

ROLL CALL VOTING:	YES	NO
Mayor Brent Winder (tie only)	[]	[]
Council Member Ben Hillyard	[X]	[]
Council Member Brian Hutchings	[X]	[]
Council Member Dorel Kynaston	[X]	[]
Council Member Janet Lunt	[X]	[]
Council Member Kari Malkovich	[X]	[]

I move that this Ordinance be adopted.

Kari Malkovich
Council Member

I second the foregoing motion.

[Signature]
Council Member

Ordinance 2025-10

SUBDIVISION ORDINANCE AND CODIFICATION

An Ordinance Revising the Subdivision Ordinance of Woodland Hills, Utah

WHEREAS the City Council of Woodland Hills, Utah, pursuant to the provisions of §10-3-707 of Utah State Code, as amended, has the authority to revise ordinances of the municipality of a general and permanent character;

WHEREAS the City Council has reviewed the proposed revisions and has made such changes, alterations, modifications, additions, and substitutions as it deems best; and

WHEREAS the City Planning Commission has held a public hearing on the proposed revisions and provided a recommendation to the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF Woodland Hills, UTAH:

SECTION I: The document titled "Title 11 Subdivision Ordinance", attached as Exhibit 'A', is hereby adopted as a replacement for the currently existing Title 11 of the City's ordinances (governing the subdivision of land within the City), subject to any immaterial changes that may occur post-adoption during the codification process. This document shall be accepted in all courts without question as the official subdivision ordinances of the City as enacted by the City Council.

SECTION II: If any provisions of the City's code previously adopted are inconsistent, they are hereby repealed.

SECTION III: This ordinance being necessary for the peace, health, and safety of the municipality, shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Woodland Hills, Utah, this 11th day of March, 2025.

[Signature]
Brent T. Winder
Mayor of Woodland Hills, Utah

ATTEST:

[Signature]
Jody Stones
Woodland Hills City Recorder

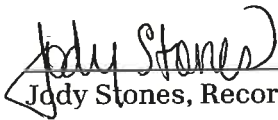


CERTIFICATE OF POSTING ORDINANCE
For the City of Woodland Hills

I, Jody Stones, the duly appointed Recorder for the City of Woodland Hills, hereby certify that copies of the foregoing Ordinance No. 2025-10 were posted at three public places within the municipality this 12 th day March of 2025 which public places are:

1. Utah Public Notice Website
2. Woodland Hills City Center, 690 S. Woodland Hills Drive
3. Woodland Hills Web Site, www.woodlandhills-ut.gov

Dated this 12th day of March, 2025.



Jody Stones, Recorder



Title 11: Subdivision

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11.1 Administration and Enforcement

11.1.1 Title

This Title shall be entitled the *WOODLAND HILLS SUBDIVISION ORDINANCE* and may be so cited and pleaded.

HISTORY:

(Ord., 8-17-1994)

11.1.2 Purpose and Intent

A. The purposes of this Title shall be as follows:

1. To promote the health, safety, convenience, and general welfare of the present and future inhabitants of the City;
2. To facilitate the transfer of land having accurate legal descriptions;
3. To provide for the development of a wholesome and attractive environment within and adjacent to the City;
4. To set forth the rights, duties and obligations of subdividers with respect to the subdivision and development of land;
5. To facilitate the implementation of the general plan for the City and to comply with the proposals and requirements of the zoning ordinance respectively;
6. To encourage orderly development of land to obtain harmonious and stable neighborhoods;
7. To provide for reservation and dedication of land for safe and convenient pedestrian and vehicular circulation and public open spaces for recreation and other public purposes;
8. To provide for the construction of streets and utilities which will be adequate and economical to maintain; and
9. To assure the accurate surveying of land and preparing and recording plats.

HISTORY:

(Ord., 8-17-1994)

11.1.3 Scope of Applicability

This Title applies to any application to subdivide land in the City. The requirements of this Title do not apply retroactively to any subdivision application that was approved by the City prior to the enactment of this ordinance.



11.1.4 Land Shall be Subdivided Before Recording

- A. From the effective date hereof, no person may subdivide any tract of land which is located wholly or in part within the City, sell, exchange or purchase any parcel of land which is any part of a subdivision of a larger tract of land within the above described territory, or offer for recording any deed conveying a parcel of land or any interest therein, unless the person shall first have or cause to have made a plat thereof, which plat must be approved by the Planning Commission and which has been recorded with the county recorder before such sale or exchange or purchase is affected. Approval of a final plat shall be subject to compliance with the requirements of this and other City ordinances and policies.
- B. A Subdivision of land is not valid unless its governing document is approved by the Administrative Land Use Authority and properly recorded in the County Recorder's Office.

11.1.5 Interpretation

The provisions of this Title shall be construed to be the minimum requirements necessary for the preservation of public health, safety and welfare within the City. This Title is not intended to conflict with any statutes, laws, or regulations of the state or county, except that this Title shall prevail in cases where the Title imposes a lawful restriction or requirement more severe than existing statutes, laws or regulations.

HISTORY:

(Ord.,8-17-1994)

11.1.6 Validity

If any section or provision of this Title is declared invalid by a court of competent jurisdiction, such decision may not affect the validity of this Title as a whole, or any part thereof, other than the section or provision so declared to be invalid, nor may the decision affect its application to different facts or circumstances.

HISTORY:

(Ord., 8-17-1994)

11.1.7 Conflict

- A. If any provision in this Ordinance conflicts with Utah statutes, the more stringent or restrictive provision shall apply.
- B. Any ordinance, regulation, resolution, or part thereof which is in conflict herewith, to the extent of such conflict, is hereby repealed.

11.1.8 Amendment Procedure

- A. The City shall follow the following procedure in amending this Title, as required by Utah Code:

- 1. Planning Commission Public Hearing and Recommendation: The Planning



Commission shall hold a public hearing on the proposed amendment before making its recommendation to the City Council. The Planning Commission shall provide at least 10 days' notice of the public hearing prior to the date of the public hearing.

2. City Council Decision: Upon receiving the Planning Commission's recommendation, the City Council may adopt, amend, or reject the proposed amendment.

HISTORY:

(Ord., 8-17-1994)

11.1.9 Penalty

- A. Any person, firm, or corporation who transfers or sells any lot or land in a "subdivision," as defined in Section 11.2.1 of this Title, without approval by the Planning Commission and without recordation in the Office of the County Recorder, shall be guilty of a class C misdemeanor for each lot or parcel of land so transferred or sold, and subject to penalty as provided in Section 1-4-1 of this code.
- B. The City may also institute injunction, mandamus or other appropriate action or actions to prevent violation of the provisions of this Title.
- C. Any person, firm, or corporation violating any of the provisions of this Title shall be guilty of a Class C misdemeanor and, upon conviction thereof, may be subject to penalty as provided in Section 1-4-1 of this Code. Each day that a violation exists shall constitute a separate offense. The imposition of any sentence or fine shall not exempt the offender from compliance with the requirements of this Title.

11.1.10 Administrative Land Use Authority

- A. The Administrative Land Use Authority for any subdivision application is the Planning Commission which shall be responsible for the following, but may delegate certain duties to City staff, the Technical Review Committee ("TRC"), or individual members of the TRC to:
 1. Finalize land use decisions related to subdivision applications;
 2. Review subdivision applications in an impartial manner in compliance with the standards and deadlines described herein;
 3. Convene one public hearing for any subdivision application at the City's discretion;
 4. Provide feedback to any applicant on the applicant's subdivision application;
 5. Schedule and hold a pre-application meeting with any potential applicant when requested by the applicant;
 6. Maintain current application forms and related informational material, publish or make the application forms and informational material publicly accessible, and distribute the application forms and informational material to potential applicants by City staff;



7. Provide timely notice to any entity or applicant as required by this Title by City staff; and
 8. Verify that documents are properly submitted with the County after final subdivision application approval and note whether or not final recordation of the subdivision has occurred.
- B. Any subdivision application decision is administrative, not legislative. The Planning Commission is authorized to make any subdivision decision described in this Title without City Council approval.
- C. The City Council may not require the Planning Commission to approve, deny, or amend any subdivision application. The City Council or any member thereof may not serve on the Planning Commission.

11.1.11 Appeal Authority. Hearing Officer.

- A. The Appeal Authority for City decisions under this Title shall be the Hearing Officer, except for a panel convened to hear a dispute arising on a subdivision improvement plan review as required in Utah Code Ann. § 10-9a-604.2.
- B. The Hearing Officer shall hear any appeal on any administrative delay, adverse action, or final decision of the Administrative Land Use Authority in administering the provisions of this Title.
- C. Any petitioner appealing the written decision by the Administrative Land Use Authority under this Title shall exhaust its administrative remedies under this Section before bringing an action against the City in a court of law.
- D. Any applicant who has submitted a subdivision application may file an appeal to the Hearing Officer within 10 days after the occurrence of delay, adverse administrative action, or final written decision.
- E. Any party may file an appeal or complaint in writing. The appeal shall include:
 1. A brief explanation of the relief the petitioner seeks;
 2. The clear statement of facts and grounds for relief;
 3. The most recent version of the subdivision application or subdivision improvement plan the applicant submitted; and
 4. Any supplemental documentation or information that the Appeal Authority requests.
- F. The petitioner must file the appeal with the City Recorder through email or mail, using the Recorder's official City address and/or email account listed on the City website.
- G. After receiving a complete appeal or complaint in accordance with this Section, the Hearing Officer shall render a written decision to the applicant within a reasonable time.



11.2 Definitions

11.2.1 Definitions

- A. Words in this Title are normally used in their ordinary English usage. Certain terms are, however, defined in this Chapter, and wherever used in this Title, they shall have the meaning as set forth in this Chapter, except where the context clearly indicates a different meaning.
- B. The word "shall" is to be interpreted as mandatory and shall be complied with unless waived; "may" is to be interpreted as having permission or being allowed to carry out a provision; "should" is to be interpreted as expressing that the application of said criteria or standard is desired and essential unless commensurate criteria or standards are achieved.
- C. All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary.
 - 1. **ADMINISTRATIVE LAND USE AUTHORITY:** The Planning Commission appointed by the City to make final subdivision application decisions, excluding the city council or a city council member as the legislative body. "Administrative land use authority" includes any appropriately authorized designees.
 - 2. **AFFECTED ENTITIES:** Any entity, county, municipality, local district, or special service district that provides a service to an owner of record of the portion of the plat that is being vacated or amended.
 - 3. **APPLICANT:** Any person, firm, corporation, partnership, association, or other entity that files a completed subdivision application with the City for subdivision approval.
 - 4. **ASSOCIATION:** A corporation or other legal entity, any member of which:
 - a. Is an owner of a residential lot located within the jurisdiction of the association, as described in the governing documents; and
 - b. By virtue of membership or ownership of a residential lot is obligated to pay:
 - i. Real property taxes;
 - ii. Insurance premiums;
 - iii. Maintenance costs; or
 - iv. For improvement of real property not owned by the member.
 - 5. **BUILDING OFFICIAL:** The person identified and authorized in City Code Section 9-1-1 B charged with the enforcement of this Title.
 - 6. **CITY:** The City of Woodland Hills, Utah.
 - 7. **CITY ENGINEER:** A registered professional engineer retained by the City of Woodland Hills to perform engineering services for the City.
 - 8. **COMMISSION:** The Planning Commission for the City of Woodland Hills.
 - 9. **COMMON AREA:** Property that the Association:



- a. Owns;
 - b. Maintains;
 - c. Repairs; or
 - d. Administers.
10. **COMPLETION ASSURANCE:** A surety bond, or other equivalent security required by the City to guarantee the proper completion of landscaping or an infrastructure improvement required as a condition precedent to recording a subdivision plat.
 11. **CONCEPT PLAN:** The conceptual layout of a proposed subdivision drawn to scale and on a topographic map.
 12. **DECLARANT:** All persons who execute the declaration or on whose behalf the declaration is executed. From the time of the recordation of any amendment to the declaration expanding an expandable condominium, all persons who execute that amendment or on whose behalf that amendment is executed shall also come within this definition. Any successors of the person referred to in this subdivision who come to stand in the same relation to the condominium project as their predecessors also come within this definition.
 13. **DECLARATION:** Instrument by which the property is submitted to the provisions of this act, as it from time to time may be lawfully amended.
 14. **DWELLING:** Any building or portion thereof designed or used exclusively as the more or less permanent residence or sleeping place of one or more persons.
 15. **EASEMENT:** That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner of said property. The easement may be for use on, under or above said lot.
 16. **FACILITY OWNER:** Any individual, entity, mutual water company, or unincorporated organization:
 - a. Operating a water conveyance facility;
 - b. Owning any interest in a water conveyance facility; or
 - c. Having a property interest in real property based on the presence of the water conveyance facility located and operating on the real property.
 17. **FINAL PLAT:** Any subdivision map prepared in accordance with the provisions of this Title, which is designed to be recorded with the office of the county recorder. It is also an instrument for subdividing property into lots as described on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with Sec. 10-9a 603 or Sec. 57-8-13 of Utah State Code (as amended).
 18. **GENERAL PLAN:** An overall plan for the long-range growth and development of the City of Woodland Hills with an emphasis on land use and transportation.
 19. **HEARING OFFICER:** The Appeal Authority appointed by the Mayor and approved by the City Council to hear any disputes arising from subdivision application procedures and administrative decisions.



20. **LAND USE APPLICATION:** The application required by the City and submitted by a land use applicant to obtain any land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.
21. **LOCAL HEALTH DEPARTMENT:** The Utah County Health Department.
22. **LOT:** A division of land separated from other divisions for purpose of sale, lease or separate use, described on a recorded subdivision plat, recorded survey map or by metes and bounds.
23. **ORDINANCE:** The adopted subdivision ordinance for the City of Woodland Hills.
24. **PERIOD OF ADMINISTRATIVE CONTROL:** The period of control described in Utah Code Ann. Subsection 57-8-16(1).
25. **PLANTING SCREEN:** A twenty-foot (20') buffer that is landscaped with coniferous and deciduous plant material for screening purposes and including earth berms, depending on the topographic characteristics of the area.
26. **PUBLIC LANDSCAPING IMPROVEMENT:** Landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:
 - a. Will be dedicated to and maintained by the City; or
 - b. Are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.
27. **REGISTERED ENGINEER:** A professional engineer registered to perform engineering services in the state of Utah.
28. **REGISTERED LAND SURVEYOR:** A professional land surveyor registered to perform land survey services in the state of Utah.
29. **REGISTERED LANDSCAPE ARCHITECT:** A professional landscape architect registered to perform landscape architectural services in the state of Utah.
30. **REVIEW CYCLE:** The occurrence of:
 - a. The applicant's submittal of a complete subdivision application;
 - b. The City's review of that subdivision application;
 - c. The City's Response to that subdivision application; and
 - d. The applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.
31. **SECURITY OF PERFORMANCE BOND AGREEMENT:** The performance bond agreement as executed between the City and the applicant/developer and transferred and assigned through the Bank's escrow account to the City to secure the proper and complete installation of infrastructure improvements in accordance with the City's agreements, specifications, rules, and regulations.
32. **STATE ENGINEER'S INVENTORY OF CANALS:** The state engineer's inventory of water conveyance systems established in Utah Code Ann. §73-5-7.



- 33. **STREET, COLLECTOR:** A street designated in a subdivision that collects internal traffic movements from minor streets within a large subdivision and connects such areas with the arterial street system.
- 34. **STREET, MAJOR:** A street or road designated as a principal thoroughfare or major arterial on the City street plan.
- 35. **STREET, MINOR:** Any dedicated street serving as a principal means of access to property, intended to serve the local needs of the neighborhood.
- 36. **SUBDIVIDER:** Any person, firm, corporation, partnership, association, or other entity which causes land to be subdivided into a subdivision for himself or others.
- 37. **SUBDIVISION:** Any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions.
 - a. "Subdivision" includes:
 - i. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and
 - ii. Except as provided in subsection (b) of this definition, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.
 - b. Subdivision does not include:
 - i. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance.
 - ii. A recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if:
 - 1. No new lot is created; and
 - 2. The adjustment does not violate applicable land use ordinances.
 - iii. A parcel boundary adjustment.
 - c. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.
- 38. **SUBDIVISION IMPROVEMENT PLAN:** The civil engineering plans associated with required infrastructure improvements and municipally controlled utilities required for a subdivision.
- 39. **SUBDIVISION ORDINANCE REVIEW:** A review by the City to verify that the subdivision application meets the criteria of the City's subdivision ordinances.
- 40. **SUBDIVISION PLAN REVIEW:** A review of the Applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with City ordinances and applicable standards and specifications.



41. **TECHNICAL REVIEW COMMITTEE (TRC):** A board appointed or employed by the City, including City staff. The TRC includes the Building Official, Zoning Enforcement Officer, Recorder, Planning Commission Chair, City Engineer, and others as needed. The TRC is created and established to review land use applications and ensure that the proposed use, activity, building or structure is consistent with the City's General Plan, complies with requirements of the City's land use and zoning regulations, and otherwise meets the requirements of this Title.
42. **UNDERGROUND FACILITY:** Personal property that is buried or placed below ground level for use in the storage or conveyance of any of the following:
 - a. Water;
 - b. Sewage;
 - c. Communications;
 - d. Electric power;
 - e. Oil;
 - f. Gas;
 - g. Steam;
 - h. Slurry; or
 - i. Other dangerous materials or products.
43. **WATER CONVEYANCE FACILITY:** means a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. "Water conveyance facility" does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.



11.3 Subdivision Applications

11.3.1 Plans and Plats Required

Before any subdivider shall transfer or contract for the transfer of or offer to transfer any subdivisions of land, or any part thereof, which is laid out wholly, or partially, within the corporate limits of the City, such subdivider shall file a final plat of a subdivision, together with detailed plans and specifications for all required improvements and appurtenances thereto with the Planning Commission and obtain the approval, conditional approval and final approval thereof as hereinafter provided.

11.3.2 Process and Requirements

A. To be considered complete, a subdivision application must include at least the following elements:

1. An approved land use application that describes how the property will be used after it is subdivided.
 - a. If the intended use is permitted by right under City ordinances, the land use application must include citations to the specific ordinance that the applicant believes authorizes the intended use.
 - b. If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an approved, City-issued permit authorizing the intended use. If an applicant seeks a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
 - c. If the intended use is prohibited under City ordinances and requires a variance, the land use application must include an approved, City-issued variance authorizing the intended use. If an applicant seeks a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.
 - d. If the intended use is a Planned Unit Development (PUD), the land use application must include a City-issued approval authorizing the intended use.
2. A plat, unless exempted under Section 11.3.3, that includes:
 - a. The Final Plat shall be prepared and certified by a Professional Land Surveyor licensed by the State of Utah. Drawings shall be on mylar (initial reviews can be on paper) having outside dimensions of 24x36 inches. The border of the Plat shall be drawn in heavy lines, leaving a margin of at least 1-1/2 inches on the left-hand side of the sheet, and at least 1/2 inch on the remaining 3 sides of the sheet. The Plat shall be drawn so that the top of the sheet either faces North or East. All lines, dimensions, and markings shall be made on the mylar with permanent, waterproof, black "India Drawing Ink", or equivalent. The Plat shall be drawn/plotted to a conventional scale (i.e. 20,30,40,50,60) large enough to clearly show all details. The workmanship on finished drawings shall be neat, clear, and readable. The



prepared form adopted by Utah County is preferred. A poorly drawn or illegible Plat is sufficient cause for rejection.

- b. Title Block showing: the subdivision name, type of development, date of preparation, and owner's dedication; a paragraph of acceptance by the Planning Commission, the Mayor, the City Recorder, and the City Engineer; the City Engineer's stamp and signature block, and the contact information of the owner, developer, designer, engineer, and surveyor.
- c. North Arrow, scale, and vicinity map.
- d. Accurately drawn boundary of Plat, drawn as a heavy, solid line, showing the proper bearings-distances, etc., tied to Public Survey Monumentation. Said tie must include a bearing-distance along a Section or 1/4 Section line as part of the tie. A rectangular tie (i.e. North **xxx.xx'** and East **xxx.xx'**) from a monument is inadequate. Proper Basis of Bearing must be promulgated.
- e. The names, widths, lengths, bearings, curve data, etc. on the center lines of proposed streets 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, and numbers of **all** proposed lots, parcels reserved for any reason within the subdivision. In any case, provide adequate dimensions, ties, widths, etc. to enable reproduction and/or establishment of any part or portion of Plat. All lots shall be numbered consecutively under a definite system. All proposed streets shall be named or numbered in accordance and **in** conformity with the street naming and numbering system of Woodland Hills. All streets must also be shown on the plat as "Public" or "Private", as applicable.
- f. Curve data on all curves in the Subdivision including radius, arc length, delta, and chord bearing and distance.
- g. Areas of all lots-parcels in square feet. Areas for lots larger than 1 acre in size may be noted in acres.
- h. Location of all proposed Survey monuments as provided in City Standards for monument requirements.
- i. FEMA Flood Zones or Flood Ways, if applicable, and all necessary easements associated with drainage channels.
- J. Identification of the buildable area of each lot, including setback details for each lot, which must comply with City Code Section 10.8.5. Any area within 30 feet of any natural or man-made drainage channel shall be marked as a non-buildable area.
- k. State Code requires that all existing rights-of-way and easements of record be shown on the Plat with applicable Book/Page recording information. These may include any existing easements, etc. crossing through, or affecting the subdivision in some manner.



- I. Location of existing geological hazards according to the "Utah County Geological Hazards" map or other professionally qualified onsite investigation. Include all proposed hazard mitigation plans, improvements or restrictions.
 - m. A summary of total project acreage, total acreage in lots, total number of units, total acreage of open space or other dedicated parcels, total acreage in roads, lane miles of road, and zone.
 - n. All information required by the Planning Commission or City Engineer after review.
 - o. Notation explaining how all storm water runoff will be handled on the site.
 - p. A tabulation table indicating the total subdivision area, number of lots, density, zoning, and open space area.
 - q. If the subdivision includes a condominium, the requirements found in Utah Code Ann. § 57-8-13, as amended.
3. Reports and studies including:
- a. A traffic study, if one is required by an applicable UDOT Access Management Plan or requested by the Land Use Authority.
 - b. Existing contours at 2' intervals at least 100' beyond the project boundary. Elevations to be based on Utah County datum with benchmark and elevation noted.
 - c. Site or grading plans: Indication of anticipated cut and fill areas including slopes and heights. In addition, the City Engineer may require individual site or road grading plans to determine buildable area, driveway slope, erosion control, etc.
 - d. Geotechnical Soil Study: Geotechnical soils study to determine, at a minimum, roadway pavement design, percolation rate (if used), backfill, and compaction requirements and slope stability (if applicable).
 - e. Storm Drainage Calculations: Storm drainage calculations for the collection, transport, storage and discharge of a 25-year storm and a storm water plan for a 100-year storm. Include rainfall intensities used with drainage calculations. If sumps are to be used, a percolation test rate is to be submitted.
 - f. Storm Water Pollution Prevention Plan (SWPPP) with NOI Permit Number.
 - g. If the subdivision covers only a part of a larger Un-subdivided area whether owned by the developer or not, the following shall be submitted: 1. A plan showing the location of the subdivision as it forms part of the larger area. 2. A plan proposing a future street system that demonstrates how the balance of the un-subdivided area could be developed.
 - h. Septic Tank Diagram and Percolation Test if Septic Tank is Required: Provide a diagram showing placement of septic tank and drain field for each lot. Provide results of a percolation test performed for each lot (if subdivision is three lots or less) or for the entire property (if subdivision is more than three lots). Provide also a letter from the County Health Department regarding any proposed septic tanks or leach fields.
 - i. Any other study or report reasonably necessary to ensure compliance with City design standards and improvement requirements.
 - j. Explanation of drainage and site easements, if any, including any prepared easements for any necessary offsite water, sewer, or drainage improvements across



- privately owned land.
- k. Explanation of reservations and conservation easements, if any.
4. A subdivision improvement plan, as required in accordance with Sections 11.3 and 11.4 of this Title, for all public improvements proposed by the applicant or required by City ordinances.
- a. In addition to the requirements in Chapters 11.3 and 11.4, the subdivision improvement plan must contain an engineer's estimate of the cost of completing the required improvements.
5. Certifications, including:
- a. An affidavit from the applicant certifying that the submitted information is true and accurate.
 - b. The signature of each owner of record of land described on the plat, signifying their consent to the subdivision application and their intent to dedicate portions of the plat to the public as described in the application.
 - c. An acknowledgement from the owners of record that all construction will conform to the City's approved development and construction standards and **APWA** standards and other pertinent City ordinances.
 - d. Evidence of certificates of water appropriation in the amount of 0.90 acre feet per year for each lot.
 - e. Certification that the surveyor who prepared the plat:
 - i. Holds a license in accordance with Utah Code 58-22;
 - ii. Either
 - 1. Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 - 2. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - iii. Has placed monuments as represented on the plat.
 - f. A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.
 - g. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
 - h. Owner's Certification of Dedication.
 - i. Proof of approval by the City's Public Works Department (for culinary water and sewer), Utah County Health Department, Woodland Hills Fire Department, and the local public safety answering point.
 - j. Written assurance and proof of bond from the public utility companies that necessary utilities will be installed and proof that the developer has submitted petitions in writing for the creation or extension of any improvement necessary. In order to satisfy these provisions, a letter of recognition from the service provider



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on their letterhead shall be provided to the City. These utilities include, but are not limited to; Comcast, Century Link, Nebo School District, Dominion Energy, SESD, and the United States Post Office.

6. A completion assurance bond or escrow for all public improvements required by the approved subdivision improvement plan, or a statement that such improvements will be completed before the development occurs on the proposed subdivision and before the applicant records the plat, as required by 11.4.3 of this Title.
 - a. Applicant shall include a completed and signed Security of Performance Bond Agreement.
 - b. Applicant shall assign and transfer to the City all its right and title to the escrow account established with the Bank is an amount of 1.1 times the reasonable value of said improvements.
 7. Binding dedication documents, including:
 - a. As applicable, formal, irrevocable offers for dedication to the public of streets, City uses, utilities, parks, easements, or other spaces.
 - b. If the plat is to be part of a community association (HOA), signed and binding documents conveying to the association all common areas and a final draft of any HOA restrictive covenants or agreements.
 8. Copies, including:
 - a. A PDF document of the complete application (including the plat and all other plans and supporting documents required by this Title).
 - b. Two paper copies of the plat:
 - i. One full size set 24"X36"
 - ii. One reduced size set 11" x 17"
 - c. Plat and improvement drawings shall be furnished electronically in AutoCAD format (.dwg) or Data Exchange Format (.dxf). These electronic files shall be provided to the City after final approval but before recording of the plat.
 - d. After completion of all public works improvements the Developer shall provide the City with a set of sepia (reproducible) "record drawings" which have been corrected to show the constructed improvements (as-builts). Final payment from the durability retainer shall not be made until these records are received.
 9. Payment of any application-processing fees required by the City. In addition to any fees listed on the City's Fee Schedule, the applicant shall be liable for any reasonable costs the City incurs in obtaining engineering and legal review of the application.
- B. The Planning Commission or City staff as delegated shall produce, maintain, and make available to the public a list of the specific items that comprise a complete subdivision application and a breakdown of any fees due upon submission or approval of the application.
- C. The Planning Commission may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the City relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of City residents.
- D. Notwithstanding 11.3.2.A, the Planning Commission may, in its sole discretion, waive any of the specific requirements found in this Section.



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11.3.3 Exceptions to Specific Application Requirements

A. Agricultural Land:

1. Applications to subdivide agricultural land are exempt from the plat requirements (but not the other application requirements) of Section 11.3.2 if the resulting parcels:
 - a. Qualify as land in agricultural use under Utah Code Ann. § 59-2-502;
 - b. Meet the minimum size requirement of applicable City land use ordinances; and
 - c. Are not used and will not be used for any nonagricultural purpose.
2. For subdivision applications for which this exception applies, an applicant may submit to the City-in place of a plat-a record of survey map that illustrates the boundaries of the parcels.
3. If the City approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the City, with the County Recorder's Office. This shall be done in the same manner as is done for a plat under Sections 11.3.2 and 11.3.3.
4. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The City may, in its discretion, impose the penalty in Section 11.1.9 and/or require a subdivision amendment before issuing a building permit.

B. Development Agreements

1. Subdivisions platted in a valid development agreement are exempt from the application requirements of Section 11.3.2 and review and approval requirements Section 11.3.1 of this Chapter, unless the development agreement states otherwise.
2. Clauses in a valid development agreement with the City superseded all conflicting requirements in this Title, except where a clause in the development agreement poses a substantial danger to the health and safety of City Residents.
3. Development Agreements shall comply with Utah Code Ann. § 10-9a-532.

11.3.4 Concept Plan; Preapplication Procedure

A. Any applicant intending to submit a subdivision application under this Part may request a pre-application meeting with the Planning Commission or other City staff for the purpose of reviewing any element of the party's proposed subdivision application. The proposed application need not be complete for purposes of this meeting and may be limited to a concept plan by the potential applicant.

1. If an applicant requests a pre-application meeting, the City shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, if the meeting is with the Planning Commission, shall occur at the next regularly scheduled Planning Commission meeting for which public notice is attainable.



2. The Planning Commission or City staff shall conduct the meeting, provide feedback on materials as requested by the party, and provide or have available on the City website the following at the time of the meeting:
 - a. Copies of applicable land use regulations;
 - b. A complete list of standards required for the project;
 - c. Relevant subdivision application checklists; and
 - d. Feedback on the concept plan if the applicant requests it.

11.3.5 Notice to Affected Entities

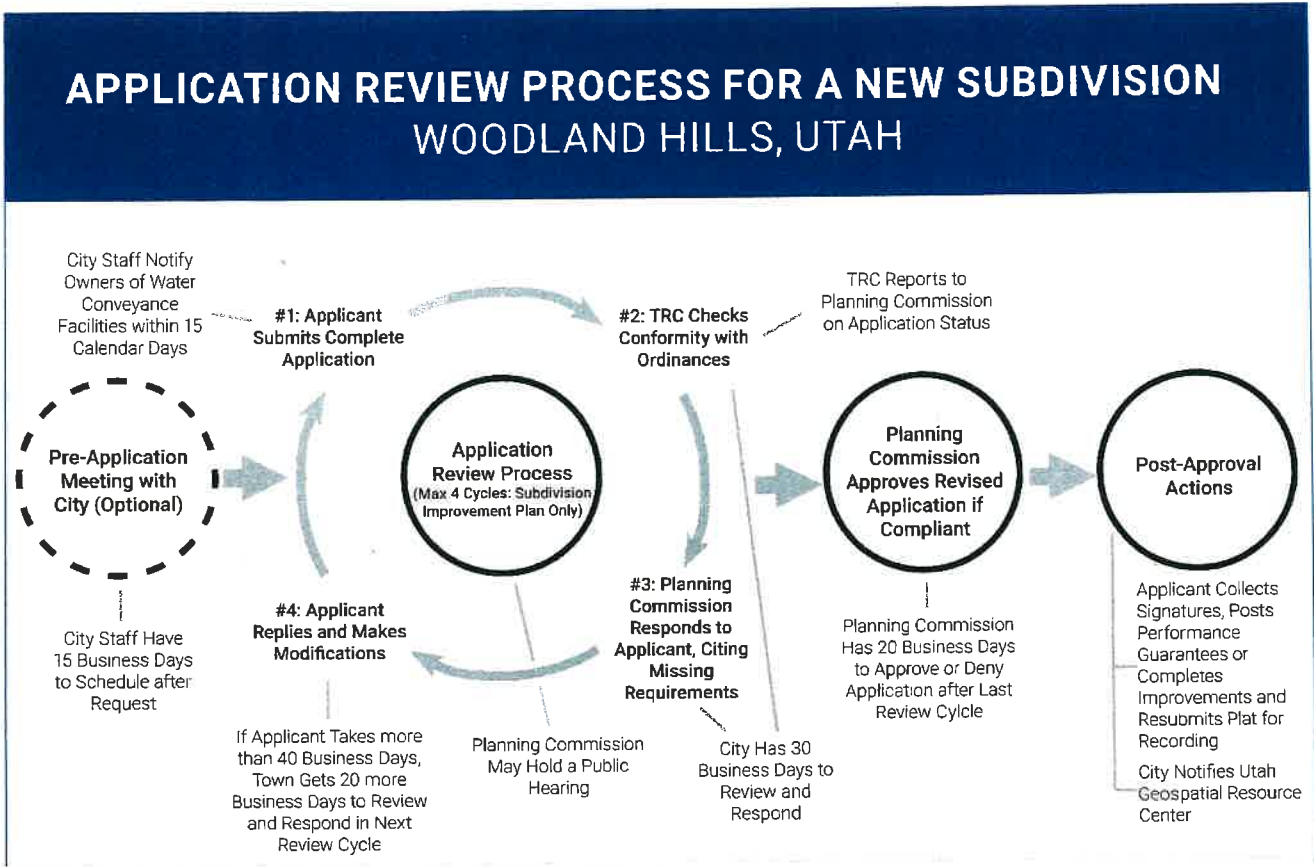
- A. Within 15 calendar days after receiving a complete subdivision application under this Part, City staff shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
 1. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, City staff shall review information:
 - a. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
 - b. From the state engineer's inventory of canals; or
 - c. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
 2. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a subdivision application sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.
 - a. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.

11.3.6 Review

- A. The Planning Commission, as the Administrative Land Use Authority, shall review the subdivision improvement plan if required by the City and submitted with the application that is complete with all the required information in accordance with the requirements of this Title before completing the subdivision plan review.
- B. The review process begins when an applicant submits a complete application to the City.



1. The Administrative Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
 2. If City staff determine that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.
- C. After the applicant submits a complete application, City staff shall submit the subdivision application to the Technical Review Committee ("TRC") for its ordinance review. Within 30 business days, the TRC shall review and check compliance with applicable sections of the City's General Plan, zoning provisions, subdivision and land use ordinances, design requirements, construction requirements, and other appropriate regulations and standards. The TRC will then make a recommendation to the Planning Commission regarding the submitted subdivision application, specifying any inadequacy in the information submitted or noncompliance with City Regulations.
- D. The Administrative Land Use Authority shall review the complete subdivision improvement plan application in a series of four "review cycles." A review cycle consists of the following phases:
1. Phase #1: The applicant submits a subdivision improvement plan.
 2. Phase #2: The Administrative Land Use Authority reviews the subdivision improvement plan in detail and assesses whether the subdivision improvement plan requires a change or correction. The TRC provides comments and recommendations.
 3. Phase #3: The Administrative Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the subdivision improvement plan or request for more information, the Administrative Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.
 4. Phase #4: The applicant revises the subdivision improvement plan, addressing each comment or requirement the Administrative Land Use Authority made. The applicant must submit the revised subdivision improvement plan and a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. This written explanation must be comprehensive and specific, including citations to applicable standards and ordinances and an index of requested revisions or additions for each required correction. If the applicant fails to respond to a comment made by the Administrative Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.
 5. Any correction or change not addressed or referenced in the City's subdivision improvement plan is waived by the City. The City may not engage in a substantive review of required infrastructure improvements or a municipally controlled utility outside of the review cycle.



- E. The Administrative Land Use Authority and other City representatives or agents shall adhere to the four review cycles limitation only applicable to subdivision improvement plan review. If no further revisions are needed, the Administrative Land Use Authority may end the review process early and approve or deny the application.
1. The review cycle and requirements of Utah Code Ann. § 10-9a-604.2 do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
 2. If the applicant makes a material change to the subdivision improvement plan in the application not requested by the City at any point in the review process, the Administrative Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
 3. If an applicant takes longer than 40 business days to submit a revised subdivision improvement plan responding to the City's requests for modifications and additions, the City shall have an additional 20 business days to review and respond to the revised subdivision improvement plan.
 4. After the fourth or final review of the subdivision improvement plan is determined, if the Administrative Land Use Authority has failed to respond within 20 business days, the applicant may request a decision. After such a request, the City shall, within 10 business days:



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- a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the revised set of plans; or
- b. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.

11.3.7 Approval

- A. If a subdivision application complies with the requirements of Utah Code 10-9a-604.1 and the applicable City ordinances, the Planning Commission shall approve the subdivision application.
- B. A subdivision application is approved when the Administrative Land Use Authority certifies the approved plat, either by signing the plat directly or by attaching a signed certification to the plat. In addition to the Land Use Authority's signature, the Mayor, City Engineer, and City Recorder shall sign the plat.
 1. The signatures of the Mayor, the City Recorder, and the owners of the land to be subdivided together function as transfer from the owners of the land and acceptance by the City of any public streets and other public parcels, easements, and uses that are described on the plat.

11.3.8 Post-Approval Actions

- A. The applicant shall deliver the approved and signed mylar final subdivision plat to the City Recorder for recording with the County Recorder's Office within 365 calendar days after the City approves the subdivision application, provided that the applicant has deeded the appropriate number of water shares to the City and has completed any improvements or posted any completion assurance required by City ordinances or described in the approved improvement plan. No party shall record the plat until the water shares have been transferred and the required public improvements are completed or assured in compliance with City ordinances and the approved improvement plan.
- B. If the approved and signed plat is already in the City's possession, the applicant shall request recording and provide proof that the water shares have been transferred and the improvements have been completed or guaranteed within the timeframe required in 11.3.8(A).
- C. An approved plat not properly delivered or requested for recording within the timeline specified in Paragraphs 11.3.8(A) and (B) is void, unless the Planning Commission approves an extension.
 1. An expired application loses its vesting under prior ordinances of the City and must, if resubmitted, conform to all City ordinances in effect at the time of resubmission.

11.3.9 Amending a Subdivision

- A. The City Council may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that describes the subdivision or the portion being vacated and recording that ordinance in the County Recorder's Office.



- B. A fee owner of land in a platted subdivision may request a subdivision amendment by filing a written petition with the Planning Commission. This petition must meet all the requirements for a subdivision application specified in Section 11.3.2, with the following changes:
1. The plat (or the record of survey map, if applicable) should:
 - a. Depict only the portion of the subdivision that is proposed to be amended;
 - b. Include a plat name distinguishing the amended plat from the original plat;
 - c. Describe the differences between the amended plat and the original plat;
 - d. Include references to the original plat; and
 - e. Meet all the other plat requirements specified in Section 11.3.2.A.
 2. The petition must additionally include the name and address of each property owner affected by the petition and the signature of each of those property owners who consents to the petition.
 - a. The petitioner must include, with the petition, envelopes addressed to each property owner in the subdivision.
 3. Upon receipt of an amendment petition, City staff shall provide notice of the petition to:
 - a. Each utility provider that services a parcel of the subdivision. The City shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers. The City may notify the utility providers in any effective manner (email, mail, etc.).
 - b. Each property owner in the subdivision. The City shall notify these property owners by mail.
 4. The Planning Commission shall hold a public hearing before approving a petition to amend a subdivision and within 45 calendar days after the day on which the petition is submitted if:
 - a. A property owner objects in writing to the amendment within 10 days of the City notifying the property owner by mail, or
 - b. Not every property owner in the subdivision has signed the revised plat.
 5. Notwithstanding Section 11.3.5.C.4, the Planning Commission need not hold a public hearing if notice has been given to adjoining property owners in accordance with any applicable local ordinance and the petition seeks to:
 - a. Join two or more of the petitioner's contiguous lots;
 - b. Subdivide one or more of the petitioner's lots;
 - c. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;



- d. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
 - e. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as a common area.
6. If the Planning Commission approves the amendment petition, the Planning Commission shall sign the amended plat in the manner described in Section 11.3.2.B. The City Recorder shall record the plat, subject to the completion or guarantee of any improvements, as described in Section 11.3.3.

11.3.10 Boundary Line Adjustment and Lot Combination

A. City staff may, upon petition by one or more landowners, consider and approve a boundary adjustment ("lot line adjustment") or a combination ("lot merger") of two or more parcels under the provisions of this Section and Utah Code.

B. Lot Line Adjustments:

1. Petitions to adjust lot lines between adjacent properties may be executed upon the recordation of an appropriate deed, following City approval and the adjoining property owners' written consent to the new lot lines, if:
 - a. No new dwelling lot or housing unit results from the lot line adjustment;
 - b. The lot line adjustment does not result in remnant land that did not previously exist; and
 - c. The lot line adjustment does not result in a violation of applicable zoning requirements.
2. A petition for a lot line adjustment must be made by the fee owners of the parcels and must include:
 - a. An amended plat or both a record of survey map and a metes-and-bounds description showing the adjustment, created by a licensed surveyor. The existing property line(s) and the proposed property line(s) must be identified.
 - i. This will allow City staff and representatives of the private utility companies to determine whether or not the proposed lot line adjustment will impact the ability of the utility company to provide adequate services.
 - b. An explanation of the reason for the adjustment.
 - c. Signatures from all the parcel owners involved in the adjustment.
 - d. Any other information that City staff requests.
3. In deciding whether to approve a lot line adjustment, City staff shall consider, at a



minimum, the following:

- a. Utility easements surrounding each parcel or through a parcel.
 - b. The impact on the ability of the City of Woodland Hills or any other utility provider to serve the properties.
 - c. The vacation of existing easements and the potential recording of new easements.
4. If the lot line adjustment or combination involves the vacation of a street, right-of-way, or easement, the additional requirements and procedures in Utah Code § 10-9a-609.5, as amended, shall apply.
 5. If public utilities exist in a public utility easement between the two lots that are the subject of the lot line adjustment, the public utilities shall be relocated to an appropriate easement at the applicant's expense for a boundary line adjustment.
 6. If the lot line adjustment satisfies all applicable ordinances and resolutions of the City of Woodland Hills, City staff shall issue to the petitioner a notice of approval. The City Recorder shall then, at the request of the petitioner, record with the County Recorder's Office the amended plat or the survey map and a metes-and-bounds description.
 - a. The notice of approval does not effectuate an exchange of title. In order to convey title, the adjoining property owner(s) will need to prepare and record a quit claim deed, warranty deed, or other acceptable instruments and record them in the Office of the County Recorder.
 7. A request for a boundary line adjustment to accommodate development may be denied by the City if it is determined the application fails to meet the requirements of this Title.
- C. **Lot Merger:** A request to combine two legally existing, subdivided parcels may be approved by City staff unless the lot combination involves the vacation of a street, right-of-way, or easement. Following approval, the applicant shall prepare and submit to the City Recorder deeds removing the property line between the two lots.

11.4 Improvements Required

11.4.1 Required Submission and Approval of Plans and Specifications

Separate plans and specifications, including all necessary details, profiles and cross sections for each improvement and meeting the minimum standards, must be submitted to and approved by the City Engineer as outlined in the final plat application and checklist. Approval must also be obtained by the Planning Commission and prior to the installation or construction of each such improvement.

11.4.2 Improvement Plan Requirements

- A. Construction plans shall be prepared for all required improvements and stamped by an engineer licensed to practice in the state of Utah. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be the same size as the plat. These requirements are the minimum and other information may be required as the need dictates.
- B. Construction Plans shall have the following notes:
 - 1. "All construction shall conform to the latest version of APWA and Woodland Hills City Development and Construction Standards and appropriate ordinances."
 - 2. "Prior to construction, an erosion and sedimentation control plan shall be submitted to the Public Works Inspector for approval."
 - 3. "Prior to the commencement of any work, a pre-construction meeting shall be held with the Public Works Director, City Engineer, contractor, property owner, and others as needed."
- C. Storm drain drawings shall show:
 - 1. Plans and profiles of all storm drain lines (profiles of short lines connecting inlets to mains are not required).
 - 2. Location, size, length, pipe type, and grade of all lines.
 - 3. Manhole size, location and topline elevations (maximum manhole spacing is 400').
 - 4. Inlet size, location, grate elevations and topline elevations.
- D. Sewer drawings shall show:
 - 1. Plans and profiles of all sewer lines.
 - 2. Location, size, length, pipe type, and grade of all lines.
 - 3. Manhole size, location and topline elevations (maximum manhole spacing is 400', manholes shall have adequate drop from inlet to outlet).
 - 4. Service locations or note specifying locations.
- E. Culinary water drawings shall show:



1. Location, size, and pipe type of water mains, valves, fittings and hydrants. Hydrants shall be located per Section 2.8.6 of the Development and Construction Standards.
2. Resolution of vertical conflicts with gravity lines. Show looping as required.
3. Service locations or note specifying locations.

F. Grading plans shall show:

1. Existing contours at 2' intervals.
2. Design contours at 2' intervals in all areas where grading is to be done outside of the street right-of-way (including driveways).
3. Elevations to be based on Utah County datum with benchmark and elevation noted.
4. Plans must note a maximum slope of 4% for the distance between the 6-inch cobble rock ditch and property line.
5. Details at all curb returns including spot elevations and curb slopes.
6. Lot grading details showing proper drainage away from all structures.
7. Plan and profile of any piping of ditches or ravines.

G. Erosion control and re-vegetations plans shall show:

1. Location of historic drainage channels.
2. Location and type of erosion control devices.
3. Location and type of re-vegetation proposed.
4. Specific times of implementation of the plan, both in terms of planting season and number of days following commencement of grading.
5. Duration that erosion control and re-vegetation measures are to be in place.
6. Who has responsibility for implementation and maintenance of the plan.
7. Details of all best management practices (BMP's) to be used for the plan.

H. Construction details shall include:

1. A separate sheet of details for structures that are to be constructed shall accompany each set of plans. All structures shall be designed in accordance with minimum requirements established by the City of Woodland Hills Standard Specifications and shall be clearly dimensioned and described.
2. Street cross section showing cross slopes as shown on the standard cross section drawings, standard utility line locations, and the pavement section design (as per Geotechnical Study).
3. Retention/detention pond details and cross sections, where applicable.

I. Street surfacing drawings shall show:



1. Flow direction and type of cross drainage structures at intersections with adequate flow line elevations.
2. Existing ground at centerline and at each side of the road (if they differ more than two feet).
3. **All ADA** ramps and street signs.
4. Street profiles from the City's Development and Construction Standards.

11.4.3 Subdivision Improvements Before Recording Approved Plat

- A. No subdivision improvements shall commence until the final plat improvement plans and specifications have been approved in accordance with Section 11.3.2 of this Title. The developer may begin construction prior to recording the final plat pursuant to this Section and Section 11.4.5.
 1. If every improvement has not been installed, after the certification of the City Engineer as to the installed improvements, the plat may nevertheless be approved for recordation to accept the dedication of any streets thereon, provided the subdivider completes other improvements and the Planning Commission approves by a majority vote, the bonding or escrow with the City recorder. The funds shall be one hundred percent (100%) of the amount considered sufficient by the City Engineer to pay the cost and expense of all improvements not yet installed and secured through:
 - a. Cash escrow deposited with a regulated financial institution located in the state;
 - b. An irrevocable letter of credit issued by a bank that is located in Utah and insured by the Federal Deposit Insurance Corporation; and
 - c. A Surety Bond in compliance with Section 1-5-9 of City Code and state laws.
 2. The subdivider shall install the improvements in accordance with the performance agreement, executed by the subdivider in a form satisfactory to the City Attorney and approved as to timelines by the Planning Commission.

11.4.4 Subdivision Improvements After Recording Approved Plat

Except as permitted by Section 11-4-3 of this Title, no public improvements shall be made on the project until water rights have been deeded to the City, the approved plat is recorded, all bonding is in place, and a pre-construction meeting is held. All improvements must be installed in the subdivision in accordance with the approved improvement plan, as well as the City's construction and development standards.

11.4.5 Additional Requirements for Posted Security

- A. Estimate Required; Withdrawal Of Funds:
 1. The subdivider shall furnish an estimate of the cost of construction of required improvements to aid the City Engineer in determination of improvement costs. Said cost estimate shall be reviewed and approved by the City Engineer. Following approval, the



subdivider shall obtain the performance guarantee for the appropriate amount.

2. Said funds may be withdrawn in the same proportion as the completion of the improvements bears to the project.
- B. Duration: The duration of the performance guarantee shall be for two (2) years from the date of issuance of the performance guarantee. An extension of time may be granted by the City Council upon application by the subdivider, provided such application is submitted at least sixty (60) days prior to the expiration of the two (2) year time period.
- C. Default:
1. In the event the subdivider defaults or fails or neglects to satisfactorily install the required improvements within one (1) year from the date of posting the performance guarantee regarding the final plat, the City Council may declare the performance guarantee forfeited, to the extent required to satisfy the default, and the City may use the assurance towards completion of the required improvements.
 2. In the event the subdivider is found to be in default or fails to or neglects to satisfactorily install the required improvements, it shall be unlawful for any person to receive any further building permits within the subdivision until all improvements are installed and accepted by the City Council, or a formal extension is granted by the City Council and a new agreement is signed.
 3. In the event that the City determines that a minimum level of improvements have been installed to meet basic public health, building codes, fire codes, and safety concerns, such as streets, water, drainage and other utilities, then in that event, the City may, in its sole discretion, issue a building permit; provided, that the applicant/property owner executes an acknowledgment and waiver in a form satisfactory to the City Attorney, acknowledging that all improvements have not been finally installed and waiving all claims against City.
- D. Final Inspection And Release: The subdivider shall be responsible for the quality of all materials and workmanship. At the completion of the work but in no case more than one (1) year from said date or not less than ten (10) days prior to the release date of the bond, the City Engineer shall make a preliminary inspection of the improvements and shall submit a report to the City Council stating whether the conditions are found to be satisfactory. Following a satisfactory report, the City Council may release the bond subject to the requirements of Subsection F of this Section. The City Council may, at the option of the applicant, issue a partial release of bonded or escrow funds proportional to the improvements accepted during the prior quarter. If the condition of the improvements shows premature depreciation or defects or does not comply with the specifications of the City, the City Council may declare the subdivider in default.
1. City shall publish and maintain objective inspection standards for acceptance of improvements that:
 - a. Does not change from project to project and
 - b. Are backed up by expert opinion.
- E. Posting Of Assurance: All performance guarantees submitted to the Planning Commission, upon approval, be posted with the City recorder, which shall be done before recording of the final plat. Should the instrument require recording, the City recorder shall record the same with the county



recorder and the subdivider shall pay all costs for the bond or other assurance.

F. Durability Retainer:

1. An improvements durability guarantee, in the amount of not less than ten percent (10%) of the initial amount of the engineer's estimate, shall be retained by the City for a period of not less than one (1) year following the date of final acceptance of the improvements by the City. The retainage shall be for the purpose of guaranteeing the improvements. If, during the one (1) year period, the durability of said improvements is found to be satisfactory, the retainage shall be released following the normal procedure for release of posted security. If, however, during said period, any required improvement fails or shows unusual depreciation, or if it becomes evident that certain work was not completed, or that the materials or workmanship used in constructing the improvements do not otherwise comply with accepted standards of durability, said condition shall be corrected by and at the expense of the person giving the performance guarantee. If the corrections are not made within a reasonable time, the City Council shall declare such person in default and use the retainage to defray the cost of any required work. Costs in excess of the durability retainage remain the responsibility of the person or entity for whom the performance guarantee was given.
2. In the event the subdivider is found to be in default, it shall be unlawful for any person to receive any further building permits within the subdivision until all corrections have been made and accepted by the Planning Commission and City Council, or a formal extension is granted by the City Council and a new agreement is signed.
3. Part or all of the performance guarantee will be retained unless brush, tree stumps, branches and other debris which are the result of the subdivider or its agents, but not subsequent builders, are removed.

G. Inspection Fees

1. An inspection fee, in the amount of not less than six percent (6%) of the initial amount of the engineer's estimate, shall be retained by the City for the duration of the construction period. The retainage shall be for the purpose of paying for inspections that occur throughout the construction process. If, after construction is complete and all inspection services have been paid for, there is still a remaining balance of the original inspection fee, the retainage shall be released following the normal procedure for release of posted security. If, however, after said period, the amount required to pay for all inspection services exceeds that of the original amount, the subdivider shall pay the remaining balance required to cover all inspection services of the project.

11.4.6 Engineering Drawings, Easement And Street Dedication

- A. None of the improvements required by this Title shall be installed or constructed and no construction work relative thereto shall be performed until after:
1. Engineering Drawings: Engineering drawings, including agreement to comply with street profiles adopted by the City, and other pertinent data required by the City Engineer regarding on- and off-site improvements, have been approved by the City Engineer.
 2. Compliance: The subdivider has shown compliance with the provisions of Section 11-4-4 of this Chapter.
 3. Easements: Appropriate easements are granted to the City in form approved by the City



Attorney, accepted by the Planning Commission and caused to be filed for record by the City recorder, at the subdivider's expense. The acceptance of such easements shall bind the City only as to the location, width and termini of any proposed streets or other public places, with which such easements are coterminous, and shall not be construed as an acceptance of dedication of any proposed streets or other public place. Easements acceptable to the City must be recorded with the Utah county recorder's office prior to any recording of a final plat in which the easement is pertinent.

HISTORY:

(Ord., 8-17-1994)

11.4.7 Planning Commission Acceptance of Dedication; Title Verification

- A. Ordinance Accepting Dedication: After a plat for record has been approved for recording purposes only and has been so recorded, and after all of the specified improvements have been completed to the satisfaction of the Planning Commission and with the advice and approval of the City Engineer, the Planning Commission may enact an ordinance accepting the dedication of the streets, roads, parks, open space or other public spaces. The Planning Commission shall also authorize the entering upon said plat appropriate clauses evidencing the acceptance of dedication.
- B. Conditioned Upon Title Report: Such acceptance shall be conditioned upon the subdivider furnishing to the City a preliminary title report in a form approved by the City Attorney as specified in 11.3.2.A.5 e-f. Said title report shall cover all lands to be dedicated for public use and show title to the City will be free and clear of any easements, taxes, liens, assessments or other encumbrances of any kind whatsoever, except the easements required by this title.

11.4.8 Conditions for Issuance of Building Permit

No building permit shall be issued for any lot in the subdivision by the building official prior to recording of the final plat and the completion of all the improvements required by and as specified in Section 11-4-1 or 11-4-4 of this Title. Exceptions to this rule shall be in compliance with Section 11-4-5 of this Title.

HISTORY:

(Ord., 8-17-1994; amd. Ord. 2022-13, 5-10-2022; Ord. 2022-16, 5-10-2022)

11.4.9 Development Agreement

The provisions of this Part do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.



11.5 Design Standards

11.5.1 General Standards

The following design standards are intended as a guide to sound land planning. Should there be unusual topographic or property problems, these standards may be modified to greater or lesser conformance at the discretion of the Planning Commission. In general, every subdivision shall conform to the requirements and purposes of the general plan or any parts thereof, the zoning ordinance, and other ordinances adopted by the City.

HISTORY:

(Ord., 8-17-1994)

11.5.2 Streets

A. Layout:

1. The arrangement, character, extent, width and location of all streets shall conform to the general plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. The layout of proposed streets shall provide for the continuation of existing streets in surrounding areas and/or shall conform to a plan for the neighborhood approved by the Planning Commission in cases where topographical or other conditions preclude the continuation of existing streets. In general, such streets shall be of a width as great as that of the street so extended or wider if necessary to conform to existing regulations. Due consideration shall be given to traffic safety. Streets shall be laid out so as to discourage their use by through traffic to obtain the maximum livability and amenity of the subdivision.

B. Major Streets: Where the subdivision abuts or contains an existing or proposed major street, the Planning Commission may, at its discretion, require the construction of marginal access streets, double frontage of lots with provision of a planting screen contained in a no access reservation along the rear property lines, or other treatment which the Planning Commission considers essential for adequate protection of residential lots.

C. Private Streets: Private streets shall be allowed only in the R-1-19 Villa Overlay Zone.

D. Access To Property: Each residential lot within a subdivision shall be provided with a satisfactory means of access. Building permits shall not be issued for the construction of buildings on lots within a subdivision which do not have access onto a public street. There shall be no reserve strips controlling access to a street except where the control is definitely placed with the City Council.

E. Half Streets: Half streets shall not be permitted, except in cases where there exists an adjacent subdivision with an existing dedicated half street. Only in those instances will the half street be allowed to make the adjacent street complete.

F. Dead End Streets: Dead end streets shall be permitted only in cases where the Planning Commission



is of the opinion that there is a reasonable expectation that such street will be extended to a suitable outlet when the adjacent property is platted. If the Planning Commission permits the platting of dead-end streets with the expectation of such future expansion, the commission shall determine whether the subdivider shall provide a temporary turnaround at the closed end of the street.

- G. Street Names: New street names shall not duplicate those names already in use. A street, obviously a continuation of a street already in existence, shall bear the same name.
- H. Relations To Adjoining Streets: The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. Where the Planning Commission determines that it is desirable to provide an orderly development of a street system, proposed streets shall be extended by dedication to the boundary of such property along with improvements of said street.
- I. Road Construction Standards: New roads shall comply with the current construction standards and specifications of the City.

HISTORY:

(Amd. Ord. 2021-08, 5-11-2021)

11.5.3 Easements

Easements shall be provided on each side of all rear lot lines of not less than eight feet (8') in width for public utilities and elsewhere as may be required.

History:

(Ord., 8-17-1994)

11.5.4 Building Lines and Setback Lines

Building and setback lines shall conform to the requirements of the zoning ordinance in Section 10-8-5.

HISTORY:

(Ord., 8-17-1994)

11.5.5 Lots

- A. Building Sites: The lot arrangement, design and shape shall be such that lots will provide a compact body of land 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 square footage, which would be unusable for normal purposes.
- B. Lot Sizes: Each lot shown on the plat must conform to the minimum requirements of the zoning ordinance for the zone in which the lot is situated. Excessive width of a lot in relation to the depth shall be avoided to the extent possible.



- C. **Corner Lots:** Corner lots shall have dimensions sufficient for the maintenance of required building setback lines on both streets, along with sufficient area to comply with area requirements of the zoning ordinance. Generally, corner lots should be larger than typical subdivision lots.
- D. **Side Lot Lines:** Side lot lines shall be approximately at right angles to street lines unless, in the opinion of the Planning Commission, a variation from this rule will give a better street and lot plan.
- E. **Lots Must Abut on Public Streets:** Each lot shall abut on a street dedicated by the plat or an existing dedicated street which meets the minimum width requirements. A dedicated street must be fully improved.
- F. **Parts Of Lots:** All remnants of lots below minimum size, left over after subdividing a larger tract, must be attached to adjacent lots, and evidence of such attachment submitted to become effective on approval of the final plat.
- G. **Lot Layout In Planned Unit Developments:** Where a planned unit development is proposed in the City, lot sizes may vary from traditional zoning regulations. Therefore, they shall meet the zoning ordinance requirements applicable to planned unit developments.

HISTORY:

(Ord., 8-17-1994; amd. 5-10-1995)

11.5.6 Survey Monuments

The installation of survey monuments in accordance with the City construction standards and specifications shall be required.

HISTORY:

(Ord., 8-17-1994)

11.5.7 Fire Hydrants

Fire hydrants shall be installed in accordance with the construction standards and specifications for the City.

HISTORY:

(Ord., 8-17-1994)

11.5.8 Utilities

- A. **Standards And Specifications:** All utilities shall be designed and installed in accordance with the construction standards and specifications for the City.
- B. **Underground:** All utilities shall be placed underground within street rights-of-way or other established easements.

11.5.9 Trails and Walkways

A. Layout

1. The arrangement, character, extent, width and location of all trails and walkways shall be considered in relation to existing and planned streets, trails and walkways, to topographical conditions, to public convenience and safety and in relation to the proposed uses of the land to be served by such trails and walkways.
2. The layout of proposed trails and walkways shall provide for the continuation of existing or planned trails and walkways in the surrounding area. In cases where topographical or other conditions preclude the continuation of existing trails and walkways, the layout of proposed trails and walkways shall conform to a plan for the neighborhood approved by the Planning Commission.

B. Construction Standards: Trails and walkways shall comply with Construction Standards and Specifications of City of Woodland Hills.

C. Definitions:

1. **Animal:** Any non-human living creature.
2. **Litter:** Any wrapper, food or water covering, paper product, or organic commodity.
3. **Motorized Vehicle:** Any type of motorized vehicle such as ATV, UTV, motorcycle, etc.
4. **Electric Vehicle:** Any type of self or peddle-propelled vehicle which is propelled in whole or in part by an electric motor.

D. Prohibitions:

1. It is prohibited to use any gas or electric-powered vehicle with a wheel width measured from the outside of the front or rear wheel to the outside of the opposite wheel, which is greater than fifty (50) inches wide on the switchback trail. Bollards may be installed at the trailhead to better control this prohibition.
2. It is prohibited to litter along any trail within the limits of the City of Woodland Hills. What you bring with you must be taken out.
3. Motorized vehicle use throughout the City on designated trails is limited to hours between 7 am to 10:30 pm or as designated in the City's disturbing the peace ordinance (City Code 5-1-5 B and C), whichever is more restrictive.
4. Any dog not on a lease or properly controlled on or off a trail will be considered not under control, and the owner will be subject to any fines or violations as stated in Subsection E: Penalties.
5. Any animal defecation on or off the trail must be picked up and carried out by the person in charge of the animal.

E. Penalties

1. Any person violating any of the prohibitions listed in Subsection D. can be charged with a Class C Misdemeanor which is subject to a fine of up to seven hundred fifty dollars (\$750.00).



(Ord. 2006-13, 12-21-2006; amd. Ord. 2022-35, 12-13-2022)

Woodland Hills Subdivision Title 11

11.6 Fees and Special Considerations

11.6.1 Cost Responsibility in Connection with Development of Subdivision

- A. Cost Assignments Schedule: Costs and charges in connection with the planning and development of a subdivision in the City shall be shared between the subdivider and the City according to the following schedule:

Plan or Facility	Subdivider	City
Final Plat	100%	0%
Easements and rights-of-way, both on- and off-site	100%	0%
Grading and draining of streets, trails and walkways	100%	0%
Bridges and culverts, pressure reducing stations	Special negotiations with City	Special negotiations with subdivider
Street paving and improvements to trails and walkways	100% on-site; off-site to be negotiated	0% on-site
Street signs	100%	0%
Water rights and supply	0.90 acre feet per lot, except originally platted	0%
Water mains and connections to lots of 1 inch polyethylene line with water meter box	100% for mains up to and including 6 inches in diameter	Negotiations for mains in excess of 6 inches in diameter
Sewage disposal	Special negotiations with City	Special negotiations with subdivider
Electric utilities	100%	0%
Survey monuments	100%	0%
Environmental hazards	100%	0%
Dominion Energy	100%	0%

- B. Impact Fees: Applicable fees for the costs of capital improvements required to accommodate impact producing development and reasonably benefitting the development shall be enacted by the City Council pursuant to the City impact fee procedural ordinance and shall be imposed and paid as provided by such enactment.



- C. Fees Charged Subdivider For Final Plat: The final plat shall be accompanied by fees as set from time to time by resolution of the City Council.

11.6.2 Special Considerations

Standards And Specifications: Whenever the provisions of this Title require improvements to be installed in subdivisions in accordance with the City construction standards and specifications, said standards and specifications shall be the standards and specifications last adopted by resolution by the City Council and in force at the time of approval of the plat. Said standards and specifications may be examined at the office of the City recorder during regular office hours. Further, APWA standards

and specifications, as most recently approved and adopted by the State of Utah, are to be followed. If there is any conflict, the APWA standards will supersede City standards.

HISTORY:

(Ord., 8-17-1994)



11.7 Variances

11.7.1 Hardship and Conditions For Granting Variances

- A. Specified: The Planning Commission may permit variances from the minimum standards after receiving the recommendation of the City Engineer as to the proposed variance. The Planning Commission, in granting such permission, and the City Engineer in making a recommendation, shall base their decision and recommendation upon their determination that such variance will not have the effect of nullifying the intent and purposes of the general plan or this Title; provided, however:
1. The Planning Commission shall require such additional conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified;
 2. The improvement under the proposed variance from the minimum standards will be equally as effective, safe, adequate and desirable as the improvement would be under such standards, and that the improvement under the proposed variance will perform the same function as and have a life or usefulness equal to the improvement made pursuant to such standards; or
 3. The strict application of the minimum standards to improvements which are under construction or which have been fully planned and contracted for at the time this Section becomes effective would cause extreme undue hardship or practical difficulty; provided, however, that no variance shall be approved that is not in harmony with the general purpose and intent of this Title or will interfere with the public health, safety or general welfare.
- B. Intent: It is the intent of this Section that variances be granted only in cases of extreme hardship, and that only minor variances be granted if a clear hardship can be shown by the subdivider. The findings shall be supported by facts which are made a part of the record of the Planning Commission when a variance is granted. Economic hardship shall not be deemed a sufficient reason for granting a variance.

HISTORY:

(Ord., 8-17-1994)



11.8 Reimbursement for On-Site or Off-Site Improvements

11.8.1 Reimbursement for On-Site or Off-Site Improvements

- A. **Reimbursement Permitted:** A developer of land within the City, including the developer's legal successors in interest to the land to be developed (collectively, the "original developer"), shall be entitled to reimbursement for eligible on-site and off-site improvements and facilities required to be constructed and installed by the original developer as a condition to development approval, including, without limitation, culinary water, sanitary sewer and storm drainage improvements, roads and related facilities. For the purpose of this Section, "eligible on-site and off-site improvements" are defined to be improvements and related facilities constructed and installed by the original developer: 1) which will benefit lands serviceable by said improvements and related facilities; and 2) which are designed, sized and constructed with capacity beyond that required to serve the original developer's development project, as determined by the City Engineer ("eligible improvements").
- B. **Procedures:** The original developer shall be entitled to recover from any landowner of property which is benefitted by the eligible improvements (each property is herein referred to as a "benefitted property"), the benefitted property's pro rata share of the original developer's actual cost of designing, constructing and installing the eligible improvements, plus accrued interest as provided in Subsection B3a(3) of this Section, subject to and in compliance with the following:
1. **Tenns:** The original developer shall be entitled to reimbursement from any benefitted property, for a period of thirty (30) years after the final functioning installation of the eligible improvements for all eligible improvements, except roads, for which the right to reimbursement shall be for a period of twenty (20) years after the final functioning installation of the roads, or until the available capacity in the eligible improvements is fully utilized and the original developer has been fully reimbursed pursuant to this Section, whichever comes sooner (the "reimbursement period"). The reimbursement period may be extended at the request of the original developer, upon approval of the City Council.
 2. **Payment Required:** The benefitted property shall be required to pay the amount of reimbursement due pursuant to this Section as a condition to receiving the service to be provided to the benefitted property's property through the eligible improvements for which reimbursement is due.
 3. **Reimbursement Application:** As a condition to reimbursement, the original developer shall be required to submit an application for reimbursement ("reimbursement application") for each property benefitted by the eligible improvements. For properties that will benefit from the eligible improvements, the City shall not approve any plat, plat change or plat amendment without an approved reimbursement application for any development project which is to be benefitted by the eligible improvements.
 - a. **Information Required:** The reimbursement application shall include the following information:
 - i. A description of the property which is to be benefitted by the eligible



- improvements and the basis of the benefit to be received by the benefitted property;
- ii. A description of the eligible improvements which will benefit the benefitted property's development project;
 - iii. An engineer's written statement of the actual cost of design, construction and installation of the eligible improvements for which reimbursement is sought; and
 - iv. An engineer's estimate of the pro rata amount of reimbursement due and owing by the benefitted property to the original developer, including accrued interest at the determined rate.
- b. Sufficient Information: The sufficiency of the information contained in the reimbursement application shall be reviewed and accepted by the City Engineer as a condition to acceptance and approval of the reimbursement application.
 - c. Filing: A reimbursement application shall be filed with the City Engineer prior to the benefitted property obtaining final plat approval or, in the case of a development proceeding pursuant to a site plan, prior to the issuance of a building permit.
 - d. Approval Authority: The City Engineer shall have authority to approve any reimbursement application.
4. Amount Of Reimbursement: The amount of reimbursement due from each benefitted property pursuant to an approved reimbursement application shall be collected by the City in conformance with the following:
- a. Notice: Upon approval of the reimbursement application by the City Engineer, the City Engineer shall send written notice to each benefitted property affected property with a copy to the original developer described in the reimbursement application from whom reimbursement is required to be paid, setting forth the amount of reimbursement that is due and payable from the benefitted property (the "reimbursement amount").
 - b. Collection: The reimbursement amount shall be collected by the City from the benefitted property, in full, at the time of and as a condition to: 1) in the case of a subdivision approval, final plat recordation for a subdivision in the benefitted property's development project; or 2) in the case of a site plan approval, the issuance of the building permit. All City development approvals required to be obtained by a benefitted property, including, but not limited to, subdivision and site plan approvals, shall be conditioned upon and subject to payment in full of any reimbursement amount determined to be due and owing as provided in this Section.
 - c. Administrative Fee: The City may deduct from the reimbursement amount, a reasonable administrative fee sufficient to cover costs and expenses incurred by the City in the processing of the reimbursement application and the collection and remittance of the reimbursement amount.
 - d. Remit: Upon receipt of the reimbursement amount due and owing from a benefitted



property, the City shall immediately remit the reimbursement amount collected, less the City's administrative fee, to the original developer.

5. Location Of Original Developer: The City shall not be responsible for locating any assignee or other successor in interest to the original developer who might be entitled to reimbursement pursuant to this Section. It shall be the obligation of the original developer to give written notice to the City of any sale, transfer, assignment or other alienation of the original developer's interest in its land and the right to receive reimbursement pursuant to this Section. Any reimbursement amount collected and unclaimed after two (2) years from the date said funds are received by the City from a benefited property, shall be returned to the benefited property from which the reimbursement amount was collected, less any administrative fee due and owing; and, in the event the City is unable, for any reason, to return the funds to the benefited property from which the funds were collected, said funds shall be credited to the City enterprise fund corresponding to the eligible improvement for which the funds were collected, as determined by the finance director.
- C. Protest And Appeal: A decision of the City Engineer on a reimbursement application may be protested and appealed in conformance with the following:
1. Time Limit: The original developer may file a written protest with the City Engineer to contest any decision of the City Engineer with respect to the original developer's reimbursement application. The protest shall be filed within thirty (30) days of receipt of the City engineer's notice of decision on the reimbursement application. The decision of the City Engineer with respect to the original developer's protest may be appealed to the City Council for determination.
 2. Protest: A benefited property may file a written protest with the City Engineer to contest:
 - a) a determination that the benefitted property's property will be benefitted by the eligible improvements; and/or) the reimbursement amount determined to be due and collectible from the benefited property and payable to the original developer pursuant to this Section.
 - a. Time Limit: The protest shall be filed by a benefited property within thirty (30) days from the date of the City's written notice to the benefited property of the reimbursement amount due. A protest filed by a benefited property pursuant to this Section must include documentation sufficient to establish the basis of the protest.
 - b. Notice: Upon receipt of a written protest, the City Engineer shall send written notice of the protest, including a copy of the protest, to the original developer. The original developer shall have thirty (30) days from the date of said notice to submit a written response to the protest.
 - c. Decision; Appeal: Upon receipt of the original developer's response, the City Engineer shall, within a reasonable time, decide the matter. The decision of the City Engineer with respect to the protest may be appealed to the City Council for determination.

HISTORY:

(Ord.2013-07, 10-22-2013)



11.9 Natural Hazard and Flood Hazard Study

11.9.1 Purpose

This Chapter is adopted in order to protect human life and health and to reduce the potential risk of rock fall, debris flow, land slide, flooding, avalanche, earthquake and other natural hazards.

HISTORY:

(Ord. 2019-06, 11-19-2019)

11.9.2 Requirement to Conduct

A natural hazard study shall be required for every application for occupied structures and habitable spaces where the lot on which the structure will be located has been identified through governmental-sponsored studies, research, surveys, analysis, etc., as an area that may be susceptible to a natural hazard, as identified on the City's Natural Hazard Map No. 1. With the exception of a permit for renovation, remodel, or repair of an existing occupied structure or habitable space if the proposed application does not expand the footprint or scale of the existing occupied structure or habitable space.

HISTORY:

(Ord. 2019-06, 11-19-2019; amd. Ord. 2022-25, 8-23-2022)

11.9.3 Study Requirements

A. Natural hazards assessments shall meet the following requirements:

1. The assessment shall be prepared by a geologist or engineer licensed by the state who has at least four (4) years of experience in a responsible position in the field of engineering geology. The assessment shall be signed, dated and stamped by the preparer and include the qualifications of the preparer.
2. The assessment shall be a site-specific engineering geology study and shall identify all known or suspected potential geologic hazards, originating on-site or off-site, whether previously mapped or unmapped, which may affect the proposed structure or use of land.
3. The assessment shall identify the degree to which the hazards affect the proposed structure or use of land and recommend mitigation measures to adequately protect persons and property, including occupants and property improvements related to the proposed structures and uses, and to meet the standards of this Chapter.
4. The assessment shall contain a detailed site map of the subject area showing any site-specific mapping performed as part of the geologic investigation, and including boundaries and features related to any natural or geological hazards, topography and drainage. The site map must show the location and boundaries of the hazard(s), delineation of any



recommended setback distances from hazard(s), and recommended location(s) for structures. Recommended buildable and non-buildable areas shall be clearly identified. City geological maps are included herein as attachments to this Chapter and as references which show potential or existing hazards within the City of Woodland Hills. These maps are updated from time to time to reflect current conditions within the City of the hazards outlined. New maps will replace existing ones and will automatically be included as attachments to this Chapter as they are received.

5. The assessment shall contain trench logs and test pit logs, boring logs, aerial photographs, references with citations, and other supporting information, as applicable.
 6. The City Engineer shall determine whether the natural hazards assessment meets the standards of this Chapter. The City Engineer may reject the assessment if the County Engineer finds that the professional geologist or engineer has insufficient training or experience, or if the County Engineer finds that the assessment is insufficient in depth, scope or detail. The City Engineer may require that a supplemental or revised assessment be submitted.
 7. All recommended mitigation measures identified in the natural hazards assessment shall be incorporated into the design of the proposed structure or use of land. In the event that the natural hazards assessment provides alternative mitigation measures, the applicant shall elect which mitigation measures to implement, and the applicant shall submit a supplemental natural hazards assessment confirming that the elected mitigation measures are sufficient to adequately protect persons and property and to meet the standards of this Chapter. The applicant shall submit engineered plans for the proposed mitigation measures, which plans will demonstrate how the mitigation measures will be incorporated into the design of the applicable structure or use of land. These plans shall be prepared by a professional engineer who is licensed to practice in the state of Utah and is qualified to develop such plans. The City Engineer may reject the plans if the City Engineer finds that the professional engineer has insufficient training or experience, or if the City Engineer finds that the plans insufficiently describe the proposed mitigation measures or do not meet the other requirements of this Chapter. The City Engineer may require that supplemental or revised plans be submitted.
 8. The City Engineer shall determine if the submitted plans sufficiently describe the proposed mitigation measures.
- B. Upon the determination by the City Engineer that the natural hazards assessment meets the standards of this Section, the City shall issue a clearance which incorporates the uses, structures, and mitigation measures approved by the City Engineer.

HISTORY:

(Ord. 2019-06, 11-19-2019)

11.9.4 Standards

- A. General Standard: The mitigation measures identified in the natural hazards assessment shall be sufficient to provide adequate protection to persons and property, including occupants and



property improvements related to the proposed structures and uses, and to meet the standards of this Chapter.

- B. Site Investigation, Hazard Identification And Mitigation Implementations: Occupied structures and habitable spaces, shall not be placed in, an area subject to rockfall, debris flow, landslides or surface fault rupture, unless the site for such structure or use of land is investigated in the site-specific natural hazards assessment and it meets the requirements of this Section and the mitigation measures identified in the natural hazards assessment are all incorporated into the design of the structure or use of land and implemented. If the natural hazards assessment finds that no mitigating measures are needed, then no mitigating measures are required.
- C. No Covering Up: No use, construction, or grading shall be permitted or performed which would conceal, misrepresent or cause to be unrecognized the presence of any natural hazard.

HISTORY:

(Ord. 2019-06, 11-19-2019)

11.9.5 Special Requirements

- A. Certification by Engineer-Plans: When this Chapter requires the preparation and submittal of engineered plans, such plans shall be prepared by a professional engineer licensed to practice in the state of Utah and who is qualified to prepare such plans through experience and training. The required engineered plans shall bear on it a certification by the engineer that the plans implement all of the recommended mitigation measures. Prior to the City issuing any clearance to commence construction, the City Engineer shall determine if the requirements of this Section have been met.
- B. Certification by Geologist Or Engineer: When a natural hazards assessments is required by this for a structure, the Natural Hazards Assessment shall bear the signed certification of the Utah state licensed geologist or engineer, who has at least four (4) years of experience in a responsible position in the field of engineering geology, that the recommended mitigation measures are sufficient to provide adequate protection to persons and property. Prior to the City issuing any clearance to commence construction, the City Engineer shall determine if the requirements have been met.

HISTORY:

(Ord. 2019-06, 11-19-2019)

11.10 Flood Damage Prevention

11.10.1 Statutory Authorizations, Findings of Fact, Purpose and Methods

- A. Statutory Authorization: The legislature of the state has in Utah Code Section 10-3-701 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council does or has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council does ordain as follows:
1. Findings of Fact:
 - a. The flood hazard areas of the City are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
 - b. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.
 2. Statement of Purpose: It is the purpose of this Chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - a. Protect human life and health;
 - b. Minimize expenditure of public money for costly flood control projects;
 - c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - d. Minimize prolonged business interruptions;
 - e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
 - f. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 - g. Ensure that potential buyers are notified that property is in a flood area.
 3. Methods of Reducing Flood Losses: In order to accomplish its purposes, this Chapter uses the following methods:
 - a. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 - b. Require that uses vulnerable to floods, including facilities, which serve such uses,



- be protected against flood damage at the time of initial construction;
- c. Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of flood waters;
- d. Control filling, grading, dredging and other development, which may increase flood damage; and
- e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

HISTORY:

(Ord.2018-02, 11-13-2018)

11.10.2 Definitions

- A. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter its most reasonable application.
 - 1. **ALLUVIAL FAN FLOODING:** Flooding occurring on the surface of an alluvial fan or similar landform, which originates at the apex and is characterized by high-velocity flows: active processes of erosion, sediment transport and deposition; and unpredictable flow paths.
 - 2. **APEX:** A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
 - 3. **AREA OF SHALLOW FLOODING:** A designated AO, AH or VO zone on a community's flood insurance rate map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
 - 4. **AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, AI-99, VO, VI-30, VE or V.
 - 5. **BASE FLOOD:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
 - 6. **BASE FLOOD ELEVATION (BFE):** The water surface elevation of the one percent (1%) annual chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying flood insurance study (FIS) for Zones A, AE, AH, AI-A30, AR, VI-V30 or VE that



indicates the water surface elevation resulting from the flood that has a one percent (1%) chance of equaling or exceeding that level in any given year.

7. **BASEMENT:** Any area of the building having its floor sub grade (below ground level) on all sides.
8. **CRITICAL FEATURE:** An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
9. **DEVELOPMENT:** Any man-made change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
10. **ELEVATED BUILDING:**
 - a. A non-basement building:
 - i. Built, in the case of a building in Zones AI-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor, or in the case of a building in Zones VI-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and
 - ii. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.
 - b. In the case of Zones AI-30, AE, A, A99, AO, AH, B, C, X and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones VI-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(S) of the national flood insurance program regulations.
11. **EXISTING CONSTRUCTION:** For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".
12. **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
13. **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).



14. **FLOOD** or **FLOODING**: A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters; and
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
15. **FLOOD HAZARD BOUNDARY MAP (FHBM)**: An official map of a community, issued by the administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, Mand/or E.
16. **FLOOD INSURANCE RATE MAP (FIRM)**: An official map of a community, on which the federal emergency management agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
17. **FLOOD INSURANCE STUDY**: The official report provided by the federal emergency management agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.
18. **FLOODPLAIN OR FLOOD-PRONE AREA**: Any land area susceptible to being inundated by water from any source. (See definition of "flooding".)
19. **FLOODPLAIN MANAGEMENT**. The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.
20. **FLOODPLAIN MANAGEMENT REGULATIONS**: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
21. **FLOOD PROTECTION SYSTEM**: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
22. **FLOOD PROOFING**: Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
23. **FLOODWAY (REGULATORY FLOODWAY)**: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base



flood without cumulatively increasing the water surface elevation more than a designated height.

24. **FUNCTIONALLY DEPENDENT USE:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
25. **HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
26. **HISTORIC STRUCTURE:** Any structure that is:
 - a. Listed individually in the national register of historic places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
 - b. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of interior; or
 - d. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the secretary of the interior; or
 - ii. Directly by the secretary of the interior in states without approve programs.
27. **LEVEE:** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
28. **LEVEE SYSTEM:** A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
29. **LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the national flood insurance program regulations.
30. **MANUFACTURED HOME:** A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include



a "recreational vehicle".

31. **MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
32. **MEAN SEA LEVEL:** For purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.
33. **NEW CONSTRUCTION:** For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
34. **NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
35. **RECREATIONAL VEHICLE:** A vehicle which is:
 - a. Built on a single chassis;
 - b. Four hundred (400) square feet or less when measured at the largest horizontal projections;
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
36. **START OF CONSTRUCTION:** For other than new construction or substantial improvements under the coastal barrier resources act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land prep aeration, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other



structural part of a building, whether or not that alteration affects the external dimensions of the building.

37. **STRUCTURE:** A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

38. **SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

39. SUBSTANTIAL IMPROVEMENT:

a. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

b. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary conditions; or

11. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

40. **VARIANCE:** A grant of relief to a person from the requirement of this Chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Chapter. (For full requirements see Section 60.6 of the national flood insurance program regulations.)

41. **VIOLATION:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

42. **WATER SURFACE ELEVATION:** The height, in relation to the national geodetic vertical datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

HISTORY:

(Ord. 2018-02, 11-13-2018)



11.10.3 General Provisions

- A. **Lands to Which this Chapter Applies:** The Chapter shall apply to all areas of special flood hazard within the jurisdiction of the City.
- B. **Basis for Establishing the Areas of Special Flood Hazard:** Since areas of special flood hazard have not been identified, water surface elevations have not been provided, nor has sufficient data identifying the floodway been provided by the federal emergency management agency (FEMA), the community shall obtain, review, and reasonably utilize data available from other federal, state or other sources. The areas of special flood hazard identified (Zone C) by the federal emergency management agency in a scientific and engineering report entitled, "The Flood Insurance Study for Utah County", dated October 15, 1982 with accompany flood insurance rate maps and flood boundary-floodway maps (FIRM and FBFM) including panels 4955170480A and 4955170500A dated October 15, 1982 and any revisions thereto are hereby adopted by reference and declared to be a part of this Chapter.
- C. **Establishment of Development Permit:** A development permit shall be required to ensure conformance with the provisions of this Chapter.
- D. **Compliance:** No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.
- E. **Abrogation and Greater Restrictions:** This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. **Interpretation:** In the interpretation and application of this Chapter, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- G. **Warning and Disclaimer or Liability:** The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.
- H. **Severability:** If any section, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

HISTORY:



(Ord. 2018-02, 11-13-2018)

11.10.4 Administration

- A. Designation of the Floodplain Administrator: The public works director is hereby appointed the floodplain administrator to administer and implement the provisions of this Chapter and other appropriate sections of 44 C.F.R. (National flood insurance program regulations) pertaining to floodplain management.

- B. Duties and Responsibilities of the Floodplain Administrator: Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:
 - 1. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter.
 - 2. Review permit application to determine whether proposed construction or other development, including the placement of manufactured homes, will be reasonably safe from flooding.
 - 3. Review, approve or deny all applications for development permits required by adoption of this Chapter.
 - 4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the federal water pollution control act amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 - 5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.

- C. Permit Procedures
 - 1. Additionally, the following information is required:
 - a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - b. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
 - c. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Section 11-11-5B2;
 - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and



- e. Maintain a record of all such information in accordance with Subsection BI of this Section.
2. Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this Chapter and the following relevant factors:
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The compatibility of the proposed use with existing and anticipated development;
 - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - h. The necessity to the facility of a waterfront location, where applicable;
 - i. The availability of alternative locations, not subject to flooding or erosion damage for the proposed use;
 - j. The relationship of the proposed use to the comprehensive plan for that area.
 3. Variance Procedures:
 - a. The appeal board as established by the community shall hear and render judgment on requests for variances from the requirements of this Chapter.
 - b. The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this Chapter.
 - c. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
 - d. The floodplain administrator shall maintain a record of all actions involving



an appeal and shall report variances to the federal emergency management agency upon request.

- e. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Chapter.
- f. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Subsection C of this Section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- g. Upon consideration of the factors noted above and the intent of this Chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter (Section 11-11-1C).
- h. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- i. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- j. Prerequisites for granting variances:
 - i. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - ii. Variances shall only be issued upon.
 - 1. Showing a good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - iii. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.



- k. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - i. The criteria outlined in Subsection DJ through D9 of this Section are met; and
 - ii. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord.2018-02, 11-13-2018)

11.10.5 Provisions for Flood Hazard Reduction

A. General Standards: In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements.

- 1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- 2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- 3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- 4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
- 7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Standards for Subdivision Proposal:

- 1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Section 11-11-1B, C, and D of this Chapter.



2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of Section 11-11-3C; Section 11-11-4C; and the provisions of this Section of this Chapter.
3. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

HISTORY:

(Ord. 2018-02, 11-13-2018)