

HATCH, UTAH
ORDINANCE 2024.10
SUBDIVISIONS

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY, TITLE 10, CHAPTER 9 OF THE HATCH TOWN CODE TO ESTABLISH SUBDIVISION REGULATIONS THAT MEET THE REQUIREMENTS ESTABLISHED BY UTAH STATE CODE.

RECITALS

WHEREAS, pursuant to Utah Code Ann. § 10-1-201 the Town of Hatch (“the Town”) is a Utah municipal corporation and political subdivision of the State of Utah;

WHEREAS, pursuant to Utah Code Ann. § 10-3b-401 the Hatch Town Council (“the Town Council”) is the legislative and governing body of the Town;

WHEREAS, pursuant to Utah Code Ann. § 10-9a-103(31) the Town Council, in addition to being the legislative and governing body of the Town, is also the Land Use Authority vested with the power to enact all Land Use Regulations and make all Land Use Decisions within the Town unless the latter administrative power is delegated to another body or person;

ORDINANCE

NOW THEREFORE, be it ordained by the Hatch Town Council, in the State of Utah, as follows:

SECTION 1: AMENDMENT AND RESTATEMENT OF TITLE 10, CHAPTER 9 OF THE MANTI MUNICIPAL CODE. “Title 10, Chapter 9 Subdivisions” of the Hatch Town Code is hereby amended and restated in its entirety as follows:

CHAPTER 9
SUBDIVISIONS

SECTION:

10-9-1: Purpose

10-9-2: Scope

10-9-3: Approval Required

10-9-4: Exemptions From The Plat Requirements

10-9-5: Subdivision Pre-Application Meeting

10-9-6: Preliminary Plan Contents

10-9-7: Filing and Review of Preliminary Plans and Subdivision Improvement Plans

- 10-9-8: Preliminary Plan Approval
- 10-9-9: Duration of Preliminary Plan Approval
- 10-9-10: Filing and Review of Final Plats
- 10-9-11: Final Plat Contents
- 10-9-12: Final Plat Approval and Recordation
- 10-9-13: Dedication, Acceptance And Maintenance Responsibility
- 10-9-14: Site Preparation And Building Permits Prohibited
- 10-9-15: General Standards
- 10-9-16: Lot Standards
- 10-9-17: Design Standards
- 10-9-18: Financial Responsibility
- 10-9-19: Compliance With Final Plat
- 10-9-20: Penalties
- 10-9-21: Fees

10-9-1: PURPOSE:

The purpose of this chapter is to promote the health, safety and general welfare of the community by:

- A. Managing efficient and orderly growth in Hatch Town;
- B. Establishing requirements and procedures which encourage growth to preserve the high quality of community environment and protect property values; and
- C. Providing policies, procedures, requirements and standards for the physical development of subdivisions of land, construction of buildings and improvements within Hatch Town, including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, dedication of land and streets, granting easements or rights of way and to establish fees and other charges for the authorizing of a subdivision. (Ord. 2021-05, 10-20-2021; amd. Ord. 2021-06, 11-17-2021)

10-9-2: SCOPE:

- A. Applicability: No person shall subdivide any parcel of land which is located wholly or in part in Hatch Town except in compliance with this Chapter.

B. Approval To Subdivide Required: The boundaries of any lot shall not be altered in any manner so as to create more lots than initially recorded, or any nonconforming lot, without first obtaining the approval of Hatch Town Council as provided in this Chapter.

C. Compliance Prior To Occupancy: There shall be no human occupancy of any building until the improvements have been accepted by Hatch Town and the building and lot fully comply with the provisions of this chapter. (Ord. 2021-05, 10-20-2021; amd. Ord. 2021-06, 11-17-2021)

10-9-3: APPROVAL REQUIRED:

It shall be unlawful for any person to subdivide any tract of land within the municipal limits of Hatch Town, where the said transaction would result in the "subdivision" of land, as herein defined, nor shall any person offer for recording any deed conveying a parcel of land or any interest therein which would amount to a "subdivision", as herein defined, unless he shall first make or cause to have made a plat thereof, which plat must receive final approval by Hatch Town Council and recorded in the office of the County Recorder before such sale or exchange or purchase is affected. The approval of the final plat shall be obtained by complying with all applicable requirements of this chapter and all other applicable laws and regulations. (Ord. 2021-05, 10-20-2021; amd. Ord. 2021-06, 11-17-2021)

10-9-4: EXEMPTIONS FROM THE PLAT REQUIREMENT:

This section applies to the subdivision of lands within the incorporated areas of Hatch Town, that are not required to complete a formal preliminary or final plat process, but follow a simplified process as outlined herein. UCA 10-9a-605

A. Minor-Lot Subdivisions UCA 10-9a-605(1). A lot or parcel resulting from a division of incorporated land is exempt from the subdivision plat requirements of this Section, if:

1. The proposed subdivision:

a. Is not traversed by the mapped lines of a proposed street as shown in the general plan unless the municipality has approved the location and dedication of any public street, municipal utility easement, any other easement, or any other land for public purposes as the municipality's ordinance requires;

b. Has been approved by the culinary water authority and the sanitary sewer authority;

c. Is located in a zoned area; and

d. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.

2. The Record of Survey has been reviewed by the Zoning Administrator, Building Official and/or Recorder and they have given recommendation to the Planning Commission that the proposed development qualifies as a Minor-Lot Subdivision as set forth herein.

3. The property is being subdivided into five (5) or fewer building lots that all front a dedicated Town street or road.

4. Each new lot created meets, or will meet with an appropriate zone change in conjunction with the proposed subdivision, the requirements of the Hatch Town Zoning Ordinance.

5. A lot created from a previously approved Minor-Lot Subdivision shall not be further subdivided via Minor-Lot Subdivision within three (3) years of the filing and recording date of the Minor-Lot Subdivision where the applicable lot was originally created.

6. The Planning Commission has reviewed the development plan and Record of Survey in a public meeting and has given its recommendations to the Town Council for final approval.

7. Before the Minor-Lot Subdivision is to be considered by the Town Council in a public meeting, the developer shall furnish evidence of recordable deeds for each proposed lot in the subdivision. The Minor-Lot Subdivision shall not be presented to the Town Council for final approval until evidence of recordable deeds have been provided.

8. Upon final approval from the Town Council, the developer shall file the Record of Survey with the County Surveyor's Office and record the deeds with the County Recorder's Office.

a. The Town shall provide a certificate of approval, indicating that the Record of Survey for the Minor-Lot Subdivision has been reviewed and approved by the City Council. The certificate of approval shall be recorded at the County Recorder's Office in conjunction with Record of Survey.

9. Submitting a Minor-Lot Subdivision Record of Survey otherwise shall be null and void.

B. Agricultural Land Exemptions UCA 10-9a-605(2).

1. A lot or parcel resulting from a division of agricultural land is exempt from the subdivision plat requirements of this Section, if the lot(s):

- i Qualifies as land in agricultural use under UCA 59-2-5 Farmland Assessment Act;
- ii Is not used and will not be used for nonagricultural purposes; and
- iii Meets the minimum size of six (6) acres.

2. The boundaries of each lot or parcel that is exempted shall be graphically illustrated on a Record of Survey map that has received the approval of the Zoning Administrator along with the Administrative Land Use Authority.

- i For purposes of an agricultural exemption, the Administrative Land Use Authority shall be the same body or individual as designated for the Preliminary Plan.

3. If a lot or parcel exempted as agricultural land is used for nonagricultural purposes as defined by the Farmland Assessment Act, the Town shall require the lot or parcel to comply with the related plat requirements of this Section.

4. When the above requirements have been met, the property owner shall file the Record of Survey with the County Surveyor within fourteen (14) days of approval.

5. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel, nor the parcel remaining from the division or partition violates this Section or other ordinances of Hatch Town.

C. Other Exceptions. A property owner may:

1. To make a property boundary adjustment (i.e., parcel or lot line adjustment), a property owner shall meet the requirements of UCA 10-9a-523.

2. To execute a boundary line agreement, a property owner shall meet the requirements of UCA 10-9a-524. (Ord. 2021-05, 10-20-2021; amd. Ord. 2021-06, 11-17-2021)

10-9-5: SUBDIVISION PRE-APPLICATION MEETING

This procedure is optional, at the discretion of the applicant, before application submittal of any preliminary or final plat.

A. An applicant for a subdivision may request a pre-application meeting with the Town. At this meeting, the Town will provide:

1. information on accessing applicable land use ordinances,
2. a complete list of standards required for the project,
3. preliminary and final application checklists, and
4. feedback on the concept plan.

B. With regard to a pre-application meeting, the following shall apply:

1. The applicant shall submit a concept plan for staff review
2. The municipality shall, within fifteen (15) business days after the request, schedule the meeting to review the concept plan and give initial feedback
3. At the pre-application meeting, the Town shall provide or have made available on the municipal website the following:
 - i. Copies of the applicable land use regulations
 - ii. A complete list of standards required for the project
 - iii. Preliminary and Final Plat checklist
4. Pre-application review of a concept plan does not create any vested rights and feedback on the concept plan does not grant or infer any official standing or approval. The applicant is responsible to adhere to the ordinance.

C. The Concept Plan shall include the following:

1. A plan of the entire project area showing:
 - i. the general layout of the proposed subdivision, overall project acreage, and relationship to adjacent properties
 - ii. the location of each proposed lot
 - iii. the dimensions and size of each lot
 - iv. the location, width and general configuration of proposed roads in the subdivision
 - v. major canals and water sources in the vicinity
2. Brief written statement or oral presentation in sufficient detail that the intent of the subdivider is clear to those who review the proposals.
 - i. Current and proposed zoning
 - ii. Proposed use of the property
 - iii. Manner for complying with the improvement guarantee and any other public improvements
3. Feasibility:
 - i. Review of available water resources and water and sewer connections
4. Any phasing plan, if applicable

10-9-6: PRELIMINARY PLAT CONTENTS:

A preliminary plat shall be finished for all proposed land divisions. Subdivision applications shall include all the items below.

A. Completed Application: Completed preliminary plat (Subdivision) application with application fee.

B. Feasibility Study: The subdivider shall be required to show the feasibility of the proposed water and sewage systems necessary to meet the requirements of this chapter, the local health officer and the state division of environmental health as indicated by letters of feasibility from such health officers.

C. Summary Statement: Summary statement containing the following:

1. Total area within the subdivision showing all phases.
2. Total area of each lot.
3. Total number of proposed dwelling units.
4. Estimated maximum drainage flow (100-year storm) through any natural courses lying within the area to be subdivided expressed in cubic feet per minute.

D. Scaled Drawing: A plan showing the proposed subdivision layout drawn at a scale of one-inch equals fifty feet, which shall meet the requirements of the County Surveyor (UCA 17-23) County Recorder (UCA 17-21) and UCA 10-9a-6.

E. Preliminary Engineer Drawings: Preliminary engineering drawings, including typical cross sections, and plans and/or written statements regarding width and type of proposed off-site and on-site water mains, sanitary sewers, drainage facilities and other proposed improvements such as sidewalks, curbs and gutters, parks and fire hydrants. The proposed location of all of the aforementioned improvements, if such improvements are required, must be shown on the preliminary plat.

F. Drainage Study: A drainage study and report shall be prepared by a licensed professional civil engineer and shall be submitted with each application.

G. Proof of Interest, Permission: Sufficient documentation to show the subdivider has a vested interest in the subject property or has the owner's permission to subdivide must be presented with preliminary application.

H. Irrigation Clearance: For all subdivisions proposed through which an irrigation ditch, canal or other such waterway passes, the subdivider will need to obtain a letter of agreement from the owner of said ditch, canal or other waterway specifying any required improvements or possible relocation.

I. Traffic Study: If deemed necessary by the Planning Commission, the developer shall submit a traffic study prepared by a licensed engineer qualified in the area of traffic and circulation. Such study will incorporate safety issues for pedestrian, bicycle and vehicular traffic, as applicable.

J. Disposal of Floodwater, Surface Water: Disposal of surface water and disposition of flood hazards so as to protect lands located outside the boundaries of the subdivision due to impacts of the development of the subdivision.

K. Other: Any additional reports which are required by the associated Zoning District. (Ord. 2021-05, 10-20-2021; amd. Ord. 2021-06, 11-17-2021)

10-9-7: FILING AND REVIEW OF PRELIMINARY PLANS AND SUBDIVISION IMPROVEMENT PLANS

This chapter outlines the process to submit and review preliminary plans and the accompanying subdivision improvement plan. The intention is for the definitions and process for application, review, and approval to follow Utah State Code 10-9a-604, et seq.

A. Prior Approvals: If the application requires legislative approvals, such as a zone change, annexation, general plan amendment, right of way or easement vacation, or any other legislative action, the legislative approval shall be completed prior to submittal of the preliminary plan application.

1. The Town Council may grant an approval contingent on completion of the subdivision process within a given time frame.

- B. **Optional Pre-Application Meeting:** Prior to filing a Preliminary Plan, the applicant may request a Pre-Application Meeting to review the Concept Plan with applicable Town staff or representatives, as outlined in the prior chapter.
- C. **Application Provided:** The Town shall provide, or have available on the Town website, each of the following:
 - 1. The Preliminary Plan application
 - 2. The owner's affidavit
 - 3. A breakdown of application fees
 - 4. A copy of the applicable land use ordinance
 - 5. Complete list of standards required for the project
 - 6. Preliminary Plan drawings checklists
- D. **Submittal:** To apply for Preliminary Plan approval, applicants must follow instructions on the form provided by the Town and submit all required materials, including:
 - 1. Complete Preliminary Plan application
 - 2. Owner's affidavit
 - 3. An electronic copy of all plans in a PDF format
 - 4. Preliminary and Subdivision Improvement Plan drawings
 - 5. Payment of all Preliminary Plan fees
 - 6. All other required details, specifications, information, permits, will-serve letters, and other information as detailed in Hatch Town Code, Town development standards, and any regulations by other applicable jurisdictions.
- E. **Check for Completeness:** The Town will review the submission for completeness.
 - 1. If the submittal includes all materials, the Town receives the submittal and starts the first review cycle.
 - 2. If the submittal is found to be incomplete, the submittal is returned to the applicant. No review shall commence until the Town has made a determination that the application is complete.
- F. **Water Conveyance Facilities:** If the location is within one hundred (100) feet of a water conveyance facility, within twenty (20) calendar days after receipt of the completed application, the Town shall notify in writing the Water Conveyance Facility Owner(s) of the Application and request comments related to the following aspects of the water conveyance facility: access, maintenance, protection, safety, and any other issues related.
 - 1. Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the Town may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land Authority shall not grant approval until after at least twenty (20) days after the day on which the Town mailed notice to the Water Conveyance Facility.
 - 2. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b
- G. **Town Review Time Frame:** Within forty (40) days the Town shall complete a review of the preliminary plan and subdivision improvement plan, except as follows:

1. Geological Hazard Areas: The review cycle dates restrictions and requirements do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
 2. Land Uses: The review cycle number of days only applies to single family, two family, and townhome developments. It does not apply to other land uses, such as commercial, industrial development, or other multifamily development.
- H. Determination of Corrections Required: After review, the Town will determine if the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response. This marks the end of the respective review cycle.
1. Application Requires Corrections: If the application is found to require corrections, the Town must be specific and cite the ordinance, statute, or specifications that require the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
 2. Additional Information Required: The Town may require additional information relating to the applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements.
 3. Application Meets All Standards: If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.
- I. Application Expiration: An application is expired if the applicant does not respond to a request for corrections by submitting a complete resubmittal within twelve (12) months.
- J. Resubmittal: After receiving the list of required modifications or additions, the applicant's resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.
1. New Review Cycle: An applicant's resubmittal shall constitute a new review cycle.
- K. Check for Completeness: The Town shall review the resubmittal to ensure the applicant has responded to each item logged in the index of requested modifications or additions.
1. If the response does not address each item, the Town shall return the submittal to the applicant.
- L. Town Review of Resubmittal
1. Time Frame: The time frame to complete the review depends on how quickly the applicant was able to respond to the corrections in full and if the applicant made any material changes.
 - i. If the applicant responded within forty (40) days, the Town has forty (40) days to complete the second review cycle.
 - ii. If the applicant responded after forty (40) days, the Town has sixty (60) days to complete the second review cycle.

- iii. If the applicant made a material change that merits a new review, then the review shall restart at the first review cycle as it relates to the new material.
 2. Land Uses: The review cycle number of days only applies to single family, two family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or other multifamily development.
 3. New Corrections: If the Town neglected to include a required change or correction in the initial review process, the modification or correction can only be imposed on subsequent reviews if it is necessary to protect public health and safety or to enforce state or federal law.
 4. Determination of Corrections Required: At the end of the Town's review, the Town shall make a determination of corrections required, if any, as outlined in subsection (H).
- M. Fourth Review Cycle: An application for Preliminary Plan and Subdivision Improvement Plan approval shall not exceed four (4) review cycles.
1. Fourth Review: If, after the fourth (4) review cycle the application is found to not meet all required corrections, the application shall be forwarded to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specification.
 - i. Appeal: The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.
- N. Application Ready for Approval: If the Town determines that the resubmittal is now complete and meets all codes, standards, and specifications, the resubmittal shall be forwarded to the Administrative Land Use Authority to complete the review.
1. If the Town finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant.
 - i. This shall be provided to the applicant up until the fourth review cycle, at which point the application shall be forward or to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specification. The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.
- O. Dispute of Determination: If, on the fourth and final review, a municipality fails to respond within forty (40) business days, the municipality shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
1. Subdivision Improvement Plan Dispute: For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
 2. Preliminary Plan Dispute: For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

The appeal authority shall be the Town Council.

10-9-8: PRELIMINARY PLAN APPROVAL

- A. Administrative Land Use Authority: The Administrative Land Use Authority shall be the Planning Commission.
- B. Public Hearing: Unless otherwise required under Utah State Code, no public hearing is required.
- C. Approval: If the Administrative Land Use Authority finds the applicant has completed all requirements addressed during review, and the proposed plat and subdivision improvement plan comply with the requirements of this Title and all adopted standards and specifications, then it shall approve the Preliminary Plan and Subdivision Improvement Plan.
- D. Corrections Required: The Administrative Land Use Authority shall remand the application back to the applicant for a new review cycle, unless the applicant has already completed four (4) review cycles, if the Administrative Land Use Authority finds that either:
 - 1. The applicant has not completed all requirements as outlined in the review index, or
 - 2. The application does not address all requirements, and although the item was not addressed in the first review, the requirement relates directly to public health and safety.
- E. Denial: The Administrative Land Use Authority shall deny the application if either:
 - 1. The applicant is unwilling to make required corrections or provide required information.
 - 2. The application has completed the fourth (4) review cycle and the applicant has failed to meet the stated requirements.

10-9-9: DURATION OF PRELIMINARY PLAN APPROVAL

- A. Approval of the Preliminary Plan by the Town shall be valid for a period of twelve (12) months after approval.
 - 1. If an applicant has not submitted a complete application for Final Plat approval within twelve (12) months, the Preliminary Plan and Subdivision Improvement Plan approval is deemed to have lapsed.
 - 2. For a Preliminary Plan with multiple phases, the Plan remains active provided a Final Plat is recorded at least every 24 months. If a Final Plat has not been recorded within the 24-month period, the Preliminary Plan must again be submitted to the Town for re-approval.

10-9-10: FILING AND REVIEW OF FINAL PLATS

- A. Time Frame: Within twelve (12) months after approval of the Preliminary Plan and Subdivision Improvement Plan the applicant must make a complete Final Plat submittal.

- B. Pre-Application Meeting: An applicant may request a pre-application meeting. If so, the Town and the applicant follow the provisions of Hatch Town Code 10-9-5 before proceeding to the next step.
- C. Application Provided: The Town shall provide, or have available on the Town website, each of the following:
 - 1. The Final Plat application
 - 2. The owner's affidavit
 - 3. A breakdown of application fees, payable to the Hatch Town Clerk
 - 4. A copy of the applicable land use ordinance
 - 5. Complete list of standards required for the project
 - 6. An electronic copy of all plans in PDF format
- D. Application is made by following instructions on the form provided by the Town and submitting all required materials, including the following:
 - 1. A (PDF) file of the plat.
 - 2. All fees for the Final Plat application are due upon filing the application.
 - 3. All other information required on the Final Plat Checklist and necessary to determine compliance with this code and all applicable regulations.
- E. Check for Completeness: The Town checks the submittal for completeness.
 - 1. If the submittal includes all materials, the Town receives the submittal and starts the review.
 - 2. If the submittal is found to be incomplete, the submittal is returned to the applicant. No review shall commence until the Town has made a determination that the application is complete.
- F. Town Review Time Frame: After a determination that the application submittal is complete, the Town begins its review. The Town has a thirty (30) day review window to conduct its review and provide comments to the applicant.
 - 1. Land Uses: The review cycle number of days only applies to single family, two family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or other multifamily development.
- G. Water Conveyance Facilities: If the location is within one hundred (100) feet of a water conveyance facility, within twenty (20) calendar days after receipt of the completed application, the Town shall notify in writing the Water Conveyance Facility Owner(s) of the Application and request comments related to the following aspects of the water conveyance facility: access, maintenance, protection, safety, and any other issues related.
 - 1. Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the Town may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land Use Authority shall not grant approval until after at least twenty (20) days after the day on which the Town mailed notice to the Water Conveyance Facility.
 - 2. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b.
- H. Attorney Review: During review, the Town Attorney shall review the Final Plat and shall recommend approval if the attorney finds that:

1. There is a current title opinion from a licensed title company showing that the person dedicating the property described on the Final Plat is the title owner as shown on the records of the Garfield County Recorder's Office.
 2. The performance bond, escrow deposit, letter of credit, or trust deed with the Town is in appropriate form and signed by the necessary parties.
 3. That the subdivision does not, in the attorney's opinion, violate any ordinance of the Town or the laws of the State of Utah or the rules and regulations promulgated pursuant thereto.
- I. Determination of Corrections Required: Within the review window specified in Subsection (F) the Town shall complete a review of the Final Plat and all submittal content and provide a response to the applicant. The Town shall determine whether the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response.
1. Application Requires Corrections: If the application is found to require corrections, the Town must be specific and cite the ordinance, statute, or specifications that require the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
 2. Additional Information Required: The Town may require additional information relating to the applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications.
 3. Application Meets All Standards: If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.
- J. Application Expiration: An application is expired if the applicant does not respond to a request for corrections by submitting a complete resubmittal within twelve (12) months.
- K. Resubmittal: If corrections were required, the applicant shall provide a resubmittal. The resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.
- L. Check for Completeness: The Town shall check the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the Town shall return the submittal to the applicant.
- M. Time Frame to Review: If the resubmittal is complete, the Town shall review the application and provide written comments within the applicable review window, as outlined in subsection (F).
1. Land Uses: The review cycle number of days only applies to single family, two family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or other multifamily development.
- N. Determination of Corrections Required: At the end of the Town's review, the Town shall make a determination of corrections required, if any, and take action as outlined in subsection (I).

- O. Dispute of Determination: If, on the fourth and final review, the Town fails to respond within forty (40) business days, the Town shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
 - 1. Advise the applicant, in writing, of the deficiency in the application and the right to appeal the determination to a designated appeal authority.
 - i. The appeal authority shall be the Town Council.

10-9-11: FINAL PLAT CONTENTS

- A. The developer shall submit a complete application with all items listed and all requirements met as found on the Town's Final Plat Checklist.
- B. The mylar shall meet the requirements of the Garfield County Surveyor and Recorder, in addition to Hatch Town Code.
- C. The developer must submit a mylar of the Final Plat to the Town in a format approved by the Town and County Recorder's Office.

10-9-12: FINAL PLAT APPROVAL AND RECORDATION

- A. Ready for Final Approval: Once all reviewing Town staff have found the Final Plat to be in conformity, the plat will be submitted to the Administrative Land Use Authority for approval.
- B. Land Use Authority: For Final Plat approval, the Administrative Land Use Authority shall be a staff member or other individual or board appointed by the Town. The Administrative Land Use Authority may not be the Town Council or Planning Commission and no public hearing shall be held.
 - 1. No public hearing may be held for the subdivision Final Plat approval.
- C. Approval: The Land Use Authority shall approve the Final Plat if it finds:
 - 1. The proposed plat complies with the requirements of Town Code, Utah State Code, and all other applicable policies and regulations,
 - 2. The plat has been approved by all regulatory bodies, such as a culinary water authority, or sanitary sewer authority, or County Health Department, as applicable,
- D. Denial: The Land Use Authority may deny or remand the proposed Final Plat if:
 - 1. The Land Use Authority finds the applicant has not provided a complete, accurate, and satisfactory response to all comments during review and any other point of non-compliance with applicable regulations.
 - 2. The applicant is unwilling to make required corrections or provide required information.
- E. Appeal: Any appeal shall be consistent with the provisions of Utah Code 10-9a-604.2.

- F. Signing the Plat: If approved, the Mayor, Planning Commission Chair, and Town Engineer shall sign the Final Plat.
- G. Subdivider Posts Performance Guarantee: Upon approval by the Administrative Land Use Authority, the subdivider shall proceed to post or make arrangements suitable to the Town for posting a bond or other financial assurance guaranteeing construction of the required improvements. Said performance guarantee shall be in conformance with the provisions of Town Code and Utah State Code.
 - 1. All inspection, testing and/or connection fees required by ordinance shall be paid and permits required shall be obtained prior to the recording of the Final Plat.
- H. Correcting mistakes at Recordation: The Town Engineer may approve minor modifications to approved Final Plats before the Final Plat is recorded if the Engineer finds the proposed modifications are in line with the intent of the approval and do not jeopardize the interest of the Town or adjoining property owners.
 - 1. The types of minor amendments contemplated in this section include legal description mistakes, surveyor errors—such as tie in description mistakes, typos, and items agreed to that should have been included in writing on the Final Plat. Any substantive change requires reapproval.
- I. Recording: Following approval, the Town shall deposit the Final Plat, bearing all official approvals, in the office of the Garfield County Recorder for recording.
 - 1. Only the Town may record Final Plats.
 - 2. The Final Plat must be recorded within one (1) year of approval. If the Final Plat is not recorded within one (1) year of plat approval, the approval expires and the plat must be resubmitted.
 - 3. Upon the recording of the plat, the owner may thereafter proceed to convey title to the lots as described by the plat.
- J. Releases Of Performance Guarantees: All partial and final releases of performance guarantees shall be approved by action of the Town in accordance with the provision of this title, as applicable. The granting of the final release by the Town Council shall constitute the acceptance of the improvements by the Town.
- K. Release Of Durability Retainer: At the conclusion of the durability guarantee period and subject to compliance with the provisions of this title, the Town Council shall authorize the release of the improvements durability from any obligation with respect to the improvements.

10-9-13: DEDICATION, ACCEPTANCE AND MAINTENANCE RESPONSIBILITY:

- A. Definitions.

ACCEPTANCE:	Actions of the Town to take ownership of rights of way dedicated to public use as shown on the subdivision plat or other recordable downward.
DEDICATION:	Action of the Developer to transfer ownership and control of rights of way shown on the subdivision plat or other recordable elements from private to public ownership.
MAINTENANCE RESPONSIBILITY:	The obligation and responsibility of keeping road, street, or improvement in a condition that provides responsible use.

B. Dedication and Acceptance.

1. The Subdivider shall identify public roads, streets, and improvements that are to be transferred to public ownership on the subdivision plat or other recordable document. Dedication shall not occur until widths, alignments, location and design features of the proposed rights of way are approved by the Town.

2. After approval by the Town, the final subdivision plat or recordable document defining roads, streets and public improvement that are dedicated to the public may be accepted by the Town, at the Town's discretion. A legal description of accepted improvements will be filed in the office of the Garfield County Recorder and the Town shall take ownership as of the date of recording.

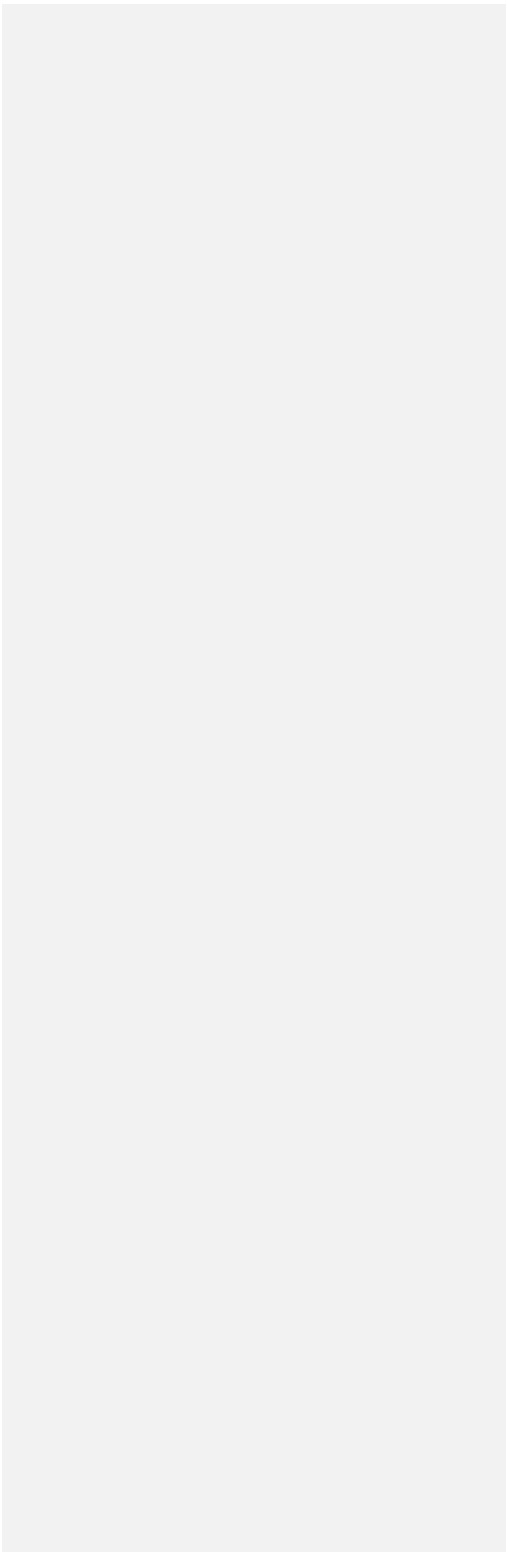
3. The Subdivider shall bring public streets, easements and other public improvements to Hatch Town standards and maintain them in that condition for a period of one year before maintenance as public facility may be requested. Only after inspection shall the Town Council consider the facilities for public maintenance; however, the developer will be required to maintain said improvements until such time as the Town decides to accept maintenance responsibility for streets and other improvements dedicated to Hatch Town.

4. At the time the Town decides to accept maintenance responsibility it will do so only when it finds that the Subdivider has constructed, installed, and maintained the required public improvements to the minimum standards and requirements of the Town at the time the project was approved for completion.

5. Town services will not be provided to the subject area until maintenance responsibility for the public improvements is accepted, and the roads are formally dedicated.

6. In the event the Hatch Town Council does not accept maintenance responsibility of the dedicated public improvements, the Subdivider shall be so advised in writing by the Town Attorney stating the reason for the non-acceptance and necessary corrective actions. If the needed corrections are not made within a reasonable time, as so stated in the notice, the Town may have the improvements completed and paid for out of the security deposits for the subdivision. (Ord. 2021-05, 10-20-2021; amd. Ord. 2021-06, 11-17-2021)

10-9-14: SITE PREPARATION AND BUILDING PERMITS PROHIBITED:



No excavation, grading or other improvement shall take place on any land and no building permits shall be issued within the proposed subdivision until:

- A. The final subdivision plat has been approved;
- B. The subdivision plat has filed at the office of the County Surveyor, or the applicant has elected to construct all improvements at-will;
- C. Applicable deeds have been recorded at the office of the County Recorder; and
- D. All applicable fees have been paid. (Ord. 2021-05, 10-20-2021; amd. Ord. 2021-06, 11-17-2021)

10-9-15: GENERAL STANDARDS:

A. Preservation In Design, Development: The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, trees and vegetation. Land which is subject to hazardous conditions such as landslides, mud flows, rock falls, ground subsidence, shallow water table, open quarries, floods and polluted water supply shall be identified and evaluated by a certified engineer.

B. Control Of Water, Storm Runoff: During grading or construction on any property, including off site construction, the developer shall control both waters used for construction and storm runoff in such a manner as to not affect any adjoining properties, nor add silt or debris to any existing storm drain, wash, channel or roadway. (Ord. 2021-05, 10-20-2021; amd. Ord. 2021-06, 11-17-2021)

10-9-16: LOT STANDARDS:

A. All lots shall conform in dimension and acreage requirements of the zone in which they are located.

B. Lots shall meet the minimum requirements of this chapter and the Local Health Department for wastewater disposal.

C. All lots shall abut a dedicated street, a public street, a street which has become public by right of use or a private street maintained by a maintenance agreement.

D. The travel surface for streets shall be at least twenty-four feet (24') wide. In the event a lot abuts a public right-of-way created by use, the subdividers shall improve the right-of-way to the standards required by this chapter.

E. Corner lots shall have extra width sufficient for maintenance of required building lines and setbacks on both streets.

F. All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than allowed to remain lot remnants.

G. No single lot shall be divided by a Hatch Town or County boundary line.

H. A lot shall not be divided by a road, alley or other lot.

I. No wedge-shaped lot shall be less than thirty feet in width at the front property line. (Ord. 2021-05, 10-20-2021; amd. Ord. 2021-06, 11-17-2021)

10-9-17: DESIGN STANDARDS:

A. Natural Conditions Protected. All subdivisions shall comply with the following standards:

1. The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil and trees.

2. Land subject to hazardous conditions such as slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

B. Street Standards. All Town streets and roads shall be designed and built to the AASHTO Standards. The designing engineer shall certify in writing that this is the case when the preliminary plats are submitted for approval.

1. Stub streets with approved turn-arounds shall be provided where needed to connect to adjacent undeveloped land, and new streets shall be provided where needed to connect to existing stub streets in adjacent subdivisions. Not more than three lots shall front stub streets, except where a temporary cul-de-sac turnaround is provided.

2. Intersections of minor streets with major streets shall be kept to the minimum possible.

3. Streets shall have the following minimum right-of-way widths:

a. Major Collector: One hundred feet (100').

b. Minor Collector: Sixty-six feet (66').

c. Collector Street: Sixty-six feet (66').

d. Major Street: One hundred feet (100').

e. Minor Streets and Frontage Roads: Sixty-six feet (66').

f. Private Street or Road: Private Streets or Road rights-of-way are not under the authority of the Town and shall not be restricted in any manner except that the Town may require a minimum sixty-six feet (66') road right of way for future public needs if it is apparent that more lots may developed in the future that will require a public road to service these lots.

4. Maintenance of private streets is the responsibility of the land owner(s). If the street is to ever become a public street, it shall be brought up to Town Road standards prior to the Town accepting maintenance responsibility.

Commented [DJ1]: Need to address new residential roadway standards Utah Code 10-9a-533

5. If the private property owners that the road serves request that the road become a public road, they shall pay the cost of doing so. If the Town or some other public entity requests that the road become a public road, the costs of bringing the road to Town standards may be negotiated.

6. The Town shall not take a private road right of way against a private property owner's will for public use without due process and fair compensation.

7. All Town roadway travel surface widths shall be consistent with AASHTO Standards for the use and speed to be traveled on said roads as determined by the designing engineer and approved by the Town.

8. Minimum ten-foot (10') shoulders shall be provided where there are no curbs installed.

9. No half-streets are permitted, except if required to complete a half-street already existing and approved by the Planning Commission and the Town Council.

10. Dead-end streets and or street stubs shall have approved temporary turn-arounds and/or shall be built to accommodate future access to adjoining properties.

11. Approved permanent cul-de-sac streets shall serve no more than six lots and extend not more than five hundred feet (500') with the cul-de-sac having a minimum radius of fifty feet (50') or more, and the outside curb or pavement edge radius as required by fire code.

12. No more than four streets shall enter an intersection.

13. Streets shall intersect at ninety (90) degrees.

14. Two streets meeting a street from opposite sides shall meet at the same point, or their center lines shall be offset at least two hundred feet (200').

15. Streets shall have the names of existing streets which are in alignment or which connect directly to the end of a street. There shall be no duplication of street names within the area. All street names shall be approved by the Planning Commission. Permanent signs shall be installed by the developer at his expense at the time of installation of other off-site public improvements.

16. Curvature and Alignment:

a. All horizontal curves shall comply with AASHTO Standards for desired speeds.

b. All vertical curves shall comply with AASHTO Standards for desired speeds.

c. Where a subdivision abuts a highway, frontage roads may be required for the safety of the public.

17. Roadbed Construction: Minimum roadbed grading and paving for Town streets and roads shall be according to AASHTO Standards.

18. Road Grades: All road and street grades shall be designed in compliance with AASHTO Standards.

19. Block Standards: Block lengths shall provide for safe, convenient access and circulation for the general public and emergency vehicles as per fire code.

C. Easement Standards.

1. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of fifteen feet (15') apportioned equally in abutting properties except where the gradient or terrain may require additional space for working or maintenance of the easement.

2. Where front-line easements are required, a minimum of fifteen feet (15') shall be allocated as a utility easement. Perimeter easements shall not be less than fifteen feet (15') in width, extending throughout the peripheral area of the development, if required by the Hatch Town Planning Commission.

3. All easements shall be designed so as to provide efficient installation of utilities, design features or street planning.

4. The Hatch Town Planning Commission may require the exterior perimeter of any subdivision to be fenced if the need is apparent to protect the health, safety, and welfare of the residents or others.

D. Alleys. The Planning Commission may approve service access to the interior of blocks in certain instances, in which case alleys shall be indicated on the plan and plat.

E. Culinary Water System Standards.

1. Culinary water systems shall meet the requirements of the local health department and the State of Utah.

2. Prior to final subdivision approval, the proposed culinary water system plans and specifications (improvement drawings), including water quantity and quality, shall be approved by the local health department or the DEQ, as applicable.

3. Hauling water to a proposed subdivision to meet the water and fire protection requirements of this chapter is prohibited and shall not be accepted by Hatch Town as a method of providing any subdivision with water and fire protection services.

4. The Subdivider shall provide a piped, public or private culinary water supply to the property line of every lot in any full subdivision in Hatch Town.

5. Said system shall be designed and built to safe drinking water standards as evidenced by written approval from the State of Utah.

6. The culinary water system and plans shall also be approved by the local health department, DEQ, Fire Marshall and County Building Official before approval is issued.

F. Wastewater System Standards.

1. The local health department and/or DEQ shall review and approve the proposed wastewater treatment method and submit its approval in writing with the application for preliminary plat approval. It shall be the responsibility of the applicant to provide information and materials as required by the local health department or DEQ, as applicable, necessary to evaluate the proposed sewage treatment method.

2. For all proposed subdivisions, or subdivision phases, where onsite wastewater disposal systems are proposed, the preliminary subdivision application shall include written approval from the health department for each lot proposed.

3. When individual on-site wastewater systems are proposed, the lot owner shall install such facilities at the time the principal building is constructed, and no building permit shall be issued until such installation is assured and approved by the Building Official.

4. In all other cases, wastewater disposal facilities shall be provided for every lot or parcel that is to be used for residential or commercial building.

5. Written approval from the local health department or DEQ shall be required for all forms of wastewater disposal.

G. Flood Plain Standards.

1. All subdivisions and buildings within a flood plain shall be the responsibility of the Subdivider and not the Town of Hatch.

2. No subdivision in Hatch Town shall be allowed in a flood plain unless each lot is situated where there is sufficient area for the location of a dwelling entirely outside the flood plain, and where all setback requirements of the zone in which the subdivision is located, can be met.

3. Flood plains shall be determined according to the latest FEMA flood maps.

H. Storm Drainage Standards.

1. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the state of Utah and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be identified. If the Final Plat is to be presented in phases, a general drainage plan for the entire area shall be presented with the first phase, and appropriate development stages for the drainage system for each phase indicated.

2. All proposed surface drainage structures shall be indicated on the plans.

3. All appropriate designs, details, and dimensions needed to explain clearly proposed construction materials and elevations shall be included in the drainage plans.

4. The Subdivider shall be responsible for the results and performance of the drainage system.

I. Fire Protection.

1. All subdivisions shall have a fire protection plan prepared by qualified individuals and approved by the State, County, or Community Fire Officials as the case may be prior to approval of any subdivision or development within Hatch Town.

2. The fire protection plan shall apply to all lands that are to be developed as well as any properties adjacent to and that might otherwise be impacted by the possibility of fire.

3. The following shall be a minimum to be included in the plans:

a. Fire flow needs to protect all properties to be located in the development to a minimum fire protection rating.

b. Source, availability, amount, and delivery of water necessary to meet fire flow requirements.

c. Responsibility, training, and availability of personnel for maintenance and operation of required firefighting infrastructure and equipment.

d. Written approval of the fire protection plan of all related Fire Officials.

4. The Fire Protection Plan shall be submitted with the preliminary plat application and be considered as an integral part of the subdivision plat approval process.

5. In the case of remote cabin sites, a minimum of one thousand (1,000) gallons of water storage shall be required for fire protection for each dwelling during and following construction. It shall be the responsibility of the respective property owners to ensure that this provision is met.

6. Hatch Town shall not be liable for any action taken by the Subdivider as a result of this chapter. (Ord. 2021-05, 10-20-2021; amd. Ord. 2021-06, 11-17-2021)

10-9-18: FINANCIAL RESPONSIBILITY:

A. Guarantee. To ensure that improvements are installed as required by this Ordinance, and before Final Plat approval by the Hatch Town Council, the Subdivider shall guarantee the installation thereof by one or a combination of one or more of the methods specified as follows:

B. Performance Bonds. The Subdivider shall furnish and file with the Town Clerk, a corporate surety bond, to assure that the actual construction of such improvements is completed within a period of two years immediately following the approval of the Final Plat and subdivision by the Town Council, which bond shall be approved by the Town Council and the Town Attorney.

C. Escrow Deposit. The Subdivider shall deposit in escrow with an escrow holder approved by the Town Council an amount of money, under an interest-bearing escrow agreement conditioned upon the installation of said improvements within two years from the approval of the Final Plat and subdivision. The escrow agreement aforesaid shall be approved by the Town Council and the Town Attorney and shall be filed with the Garfield County Recorder. (Ord. 2021-05, 10-20-2021; amd. Ord. 2021-06, 11-17-2021)

10-9-19: COMPLIANCE WITH FINAL PLAT:

Every approved subdivision shall be constructed, developed or otherwise completed according to the provisions of this chapter, in conformance to the approved final plat and supplementary documents pertaining to such subdivision. It shall be the responsibility of the subdivider to ensure that such provisions are correctly constructed, installed or otherwise completed. Failure to

comply with this provision shall constitute grounds for immediate termination of all work activity associated with such subdivision. Before resumption of work activity, the subdivider shall agree, in writing, to reconstruct, at their cost, those items not in conformance with the provisions of the title before the release of the security guaranteeing improvements. (Ord. 2021-05, 10-20-2021; amd. Ord. 2021-06, 11-17-2021)

10-9-20: PENALTIES:

Any plat of a subdivision filed or recorded without the approvals required by this chapter shall be null and void. Any owner or agent of the owner of any land located in a "subdivision", as defined in this chapter, who offers for sale or who transfers or sells any land in that subdivision or any possessory interest therein before a final plat of the subdivision has been approved and recorded as required in this chapter, shall be guilty of a Class C Misdemeanor and subject to penalty as provided in 10-9-1 through 10-9-7 of this chapter. A description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation or from the penalties or remedies provided in this chapter. (Ord. 2021-05, 10-20-2021; amd. Ord. 2021-06, 11-17-2021)

10-9-21: FEES:

The Subdivider shall be required to pay all application and subdivision related fees as determined by the Hatch Town Fee Resolution. In addition, the subdivider shall reimburse Hatch Town for any attorney and engineer costs related to the subdivision platting, recording and inspection of subdivision improvements. The application fee shall not be refundable, whether the subdivision proposal is approved or denied. (Ord. 2021-05, 10-20-2021; amd. Ord. 2021-06, 11-17-2021)

Severability Clause: Should any part or provision of this ORDINANCE be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ORDINANCE as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Effective Date: This Ordinance shall be in full force and take effect on October 16, 2024

Repealer Clause: All Hatch Town ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND APPROVED this 16th day of October, 2024.

Attest:

Kerry Barney, Mayor

Jacie Torgersen, Town Clerk

Town Council Member Duane Barnhurst	Yea <u>x</u>	Nay <u> </u>	Absent <u> </u>
Town Council Member Janell Barney	Yea <u>x</u>	Nay <u> </u>	Absent <u> </u>
Town Council Member Jon Spendlove	Yea <u> </u>	Nay <u> </u>	Absent <u>x</u>
Town Council Member Kurt Sawyer	Yea <u>x</u>	Nay <u> </u>	Absent <u> </u>
Mayor Kerry Barney	Yea <u>x</u>	Nay <u> </u>	Absent <u> </u>

RECORDED this 24th day of October, 2024.

PUBLISHED OR POSTED this 24th day of October, 2024.

