

TITLE THIRTEEN - SUBDIVISIONS

CHAPTER 1 - GENERAL PROVISIONS

13-1-010. General.

The intent of this title is as follows:

- A. To facilitate the orderly development of the city in accordance with the city's comprehensive general plan; (Ord. No. 6-20-05)
- B. To implement the city's major street plan;
- C. To facilitate the development of a safe and efficient street system;
- D. To facilitate the orderly transfer of the ownership of building sites in a manner consistent with state law;
- E. To facilitate adequate provisions for water, sewer, drainage, utilities, and other services;
- F. To establish the rights, duties, and responsibilities of subdividers and developers with respect to the development of land.

13-1-020. Definitions.

- 1. **Affected Entity:** A government entity, school district, public utility, interlocal cooperative entity, or service or similar district whose facilities are likely to require expansion or significant modification because of an intended use of land or the entity's facilities or boundaries are within one mile of land which is the subject of a land use ordinance change. (Ord. No. 6-20-05)
- 2. **Block.** The land surrounded by streets and other rights-of-ways other than an alley, or land which is designated or shown as a block on any recorded subdivision plat, or official map of plat adopted by the city council.
- 3. **City.** The City of Salem.
- 4. **City Engineer.** The person appointed by the city to be the city engineer.
- 5. **Completion Date.** The date the entire subdivision or development is completed and an approved final inspection statement is given.
- 6. **Construction Plans and Profiles.** Plans drawn by a registered civil engineer or land surveyor showing all required improvements including the location, size, grade and elevations.

7. **Construction and Development Standards.** The Development Standards as referred to in this title and adopted by the city council.
8. **Council or City Council.** The governing body of the city.
9. **Developer.** Person, persons, partnership or corporation developing residential, commercial or industrial property.
10. **Development Review Committee or DRC:** A committee that provides technical review, analysis, and recommendations to the Planning and Zoning Commission and the City Council as related to the City's Comprehensive General Plan, Zoning Ordinance, Subdivisions, Capital Facilities Plan, and Site Plans. (Ord. No. 6-20-05)
11. **Engineer.** A person registered with the State of Utah to practice as a professional engineer.
12. **Final Approval.** The final approval of the city council and signing of the plat by the mayor and council.
13. **Final Decision:** A decision by a land use authority which approves, approves with conditions, or denies a land use application. A final decision is made by motion and majority vote in a public meeting, or by a written decision if no vote is taken in a public meeting. When a final decision is made by a staff person, it is when the application is either approved or denied in writing. (Ord. No. 6-20-05)
14. **Final Grading.** The last stages of excavation or filling or combination of excavation or filling prior to the installation of concrete or bituminous paving.
15. **Final Plat.** A map or plat drawn on mylar or linen in a form as approved by the County Records, showing all lots, streets, utility easements, etc.
16. **Formally Initiated:** An act taken to change or modify a land use ordinance by application or by motion of the Planning and Zoning Commission or City Council, made in a public meeting. (Ord. No. 6-20-05)
17. **Improved Lot.** A lot which has all the improvements required in this chapter.
18. **Improvements.** Includes roads, streets, curb, gutters, sidewalks, gradings, landscaping, water and sewer systems, drainage systems, fences, and public facilities required by this chapter.

19. **Land Surveyor.** A person registered with the State of Utah to practice as a licensed land surveyor.
20. **Land Use Authority:** A person, board, commission, agency, or other body designated by ordinance to act upon a land use application. (Ord. No. 6-20-05)
21. **Land Use Ordinance:** A Planning, Zoning, Development, or Subdivision Ordinance of the City, but does not include the Comprehensive General Plan. (Ord. No. 6-20-05)
22. **Lot.** A parcel or tract of land within a subdivision which is or may be occupied by a building or structure and the accessory buildings, structures or uses customarily incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.
23. **Master Plan.** The comprehensive land use plan document as approved by the city council.
24. **Offsite Facilities.** Facilities outside of the boundaries of the subdivision or development site which are designated and located to serve the needs of the subdivision or development or adjacent property, usually lying between a development and existing facilities.
25. **Onsite Facilities.** Facilities installed within or on the perimeter of the subdivision or development site.
26. **Parcel of Land.** A contiguous area of land in the possession or ownership of one person.
27. **Planning Commission.** The Planning and Zoning Commission of Salem City.
28. **Preliminary Plat.** A map or plat of a proposed subdivision or development with accompanying supplementary documents.
29. **Public Utility Easements.** The easements required to place public utilities across any privately owned property.
30. **Sensitive Lands:** Lands having any of the following characteristics: slopes in excess of 30%, wetlands, 100-year floodplain, natural drainages, fault zones, streams, lakes, canals, and irrigation ditches. (Ord. 9-20-06A)

- 31. **Streets.** A thoroughfare which has been dedicated and accepted by the city council, which the city has acquired by prescriptive right or which the city owns, or is offered for dedication on an approved recorded final plat. For further explanation see the streets section of the Construction and Development Standards.
- 32. **Subdivision.** The first division of any tract or parcel of land, for the purpose, whether immediate or future, for sale or for building development;
- 33. **Utilities.** Includes culinary water lines; irrigation lines; sanitary and storm sewer lines; gas lines; electric power lines; cable television and telephone transmission lines; underground conduits; and junction boxes and all appurtenances to the above.
- 34. **Warranty Period.** Warranty period is one year after city approval of subdivision improvements as one year after city approval of repairs or replacements of subdivision improvements whichever is longer.
- 35. **Zoning Ordinance.** The zoning ordinances of the City of Salem as adopted by the city council.

13-1-030. Approval Required.

- A. Subdividing land. It shall be unlawful for any person to create a subdivision or subdivide for the purpose of transferring, selling, conveying, or assigning any tract or parcel of land which is located wholly or in part in the city except in compliance with this ordinance.
- B. Subdivisions. It shall be unlawful for any person to sell or exchange or to offer to sell or exchange any parcel of land which is part of a subdivision of land, or recorded in the office of the Utah County Recorder as a subdivision unless the subdivision has been approved by the city and complies with the provisions of this chapter.
- C. Building permit conditions. No building permit shall be issued until the final subdivision plat has been recorded by the city at the office of the Utah County Recorder.

13-1-040. Exceptions.

Land may be sold by metes and bounds descriptions without the necessity of recording a subdivision plat, if the following conditions are met:

- A. The subdivision contains less than 10 lots;

- B. The subdivision shall have been first approved in writing by the planning commission;
- C. The subdivision is not traversed by the mapped lines of a proposed street as shown on the official map or maps of the municipality;
- D. The subdivision does not require the dedication of any land for street or other public purposes;
- E. Each lot in the subdivision meets the frontage, width, and area requirements as set forth under the zoning ordinance or has been granted a variance from such requirements by the City Council;
- F. All improvements required under chapter 3 of this title shall have been installed without cost to the city.

13-1-050. Dedicated Streets. (Ord. No. 10-8-96)

All streets shall be dedicated for public use. All streets proposed for dedication to the city shall conform to the minimum standards for paving and width. The city may not approve a street which is not fully paved the entire width necessary to meet the city requirements, unless the City Council makes a finding of exceptional circumstance, such as a deviation which is necessary to meet the master street plan, to line up existing streets or similar unusual circumstances.

13-1-060. Lots Abutting Streets.

Each lot shall abut on a street dedicated by the subdivision plat or on an existing publicly dedicated street, or on a street which has become public by right of use and is more than fifty feet wide. (Ord. No. 6-20-05)

13-1-070. Private Roads - Driveways.

All officials and employees of the city shall refrain from opening, accepting, grading, paving, or lighting the street, authorizing the laying of sewers and water mains, or making connections to public water or sewer lines in a street unless said street:

- A. Has received the status of a public street, either by prescription or dedication; or
- B. is shown on a plat of the subdivision which plat has received tentative approval by the City Council; or
- C. has been dedicated to and accepted by the City Council.

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 driveways or roads shall have first been made to comply with the standards for public streets for width and improvements and shall have been accepted as a public street or road by the Planning Commission and City Council.

13-1-080. Notices.

Public hearings required by law shall be noticed by publishing in a newspaper of general circulation within the city and by posting on the city web page at least 10 days prior to the scheduled hearing. Notice shall also be mailed, sent by facsimile copy, or e-mailed to affected entities. (Ord. No. 6-20-05)

13-1-90. Appeal Process.

- A. Any land use decision made under this title may be appealed by an interested party by following the procedures set forth in this section. All appeals shall be to the Appeal Authority identified in this title. Appeals from the Appeal Authority shall be to the District Court.
- B. All appeals must be in writing and, unless otherwise indicated, must be filed within 15 days from the date of a final decision by the appropriate land use authority.
- C. Appeals must be received in the office of the City Recorder, and any fees paid, within the appeal time limit.
- D. Matters considered by the Appeal Authority shall be *de novo*. Matters appealed to the District Court shall be a review of the record made before the Appeal Authority or council. No matter may be considered on appeal which was not first presented to the land use authority for its consideration. (Ord. No. 6-20-05)

13-1-100. Appeal Authority.

The City Council will act as the Appeal Authority for land use decisions made under this title, except those decisions made by the Council as the land use authority. In those instances when the Council is the land use authority, the appeal shall be filed directly with the District Court. All appeals shall follow the process set forth in §13-1-00, unless more specific procedures are set forth for a specific appeal. (Ord. No. 6-20-05)

CHAPTER 2 - PLATS REQUIRED

13-2-010. Preliminary Plats - Filing. (Ord. No. 11-26-96 – Section 13-2-010) (Ord. No. 5-6-98 – Section 13-2-010.)

Whenever a subdivision is to be filed, eight copies of the preliminary or tentative plat shall be prepared and presented to the City for approval at least 10 (ten) days before the next scheduled meeting with the Planning and Zoning Commission and five working days prior to the next meeting of the Development Review Committee.

Filing fees, as established from time to time by resolution of the City Council, must be tendered before the preliminary plat will be accepted by the City.

(Ord. No. 6-17-98 – Section 13-2-010[1])

1. Preliminary plats containing affordable housing units designated according to Salem City Municipal Code §14-8-050 shall receive an expedited review process.

13-2-020. Preliminary Plats - Form and Contents.

The preliminary plat of a subdivision shall contain the following information:

- A. The proposed name of the subdivision;
- B. The location of the subdivision as a part of some larger subdivision or tract of land referred to in the records of the county recorder. In such case, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted and the street system of the part submitted shall be considered in light of existing master street plans or other planning commission street studies;
- C. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, or other persons to whom notice of the hearing to be held by the city council should be sent;
- D. Sufficient information to locate accurately the property shown on the plat and the location and principle dimensions of recorded section lines, streets, alleys, easements, watercourses, sewer, gas and water mains and all other important features within and adjacent to the tract to be subdivided;
- E. The location and principle dimensions of all proposed streets, alleys, easements, lot lines and areas to be reserved for public use;
- F. The date of preparation, the scale (not less than one hundred feet to the inch) and the north arrow;
- G. A contour map based on city datum with vertical intervals not to exceed five feet, or where such information is not obtainable, a centerline profile for all proposed rights-of-ways; and

- H. The names of all adjacent subdivisions and property owners.
- I. A resume of the developer and/or contractor who will be doing the subdivision improvements, as identified in Title 13, Chapter 3 of the Salem City Municipal Code, 13-3-010 et. seq., is required. The resume should include all development projects undertaken by the developer/contractor within the last ten (10) years together with such other information that the developer deems appropriate. (Ord. No. 4-22-97)

13-2-030. Preliminary Plats - Approval Procedure.

- A. Each preliminary plat submitted to the City shall be referred to the City Development and Review Committee for review to ensure conformity to the present ordinances and standards and to determine the adequacy and availability of public facilities. (Ord. No. 5-6-98 – Section 13-2-030.) (Ord. No. 8-16-00-A)
- B. Approval of a preliminary subdivision plat shall not be granted until such time as the applicant has provided information, to the satisfaction of the City Engineer and/or Public Works Director, to establish that adequate public facilities exist as set forth in §13-3-010. (Ord. No. 6-20-05)
- C. (Repealed)
- D. The adequacy of public facilities shall be determined in accordance with the Salem City Development and Construction Standards, the various master plans, and the Comprehensive General Plan of the City, and the City Development Review Committee (DRC). Any party dissatisfied with the decision of the DRC may appeal to the City Council by filing a written appeal within ten days of the DRC decision.
- E. In the event that the City determines that adequate public facilities are not available and will not be available by the time of final plat approval, so as to assure that adequate public services are available at the time of occupancy, the City may proceed as set forth in §13-3-020. (Ord. No. 6-20-05)
- F. If the plat is not in conformity with the Construction and Development Standards, or with this chapter, the Development review Committee shall refer it back to the subdivider or developer with a list of items necessary to bring the plat into compliance. If the plat is in conformity, it will be submitted to the Planning and Zoning Commission with suggestions and comments noted thereon.
- G. The Planning and Zoning Commission may table the matter to further study the issues presented. The Planning and Zoning Commission

may recommend approval, rejection, or approval with conditions to the City Council. After considering the recommendations of the Planning and Zoning Commission, the City Council may approve, reject, or grant approval upon the condition stated. The City Council acts as the land use authority. If approved, the City Council shall express its written approval with whatever conditions are attached. If any conditions are attached, the preliminary plat shall be amended to reflect such changes and an accurate preliminary plat shall be submitted to the Public Works Director. (Ord. No. 6-20-05)

- H. Receipt of the signed copy of the preliminary plat shall be authorization for the developer to proceed with the preparation of plans and specifications for the minimum improvements hereinafter required by this title and with the preparation of the final plat. (Ord. No. 8-16-00-A) (Ord. No. 6-20-05)

13-2-040. Preliminary Plats - Duration of Approval.

Approval of the preliminary plat by the city council shall be valid for a maximum period of twelve months after approval unless, upon application by the developer, the city council may grant an extension up to six months. If the final plat has not been recorded within the twelve-month period or the extension period granted, the preliminary plat must again be submitted to the city council for re-approval.

Preliminary approval of a large tract shall not be voided if the final plat of the first section thereof is submitted for final approval within one year and an extension of time is granted as to the remainder thereof.

13-2-050. Final Plats - Filing. (Ord. No. 11-26-96 – Section 13-2-050) (Ord. No. 5-6-98 – Section 13-2-050)

Within one year after the approval of the preliminary plat or within the time for which an extension to make such filing has been granted, the original tracing and eight copies of a final plat, along with complete construction drawings of such subdivision shall be submitted to the City at least ten days before the Development Review Committee meeting at which the plat is to be reviewed.

13-2-060. Final Plats - Fees.

Filing fees, as established from time to time by resolution of the City Council, must be tendered before filing of the final plat with the City will be accepted.

13-2-070. Final Plats - Form and Contents.

The final plat of a subdivision shall be in form according to the format approved by Utah County and shall contain the following:

- A. Accurate dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features; the lines, angles, dimensions, State Plane Coordinates, bearings, numbers and square footage of all lots,

blocks and parts reserved for any reason within the subdivision. All dimensions shall be determined by an accurate field survey which shall balance and close within a limit of one in fifty thousand;

- B. All lots and blocks are to be numbered and named in accordance with the street numbering and naming system of the city, unless the city council has given their prior approval for a different naming and numbering system;
- C. All drawings and signatures shall be in waterproof ink or tracing cloth with outer dimensions of twenty-four inches by thirty-six inches. There shall be an unencumbered margin of one and one-half inches on the left-hand side of the sheet and not less than a half inch margin around the other three sides of the sheet. In no case shall the scale be less than one hundred feet to the inch;
- D. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the individual sheets blocked out thereon as a key.
- E. Following final approval of the City, reproducible copies of the final plat and all construction drawings shall be furnished to the City by the developer. (Ord. No. 6-20-05)

13-2-080. Final Plats - Approval Procedure.

Each final plat shall be submitted to the City Engineer for review to ensure conformity to the present ordinances and construction and development standards and for the adequacy and availability of public facilities. If the final plat is not in conformity, the City Engineer shall refer it back to the subdivider or developer with a list of items necessary to bring the final plat into compliance. If the final plat is in conformity, it will be submitted to the DRC with suggestions and comments noted thereon. After considering the recommendations of the City Engineer, the DRC may table the matter, approve, or grant approval upon conditions stated. The DRC acts as the land use authority. If approved, the City Mayor and City Engineer shall sign the final plat. If a ditch is to be piped or abandoned, the applicable irrigation company, which owns the ditch shall also have a representative sign the plat indicating their approval. In the event the irrigation company refuses to sign, the City will request a letter from the irrigation company indicating why they refuse to sign. If the City determines the reason to be unreasonable, it may record the plat without the irrigation company signature. If any conditions are attached, the final plat shall be amended to reflect such changes and an accurate plat shall be submitted to the City Engineer, prior to signing by the Mayor and Engineer. (Ord. No. 5-8-98 – Section 13-2-080) (Ord. No. 04-07-04B)

Each final plat, including all phases of a preliminary plat, are subject to the construction and development standards, policies, and regulations that are in effect at the time of approval for each of the final plats. (Ord. No. 6-20-05)

13-2-090. Final Plats - Title Documentation.

Evidence of title is to be supplied by a policy of title insurance or a preliminary title report, or in such other form as may be required by the city, verifying that the owners listed in the owners' certificate of dedication have sufficient control over the premises to effectuate said dedication without boundary exceptions.

13-2-100. Final Plats - Security/Performance Bond.

- A. The developer of a subdivision shall bond for the proper and timely installation of all subdivision improvements required by the City.
- B. The developer's bond shall guarantee that all required improvements will:
 - 1. Be constructed in accordance with the City's Construction and Development Standards and the construction drawings approved by the City.
 - 2. Be completed and pass City inspection within one (1) year of the date that the final plat is recorded, or any extensions granted by the City Council.
 - 3. Remain free from defects for a period of one (1) year following the date that all improvements pass City inspection. The developer shall repair or replace any improvements which are or become defective during this time period. All repairs or replacements shall be made to the satisfaction of the City. All repairs or replacements shall remain free from defects for a period of one year following the repair or replacement and after passing city inspection. The city may retain the developer's bond until the repairs have lasted through the warranty period, and may take action on the bond if necessary to properly complete the repairs.
- C. The bond guaranteeing the developer's timely and proper installation of required improvements shall be equal in value to at least one hundred percent (100%) of the cost of the required improvements, as estimated by the City Engineer, plus a warranty amount in an additional amount of ten percent (10%) of the total estimated cost of the project improvements pursuant to the City's Construction and Development Standards. The purpose of the bond is to enable the City to make or complete the required improvements in the event of the developer's inability or failure to do so. The City need not complete the required improvements before collecting on the bond. The City may, in its sole discretion, delay taking action on the bond and allow the developer to complete the improvements if it receives adequate assurances that the improvements will be completed in a timely and

proper manner. One hundred percent (100%) of the bond may be in an irrevocable letter of credit, escrow bond, or cash as set forth in sub-paragraph (D). The warranty amount may be ten (10%) of the total estimated cost of the project improvements must be posted in cash. The warranty amount will be used to make up any deficiencies in the bond amount, to reimburse the City for collection costs, including attorney's fees, and to serve as a one year warranty on improvements, as set forth in sub-paragraph (F). (Ordinance 101514B)

- D. The bond shall be an irrevocable letter of credit, escrow bond or cash bond in favor of the City. The City must approve any bond submitted pursuant to this section. The City reserves the right to reject any of the bond types if it has a rational basis for doing so. Letters of credit and escrow bonds shall be from a federally insured bank and shall be submitted on standard forms. (Ord. No. 6-20-05)
- E. Cash Bond.
 - 1. A developer may use a cash bond by tendering the required bond amount in cash or certified funds to the City.
 - 2. Partial releases may be made from the cash bond as allowed for other bond types.
 - 3. The City shall not pay any interest on funds held as a cash bond.
- F. A sum equal to twenty-five percent (25%) of the total bond amount, if posted in an irrevocable letter of credit or escrow bond, or fifteen percent (15%) of the total bond amount, if posted in cash, shall be held and not released for a period of one year after all improvements are completed and final inspection is made by the City. (Ord. No. 1-10-95 / Section 13-3-100[F]),(Ord. No. 11-19-08)
- G. No final subdivision plat shall be recorded until the developer of the subdivision has tendered the bond and entered into an agreement with the City in which the developer agrees to install the improvements as required by this Chapter and agrees to indemnify and hold the City harmless from any claims, suits or judgments arising from the condition of property dedicated to the City, from the time that the property is dedicated to the City to the time when the improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period).
- H. If, for any reason, the funds or bonds set aside or provided for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall be personally liable to complete the

improvements required by this Chapter. If the developer is a corporation, the principal officers of the corporation shall be personally liable to complete the improvements.

- I. The bonds required by this Section are for the sole benefit of the City. The bonds are not for the individual benefit of any citizen or identifiable class of citizens, including the owners or purchasers of lots within the subdivision. The bonds are not for the purpose of ensuring payment of contractors, subcontractors or suppliers of labor or materials, and no contractors, subcontractors or suppliers of labor or materials shall have a cause of action against the City or the bond for providing labor or materials.

13-2-110. Final Plats - Water Transfer.

- A. Prior to receiving final plat approval, the subdivider or developer shall convey to the City the water rights for each lot or residential equivalent unit as set forth herein.
- B. The City has determined that 0.5 acre feet of water is required for indoor use for each residential or residential equivalent unit. If the City Engineer determines that the City has adequate indoor water for the project being proposed, a water master plan and/or water infrastructure (indoor or outdoor) needed by the City may be identified by the City Engineer and the developer may provide cash to the City to provide the planning and/or construct that infrastructure. The amount of cash will be based on the number of units times the market value of indoor water per acre foot at the time of development times by one-half. If the planning and/or infrastructure is not constructed immediately, the City shall place the money into an account specifically dedicated to water master planning and/or the identified water infrastructure and it may only be used for water master planning and/or to construct that infrastructure or a substitute infrastructure intended to replace and provide the same benefit as the identified water infrastructure. (Ordinance 12-13-17)
- C. The City has determined that for each residential unit built within the City, outdoor water in sufficient amounts to meet the water requirements for that size of lot shall be conveyed to the City. The amount to be transferred to meet the outdoor water requirement is shown in Table 1. Projects with common areas, such as multi-family uses, master planned projects, mixed use projects, or un-irrigable areas shall transfer the amount of water as determined by the City Engineer. The Engineer shall take into account permanent buildings, garages, and driveways. The decision of the Engineer is appealable to the City Council, following the process set forth in §13-1-090.

(Ordinance 5-17-17-A)

TABLE 1

| Lot Size in square feet | Water Requirement in acre feet |
|------------------------------------|---|
| 5,000 | 0.14 |
| 6,000 | 0.19 |
| 7,000 | 0.24 |
| 8,000 | 0.29 |
| 9,000 | 0.35 |
| 10,000 | 0.42 |
| 11,000 | 0.47 |
| 12,000 | 0.53 |
| 13,000 | 0.59 |
| 14,000 | 0.65 |
| 15,000 | 0.72 |
| 16,000 | 0.77 |
| 17,000 | 0.82 |
| 18,000 | 0.88 |
| 19,000 | 0.93 |
| 20,000 | 0.99 |
| 21,000 | 1.04 |
| 22,000 | 1.09 |
| 23,000 | 1.15 |
| 24,000 | 1.21 |
| 25,000 | 1.26 |
| 26,000 | 1.32 |
| 27,000 | 1.38 |
| 28,000 | 1.44 |
| 29,000 | 1.49 |
| 30,000 | 1.58 |
| 31,000 | 1.65 |
| 32,000 | 1.71 |
| 33,000 | 1.78 |
| 34,000 | 1.84 |
| 35,000 | 1.91 |
| 36,000 | 1.97 |
| 37,000 | 2.04 |
| 38,000 | 2.11 |
| 39,000 | 2.18 |
| 40,000 | 2.25 |
| 41,000 | 2.32 |
| 42,000 | 2.39 |

| | |
|--------|------|
| 43,000 | 2.46 |
| 44,000 | 2.53 |

- D. All non-culinary quality water historically associated with the land being developed must be transferred to the City to meet the non-culinary water requirements of this section. The City may allow all of the water requirements to be met with non-culinary quality water until the balance of culinary quality and non-culinary quality water becomes more balanced. The City Engineer is authorized to determine how much culinary quality and non-culinary quality water will be accepted, provided that only the following water is acceptable: Strawberry Water, Salem Pond Company Water, water from any of the canal companies which draw their water from the Spanish Fork River, and underground water in Utah County with a point of diversion within the Mt. Nebo Water Agency boundaries, provided that any underground water within the Mt. Nebo Water Agency boundaries which has been transferred to that point of diversion from a source outside those boundaries cannot be approved unless the transfer from the outside source took place prior to September 1, 2014. (ordinance 4-19-17)
- E. Commercial and industrial users shall transfer water based upon a residential equivalent unit, as determined by the City Engineer, who shall act as a land use authority for such decision, with the Council acting as the appeal authority.
- F. In the event of dispute over whether water was previously transferred, the property owner/developer shall have the burden of proof to establish the earlier transfer of water. In the event a previous transfer of water is insufficient to meet the amounts required herein, the developer is responsible to make up the difference.
- G. Properties located within the original charter of the City are exempt from the water transfer requirements of this section, having previously transferred water to the City. (Ord. No. 7-19-06)

13-2-120. Final Plats - Recording. (Ord. No. 11-28-95 – Section 13-2-120) (Ord. No. 5-8-98 – Section 13-2-120)

Following acceptance by the Development Review Committee, the final plat bearing all official approval, shall be deposited in the office of the County Recorder for recording by the City. All costs of recording shall be paid for by the developer. Prior to submission for recording, all bonds for improvements as required by City Ordinance shall be

deposited and/or placed on file with the City. Final plats must be recorded within one hundred eighty (180) days of acceptance and approval by the Development Review Committee. Any plat not recorded within that time shall be deemed null and void.

13-2-130. Final Plats - Amendments. (Ord. No. 5-6-98 – Section 13-2-130)

- A. No change shall be made in a plat which has received final approval unless and until approval for said change has been reviewed by the Development Review Committee and approval granted by the Planning and Zoning Commission and the City Council. Any change on a plat which has been recorded shall first require that the plat be vacated in accordance with the applicable provision of Utah State Law and a new plat of the territory approved and filed in accordance with the procedures and requirements of this ordinance.
- B. A filing fee in an amount set from time to time by resolution of the City Council shall be paid at the time any proposed amendment is submitted.

13-2-140. Final Plat-Inspection Fees.

Prior to the recording of any final plat, an inspection fee in the amount of five percent (5%) of the bond amount as required in §13-2-100 shall be paid to Salem City. These fees are non-refundable and shall be used to offset expenses incurred by the City and the Engineering and Public Works Departments incurred as a result of development. (Ord. No. 6-16-99 – Section 13-2-140) (Ord. No. 6-20-05)

13-2-150. Filing of Minor Subdivision Plat.

Minor Subdivision Plats may be approve for subdivisions of five (5) or fewer lots where those lots conform to applicable zoning standards and where all required infrastructure is adjacent to the subject property, or for lot line adjustments where public utility easement need to be obtained or adjusted by the City. Application for Minor Subdivision Plat approval can be made by completing an application form and submitting the materials to the City required by the construction and development standards of the City.

The City Engineer will review the submission and notify the applicant of any changes that must be made. Once these changes are made, a PDF file of the plat must be submitted to the Public Works Department. Once approved by the DRC, copies in the form and number as required by the Public Works Department shall be submitted. The Applicant must insure that a copy of the signed and approved construction plans is on site at all times during construction.

Each Minor Subdivision Plat shall be accompanied by a filing fee established by the City Council in its annual budget, together with any impact, inspection, testing, connection or other fees which are due before recording.

13-2-160. Form and Contents of Minor Final Plats.

The Applicant must submit a Mylar of the Minor Subdivision Plat to the City in a format approved by the City and County. The Applicant must follow the City Construction and Development Standards.

13-2-170. Review and Approval Procedure of Minor Final Plats.

Minor Subdivision Plat and construction drawings shall be submitted to the City for review to insure conformity to the present ordinances and standards and for the adequacy and availability of public facilities. If the Minor Subdivision Plat or construction drawings are not in conformity, the City shall refer it back to the Applicant with a list of items necessary to bring the Minor Subdivision Plat or construction drawings into compliance. If the Minor Subdivision Plat and construction drawings are in conformity, the plat or complete drawings will be submitted to the Development Review Committee with suggestions and comments noted thereon. The DRC shall act as the Land Use Authority for Minor Subdivision Plat approval. If approved, the Chair of the DRC, Public Works Director, and City Engineer shall sign the Minor Subdivision Plat. If any conditions are attached, the Minor Subdivision Plat or construction drawings shall be amended to reflect such changes and an accurate Minor Subdivision Plat shall be submitted to the City prior to signing.

13-2-180. Recordation of Minor Final Plats

Following acceptance by the DRC, the Minor Subdivision Plat bearing all official approvals shall be deposited in the office of the County Recorder for recording by the City. Only the City may record Minor Subdivision Plats. The Minor Subdivision Plat must be recorded with Utah County within 120 days after approval by the DRC. Approval expires and the plat must be resubmitted if the Minor Subdivision Plat is not recorded within 120 days. All inspection, testing and /or connection fees required by ordinance shall be paid and permits required shall be obtained prior to the recordation of the Minor Subdivision Plat.

13-2-190. Commencement/Completion time frame for Minor Final Plats

- A. Prior to the construction of any improvements required by the Title, the Applicant shall meet the following criteria:
 - 1. Meet the City Construction and Development Standards.
 - 2. Provide the full security deposit required by this title.
 - 3. Provide all inspection fees required by this title.
 - 4. Meet all conditions for approval.
- B. All improvements within minor subdivisions must be completed within one year of the date of recordation. If improvements are not completed within the time limitation imposed herein, the City may forfeit any bond which shall have been posted by the owner or subdivider.
- C. This section is not applicable to minor plats created for the purpose of making lot line adjustments.

13-2-200. Amendments to Minor Final Plats

The City Engineer may approve minor amendments to approved Minor Subdivision Plat before the Minor Subdivision Plat is recorded, if he/she finds that the proposed amendments do not jeopardize the interest of the City or adjoining property owners. The

types of amendments contemplated by this section may include, but not be limited to, legal description mistakes, minor boundary changes and items that should have been included on the original Minor Subdivision Plat. Major amendments to unrecorded approval Minor Subdivision Plat shall go back through the approval process. (ordinance 3-16-16A)

**CHAPTER 3 -
IMPROVEMENTS, DESIGN STANDARDS AND PUBLIC FACILITIES**

13-3-010. Availability of Adequate Public Facilities.

- A. No application for subdivision approval shall be granted until such time as the applicant has provided information, to the satisfaction of the city, to establish that adequate public facilities exist in the areas affected by the development to accommodate the development.
- B. The public facilities to which the preceding paragraph applies shall include the following, all of which the City considers essential services necessary to adequately meet the needs and demands of its residents:
 - 1. The City culinary/drinking water system, including quantity, quality, treatment, storage capacity, transmission capacity, and distribution capacity;
 - 2. The City sanitary sewer system, including treatment, overall capacity, outfall lines, laterals, lift stations and collector lines;
 - 3. The City electric power system, including generation, transformation, transmission, and distribution;
 - 4. The City storm water system, including collection and transmission lines, detention, retention, erosion, and flood control facilities;
 - 5. Streets and roads, including arterial and collector street, sidewalks, curb and gutter, and related transportation facilities;
 - 6. City recreational facilities, including ballparks, playgrounds, parks and trails;
 - 7. The City pressurized irrigation system, including quality, treatment, transmission, storage, and distribution capacity;
 - 8. Natural gas, through an approved franchise holder, including transmission and distribution capacity;
 - 9. Telecommunications services, through an approved franchise holder, including transmission and distribution capacity. (ordinance #101718)
- C. The adequacy of public facilities shall be determined in accordance with the Salem City construction and development standards, the various master plans and the comprehensive general plan of the city, and at the discretion of the City Council.

13-3-020. Unavailability of Adequate Public Facilities.

1. In the event that the city engineer determines that adequate public facilities are not available and will not be available by the time of final plat approval, so as to assure that adequate public services are available at the time of occupancy, the following alternatives may be elected, at the discretion of the city council:

- A. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as determined by the city engineer and by entering into an appropriate form of connector's agreement, which may include, as deemed appropriate by the city engineer, provisions for recoupment of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained. A request for a connector's agreement must be made, in writing, by the developer within thirty (30) days of completion of the installation of the improvements; (Ordinance 51811B)
 - B. Requiring the timing, sequencing, and phasing of the proposed development consistent with the availability of adequate public facilities;
 - C. Deferring final plat approval and the issuance of building permits until all necessary public facilities are adequate and available; or
 - D. Denying plat approval and allowing the applicant to reapply when adequate public facilities are available.
2. In the event the City installs infrastructure improvements which benefit specific properties, it may also recover reimbursement on a pro-rata basis from the benefitted properties when they develop, on the same basis as a developer would recover reimbursement with a connector's agreement as set forth in paragraph 1.
3. When a connector's agreement is granted, or the City installs infrastructure for which it will be reimbursed, the City will record a notice against the benefitted properties so that a future owner/developer will be on notice of developments costs association with that parcel. Such notice is not a lien, but is merely notice of potential development costs. (ordinance 9-17-14)

13-3-030. Construction of Improvements.

Any new development, subdivision, or commercial building is required to connect to all services provided by the City or an approved franchise holder, as identified in §13-3-010 (B). All improvements shall be installed in accordance with the Construction and Development Standards. During construction, all debris must be kept in a container which is wholly located on the lot where the construction is taking place. Failure to keep debris in the

container may result in a red tag for that building. A certificate of occupancy may not be issued until all debris related to that building, wherever located, is cleaned up. Portable toilets, used during construction, may not be located on public property or rights-of-way, including sidewalks and streets. The expense of all improvements and installations, including but not limited to expenses for all of the foregoing items and for area-wide topographical drainage, engineering, ecological or other work or study, shall be borne by the owner or subdivider or developer subject to such terms and conditions as may be required by the city council by way of ordinance, resolution, contract or otherwise. The failure of any owner or subdivider to comply with the terms of this provision or his failure to complete the installation of all of the foregoing installations, fixtures or improvements or such others as may be required by the city council from time to time, shall result in the forfeiture of the bond or other security posted. No building, installation, improvement or other permit shall issue to any developer, builder, owner, subdivider or to any business entity having a full or limited partner, owner, shareholder or officer who has once failed to comply with the provisions hereof or who has failed to complete the installation of all improvements, fixtures and installations required by this section or by the city council on any previous construction or improvement project or subdivision. Any subdivision not in full compliance with this section shall not be connected to or receive any of its municipal services, including but not limited to water, sewer, pressure irrigation, electricity or refuse removal services. (ordinance 10-17-18)

13-3-035. Walls.

A masonry wall shall be constructed between any residential and commercial development. The Council may waive this requirement, or modify it to require a high density polyethylene wall, if the nature of the two developments are such that no wall, or density polyethylene type of wall, will adequately provide the aesthetics and protections sought for in a masonry wall. Cost differences shall not be a consideration in granting a waiver or modification. (Ordinance 51811B)

13-3-040. Streets.

The developer shall construct all streets required by the subdivision as specified by the city council in accordance with the city construction and development standards.

13-3-050. Sewers and Sewage Facilities.

The developer shall connect each lot with the city sewer system in accordance with the ordinances of the city and pursuant to the construction and development standards and/or other codes adopted by the city. All said work shall be done as directed and under the supervision of the city engineer and building inspector.

13-3-060. Water Supply.

The developer shall connect the subdivision with the city water system with all appurtenances and shall make such water available to each lot within the subdivided area. Adequacy of supply and sizes of water mains shall be designated by the city engineer, or by such personnel as the city council may designate.

Workmanship and details of construction shall be in accordance with city construction and development standards and/or other codes adopted by the city. All work in connection

with water services shall be done as directed and under the supervision of the city engineer and building inspector.

13-3-070. Pressurized Irrigation.

The developer shall install pipes and all appurtenances necessary to accommodate a pressurized irrigation system for all outside watering. The system shall be installed as directed by the city, with pipe sizes as designated by the public works director.

13-3-080. Curb, Gutter and Sidewalk.

Curbs, gutters and sidewalks shall be built on all existing and proposed streets required by the subdivision in accordance with the city construction and development standards. The developer shall also set mailboxes along the curb as directed by the city.

13-3-090. Fire Hydrants.

Fire hydrants shall be installed at all locations indicated on the final plat and meet all of the city qualifications and specifications.

13-3-100. Survey Monuments.

Not less than two permanent survey monuments shall be installed in each subdivision. The location of the monument shall be shown on the final plat. Also all corners on the subdivision and all lot corners in the subdivision shall be marked.

13-3-110. Electricity.

A. The developer shall connect the subdivision with the City electric power system pursuant to the Construction and Development Standards adopted by the City. All work shall be done as directed and under the supervision of the City Engineer and/or Power Department Superintendent. (ordinance #101718)

B. Street lights shall be installed at all locations indicated on the final plat. Said Street lights shall conform to City requirements as set forth in the Construction and Development Standards. (ordinance #4-25-95)

13-3-120. Storms, Sewers - Drainage.

- A. The storm water produced from the subdivision development shall be properly disposed of within the limits of the subdivision or in conformance with the city's drainage plan.
- B. Pipes and other facilities for the disposal of storm water shall be installed as directed by the city. The location, size, and design of said facilities shall be in accordance with the city's storm water disposal plans and standards or as directed by the city engineer.
- C. All subdivision proposals shall be consistent with the need to minimize flood damage. The subdivision layout shall make adequate provision for natural drainage channels and floodways. All water, sewer, and other utility systems

and facilities located in designated flood areas shall be designed and constructed to minimize flood damage, including the infiltration of flood water into the system, or the discharge of the system into the flood waters. Base flood data shall be provided by the developer as part of the preliminary plat.

- D. Storm drainage, runoff water, nor ground water shall be permitted to enter or flow into the sanitary sewer system.

13-3-125. Telecommunications.

The developer shall provide conduit for telecommunications services to the development pursuant to the Construction and Development Standards adopted by the City. All work shall be done as directed and under the supervision of the City Engineer and/or Power Department Superintendent. (ordinance #101718)

13-3-130. Environmental Standards.

- A. Placement of streets, buildings, and the designation of building sites on areas of unstable soil shall be prohibited. It shall be the developer or subdividers responsibility to test and establish the stability of the soil. Soils with significant erosion hazard shall be protected. Revegetation or other erosion control measures shall be imposed as a condition of subdivision approval.
- B. Where applicable, other adverse environmental conditions must also be eliminated or adequately accommodated. Additional conditions shall include, but not be limited to, seismic land slides, uncontrolled fires, and ground water.

13-3-140. Underground Utilities.

Utilities including electrical, transformers, telephone, street lights electrical power supply, telecommunications lines, and cable television lines shall be underground. The City may approve an exception if the developer can demonstrate that such underground lines are not feasible. The cost of placing such lines underground shall not be deemed feasible grounds. (Ordinance #4-18-18-B)

13-3-150. Utility Connection.

It shall be the responsibility of the developer to connect to any utilities or improvements wherever they are located and extend those improvements to and through the development as shown on the final plat.

13-3-160. Street Signs.

Street Signs shall be installed at all locations indicated on the final plat. Location and design of said signs shall conform to minimum city standards and directions.

13-3-165. Roof Pitch. (Ord. No. 6-13-95)

A minimum roof pitch for any residential building constructed within the Salem City limits shall be 4:12.

13-3-170. Contractor.

All work performed in accordance with this title shall be performed by a contractor licensed to perform such work by the State of Utah.

13-3-180. Time Limitation for Completion.

All improvements listed herein must be completed within one year of the date of approval. Improvements which are not completed within the time limitation imposed herein shall work a forfeiture of any bond or surety which shall have been posted by the owner or subdivider.

13-3-190. Conflict of Interest.

No employee or agent of the city shall work for or be employed by any subdivider, developer, or contractor for the purpose of constructing or installing any of the subdivision improvements, provided that this section shall not apply to any independent engineering contractors or any other independent contractors employed by the city on a contract, or project by project basis.

13-3-200. Engineer - Surveyor.

All engineering work must be done by or under the direction of a professional engineer licensed in the State of Utah. All land survey work must be done by or under the direction of a land surveyor licensed by the State of Utah. (Ord. No. 6-20-05)

13-3-210. Variances.

Variances to the strict applications of the standards and specifications adopted in this section may be authorized by the City Council at the recommendation from the Planning Commission. Such variances may be granted only upon a finding that because of topographical or other unique physical conditions, the standard appealed from:

1. Is unnecessary for the proper development of the subdivision and will not be required in the future;
2. Would cause an unreasonable hardship if adhered to; and
3. May be granted without destroying the intent of the standards of this section.

Any variance so authorized shall be stated on the final plat.

13-3-220. Affordable Housing Standards. (Ord. No. 6-17-98 – Section 13-3-220.) (Ord. No. 8-20-03)

Repealed – Ordinance 9-05-07

CHAPTER 4 - IMPACT FEES

13-4-010. Impact Fees, Ratification, Authorization.

Salem City is hereby authorized to establish and collect impact fees as a condition of granting subdivision plat approval and/or as a condition of the issuance of a building permit and/or as a condition of connection to City facilities that have an impact fee associated with them. All prior impact fees assessed and collected by the city are hereby ratified.

13-4-020. Purpose of Impact Fees, Limitations.

(Ord. No. 7-25-95 – Section 13-4-020)

The purpose of impact fees is to provide necessary funding for capital improvements to public facilities, including water, sewer, electric power, storm drainage, pressurized irrigation, streets and roads, public safety, recreation or any other public facility authorized by Chapter 36 of title 11, Utah Code Annotated. Impact fees collected shall be used only for capital improvements to the public facility for which it was assessed.

13-4-030. Determination. (Ord. No. 7-25-95 – Section 13-4-030)

The city council may set impact fees based on studies and analyses of the anticipated costs to provide adequate public facilities to new developments. The amount of the impact fees shall not exceed the anticipated cost of providing adequate public facilities which become necessary as a result of the development. The City may also impose an impact fee for public facility costs previously incurred to the extent that new growth and development will be served by the previously constructed improvement. In setting the amount of the fee, the council shall take into consideration the following factors:

- A. The cost of existing capital facilities;
- B. The manner of financing existing facilities;
- C. The relative extent to which newly developed property and other properties within the city have already contributed to the costs of existing capital facilities;
- D. The relative extent to which newly developed properties and other properties within the city will contribute to the cost of existing capital facilities in the future;
- E. The relative extent to which newly developed properties are entitled to a credit because the city may be requiring owners or developers to provide common facilities that have historically been provided by the city and financed through general taxation or other charges in other parts of the city;
- F. The extraordinary costs, if any, in servicing newly developed properties;
- G. The time-price differential inherent in fair comparison of amounts paid at different times.

13-4-040. Method of Assessing. (Ord. No. 7-25-95 – Section 13-4-040.)

The city council may establish and assess impact fees by an impact fee enactment and by complying with the notice and hearing provisions of Utah Code Ann. §11-36-202.

13-4-050. Special Exceptions. Ord. No. 7-25-95 – Section 13-4-050.)

- A. The City Council retains the authority to adjust any impact fee imposed in order to respond to unusual circumstances in specific cases and to insure that impact fees are fairly imposed. Economic hardship shall not be considered an unusual circumstance justifying an adjustment to the impact fee.
- B. The City Council may, at its sole discretion, adjust any impact fee, on the basis of justice and equity, based upon studies and data submitted by the developer.
- C. The City Council may, at its sole discretion, waive any impact fee for governmental development or other development activities with broad public purposes. Any development undertaken to gain a profit, whether or not a profit is realized, does not qualify as a broad public purpose.
- D. The City Council may, at its sole discretion, allow a full or partial credit against impact fees for any system improvements provided by the developer that are required as a condition of approval of the development activity.

(Ord. No. 6-17-98 — Section 13-4-050[E])

- E. Impact fees may be waived for lots designated as affordable housing lots as set forth in the impact fee enactment ordinances. (Ordinance 1-22-20)

CHAPTER 5 – PLANNED UNIT DEVELOPMENTS
Repealed 3-18-15