ORDINANCE NO. 499

AN ORDINANCE ADOPTING CHANGES TO SECTION SIX OF THE CARBON COUNTY DEVELOPMENT CODE

WHEREAS, Carbon County desires to amend Section Six of the Carbon County Development Code, for the purpose of granting the Carbon County Planning Commission the right to approve subdivisions; and

WHEREAS, Carbon County finds that granting the Planning Commission the right to approve all subdivision will enhance the efficiency of the subdivision approval process and will enable decisions to be made more quickly; and

NOW THEREFORE, THE CARBON COUNTY BOARD OF COMMISSIONERS DOES HEREBY RESOLVE AND ORDAIN AS FOLLOWS:

A. Section Six of the Carbon County Development Code is hereby amended to read as set forth in **Exhibit "A"** to this Ordinance.

B. Effective Date. This ordinance shall become effective July 3, 2018 or as soon thereafter as the Carbon County Clerk has met the publication requirements of U.C.A. §17-53-208(3).

ORDAINED, DECREED, and APPROVED this _____day of July, 2018.

CARBON COUNTY BOARD OF COMMISSIONERS

Chairman

Voting:
Commissioner Potter voted ✓ yea ____ nay
Commissioner Hopes voted ✓ yea ____ nay
Commissioner Mellor voted ✓ yea ____ nay

Published in the ~~Sun-Advocate~~ ETV 10 on the 29 day of August, 2018.

ATTEST:

Carbon County Clerk/Auditor

Deputy County Clerk

STATE OF UTAH County Clerk COUNTY OF CARBON

SECTION 6

SUBDIVISIONS

6.1 INTENT

The intent of this chapter is as follows:

A. To facilitate the orderly development of the County.
B. To implement the County's Master Plan.
C. To facilitate the development of a safe and efficient street system, through the Master Road Plan.
D. To facilitate the orderly transfer of the ownership of building sites in a manner consistent with State Law.
E. To provide adequate water, sewer, drainage, utilities, and other services to developing areas of the County.
F. To establish the rights, duties, and responsibilities of developers with respect to the development of land within the County.

6.2 SUBDIVISION PLANS AND PLATS REQUIRED – EXCEPTIONS

6.2.1 Subdivision Plats Required – To Be Recorded

No person shall subdivide any tract of land within the unincorporated portion of the County; nor shall any person sell, exchange, purchase, or otherwise convey, or make an agreement to sell, exchange, purchase, or otherwise convey, a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a subdivision as defined by this Code and State statutes, unless and until a final plat, prepared in accordance with the provisions of this Code, shall have been first approved by the Planning Commission, and recorded in the Office of the County Recorder.

6.2.2 Exemption from Plat Requirement – Agricultural Land

Any owner or agent of any owner of property who seeks to partition land without recording a plat by virtue of an exemption for agricultural land, shall first apply for an agricultural waiver on forms furnished by the County Zoning Administrator. The Zoning Administrator shall approve said waiver upon satisfactory completion of the application form by the applicant, and documentation from the County Assessor that the lands qualify and comply with Utah Code 59-2-502. (2009). Any parcel(s) so created shall comply with the minimum size requirement of this code. This waiver shall preclude the residential or other nonagricultural use of the land until the recording of a properly approved subdivision plat.

The waiver shall be recorded at the property owner's expense in the Office of the County Recorder. The Zoning Administrator shall inform the Planning Commission of all approved agricultural waivers.

Any sale or other transfer of land into two or more parcels without the owner or agent of the owner first having obtained a waiver from the Zoning Administrator, or having recorded an approved subdivision plat, shall be considered prima facie evidence of the illegal subdivision of land and a violation of this Code, and any parcel so created shall not qualify as a zoning lot as defined by this Code, nor shall a building permit be issued for any structure on said parcel until such time as either a bona fide waiver or subdivision plat is recorded for said land.

6.2.3 Agricultural Land Waiver

One new lot may be created from an original 100 or more contiguous acres of agricultural land by the owner of such lands by submitting to the Zoning Administrator for recording in the Office of the County Recorder:

A. A recordable deed containing the legal description of the Minor Subdivision lot: and
B. A notice indicating that the owner of the land to be divided is making a minor subdivision by referring to Utah Code 17-27a-605 (2016), and containing the legal description of the land to be divided and the Minor Subdivision lot.
C. Such lot may not be less than one acre and may not be within 1,000 feet of another Minor Subdivision.
D. Said lot is not subject to this code.

Land to be divided by a Minor Subdivision may not include divided land.

6.3 PROCEDURE FOR APPROVAL OF A SUBDIVISION (1) WITH PUBLIC IMPROVEMENTS INSTALLED BY THE DEVELOPER, (2) WITH PHASED DEVELOPMENT, OR (3) EXCEEDING NINE LOTS

6.3.1 Pre-Submission Conference

Any person wishing to subdivide land within the County shall secure from the Zoning Administrator information pertaining to the requirements for subdivisions and the County's plan of streets, parks, drainage, open space, access, zoning and other Master Plan requirements affecting the land to be subdivided.

6.3.2 Prepare Concept Plan

The developer shall then prepare a concept plan and shall submit (2) copies of the same to the Zoning Administrator, along with payment of zoning fees, not less than fourteen (14) days prior to the next regularly scheduled Planning Commission meeting. Said plan shall be prepared in accordance with County standards.

Where a developer owns or controls more land than he proposes to submit for preliminary approval, the Planning Commission may require that a concept plan for the larger area be submitted. Said plan shall indicate the portion proposed to be submitted initially for preliminary approval and the portion to be held for future submission.

Said plan shall contain at a scale of not less than one inch equals fifty (50) feet:

A. Property boundary
B. Adjacent property owners
C. Natural water courses
D. Location(s) of all existing utilities
E. Proposed lots and their approximate dimensions
F. Proposed surface drainage
G. Other information required by staff or other public agencies

The Zoning Administrator may require that the concept plan be prepared by a Utah Licensed Professional Land Surveyor, (P.L.S.).

6.3.3 When Zone Change is Requested with Concept

Whenever the subdivision concept requires that a change of zoning district be approved by the County, a request to change the zone shall accompany the concept approval application.

Said zone change application shall include payment of administrative fees and all costs of public notice shall be borne by the applicant. The request to change the zone map shall be heard in tandem with the subdivision concept approval.

6.3.4 Obtain Planning Commission Approval of Concept Plan

Upon receipt of the concept plan, the Planning Commission or staff shall set the time and place for a public hearing at which time public input shall be taken, and the Planning Commission shall consider the plat and other documents and facts.

The Planning Commission shall review the concept plan and shall act to: (a) approve the plan, (b) disapprove the plan, (c) approve the plan subject to modifications, or (d) where considered necessary or desirable, act to table further consideration of the plan.

Approval of the concept plan shall not be construed to constitute approval of the subdivision but shall be deemed as an expression of acceptance of the basic concept and feasibility of the proposed subdivision which the developer may use as a guide in the preparation of the preliminary plan.

6.3.5 Prepare Preliminary Plan and Improvement Drawings

Upon approval of the concept plan by the Planning Commission, the developer shall submit not less than two (2) copies of a preliminary plan of the subdivision prepared by a Utah licensed P.L.S. along with payment of zoning fees, to the Zoning Administrator not less than fourteen (14) days prior to the next regularly scheduled Planning Commission meeting.

Said plan shall contain:

A. The name of the proposed subdivision.
B. The location of the subdivision as part of a larger tract where the plan submitted covers only part of the developer's tract.
C. The surveyor's name and license number.
D. The owners of all land immediately adjoining the land to be subdivided.
E. A contour map at five (5) foot intervals when required by the Zoning Administrator or Planning Commission.
F. Identification of elevations and/or flood plains.
G. The boundary lines of the tract and all existing or platted streets, roads, streams, waterways, utility lines, existing buildings, and other important features.
H. The location, width, and other dimensions of proposed roads, streets, easements, parks, common drives, privately owned access ways, open space, trails, common facilities, and other improvements and dedications.
I. A drainage plan of all areas of the proposed development including vacant or open space, proposed building sites, existing or proposed ditches, canals, curbs, storm drains, retention ponds, and other drainage facilities; the County Engineer will review the drainage plan for approval.
J. North point, scale, date of drawing.
K. Engineering calculations, drawings, typical cross sections, plans, schematics, or written statements regarding the plans.
L. The proposed location of all utility improvements to be installed by the developer, such as water lines, sewer lines, gas lines, electrical power lines, cable TV lines, telephone lines, storm drains, secondary water, etc.

All plan documents and other data shall be prepared in accordance with County standards. Failure to submit all required material prepared in accordance with said standards shall be grounds for denial.

6.3.6 Obtain Planning Commission Approval of Preliminary Plan

The Planning Commission shall review the preliminary plan and shall act to: (a) approve the plan, (b) disapprove the plan, (c) approve the plan subject to modification, or (d) where considered by the Planning Commission to be necessary or desirable, act to table further consideration of the plan.

Approval or denial of the plan shall be based upon compliance with the Master Plan, the Development Code, and with the standards and conditions of approval. The action of the Planning Commission shall be written on the face of two copies of the plan, one of which shall be retained in the files of the Zoning Administrator, and one of which shall be returned to the developer. If the plan is disapproved, the Planning Commission shall express in writing its reasons to the developer.

Upon approval of the preliminary plan, the Planning Commission shall be committed to grant final approval of the final plat, subject to full compliance with any conditions attached, unless, in the opinion of the Planning Commission, preliminary approval was given based on inaccurate or incomplete representations or that changes have occurred in conditions relating to the property, not known or present at the time concept approval was given, which would result in a significant detrimental effect to the public if the project was carried out as initially approved.

Approval of the preliminary plan shall remain valid for a period of one year. Said approval may be extended or reaffirmed by the Planning Commission, for a period not to exceed one year, upon receipt of a written request from the developer prior to expiration of first year.

6.3.7 Prepare and Submit Final Plat, Engineering Drawings, and Documents

Upon approval of the preliminary plan by the Planning Commission, the developer shall prepare the final plat, engineering drawings and documents and shall submit at least two (2) copies of the same, along with payment of zoning fees, to the Zoning Administrator no less than fourteen (14) days prior to the next regularly scheduled Planning Commission meeting.

Said plats, drawings, and documents shall include:

A. The original Mylar and one (1) print of the final plat.
B. Engineering drawings.
C. Documents indicating compliance with the water and sewage disposal requirements for each lot.
D. An itemized estimate of the cost of constructing all required improvements, prepared by the developer or his agent, or contractor, who has been approved by the County Engineer. This estimate shall be used as the basis for settling the amount of the performance guarantee.
E. A title report, covering the property within the final plat area, to identify all interests in the property which may have an effect on the title, and to establish that the land proposed for subdivision is free of boundary conflicts. The purpose of this requirement shall be to ensure that purchasers of plots will have a clear and marketable title.
F. Evidence of a satisfactory storm drainage plan.
G. Final copies of all other required documentation, when applicable.
H. Evidence of payment of final zoning, recording, and any other fees.

The required copies of the final plans, plats, and documents shall be prepared in accordance with County standards, (see Section 5). Failure to submit the final material in accordance with said standards shall be grounds for denial of further action by the County.

6.3.8 Planning Commission Takes Action on Final Plat

The Planning Commission shall review the final plat, final engineering drawings, and other required submissions, and shall act to: (a) approve the plan, (b) disapprove the plan, (c) approve the plan subject to modifications or (d) where considered necessary or proper by the Planning Commission shall state its reasons therefore to the developer.

Upon approval by the Planning Commission, the Chairperson of the Planning Commission shall sign the approved plat and the proposed dedications shall be accepted.

6 3.9 Developer Posts Financial Guarantee ~~for subdivision with more than 3 lots~~

Upon approval by the Planning Commission, the developer shall deliver:

A. A bond or other acceptable financial guarantee to ensure installation of improvements, in compliance with Section 7.
B. An executed Development Agreement on a form provided by the County.
C. Payment of any outstanding zoning fees.
D. Final engineering plans, specifications and documents.

6.3.9 Final Plat Recorded in Office of County Recorder

Upon receipt of the executed final plat and the receipt of all outstanding submissions and fees, the Zoning Administrator shall, within seven (7) days thereafter, submit or cause to be submitted, said plat for recording in the Office of the County Recorder. Recording fees shall be paid by the developer.

6.4 PROCEDURE FOR APPROVAL OF A SUBDIVISION WITHOUT PUBLIC IMPROVEMENTS. ALL NECESSARY IMPROVEMENTS EXISTING, TO NINE (9) LOTS

6.4.1 Pre-Submission Conference

It shall be the responsibility of any person, firm, or corporation wishing to subdivide land within the County to secure from the Zoning Administrator information pertaining to the current zoning of the land to be developed along with requirements for subdivisions and the County's plan for roads, streets, parks, drainage, zoning and other Master Plan requirements affecting the land to be developed. The developer shall demonstrate to the satisfaction of the County Engineer that buildings and structures can be constructed on the proposed lot(s) without the necessity of constructing storm drainage facilities for the proposed development. The developer or subdivider shall also familiarize themselves with the Development Code and the procedures of the Planning Commission, and County staff.

6.4.2 Subdivisions Containing One to Nine Lots

Upon receipt of a report from the County Engineer that buildings and structures can be constructed on the proposed lot(s) without the necessity of constructing storm drainage facilities, and a subdivision plat and documentation for a subdivision containing three or less lots where no public improvements are required to be installed by the developer, the Zoning Administrator shall schedule it for approval at the next regular meeting of the Planning Commission. The Planning Commission shall review the plat and documentation for compliance with the Development Code, and consistency with the plans and programs of the County and their respective responsibilities therein. The Planning Commission will also consider recommendations from staff or others for correcting deficiencies, and shall take one of the following actions:

A. Approve: The subdivision is in full compliance with County standards and consistent with plans and programs of the County.

B. Disapprove: The subdivision is not in compliance with County standards and/or is inconsistent with plans and programs of the County.
C. Table the application at the request of the applicant.

Any action to approve by the Planning Commission shall require a majority vote of the Commissioners present. If a developer is aggrieved by a determination of the Planning Commission, he may request a hearing on the decision before the Administrative Hearing Officer, which appeal shall be filed with the Zoning Administrator within thirty (30) days of the determination by the Planning Commission.

6.4.3 Zoning Administrator and Engineer Review

Following approval by the Planning Commission, the Zoning Administrator and County Engineer shall review the final plat and other documentation for compliance with County standards and requirements.

6.4.4 Subdivision Recorded

Following approval by the Planning Commission, Zoning Administrator, and County Engineer, and upon payment of any outstanding zoning fees, the Zoning Administrator shall within seven (7) days thereafter submit said plat for recording in the Office of the County Recorder. No lots shall be recorded or sold by metes and bounds description. Recording fees shall be paid by the developer.

6.5 SUBDIVISION OF EXISTING LOTS OF RECORD WITH MORE THAN ONE DWELLING

In order to reduce the burden on tax assessment and collection and to relieve certain property owners of the uncertainty of the ownership status of their properties, the following regulations apply to existing lots of record as of December 28, 1981:

6.5.1 Regulations

A. The division shall result in not more than 2 lots.
B. The building setbacks for existing buildings and structures shall meet the requirements of the building code.
C. All drainage from each lot shall be controlled as approved by the County Engineer.
D. No future buildings shall be constructed which violate the provisions of this code.

6.5.2 Approval Procedure

The subdivision shall be approved by the Planning Commission as a subdivision without public improvements and recorded in the office of the County recorder.

6.6 DESIGN AND DOCUMENTATION REQUIREMENTS

The layout and design of all subdivision developments and the form and content of all plats, engineering plans, documentation, and other required submissions shall be prepared in accordance with minimum County standards and specifications as provided for under Section 6.8.1.

6.7 WATER RIGHTS REQUIREMENTS

Satisfactory evidence of an entitlement to a permanent, ongoing right to the use of approved culinary water supplies, from a reliable water supply agency, approved spring or well, for each lot in a proposed subdivision, shall be submitted with each application for final approval of a subdivision, as follows:

6.7.1 Subdivisions Utilizing a Central Water Supply and Distribution System

A. Written approval to connect to a recognized public water supply entity such as The Price River Water Improvement District (PRWID), or a private water company, which in the opinion of the County is capable of providing reliable ongoing supplies of approved culinary water in an amount not less than twelve thousand one hundred sixty-seven (12,167) gallons per month for each proposed dwelling unit within the subdivision. Said approval shall state that all of the requirements of said agency have been met necessary to secure the status of a permanent user. Culinary and firewater adequacy shall be determined by the County, and
B. Either of the following, as applicable:
   1. Written approval from an existing recognized culinary water purveyor (water company, special district, etc.) granting permission to receive culinary and fire protection water service through their lines, or
   2. Documentation establishing a new water company along with satisfactory proof that the supply facilities and lines have been approved by the Utah Department of Environmental Quality and have adequate pressure, storage, and capacity to meet both culinary and fire protection needs of the project, as determined by the County.

6.7.2 Subdivisions Utilizing a Private Cistern Type Water System

A. Written approval from a recognized water supply entity in the vicinity such as PRWID, Price City, a private water company, a homeowners association which operates a private water company, or the like, which, in the opinion of the County, is capable of providing a reliable and ongoing supply of culinary water in an amount of not less than twelve thousand one hundred sixty seven (12,167) gallons per month for each proposed dwelling unit within the subdivision. Said approval shall indicate that the petitioner has satisfied all requirements of said agency necessary to secure the status of a permanent user. Surplus water purchase arrangements will not be considered as satisfying this requirement.
B. As a guarantee that a satisfactory supply of water will be available for each dwelling when and if a central water system is extended to serve said lot(s), the subdivider shall also submit evidence of an irrevocable commitment of title to water rights, for each lot within the subdivision, in an amount and of placement of said rights in a trust or similar third party, under an agreement that ownership of said rights will pass to the water supply entity at the time that culinary water is delivered to the dwelling. The right of use of all water which is represented by rights placed in trust pursuant to this section shall be retained by the lot owner.

6.7.3 Individual Well or Spring Systems

Approval from the Utah Division of Water Rights, authorizing the use of water from the proposed source for domestic purposes; also written evidence to the effect that the water from the well or spring conforms to minimum quality standards for culinary water, as determined by the Building or Plumbing Official.

6.8 IMPROVEMENTS-WHEN REQUIRED

Improvements shall be existing or installed in all subdivisions. Said improvements to be installed shall meet minimum County standards and specifications and shall be completed within one (1) year from the date of recording of the final plat, for subdivisions without existing improvements. The Planning Commission may, upon a showing of good and sufficient cause, grant an extension of the time limit not to exceed six (6) months.

Off-site improvements may be required for all improvements, including, but not limited to roads, utilities, storm drains, and other improvements deemed related to, and proportionate to the expected impact from the development.

Financial assurances in the form of a letter of credit, bond, or other instrument guaranteeing the construction of all required improvements shall be required as a condition of approval. Said assurances shall be in accordance with the provisions in Section 7.

6.8.1 Streets, Roads, and Travel ways

All dedicated roads, streets, private drives, travel ways, or other required access ways shall either be in place, inspected, and approved, or shall be constructed or improved in conformance with the applicable financial guarantees and construction standards as currently adopted by the and this Code.

6.8.2 Culinary Water

A. In zones which require connection to a central water system:
   1. Both "offsite" and "onsite" water mains sized per engineered design, as approved by the County, or as required by the serving entity shall be installed in such a way that each lot may be served there from.

   2. Water service laterals shall be installed from the main line to at least six (6) feet inside the lot line. Said lateral shall include the installation of a meter box and meter setter.

   3. The water flowing to said system shall be from a source and through lines which are sufficient in size to provide a volume of flow and level of pressure adequate for culinary use in accordance with State rules and County standards. In the absence of a specific standard, general engineering practices shall prevail.

B. In zones which allow utilization of individual cistern type systems:
   The construction of the cistern shall be in accordance with Health Department rules and regulations. Completion, inspection, and approval by the Health Department shall be required as a condition of evidence of compliance with Health Department requirements.

6.8.3 Fire Water

1. The minimum pressure standard for fire flow shall be twenty (20) psi under static pressure.

2. The minimum fire flow standards for new residential subdivisions, condominium projects, planned unit developments, factory built housing parks, recreational vehicle courts, commercial and industrial developments within the Price River Water Improvement District boundaries, or served by other purveyors, shall be a minimum of five hundred (500) gallons per minute, with a reduction allowed for the development after consultation with the local fire chief having jurisdiction.

3. A reduction to two hundred fifty (250) gallons per minute shall be allowed if all new dwellings constructed in the development are equipped with an automatic fire sprinkling system.

4. The minimum fire flow standard for new developments in the M&G, RFM, WS, HMZ and MR zones, such as planned mountain home developments, mountain recreation developments, dude ranches, lodging houses, bed & breakfasts, guest cabins, commercial and industrial developments, shall be a minimum of two hundred fifty (250) gallons per minute. There shall be no requirement for individual cabins, dwellings, or accessory structures on existing lots of record or on 40-acre lots.

5. All required fire flow quantities may be reduced or eliminated by the Planning Commission following a recommendation of the Fire Chief and County Planning Staff during the process of the approval for that particular project or class of projects.

6.8.4 Fire Hydrants

All subdivisions for which a central water system is required shall have fire hydrants installed every 1000 lineal feet measured along the street or road in the subdivision or Planned Mountain Home Development. No lot shall be located farther than 500 feet from a fire hydrant. For dwellings served by a private drive, a hydrant shall be installed within 500 feet of each dwelling.

6.8.5 Sewers

A. In zones which require connection to a central sewer system:
   1. Both "offsite" and "onsite" sewer mains sized per engineered design, as approved by the County, or as required by the serving entity shall be installed in such a way that each lot may be served there from.
   2. Sewer service laterals shall be installed from the main to at least six (6) feet inside the lot line.
   3. When located within boundaries of the Price River Water Improvement District or the Scofield Reservoir Special Service District, sewer main improvement requirements will be considered satisfied upon written notice of approval of the system from the district.
B. In zones which allow utilization of individual waste water disposal systems:
   The construction of the individual wastewater disposal system (septic) shall be in accordance with Health Department rules and regulations. Completion, inspection, and approval by the Health Department shall be required as a condition of occupancy of the building. No permit for the construction of a building shall be granted without evidence of compliance with Health Department requirements.

6.8.6 Curb, Gutter, and Sidewalks

Curb, gutter and sidewalks shall be installed for all subdivisions located within an R-1-8,000, R-2-8,000, R-4-8,000, and the R-1-12,000 zones. Said improvements shall be constructed in accordance with County standards.

6.8.7 Permanent Survey Monuments

Survey monuments in an amount sufficient to re-survey each lot in the subdivision but not less than one (1) permanent survey monument shall be installed to current County standards in each subdivision. The location of the monuments shall be shown on the final plat. Also, all corners on the subdivision and all lot corners in the subdivision shall be permanently marked.

6.8.8 Electrical Power

Electric power shall be provided to each lot within new subdivisions. All lines and appurtenant facilities shall be located underground, except when the developer can show that the placement underground is not physically feasible. All facilities shall conform to current minimum County standards.

Exception: Where it can be demonstrated that adequate electrical power from a continuous, reliable alternate source other than a commercial supply, i.e. solar, photovoltaic, wind, private generators, and other sources, these sources shall be considered, and may be approved as meeting the requirement for electrical power.

6.8.9 Telephone Service

Telephone lines shall be provided to each lot within new subdivisions. All lines and appurtenant facilities shall be located underground, except when the developer can show that the placement underground is not physically feasible. All facilities shall conform to current minimum County standards.

6.8.10 Street Signs

Street signs shall be installed at all locations indicated on the preliminary plan. The location and design of said signs shall conform to current minimum County standards.

6.8.11 Storm Drains and Facilities

Catch basins, piping, and other facilities for the disposal of storm water shall be installed in all new subdivisions, unless it can be demonstrated to the satisfaction of the County Engineer that buildings, roads, streets, curbs, utilities, and other facilities can be constructed without the necessity of constructing such facilities. The location, size and design of said facilities shall be in accordance with the County's current storm water disposal plans and standards, or as directed by the County Engineer.

6.8.12 Streetlights

The responsibility for providing streetlights within subdivisions lies with the developer of the subdivision, not the County. If a subdivision plan does not provide for streetlights, it shall be so agreed in the Development Agreement for the subdivision. If streetlights are desired by the future property owners, the cost of installing, maintenance, power, and other costs will be the responsibility of the property owners, and not the County. Street lighting shall not trespass or cause a nuisance to adjacent property owners.

6.9 GENERAL REQUIREMENTS

6.9.1 Standards and Specifications

The Planning Commission shall prepare and recommend standards and specifications for the content of subdivision plans and for the layout, design and construction of subdivisions and required improvements. Said standards and specifications shall be adopted by resolution of the County Commission. All such requirements shall be considered the minimum standards which must be met and shall apply to all subdivisions.

6.9.2 Partial Road and Street Widths Prohibited

All roads and streets in a subdivision shall conform to the current minimum standards, or the approved design for width and improvement.

6.9.3 Amended Plats

No change shall be made in a plat, nor shall a deed be recorded which would change a plat which has received final approval and has been recorded, unless and until approval for said change complies with State statutes for lot line adjustments, or unless approval has been given by the Planning Commission. Any change in a subdivision plat shall be in compliance with the Utah Code, and this Code.

6.9.4 Work To Be Done By Professional Land Surveyor and Professional Engineer

All land surveying shall be done by, or under direction of, a Utah licensed Professional Land Surveyor. All required engineering shall be performed by, or under the direction of, a Professional Engineer. Some systems may be designed by an architect, surveyor, engineer, or contractor, or other design professional acceptable to the County.

6.9.5 Drawings of Record Required

Final as-built plans showing the location, size, grade and depth of all water and sewer mains, valves manholes, storm drains, electrical power, gas, cable TV, telephone, and other subsurface utility and service lines and facilities shall be required prior to the release of performance guarantees.

6.9.6 Definition of a Variance

To engage in an act different to a usual role based on undue hardship, practical difficulties, or geographical features peculiar to a particular development, in conformance with the spirit of this Code.

Variances to the strict application of the standards and specifications adopted pursuant to Section 6.8.1 may be authorized by the Administrative Hearing Officer. Such variances may be granted only upon a finding that, because of topographic or other unique physical condition, the standard appealed from may be granted a variance without any adverse effect on the health, safety, or welfare, of the present and future residents of the subdivision.

6.10 ENFORCEMENT

The Zoning Administrator or Building Official shall not grant any permit or license for the construction or use of any building or land within a subdivision unless and until said subdivision has been approved and recorded in accordance with the requirements of this Code, and the land, parcel or lot is in compliance with all County Ordinances regulating land use.

No excavation, installation of utilities, roadway or street construction, or other construction shall be authorized before and until the financial guarantee has been submitted to and accepted by the County and the subdivision plat has been recorded.

Whoever, being the owner or agent of the owner of any land located in a subdivision within the County, transfers or sells such land without having received approval in accordance with the provisions of this Code, shall be guilty of an infraction for each lot so transferred or sold and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties.

The County may, in addition to other remedies provided by law, institute injunctions mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alteration, maintenance or use.