

WEST BOUNTIFUL CITY

ORDINANCE #479-24

AN ORDINANCE AMENDING TITLE 16 OF WEST BOUNTIFUL MUNICIPAL CODE UPDATING SUBDIVISION PROCESS REGULATIONS

WHEREAS, West Bountiful City is empowered to adopt and amend general laws and land use ordinances pursuant to Utah State law (§10-9a-101 et seq.) and under corresponding sections of the West Bountiful City Municipal Code; and

WHEREAS, after review and a public hearing of the proposed Land Use Code Text Amendment on December 12, 2023, the West Bountiful City Planning Commission forwarded a positive recommendation to the City Council; and

WHEREAS, the City Council of West Bountiful finds that these amendments are necessary and are in harmony with the objectives and purposes of the West Bountiful City Land Use Code and the General Plan.

NOW THEREFORE BE IT ORDAINED by the city council of West Bountiful City that the West Bountiful Municipal Code be modified as shown in exhibit A.

This ordinance will become effective upon signing and posting.

Adopted this 16th day of January, 2024.

By:


Ken Romney, Mayor

Voting by the City Council:	<u>AYE</u>	<u>NAY</u>
Councilmember Ahlstrom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Butterfield	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Enquist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Nielsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Preece	<input checked="" type="checkbox"/>	<input type="checkbox"/>



ATTEST:


Remington Whiting, City Recorder

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16.04.010 Purpose

The purpose of this title, including any rules, regulations, standards and specifications is:

- A. To promote and protect the public health, safety and general welfare;
- B. To regulate future growth and development within the city in accordance with the general plan and to promote the efficient and orderly growth of the city;
- C. To provide procedures and standards for the physical development of subdivisions of land and construction of buildings and improvements within the city;
- D. To provide for adequate light, air, and privacy; to secure safety from fire, flood and other dangers; and to prevent overcrowding of land and undue congestion of population; and
- E. To provide for harmonious and coordinated development of the city and to assure sites suitable for building purposes and human habitation.

16.04.020 Definitions

The following words and phrases, as used in this title, shall have the respective meanings set forth hereafter, unless a different meaning clearly appears from the context. Whenever any words or phrases used herein are not defined, but are defined in related sections of the Utah Code or in the zoning ordinances of the city, such definitions are incorporated herein and shall apply as though set forth herein in full.

“Advisory body” means a body of selected members that:

- A. Provides advice and makes recommendations to another person or entity who makes policy for the benefit of the general public;
- B. Is created by and whose duties are provided by statute or by executive order; and

- A. Fifth or Fourteenth Amendment of the Constitution of the United States; or
- B. Utah Constitution Article I, Section 22.

"Cul-de-sac" means a street which is designed to remain permanently closed at one end, with the closed end terminated by a vehicular turnaround.

"Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

"Dead end street" means a street with only one way in or out. It may or may not have a turnaround for vehicles at the closed end.

"General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

"Land use application" means an application required by the city's land use ordinance.

"Land use authority" means a person, board, commission, agency, or other body designated by the city council to act upon a land use application.

"Land use ordinance" means a planning, zoning, development, or subdivision ordinance of the city, but does not include the general plan.

"Land use permit" means a permit issued by a land use authority.

"Legislative body" means the city council.

"Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

"Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with UCA Section 10-9a-608 whether or not the lots are located in the same subdivision, and with the consent of the owners of record. "Lot line adjustment" does not mean a new boundary line that creates an additional lot or constitutes a subdivision.

"Minor street" means a street, existing or proposed, of limited continuity which serves or is intended to serve the needs of a local area.

"Planning commission" means the West Bountiful planning commission, unless another planning commission is specifically named.

"Planning director" means the director of or consultant to the city planning commission, or any city official or other person appointed by the city council to accomplish the objectives of this title.

"Plat" means a map or other geographical representation of lands being laid out and prepared in accordance with Utah Code Ann. § 10-9a-603.

"Preliminary design map" or "concept plan" means a map to be submitted to the zoning administrator prior to the filing of a preliminary plat to show the general characteristics of the proposed subdivision.

"Preliminary plat" means a plat showing the design of a proposed subdivision and the existing conditions in and around the subdivision. The plat need not be based upon a detailed final survey of the property, except as provided herein. However, the plat shall be graphically accurate to a reasonable tolerance.

"Property" means any tract, lot, parcel, or several of the same collected together for purposes of subdividing.

"Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

"Public improvement" means street work, utilities and other facilities proposed or required to be installed within the subdivision for the general use of the subdivision lot owners and for local neighborhood or community needs.

"Public meeting" means a meeting that is required to be open to the public under Utah Code Annotated, Title 52, Chapter 4, Open and Public Meetings Act.

"Public works department" means the city's public works department, acting through its authorized representatives.

"Record of survey map" means a map of a survey of land prepared in accordance with Utah Code Ann. § 17-23-17.

"Sanitary sewer authority" means the department, agency, or public entity with responsibility

2. a boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with UCA Section 10-9a-524 if no new parcel is created;
3. a recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or joining a lot to a parcel;
4. a boundary line agreement between owners of adjoining subdivided properties adjusting their mutual boundary in accordance with UCA Sections 10-9a-524 and 10-9a-608 if no new dwelling lot or housing unit will result from the adjustment; and the adjustment will not violate any applicable land use ordinance;
5. a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels; does not confer any land use approvals; and has not been approved by the land use authority;
6. a parcel boundary adjustment;
7. a lot line adjustment;
8. a road, street, or highway dedication plat;
9. a joining of one or more lots to a parcel;
10. a deed or easement for a road, street, or highway purpose; or
11. any other division of land authorized by law.

“Unincorporated” means the area outside of the incorporated area of a city or town.

"Zoning administrator" means the person designated by the city council to enforce the regulations of this title.

“Zoning map” means a map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts.

16.08 Administration And Enforcement

16.08.010 Scope Of Compliance Required

16.08.020 Interpretation

16.08.030 Administrative Body

16.08.040 Violations; Penalties

16.08.050 Fees

16.08.060 File Of Recorded Subdivisions

16.08.010 Scope Of Compliance Required

16.08.040 Violations; Penalties

It shall be a Class C misdemeanor for any person to fail to comply with the provisions of this title. In addition to any criminal prosecution, the city may pursue any other legal remedy to ensure compliance with this title including, but not limited to, injunctive relief.

16.08.050 Fees

A. Subdivision Application Fee. All persons desiring to develop a subdivision within the city shall file an application with the city recorder and pay a fee for a permit to file the application with the planning commission. This fee shall be in an amount established periodically by resolution of the city council. Payment of the surface and subsurface drainage fees described in Section 16.32.150 shall also be made at this time. If the planning commission determines, after consultation with the city engineer, that additional or extraordinary engineering services will be required in checking the preliminary plat and/or in performing necessary field work, the planning commission may require the subdivider to pay, at the time of the submission of such application or at any time prior to final examination and review of the preliminary plat and subdivision plans, an additional fee sufficient to cover the additional engineering costs anticipated.

No subdivision plans may be considered by the planning commission until a subdivision application fee has been paid.

- B. Plat Filing and Filing Fee. Subdividers shall file with the city recorder at the time of payment of the filing fee, a certified or cashier's check made payable to "The Davis County Recorder" in sufficient amount to cover the recording fees of the final plat. This payment shall be made upon presentation of the preliminary plat for review by the planning commission. No plat shall be recorded unless the subdivider's check is sufficient to cover the cost of recording.
- C. Review and Design Fees. Review and design fees required by the city engineer in the performance of his or her duties shall be determined in an amount necessary to cover the actual cost of checking the final plat including field work. These fees shall be approved by the city council and shall be properly receipted and deposited with the city treasurer, at the time of the submission of the final plat by the subdivider to the planning commission.
- D. Public Improvement Inspection Fee. The subdivider shall remit to the city a public improvement inspection fee equal to an amount which will be established periodically by city council and published in the West Bountiful Consolidated Fee Schedule.
- E. Water Right Allocation Fee. For the protection of future water rights of the city and to alleviate the necessity of the perpetual conveyance of irrigation water in favor of long-

design and improvement of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the general plan, the zoning ordinance, and other applicable ordinances.

- B. Trees, native land cover, natural watercourses, and topography shall be preserved when possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with the zoning ordinance. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.
- C. Community facilities, such as parks, recreation areas, and transportation facilities shall be provided in the subdivision in accordance with general plan standards, this title, and other applicable ordinances. In order to facilitate the acquisition of land areas required to implement this policy, the subdivider may be required to dedicate, grant easements over, or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements, and other public purposes.

16.12.020 Relations To Adjoining Street System

- A. Streets in proposed subdivisions shall be arranged so as to continue existing streets in adjoining areas or so as to properly protect those streets when adjoining lands are not subdivided. All such streets shall be planned and built at the same or greater width, unless the city grants a variance to this requirement. Such street arrangements shall be made so as not to cause unnecessary hardship to owners of adjoining property when they seek to provide for access to those lands.
- B. When, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication and/or fully improved as the city council may determine, to the boundary of such property. Half streets along the boundary of land proposed for subdivision will not be permitted. Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees.

16.12.030 Nonresidential Subdivisions

- A. The street and lot layout of a nonresidential subdivision shall be appropriate to the land for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the city's master plan, any planned community plans, and the zoning ordinances of the city.
- B. Nonresidential subdivisions shall include industrial and/or commercial tracts.
- C. In addition to the principles and standards in this title which are appropriate to the

the beginning of the turnaround. The length of a cul-de-sac shall be measured from the centerline of the intersecting street along the centerline of the cul-de-sac, to a point at the center of the cul-de-sac. Each cul-de-sac must be terminated by a turnaround of not less than one hundred (100) feet diameter. If surface water drainage is into the turnaround, due to the grade of the street, necessary catch basins and drainage easements shall be provided.

- D. The planning commission may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than ten (10) feet in width for water, sewer, drainage, power lines and other utilities shall be provided in the subdivision unless otherwise required by the planning commission.
- E. Proposed streets which are obviously in alignment with other already existing streets shall bear the number of the existing street.

16.12.050 Blocks

The maximum length of blocks generally shall be one thousand two hundred (1,200) feet and the minimum length of blocks shall be five hundred (500) feet. In blocks over eight hundred (800) feet in length there may be required a dedicated walkway through the block at approximately the center of the block. Such a walkway shall be not less than ten (10) feet in width. The width of blocks generally shall be sufficient to allow two tiers of lots. Blocks intended for business or industrial use shall be designated specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

16.12.060 Lots

- A. The lot arrangement, design and shape will be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and conform to requirements set forth herein. Lots shall not contain peculiarly shaped elongations which would be unusable for normal purposes solely to provide necessary square footage.
- B. All lots shown on the subdivision plat must conform to the minimum requirements of the zoning ordinance then in effect, if any, for the zone in which the subdivision is located, and to the minimum requirements of the county health department for water supply and sewage disposal. The minimum width for any residential building lot shall be as required by the zoning ordinance then in effect for zoned areas.
- C. Each lot shall abut on a street dedicated for public use by the subdivision plat or an existing public street which is more than twenty-six (26) feet wide, except that when such existing street is less than fifty (50) feet wide or less than the width requirement of the master street plan, additional land shall be dedicated to widen the street for that portion of the street upon which the subdivision has frontage. The amount of land to be dedicated shall be determined by the planning commission as necessary and reasonable to satisfy the requirements of one-half of that required width or fifty (50) feet, whichever

- H. All remnants of lots below minimum size left over after the subdivision of a large tract must be added to adjacent lots rather than allowed to remain as unusable parcels.
- I. When the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat. Such transfer shall be certified to the planning commission by the city recorder.

16.16 Maps Or Plans

16.16.010 Preliminary Conference And Concept Plan

16.16.020 Preliminary Plat

16.16.030 Final Plat

16.16.040 Vacating Or Changing A Recorded Subdivision Plat

16.16.010 Preliminary Conference And Concept Plan

- A. Purpose. The purpose of the preliminary conference and concept plan is to provide the subdivider with an opportunity, before filing a preliminary plat, to consult with and receive assistance from the city regarding the regulations and design requirements applicable to his or her proposed subdivision.
- B. Prior to filing a preliminary subdivision plat, each person who proposes to subdivide land in the city shall meet with and submit to the zoning administrator three copies of a preliminary design map or concept plan of the proposed subdivision which shall contain such information as is necessary to properly locate the subdivision.

The plan shall include the following information:

1. The proposed name of the subdivision;
2. A vicinity plan showing significant natural and manmade features on the site and within five hundred (500) feet of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than five feet; and north arrow;
3. Proposed lot and street layouts, showing the number, size and design of each lot and the location and width of each street;
4. Locations of any important reservations or easements;
5. The general nature and extent of grading;
6. Descriptions of the type of culinary and irrigation water systems proposed as well as documentation of water rights and secondary water shares;
7. A description of the size and location of sanitary sewer and storm water drain lines and subsurface drainage;
8. A description of those portions of the property which are included in the most

4. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided;
5. A contour map drawn at intervals of at least one foot, showing all topographic features with verification by a qualified engineer or land surveyor;
6. Certification of the accuracy of the preliminary plat of the subdivision and any traverse to permanent survey monuments by a land surveyor, registered to practice in the state of Utah;
7. The boundary lines of the tract to be subdivided, with all dimensions shown;
8. Existing sanitary sewers, storm drains, subdrains, culinary and secondary water supply mains and culverts and other utilities within the tract or within one hundred (100) feet;
9. The location, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces and lots showing the size of each lot in square footage and properly labeling spaces to be dedicated to the public;
10. The location, principal dimension, and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within one hundred (100) feet of the boundary, showing whether recorded or claimed by usage; the location and dimensions to the nearest existing bench mark or monument, and section line; the location and principal dimensions of all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, power lines, and exceptional topography;
11. The existing use or uses of the property and the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines drawn to scale;
12. The location of existing bridges, culverts, surface or subsurface drainage ways, utilities, buildings or other structures, pumping stations, or appurtenances, within the subdivision or within two hundred (200) feet, and all known wells or springs as well as the location of any one hundred (100) year flood plains as determined by the Federal Emergency Management Agency (FEMA);
13. Proposed off-site and on-site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants;
14. Boundary lines of adjacent tracts of unsubdivided land within one hundred (100) feet of the tract proposed for subdivision, showing ownership and property monuments;
15. Verification as to the accuracy of the plat by the owner.
16. Each sheet of the set shall also contain the name of the project, scale (not less than one hundred (100) feet to the inch, except for the vicinity map), sheet number, and north arrow.

Approval of the preliminary plat by the planning commission shall not constitute final acceptance of the subdivision by the planning commission. The city shall notify the subdivider of the action taken by the planning commission and provide one copy of the preliminary plat and one copy of the planning commission's report signed by the chair of the planning commission. Receipt of this signed copy shall, if the preliminary plat has been approved, be authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements required in this title and with the preparation of the final plat. One copy of the approved preliminary plat shall be retained by the city. If the preliminary plat is not approved, the planning commission will specify in writing any inadequacy in the application including noncompliance with city regulations, questionable or undesirable design and/or engineering, or the need for any additional information.

- F. Waiver for Minor or Small Subdivisions. Provided the conditions listed in Utah Code Ann. § 10-9a-605, as amended, are met and the planning commission has recommended for approval the record of survey map, a subdivider may present his or her survey map directly to the city council for final approval of said subdivision. If the survey map meets with the council's approval, the requirement of preparing a final plat for the subdivision may be waived. Upon this waiver, the subdivider may sell land by metes and bounds, without the necessity of recording a plat. In the development of the subdivision, however, the subdivider must provide such public infrastructure improvements and easements as required by the city and must comply with all of the requirements and specifications set forth by the planning commission and city council as the basis for granting subdivision approval.

Following approval by the city council and receipt of all necessary approvals and signatures, city council must submit a certificate of written approval along with the metes and bounds description for the subdivision, as outlined in Utah Code Ann. § 10-9a-605, if a plat is not recorded for such subdivision.

16.16.030 Final Plat

- A. Purpose. The purpose of the final plat is to require formal approval by the planning commission and city council before a subdivision plat is recorded in the office of the Davis County recorder. The final plat and all information and procedures relating to it shall in all respects be in compliance with the provisions of this section. The final plat and construction plans shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure.
- B. Filing Deadline, Application and Fees. A complete application for final plat approval shall be made within twelve (12) months after approval or conditional approval of the

within the subdivision shall show the calculated Davis County coordinates. Lot and boundary closure shall be calculated to the nearest one- hundredth of a foot.

8. All lots, blocks and parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined. The square footage of each lot shall also be shown. Parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown so as to be able to readily determine the bearing and length of the boundary lines of every block, lot and parcel. No ditto marks shall be used for lot dimensions.
9. The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated as well as the widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty (50) feet of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.
10. All lots and blocks are to be numbered consecutively under a definite system approved by the planning commission. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.
11. All streets, including named streets, within the subdivision shall be numbered in accordance with and in conformity with the adopted street numbering system adopted by the city. Each lot shall show the assigned street addresses, and shall be according to the standard addressing methods approved by the city. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.
12. The side lines of all easements shall be shown by fine dashed lines. The plat shall also show the width of all easements and ties thereto sufficient to definitely locate the same with respect to the subdivision. All easements shall be clearly labeled and identified.
13. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or benchmark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider under the direction of the city engineer. The following required monuments shall be shown on the final plat:
 - a. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; and
 - b. All right-of-way monuments at angle points and intersections as

17. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit with the final plat a final copy of the proposed articles of incorporation, homeowner's agreements and bylaws of the owner(s) or organization empowered to own, maintain and pay taxes on such lands and common areas. Additionally, the subdivider shall submit documentation conveying ownership of all common areas and lands to the owner or organization empowered to own, maintain, and pay taxes on such lands and common areas.
- D. Construction Plans; Preparation and Required Information. The subdivider shall prepare and submit construction plans in accordance with the requirements and standards set forth under public improvements in this title.
- E. Review by the City Engineer. The city engineer will review the final plat and construction plans and determine compliance with the engineering and surveying standards and criteria set forth in this ordinance and all other applicable ordinances of the city and the state of Utah. The public works department will be allowed the right to review the final plat and construction plans to check for accuracy and appropriate connectivity to current city infrastructure. The public works department shall provide written comments to the city engineer and subdivider when deemed necessary and appropriate. The city engineer will complete review of the plat within thirty (30) days after the plat is submitted for review to the engineer. If the final plat complies with the improvement standards and all necessary requirements of this title, the city engineer will sign the plat in the appropriate signature block and forward it to the planning commission. The engineer will not sign the plat unless the survey description is correct and all easements are correctly described and located. If the final plat or the construction plans do not comply with all necessary requirements, the city engineer shall return the plans and plat to the subdivider with comment.
- F. Planning Commission Action. Upon receipt of the comments by the city engineer, the planning commission shall review the plat to determine whether it conforms with the preliminary plat, with all changes requested, and with all requirements imposed as conditions of acceptance. As part of the planning commission's review, the zoning administrator will check the final plat for completeness and compliance with the requirements of this title. If the submitted plat is not acceptable, the planning commission shall notify the subdivider and specify the respects in which it is deficient. If the planning commission determines that the final plat is in conformity with all requirements and the ordinances of the city, it shall recommend the approval of the plat.
- G. Review by the City Attorney. The city attorney shall review the final plat, the signed subdivision improvements agreement, the current title report and the security for insuring completion of the improvements to verify compliance with the city's dedication and bonding requirements. The city attorney may also review public easements, protective covenants and other documents when applicable. Upon approval of the items

- e. The improvement bond proceeds may be reduced at intervals determined by the city upon the request of the subdivider as improvements are installed. The amount of all such reductions shall be determined by the city. Such requests may be made only once every thirty (30) days, and no reduction shall be authorized until such time as the city has inspected the improvements and found them to be in compliance with the city's standards and specifications. All reductions shall be by written authorization of the city engineer. The improvement bond shall not be reduced below the estimated cost for the remaining incomplete or unaccepted improvements plus the estimated cost of slurry seal before the city's final acceptance of the improvements.
 - f. After the one-year warranty period, the warranty bond and any remaining improvement bond proceeds, plus interest, shall be refunded to the subdivider with the exception of bond proceeds for incomplete or unaccepted improvements. The amount of this interest will be calculated at a rate equal to that received on the city's other investments in the State Treasurer's Fund and shall be paid on the declining balance of the bond.
 - g. If the bond proceeds are inadequate to pay the cost of completing the improvements according to the city's standards and specifications for whatever reason, including previous reductions, the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed; or, with city council approval, a new satisfactory bond has been executed and delivered to the city; or other satisfactory arrangements have been made to insure completion of the remaining improvements.
 - h. The city's costs of administration and cost of obtaining the bond proceeds, including attorney's fees and court costs, shall be deducted from any bond proceeds.
 - i. The city's cost of completing the improvements, including administrative costs, shall be deducted from any bond proceeds.
 - j. The subdivider agrees to hold the city harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the city certifies the improvements are complete and accepts the improvements at the end of the one-year warranty period.
2. The improvement bond agreement shall be in one of the following forms acceptable to the city:
- a. A cash bond agreement accompanied by a cashier's check payable only to the city; or
 - b. An escrow bond agreement and account with a federally insured bank

16.18 Subdivision Applications For 1–2 Family Residential

16.18.010 Purpose

The purpose of this chapter is to comply with Utah Code §§ 10-9a-604 to 604.9, and to increase administrative efficiency in reviewing subdivision applications for one- or two-family residential use.

16.18.020 Scope Of Applicability

This chapter applies to all subdivision-related applications or petitions where the intended use is one- or two-family residential dwellings, including townhomes and duplexes. This chapter does not apply to applications or petitions for other uses.

16.18.030 Interpretation And Conflict Of Laws

Where any provision of this chapter conflicts with state law, state law shall prevail. Where any provision of this chapter conflicts with any other provision of the municipal code, the provision of this chapter shall prevail unless such conflicting provision expressly governs or supersedes the provision of this chapter.

16.18.040 Land Use Authority

- A. The land use authority for preliminary applications under this chapter is the planning commission. For purposes of preliminary subdivision applications, the planning commission shall be responsible for the following:
 1. Rendering land use decisions related to preliminary applications and petitions under this chapter.
- B. The land use authority for final applications under this chapter is the city engineer. For purposes of final subdivision applications, the city engineer shall be responsible for the following:
 1. Rendering land use decisions related to final applications and petitions under this chapter.
 2. Reviewing all final subdivision applications under this chapter in an impartial manner and according to the standards and deadlines described in state law.
 3. Providing feedback to applicants in the manner required by state law.
 4. Keeping subdivision application forms (preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants upon request.
 5. Providing notice to entities and parties as required by state law.
 6. Signing final application and petition approvals as required by state law.
 7. Ensuring that documents are properly recorded with the county as required by state law.

16.20 Improvements

16.20.010 Parks, School Sites And Other Public Spaces

16.20.020 Public Improvements

16.20.010 Parks, School Sites And Other Public Spaces

- A. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other areas for public use. Any provision for such open spaces should be indicated on the preliminary plat in order that it may be determined by the planning commission when and in what manner such areas will be dedicated to, or acquired by, the appropriate agency.
- B. The planning commission may, in the public interest, require that the subdivider set aside land for parks, playgrounds, schools, churches, and other public structures within the boundaries of a subdivision.
 - 1. Subdividers may not be required to hold land set aside for churches, schools, parks exceeding ten thousand (10,000) square feet, and other public structures for more than one year without payment being made for the same on the basis of land and improvement costs.
 - 2. Parks and neighborhood playgrounds of less than ten thousand (10,000) square feet, when required, shall be maintained by the neighborhood homeowners' association (HOA).
 - 3. In subdivisions of less than forty (40) lots, the subdivider may not be required to dedicate more than one twenty-fifth as much land as there is in lots, not streets, for parks or playgrounds without payment.
 - 4. For subdivisions greater than forty (40) lots, each group of forty (40) lots, or fraction thereof, may require additional dedicated park and playground area at the same ratio as for less than forty (40) lots.

16.20.020 Public Improvements

- A. Design Standards. The city engineer shall prepare standards and specifications for design, construction and on-site review of all public improvements including streets, curbs, gutters, sidewalks, water distribution systems, sewage disposal facilities and storm drainage and flood control facilities. Standards for fire hydrants shall meet the requirements of any federal, state, and local governmental entities having jurisdiction over such hydrants.

All construction standards and specifications shall be approved by resolution of the city council before becoming effective. All public improvements shall be installed in

final approval of the city and the final plat has been recorded.

- C. Standards for Construction Plans. The city has established standards with respect to construction plans for the purpose of achieving consistency in drawings and uniformity in plan appearance, clarity, size and reproduction. These standards and specifications shall serve as minimum requirements for all aspects of proposed developments and subdivisions.

Three copies of initial construction plans shall be submitted for all proposed subdivisions and developments. Of these copies, one set shall be used by the city engineer and the public works department, one set shall be retained by the city, and one set shall be returned to the subdivider for corrections and revisions consistent with the recommendations of the city and the city engineer. After these corrections and revisions have been made by the subdivider, three revised sets shall be submitted to the city for final review by the city engineer.

All drawings and/or prints shall be clear and legible and conform to good engineering and drafting practice. All drawings shall be twenty-four (24) inches by thirty-six (36) inches (trim line) or twenty-two (22) inches by thirty-four (34) inches (trim line) with a one-half inch border on the top, bottom and right side of the plan and a one and one-half inch border on the left side.

The plans shall include the following, and separate sheets may be used as needed to detail the required information.

1. A north arrow;
2. Stationing and elevations for profiles;
3. U.S.G.S. datum for all elevations;
4. A title block located in the lower right corner of the sheet which shall include:
 - a. Project title (subdivision, etc.),
 - b. Specific type and location of work, and
 - c. Name of engineer or firm preparing drawings with license number and a Utah Engineers stamp imprint;
5. Scale information at 1" = 20' or 1" = 40' horizontally; and 1" = 2' or 1" = 4' vertically;
6. For curb and gutter plans, plan view and profiles for each side of the street including curve data for top of curb elevations but excluding street center line profile data;
7. Size and location of all culinary water lateral mains, meters, valves and hydrants which sizes and locations shall be subject to the specifications of the city engineer;
8. Data regarding types of pipe proposed;

subdivider and/or contractor.

16.24 Variances And Appeals

16.24.010 Appeal Authority

16.24.020 Variances

16.24.030 Appeals

16.24.010 Appeal Authority

- A. For purposes of requests for a variance under Section 16.24.020, appeals under Section 16.24.030, or appeals from a fee charged under this title in accordance with Utah Code Ann. § 10-9a-510, as amended, the appeal authority shall be the city council. Notwithstanding the foregoing, in appeals under Section 16.24.030 or from a fee charged under this title, the city council will act as appeal authority concerning any issue on which the city council has not acted as land use authority. To the extent of any issue on which the city council acted as land use authority, any appeal shall be made to district court in the manner provided by law.
- B. The appeal authority shall act in a quasi-judicial manner, shall serve as the final arbiter of issues involving the interpretation or application of land use ordinances under this title, and shall respect the due process rights of each of the participants in the appeal or request for variance. Except as otherwise specifically provided in this chapter, the procedures for appeal, including time for appeal, burden of proof, and standard of review, shall be those set forth in Chapter 17.08.

16.24.020 Variances

- A. Any subdivider desiring a waiver or modification of the requirements of this title as applied to the property to be subdivided may apply to the city council, acting as the appeal authority, for a variance from the terms of this title.
- B. The city council may grant a variance only if:
 - 1. Literal enforcement of the provisions of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the city's land use ordinances;
 - 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;
 - 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;
 - 4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - 5. The spirit of the land use ordinance is observed and substantial justice is done.

16.28.050 Definitions

16.28.060 Hydrology Report

16.28.070 Drainage Plan

16.28.080 Off-Site Improvements

16.28.090 Drainage Onto Other Properties

16.28.100 Drainage Of Impervious Surfaces

16.28.110 Catch Basins

16.28.120 Existing Natural Drainage

16.28.130 Drainage Fee

16.28.140 Development Restrictions

16.28.150 Appeals

16.28.160 Violations; Penalties

16.28.010 Purpose

The purpose of this chapter is to provide for the positive and adequate abatement and handling of all surface and subsurface water, including storm runoff from all new subdivisions and developments in the city, and to impose certain building restrictions to control problems due to subsurface water conditions.

16.28.020 Applicability

The provisions of this chapter shall apply to all subdivisions and developments to be constructed within the city.

16.28.030 Interpretation

In interpreting and applying the provisions of this chapter, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.

16.28.040 Conflicts

This chapter shall not nullify the more restrictive provisions of any private covenants, agreements or other ordinances or laws, including the provisions of Chapter 13.30, but shall prevail over any such provisions that are less restrictive.

16.28.050 Definitions

For the purposes of this chapter, the following words shall have the meanings herein prescribed:

"**Catch basin**" means an opening into a storm drain system for the entrance of surface storm runoff.

require specific use authorization in the zoning district where located in addition to a conditional use permit if such is required.

"Existing natural grade" means the actual elevation of the ground surface before excavation or filling takes place.

"Finished grade" means the actual elevation of the ground surface after excavation or filling has taken place.

"Flooding" means an unusual abundance of water which overflows land not normally covered with water.

"Geologist" means a person with an accredited degree in the field of geology and at least five years experience with specific application in hydrological studies.

"Geologist/hydrologist" means a person with an accredited degree in geology or hydrology with at least five years experience in the field of geohydrology.

"Grading plan" means a plan outlining the excavation or fill proposed for the subdivision or development, including a description of the conditions resulting from such excavation or fill.

"Groundwater" means water beneath the surface of the ground which is in the saturated zone below the water table.

"Hydrology" means the study of the processes involved in the transfer of moisture from one body of water to the land and back to another body of water.

"Hydrology report" means an analysis of the hydrologic processes involved on a parcel of ground in relation to a subdivision or development.

"Lot" means a parcel or portion of land established for purposes of sale, lease, finance, division of interest or separate use, or separated from other lands by description on a subdivision map and/or parcel map, and having frontage upon a street.

"Manmade drainage way" means any open or enclosed channel or structure constructed by man for the purpose of conveying drainage water.

"Natural channels" means drainage ways which have been created by nature.

"Off-site improvements" means any drainage facilities which are necessary for the conveyance

or currently being used as a source of water.

16.28.060 Hydrology Report

A hydrology report shall be prepared and submitted to the City at the expense of the subdivider or developer by a qualified person or firm in the field of hydrological studies (i.e., civil engineer, engineer/geologist, geologist, hydrologist) in which a minimum of the following shall be done:

- A. Flooding. Analyze the flood or inundation potential of the proposed subdivision or development site. This analysis shall include:
 - 1. A storm water plan and design calculations in accordance with Section 13.30.080 and the city's design standards. Runoff calculations should be based on a saturated soil mantle;
 - 2. A standard analysis of any meandering streams which are either on, near, or pass through the proposed site;
 - 3. A history of prior flooding; and
 - 4. An evaluation of the effects of short duration, high intensity rainstorms and rapid snow melt on the proposed subdivision or development and downstream properties for ten, twenty-five, and one hundred year storms.
- B. Other Surface Hydrology.
 - 1. Define the capability of existing natural channels and other man-made drainage ways to accommodate the estimated increase in storm drainage flow due to the proposed subdivision or development;
 - 2. If a natural stream channel is to be used for the discharge of drainage waters, define at what point the water flow and velocity is erosive. If the stream channel or banks will erode, specify what measures will be taken to minimize such erosion;
 - 3. Make an estimate or measurement of minimum and maximum flows in manmade and natural drainage ways; and
 - 4. Describe all existing drainage ways, both natural and manmade, including any irrigation, well discharge and subsurface drains which presently are on, near or pass through the proposed site and evaluate how such existing drainage flow patterns will be maintained by the proposed subdivision or development.
- C. Subsurface Hydrology.
 - 1. Identify existing or potential subsurface water problems (i.e., flooded basements, ponding, etc.) due to high water table, areas of upward leakage, existing subsurface drains (including locations of any known old, wooded subsurface drains common in the city) and describe how the proposed drainage system will help solve the problems; and
 - 2. Identify any existing or potential wells on the site and describe the steps to be taken to protect such wells from pollution.

account shall be established to provide for the upgrading of the city's drainage system. The fund shall consist of the fees collected under Section 16.28.130 of this chapter.

16.28.090 Drainage Onto Other Properties

Waters shall not be drained onto other properties not in the same ownership without written permission from the owner of the adjacent property. When a ditch or drainage channel under private ownership is to be used, written permission from either the president of the ditch company when an incorporated ownership, or from all property owners using the ditch must be obtained.

16.28.100 Drainage Of Impervious Surfaces

Whenever any surface of a lot, plot, parcel or portion thereof is excavated, filled, graded or hard-surfaced with impervious material (i.e., streets, driveways, sidewalks, parking lots, etc.), adequate surface drainage shall be provided. Such drainage will connect directly into the overall site drainage system for the subdivision or development as approved by the designated city official.

16.28.110 Catch Basins

Catch basins shall be placed in the gutter at all sump locations and elsewhere at the direction of the city council. In no case shall surface water be allowed to be carried in a gutter for more than eight hundred (800) feet without the installation of a catch basin or other approved device or as required by the hydrology report for depositing the surface water into an acceptable storm drain system.

16.28.120 Existing Natural Drainage

Existing natural surface and subsurface drainage of the ground surrounding the proposed lot or plot shall not be impeded by any off or on-site construction and improvements.

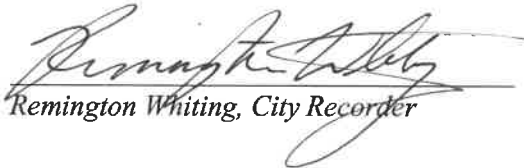
16.28.130 Drainage Fee

- A. Intent. For the purpose of upgrading the storm drainage system, a storm drainage impact fee shall be assessed for all new subdivisions and developments in the city. This fee shall be paid at the time of final drainage plan approval and prior to the issuance of any building permits. Approval shall not be given if such fee is not paid.
- B. Determination of Fee. The subdivider or developer, or anyone seeking a building permit, shall pay a fee which shall be determined by a formula that shall be established periodically by resolution of the city council.

- A. Any person, firm or corporation who shall create, or cause to be created, a development as defined herein, or construct a building within the limits of the city, without complying with the provisions of this chapter, or who shall violate any provisions hereof shall be deemed guilty of a Class B misdemeanor. Each day in which any such violation shall continue, or be permitted, shall be deemed a separate offense.
- B. The city shall authorize the necessary public officials and/or officers to investigate and make reports to the planning commission of any such violations. The planning commission, if it finds that such a violation does exist, may recommend that legal action be taken by the city council.

**CERTIFICATE OF PASSAGE
AND POSTING ORDINANCE**

*I, the duly appointed and acting recorder for the City of West Bountiful,
do hereby certify that the foregoing Ordinance No. 479-24 was duly
passed and posted on the Utah Public Notice Website, the City Website,
and at West Bountiful City Hall on February 13, 2024.*


Remington Whiting, City Recorder

DATE: 02/13/24