of individuals, however styled.~~
25. "Private Access Right of Way": ~~An easement of not less than fifty (50) feet wide reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the County and maintained by the subdivider or other private agency.~~
- 12 "Protection Strip": A line that acts as an encumbrance by which certain land, lying adjacent to a dedicate road right-of-way or other transportation facility, is restricted from having access. The protection strip, having no specific width, is shown as a unique line-type on the edge of a dedicated right-of-way and has the general purpose of controlling access until such time that the original financier and adjacent landowner can effectively negotiate terms of equitable reimbursement. Protection strips shall expire after 10 years.
- ~~26~~13. "Streets":
- a. "Street": A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority or a thoroughfare not less than twenty-six (26) feet wide which has been made public by right of use and which affords the principal access to the abutting property.
 - b. "Street, Major": A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the Master Street Plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.
 - c. "Street, Collector": A street existing or proposed of considerable continuity which is the main means of access to the Major Street System.
 - d. "Street, Standard Residential": A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.
 - e. "Street, Frontage Marginal Access": ~~A minor~~ street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

f. "Street, Private": A minimum of a 50 foot wide thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the County and maintained by the ~~subdivider~~ developer or other private agency.

g. "Cul-de-sac": A ~~minor~~ terminal street provided with a turnaround.

~~27~~14. "Subdivision":

a. Means any land that is divided, resubdivided or proposed to be divided into ~~two~~ one or more new lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

b. "Subdivision" includes the designation of existing parcels as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance. "Subdivision also includes the designation of two or more existing parcels combined together as one, as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance.

c. "Subdivision" includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.

d. "Subdivision does not include a bona fide division or partition of agricultural land for agricultural purposes. ~~nor a division of land into two or more parcels each of which is eighty (80) acres or more in area.~~ (Amd. Ord. 15-92, 12/16/92)

~~28~~15. "Subdivision Cluster": ~~A subdivision of land in which the lots have areas less than the minimum lot area of the zone in which the subdivision is located, but which complies with the Cluster Subdivision provisions of the Zoning Ordinance and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide an attractive low density character for the residential lots in the subdivision. See the Weber County Zoning Ordinance Chapter 22B.~~

~~29.~~ "Subdivision, Summer Home": ~~A subdivision of land in the mountain areas of the County for summer home usage only and not for year round permanent living where, because of topography and the temporary nature of the occupation, road utility and other standards and improvements are reduced to a minimum and where the naturalistic environment is maintained as much as possible.~~

~~30.~~ "Survey Markers": ~~A survey marker shall be of the size and type specified by the Weber County record of survey ordinance. Section 6-12-2 (5) (a).~~

26-1-4 5 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 Weber County Planning staff before preparing any plats, charts, or plans in order to become familiar with the County Subdivision requirements and existing master plans for the territory in which the proposed subdivision lies and to discuss the proposed plan of development of the tract. Additional required submittal information will be identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells, taxes, state roads, and neighborhood circulation plan.~~

(B) Subdivision Application Submittal. Subdivision applications shall be submitted to the Planning Division Planning Director or his/her designated staff member, by appointment, and shall include:

A completely filled out subdivision application, signed by the property owner(s).

1. ~~Twelve (12)~~ Five (5) full size 24 x 36 copies, and one (1) reduced size 11 x 17 copy, and one (1) reduced size 8 1/2 x 11 copy of a preliminary plan meeting the requirements listed in this ordinance. This includes two 24 x 36 copies of the phasing plan. Once all preliminary requirements have been met two full size copies and a digital copy shall be submitted to the Planning Division. This requirement shall be met prior to the submittal for final approval.
2. 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.~~
3. A written statement of feasibility from the County or State Health Department, which states the recommendation of the Health Department regarding:
 - a. sanitary sewage disposal,
 - b. and culinary water availability, and shall be provided with the submittal of any subdivision application.
 - c. A Project Notification form from the Utah State Department of Environmental Quality Division of Drinking Water.
4. ~~A non-refundable fee made payable to Weber County~~ (Ord. #2007-1, 1/09/07)
5. ~~A copy of the Project Notification form from the Utah State Department of Environmental Quality Division of Drinking Water.~~

26-1-5 6 Preliminary plan/plat Requirements and Approval Procedure.

- (A) The preliminary plan shall be prepared in conformance with the requirements of this ordinance and all other County codes and regulations regulating the subdivision of land. The preliminary plan shall be drawn to a scale not smaller than one hundred (100) feet to the inch and shall show:
1. ~~The proposed name of the subdivision. Sufficient information to locate accurately the property shown on the plan, including and ties to section corners. 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 also be shown on the top of the plat.~~
 2. North point, scale, and date. ~~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 lot numbers, and measured and/or record and ties to section corners Ties. 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."~~ (Amd. Ord. #2002-3, 3/05/02)
 - 4-3. ~~The boundary lines of the tract to be subdivided showing bearings and distances.~~ The boundary lines of the tract to be subdivided showing lot numbers, measured

and/or record bearings, distances, and other controlling data with ties to section corners. The individual or company names and addresses of the subdivider applicant, the engineer and registered land surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided. (Amd. Ord. #4-86, 3/10/86)

- 5 4. Contour map ~~at~~ with contour intervals of 1', 2', 5', or 10' as determined by the Planning Commission County Engineer.
- 6 5. ~~The boundary lines of the tract to be subdivided showing bearings and distances. The individual or company names and addresses of the subdivider applicant, the engineer, and registered land surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.~~
- 7-6. The existing location, widths, and other dimensions of all ~~existing or platted~~ streets and other important features such as but not limited to railroad lines, sanitary sewers, storm drains, water supply mains, fire hydrants, water wells, land drains, culverts, watercourses, wetlands, stream corridor setbacks, flood plain, fence lines, exceptional topography, easements, and buildings within or immediately adjacent to the tract to be subdivided. buildings and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided. (Amd. Ord. #2002-3, 3/05/02)
8. ~~Existing and proposed sanitary sewers, storm drains, water supply mains, fire hydrants, water wells, land drains, and culverts within the tract and immediately adjacent thereto.~~ (Amd. Ord. #2002-3, 3/05/02)
- 9 7. The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, parks, pathways, 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.
- 9 8. ~~North point, scale, and date.~~ Road connectivity plan showing how future roads can connect to provide circulation to future neighborhoods.
- 11 9. Lots classified as "restricted" by placing the letter "R" immediately to the right of the lot number ~~of said lot.~~ (Amd. Ord. #2-71, 2/25/71)
- 12 10. The location of percolation test holes on each lot. (Ord. 2007-1, 1/09/07)
- 13 11. Proposed 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 storm water drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. Engineering Improvement drawings as required by the County Engineer may be required during preliminary approval in subdivisions where roads are proposed over ground that has an average slope of ten percent (10%) percent or greater. (Amd. Ord. #4-86, 3/10/86, #2007-1, 1/09/07)
- 14 12. Open space and common area improvements ~~shall be submitted~~ including but not limited to landscaping, structures, signs, parking, and other amenities.
13. A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include at least the following:
 - a. All easements.
 - b. Reference to all deeds in chain of title.
 - c. All boundary line agreements.

- d. All rights of way.
- e. All current owners.
- f. All outstanding liens, taxes, etc.

(B) Approval Procedure.

~~1. A phasing plan for multi phase subdivisions shall be submitted and approved by the Planning Commission~~

~~12. With the exception of minor subdivisions, the preliminary plan/plat including the phasing plan shall be presented to the Planning Commission land use authority for their recommendation determination, based upon compliance with applicable ordinances.~~

a. 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.

b. 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. (Amd. Ord. #2002-3, 3/05/02, #2007-1, 1/09/07)

~~23.e Grading Limitation. No large scale excavation (more than 5,000 sq. ft.), 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 Weber County.~~

26-1-67

Agency Review and Public Notice.

(Ord. #2007-1, 1/09/07)

(A) ~~Distribution of Preliminary Plan. The Planning Commission Division 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, County Treasury, and utility companies furnishing telephone, electric, water, sanitary sewer and/or gas service. The Planning Division Commission office may distribute copies of the Preliminary Plan to other agencies and organizations to ensure thorough review of the proposed plan. The above agencies will have two weeks to review the application and return a response letter to the Planning Division with any concerns or conditions.~~

~~(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 passers by.~~

(B) Notice for an amendment or vacating a subdivision: For an amendment to a subdivision, the Planning Division shall provide notice of the date, time, and place of at least one public meeting, at least 10 calendar days before the public meeting. The notice shall be mailed and addressed to the record owner of each parcel within 500 feet of the property. The notice requirement shall not be required for vacating a subdivision if all property owners have signed a petition to vacate. Notice for subdivisions is required only for vacating or amending a subdivision plat.

Notice challenge: If the notice is not challenged within 30 days after the meeting or action for

which notice is given, the notice is considered adequate and proper.

26-1-7 8 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 that have received receiving preliminary plan approval shall have eighteen (18) months from the date of the preliminary approval by the Planning Commission 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 eighteen (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. Only one preliminary plan/plat extension will be granted. (Amd. Ord. #2002-3, 3/05/02)

- (B) Time Limitation for Final Approval. A final subdivision plat or a phase 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 (1) year from the date of the Planning Commission's recommendation for final approval. After one (1) 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~~ Director may grant a onetime extension for final subdivision approval for a maximum of one (1) year ~~per subdivision~~. A multiple phase subdivision may receive only one time extension, not one time extension per phase.
- (C) 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 non-conforming 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.

26-1-8 9 Final Plat Requirements and Approval Procedure

Until all preliminary requirements outlined in the agencies review are met, the subdivision shall not proceed to final approval. Final plat submittal will not be accepted until the conditions of preliminary approval are met.

- (A) Final Plat Required.
1. After compliance with the provisions of Section 26-1-5 of this Ordinance, the ~~subdivider applicant~~ shall submit ~~twelve (12)~~ five (5) full size, 24 x 36, one (1) reduced size, 11 x 17 copy of the final plat, and one (1) 8 1/2x11 copy of the final plat, meeting the remaining requirements listed in this ordinance and any additional requirements set by the Land Use Authority. Such plat shall be accompanied by a "Letter of Certification" by the ~~subdivider's applicant's~~ registered land surveyor, indicating that all lots meet the requirements of the Zoning Ordinance. Digital copies shall also be submitted as listed for preliminary plan. (Amd. Ord. #4-86, 3/10/86; #2007-1, 1/09/07)
 2. The final plat and accompanying information shall be submitted to the Planning ~~Commission~~ Division at least thirty-five (35) days prior to a regularly scheduled Planning Commission meeting ~~in order to be considered at said meeting.~~ (Amd Ord. #2002-3, 3/05/02)

(B) Final Plat Requirements.

(Amd. Ord. #2-88, 1/8/88)

1. ~~Digital copies shall be submitted until the County Engineer and Surveyor gives their approval for a Subdivision Mylar to be submitted.~~ The final plat shall ~~be consist of~~ a sheet of ~~approved tracing linen or Mylar to~~ with the ~~outside or trim~~ dimensions of twenty four (24) by thirty six (36) inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half (1/2) inch or a maximum of one and one half (1½) inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a Licensed-Land Surveyor licensed in the State of Utah. 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 a scale large enough to clearly show all details in any case not smaller than one hundred (100) feet to the inch and the workmanship on the finished drawing shall ~~be neat, clean cut and readable~~ legible 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 sub-paragraph "g h" of this paragraph, 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 also be shown on the top of the plat. (Amd. Ord. #2-88, 1/8/88)
- b. Where a subdivision complies with the Cluster Subdivision provisions ~~of the Zoning Ordinance~~, the final plat shall indicate underneath the subdivision name the words, "Cluster Subdivision"

(Amd. Ord. #2002-3, 3/05/02)

- c. A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved by the County Surveyor, 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 ~~retraced or established by the survey, and dimensions of all boundary~~ including the lines of the subdivision. ~~These~~ The boundary 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.

(Amd. Ord. #4-86, 3/10/86; #2-88, 1/8/88)

- e. The names, widths, lengths, bearings and curve data on center lines 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 Weber County, unless there are street alignment situations where a street name may be better utilized as the primary identifier. The County Surveyor must approve these allowable situations. Where streets are given a number as the primary identifier a street name may be assigned as a secondary identifier.

(Amd. Ord. #15-71 11/30/71; #4-86, 3/10/86)

- 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.~~
- (Amd. Ord. #3-73, 11/30/73; #3-82, 1/26/83; #4-86, 3/10/86; #2002-3, 3/05/02)
- 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" Common Space. or "Private Common Open Space", whichever is applicable.~~
- h. ~~The standard forms approved by the Planning Commission~~ A signature block conforming to state code and county ordinances shall be used for all subdivision plats lettered for the following:
- ii) 1. Description of land ~~to be~~ included in subdivision;
 - iii) 2. Private licensed land surveyor's "Certificate of Survey";
(Amd Ord. #4-86, 3/10/86)
 - iiii) 3. Owner's dedication certificate;
 - v) 4. Notary public's acknowledgment;
 - vi) 5. ~~County Planning Commission's~~ Director certificate of approval;
 - vii) 6. County Engineer's certificate of approval;
(Amd. Ord.#3-82, 1/26/82)
 - viii) 7. County Attorney's certificate of approval;
 - ix) 8. Board of County Commissioners' certificate of acceptance;
 - x) 9. County Clerk's certificate of attest;
 - xi) 10. County Surveyor's Certificate of Approval;
(Amd. Ord. #4-86, 3/10/86)
 - xii) 11. Weber-Morgan Health Department Certificate of Approval.
(Amd. Ord. #3-96, 10/09/96)
- i. A three (3) inch by three (3) 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. In addition front lot line corners may be permanently referenced in curbs after completion of the streets construction. The subdivision boundary corners, lot corners, and centerline street monuments shall be noted on the final plat in conformance ~~to~~ with the County record of survey ~~requirements~~ ordinance.
- (Amd. Ord. #2-88, 1/8/88)
- k. (1) The map shall contain a written narrative that comply with state code and county ordinances. explains and identifies:
- a) ~~The purpose of the survey.~~
 - b) ~~The basis on which lines were established. The surveyor should shall explain what decisions he were made in formulating~~

~~the boundary such as the basis of bearing for the description or the use of any proration methods.~~

~~e) 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 shall indicate ~~what he was found~~ relating to these calls.~~

~~(2) If the narrative is a separate document, it shall also contain:~~

~~a) Location by quarter section or lot number, section number, township and range.~~

~~b) Date of survey.~~

~~e) Surveyor's stamp or seal and signature.~~

~~d) Surveyor's business name and address.~~

~~(3 2) The map and narrative shall be referenced to each other if they are separate documents.~~

l. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the County Surveyor.

m. All easements observed, recorded in the Recorder's Office, or included in a preliminary title report unless legally vacated by all easement holder.

k. If no preliminary plans are required then a preliminary title report for each tax parcel included within the subdivision boundary shall be included with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include at least the following:

A search of recorded documents back to patent identifying:

a. All easements.

b. Reference to all deeds in chain of title.

c. All boundary line agreements.

d. All rights of way.

e. All current owners.

f. All outstanding liens, taxes, etc.

L 2. ~~(a) The minimum standard for a boundary or lot corner monument shall be a number five rebar 24" in length 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. Where ground conditions do not permit such monumentation, substitute monuments 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.~~

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

The note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances.

2 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, using record or measured information 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 nor is a description of the remainder parcel required.

3 4. For subdivisions that include lots of a "restricted" category or lots with "buildable areas" as defined in this Ordinance, the following shall be required on the final plat:
(Amd. Ord. #9-72, 4/04/72)

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~~ to Purchasers 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 Chapter 36B of the Zoning Ordinance ~~of Weber County~~. Approval of a Restricted Lot does not guarantee the lot is buildable. A Hillside Review as outlined in the Hillside Ordinance shall be done to determine if a lot is buildable.

(Amd. Ord. #3-82, 1/26/82; #2002-3, 3/05/02)

b. For lots approved with "buildable building areas" such ~~building buildable~~ 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 buildable~~ area and by placing the words "building buildable area" within the dashed lines and by including the following notification on the plat:

"Notice to Purchasers of Lots with Designated ~~buildable Building~~ areas. Lots with designated "building buildable areas" have been approved subject to the condition that building development shall take place only within such designated areas."

c. Areas with special regulations subject to the Sensitive Lands Ordinance shall be shown on the final plat, which includes wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.

4 5. ~~For~~ Subdivisions ~~that are~~ located in areas ~~of unincorporated Weber County~~, which are zoned for Agriculture (A-1, A-2, A-3, and AV-3), shall have 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 Zoning Ordinance 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."

5 6. ~~For~~ Subdivisions ~~that include lots, which will be partially or completely in the base flood plain (see Chapter 33, W.C. Zoning Ordinance) of any river, stream, watercourse, lake, or other body of standing water a boundary and elevations of the flood plain 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.~~

Subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and when available the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any construction performed in the floodplain area will need to meet the requirements of Title 12, Flood Damage Prevention Ordinance.

6 7. On ~~Final~~ Subdivision Plats where no preliminary plans are required ~~to be submitted~~, the location of buildings ~~or~~ and structures within or immediately adjacent (within 30 feet) to the tract of land to be subdivided shall be shown on the plat.

(C) Final Improvement Plans. The ~~subdivider~~ applicant 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 Utah 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 Weber County. A digital copy of the plans shall be submitted.

- A- 1. ~~Copies of contracts~~ Letters agreeing to provide service, including the level of service from with applicable utility companies such as water, sewer, electric, gas, and telephone for services to the subdivision.
- B 2. ~~As built plans shall include a digital plan and one set of reproducible mylars prior to the County acceptance for maintenance of roads. Upon the developer's 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 and the acceptance of roads for maintenance by the County at which time the financial guarantee can be released, except for the ten percent contingency fee that is kept for the a one year warranty period.~~
(Amd. Ord. #3-82, 12/6/82; #4-86, 3/10/86; #2-88, 1/8/88; #2002-3, 3/05/02)
- C 3. ~~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.~~
- (D) Approval of Final Plat. (Amd. Ord. #2002-3, 3/05/02)
1. ~~After final approval the Planning Division approving and signing the final plat, the Planning Commission shall submit the plat for approval signatures to the County Surveyor, County Health Department, and 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 waste water 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~~ recorded in the offices of the County Recorder ~~for recording~~ at the expense of the ~~subdivider~~ applicant.
(Amd. Ord. #3-82, 1/26/82; #2002-3, 3/05/02)
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.
(Amd. Ord. #3-82, 12/6/82)
- (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. Administrative approval of subdivisions does not require County Commission approval. These subdivisions shall be offered for recording within 18 months ~~from the time the application is deemed complete by, from the date of the submittal to the Planning office~~ Division 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.~~
(Amd. Ord. #4-86, 3/10/86; #98-32, 11/26/98; 2007-1, 1/09/07)
- (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 (7) 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 (3) 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 passers-by.~~

(Ord. #2007-1, 1/09/07)

- (~~G~~ F) 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. (Amd. Ord. #6-91, 4/1 8/91)
- (~~H~~ G) 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.
- (H) A copy of the subdivision Mylar shall be filed as a Record of Survey in the County Surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.

Section 2:

The Weber County Subdivision Ordinance Chapter 4 **SUBDIVISION IMPROVEMENTS REQUIRED** is hereby amended:

26-4-2 Improvements Required.

1. Water Supply.
 - a. Where an approved public water supply is reasonably accessible or procurable, the subdivider 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. The subdivider shall furnish to the County Health Officer plans showing the location and size of proposed water lines and fire hydrants and also existing water lines to which a connection is to be made. Water lines and fire hydrants shall be operational before building permits are issued for any structures. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished to the Weber Fire District. The County Health Officer or State of Utah Department of Environmental Quality Division of Drinking Water shall determine the adequacy of the existing water system to provide culinary water.

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.
11. Staking Subdivision Corners. Survey markers shall be placed at all subdivision corners and lot corners ~~so as~~ to completely identify the lot boundaries on the ground and shall be done in conformance to the record of survey requirements. This shall be accomplished before the subdivision is recorded. (Amd. Ord. #2002-11, 6/18/02)

(a) The minimum standard for a boundary or lot corner monument shall be a number five rebar 24" in length 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. Where ground conditions do not permit such monumentation, substitute monuments 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.

(b) If the monument is set by a public officer, it shall be marked with the official title of the office.
16. 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.

26-4-3 Guarantee of Improvements.

- 1. All improvements shall be installed prior to issuance of any Building and/or 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, and curb, gutter, and sidewalk on the road. All public and private utilities within the road right-of-way shall be installed prior to the road being asphalted. Cuts within one (1) year of asphalt placement on a new road, will require a special permit and include requirements for special backfill and asphalt replacement. (Amd. Ord #11-2005, 8/16/05)

The subdivider 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 for the asphalt and chip and seal on the road. (Amd. Ord #2009-32, 12/22/09)

The subdivider 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 such improvements within two (2) years. ~~The escrow shall be approved by the County Commissioners and County Attorney.~~ (Amd. Ord #2009-32, 12/22/09)

Upon the developer's 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.

- 7. ~~The subdivider applicant shall sign a Survey Monumentation Improvement agreement and pay applicable fees associated therewith prior to the county Surveyor signing the final subdivision plat Mylar. deposit with the County Surveyor at the time of Final Plat Approval, an amount of money equal to the estimated cost of the street monuments required for the subdivision and the subdivider’s surveyor shall install such monuments within a one year time period, after the asphalt is installed.~~

Section 3:

Chapter 6: PENALTY, VALIDITY, AND REPEALER

The Title Blocks for the signatures of the approving authority for subdivisions is hereby amended as follows:

WEBER COUNTY PLANNING COMMISSION DIRECTOR 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~~ Director

Section 4:

The Weber County Zoning Ordinance Chapter 1 **GENERAL PROVISIONS** is hereby by amended by adding the following definition to section **1-6. Definitions:**

Floodplain: The land within a community subject to a one percent or greater chance of flooding in any given year.

This ordinance shall become effective fifteen (15) days after publication.

Passed, adopted, and ordered published this _____ day of _____, 2011, by the Weber County Board of Commissioners.

Commissioner Gibson	Voting _____
Commissioner Dearden	Voting _____
Commissioner Zogmaister	Voting _____

Commissioner Jan M. Zogmaister, Chair

ATTEST:

Ricky Hatch, CPA Weber County Clerk