

SECTION 11

SUBDIVISION REGULATIONS

SUBSECTION 1. GENERAL PROVISIONS

A. TITLE. This Ordinance shall be known as the "Elsinore Town Subdivision Ordinance" and may be so cited.

B. PURPOSE.

1. The purposes of this Ordinance shall be to promote the health, safety, convenience, and general welfare of the present and future development of the Town; to facilitate the transfer of land having accurate legal descriptions; to bring about the development of a more attractive and wholesome environment within and about the Town; and to establish the rights, duties, and responsibilities of subdividers with respect to land subdivision and improvements thereon; and to facilitate the implementation of a master street plan.
2. 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 Town Council and Planning Commission.

C. SEVERABILITY. Should any section, subsection clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

D. SCOPE.

1. From the effective date of this Ordinance, no person shall subdivide any tract of land which is located wholly or in part within the limits of Elsinore, Utah, nor shall any person sell, exchange, or offer for sale, or purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land within the Town, nor shall any person offer for recording any deed conveying such a parcel of land or any interest therein unless such person or persons shall first make or cause to have made a record of survey plat, final plat, or preliminary plat as required in sections 5 of this Ordinance which plat shall be in accordance with all of the requirements of this Ordinance and shall have been approved by the Planning Commission and Town Council and recorded in the Office of the County Recorder.

2. Pursuant to enabling legislation found in UCA 2000 Chapter 10-9-103, the term "subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development.
3. All required infrastructure improvements will be completed by the developer and approved by Elsinore Town before any building permit will be issued.
4. Cost of said infrastructure improvements shall be borne entirely by the developer.
5. All lots must have improved street frontage as required in Subsection 13(B).

E. INTERPRETATION AND CONFLICT OF LAWS. Where any provision in this Section conflicts with state law, state law shall prevail. Where any provision in this Section conflicts with other ordinances enacted by the Town, the provisions in this Section shall prevail unless the Town intended such conflicting ordinances not in this Section to amend this Section.

F. PENALTY FOR NONCOMPLIANCE

1. Any person who shall violate any of the provisions of the Ordinance shall, upon conviction thereof, be punished by fine not exceeding \$1000.00 or by imprisonment in the County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment; and every omission of neglect to the requirement demanded to be performed and every continuance of any act or thing prohibited by this Ordinance shall be deemed to be a separate offense committed and shall be punishable accordingly.
2. It is unlawful to transfer ownership of any parcel of land pursuant to an invalid subdivision. The Town may, in its discretion, void such transfers.
3. Any person who illegally divides land in the Town shall be fined \$1,000 per lot.

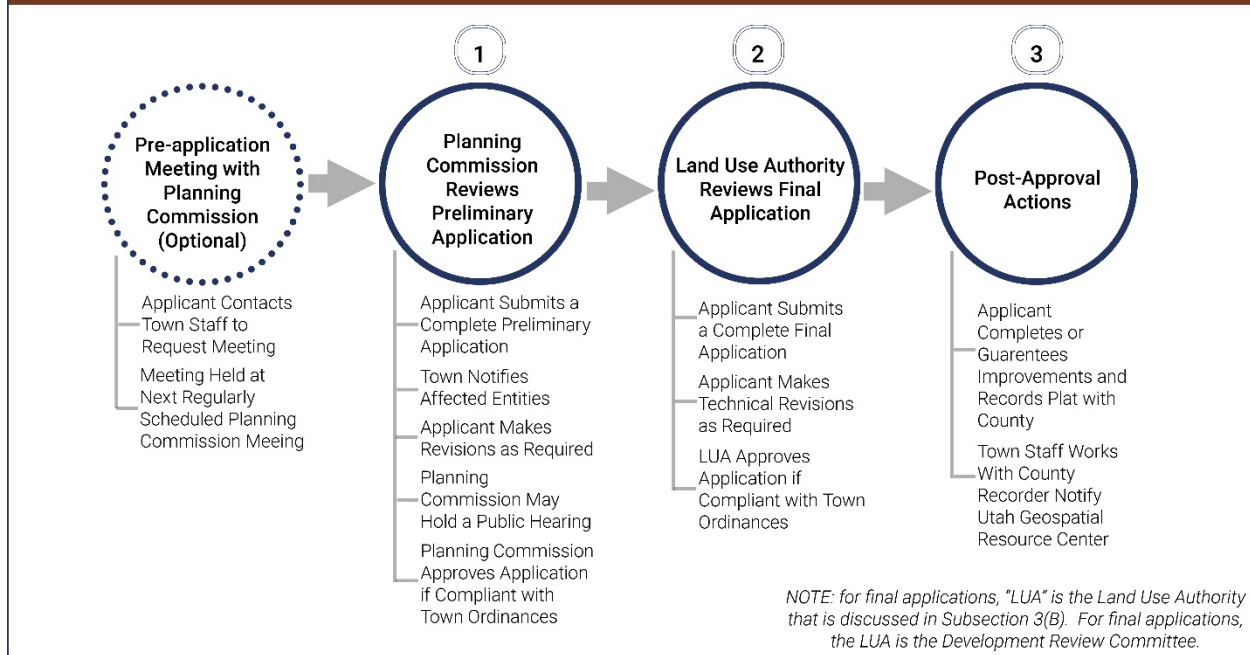
G. FEES

1. Any fees listed on the Town's fee schedule, plus the reasonable costs the Town incurs for engineer or attorney review of an application, shall be paid for by the developer/applicant.

H. PROCESS OVERVIEW

SUBDIVISION APPLICATION PROCESS (OVERVIEW)

TOWN OF ELSINORE, UTAH



SUBSECTION 2. DEFINITIONS

The following words and phrases, as used throughout Town ordinances, shall have the following meanings. Words and phrases not defined in Town ordinances shall have the meaning defined in state law. Words and phrases not defined in Town ordinances or state law shall have their plain meaning in common usage:

- A.** "Association" means the same as that term is defined in Utah Code Section 57-8a-102, as amended.
- B.** "Common Area" means property that an Association owns, maintains, repairs, or administers.
- C.** "Condominium" means a multi-unit development in which individual units are separately owned, and each owner receives a recordable deed to the unit, together with an undivided interest in any common elements. A condominium development shall be regarded as a subdivision.
- D.** "Declarant" means the person who executes a declaration and submits it for recording in the office of the recorder of the county in which the property described in the declaration is located; "declarant" includes the person's successor and assignee.

- E.** “Declaration” means the instrument by which the property is submitted to the provisions of this act, as it from time to time may be lawfully amended.
- F.** “Easement” means a land use right offered for a specific purpose or use over, upon or beneath the land. The easement must be
- 1.** Accurately described in location and extent in the letting process or by separate document using metes and bounds.
 - 2.** Distinct from land ownership and granted to the public, a particular party or public utility.
- G.** “Facility owner” means the same as that term is defined in state law and includes a canal owner or associated canal operator contact described in different sections of state law.
- H.** “Final Plat” means a permanent map or chart, accurately describing a division of land which has been surveyed and marked on the ground so that streets, blocks, lots and other divisions may be identified and located.
- I.** “Improvement plan” means a plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety, that is required for human occupation, or that is required by applicable law and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.
- J.** “Improvement Warranty” means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:
- 1.** Complies with the Town’s written standards for design, materials, and workmanship; and
 - 2.** Will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.
- K.** “Improvement Warranty Period” means a period:
- 1.** No later than one year after a Town’s acceptance of required landscaping; or
 - 2.** No later than one year after a Town’s acceptance of required infrastructure, unless the Town:
 - a.** Determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
 - b.** Has substantial evidence, on record:
 - (1)** Of prior poor performance by the applicant; or

(2) That the area upon which the infrastructure will be constructed contains suspect soil and the Town has not otherwise required the applicant to mitigate the suspect soil.

- L.** “Land use application” means an application required by the Town and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.
- M.** “Lot” means a parcel of real property shown as a delineated parcel of land with a number and designation on the final plat of a subdivision recorded in the office of the Sevier County Recorder, or a parcel of land, the dimension or boundaries which are defined by the record in the office of the Sevier County Recorder.
- N.** “Land use authority” means an individual, board, or commission appointed or employed by a municipality to make land use decisions. “Land Use Authority” includes any appropriately authorized designees.
- O.** “Metes and Bounds” means the description of a lot or parcel of land by courses and distances.
- P.** “PC” means the Planning Commission.
- Q.** “DRC” means the Development Review Committee which shall consist of one Planning Commission member, one Town staff member and one town citizen. The citizen member cannot have a vested interest in the application being reviewed.
- R.** “Period of Administrative Control” means the period in which the person who filed the association’s governing documents or the person’s successor in interest retains authority to appoint or remove members of the association’s board of directors or exercise power or authority assigned to the association under the association’s governing documents.
- S.** “Plat” means an instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).
- T.** “Preliminary Plat” means a map or plan of a proposed land division prepared in accordance with the regulations of this Section.
- U.** “Public Landscaping Improvement” means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:
 - 1.** Will be dedicated to and maintained by the Town or
 - 2.** Are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

- V.** “Resubdivision” means the changing or amending of any existing lot or lots of any subdivision plat previously recorded in the records of the county recorder as provided in this Section.
- W.** “Review Cycle” means the occurrence of the applicant’s submittal of a complete subdivision application; the Town’s review of that subdivision application; the Town’s response to that subdivision application; and the applicant’s reply to the Town’s response that addresses each of the Town’s required modifications or requests for additional information.
- X.** “Sketch Plan” means a preliminary map or pre application plat showing the concept of the proposed development or subdivision, having sufficient detail to illustrate on site characteristics of the proposed subdivision and adjacent parcels.
- Y.** “Subdivision” means any land that is divided, subdivided, or proposed to be divided into two or more lots 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.

1. Subdivision includes:

- a.** The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
- b.** Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

2. Subdivision does not include:

- a.** A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
- b.** A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;
- c.** A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
- d.** A joining of one or more lots to a parcel;

- e. A road, street, or highway dedication plat; or
 - f. A deed or easement for a road, street, or highway purpose.
- Z.** “Subdivision ordinance review” means review by the Town to verify that a subdivision application meets the criteria of the Town’s ordinances.
- AA.** “State engineer’s inventory of canals” means the state engineer’s inventory of water conveyance systems established in state law.
- BB.** “Town Engineer” means a permanent registered engineer that the Town hires and that is a licensed surveyor, registered engineer, or an engineering firm as designated by the Town Council on either a retainer or per job basis, or a designee appointed by the Town Council.
- CC.** “Underground facility” means the same as that term is defined in state law.
- DD.** “Water conveyance facility” means a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. “Water conveyance facility” does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

SUBSECTION 3. LAND USE AND APPEAL AUTHORITIES

- A.** PRELIMINARY LUA. The Land Use Authority (LUA) for preliminary applications under this Section is the Planning Commission (PC). For purposes of subdivision applications, the Planning Commission shall be ultimately responsible for the following but may delegate any task to the Town Engineer, Town staff, or members of the PC:
- 1. Rendering land use decisions related to preliminary applications under this Section, including approving or denying preliminary applications.
 - 2. Reviewing all preliminary applications under this Section in an impartial manner and according to the standards and deadlines described in this Section.
 - 3. Holding public meetings for reviewing preliminary applications as required by this Section.
 - 4. Providing feedback to applicants on their preliminary applications in the manner required by this Section.

5. Scheduling and holding a pre-application meeting (and reviewing concept plans) with potential applicants as required by this Section.
 6. Keeping subdivision application forms (both preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants. This task is delegated to Town staff by default.
- B. FINAL LUA.** The Land Use Authority for final applications under this Section is the Development Review Committee (DRC). The DRC shall consist of one member of the PC, one member of Town staff and one Town citizen. The citizen member cannot have a vested interest in the application being reviewed. For purposes of subdivision applications, the DRC shall be responsible for the following, but may delegate any task to the Town Engineer, or Town staff:
1. Rendering land use decisions related to final applications under this Section, including approving or denying final applications.
 2. Reviewing all final applications under this Section in an impartial manner and according to the standards and deadlines described in this Section.
 3. Providing feedback to applicants on their final applications in the manner required by this Section.
 4. Providing notice to entities and parties as required by this Section.
 5. Signing final application approvals as required by this Section.
 6. Ensuring that documents are properly recorded with the County as required by this Section.
- C.** As subdivision application decisions are administrative, not legislative, the Planning Commission is authorized to make land use decisions described by this Section without Town Council approval.
- D.** Except when operating as the Appeal Authority, the Town Council shall not require the PC or DRC to approve or deny an application for a new subdivision under this Section.
- E. SUBDIVISION APPEAL AUTHORITY.** The Appeal Authority for Town decisions relating to this Section, except where otherwise noted, is the Town Council.
1. The Appeal Authority shall hear appeals on final decisions made by the PC or DRC and shall hear complaints about the conduct of the PC and DRC in administering the provisions of this Section.
 2. A party appealing or complaining of a PC or DRC decision under this Section must exhaust its remedies under this section (by appealing or complaining to the Appeal

Authority) before bringing an action against the Town in a court of law.

- 3.** A party who has submitted a subdivision application or petition may appeal or complain to the Appeal Authority under this Section. A party desiring to appeal or complain of a PC or DRC decision shall submit to the Appeal Authority the following in writing:
 - a. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the PC or DRC's decision and treatment of the application or petition, and why the applicant believes the PC or DRC misapplied the provisions of this Section or abused the discretion given it by this Section.
 - b. The most recent version of the application or petition the party submitted.
 - c. Any supplemental documentation or information that the Appeal Authority requests.
 - d. All appeals and complaints must be emailed or mailed to the Town Clerk using the Clerk's official Town address and/or email account listed on the Town website.
- F.** After receiving a complete appeal or complaint in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 45 calendar days after the Appeal Authority receives the appeal or complaint.

SUBSECTION 4. NOTICE TO AFFECTED ENTITIES

- A.** Within 15 calendar days after receiving a complete subdivision application under this Section, the Town staff shall provide written notice of the proposed subdivision to the facility owner of any water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
 - 1.** To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, the Town staff shall review information:
 - a.** From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
 - b.** From the state engineer's inventory of canals; or

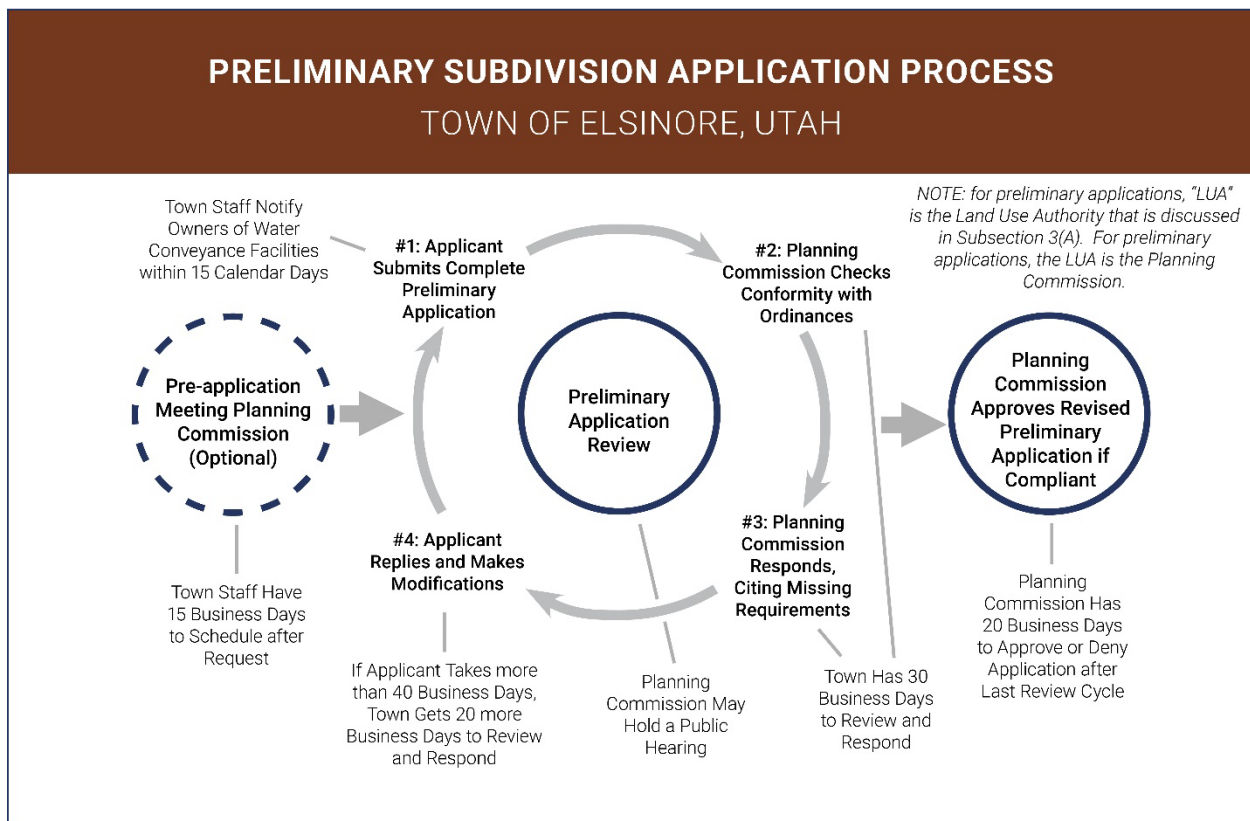
- c. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
- B. To give water conveyance facilities time to provide feedback on subdivision applications, the Planning Commission shall not approve a subdivision application under this Section sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.
 - 1. A water conveyance facility owner's failure to provide comments to the Planning Commission about a subdivision application does not affect or impair the Planning Commission or Land Use Authority's authority to approve the subdivision application.

SUBSECTION 5. PRE-APPLICATION MEETING AND SKETCH PLAN

- A. A party intending to submit a subdivision application under this Section may request a pre-application meeting with the Planning Commission for the purpose of reviewing any element of the party's proposed subdivision application. The proposed application need not be complete for purposes of this meeting.
 - 1. If a party requests a pre-application meeting, the Town staff shall schedule the meeting within 15 business days after the request. The meeting shall occur at the next regularly scheduled Planning Commission meeting for which appropriate public notice is attainable.
 - 2. Potential subdivision applicants are strongly encouraged to submit a sketch plan to the Planning Commission in advance of the pre-application meeting. It is strongly recommended that this sketch plan consist of a simple layout of:
 - a. Existing: vegetation, topography, structures, easements, streets, drainage channels, utilities, land uses, and water courses, including irrigation supply and waste ditches in relation to the existing and planned streets within ¼ mile of the development; and
 - b. Proposed: streets, lots, major buildings, utilities, and drainage channels.
- B. The Planning Commission shall conduct the meeting, provide feedback on materials as requested by the potential applicant, and shall provide or have available on the Town website the following at the time of the meeting:
 - 1. Copies of applicable land use regulations,

2. A complete list of standards required for the project, and
 3. Relevant application checklists.
- C. The pre-application meeting in no way shall be construed to constitute approval of any development. The primary purpose of the pre-application meeting is to permit the potential applicant to review with the Planning Commission the general concept of the proposed development and to review informal feedback from the Planning Commissioners as to whether the development appears feasible, whether there appear to be obvious defects in the development scheme, and whether the proposed development is in harmony with the General Plan and Town ordinances. This meeting is intended to aid the applicant in the preparation of the plans and documents before incurring potentially unnecessary expenses of a detailed preliminary application.
- D. At the conclusion of the pre-application meeting, if it is determined that a zone change is necessary, the potential applicant must submit an application for the zone change before proceeding with a preliminary subdivision application.

SUBSECTION 6. PRELIMINARY APPLICATION AND PLAT REQUIREMENTS



- A.** The requirements of the preliminary plat or record of survey plat are set forth by the Planning Commission and all plats submitted to the Planning Commission must be in conformance with standards, rules and regulations contained herein.
- B.** The Town shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Section and received both a preliminary approval and a final approval from the respective Land Use Authorities.
- C.** GENERAL INFORMATION, including:
 - 1.** The name, address, telephone number and email of the applicant or developer.
 - 2.** The applicant's agent, if there is one;
 - 3.** The applicant's engineer or surveyor's name, address and phone number; and
 - 4.** The applicant's attorney's name, address, and phone number, if applicable.
 - 5.** Proof of ownership of parcel to be subdivided.
- D.** LAND USE APPLICATION. An approved land use application that describes how the property will be used after it is subdivided.
 - 1.** If the intended use is permitted by right under Town ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
 - 2.** If the intended use requires a conditional use permit or is otherwise conditioned on Town approval, the land use application must include an approved, Town-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
 - 3.** If the intended use is prohibited under Town ordinances and requires a variance or rezoning, the land use application must include an approved, Town-issued variance or rezoning authorizing the intended use. Should an applicant seek a variance or rezoning concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.
- E.** PRELIMINARY PLAT: To be considered a complete application, the plat should include, but not be limited to, the following information:
 - 1.** Statement of public survey monuments found and restored.
 - 2.** Identification and legal description of the subdivision.

- 3.** Proposed name of the subdivision that is distinct when compared to County records.
- 4.** Proposed name of streets.
- 5.** Location by section, township, and range.
- 6.** Dimensions and bearings of all property boundaries.
- 7.** Layout, dimensions, and acreage of all proposed lots.
- 8.** Existing structures.
- 9.** High water marks of all streams and location of any designated wetlands.
- 10.** Location of prominent natural features such as rock outcropping, woodlands, steep slopes, potential natural hazards.
- 11.** The proposed location of septic systems.
- 12.** Location of dimensions of existing and proposed utilities and utility easements.
- 13.** When a development is located in a seismically active area, a statement shall acknowledge that potential geological hazard exists.
- 14.** Existing and finished contours at intervals of at least 5'.
- 15.** Existing sewage disposal systems, storm drains, water supply mains and culverts within the subdivision or within 100 feet thereof.
- 16.** Proposed on-site and off-site water facilities, sanitary sewage disposal systems, storm drain facilities and fire hydrants.
- 17.** Required setbacks on all lots.
- 18.** Whether any parcel is reserved or proposed for dedication for a public purpose.
Landscaping plan for any public or common areas.
- 19.** Proposed or required fencing (location, height, material).
- 20.** Statement of allowance or non-allowance of animals.
- 21.** Floodplain development permit - if applicable.
- 22.** Where the plat submitted covers only a part of the developer's land, or is part of a larger vacant area, the plat shall show the location of the subdivision as it forms part of a larger tract or parcel. In such a case, a sketch of the prospective future street system of the unplanned 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.
- 23.** When accessing over a canal or river an access permit will be required.
- 24.** Graphic scale and north arrow.

- 25.** Date of preparation.
 - 26.** Signature blocks (for use after final approval) for the owners of the land to be subdivided, the Planning Commission Chair, and the Mayor with the Town Clerk to attest.
 - 27.** Other data, material or plans as may be required by the Planning Commission. The plat shall be clearly marked "preliminary".
- F.** A VICINITY MAP, a drawn at a scale not less than one-inch equals two thousand feet (1"=2,000'), showing the perimeter of the plat, access points, abutting subdivision outlines and names, and other relevant information within one-half (0.5) mile of the perimeter of the proposed plat.
- G.** AN IMPROVEMENT PLAN and drawings, created in accordance with applicable portions of Subsections 9 and 10 of this Section, for all public improvements proposed by the applicant or required by Town ordinances. In addition to the requirements in Subsections 9 and 10, the improvement plan must contain:
- 1.** An engineer's estimate of the cost of completing the required improvements.
 - 2.** A description of proposed water facilities, including pipe diameters, valve locations, fire hydrant locations, water sources, water rights, reservoirs, pumps and design calculations.
 - 3.** A description of planned excavation or grading of areas requiring in excess of three-foot (3') cuts or fills.
 - 4.** Street plans showing proposed grades, curb-gutter, sidewalks, and typical street cross sections.
 - 5.** Grading plans, including all proposed changes in grade. All lot corners shall be staked to the finished grade.
 - 6.** Environmental Impact Analysis shall be prepared, if the Planning Commission deems necessary, indicating or describing the measures that will be taken with respect to:
 - a.** Control of erosion and dust;
 - b.** Reseeding of cuts and fills;
 - c.** Disposition of any geologic hazard and/or soil conditions which may cause injury or damage to improvements;
 - d.** Disposal of surface water;
 - e.** Prevention of fire, and accumulation of weeds and debris;
 - f.** Preservation of natural drainage channels.

7. A site plan showing proposed dwelling locations and driveway locations for each lot where sensitive or special topographic and geologic conditions exist. The Planning Commission may determine, after review of the preliminary application or sketch plan, that lot site plans are required because existing conditions merit more specific details or requirements for developing specific lots.
8. Proof of sufficient water rights for the proposed development.
9. Sewer and Water Feasibility Study that demonstrates all lots in the proposed subdivision meet the water and sewer requirements of this Ordinance and are in conformance with all state health department regulations. The subdivider shall obtain a letter of feasibility stating approval from said agency.
10. A traffic study, if one is required by an applicable UDOT Access Management Plan, for any subdivision touching any road built or maintained by UDOT.

H. CERTIFICATIONS, including:

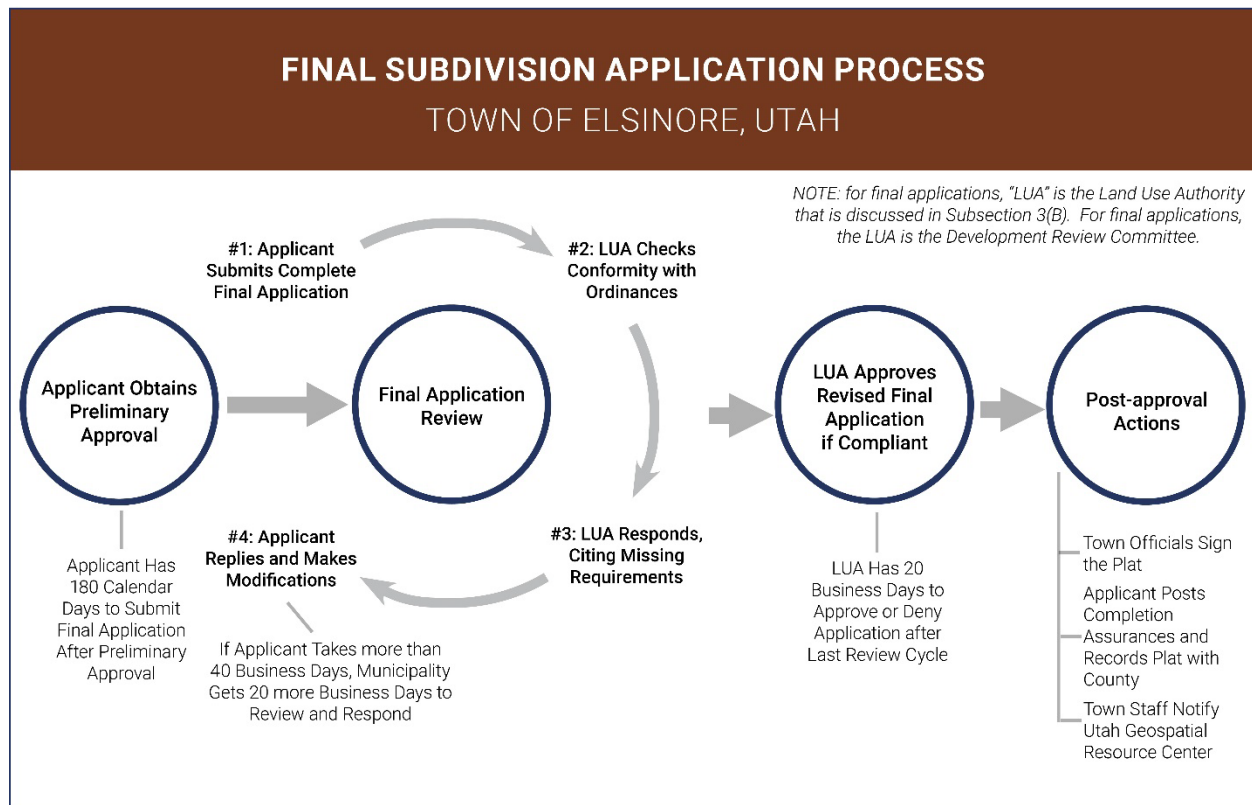
1. An affidavit from the applicant, certifying that the submitted information is true and accurate.
2. The signature of each owner of the land to be subdivided, signifying their consent to the preliminary subdivision application and their intent to dedicate any portions of the subdivision to the public as described on the plat.
3. Letters of approval from the culinary water authority, fire department, and Central Utah Public Health Department.
4. Certification that the surveyor who prepared the plat:
 - a. Holds a license in accordance with Utah Code 58-22; and
 - b. Either:
 - (1) Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 - (2) Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - c. Has placed monuments as represented on the plat.

I. RESTRICTIVE COVENANTS CONTRACT/CC&Rs, if any.

J. COPIES:

1. An electronic copy of all plans in PDF format and six (6) printed copies of the preliminary application and plat.
 2. A paper copy of the preliminary plat shall be submitted to Elsinore Town for office purposes.
- K. PAYMENT OF FEES.** Preliminary application fees required by the Town (see the Town's Fee schedule), plus actual costs if an engineering review, consulting or legal assistance from an attorney is required.
- L. ENGINEERING DRAWINGS** and plans shall be required including typical cross sections of proposed streets, location of on and off site, proposed water facilities and other proposed improvements such as sidewalks, curb and gutter, open spaces, fire hydrants, streetlights, drainage, flood control, and retention.

SUBSECTION 7. FINAL APPLICATION AND PLAT REQUIREMENTS



- A.** A final application is required and shall include and conform with the approved preliminary application and conform with all standards, rules and regulations contained herein and approved by the DRC.
- B.** To be considered complete, a final application should include, but not be limited to, the following information:
 - 1.** GENERAL INFORMATION, including:
 - a.** The name, address, telephone number and email of the applicant or developer.
 - b.** The applicant's agent, if there is one;
 - c.** The applicant's engineer or surveyor's name, address and phone number; and
 - d.** The applicant's attorney's name, address, and phone number, if applicable.
 - 2.** A COPY OF THE APPROVED PRELIMINARY APPLICATION for reference.
 - 3.** A FINAL PLAT. The final plat should be the version of the preliminary plat approved by the Planning Commission during the preliminary application review process, plus any other additions and immaterial changes (e.g., formatting) necessary to comply with the recording requirements of the County Recorder's Office.
 - 4.** A COMPLETION ASSURANCE for all public improvements required by the improvement plan approved in the preliminary application, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the applicant records the plat, as required by Subsection 12 of this Section.
 - 5.** CERTIFICATIONS including:
 - a.** A Section Report or Section Insurance Policy for the land to be subdivided, verifying property ownership.
 - b.** A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
 - c.** An affidavit from the applicant certifying that the submitted information is true and accurate.
 - d.** The signature of each owner of record of land described on the plat, signifying their consent to the final subdivision application and their dedication and approval of the final plat.
 - e.** Certification from the surveyor who prepared the amended plat, according to Subsection 6(H)(4) of this Section.

- f.** Owner's Certificate of Dedication.
 - g.** Notary Public's acknowledgement.
- 6.** BINDING DEDICATION DOCUMENTS, including:
- a.** As applicable, formal, irrevocable offers for dedication to the public of streets, Town uses, utilities, parks, easements, or other spaces.
 - b.** If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
- 7.** COPIES:
- a.** One electronic copy of the final plat in AutoCAD format (DWG or DXF), Geodatabase format (GDB), or Shapefile format (SHP), with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to.
 - b.** An electronic copy of all plans in PDF format.
 - c.** Six (6) printed copies of the application.
 - d.** Two (2) printed copies of all full-scale drawings, application and plat. The full-scale drawings should be twenty-four by thirty-six (24"x36").
- 8.** One copy of each drawing on eleven inch by seventeen-inch (11" x 17") sheets or eight and one-half by eleven (8 1/2 x 11) if the project is small and the plans are legible at that size.
- 9.** PAYMENT OF FEES. Final application fees required by the Town (see the Town's Fee Schedule) shall be paid, plus the cost of any engineering, consulting, or legal assistance reasonably incurred by the Town in reviewing the application.
- C.** Town staff shall produce, maintain, and make available to the public a list of the specific items that comprise complete preliminary and final applications and a breakdown of any fees due upon submission or approval of the applications.
- D.** The PC may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the Town relating to an applicant's plans to ensure compliance with Town ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of Town residents.
- E.** Notwithstanding Subsections 6 and 7, the DRC may waive specific application requirements on a case-by-case basis when those requirements are irrelevant to the proposed development.

- F.** All application materials shall be emailed to the Town or printed copies delivered to the Town office. The Town Clerk shall then forward all materials to the appropriate Land Use Authority.
- G.** A final plat recording is required. A final plat must be recorded in the Office of the County Recorder no less than ninety (90) days after approval of the final plat by the Town Council and no lot can be sold within any subdivision until the plat has been so approved and recorded. A permanent copy of the final plat shall be given to Elsinore Town, including the date of recording with the County.

SUBSECTION 8. EXCEPTIONS TO SPECIFIC APPLICATION AND PLAT REQUIREMENTS

A. Agricultural Land:

- 1.** Applications to subdivide agricultural land are exempt from the preliminary and final plat and improvement plan requirements (but not the other application requirements) of Subsection 6 and 7 if the resulting parcels:
 - a.** Qualify as land in agricultural use under Utah Code §59-2-502;
 - b.** Meet the minimum size requirement of applicable Town land use ordinances; and
 - c.** Are not used and will not be used for any nonagricultural purpose.
- 2.** For subdivision applications for which this exception applies, an applicant may submit to the Town—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.
- 3.** If the Town approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the Town, with the County Recorder's Office. This shall be done in the same manner as is done for a plat under Subsection 8.
- 4.** If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall no longer be exempt under this Subsection and shall be required to conform to typical plat requirements. The Town may, in its discretion, impose the penalty in Subsection 1(F) and/or require a subdivision amendment before issuing a building permit.

B. Development Agreements:

- 1.** At the request of an applicant, the Town may approve a subdivision through a development agreement entered into between an applicant and the Town.

- a. The Town Council shall not enter into any development agreement until the Planning Commission has held a public hearing and provided a recommendation to the Town Council.
2. Subdivisions platted in a valid development agreement are exempt from the application and review and approval requirements of this Section.
3. Clauses in a valid development agreement with the Town superseded all conflicting requirements in this Section, except where a clause in the development agreement poses a substantial danger to the health and safety of Town residents.

SUBSECTION 9. APPLICATION REVIEW PROCESS

- A. The PC or DRC shall review all subdivision applications under this Subsection in accordance with the requirements of this Section before approving or denying a subdivision application.
- B. The review process begins when an applicant submits a complete application.
 1. The PC or DRC shall not review an incomplete subdivision application, except to determine whether the application is complete.
 2. If the PC or DRC determines that an application is not complete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until completed.
- C. After the applicant submits a complete application, the PC or DRC shall review and provide feedback to the applicant in a series of “review cycles.”
 1. A review cycle consists of the following phases:
 - a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
 - b. Phase #2: The PC or DRC reviews the application in detail and assesses whether the application conforms to local ordinances.
 - c. Phase #3: The PC or DRC responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant, within the timeframe specified in Table 6. For any required modification or addition to the application or request for more information, the PC or DRC shall be specific and include citations to ordinances, standards, or specifications that require the modification and shall provide the applicant with an index of all requested modifications or additions.

- d. Phase #4: The applicant revises the application, addressing each comment or requirement the PC or DRC made. The applicant must submit both revised plans and a written explanation in response to the Town's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. If the applicant fails to respond to a comment made by the PC or DRC in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

Table 6 – Review Cycles, Hearings, and Timelines by Subdivision Use Type					
<i>Use Type</i>	<i>Approval Stage</i>	<i>Max Review Phases</i>	<i>Max Public Hearings</i>	<i>Town Turnaround Deadline*</i>	<i>Applicant Turnaround Deadline**</i>
All Uses	Preliminary	4	1	30 Business Days	180 Calendar Days
	Final	1	0	30 Business Days	180 Calendar Days
<i>*Describes the total time (per review cycle) the Town may take to complete both Phase #2 and Phase #3.</i> <i>**Describes the total time (per review cycle) the applicant may take to submit a revised application before the application expires.</i>					

- D.** The PC or DRC shall not (nor shall any other representative of the Town) exceed the number of review cycles of the deadlines in Table 6. If no further revisions are needed, the PC or DRC may end the review period early and approve or deny the application.
1. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the Town is exempt from limits on the number of permitted review cycles and the Town's deadlines for reviewing and responding (Phases #2 and #3).
 2. If the applicant makes a material change to an application not requested by the Town at any point in the review process, the Planning Commission may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
 3. If an applicant takes longer than 40 business days to submit a revised subdivision improvement plan responding to the Town's requests for modifications and additions (in Phases #1 and #4), the Town shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).

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- I.  The Planning Commission may conduct one (but no more than one) public hearing for the purpose of asking questions of the applicant and receiving commentary on the technical aspects of the application from affected entities, interested parties, and the public. If the Planning Commission elects to hold this public hearing, the hearing must occur before the end of the Planning Commission's review period in the last review cycle of the preliminary review phase. Scheduling issues shall not extend the review and approval deadlines in this Subsection.
- J. Other Subsections of this Section notwithstanding, the PC or DRC shall approve or deny a subdivision application under this Section after reviewing a complete subdivision application as described in this Section.

SUBSECTION 10. APPROVAL AND POST-APPROVAL

A. APPROVAL

1. The PC and DRC shall approve any complete subdivision application made under this Section that complies with Town ordinances and state law and that shows no signs of being detrimental to the health, well-being, and safety of the residents of the Town. The PC and DRC shall issue all approvals in writing.
2. After approval by the PC and DRC, the final plat shall be signed by the owners of the land to be subdivided, the one member of the DRC and the Mayor.
 - a. The signatures on the plat of the owners of the land and of the Mayor, when recorded, functions as an acceptance of the dedication of any streets or public places and vests the fee of those parcels of land in the Town for the public for the uses named or intended in the plat. However, such a dedication does not impose liability upon the Town for public streets and other public places that are dedicated in this manner but are unimproved unless adequate financial assurance has been provided in addition to the Town accepting the dedication.

B. POST-APPROVAL

1. The applicant shall record the approved subdivision plat with the County Recorder's Office within 90 calendar days after the Town approves the subdivision application, provided that the applicant has provided all improvement guarantees required by Subsection 12 of this Section. The applicant shall not record the approved subdivision plat until the applicant has provided all such required guarantees.
 - a. An approved plat not properly recorded within the timeline specified in Subsection 8(B)(1) is void, unless the Planning Commission approves an extension.

- b.** An approved plat, the required improvements for which are not completed or guaranteed before recording, is void, unless the Planning Commission approves an extension.
- c.** No lot can be sold within any subdivision until the plat has been approved and recorded. A permanent copy of the final plat shall be given to Elsinore Town, including the date of recording with the County.

SUBSECTION 11. GENERAL DESIGN STANDARDS

- A.** The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, trees, and vegetation.
- B.** Land subject to hazardous conditions such as landslides, mud flows, rock falls, snow avalanches, ground subsidence, shallow water table, open quarries, floods, and polluted water supply shall be identified and shall not be subdivided until the hazards have been eliminated or evidence submitted that said hazards will be eliminated by the subdivision and construction plans.
- C.** Any development in hazard potential areas shall receive special attention in order to mitigate hazards. Pending the completion by the Utah geological survey of a fault hazard map for Elsinore Town, the Planning Commission and/or Town Council may rely upon the existing information available from UGS or other publicly or privately prepared geological reports to identify fault hazards or the historic features or character of an area.
- D.** Whenever development or construction is or may be subject to unusual potential or actual geologic or flood hazards, the applicant shall meet the special conditions required by the Planning Commission or Town Council to reduce or eliminate such hazard, or if such conditions cannot be met or will not be met, the application for subdivision development may be denied.
- E.** Elsinore Town reserves the right to require a geologic hazard investigation, prepared by a qualified geological technical expert, at the expense of the developer.

F. STREETS

- 1. Street widths.** Major and collector streets shall conform to the width assigned on the master street plan wherever a subdivision falls in an area for which a master street plan has been adopted. Where a master street plan has not been completed at the time the preliminary plan is submitted to the Planning Commission, streets shall be provided as follows:
 - a.** Residential streets shall have a minimum right-of-way width of fifty-eight (58) feet. Residential streets provide access to residential property and land adjacent

to collector streets. They serve to travel over relatively short distances. These streets are usually the majority of the streets in a community less than 5,000 population.

- b.** Collector streets shall have a minimum right-of-way width of eighty (80) feet. Collector streets link traffic generators such as public schools, parks, or shopping areas. They link routes of higher classification such as arterial. Their function is to distribute traffic to local/residential streets.
- c.** Secondary arterial streets shall have a minimum right-of-way width of eighty-seven (87) feet, or as shown on the master plan, whichever is greater. Secondary arterial streets distribute traffic from the major arterial to the business districts and other centers of community activity, and also to the collector streets.
- d.** Minimum width of roadway wherever curb and gutters are installed (face to face of curb) shall be as follows: for residential streets - 44 feet. For collector streets - 66 feet. For secondary arterial streets - 85 feet, or conform to master plan, whichever is greater.
- e.** Rural residential roadways shall have a minimum right-of-way of fifty-eight (58) feet, with a roadway width of forty-four (44) feet. The primary function of a rural residential roadway is access to residences, farms and abutting property rather than to serve through traffic.

- 2. Alleys.** Residential alleys will not be permitted.
- 3. Reverse curves.** Reverse curves shall have a tangent of at least ninety (90) feet unless in the opinion of the Planning Commission such is not necessary.
- 4. Street intersection.** Streets shall intersect each other as near as possible at right angles. Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees. Offsets in street alignment of more than ten (10) feet or less than one hundred twenty (120) feet shall be prohibited.
- 5. Street grades.** Minimum street grades of 0.5 percent will be required with the maximum grade being 7 percent for collector streets and 10 percent for minor streets. Where the observance of this standard is unfeasible, the Planning Commission shall have the power to grant an exception when special pavement surfaces and adequate leveling areas are installed or in the opinion of the Planning Commission the best subdivision of the land is thereby secured.
- 6. Street curves.** Where the street lines within a block deflect from each other at any one point more than ten (10) degrees, there should be a connecting curve. The radius of the

curve for the inner street line should not be less than 350 feet for major streets, 250 feet for an important neighborhood street, and 100 feet for minor streets.

7. Curbs may be required if drainage is an issue. If curbs are necessary, the requirements are: intersections shall be rounded with curves having a minimum radius of 15 feet for minor streets and 25 feet for collector and major streets. Property lines at street intersections should be rounded with a curve where necessary to fit the curb radius. Curb construction shall comply with ADA requirements and shall be high back style.
8. **Street names.** New street names should not duplicate those already existing. A street obviously a continuation of another already in existence should bear the same name. Before the street is named, the proposed name must be submitted to and approved by the Planning Commission and/or Town Council. Elsinore Town would prefer classic number addressing wherever possible.
9. **Street dedications.** All streets shall be dedicated for public use. The dedication of half streets in any subdivision is prohibited.
10. **Relations to adjoining street system.** The arrangement of existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) shall be at the same or greater width (but in no case less than the required minimum width) unless variations are deemed necessary by the Planning Commission, 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. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.
11. Streets leading to a proposed subdivision or development shall be brought to required standards for width and surface. The developer shall bear the full responsibility for completion of the above improvements. The Town will not accept a street until it is brought up to standards.
12. **Cul-de-sacs (end turnarounds).** Each cul-de-sac shall have a minimum right-of-way width of fifty-eight (58) feet; end must be terminated by a turnaround of not less than one hundred (100) feet in diameter. Surface water must drain away from the turnaround, except where surface water cannot be drained away from the turnaround along the street, due to grade, necessary catch basins and drainage easements shall be provided. Cul-de-sacs shall be a maximum of 500 feet as approved by the Town Council.
13. **Public utility easements.** Where alleys are not provided, easements of not less than ten (10) feet on each side of all rear lot lines and side lines will be required where necessary

for poles, wire, conduits, storm sewers, gas and water mains, and other public utilities. Easements of greater width may be required along property lines where necessary for surface overflow or for the extension utilities.

- 14. Protection strips.** Where subdivision streets parallel contiguous property of other owners, the subdivider may retain a protection strip not less than one (1) foot in width between the street and adjacent property, provided that an agreement approved by the Town has been made by the subdivider, contracting to dedicate the one foot or larger protection strip free of charge to the Town for street purposes upon payment by the then owners of the contiguous property to the subdivider of a consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half the land in the street at the time of the agreement together with the interest at a fair rate from the time of the agreement, until time of subdivision of such contiguous property.

G. PARKS, SCHOOL SITES, OTHER PUBLIC SPACES; PROVISION FOR PUBLIC USE.

- 1.** In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other areas for public use. Any provision for such open spaces shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to, or acquired by, the appropriate agency. If any such proposed public areas have not been purchased at a fair price by the proper public agency or have not been freely dedicated to the public by the subdivider within one year after the recording of the final plat, such areas may be divided into lots and sold by the subdivider in accordance with lot requirements of this Ordinance. When any such public space is shown on the preliminary plat, a copy of such plat shall be made available to the appropriate public agency for its consideration within a reasonable time after receipt of copies of the plat by the Town Council.
- 2.** Elsinore Town reserves the right to request up to ten (10) percent of the gross site area be dedicated to Elsinore Town for the purpose of public open space in the form of either a park, green space, or water retention. Gross site area is defined as the total area of a planned unit development excluding anything in the public right-of-way.

H. BLOCKS

- 1. Length.** The maximum length of blocks, generally, shall be one thousand (1000) feet and the minimum length of block shall be four hundred (400) feet, in blocks over eight hundred (800) feet, the subdivider may be required to dedicate a ten (10) foot wide walkway.
- 2. Width.** The width of blocks generally shall be sufficient for two lots.

3. **Use.** Blocks intended for business or industrial use shall be designed for such purposes with adequate space set aside for off-street parking, alleys, and delivery facilities.

I. LOTS

1. **Building Sites.** The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for building and be properly related to topography and conform to requirements set forth herein.
2. **Lot sizes.** Lot sizes. All lots shown on the subdivision plan must conform to the minimum requirements of the zoning title, for the zone in which the subdivision is located, and to the minimum requirements of the Town Council.
3. **Frontage on Street.** Frontage on streets. Each lot shall abut on a street a minimum of thirty (30) feet from the property line or an average of the set back of the main buildings existing in abutting lots.
4. Double frontage lots shall be prohibited, this does not include corner lots.
5. Corner lots shall have extra width for maintenance of required setbacks.
6. Remnants of lots below minimum size leftover must be attached to adjacent lots rather than allowed to remain as unusable parcels.
7. **Drainage.** Lots shall be designed in such a manner as to eliminate any flooding or pollution of adjacent properties.
8. In proposed subdivisions with irrigation ditches running adjacent to the frontage or within the area to be subdivided, the subdivider shall provide culverts or bridges in conformance with Town standards and or irrigation company standards for the purpose of providing proper access to each lot in the proposed subdivision. In no case shall the culvert or bridge be less than twelve (12) inches in diameter and twelve (12) feet long. Ditches may not be covered or blocked by construction.
9. The fencing of canals, open ditches and waterways, non-access streets, open reservoirs or bodies of water, railroad rights-of-way and other such features judged by the Planning Commission to be of a potentially hazardous nature, shall be required in a manner satisfactory to the Planning Commission.
10. Once a subdivision has been approved into individual lots, it shall be unlawful for the owner to re-subdivide such lot, even though the acreage may be sufficient, without first obtaining the approval of the Town Council, subject to state code requirements for amending a subdivision plat.

SUBSECTION 12. IMPROVEMENT GUARANTEE AND COMPLETION

A. COST OF IMPROVEMENTS. All required improvements shall be made by the applicant/developer, at their expense, without reimbursement by the Town or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

B. COMPLETION OF IMPROVEMENTS

- 1.** Before a subdivision plat may be recorded, and before a building permit may be issued, all improvements required by this Section or other Town ordinances shall be either:
 - a.** Completed, inspected, and accepted by the Town, or
 - b.** Guaranteed according to Subsection 12(C).
- 2.** All improvements are subject to Town inspection before such improvements may be accepted by the Town or considered complete. The Town Engineer shall be responsible for conducting such inspections. Improvements shall be accepted only if they conform to applicable Town ordinances and do not pose a risk to public health or safety. All public improvements are subject to the warranty described in Subsection 12(C)(8).
 - a.** The applicant/developer shall, in accordance with the Town's Fee Schedule, pay to the Town an inspection fee before the Town shall accept any improvements.
- 3.** The provisions of this Section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.
- 4.** For subdivisions where no performance guarantee has been posted, if the improvements are not completed within the period specified in the approved subdivision improvement plan, the approval shall be deemed to have expired. In those cases where a performance guarantee has been posted and required improvements have not been installed within the terms of such performance guarantee, the Town may thereupon declare the guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the guarantee is declared to be in default. In the event that the un-released portion of the guarantee is not sufficient to pay all the cost for installing the required improvements, the Town may maintain an action against the person giving the guarantee for the necessary amount to complete the improvements.

C. IMPROVEMENT GUARANTEES, COMPLETION ASSURANCES, AND WARRANTIES

- 1.** If an applicant elects to guarantee any required improvement, the applicant shall provide completion assurance for 110% of the cost of the improvement, guaranteeing that the improvements will be completed within two years after the date of the guarantee; The

sum of the completion assurance shall not exceed:

- a.** 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and
 - b.** 10% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.
 - 2.** For the purpose of posting an improvement guarantee, the cost of the improvement shall be determined by an engineer's estimate or licensed contractor's bid.
 - 3.** The Town shall accept any of the following forms of guarantee for an improvement:
 - a.** BOND. The applicant may furnish a bond with corporate surety, which bond shall be approved by the Town Attorney and filed with the Town Clerk.
 - (1)** The bond shall have an express irrevocable term of two (2) years from the date of approval of the final plat of the subdivision. Further, such bond shall contain language unconditionally guaranteeing the performance of the developer. A provision shall be provided for unconditional payment of the face amount of the bond within thirty (30) days from the day the Town declares, for cause, that the developer is in default.
 - b.** ESCROW. The developer may deposit in escrow with an escrow holder approved by the Town Council, 10% of the total improvements under an escrow agreement to assure the installation of said improvements within two (2) years from date of final approval. An estimate of the total improvements will be provided and paid for by the developer.
 - c.** PLAT HOLD. The developer may allow Elsinore Town to hold the final plat map until all improvements that are required are completed. If total improvements are not completed within two (2) years from date filed with Elsinore Town Office, the final plat will be void.
 - 4.** As improvements are completed, inspected, and accepted by the Town, the Town Council shall, each quarter, at the option of the applicant, issue a partial release of bonded or escrow funds proportional to the improvements accepted during the prior quarter.
 - a.** Subject to maintenance provisions contained in this Code below, the Town will not accept dedication of required improvements, or release or reduce a performance guarantee, until the Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Town Engineer,

through submission of detailed "as-built" survey plats of, the subdivision, indicating location, dimensions, materials, improvements and other information required by the Planning Commission and Town Engineer, that the layout of the line and grade of all public improvements is in accordance with the Town approved construction plans for the subdivision and that a title insurance policy has been furnished to the Town and Town Engineer indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances.

- b.** In no event shall a performance guarantee be reduced below 25% retainage of the principal amount until total completion and acceptance of the improvements by the Town.
- c.** After acceptance by the Town of the improvements, the Town shall, to warrant that the improvements are free of defects, either:

- (1)** Retain 10% of the principal amount of the guarantee for an additional 12 months; or

- (2)** If the applicant supplies a separate guarantee equal to 10% of the principal amount of the initial improvement guarantee, accept the new warranty guarantee and release the prior guarantee.

- 5.** If all required improvements are not completed within two years from the day of final application approval, the party who guaranteed the improvements shall be in default, and at the option of the Town Council, shall relinquish the remaining amount of the performance guarantee to the Town.
- 6.** Even if the infrastructure improvement is not complete, the Town shall still issue a building permit as long as the improvement is essential for issuing a building improvement under the building and fire codes or for which the Town has accepted a completion assurance; but the Town may deny it if there is another valid reason besides the incomplete improvement.
- 7.** The Town shall not require improvement guarantees for any of the prohibited uses listed in Utah Code §10-9a-604.5(3)(d), including improvements the Town has previously inspected and accepted, private improvements that are not essential to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation.
- 8.** Upon acceptance of all required improvements, the applicant shall warrant that said improvements shall remain free from defects in material and workmanship for a period of twelve (12) months after the date of acceptance by the Town. The subdivider shall be solely responsible for all repairs and maintenance required to keep the improvements in

good working condition for this twelve-month period.

- a. If the subdivider guarantees all required public improvements under this Section before recording a plat, 10% of the principal amount of the guarantee shall be retained during this 12-month warranty period as described in Paragraph (D) of this Section.
- b. If the subdivider completes any required public improvements before recording a plat, then the subdivider shall provide a 12-month, 10% warranty guarantee on those improvements, as described in Paragraph (D) of this Section, before the Town accepts the improvements and before the plat is recorded
- c. If, during the 12-month warranty period, any defects are discovered in the public improvements warrantied under this Section, the Town may use the funds from the guarantee to cover repairs to the improvements.

SUBSECTION 13. REQUIRED IMPROVEMENTS

A. STREET GRADING AND PAVING. All improvements must comply with the standards and procedures book located in the Office of the Town Hall.

- 1. After all earth work is completed and brought to lines, grades, and cross sections as approved by the designated Town authority, the sub-grade shall be brought to a firm unyielding surface by rolling or other means of compaction. All soft material which will not compact readily shall be removed and approved sub-base material will be placed when required by the Planning Commission. Sub-base material shall be approved pit-run material.
- 2. All water trenches located in street and sidewalk areas shall be thoroughly compacted and inspected with approval of the Town authority. All water trenches located under street and sidewalks shall meet current dot compaction specifications. It shall be the subdivider's responsibility to restore to grade and resurface all street and sidewalk areas damaged from later settlement of such trenches within two (2) years of construction.
- 3. The road base shall consist of a minimum of six (6) inches of approved crushed gravel base course to be prepared and placed on the sub-grade.
- 4. After the establishment of a suitable road base, the street shall be hard surfaced with either a 2-1/2 inch compacted course of plant mix bituminous surface course, or material

of equal or better quality. The selection of the mix to be determined by the Town. The surfaces shall be prepared and installed in accordance with standards of this Town and the State of Utah Department of Transportation.

- B. CURB AND GUTTER AND SIDEWALKS** may be required, if water drainage may be an issue. The Planning Commission will determine if this is necessary.
- C. WATER SHARES.** Water shares or the monetary equivalent, as per the current approved fee schedule, shall be required to be conveyed to Elsinore Town as a condition of development, subdivision approval or issuance of a building permit within Elsinore Town limits. It is the intent that land developed in Elsinore Town be accompanied by water rights sufficient to accommodate the needs of the existing and potential occupants of said land after development. Some water rights acceptable to the Town include: Richfield Canal, Elsinore Canal, Elsinore Bench, Brooklyn Canal, Sevier Valley Canal, Annabella Canal, Piute A and B or equivalent underground rights acceptable to the Town. All other sources will be considered on a case-by-case basis. The amount required will equal one water share per developed building lot.
- D. WATER SUPPLY.** A subdivider must install water lines to make adequate water supplies available to each lot within a subdivision. Water mains of not less than eight (8) inches in diameter shall be put in the streets, and the subdivider shall extend existing water mains in the community water system from the nearest available source to the subdivision at the subdivider's expense and in accordance with Town standards as adopted by resolution. Larger water lines may be required to meet future growth needs. "Adequate source" means, but is not limited to, fire flows equaling a minimum of 1,000 gallons per minute to all fire hydrants within a subdivision. Proof of pressure must be provided by the developer. If water pressure does not meet current regulations and pumps need to be installed, they will be installed at the cost of the developer. The Town Council must approve all aspects of the pump's installation. All pump houses, pumps and generators will be dedicated to Elsinore Town. Elsinore Town Council reserved the right to reject any development that will require water pumps.
- E. SEWAGE DISPOSAL.** A subdivider must certify in written form from the state health department to the Town Council prior to approval that all lots in the subdivision are tested and are found adequate for installation and operation of septic tank systems in concurrence with state health department regulations.
- F. STORM WATER.** The Town Council shall require the subdivider to dispose of storm water as such provisions are deemed necessary. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements. In new subdivisions a plan shall be submitted showing a drainage plan with barrow ditches and disposal method for stormwater. Storm water shall not be discharged or disposed of in such a way as to harm or cause damage to adjacent properties.

- G. FIRE HYDRANTS.** Fire hydrants shall be installed by the subdivider prior to the completion of the subdivision and shall be in compliance with standards adopted by the local jurisdiction. Fire hydrants shall be located a maximum of 500 feet apart. Size and type of hydrants shall be approved by Elsinore Town prior to installation. All hydrants shall have adequate thrust blocking or restrained joint type fittings.
- H. STREETLIGHTS.** A subdivider shall be required to provide streetlights in conformity with the Town. Street light standards:
1. Utilities to be underground.
 2. All power lines, telephone lines and normal overhead lines shall be placed underground by the subdivider. The subdivider shall bear the cost of materials and installation. Power lines shall meet all standards of the National Electric Code.
- I. MONUMENTS AND LOT STAKING.**
1. Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type approved by Elsinore Town and shall conform to current industry standards.
 2. Survey stakes shall be placed at all lot corners so as to completely identify the lot boundaries on the ground.

SUBSECTION 14. SUBDIVISION AMENDMENTS AND LOT LINE ADJUSTMENTS

- A. AMENDMENTS AS FURTHER SUBDIVISIONS:** A petition to amend an existing subdivision such lots are further subdivided for additional development shall proceed as an application for a new subdivision under Subsection 6.
- B. VACATING A SUBDIVISION:** After Planning Commission Reviews and Recommends to the Town Council, the Town Council may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that describes the subdivision or the portion being vacated and recording that ordinance in the County Recorder's Office.
- C. IMMATERIAL AMENDMENTS:** A property owner or agent of a property owner may correct minor typographical or clerical errors in a document of record by filing with the County an affidavit or other appropriate instrument. This provision does not apply to changing the name of a subdivision, which requires a material amendment described in the following provisions.

D. MATERIAL AMENDMENTS:

- 1.** A fee owner of land, as shown on the last county assessment roll, in a platted subdivision may request a material subdivision amendment that does not result in the creation of new parcels by filing a written petition with the Planning Commission. This petition must meet all the requirements for a preliminary subdivision application specified in Subsection 6, with the following changes:
 - a.** The preliminary plat (or the record of survey map, if applicable) should:
 - (1)** Depict only the portion of the subdivision that is proposed to be amended;
 - (2)** Include a plat name distinguishing the amended plat from the original plat;
 - (3)** Describe the differences between the amended plat and the original plat;
 - (4)** Include references to the original plat; and
 - (5)** Meet all the other preliminary plat requirements specified in Subsection 6.
 - b.** The petition must additionally include:
 - (1)** The name and address of each property owner affected by the petition; and
 - (2)** The signature of each of those property owners who consents to the petition; and
 - (3)** Certification from the surveyor who prepared the amended plat, according to Subsection 6(H)(4) of this Section.
 - c.** The petitioner must include with the petition envelopes addressed to each property owner in the subdivision.
- 2.** Upon receipt of an amendment petition, the Town Clerk, shall provide notice of the petition to:
 - a.** Each utility provider that services a parcel of the subdivision. The Town shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers. The Town Clerk may notify the utility providers in any effective manner (email, mail, etc.).
 - b.** Each property owner in the subdivision. The Town Clerk shall notify these

property owners by mail.

- 3.** The Planning Commission shall hold a public hearing before approving an amendment petition and within 45 calendar days after the day on which the petition is submitted if:
 - a.** A property owner objects in writing to the amendment within 10 days of the Town notifying the property owner by mail, or
 - b.** Not every property owner in the subdivision has signed the revised plat.
- 4.** The Planning Commission may not approve a petition for a subdivision amendment unless the amendment identifies and preserves any easements owned by a culinary water authority for existing facilities located within the subdivision.
- 5.** Notwithstanding Subsection 14(D)(3), the Town Council need not hold a public hearing if notice has been given to adjoining property owners in accordance with any applicable local ordinance and the petition seeks to:
 - a.** Join two or more of the petitioner's contiguous lots;
 - b.** Subdivide one or more of the petitioner's lots;
 - c.** Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
 - d.** On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
 - e.** Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as a common area.
- 6.** The Planning Commission may approve the vacation or amendment of a plat by signing the amended plat showing the vacation or amendment if the Planning Commission finds that:
 - a.** There is good cause for the vacation or amendment; and
 - b.** No public or private harm; and
 - c.** No public street or municipality utility easement has been vacated or amended.
- 7.** If the Planning Commission approves the amendment petition, the Mayor and the staff member of the DRC shall sign the amended plat in the manner described in Subsection 10.

8. The petitioner shall then record the plat, subject to the completion or guarantee of any improvements, as described in Subsection 10, after the plat has been signed, acknowledged, and dedicated by each owner of the portion of the plat that is amended.

E. LOT LINE ADJUSTMENTS

1. The fee owners of two parcels may petition to adjust the lot line separating the parcels without a subdivision amendment. Such a petition shall include:
 - a. A record of survey map and a metes-and-bounds description showing the adjustment.
 - b. An explanation of the reason for the adjustment.
 - c. Signatures from all the parcel owners involved in the adjustment.
 - d. Any other information the Planning Commission requests.
2. If the adjustment will not result in a violation of a land use ordinance or an adverse development condition, the PC and DRC shall approve the petition.
3. If the adjustment is approved, the town staff member of the DRC and the Mayor shall sign the record of survey map and accompanying metes-and-bounds description.
4. The petitioner shall record in the County Recorder's Office:
 - a. A notice of lot line adjustment that:
 - (1) Is approved by the land use authority; and
 - (2) Recited the legal descriptions of both the original properties and the properties resulting for the exchange of title; and
 - b. A document of conveyance.

SUBSECTION 14. AMENDMENTS AND ADDITIONS TO THIS SECTION

- A. Elsinore Town may, from time to time, and in a manner consistent with the general plan, amend any provisions of this section. Amendments shall be approved in accordance with all public hearing requirements imposed by State Law or local Ordinance.

- B.** Any amendment or revision to this Section shall supersede any prior provisions or Ordinances. Provisions of this Section not affected by the amendment or revision shall continue to be valid and shall not be considered a new enactment when amendments or revisions are adopted. Any prior provisions of Town Ordinances that do not conform to the provisions of this Section, are declared void. Any uses, structures or buildings that were conforming to previous provisions of this Section but do not now conform shall be nonconforming uses, structures or buildings.