

CHAPTER 35

SUBDIVISIONS

Part

- 35-1 General.**
- 35-2 Subdivision Application Procedures.**
- 35-3 Minor Subdivisions.**
- 35-4 Major Subdivisions.**
- 35-5 Conservation Subdivisions.**
- 35-6 Design Standards.**
- 35-7 Financial Assurances.**
- 35-8 Vacation, Alteration, and Amendment of Subdivision Plats.**

PART 35-1 GENERAL

Section

- 35-1-1. Short title.**
- 35-1-2. Purpose.**
- 35-1-3. Notice.**
- 35-1-4. Penalties.**
- 35-1-5. Creation of substandard lots prohibited.**
- 35-1-6. Subdivisions located near a state protection area.**
- 35-1-7. Plats required.**
- 35-1-8. Certain agricultural partitions exempt.**
- 35-1-9. Condominium projects.**

35-1-1. Short title.

This chapter is known as the "Subdivision Ordinance of Tooele County, Utah." (Ord. 2022-32, 11/29/22)

35-1-2. Purpose.

The purposes of this chapter are:

- (1) to provide policies, standards, requirements, and procedures to regulate and control the design and construction of all subdivisions;
- (2) to ensure that all subdivisions are consistent with the general plan and applicable specific plans; and
- (3) to ensure that land is subdivided in a manner that will promote public health, safety, convenience, general welfare, and the physical, social, and economic development of the county. (Ord. 2022-32, 11/29/22)

35-1-3. Notice.

When notice is required, the county shall provide the notice required by the County Land Use, Development, and Management Act. (Ord. 2022-32, 11/29/22)

SUBDIVISIONS

35-1-4. Penalties.

- (1) (a) An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this chapter for each lot or parcel transferred or sold.
 - (b) The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring real property does not exempt the transaction from being a violation of Subsection (1)(a) or from the penalties or remedies provided in this chapter.
 - (c) Notwithstanding any other provision of this chapter, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this chapter:
 - (i) does not affect the validity of the instrument or other document; and
 - (ii) does not exempt the property that is the subject of the instrument or other document from compliance with applicable county ordinances.
- (2) (a) The county may bring an action to require compliance with the provisions of this chapter.
 - (b) An action under this Subsection (2) may seek injunction, abatement, the merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.
 - (c) The county need only establish a violation to obtain the relief sought.
- (3) The county may assess civil penalties for any violation of this chapter.
- (4) A violation of this chapter may also be prosecuted as a class C misdemeanor. (Ord. 2022-32, 11/29/22)

35-1-5. Creation of substandard lots prohibited.

All lots created shall conform to the requirements of this chapter and the zoning district in which they are located. (Ord. 2022-32, 11/29/22)

35-1-6. Subdivisions located near a state protection area.

If a new subdivision is proposed to be located in whole or in part within 300 feet of the boundary of an agriculture protection area, or within 1,000 feet of the boundary of an industrial protection area or critical infrastructure materials protection area or mining protection area or shooting range, the owner of the subdivision shall provide, on any plat filed with the County Recorder, the notice required by state law. (Ord. 2022-32, 11/29/22)

35-1-7. Plats required.

- (1) Unless a division of land is exempt from the plat requirements of this chapter, whenever any land is subdivided, the owner of that land shall provide an accurate plat that sets forth and describes:
 - (a) all the parcels divided, by their boundaries, course, and extent, and whether they are intended for streets or other public uses; and
 - (b) the lot or unit reference, the block or building reference, the road or site address, the road name or coordinate address, the acreage or square footage for all parcels, units, or lots, and the length and width of the blocks and lots intended for sale.
- (2) The owner of the land shall acknowledge the plat before an officer authorized by law to acknowledge conveyances of real estate.
- (3) The surveyor making the plat shall certify the plat.

SUBDIVISIONS

(4) The land use authority may approve the plat as provided in this chapter. Before the land use authority may approve a plat, the owner shall submit a tax clearance indicating that all taxes, interest, and penalties on the land have been paid.

(5) After the plat has been acknowledged, certified, and approved, the county shall retain the plat until the owner records the plat. (Ord. 2022-32, 11/29/22)

35-1-8. Certain agricultural partitions exempt.

(1) A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of this chapter if the lot or parcel:

- (a) qualifies as land in agricultural use under the Farmland Assessment Act;
- (b) meets the minimum size requirement of the applicable zoning district; and
- (c) is not used and will not be used for any nonagricultural purpose.

(2) The boundaries of each lot or parcel exempted under Subsection (1) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under this chapter, shall be recorded with the County Recorder. (Ord. 2022-32, 11/29/22)

35-1-9. Condominium projects.

(1) Condominium projects shall comply with the Utah Condominium Ownership Act.

(2) Condominium projects shall be considered a subdivision.

(3) Condominium projects shall comply with all provisions of state law and the County Land Use Ordinance.

(4) Condominium plats shall follow the same approval process and provide the same application materials as a major subdivision. Each additional condominium plat within an expandable condominium project shall follow the final plat approval process.

(5) The Planning Commission shall review and approve all declaration documents. (Ord. 2022-32, 11/29/22)

PART 35-2 SUBDIVISION APPLICATION PROCEDURES

Section

35-2-1. Application expiration.

35-2-2. Application procedure.

35-2-3. Final plat requirements.

35-2-4. Infrastructure design and engineering drawings requirements.

35-2-1. Application expiration.

Each application shall be actively pursued to completion. An application shall become null and void, and all rights vested by that application shall be terminated, if the applicant does not complete a stage or fails to make a progress report to the Community Development Department within 180 days. Any extension must be requested before the expiration of the original application. If an application becomes void, the applicant must reapply at the first stage for that level of development. (Ord. 2022-32, 11/29/22)

SUBDIVISIONS

35-2-2. Application procedure.

(1) Each application shall include all required submittals before it is accepted as a complete application. No application for a subsequent stage shall be accepted until the planning commission has approved the application for the stage of the development currently under consideration.

(2) There shall be no presumption of approval of any aspect of the process.

(3) No application for a subsequent stage shall be accepted if a prior application has expired.

(4) The Planning Commission, or the Community Development Department in the case of a minor subdivision, may request additional information determined to be incomplete and table further action until the requested information is submitted.

(5) A denial shall include written findings of fact and a written decision. A denial may be based, in addition to other reasons of good cause, upon incompatibility with the General Plan, lack of a culinary water supply, insufficient fire suppression system, geological concerns, location, incompatibility with surrounding land uses, the inability of service or utility providers to provide services, or the adverse effect on the health, safety, and general welfare of the county and its residents.

(6) Appeals of a final decision approving or denying a minor subdivision shall be made to the Planning Commission. Appeals of a final decision approving or denying any other subdivision shall be made to the County Council. Appeals of any other decision administering or interpreting the county land use ordinance shall be made to the administrative hearing officer. (Ord. 2022-32, 11/29/22)

35-2-3. Final plat requirements.

(1) The final plat shall be prepared and certified by a registered land surveyor who holds a valid Utah license, has completed a survey of the property described on the plat, has verified all measurements and monumented any unmarked property corners, and has referenced to the filing number for the Record of Survey map filed with the County Surveyor's office. The applicant shall bond or provide to the county adequate security to place monuments as represented on the plat upon the completion of the subdivision improvements.

(2) Every detail of the plat shall be legible.

(3) A traverse shall not have an error of closure greater than one part in 10,000.

(4) Each final plat shall include:

(a) an indication that the plat is a final plat;

(b) the date of the plat;

(c) the general location of the subdivision with name and phase and adjoining properties with ownership with Entry number of vesting deed;

(d) all deed lines of the proposed subdivision and all adjoining property lines;

(e) the 100-foot radius wellhead protection zone for all wells proposed within the subdivision, all existing wells located within the subdivision, and all existing wells located outside of the subdivision where any portion of the protection zone falls within the subdivision;

(f) bearing and distance tie-in to the historic and dependant survey and at least one established monument, or a statement that no historical monument could be located;

(g) county, township, range, section, quarter sections, plats, and true north;

(h) the graphic scale of the plat;

(i) the square footage and acreage of each lot under one acre, or the acreage of each lot one acre or larger;

(j) existing ground contours at 20-foot intervals;

(k) the name of the subdivision as approved by the County Recorder;

SUBDIVISIONS

- (l) the amount of water allocated to each lot in acre-feet if the subdivision does not have a public water system connection;
- (m) the following owners' dedication:

OWNERS' DEDICATION AND CONSENT TO RECORD

We are the owners of this tract of land and divide the same into lots and streets together with easements, to be known as (NAME OF SUBDIVISION). We dedicate to Tooele County the tracts of land designated on this plat as public roads. We also convey to any and all public and private utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for drainage and the installation, maintenance, and operation of utility service lines and facilities.

- (n) the names of all owners, of record, under the signature lines in the owners' dedication; and
 - (o) signature blocks for:
 - (i) all improvement, service, and special districts or areas where any part of the subdivision is located;
 - (ii) the County Engineer;
 - (iii) the County Surveyor;
 - (iv) the County Attorney;
 - (v) the County Health Department;
 - (vi) the County Treasurer, indicating that all property taxes have been paid in full;
 - (vii) the County Recorder, with space for the recordation number, the name(s) of the person(s) for whom the plat is recorded, the date and time of recording, and the fee;
 - (viii) the fire authority having jurisdiction; and
 - (ix) the Planning Commission chair and Community Development Department, or in the case of a minor subdivision, the Community Development Department.
- (5) The bearings, distances, and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shoreline of a body of water, the bearings and distances of a closing meander traverse shall be provided, and a notation made that the plat includes all land to the water's high-level mark.
- (6) If a plat is revised, a copy of the previous plat shall be provided for comparison purposes.
- (7) All blocks and lots within each block shall be consecutively numbered.
- (8) For all curves in the plat, sufficient data shall be given to re-establish the curves on the ground. The curve data shall include the radius, central angle, cord bearing and distance, tangent, and arc length.
- (9) Excepted parcels, if any, shall be marked, "Not included in this subdivision."
- (10) All public lands shall be identified.
- (11) All public roads shall be marked as "dedicated public road."
- (12) All private roads shall be marked as "private road."
- (13) All roads shall be identified by names approved by the Community Development Department.
- (14) All lands within the subdivision's boundaries shall be accounted for as lots, walkways, streets, or excepted parcels.
- (15) Bearings and dimensions shall be given for all lot lines and easements, except bearings and lengths need not be provided for interior lot lines where the bearings and lengths are the same as those of both end lot lines.
- (16) Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be included in one plat provided all owners join in the dedication and acknowledgments.

SUBDIVISIONS

(17) Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.

(18) Surveys shall tie into the Public Land Survey System (PLSS) and shall include a description, the name, and the date for survey monuments located.

(19) The surveyor shall provide remainder descriptions for all property from the original parcel(s) or lot(s) that is not included in the subdivision. (Ord. 2022-32, 11/29/22)

35-2-4. Infrastructure design and engineering drawings requirements.

(1) Infrastructure design and engineering drawings and documents shall be submitted with the final plat and shall include:

- (a) plan, profile, and typical cross-section drawings of the roads, bridges, culverts, water, sewers, and drainage structures;
- (b) a grading and drainage plan indicated by solid-line contours superimposed on dashed-line contours of existing topography;
- (c) the general location of trees over six inches in diameter measured at four and one-half feet above the ground, and in the case of heavily-wooded areas, an indication of the outline of the wooded area and location of trees which are to remain;
- (d) proposed and existing water and sewage system layouts;
- (e) location of fire hydrants;
- (f) proposed road layouts in dashed lines for any portion of the property to be developed in a later phase;
- (g) water courses and proposed stormwater drainage systems, including culverts, water areas, streams, areas subject to occasional flooding, marshy areas, or swamps;
- (h) areas within the 100-year floodplain;
- (i) soil types and soil interpretations taken from the National Cooperative Soils Survey;
- (j) a signing and striping plan showing the location of all street signs, striping, and traffic control devices required by the county per the Manual of Uniform Traffic Control Devices;
- (k) a signature block for the County Engineer on each design and construction drawing;
- (l) when the subdivision is located within the jurisdiction of a service or improvement district or area, a signature block for such service or improvement district or area;
- (m) geologic maps and investigation reports regarding area suitability; and
- (n) a design report stamped by an engineer licensed in the State of Utah.

(2) All drawings shall be drawn to a scale not less than one inch equals 100 feet and indicate the basis of bearings, true north, the name of the subdivision, township, range, section, quarter section, and lot numbers of the property.

(3) To change any aspect of the design of off-site improvements, a new set of infrastructure design and engineer drawings shall be submitted for approval. A signed set of drawings shall be onsite at all times during construction. All construction must conform to the approved plans. (Ord. 2022-32, 11/29/22)

SUBDIVISIONS

PART 35-3 MINOR SUBDIVISIONS

Section

35-3-1. Standards.

35-3-2. Approval process.

35-3-1. Standards.

- (1) All lots shall front on a county road or an approved private road.
- (2) Land may be dedicated along existing county roads to increase the right-of-way to current county standards.
- (3) If the Community Development Department determines that public infrastructure improvements are required, the applicant must proceed with the major subdivision approval processes.
- (4) A minor subdivision shall be filed on a plat drawn and certified by a licensed surveyor and shall not be created by deed alone.
- (5) Public utility easements may be required in a minor subdivision.
- (6) A minor subdivision shall:
 - (a) consist of four or fewer lots; or
 - (b) comply with Utah Code Section 17-27a-605.
- (7) A minor subdivision shall not:
 - (a) include the construction or dedication of new infrastructure;
 - (b) be a part of, or a phase of, a larger subdivision;
 - (c) be a further division of land that has been previously subdivided within the last five years; or
 - (d) include commercial or industrial uses. (Ord. 2022-32, 11/29/22)

35-3-2. Approval process.

- (1) The application for a minor subdivision shall be submitted to the Community Development Department. An application is complete and correct when:
 - (a) all signatures are on the plat;
 - (b) notice has been sent to all surrounding landowners giving them 14 days to submit written comments to the Community Development Department; and
 - (c) notice has been sent to affected entities giving them ten days to submit comments to the Community Development Department.
- (2) A failure to timely respond under Subsections (1)(b) or (1)(c) may be deemed an approval.
- (3) A minor subdivision application shall include:
 - (a) the application;
 - (b) a PDF copy, legibly reproducible for a 24"x36" print, of the plat for distribution to affected entities;
 - (c) proof of ownership demonstrated by a title report completed within the previous six months;
 - (d) utility service approval;
 - (e) evidence of water rights for all lots;
 - (f) a completed County Health Department subdivision feasibility study;
 - (g) approval of the subdivision name from the County Recorder's office;
 - (h) if the applicant is not the owner of record, a notarized statement from the owner stating that the owner has authorized the applicant to make the application;

SUBDIVISIONS

- (i) a letter from the applicable fire authority acknowledging that fire protection can and will be provided to the subdivision; and
 - (j) any unpaid fees owed to Tooele County for the development of land, code enforcement, or building permits.
 - (k) need to list signature block requirements.
- (4) An approved plat shall become void if not recorded within 14 months approval. (Ord. 2022-32, 11/29/22)

PART 35-4 MAJOR SUBDIVISIONS

Section

35-4-1. Standards.

35-4-2. Approval process.

35-4-3. Phased development.

35-4-4. Master plan requirements.

35-4-5. Master plan application.

35-4-6. Final plat application.

35-4-7. Utility and agency response.

35-4-1. Standards.

- (1) A major subdivision is any subdivision other than a minor subdivision or a conservation subdivision.
- (2) Subdivisions of more than 25 lots shall be phased for development.
- (3) Phased developments shall include a master plan of the entire development, including street and active transportation connectivity.
- (4) Infrastructure and public facilities shall be dedicated. (Ord. 2022-32, 11/29/22)

35-4-2. Approval process.

- (1) The master plan shall be approved by the Planning Commission.
- (2) The final plat for each phase shall be approved by the Planning Commission.
- (3) Signed plats shall be recorded within 14 months, or they shall be void. (Ord. 2022-32, 11/29/22)

35-4-3. Phased development.

- (1) Phased developments shall be designed, platted, and recorded in phased order so that the phases and required improvements are continuous.
- (2) When it is prudent to engineer improvements in a future phase, such improvements may be installed if shown on an approved plat of a prior phase. (Ord. 2022-32, 11/29/22)

35-4-4. Master plan requirements.

The master plan shall show:

- (1) the general location of the subdivision and the property boundaries;
- (2) lot and road layout;
- (3) parcels located within the subdivision;
- (4) the acreage of the entire tract and the acreage of the portion to be developed;
- (5) phasing plan for the development, including lots per phase;

SUBDIVISIONS

- (6) the sites of any use other than single-family dwellings;
 - (7) total development area and the number of proposed dwelling units;
 - (8) easements and rights-of-way; and
 - (9) parcels of land to be dedicated or set aside for schools, roads, parks, trails, or other public purposes.
- (Ord. 2022-32, 11/29/22)

35-4-5. Master plan application.

(1) The application for master plan approval shall be submitted to the Community Development Department. When staff determines that the application is complete, the application shall be placed on a Planning Commission agenda.

(2) A master plan application shall include:

- (a) the application form;
- (b) pdf and AutoCAD files of the master plan for distribution to affected entities;
- (c) proof of ownership demonstrated by a title report completed within the previous six months;
- (d) utility service approval;
- (e) evidence of water rights for all lots;
- (f) a completed County Health Department Subdivision Feasibility Study;
- (g) approval of the subdivision name from the County Recorder's office;
- (h) if the applicant is not the owner of record, a notarized statement that the owner has authorized the applicant to make the application;
- (i) a letter from the applicable fire authority acknowledging that fire protection can and will be provided to the subdivision;
- (j) any unpaid fees owed to Tooele County for the development of land, code enforcement, or building permits;
- (k) a pedestrian circulation plan; and
- (l) a road connectivity plan.

(3) The final plat for the first development phase shall be submitted within six months of master plan approval or the master plan approval will be void. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the Planning Commission. The Planning Commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative. (Ord. 2022-32, 11/29/22)

35-4-6. Final plat application.

(1) Within 21 days after the applicant or authorized representative applies, a pre-design conference shall be scheduled with the applicant, the Community Development Department, all affected entities, the County Health Department, the County Recorder, and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision.

(2) After the pre-design conference, the applicant shall submit an accurate final plat to all reviewing agencies and the Community Development Department.

(3) When it is determined that the final plat is accurate and complete, the applicant shall submit the final PDF copy, legibly reproducible for a 24"x36" print, of the plat with all required signatures for placement on a Planning Commission agenda for public hearing and consideration.

(4) The final plat application shall include:

- (a) the application form;

SUBDIVISIONS

- (b) a cost estimate for construction of infrastructure, approved and signed by the County Engineer;
- (c) an agreement for subdivision improvements;
- (d) a pdf and AutoCAD file of the final plat and infrastructure design and engineering drawings for distribution to affected entities;
- (e) the type of water system proposed, historical water use, the estimated number of gallons per day of water system requirements, and a description of water storage requirements for daily fluctuations, irrigation, and fire suppression;
- (f) proof of ownership demonstrated by a title report completed within the previous six months;
- (g) geologic technical maps and investigation reports regarding area suitability;
- (h) a completed County Health Department Subdivision Feasibility Study;
- (i) any unpaid fees owed to Tooele County for the development of land, code enforcement, or building permits;
- (j) a pedestrian circulation plan;
- (k) a road connectivity plan; and
- (l) list required signature blocks.

(5) All signature blocks except for the Planning Commission shall be signed by the appropriate authority before the plat is taken to the public meeting.

(6) An approved final plat shall be valid for no more than two years. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the Planning Commission. The Planning Commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative.

(7) The chair shall sign the final plat only after it has been approved by the Planning Commission. The improvement agreements and bonds shall be forwarded to the County Manager for approval and acceptance. The plat shall be recorded within 14 months of approval, or it shall be void. (Ord. 2022-32, 11/29/22)

35-4-7. Utility and agency response.

Failure of any utility or agency to respond to a written request for approval within 14 days may be deemed approval by such utility or agency. (Ord. 2022-32, 11/29/22)

SUBDIVISIONS

PART 35-5 CONSERVATION SUBDIVISIONS

Section

- 35-5-1. Purpose.**
- 35-5-2. Applicability of regulations.**
- 35-5-3. Application requirements.**
- 35-5-4. Open space requirements.**
- 35-5-5. Open space network configuration.**
- 35-5-6. Open space and conservation areas.**
- 35-5-7. Primary conservation areas.**
- 35-5-8. Value of primary conservation areas.**
- 35-5-9. Secondary conservation areas.**
- 35-5-10. Ownership and management of open space.**
- 35-5-11. Prohibited uses of open space.**
- 35-5-12. Requirements for conservation easements.**

35-5-1. Purpose.

It is the purpose and intent of conservation subdivisions to preserve open space within residential developments; provide flexibility to allow for creativity in developments; minimize the environmental and visual impacts of new development on critical natural resources and historically and culturally significant sites and structures; provide an interconnected network of permanent open space; encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features; reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation; enhance the community character; permit clustering of houses and structures which will reduce the amount of infrastructure, including paved surfaces and utility lines; encourage street design that controls traffic speeds and creates street inter-connectivity; and promote construction of convenient and accessible trails both within a subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles. (Ord. 2022-32, 11/29/22)

35-5-2. Applicability of regulations.

(1) The conservation subdivision option is available for single-family detached residential developments in the following districts: residential, multi-family, rural residential, agricultural, and multiple use. Compliance with all applicable county ordinances, regulations, or resolutions is required; however, when in conflict, the provisions of this chapter shall prevail.

(2) The maximum number of lots in the conservation subdivision shall be determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:

- (a) slopes over 30% of at least 5,000 square feet contiguous area;
- (b) the 100-year flood plain;
- (c) bodies of open water over 5,000 square feet contiguous area; and
- (d) wetlands that meet the definition of the Army Corps of Engineers according to the Clean Water Act. (Ord. 2022-32, 11/29/22)

SUBDIVISIONS

35-5-3. Application requirements.

(1) Concurrent with submitting a master plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified before the creation of the site design and that the proposed open space will meet the requirements of this chapter. The site master plan shall include the following features:

- (a) property boundaries;
- (b) all streams, rivers, lakes, wetlands, and other hydrologic features;
- (c) topographic contours of no less than 10-foot intervals;
- (d) all primary and secondary conservation areas, labeled by type;
- (e) general vegetation characteristics;
- (f) general soil types;
- (g) the planned location of protected open space;
- (h) existing roads and structures; and
- (i) potential connections with existing greenspace and trails.

(2) An open space management plan shall be prepared and submitted before the approval of the final plat.

(3) An instrument permanently protecting the open space, such as a conservation easement, shall be recorded concurrently with the issuance of a state issued land disturbance permit.

(4) The applicant shall adhere to all other applicable requirements of the underlying zoning district and county land use codes.

(5) A conservation subdivision shall require a development agreement to establish lot and design standards. (Ord. 2022-32, 11/29/22)

35-5-4. Open space requirements.

(1) Each conservation subdivision shall provide a minimum of 40% of its total acreage as open space. The open space shall be designated on the master plan and recorded on the final plat.

(2) Utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40% minimum area requirement, except historic structures and existing trails may be counted. Areas greater than 15% of the total open space area covered with an impervious surface shall be excluded from the open space.

(3) At least 25% of the open space shall consist of land that is suitable for building.

(4) At least 75% of the open space shall be in a contiguous tract. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

(5) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe, convenient access to the open space.

(6) The required open space areas shall be protected in perpetuity from further development or unauthorized use by a conservation easement or permanent restrictive covenant. Tooele County reserves the right to enforce all restrictive covenants and conservation easements. Uses of open space may include the following:

- (a) conservation of natural, archeological, or historical resources;
- (b) meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- (c) walking, equestrian, off-highway vehicle, or bicycle trails;
- (d) passive recreation areas, such as open fields;

SUBDIVISIONS

- (e) active recreation areas, which include 15% or less of the total open space area on impervious surfaces;
 - (f) agriculture, horticulture, silviculture, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
 - (g) landscaped stormwater management facilities;
 - (h) easements for drainage, access, and underground utility lines; and
 - (i) other conservation-oriented uses compatible with the purposes of this chapter.
- (Ord. 2022-32, 11/29/22)

35-5-5. Open space network configuration.

The minimum standards for open space networks are as follows:

- (1) The minimum width of any open space area is 25 feet.
 - (2) All paths shall be a minimum of 20 feet from any property line except where inter-parcel access may be provided.
 - (3) All open space networks shall provide connectivity to any common areas within the development and any adjacent public places and rights-of-way.
 - (4) Paths located in primary conservation areas shall be constructed of pervious materials.
 - (5) Where path networks cross internal subdivision streets or public streets, access points shall be directly across from each other. Exceptions may be approved by the Community Development Department.
 - (6) Crossings and access points shall be identified to pedestrians and motorists and may include traffic control devices, bridges, and tunnels as approved by the Community Development Department.
 - (7) Open space networks shall be designed in coordination with the active transportation network, with overlap between the networks as much as possible and direct active transportation access to open space.
- (Ord. 2022-32, 11/29/22)

35-5-6. Open space and conservation areas.

Open space shall be designated as either primary or secondary conservation areas and configured to create or maintain a network of open space. (Ord. 2022-32, 11/29/22)

35-5-7. Primary conservation areas.

Primary conservation areas form the core of the open space to be protected. The following are considered primary conservation areas and are required to be included within the open space unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this chapter:

- (1) cemeteries;
- (2) alluvial soils identified by the Federal Emergency Management Agency (FEMA) and the 100-year flood plain;
- (3) archaeological sites, cemeteries, and burial grounds;
- (4) prime agricultural lands of at least five acres of contiguous area;
- (5) habitats for endangered or threatened species;
- (6) wetlands identified by the County Soil Survey prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) or a certified wetlands delineation using data from the U. S. Army Corps of Engineers;
- (7) lakes, both natural and man-made, rivers, streams, existing ponds, stormwater management ponds and facilities, creeks, and state waters;

SUBDIVISIONS

- (8) riparian zones along all perennial and intermittent streams equal to any required stream buffers and improvement setbacks;
- (9) existing slopes greater than 30% on average with a site area greater than 5,000 square feet identified as part of a site analysis conducted by a registered engineer, land surveyor, or landscape architect and calculated using topographic maps; and
- (10) critical wildlife habitat as identified by the State of Utah Division of Wildlife Resources. (Ord. 2022-32, 11/29/22)

35-5-8. Value of primary conservation areas.

Because primary conservation areas are either protected or sensitive environmental areas, only 50% of the acreage of a primary conservation area may be counted as open space. (Ord. 2022-32, 11/29/22)

35-5-9. Secondary conservation areas.

- (1) Secondary conservation areas consist of undeveloped or unconstrained but buildable land and protected or constrained lands. Secondary conservation areas include the following:
 - (a) farmlands, including fields, pastures, and meadows;
 - (b) woodlands and buffers except for riparian buffers;
 - (c) historic and archaeological sites as identified by the Utah Division of State History, Utah State Historical Society;
 - (d) passive recreation areas, public and private, including pedestrian, bicycle, and equestrian trails, picnic areas, community commons or greens, and similar areas;
 - (e) active recreation areas and facilities, public and private, to include parks, playing fields, and playgrounds, but recreation areas with impervious surfaces greater than 15% of the total secondary open space such as parking lots, tennis courts, basketball courts, and pools shall be excluded;
 - (f) existing healthy, native forests of at least one-acre contiguous area;
 - (g) individual existing healthy trees greater than eight inches caliper;
 - (h) other significant natural features and scenic viewsheds such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads; and
 - (i) trails that connect the tract to neighboring areas.
- (2) One hundred percent of secondary conservation areas may be considered open space. (Ord. 2022-32, 11/29/22)

35-5-10. Ownership and management of open space.

- (1) A homeowners association representing residents of the conservation subdivision may own the open space. If owned by a homeowners association, membership in the association shall be mandatory and automatic for all subdivision homeowners and their successors. The homeowners association's lien authority shall be governed by the UCA 57-8a Community Association Act.
- (2) The owner shall bear responsibility for maintaining the open space and any facilities thereon.
- (3) The applicant shall submit a plan for the management of open space and common facilities that:
 - (a) allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and long-term capital improvements;
 - (b) estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space, and outlines how funding will be obtained or provided;
 - (c) provides that changes to the plan must be approved by the County Council; and

SUBDIVISIONS

(d) provides for enforcement of the plan.

(4) If the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the county may assume responsibility for its maintenance and enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the homeowners association or the individual property owners and may include administrative costs and penalties. Such costs may become a lien if unpaid. (Ord. 2022-32, 11/29/22)

35-5-11. Prohibited uses of open space.

- (1) Uses of open space shall not include the following:
 - (a) roads;
 - (b) parking lots that occupy more than 15% of the open space;
 - (c) dwellings;
 - (d) commercial uses; or
 - (e) land set aside for use that solely benefits any one person or entity.
- (2) The instrument for permanent protection shall include clear restrictions on the use of the open space. (Ord. 2022-32, 11/29/22)

35-5-12. Requirements for conservation easements.

- (1) A conservation easement shall:
 - (a) delineate primary and secondary conservation areas;
 - (b) describe the features of the subject property that will be permanently protected per the Utah Land Conservation Easement Act;
 - (c) identify the boundaries of the property by survey and a metes and bounds legal description;
 - (d) list restrictions;
 - (e) protect the open space in perpetuity by a binding legal instrument to be recorded, which instrument shall be:
 - (i) a permanent conservation easement in favor of either:
 1. a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence, and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 2. a governmental entity with interest in pursuing goals compatible with the purposes of this chapter;
 - (ii) a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
 - (iii) an equivalent legal tool that provides permanent protection, if approved by the Community Development Department;
 - (f) show the area and a notation as to the conservation easement on the final plat and be duly recorded with the County Recorder; and
 - (g) provide for amendments only with the express written permission of the property owners, the holder of the easement, and the County Council.
- (2) The permanent restrictive covenants shall:
 - (a) delineate the primary and secondary conservation areas;
 - (b) describe the features of the subject property that will be permanently protected;

SUBDIVISIONS

- (c) identify the boundaries of the property by survey and a metes and bounds legal description;
- (d) list restrictions;
- (e) provide for the maintenance of the property;
- (f) be shown on the final plat and duly recorded with the County Recorder; and
- (g) provide for amendments only with the express written permission of the property owners and the County Council, which amendments to the covenant shall be recorded in the office of the County Recorder. (Ord. 2022-32, 11/29/22)

PART 35-6 DESIGN STANDARDS

Section

- 35-6-1. Application.**
- 35-6-2. Lots.**
- 35-6-3. Roads.**
- 35-6-4. Frontage on arterial and collector roads.**
- 35-6-5. Sidewalks, curbs, and gutters.**
- 35-6-6. Monuments.**
- 35-6-7. Easements.**
- 35-6-8. Utilities to be underground.**
- 35-6-9. Sewer systems.**
- 35-6-10. Sanitary sewer mains, laterals, and house connections – Future.**
- 35-6-11. Water supply.**
- 35-6-12. Storm drainage and floodplains.**
- 35-6-13. Fire mitigation standards.**
- 35-6-14. Street connectivity requirements.**
- 35-6-15. Master planned and off-street trails.**

35-6-1. Application.

- (1) All new subdivisions shall comply with the design standards outlined in this chapter.
- (2) The design and development of subdivisions shall preserve, when possible, the natural terrain, natural drainage, existing topsoil, and trees.
- (3) Land subject to hazardous conditions shall not be subdivided until the hazards have been eliminated or will be eliminated by the construction of the subdivision. (Ord. 2022-32, 11/29/22)

35-6-2. Lots.

- (1) No single lot shall be divided by a municipality, service or improvement district, or county boundary line.
- (2) A lot shall not be divided by a road or another lot.
- (3) The frontage of a wedge-shaped lot shall meet the minimum width requirements of the underlying zoning district at the front setback.
- (4) Side lot lines shall be at substantially right angles or radial to road lines.
- (5) All lots shall front on a publicly dedicated road except as may be approved by development agreement or upon private roads approved by the Planning Commission, subject to the standards set by the county.

SUBDIVISIONS

- (6) All lots shall conform to area requirements of the zoning district in which they are located.
- (7) The joining of a lot or lots to a parcel does not constitute a subdivision or subject the parcel to the requirements of this chapter.
- (8) Consolidating lots does not require an amended subdivision plat so long as the consolidated lot complies with all county ordinances. The new consolidated lot shall be surveyed, and a new legal description shall be recorded. (Ord. 2022-32, 11/29/22)

35-6-3. Roads.

- (1) Roads shall be designed per standards adopted by the county.
- (2) Roads shall bear the names of existing aligned roads. There shall be no duplication of road names. The Community Development Department shall approve all road names.
- (3) The applicant shall bear the cost of all road and public safety signs.
- (4) The applicant shall install temporary, legible road signs using the road names approved in the plat.
- (5) Temporary road signs shall be maintained by the applicant until permanent road signs are installed.
- (6) Dead-end stubbed roads shall be allowed only with the following conditions:
 - (a) "L," "T," or branch turnarounds shall not be allowed;
 - (b) Cul-de-sac roads shall be designed per county standards;
 - (c) Length limits, connectivity requirements, and block length maximums shall comply with the Active Transportation Implementation Plan; and
 - (d) Roads in commercial and industrial zoning districts shall be determined by the Community Development Department using the current edition of the Institute of Transportation Engineers' Trip Generation Manual for road load and design for the transportation system.
- (7) Roads shall be constructed per county standards to the full width required by the road classification.
- (8) Roads shall be constructed to at least the following standards:
 - (a) in multiple-use and agricultural zones, rural low-density roads with gravel surface;
 - (b) in rural residential, residential, and residential multi-family zones, rural higher density roads with asphaltic or concrete surface;
 - (c) in commercial or industrial zones, high-level traffic roads designed for commercial or industrial traffic loads and levels that serve the uses within the development; and
 - (d) in mining, quarry, sand, and gravel excavation zones, municipal solid waste zones, and construction debris overlay zones, roads that mitigate impacts to surrounding land uses and minimize maintenance by the county.
- (9) All subdivisions with internal roads with a maximum trip generation of 400 trips per day as calculated by the current edition of the Institute of Transportation Engineers' Trip Generation Manual shall have more than one access route, each of which shall provide egress to different locations. The design of access routes shall consider traffic circulation and employ looped road networks. Roads shall be designed with stub roads for connection to future phases and future subdivisions when required by the County Engineer.
- (10) No building permits shall be issued until all curb, gutter, sidewalk, trails, and road infrastructure is installed or bonded, and the final plat is recorded.
- (11) Any dedication established by this Section does not impose liability upon the county for public streets and other public places that are dedicated in this manner but are unimproved unless:
 - (a) adequate financial assurance has been provided in accordance with this chapter; and
 - (b) the county has accepted the dedication. (Ord. 2022-32, 11/29/22)

SUBDIVISIONS

35-6-4. Frontage on arterial and collector roads.

No residential dwelling lot shall directly access arterial or major collector roads. Subdivision design shall provide local access roads to lots along arterial and major collector roads. (Ord. 2022-32, 11/29/22)

35-6-5. Sidewalks, curbs, and gutters.

(1) Sidewalks, curbs, and gutters shall be provided per the requirements of the zoning district, the Planning Commission, or the County Engineer.

(2) Sidewalks, curbs, and gutters shall be installed per APWA standards.

(3) Active Transportation Facilities Requirements on Local Streets.

(a) Requirements for active transportation facilities on local streets are divided into higher density, lower density, and non-residential. For these requirements, density is determined by zoning category – zone R-1-21 and more intense zones are “higher density.” In comparison, zone RR-1 and less intense zones are “lower density.” See Table 2.2 in the Active Transportation Implementation Plan.

(b) In conservation subdivisions, the density category is determined according to the average lot size in the clustered portion of the development. If the average lot size is .5 acre or greater, the development is lower density. If the average lot size is less than .5 acre, the development is higher density.

(c) Applicants must create an active transportation circulation plan. The active transportation circulation plan identifies how pedestrians and cyclists will move around the neighborhood. Examples of active transportation circulation plans are shown for higher density (Figure 2-3 of the Active Transportation Implementation Plan) and lower density (Figure 2-4 of the Active Transportation Implementation Plan) subdivisions. For the design of the required facilities, see Section 2.5 of the Active Transportation Implementation Plan.

(d) Residential subdivisions zoned R-1-21 or higher density shall adhere to the following requirements:

(i) Active transportation facilities must be on both sides of every local street. Active transportation facility options for local streets for higher density subdivisions include shared use paths with standard buffers, neighborhood shared-use paths, and standard sidewalks.

(ii) Higher-level streets (connector, community spine, and highway/freeway street types and collector/arterial functional class), either existing or new and within the development or bordering it, must implement the active transportation facility requirements for the Street Type in the Active Transportation Implementation Plan Section 2.2.

(iii) The applicant must provide appropriate active transportation crossings of major streets. See design guidelines, Section 2.4 of the Active Transportation Implementation Plan.

(iv) The applicant must ensure that any connections shown in the Vision Network (Figure 2-1 of the Active Transportation Implementation Plan) running through the subdivision are implemented with active transportation facilities with existing or future connections to adjoining areas.

(v) The applicant must prepare an Active Transportation Circulation Plan showing how the above four requirements are being met and must identify any other active transportation infrastructure and amenities. See the example in Figure 2-3 of the Active Transportation Implementation Plan.

(e) Residential subdivisions zoned with lower density than R-1-21 shall adhere to the following requirements:

SUBDIVISIONS

- (i) Active transportation facilities must be on at least one side of every local street. Active transportation facility options for local streets include shared use paths with standard buffers, neighborhood shared-use paths, and standard sidewalks.
 - (ii) If there is no adjacent development, the applicant must provide path “stubs” to create connections to future adjacent developments.
 - (iii) Higher-level streets (connector, community spine, and highway/freeway street types and collector/arterial functional class), either existing or new and within the development or bordering it, must implement the active transportation facility requirements for the Street Type in the Active Transportation Implementation Plan Section 2.2.
 - (iv) The applicant must provide appropriate active transportation crossings of major streets. See design guidelines, Section 2.4 of the Active Transportation Implementation Plan.
 - (v) The applicant must ensure that any connections shown in the Vision Network (Figure 2-1 of the Active Transportation Implementation Plan) running through the subdivision are implemented with active transportation facilities with existing or future connections to adjoining areas.
 - (vi) The applicant must prepare an Active Transportation Circulation Plan showing how the above five requirements are being met and any other active transportation infrastructure and amenities. See the examples in Figures 2-3 and 2-4 of the Active Transportation Implementation Plan.
- (4) Active Transportation Facilities Requirements on Major Streets.
- (a) To provide more flexibility to infrastructure builders along existing and future streets, a range of options for active transportation facilities is provided. The type of facility built on what street is guided by the Street Types system in the Active Transportation Implementation Plan. Street Types provide a vision and guidance for the various aspects of streets in the county, including active transportation facilities. A range of appropriate active transportation treatments is allowed for each street type.
 - (b) This Section identifies the types of facilities that are appropriate for various street types. Section 2.4 of the Active Transportation Implementation Plan provides specific design guidance for each facility.
 - (c) Street Types in Tooele County:
 - (i) Freeway/Highway;
 - (ii) Community Spine;
 - (iii) Mobility Connector;
 - (iv) Neighborhood Connector;
 - (v) Rural Preservation Connector;
 - (vi) Center Connector; and
 - (vii) Industrial Connector.
 - (d) The Active Transportation Implementation Plan designates Street Types for many of Tooele Valley’s streets, as shown in Figure 4.1 of the Tooele County Transportation Plan. However, Street Types are also intended to be applied to future major streets as the valley is built out.
 - (e) To find the active transportation facility requirements/options for a street:
 - (i) Consult the map in Figure 2-1 of the Active Transportation Implementation Plan;
 - (ii) Identify the street’s Street Type;
 - (iii) If there is no designated Street Type for your street, consult with the Community Development Department to assign one;

SUBDIVISIONS

- (iv) Find the active transportation facility options in Figure 2-1 of the Active Transportation Implementation Plan or the list below;
 - (v) Select one of the options for active transportation facilities; and
 - (vi) Locate the design guidance and standard for the active transportation facility in Section 2.4 of the Active Transportation Implementation Plan.
- (5) Drainage infrastructure, such as curb and gutter, storm drain systems, and swales, shall be provided per the requirements of the zoning district, the Planning Commission, or the County Engineer.
- (6) Sidewalks, other active transportation facilities, curbs, and gutters shall be installed per county standards. (Ord. 2022-32, 11/29/22)

35-6-6. Monuments.

- (1) Permanent reference monuments shall be installed per county standards. They shall be set on the external boundary of the subdivision, at all road centerline intersections, and at all beginning and end points of curves, to provide line of sight control for re-establishing the survey.
- (2) Block and lot monuments shall be set.
- (3) At least one second-order benchmark shall be set within every subdivision. (Ord. 2022-32, 11/29/22)

35-6-7. Easements.

- (1) A ten-foot public utility easement shall traverse the front of each lot.
- (2) Guying easements at corners may be required. (Ord. 2022-32, 11/29/22)

35-6-8. Utilities to be underground.

All power lines, telephone lines, and other normally overhead utility lines shall be placed underground in all subdivisions. The applicant shall establish final utility grades before utility lines are placed underground. (Ord. 2022-32, 11/29/22)

35-6-9. Sewer systems.

- (1) Except as otherwise provided in this Section, the applicant shall provide a piped sanitary sewer system to the property line of every lot in the subdivision. The sewer system shall meet the minimum standards and requirements of the County Health Department.
- (2) On-site wastewater disposal systems will be approved only when an existing sewer system is more than 300 feet away from the boundary line of the subdivision or the service provider will not provide the service to the subdivision. All on-site wastewater disposal systems shall be approved in writing by the County Health Department. Subdivisions proposing to use on-site wastewater disposal systems shall submit a feasibility report to the County Health Department. Percolation tests and soil exploration pits shall be required to determine the adequacy of the soil involved for on-site wastewater disposal systems to absorb sewage effluent. When an application is made for a building permit, a soil evaluation test of the proposed drain field shall be required for each lot that will be served by a septic system. The following requirements shall also be met:
- (a) Lands filled within the last ten years shall not be divided into building sites that are to be served by septic systems.
 - (b) Each septic system shall be installed at a depth and location approved by the County Health Department.

SUBDIVISIONS

(c) Land with an unacceptable soil evaluation, as determined by the County Health Department, shall not be divided into building sites to be served by septic systems.

(d) Land rated as having severe limitations for septic tank absorption fields, as defined by the County Soil Survey prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), shall not be divided into building sites to be served by septic systems unless each such building site contains not less than 20,000 square feet of other soils rated suitable for installation of a septic system.

(e) An applicant desiring to install septic systems in soils with severe limitations shall obtain additional on-site investigations, including soil evaluation tests. The applicant shall obtain a soil scientist's certification that specific areas within these soils are suitable for the proposed septic system. The facilities shall meet County Health Department standards and regulations. To be approved, the County Health Department must find that proposed corrective measures have overcome the severe soil limitations. (Ord. 2022-32, 11/29/22)

35-6-10. Sanitary sewer mains, laterals, and house connections – Future.

Where county or regional general plans indicate that construction or extension of a sanitary sewer system may serve the subdivision area within a reasonable time, the county shall require the applicant to install and cap sanitary sewer mains and house connections in addition to the installation of temporary individual on-lot sewage disposal systems. Whenever individual on-lot sewage disposal systems are proposed, the applicant shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that those facilities be installed before or during the construction of the principal building. No building permit shall be issued until such installation is assured. In other cases, a community or public sewer system shall provide sewage disposal facilities for every lot or parcel. (Ord. 2022-32, 11/29/22)

35-6-11. Water supply.

(1) Major and planned community subdivisions require a public water supply system that complies with all applicable state and local laws:

- (a) when more than 70% of the lots in the subdivision are less than two acres in area; or
- (b) when the County Health Department determines that conditions require a public water supply to protect the public's health.

(2) The supply of water from a source other than an approved public water system may be approved only if proof of adequate water rights and proof of water availability, flow, and quality meet the Safe Drinking Water Standards by a water sample from wells on ten percent of the lots rounded up to the next whole number. In the application stage, the applicant shall show proof of sufficient water rights to provide domestic use for the total number of proposed dwellings for the entire development. The first phase of development shall include the engineering for the water system if required. The engineering for the entire development shall include the water tank and treatment facilities with a fire flow calculation. The County Health Department shall approve the location of the test wells before the applicant drills them. The samples shall be taken by and have a complete chemical analysis performed and approved by the County Health Department. All non-public drinking water systems shall meet the standards of the County Health Department. (Ord. 2022-32, 11/29/22)

SUBDIVISIONS

35-6-12. Storm drainage and floodplains.

(1) A storm drainage system for the entire subdivision shall be designed by a professional engineer licensed in the State of Utah and qualified to perform such work. Existing storm drainage features to be incorporated into the design shall be identified. If the subdivision has phases, a general storm drainage plan for the entire area shall be presented with the design and engineering. Appropriate development stages for the storm drainage system for each phase shall be indicated.

(2) No lot one acre or less in area shall include flood lands. All lots of more than one acre shall contain not less than 40,000 square feet of land at least two feet above the elevation of the 100-year recurrence interval flood or, where such data is unavailable, five feet above the elevation of the maximum flood of record.

(3) Storm drainage systems shall be designed to consider the storm drainage basin. They shall accommodate not only runoff from the subdivision but also, where applicable, the runoff from those areas adjacent to and upstream from the subdivision itself and its effects on lands downstream. (Ord. 2022-32, 11/29/22)

35-6-13. Fire mitigation standards.

(1) The Fire Warden and local fire authority having jurisdiction shall perform a wildland fire protection analysis of all developments, existing or planned, to determine wildland fire protection ratings. The ratings developed under the analysis shall be the basis for implementing fire-safe design, construction criteria, and fire protection systems. The higher the relative value, the higher the wildland/urban interface and the fire protection hazard rating.

(2) The analysis shall reference the Tooele County wildland/urban interface risk zones map identified in Title 6, Chapter 18 of the Tooele County Code to determine the wildland-urban interface hazard rating.

(3) Subdivision design shall reflect mitigation for those hazards identified in the fire protection analysis and those standards required in Title 6, Chapter 18 of the Tooele County Code.

(4) Fire suppression water sources shall be reviewed and approved by the Fire Warden or the local fire authority having jurisdiction. The system shall provide for fire flow storage of water that complies with the current state-adopted fire code, local ordinances, local fire authority regulations, and NFPA guidelines for the type of occupancy and level of development. Any fire hydrants shall be placed per the International Fire Code and the National Fire Protection Association standards.

(5) Defensible space for structures and buildings shall be used in all covenants, contracts, and subdivisions in conformance with development standards adopted by Tooele County Code Title 6, Chapter 18.

(6) Roads and streets shall provide safe access for emergency equipment, civilian evacuation, and unobstructed traffic circulation during an emergency. They shall be designed per Title 6, Chapter 18 of the Tooele County Code and/or 6-17-3 of the Tooele County Code, which adopts the International Fire Code and IFC Appendix D: Fire Apparatus Access. (Ord. 2022-32, 11/29/22)

35-6-14. Street connectivity requirements.

Connectivity standards require that the streets in new neighborhoods have a minimum level of connectivity both within the neighborhood and outside it to existing and future developments. Street connectivity provides various benefits, including access to community destinations, active transportation, emergency response, and traffic performance. While traffic impact must be reviewed for connections to new subdivisions, connectivity is generally better for community traffic performance and safety.

(1) Internal connections:

SUBDIVISIONS

(a) Minimum connectivity index: The connectivity index measures how connected the streets in an area are. The connectivity index is the ratio of the street segments in a given area to the intersections in the same area. The connectivity index is the number of "links," or street segments, divided by the number of "nodes," which include intersections and dead ends within a given area. For the purposes of the code, the area is the subdivision being proposed, including any major streets along its edges. The connectivity index shall be at least as high as the minimums specified in Table 2-3 in the Active Transportation Implementation Plan. The example connectivity plans in Figures 2-5 and 2-6 of the Active Transportation Implementation Plan include the identification of links and nodes and connectivity index calculations.

(i) Maximum block length

1. Maximum block lengths ensure that street networks have a minimum level of intersection density. Block lengths in the subdivision shall not exceed the maximums in Table 2-3 in the Active Transportation Implementation Plan. Subdivisions zoned RR-1, RR-5, and RR-10 have no block length maximums.

2. To maintain flexibility in subdivision design, for every 40 lots included in the development, one exception to the maximum block length is allowed. A block may be up to 2.5 times as long as the minimum.

3. In addition, access management requirements for UDOT-managed streets may also allow block lengths along these streets to be longer. Active transportation pathways may be substituted in this case to maintain transportation connectivity.

4. The example connectivity plans in Figures 2-5 and 2-6 of the Active Transportation Implementation Plan include identifying maximum block lengths and exceptions.

Connectivity Requirements					
Zone	Internal Connectivity			External Connectivity	
	Connectivity index (links per node)	Maximum block length (ft) ¹	Cul-de-sac maximum length (ft) ²	Maximum spacing of connection to collector and arterial level streets ³	Maximum stub street spacing
R-M-30	1.5	400	0	400	400
R-M-15	1.5	400	0	400	400
R-M-7	1.5	400	0	400	400
R-1-8	1.5	400	200	860	400
R-1-10	1.5	400	275	860	400
R-1-12	1.5	400	275	860	400
R-1-21	1.5	750	400	1,320	N/A
RR-1	1.5	N/A	400	1,320	N/A
RR-5	1.5	N/A	400	N/A	N/A
RR-10	1.5	N/A	400	N/A	N/A

¹ There can be one exception to the maximum block length per 40 lots, where one block face can be up to double length.

² Every cul-de-sac must have a pedestrian connection to the other side of the block.

³ Excludes connections to UDOT-managed streets.

(ii) Maximum cul-de-sac length

SUBDIVISIONS

1. Cul-de-sacs and other dead-end streets included in a subdivision shall not be longer than the limits in Table 2-3 in the Active Transportation Implementation Plan.
2. Stub streets intended for future connections are not included in this requirement.
- (iii) Active transportation connection for each cul-de-sac
 1. A shared-use path meeting the design standards in Section 2-4 of the Active Transportation Implementation Plan for off-street paths must be included at each internal cul-de-sac or dead-end street.
- (iv) External connections
 1. Stub Streets: Stub streets are streets that dead-end against vacant or undeveloped land with the intention of connecting to development on that land in the future. To maintain a consistent street network that ties together different subdivisions, stub streets shall be built at a minimum spacing that matches the maximum block length requirements in Table 2-3 of the Active Transportation Implementation Plan. Stub streets shall not include temporary cul-de-sacs and shall be no longer than 150 feet. For zones with no maximum block spacing, stub streets shall be built as extensions of the subdivision's street network.
 2. Master Planned Trails: Active transportation connections in the subdivision shall connect the subdivision to any master-planned trails where applicable. These connections can be any of the Shared Use Path types specified in Section 2.4 of the Active Transportation Implementation Plan.
- (v) Connectivity Plan
 1. Achievement of connectivity standards must be shown on a Connectivity Plan to be submitted with each development application and including the following information. Basic information:
 - (A) Street links
 - (B) Nodes
 - (C) Block length dimensions
 - (D) Cul-de-sac length dimensions
 - (E) Connectivity index
 - (F) Maximum block lengths
 - (G) Stub streets with the minimum spacing
 - (H) Active transportation – only links connecting cul-de-sacs or to access-management controlled streets.
 2. For examples of Connectivity Plans, see Figures 2-5 and 2-6 in the Active Transportation Implementation Plan.
- (vi) Exceptions
 1. The connectivity requirements may be reduced if the applicant provides clear and convincing evidence that it is impossible or impracticable to achieve due to the following limitations:
 - (A) Topography: Natural features including lakes, rivers, and designated wetlands
 - (B) Existing adjacent development: A new subdivision must connect to an adjacent pre-existing development and the connection must be balanced with the external connectivity requirements (for example, if the pre-existing development

SUBDIVISIONS

has stub streets, they must be incorporated into the new subdivision to best adhere to the connectivity requirements)

- (C) Rail corridors
- (D) Limited access roadways

2. Reductions in the required connectivity index will be reviewed on a case-by-case basis and must require approval by the Planning Commission or the Community Development Department. (Ord. 2022-32, 11/29/22)

35-6-15. Master Planned and Off-Street Trails.

For each subdivision and/or development, the applicants, Tooele County, and other stakeholders shall work together to identify opportunities for master-planned and off-street trails, both within the subdivision/development and connecting to trails outside it. Developments of over 20 acres are required to have an off-street, master-planned trail system, the extent of which shall be commensurate to the relative size of the development. Master-planned trails shall connect to any adjacent pre-existing or planned trails. (Ord. 2022-32, 11/29/22)

PART 35-7 DESIGN STANDARDS

Section

35-7-1. Improvement completion assurance.

35-7-2. Default.

35-7-3. Maintenance guarantee.

35-7-4. Acceptance and release of surety.

35-7-5. Engineering review and inspection fee.

35-7-1. Improvement completion assurance.

(1) In lieu of actual installation of improvements required by this chapter, after final plat approval by the land-use authority and before the plat is recorded, the applicant shall guarantee the installation of such improvements by a combination of one or more of the following methods: a corporate surety bond, a deposit in escrow, a cash bond held by the county, or a letter of credit issued by a financial institution.

(2) The guarantee shall be in an amount equal to 120% of the cost of required improvements as estimated by an engineer retained by the applicant and approved by the County Engineer. The guarantee shall assure the actual construction of such improvements within one year, or at a date approved by the County Manager.

(3) The County Manager and County Attorney shall approve the method, institution, and form guarantee. (Ord. 2022-32, 11/29/22)

35-7-2. Default.

In the event the applicant defaults or fails, or neglects to satisfactorily install required improvements within one year, the County Manager may declare the guarantee forfeit and may execute thereon and install or cause the required improvements to be installed using the proceeds from the collection to defray the expenses thereof. The applicant shall be responsible for all costs incurred by the county to complete the required improvements in excess of the proceeds of the guarantee. (Ord. 2022-32, 11/29/22)

SUBDIVISIONS

35-7-3. Maintenance guarantee.

The applicant shall guarantee that all improvements will remain in good condition for a period of one year after the date of final acceptance by the county. The applicant shall make all repairs to and maintain the improvements in good condition during that one year at no cost to the county. Upon completion of the improvements, the county shall retain 10% of the guarantee for a surety to cover the maintenance period. The exact amount retained shall be determined by the Community Development Department. The Community Development Department shall identify necessary repairs and maintenance, and this decision shall be final and binding upon the applicant. The guarantee shall extend to and include, but shall not be limited to the entire street, subgrade, base, and surface and all pipes, joints, valves, backfill, and compacting as well as the working surface, curbs, gutters, sidewalks, and other accessories that are, or may be, affected by construction operations. Whenever, in the judgment of the Community Development Department, the improvements shall need repairs, maintenance, or re-building, the Community Development Department shall cause a written notice to be mailed or given to the applicant. Upon receipt, the applicant shall undertake and complete such repairs, maintenance, or re-building. If repairs are not completed within the specified time, the County Manager may declare the guarantee forfeit and may execute thereon and install or cause the required improvements to be installed using the proceeds from the collection to defray the expenses thereof. The applicant shall be responsible for all costs incurred by the county to install the improvements in excess of the proceeds of the guarantee. (Ord. 2022-32, 11/29/22)

35-7-4. Acceptance and release of surety.

(1) The applicant shall submit to the Community Development Department a copy of the as-built construction drawings and stormwater certification by a design engineer. Acceptance of all improvements shall be in writing from the Community Development Department.

(2) Final inspection by the Community Development Department shall be made one year after all work has been completed and before the release of the guarantee. All defects shall be corrected before acceptance by the county.

(3) Upon completion of improvements and acceptance by the Community Development Department, the financial assurances may be released. (Ord. 2022-32, 11/29/22)

35-7-5. Engineering review and inspection fee.

In addition to the improvement and maintenance guarantees, the applicant shall deposit with the county a sum equal to three percent of the cost of the improvements to cover reviews and inspections prior to the pre-construction meeting. (Ord. 2022-32, 11/29/22)

SUBDIVISIONS

PART 35-8 DESIGN STANDARDS

Section

35-8-1. Vacating or changing a subdivision plat.

35-8-2. Filing of a petition to vacate, alter, or amend a plat – Notice.

35-8-3. Planning Commission consideration of a petition to vacate or change a plat – Criteria for vacating or changing a plat – Recording the vacation or change.

35-8-4. Exchange of title for portions of parcels by adjacent property owners of record.

35-8-1. Vacating or changing a subdivision plat.

(1) Subject to Subsection (2), the Planning Commission may, with or without a petition, consider and resolve any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any road, lot, or alley contained in a subdivision plat, at a public hearing.

(2) If a petition is filed, the Planning Commission shall hold the public hearing within 45 days after receipt of the petition if:

- (a) the plat change includes the vacation of a public road;
- (b) any owner within the plat notifies the county of their objection in writing within ten days of receiving mailed notification; or
- (c) all of the owners in the subdivision have not signed the revised plat.

(3) Any fee owner, as shown on the last county assessment rolls, of land within the platted subdivision may petition in writing to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended.

(4) The Community Development Department shall review any proposal to vacate or alter any road or alley located within a subdivision. Upon receiving a recommendation from the Community Development Department, the application shall be considered at a public hearing held by the Planning Commission. The County Council shall then consider and act on the Planning Commission's recommendation at a public meeting.

(5) The vacation or narrowing of a public road does not affect any existing easement or franchise right of any public utility. (Ord. 2022-32, 11/29/22)

35-8-2. Filing of a petition to vacate, alter, or amend a plat – Notice.

(1) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a road or lot contained in a plat shall include:

- (a) the name and address of all owners of record of the land contained in the entire plat;
- (b) the name and address of all owners of record of land adjacent to any road that is proposed to be vacated, altered, or amended; and
- (c) the signature of each of these owners who consents to the petition.

(2) A petition that lacks the consent of all owners may not be scheduled for consideration at a public hearing before the Planning Commission until the following notice is given:

- (a) Notice shall be provided of the date, time, and place of a public hearing and shall be:
 - (i) mailed not less than five calendar days before the public hearing and addressed to the record owner of each parcel within specified parameters of that property; or
 - (ii) posted not less than five calendar days before the public hearing, on the property in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

SUBDIVISIONS

(b) For any proposal to vacate, alter, or amend a platted street, the Planning Commission shall give notice of a public hearing with the date, place, and time of the hearing by:

- (i) mailing notice as required in Section (a)(i) above;
- (ii) mailing notice to each affected entity; and
- (iii) publishing notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the county or on the county website.

(3) The petitioner shall pay the costs of the notice.

(4) Subject to Subsection (1), if the Planning Commission proposes to vacate, alter, or amend a subdivision plat or any road or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this Section.

(5) The name of a recorded subdivision may be changed by recording an amended plat if the new name has been cleared and approved by the County Recorder. The recording of all other declarations or documents that purport to change the name of a recorded plat are void. (Ord. 2022-32, 11/29/22)

35-8-3. Planning Commission consideration of a petition to vacate or change a plat – Criteria for vacating or changing a plat – Recording the vacation or change.

(1) Within 30 days after the required public hearing, or as that time may be extended by agreement of the parties, the Planning Commission shall consider the petition to vacate or change a plat.

(2) If the Planning Commission is satisfied that the public will not be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the Planning Commission may vacate, alter, or amend the plat, any portion of the plat, or lot.

(3) The Planning Commission may approve the vacation, alteration, or amendment by resolution, amended plat, or administrative order.

(4) The Planning Commission shall ensure that the vacation, alteration, or amendment is recorded with the County Recorder. (Ord. 2022-32, 11/29/22)

35-8-4. Exchange of title for portions of parcels by adjacent property owners of record.

(1) The owners of record of adjacent parcels described by a metes and bounds description may exchange title to portions of those parcels if the Community Development Department approves the exchange of title per Subsection (2).

(2) The Community Development Department shall approve an exchange of title under Subsection (1) if:

- (a) no new dwelling lot or housing unit will result from the exchange of title; and
- (b) the exchange of title will not result in a violation of applicable zoning requirements.

(3) If an exchange of title is approved under Subsection (2), a notice of approval by the Community Development Department shall be recorded with the County Recorder by the owners with deeds which:

- (a) are executed by each owner included in the exchange and by the Community Development Department;
- (b) contain an acknowledgment for each party executing the notice; and
- (c) recite the descriptions of both the original parcels and the parcels created by the exchange of title.

(4) A notice of approval recorded under Subsection (3) does not act as a conveyance of title to real property. (Ord. 2022-32, 11/29/22)