

Title 106 Subdivisions

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Sec 106-1-1 Purpose And Intent

The purpose and intent of this title is to promote the health, safety, convenience and general welfare of the inhabitants of Ogden Valley City in subdivision of land and related matters. This title outlines the procedures for processing subdivisions and their approvals. This title also intends to preserve agricultural operations, irrigation infrastructure, rural character, and property rights while allowing reasonable subdivision of land.

Sec 106-1-2 Minor and Major Subdivision Classification

(a) Minor subdivision defined.

A minor subdivision is a subdivision creating four (4) or fewer lots from a parent parcel, provided no further subdivision of the parent parcel has occurred within the previous five (5) years unless exempted below.

(b) Major subdivision defined.

A major subdivision is any subdivision creating five (5) or more lots from a parent parcel, or

any subdivision that is part of a sequence of divisions that cumulatively create five (5) or more lots from the same parent parcel.

(c) Parent parcel defined.

For purposes of subdivision classification, a parent parcel shall mean a parcel as it legally existed on (insert date — typically city incorporation date or ordinance adoption date). All subsequent divisions of that parcel shall be considered collectively when determining whether a subdivision qualifies as minor or major.

(d) Sequential subdivision aggregation.

Sequential divisions of a parent parcel shall be aggregated when determining subdivision classification. Subdivisions shall not be segmented or phased for the purpose of avoiding major subdivision requirements.

(e) Exempt divisions.

The following shall not count toward subdivision sequencing calculations provided no additional buildable lots are created beyond those otherwise permitted by zoning:

1 Boundary line adjustments

2 Lot line corrections

3 Agricultural parcel adjustments that do not create additional residential building lots

4 Inheritance or estate divisions transferring land to heirs where no additional development lots are created beyond zoning allowances

5 Conveyances to resolve title defects

6 Divisions required by public acquisition

(f) Applicable standards.

Minor subdivisions may be eligible for simplified review procedures and reduced infrastructure requirements where public health, safety, and access standards are met. Major subdivisions shall comply with full subdivision improvement, infrastructure, water supply, and connectivity requirements of this chapter.

(g) Authority to determine classification.

The Planning Director or City Engineer may determine subdivision classification based on the totality of parcel history to prevent avoidance of subdivision regulations

Minor subdivisions intended to create a limited number of residential lots for individual ownership shall not be required to construct public street improvements unless necessary for fire access, safety, or connectivity.

Sec 106-1-3 Standards

American Public Works Association Standard Specifications for Public Works Construction most current version (2026)

Sec 106-1-4 Applicability

1. No person shall subdivide any tract of land except in compliance with this title. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created in accordance with the provisions of this Land Use Code.
2. No lot within an approved and recorded subdivision shall be further divided, rearranged, added to or reduced in area, nor shall the boundaries be altered to create additional lots without approval of the Land Use Authority. Lot line adjustments that do not create additional lots shall be approved administratively when the adjustment:
3.
 - 1 Does not create a nonconforming lot
 - 2 Does not increase density
 - 3 Maintains legal access
 - 4 Does not impair agricultural operations or irrigation infrastructure
 - 5 Meets zoning requirements after adjustment

Sec 106-1-5 Subdivision Application Requirements

1. ***Pre-application meeting.*** A pre-application meeting is optional and intended to help applicants understand subdivision requirements. Failure to attend a pre-application meeting shall not be grounds to delay application acceptance or review. Additional submittal requirements may only be required if specifically listed in this Title or other adopted City ordinances. The pre-application meeting may identify which listed requirements apply to the property but shall not create new submittal requirements. Submittal requirements shall be proportional to the scale and impact of the proposed subdivision.

2. **Subdivision application submittal.** Subdivision applications shall be submitted to the planning division. Only complete applications will be accepted. A complete application shall include all applicable submittal requirements for subdivision review as required by this Land Use Code, including, but not limited to:
 1. **Application form.** A completed subdivision application form, signed by all the property owners of record.
 2. **Preliminary Plat.** A preliminary plat meeting the requirements, standards, codes, regulations, and all other specifications of this Title and any other adopted regulations. If phasing is proposed, a phasing plan shall be included with the preliminary plat.
 3. **Electronic Submittal Requirements.** All documents submitted for the subdivision application shall be in a PDF file format. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc.), and subsequent submittals and revisions, shall be in a PDF file format.
 4. **Statement of culinary and secondary water feasibility.** A written statement of feasibility, also known as a "will-serve letter," specifying culinary and secondary water provisions for each lot.
 1. The statement of culinary water feasibility shall come from the culinary water authority, as follows:
 1. The local health department for lots proposed to be served by a private well;
 2. An existing culinary water service provider; or
 3. If the culinary water authority is being newly formed, the statement shall come from the person with authority to sign on behalf of the newly formed water corporation. The applicant shall also submit written notification from the Utah Department of Environmental Quality indicating their acknowledgement of the new culinary water authority and the proposed system, and offer any other relevant information necessary for demonstrating system feasibility.
 2. The statement of secondary water feasibility shall come from the secondary water service provider, if secondary water is proposed.

3. The statements from the culinary water authority and secondary water service provider shall contain:
 1. An acknowledgement of the number of lots proposed to be served;
 2. An acknowledgement of all intended uses of the water, including, but not limited to, culinary uses, fire suppression appurtenances, and secondary water uses, if applicable and as provided for in Section 106-4-2;
 3. The method of water delivery to each proposed lot;
 4. The documented source of the water rights or shares necessary to serve the lots. The identified water rights or shares shall be valid, perfected, and physically and legally available to serve the proposed lots at the time of final subdivision plat approval, with a demonstrated means of delivery. Domestic water rights are required for all subdivided lot(s). The required water rights shall be as approved by the State Division of Water Quality and in conformance with Utah Administrative Code R309-510. Water rights or shares shall be owned, optioned, or under binding contract by the applicant or water provider at the time of final plat approval. Conceptual or proposed water sources shall not satisfy this requirement...; and
 5. If applicable, any other requirement expected or necessary to attain the culinary water authority's approval of the final subdivision plat.
4. **Well Registration and State Authorization Required.** Any private well proposed to be drilled, altered, deepened, or operated within the City of Ogden Valley in connection with a subdivision, land use approval, or building permit shall require a valid permit issued by the Utah Division of Water Rights prior to commencement of drilling or modification. All such wells shall be registered with the City within 30 days of drilling commencement or prior to operations, whichever occurs first. Registration must include:

1. Proof of valid and effective Utah Division of Water Rights permit authorizing the well, including parcel number and owner information.
2. Well driller's start card
3. GPS location of the well
4. Intended uses for culinary, irrigation, and/or fire suppression
5. No private well shall be drilled, altered, deepened, or operated in a manner that interferes with, impairs, or diminishes existing water rights or water users. All wells shall be constructed and operated in compliance with Title 73 of the Utah Code and applicable rules of the Utah Division of Water Rights.
6. Drilling, altering, deepening, or operating a private well without a valid Utah Division of Water Rights permit shall constitute a violation of this title and a public nuisance subject to enforcement and abatement.
7. The City may suspend irrigation connections or impose administrative penalties where a well is operated in violation of applicable state permitting requirements. In addition to any enforcement action authorized by law, the City may suspend or deny the following until full compliance with all applicable state permits and municipal codes, ordinances, and permit conditions is demonstrated:
 1. Land use permits
 2. Irrigation water connections
 3. Access to building inspections

5. Minor subdivision water standard:

Minor subdivisions (four lots or fewer), as defined in Title 101, may satisfy culinary water requirements through existing service connections, private wells approved by the health department, or water rights documentation demonstrating adequate supply without requiring the same level of infrastructure planning required for major subdivisions, provided public health and safety standards are met. Major subdivisions shall demonstrate full system capacity, delivery infrastructure, and water rights for all lots at final plat approval.

1. **Statement of sanitary sewer or septic system feasibility.** A written statement of feasibility, also known as a "will-serve letter," specifying wastewater provisions for each lot.
2. The statement shall come from the sanitary sewer authority pursuant to UCA § 10-20-803 as follows:
 1. The local health department for lots proposed to be served by a septic system:
 2. An existing sanitary sewer service provider; or
 3. If the sanitary sewer authority is being newly formed, the statement shall come from the body politic or manager of the system. The applicant shall also submit a written notification from the Utah State Department of Environmental Quality indicating their acknowledgement of the proposed system, and offer any other relevant information necessary for demonstrating system feasibility.
3. The statement shall provide:
 1. An acknowledgment of the number of lots proposed to be served;
 2. The method of wastewater disposal for each applicable proposed lot;
 3. An assertion that there is sufficient capability for safe wastewater disposal using the proposed method; and
 4. Any other requirement expected or necessary to attain the sanitary sewer authority's approval of the final subdivision plat.
6. **Preliminary title report.** 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 no older than 30 calendar days prior to the submittal of the application. If the County Recorder's Office is backlogged for more than 30 calendar days, then the preliminary title report(s) shall be no older than the current backlog date plus one day. The preliminary title report shall include a search of recorded documents back to patent and identify, at a minimum, the following items:

1. All reference easements;
 2. Reference (the entry number and/or book and page number) to all deeds in chain of title;
 3. All boundary line agreements;
 4. All rights-of-way, whether the parcel is subject to or has reserve rights;
 5. All current owners;
 6. All outstanding liens, taxes, etc.
7. ***Street connectivity proposal.*** If the proposed subdivision will create or extend a street, a street connectivity plan showing how the streets proposed in the subdivision might possibly connect to other streets existing or planned in the area. The plan shall show realistic connection opportunities that consider the actual lay of the land and environmental or physical constraints.
8. ***An application fee.*** Full payment of the application fee is required at the time of application submittal. Partial payments or pre-submittal reviews do not constitute a complete application.
9. ***Preliminary Grading and Drainage Plan.*** A Preliminary Grading and Drainage Plan prepared and stamped by a licensed professional engineer shall be submitted with any preliminary plat, short plat, or site plan application involving land disturbance, creation of impervious surface, or alteration of existing drainage patterns.

1. Plan Content Requirements:

1. North arrow, scale, and site development plan underlay.
2. Existing and proposed topography contours at two-foot (2') intervals.
3. Limits of clearing and grading.
4. Proposed stormwater facilities (ponds, swales, infiltration systems, pipes, culverts).
5. Preliminary sizing calculations for stormwater facilities.
6. Proposed discharge locations.

7. Erosion and sediment control measures.
8. If drainage routing, stormwater facilities, or access requires use of adjoining property, the applicant shall provide:
 1. Executed agreements with affected property owners
 2. Recorded drainage easements prior to preliminary plat approval.

2. Performance Standards

1. Prevent adverse impacts to adjoining properties.
2. Ensure post-development runoff does not exceed pre-development rates for the 10-year storm event.
3. Provide safe overflow routing for the 100-year storm event without damage to structures.
4. Maintain positive drainage away from building foundations.
5. Avoid creation of concentrated discharge onto adjacent parcels without written downstream approval or legal easement.

Sec 106-1-6 Preliminary Plan/Plat Requirements And Approval Procedure

Sec 106-1-5.10 Preliminary Plan/Plat Requirements

Sec 106-1-5.20 Agency Reviews And Determination Of Completeness

Sec 106-1-5.30 Approval Procedure

Sec 106-1-6.10 Preliminary Plan/Plat Requirements

The preliminary plan shall be prepared in conformance with the requirements of this chapter and all other city codes and regulations governing the subdivision of land. The preliminary plan shall be drawn to a scale not smaller than 100 feet to the inch, unless specified otherwise by the city surveyor, and shall show:

1. A subdivision name, approved by the city 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. A north arrow, scale, and date.

3. The individual or company names and addresses of the applicant, engineer and land surveyor of the subdivision.
4. The surveyed boundary lines of the tract to be subdivided showing lot numbers, measured and/or recorded bearings, distances, and other controlling data with ties to section corners.
5. Contour map with, unless specified otherwise by the city engineer, two-foot contour intervals.
6. Location of existing watercourses, ditches, wetlands, and drainage facilities.
7. Location of sensitive lands as described in Sensitive Lands Overlay Zone 104-28 and demonstration of compliance with required standards.
8. 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, floodplain, fence lines or other lines of occupation, exceptional topography, easements and buildings and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided.
9. The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, pathways, parks, other open spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way.
10. Road connectivity plan showing how future roads can connect to provide circulation to future neighborhoods.
11. Lots classified as a "restricted lot" as defined in Section 101-2-13 by placing the letter "R" immediately to the right of the lot number.
12. The location of percolation test holes on each lot.
13. 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 stormwater drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. Improvement drawings as required by the city engineer may be required during

preliminary approval in subdivisions where roads are proposed over ground that has an average slope of ten percent or greater.

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

Sec 106-1-6.20 Agency Reviews And Determination Of Completeness

1. **Agency review.** The Planning Division shall distribute copies of the preliminary plat to other City divisions or departments. Any other reviews by agencies or organizations, outside the City's direct organization, as required by City or State Code, that are necessary to ensure thorough review of the proposed plat, shall be submitted to the City by the applicant.
2. **Application determination of completeness.** Upon determination of a complete application, the City shall not require more than four review cycles, as outlined in Utah State Code Section 17-27a-604.2, unless mutually agreed upon otherwise by the City and the applicant. The City shall have 15 business days to review the preliminary plat and return detailed, itemized, and all other applicable information and recommendations to the applicant.
3. **UDOT corridor review.** A subdivision proposed within a designated UDOT corridor preservation area shall be sent to the UDOT regional office for review and comment.

Sec 106-1-6.30 Approval Procedure

1. **Subdivision approval.** After the applicable staff and agency reviews, the preliminary plan/plat, including the phasing plan, shall be presented to the Land Use Authority. The Land Use Authority shall review the preliminary plan/plat to verify compliance with applicable ordinances. After determining compliance with applicable ordinances, or determining compliance after adding conditions of approval to ensure compliance with applicable laws, the Land Use Authority shall approve the preliminary plan/plat. When considering conditions of approval, the Land Use Authority shall follow the decision requirements found in Section 108-4-4 of this Land Use Code, and the conditional use standards of Section 108-4-5. A decision on a subdivision that includes conditions of approval shall not constitute a conditional use or require a conditional use permit.
2. **Small subdivision review.** Preliminary plan/plat approval of a small subdivision, as defined in Section 101-2-20 of this Land Use Code, is not required. The preliminary

plan/plat required in this section shall be reviewed simultaneously with the final plat.

3. ***Administrative Land Use Authority designated.*** The Administrative Land Use Authority for preliminary plat approval of a subdivision other than a small subdivision, as defined in Section 101-2-20 of this Land Use Code, is the Planning Commission. The Land Use Authority for preliminary plan/plat approval of a small subdivision is the Planning Division Director.

Sec 106-1-7 Subdivision Time Limitations

1. ***Time limitation for preliminary approval.*** Subdivision applications that have not received preliminary approval within 18 months from the date of submittal shall be void.
2. ***Time limitation for final approval.*** Subdivisions that have received preliminary plan approval shall have 18 months from the date of the preliminary approval to receive final approval of the subdivision or the first phase if applicable. An extension of preliminary approval for an additional time of up to 18 months may be granted by the planning director upon repayment of the subdivision application fees and the plan being brought into compliance with city, state, and federal laws current at the time the extension is approved. The extension request shall be submitted and approved prior to the expiration of the original approval period. Only two time extensions for preliminary plan/plat extensions will be granted.
3. ***Time limitation for plat recordation.*** A subdivision plat shall be recorded in the Office of the County Recorder within one year of final approval by the Land Use Authority. After that, the plat shall have no validity. Subdivisions with multiple phases must record a new phase within one year from the date the previous phase being recorded until the subdivision is completed or the plat shall have no validity. The planning director may grant a one-time extension for final subdivision approval, for a maximum of one year. A multiple phase subdivision may receive only one time extension, not one time extension per phase. One additional time extension may be granted if the hardship is determined to be a city-caused delay.
4. ***Nonconforming.*** Any subdivision that has received preliminary or final approval, including a subdivision with multiple phases in which all of the phases have received preliminary approval, but has become nonconforming in any manner due to changes in applicable ordinances shall be allowed to retain the density which it

was approved, provided that the originally approved phasing plan is followed and the time limitations for preliminary and final approval are met.

Sec 106-1-8 Final Plat Requirements And Approval Procedure

Sec 106-1-8.010 Final Plat Required

Sec 106-1-8.020 Final Plat Requirements

Sec 106-1-8.030 Final Plat Approval Process

Sec 106-1-8.040 Final Plat Recordation

Sec 106-1-8.010 Final Plat Required

1. After compliance with the preliminary plat provisions of Section 106-1-5, the applicant shall digitally submit a draft final plat and draft improvement plans, meeting the remaining requirements of this Title and any additional conditions set by the Administrative Land Use Authority. The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Land Use Code.
2. Upon determination of a complete application submittal, the City shall not require more than four review cycles, as outlined in Utah State Code Section 27-27a-604.2. The City, in each review cycle, shall return detailed comments to the applicant within 20 days if submittal from the applicant. Reviews by the City shall be detailed, itemized, and complete.

Sec 106-1-8.020 Final Plat Requirements

The following are requirements for final plat consideration:

1. ***Final plat preparation.*** The final plat shall be prepared to be printed on a 24-inch by 36-inch sheet of mylar. The border line of the plat shall be drawn in heavy lines, and shall leave a minimum one-half of an inch and a maximum one-and-one-half of an 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. All lines, dimensions and markings shall be made on the mylar with permanent ink meeting industry standards and created for long-term storage. The plat shall be made to a scale large enough to clearly show all details, but never smaller than 100 feet to the inch, unless specified otherwise by the City Surveyor. The workmanship on the finished drawing shall be legible having a text size of not less than three-thirty seconds of an inch. The plat shall contain the following information:

1. **Subdivision name.** 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.
 1. Where a subdivision complies with the cluster subdivision provisions of this Land Use Code, the final plat shall provide the following subtitle under the subdivision name: "A Cluster Subdivision." the final plat shall provide the following subtitle under the subdivision name: "A Cluster Subdivision."
 2. Where a subdivision complies with the Lot-Averaging Subdivision provisions specified in Section 106-2-4 of this Land Use Code, the final plat shall provide the following subtitle under the subdivision name: "A Lot-Averaged Subdivision."
 3. Where a subdivision complies with the connectivity-incentivized subdivision provisions specified in Section 106-2-4 of this Land Use Code, the final plat shall provide the following subtitle under the subdivision name: "A Connectivity-Incentivized Subdivision."
2. **North arrow and scale.** A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved by the C 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.)
3. **Legal description.** A legal description of land included in the subdivision, including the overall acreage within the legal description.
4. **Linework.** Accurately drawn boundaries, showing the distance and bearings of all lines retraced or established by the survey, including the lines of the subdivision. The boundary lines shall be slightly heavier than street lines, and street lines shall be slightly heavier than Lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown or noted. If the curve is a non-tangent curve, the chord bearing and distance must be shown as well.
5. **Basis of bearing.** 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 street monuments, or horizontal network stations maintained by a government agency. The Basis of Bearing sufficient for retracement shall be noted on the final plat, along with 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.

6. ***Bearings and measurements.*** The State Plane Grid Bearings (where available, or using GPS surveys) shall be used in the survey and noted on the plat in accordance with U.C.A. 1953, Title 57, Chapter 10. 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 shall be provided.
7. ***Streets, Alleys, easements, and Lots.*** The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys, and easements. All Lots are to be numbered consecutively under a definite system approved by the City Surveyor. All proposed streets shall be numbered consecutively under a definite system approved by the City Surveyor and conform as far as practicable to the adopted street numbering system of the city, unless there are street alignment situations where a street name may be better utilized as the primary identifier. The City 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.
8. ***Public dedication.*** The boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public.
9. ***Reservations.*** The lines, dimensions, bearings, areas and numbers of all Lots, Blocks and parts reserved for any reason within the subdivision. Parcels of land to be dedicated as public park or to be permanently reserved for private and/or public common open space area shall be numbered and labeled in accordance with policies of the County Recorder.
10. ***Address.*** A house number indicating the street address for each Lot in the subdivision shall be assigned by the City 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 city road or private road.

11. **Signature block.** A signature block conforming to State Code and city ordinances shall be included on the plat for the following:

1. Private licensed land surveyor's "certificate of survey";
2. Owner's dedication certificate;
3. Notary public's acknowledgment;
4. City Administrative Land Use Authority's certificate of approval, to be signed by the Planning Director or designee;
5. City Engineer's certificate of approval;
6. County Attorney's certificate of approval;
7. City Council's certificate of acceptance;
8. City Clerk's certificate of attest;
9. City Surveyor's certificate of approval;
10. Local health department certificate of approval, if required by the local health department;
11. Culinary water authority certificate of approval, if not the local health department; and
12. Sanitary sewer authority certificate of approval, if not the local health department.
13. In lieu of a signature block on the final plat for the culinary water authority or sanitary sewer authority, the applicant may furnish a final plat approval letter from either or both of these entities, if applicable. The final plat approval letter shall indicate the water or sewer authority's unconditioned approval of the final plat and the proposed improvements for their respective facilities, and shall include a copy of the final plat and final improvement drawings for which they are granting approval. A conditional letter of approval is not allowed.

12. **Recorder's block.** A three-inch by three-inch space in the lower right-hand corner of the drawing for recording information.

13. **Subdivision boundary.** The subdivision boundary corners, Lot corners and centerline street monuments shall be noted on the final plat in conformance with city ordinances.

14. **Map narrative.** A map narrative that complies with U.C.A. 1953, § 17-23-17 and Section 45-3-4 of the Ogden Valley City Code of Ordinances.
 15. **Occupation lines.** All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the City Surveyor.
 16. **Easements.** All easements observed, recorded in the Office of the County Recorder, or included in a preliminary title report unless legally vacated by all easement holders.
2. **Plat notes required.** The following plat notes shall be placed on every page of the final plat, when applicable:
 1. **Boundary and corners note.** A note on the plat shall indicate the subdivision boundary and the Lot corners are set as required by state code and city ordinances.
 2. **Hillside development plat note.** Pursuant to Section 106-2-4, a Lot that has an average percent of slope that is greater than 25-percent shall provide the following on the final plat:
 1. A Buildable Area, as defined in Title 101, Chapter 2. The Buildable Area shall be delineated on the final plat by short dashed lines.
 2. A restricted area, if applicable. The restricted area shall be labeled as “restricted area. See note [enter note number here].” The note shall read as follows: “A Lot with a delineated “restricted area” shall not allow buildings within the designated restricted area.”
 3. **Agricultural uses plat note.** Subdivisions located within or adjacent to agricultural zones shall have the following plat note: "This property is located in an agricultural area where activities including but not limited to irrigation, operation of farm machinery, application of fertilizers and pesticides, livestock operations, noise, dust, and odors may occur. Such activities are protected under Utah Right to Farm laws. Owners and occupants accept these conditions as normal and necessary aspects of agricultural operations. "
 4. **Lot-averaged subdivision plat note.** A Lot-Averaged Subdivision shall have the following plat note: "For each zone in this subdivision, the average area and average width of Lots within the zone equal or exceed the minimum area and minimum width allowed in the zone. A subdivision amendment within

any part of the net developable acreage of the subdivision as defined in Sec 106-1-2 Density Calculations."

5. ***Moderate income or workforce housing plat note.*** Pursuant to Section 104-22-12 or Section 104-27-6, a Lot or Unit set aside for moderate-income housing or workforce housing shall have a plat note explaining the nature of the housing restriction and the method by which occupancy and moderate-income or workforce affordability will be regulated. a Lot or Unit set aside for moderate-income housing or workforce housing shall have a plat note explaining the nature of the housing restriction and the method by which occupancy and moderate-income or workforce affordability will be regulated.
6. ***Privately operated and maintained street or shared private lane plat note.***
 1. ***Private street.*** A Parcel dedicated to the city but intended for a privately operated and maintained street, pursuant to Section 106-2-2.020, shall be labeled as "Privately operated and maintained street. See note [enter note number here]." The note shall read as follows: "Use of a street labeled as "Privately operated and maintained street" is reserved for the exclusive and private use of the adjoining Lot owners until and unless the governing body assumes public responsibility for the street." shall be labeled as "Privately operated and maintained street. See note [enter note number here]." The note shall read as follows: "Use of a street labeled as "Privately operated and maintained street" is reserved for the exclusive and private use of the adjoining Lot owners until and unless the governing body assumes public responsibility for the street."
 2. ***Shared private lane.*** A shared private lane, pursuant to Section 106-2-2.030, shall be labeled as "Shared private lane." If the shared private lane is temporarily in lieu of a street, then it shall be labeled as "Shared private lane. See note [enter note number here]." The note shall read as follows: "The shared private lane is also an easement held in favor of the City for possible conversion to a Public Street at a time the City deems it appropriate, if ever."
7. ***Alley operations and maintenance plat note.*** Pursuant to Section 106-2-2.100, an Alley shall be labeled as "Public Alley, see note [enter note number

here].” The note shall read as follows: “An Alley is a dedicated public thoroughfare, but the operations and maintenance is the collective and equitable responsibility of all landowners whose Lots and Parcels and/or parking areas gain access from it.

8. **Landscaping and watering restrictions plat note.** Pursuant to Section 106-4-2.010, a Lot that will have landscaping and watering restrictions shall have a note placed on the final recorded plat that generally explains the landscaping and watering restrictions per Lot, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.010, if applicable. a Lot that will have landscaping and watering restrictions shall have a note placed on the final recorded plat that generally explains the landscaping and watering restrictions per Lot, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.010, if applicable.
9. **Substitute monuments plat note.** Pursuant to Section 106-4-2.110, substitute monuments, when used, shall be noted on the subdivision plat and must be durably and visibly marked or tagged with the registered business name or the letters "P.L.S." followed by the registration number of the surveyor in charge. substitute monuments, when used, shall be noted on the subdivision plat and must be durably and visibly marked or tagged with the registered business name or the letters "P.L.S." followed by the registration number of the surveyor in charge.
10. **Outdoor lighting in a cluster subdivision plat note.** Pursuant to Section 108-3-8, a cluster subdivision plat shall contain a note stating that all Lots in the subdivision are required to comply with the outdoor lighting requirements of Title 108, Chapter 16.
11. **Natural hazard report disclosure plat note.** If any lot in the subdivision is in a natural hazard study area, a note shall be placed on the subdivision plat as provided in Section 108-22-4.
3. **Floodplain.** Floodplain and floodway boundaries shall be shown on the final plat. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain area. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any

subdivision improvements constructed in the floodplain area will need to meet the requirements of Title 22, Flood Plain Ordinance.

4. ***Setting boundary onsite prior to plat recording.*** The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. Lot corners 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 street's construction.
5. ***Additional information.*** The plat shall contain all other notes, covenants, data, tables, or other information required to be placed on the final plat, as specified elsewhere in this Land Use Code.

Sec 106-1-8.030 Final Plat Approval Process

1. ***Final subdivision approval.*** After the applicable staff and agency reviews, the final plat shall be presented to the Land Use Authority. The Land Use Authority shall review the final plat to verify compliance with applicable ordinances. After determining compliance with applicable ordinances, or determining compliance after adding conditions of approval to ensure compliance with applicable laws, the Land Use Authority shall approve the final plat. If applicable, when considering conditions of approval, the Land Use Authority shall follow the decision requirements found in Section 108-4-4 of this Land Use Code, and the conditional use standards found in Section 108-4-5. A decision on a subdivision that includes conditions of approval shall not constitute a conditional use or require a conditional use permit.
2. ***Land Use Authority designated.*** The Administrative Land Use Authority for final plat approval is the City Planning Division Director.
3. ***Submittal of final plat and final improvement plans.*** After approval of the final plat, the applicant shall submit a final plat printed on a 24-inch by 36-inch mylar sheet that includes the required signatures of all non-city employees. With the mylar, the applicant shall submit final improvement plans to the City Engineer for final approval, pursuant to Title 106, Chapter 4. After the final plat mylar has all required official approval signatures, and after the final improvement plans have received final approval by the City Engineer, the final plat may be recorded in the Office of the County Recorder, at the expense of the applicant.

4. **Tax clearance.** The city 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.
5. **Record of survey.** A copy of the subdivision mylar shall be filed as a record of survey in the county surveyor's Office, prior to the City Surveyor signing the dedication plat.

Sec 106-1-8.040 Final Plat Recordation

Sec 106-1-9 Subdivision Lot Adjustment

1. **Exemption qualifiers.** A subdivision amendment is exempt from typical preliminary and final plat review if it consists solely of one or more proposed Subdivision Lot Adjustments. For purposes of this section, a Subdivision Lot Adjustment is a subdivision amendment in compliance with the following:
 1. The purpose of the amendment is only to amend a common boundary between lots or to amend an internal lot restriction that is no longer applicable pursuant to this Land Use Code.
 2. Each affected lot shall be within the boundaries of the same platted subdivision, or within the boundaries of a phased subdivision platted with an approved preliminary plan.
 3. All lots proposed to be amended shall comply with each lot's zoning requirements, or, if applicable, comply with the provisions of Section 108-12-12 (Reconfiguring Nonconforming Lots).
 4. All lots proposed to be amended shall comply with any additional applicable standards as may have been adopted by previous approvals including but not limited to a Master Plan, a Development Agreement, a Planned Residential Unit Development, etc.
2. **Application.** A Subdivision Lot Adjustment application shall be submitted in a form as approved by the Planning Division. The application shall include:
 1. An electronic copy of the proposed amended plat that complies with Utah Code Ann. Section 10-20-803, prepared by a surveyor licensed in the State of Utah.

2. All information from the original subdivision plat referenced on the amended plat.
3. An application fee.

3. Procedure.

1. After all applicable review agencies have recommended approval of the proposed subdivision amendment, the applicant shall submit to the Planning Division a signed and notarized printed mylar copy.
2. The City will send any notices required by statute.
3. After collecting signatures from applicable review agencies, the Planning Division shall submit the proposed subdivision amendment for approval and signature by the Land Use Authority.
4. The Land Use Authority for a Subdivision Lot Adjustment application is the Planning Division Director.
5. Upon signature of the Land Use Authority, the applicant may submit the signed mylar to the County Recorder's Office for recordation.

Chapter 106-2 Subdivision Standards

Sec 106-2-1 Street Configuration And Circulation

Sec 106-2-2 Street Standards

Sec 106-2-3 Blocks

Sec 106-2-4 Lot Standards

Sec 106-2-5 Parks, School Sites And Other Public Places

Sec 106-2-6 (Reserved)

Sec 106-2-7 (Reserved)

Sec 106-2-8 Large Scale Excavation

Sec 106-2-9 Power And Telephone Utilities

Sec 106-2-1 Street Configuration And Circulation

Sec 106-2-1.010 Street Configuration Generally

Sec 106-2-1.020 Street Connectivity And Circulation

Sec 106-2-1.010 Street Configuration Generally

A subdivision shall be designed to follow the street configuration requirements herein and elsewhere in this Land Use Code. Where this code allows an applicant flexibility on street location or configuration, that flexibility shall not be construed to relieve the applicant from requirements of this section.

1. **General street configuration and alignment.** The configuration of streets in a new subdivision shall:
 1. Ensure the continuation of existing streets that can logically and reasonably be connected along the same street alignment;
 2. Provide for the continuation of new streets into adjoining undeveloped land;
 3. Be designed to consider the block length specified in Section 106-2-3, as it relates to both the subject property and adjoining property;
 4. Not avoid the requirements of this section by shifting the responsibility of providing a street onto landowners of adjacent undeveloped or underdeveloped parcels; and
 5. Not create an unnecessary hardship to providing street connections on or to other parcels in the general area, as deemed appropriate by the Land Use Authority.
2. **Master planned street.** A street shown in an applicable general plan, small area plan, master streets plan, development agreement, or similar adopted planning document, shall be installed by the applicant in the general location depicted in the planning document.
3. **Section line and quarter section line street.** A street shall be installed by the applicant along the general alignment of a section line and quarter section line, in compliance with the following:
 1. **Minor deviations from section lines.** The alignment of a section line or quarter section line street may be adjusted up to 400 feet so the applicant may gain lots on both sides of the street; provided that the radii of the curves are appropriate for the type of street, as determined by the City Engineer. The street shall realign at some point downstreet with the same section line or quarter section line, or a previously created street or dedicated street right-

of-way intended to be or become the same section line or quarter section line street.

2. **Alternative street alignment.** The Land Use Authority may approve alternative street alignment only when the applicant demonstrates compliance with one or more of the following objective criteria:
 1. The alignment reduces public costs for operations or maintenance of the street.
 2. The alignment reduces conflict with other public infrastructure that cannot be mitigated with reasonable effort.
 3. The alternative alignment reduces environmental disturbance that cannot be mitigated with reasonable effort.
 4. The alternative alignment preserves existing agricultural operations or irrigation infrastructure.
 5. The alternative alignment avoids slopes greater than 15 percent.
 6. The alternative alignment maintains future connectivity opportunities.
3. Approval shall be based on written findings demonstrating compliance with these criteria.
4. **Angle of intersecting streets.** Any street approaching an arterial or collector street shall approach at an angle of not less than 80 degrees.
5. **Half-street.** A half-street shall be governed as follows:
 1. **Within a subdivision.** A half-street is not allowed within a subdivision except as more specifically provided in this Land Use Code.
 2. **On a subdivision boundary.** Where a subdivision's boundary shares a common line with undeveloped land, an approximate half-width street right-of-way is allowed as long as:
 1. The required street improvements include half of what is otherwise typically required for the type of street plus at least a 20-foot wide vehicle travel surface, designed to specifications of the City Engineer; and
 2. The street right-of-way within the bounds of the subdivision is wide enough to accommodate these street improvements.

Sec 106-2-1.020 Street Connectivity And Circulation

1. **Intent.** The intent of this section is to provide efficient, convenient, logical, and frequent street and pathway connections to, within, through, and out of a proposed subdivision in a manner that other provisions of this Land Use Code do not. Connectivity improvements may allow modification of lot configuration or street layout but shall not increase the maximum number of Lots otherwise permitted by the base density of the zone, or create a lot that is non-conforming.
2. **Mandatory and voluntary compliance.**
 1. **Mandatory compliance.** The provisions of this section are mandatory in the village zones or MDOZ.
 2. **Voluntary compliance: connectivity-incentivized subdivision.** In allowed zones, as listed in Subsection (b)(2)b. of this section, the provisions of this section offer a voluntary alternative to traditional and typical Lot development standards otherwise set forth in the applicable zone. An applicant shall not be allowed to use this section unless the applicant volunteers to comply with all provisions herein. Applying for a connectivity-incentivized subdivision constitutes the applicant's agreement to be governed by this section, and constitutes the applicant's acknowledgement that the discretionary authority this section offers to the Land Use Authority may result in a decision contrary to the applicant's initial intent. The applicant accepts all risk, including lost time and money, for voluntarily applying for subdivision review under these provisions. Otherwise, the applicant shall use other development types authorized by this Land Use Code to subdivide their land. Connectivity requirements of this section shall apply to subdivisions creating five or more Lots. Subdivisions creating four or fewer Lots shall not be required to provide future street connections unless necessary to address documented emergency access concerns. Nothing in this section shall require a minor subdivision to dedicate future street corridors where no logical future connection exists.
 1. **Maximum allowed density.** If the applicant provides a street and pathway layout that complies with this section and is approved at the discretion of the Land Use Authority after receiving a favorable recommendation from staff, the applicant may use the Base Density calculation, as defined in Section 101-2-3, to compute the maximum

allowed Lots in the subdivision. Density calculations. For purposes of calculating maximum allowed Lots, density shall be based on net developable acreage. Connectivity incentives provided by this section shall not increase the base density otherwise allowed by the applicable zone.

2. **Allowed zones.** A connectivity-incentivized subdivision is allowed only in the following zones: S-1, F-5, AV-3, FV-3, RE-20, RE-15, HR, and CVR-1.

1. Unless excepted in Subsection (b)(2)b.2. of the section, at no time shall the Lot Area and Lot Width of any residential Lot be less than provided in this table:

LOT WIDTH AND LOT AREA	S-1	F- 5/40	AV-3	FV-3	RE-20	RE-15	HR	CVR-1
Reduced minimum Lot area:	50-percent of the zone's minimum.				80-percent of the zone's minimum.			No minimum.
Reduced minimum Lot width:								

2. The following are exceptions to the Lot Area and Lot Width provisions of Subsection (b)(2)b.1. of this section:

1. A lot in a cluster subdivision shall not be reduced to less than 90 percent of the lot area and lot width standards of the cluster subdivision ordinance.
2. A pre-existing nonconforming lot of record that is smaller than fifty-percent of the lot area or lot width may continue with smaller dimensions as long it is not made more nonconforming.

3. **Street layout.** Nothing here shall waive the minimum street or pathway requirements as provided elsewhere in this Land Use Code. A subdivision shall be designed in a manner that prioritizes circulation efficiencies both within the subdivision and to adjacent neighborhoods. Priority shall be given to both vehicular and pedestrian connectivity. The following minimum standards are required:

1. **Street-Block.** A Street-Block, as defined in Section 101-2-20, shall have a length of no greater than 800 feet. The Land Use Authority may, but is not obligated to, approve an exception to this rule if a Street-Block cannot be formed as a result of one or more of the following. However, in each case the applicant shall provide a Street-Block or a connection that will help form a future Street-Block as near as is otherwise reasonably practicable:
 1. The adjacent area to which a street could otherwise be extended is built-out such that no reasonable street connection can be made thereto;
 2. The adjacent area to which a street could otherwise be extended has characteristics that significantly reduce the likelihood the Street-Block will be needed, as determined by the Land Use Authority. These characteristics include, but are not limited to, sensitive lands such as geologic hazards, riverways, floodplains, wetlands, and slopes on which no reasonable street configuration can be created that complies with allowed street grades;
 3. The adjacent area to which a street could otherwise be extended has culturally or locally important lands that can, are, or will be permanently preserved in a manner that benefits the general public. The Land Use Authority may require the applicant to secure the permanent preservation in a manner satisfactory to the Land Use Authority;
 4. Adherence to the maximum Street-Block length will interrupt a regionally significant pedestrian pathway delineated in the area's general plan or similar planning document; or
 5. Strict adherence to the maximum Street-Block length will result in a Street-Block that is less than 300 feet in length.
2. **Intersections.** Street intersections shall be four-way intersections wherever possible.
3. **Directional continuity.** A Major Neighborhood Street, Collector Street, and Arterial Street shall provide directional continuity. Regardless of how a street may wind through a subdivision, whenever possible it shall exit the subdivision in the same general direction it entered so that it provides users a consistent direction of travel along the same street.

4. ***Permanently terminal streets.*** Cul-de-sac and dead end streets shall be avoided. A cul-de-sac or dead end street may be allowed in rare circumstances if the same or similar characteristics as specified in the exceptions of Subsection (c)(1) of this section are present.

Future street connections. Stub streets or planned future street connections shown on a subdivision plat are intended to preserve transportation connectivity only and shall not be interpreted as guaranteeing approval of future subdivision or additional Lots. Any future subdivision shall comply with the density and development standards in effect at the time of application.

5. ***Alignment and connection to other streets.*** Whenever possible, streets shall connect or be aligned to provide a future connection to other existing streets in the general area, with special deference for connecting to existing stubbed streets.
4. ***Pathway location and design standards.*** Nothing here shall waive the minimum street or pathway requirements as provided elsewhere in this Land Use Code. A subdivision shall be designed in a manner that prioritizes circulation efficiencies both within the subdivision and to adjacent neighborhoods. Priority shall be given to both vehicular and pedestrian connectivity. The following minimum standards are required:
 1. ***Pathways and sidewalks, generally.***
 1. Each development shall be configured so that the maximum pathway or sidewalk walking-distance between a pathway or sidewalk intersection is 400 feet.
 1. This distance may be increased for a segment of a pathway that travels through a permanently preserved open space area or an area very unlikely to ever develop, as determined by the Land Use Authority.
 2. A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another pathway, sidewalk, or street that has pedestrian facilities, or an Alley or Shared Private Lane, provided each are perpetually open for use by the general public for non-automobile purposes.
 2. Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-motorized modes of transportation.

3. Pathways shall connect to each other using shortest distance reasonably possible.
 4. Pathway and sidewalk layout shall provide for the continuation of existing pathways or sidewalks in the general area, and for future planned pathways, as shown on an adopted pathway plan, general plan, master trails plan, or other applicable adopted planning document.
 5. A pathway or sidewalk stubbed from an adjacent property shall be connected to a pathway or sidewalk within the subdivision.
 6. Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with a stub to the subdivision boundary.
 7. Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating convenient and efficient access to nearby Lots or Parcels that are likely to eventually be developed.
2. ***Street-adjacent pathway.*** Along each Arterial Street, Collector Street, and Major Neighborhood Street, as provided in an adopted general plan, master streets plan, or similar adopted document, or along a section line Street as provided in Section 106-2-1, a 10-foot wide hard-surfaced pathway shall be installed.
1. When determining which side of the street the pathway is required, preference shall be given to the side of the street that has optimal sun exposure during winter months.
 2. The Planning Director may require a pathway be located on the other side of the street to support pathway connectivity based on other factors such as existing or planned future pathways in the vicinity and potential pedestrian conflicts.
 3. The pathway shall be located within the street right-of-way unless expressly authorized otherwise by the City Engineer. If not located within the street right-of-way, a pathway easement is required.
 4. Unless required otherwise by the City Engineer, the pathway shall have an asphalt width of at least nine feet and be bounded on both sides by a six-inch concrete ribbon that is flush with the top of asphalt travel surface. The pathway shall be constructed of three inches of

asphalt on eight inches of base-course. Greater thickness may be required where it intersects a vehicle-way.

5. Example of street-adjacent pathway:



3. ***Non-street-adjacent pathway.*** Where generally depicted on a map or in the text of an applicable street regulating plan, general plan, master streets plan, or when otherwise required herein or in a development agreement, a 10-foot wide hard-surfaced pathway shall be installed through the development.

1. Where a pathway runs between buildings or fenced Lots, a minimum 30-foot wide pathway public right-of-way is required. The pathway shall run down the center of the 30-foot wide right-of-way. The width of the pathway right-of-way may be reduced to 15 feet if both of the adjoining Lots or Parcels are or will be used for Single-Family Dwellings, and are deed-restricted to:

1. Only allow a solid fence that is no greater than four-feet;
or

2. Only allow a fence that is 30 percent open with the openings evenly distributed.
2. The adjoining land owners are responsible for the maintenance and upkeep of vegetation and waste on the half of the pathway right-of-way that is adjacent to their Lot or Parcel.
3. Example: Non-Street-Adjacent Pathway:



5. ***Final plat note.*** Except for subdivisions in the R1, R2, or R3 zones, pursuant to Section 106-1-8.020, a subtitle and plat note regarding connectivity-incentivized subdivision shall be placed on the final plat.

Sec 106-2-2 Street Standards

Sec 106-2-2.010 Public Street Requirement

Sec 106-2-2.020 Private Street Option

Sec 106-2-2.030 Shared Private Lane Option

Sec 106-2-2.040 Terminal Streets

Sec 106-2-2.050 Arterial And Collector Streets

Sec 106-2-2.060 (Reserved)

Sec 106-2-2.070 (Reserved)

Sec 106-2-2.080 Street Cross Sections And Design

Sec 106-2-2.090 Street Grades

Sec 106-2-2.100 Alleys

Sec 106-2-2.110 Protection Strips

Sec 106-2-2.010 Public Street Requirement

The standard method of ensuring ease of access, efficient mobility, reduced response time for first responders, effective emergency management, strong neighborhood relationships through interconnectivity, and a more equitable means of access to community opportunities, is by requiring Public Streets and Public Street connectivity at the time new development is proposed. As such, the default requirement for each subdivision Lot is to provide Lot Frontage on a street dedicated to the City as a public right-of-way and thoroughfare.

Driveway and agricultural access exception. A driveway or access way serving no more than two dwelling units (not including ADUs) , or serving agricultural or agritourism uses permitted by this code, shall not be classified as a Public Street, Private Street, or Shared Private Lane and shall not be required to meet the street width standards of this chapter. Such access ways shall comply only with applicable fire access requirements, drainage requirements, and safe access standards as determined by the City Engineer and Fire Authority. Agricultural access roads used primarily for farming operations shall not be required to be improved to public street standards unless they are intended to serve a subdivision.

1. **Public Street dedication.** Each street in a subdivision shall be dedicated to the city as a Public Street, except when a Private Street is allowed or required as provided in this Section 106-2-2.
2. **Standard street cross-sections.** All proposed Public Streets shall conform to the city street cross-section standards, unless explicitly specified otherwise.

Sec 106-2-2.020 Private Street Option

The provisions of Section 106-2-2.010 notwithstanding, the City, and in some cases the applicant, may find benefit from a street being temporarily or permanently private. In those cases, the Land Use Authority may require, or an applicant may volunteer, a proposed street to be privately owned or privately operated and maintained. Development of or along a Private Street shall comply with the following:

1. ***Private Street open for general public use.*** A private street that is perpetually open to the public for use and through-passage is allowed only under the following circumstances:

1. The Private Street shall never be closed to the public and no signage shall be erected to indicate or insinuate that the street is not open for public use or passage, except to allow for occasional and routine maintenance necessary to ensure the longevity of the street.
2. The Private Street shall be owned, operated, and maintained in perpetuity by a homeowners association that has a least 40 Dwelling Units, as evidenced by an approved preliminary subdivision plat and recorded homeowners association declaration. If final plat recordation is phased, the homeowners association declaration shall be recorded to the entire legal description of the preliminary subdivision plat at the time the first plat is recorded. The declaration shall include the approved preliminary plat. Special provisions or deviations from this requirement may be approved in a development agreement.
3. At not time shall a Private Street conflict with or create non-routine operations and maintenance demand on any Public Street.
4. A Private Street that complies with this Subsection (a) shall be allowed to count as a Public Street for the purposes of creating a Street Block pursuant to Section 106-2-3 or other Street Block regulations in this Land Use Code.

2. ***Private Street not open for general public use.***

1. ***No entitlement.*** An applicant is not entitled to make a street private. The Land Use Authority has full discretion, subject to the regulations herein, to allow or require a street to be private.
2. ***Prohibition.*** A Private Street shall not be allowed if:

1. It creates a hardship for other landowners in the area to provide access to develop their land in accordance with the provisions of this Land Use Code, or
 2. A Public Street is needed in the location of the proposed Private Street, as determined by the Land Use Authority.
 3. **Responsibility for construction.** The applicant shall pay for and construct the Private Street.
3. **Ownership.** The final plat shall dedicate the land under the Private Street to the City for the purpose of future conversion to a Public Street at a time the governing body determines a Public Street is necessary, if ever.
1. **Street-Parcel dedication waiver.** The Land Use Authority may waive this requirement if development or further development on adjacent Lots or Parcels to which the street could be extended is extremely unlikely, or to which future public access offers very little public benefit, or future development benefit, as determined by the Land Use Authority.
 1. **No Street-Block waiver.** A street needed to satisfy the Street-Block requirements of Section 106-2-3 is not eligible for this waiver unless there is no way in which that street can be configured in the subdivision to support the creation of the Street-Block.
 2. **Pathway in lieu waiver.** In circumstances where current or future public access by vehicle is unwarranted, the Land Use Authority may grant a waiver and in lieu require the dedication and installation of a 12-foot wide public easement and pathway or trail connection. The minimum pathway or trail design shall provide for either a 10-foot wide hard-surface pathway with a maximum average grade of 10 percent, or a single-track dirt trail with a maximum average grade of 18 percent.
 3. **Waiver requires joint ownership.** If a waiver is granted, the street-Parcel shall be held in joint ownership of the owners of all Lots that gain access from it.

2. **Street-Parcel configuration.** The Parcel being dedicated to the city shall be the length of the Private Street and extend to adjacent developable land or another street regardless of whether the Private Street infrastructure does. The Parcel shall be the same width required for a Public Street right-of-way, and be configured at a grade that will not create an unreasonable burden for future street-building and connectivity given typical grading and construction methods.
3. **Transfer of street-Parcel.** If adjacent Parcels to which the Private Street could connect reach full build-out or otherwise change in a manner that renders a future Public Street connection extremely unlikely, or if future public access to those Parcels offers very little public benefit, the City, at its sole option, may transfer the land, in accordance with all legal requirements, to the joint ownership of the owners of all Lots that gain access from it.
4. **Operation, maintenance, and use.** Except after the City assumes responsibility for the street, if ever, the operations and maintenance of the installed Private Street improvements shall be the sole responsibility of the owners of each Lot gaining access from the Private Street, or a homeowners association. The Land Use Authority may allow these owners to restrict access to the street by the general public, except City officials conducting official city business on a City-owned street-Parcel.
5. **Building setback standards.** The minimum building setbacks shall be measured from the boundary of the City-owned street-Parcel.
6. **Private Street required.** Unless the City Engineer or the Land Use Authority authorizes otherwise based on the public benefit outweighing the long term operations and maintenance expense, a Public Street is not allowed in the following circumstances:
 1. **Permanent terminal street.** A non-temporary terminal street;
 2. **Geologic hazards.** A street that traverses a geologic hazards study area shall be a Private Street, unless the hazards study, as required by Title 108, Chapter 22, provides compelling evidence that demonstrates the hazard risk to a Public Street is low.
7. **Construction standards.** Unless otherwise required by the Fire Authority or City Engineer, a Private Street shall meet the following minimum standards:

8. Minimum right-of-way easement: **40 feet**
Minimum improved travel surface: **24 feet**
9. The Planning Commission may approve reduced widths for subdivisions creating **six or fewer lots** where:
 - Fire access is approved
 - No future street extension is planned
 - No on-street parking is required
 - Adequate snow storage exists
10. Private streets intended for future public dedication shall meet full public street standards.
- 11.
12. **Plat notes.** On the final plat, the City-owned street-Parcel, where applicable, shall be labeled and noted as required by Section 106-1-8.020.
13. **Recording requirements.** At the time of final plat recording, the applicant shall record a covenant to run with the land that provides that:
 1. The owners of all Lots that gain access from the Private Street are solely and equally responsible for operations and maintenance of the street.
 2. If applicable, that by purchasing a Lot that gains access from a Private Street, the owner acknowledges that the street-Parcel is owned in fee by the governing body for possible future Public Street purposes; but that the governing body assumes no responsibility or liability for the street or for the uses thereof or thereon until and unless, if applicable, the governing body assumes responsibility for it.
 3. The owner is responsible for disclosing the nature of the street to prospective purchasers, renters, or lessees.
 4. The landowner of record or authorized representative agree to pay a proportionate amount of the costs associated with improving or restoring the street to operational Public Street standards at the time the governing body assumes responsibility for it; and agrees to not protest the creation of a special assessment area or other similar revenue generating mechanism the governing body deems necessary to bring the Private Street to operational Public Street standards.

Sec 106-2-2.030 Shared Private Lane Option

Unless specified otherwise in this section a shared private lane is only allowed in locations where a street or street connection is not otherwise required or planned as provided in the applicable general plan, and where its placement will not violate the applicable Street-Block requirement of Section 106-2-3. Construction of a shared private lane is a subdivision improvement requirement and shall comply with the relevant sections of Title 106, Chapter 4 of this Land Use Code.

1. ***Shared private lane design, configuration, and construction requirements.*** A shared private lane shall be:

1. ***Design.*** Designed and constructed to have a minimum right-of-way width of 24 feet, with a minimum improved surface width of 20 feet. A greater right-of-way width may be required by the City Engineer for a cross-slope easement.
2. ***Configuration.*** Configured and constructed so that any curve will safely facilitate the turning radius and weight of the Fire Authority's largest fire apparatus.
3. ***Construction.*** Constructed of all-weather material, have a grade of no greater than ten percent, and a clearance no less than 14 and a half feet. In a development with an average density that is greater than one unit per acre, the lane shall be hard-surfaced.
4. ***Ownership requirements.*** Be on a Parcel that is held in common ownership by a homeowner's association that governs the Lots that gain access therefrom, or be an easement recorded in favor of the owners of all Lots that gain access therefrom.
5. ***Terminal length.*** If terminal, the shared private lane shall be no longer than
 1. 600 feet in the Ogden Valley Planning Area, and provide access to no more than 15 Dwelling Units. However, if longer than 200 feet in length it shall be designed with a fire apparatus turn-around approved by the local fire authority at the end.

2. ***Shared private lane temporarily in lieu of street.*** As long as development on other properties in the general area to which a street could extend is not imminent, a

private lane may be installed in place of a required public or Private Street, and it may be longer than 600 feet in length, under the following circumstances:

1. **No interruption of street connectivity.** Doing so shall not disrupt the orderly build-out or inhibit the future street connectivity of the area.
2. **Compliance with general plan.** It shall not be contrary to the General Plan's recommendations that are specifically applicable to the area.
3. **Easement required.** With the final plat, an easement shall be given over the shared private lane to Ogden Valley City for the purpose of reserving an area that can become a future Public Street right-of-way at a time the governing body determines that a Public Street is necessary, if ever.
 1. The easement being dedicated to the city shall be the length of the Private Street and extend to adjacent developable land or another street regardless of whether the Private Street infrastructure does.
 2. The easement shall be the same width required for a Public Street right-of-way, and be configured at a grade that will not create an unreasonable burden for future street-building and connectivity given typical grading and construction methods.
4. **Operation, maintenance, and use.** The operations and maintenance of the shared private lane shall be the sole responsibility of the owners of each Lot gaining access from it.
5. **Building setback standards.** The minimum front building setback shall be 33 feet greater than otherwise required, and shall be measured from the centerline of the shared private lane.
6. **Plat note.** On the final plat, the area of the city-owned easement shall be labeled and noted as required by Section 106-1-8.020.
7. **Recording requirements.** At the time of final plat recording, the applicant shall record a covenant to run with the land that provides for the following:
 1. The owners of all Lots that gain access from the shared private lane are solely and equally responsible for operations and maintenance of the lane.
 2. If applicable, that by purchasing a Lot that gains access from a Shared Private Street, the owner acknowledges that the lane easement is owned by the governing body for possible future Public Street

purposes, but that the governing body assumes no responsibility or liability for the lane or for the uses thereof or thereon until and unless, if applicable, the governing body assumes responsibility for it.

3. The owner is responsible for disclosing the nature of the lane to prospective purchasers, renters, or lessees.
 4. The landowner of record or authorized representative agree to pay a proportionate amount of the costs associated with improving or restoring the street to operational Public Street standards at the time the governing body assumes responsibility for it; and agrees to not protest the creation of a special assessment area or other similar revenue generating mechanism the governing body deems necessary to bring the shared private lane to operational Public Street standards.
8. **Conversion trigger.** Any private lane approved in place of a public street shall be constructed to allow future conversion to public street standards. Conversion to a public street shall be required upon the earliest occurrence of one of the following:
1. When seventy-five percent (75%) of the Lots served by the private lane receive building permits
 2. When the private lane is extended to serve additional Lots
 3. When the private lane connects to a future subdivision street
 4. When required by the Fire Authority for emergency access
 5. When average daily trips exceed thresholds established by the City Engineer
 6. The City may require bonding, improvement agreements, or recorded notices to ensure conversion occurs when triggered.

Sec 106-2-2.040 Terminal Streets

1. *Permanently terminal street.*

1. ***Maximum length and number of lots.*** A permanently terminal street (cul-de-sac or dead-end) or permanently terminal street-route shall:
 1. Serve no more than 15 subdivision lots or lots of record as defined by Section 101-2;

2. Provide access to no more than 30 total dwelling units; and
 3. Have a maximum length of 750 feet. This length shall be measured from the point at which the street or street-route becomes terminal to the furthest extent along the terminal street or terminal street-route. If the terminal street or terminal street-route loops back onto itself, the furthest extent shall be the midpoint of the loop.
2. **Alternative allowance due to constraints.** If approved by the local fire authority, a permanently terminal street or street-route may serve a maximum of 30 subdivision lots or lots of record, and the maximum length of the street may be waived by the Land Use Authority, as long as the topography or other constraints of the land in the vicinity will not reasonably allow for a street connection to make the street or street-route non-terminal.
 3. **Turn-around required.** A permanently terminal street shall terminate in a cul-de-sac or other approved turnaround with a **minimum right-of-way diameter of 100 feet** and a paved turnaround designed to the requirements of the Fire Authority and City Engineer. If stormwater drains into the turnaround, a stormwater catch basin and drainage easement shall be provided.

2. **Temporarily terminal street.**

1. **Parameters.** An applicant may extend a temporarily terminal street or street-route beyond the maximum length specified in Subsection (a) of this section if the extension:
 1. Can be defined as a temporarily terminal street or temporarily terminal street-route, as defined in Section 101-2 of this Land Use Code;
 2. Runs along the general alignment of a future street, as shown in an applicable general plan, small area plan, master streets plan, development agreement, or similar legislatively adopted planning document;
 3. Reduces the distance between the terminal street and the greater interconnected public street network, as measured along the general alignment of the planned street; and
 4. Complies with the requirements of the local fire authority.

2. **Number of lots.** A secondary emergency egress and fire access road, as approved by the local fire authority, shall connect the temporarily terminal street to the greater interconnected street network before more than 30 residential lots are allowed to gain sole-access from the street. Additionally, at no time shall more than 30 residential lots be allowed to gain sole-access from the street between the street's intersection with the nearest secondary emergency egress and the street's terminus.
3. **Turn-around required.** A temporarily terminal street shall have a temporary turnaround at the end with a **minimum right-of-way diameter of 100 feet**, or such greater dimension as required by the Fire Authority or City Engineer. The temporary turnaround shall remain available and usable by all street users for so long as the dead-end condition exists.
3. **Substandard terminal street.** A subdivision that is proposed along a terminal street or terminal street-route that does not meet City right-of-way or construction standards at any point along the terminal street or terminal street-route shall not be allowed unless the City Engineer and Planning Director can mutually make the following findings:
 1. A traffic study, conducted by a certified professional traffic operations engineer (PTOE) and funded by the applicant, demonstrates that the existing single-access street or street route is adequate and safe, or can be made adequate and safe with improvements volunteered by the applicant, for the increased traffic demand of the new subdivision;
 2. That due to topographic, environmental, or other unique characteristics of the area, it is unlikely that another street or street route will be established that provides the new subdivision a second connection to the greater interconnected public street network within the next 10 years;
 3. That not providing the new subdivision with a standard single-access street or street-route does not conflict with an applicable general plan, small area plan, master streets plan, or similar adopted planning document;
 4. That not requiring a second connection to the greater interconnected public street network does not conflict with an applicable general plan, small area plan, master streets plan, or similar adopted planning document; and
 5. That compliance with Section 106-2-2.8 will be met.

Sec 106-2-2.050 Arterial And Collector Streets

1. Unless specified otherwise in this Land Use Code, an Arterial or Collector Street shall be dedicated to conform to the right-of-way width designated in the general plan, master street plan, capital improvement or facilities plan, impact fee facilities plan, development agreement, or similar adopted planning or street design document. Setback from an Arterial and Collector Street shall be in compliance with Section 108-7-10.
2. Both Arterial and Collector Streets are limited access streets. Subdivisions shall be designed to avoid providing Lots direct access from an Arterial or Collector Street, wherever possible. If a subdivision cannot be designed to avoid providing a Lot access directly from an Arterial or Collector Street, then access to the Lot shall follow the access provisions of Section 108-7-29. Residential access may be gained from the Arterial or Collector Street by sharing another previously existing residential access.

Sec 106-2-2.060 (Reserved)

(Reserved)

Sec 106-2-2.070 (Reserved)

(Reserved)

Sec 106-2-2.080 Street Cross Sections And Design

1. **Street cross section design.** A proposed new street or street extension shall comply with the applicable dimensional standards of Sections 106-2-2.020, 106-2-2.030, 106-2-2.040, and 106-2-2.085 and with applicable construction standards adopted by the City.
2. Where a subdivision borders an existing public street that does not meet current standards, the City may require the applicant to improve the portion of the street adjacent to the subdivision where the impacts of the subdivision necessitate the improvement.

3. The City Engineer is authorized to require the applicant to make offsite improvements on streets in the area if the impact of the subdivision on those streets necessitates the improvements. In the FB Zone, ***Development on a substandard street***. Development on a substandard street shall comply with the provisions of Section 108-7-19.

Sec 106-2-2.090 Street Grades

Except for rare and special circumstances, street grades over sustained length shall not exceed the following percentages: on Arterial Streets, eight percent; on Collector Streets, ten percent; on Major and Minor Neighborhood Streets, 12 percent; on Private Street or Shared Private Lanes, where allowed by this Land Use Code, 15 percent. All street grades shall be reviewed and approved by the Local Fire Authority and City Engineer.

Sec 106-2-2.100 Alleys

1. Alleys shall have a minimum width of 20 feet unless specified otherwise in this Land Use Code or the Local Fire Authority.
2. An Alley shall be provided snow storage areas abutting the Alley of sufficient size and configuration to easily accommodate the Alley's snow storage needs, as determined by the City Engineer.
3. An Alley shall be dedicated for public use, as provided in Section 106-7-1, but the operations and maintenance of the Alley shall be the collective and equitable responsibility of all landowners whose Lots, Parcels or parking areas gain access from it.
4. A note shall be placed on the final subdivision plat as provided in Section 106-1-8.020. An association of owners may be created to specify the details of the management thereof.

Sec 106-2-2.110 Protection Strips

Where subdivision streets parallel contiguous property of other owners, the subdivider may establish a protection strip of not less than one foot in width located within the road right-of-way and lying next to the adjacent property. The said strip shall be deemed part of the dedicated right-of-way, provided that an agreement with the city and approved by the city attorney has been made by the subdivider. A land owner choosing to access property

across the protection strip shall make payment to the original developer in an amount equal to the fair cost of the street improvements, plus the value of one-half the land in the street at the time of the agreement. This agreement shall expire ten years from the date the agreement was signed and shall become void.

Sec 106-2-3 Blocks

1. The maximum length of blocks generally shall be 1,300 feet and the minimum length of blocks shall be 500 feet. Blocks over 800 feet in length may, at the discretion of the planning commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than six feet in width.
2. The width of blocks shall be sufficient to allow two tiers of lots or as otherwise approved by the planning commission because of design, terrain, or other unusual conditions.
3. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

Sec 106-2-4 Lot Standards

Sec 106-2-4.010 Lot Standards Generally

Sec 106-2-4.020 Lot-Averaged Subdivision

Sec 106-2-4.030 Connectivity-Incentivized Subdivision

Sec 106-2-4.010 Lot Standards Generally

1. **Lot configuration.** The Lot arrangement and design shall provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and probable future development conditions. The applicant shall demonstrate that each Lot intended for a building or other site improvements is buildable.
2. **Lot size and exceptions.** Unless specifically allowed otherwise in this Land Use Code or a development agreement, all Lots shown on the subdivision plat must conform to the minimum area and width requirements of the Land Use Code for the zone in which the subdivision is located, as provided in the applicable zone pursuant to Title 104 of the Land Use Code.

3. **Lot frontage.** Each Lot shall have frontage on a street or shared private lane that meets City standards, unless specifically provided otherwise in this Land Use Code. A Lot having double frontage is prohibited unless the rear of the Lot is abutting a Collector Street or Arterial Street, or a street planned to become a Collector Street or Arterial Street, or extreme topography makes other design inappropriate, as determined by the City Engineer. If allowed, the rear Lot Line of a Double Frontage Lot shall be labeled as "no access allowed."
4. **Side Lot Lines.** Side lines of Lots shall be approximately at right angles, or radial to the street line, from the street line to at least the minimum required building setback.
5. **Flag Lot.** A Flag Lot shall comply with the following provisions:
 1. **Area.** Regardless of any other alternative Lot Area provision of this Land Use Code, the area of the Lot shall be no less than twice the minimum Lot Area required by the zone, as specified in Title 104, but need not exceed three acres in a zone that has a minimum Lot Area less than three acres. A Flag Lot in a zone that has a minimum Lot Area of three acres or greater shall comply with the minimum Lot Area of the zone, as specified in Title 104.
 2. **Avoiding street requirement not allowed.** Unless otherwise allowed in this Land Use Code, a Flag Lot shall not be allowed if it avoids the installation of a street contemplated by this Land Use Code, an adopted general plan, master transportation plan, development agreement, or other adopted document intended to govern the placement, connectivity, or creation of a street or Street-Block.
 3. **Access.**
 1. No access strip shall exceed 800 feet in length.
 2. A maximum of two Flag Lot access strips may be located adjacent to each other.
 3. The minimum width of a Flag Lot access strip shall be 24', or as approved by the Local Fire District, unless said access can be reasonably aligned with an approved or planned transportation route, as determined by the City Engineer, shall be a minimum of 30' in width.

4. When the access strip aligns with, or, as determined by the City Engineer, can reasonably be shifted on the property to better align with an adopted/planned future transport route, it shall be configured in a manner that has the ability to support a future street. ~~if one is ever needed.~~ The access strip shall be no less than 30 feet wide and extend from the street or shared private lane to the furthest extent of the Lot. The future street easement shall not be required in the following circumstances:
 1. The adjacent area to which a future street could otherwise be extended is built-out such that no reasonable street connection can be made thereto;
 2. The adjacent area to which a future street could otherwise be extended has characteristics that significantly reduce the likelihood the Street-Block will be needed, as determined by the Land Use Authority. These characteristics include, but are not limited to, sensitive lands such as geologic hazards, riverways, floodplains, wetlands, and slopes on which no reasonable street configuration can be created that complies with allowed street grades; or
 3. The adjacent area to which a future street could otherwise be extended has culturally or locally important lands that can, are, or will be permanently preserved in a manner that benefits the general public. The Land Use Authority may require the applicant to secure the permanent preservation in a manner satisfactory to the Land Use Authority.
5. The access strip shall be denoted on the plat as the access strip to the Flag Lot, and the Lot's front shall be determined as facing this access strip. The front setback shall be measured from the access strip.
6. **Remnant Parcel.** A subdivision of land shall not exclude from its boundary any part or remainder of a Parcel affected by the subdivision unless the remnant Parcel is exempt from the definition of a subdivision under state and city code, or is exempt from platting requirements by state code.

4. **Remnant Parcel size.** An allowed remnant Parcel shall be no smaller than five acres, and be recorded with the agricultural notice specified in UCA § 17-27a-605.
5. **Retroactive compliance.** Any Parcel that was created as the result of being a remainder from a platted subdivision, including those that do not comply with the recorded notice provisions of UCA § 17-27a-605, that is later used for any use other than agriculture is no longer exempt from the requirements of this Title and shall retroactively be made to comply with this Title and applicable state code.
6. **Multiple ownership.** Where the land covered by a subdivision includes two or more Parcels in separate ownership and the Lot arrangement is such that a property ownership line divides one or more proposed Lots, the land in each Lot so divided shall be properly executed to correctly vest title to the owner or owners prior to recording the plat.
7. **Easements.**
 1. **Lot frontage public utility easements.** Each Lot shall have a ten-foot public utility easement abutting a street right-of-way and spanning the Lot width. This ten-foot easement is not required in a zone that allows a zero front setback.
 2. **Other public utility easements.** Other public utility easements shall be provided if, and only if, authorized or required by the City Engineer or Land Use Authority, who shall specify the easement's location and width, with a minimum width no less than five feet.
 3. **Surface water drainage easements.** If the applicant cannot demonstrate that surface water runoff onto other property will not exceed historic runoff rates, a land drain easement and drainage infrastructure shall be provided by the applicant in a manner that protects other properties in the area and public infrastructure. The land drain shall be installed as part of the subdivision improvements.
 4. **Agricultural water drainage easements.** When a subdivision is proposed on land to which irrigation water runoff has historically and lawfully drained from other property, a land drain easement and drainage infrastructure shall be provided by the applicant in a manner that protects the new Lots, public infrastructure, and historic irrigation flows from and to other property. The land drain shall be installed as part of the subdivision improvements.

8. **Taxing district annexation.** Parcels that are split by a taxing district shall have the entire Parcel annexed into that taxing district prior to the recording of the subdivision. Exceptions will be made for bond obligations by the taxing district.
9. **Hillside development.** A Lot that has an average percent of slope, as defined in Title 101, Chapter 2 of this Land Use Code, that is greater than 25-percent shall provide for the following:
 1. **Buildable area.** If a Lot has a Buildable Area, as defined in Title 101, Chapter 2, a hillside development review is not required. The buildable area shall be delineated on the final plat by short dashed lines.
 2. **Restricted Lot.** Each Lot shall be configured, designed, and constructed in a manner that mitigates detrimental effects to future owners or the surrounding area. Each Lot shall provide a Buildable Area that can reasonably contain buildings typical for the zone. Each Lot that has area that has not been adequately studied and mitigated to prove buildability shall have the area clearly delineated and denoted on the final plat as “restricted area.” A Lot that has a restricted area may be amended to reduce or eliminate the restriction after appropriate studies and mitigation measures have been completed, as provided elsewhere in this Land Use Code. A note shall be placed on the final plat pursuant to Section 106-1-8.020.
10. **Sensitive lands restrictions.** A Lot subject to development restrictions found in Title 104, Chapter 28 of this Land Use Code shall show the restrictions on the final plat. This shall include but may not be limited to wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.

Sec 106-2-4.020 Lot-Averaged Subdivision

In the AV-3 zone, a lot's area and width standards may be reduced in a Lot-Averaged Subdivision below the standard minimum Lot Area or minimum Lot Width as specified in the applicable zone or zones found in Title 104. A Lot-Averaged Subdivision shall comply with the following:

1. **The averaged area and width of all Lots to comply with zone standards.** The average Lot Area and average Lot Width of all Lots within a Lot-Averaged Subdivision shall not be less than the minimum Lot Area and minimum Lot Width required by the applicable zoning district. No individual Lot created through lot averaging shall be less than fifty percent (50%) of the required minimum Lot Area or Lot Width of the zoning district, except where a Cluster Subdivision is approved pursuant to Section

106-2-1.020. A pre-existing nonconforming Lot of record that is smaller in Lot Area or Lot Width shall be excluded from the averaging calculation and may continue with the smaller dimensions provided it is not made more nonconforming. Lot averaging shall not be used to increase the number of Lots otherwise permitted by the density calculation provisions of this chapter, and shall not be combined with connectivity incentives or other design flexibility provisions to increase total subdivision yield beyond what would otherwise be permitted.

2. **Lot standards.** The Lot Area and Lot Width of an individual Lot located within a Lot-Averaged Subdivision shall be no less than shown in the following table, provided that the averaged area and width of all Lots in the subdivision maintains compliance with Subsection (a) of this section.

		AV-3 Zones
Lot Area	20,000 square feet	3 acre density if clustered with greenbelt
Lot Width	80 feet	100 feet

3. **Subdivision plat table.** A table shall be provided with the subdivision application and on the final subdivision plat showing the area and width of each Lot within the overall subdivision boundary, the average area and width of all Lots within the overall subdivision boundary, and the average area and width of all Lots within each zone in the subdivision boundary. If platted in phases, the “overall subdivision boundary” shall mean the exterior boundary of all phases in the approved preliminary plat.
4. **Plat subtitle.** Pursuant to Section 106-1-8.020, a subtitle and note referencing this provision shall be placed on the final plat.

Sec 106-2-4.030 Connectivity-Incentivized Subdivision

Alternative minimum Lot standards for a connectivity-incentivized subdivision can be found in Section [106-2-1.020](#).

Sec 106-2-5 Parks, School Sites And Other Public Places

1. In all subdivisions other than summer home subdivisions and subdivisions where there are no public streets, the planning commission may require the dedication to the county of not more than three percent of the gross area of the subdivision for parks, open spaces or other public uses in such location as approved by the planning commission as indicated on the approved preliminary plan, unless the subdivision is approved as part of a cluster subdivision.
2. Where it is determined that a greater amount of land is required for parks and open spaces to meet the general plan requirements for that area of the city, or a school site is required, the planning commission after so apprising the appropriate agency, shall so indicate the open space or school site requirements to the subdivider on the approved preliminary plan.
3. The subdivider, at the time of filing the final plat with the planning commission, must offer to sell at a fair market price to the city or other appropriate public agency, within one year immediately following the recording of the final plat, any land so designated for school sites or any land designated for park or open space in excess of the three percent of land area required to be dedicated in accordance with subsection (a) of this section.
4. If any such proposed public areas or school sites have not been purchased by the appropriate public agency within one year after the recording of the final plat, such areas may be subdivided into lots and blocks in accordance with the requirements of this chapter. Any land converted from park, open space, or public use designation back to buildable Lots shall remain subject to the original subdivision density limitations based on the parent parcel acreage and shall not increase the total number of Lots permitted.

Sec 106-2-6 (Reserved)

Editor's note—Ord. No. 2014-20, pt. 2, adopted Dec. 23, 2014, repealed former § 106-2-6 and renumbered subsequent sections 106-2-7—106-2-10 as 106-2-6—106-2-9. Prior to Ord. No. 2014-20, § 106-2-6 pertained to cluster subdivisions; special provisions, and derived from Ord. of 1952, title 26, § 2-6. After Ord. No. 2014-20, § 106-2-6 pertained to mountain subdivisions, special provisions. Later, Ord. No. 2021-23, adopted July 6, 2021, repealed mountain subdivisions, special provisions, and reserved § 106-2-6 for future provisions.

Sec 106-2-7 (Reserved)

(Reserved)

Sec 106-2-8 Large Scale Excavation

No large scale excavation (more than 5,000 square feet), grading, or regrading shall take place on any land for which a preliminary subdivision plan has been submitted, until the such plan has been given preliminary approval by the Land Use Authority and City Engineer.

Sec 106-2-9 Power And Telephone Utilities

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

Editor's note— See editor's note following § 106-2-6 regarding renumbering of sections.

Chapter 106-3 Condominium Projects

Sec 106-3-1 (Reserved)

Sec 106-3-2 Condominium Projects; Subdivision

Sec 106-3-3 Condominium Projects To Comply With Local Ordinances

Sec 106-3-4 Approval Of Condominium Declaration

Sec 106-3-5 Installation Of Improvements

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

Sec 106-3-1 (Reserved)

Sec 106-3-2 Condominium Projects; Subdivision

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

Sec 106-3-3 Condominium Projects To Comply With Local Ordinances

1. Condominium projects shall comply with all the provision of the Ogden Valley City Land Use Code, the building, health and similar development regulations and ordinances of the city, and with Ogden Valley City subdivision regulations and shall follow the procedure outlined in such regulations for processing subdivisions.
2. The standards and criteria for geographical layout of a condominium project, the facilities of utility lines and roads, the percentage of the project to be devoted to common or recreational use shall comply with the provisions of the ordinances and regulations in the subsections of this chapter.

Sec 106-3-4 Approval Of Condominium Declaration

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

Sec 106-3-5 Installation Of Improvements

The developer of a condominium project shall at his own expense install the improvements listed in the "Subdivision Improvements Required" chapter of this Code. In addition, proposed recreation facilities, clubhouses, recreation vehicle parking areas and landscaping materials in accordance with an approved plan shall be included in the guarantee of improvements provided by the developer to Ogden Valley City prior to final approval by Ogden Valley City or except as provided in the "Subdivision Improvements Required" chapter of this chapter, in accordance with the plans and specifications of approved by the city.

Chapter 106-4 Subdivision Improvements Required

Sec 106-4-1 General Requirements

Sec 106-4-2 Specific Requirements

Sec 106-4-3 Guarantee Of Improvements

Sec 106-4-4 Inspection Of Improvements

Sec 106-4-5 Public Works Standards And Technical Specifications

Sec 106-4-1 General Requirements

1. ***Improvement plans, submittal and approval process.*** Pursuant to Section 106-1-8.30, with the final subdivision plat submittal, the applicant shall submit a complete set of draft improvement plans. The City Engineer is authorized to approve the

improvement plans after determining the plan's compliance with all applicable standards and specifications, and after receiving approval of the improvement plans from the culinary water, secondary water, and sanitary sewer service providers, if applicable. The approvals from those service providers shall include a copy of the version of improvement plans for which they are offering approval. The applicant shall submit a copy of the final approved improvement plans with the final subdivision plat mylar. The final approved improvement plans shall be signed and stamped by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision.

the improvement plans after determining the plan's compliance with all applicable standards and specifications, and after receiving approval of the improvement plans from the culinary water, secondary water, and sanitary sewer service providers, if applicable. The approvals from those service providers shall include a copy of the version of improvement plans for which they are offering approval. The applicant shall submit a copy of the final approved improvement plans with the final subdivision plat mylar. The final approved improvement plans shall be signed and stamped by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision.

2. ***Approval of final improvement plans prior to final plat approval, if allowed.*** The applicant may submit improvement plans prior to final plat approval, but not before preliminary plan/plat approval by the Land Use Authority. The City Engineer, in his sole discretion, may approve final improvement plans prior to final plat approval. No subdivision improvements or utilities shall be installed until after approval of the final improvement plans by the City Engineer. The City Engineer's approval of final improvement plans prior to final plat approval, or the City Engineer's authorization to commence construction of the improvements, shall not constitute entitlement or vesting of any particular final plat design. The applicant bears all risk associated with pursuing approval of final improvement plans and commencement of construction of improvements prior to final plat approval.
3. ***Improvements to comply with standards and specifications.*** All improvements shall comply with the standards and specifications referenced in Section 106-4-5, and the standards and specifications of relevant utility service providers. and the standards and specifications of relevant utility service providers.
4. ***Improvements to be installed prior to issuance of permits.***

1. All required subdivision improvements shall be installed and pass inspection, pursuant to Section 106-4-3, prior to issuance of any land use permit in a subdivision.
2. This shall not apply to the required chip and seal, street monuments, street trees, and other required landscaping (and associated irrigation and controls) as long as a sufficient financial guarantee of improvements exists or is provided as required by Section 106-4-3 for the incomplete improvements.
3. A certificate of occupancy shall not be issued until the missing improvements are installed and pass inspection or an updated financial guarantee has been provided as required by Section 106-4-3.
4. For the purpose of ensuring that improvements are not damaged or neglected during construction, in the event that a property is not granted certificate of occupancy outside of the warranty guarantee period, a separate landscaping, sidewalk, and curb and gutter bond shall be posted in the amount for those improvements where the lots have not been given certificate of occupancy, as determined by the City. The City shall retain this bond until certificate of occupancy is granted to each subsequent lot.
5. **Improvements under street asphalt.** All public and private utilities within the road right-of-way shall be installed prior to the road being asphalted. Cuts within one year of asphalt placement on a new road will require a special permit and include requirements for special backfill and asphalt replacement.
6. **Monumentation improvement agreement.** The applicant shall sign a survey monumentation improvement agreement and pay applicable fees associated prior to the City Surveyor signing the final subdivision plat mylar.
7. **As-built plans required.** Upon completion of the construction of roads and utility lines, the developer's engineer shall prepare and submit as-built plans for all improvements for the approval of the City Engineer. As-built plans shall include a digital plan (dwg format) and one set of reproducible mylars prior to city acceptance for maintenance of roads.
8. **Phased subdivisions.** Whenever the applicant develops a subdivision a phase at a time, such development shall be in an orderly manner and in such a way that the required improvements will be made available to the buyers of the lots. The applicant shall be responsible for coordinating the installation of utilities, streets,

water lines, fire hydrants, and all other required improvements with the buyers of lots.

Sec 106-4-2 Specific Requirements

Sec 106-4-2.010 Water Supply

Sec 106-4-2.020 Sewage Disposal

Sec 106-4-2.030 Stormwater

Sec 106-4-2.040 Street Grading And Surfacing

Sec 106-4-2.050 Curbs And Gutters

Sec 106-4-2.060 Sidewalks And Pathways

Sec 106-4-2.070 Street Monuments

Sec 106-4-2.080 Street Trees

Sec 106-4-2.090 Street Signs

Sec 106-4-2.100 Ditch Or Canal Improvements

Sec 106-4-2.110 Staking Subdivision Corners

Sec 106-4-2.120 Peripheral Fencing

Sec 106-4-2.130 Fire Protection

Sec 106-4-2.010 Water Supply

1. ***Culinary and secondary water supply and delivery system required.*** The applicant is responsible for providing a culinary and secondary water supply and delivery system to or on each lot. The system shall provide sufficient quantity, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water. The standard method for accomplishing this, and the default requirement, is for the applicant to connect to an existing public culinary water service provider's system and to connect to an existing secondary water service provider's system. However, to benefit applicants in certain circumstances, connection to a new water service provider's system or a private well may be allowed as an alternative, as described in this Section. Water supply and delivery systems shall comply with the following:

1. ***Water service provider connection.***

1. ***Connection to existing water supply and delivery system, requirement qualifiers.***

1. ***Connection requirements and qualifiers.*** If any lot within the subdivision is located within a distance of 50 feet multiplied by

the number of proposed lots from a public culinary water service provider's existing and functional main delivery line, or that of a secondary water service provider, and the service provider is willing and able to serve the subdivision, then in accordance with the service provider's standards and any applicable City standards, each lot within the subdivision shall be connected to the service provider's water delivery system;

2. **Multiple local systems.** If multiple existing culinary water delivery systems are available, connection to the culinary system that will yield the best organization of culinary water infrastructure in the area is required. The same shall be required for the secondary water delivery system. If conflict arises in making such a determination, the City Engineer shall make the final determination. Overlapping culinary or secondary water infrastructure should be avoided whenever possible.

2. **Connection to new water supply and delivery system.**

1. **Creation of and connection to new system.** Where outside the required connection distance of a water service provider's existing and functional main delivery line pursuant to Subsection (a)(1)a. of this Section 106-4-2.1, and where a private well will not be proposed or cannot be approved pursuant to Subsection (a)(2) of this Section 106-4-2.1, a new water source, supply, and delivery system may be created by the applicant, in compliance with state law, to serve the subdivision. Each lot within the subdivision shall be connected to the water supply and delivery system.
2. **Ownership, operation, and management of new system.** Unless the new system will be owned, operated, and managed by an existing local water service provider, a new water service provider shall be created pursuant to state law to own, operate, and manage the new system.
3. **New system in existing water service provider's planned expansion area.** If any part of the subdivision is situated within the expansion area of an existing culinary or secondary water

service provider's water delivery system, then the following are required unless the existing service provider specifies otherwise in writing:

1. ***Existing service provider's ownership of new system.***

At the existing service provider's sole option, upon written request, the applicant shall transfer ownership of the new system, including but not limited to, the piping, conveyances, easements, sources, any other infrastructure, and the related water rights, contracts and shares, to the existing service provider at no cost, unless negotiated by the entities otherwise.

2. ***New system to conform to existing system.*** The new system shall be constructed pursuant to the requirements and standards of the existing service provider.

3. ***New system's future consolidation into existing system.*** The new system shall be created in a manner and with sufficient rights or shares to enable easy and efficient future consolidation of the new and existing systems.

4. ***Contract.*** A contract shall be executed between the applicable existing service provider and the new service provider, obligating the new service provider to consolidate with the existing service provider. Unless negotiated by the entities otherwise:

1. The contract shall provide for the conveyance of applicable ownership and operation rights, necessary water rights or shares, and infrastructure access or easement rights, at a time of the existing service provider's choosing; and
2. The infrastructure expense required to consolidate systems shall be borne by the existing service provider and any debt obligation incurred by the newer service provider shall

remain the responsibility of the users of the system for which the debt was incurred.

5. ***Service provider maps required.*** An existing service provider intending to use this provision for future expansion shall submit documentation to the City showing its current operating area and adopted future expansion area in an accurate geographically-referenced format.
 6. ***Multiple local systems.*** If multiple service providers' expansion areas include portions of the subdivision, then the applicant shall furnish written verification to the City of each provider's intent to eventually serve the development. The existing system that will yield the best organization of services and long-term performance of water infrastructure in the area shall be used to satisfy this part, as determined by the City Engineer.
2. ***Private well connection.*** Unless required otherwise by Subsection (a)(1)a. of this Section 106-4-2.1, culinary and secondary water may be provided by private well, in compliance with the standards and requirements of the local health department, Utah Division of Water Rights, and, if applicable, Weber Basin Water Conservancy District. If secondary water is provided by private well, the applicant shall comply with Subsection (b)(2)b. of this Section 106-4-2.1. The applicant shall simultaneously submit all wells proposed in the subdivision, including all phases if applicable, for well approval to the Utah Division of Water Rights.
 2. ***Required water quantity.*** Each developable lot shall be connected to a system that provides sufficient water quantity, quality, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water.
 1. ***Culinary water quantity and quality.*** The quantity and quality of culinary water shall meet the minimum standards required by the culinary water authority, applicable agency, or applicable service provider.
 2. ***Secondary water quantity.*** Sufficient secondary water shall be provided so that all areas of the lot that will be landscaped with living plant materials can be regularly watered. At a minimum, the annual duty for crop irrigation, as

prescribed by the Utah Division of Water Rights, is required for all areas of the lot that will contain non-drought tolerant vegetation.

1. **Secondary water by service provider.** If secondary water is provided by a culinary or secondary water service provider, then the service provider is responsible for ensuring compliance with this part. As a baseline, each secondary water provider is encouraged to adopt water-wise landscaping requirements as provided in Subsection (b)(2)b. of this Section 106-4-2.1.
2. **Secondary water by private well.** If secondary water will be provided by a private well, then by default, a water allocation sufficient to water 30 percent of the lot is required unless specifically provided otherwise herein. This percent shall be increased to the actual area watered if more than 30 percent of the lot is or will be watered. This percent may be reduced to the actual percentage of the lot covered by vegetation that is not drought-tolerant or non-native wildland if:
 1. All areas with drought-tolerant vegetation are provided sufficient water allocation for the vegetation type and an automatic watering system is installed that has separate valves and stations on which vegetation with similar watering needs shall be grouped, if applicable;
 2. A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable;
 3. A note is placed on the final recorded plat as required in Section 106-1-8.20; and
 4. The approved Exchange Application from the Utah Division of Water Rights is submitted to the City for each well. It shall demonstrate the total acre-feet approved for each well, and demonstrate that all proposed wells within the subdivision, including all phases, were simultaneously submitted to the division for approval.

3. **Secondary water exemption.** A subdivision lot that is completely covered by pre-existing native wildland vegetation, and will remain so, is exempt from the secondary water requirements of this section as long as the pre-existing native wildland vegetation remains undisturbed in perpetuity, and is well-established in a manner that makes it relatively unlikely for noxious weed propagation. Clearing minimal area needed for buildings, driveways, accessory uses, wildfire defensible space, and similar uses is allowed under this exemption as long as it does not result in the need for outdoor watering. The following shall be provided with the final plat:
 1. A restricted-landscape covenant is recorded to the lot. The covenant shall restrict the removal or addition of living vegetation from the lot unless the owner acquires the secondary water required by this section; and
 2. A note shall be placed on the final recorded plat as required in Section 106-1-8.20.
3. **Capacity assessment.** Prior to final plat approval by the planning commission, the applicant shall provide the city with a written capacity assessment for the culinary and secondary water supply and delivery system.
 1. **Water service provider capacity assessment.** For the creation or expansion of a water service provider's water supply and delivery system, the capacity assessment shall include:
 1. Written verification from the water service provider. The assessment shall verify:
 1. That the system is, or will be at the time the subdivision improvements are complete, capable of serving the culinary or secondary water needs of each applicable subdivision lot;
 2. For a culinary water provider, that adequate culinary water flow and storage is available, or will be available at the time the subdivision improvements are complete, for all intended or proposed uses of culinary water including, but not limited to, applicable secondary water uses and fire suppression appurtenances;

3. For a secondary water provider, that adequate secondary water flow and storage is available, or will be available at the time the subdivision improvements are complete, for all intended or proposed uses of secondary water; and
 4. The specific details regarding the requirements or conditions for the water service of which the city should be aware during the approval or construction process.
2. For a culinary water supply and delivery system, evidence that a state construct permit has been secured from the Utah Department of Environmental Quality's Division of Drinking Water.
2. ***Private well capacity assessment.*** For a private well's water supply and delivery system, the capacity assessment shall include:
 1. Written verification from the Utah Division of Water Rights that authorization to drill has been obtained for each proposed private well.
 2. The following items, if secondary water is provided by contract with Weber Basin Water Conservancy District:
 1. Written verification from the District that an adequate allocation of water has been secured for each proposed well;
 2. Evidence that the annual cost for the District's allocation is, or will be, attached to the tax notice of each lot; and
 3. Proof of adequate allocation of water shall be demonstrated for all intended uses of the well water, including, but not limited to, applicable secondary water uses and fire suppression appurtenances.
4. ***Water supply and delivery system improvements required.***
 1. ***Improvements required for water service provider.*** The following requirements are a minimum. The applicable culinary or secondary water service provider may have additional requirements.
 1. ***Main delivery line extents.*** Culinary and secondary water main delivery lines shall be provided to the furthest extent of the subdivision boundary within a public street right-of-way or a public utility easement, and laterals shall be stubbed to each lot.

2. **Infrastructure capacity.** Infrastructure shall be designed with sufficient capacity for the system service area as determined by the water service provider, or as may otherwise be required by the City Engineer.
3. **Metering.** All culinary and secondary water connections shall be metered.
4. **Improvements operational before permit.** Water lines and fire hydrants shall be operational before building permits are issued for any structures.
5. **New source.** If the service provider determines the source is needed to serve the new lots, a new water source shall be provided, with all needed rights or shares, and connected to the service provider's water delivery system in compliance with the provider's requirements and standards.
6. **Conflicting requirements.** The City Engineer has discretion to waive or modify any of the foregoing requirements in Subsection (d)(1) of this Section 106-4-2.1 if in conflict with the service provider's requirements.
7. **Prior to City's final acceptance.** The applicant shall submit to the city written approval and acceptance of new culinary and secondary water infrastructure from the culinary water service provider and secondary water service provider prior to final acceptance of the subdivision's improvements by the City.
8. **No obligation to City.** Acceptance of the subdivision's improvements shall not constitute an obligation to the city for the ownership or operation of the water facilities.

2. **Improvements required for private well.**

1. **Private well drilling and testing.** Prior to final plat recording, each well shall be dug and pump-tested for a minimum of 48 hours, and a sample of water analyzed according to applicable agency requirements. A copy of pump-test results shall be submitted to the City and the local health department. The pump test results shall demonstrate that adequate flow and quality exists to serve all intended uses of the well. An inadequate pump-test shall result in

that subdivision's approval being void unless another lawfully approved water source can be provided.

2. **Metering.** The applicant shall install a radio-meter, or other automated usage-reporting meter, pursuant to the standards and specifications of the Weber Basin Water Conservancy District, if applicable.
5. **Culinary water conditioned on secondary water.** If a culinary water service provider has conditioned its service on adequate access to a secondary water service, the following apply:
 1. **Verification.** A culinary water service provider bears full responsibility for verifying a secondary water system's capability to satisfy the culinary water service provider's conditions and requirements before it will offer culinary water service to the subdivision.
 2. **Culinary water restrictions.** Unless expressly authorized by the culinary water provider, no culinary water is authorized for watering vegetation using sprinklers or other irrigation methods. A culinary water provider has the authority to take appropriate action if unauthorized use of culinary water for an outdoor application is found.
 3. **Exactions and denials of water service provider.** A water service provider, whether culinary or secondary, shall not use this section to require an unlawful exaction or an unlawful subdivision denial, pursuant to state law. Requirements for secondary water shall be reasonable and in accordance with industry best practices.
6. **Irrigation water exemption in small subdivisions.** In the Ogden Valley, a small subdivision, as defined in Section 101-2-20, may use existing irrigation water to meet the secondary water requirements of this Section if irrigation water has been consistently used on the land prior to the subdivision, and is being proposed to be used to irrigate the same general area. Each resulting lot shall be given sufficient water rights, shares, or stock to irrigate the area specified in Subsection (b)(2) of this Section 106-4-2.1.
7. **Transfer of rights or shares and penalty for removal.** If required by the water service provider, all necessary culinary or secondary water rights or shares required for each lot shall be transferred to the culinary or secondary water service provider, respectively. The culinary water service provider, or when the subdivision is located

in a secondary water service provider's expansion area, the secondary water service provider, is authorized to require sufficient secondary water rights or shares to be transferred to them to be held in trust until the secondary water service provider's system has been extended to the subdivision. Otherwise, the rights or shares required shall be recorded to the lot for an individual well, or a governing owner's association or entity for a shared private well, at the time of subdivision recordation. Removal or reallocation of required rights or shares shall constitute a violation of this land use code, with all associated enforcement measures being at the City's disposal. The City is also authorized to void the recorded plat or withhold any further land use approvals for the affected lot or lots, as determined by the Planning Director or City Engineer.

Sec 106-4-2.020 Sewage Disposal

1. Where any part of a building situated within the the City is within 300 feet of any street, alley, court, passageway or area in which a public sewer or sewer owned or operated by any special improvement sanitary sewer district is in existence and use, or where the building is close enough in the determination of the City health officer to require a connection, the applicant may connect sanitary sewer and provide adequate lateral lines to the property line of each lot. Sewer systems shall be approved by the City health official, and connections shall comply with the public work standards of the City. Where the construction of a sewer trunk line is required to serve the subdivision, the applicant shall be required to construct the trunk line in accordance with plans and specifications approved by the City and sewer improvement district. The new trunk line shall be designed with sufficient capacity for the service area as determined by the city engineer. The applicant may be entitled to reimbursement for the oversized costs through impact fee or development agreement within the service area for a period of ten years from the date of acceptance by the City.
2. Where a public sanitary sewer is not accessible, the applicant shall obtain approval from the City health officer for individual sewage disposal for each of the lots. Written approval from the City health officer shall be submitted to the planning division at the time the subdivision application is submitted. Septic tanks shall be installed according to the specifications and under the inspection of the City health officer. Where a sewer treatment facility is being approved by the State of Utah Department of Environmental Quality Division of Water Quality, a letter of feasibility

is required for preliminary approval and a construct permit from the state is required before final approval can be granted by the planning commission.

Sec 106-4-2.030 Stormwater

Stormwater facilities and practices are intended to address both runoff quantity and associated water quality impacts, consistent with applicable regulations, adopted standards, and engineering criteria.

1. The city engineer shall require the applicant to dispose of stormwater, if such provision is deemed necessary, and provide drainage structures so that runoff from the subdivision does not exceed the runoff under undeveloped or natural conditions. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the applicant to acquire such easements.
2. When drainage structures such as storm water detention and/or retention facilities are required by the city engineer, the city, at its option, may require the facility to be dedicated or otherwise transferred to Ogden Valley City or its designee. Ogden Valley City may also require the developer of the subdivision which the detention and/or retention facility serves, to form a homeowners association of all homes in the subdivision with articles of incorporation and by-laws filed with the department of commerce. Provision shall be made in said association for the contracting with the city engineer to do periodic inspections and maintain the drainage facilities. The purpose of the association shall be to own and maintain the detention and/or retention facility in satisfactory condition as specified by the city engineer. In such cases, the city shall be granted an easement over the detention/retention facilities to guarantee such facilities will remain and be used as intended for stormwater detention purposes.

Sec 106-4-2.040 Street Grading And Surfacing

All public and private streets and private access rights-of-way shall be graded and surfaced in accordance with the public work standards.

Sec 106-4-2.050 Curbs And Gutters

1. **Curb and gutter.** Curbs and gutters shall be installed on existing and proposed streets by the applicant. The City Engineer may allow curb and gutter to be deferred

to a later time if it is in the best interest of the street system. Deferrals shall be documented by recorded agreement, in a form as approved by the City Attorney, between the City and the owner. Curb and gutter shall be installed by the applicant in subdivisions along abutting Utah State Highways unless specified in writing by the Utah State Department of Transportation.

2. **Driveway aprons.** The applicant shall install driveway aprons to each Lot that has a Lot Width of 60 feet or less. These driveway aprons shall be provided on construction drawings. No such driveway apron shall be of greater width than 20 feet and no lot shall have more than one driveway apron. Driveway aprons shall be constructed of concrete. Installation of a driveway apron for a Lot that has a Lot Width greater than 60 feet may be postponed until after the approval of a site plan.

Sec 106-4-2.060 Sidewalks And Pathways

1. **Sidewalk.** Five foot wide sidewalks are required on both sides of the street, unless specified otherwise in this Land Use Code or other adopted street right-of-way standard. Regardless of any other provision otherwise, all sidewalks are required to be six (6) inches in depth. Where no sidewalk currently exists in the area, or where a subdivision's required sidewalk is premature given existing conditions, the required sidewalk may, at the sole discretion of the City Engineer, be deferred to a later time by recording a deferral agreement to each lot in a form as approved by the City Attorney, City Engineer, and City Planning Director.
2. **Pathway.** A pathway, either paved or concrete as determined by the City Engineer given site conditions, shall be substituted for a sidewalks along routes that are delineated on an adopted trail or pathway plan or map, or as may be required in this Land Use Code. Otherwise, at the option of the developer, a pathway may be substituted for a sidewalk as long as it is constructed of a material as determined by the City Engineer.

Sec 106-4-2.070 Street Monuments

Permanent street monuments shall be accurately set at points necessary to establish all lines of the street. Street monuments shall be of a type specified by the city surveyor.

Sec 106-4-2.080 Street Trees

The purpose of this section is to provide guidance for the development and maintenance of landscaped areas, both natural and enhanced, and recognize the importance of trees within the community. The City has adopted and implemented landscaping standards to address both aesthetics and conservation concerns for new development. These provisions are included in various chapters of this Code relating to but not limited to water connection/development fees for residential and commercial development, master planned development and subdivision applications, and construction projects subject to sensitive lands criteria. Trees add to the beauty of the community, stabilize surface drainage and soil erosion, and mitigate siltation of streams. A well-designed landscape planting can reduce air and sound pollution, mitigate impacts due to urban heat islands, increase shady areas for pedestrians, and regulate solar radiation and wind control.

1. **Street trees required.** All new development shall submit a landscaping plan showing areas to be landscaped, including street cross sections and park strips, common areas, and other landscaped areas. Trees, shrubs, and other plantings shall be shown on the plans in accordance with the appropriate regulations and as noted herein. Street trees shall be included in the Financial Guarantee as outlined in Section 106-4-3.
2. **Regulations for planting trees and landscaping in the City's right-of-way.** Tree planting on public ways shall be coordinated with required open or landscaping areas on private property so as to achieve the most effective use of these areas and to accomplish the purposes of aesthetics and conservation. All trees planted in the public rights-of-way and all tree planting spaces shall be approved by the Planning Division Director who shall supervise such locating and planting according to approved plans and in a manner meeting the following considerations:
 1. **Replacement.** Trees that must be removed shall be replaced by a new planting except in circumstances which the Planning Director deems impractical.
 2. **Spacing.** Unnatural regularity of spacing and arrangement shall be avoided; staggered or irregular locations are preferred, depending upon tree type.
 3. **Distance from curb and sidewalk, street corners, fire hydrants, utilities, and snow storage.** The City shall give special consideration to locations and species of plantings from curb and sidewalk, street corners (clear view triangle areas, as defined in Sec 108-7-7.030 Clear View of Intersecting Streets), fire hydrants, utilities and for snow removal. Determinations will be

based on health and safety issues and will be based in what is best for the City's needs.

4. ***Irrigation required.*** The installation of street trees in the City's right-of-way shall be accompanied by an appropriate irrigation system providing water to the street trees. These irrigation systems shall be the responsibility of the developer to maintain until the adjacent property is sold, after which time it shall be the responsibility of the adjacent property owner. All irrigation systems shall be reviewed by the Planning Division Director and installed by the developer at the time the street trees are planted.
5. ***Species list.*** A list of plant materials and trees is hereby adopted and maintained separately. These plant materials and trees are approved for use in the City's rights-of-way and public spaces. Any deviation from this list must be approved by the Planning Division Director. Information for each plant regarding botanical name, mature size, light exposure, foliage color, flower season, fruit, and if the plant is native or Water Wise is available through contacting the Planning Division.
6. ***Additions to required landscaping.*** Any deviation from the required landscaping plans may be reviewed and approved by the Planning Commission, provided the proposed plans meet the minimum standards stated in this Section and other Sections of this Code.

Sec 106-4-2.090 Street Signs

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

Sec 106-4-2.100 Ditch Or Canal Improvements

1. Subdivisions creating three or more Lots shall pipe or otherwise improve canals, ditches, or irrigation conveyance infrastructure located within or adjacent to subdivision improvements as necessary to protect public safety and maintain irrigation function. Minor subdivisions creating one or two additional Lots may utilize alternative safety measures approved by the City Engineer and irrigation company, which may include setbacks, fencing, bridging, or other protective improvements in lieu of full piping where appropriate. The piping or relocation of irrigation

infrastructure shall not reduce hydraulic capacity **or impair the historic functional delivery of irrigation water**, including access to headgates, turnouts, or gravity irrigation service, unless otherwise approved in writing by the irrigation facility owner. The City may waive or modify piping requirements where the applicant demonstrates that the subdivision will not materially increase risk to the irrigation facility or the public.

2. **Protection of irrigation function.** Subdivision improvements shall not impair the continued delivery of irrigation water to adjacent or remainder agricultural lands. Where proposed subdivision improvements affect existing canals, ditches, laterals, headgates, or historic agricultural drainage patterns, the applicant shall relocate, pipe, bridge, or otherwise improve such facilities in a manner acceptable to the applicable irrigation company or facility owner and the City Engineer. Required improvements may include access easements, maintenance corridors, and drainage facilities necessary to preserve historic irrigation function
3. A solid board, chain link, or other non-climbable fence not less than six feet in height shall be installed on both sides of existing irrigation ditches or canals which carry five second feet or more of water, or bordering open reservoirs, railroad rights-of-way or non-access streets, and which are located within or adjacent to the subdivision. The Planning Commission may determine that park areas, including streams or bodies of water, shall remain unfenced. Fencing or piping of canals, etc., shall not be required on subdivisions of four or fewer lots, or where canals are located 600 feet from the homes.

Sec 106-4-2.110 Staking Subdivision Corners

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

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

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

Sec 106-4-2.120 Peripheral Fencing

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

Sec 106-4-2.130 Fire Protection

1. A letter from the Weber Fire District approving the fire protection method shall be provided prior to final approval of the subdivision by the planning commission. Before a land use permit is issued, the fire protection method shall be operational, and a letter to that effect will be required from the Weber Fire District.
2. Subdivisions located in the Forest and Forest Valley Zones shall have requirements in the Subdivision Covenants, Conditions, and Restrictions on Wildfire Mitigation as outlined by the Weber County Fire District.

Sec 106-4-3 Guarantee Of Improvements

1. ***Financial guarantee for the completion of improvements.*** An applicant who desires to record any subdivision plat prior to the completion of subdivision improvements shall provide a financial guarantee to assure completion of incomplete improvements within a two year period.
 1. ***Financial guarantee cost estimate.*** The applicant shall furnish and file with the City an escrow agreement or a letter of credit in an amount equal to 100 percent of the estimated future cost of the installation of incomplete improvements, plus a ten percent warrantee guarantee. The estimated future cost shall include a ten percent construction contingency that is separate from the ten percent warranty guarantee. The estimated cost shall be provided by the applicant's engineer and verified by the City Engineer.
 2. ***Financial guarantee expiration and default.*** If the subdivision is not complete within two years, the financial guarantee is in default unless an extension of the financial guarantee is requested, in writing, by the applicant and approved by the City Engineer. An extension shall not be granted unless the applicant provides an updated estimated future cost for remaining

improvements to be installed. At this time, the financial guarantee shall be reassessed and increased to reflect cost increases, if any.

3. ***Allowed financial guarantees.***

1. ***Escrow agreement.*** An escrow agreement, and the associated funds, requires the approval of the City Engineer and City Attorney. Escrow funds shall be deposited with the City Treasurer at the time the escrow agreement is executed.
2. ***Letter of credit.*** An applicant may only use a letter of credit if the following conditions are met:
 1. The engineer's cost estimate for installation of the improvements exceeds \$1,000,000.00;
 2. The applicant and, if applicable, the applicant's subsidiaries and the applicant's members or shareholders has a history of positive performance, with no incidences of negative performance, in its development related contractual obligations in the State of Utah, and has a history of positive performance, with no incidences of negative performance, in completing developments in the State of Utah. The Planning Director or City Engineer may require the applicant to provide a performance history from other jurisdictions;
 3. The applicant's financial institution has a history of positive performance in fulfilling its financial obligations, as determined by the city treasurer and based on typical conventions of the financial industry;
 4. The applicant's financial institution provides the letter of credit on a standard letter of credit form supplied by Ogden Valley City or in a form that provides equal or greater financial protection to the city, as determined by the City Attorney;
 5. The City Attorney, City Treasurer, and City Engineer approve the letter of credit, which they shall do if all of the conditions above are met unless they have reasonable, objective indications of a substantial risk that either the applicant or the applicant's financial institution will not fulfill its obligations

related to the completion of improvements or the financial guarantee; and

6. A cash escrow is deposited with the City Treasurer at the time the letter of credit is executed equal to the full cost to revegetate any removed vegetation in the event the applicant, their successors or heirs, or their financial institution fails to perform.
2. **Acceptance of financial guarantee.** A financial guarantee under this section is accepted when the City Engineer signs a standard subdivision improvement agreement and an escrow agreement or letter of credit. After the subdivision improvement agreement is approved and executed, the applicant may record the subdivision, as long as all other recording requirements have been met. The recording of the subdivision will allow the developer to sell the lots, but not allow building and/or land use permits to be issued until all improvements are installed, except as listed in this Title.
 3. **Partial release of financial guarantee.** Unless otherwise specified by the terms of the subdivision improvement agreement, the City is only obligated to offer a partial release of the financial guarantee for an independent improvement system that is completed to the satisfaction of the City Engineer. An independent improvement system includes, but is not limited to, those improvements specified in Section 106-4-2. At no time shall the balance of the financial guarantee be reduced below the actual cost to complete an incomplete improvement system, regardless of the engineer's cost estimate. If, in the opinion of the City Engineer, costs are increasing or have increased greater than anticipated by the initial engineer's cost estimate, the guarantee shall be reassessed and increased to reflect cost increases, if any.
 4. **Warranty guarantee, and conditional acceptance of improvements.**
 1. Upon satisfactory completion of all improvements, as determined by the City Engineer, the improvements shall enter a conditional acceptance period. At this time, remaining financial guarantee funds may be released except those necessary for the warranty guarantee, as specified in Subsection (c)(2) of this section. If street trees or other required landscaping, or driveway aprons, for lots with a Lot Width greater than 60 feet, are not installed by the time the rest of all the other required improvements meet satisfactory completion, then, at the discretion of the City Engineer, all other improvements may enter the conditional acceptance period.

2. Ten percent of the estimated cost of all improvements, using current market costs as approved by the City Engineer, shall be remitted or retained by the city for a warranty guarantee, for a period as defined by U.C.A. 1953, § 17-27a-103. If any improvement fails within the warranty guarantee period, the failure shall be remediated by the developer, and the warranty guarantee period shall restart. At the discretion of the City Engineer, the warranty guarantee period, and conditional acceptance, may be restarted for individual improvements needing replacement or repairs, rather than restarting the entire warranty guarantee period.
5. ***Final acceptance of improvements.*** After the warranty guarantee period has expired, if the improvements have performed to the City Engineer's satisfaction, the City Engineer shall release the warranty guarantee. At this time the City Engineer may also offer final acceptance of the improvements. Final acceptance may be withheld if circumstances unforeseen at the time of conditional acceptance become known that expose the city or the public to unreasonable financial or safety risk. The City is not responsible for operations or maintenance of public improvements that have not received final acceptance. At the time of final acceptance of all other improvements, if street trees or other required landscaping is not satisfactorily installed or has not satisfactorily performed through the minimum warranty period, then the appropriate amount of financial guarantee shall be retained by the City in an amount sufficient to satisfactorily install the trees or other landscaping, and to ensure proper performance of the trees or other required landscaping through the duration of the minimum required warranty period. If the amount of remaining financial guarantee and warranty guarantee is not sufficient to pay for the City's current cost to install the street trees, an updated engineer's cost estimate and financial guarantee shall be retained by the City.
6. ***City's authority under default.*** If a financial guarantee authorized by this section is defaulted, the City shall have the authority, in its sole discretion, to use the remaining defaulted funds to make whatever improvements the City deems necessary to bring the subdivision into or closer to compliance with the requirements of this Land Use Code. For any subdivision that has a defaulted financial guarantee, the City is authorized, but not obligated, to release financial guarantee funds to a third party that performs the work that the City has deemed necessary.

Sec 106-4-4 Inspection Of Improvements

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

Sec 106-4-5 Public Works Standards And Technical Specifications

The City hereby adopts the requirements of the APWA 2026 Manual of Standard Plans and Manual of Standard Specifications, along with the "Public Works Standards and Technical Specifications" prepared in August 1982 by James M. Montgomery Consulting Engineers. The City Engineer shall have the authority to approve alternative designs and standards when there is compelling evidence that an alternative design or standard would be best under the circumstances. From time to time, the City may adopt or replace these documents, in whole or in part, by resolution.

Chapter 106-5 Enforcement And Permits

Sec 106-5-1 Subdivision Approval Required For Permit

Sec 106-5-2 Subdivision Processing Fee; Definitions

Sec 106-5-1 Subdivision Approval Required For Permit

The city building inspector and planning director shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all provisions of this title. No city officer shall issue any permit or license for the use of any building, structure, or land when such land is a part of a subdivision as defined herein until such subdivision has been approved and recorded in the city recorder's office. Any license or permit issued in conflict with this title shall be null and void.

Sec 106-5-2 Subdivision Processing Fee; Definitions

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

Planning processing means the procedure followed by the staff of the Ogden Valley City planning commission in accordance with this title in checking and reviewing proposed subdivisions leading to final approval by the city.

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

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

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

Chapter 106-6 Penalty, Validity And Repealer

Sec 106-6-1 Penalty

Sec 106-6-1 Penalty

Any person who shall violate any of the provisions of this title shall, upon conviction thereof, be punished by a fine not exceeding \$750.00 or imprisonment in the county jail for a period not exceeding 90 days or by both fine and imprisonment.

Chapter 106-7 Owner's Dedication

Sec 106-7-1 Subdivision Dedication

Sec 106-7-1 Subdivision Dedication

Each subdivision plat shall provide dedication language that clearly explains what the dedication is, to what public entity it is being dedicated, and for what purpose the dedication is intended. The actual dedication language may vary for each plat based on the circumstances of the subject property, but the following ample language, or language substantially similar, shall be used, to the extent applicable. The terms in brackets indicate a verbiage choice that shall reflect the actual circumstances of the subject property.

“We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots and streets as shown hereon and name said tract [name of subdivision].”

“We hereby dedicate, grant and convey to the governing body all those parts or portions of said tract of land designated as”

For public streets. “[public streets, the same to be used as public thoroughfares],”

Parcel for future public street. [“privately operated and maintained streets, the same to be held in fee by the governing body and reserved for future conversion to a public street at a time of the governing body’s choosing],”

For public trails. “[public trails, the same to be used by the public for nonmotorized transportation and recreation],”

For public parks. “[parks, the same to be used as public open space],”

and do further dedicate, grant, and convey to Ogden Valley City, Utah, a perpetual right and easement over, upon, and under the lands designated herein as”

For public utility easements. “[public utility easements, the same to be used for the installation, maintenance, and operation of public utility service lines, storm drainage facilities, irrigation canals, or any other utility or street-related facility as authorized by the City],”

For public drainage easement. “[drainage easement, the same to be used for the perpetual preservation of water channels in their natural state],”

For perpetual open space easement. “[a perpetual open space right and easement on and over the common areas and open space areas to guarantee to Ogden Valley City that the common areas and open space areas remain open and undeveloped except for approved recreational, parking, and open space purposes].”

If applicable for private reservations. “Further, we reserve unto the subdivision [[lot] [unit] owners association, whose membership consists of the owners, their grantees, successors, or assigns of said tract of land] [lot owners individually, their grantees, successors, or assigns], all those parts or portions of said tract of land designated as,”

For private streets, rights of way, or common area. “[[private streets] [private rights-of-way] to provide access to the individual lots and to be maintained by the [lot owners] [[lot] [unit] owners association], [common areas to be used for recreational and open space purposes] for the benefit of each [lot] [unit] owners association member in common with all others in the subdivision,]”

For private land drain easement. “[reserve unto all owners of lots upon which private land drains are constructed or which are otherwise dependent upon such land drains, an easement over such land drains for the purpose of perpetual maintenance and operation.]”

Chapter 106-8 Signature Blocks

Sec 106-8-1 Signature Blocks For Various Certifications And Examinations

Sec 106-8-1 Signature Blocks For Various Certifications And Examinations

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

1. City Attorney:

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

Signed this ____ day of _____, 20____.

_____ Signature

2. Ogden Valley City Surveyor:

I hereby certify that the Ogden Valley City Surveyor's Office has reviewed this plat and all conditions for approval by this office have been satisfied. The approval of this plat by the Ogden Valley City Surveyor does not relieve the Licensed Land Surveyor who execute this plat from the responsibilities and/or liabilities associated therewith.

Signed this ____ day of _____, 20____.

_____ City Surveyor

3. Ogden Valley City Engineer:

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

Signed this ____ day of _____, 20____.

_____ Signature

4. Ogden Valley City Planning Commission approval:

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

_____ Chairman, Ogden Valley City Planning Commission

5. Ogden Valley City Council acceptance:

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

_____ Chairman, Ogden Valley City Council

Attest: _____

Title: _____

6. Condominium:

(Corporation) Owner's Certificate of Consent to Record

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

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

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

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

Signed this ____ day of _____, 20____.

_____ Signature