

**VERNAL
ORDINANCE 2023-15**

**AN ORDINANCE OF THE VERNAL CITY COUNCIL AMENDING THE VERNAL
CITY MUNICIPAL CODE - CHAPTER 16.58 - SUBDIVISIONS.**

WHEREAS, the State of Utah mandated City subdivision codes contain certain elements; and

WHEREAS, the Planning Commission reviewed the current code and recommended changes to comply with the new State regulations; and

WHEREAS, the City Council finds that regulating subdivisions is necessary for the orderly growth of the City; and

WHEREAS, the City Council deems it to be in the best interest of the health, safety, and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City code; and

WHEREAS, the City Council has received input from the public at large in a duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such regulations.

NOW THEREFORE, be it ordained by the Vernal City Council, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “Section 16.58.020 Definitions” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.020 ~~Definitions~~Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this chapter. (PZSC § 03-28-014)

For the purpose of this chapter, the following definitions shall apply: "Easement" means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of land, is granted to the public or some particular person or part of the public. "Final plat" means a map or chart of the land division which has been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified. "Improvement" means work, objects, devices, facilities or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, street construction to required standards, water facilities, sewer facilities, street trees, sidewalks, curbs and gutters, drainage facilities, street signs, street lights, traffic control or safety devices, fire hydrants, storm drains, and such other facilities or construction required by the subdivision ordinance, subdivision regulations or by the Planning Commission and/or City Council for the necessary development of the proposed subdivision. "Intervening property" means property located between the existing service facility and the property under development. "Major street" means a street existing or proposed which serves or is intended to serve as a collector or arterial street on the City master plan. "Metes and bounds" means the description of a lot or parcel of land by courses and distances. "Minor street" means a street existing or proposed which is supplementary to a collector street and limits continuity which serves or is intended to serve the local needs of the neighborhood. "Off-site facilities" means facilities designed or located so as to serve other property outside of the boundaries of the subdivision, usually lying between the development and existing facilities. "On-site facilities" means facilities installed within or on the perimeter of the subdivision. "Over-side facilities" means facilities with added capacity designed to serve other properties in addition to the land within the boundaries of the subdivision. "Permanent monument" means any structure of concrete, masonry and/or metal permanently placed or in the ground, including those expressly placed for surveying reference. "Planning Commission" means the Planning Commission of Vernal City, Utah. "Preliminary plat" means a drawing, to scale, representing a proposal to subdivide a tract, lot or parcel of land, and meeting the preliminary plat requirements of this chapter. "Protection strip" means a strip of land between the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access to the street by property owners abutting the subdivision. "Public improvements" for the purpose of Section 16.58.206, public improvements includes, but is not limited to: street construction to required standards, water facilities, street trees, sidewalks, curbs and gutters, drainage facilities, street signs, street lights, traffic control or safety devices, fire hydrants, storm drains, electric lines and facilities, natural gas lines and facilities, telephone lines and facilities, and cable lines and facilities, that are used or intended, or capable of being used, to provide services or access to more than one structure, lot or facility. "Subdivider" means any person laying out or making a land division for the purpose of first sale, or first selling for himself or others, a subdivision or any part thereof. "Subdivision" means the division of a tract or lot or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. "Concept plan" means a map or chart showing the relationship of streets within a proposed subdivision to streets in the surrounding areas.

(PZSC § 03-28-011) (Ord. 2012-29, Amended, 08/15/2012; Ord. 2008-13, Amended, 07/16/2008; Ord. 2005-07, Amended, 06/01/2005)

SECTION 2:**AMENDMENT** "Section 16.58.030 Subdivision, Sale Or Exchange -- Platting Requirements" of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.030 ~~Subdivision, Sale Or Exchange -- Platting Requirements~~ Definitions

For the purpose of this chapter, the following definitions shall apply:

"Easement" means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of land, is granted to the public or some particular person or part of the public.

"Final plat" means a map or chart of the land division which has been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.

"Improvement" means work, objects, devices, facilities or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, street construction to required standards, water facilities, sewer facilities, street trees, sidewalks, curbs and gutters, drainage facilities, street signs, street lights, traffic control or safety devices, fire hydrants, storm drains, and such other facilities or construction required by the subdivision ordinance, subdivision regulations or by the Planning Commission and/ or City Council for the necessary development of the proposed subdivision.

"Intervening property" means property located between the existing service facility and the property under development.

"Major street" means a street existing or proposed which serves or is intended to serve as a collector or arterial street on the City master plan.

"Metes and bounds" means the description of a lot or parcel of land by courses and distances.

"Minor street" means a street existing or proposed which is supplementary to a collector street and limits continuity which serves or is intended to serve the local needs of the neighborhood.

"Off-site facilities" means facilities designed or located so as to serve other property outside of the boundaries of the subdivision, usually lying between the development and existing facilities.

"On-site facilities" means facilities installed within or on the perimeter of the subdivision.

"Over-side facilities" means facilities with added capacity designed to serve other properties in addition to the land within the boundaries of the subdivision. "Permanent monument" means any structure of concrete, masonry and/or metal permanently placed or in the ground, including those expressly placed for surveying reference.

"Planning Commission" means the Planning Commission of Vernal City, Utah.

"Preliminary plat" means a drawing, to scale, representing a proposal to subdivide a tract, lot or parcel of land, and meeting the preliminary plat requirements of this chapter.

"Protection strip" means a strip of land between the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access to the street by property owners abutting the subdivision.

"Public improvements" for the purpose of Section 16.58.206, public improvements includes, but is not limited to: street construction to required standards, water facilities, street trees, sidewalks, curbs and gutters, drainage facilities, street signs, street lights, traffic control or safety devices, fire hydrants, storm drains, electric lines and facilities, natural gas lines and facilities, telephone lines and facilities, and cable lines and facilities, that are used or intended, or capable of being used, to provide services or access to more than one structure, lot or facility.

"Subdivider" means any person laying out or making a land division for the purpose of first sale, or first selling for himself or others, a subdivision or any part thereof. "Subdivision" means the division of a tract or lot or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development."

"Concept plan" means a map or chart showing the relationship of streets within a proposed subdivision to streets in the surrounding areas. (PZSC § 03-28-011)

(Ord. 2012-29, Amended, 08/15/2012; Ord. 2008-13, Amended, 07/16/2008; Ord. 2005-07, Amended, 06/01/2005)

~~From the effective date of this chapter, no person shall subdivide any tract of land which is located wholly or in part within the limits of Vernal City, Utah, nor shall any person sell, exchange or offer for sale or purchase or to purchase any parcel of land, nor shall any person offer for recording any deed conveying such a parcel of land or any interest therein unless he shall first have or cause to have made a plat thereof, which plat shall be recorded before such sale or exchange or purchase is effected, and which shall be in accordance with all the requirements of this chapter.(PZSC § 03-28-002) (Ord. 2005-07, Amended, 06/01/2005)~~

SECTION 3: AMENDMENT “Section 16.58.040 Procedure For Obtaining Subdivision Approval” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.040 ~~Procedure For Obtaining Subdivision Approval~~Subdivision Sale or Exchange - Platting Requirements

From the effective date of this chapter, no person shall subdivide any tract of land which is located wholly or in part within the limits of Vernal City, Utah, nor shall any person sell, exchange or offer for sale or purchase or to purchase any parcel of land, nor shall any person offer for recording any deed conveying such a parcel of land or any interest therein unless he shall first have or cause to have made a plat thereof, which plat shall be recorded before such sale or exchange or purchase is effected, and which shall be in accordance with all the requirements of this chapter.

~~Discuss Proposed Subdivision with City Planner. Any person wishing to subdivide land within Vernal City, Utah, shall secure from the City Planner information pertaining to the City's plan of streets, parks, drainage, land use and other general plan requirements affecting the land to be subdivided. Prepare Concept Plan. The subdivider shall then prepare a concept plan and shall submit nine (9) copies of the same to the Planning Commission. Obtain Planning Commission Approval of Vicinity Plan. The Planning Commission shall review and shall approve or disapprove the general design of the subdivision or approve it subject to required changes or alterations. Prepare Preliminary Plat and Engineering Drawing and Pay Preliminary Plat Fees to City Clerk. Upon approval of the concept plan by the Planning Commission, the subdivider shall prepare a preliminary plat of the subdivision and shall submit to the Planning Commission the following: Obtain Planning Commission Approval of Preliminary Plat. Prepare Final Plat and Obtain Approval of Planning Commission and Pay Final Plat Fees to City Clerk. After the preliminary plat has been approved, the subdivider shall then prepare and submit one (1) tracing, three (3) copies of the final plat of the subdivision and three (3) copies of the finalized covenants, conditions and restrictions to the Planning Commission. Set up escrow account with the City. (see Section 16.58.030) After approval of the final plat of a subdivision by the Planning Commission, the subdivider shall either construct required improvements or set up an escrow account with the City Clerk in an amount, as determined by the City Engineer, sufficient to cover the costs of any improvements required under this code as a guarantee that the improvements will be installed and paid for without cost to the City. Obtain Approval of the City Council. After setting up an escrow account, the plat, shall be submitted to the City Council for approval. Unless otherwise provided on the plat, approval of the final plat, or in the case of a minor subdivision the preliminary plat, shall constitute acceptance by the City of all streets and other properties dedicated for public use. Nine (9) Three (3) copies of the preliminary plat in a 24 inch by 36 inch format; nine (9) copies in an 11 inch by 17 inch format and one (1) copy in a digital format readable by a computer as specified by Vernal City. Three (3) copies of the engineering drawings showing: Nine (9) copies of preliminary covenants;~~

~~conditions and restrictions; Any other material or information required by the Planning Commission. A copy of the warranty deed(s) or other evidence of proprietary interest for all parcels contained within the boundaries of the proposed subdivision. The Planning Commission shall hold a public hearing providing at least ten (10) days notice on the Utah Public Notice Website and posted on the City's web page and to property owners within three hundred feet of the subdivision. The Planning Commission shall review and shall approve or disapprove the preliminary plat, or approve it with modifications within thirty (30) days from the date of the submission of the preliminary plat. Approval or denial of the plat shall be based upon compliance with the general plan and with the standards and conditions of approval, as set forth in this chapter. The action of the Planning Commission shall be written on the face of two (2) copies of the plat, one (1) of which shall be retained in the files of the Planning Commission and one (1) of which shall be returned to the subdivider. If disapproved, the Planning Commission shall express its reasons therefor to the subdivider. Where a subdivider owns or controls more land that he wishes to develop immediately, the Planning Commission may require that the preliminary plat of the whole area be submitted, in which case the subdivider shall indicate on the preliminary plat the portion to be developed immediately and the portion to be held for development. Whenever final plat approval has been obtained on any part of the preliminary plat, approval of the remaining part of the preliminary plat shall remain in effect for a period of two (2) years. The preliminary plat, along with engineering drawings, may be presented to the Planning Commission at the same time as the concept plan. Typical cross sections of streets, Provisions for drainage, Location and size of both "on-site" and "off-site" water mains and sewer lines; Record Final Plat. After obtaining approval of the City Council, the subdivider shall submit the final plat tracing to the office of the Uintah County recorder for recording within ninety (90) days of the date of approval by the City Council.~~

(PZSC § 03-28-003) (Ord. No. 96-08, Amended, 03/20/96)
(Ord. 2008-13, Amended, 07/16/2008; Ord. 2008-07, Amended, 05/07/2008; Ord. 2005-07, Amended, 06/01/2005)

SECTION 4: **AMENDMENT** “Section 16.58.050 Platting And Recording Requirements” of the Vernal Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 16.58.050 ~~Platting And Recording Requirements~~ Enforcement and Permits

With the exception of grading permits, no officer of Vernal City shall grant any permit or license for the construction or use of any building or land unless and until all public improvements and infrastructure required by Vernal City ordinances and all conditions agreed to by the subdivider as part of the approval process are completed and are accepted by Vernal City; except that:

A building permit and a certificate of occupancy may be issued on an individual lot in a subdivision provided that all conditions listed in section A are met along all exterior property lines of the lot and between the lot and a fully improved and accepted public road outside of the boundaries of the subdivision.

A building permit, but not a certificate of occupancy, may be issued on lots in a subdivision before the public improvements are made, provided that a financial guarantee be established in accordance with section 16.58.450 guaranteeing the public improvements in said subdivision. In all cases, the guarantee must apply to all improvements connecting the subdivision to a fully approved and accepted public road.

When a section of road and its associated public improvements are required to be constructed and dedicated to the public and that section of road will not be directly connected to an existing maintained public road before the anticipated completion of the subdivision, or phase of the subdivision, the City and the developer may enter a development agreement governing the development of that section of road. After said development agreement is approved by the City Council and recorded in the Uintah County Recorder's Office, the terms governing the issuance of permits as related to said section of road shall be determined by the development agreement.

- A. ~~Concept Plan. The concept plan shall show a simple sketch drawn to scale of the proposed layout of streets, lots and other features in relation to existing and planned streets within one-fourth (1/4) mile of the subdivision. The plan may be a pencil sketch or may be made directly on an aerial photograph. The plan shall be prepared at a scale of not smaller than one (1) inch equals five hundred (500) feet. Preliminary Plat. The preliminary plat shall be drawn to a scale of one (1) inch equals one hundred (100) feet or larger and shall show; Final Plat. Note: It is necessary that all dimensions and calculations made by the engineer shall show proper closures in all boundaries of the subdivision, and no plat will be accepted that shows a plus or minus distance from closure unless agreed by the Planning Commission or other person duly empowered by resolution. Recording Requirements. Final plats must be recorded in the office of the Uintah County recorder not more than ninety (90) days from date of approval of the final plat by the City Council, and no lot shall be sold within such subdivision until the plat has been so approved and recorded. A final plat of any subdivision which is not recorded within ninety (90) days from the date of approval by the City Council shall be null and void unless a longer period of time is approved by the City Council. Approval of the final plat by the Planning Commission shall not be deemed as the acceptance of any street, public way or ground. Such acceptance shall be obtained from the City Council. The proposed name and type of subdivision and location, i.e.; section, township, range and quarter section, The location of the subdivision as forming a part of a larger tract or parcel where the plan submitted covers only a part of the subdivider's tract, Sufficient information to locate accurately property shown on the plat, The names and addresses of the subdivider, the engineer or surveyor of the subdivision and the owner of the land immediately adjoining the land to be subdivided, Contour map at appropriate intervals, where required by the Planning~~

Commission, A description of the boundary lines of the tract to be subdivided tied to a permanent survey monument and certified by a registered land surveyor licensed by the state, The location, width and other dimensions of all existing or platted streets and other important features such as water courses, exceptional topography and buildings within the tract and within two hundred (200) feet of the tract to be subdivided, Existing sanitary sewers, storm drains, water supply mains and bridges within the tract or within two hundred (200) feet thereof, The location, width and other dimensions of proposed streets, alleys, easements, parks and other open spaces with proper labeling of spaces to be dedicated to the public or to be reserved for common use and benefit of development residents, North point, scale and date, Engineering drawings, including typical cross sections and plans, and/or written statements regarding the width and type of proposed streets, locations, size and type of proposed water mains, sanitary sewers or other sewage disposal facilities, storm drainage facilities, retention basins and other proposed improvements such as sidewalks, curbs and gutters, parks and fire hydrants, In the case of PRUD or condominium subdivisions, the percentage of ownership per unit or lot must be reflected. A final plat shall be prepared on all subdivisions. The plat shall consist of a sheet of approved mylar or other material approved by Vernal City of the approximate dimensions of twenty-four (24) inches by thirty-six (36) inches. The plat shall be so drawn that the top of the sheet either faces north or west, whichever accommodates the drawings best. All lines, dimensions and markings shall be made with approved waterproof black ink. The actual map shall be made on a scale large enough to clearly show all details and the workmanship on finished drawings shall be neat and readable. The subdivider shall also furnish the Planning Commission with three (3) prints of the final plat when submitting the drawing. The final drawings or plats shall contain the following information: Subdivision name as approved by the Uintah County Recorders Office, type and the location of the subdivision, i.e., section, township, range and quarter section, A north point and scale on the drawings and the date, Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines, The names, widths, lengths, bearings and curve data on the right-of-way lines of proposed public streets, alleys and easements (curve data should include the radius to the nearest 0.01 foot, the central angle to the nearest second of arc, the tangent length, the arc length and notation as to nontangent curves); also, the boundaries, bearings, and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system approved by the Planning Commission. All proposed streets shall be named or numbered in accordance with and in conformity with the street naming and numbering system of Vernal City, and all lots shall be assigned a street address, The location of public utilities, including required street lights, which are within or in close proximity to the proposed subdivision, together with existing water courses or other constructed features that are involved, The location and description of all required monuments, The description and locations of all monuments set and established by the county or the United States Government that are adjacent or

~~near this proposed subdivision. In the case of PRUD or condominium subdivisions, percentage of ownership per unit must be reflected. The standard forms approved by the Planning Commission, lettered for the following: Boundary description of land to be included in subdivision, total area and basis of bearing, and; Professional engineer's certificate of engineering as required, and; Owner's dedication, and; Notary public's acknowledgement of dedication, and; Planning Commission's certificate of approval, and; City engineer's certificate of approval, and; Local Public Health Department's certificate of approval, and; The Vernal City Council's certificate of acceptance and approval attested by the City Recorder, and; Vernal City Water and Sewer certificate of acceptance and approval, and; Professional land surveyor's certificate of survey, and; The Uintah County Treasurer's certificate of approval, and; A City surveyor's certificate of approval. (PZSC § 03-28-004) (Ord. 2011-20, Amended, 10/05/2011; Ord. 2008-13, Amended, 07/16/2008; Ord. 2005-07, Amended, 06/01/2005)~~

SECTION 5:**AMENDMENT** “Section 16.58.060 Design Standards And Requirements” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.060 ~~Design Standards And Requirements~~ Work to be Done or Reviewed by Licensed Professionals

A. All engineering work or surveying of property must be done by or under direction of a registered professional engineer or land surveyor registered in the state.

B. Development review committee. The development review committee will review all preliminary plat applications prior to the application going to the land use authority. The Development review committee shall consist of:

1. Vernal City Planning Commission Chairman
2. Vernal City Streets Superintendent
3. Vernal City Public Works Director
4. Vernal City Planning Director
5. Internet provider
6. Gas provider
7. School District
8. Uintah County Representative
9. Treasurer
10. Tri-County Health Department
11. Fire Marshall
12. Power Provider

C. All planned public or private infrastructure intended to be used in conjunction with a subdivision shall be accompanied by subdivision improvement construction plan materials which must be accepted as meeting City Standards by the City zoning administrator, public works director, water and sewer department and streets department.

(PZSC § 03-28-009 (7))

~~Design standards and requirements are set out in sections 16.58.070 through 16.58.320. (PZSC § 03-28-005 (part))~~

SECTION 6: AMENDMENT “Section 16.58.065 Minimum Number Of Accesses” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.065 Minimum Number Of Accesses

Any new subdivision for the purpose of providing for appropriate ingress and egress, containing twenty-five (25) or more dwelling units or lots shall provide a minimum of two (2) separate points of access from a through street, public street classification. (Ord. 2014-03, Amended, 02/19/2014; Ord. 2008-07, Add, 05/07/2008)

SECTION 7: AMENDMENT “Section 16.58.070 Minimum Area” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.070 ~~Minimum Area~~ Procedure for Obtaining Subdivision Approval

A. The subdivider shall prepare a preliminary plat of the subdivision and complete a Preliminary Plat application. Following the determination of a complete preliminary plat application by the zoning administrator, the zoning administrator shall schedule the preliminary plat application for consideration by the planning commission. The planning commission is hereby designated as the administrative land use authority for the review of the preliminary plat application.

1. The Planning Commission shall schedule a public hearing, providing at least ten days' public notice, to receive comment on the proposed preliminary subdivision plat with notice of the public hearing;

a. Being provided as a Class B Notice as outlined in UCA 63G-28. b. Providing a minimum of ten days' notice to each affected entity.

2. Approval of the preliminary plat application by the land use authority shall not constitute final approval of the subdivision by the City but allows the applicant to proceed with the preparation of the subdivision improvement construction plans and the final plat application. A preliminary plat application approval by the land use authority shall not authorize the development of land or the issuance of any building permit for the subdivision site or any proposed lots. If Subdivision improvement construction plans are not submitted for approval within one year period the preliminary plat approval shall be void and the applicant shall be required to submit a new preliminary subdivision application for review and approval, subject to the then existing provisions of the ordinance codified in this chapter, the Vernal City Zoning Ordinance and all other applicable local, state and federal requirements then in effect.

3. Approval of the preliminary plat shall be valid for up to 1 year from the date of preliminary plat approval by the planning commission.

B. The Zoning Administrator is identified as the land use authority for final approval of the final plat application. The zoning administrator may approve the final plat application, approve with conditions or deny the final plat application, accompanied by a findings of fact. A zoning administrator's action to deny a final plat application shall be made with a finding or findings of noncompliance with the requirements of this title, or other land use regulation adopted by the City.

1. Prior to approval of the final subdivision application, the zoning administrator shall determine if the final plat application is complete and contains all preliminary plat and subdivision improvement construction plan materials as required by this title. Any parcel in non-compliance must conform to city code before the zoning administrator may accept or approve the final plat application. 2. After acceptance of the final plat application for a subdivision by the Zoning Administrator, the subdivider shall either construct required improvements or supply the required bond account with the City Clerk in an amount, as determined by the City Engineer, sufficient to cover the costs of any improvements required under this code as a guarantee that the improvements will be installed and paid for without cost to the City not less than 150% of the total cost of improvements in accordance with Section 16.58.390 - Guarantee of Performance. 3. After a final plat application has been approved by the land use authority and recorded in the office of the Uintah County Recorder, owners of lots within the recorded final plat may apply for building permits consistent with the approved final plat application and the requirements for a building permit. 4. The approval of a final plat application as noted by a signed signature block shall be effective for a period of ninety (90) days from the date the final plat application is approved, at the end of which time the approved final subdivision plat shall be recorded in the office of the Uintah County Recorder. If the approved final subdivision plat is not recorded within the ninety (90) period of date of approval, the final plat approval shall be void, and the applicant shall be required to submit a new preliminary plat application and subdivision improvement construction plans, and final plat application for review and approval subject to the then existing provisions of this title, the Uintah County Zoning Ordinance and all other applicable local, state and federal requirements.

~~There shall be no minimum area for a subdivision except as required to meet the minimum lot size requirements as provided in the zoning code for the area in which the subdivision is located.~~

(PZSC § 03-28-005 (1))

SECTION 8: **REPEAL** “Section 16.58.075 Private Streets” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.58.075 ~~Private Streets~~Repeal

~~All new private streets shall conform to the standards set forth in sections 16.58.080 through 16.58.200.~~ (Ord. 2008-13, Amended, 07/16/2008; Ord. 2008-07, Add, 05/07/2008)

SECTION 9: **AMENDMENT** “Section 16.58.080 Street Widths” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.080 ~~Street Widths~~Preliminary Platting Requirements

A complete Preliminary Plat application shall include:

A. One (1) of the preliminary plat in a 24 inch by 36 inch (24" x 36") format: One (1) copy in an 11 inch by 17 inch (11" x 17") format and one (1) copy in a digital format readable by a computer as specified by Vernal City.

B. One (1) copy of preliminary covenants, conditions and restrictions;

C. Any other material or information required by the Planning Commission.

D. A copy of the warranty deed(s) or other evidence of proprietary interest for all parcels contained within the boundaries of the proposed subdivision.

E. A completed Preliminary Application Form

F. Preliminary Application Fee paid in full.

G. Obtain Planning Commission Approval of Preliminary Plat.

The Planning Commission shall review and shall approve or disapprove the preliminary plat, or approve it with modifications within twenty (20) business days from the date of the submission of the preliminary plat. Approval or denial of the plat shall be based upon compliance with the general plan, Recommendations from the Development Review Committee, and in consideration with the standards and conditions of approval, as set forth in this chapter. The action of the Planning Commission shall be accompanied by findings of fact. The land use authority may approve on-site and off-site improvements, facilities and amenities, provided one hundred (100) percent by the applicant for subdivision approval determined necessary by the land use authority and accompanied by a finding of the land use authority that such on-site and off-site improvements, facilities and amenities are required to protect the public health, safety and welfare of the residents of the subdivision, or the existing residents of the county, including but not limited to:

1. Road improvements, grading and hard-surfacing, bridges, culverts, road signs and lighting; 2. Flood control areas and facilities; 3. Culinary water facilities; 4. Sanitary sewer facilities; 5. Park, open space areas and facilities; 6. Fire protection facilities, including fire hydrants and water storage facilities; 7. Electrical power, telephone and other utility facilities; 8. Fencing and livestock guards

~~Major and collector streets shall conform to the width assigned in the general plan wherever a subdivision falls in an area that is addressed in the general plan. Where a street has not been addressed within the general plan at the time the preliminary plat is submitted to the Planning Commission, streets shall be provided as follows; Residential streets shall have a minimum right-of-way of sixty (60) feet. Collector streets shall have a minimum right-of-way of either sixty-five (65) or seventy-two (72) feet, as determined by the Planning Commission. Secondary arterial streets shall have a minimum width of eighty-two and one-half (82-1/2) feet or as shown on the master plan, whichever is greater. Minimum width of paved roadway wherever curb and gutters are installed (lip to lip of curb) shall be as follows: Residential streets: thirty-eight (38) feet; Collector streets: forty-four (44) feet; Secondary arterial streets: sixty (60) feet or conform to general plan, whichever is greater. Streets shall be compacted and paved prior to certificates of occupancy being granted to occupy homes in the subdivision.~~

(PZSC § 03-28-005 (2) (B))
(Ord. 2005-07, Amended, 06/01/2005; Ord. 2002-11, Amended, 06/27/2002)

SECTION 10: AMENDMENT “Section 16.58.090 Alleys” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.090 ~~Alleys~~ Final Platting Requirements

SECTION 11: AMENDMENT “Section 16.58.100 Reverse Curves” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.100 ~~Reverse Curves~~ Final Platting Requirements

~~Reverse curves shall have a tangent of at least one hundred (100) feet unless in the opinion of the Planning Commission such is not necessary.~~

Within one year period of preliminary plat approval a subdivider shall prepare final plat and pay final plat fees to City. The subdivider shall submit one (1) copy of the final plat in a 24 inch by 36 inch (24"x36") format, one (1) copy of the final plat in an 11 inch by 17 inch (11"x17") format, one (1) copy of the final plat in a digital format readable by a computer as specified by Vernal City and one (1) copy of the finalized covenants, conditions and restrictions to the Zoning Administrator. The following information is required for a complete final subdivision application:

A. A final plat application, as provided by the zoning administrator, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) proposed to be subdivided and possessing a valid preliminary plat application and subdivision improvement construction plans acceptance.

B. A final subdivision plat, prepared by a licensed land surveyor, conforming to current surveying practice and in a form acceptable to the Uintah County recorder for recordation. The final subdivision plat shall be presented in black ink on reproducible mylar at the same scale and contain the same information, except contour lines but containing any changes, additions or revisions required by the City, for the approved preliminary plat. All revision dates must be shown as well as the following:

1. Notation of any self-imposed restrictions, or other restrictions as required by the Planning Commission or City Council in accordance with this chapter.

2. All monuments that are erected, corners and other points established in the field in their proper places. Monuments shall be established along the external boundary of the subdivision and at all lot corners with a detailed description of monuments found and monuments set, indicated separately. Where monuments exist but are not firmly set or of a durable material they should be rehabilitated and documented. Unless extenuating circumstances dictate, the minimum size of monuments set should be not less than five eighths inch in diameter with a minimum length of twenty-four (24) inches and be detectable by a magnetic locator. Monuments set shall be durably and visibly marked or tagged with the registered business name or the letters "L.S." followed by the license number of the surveyor in charge.

3. A subdivision name, approved by the County Recorder, and the general location of the subdivision, in bold letters at the top of the sheet. The Township, Range, and Quarter Section shall be shown on the top of the plat.

4. Where a subdivision complies with a different subdivision option provisions, the final plat shall indicate underneath the subdivision name words describing the subdivision option that the subdivision was approved under.

5. A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved, the scale of the drawing and the date of the survey noted in the heading. (Meaning the date, year and month the survey markers were placed).

6. Accurately drawn boundaries, showing the distance and bearings of all lines traced or established by the survey, and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines. The basis of bearing between two monumented corners of the public land survey system, sufficient for retracement, shall also be noted on the final plat. A measurable mathematical relationship between the property and the monument from which it is shall be shown. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to monuments in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set shall be indicated.

7. Dimensions of straight lines shall consist of the bearing and length. Dimensions of curved lines shall consist of the radius, arc length, central angle, tangent, chord distance and chord bearing. All bearings and angles shall be given to seconds of arc, and length or distances shall be given to hundredths of a foot.

8. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All proposed streets shall be numbered consecutively under a definite system approved by the City and conform as far as practicable to the adopted street numbering system of Uintah County and Vernal City.

9. A house number indicating the street address for each lot in the subdivision shall be assigned by the City and marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for each frontage. Homes that are built on approved flag lots or right of ways shall have the address assigned and posted at the access point from a City Road or private road.

10. The owner's certificate of consent, including a legal description of the subdivision's boundaries and the dedication of all required public ways or spaces. This certificate shall be signed, dated and notarized. There shall also be added lines for each owner's name to be printed. The owner's certificate should include a reference to any covenants and blanks where the county recorder may enter the book and page number of their recording.

11. A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed, and dated.

12. Signature blocks prepared for the dated signatures of the Vernal City Planning Director, County Treasurer, County Surveyor, County fire marshal, Tri- County Health Department, Vernal City Streets Supervisor, Vernal City Public Works Director, Internet provider, Gas provider, Power provider. Other final subdivision plat notes, as required by the land use authority.

C. Final design drawings, prepared by a licensed engineer, and approved by the land use authority, for the road system, and all other required subdivision improvements, facilities and amenities. All such improvements shall comply with the design and construction standards of Vernal City, as established, as well as the applicable recommendations of the geotechnical report.

D. A tax clearance from the Uintah County Treasurer, indicating that all taxes, interest and penalties owing for the property have been paid and taxes, interest and penalties have been paid for the current tax year, if applicable as shown by the County Treasurer signature.

E. Payment of the nonrefundable final plat application fee, and surveyor fee as established by the board of county commissioners. The lack of any information required by this title shall be cause for the zoning administrator to find the final plat application incomplete. A zoning administrator determination of an incomplete final plat application shall prohibit the approval of the final plat application. The zoning administrator shall notify the applicant of the information lacking from the application. The zoning administrator shall allow twenty (20) business days from the date of notification of an incomplete application for the applicant to provide the required information and provide a complete application to the zoning administrator. If the application for final subdivision approval remains incomplete after twenty (20) business days from the date of notification of an incomplete application, the zoning administrator shall return the incomplete final plat application to the applicant.

Unless otherwise provided on the plat, approval of the final plat shall constitute acceptance by the City of all streets and other properties dedicated for public use.

Record Final Plat. After obtaining approval of the City Council, the subdivider shall submit the final plat tracing to the office of the Uintah County recorder for recording within ninety (90) days of the date of approval by the City Council.

(PZSC § 03-28-005 (2) (C))

SECTION 12: AMENDMENT “Section 16.58.110 Street Intersections” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.110 ~~Street Intersections~~Amended Plats

~~Streets shall intersect each other as near as possible to right angles. Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees. Offsets in street alignment of more than ten (10) feet or less than one hundred twenty (120) feet shall be prohibited.~~Amended plats must be filed when more than two adjacent lots of a subdivision which has been recorded are affected, an amended plat thereof approved and filed in accordance with the requirements of State code. No change shall be made in the approved plats unless approval thereof has been obtained by the Planning Commission after a public hearing is held with at least ten (10) days notice on the Utah Public Notice Website and posted on the City's website, except that the City Planner may approve petitions to adjust lot lines between two adjacent properties upon the filing of a record of survey and recordation of an appropriate deed if:

- A. No new dwelling lot or housing unit results from the lot line adjustment, and;
- B. The lot line adjustment does not result in remnant land that did not previously exist;
- C. The adjustment does not result in violation of applicable zoning requirements.
- D. All adjoining property owners consent to the lot line adjustment and sign the plat.

Notice of the lot line adjustment must be made on the Utah Public Notice Website and posted on the City's website indicating the date by which objections must be received in the City Recorder's office. If no objections are received, the lot line adjustment may be approved by the City Planner if all other requirements are met. If an objection is filed, the lot line adjustment will be heard at the next Planning Commission meeting for their review and decision.

Petitions to adjust lot or parcel lines between adjoining properties not within a recorded subdivision may be executed upon the recordation of an appropriate deed after a record of survey has been approved by the zoning administrator and cleared for taxes by Uintah County Treasurer and filed with the county surveyor within ninety (90) days of approval, if:

- A. No new dwelling lot or housing unit results from the lot line adjustment;
- B. That all adjoining property owners consent to the lot line adjustment;
- C. The lot line adjustment does not result in a remnant piece of land that did not exist previously;
- D. The lot line adjustment does not result in the violation of any applicable zoning district requirements.

When Vernal City proposes to vacate, alter, or amend a subdivision plat, or any road or lot contained in a subdivision plat, the City Council shall consider the issue at a public hearing after giving the notice, as required by Section 17-27a-207 et seq., Utah Code Annotated, 1953, as amended

(PZSC § 03-28-005 (2) (D))

SECTION 13: AMENDMENT “Section 16.58.120 Street Grades” of the Vernal Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 16.58.120 ~~Street Grades~~Lay Out and Accesses

~~Minimum street grades of 0.6 percent will be required with the maximum grade being seven (7) percent for collector streets and ten (10) percent for minor streets. Where the observance of this standard is unfeasible, the Planning Commission shall have the power to grant an exception when special pavement surfaces and adequate leveling areas are installed or in the opinion of the Planning Commission the best subdivision of the land is thereby secured.~~

- A. The subdivision layout shall conform to the Vernal City General Plan, this title, other county land use codes and all other requirements of state code.
- B. All lots or parcels created by the subdivision shall have the minimum required frontage along roads specified by the unique zone. No new remnant lot may be left after subdivision is platted.
- C. Where trees, groves, waterways, natural drainages, scenic points, historic spots or other City, County or State assets and landmarks, as determined by the land use authority, are located within a proposed subdivision, every practical means shall be provided to preserve these features. Staff may provide recommendations from

qualified organizations to aid in the determination of these features.

- D. Whenever a tract to be subdivided adjoins or embraces any part of an existing road as claimed by the City or a proposed road designated within the citywide general plan, such part of the public way shall be platted and dedicated to the City.

Any new subdivision for the purpose of providing for appropriate ingress and egress, containing twenty-five (25) or more dwelling units or lots shall provide a minimum of two (2) separate points of access from a through street where both ends of the through street connect to a collector road or higher classification. Planning commission shall determine appropriate number of accesses and placement at preliminary plat approval with recommendations from city staff.

(PZSC § 03-28-005 (2) (E))

SECTION 14: AMENDMENT “Section 16.58.130 Street Curves” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.130 ~~Street Curves~~Lots

- ~~A. Where the street lines within a block deflect from each other at any one (1) point more than ten (10) degrees there should be a connecting curve. The radius of the curve for the inner line should not be less than three hundred fifty feet (350) for major streets, two hundred fifty (250) feet for an important neighborhood street, and one (100) hundred feet for minor streets. Vertical curves shall be used at all changes of grade exceeding one (1) percent and shall be designed to provide minimum sight distances (three and one-half (3-1/2) feet high drive to one (1.0) feet high object) of two hundred (200) feet for minor streets and three hundred (300) feet for all other streets except that vertical curves for major streets shall be as determined by the current specifications for the Utah State Department of Transportation.~~

All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage, or access grades, or other physical conditions. There shall be no minimum area for a subdivision except as required to meet the minimum lot size and width requirements as provided in the zoning code for the area in which the subdivision is located.

(PZSC § 03-28-005 (2) (F))

SECTION 15: **AMENDMENT** “Section 16.58.140 Curbs” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.140 ~~Curbs~~Street Widths

~~Curbs at all intersections shall be rounded with curves having a minimum radius of fifteen (15) feet for minor streets and twenty-five (25) feet for collector and major streets. Property lines at street intersections should be rounded with a curve where necessary to fit the curb radius.~~

Major and collector streets shall conform to the width assigned in the general plan wherever a subdivision falls in an area that is addressed in the general plan. Where a street has not been addressed within the general plan at the time the preliminary plat is submitted to the Planning Commission, streets shall be provided as follows;

Arterial Roads: To be determined by governing agency Major Collector: shall have a minimum ROW width of 100' - Asphalt width shall be minimum 65' Collector: minimum right-of-way of seventy-two (72) - asphalt width shall be minimum 52' Vernal City preferred residential: Minimum ROW of 54'-60' to be determined by Planning Commission. Thirty-eight (38) feet; these roads will be plowed, and maintained by Vernal City. Visitor parking is covered by on street parking. STATE MANDATED Residential streets: Minimum ROW shall be minimum 45'-52' to be determined by Planning Commission. Asphalt may be Thirty-two (32) feet; Alleys shall be privately maintained may have a minimum width of twenty (20) feet in the rear of buildings asphalt minimum shall be 15' Private Roads shall meet the minimum of state mandated residential streets at the time of construction and shall not be maintained by Vernal City. Any road to be taken over by Vernal City as public ROW must meet minimum Vernal City Preferred residential standards of the time. Streets shall be finished, inspected and approved by Vernal City prior to certificates of occupancy being granted to occupy homes in the subdivision.

(PZSC § 03-2-005 (2) (G))

SECTION 16: **AMENDMENT** “Section 16.58.150 Street Names” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.150 Street ~~Names~~Intersections

~~New Streets shall be identified and named in accordance with the established numerical grid coordinate system within Vernal City. If circumstances and conditions prevent the numerical system from being applied, the Vernal City Council must approve the deviation from the numerical system and approve the proposed alternative name. New street names shall not duplicate those already existing. A street, obviously a continuation of another already in existence, should bear the same name. All new street names and proposed street name changes must be submitted to and approved by Vernal City.~~

Streets shall intersect each other as near as possible to right angles. Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees. Offsets in street alignment less than one hundred twenty (120) feet shall be prohibited.

(PZSC § 03-28-005 (2) (H))
(Ord. 2013-13, Amended, 05/15/2013)

SECTION 17: **AMENDMENT** “Section 16.58.160 Street Dedication” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.160 Street ~~Dedication~~Grades

~~All streets shall be dedicated for public use, except those located in a planned residential unit development (PRUD as defined in Section 16.16, which may either privately owned or dedicated for public use. The dedication of half streets in any subdivision is prohibited.~~

Longitudinal minimum street grades must be minimum of 0.6 percent required for gutter flow with the maximum grade being ten (10) percent . Where the observance of this standard is unfeasible, the Planning Commission shall have the power to grant an exception when special pavement surfaces and adequate leveling areas are installed or in the opinion of the Planning Commission the best subdivision of the land is thereby secured.(PZSC § 03-28-005 (2) (I))
(Ord. 2008-13, Amended, 07/16/2008)

SECTION 18: **AMENDMENT** “Section 16.58.170 Provisions For Continuation Of Existing Streets In Adjoining Areas” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.170 ~~Provisions For Continuation Of Existing Streets In Adjoining Areas~~ Street Curves

~~The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) unless variations are deemed necessary by the Planning Commission. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Planning Commission it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.~~

Where the street lines within a block deflect from each other at any one (1) point more than ten (10) degrees there should be a connecting curve. The radius of the curve for the inner back of curb should not be less than three hundred fifty feet (350) for major collector roads or higher classification, two hundred fifty (250) feet for collector roads, and one (100) hundred feet for residential streets. Vertical curves shall be used at all longitudinal changes of grade exceeding one (1) percent. Vertical curves shall be built to facilitate a minimum line of sight of a 1 foot object located 200' away measured from a driver's height of 3.5 feet.

Reverse curves shall have a tangent of at least one hundred (100) feet unless in the opinion of the Planning Commission such is not necessary.

(PZSC § 03-28-005 (2) (J))

SECTION 19: AMENDMENT “Section 16.58.180 Cul-De-Sacs” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.180 ~~Cul-De-Sacs~~ Curbs

~~Cul-de-sacs (dead-end streets) shall be used only where unusual conditions exist which make other designs undesirable. Maximum cul-de-sac length shall be no more than seven hundred fifty (750) feet to the beginning of the turn-around. Each cul-de-sac shall have a minimum of sixty (60) feet and must be terminated by a turn-around of not less than one hundred (100) feet right-of-way width in diameter (eighty-two (82) feet face to face of curb). Surface water must drain away from the turnaround except that where surface water cannot be drained away from the turnaround along the street due to the grade, necessary catch basins and drainage easements shall be provided.~~

Curbs at all intersections shall have a minimum radius of fifteen (15) feet for residential streets and twenty-five (25) feet for collector or higher classification streets. Property lines at street intersections should have a radius concentric to the curb radius.

(PZSC § 03-28-005 (2) (K)) (Ord. 2008-13, Amended, 07/16/2008; Ord. 2005-07, Amended, 06/01/2005)

SECTION 20: **AMENDMENT** “Section 16.58.190 Easements” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.190 ~~Easements~~Street Names

~~Where alleys are not provided, easements of not less than eight (8) feet on each side of all rear lot lines and side lines will be required where necessary for poles, wire, conduits, storm or sanitary sewers, gas and water mains and other public utilities. Easement of greater width may be required along property lines where necessary for surface overflow or for the extension of main sewers or similar utilities.~~

New Streets shall be identified and named in accordance with the established numerical grid coordinate system within Vernal City. If circumstances and conditions prevent the numerical system from being applied, the Vernal City Council must approve the deviation from the numerical system and approve the proposed alternative name. New street names shall not duplicate those already existing. A street, obviously a continuation of another already in existence, should bear the same name. All new street names and proposed street name changes must be submitted to and approved by Vernal City.

(PZSC § 03-28-005 (2) (L))

SECTION 21: **AMENDMENT** “Section 16.58.200 Temporary Dead-End Streets -- Turning Area” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.200 ~~Temporary Dead-End Streets -- Turning Area~~Street Dedication

~~Where a street is designed to remain only temporarily as a dead-end street, an adequate temporary turning area shall be provided at the dead-end thereof to remain and be available for public use so long as the dead-end condition exists. The surface of the temporary turn around shall be graded to allow storm water to drain from its surface and shall be paved in accordance with Vernal City specifications.~~

All streets shall be dedicated for public use, except those located in a planned residential unit development (PRUD as defined in Section 16.16) , which may either be privately owned or dedicated for public use. All dedicated roads must be built to the boundary of planned ROW

(PZSC § 03-28-005 (2) (M)) (Ord. 2008-07, Amended, 05/07/2008)

SECTION 22: **REPEAL** “Section 16.58.205 Application For Reimbursement And Reimbursement Agreements” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.58.205 Application For Reimbursement And Reimbursement Agreements

- A. ~~REAMBLE. From time to time, owners of property or developers are required to install public improvements as a condition of approval of development or construction activities within Vernal City. When those privately funded public improvements create a benefit to other land within the City, any person subsequently building upon or developing that land and utilizing those public improvements may pursuant to this ordinance be required to reimburse the person or entity paying for those public improvements a pro rata share of the cost. Upon compliance by the original installer of the public improvements, within the terms of this ordinance, the City will require a pro rata reimbursement from any applicant or person subsequently constructing a building or developing a development that is served by or receives benefit from the previously installed privately funded public improvements. The reimbursement provided for in this Ordinance shall only apply to and be required from those parcels of real property that are immediately adjacent and/ or parallel to the improvements. It shall be the responsibility of the individual or entity filing the application for reimbursement to provide with the application a legal description of the real property which is or may be served by the improvements in accordance with this Ordinance. The City Manager will review and approve the designation of said property. The Vernal City Planner shall determine the reimbursement amount for each subsequently developed parcel of real property served by those public improvements. If the subsequent land owner or developer charged disagrees with the apportionment, the decision of the Vernal City Planner may be appealed to the Vernal City Council. The reimbursement amount shall be established by determining the percentage of use or benefit received by the parcel~~

or parcels of real property immediately adjacent and /or parallel to the privately installed improvements. Each person / land owner / developer that subsequently becomes responsible for reimbursement shall pay a pro rata share of the total cost of the privately funded improvements. The amount to be paid may be based upon the front footage adjacent to said real property, or by determining the percentage of use of the improvement being used to serve the subsequent development. The method to be used shall be the one that results in the highest amount. By way of illustration, if a private land owner or developer installed a 500-foot section of water line at a cost of \$10,000.00 in a public street, a person owning a single lot adjacent and /or parallel to the water line which was 100-feet wide that connected to the water line would be responsible for a reimbursement of \$1,000.00 to the person installing the water line (500-ft. x 2 (both sides of street served by line) = 1,000 ft @ \$10,000; 1,000 ft = \$10.00 per lineal foot x 100-ft of frontage = \$1,000.00). The Vernal City Planner may calculate the reimbursement based on capacity used if it more accurately represents the benefit conferred on the development by the prior improvements. For example if the new development uses 40% of the capacity of the line or street extension that cost \$10,000.00 the reimbursement should be \$4,000.00. Application for Reimbursement. Any individual or developer who is required to install public improvements costing more than five thousand dollars (\$5,000.00) may submit an application to the City for recovery of a pro rata share of the cost of constructing those privately funded public improvements from persons who will use or benefit from those public improvements and who did not share in the cost of the improvements. The application for reimbursement shall be made on a form approved by the City Attorney and shall include the following information. The application for reimbursement shall be filed with the City Manager within six months after completion of the privately funded public improvements. The City may, but shall not be obligated to attempt to recover a reimbursement for public improvements from any person or subsequent developer whose use of those privately funded public improvements begins prior to filing the application:

The person seeking reimbursement for privately funded public improvements shall pay an application fee to Vernal City of one hundred dollars (\$100.00).

The City may reject any incomplete application for reimbursement or any application not accompanied by the required filing fee. The application shall be signed by the person seeking reimbursement and notarized. The applicant shall be notified within fourteen (14) days if the application is accepted or rejected.

The Vernal City Manager shall review the application, and if it is found to be complete, shall execute the application showing that it has been accepted and approved by Vernal City and provide a signed original to the applicant. The City Manager shall, in addition, endorse the following statement contained upon the application:

Notice

Notice is hereby given to all persons having an interest in the real property described herein, that pursuant to Vernal City Ordinance Section 16.58.205, any persons developing the land described herein or constructing any improvements thereon are subject to an obligation to make reimbursement for a pro rata share of privately funded

~~project, development or property prior to commencing construction unless the applicant and City Manager have agreed to a deferred payment arrangement. When a properly completed application for reimbursement has been filed with the City along with the required filing fee, the Vernal City Manager or designee shall promptly review the application for sufficiency and shall notify the applicant of any deficiencies or corrective action needed with respect to the application. Once the application is approved, the Vernal City Manager shall execute a duplicate original of the application and return it to the applicant with instructions to promptly record the approved application with the County Recorder for Uintah County. Verification of recordation shall be provided by the applicant to the Vernal City Manager. Vernal City shall thereafter maintain a file including copies of the documentation provided to establish the cost of the privately funded public improvements and other information which may be necessary to determine the pro rata share of those costs to be assessed against subsequent developers. The City shall maintain an index system showing property with reimbursement agreements. When the City determines that a use of property covered by an approved reimbursement application will benefit from privately funded public improvements, the City shall determine the pro rata share of the cost of those public improvements to be assessed against the owner or developer of the property and shall provide notice to that owner or developer. The City shall be under no obligation to approve or issue any building permit or approval for subdivision or other development of property until satisfactory arrangements have been made for reimbursement to the applicant for the pro rata share of the privately funded public improvements. If the City directly collects the pro rata share of the improvement costs, the amount shall be forwarded to the applicant at the last known address of the applicant. The interests of the applicant may be assigned, written notice of the name and address of the assignee should be given to Vernal City. The City shall not be responsible for locating any beneficiary, survivor, assignee, or other successor in interest entitled to reimbursement. Any collected funds unclaimed within two years after the date of collection shall be forwarded to the Utah State Unclaimed Properties Office in the name of the applicant or the known assignee or beneficiary of those funds. Violation. Any person or entity that receives the benefit of privately funded public improvements and is under obligation to provide a pro rata reimbursement pursuant to the terms of this ordinance and fails and refuses to do so or otherwise violates this ordinance, shall be guilty of a class B misdemeanor. In addition to any fine, incarceration or other penalty which may be imposed for conviction of a class B misdemeanor, a person or entity convicted of violation of this ordinance shall be ordered by the court to make restitution in the amount of the pro rata share of the privately funded public improvements as to which that person received the benefit.~~

(Ord. 2009-04, Amended, 03/18/2009; Ord. 2008-08, Amended, 07/16/2008; Ord. 2008-01, Amended, 02/20/2008; Ord. 2003-03, Amended, 02/27/2003; Ord. 2001-19, Amended, 10/03/2001; Ord. 2001-04, Add, 06/20/2001)

SECTION 23: **REPEAL** “Section 16.58.206 Reimbursement To Vernal City For Improvements To Benefit Private Property” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.58.206 Reimbursement To Vernal City For Improvements To Benefit Private Property

~~he provisions of this section apply when;The governing body of Vernal City determines that the public health, safety, welfare, or convenience requires that the City expend public funds to install public improvements, which specifically improve and enhance the usability or increase the value of one or more parcels of real property within the City limits, or which bring undeveloped parcels of land into compliance with State statutes or City ordinances (such as the City using City funds, to complete improvements required by the subdivision ordinance upon the default or failure of developer to complete the installation of said improvements).- This reimbursement process shall not apply to upgrades or improvements, or enhancements to existing public improvements or facilities outside the subdivision or development."Notice is hereby given to anyone having an interest in the real property described herein, that pursuant to Vernal City Municipal Code Section 16.58.206, any person or entity developing the land described herein, occupying said land or constructing any improvements thereon is required to make reimbursement for a pro-rata share of the herein described improvements, and may not utilize the improvements for the described real property without payment to Vernal City of the pro-rata share of the public improvement in the amount determined by Vernal City and set forth herein.~~

~~No building permit shall be issued, nor connection to the improvements or utilities shall be authorized prior to payment. The land covered by this notice is described as follows: to wit: The public improvements installed, and the dollar amount of the public improvements are as follows:~~

~~The method of determining pro-rata share for purposes of reimbursement of the improvements is as follows:~~

~~The notice shall be executed by the Mayor, or person designated by the governing body and attested by the City Recorder, and shall state the date, or dates, upon which the governing body considered and authorized reimbursement in a public meeting.Duties of~~

~~Landowners/Subsequent Developers: Any person intending to develop, or subdivide, occupy or build upon any land or to construct any improvements on any land which is described in a notice recorded as set forth herein shall be under an affirmative obligation to notify the city planning office when applying for a building permit or approval or authorization for any development or construction or subdivision, of the existence of the recorded reimbursement notice and to make suitable arrangements for payment of the pro-rata share of the improvements which benefit that person's real property.~~

~~Any person who connects to, or otherwise utilizes, or directly benefits from public improvements covered by a reimbursement obligation, shall be obligated to make~~

reimbursement for the pro-rata share of those improvements utilized by or benefitting that person's project, development, or real property prior to commencing construction, occupying the land or utilizing the improvements unless the applicant and City have agreed to a deferred payment arrangement.

The City Planner shall determine the reimbursement amount for each subsequently developed parcel of real property served by those public improvements, utilizing the formula set forth in the minutes of the City Council meeting, and the notice recorded in the County Recorder's office. If the land owner, applicant, or developer disagrees with the pro-rata share determined by the Vernal City planner, that decision may be appealed to the Governing Body of the City within twenty-one (21) days, mailing, of the decision by the Vernal City Planner to the owner of the real property as shown on the tax records of Uintah County or to the applicant. The appeal must be in writing, and must set forth in detail the aspect, or the aspects, of the City Planner's decision, which the person disputes and set forth all facts supporting the position of the appellant, set forth any ordinances or legal basis for the appeal, and set forth the outcome or resolution desired by the appellant. The appellant must state the name and contact information for the appellant and pay a filing fee as established by the City Council.

The governing body of the City shall set a date and time to hear and consider the appeal within six (6) weeks of filing the notice of appeal with the City Recorder. Notice shall be mailed to the appellant at the address given in the Notice of Appeal at least ten (10) days before the hearing. The appellant shall appear and present its facts, legal basis, and argument in favor of its appeal. If the appellant fails to appear at the hearing, the decision of the City Planner shall be affirmed. The City Planner shall appear and set forth the facts, legal basis, and argument in support of its determination. The governing body shall, after such time as is reasonably required to consider and deliberate, issue a decision in writing setting the amount of reimbursement due and describing the basis for that decision. While the appeal is pending, the applicant may be allowed to proceed with development or construction upon payment of the amount determined by the City Planner to the City Treasurer. If the amount subsequently determined upon appeal is less than the amount posted, the over payment amount shall be refunded within two (2) weeks of the written decision of the governing body of the City. The reimbursement obligation shall continue and be chargeable against and binding upon owners and subsequent developers of real property utilizing the improvements described in the notice for a period of thirty (30) years from the date of recording, or until released by the City upon payment of the amount determined to be due. Funds From Developer or Responsible Party:

The City shall make reasonable efforts to recover the cost of subdivision or project improvements from the responsible party or parties including the developer, bonding company, or other responsible party. In the event that funds are recovered which reimburse the City in whole or in part for the improvements paid for by City funds, the amount received will be credited against the pro-rata obligation of the land or lot owners. Any party that has paid its pro-rata share of the cost of the publicly funded improvements shall be entitled to a refund of all or part of the amount paid that it is the proportionate share of any amounts recovered from the responsible party. If the person or entity that paid for the public improvements to the City cannot be located, with reasonable effort the refund shall be made to the owner of the lot or lots as reflected on the tax records of Uintah County on the date of the refund. The City may deduct from the amounts recovered from the responsible party the costs and expenses of recovering said funds including court costs and attorney fees prior to crediting receipts against

~~the amount paid pursuant to this ordinance. Violation: Any person or entity that receives the benefit of improvements covered by this section, and that is under obligation to provide a pro-rata reimbursement pursuant to the terms of this ordinance, and fails or refuses to do so, or otherwise violates this ordinance by utilizing improvements without payment of a pro-rata share shall be guilty of a Class B Misdemeanor. In addition to any fine, incarceration, or other penalty that may be imposed for conviction of a Class B Misdemeanor, any person convicted of violation of this ordinance shall be ordered by the Court to make restitution in the amount of the pro-rata share of the public improvements according to the provisions in this ordinance. Vernal City may obtain reimbursement for project improvements or expenses by the following procedure: the governing body of Vernal City, upon the recommendation of the city manager or city planner, shall, at a public meeting, determine and enter in its minutes the cost of installation of the improvements and shall describe by lot or parcel number or metes and bounds description, the land benefitted by those improvements. The land described, as having received the benefit of the improvements, shall be a parcel, or parcels of real property immediately adjacent to, contiguous with, or parallel with the installed improvements. The City Council shall establish the method or formula by which the pro-rata, share of reimbursement, for those improvements shall be determined, for example, by square footage, frontage, or other method that fairly allocates the cost of the improvements based upon benefit received. Prior to requiring reimbursement from the property owners of parcels receiving the benefit of such improvements, the City Council shall hold a public hearing for the purpose of receiving comments from such property owners. At least fourteen (14) days notice of the time and place of such hearing shall be published in a newspaper of general circulation and shall be posted on the City's web site. The City shall send a written notice to the owner of each parcel of property as described in paragraph #1 receiving the benefit of such improvements giving the date, time and place of such hearing and the cost to each property owner of the improvements made. Following the public hearing, the City Council shall determine whether or not to amend, cancel, or proceed as written with the billing to the property owners. Any person subsequently building upon or developing the described land, or utilizing those public improvements for the benefit of land or for access to land shall be required to reimburse the City for those publicly funded project improvements at a pro-rata share of the cost. A notice in substantially the following form shall be recorded in the records of the County Recorder of Uintah County: Effective date: The obligation for reimbursement shall be effective as to and apply to any funds expended or encumbered on or after July 18, 2012, by Vernal City for the purposes set forth herein.~~

(Ord. 2012-29, Add, 08/15/2012)

SECTION 24: **AMENDMENT** “Section 16.58.210 Protection Strips” of the Vernal Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 16.58.210 ~~Protection Strips~~ Provisions for Continuation of Existing Streets in Adjoining Areas

~~Where subdivision streets parallel contiguous property of other owners, the subdivider may retain a protection strip of not less than one (1) foot in width between the street and adjacent property; provided that an agreement with the City and approved by the City Attorney has been made with the subdivider contracting to dedicate the one (1) foot or larger protection strip free of charge to the City for street purposes upon payment by the then owners of the property to the subdivider of a consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements property chargeable to the contiguous property plus the value of one-half (1/2) the land in the street at the time of the agreement.~~

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) unless variations are deemed necessary by the Planning Commission. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Planning Commission it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.

(PZSC § 03-28-005 (2) (N))

SECTION 25: AMENDMENT “Section 16.58.220 Blocks -- Length” of the Vernal Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 16.58.220 ~~Blocks -- Length~~ Cul-De-Sac

~~The maximum length of blocks generally shall be one thousand three hundred (1,300) feet and the minimum length of blocks shall be four hundred (400) feet. In blocks over eight hundred (800) feet in length, the subdivider may be required to dedicate a walkway through the block at approximately the center of the block. Such walkway shall not be less than ten (10) feet in width.~~

Cul-de-sacs (dead-end streets) shall be used only where unusual conditions exist which make other designs unfeasible. Maximum cul-de-sac length shall be no more than seven hundred fifty (750) feet to the beginning of the turn-around. Each cul-de-sac road shall meet minimum Vernal City residential road standards. Culs-de-sac shall be terminated by a turn-around of not less than one hundred and ten (110) feet right-of-way width (ninety-six (96') feet face to face of curb). Surface water must drain away from the turnaround except that where surface water cannot be drained away from the turnaround along the street due to the grade, necessary catch basins and drainage easements shall be provided.

(PZSC § 03-28-005 (3) (A))

SECTION 26: AMENDMENT “Section 16.58.230 Blocks -- Width” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.230 ~~Blocks -- Width~~ Easements

~~The width of blocks generally shall be sufficient to allow two (2) tiers of lots.~~

To facilitate utilities easements of not less than eight (8) feet may be required on each side of all rear lot lines and side lines or a ten (10) foot easement across the fronts of lots. Location of easements to be determined in conjunction with Vernal City and other utility providers where necessary for poles, wire, conduits, storm or sanitary sewers, gas and water mains and other utilities. Easement of greater width may be required if needed.

(PZSC § 03-28-005 (3) (B))

SECTION 27: AMENDMENT “Section 16.58.240 Blocks -- Use” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.240 ~~Blocks -- Use~~ Temporary Dead-end Streets - Turning Area

~~Blocks intended for business or industrial use shall be designed especially for such purposes with adequate space set aside for off-street parking and delivery facilities.~~

Where a street is designed to remain only temporarily as a dead-end street, as part of an approved phased subdivision an adequate temporary turning area shall be provided with easements for area outside of ROW at the dead-end thereof to remain and be available for public use so long as the dead-end condition exists. The surface of the temporary turn around shall be graded to allow storm water to drain from its surface and shall be an all weather surface or better in accordance with Vernal City specifications. Vernal City will not maintain temporary turnarounds

(PZSC § 03-28-005 (3) (C))

SECTION 28: **AMENDMENT** “Section 16.58.250 Lots -- Arrangements, Design And Shape” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.250 ~~Lots -- Arrangements, Design And Shape~~Blocks

~~A. The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and conform to requirements set forth herein.~~

~~Lots shall not contain peculiarly shaped elongations solely to provide necessary footage which would be unusable for normal purposes.~~

Streets shall try to meet the existing grid system. Preferred blocks generally should be five-hundred and twenty eight (528) feet. In blocks over six hundred (600) feet in length, the subdivider may be required to dedicate a walkway through the block at approximately the center of the block. Such walkway shall not be less than ten (10) feet in width.

(PZSC § 03-28-005 (4) (A))

SECTION 29: **AMENDMENT** “Section 16.58.260 Lots -- Size” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.260 Lots -- ~~Size~~Angle

~~All lots shown on the subdivision plat must conform to the minimum requirements of the zoning code for the zone in which the subdivision is located. Side lines of lots shall be approximately at right angles, or radial to the street line except where topographic conditions make it advisable to have side lot lines deflect at sharper angles.~~

(PZSC § 03-28-005 (4) (B))

SECTION 30: AMENDMENT “Section 16.58.270 Lots -- Relationship To Public Streets” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.270 ~~Lots -- Relationship To Public Streets~~Utility Routing

~~Each lot shall abut on a street dedicated by the subdivision or an existing publicly dedicated street, or on a street which has become public by right of use and is more than fifty (50) feet wide except when approved by the Planning Commission as a Planned Unit Development. Interior lots having frontage on two (2) streets shall be prohibited except where topographic conditions make such design desirable. All utility lines shall be located underground.~~

(PZSC § 03-28-005 (4) (C))

SECTION 31: AMENDMENT “Section 16.58.280 Lots -- Corner” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.280 ~~Lots -- Corner~~Sewer Mains and Sewage Disposal

~~Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.~~

New sewer mains of not less than eight (8) inches in diameter shall be installed in such a way that each lot may be served therefrom. The sewer system shall have a letter of approval from the Department of Environmental Quality and the local health department. Sewer laterals shall be not less than four (4) inches in diameter and shall be installed from the sewer main to the lot line of every lot, a cleanout shall be installed to the surface at the termination of the lateral. Each dwelling unit needs its own sewer lateral. Internal Accessory Dwelling Units may be exempt.

(PZSC § 03-28-005 (4) (D))

SECTION 32: AMENDMENT “Section 16.58.290 Lots -- Angle” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.290 ~~Lots -- Angle~~ Water Mains

~~Side lines of lots shall be approximately at right angles, or radial to the street line except where topographic conditions make it advisable to have side lot lines deflect at sharper angles.~~

New water mains of not less than eight (8) inches in diameter shall be installed in such a way that each lot can be served therefrom. Sizing of water lines shall be determined by hydraulic modeling done by a licensed professional engineer. Water laterals shall be installed from the water main to the lot line of every lot, and terminate at the surface. Fire hydrants shall be located in accordance with Uintah County Fire Suppression so as to be no more than two hundred and fifty (250) feet from every lot. The water system shall meet the minimum standards and requirements of the State Division of Environmental Quality, EPA, the local health department and this ordinance.

(PZSC § 03-28-005 (4) (E))

SECTION 33: AMENDMENT “Section 16.58.300 Lots -- Remnants” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.300 ~~Lots -- Remnants~~ Sidewalks in Conventional Subdivisions

~~All remnants of lots below minimum size left over after subdividing of a larger tract must be attached to adjacent lots rather than allowed to remain as usable parcels.~~

Each sidewalk shall be minimum of four (4) feet wide and shall be constructed in accordance with City standards as directed by the City Engineer.

(PZSC § 03-28-005 (4) (F))

SECTION 34: AMENDMENT “Section 16.58.310 Lots --Divided” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.310 ~~Lots--Divided~~Storm Drainage Facilities

~~Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat, and such transfer recorded in the county recorder's office before being certified to the Planning Commission by the subdivider.~~

Purpose--Standards. All storm water shall be collected and retained in accordance with Section 16.06.060 Storm Drainage Plans. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent upstream from the subdivision itself, as well as its effects on lands downstream. Multifamily and commercial subdivisions shall have retention facilities for storm water runoff incorporated entirely within the boundary of each lot; or appropriate easements shall be recorded allowing conveyance and retention of storm water in accordance with the storm drainage plans. All proposed surface and subsurface- drainage structures shall be indicated on plans. All appropriate calculations, designs, details, materials and dimensions needed to clearly explain the function of proposed drainage facilities shall be included in the drainage plans or in a separate drainage report submitted with the plans.

(PZSC § 03-28-005 (4) (G))

SECTION 35: AMENDMENT “Section 16.58.320 Electrical, Telephone And Cable Television Lines” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.320 ~~Electrical, Telephone And Cable Television Lines~~Street signs

~~Electrical, telephone and cable television lines shall be located underground except when the subdivider can show the Planning Commission that underground lines are not feasible.~~

Street signs to be installed in the subdivision at the time of road construction in accordance with City specifications.

(PZSC § 03-28-005 (5))

SECTION 36: AMENDMENT “Section 16.58.330 Required Improvements -- Standards” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.330 ~~Required Improvements -- Standards~~Street lights

~~Improvements shall be installed in all subdivisions in accordance with standards and requirements hereinafter set forth; provided, however, that actual construction of required improvements in the subdivision may be delayed up to one (1) year where a suitable bond or other assurance is furnished to the City by the subdivider as provided for elsewhere in the code (see particularly Sections 16.58.040(G) and 16.58.450). The improvements shall be as set forth in Sections 16.58.340 through 16.58.430.~~

Street lights shall be installed at each intersection within or abutting the subdivision in accordance with Vernal City and the local electric utility's specifications. Street lights will also be required for locations where lighted intersections within or abutting the subdivision are further than five hundred (500) feet from each other; such locations to be approved by Vernal City. All street lighting installation must be completed before occupancy in the subdivision is allowed by Vernal City. All street lights costs will be covered by the developer, ordered by Vernal City based on approved plans and installed by the local power provider with the direction of Vernal City

(PZSC § 03-28-006 (part))
(Ord. 2010-15, Amended, 08/04/2010)

SECTION 37: AMENDMENT “Section 16.58.340 Streets And Travel Easements” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.340 ~~Streets And Travel Easements~~Fencing Requirements

~~All streets and travel easements shall be graded and paved and culverts installed in accordance with City standards as directed by the City Engineer.~~

Fences shall be installed along irrigation ditches and canals when required by the Planning Commission. Fences shall also be installed along the perimeter of a subdivision when the Planning Commission determines such a fence is necessary to protect adjacent zones.

(PZSC § 03-28-006-(1))

SECTION 38: **REPEAL** “Section 16.58.350 Sewer Mains And Sewage Disposal” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.58.350 ~~Sewer Mains And Sewage Disposal~~Cost of Required Improvements - Apportionment

~~Both off-site and on-site sewer mains of not less than eight (8) inches in diameter shall be installed in such a way that each lot may be served therefrom. Sewer laterals shall be not less than four (4) inches in diameter and shall be installed from the sewer main to the lot line of every lot. Sewer laterals serving two (2) lots or two (2) dwelling units shall be not less than six (6) inches diameter and sewer laterals serving more than two (2) lots or two (2) dwellings shall be not less than eight (8) inches diameter. The sewer system shall have a letter of approval from the Department of Environmental Quality and the local health department.~~

(PZSC § 06-28-006 (2))

SECTION 39: **AMENDMENT** “Section 16.58.360 Water Mains” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.360 ~~Water Mains~~Improvement standards

~~Both off-site and on-site water mains of not less than eight (8) inches in diameter shall be installed in such a way that each lot can be served therefrom. Water laterals shall be installed from the water main to the lot line of every lot. Fire hydrants shall be located so as to be no more than three hundred (300) feet from every lot. The water system shall meet the minimum standards and requirements of the State Division of Environmental Quality, EPA, the local health department and this ordinance.~~

Refer to the Vernal City standard specifications and drawings for infrastructure details.

(PZSC § 03-28-006 (3)) (Ord. 2005-07, Amended, 06/01/2005)

SECTION 40: AMENDMENT “Section 16.58.370 Curbs And Gutters” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.370 ~~Curbs And Gutters~~ Parks, School sites, and other public spaces

~~Curbs and gutters shall be constructed in accordance with City standards as directed by the City Engineer.~~ In subdividing property, consideration shall be given to sites for schools, parks, playgrounds and other areas for public use as shown on the general plan. Any provisions for such open spaces should be indicated on the preliminary plat in order that it may be determined in what manner such areas will be dedicated to, or acquired by, the appropriate agency.

(PZSC § 03-28-006 (4))

SECTION 41: AMENDMENT “Section 16.58.380 Sidewalks In Conventional Subdivisions” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.380 ~~Sidewalks In Conventional Subdivisions~~ Coost of required improvements - apportionment

~~Each shall be four (4) feet wide and shall be constructed in accordance with City standards as directed by the City Engineer.~~

The cost of improvements which are required under the provisions of this section, as well as the cost of other improvements such as utility lines, landscaping, fencing, ect. to be installed in the subdivision, shall be the responsibility of the subdivider unless special negotiations for major streets or water lines over six (6) inches in diameter are made previously by the City Council.

- A. To ensure the orderly and satisfactory development of subdivisions, a developer or owner must complete or supply the necessary bond for all public and private improvements, and required landscaping ("Required Improvements") to the City's satisfaction before any subdivision plat can be recorded with the Uintah County Recorder.
- B. Upfront Costs to be paid before building. One hundred (100%) percent of the cost of installation of the electrical and natural gas utilities must be paid to such utility companies prior to any building permit being issued. Proof of such payment shall be presented to the City by the utility company. Furthermore, prior to any building permit being issued, the developer or owner shall provide proof of upfront payment on all necessary inspection fees, water system supplies, public signs, and other related costs.

(PZSC § 03-28-006 (5))

SECTION 42: AMENDMENT "Section 16.58.390 Fire Hydrants" of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.390 ~~Fire Hydrants~~ Guarantee of Performance

~~Fire hydrants shall be installed in accordance to City standards as directed by the City Engineer.~~

- A. Type and Amount of Guarantee.
 - 1. In order to assure the completion of the required improvements, the subdivider shall establish with the City an escrow account, surety bond, or irrevocable letter of credit ("Guarantee Account") before final plat may be recorded or building permits submitted. Such financial guarantee shall be in an amount equal to one hundred fifty (150%) percent of the cost estimated by the subdivider's engineer and as accepted by the City Public Works and Planning Department Heads for the completion of improvements not then installed. The Guarantee Account shall be executed by a federally insured banking or trust company acceptable to the City and duly authorized to do business in the state; shall be payable to Vernal City Corporation; shall be filed in the office of

the City Recorder; and shall be available for public inspection during regular business hours.

2. All forms of proposed Guarantee Accounts must be approved and agreed to in writing by the City Attorney and City Manager.
3. For a subdivision that is to be developed in phases, the cost may be calculated and the Guarantee Account accepted and administered by Vernal City staff for each phase individually, but no lot or portion of the phase may be recorded or sold without the required Guarantee Account in place for that phase.
4. Guarantee Accounts will be released according to the provisions outlined in subsection F of this section, the conditions of which must be approved by the City Attorney to guarantee the improvements have been installed as shown on the final plat. The purpose of the account is to assure construction of Required Improvements within two (2) years from the date of final approval, without cost to the City, including any additional costs due to inflation.
5. In no event shall the City be deemed liable under this section on any claim asserted by a laborer or materialman, purchaser, investor or secured party.

B. Additional Guarantee Account.

1. A developer or owner wishing to record a subdivision plat and be eligible to receive a certificate of occupancy, prior to finishing the Required Improvements exclusively associated with sidewalks and curbing, may establish with the City an additional Guarantee Account of the type and in an amount limited to the cost estimated for completion of the sidewalks and curbing yet to be installed.
2. To be eligible for the Additional Guarantee Account all other improvements associated with the sidewalk with the exception of Curb and Sidewalk must be completed to city standards, accepted by the city council and a formal maintenance agreement signed between the developer and Vernal City Public Works Department. The original sidewalk bond will be released with the bonds for the rest of improvements save the 30% withheld for 2 winter seasons.
3. The amount of the additional Guarantee Account shall be determined by the City Council from recommendations from city staff that account for the cost per square foot the city could install sidewalk for the remainder of the sidewalk required plus the cost of staff time to bid and manage the construction of said sidewalks plus a minimum of 10% to account for inflation.
4. The full amount of the additional bond shall be released incrementally, corresponding to each lot upon issuance of the Certificate of Occupancy for the respective house.
5. If a developer or owner elects the additional Guarantee Account, they shall complete the construction of the Required Improvements associated with sidewalks and curbing within one (1) year from the date of receiving a certificate of occupancy or the City Council may declare the financial guarantee account forfeited and the City may install or cause the required improvements to be installed, using the proceeds from the additional and

original financial guarantee to defray the expense thereof.

6. If any portion of the sidewalk within a phase fails to meet city standards, the developer or responsible party is responsible for all necessary modifications or repairs before the City will accept ownership, maintenance, and responsibility of said sidewalks.
7. The City will not assume ownership, maintenance, or responsibility for any portion of the sidewalks within a development phase until the entirety of the sidewalks in that phase are complete. At such time of completion the curb and sidewalk shall be accepted by the city council and the 30% retained from the initial financial guarantee shall be retained by the city for a period not less than 1 winter season. Following this period, subject to satisfactory condition and compliance with city standards, the retained portion of the bond will be released.
8. In cases where only part of the sidewalks in a phase are completed, maintenance responsibility will remain with the developer or responsible party until such time as the entire phase is completed and accepted by the City.
9. In no event shall the City be deemed liable under this section on any claim asserted by individuals injured on incomplete sidewalks.

C. Default.

1. If a developer or owner begins but cannot complete the required improvements, any issued approvals, permits, or licenses from the City become void.
2. In the event the subdivider is in default or fails or neglects to satisfactorily install the required improvements within two (2) years from the date of approval of the plat by the City Council, or to pay all liens in connection therewith, the City Council may declare the financial guarantee account forfeited and the City may install or cause the required improvements to be installed, using the proceeds from the financial guarantee to defray the expense thereof. In no event shall the City be obligated to expend any funds beyond the financial guarantee proceeds recovered by the City. The developer / subdivider shall remain responsible to complete all the improvements until such time as the city formally accepts the improvements as public infrastructure and assumes responsibility.
3. If the developer or owner has elected to secure the additional Guarantee Account, no default shall be found regarding the sidewalks and curbing until the developer or owner has failed to satisfactorily complete the sidewalks and gutter within the one year period prescribed in Subsection D.

D. Final Disposition and Release.

1. The subdivider shall be responsible for the quality of all materials and workmanship. At the completion of the work or not less than ten (10) days prior to the release date of the financial guarantee, the City Engineer and/or Public Works Department and/or Planning Department shall make a preliminary inspection of the improvements and shall submit a report to the City Council, setting forth the conditions of such facilities. If all liens are paid

and other conditions thereof are found to be satisfactory, the City Council shall release all but thirty (30%) percent of the total amount of the financial guarantee.

2. If significant problems with the design, construction, or materials used in the improvement occur ("unusual depreciation") within the following two years, or if any outstanding liens are not paid, the City Council may declare the subdivider in default. However, normal wear and tear may not be considered valid grounds for such actions.

E. After a period of two (2) years from the completion and acceptance by the City of all required improvements, the City shall release the remaining thirty (30%) percent of the financial guarantee; provided the required improvements do not show unusual depreciation.

F. Beneficiaries of Guarantee Accounts. The Guarantee Accounts described herein are solely for the City's benefit and not for any contractors, subcontractors, or material suppliers. These parties have no cause of action against the City regarding these securities.

G. Recording notice and violation. The City may / shall record notice that until all required improvements for the subdivision or phase of said subdivision have been installed, approved and accepted by the City, no Certificates of Occupancy building permits shall be issued. This notice should be recorded within fifteen (15) days from the date that the associated final plat is recorded.

H. Administrative Review Process

1. In the event of a dispute by the developer or owner regarding the withholding of a Guarantee Account or any portion thereof, an administrative process shall be initiated before the City Planning Commission.

2. The developer or owner must file a written request for review with the Vernal City Planning Commission within thirty (30) days of receiving notice of any decision not to release a Guarantee Account or any portion thereof. This request must clearly state the grounds for dispute and include any relevant documentation.

3. Upon receipt of the request for review, the Planning Commission shall schedule a hearing within sixty (60) days, providing the developer or owner, and any interested parties, adequate notice of the hearing date, time, and place.

4. The Planning Commission shall conduct the hearing in accordance with the procedural rules established by the City, allowing both the City representatives and the developer or owner a fair opportunity to present evidence, arguments, and to cross-examine witnesses.

5. The Planning Commission shall issue a written decision on the matter within thirty (30) days after the conclusion of the hearing. The decision shall include findings of fact, conclusions of law, and, if necessary, any actions to be taken by the City or the developer or owner.

6. The decision of the Planning Commission shall be final, subject to judicial review in accordance with state law. Any petition for judicial review must be filed in the appropriate court within thirty (30) days after the mailing of the decision by the Planning Commission.

7. The initiation of an administrative review process shall not stay the City's right to complete the Required Improvements as provided for in Section G, unless a stay is granted by the City Planning Commission pursuant to a written petition by the developer or owner showing irreparable harm.

(PZSC § 03-28-006 (6))

SECTION 43: AMENDMENT “Section 16.58.400 Storm Drainage Facilities” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.400 ~~Storm Drainage Facilities~~Application for Reimbursement and reimbursement agreements

~~A. Purpose--Standards. All storm water shall be collected and retained in accordance with Section 16.06.060. The drainage system shall be designed to consider the drainage basin as an whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent upstream from the subdivision itself, as well as its effects on lands downstream. Multifamily and commercial subdivisions shall have retention facilities for storm water runoff incorporated entirely within the boundary of each lot; or appropriate easements shall be recorded allowing conveyance and retention of storm water in accordance with the storm drainage plans. All proposed surface drainage structures shall be indicated on plans. All appropriate designs, details and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.~~

~~B. Storm Drainage Plans. [~~

A. PREAMBLE. From time to time, owners of property or developers are required to install public improvements as a condition of approval of development or construction activities within Vernal City. When those privately funded public improvements create a benefit to other land within the City, any person subsequently building upon or developing that land and utilizing those public improvements may pursuant to this ordinance be required to reimburse the person or entity paying for those public improvements a pro rata share of the cost.

B. Upon compliance by the original installer of the public improvements, within the terms of this ordinance, the City will require a pro rata reimbursement from any applicant or person subsequently constructing a building or developing a development that is served by or receives benefit from the previously installed privately funded public improvements.

- C. The reimbursement provided for in this Ordinance shall only apply to and be required from those parcels of real property that are immediately adjacent and/ or parallel to the improvements. It shall be the responsibility of the individual or entity filing the application for reimbursement to provide with the application a legal description of the real property which is or may be served by the improvements in accordance with this Ordinance. The City Manager will review and approve the designation of said property.
- D. The Vernal City Planner shall determine the reimbursement amount for each subsequently developed parcel of real property served by those public improvements. If the subsequent land owner or developer charged disagrees with the apportionment, the decision of the Vernal City Planner may be appealed to the Vernal City Council.
- E. The reimbursement amount shall be established by determining the percentage of use or benefit received by the parcel or parcels of real property immediately adjacent and /or parallel to the privately installed improvements. Each person / land owner / developer that subsequently becomes responsible for reimbursement shall pay a pro rata share of the total cost of the privately funded improvements. The amount to be paid may be based upon the front footage adjacent to said real property, or by determining the percentage of use of the improvement being used to serve the subsequent development. The method to be used shall be the one that results in the highest amount. By way of illustration, if a private land owner or developer installed a 500-foot section of water line at a cost of \$10,000.00 in a public street, a person owning a single lot adjacent and /or parallel to the water line which was 100-feet wide that connected to the water line would be responsible for a reimbursement of \$1,000.00 to the person installing the water line (500-ft. x 2 (both sides of street served by line) = 1,000-ft @ \$10,000; 1,000-ft = \$10.00 per lineal foot x 100-ft of frontage = \$1,000.00). The Vernal City Planner may calculate the reimbursement based on capacity used if it more accurately represents the benefit conferred on the development by the prior improvements. For example if the new development uses 40% of the capacity of the line or street extension that cost \$10,000.00 the reimbursement should be \$4,000.00.
- F. Application for Reimbursement. Any individual or developer who is required to install public improvements costing more than five thousand dollars (\$5,000.00) may submit an application to the City for recovery of a pro rata share of the cost of constructing those privately funded public improvements from persons who will use or benefit from those public improvements and who did not share in the cost of the improvements. The application for reimbursement shall be made on a form approved by the City Attorney and shall include the following information.
1. A description of the privately funded public improvements which benefit (or may in the future benefit) other property not owned by the installer.
 2. The name and address of the person or entity that paid for the installation of the public improvements.
 3. A legal description of the parcel or parcels of real property that may utilize or benefit from the privately installed public improvements.

An engineer's written estimate of the cost of the public improvements or an affidavit and documentation showing the actual cost of the privately funded public improvements (the documentation establishing the cost of the public improvements must be sufficient to satisfy the Vernal City Manager or designee).

G. The application for reimbursement shall be filed with the City Manager within six months after completion of the privately funded public improvements. The City may, but shall not be obligated to attempt to recover a reimbursement for public improvements from any person or subsequent developer whose use of those privately funded public improvements begins prior to filing the application. The person seeking reimbursement for privately funded public improvements shall pay an application fee to Vernal City of one hundred dollars (\$100.00). The City may reject any incomplete application for reimbursement or any application not accompanied by the required filing fee. The application shall be signed by the person seeking reimbursement and notarized. The applicant shall be notified within fourteen (14) days if the application is accepted or rejected. The Vernal City Manager shall review the application, and if it is found to be complete, shall execute the application showing that it has been accepted and approved by Vernal City and provide a signed original to the applicant. The City Manager shall, in addition, endorse the following statement contained upon the application: Notice Notice is hereby given to all persons having an interest in the real property described herein, that pursuant to Vernal City Ordinance Section 16.58.205, any persons developing the land described herein or constructing any improvements thereon are subject to an obligation to make reimbursement for a pro rata share of privately funded public improvements and may not utilize privately funded improvements for the described real property without receiving clearance from Vernal City that the pro rata share of privately funded public improvements obligation has been satisfied.

City Manager

Attest City Recorder

H. Limitations on reimbursement request. No person shall be entitled to reimbursement for privately funded public improvements which do not provide a direct benefit to other land. An applicant may not request reimbursement pursuant to this ordinance for any privately funded public improvements which were constructed prior to the original adoption of this ordinance. Reimbursement for privately funded public improvements shall be limited to public improvements lying within the boundaries of Vernal City or public improvements which are owned by Vernal City.

I. Duties of applicant for reimbursement. After an application for reimbursement is filed with the City and approved by the City Manager, the applicant shall take responsibility to record or have recorded an original of the final approved application in the official records of Uintah County. The recording fee shall be the responsibility of the applicant. After an application for reimbursement is filed, the applicant shall be under an affirmative duty to notify the City promptly in writing of any subsequent development of land covered by the reimbursement application of which the applicant has knowledge or reason to believe is using or benefitting from the privately funded public improvements. Such notification shall be made to the City within one-hundred twenty (120) days of the development being commenced by permit of the City.

J. Duties of land owners/subsequent developers. Any person intending to develop or subdivide any land or to construct any improvements upon any land which is described in an approved application for reimbursement, shall be under an affirmative obligation to notify the City Planning Office when applying for a building permit or approval or authorization for any development or construction, of the existence of the recorded reimbursement agreement and to make suitable arrangements for payment of the pro rata share of the privately funded public improvements which benefit that person's property. Any person who makes any development or construction or connects to or otherwise utilizes or directly benefits from any privately funded public improvements covered by a reimbursement agreement which has been filed and approved by the City, shall be obligated to make reimbursement for the pro rata share of the privately funded public improvements utilized by or benefitting that person's project, development or property prior to commencing construction unless the applicant and City Manager have agreed to a deferred payment arrangement.

K. Obligations of the City.

1. When a properly completed application for reimbursement has been filed with the City along with the required filing fee, the Vernal City Manager or designee shall promptly review the application for sufficiency and shall notify the applicant of any deficiencies or corrective action needed with respect to the application.
2. Once the application is approved, the Vernal City Manager shall execute a duplicate original of the application and return it to the applicant with instructions to promptly record the approved application with the County Recorder for Uintah County. Verification of recordation shall be provided by the applicant to the Vernal City Manager.

Vernal City shall thereafter maintain a file including copies of the documentation provided to establish the cost of the privately funded public improvements and other information which may be necessary to determine the pro rata share of those costs to be assessed against subsequent developers. The City shall maintain an index system showing property with reimbursement

3. agreements.

4. When the City determines that a use of property covered by an approved reimbursement application will benefit from privately funded public improvements, the City shall determine the pro rata share of the cost of those public improvements to be assessed against the owner or developer of the property and shall provide notice to that owner or developer. The City shall be under no obligation to approve or issue any building permit or approval for subdivision or other development of property until satisfactory arrangements have been made for reimbursement to the applicant for the pro rata share of the privately funded public improvements.
5. If the City directly collects the pro rata share of the improvement costs, the amount shall be forwarded to the applicant at the last known address of the applicant. The interests of the applicant may be assigned, written notice of the name and address of the assignee should be given to Vernal City.
6. The City shall not be responsible for locating any beneficiary, survivor, assignee, or other successor in interest entitled to reimbursement. Any collected funds unclaimed within two years after the date of collection shall be forwarded to the Utah State Unclaimed Properties Office in the name of the applicant or the known assignee or beneficiary of those funds.

L. Termination. A properly completed and recorded application for reimbursement shall be chargeable against and binding upon owners and subsequent developers of the real property described in the application for a period of thirty (30) years from date of recording.

M. Violation. Any person or entity that receives the benefit of privately funded public improvements and is under obligation to provide a pro rata reimbursement pursuant to the terms of this ordinance and fails and refuses to do so or otherwise violates this ordinance, shall be guilty of a class B misdemeanor. In addition to any fine, incarceration or other penalty which may be imposed for conviction of a class B misdemeanor, a person or entity convicted of violation of this ordinance shall be ordered by the court to make restitution in the amount of the pro rata share of the privately funded public improvements as to which that person received the benefit.

(PZSC § 03-28-006(7)) (Ord. No. 96-08, Amended, 03/20/96) (Ord. 2009-09, Amended, 08/19/2009; Ord. 2007-05, Amended, 04/25/2007)

SECTION 44: **AMENDMENT** “Section 16.58.410 Street Signs” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.410 ~~Street Signs~~ Reimbursement To Vernal City For Improvements To Benefit Private Property

The provisions of this section apply when:

- A. The governing body of Vernal City determines that the public health, safety, welfare, or convenience requires that the City expend public funds to install public improvements, which specifically improve and enhance the usability or increase the value of one or more parcels of real property within the City limits, or which bring undeveloped parcels of land into compliance with State statutes or City ordinances (such as the City using City funds, to complete improvements required by the subdivision ordinance upon the default or failure of developer to complete the installation of said improvements). This reimbursement process shall not apply to upgrades or improvements, or enhancements to existing public improvements or facilities outside the subdivision or development.
1. Vernal City may obtain reimbursement for project improvements or expenses by the following procedure: the governing body of Vernal City, upon the recommendation of the city manager or city planner, shall, at a public meeting, determine and enter in its minutes the cost of installation of the improvements and shall describe by lot or parcel number or metes and bounds description, the land benefitted by those improvements. The land described, as having received the benefit of the improvements, shall be a parcel, or parcels of real property immediately adjacent to, contiguous with, or parallel with the installed improvements.
 2. The City Council shall establish the method or formula by which the pro-rata, share of reimbursement, for those improvements shall be determined, for example, by square footage, frontage, or other method that fairly allocates the cost of the improvements based upon benefit received.
 3. Prior to requiring reimbursement from the property owners of parcels receiving the benefit of such improvements, the City Council shall hold a public hearing for the purpose of receiving comments from such property owners. At least fourteen (14) days notice of the time and place of such hearing shall be published in a newspaper of general circulation and shall be

posted on the City's web site. The City shall send a written notice to the owner of each parcel of property as described in paragraph #1 receiving the benefit of such improvements giving the date, time and place of such hearing and the cost to each property owner of the improvements made. Following the public hearing, the City Council shall determine whether or not to amend, cancel, or proceed as written with the billing to the property owners.

4. Any person subsequently building upon or developing the described land, or utilizing those public improvements for the benefit of land or for access to land shall be required to reimburse the City for those publicly funded project improvements at a pro-rata share of the cost.

5. A notice in substantially the following form shall be recorded in the records of the County Recorder of Uintah County:

"Notice is hereby given to anyone having an interest in the real property described herein, that pursuant to Vernal City Municipal Code Section 16.58.206, any person or entity developing the land described herein, occupying said land or constructing any improvements thereon is required to make reimbursement for a pro-rata share of the herein described improvements, and may not utilize the improvements for the described real property without payment to Vernal City of the pro-rata share of the public improvement in the amount determined by Vernal City and set forth herein. No building permit shall be issued, nor connection to the improvements or utilities shall be authorized prior to payment. The land covered by this notice is described as follows: to wit: The public improvements installed, and the dollar amount of the public improvements are as follows: The method of determining pro-rata share for purposes of reimbursement of the improvements is as follows: The notice shall be executed by the Mayor, or person designated by the governing body and attested by the City Recorder, and shall state the date, or dates, upon which the governing body considered and authorized reimbursement in a public meeting.

B. Duties of Landowners/Subsequent Developers: Any person intending to develop, or subdivide, occupy or build upon any land or to construct any improvements on any land which is described in a notice recorded as set forth herein shall be under an affirmative obligation to notify the city planning office when applying for a building permit or approval or authorization for any development or construction or subdivision, of the existence of the recorded reimbursement notice and to make suitable arrangements for payment of the pro-rata share of the improvements which benefit that person's real property. Any person who connects to, or otherwise utilizes, or directly benefits from public improvements covered by a reimbursement obligation, shall be obligated to make reimbursement for the pro-rata share of those improvements utilized by or benefitting that person's project, development, or real property prior to commencing construction, occupying the land or utilizing the improvements unless the applicant and City have agreed to a deferred payment arrangement. The City Planner shall determine the reimbursement amount for each subsequently developed parcel of real property served by those public improvements, utilizing the formula set forth in the minutes of the City Council meeting, and the notice recorded in the County Recorder's office. If the land owner, applicant, or developer disagrees with the pro-rata share determined by the Vernal City planner, that decision may be appealed to the Governing Body of the City within twenty-one (21) days, mailing, of the decision by the Vernal City Planner to the owner of the real property as shown on the tax records of Uintah County or to the applicant. The appeal must be in writing, and must set forth in detail the aspect, or the aspects, of the City Planner's decision, which the person disputes and set forth all facts supporting the position of the appellant, set forth any ordinances or legal basis for the appeal, and set forth the outcome or resolution desired by the appellant. The appellant must state the name and contact information for the appellant and pay a filing fee as established by the City Council. The governing body of the City shall set a date and time to hear and consider the appeal within six (6) weeks of filing the notice of appeal with the City Recorder. Notice shall be mailed to the appellant at the address given in the Notice of Appeal at least ten (10) days before the hearing. The appellant shall appear and present its facts, legal basis, and argument in favor of its appeal. If the appellant fails to appear at the hearing, the decision of the City Planner shall be affirmed. The City Planner shall appear and set forth the facts, legal basis, and argument in support of its determination. The governing body shall, after such time as is reasonably required to consider and deliberate, issue a decision in writing setting the amount of reimbursement due and describing the basis for that decision. While the appeal is pending, the applicant may be allowed to proceed with development or construction upon payment of the amount determined by the City Planner to the City Treasurer. If the amount subsequently determined upon appeal is less than the amount posted, the over payment amount shall be refunded within two (2) weeks of the written decision of the governing body of the City. The reimbursement obligation shall continue and be chargeable against and binding upon owners and subsequent developers of real property utilizing the improvements described in the notice for a period of thirty (30) years from the date of recording, or until released by the City upon payment of the amount determined to be due.

C. Funds From Developer or Responsible Party: The City shall make reasonable efforts to recover the cost of subdivision or project improvements from the responsible party or parties including the developer, bonding company, or other responsible party. In the event that funds are recovered which reimburse the City in whole or in part for the improvements paid for by City funds, the amount received will be credited against the pro-rata obligation of the land or lot owners. Any party that has paid its pro-rata share of the cost of the publicly funded improvements shall be entitled to a refund of all or part of the amount paid that it is the proportionate share of any amounts recovered from the responsible party. If the person or entity that paid for the public improvements to the City cannot be located, with reasonable effort the refund shall be made to the owner of the lot or lots as reflected on the tax records of Uintah County on the date of the refund. The City may deduct from the amounts recovered from the responsible party the costs and expenses of recovering said funds including court costs and attorney fees prior to crediting receipts against the amount paid pursuant to this ordinance.

D. Violation: Any person or entity that receives the benefit of improvements covered by this section, and that is under obligation to provide a pro-rata reimbursement pursuant to the terms of this ordinance, and fails or refuses to do so, or otherwise violates this ordinance by utilizing improvements without payment of a pro-rata share shall be guilty of a Class B Misdemeanor. In addition to any fine, incarceration, or other penalty that may be imposed for conviction of a Class B Misdemeanor, any person convicted of violation of this ordinance shall be ordered by the Court to make restitution in the amount of the pro-rata share of the public improvements according to the provisions in this ordinance.

E. Effective date: The obligation for reimbursement shall be effective as to and apply to any funds expended or encumbered on or after July 18, 2012, by Vernal City for the purposes set forth herein.

~~Street signs shall be installed in the subdivision in accordance with City specification.~~

(PZSC § 03-28-006 (8))

SECTION 45: AMENDMENT “Section 16.58.420 Street Lights” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.420 ~~Street Lights~~ Reimbursement to Vernal City for Improvements to benefit Private property

SECTION 46: AMENDMENT “Section 16.58.430 Fencing -- Culvert Requirements” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.58.430 ~~Fencing Violation~~ -- ~~Culvert Requirements~~ Penalty

- A. Any person, firm or corporation who transfers or sells any lot or land in a subdivision, as defined in this chapter, which subdivision has not been approved by the Planning Commission and, except as provided for in Section 16.58.030, also approved by the City Council of Vernal City, and recorded in the office of the Uintah County recorder, shall be guilty of a misdemeanor for each lot or parcel of land so transferred or sold, and the description of such lot or parcel of land by metes and bounds in the instrument of transfer shall not exempt the transaction from such penalties or from the remedies herein provided. The City may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction.
- B. Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than two hundred ninety-nine (299) dollars or imprisonment for not more than six (6) months, or by both such fine and imprisonment at the discretion of the court.

~~Fences and/or culverts shall be installed along irrigation ditches and canals when required by the Planning Commission. Fences and/or culverts shall also be installed along the perimeter of a subdivision when the Planning Commission determines such fence and/or culvert is necessary to protect adjacent zones.~~

(PZSC § 03-28-006 (10))
(Ord. No. 96-08, Amended, 03/20/96)

SECTION 47: REPEAL “Section 16.58.440 Cost Of Required Improvements -- Apportionment” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.58.440 ~~Cost Of Required Improvements~~ -- ~~Apportionment~~ Repeal

~~The cost of improvements which are required under the provisions of this section, as well as the cost of other improvements which may be installed in the subdivision, shall be the responsibility of the subdivider unless special negotiations for major streets or water lines over six (6) inches in diameter are made previously by the City Council.~~

(PZSC § 06-28-007)
(Ord. No. 96-08, Amended, 03/20/96)

SECTION 48: **REPEAL** “Section 16.58.450 Guarantee Of Performance” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.58.450 ~~Guarantee Of Performance~~Repeal

~~A. Type and Amount of Guarantee:~~

~~In order to assure the completion of the required improvements, the subdivider shall establish with the City an escrow account, surety bond, or irrevocable letter of credit. Such financial guarantee shall be in an amount equal to one hundred fifty (150%) percent of the cost estimated by the subdivider's engineer and as accepted by the City Engineer for the completion of improvements not then installed. Additionally, one hundred (100%) percent of the cost of installation of the electrical and natural gas utilities must be paid to such utility companies prior to any building permit being issued. Proof of such payment shall be presented to the City by the utility company. ~~provided~~ ~~will be~~ The financial guarantee shall be executed by a federally insured banking or trust company acceptable to the City and duly authorized to do business in the state; shall be payable to Vernal City Corporation; shall be filed in the office of the City Recorder; and shall be available for public inspection during regular business hours. In no event shall the City be deemed liable under this section on any claim asserted by a laborer or materialman, purchaser, investor or secured party.~~

~~B. Default. In the event the subdivider is in default or fails or neglects to satisfactorily install the required improvements within two (2) years from the date of approval of the plat by the City Council, or to pay all liens in connection therewith, the City Council may declare the financial guarantee forfeited and the City may install or cause the required improvements to be installed, using the proceeds from the financial guarantee to defray the expense thereof. In no event shall the City be obligated to expend any funds beyond the financial guarantee proceeds recovered by the City. The developer/ subdivider shall remain responsible to complete all the improvements.~~

~~C. Final Disposition and Release:~~

~~1. The subdivider shall be responsible for the quality of all materials and workmanship. At the completion of the work or not less than ten (10) days prior to the release date of the financial guarantee, the City Engineer and/or Public Works Department shall make a preliminary inspection of the improvements and shall submit a report to the City Council, setting forth the conditions of such facilities. If all liens are paid and other conditions thereof are found to be satisfactory, the City Council shall release all but thirty (30%) percent of the total amount of the financial guarantee. If the conditions of material or workmanship show an unusual depreciation or does not comply~~

~~with the acceptable standards of durability or if any outstanding liens are not paid, the City Council may declare the subdivider in default. After a period of two (2) years from the completion and acceptance by the City of all required improvements, the City shall release the remaining thirty (30%) percent of the financial guarantee; provided the required improvements do not show unusual depreciation. Recording notice and violation. The City may / shall record notice that until all required improvements for the subdivision or phase of said subdivision have been installed, approved and accepted by the City, no building permits shall be issued. This notice should be recorded within fifteen (15) days from the date that the associated final plat is recorded.~~

(PZSC § 03-28-008) (Ord. No. 96-08, Amended, 03/20/96; Ord. No. 98-01, Amended, 01/28/98)
(Ord. 2012-14, Amended, 05/16/2012; Ord. 2010-15, Amended, 08/04/2010; Ord. 2008-07, Amended, 05/07/2008; Ord. 2008-05, Amended, 04/16/2008; Ord. 2007-05, Amended, 04/25/2007)

SECTION 49: **REPEAL** “Section 16.58.480 Improvement Standards” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.58.480 ~~Improvement Standards~~Repeal

~~All improvements shall be installed in accordance with Vernal City specifications, as directed by the City Engineer.~~

(PZSC § 03-28-009 (2))

SECTION 50: **REPEAL** “Section 16.58.490 Parks, School Sites And Other Public Spaces” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.58.490 ~~Parks, School Sites And Other Public Spaces~~Repeal

~~In subdividing property, consideration shall be given to sites for schools, parks, playgrounds and other area for public use as shown on the general plan. Any provisions for such open spaces should be indicated on the preliminary plat in order that it may be determined in what manner such areas will be dedicated to, or acquired by, the appropriate agency.~~

(PZSC § 03-28-009 (3)) (Ord. 2005-07, Amended, 06/01/2005)

SECTION 51: **REPEAL** “Section 16.58.510 Enforcement And Permits” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.58.510 ~~Enforeement And Permits~~Repeal

~~A. With the exception of grading permits, no officer of Vernal City shall grant any permit or license for the construction or use of any building or land unless and until all public improvements and infrastructure required by Vernal City ordinances and all conditions agreed to by the subdivider as part of the approval process are completed and are accepted by Vernal City; except that: A building permit and a certificate of occupancy may be issued on an individual lot in a subdivision provided that all conditions listed in section A are met along all exterior property lines of the lot and between the lot and a fully improved and accepted public road outside of the boundaries of the subdivision. A building permit, but not a certificate of occupancy, may be issued on lots in a subdivision before the public improvements are made, provided that a financial guarantee be established in accordance with section 16.58.450 guaranteeing the public improvements in said subdivision. In all cases, the guarantee must apply to all improvements connecting the subdivision to a fully approved and accepted public road. When a section of road and its associated public improvements are required to be constructed and dedicated to the public and that section of road will not be directly connected to an existing maintained public road before the anticipated completion of the subdivision, or phase of the subdivision, the City and the developer may enter into a development agreement governing the development of that section of road. After said development agreement is approved by the City Council and recorded in the Uintah County Recorder's Office, the terms governing the issuance of permits as related to said section of road shall be determined by the development agreement. (PZSC § 03-28-009 (5))(Ord. 2014-39, Amended, 12/03/2014; Ord. 2010-15, Amended, 08/04/2010; Ord. 2004-21, Amended, 08/04/2004)~~

SECTION 52: **REPEAL** “Section 16.58.500 Amended Plats” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.58.500 ~~Amended Plats~~Repeal

~~Amended plats must be filed. When major changes in a plat of a subdivision which has been recorded are made, approval of the subdivision shall be vacated and an amended plat thereof approved and filed in accordance with the requirements of this chapter. No change shall be made in the approved plats unless approval thereof has been obtained by the Planning Commission and the City Council after the City Council has held a public hearing with at least ten (10) days notice on the Utah Public Notice Website and posted on the City's website, except that the City Planner may approve petitions to adjust lot lines between adjacent properties upon the filing of a record of survey and the recordation of an appropriate deed if: No new dwelling lot or housing unit results from the lot line adjustment, and; The lot line adjustment does not result in remnant land that did not previously exist, and; The adjustment does not result in violation of applicable zoning requirements. Remnant land is land that does not meet zoning requirements. Notice of the lot line adjustment must be made on the Utah Public Notice Website and posted on the City's website indicating the date by which objections must be received in the City Recorder's office. If no objections are received, the lot line adjustment may be approved by the City Planner if all other requirements are met. If an objection is filed, the lot line adjustment will be heard at the next Planning Commission meeting for their review and decision.~~

(PZSC § 03-28-009 (4))

(Ord. 2012-13, Amended, 05/16/2012; Ord. 2005-07, Amended, 06/01/2005; 99-08, Amended, 07/21/1999)

SECTION 53: **REPEAL** “Section 16.58.520 Construction And Maintenance Affecting Private Roads And Driveways” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.58.520 ~~Construction And Maintenance Affecting Private Roads And Driveways~~Repeal

- ~~A. All officials of Vernal City shall refrain from opening, accepting, grading, paving or lighting a street, authorizing the laying of sewer and water mains or making connections to public water or sewer lines in a street which: Has not received the status of a public street prior to the taking effect of this chapter; Has not been approved by the Planning Commission as a part of an appropriately submitted preliminary plat; or Having been submitted to the Planning Commission and disapproved by it, has not been accepted by the City Council by a favorable vote of two-thirds (2/3) of their membership. No City officer or employee shall enter upon private driveways or roads for the purpose of maintaining or constructing the same unless and until such private driveway or road shall have first been made to comply with the standards for public streets for width and improvements as set forth in this chapter, and shall have been accepted as a public street or road by the Planning Commission and the City Council.~~

(PZSC § 03-28-009 (6))

SECTION 54: **REPEAL** “Section 16.58.530 Work To Be Done By Engineer” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.58.530 ~~Work To Be Done By Engineer~~Repeal

~~All engineering work or surveying of property must be done by or under direction of a registered professional engineer or land surveyor registered in the state.~~

(PZSC § 03-28-009 (7))

SECTION 55: **REPEAL** “Section 16.58.540 Severability” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.58.540 ~~Severability~~Repealed

~~If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this chapter.(PZSC § 03-28-014)~~

SECTION 56: **REPEAL** “Section 16.58.550 Violation -- Penalty” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.58.550 ~~Violation -- Penalty~~Repeal

~~A. Any person, firm or corporation who transfers or sells any lot or land in a subdivision, as defined in this chapter, which subdivision has not been approved by the Planning Commission and, except as provided for in Section 16.58.030, also approved by the City Council of Vernal City, and recorded in the office of the Uintah County recorder, shall be guilty of a misdemeanor for each lot or parcel of land so transferred or sold, and the description of such lot or parcel of land by metes and bounds in the instrument of transfer shall not exempt the transaction from such penalties or from the remedies~~

~~herein provided. The City may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction. Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than two hundred ninety-nine (299) dollars or imprisonment for not more than six (6) months, or by both such fine and imprisonment at the discretion of the court.~~

(PZSC § 03-28-012)

PASSED AND ADOPTED BY THE VERNAL COUNCIL

12-06-2023

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Robin O'Driscoll	_____	_____	<u>✓</u>	_____
Councilmember Corey Foley	<u>✓</u>	_____	_____	_____
Councilmember Ted Munford	<u>✓</u>	_____	_____	_____
Councilmember Nicholas Porter	<u>✓</u>	_____	_____	_____
Councilmember Dave Everett	<u>✓</u>	_____	_____	_____

Presiding Officer

Doug B Hammond
Doug Hammond, Mayor, Vernal

Attest

Roxanne Behunin
Roxanne Behunin, City Recorder,
Vernal

