

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE WASHINGTON COUNTY SUBDIVISION  
ORDINANCES

RECITALS AND LEGISLATIVE FINDINGS

WHEREAS, under Utah Code Annotated (1953, as amended) § 17-27a-503, the county may amend any regulation within a zoning district or any provision of a land use ordinance; and

WHEREAS, under Utah Code Annotated (1953, as amended) § 17-27a-601, the county may enact a subdivision ordinance or may regulate subdivisions as provided under § 17-27a of the Utah Code; and

WHEREAS, this proposed ordinance amendment clarifies and simplifies the subdivision procedure; and

WHEREAS, this proposed ordinance amendment modifies the frontage requirements in subdivisions of parcels of about an acre; and

WHEREAS, this proposed ordinance amendment changes the requirements for street improvements such as curb, gutter, and sidewalk by clarifying which subdivisions will require such improvements; and

WHEREAS, this proposed ordinance amendment allows for alternative sources of power and cellular service to be used as power and phone service in new subdivisions; and

WHEREAS, the Washington County Planning Commission considered this ordinance amendment on December 8, 2015, and unanimously recommended its approval; and

WHEREAS, these legislative findings adopt and incorporate the findings of the Planning Commission regarding this ordinance; and

WHEREAS, the best interests of the county and its citizens are served by enacting this proposed ordinance.

NOW, THEREFORE, the County Legislative Body of Washington County ordains as follows:

**Amendment to Washington County Code Title 10, Chapter 8, Residential Zones** (Stricken language is removed. Underlined language is added.)

**ARTICLE A. FR FOREST RESIDENTIAL ZONE**  
**10-8A-5: AREA, WIDTH AND YARD REGULATIONS:**

District	Area	Width	Front	Side	Rear
FR-13.5	13,500 sq. ft.	80'	25'	10 & 10'	10'
FR-0.5	1/2 acre	80'	25'	10 & 10'	10'
FR-1	1 acre	<del>100'</del> 150'	25'	10 & 10'	10'
FR-5	5 acres	300'	25'	25 & 25'	25'
FR-10	10 acres	400'	25'	25 & 25'	25'

(Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001; amd. 2004 Code)

**ARTICLE B. SFR SEASONAL FOREST RESIDENTIAL ZONE  
10-8B-6: AREA, WIDTH AND YARD REGULATIONS:**

District	Area	Width	Yards-		
			Front	Side	Rear
SFR-1	1 – 20 acre subdivisions	<del>100'</del> 150'	25'	10 & 10'	10'

(Ord. 2011-1006-O, 2-15-2011)

**ARTICLE C. RA RESIDENTIAL AGRICULTURAL ZONE  
10-8C-5: AREA, WIDTH AND YARD REGULATIONS:**

District	Area	Width	Yards-		
			Front	Side	Rear
RA-1	1 acre	<del>100'</del> 150'	25'	10 & 10'	10'
RA-2.5	2 1/2 acres	250'	25'	25 & 25'	25'
RA-5	5 acres	300'	25'	25 & 25'	25'
RA-10	10 acres	400'	25'	25 & 25'	25'

(Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001)

**ARTICLE D. RE RESIDENTIAL ESTATE ZONE  
10-8D-5: AREA, WIDTH AND YARD REGULATIONS:**

<u>District</u>	<u>Area</u>	<u>Width-In-Feet</u>	<u>Yards In-Feet</u>		
			<u>Front</u>	<u>Side</u>	<u>Rear</u>
RE-20-0	20,000 square feet sq. ft.	80'	25'	10'	10'
RE-40-0	40,000 square feet sq. ft.	<del>100</del> 150'	25'	10'	10'
RE-2.5	2½ acres	250'	25'	25'	25'
RE-5.0	5 acres	300'	25'	25'	25'

**Amendment to Washington County Code Title 10, Chapter 13: Supplementary and Qualifying Regulations for a Building Permit.** (Stricken language is removed. Underlined language is added.)

**10-13-19: CURBS, GUTTERS AND SIDEWALKS:**

The installation of curb, gutter and/or sidewalk, of a type approved by the county, shall ~~may~~ be required on any existing street adjoining a lot on which new construction or redevelopment is to be established in any commercial, manufacturing, industrial, or residential zoning district, unless the property is subject to the exceptions listed in 11-5-3(c) of this Code. ~~where such improvements are not already existing, and where upon the recommendation of the public works department, the planning commission and county commission determines that such installation is in the best interest of the county.~~ Said installation may be required as a condition of obtaining a building permit, and shall be completed as a part of the building permit prior to occupancy. If it is ~~determined by the county public works department that installation of curb, gutter, and sidewalk is not possible at this time, a letter of nonopposition may be required.~~ (Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001; amd. 2004 Code)

**Amendment to Washington County Code Title 11, Chapter 3: Procedure Generally** (Stricken language is removed. Underlined language is added.)

**TITLE 11  
SUBDIVISION REGULATIONS**

**11-3-1: PROCEDURE GENERALLY:**

Before dividing any tract of land into two (2) or more building lots, a subdivider shall:

- A. Provide Proof Of Title: Provide to the Community Development ~~county planning~~ department proof of title for the parcel of property which is the subject of subdivision, a copy of which shall be submitted to the county public works director and the county attorney for review. ~~and approval.~~
- B. Meet With Community Development ~~department~~ Planning Department: Meet with the Community Development ~~county planning~~ department and review the proposed subdivision. This meeting may be in the form of a staff meeting with other department officials present to review the proposed subdivision plat.
- C. File Preliminary Plat With Community Development Department ~~Planning Commission~~: File two (2) paper ~~three (3) copies~~ and one (1) electronic copy (pdf) of the preliminary plat and other documents required under this title with the Community Development ~~county planning~~ department for approval ~~or disapproval~~. The county public works director and the Community Development ~~county planning~~ staff shall ~~verify~~ certify that the plat and all of the required documentation has been received and reviewed, prior to placing the plat on the planning commission agenda for consideration. The preliminary plat and accompanying documentation shall be prepared in conformance with the provisions of this title and shall be filed not less than seven (7) ~~fourteen (14)~~ days prior to the planning commission meeting for which it is to be considered.
- D. If no public improvements are required, the preliminary and final plat may be reviewed concurrently.
- ~~D~~E. Pay Fee: Pay the required filing fee.
- ~~E~~F. Meet With Planning Commission: Meet with the planning commission at their regularly scheduled meeting, discuss the proposed subdivision. (Ord., 6-5-2000; amd. 2004 Code)
- ~~F~~G. Action Of Planning Commission: The planning commission shall approve only those preliminary plats which it finds to be in accordance with the standards and criteria set forth by the county in this title and all other ordinances of this county, other than the zoning ordinance, including, but not limited to, the county standard specifications for design and construction, the general plan, the street plan and the building codes. The planning commission may approve a preliminary subdivision plat if it is in compliance with all requirements of the county's ordinances, other than the zoning ordinance. (Ord. 2006-925-O, 12-19-2006)
- H. Construction Drawings and required studies: Following the ~~county commission~~ approval of the preliminary ~~final~~ plat by the Planning Commission, the subdivider shall submit two (2) ~~three (3)~~ sets of paper construction drawings and one (1) electronic copy (pdf) to the Community Development ~~department~~, along with all studies and reports required by the County Standard Specifications for Design and Construction ~~county public works director~~. Construction drawings and all required studies and reports will be reviewed for compliance. Once approved, three (3) finalized copies, ~~and one~~ eleven inch by seventeen inch (11" x 17") and one (1) electronic copy (pdf) shall be submitted for stamp of approval.

GI. Final Plat Submission:

1. Not more than one year after receiving approval of the preliminary plat and after approval of the construction drawings by the Community Development department, submit two (2) paper copies (24" x 36"), and one (1) electronic copy (pdf) ~~the original and one reproducible copy~~ of the final plat and other information required by this title, to the Community Development department which will submit the plat planning commission to the planning commission for action. The planning commission may extend the one year time limit for just cause for a period of time not to exceed one additional year. In the event that the final plat has not been timely submitted to the planning commission, the preliminary plat is void.
2. Before submitting the final plat to the planning commission, a current title policy shall be submitted to the Community Development director ~~county attorney~~ for review. The final plat shall not be submitted to the planning commission until the title policy has been approved by the Community Development director ~~county attorney~~.
3. The county planning staff and the county public works director shall verify ~~certify~~ to the planning commission that all required plats and other documentation have been received at least seven (7) ~~fourteen (14)~~ days prior to the planning commission meeting. No final plat shall be considered by the planning commission until this step has been completed. (Ord., 6-5-2000; amd. 2004 Code)
4. The final plat shall not be submitted to the planning commission unless the final plat conforms to the zoning ordinance. (Ord. 2006-925-O, 12-19-2006)

HJ. Submit Final Plat To County Commission: Upon receiving approval of the final plat by the planning commission, submit the approved plat to the county commission. This plat shall be submitted within one year of planning commission approval or it shall become void and shall be resubmitted as a preliminary plat to the planning commission.

JK. Bond: Along with the final plat, the applicant shall submit a cash bond, or irrevocable letter of credit, as described in 11-7-1 of this Code ~~required by this title~~, and a current title policy to the Community Development ~~county planning~~ department, a copy of which shall be forwarded ~~submitted~~ to the county public works director and county attorney's office for review ~~and approval~~.

K. ~~Reproducible Copy To County: Provide the county with one reproducible copy of the final plat.~~

L. Request For Zone Change: File with the county a request for a zone change to whatever zone best fits the size and character of lots in the subdivision, if needed.

M. Unusual Conditions: Where ~~unusual topographic or other exceptional conditions exist~~, the ~~county commission may vary the requirements of this title after receiving the~~

~~recommendations of the planning commission; provided, that such variations will not substantially impair the intent of this title.~~

~~N~~M. Conditions For Recording Final Plat: No final plat of a subdivision of land shall be recorded, except as provided by section 11-3-2 of this chapter, without having been signed by the chairperson of the county commission ~~certifying that all conditions of this title have been posted with the county treasurer.~~ (Ord., 6-5-2000; amd. 2004 Code)

~~O~~N. Notice Of Public Hearing: Notice of a public hearing for adoptions or amendments of the land use ordinance or subdivision ordinance, and vacating or changing a subdivision plat, shall be provided to property owners of record located within five hundred feet (500') of the subject property, which is subject to a land use decision, subdivision request, or vacating or changing a subdivision plat. (Ord. 2007-938-O, 4-16-2007)

**Amendment to Washington County Code Title 11, Chapter 4: Preliminary Plat** (Stricken language is removed. Underlined language is added.)

#### **11-4-1: PRELIMINARY PLAT:**

A. Requirements: The preliminary plat shall comply with the following requirements:

3. Proposed Plan: The subdivision plan shall show:

- a. The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.
- b. The layout, numbers and typical dimensions of lots. (Ord., 6-5-2000)
- c. Parcels of land may be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision. (Ord., 6-5-2000; amd. 2004 Code)
- d. Building setback lines ~~required by the planning commission.~~
- e. Easements for water, sewers, drainage, utility lines, wells and other purposes.
- f. Typical street cross sections and grade of streets ~~where required by the planning commission.~~ (Ord., 6-5-2000)
- g. A tentative plan or method by which the subdivider proposes to handle stormwater drainage for the subdivision, which plan may include retention basins as necessary. (Ord., 6-5-2000; amd. 2004 Code)
- h. Approximate radius of all centerline curves on highways or streets.
- i. For all new subdivisions, and subdivisions in which the developer has any interest whatsoever in the water company providing water to the subdivision, a letter from the

Utah state department of environmental quality, approving the quantity, quality and feasibility of providing culinary water to the subdivision.

For subdivisions served from existing, approved water companies, in which the developer has no financial interest whatsoever in the water company, a letter from the water company agreeing to provide water to the subdivision. The amount of water provided will also be indicated by the water company. ~~It is understood that the department of environmental quality (DEQ) makes periodic checks of existing water companies to determine compliance with DEQ requirements.~~ (Ord., 6-5-2000)

- j. A letter from Utah state ~~d~~Department of ~~e~~Environmental ~~q~~Quality and the southwest Utah public health department, whichever agency is applicable, and a letter from the appropriate sewer authority for approving the method of wastewater disposal to be used in the subdivision. Said method of disposal must also be approved by the planning commission. (Ord., 6-5-2000; amd. 2004 Code)
- k. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning commission.
- l. A letter from the public service commission certifying the water company as a public utility, or exempting the water company as mutually owned. This letter applies to all water companies or systems serving more than one connection under separate ownership.

B. Copy Retained By Community Development department Planning Commission: ~~The Community Development department planning commission~~ shall retain one paper or electronic copy of the plat for its files. (Ord., 6-5-2000)

**Amendment to Washington County Code Title 11, Chapter 5: Improvements** (Stricken language is removed. Underlined language is added.)

### **11-5-3: STREET IMPROVEMENTS:**

- A. Plans And Profiles: At least eight (8) days prior to ~~final~~ final planning commission consideration of the final plat, the subdivider shall furnish to the county public works director a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision. Plans are to be prepared by a licensed engineer and shall be accompanied by the final plat. If the plans are not approved, they shall be returned to the developer with the reasons for nonapproval, and, upon correction, shall be resubmitted in the same manner as required herein. Such plans and profiles shall include:
  - 1. The designation of limits of work to be done.
  - 2. The location of the bench mark and its true elevation according to county datum, all profiles to be referred to that datum. (Ord., 6-5-2000; amd. 2004 Code)

3. Construction plans, which include the details of curb, gutter, sidewalks and street cross sections, location and elevations of manholes, catch basins and storm sewers, elevations and location of fire hydrants and any other details necessary to simplify construction. (Ord., 6-5-2000; amd. 2004 Code; Ord. 2007-937-O, 6-19-2007)
  4. Adequate horizontal and vertical survey control shall be established as required by the county surveyor or county public works director. Sufficient survey monuments shall be permanently set so that lot boundaries can be established from points within the subdivision.
  5. Complete data for field layout and office checking.
  6. On curb returns, at least two (2) additional control points of curvature. Control points shall be staked in the field to ensure drainage of intersections. (Ord., 6-5-2000; amd. 2004 Code)
  7. Engineering studies, including drainage studies, are required to be approved by the Washington County public works director, ~~to ensure the engineering is concurrent for all future subdivisions in the same area.~~ (Ord. 2007-937-O, 6-19-2007)
- B. Grades: Grades of streets shall not exceed those set out in the Washington County Standard Specifications for Design and Construction unless otherwise approved by the county planning commission, ~~subject to planning department staff approval.~~ (Ord., 6-5-2000; amd. 2004 Code)
- C. Improvement Standards: All streets within the county shall be improved in accordance with the standards, rules and regulations adopted by the county commission. Said standards include: (Amended Ord. 2005-894-O, 12-6-2005)
1. Whenever a subdivision is located adjacent to, or within the future annexation area of an incorporated community, the development standard of that community shall be followed for street improvements ~~unless said standard is less than the normal county requirement.~~ (Ord., 6-5-2000; amd. 2004 Code)
  2. Curb, gutter and sidewalks constructed to county standards, shall be installed in all subdivisions in Washington County, subject to the following exceptions: (Amended Ord. 2005-894-O, 12-6-2005; amd. Ord. 2007-937-O, 6-19-2007)
    - a. ~~Subdivisions located in the SFR seasonal forest residential zoning district, which district allows private roads, and which does not allow for year round or permanent residential occupancy. This zone classification is limited to the area above Zion national park in the Kolob Reservoir area.~~
    - b. Phases of existing subdivisions that have applied for preliminary approval and have standing with the land use authority prior to January 1, 2006. (Amended Ord. 2005-894-O, 12-6-2005)

- c. ~~Scattered parcels~~ Single split of parcels not divided since July 1, 1992, fronting an existing street or road that does not have curb, gutter and/or sidewalk improvements, has not been engineered in its entirety for such improvement, may be exempted from curb, gutter and sidewalks. (Ord. 2008-966-O, 11-26-2008)
  - d. Residential and agricultural subdivisions in zones requiring minimum parcel size of 40,000 square feet. This includes FR-1, FR-5, FR-10, SFR-1, RA-1, RA-2.5, RA-5, RA-10, RE-40, RE-2.5, RE-5.
  - e. Planned development zones requiring minimum parcel size of 40,000 square feet or as negotiated as part of the overall development plan.
3. Pavements shall be required in all subdivisions, subject to the following exception(s):
- a. Agriculture, Residential, and Open Space Transition zones in which each subdivision parcel is twenty (20) acres or larger. In such subdivisions, a road base of thirty two feet (32') is required. Such parcels are still subject to all other improvement regulations as set forth in this chapter unless otherwise exempted.
4. ~~The minimum width of gravel on all local streets shall be thirty two feet (32'), and the minimum width of pavement shall be twenty eight feet (28'). On collector or major streets, as determined by the county commission,~~ The width of gravel or paving will be proportionately greater on larger streets in accordance with the Washington County Standard Specifications for Design and Construction. The minimum pavement width may also be increased when required by a traffic impact study.
5. ~~Local~~ All streets shall have a minimum right of way width of fifty feet (50'). The minimum right of way will be proportionately greater on larger streets in accordance with the Washington County Standard Specifications for Design and Construction. Collector streets shall have a minimum width of sixty feet (60'). Major streets shall have a minimum width of eighty feet (80'). The minimum right of way may also be increased when required by a traffic impact study.
6. All streets shall be built to the full width required for the type of street being improved at the time of initial street construction. Bond amounts shall be estimated based on the cost of full street improvement as required by the right of way determined by subsection C5 of this section. (Ord., 6-5-2000; amd. 2004 Code)
7. Streets in hillside areas shall be constructed to hillside development standards. (Ord. 2009-983-O, 8-18-2009)

**11-5-6: ELECTRICAL SYSTEM AND TELEPHONE:**

Required; Plan Submittal: All subdivisions, except those otherwise exempted by the planning commission, shall be provided with electrical or alternative power and telephone or cellular phone service. The developer shall submit electrical or alternative power and telephone or

cellular phone plans to the county commission prior to approval of the subdivision plat. ~~The use of cellular phones only shall not constitute an acceptable telephone plan.~~ (Ord., 6-5-2000)