

BEAVER COUNTY SUBDIVISION ORDINANCE

AN ORDINANCE Regulating the Subdividing of Land in Beaver County; Requiring and Regulating the Preparation and Presentation of Preliminary and Final Plats for Such Purpose; Establishing Minimum Subdivision Design Standards; Providing Minimum Improvements to Be Made or Guaranteed by the Subdivider; Setting Forth the Procedure to Be Followed in Applying These Rules, Regulations and Standards; and Prescribing Penalties for the Violation of Its Provisions.

BE IT ORDAINED by the Commission of Beaver County

Chapter 1. AUTHORITY FOR LOCAL REGULATIONS

1-1. Authority for Local Regulations

Pursuant to the authority conferred by the Utah Code Annotated 17-27-302 et. esg. (1953) and any other regulations provided by law, the regulations hereinafter in this Ordinance contained are established herewith shall apply to all subdivisions, parts of subdivisions or divisions of land into two (2) or more lots or parcels, hereafter made of land wholly, or partly within Beaver County, and to the preparation of maps thereof and for the filing and approval thereof; and each subdivision and division of land and each part thereof lying within said county shall be made, and each map thereof shall be prepared and presented for approval as herinafter provided. No provision is made in this ordinance for the metes and bounds division of property of three or more lots. All such divisions shall comply with the provision of this ordinance.

CHAPTER 2. SUBDIVISION PROCEDURE

2-1. Subdivision Procedure

The procedure by which writings and materials, specified in this chapter shall be submitted to be reviewed by and approved or disapproved by the local Planning Commission shall be as follows:

1. All writings and materials required at any stage of the subdivision procedure shall be submitted on or before the third Friday of the month preceding the month in which you wish to be on the agenda of the next regularly-scheduled meeting.
2. Any filing and review fees required by rule of the local Planning Commission or County Commission for any stage of the subdivision procedure, shall be submitted together with those writings and materials specified in paragraph (1) above. Failure to submit required filing and review fees shall be grounds in and of itself for the local Planning Commission to refuse to review or otherwise take further affirmative action, notwithstanding the merits of the writings and materials submitted.
3. At each of the subdivision procedures, the local Planning Commission shall approve or disapprove of the writings and materials submitted to it, and where applicable, shall approve or disapprove of the entire subdivision. Any approval or disapproval made by the Planning Commission shall be in the form of written findings of fact and conclusions, which findings and conclusions shall be made available by the local Planning Commission to the applicant and all parties concerned at least fifteen (15) days prior to the next regularly-scheduled local Planning Commission meeting.
4. Any approval or disapproval by the local Planning Commission described in this chapter may be appealed directly to the County Commission or in the case of Planning Department approval or Disapproval appeals shall be made to the Planning Commission.
5. Except where circumstances make unreasonable the application of the administrative procedures within for the submission to the review by the Planning Commission of writings and materials therein specified, these same administrative procedures shall in all instances control the manner by which writing and materials shall be submitted to and reviewed by the local Planning Commission.
6. No excavation nor alteration of the terrain within a proposed subdivision may be undertaken prior to written approval by the local Planning Commission for review, approval or disapproval in conformity with the procedures set forth in this chapter; excavation or alteration of the land prior to approval of the preliminary plan may be cause for disapproval of the proposed subdivision.

7. Steps in the Procedure are as follows:

Step 1: Submit Concept Plan

Subdivider shall submit a Concept Plan to the Planning Department prior to the submission of a preliminary plat (Preliminary Design Plan). The Concept Plan shall enable the subdivider and the Planning Department to have an informal preliminary review of the proposed subdivision. The Concept Plan shall be reviewed by the Planning Department or its appointed representative under guidelines set forth herein, and must be approved by the Planning Department or its appointed representative before subsequent submittal will be reviewed under the process outlined in this chapter.

Approval of a Concept Plan shall remain valid for six (6) months. Thereafter, approval of the Concept Plan shall expire, unless the time of approval is extended by the Planning Commission.

Step 2: Zone Change (to be completed)

Step 3: Submit Preliminary Design Plan (Preliminary Plat)

Subdivider shall submit a Preliminary Design Plan and Preliminary Design Plan review fee to the Planning Commission once the Concept Plan has been approved. The Preliminary Design Plan shall provide design solutions for problems identified in the approved Concept Plan. Submission requirements and time required for review and notification are included in Section 6. The Preliminary Design shall have been approved by the Planning Commission in a public meeting before the Planning Commission will review submittal of Final Plat approval.

Approval of the Preliminary Design Plan shall be valid for eighteen (18) months. Thereafter, approval of the Preliminary Design Plan will have expired unless a Final Plat has been submitted to the Planning Commission, or an extension has been submitted to the Planning Commission. Whenever a Final Plat is approved for less than the entire area covered by the Preliminary Design Plan, approval of the Preliminary Design Plan for the remaining unplatted area shall be automatically extended for one (1) year from the date of Final Plat approval by the County Commission. Subsequent extensions of Preliminary Design Plan approval by the County Commission shall require resubmission of the Plan, and approval under the provisions of Section 6.

Step 4: Submit Final Plat

Once a Preliminary Design Plan has been approved by the Planning Commission, the subdivider shall submit a Final Plat and supporting documents. The Final Plat and supporting documents shall be reviewed by the Planning Commission and appropriate action taken under the process outlined in Section 7.

Once approved by the Planning Commission and the County Commission of Beaver County, the final plat may be recorded and lots may be sold.

2-2. Approval

The County Commission of Beaver County shall not approve any subdivision nor shall it authorize for recording any subdivision which has not previously been approved by the Planning Commission of Beaver County.

2-3. Approval of Planning Commission - A Process Rather than Intermediate Step

The Planning Commission shall grant approval for any subdivision only after a subdivider has complied with the process outlined in the chapter. Intermediate approvals at each phase of the process shall not be constructed to mean an approval of the subdivision for submission to the County Commission.

2-4. Failure of Planning Commission to Act on Final Plat to be Deemed Approval of Final Plat

Failure of the Planning Commission to act by recommending to the County Commission the approval, conditional approval, or disapproval of Final Plat within forty-five (45) days of the receipt of such plan, by the Planning Commission, or another mutually-agreed-upon period of time, shall be deemed to be a favorable approval of the Planning Commission.

2-5. Exception to Ordinance

Any land divided for any purpose into two (2) or more parts after passage of this ordinance shall be subject to the provisions and regulations herein, except the following, which are exempt therefrom:

1. Land divisions which are bona fide divisions or partitions of agricultural land for agricultural purposes, as defined herein.
2. Land divisions which are bona fide divisions or partitions of commercial land for commercial purposes, as defined herein.
3. Land divisions which are bona fide divisions or partitions of industrial land for industrial purposes, as defined herein.
4. Subdivisions of less than ten lots shall not be required to file a final plat or to record a plat prior to sale of lots by metes and bounds description, provided that :

- (a) A recommendation has been received from the planning commission.
- (b) The deed contains a stamp or other mark indicating that the subdivision has been approved by:
 - 1. The legislative body; or
 - 2. Other officers that the legislative body designates in an ordinance;
- (c) The subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; and
- (d) If the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from those requirements by the board of adjustment.
- (e) The dimensions of the lots as shown on the Preliminary Plat are precise and the descriptions close. The accuracy shall be the same as required for a final plat.
- (f) Each lot in the subdivision has been, or will be, provided with improvements as required in this ordinance and the subdivision regulations for non-minor subdivisions.

2-6 Where unusual topographic or other exceptional conditions exist, the County Commission may vary the requirements of this ordinance after receiving the recommendations of the Planning Commission, provided that such variations will not substantially impair the intent of this ordinance.

2-7. Other Public Agencies

The Planning Commission may withhold approval of a preliminary plat for one year if all or part of the area to be subdivided may be needed for a park, school, street or other public purpose. The Planning Commission should notify the appropriate agency in writing of the proposed subdivision. If proper means have not been initiated to acquire the desired property within one year, the owner may then subdivide in compliance with the provisions of this title.

2-8. Coordination of Planned Development

When Planned Development applications are filed, the developer shall comply with the following conditions:

1. Apply for a zone change through the County Planning Department. All information required by the Zoning Ordinance for a Planned Development zone shall be submitted. Site plans shall include all information required in this ordinance for a preliminary plat. Planning Commission approval of the zone change shall also constitute approval of the preliminary plat.
2. Permitted use approval of the Planned Development zone shall comply with the Zoning Ordinance.

2-9. Improvements Made Prior To Recording Final Plat

The improvements required by this Ordinance shall be constructed, installed and maintained by the subdivider until accepted by the County prior to recording the final plat in the office of the County Recorder, unless the construction, installation, and maintenance is guaranteed in the manner provided in this Ordinance. Improvements shall not be installed nor constructed until after final plat approval by the Planning Commission, and the plans, specifications and drawings, shall have been approved by the County Engineer, the required inspection fees posted with the County, and a County Inspector, or Inspectors shall have been assigned to the project. Improvements shall not be accepted until all required improvements have been installed to County standards.

CHAPTER 3. CONCEPT PLAN

3-1. Concept Plan (Sketch Plan)

The subdivider shall submit three (3) copies of a Concept Plan to the Zoning administrator along with the application for Concept Plan Review, for review and discussion on site plan and general scope and conditions. The Plan shall include the following items:

1. The proposed name of subdivision.
2. A vicinity Plan showing significant natural and manmade features on the site and within one half (1/2) mile of any portion of it, the property boundaries of the proposed subdivision; the names of adjacent property owners and True North.
3. A proposed lot and street layout, indicating general scaled dimensions of lots .
4. A description of the type of water system proposed, also, documentation of water rights, and of historic water use.
5. A description of the sewer collection system proposed.
6. The acreage of the entire tract proposed for the subdivision.
7. A written statement on the intent of the subdivider, and such other information as in his opinion may establish the feasibility, design criteria, and overall impact of the proposed subdivision.

3-2. Review Procedure - Concept Plan

The Zoning Administrator shall upon receipt of the complete submission and fee, distribute copies of the plan to such government departments and other agencies as in the opinion of the administrator may contribute to a decision in the best interests of the public.

The Zoning Administrator or authorized representative shall review the Concept Plan submittal and determine compliance with the County Master Plan, Zoning Ordinance, this Subdivision Ordinance, and other regulations of Beaver County. The Zoning Administrator or authorized representative shall notify the subdivider of the Concept Plan review findings, including questionable design or engineering feasibility, inadequacy of submittal, non-compliance with county regulations, and the need for other information which may assist the Planning Commission to evaluate the proposed subdivision.

If it is determined by the Zoning Administrator that the proposed subdivision would

violate county ordinances and regulations, no further review of the proposed subdivision shall be made by the Zoning Administrator, and a new Concept Plan shall be required to re-initiate the subdivision process.

Other than as above mentioned, the review of the Concept Plan shall not constitute an absolute disapproval of the propose subdivision, but rather shall operate in such a manner as to give the subdivider guidance as to the requirements and constraints for subdivisions within Beaver County, until such time as the requirements of the Planning Commission are complied with and an approval of the Concept Plan is granted.

Once Concept Plan approval is granted, the subdivider may apply for Preliminary Design Plan approval. If Preliminary Design Plan approval for a proposed subdivision has not been obtained within six (6) months of the date on which the Concept Plan was approved, a re-submittal of the Concept Plan shall be required by the Zoning Administrator prior to filing an application for Preliminary Design Plan approval.

CHAPTER 4. PRELIMINARY PLAT

4-1. Preliminary Plat

Subdivider shall submit a Preliminary Design Plan and Preliminary Design Plan review fee, along with the application for Preliminary Plat review to the Zoning Office, on or before the third Friday of the month preceding the month in which you wish to be on the agenda of the Planning Commissions regular meeting.

The preliminary plat shall comply with the following requirements:

1. Description. In a title block located in the lower right corner of the sheet shall appear the following:
 - (a) The proposed name of the subdivision.
 - (b) The location of the subdivision including the section, township and range.
 - (c) The names and address of the owner or subdivider if other than the owner.
 - (d) North point.
 - (e) Scale shall be of sufficient size to adequately describe in legible form all required conditions of this ordinance.
2. Existing Conditions. The plat shall show:
 - (a) Vicinity map showing the general location of the subdivision.
 - (b) The boundary of the proposed subdivision and the acreage included.
 - (c) The location of the nearest monument.
 - (d) All property under the control of the subdivider, even though only a portion is being subdivided. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in the light of existing master street plans or other planning commission studies.
 - (e) The location, width and names of all existing streets within two hundred (200) feet of the subdivision and of all prior platted streets or other public ways, utility rights-of-ways, parks, and other public open spaces, permanent

buildings, structures, houses or permanent easements and section lines, within and adjacent to the tract.

(f) The location of all wells, proposed, active and abandoned, and all reservoirs within the tract and to a distance of at least one hundred feet beyond the tract boundaries.

(g) Existing sewers, water main, culverts or other underground facilities within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries, indicating the pipe sizes, grades, manholes and exact location.

(h) Existing ditches, canals, natural drainage channels and open waterways, and proposed realignments.

(i) Boundary lines of adjacent tracts of unsubdivided land, showing ownership where possible.

(j) Contour lines at vertical intervals not greater than five (5) feet and two (2) feet when specified by the County Surveyor. The plat shall designate whether the contours are two or five feet.

3. Proposed Plan. The subdivision plan shall show:

(a) The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.

(b) The layout, numbers and typical dimensions of lots.

(c) Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.

(d) Building setback lines required by the planning commission.

(e) Easements for water, sewers, drainage, utility lines and other purposes.

(f) Typical street cross-sections and grade streets where required by the planning commission.

(g) A tentative plan or method by which the subdivider proposes to handle storm water drainage for the subdivision.

(h) Approximate radius of all center line curves on highways or streets.

- (i) For all new subdivisions proposing to use a Public Water System in which the developer has any interest whatsoever in the water company providing water to the subdivision, a letter from the Utah State Department of Environmental Quality, approving the quantity, quality and feasibility of providing culinary water to the subdivision. For all subdivisions or additional phases of subdivisions, proposing to use a Non- public Water System, receiving final plat approval after June 10, 1997, a letter of feasibility from the Southwest Utah Public Health Department.

For subdivisions served from existing, approved water companies, in which the developer has no financial interest whatsoever in the water company , a letter from the water company agreeing to provide water to the subdivision. The amount of water provided will also be indicated by the water company. It is understood that the Department of Environmental Quality (DEQ) makes periodic checks of existing water companies to determine compliance with DEQ requirements.

- (j) A letter from Southwest Utah Public Health Department and or the Utah Department of Environmental Quality approving the feasibility of the method of wastewater disposal system proposed.

- (k) Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning commission.

- (l) A letter from the Public Service Commission approving the type of water company being proposed by the developer, whether it is a privately owned public water system, a mutual water system, or a private water system having less than 15 connections.

- (m) A subdivision title report prepared by a licensed title company.

4-2. Approval of Preliminary Plat

The Planning Commission shall retain one copy of the plat for its files.

CHAPTER 5. FINAL PLAT

5-1. Final Plat

Subdivider shall submit the Final Plat and Final Plat review fee along with the Final Plat Review Application to the Zoning Office, on or before the third Friday of the month preceding the month in which you wish to be on the agenda of the Planning Commissions regular meeting.

The final plat must be prepared by a licensed land surveyor on a standard tracing linen sheet and shall be drawn with waterproof black India ink. The top of the plat shall be either north or east, whichever accommodates the drawing best. The plat shall contain all information required on the preliminary plat, except contours, and shall comply with the following:

1. Description and delineation. The final shall show:
 - (a) The name of the subdivision, which name must be approved by the Planning Commission and the County Recorders office.
 - (b) An identification system for all lots and blocks and names of streets. Lot lines shall show dimensions in feet and hundredths.
 - (c) Monumentation and survey control.
 - (1) All United States, state, county, city or other official monuments shall be identified on the plat. The location of said monuments shall be accurately tied to the subdivision by true bearing and distance.
 - (2) Street monuments shall be installed by the subdivider in accordance with the requirements of the County Surveyor and in locations indicated on the plat.
 - (3) All street centerline data and street widths shall be shown with ties to property lines, lot corners, etc.
 - (4) All lot corners shall be permanently staked with steel markers.
 - (d) Radii, internal angles, points and curvature, tangent bearings and the length of all arcs.
 - (e) The acreage of each lot in the subdivision.
 - (f) The address of each lot within the subdivision.

(g) Accurate outlines and legal descriptions of any areas to be dedicated for reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners.

(h) Where it is proposed that streets be constructed on property controlled by a public agency or utility company said agency shall be a party to the street dedication and their signature shall appear on the final plat in a form approved by the County Attorney.

(i) The developers engineer shall prepare an itemized estimate of the cost of all required improvements to be developed in the subdivision. This estimate shall be reviewed for approval by the County Engineer.

(j) All required easements along all property lines shall be ten (10) feet.

(k) Final plats of all subdivisions, or phases of where on site wastewater disposal systems are proposed, shall include the final percolation results, and soil strata depths and classifications as per the Unified Soil Classification method, for each lot proposed, over the signature of the engineer, or other person certified to conduct such tests. The location of the approved absorption site shall be shown as ■, or a similar symbol. This requirement shall not include those subdivisions where on site wastewater disposal feasibility approval was issued before December 9, 1997.

2. The standard forms for the following: The final plat shall require:

(a) A registered professional land surveyor's "Certificate of Survey".

(b) The owner's "Certificate of Dedication" or a "Corporate Certificate for Corporations".

(c) A notary Public's "Acknowledgement".

(d) The County Surveyor's "Certificate of Approval".

(e) The County Treasurer's "Certificate of Approval".

(f) The County Attorney's "Certificate of Approval".

(g) The County Planning Commission's "Certificate of Approval".

(h) The County Commission's "Certificate of Approval".

(i) A one-and-one half by five-inch space in the lower right-hand corner of the drawing for the County Recorders use.

3. A final subdivision plat shall, after receiving planning commission approval, be submitted for and receive final approval from the County Commission and shall be recorded within one (1) year of Planning Commission approval. Any plat not recorded within this time shall be considered to be void and if later considered for approval, it shall be re-submitted as a preliminary plat to the Planning Commission. A new filing fee shall be paid, unless otherwise waived by the Commission.

5-2. The Following Information Shall Be Submitted

1. Prior to recording the final plat, the County Treasurer shall certify that all taxes, or special assessment payable on all property within the limits of the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure such payment.
2. One copy of any proposed deed restrictions in final form as is proposed to be recorded with the final plat, shall be submitted to the Planning Department at the time of submitting the final plat.
3. For roads not proposed to be dedicated to the public, a disclaimer statement and notice to property owners shall be shown on the final plat and shall read as follows:

(a) NOTICE TO PROPERTY OWNERS

The streets and roads shown on this map are private easements to be granted to each property owner by deed for purpose of ingress and egress. There are no public streets, roadways, alleyways, or other public places on the map nor is there any intent to dedicate any public streets, roadways, alleyways, or other public places at this time.

(b) NOTICE OF DISCLAIMER

The county of Beaver specifically DOES NOT accept dedication of the roads and streets in this subdivision, and thereby will not be responsible for the construction, maintenance or upkeep of the roads and streets in this subdivision.

4. Conformance of Applicable Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with all applicable laws, plans and regulations including but not limited to:

- (a) The Beaver County Zoning Ordinance, building and housing codes and all other applicable ordinances of Beaver County.
 - (b) The official General Plan, including all streets, and utility systems, and parks shown on the Official map or General Plan, as adopted.
 - (c) Requirements of the Utah Department of Transportation, Health Department or other appropriate state agencies.
 - (d) The standards, regulations and policies adopted by the Beaver County Engineer and/or Surveyor, all boards, commissions, agencies and officials of the County.
5. Self - imposed Restrictions. If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivisions plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in form to be approved by the County Attorney.
 6. Character of Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formation adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the County Commission upon recommendation of the County Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.
 7. Prior to signing by the Chairman of the County Commission, the County Treasurer shall certify that all required bonds and inspection fees as required by the ordinance have been posted.
 8. Plans for required water and sewer systems, and roadways, shall be prepared as required by this Ordinance and shall be approved by the County Engineer prior to any construction work being undertaken. In addition, an inspector shall be assigned to the project by the County and the inspector shall be notified whenever work is being done. No utility lines may be covered until after approval by the assigned inspector.

CHAPTER 6. IMPROVEMENTS

6-1. Required Improvements

No final plat of a subdivision of land shall be recorded, except as provided by subsection 2-2, without having been signed by the Chairman of the County Commission certifying that all conditions of this ordinance have been met and that the bonds as required by this ordinance have been posted with the County Treasurer.

1. Sewer Proposals and Construction Plans

- (a) Sanitary sewers, septic tanks, or any other means of wastewater disposal proposed shall be approved in writing by the State Department of Environmental Quality, and/or the Southwest Utah Public Health Department. All subdivisions, or additional phases of existing subdivisions, proposing the use of on site wastewater disposal systems, not having final plat approval before December 9, 1997, shall comply with the Southwest Utah Public Health Department's wastewater ordinance effective that date. If a central collection system is used, it shall be fully constructed at the same time and by the same method as is required for all other improvements in the subdivision.

The final plans for the sewage system shall be prepared by a licensed Engineer and approved by the County Engineer. Construction shall not be commenced until all plans have been approved, inspection fee paid, and an inspector has been assigned to the project.

2. Storm Drainage

- (a) A storm water drainage system may be required after a evaluation by the subdivision engineer and approved by the County Engineer, if required the system shall be separate and independent of the sanitary sewage system. The final plans for the drainage system shall be prepared by a licensed Engineer and approved by the County Engineer prior to any construction taking place.
- (b) No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users, for such use. No ditch or canal shall be used for storm water unless adequately improved to handle such water as might be reasonably expected to flow from canal ditch water, subdivision runoff water, and other water expected to reach such canal or ditch.
- (c) Open ditches or canals shall not be allowed within or adjoining a subdivision. The subdivider shall work with irrigation companies as to the responsibility

for the periodic inspection, cleaning and maintenance of such ditches, pipes, and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the County Engineer.

(d) All open ditches, canals, waterways, non-access streets, open reservoirs or bodies of water, and other features judged by the Planning Commission to be of hazardous nature, on, crossing, or adjacent to property being subdivided shall be fenced or closed from access in a manner satisfactory to and approved by the Planning Commission.

3. Street Improvements

(a) At least eight (8) days prior to final Planning Commission consideration, the subdivider shall furnish to the county Engineer, a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision. Plans are to be prepared by a licensed Engineer and shall be accompanied by the final plat. If the plans are not approved, they shall be returned to the subdivider with the reasons for non-approval, and, upon correction, shall be re-submitted in the same manner as required herein.

Such plans and profiles shall include:

- (1) The designation of limits of work to be done.
- (2) The location of the bench mark and its true elevation according to County datum, all profiles to be referred to that datum.
- (3) Construction plans which include the details of curb and gutter and street cross-sections, location and elevations of manholes, catch basins and storm sewers, elevations and location of fire hydrants and any other detail necessary to simplify construction.
- (4) Adequate horizontal and vertical survey control shall be established as required by the County surveyor. Sufficient survey monuments shall be permanently set so that lot boundaries can be established from points within the subdivision.
- (5) Complete data for field layout and office checking.
- (6) On curb returns, at least two additional control points of curvature. Control points shall be staked in the field to insure drainage of intersections.

(b) Grades of streets shall not be in excess of eight percent on major collector streets nor in excess of fifteen percent on other streets.

(c) All streets within the County shall be improved in accordance with the standards, rules and regulations adopted by the County Commission. Said standards may include:

- (1) Whenever a subdivision falls within the area of influence of an incorporated community, the development standard of that community shall be followed for street improvements unless said standard is less than the normal county requirement.

The Planning Commission may require curb and gutter in subdivisions of less than 2-1/2 acres and larger than 40,000 square feet when physical conditions make it necessary, in the opinion of the Planning Commission, to do so.

- (2) Pavements bonded by integral concrete curbs and gutter shall be required in all subdivisions, with lots of less than 40,000 square feet.
- (3) Pavements without curb and gutter in subdivisions with lots greater than two and one-half (2-1/2) acres where conditions, in the opinion of the Planning Commission require paved streets or where adjacent communities.
- (4) A gravel surface finished with a minimum of six inches of compacted road base gravel in subdivisions with lots larger than two and one-half (2-1/2) acres. (additional gravel may be required under specific construction conditions) Lots of two and one-half (2-1/2) acres or less shall be paved in accordance with the Beaver County Pavement Specifications.
- (5) The minimum width of gravel or paved surface on all local streets shall be twenty-eight feet wide. On collector or major streets, as determined by the commission, the width of gravel or paving will be proportionately greater.
- (6) Local streets shall have a minimum right-of-way width of 56 feet. Collector streets shall have a minimum width of 66 feet. Major streets shall have a minimum width of 82.5 feet.
- (7) All streets shall be built to the full width required for the type of street being improved at the time of initial street construction. Bond

amounts shall be estimated based on the cost of full street improvements as required by the right-of-width determined by #6 above in this section of the ordinance.

(d) Pavements shall be constructed in accordance with the requirements of the standard specifications adopted by the Beaver County Commission.

(e) Curbs and gutters on all streets shall be of concrete and shall meet the standard County specifications.

(f) Sidewalks, where constructed shall be of concrete and shall meet the standard County specifications.

(g) Storm water inlets and catch basins shall be provided within the roadway improvements at points specified by the County Engineer.

(h) All curb corners shall have a radius of not less than 15 feet and at intersection involving collector or major streets, of not less than 25 feet.

(i) Minor streets shall approach major or collector streets at as near ninety degrees as possible.

4. Fire Flow and Line Size Standards:

(1) In Low Density Residential areas fire flow from each fire hydrant shall be a minimum of 1000 gallons per minute for a period of time not less than thirty (30) minutes adjusted to a 20 psi residual pressure. This fire flow (but not storage) may be reduced by 50%, in a subdivision which cannot meet the requirement in over half of its lot due to topography in a portion of the project and not in another, by installing residential fire sprinkling systems in homes whose closest hydrant does not meet the 1000 gallon per minute flow, provided that the fire sprinkling system will be supplied with adequate pressure to cause the system to be functional as determined by the County Engineer. Such fire sprinklers shall be installed to NFPA 13D Standard for One and Two Family Dwellings.

(1a) In High Density Residential, Commercial, or Industrial areas fire flow must be greater than 1000 gallons per minute and will require special investigation to determine the fire flow requirements. The developer shall submit an engineered solution for appropriate fire protection. The Beaver County Commission shall then work with the Beaver County Engineer and Beaver County Planning Commission,

and the Beaver County Fire Chief to review the proposed engineered solution, and the Beaver County Commission shall determine minimum fire flow requirements in such cases.

- (2) In all cases the water source, water storage and the water delivery system shall be engineered and installed to provide the required fire flow during times of peak water usage as if all development within the propose subdivision was complete, and as may be required by formulas adopted by the State Board of Environmental Quality in connection with the state's approval of the system. Verification will be at the developers expense and certified by a licensed engineer.
- (3) In all cases water distribution lines in all subdivisions shall be minimum of eight (8) inches in diameter. The water lines shall be larger if needed to provide for required fire flow. Secondary lines may be six (6) inch lines where the County Engineer is satisfied that the line will yield sufficient fire flow to meet these fire flow requirements, such as in the case of looped systems or cul-de-sacs. Secondary lines shall be defined as lines which service a single group of lots. If an existing system cannot achieve adequate fire flow under the provisions of this paragraph, then fire flows required by paragraph (4)(1) above must be met before further subdivision can occur, except as provided in paragraph (6) below.
- (4) Water systems shall be looped when possible and valves shall generally be spaced such that a break in any one length of main will put no more than one block out of service during repairs, subject to a maximum of 1200.00 feet.
- (5)
 - (i) All new water storage, new water lines and new fire hydrants that are installed to develop a new phase of a previously approved subdivision, shall conform to the current requirements even though the existing water storage and delivery system does not meet current standards.
 - (ii) Any water lines that are intended to be used as future feeder lines to platted phases of a previously approved subdivision, shall be engineered and installed to provide adequate fire flow to the anticipated phase in accordance with the current fire flow standards.
- (6) If existing water storage and lines can provide the new phase of a previously approved water system (one approved and developed prior to the adoption of the current standards) with a minimum fire

flow of 750 gpm for 45 minutes adjusted to a residual pressure of 20 psi, during estimated peak water use when the new phase is fully developed, the developer is exempt from meeting the 1000 gpm requirement. This exemption applies only to actual delivered fire flow. All new storage, line size and hydrants shall still meet current standards; if existing water storage and lines cannot provide the new phase in the previously approved water system with at least 750 gpm, as provided above, a minimum fire flow of 500 gpm for 60 minutes adjusted to a residual pressure of 20 psi, during estimated peak water use when the new phase is fully developed, may be allowed if the homes to be built therein shall be equipped with residential fire sprinklers installed in the same manner as provided in paragraph (j)(1) or (j) (6), then prior to allowing a new subdivision addition, such new subdivision shall be required to meet the fire flow requirements of paragraph (j)(1).

(7) Where fire sprinklers are allowed to reduce fire flow as provided in this ordinance, the plat of the subdivision shall contain a notice of which lots must have fire sprinklers in order to obtain a building permit.

(8) Fire Hydrant Specifications:

(i) All fire hydrants shall have one 4.5 inch and two 2.5 inch outlets with NH treads.

(ii) A six (6) inch gate valve shall be installed on each fire hydrant to be shut off in case of damage or needed require. This gate valve shall be accessible by standard square key from the street or ground level.

(iii) All fire hydrants shall be properly thrust blocked with poured in place concrete against undisturbed or compacted soil. Rocks and other material are not acceptable as thrust blocking. Banding and other forms of mechanical restraint may be used only if approved by the Beaver County Engineer.

(iv) All hydrants shall be 5 feet from the back of the curb or within between 2 and 5 feet from the edge of the right-of-way of an uncurbed road. In all cases hydrants shall have a 5 foot elliptical radius of unobstructed clearance to adjacent obstacles.

(v) The lowest hydrant water outlet shall not be less than 18 inches

nor more than 30 inches above the final ground level. (vi) All fire hydrants shall meet and be installed according to Beaver County's construction standards.

(9) Fire Hydrant Spacing and Location:

(i) In Low Density Residential Areas: Fire Hydrants shall be installed in all subdivisions, with all lots in the subdivision being not more than 250 feet from a fire hydrant.

(ii) In Multiple Family Areas, High Density Planned Unit Developments (PUD), Industrial, Commercial or Business Areas: Fire Hydrant spacing shall not be greater than 350 feet nor shall any building be greater than 175 feet from a hydrant via public access to the property being served. In all such cases final design must be reviewed and accepted by the Beaver County Engineer.

A. Fire hydrants shall be installed on dedicated easements or public right-of-ways and will be owned and maintained by the entity so designated by the Beaver County Commission.

B. Fire hydrants shall generally be installed on the same side of the street in line with extensions of the property line or on corners.

C. Dead ends should be avoided in the water system. If they cannot be avoided, a hydrant or flushing valve shall be installed at the end of each such dead end.

(k) Street name signs, conforming to the design and specifications and in the number necessary for proper identification of all streets shall be provided for and installed by the developer.

(l) Traffic control signs, including stop or yield right-of-way signs shall be installed to insure a smooth flow of traffic through the subdivision as required by the county.

(m) A minimum center line radius of fifty feet shall be maintained on all winding mountainous streets and a minimum of 300 feet shall be required on all through traffic streets.

(n) No subdivision shall be approved unless the area to be subdivided shall have frontage, with a width as required by the Zoning Ordinance, on a dedicated street improved to county standards, unless otherwise

approved by the commission. On cul-de-sac streets, the required width of any lot in the cul-de-sac shall be measured at the setback line instead of the street lot line.

- (o) Where a subdivision borders on or contains an existing or proposed collector or arterial street, access to such street may be limited by one of the following means:
 - (1) The subdivision of lots so as to back onto the arterial or collector and front onto a parallel local street. No lot access shall be provided from the arterial or collector directly to any lot in the subdivision and screening or fencing may be required in a strip of land along the rear property line of such lots.
 - (2) A series of cul-de-sacs or U-shaped streets sharing access to such street.
 - (3) A service road (separated from the primary arterial by a planting or grass strip and having access thereto at suitable points).
- (p) Dead End Streets. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is in accordance with the Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line and a temporary turn around shall be provided. Dead end streets shall be avoided and dead end streets of more than 1,600 feet shall require commission approval.
- (q) The inspection and written recommendation for approval of county roads and streets shall be done by the County Engineers office. Final acceptance for dedication and, after one year, for maintenance, shall be by the County Commission following a favorable recommendation from the County Engineers office.
- (r) Following final approval of a subdivision plat by the Planning Commission, the developer may construct roadways and utility systems prior to final commission approval and recording of the plat without the necessity of bonding. However, no construction shall begin until all construction drawings have been approved by the County Engineer, the necessary inspection fees have been paid, and a County inspector has been assigned to the construction project. The inspector shall be notified, in advance, whenever any work is

proposed to be done.

4. Water

- (a) All subdivisions shall have a supply of culinary water available to each lot in the subdivision. Hauling of water to lots in a subdivision shall not be permitted.
- (b) For a Public Water System, the Quantity, quality and distribution system plans shall be approved, in writing, by the Utah Department of Environmental Quality, and by the County Engineers office. Where a Non-public Water system is proposed, such approval is required by the Southwest Utah Public Health Department.

(1) Quantity shall include the minimum requirement of the Department of Environmental quality for indoor use only. (Currently .45 acre feet per dwelling unit or, as may be revised form time to time by said agency.

Quantity shall include the amount of storage capacity required by Section 5-1-4-(1) of the is chapter.

Quantity shall include water provided for outside watering or other usage over and above the minimum requirement shown herein. The amount of such other usage shall be as may be proposed by the Commission. The amount of additional water provided may vary depending upon the location of the subdivision, the climate, the soils conditions and vegetation in and around the subdivision, and the total water right available to the subdivision.

(2) Storage capacity for water systems shall include all water provided under the requirements of 5-1-4-(b)-(1), above, but may be modified, based upon the recommendation of the Department of Environmental Quality and the County Engineer, after taking into consideration the pumping capacity from the water source to the storage tank.

(c) All buyers in the subdivision shall be advised of specific points of connection and the earliest date at which such connection may be made. Also, any cost to the buyer shall be disclosed.

(d) Water systems may be installed prior to final recording of the plat as provided by the requirements of 5-1-4-(r) in this section.

(e) All water systems within the County shall be improved in accordance with the specifications, rules and regulations adopted by the County Commission. Said specifications will be as follows:

(1) All water mains shall be 6" in diameter or larger and constructed of Polyvinyl Chloride (PVC) Pipe. All rigid systems shall conform to AWWA Specification C-900, which outlines the requirements for rigid polyvinyl chloride (PVC) pipe for water main systems, or Ductile-Iron Pipe. All ductile iron pipe shall be Class 52 conforming to the latest edition of AWWA Specification C-151 (ANSI A21.51).

(2) All water lines under 6" in diameter shall be scheduled 40 P.V.C. or equivalent ductile iron.

(3) All waterlines 6" or larger shall have Cast Iron mechanical joint fittings. All water lines under 6" shall have Schedule 80 fittings.

(4) All water mains shall have a minimum depth of cover to the top of the pipe of 3.0' or 1.0' below the frost line, whichever depth is greater.

5. Electrical System & Telephone

(a) All subdivisions, except those otherwise exempted by the Planning Commission, shall be provided with electrical and telephone service. The developer shall submit electrical and telephone plans to the County Commission prior to final approval of the Subdivision Plat. The use of Cellular phones only shall not constitute an acceptable telephone plan.

(b) The cost of said systems shall be estimated by the electric and telephone companies providing service to the subdivision and the amount thereof shall be included in the bond covering all required improvements, unless a copy of a current construction contract, signed by the utility company and the developer, providing for the installation of said facilities within the one year bonding period, is submitted to, and approved by, the Commission.

(c) A final inspection shall be made by the county of the electrical and telephone systems and final approval given in writing by the inspector prior to release of the bond.

6. Fences and Guards

(a) In locations where a land subdivision abuts or is adjacent to public or private grazing land, a fence, of material and quality satisfactory to the commission, shall be erected around the outer limits of the subdivision as it is shown on the subdivision map. The commission may also require the installation of cattle guards on any street entering the proposed subdivision from other existing streets.

CHAPTER 7. STANDARDS

7-1. Departmental Standards

Standards for design, construction specification, and inspection of street improvements, curbs, gutters, sidewalks, storm drainage, flood control facilities, fire hydrants shall be as adopted by Beaver County; standards for water distribution and sewage disposal facilities as adopted by Beaver County and reviewed and approved by the Utah State Department of Health. Subdividers shall comply with standards established by departments and agencies of the State of Utah provided that such standards shall first be reviewed and approved by the County Engineer.

7-2. Design Standards

The design of the preliminary and final plat of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the planning commission and by other departments and agencies of County government. Design standards shall be approved by the County Commission and shall include the following:

1. Blocks shall not exceed approximately sixteen hundred feet in length.
2. Blocks shall be wide enough to adequately accommodate two tiers of lots, unless a modification is approved by the Planning Commission because of topography or other unusual conditions as provided by subsection 2-6 of this ordinance.
3. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, to the character of surrounding development and to existing requirements.
4. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zoning ordinance for the zone in which the subdivision is located, and to the minimum requirements of the State Department of Health for water supply and sewage disposal.
5. Each lot shall abut on a street shown on the subdivision plat or on an existing publicly-dedicated street or on a street which has become public by right of use.
6. Double Frontage Lots and Access to Lots.
 - (a) Double Frontage Lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential

development from traffic arterial to overcome specific disadvantages or topography and orientation.

- (b) Access from Major Arterial and Collector streets. Lots shall not derive access exclusively from a major arterial. Access shall be limited on collector streets except where approved by the County Engineer. In such cases where driveway access from collector street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. In such cases, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic.

7. Flag Lots. After determination by the commission that standard lots are not feasible, the commission may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:

- (a) The property cannot be subdivided with public street and standard size lots, either at the present or in the foreseeable future.
- (b) The staff portion of said lot shall front on a dedicated public street. The minimum width of the staff portion of the lot shall be 25 feet.
- (c) No building or construction, except for driveways, shall be allowed on the staff portion of said lot.
- (d) The front side of the flag lot shall be deemed to be the side nearest the dedicated public street upon which the staff portion front.
- (e) All lot size and setback requirements shall be the same as may be required by the zone in which the lot is located.
- (f) No more than two (2) flag lots or four (4) dwelling units may be served by one staff portion of said lots.
- (g) Each flag lot shall be specifically approved by the Planning Commission.

7-3. Amending Existing Subdivisions

- 1. Subdivision plats may be amended from time to time according to the following schedule:

- (a) Subdivision having minor changes in which no new lots are created, or in which lots are deleted or reduced in number, or where lot lines moved, the requirements of 7-3-2, below may be followed.
 - (b) Subdivisions amended for the purpose of creating new and/or additional lots in the subdivision shall be treated as though they were a complete new subdivision. All current requirements of the subdivision Ordinance shall be met unless otherwise waived by the Planning Commission and the county Commission.
2. The following procedure shall be followed in requesting an amendment to a subdivision plat:
- (a) A written petition shall be filed with the County Commission requesting that an amendment take place.
 - (b) All owners of record in the subdivision shall sign the amended plat. The plat shall then be recommended for approval by the Planning Commission and approved by the County Commission.
 - (c) As an alternative to (b) above, the applicant may send a certified letter to each owner of record in the subdivision indication the purpose of the amendment, the date and time of the public hearing before the County Commission, (which date shall be a minimum of thirty (30) days after sending said notice), and advising the property owners of their right to appear at the hearing, or to comment by mail or telephone, regarding the propose amendment. Copies of mail certification shall be filed with the County Planning Office.
 - (d) When using the option identified in option (c) above, the applicant shall, upon approval of the County Commission, prepare and submit an Ordinance for adoption by the Commission. Said Ordinance, upon approval, shall be recorded along with the amended plat.

CHAPTER 8. GUARANTEE OF IMPROVEMENTS

8-1. Method of Guarantee.

Required subdivision improvements may be guaranteed in the following manner:

1. In lieu of the actual completion and acceptance by the Commission of the improvements required by this ordinance and before approval of the final plat by the Commission, the subdivider shall guarantee the installation and construction of the required improvements free from defective material or workmanship and in compliance with all County standards.
2. Said guarantee shall be in the form of a corporate surety bond, cash bond, or irrevocable letter of credit for an amount equal to 110% of the cost of improvements not previously accepted and as estimated by the County Engineer and approved by the County Attorney.
3. After the completion of all subdivision improvements the subdivider shall make a written request to the County Engineer for a final inspection. Inspection shall be made within eight (8) days from the date of request by the County Engineer and County Road Superintendent. A letter of final inspection shall be written by the County Engineer specifying the acceptability of all subdivision improvements.
4. Once all improvements are approved by the County Engineer, any guarantee filed with the County, therefore, shall be released within five (5) days from the date of approval. In any event, the subdivider shall provide the County Engineer with a letter of guarantee stating that he will maintain all subdivision improvements in a good state of repair and free from defective material or workmanship which becomes evident for one year from his request for final inspection.
5. All such improvements shall have been installed within a one (1) year time period unless extended by the County Commission.
6. A letter of credit, or cash bond, may be released in part, as progress payment for improvements, subject to the following conditions:
 - (a) The developer shall submit to the County Engineer, or other assigned County inspector, a request for payment against the letter of credit, showing to whom and for what amount the release is requested. Upon inspection by the County, and approval of the requested amount, the County will authorize the holder of the credit account to disperse the approved payments through the use of lien-release checks to pay for the improvements thus completed.

(b) Said payment requests may be made upon completion of the various phases of development as follows:

- (1) Complete water system installation, including any required storage facility, well improvements, etc.
- (2) Complete road construction, including all survey monuments, traffic controls, and street name signs. Road construction shall also include storm drainage systems.
- (3) Complete waste disposal system, where required.
- (4) Staking of lot corners and any other required survey field work.
- (5) Completion of Utilities including power and telephone, if bonded by Beaver County.

Requests shall not be submitted more frequently than on a monthly basis.

(c) In any event, 10% of the original amount of the letter of credit, or cash bond, shall be retained until one (1) year following completion of the project as a guarantee of quality of improvements. In the case of a surety bond, a maintenance bond shall be filed prior to the release of the surety bond.

7. For a developer who proposes to install improvements prior to recording a final plat, as provided by Chapter 2-9 of this Ordinance, a cost estimate of improvements shall be submitted to and approved by the County Engineer prior to the start of construction, as the basis for determining the amount of the 10% guarantee bond that shall be posted upon final approval of the improvements by the County.

8-2. Guarantee Format

1. Escrow. The escrow agreement shall be signed by the subdivider, the municipality and the escrow holder, and shall contain substantially the following language:

AGREEMENT

This AGREEMENT entered into this _____ day of _____, 19____, between, _____ a _____, hereinafter called First Party, and Beaver County, a political subdivision of the State of Utah, hereinafter called Second Party:

WITNESSETH

WHEREAS, First Party is desirous of recording a proposed subdivision of land in Beaver County, said Subdivision to be known as _____, approximately in the location of _____, in Beaver County, State of Utah; and

WHEREAS, Second Party will not permit said recording unless adequate provisions are made for the installation of certain off-site improvements in said Subdivision, which improvements are estimated to cost \$ _____ an shall be installed under the direction and supervision of and in accordance with the specifications of the Beaver County Engineer, and as described and set forth in the "Design and Construction Specification for the Beaver County" and approved plans for said subdivision.

NOW, THEREFORE, in consideration of the premises, the parties hereby agree as follows:

1. First Party agrees to complete said improvements within _____ year(s) of the date of this agreement and that Second Party shall be entitled to specifically enforce said agreement.

2. First Party hereby assigns and sets over to the Second Party all its right, title and interest in the principal of that certain escrow account _____, a _____ Corporation, entitled "Trust Account" of _____, in the amount of \$ _____.

3. Second Party agrees to make no demand for the proceeds of said account for a period of _____ year(s) from the date hereof.

4. Said escrow account shall not be released unless in writing by the Beaver County Engineer. In the event that the improvements listed herein have been installed to the satisfaction

of the Beaver County Engineer within said _____ year period, Second Party agrees to execute a release of said escrow account. In the event the improvements as listed herein have not been installed to the satisfaction of Beaver County Engineer and all applicable ordinances and regulations, Second Party shall be entitled to receive payment from _____, a _____ in the sum of \$_____ or such lesser amount as may be estimated by the Beaver County Engineer to be required to complete said improvements.

WHEREUPON, the parties hereto have set their hand the day and year first above written.

By: _____
Party of the First Part

By: _____
Party of the First Part

Beaver County Commission

By: _____
Party of the Second Part

Attest: County Clerk

The escrow agreement may contain such additional provisions as the parties deem necessary.

Irrevocable Letter of Credit. The subdivider shall file with the municipality an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution which letter shall contain provisions substantially similar to that required in the escrow agreement.

The form of the irrevocable letter of credit shall be substantially as follows:

Name of Bank

Address

IRREVOCABLE LETTER OF CREDIT

To: The Beaver County Commission

Date:

Letter of Credit No.

Gentlemen:

We hereby establish our irrevocable letter of credit in your favor for the account of _____ (subdivider & subdivider's address) up the aggregate amount of \$_____ drawn a sight on _____ (bank & address of bank) accompanied by a statement signed by an officer of the County of Beaver as follows: "We certify that the improvements related to the _____ (subdivision) have not been complete in accordance with municipal ordinances and that the enclosed documents represent the amount necessary to complete those on-site improvements."

We hereby agree with drawers, endorsers and bona fide holders that all drafts under and in compliance with terms of this credit will be duly honored upon presentation and delivery of documents as specified to the drawee or drawn and presented for negotiation until said subdivision is accepted in writing by the Beaver County Engineer.

Respectfully,

Authorized Bank Officer

SAMPLE LETTER OF CREDIT

IRREVOCABLE LETTER OF CREDIT NO. _____

Issued in _____ on _____ .
city and state date

APPLICANT:
 Name of Developer
 Address of Developer
 City, State, and Zip

BENEFICIARY:
 Beaver County Treasurer
 105 E. Center St.
 Beaver, UT 84713

AMOUNT: USD \$ _____
 One hundred thousand and no/100's
 in US Dollars

DATE & PLACE OF EXPIRY:
 _____ / _____ / _____
 Our Counters

"We hereby issue in favor of BEAVER COUNTY this Documentary Credit which is available by payment of you draft(s) drawn on us at sight bearing the number of this letter of credit accompanied by the following documents:"

1. Your signed statement reading precisely as follows:

"We certify that the improvements on _____ Subdivision have not been completed as agreed."

2. This original letter of Credit.

NOTE: If you have any questions about this Letter of Credit Policy, please contact:

Beaver County Treasurer
 105 E. Center St., P.O. Box 432
 Beaver, UT 84713
 801-438-6410

CHAPTER 9. FEES, ENFORCEMENT, PERMITS AND PENALTIES

9-1. Fees.

1. Fees. Any and all persons filing plats with the County shall pay fees as adopted through resolution by the County Commission, County Engineer, Building Inspector and Road Superintendent.
2. Permits. From the time of the effective date of this ordinance, the Building Inspector shall not grant a permit, nor shall any County officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this ordinance until a subdivision plat therefore has been recorded or approved as herein required. Any license or permit issued in conflict with such provisions shall be void. No building permits will be issued until the subject lot has been improved with water, power, sewer, curb and gutter, and a dedicated serviceable street as approved by the County Engineer.
3. Violation. No person shall subdivide any tract or parcel of land located wholly or in part in the county except in compliance with the provisions of this title. No person shall purchase, sell or exchange any parcel of land which is any part of a subdivision or a proposed subdivision submitted to the Planning Commission, not offer for recording in the office of the County Recorder, any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this ordinance. Each day that a violation of the provisions of any Chapter of this Title is committed or permitted to continue shall constitute a separate and independent violation.
4. Penalty. Whoever shall violate any of the provisions of this ordinance shall be guilty of a class B misdemeanor and, upon conviction of any such violation, shall be punished by a fine of not more than \$1000, or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. This penalty may be imposed for each separate violation found to exist as provided in Section 3, above.
5. Effective Date. This ordinance shall be in full force and effect twenty days after publication or thirty days after passage by the County Commission whichever is more remote from the day of passage.

9-2. Enforcement

The Planning Commission, the County Commission, the Building Inspector, County Attorney and such other department and agencies or County Government as are specified under the provisions of this title are hereby designated and authorized as the agencies charged with the

enforcement of the provisions of this title and shall enter such actions in court as are necessary. Failure of such departments to pursue appropriate legal remedies, shall not legalize any violation of such provisions.

9-3. Inspections

Appropriate agencies and departments of the County shall inspect or cause to be inspected all buildings, fire hydrants and water supply and sewage disposal systems in the course of construction, installation or repair. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved by the County Engineer or Building Inspector. If any such 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 inspector.

The subdivider shall post an inspection fee as shall be established from time to time by the County Commission to cover the cost of inspections in the subdivision and inspection of the subdivision plat. Upon completion of all improvements, the County Treasurer shall refund any amount not actually used, or, if the fund is exhausted before completion of all improvements, the subdivider shall pay the County Treasurer an amount established by the County Engineer to be sufficient to cover completion costs. This fee shall be paid prior to the release of any bond that may have been posted.

9-4. Permits

From the time of the effective date of this ordinance, the Building Inspector shall not grant a permit, nor shall any County officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this ordinance until a subdivision plat therefore has been recorded or approved as herein required. Any license or permit issued in conflict with such provisions shall be void.

CHAPTER 10. DEFINITIONS

The following terms use in this ordinance shall have the respective meanings hereinafter set forth:

1. Alley is a public way which affords a secondary means of access to abutting property.
2. Area of Influence is all the area in growth tier II as shown in the maps of the Beaver County General Plan.
3. Bench mark is a mark affixed to a permanent or semi-permanent object for an established elevation datum.
4. Collector street is a street which carries traffic from minor streets to the major street system, including the principal entrance streets of residence development and the primary circulating street within such a development.
5. County shall mean Beaver County, Utah.
6. Cul-de-sac is a minor street having one open end being terminated at the other by a vehicular turnaround.
7. County Engineer shall mean the person, firm, or employee retained by Beaver County for Engineering purposes.
8. Easement is the quantity of land set aside or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public of some particular person or part of the public.
9. Final Plat is a map or chart of a subdivision which meets all of the provisions of this ordinance, is ready for approval by the commission and subsequent recordation and which has been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots and other division thereof can be identified, and shall be prepared on a reproducible medium of sufficient size for legibility, (24" x 36").
10. Health Department shall mean the Utah State Department of Environment Quality (DEQ).
11. Land, Agriculture shall mean land used for bona fide agricultural purposes, or which is projected for agricultural use by the general plan or the zoning ordinance adopted by Beaver County, but not including legally existing nonconforming uses located in areas so projected.

12. Land, Commercial shall mean land used for bona fide commercial purposes, or which is projected for commercial use by the general plan or the zoning ordinance adopted by Beaver County, except legally existing nonconforming uses in area designated commercial in such ordinance.
13. Land, Industrial shall mean land used for bona fide industrial purposes or which is projected for industrial use by the general plan or the zoning ordinance adopted by Beaver County, except legally existing nonconforming uses in areas designated industrial in such ordinance.
14. Lot shall mean a parcel of real property with a separate and distance number or other designation shown on a plat or a parcel of real property delineated on an approved map of a record of survey, split or sub-parceling map as filed in the office of the County Recorder and intended as a unit for building development or transfer of ownership.
15. Lot width is the width of the lot measured along the minimum building setback line.
16. Major street shall mean a street existing or proposed, which serves or is intended to serve as a major traffic way and which is designated on the master street plan as a controlled access highway, major street, parkway or by equivalent terms suitable to identify street comprising the basic structure of the street plan.
17. Minor street shall mean a street, existing or proposed, which is supplementary to a collector or major street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood.
18. Official map shall mean any map adopted by the Commission under the provisions of Title 17, Chapter 27 Section 7, Utah Code Annotated, 1953, as amended.
19. Owner shall include the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, or any combination thereof.
20. Parcel of land shall mean a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant of person.
21. Planning Commission shall mean the Beaver County Planning Commission, unless another planning commission is specifically named.
22. Preliminary approval is an approval, with or without recommended alterations, given to a preliminary plat by the planning commission and provides the necessary authority to proceed with the preparation and presentation of the final plat.
23. Preliminary plat is a map of plan of a propose land division or subdivision.

24. Subdivision shall mean the division of land into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

25. Through lot shall mean a lot having a frontage on two (2) dedicated streets and having the right of access to both of said streets, not including corner lots.

26. Water System Non- Public. Any potable water system that is subject to the rules of the Southwest Utah Public Health Department, which is any potable (culinary) water system that is to serve less than fifteen (15) lots or less than twenty five (25) people.

27. Water System Public. Any potable water system that is subject to the rules of the Utah Department of Environmental Quality, which is any potable (culinary) water system that is to serve fifteen (15) lots or more, or at least an average of twenty five (25) individuals at least sixty (60) days a year.

SECTION 12

Legal Remedies

Any person, firm, or corporation, whether as principal, agent or employee who violates or causes the violation of any of the provisions of this ordinance shall be guilty of a Class B misdemeanor and upon conviction thereof shall be punished by law.

In addition, Beaver County by action of the County Commission may institute injunction, mandamus, abatement or other appropriate action to prevent, enjoin, abate or remove acts or uses in violation of this ordinance.

The owner of real estate within the zoning district in which an alleged violation of this ordinance has occurred may institute injunction, mandamus, abatement or other appropriate action to prevent, enjoin, abate or remove acts or uses in violation of this ordinance.

SECTION 13

Validity

If any section, sub-section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 14

Emergency

In the opinion of the County Commission, a public emergency exists in connection with the matters herein contained, and it is therefore necessary for the peace, health, safety, and the general welfare of the inhabitants of Beaver County that this Ordinance take effect immediately upon its adoption.

SECTION 15

Adoption

Passed and adopted by reference by the Governing Body of Beaver County, as per adopting ordinance.

SECTION 16

Survey Monuments

16-1 Construction

(A) Center line and Block Monuments

1. Firm Soil
 - 3/4" nominal iron pipe (1.05" O.D.) or No. 5 steel rebar 36" long
 - Metal cap at least 1-3/8" in diameter
 - No more than 4" protruding from ground
 - Mound of stones if available
2. Solid Rock
 - 1-3/8" diameter metal tablet with 1-1/2" long shank countersunk in rock and grouted with "Por-Rok", epoxy cement, or equal, as shown in Appendix "C"
3. Loose soil, Sand, Marsh, etc.
 - Monuments shall not be set, but shall be witnessed.
4. Monuments Within Streets or Roads
 - a. 3/4" nominal iron pipe or No. 5 rebar 36" long Metal cap at least 1-3/8" in diameter Monuments set within roadway areas shall be placed so that their tops are 6 to 8 inches below the final road surface.
 - b. At the time a road is paved, all such monuments within the paved area shall be fitted with cast iron monument boxes as shown in Appendix C.
 - c. Any monuments set after a road or street is paved shall also be provided with monument boxes.
 - d. Perimeter or block monuments which shall have to be moved for road or street construction shall be referenced with at least two distance ties and three independent pairs of line ties as shown in Appendix C, and shall be reset from these reference marks as soon as practicable after road or street earthwork is completed, and preferably before paving.

(B) Lot Markers and Reference Marks

1. Firm Soil
 - No. 5 steel rebar 24" long.
2. Concrete Walks or Curbs

3/4" diameter blind rivet with 1/4" diameter by 3" long iron bar grouted in drilled hole 2" deep.

3. Solid Rock

Blind rivet as in sub-section 2 above, or 1/4" diameter by 3" long iron bar grouted in drilled hole 2" deep.

(C) Bench Marks

1. 1-3/8" diameter metal tablet with 1-1/2" shank set in solid bedrock or concrete bridge abutment which is scheduled to remain in service for at least ten(10) years, Appendix C, or cast in place monument as shown in Appendix C.

2. Bench marks shall not be attached to sidewalks or curbs.

3. Bench marks shall not be set closer than 20 feet from the edge of any existing or proposed excavation.

4. Each bench mark shall be built within a street or road right-of-way or on other dedicated land in a location that will not be disturbed by site grading or road construction.

NOTE: Construction standards given above are minimum. More massive and durable monuments are permitted.

16-2 Markings

(A) General: All monuments, markers, and bench marks shall have affixed securely to the top thereof the registration number of the land surveyor responsible for the establishment of such monument, marker, or bench mark.

(B) Aliquot Corners: Aliquot corners within the Public Land Survey System shall be marked with the Bureau of Land Management designation pursuant to Chapter IV of the "Manual of Instructions for the Survey of the Public Lands of the United States, 1947", except that the date may be omitted.

(C) Bench Marks: Bench marks shall be stamped with the letters "B.M." and the elevation.

APPENDIX B

File No. _____

Date Received _____

SEWAGE DISPOSAL REPORT FORM

The following information is required for all subdivisions where on-lot disposal systems are planned. Three (3) copies of this form shall be included with the Preliminary Plan submission, where required.

Subdivision Name _____

Subdivider _____

Address _____ Phone _____

Total Area of Subdivision _____ Sq. Ft.

Area of Smallest Lot _____ Sq. Ft.

Provide information and data on sub-soil conditions for the subdivision area:

Provide information and data on water table elevations for the subdivision are:

REMARKS:

APPENDIX B

SEWAGE DISPOSAL REPORT

(Continued)

I hereby certify that the above information is true and correct and that these tests have been made under supervision by _____ in accordance with the procedures required by these regulations.

Registered Engineer, or Qualified Sanitarian

Date

Signature of Subdivider

Date

APPENDIX B

SEWAGE DISPOSAL REPORT

(Continued)

ANALYSIS OF SUBDIVISION SEWAGE DISPOSAL REPORT

(By _____)

_____ Suitable for the use of individual septic tank systems, provided that:

1. The design of the subdivision provides for each building lot a sub-surface disposal field having a gross area of at least _____ square feet per bedroom.

_____ Unsuitable for use of individual septic tank systems for the following reasons:

_____ Suggested alternate method of sewage disposal:

Health Officer _____

Reviewing Office _____

Date _____

It is understood that the conclusions rendered on this report do not cover the installation of the individual septic tank systems. The design, construction and installation of each facility should be based upon the specific conditions affecting each building lot.

BEAVER COUNTY

APPLICATION FOR CONCEPT PLAN REVIEW

DATE: _____ NAME OF APPLICANT _____

ADDRESS _____

I (We) do hereby apply to Beaver County for review of a Subdivision Concept Plan. The following proposed items have been considered and adequately shown or accounted for on the attached concept plan. I understand that the review of this concept plan by the Zoning Administrator is not to be construed as approval of this subdivision, but is merely intended to help avoid planning and development problems for both myself and Beaver County.

SIGNATURE _____

- ___ 1. Name of Subdivision _____
- ___ 2. Scale - not less than one inch equals four hundred feet
- ___ 3. Number of lots and approximate sizes
- ___ 4. Existing and proposed streets
- ___ 5. Existing and proposed utilities
- ___ 6. Vicinity map of subdivision
- ___ 7. Water and/or drainage courses
- ___ 8. Concept Plan Review Fee (Determined by Lot quantity)

ZONING ADMINISTRATOR COMMENTS:

Approval by Zoning Administrator: _____ Date: _____

PLANNING COMMISSION COMMENTS:

Approval by Planning Commission: _____ Date: _____

Fee's paid: _____ Date: _____

concept.app

BEAVER COUNTY

APPLICATION FOR DEVELOPMENT CONCEPT PLAN REVIEW

DATE: _____ NAME OF APPLICANT _____

ADDRESS _____

I (We) do hereby apply to Beaver County for review of a Subdivision Concept Plan. The following proposed items have been considered and adequately shown or accounted for on the attached concept plan. I understand that the review of this concept plan by the Zoning Administrator is not to be construed as approval of this subdivision, but is merely intended to help avoid planning and development problems for both myself and Beaver County.

SIGNATURE _____

- ___ 1. Name of Subdivision _____
- ___ 2. Scale - not less than one inch equals four hundred feet
- ___ 3. Number of lots and approximate sizes
- ___ 4. Existing and proposed streets
- ___ 5. Existing and proposed utilities
- ___ 6. Vicinity map of subdivision
- ___ 7. Water and/or drainage courses
- ___ 8. Concept Plan Review Fee (\$250 per Plan Review)

ZONING ADMINISTRATOR COMMENTS:

Approval by Zoning Administrator: _____ Date: _____

PLANNING COMMISSION COMMENTS:

Approval by Planning Commission: _____ Date: _____

Fee's paid: _____ Date: _____

BEAVER COUNTY

APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN FOR A SUBDIVISION

DATE _____ NAME OF APPLICANT _____

ADDRESS _____

I (We) do hereby apply to the Planning Commission for approval of a Subdivision submitted in accordance with the "Zoning Ordinance and Subdivision Code of Beaver County, Utah." The following items have been considered and adequately shown or accounted for on the attached Preliminary Plan. I will submit these plans to the Planning Commission Secretary on or before the third Friday of the month preceding the month in which I wish to be on the agenda of the Planning Commission meeting (3rd Wednesday of every month).

TELEPHONE _____ SIGNATURE _____

___ 1. Name of Subdivision _____

___ 2. Three (3) copies submitted with documents, statements, etc., as applicable

___ 3. Section, Township, & Range

___ 4. Name/address of developer

___ 5. Name/address of designer

___ 6. Date

___ 7. Scale of plat

___ 8. North point

___ 9. Subdivision boundary

___ 10. Total acreage and lot acreage

___ 11. Conformance with master plan

___ 12. Existing street names and locations

___ 13. Existing utilities (gas, power, sewer, water, telephone lines)

___ 14. Existing public utility easements

___ 15. Permanent buildings

___ 16. Bridges, culverts, drain pipes

___ 17. Existing irrigation ditches

___ 18. Zoning district

___ 19. Section lines

___ 20. Adjacent property ownership (names and addresses)

___ 21. Vicinity map of area within half mile radius

___ 22. Numbers of, and dimensions of lots (area of each lot)

___ 23. Proposed streets, showing widths and names

___ 24. Proposed utilities and easements

___ 25. Proposed water mains and size

___ 26. Proposed fire hydrants

___ 27. Proposed sewer mains and manholes/or septic feasibility study

___ 28. Street and sewer grades, with flowline elevations

___ 29. Typical street cross-sections

___ 30. Surface drainage plan

___ 31. Contours at 2-foot intervals

___ 32. Letter of feasibility for a Public Water System or letter from water company providing water

___ 33. Letter of feasibility from SUPH Dept. for wastewater disposal system proposed

___ 34. Copies of any agreements with adjacent property owners relevant to the subdivision

___ 35. Letter from the Public Service Commission approving the type of water company being proposed

___ 36. Subdivision title report prepared by a licensed title company

___ 37. Preliminary Plan Review Fee (\$500 Per Plan Review)

DATE _____ Receipt # _____

Zoning Administrator _____

P&Z Chairman _____

NOTE: The purpose of this check list is to assist the developer to be sure that the plan has been completely and properly prepared, as an inadequately prepared plan may delay approval of the plan.

BEAVER COUNTY

APPLICATION FOR APPROVAL OF A FINAL PLAT OF A SUBDIVISION

DATE _____

TELEPHONE _____

I (We) do hereby apply to Beaver County, Utah, for approval of a subdivision. The following items have been considered and have been adequately shown or accounted for on the attached final plat. (All documentation and fees must be submitted on or before the third Friday of the month preceding the month in which you wish to be on the agenda the Planning Commission meet, 3rd Wednesday of every month.)

SIGNATURE _____

ADDRESS _____

- ___ 1. Name of Subdivision _____
- ___ 2. Compliance with changes required on preliminary plans
- ___ 3. Dimension of lots, streets, etc.
- ___ 4. Scale, 1 inch = 100 feet or larger
- ___ 5. Proper margins, size of final plat tracing
- ___ 6. North Point and basis of bearing
- ___ 7. Street names and numbers
- ___ 8. Number of lots with each lot numbered (area of each lot)
- ___ 9. Estimated costs for improvements for bond (3 copies)
- ___ 10. Escrow Bond Agreement (3 copies)
- ___ 11. Documents (3 copies)
- ___ 12. Reproducible Plat Tracing with five (5) copies
- ___ 13. Easements
- ___ 14. Permanent survey monuments
- ___ 15. Boundary descriptions
- ___ 16. Certificate of accuracy of Plat by a registered surveyor
- ___ 17. Review and Inspection Fees: \$ _____ Single Split \$100 + \$25 per lot
 - Minor (9 lots or less) \$250 + \$100 per lot
 - Subdivision (to 20 lots) \$500 + \$100 per lot
 - Subdivision (20 lots +) \$500 + \$200 per lot

30% Due with this Application \$ _____
70% Due prior to Recording of Plat \$ _____

Receipt # _____
Receipt # _____

We, the undersigned, have reviewed the Final Plans for this proposed subdivision and have found the plans in compliance with the Zoning Ordinance and Subdivision Code of Beaver County.

Zoning Administrator: _____ Date: _____

Planning Commission: _____ Date: _____

County Commission: _____ Date: _____