

TITLE 15 - Land Use Regulations

Huntsville Town Ordinance – Title 15.25.3 Subdivision Improvements Required

15.25.3 SUBDIVISION IMPROVEMENTS REQUIRED

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15.25.3.1 Owner of subdivision Responsible for Costs

The owner of any land to be platted as a subdivision shall at his own expense install the following improvements, prior to recording the Final Subdivision Plat or except as provided in 15.25.3.2 below, according to the specifications and standards contained in the Public Work Standards and Technical Specifications of Huntsville Town, Utah. All public improvements will be constructed under the inspection of the Huntsville Town Engineer, except for septic systems which must be installed according to the specifications and under the inspection of the Weber/Morgan County Health Department.

15.25.3.2 Improvements Required

A. Water Supply.

1. The subdivider shall install water lines or shall contract with the Huntsville Town Culinary Water System to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot.
2. Water lines and fire hydrants shall be operational before building permits are issued for any structures. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished to the Weber County Fire District.

B. Sewage Disposal.

1. The subdivider shall obtain approval from the Weber /Morgan County Health Department for individual sewage disposal for each of the lots. Subdividers must furnish to the Weber/Morgan County Health Department a report of soil percolation tests completed on the property proposed for subdivision in accordance with the Regulations of the Utah State Division of Water Quality and the Weber /Morgan County Health Department governing individual sewage disposal systems. Copies of the subdivision preliminary plan showing appropriate elevation contours must accompany the report and show thereon the location of test holes used in completing the tests. Percolation tests must be completed, and reports prepared and signed by a qualified Utah Registered Sanitarian or a Utah Licensed Professional Engineer not in the employ of Weber County or Huntsville Town. Written Approval, Septic from the Weber /Morgan County Health Department shall be submitted to the Huntsville Town Planning Commission before consideration of the final plat.
2. Where a sewer treatment facility, such as a community septic system, is being approved by the Utah State Division of Water Quality, a Letter of Feasibility, Septic System is required for Preliminary Approval, and a Construction Permit from Utah State is required before Final Approval can be granted by the Huntsville Town Council.

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C. Storm Water.

1. The Huntsville Town Engineer shall require the subdivider to effectively dispose of the storm water generated within the subdivision. The subdivider shall obtain required easements and provide drainage structures so that runoff from the subdivision does not exceed the runoff under undeveloped or natural conditions, which is generally regarded to be 0.2 cubic feet per second per acre. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.
2. When drainage structures such as storm water detention and/or retention facilities are required by the Huntsville Town Engineer, Huntsville Town, at its option, may require the facility to be dedicated or otherwise transferred to Huntsville Town or its designate. Huntsville Town may also require the developer of the subdivision which the detention and/or retention facility serves, to form a Homeowners Association of all homes proposed in the subdivision with Articles of Incorporation filed with the Department of Commerce, Division of Corporations. Provision shall be made in said Association for the contracting with the Huntsville Town Engineer to do periodic inspections and maintain the drainage facilities. The Huntsville Town Engineer shall approve such inspection schedules. The purpose of the Association shall be to own and maintain the detention and/or retention facility in satisfactory condition as specified by the Huntsville Town Engineer. In such cases, Huntsville Town shall be granted an easement over the detention /retention facilities to guarantee such facilities will remain and be used as intended for storm water detention purposes.

D. Street Grading and Surfacing. All public streets¹ shall be graded and surfaced in accordance with the Public Works Standards and Technical Specifications of Huntsville Town, and with approval by the Huntsville Town Engineer.

E. Curbs and Gutter. Curbs and gutters may be required on existing and proposed streets, where in the opinion of the Huntsville Town Planning Commission and the Huntsville Town Engineer, they will be necessary to remove surface water, or for safety or other reasons. Curb and Gutter shall be installed by the subdivider in subdivisions along the abutting Utah State Highways if required by Utah State Department of Transportation.

Many, if not most, areas of Huntsville Town are rural in nature and the installation of curb and gutter is not preferred. In general, curb and gutter are preferred only in newly developed commercial zones.

F. Sidewalks. Sidewalks may be required by the Huntsville Town Planning Commission for reasons of safety and public welfare, or where the proposed subdivision is located within student walking distance, as established by the School District. In subdivisions where the average lot width is one hundred fifty (150) feet or more and not within walking distances of schools, sidewalks may not be required. Huntsville Town will not waive sidewalk requirements on state highways unless the Utah State Department of Transportation has waived the sidewalk requirement. If a letter is provided by the Utah State Department of Transportation for a waiver, then a deferral agreement may be approved by the Planning Authority and the Huntsville Town Engineer. Approved walking paths may be substituted for sidewalks.

¹ Amended 1-4-18: Ordinance # 2018-01-04 Title 15. 25.3.2. D: Deleted, " private and private access."

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- G. Street Monuments. Permanent street monuments shall be accurately set and established at such points as are necessary to precisely establish all property lines. Street Monuments shall be of a type specified in the Public Work Standards and Technical Specifications and approved by the Huntsville Town Engineer and/or the approved Surveyor.
- H. Street Trees. Street trees shall be planted by the subdivider when so required by the Huntsville Town Planning Commission and of a variety and location as approved by the Huntsville Town Planning Commission.
- I. Street Signs. Street signs shall be installed by the subdivider at all locations as designated by the Huntsville Town Planning Commission, the Huntsville Town Council, and the Huntsville Town Engineer. Such signs shall be of such a type and of such material as shall be prescribed by the Huntsville Town Engineer. The Huntsville Town Planning Commission and/or the Huntsville Town Council shall have the option to install such signs and charge such costs to the subdivider.
- J. Fencing or piping of Canals, etc. A solid board, chain link, or other non-climbable fence not less than five (5) feet in height shall be installed on both sides of existing irrigation ditches or canals which carry five cubic feet per second (5 cfs) or more of water, or bordering open reservoirs, railroad rights-of-way or non-access streets, and which are located within or adjacent to the subdivision, except where the Huntsville Town Planning Commission determines that park areas including streams or bodies of water shall remain unfenced. Fencing or piping of Canals etc., shall not be required on subdivisions of three (3) or fewer lots, or where canals, are located six hundred (600) ft. from the homes. The Huntsville Town Planning Commission may also recommend to the Huntsville Town Council that the ditch be piped, with the size of the pipe to be determined by the Irrigation Company and the Huntsville Town Engineer.
- K. Staking Subdivision Corners. Survey markers shall be placed at all subdivision corners and lot corners so as to completely identify the lot boundaries on the ground and shall be done in conformance to the record of survey requirements. This shall be accomplished before the subdivision is recorded.
- L. Peripheral Fencing. The Huntsville Town Planning Commission may require appropriate type fencing along the periphery of a subdivision in an agricultural zone so as to provide protection to adjacent farming lands from the adverse effects of residential living and vice versa.
- M. Secondary Water. Secondary Water is water furnished for other than culinary purposes. In Huntsville Town, secondary water is generally obtained from the Huntsville Town Waterworks Corporation. The Huntsville Town Planning Commission shall, as part of the approval of the subdivision, require the subdivider to furnish adequate secondary water and also to install a secondary water delivery system to the lots in said subdivision sufficient to conform to the Huntsville Town Public Works Standards and Technical Specifications. The policy of the Huntsville Town Culinary Water System is that its water is not to be used for other than culinary purposes and will not permit culinary water collections unless secondary water is provided by the subdivider.
- N. Fire Protection. Written Approval, Fire Safety, from the Weber Fire District approving the fire protection method employed shall be provided to the Huntsville Town Planning Commission prior to Final Approval of the subdivision by the Huntsville Town Council. Before a Building Permit or Land Use Permit is issued, the approved fire protection method shall be operational, all

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fees paid and a letter to this effect will be required from the Weber Fire District.

15.25.3.3 Guarantee of Improvements

- A. All improvements shall be installed prior to the issuance of any Building and/or Land Use Permit within a newly approved subdivision through a Financial Guarantee of improvements. This guarantee may take the following forms:
1. The subdivider may furnish and file with the Huntsville Town Clerk a Bond for Improvements with corporate surety in the amount equal to the cost of the improvements not previously installed, as estimated by the Huntsville Town Engineer and Huntsville Town Council. The bond will be conditioned for the installation of such improvements within a period of two (2) years immediately following Final Approval of the subdivision by the Huntsville Town Council. The validity and form of this bond shall be approved by the Huntsville Town Council and the Huntsville Town Attorney.
 2. The subdivider may form an Escrow Agreement with Huntsville Town and deposit in an Escrow Account for Improvements, with an escrow holder approved by the Huntsville Town Council, an amount of money equal to the cost of the improvements not previously installed, as estimated by the Huntsville Town Engineer and Huntsville Town Council. The Escrow Agreement shall be conditioned for the installation of said improvements within two (2) years from Final Approval of the subdivision by the Huntsville Town Council, as aforesaid. The Escrow Agreement shall be approved by the Huntsville Town Council and the Huntsville Town Attorney and shall be filed with the Huntsville Town Clerk.
 3. The subdivider may execute, acknowledge, and cause to be recorded in the Office of the Recorder of Weber County, Utah, a Written Agreement with Huntsville Town by which he will covenant and agree that he will not lease or convey any of the subdivided property to anyone whomsoever unless he shall first, as a condition precedent thereto, either:
 - a. Install and pay for all of the improvements aforesaid necessary to the full, effective, and practical use and enjoyment thereof by the lessee or grantee of the lands to be conveyed, including, but not limited to, all street improvements in front of such property and thence along the dedicated streets to a connection with existing improvements of the same kind or to the boundary of the subdivision nearest said existing improvements of the same kind or to the boundary of the subdivision nearest said existing improvements whichever is closer, or;
 - b. File a bond as provided in 15.25.3.3.A. 1 to secure the installation and/or completion of all uncompleted improvements specified in sub-paragraph (a) hereof.
 - c. The aforesaid Written Agreement shall specifically provide that it shall be deemed to be a covenant running with the subdivided lands, for the benefit of Huntsville Town, and shall particularly and accurately describe said lands. By said agreement the subdivider shall further give and grant to Huntsville Town a lien on said lands to secure performance of the covenant and agreement herein before specified and to secure the installation of all of the improvements required by this Title, together with the payment of all costs, including reasonable attorney's fee, which Huntsville Town may incur in the enforcing any of the terms and provisions of said agreement.

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- B. The only improvement that may not be required prior to construction of a dwelling is the asphalt on the road. All public and private utilities within the road right-of-way shall be installed prior to the road being asphalted. Cuts within one (1) year of asphalt placement on a new road, will require a special permit and will include requirements for special backfill and asphalt replacement, per the requirements and request of the Huntsville Town Engineer.
 - 1. The subdivider shall guarantee the installation of improvements by one of the methods specified to allow the recording of a subdivision. The recording of the subdivision will allow the developer to sell the lots, but not allow Building and/or Land Use Permits to be issued until all improvements are installed, except for the asphalt and the subsequent chip and seal treatment on the road:
 - 2. For these improvements which will be required within two (2) years from the date at which the subdivision is deemed worthy of issuing Building and/or Land Use Permits, the subdivider may furnish and file with the Huntsville Town Council a Letter of Credit for Future Improvements from a Utah lending institution or an Escrow for Future Improvements from an approved Utah Escrow holder, in an amount equal to the future cost of the installation of the improvements at the termination of the financial guarantee period as estimated by the Huntsville Town Engineer. The letter of credit or escrow shall be approved by the Huntsville Town Council upon review and approval by the Huntsville Town Attorney.
- C. Upon the completion of improvements, ten percent (10%) of the approved Financial Guarantee of improvements shall be retained by Huntsville Town for a period of one (1) year at which time, upon recommendation of the Huntsville Town Engineer, the roads may be accepted for ownership and maintenance by Huntsville Town.
- D. The Huntsville Town Planning Commission is authorized to prescribe by administrative rule or regulation, forms, and procedures to insure the orderly, regular, and efficient processing of applications for the approval of a proposed subdivision and the guarantee of improvements in strict compliance with the requirements of this Title.
- E. Whenever the subdivider develops a subdivision a portion at a time, such development shall be in an orderly manner and in such a way that the required improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time herein before specified. The subdivider shall be responsible for coordinating the installation of utility, street, water lines, fire hydrants, and all other required improvements with the buyers of lots.
- F. The Huntsville Town Engineer is authorized, at the request of the subdivider, to execute a release of portions of the Letter of Credit or Escrow Agreement when all obligations as to which have been fully performed by installation of the improvements.
- G. The subdivider shall deposit with Huntsville Town at the time of Final Plat Approval, an amount of money equal to the estimated cost of purchase and installation of the Traffic Control and Street Name signs required for proper completion of subdivision traffic direction.

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- H. The subdivider shall deposit with Huntsville Town, at the time of Final Plat Approval, an amount of money equal to the estimated cost of the street monuments required for the subdivision so that Huntsville Town may install such monuments as soon as practical by giving the first opportunity to the subdividing surveyor or his designee.
- I. The subdivider's Financial Guarantee of improvements completion shall provide that Huntsville Town may draw upon the guarantee escrowed funds and have the improvements completed in the event the subdivider does complete the improvements in a timely manner.

15.25.3.4 Inspection of Improvements

The Huntsville Town Engineer, Huntsville Town Building inspector, and Weber County Health Department shall inspect, or cause to be inspected, all buildings, structures, streets, fire hydrants, and water supply and sewage disposal systems in the course of construction, installation, or repair, etc. Excavations for fire hydrants, water and sewer mains and laterals shall not be covered over or backfilled until such installations shall have been approved by the Huntsville Town Engineer, or the Utilities' representative. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the Huntsville Town Engineer.