

## TITLE 12-000 CHAPTER 2000

**CHAPTER 12-2000. SUBDIVISION REGULATIONS**

**12-2001. APPLICABILITY.** All subdivision applications shall be administered in accord with the provisions of this Chapter.

**12-2002. GENERAL PROVISIONS.**

**12-2002-1. PURPOSE.** The purpose of this Chapter shall be to implement a general rule for the subdivision of the land within the Richmond City limits.

1. This Chapter shall be based on the officially adopted General Plan of the City and is enacted in order to promote and protect the public health, safety, comfort, convenience, prosperity, and general welfare and to achieve the following objectives:

- a. To promote the goals and policies as recommended in the Richmond City General Plan;
- b. To provide for the accuracy of legal descriptions in the land conveyance process;
- c. To encourage excellence and creativity in the design of all future developments and to preserve the natural beauty of Richmond City;
- d. To encourage orderly growth and development;
- e. To avoid scattered development of land that results in:
  - 1) Lack of water supply, sewer service, drainage, transportation facilities, or otherwise essential public services; or
  - 2) Excessive expenditure of public funds for the supply of such services;
- f. To provide for desirable and appropriately located living areas and a variety of dwelling types and densities with adequate provision for sunlight, fresh air, and usable open space;
- g. To provide for the manner and form of making and filing of plats;
- h. To specify the requirements as to the extent and the manner in which:
  - 1) Roads and streets shall be created and improved;
  - 2) Water and sewer and other utility mains, piping connections, or other facilities shall be installed;
  - 3) Pedestrian pathways consistent with the recommendations found within the General Plan are to be located and designed;
- i. To protect existing surface waters throughout the City, and
- j. To specify the administration of the regulations of this Section by defining the powers and duties of approval authorities.

**12-2002-2. APPLICABILITY.** These regulations shall apply to the subdivision of all land within the legally defined Richmond City limits that is divided, re-subdivided, or proposed to be

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divided into two (2) or more lots, parcels, sites, units, other divisions of land for the purpose, whether immediate or future, for offer, sale, lease or development either on the installment plan or upon any and all other plans, terms, and conditions.

**12-2002-3. AUTHORITY.** Chapter 12-1200 is established through the authority of Title 10, Chapter 9a, Section 601.

1. All subdivision plat(s) must comply with the provisions of this Chapter before:
  - a. It/They shall be submitted to the public land records of Cache County, or recorded by the Cache County Recorder's Office, or
  - b. any lots be sold.

1) All subdivision plat(s) must receive final approval by the City Council upon recommendation of the Planning & Zoning Commission.

**12-2003. SUBDIVISION PROCESS.**

**12-2003-1. APPLICABILITY.**

1. There are three processes that govern the subdivision of land: preliminary plat, final plat, or combined preliminary and final plat.
  - a. The process to be followed will depend on the property, the number of lots created and the type of land use proposed and/or allowed on the property.
  - b. The three processes apply to all requests for the subdivision of property with the following exceptions:
    - 1) A division of agricultural land for agricultural purposes in accordance with Title 10, Chapter 9a, Section 605 (2).
      - a) Such land must qualify as agricultural use per Title 59, Chapter 2, Section 503 which requires that the land must produce in excess of fifty percent (50%) of the average agricultural production per acre.
2. Property boundary adjustments of property lines in accordance with 12-503 and 12-902-2.
3. Under the provisions of Title 10, Chapter 9a, Section 605 (1) a subdivision of 4 lots or less will not require a plat to be provided:
  - a. the proposed subdivision is not traversed by the mapped lines of a proposed street recommended in the General Plan for Richmond City and does not require the dedication of any land for street or other public purposes;
  - b. has been approved by the Culinary Water Authority and the Sanitary Sewer Authority;
  - c. is located in a zoned area; and

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

4. If a property is subject to subdivision regulation, the applicant must adhere to the following three part public approval process:

a. Phase 1 - Pre-application Meeting.

b. Phase 2 - Preliminary Plat.

c. Phase 3 - Final Plan.

**12-2003-2. PRE-APPLICATION MEETING.** The pre-application conference precedes the actual preparation of preliminary plans by the applicant to the Planning & Zoning Commission.

1. At the meeting the applicant shares his/her development plans and is advised of zoning, utilities, General Plan recommendations, platting procedures and applicable requirements by the City Manager and/or City Engineer.

2. The applicant should present a general outline of the proposed subdivision/development including sketch plans and ideas regarding land use, street arrangements, lot arrangement, and tentative lot sizes.

a. The City Manager and/or City Engineer and applicant should discuss site development information including, but not limited to, water supply and distribution, floodplains, sewage disposal, surface drainage, street improvements and other relevant information concerning the proposed subdivision/development.

**12-2003-3. PRELIMINARY PLAT PROCESS.** The preliminary plat stage of land subdivision includes detailed subdivision planning, submission, review and approval of the preliminary plat.

1. The following Preliminary Plat requirements shall be submitted to the City Manager at least fourteen (14) days prior to the hearing before the Planning & Zoning Commission. (NOTE: Scheduling of the case shall be dependent upon adequacy of data provided to the City.)

a. The Preliminary Plat will not be processed until all of the required items have been submitted.

1) At the discretion of the City Manager or City Engineer, appropriate supplementary information may also be required to sufficiently detail the proposed development.

b. Subdivision design should comply with the standards set forth in the City's *Manual of Design and Construction Standards* available from the City.

c. Preliminary plat application with required attachments as noted on the application.

d. Application fees as set forth by the City.

e. Ten (10) hard copies and one (1) electronic copy, in NAD 83 horizontal coordinate system and NAVD 88 vertical datum, of the Preliminary Plat Drawing which includes the following:

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- 1) Size of plat sheets shall be twenty-four inches by thirty-six inches (24" x 36") with at least one and one-half inch (1-2) border on the left side and one-half inch (2 ) on all other sides.
- 2) Plat sheets shall be prepared at a scale of one inch equals one hundred feet (1" =100') or larger for subdivisions where the majority of lots are less than five (5) acres in size.
  - a) The scale may be reduced to one inch equals two hundred feet (1"=200') for subdivisions in which the minimum lot size is five (5) acres or more.
- 3) The title (subdivision name) of the plat shall appear on the drawing along with Section, Township and Range information, and shall not duplicate or too closely resemble the name of any subdivision previously filed in the County.
- 4) The date of preparation, scale and north arrow are to be shown on the plat sheet.
  - a) The top of each sheet shall represent north wherever possible.
- 5) Provide signature blocks for County Surveyor, County Recorder, City Planning and Zoning Commission, Mayor as authorized and acting in behalf of the City Council, City Attorney, City Engineer and Health Department along the bottom or right hand side of the plat sheet.
- 6) Include the names, addresses and phone numbers of the developer or sub-divider, and the individual or firm responsible for the preparation of the plat.
- 7) Include written legal description of subdivision with a Surveyors Certification, so that the plat conforms to Title 10, Chapter 9a, Section 603 (4) ff for plat preparation.
- 8) Include a dedication of easements, parks, streets, or any other parcel intended for public uses, with a signature block and an acknowledgment signature block.
- 9) The boundary of the platted land shall be shown with bearings and distances, and the basis of the Point of Beginning shall be shown and tied to section or quarter section lines.
  - a) Include descriptions of found monuments which indicate the basis of bearing, all in keeping with the provisions of Title 10, Chapter 9a, Section 603 (4) (a) through (c).
- 10) Show the lot layout with lot numbers and addresses (by table or directly indicated on the specific lot), lot dimensions and lot area in square feet and graphically depict the minimum setbacks and public utility easements.
- 11) Address numbers will be determined by using the "Plat of Zion" system as outlined in 12-2004-4.1.d and must be coordinated with Richmond City .
  - a) The Cache County numbering system IS NOT to be used to prevent confusion on the part of emergency services personnel.
- 12) Show Tax Identification numbers and owners names of all adjacent parcels.
- 13) Show existing contours at a maximum interval of two feet (2') for slopes greater than two percent (2%).

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a) For slopes of two percent (2%) or less, contour intervals shall be one foot (1') unless waived by the City Engineer.

14) Identify location and extent of any significant natural features such as slopes, streams, floodplain, faults, significant wildlife corridors or drainage-ways.

15) Identify existing easements, structures and utilities.

16) Show proposed streets, right-of-ways, and centerlines with standard street numbers utilizing the "Plot of Zion" numbering system from the intersection of Main and State Streets, Richmond, Utah and proposed names in accordance with the *Richmond City Manual of Design and Construction Standards*, most recent edition.

a) Street numbers are to be determine in keeping with 11) and 11)a) above.

17) Show proposed culinary water, sanitary sewer, storm drain, and other utility systems.

f. Five (5) sets of construction drawings for the required improvements set forth in 12-509 and in accordance with the *Richmond City Manual of Design and Construction Standards*, prepared by a registered professional engineer in the State of Utah.

1)The plans shall provide for all improvements shown on the drainage plan including right of way easement cross sections showing construction and placement of streets, walks, curbs, gutters, medians, swales, ditches, utilities, planting strips and property lines; details of hydrants, valves, manholes, pipe junctions, pumps, thrust blocking, catch basins, etc.; street profiles showing natural and finish grades, centerline and both curbs or edges of asphalt, storm sewer line and manhole profiles, storm drainage system profiles and other details as necessary to adequately convey the design intent.

2) Provide a vicinity map showing the location of the proposed subdivision in the City and its relationship to surrounding development at a scale of one inch equals one thousand feet (1"=1000') or one inch equals two thousand feet (1"=2000').

3) Identify all property under control of the sub-divider, even though only a portion is being subdivided.

g. Five (5) copies of a drainage report prepared by a licensed engineer which examines the pre-development and post-development design storm flows and high water marks of any natural drainage that could affect the site, as well as outlines the design procedure of all drainage facilities on site in accordance with the *Richmond City Manual of Design and Construction Standards*.

h. Five (5) copies of storm drainage plans prepared by a licensed engineer which shows proposed rights-of-way, easements, walkways, parks, common areas, roadways, waterlines, reservoirs, sewer lines, manholes, treatment facilities, swales, curb and gutter, culverts, drains, storm water devices, spot top of curb elevations, high and low street points, drainage arrows, street plans, all drainage areas and acreage, design flood flows adjacent to and/or flowing onto

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the development, the storm water “pick up” and “take off” points designed to handle the design flow on the surface, cross sections and high water elevations for all design flows.

- 1) Spot elevations shall be given for all inverts low points and flow entry and exit points.
  - i. Three (3) copies of Soil Suitability Report with a boring log.
  - j. Five (5) copies of an Erosion Control Plan.
  - k. Five (5) copies of the development layout plan if development is to be constructed in phases.
  - l. Associated studies (geological or other hazard studies).
  - m. One (1) copy of a list of the names and addresses of all owners of subdivided lots and unplatted land located within three hundred feet (300') of the exterior boundary of the proposed subdivision.
2. Public Hearing Notice requirement in compliance with Title 10, Chapter 9a, Section 205.
  - a. All preliminary plat applications shall be considered in a public hearing before the Planning and Zoning Commission.
    - 1) The Planning and Zoning Commission shall forward their recommendation to the Richmond City Council either approving with or without conditions or denying the proposed subdivision.
    - b. Richmond City shall provide written notice of the date, time, place, and purpose of the hearing to all property owners within three hundred feet (300') of the exterior boundaries of the subject property for the proposed subdivision, with this notice being mailed not less than ten (10) days prior to the public hearing.
    - c. Richmond City shall mail notice to affected public entities of the proposed preliminary plat not less than fourteen (14) days prior to the public hearing.
    - d. Richmond City shall post notice of the public hearing on the Utah Public Notice Website at least ten (10) calendar days prior to the hearing.
    - e. At least ten (10) days prior to the public hearing, the applicant shall post at the proposed subdivision site in a visible location with a sign of sufficient size, durability and print quality to give notice to passers-by including a summary description of the proposed project, the date, time, and place of the public hearing.
3. Decision relative to the preliminary plat process shall comply with the following:
  - a. The recommendation of the Richmond Planning and Zoning Commission shall be transmitted to the Richmond City Council.
  - b. The Richmond City Council shall place the issue upon their agenda and set a time and date for a public hearing before the Council.
  - c. The Richmond City Council notification of public hearing shall comply with the provisions of 12-2003-3.2 ff above.

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4. The decision of the Richmond City Council relative to the preliminary plat shall be made based upon the recommendation of the Richmond City Planning and Zoning Commission, evidence and testimony of the public during the public hearing, and such other testimony and information obtained by the Richmond City Council within an agenda meeting.

a. Decisions may be appealed per 12-409.

**12-2003-4. FINAL PLAT PROCESS.**

1. After the approval or conditional approval of the preliminary plat, the applicant may cause the total parcel, or any part thereof, to be surveyed and a final plat prepared in accordance with the approved preliminary plat.

2. The following Final Plat Requirements shall be submitted to the City Manager.

a. The Final Plat will not be processed until all of the required items have been submitted.

b. Final plat application with required attachments as noted on the application.

c. Application fees as set forth by the City and in compliance with the provisions of Title 10, Chapter 9a, Section 510.

d. Ten (10) copies of the Final Plat Drawing which shall include and be in compliance with all items required under Title 10, Chapter 9a, Section 603 ff as well as all of the items required for the Preliminary Plat Drawing with the following requirements:

1) Contours, existing and proposed utilities and natural features not associated with subdivision boundary be removed.

e. A statement of conformance with the approved preliminary plat and meeting all requirements or conditions thereof;

f. Ten (10) copies of construction drawings which meet preliminary plat requirements and changes from preliminary plat approval if any.

g. Electronic files of final and approved preliminary plats in accordance with the Richmond City *Manual of Design and Construction Standards*.

h. If the plat must be reviewed by the U.S. Army Corps of Engineers because of wetlands, streams or other criteria, a letter from the Corps of Engineers indicating approval must be provided.

i. Proof of current ownership of the real property included in the proposed final plat and consent of recorded owners of the plat.

1) In conjunction with the proof of ownership, proof that all taxes, interest, and penalties owing on the land have been paid in accordance with Title 10, Chapter 9a, Section 603.(3).

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j. Title Opinion to include evidence satisfactory to the City must be submitted showing title or control of the property to be subdivided and showing the property to be subdivided as free and clear of any liens.

1) An attorney's title opinion or ownership and encumbrance report from a land title company shall be considered satisfactory evidence.

2) Such an opinion or report shall also note any reservation for mineral rights and the existence of any mineral or oil and gas leases.

k. A documented statement of conformance with all requirements and provisions of this Title.

l. A documented statement of conformance with acceptable engineering, architectural and surveying practices and local standards.

m. A documented statement indicating the timing of the construction and completion for all improvements and any required amenities associated with the plat.

n. A cost breakdown of public infrastructure improvements.

o. Financial Guarantee:

1) No site grading or construction of lots or of the public improvements required in this title shall be started unless and until the sub-divider shall have furnished to the City a contractor's performance bond, an irrevocable letter of credit or funds in escrow an amount equal to at least one and one-quarter (1.25) times the reasonable value of the required public improvements, as determined by the Richmond City Engineer, to guarantee the complete and timely development of any facilities or improvements which are the sub-divider's responsibility.

p. Alternate Approval Procedure:

1) As an alternate procedure and at the request of the sub-divider, the Richmond City Council may approve a final plat and instruct the City Planner or other designated individual working for or elected to a position within the government of Richmond City to withhold the approved final plat from recording for a period of time to allow the sub-divider to install all of the required public improvements according to the plans and specifications approved by the City Engineer.

2) An executed standard contract as approved by the Richmond City Attorney regarding installation of improvements shall be submitted with the final plat.

3) The contract shall require that all improvements be completed no later than twelve (12) months from the date the final plat was approved by the Richmond City Council.

a) When the completed improvements are inspected and approved by the Richmond City Engineer, the plat shall be recorded by the City Recorder as well as the Recorder for the County of Cache, State of Utah, and the sale of lots may proceed according to the approved and recorded plat.



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## q. Release of Financial Guarantee:

1) As improvements are completed, inspected and approved by the City, and accurate as-built drawings are submitted, the subdivider may apply to the City for a release of a proportionate part of any collateral deposited with the City.

2) The City shall retain ten percent (10%) of the collateral or receive a bond for the same amount for a period of one year from the time of completion and acceptance of the subdivision to ensure correction of latent defects which may occur within that period.

a) The City may extend the improvement assurance warranty to two (2) years from date of completion if the conditions found in Title 10, Chapter 9a, Section 604.5 apply.

3) The guarantee hereby stipulated shall extend to and include, but shall not be limited to, the entire street base and all pipes, joints, valves, backfill and compaction, as well as the working surface, curbs, gutters, sidewalks, and other accessories that are or may be affected by the construction operations; and whenever, in the judgment of the City Engineer, said work shall be in need of repairs, maintenance, or rebuilding, he shall cause a written notice to be served upon the developer and or permittee or both, and there upon the responsible party(ies) shall undertake and complete such repairs, maintenance, or rebuilding.

a) If the responsible party(ies) fails to do so within thirty (30) days from the date of the service of such notice, the City Engineer shall have such repairs made, and the cost of such repairs shall be paid by the responsible party(ies), together with twenty-five percent (25%) in addition thereto, as and for stipulated damages for such failure on the part of the responsible party(ies) to make the repairs.

4) The City Engineer may withhold future permits from the affected contractor or subcontractor for failure to comply with City requirements.

5) A final close out inspection shall occur prior to the completion of the twelve month warranty period to verify compliance with the above stipulated conditions.

## r. Other information or documents as necessary.

## 3. City Manager review:

## a. Acceptance.

1) Upon receipt of the final plat, and compliance with all other requirements as provided for herein, the City Manager shall certify the application as complete and shall affix the date of acceptance.

## b. Substantial compliance.

1) The City Manager or designee shall review the final plat for substantial compliance with the approved or conditionally approved preliminary plat.

a) The final plat shall be determined in substantial compliance with the preliminary plat, notwithstanding the following changes:

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- (1) The number of buildable lots is the same or fewer;
  - (2) The amount of common open space is increased;
  - (3) The number of open space lots has been increased;
- c. If the number of buildable lots has increased or there has been an overall reduction in the amount of open space or relocation of the open space, the final plat shall be determined not to be in substantial compliance with the preliminary plat.
- 1) If the City Manager determines that there is substantial difference in the final plat than that which was approved as a preliminary plat or conditions that have not been met, the City Manager may require that a new preliminary plat be submitted to the Planning and Zoning Commission.
4. Decision on the final plat.
    - a. The Richmond City Council shall make a decision on every final plat in accordance with this Chapter and the conditions of approval placed on the preliminary plat.
    - b. Each final plat approval shall indicate the timing of the construction and completion for all improvements and any required amenities associated with the plat.
  5. Submission of final plat for recording.
    - a. After approval by Richmond City Council, the applicant/developer shall submit one (1) copy of Final Plat on Mylar with signatures of all owners of record with appropriate notary acknowledgment, for an individual, corporation or partnership along with stamp and signature of surveyor.
  6. Recording of the final plat. Upon approval or approval with conditions by the Richmond City Council and signature of the City Engineer, the City will submit the final plat to the Cache County Recorder for recording.
    - a. The final plat shall contain signature blocks for County Surveyor, County Recorder, City Planning and Zoning Commission, Mayor as authorized and acting in behalf of the City Council, City Attorney, City Engineer and Health Department along the bottom or right hand side of the plat sheet as well as any additional requirements as listed in Title 10, Chapter 9a, Section 603.

**12-2003-5. COMBINED PRELIMINARY AND FINAL PLAT PROCESS.**

1. Applicability.
  - a. A subdivision application may be simultaneously processed as both a preliminary and final plat if all of the following exist:
    - 1) The proposed subdivision does not exceed ten (10) lots.
    - 2) No new street dedication, excluding widening of an existing street, is required; and
    - 3) All required information for both preliminary and final plat is complete and in an acceptable form.

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## 2. Public hearing Requirements.

a. All combined preliminary and final plat applications shall be considered in a single public hearing before the Richmond Planning and Zoning Commission.

b. The Richmond Planning and Zoning Commission shall make a recommendation to the Richmond City Council approving with conditions or denying the proposed subdivision.

c. The public hearing shall be held in compliance with the provisions of 12-2003-2.2.a through and including 12-2003-2.2.e.

3. The Planning and Zoning Commission shall forward their recommendation to the Richmond City Council either approving with or without conditions or denying the proposed subdivision.

4. The Richmond City Council shall consider the recommendation of the Richmond Planning and Zoning Commission in a regular agenda meeting, and shall schedule a public hearing at a subsequent meeting following the provisions of 12-2003-3.2 ff.

5. The decision of the Richmond City Council relative to the joint preliminary/final plat shall be made based upon the recommendation of the Richmond City Planning and Zoning Commission, evidence and testimony of the public during the public hearing, and such other testimony and information obtained by the Richmond City Council within an agenda meeting.

a. Decisions may be appealed per 12-409.

**12-2003-6. REQUIRED FINDINGS.** In consideration of a preliminary plat or combined preliminary and final plat, the decision-making body shall make the following findings:

1. The plat is in conformance with recommendations found within the General Plan;

2. Public services are available or can be made available and are adequate to accommodate the proposed development;

3. The plat is in conformance with scheduled public improvements in accord with the City's capital improvement program;

4. There is public financial capability of supporting services for the proposed development, and

5. The development will not be detrimental to the public health, safety or general welfare.

**12-2003-7. TERM OF PERMITS.**

1. Failure to submit final plat.

a. Approval of a preliminary plat or combined preliminary and final plat shall become null and void if the applicant fails to record a final plat within two (2) years of the approval of the preliminary plat or one (1) year of the approval of the combined preliminary and final plat.

2. Phased development.

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a. In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of twelve (12) months, may be considered for final approval without resubmission for preliminary plat approval.

b. The twelve (12) month period may be waived if the Richmond City Council enters into a formal agreement with a developer on a phased development with specific deadlines for phase completion.

1) In the event of such a formal agreement, the developer must appear before the Richmond City Council prior to beginning actual development of the next scheduled phase to ensure compliance with any changes or up-dates applicable to various infrastructure or building code(s).

3. Authorize extension.

a. Upon written request and filed by the applicant prior to the termination of the period, the Richmond City Council may authorize a single extension of time to record the final plat not to exceed twelve (12) months.

b. Additional time extensions up to twelve (12) months may be approved by the Richmond City Council.

c. With all extensions, the Richmond City Council may require the preliminary plat or combined preliminary and final plat to comply with the current provisions of this Title.

4. Failure to meet timetable.

a. If the above timetable is not met and the applicant does not receive a time extension, the original approval shall become null and void.

b. Subsequent development on the property shall require submittal and approval of a new application in compliance with the provisions of this Chapter.

**12-2003-8. PROPERTY BOUNDARY ADJUSTMENT.**

1. The purpose of these regulations is to allow for the adjustment of property lines between existing properties, and to allow for the reduction in the number of buildable lots.

a. A property boundary adjustment does not vacate the platted lot lines or easements of a recorded subdivision.

2. Applicability.

a. These provisions apply to all existing properties.

3. Process:

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a. Application and fee, in accordance with the adopted fee schedule in compliance with the provisions of Title 10, Chapter 9a, Section 510 and 12-12-514 shall be submitted to the City Manager on forms provided by the City.

b. Upon tentative approval of the application by the City Manager subject to any applicable conditions of approval the applicant or owner shall have one (1) year to complete the following tasks:

- 1) Cause the property to be surveyed and a record of survey recorded;
- 2) Execute and record the necessary deeds to accomplish the property boundary adjustments as approved;
- 3) Obtain new tax parcel numbers from the Cache County Assessor; and
- 4) Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the City Manager.

c. Upon determination by the City Manager that the final property boundary adjustment is in conformance with the provisions of this Section and the conditions of approval, a certificate of zoning compliance shall be issued.

4. Standards:

a. A property boundary adjustment shall not reduce the property size below the minimum dimensional standards as established by 12-900 (Zones); or if one or more of the properties is nonconforming, per formal agreement between the developer and the Richmond City Council, as to the minimum dimensional standards prescribed, the property boundary adjustment shall not increase the nonconformity.

b. A property boundary adjustment shall not increase the original number of properties, and may decrease the original number of properties.

c. A property boundary adjustment shall not change or move any public streets or publicly dedicated areas in any manner.

d. Any private or public easement shall be vacated in accord with the requirements of this Title.

**12-2003-9 VACATING OR CHANGING A SUBDIVISION PLAT.**

1. The Richmond City Council, as the Land Use Authority, shall allow vacating or changing of a subdivision plat.

2. The process for vacating or changing of a subdivision plat will comply with the following provisions as set forth in the respective portion of Utah Code Annotated, Title 10, Chapter 9a:

- a. Section 608 for overall vacating or changing.
- b. Section 609 for the approval and recording.
- c. Section 609.5 for street, right-of-way, or easement.

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**12-2004. SUBDIVISION DESIGN AND IMPROVEMENT REQUIREMENTS**

**12-2004-1. PURPOSE.** This Section shall establish minimum design and improvement requirements in the subdivision of land to promote the public health, safety, and general welfare of present and future residents, and to provide for coordinated, efficient, and attractive development consistent with the recommendations of the Richmond City General Plan.

**12-2004-2. APPLICABILITY.**

1. All plats submitted in accord with the provisions of this Chapter, and all subdivisions, improvements and facilities done, constructed or made in accord with said provisions shall comply with the minimum design standards set forth in the current edition of the *Manual of Design and Construction Standards* for Richmond City.

a. Higher applicable standards adopted by any senior transportation or health authority shall prevail.

2. It shall be the responsibility and liability of every applicant, and the owner of the land being subdivided, to construct and install every improvement shown on the plat of the subdivision, represented to be included in the subdivision at any presentation before the Planning and Zoning Commission and/or the City Council, and all improvements required by the ordinances of Richmond City specifically including the requirements of this Chapter, and this responsibility and liability shall be personal to the developer and the owner and shall also run with the land, and this responsibility and liability shall be shown on the plat of the subdivision.

**12-2004-3. REQUIRED IMPROVEMENTS.**

1. The sub-divider shall install, at the sub-dividers expense, the following improvements within twenty four (24) months of final plat approval and in accordance with plans, specifications, and data as specified in Richmond City's latest edition of the *Manual of Design and Construction Standards* and as approved by the City Engineer.

a. The construction and installation of all improvements shall be under the supervision and inspection of the City Engineer or his/her agents.

1) The owner shall be required to pay the cost of engineering and inspection services prior to the issuance of final acceptance of subdivision improvements by Richmond City.

2. Sewage Disposal.

a. The sub-divider shall provide an approved sewage disposal system for all lots within the subdivision by one of the following means as determined by the City Engineer:

b. Individual or private sewage facilities are not allowed in the City limits unless located in a zone which prohibits/prevents the installation of a sewer main.

1) Should such a situation occur, the placement and certificate of installation must be through the Bear River Health Department.

c. Sanitary Sewer System.

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1) There shall be constructed at the owner's and/or sub-divider's expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, manholes and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area to a connection with the Richmond City sanitary sewers.

2) Pumping ("lift") stations and pumping equipment will not be permitted by Richmond City unless all means of gravity flow are unavailable or undue hardship would result.

a) Increased costs, unless they constitute an undue and prohibitively excessive financial burden as determined by the City, will not constitute a hardship.

3) The sanitary sewer system shall be constructed in accordance with the latest edition of the Richmond City *Manual of Design and Construction Standards*.

4) The above mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approval and acceptance by Richmond City, become the property of the City.

a) Under some circumstances Richmond City may require, as a condition for approval of the plat, installation of a sanitary sewer that is larger than necessary to meet the immediate needs of the platted area or the area being subdivided as shown by the preliminary plat or site plan but necessary to complete the City sanitary system as it relates to both the area being platted and other areas.

b) If applicable under then current Richmond City ordinance, some reimbursement to the original developer may be available when others establish connections to the oversized (pioneering) sewer main.

### 3. Storm Drainage System.

a. There shall be constructed, at the owner's and sub-divider's expense, a storm drainage system adequate to serve the area, including anticipated extension of use to serve additional areas.

1) The storm drainage system shall be designed and constructed in accordance with the latest edition of Richmond City *Manual of Design and Construction Standards*.

2) The drainage systems will, upon inspection, approval and acceptance by the City, become the property of the City.

3) In the storm drainage system design phase, consideration shall be given to alternatives and principles of storm water management in accordance with the Utah pollutant discharge elimination system (UPDES) permit or as determined by the City Engineer.

### 4. Water Distribution System.

a. There shall be constructed, at the owner's and sub-divider's expense, a water distribution system (including fire protection with hydrants) to adequately serve all lots or parcels of land within the platted area with due regard to the present and reasonably foreseeable needs of the

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entire area shown in the preliminary plat or site plan, and shall connect the same to existing water mains.

b. The water distribution system shall be designed and constructed in accordance with the current edition of Richmond City *Manual of Design and Construction Standards*, and may include pumping stations, pressure reduction valving, and storage facilities.

5. Streets, Street Grading and Surfacing.

a. The owner of land being platted shall, at their expense, provide the grading of the entire street rights of way and alleys and provide appropriate paving including curb and gutter on all streets.

1) All streets or roads shall be of such width and shall be so constructed as to meet the standards designated for various road classifications.

2) The street improvements shall be designed and constructed in accordance with the latest edition of the Richmond City *Manual of Design and Construction Standards* and shall adequately reflect the classification of the street, its location and anticipated volume of traffic.

6. Streetlights, Street Name Signs and Traffic Control Signs.

a. The owner shall, at their expense, install all streetlights, street name signs and traffic control signs.

1) Street lights shall be in compliance with the designated style and type, including manufacture, as designated by the Richmond City Council in keeping with an on-going program of uniform lighting.

2) All street lights will be “dark-sky” compatible with the associated directional and screening devices.

b. All lights and signs shall be designed and installed in accordance with the current edition of the Richmond City *Manual of Design and Construction Standards*.

c. Streetlights, street signs and traffic control signs shall be installed prior to any occupancy permit being issued for any building, in any subdivision.

1) Street signs must carry a numerical designation based upon the “Plat of Zion” design and may also bear a name.

7. Utilities; Gas, Electricity, Telephone, and other infrastructure not otherwise covered.

a. It is the responsibility of the owner or sub-divider to install all other necessary utilities.

1) The utilities shall be installed under the supervision of the City Engineer and the agency responsible for the particular utility.

2) All utilities shall be installed underground, except that major overhead power lines may be located along major streets or other specifically designed streets or transmission corridors.



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3) All utilities must be designed and constructed in accordance with the latest edition of the *Richmond City Manual of Design and Construction Standards*.

8. Other Facilities or Improvements.

a. The owner or sub-divider shall, at their expense, install any other facility or improvement as may be specified on the preliminary plat, site plan, or upon recommendation of the Planning and Zoning Commission and ratified by the Richmond City Council and agreed to by the sub-divider.

9. Monuments.

a. The owner and sub-divider shall, at their expense, install monuments at all:

1) Subdivision boundary corners,

2) Block and lot corners, points of tangency and points of curve of all curves shall be marked by a distinctive survey corner marker.

a) Where section lines and quarter section lines intersect the centerline of any street, reference shall be given to the nearest section corner or quarter corner.

b) All survey markers shall be in place and visible at the time of final acceptance.

3) Street monuments shall be installed at the intersection of the centerlines of all streets within the subdivision.

a) Specifications for the monuments shall be the same as for the subdivision boundary monuments and shall be set in access wells as specified in the latest edition of the *Richmond City Manual of Design and Construction Standards*.

10. Supplemental On Site/Off Site Street Construction.

a. The developer or sub-divider shall be responsible for and bear the expense of all street, curb, gutter, sidewalk and other related construction within the development.

b. The extent of development of streets which are contiguous to, traverse, or provide access to areas which are to be subdivided or developed shall be determined by the Planning and Zoning Commission, subject to review and approval by the Richmond City Council.

1) The transportation master plan and land use maps of the General Plan for the City shall be consulted in each particular case to determine whether a particular street which traverses or is contiguous to a subdivision or development, or provides access to a subdivision or development, should be developed to appropriate street standards.

2) Such streets may be on site or off site of the property being improved or platted.

3) The Planning and Zoning Commission may deviate from the transportation master plan in those particular cases in which the required standard of development for such streets is not in accord with estimated traffic demands, considering further requirements for ingress and egress and safety.

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a) Any such deviation recommended by the Planning and Zoning Commission must be ratified by the Richmond City Council.

c. In the event that the Planning and Zoning Commission approves construction of half streets, the developer must, at a minimum, construct half a street with pavement, shoulder, curb, gutter and sidewalk built to proper specifications for that particular street designation.

1) Additionally, the subgrade preparation, sub-base, base course and asphalt will be in accordance with the particular street designation, all at the developer's expense.

2) The developer must also leave the surface of the deeded adjoining land in a condition which would be compatible with future construction of the remaining lanes, subject to the inspection and approval of the City Engineer.

d. The following provisions apply to all streets when the Planning and Zoning Commission has determined that deviation from the transportation master plan is not permitted:

1) Streets contiguous to an area being platted or improved, and that provide access to such areas being platted or improved, shall be required to be designed and constructed or improved to the standard specified in the latest edition of the *Richmond City Manual of Design and Construction Standards* for the appropriate street classification as designated on the transportation and land use map as part of the plat or improvement.

a) Such streets may be on site or off site of the property being improved or platted.

2) Streets recommended for construction or improvement under this section shall be reviewed by the Planning and Zoning Commission with final approval by the Richmond City Council.

3) Streets which are required to be constructed or improved under this section shall be constructed or improved at the expense of the developer and at no expense to the City.

a) In addition, full width of street construction shall be required for streets constructed or improved under this section

4) The Planning and Zoning Commission may require a traffic impact study to evaluate potential impacts from the development.

a) Impacts adjacent to the development will be required to be mitigated by the developer.

#### 11. Extension of Public Works Facilities.

a. The extension of any public works facilities, including, but not limited to, streets, roads, bridges, storm drains, water mains, sewer lines, secondary water systems and the like, shall be installed by the developer or sub-divider of any subdivision when such extensions are made necessary by reason of the impact of the subdivision or development.

1) The necessity of all such extensions, and the scope thereof, shall first be determined by the City Engineer.

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2) The developer or sub-divider shall not be entitled to compensation or reimbursements for such improvements or extensions to the extent that such improvements or extensions were necessitated by the prospective impact of the development or subdivision.

a) Developer or sub-divider may be reimbursed for extensions and/or improvements which the developer may be required to make which exceeds the anticipated impact of the proposed subdivision or development in keeping with provisions of the then current Richmond City ordinance regarding such “pioneering” work.

## 12. Improvement Payback.

a. The City shall require that adjacent property owners, whose property has not yet been platted or improved and who will benefit from the street construction or other infrastructure improvements, to reimburse the developer who constructed or improved said infrastructure under this section, an equitable portion of the cost of the improvement in keeping with provisions of the then current Richmond City ordinance regarding such “pioneering” work.

b. The Richmond City Council shall determine what, if any, adjacent property has benefitted and shall also determine the equitable amount which an adjacent property owner shall pay to the developer who constructed or improved the infrastructure pursuant to this section in keeping with provisions of the then current Richmond City ordinance regarding such “pioneering” work .

c. The sum of amounts paid by adjacent property owner(s) shall not exceed fifty percent (50%) of the original cost of the infrastructure constructed or improved under this section unless provided otherwise in keeping with provisions of the then current Richmond City ordinance regarding such “pioneering” work.

d. An owner of adjacent property which has been determined to have benefitted shall not be required to pay his/her equitable share of the costs of such construction or improvement until such time as the benefitted property is improved and/or developed.

e. This payment shall be required up to a date ten (10) years from the acceptance of constructed improvements or as otherwise established in keeping with provisions of the then current Richmond City ordinance regarding such “pioneering” work.

f. It shall be the responsibility of the developer to keep accurate and detailed financial records for the said ten (10) year period to enable the City Council to make an equitable determination of reimbursement.

g. In the event that such financial records are not maintained or not provided to the City Council, the reimbursement provisions of this Chapter and the then current Richmond City ordinance regarding such “pioneering” work will be declared null and void.

## **12-2004-4. DESIGN REQUIREMENTS.**

### 1. Streets.

#### a. Dedication.

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1) Within a proposed subdivision, arterial and collector streets as shown on the General Plan shall be dedicated to the public in all cases; in general, all other streets shall also be dedicated to public use.

b. Street Specifications.

1) The design, location, and widths of all street and street intersections shall comply with the requirements of the latest edition of the Richmond City *Manual of Design and Construction Standards*.

c. Each block will be designated at six hundred sixty feet (660') feet between road right-of-ways.

d. Street Names.

1) All new streets will bear a number designation in accordance with the points of the compass, and beginning with a zero-zero designation at the intersection of Main and State streets in Richmond City.

a) If a developer desires to name a street, this name shall be in addition to, and not replace or supplant, the numerical designation in the City.

b) Addresses shall be determined by measuring out from the intersection of Main and State streets in the "Plot of Zion" format.

(1) In an out-bound direction from the intersection of Main and State streets, addresses on the left side shall be odd numbered while those on the right shall be even numbered.

(2) For every six and one-half feet of frontage (6.5'), the number shall increase by one digit.

(3) If the location of the main entrance to the structure can be predetermined, that shall become the address point.

(4) Otherwise the address will be determined by the mid-point of the frontage of the lot.

(5) All street names and house numbers shall be approved and assigned by Richmond City.

(a) Street names shall not duplicate any existing street name within the County, except where a new street is a continuation of an existing street.

(b) Street names that may be spelled differently but sound the same as existing streets shall not be used.

(c) For streets that provide primary access to a subdivision or neighborhood and that align with an existing or planned street across an intersection that is not part of the same subdivision or neighborhood, the street name shall not duplicate the name of the subdivision or neighborhood.

(d) Proposed streets which are a continuation of an existing street shall be given the same name as the existing street.

(e) Street name signs shall be installed in the appropriate locations at each street intersection.

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(f) The Richmond City Council may approve exceptions to the requirements for street names in accordance with subsections (a) to (e) above.

e. Cul-de-sacs.

1) No cul-de-sacs will be allowed except for situations where the Planning and Zoning Commission determines that topographic constraints will not allow through streets.

2) The design of the cul-de-sac must comply with the current requirements set forth in the Richmond City *Manual of Design and Construction Standards*.

f. Reconfiguration of the proposed street layout may be required by the Planning and Zoning Commission to provide through streets and will be ratified by the Richmond City Council prior to implementation.

2. Driveways.

a. All driveway openings in curbs shall comply with the requirements of the Richmond City *Manual of Design and Construction Standards*.

3. Common driveways:

a. Common driveways shall serve a maximum of four (4) dwelling structures.

b. Common driveways shall be a minimum of twenty feet (20') in width.

c. Common driveways shall be a maximum of one hundred fifty feet (150') in length or less, unless otherwise approved by the Richmond City Fire Department.

d. Common driveways shall be paved with a surface with the capability of supporting fire vehicles and equipment and in accordance with the latest edition of the Richmond City *Manual of Design and Construction Standards* applicable to driveways and sidewalks.

e. Unless limited by significant geographical features, all properties that abut a common driveway shall take access from the driveway.

f. Common driveways shall be straight or provide a twenty-five foot (25') inside and forty-five foot (45') outside turning radius.

g. For any plats using a common driveway, the setbacks, building envelope, and orientation of the lots and structures shall be shown on the preliminary plat.

h. A perpetual ingress/egress easement shall be filed with the County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment plus being in accordance with the latest edition of the Richmond City *Manual of Design and Construction Standards* applicable to driveways and sidewalks.

i. The City Engineer may approve or recommend approval of alternative design or construction standards when the applicant can demonstrate that the proposed overall design meets or exceeds

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the intent of the required standards of this Section and shall not be detrimental to the public health, safety, and welfare.

4. Easements.

a. Utility easements shall be provided along front lot lines, rear lot lines and side lot lines unless deemed unnecessary by the City Engineer.

b. Total easement width shall not be less than ten feet (10').

5. Privately held reserve strips controlling access from adjacent lands to public streets shall be prohibited.

6. Permanent survey monuments shall be accurately set and established at the intersections of centerlines of streets within the development and intersections with centerlines of existing streets and the beginning and ends of curves on centerlines or points of intersections or tangents.

a. All permanent survey monuments shall remain in place, or be reset at the developer's expense when approved by the City Engineer, after curbs and gutter, sidewalks, base and pavement are installed.

b. Monuments shall be of a type specified in City standards, and all development plans shall be tied to a section corner or monument of record, as established by the Cache County Surveyor.

**12-2004-5. ESCROW FOR CHIP-SEALING.**

1. All streets and roads constructed as part of a development within Richmond City will be so accomplished in keeping with the provisions of the latest edition of the Richmond City *Manual of Construction and Design Standards*.

2. In keeping with best management practices, any street or road constructed utilizing asphalt will then be chip-sealed the following warm season after completion, or at a mutually agreeable point not to exceed eighteen (18) months following completion.

a. The alternate time period will be determined by the Richmond City Council based upon the research and advice of the City Engineer or other competent road construction/maintenance authority.

3. Chip-sealing will be accomplished using current oil and gravel specifications approved and utilized by the Utah Department of Transportation.

4. The developer will be required, following the completion of the roads/streets involved with the development, to deposit with Richmond City a certificate of escrow in the amount of the estimated total cost to chip-seal the roads/streets established by the developer at that time plus twenty-five (25) percent.

a. Said certificate of escrow will be immediately surrendered to the developer upon satisfactory completion of the chip-sealing during the forthcoming season.

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- b. The Engineer for Richmond City, or a designated representative authorized by the Richmond City Council, will be the deciding authority relative to the term “satisfactory completion” utilizing current Utah Department of Transportation standards.
- c. Application dates of the chip-sealing will be coordinated with, and approved by, the Richmond City Council.
- d. Should the chip-sealing not be completed within the time limits established above, or jointly modified by the City of Richmond and the developer, said certificate of escrow will be forfeit to the City of Richmond