

## CHAPTER 19

### Subdivision Design Standards

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#### 19-1 **Purposes**

The purposes of this chapter are:

1. To promote the health, safety and general welfare of the residents of Morgan County [also referred to as "County" in this Chapter].
2. To provide for the orderly development of the County, with adequate provisions for traffic, light, air, recreation, transportation, water, drainage, sewage and other public requirements.
3. To require all roads and roadway features to meet minimum design standards established by the Construction Specifications for Morgan County as adopted. Exceptions to applicable standards may be granted by the County Engineer on a case by case basis and shall demonstrate innovative superiority or other advantages over existing standards.

## 19-2 **Curbs, Gutters and Sidewalks**

Where required by the Master Street Map, as adopted, curbs, gutters, and/or sidewalks shall be installed on all existing and proposed streets and along the frontage of any lot within a subdivision in conformance with the Construction Specifications for Morgan County. The Planning Commission may waive the installation requirement for sidewalks in the Rural Residential, Agricultural, & Multiple Use Zones. Sidewalks may be waived on one or both sides of the street, or trails may be installed in lieu of sidewalks.

## 19-3 **Residential Driveways**

A. Driveways shall be provided for all residential building lots. The drive approach for the driveway shall be a minimum width of 12 feet and shall not exceed the maximum width of 30 feet. A secondary drive approach may be permitted upon review and approval by the County Engineer.

B. No downsloping driveways shall be permitted, unless otherwise approved by the County Engineer due to unusual topographic constraints. The driveway must maintain a positive slope away from the home as required by the International Building Code.

C. For driveways less than 50 feet in length the maximum slope shall be 15 percent. For driveways 50 feet or greater, the minimum grade at which a driveway shall be allowed to be built is 2 percent slope and the maximum grade at which a driveway shall be allowed to be built is 12 percent slope except as hereafter provided. The County Engineer, under exceptional circumstances, may approve driveway slopes up to 15 percent and may impose conditions of approval to mitigate any hazards created by the steepness of the driveway.

D. The maximum number of homes accessed by shared driveway shall be four (4) homes. Shared drives shall be used in areas where topography limits safe accessibility to the public right of way, to minimize disruption to the environment and erosion, and only with a recorded easement and maintenance agreement that is attached to the property and all property owners involved and their successors. Access by shared drive shall not effect regulations for frontage or width requirements of individual lots. Shared driveways of more than 2 homes shall provide adequate emergency vehicle turn around, as approved by the MCFSD or the MGFDP, as applicable.

## 19-4 **Culinary Water Systems**

The developer shall extend culinary water systems to each lot within a subdivision and shall be in conformance with the Construction Specifications for Morgan County. The developer shall install water lines and laterals throughout the subdivision, extending to the farthest boundaries thereof, or beyond as may be determined by the County as necessary to provide service. The developer shall locate and mark at the property line, the location of the ends of water laterals.

Individual or shared wells shall only be permitted in minor subdivisions as defined by this code.

## 19-5 **Fire Flow/Storage**

1. Remote Locations: Development in remote locations that will adversely and unreasonably affect the firefighting or emergency service capability of a fire district or special service district within which it is located to provide adequate service to the majority of the people located within the district, is inappropriate and will not be approved by the county.

2. Fire Hazard: Any development that, due to size, building materials or proximity to vegetation, presents an unusual fire hazard which is beyond the firefighting capability of the fire district within which it is located is inappropriate and will not be approved by the county
3. Fire Flow Requirements: The fire flow requirement for rural residential development of more than five (5) building lots or dwellings will be a minimum of one thousand (1,000) gallons per minute.
4. Water Storage:
  - a. Storage For Firefighting Use: Water storage will be provided to support the required minimum fire flow of one thousand (1,000) gallons per minute for a duration of two (2) hours.
  - b. Residential Indoor Storage: Additionally, water storage shall have a capacity of four hundred (400) gallons per equivalent residential connection for indoor use.
  - c. Irrigation Storage: one thousand eight hundred thirteen (1,813) gallons of storage for each irrigated acre.
5. Water Source Delivery Capacity:
  - a. Indoor Sources: Sources must be capable of providing eight hundred (800) GPD/ ERU (equivalent residential connection) for indoor use. The water supplier must possess, and provide to the county, documentation which grants the legal right to the required amount of water.
  - b. Irrigation Source: Within the irrigated crop consumptive use area, the source must be capable of providing 2.80 gallons per minute per irrigated acre. Where an engineer, developer or water supplier claims that there will be no outside use of water (e.g., in a summer home development) documentation, typically a copy of the restrictive covenants and a note on the recorded plat, must be provided to prove the legal means exist to restrict outside use.
  - c. Source Protection: Concentrated sources of pollution should be located as far as possible from all culinary well sources. To ensure that protection is available, the water supplier must either own the protection zone and agree not to locate or permit concentrated sources of pollution within it or, if the water supplier does not own the land in question, he must obtain a land use agreement with the owner of the land by which the landowner agrees not to locate or permit "concentrated sources of pollution" within the protection zone. Concentrated sources of pollution and their distance from the well and within the well head protection zone shall be regulated by the Weber Morgan County Health Department.
  - d. Binding Restriction: In both of these above situations, the restriction must be binding on all heirs, successors and assigns. The land use restriction must be recorded with the property description in the county recorder's office. Copies of this recording must be submitted to the Division of Drinking Water for review.
  - e. Publicly Owned Lands: Publicly owned lands containing protection zones need not be recorded in the recorder's office. However, a written statement must be obtained from the administrator of the land in question. This statement must meet all other requirements with respect to the establishing of a protection zone as described in this section.

6. Water Supply To Lots: The house water service line shall be at least three quarter (3/4") inch diameter or larger to provide adequate flow and pressure meeting fire sprinkler demands.
7. Water Line Burial: Water lines shall be buried with a minimum of five (5) feet of cover. Upon written approval of the water company, the minimum burial depth may be reduced to four (4) feet of cover.

**19-6 Individual Water Systems On Each Lot:**

1. Water Storage: All dwellings will require a water storage system for firefighting purposes. Water storage to be within a tank as dictated by NFPA std. 22, as water reserves, exclusive of storage for domestic, irrigation and fire sprinkler system use. The amount of required water storage is based upon the useable floor area of the dwelling, including attached garages. The amount of required water storage is five thousand (5,000) gallons of water storage for every two thousand (2,000) square feet of useable floor area, or fraction thereof.
2. Water Source:
  - a. Source Identification: Prior to preliminary approval by the county, a source, or sources, of water to the proposed project must be identified. The developer must submit information concerning site geology, area hydrogeology, site topography, soil types and the proven wet water by the drilling of one or more test wells as determined by a qualified geotechnical engineer, engineering geologist, or hydrogeologist. Well logs will be submitted to the county identifying the depth and yield of the well. The source must be consistently available at sufficient quantities to supply domestic, and irrigation needs according to state regulations. In all cases a well, or wells, of sufficient capacity at each proposed building location will be required prior to building permit issuance. Language shall be included on the final recordation plat and within the projects CC&Rs that identifies the process for obtaining a building permit as it is related to water rights and well drilling confirmation. A water right and associated well permit will remain with the lot and is not transferable.
  - b. Source Protection: Concentrated sources of pollution should be located as far as possible from all culinary well sources. To ensure that protection is available, the water supplier must either own the protection zone and agree not to locate or permit concentrated sources of pollution within it or, if the water supplier does not own the land in question, he must obtain a land use agreement with the owner of the land by which the landowner agrees not to locate or permit "concentrated sources of pollution" within the protection zone. Concentrated sources of pollution and their distance from the well and within the well head protection zone shall be regulated by the Weber Morgan County Health Department.
  - c. Binding Restriction: In both of these above situations, the restriction must be binding on all heirs, successors and assigns. The land use restriction must be recorded with the property description in the county recorder's office. Copies of this recording must be submitted to the Division of Drinking Water for review.
  - d. Publicly Owned Lands: Publicly owned lands containing protection zones need not be recorded in the recorder's office. However, a written statement must be obtained from the administrator of the land in question. This statement must meet all other requirements with respect to the establishing of a protection zone as described in this section.
3. Exterior Fire Suppression Dry Standpipe System: An exterior fire suppression dry standpipe system will be designed and constructed at the time of home construction to provide FSD the ability to use the water storage for external fires.

4. Dry Hydrants/Draft Site: The dry hydrant/draft site will be provided at all individual water systems intended for fire protection use. The design, construction, location, access and access maintenance of the dry hydrant/draft site must be approved by FSD. The dry hydrant/draft site must have emergency vehicle access designed and constructed in accordance with section III-A, roads and streets. The dry hydrant/draft site must be clearly identified in a manner approved by the FSD to identify the location and to prevent obstruction by parking and other obstructions. The dry hydrant/draft site is also subject to periodic tests such that the system is operative at all times.

#### **19-7 Water System Concurrency Management:**

1. All water systems shall meet the availability, distribution and delivery system, capacity, storage, design and construction requirements of the state Division of Drinking Water and such approval shall be provided before preliminary subdivision plat, preliminary site plan, or conditional use.
2. Legal rights to the proposed water source shall be certified in writing by the state Division of Water Rights and shall be provided before preliminary subdivision plat, preliminary site plan, conditional use, or low impact permit approval. The county shall not accept an application or certificate that has lapsed, expired or been revoked by the state engineer.
3. Evidence of coordination with the private or public water service provider, including an agreement for service, service commitment letter, or other binding agreement for the provision of water shall be provided before preliminary subdivision plat, preliminary site plan, or conditional use.
4. A certificate of convenience and necessity or an exemption therefrom, issued by the state public service commission, for the proposed water supplier, including an indication of the service area of the proposed water supplier, shall be provided prior to permit approval.
5. Individual water systems, which may be permitted by the county, shall only be permitted in mountain/remote areas designated on the land use plan map and in areas where there are appropriately sized lots for which a community system is not feasible.
6. Water systems, including shared wells, which service 2 or more lots are required to obtain approval or exemption from the Public Service Commission.

#### **19-8 Sanitary Sewer Systems**

Developments within the boundary of a Sewer District shall be required to extend sanitary sewer systems to each lot in a subdivision in conformance with the requirements of the responsible sewer district and the Construction Specifications for Morgan County.

The developer shall install main sewer lines and laterals throughout the entire subdivision, extending to the farthest boundaries thereof or beyond as determined by the County to be necessary to provide service. The developer shall locate and mark at the property line the location of the ends of sanitary sewer laterals.

On-site individual septic systems shall only be permitted outside the boundaries of existing sewer districts on lots one acre or greater. If individual wells and septic systems are proposed, the minimum lot size shall be 1.5 acres. Septic systems shall be approved only in conformance with the Weber-Morgan County Health Department. The health department may require additional lot size or impose additional restrictions. A one (1) acre lot size shall be allowed provided that a shared well is employed and approved by the Health Department and the well-head protection area is encompassed entirely within the boundaries of the lots for which the well will serve.

Developments within areas designated by the Morgan County Capital Facilities Plan and/or Master Waste Water Plan shall be required to conform to the adopted standards therein. Developers may enter into agreement with the County for construction and installation of infrastructure within the County's service area, as well as for a pro-ratio reimbursement of said costs from future development over a time period not to exceed ten (10) years.

#### **19-9 Drainage Systems**

Surface water runoff drainage systems shall be designed to handle all runoff generated within the subdivision by a ten-year storm and routing of water generated by a 100 year storm will be provided. Such systems shall be designed and installed by the developer according to the Construction Specifications for Morgan County. Detention/retention storage shall be designed so that the developed peak storm discharge does not exceed the pre-developed peak storm discharge in the 10-year event. In no event shall storm drainage be discharged into an irrigation ditch without prior written approval of the irrigation company.

The developer shall take all necessary measures to prevent eroded soils and sediments from discharging from a construction site. For all sites disturbing more than one (1) acre, a copy of the applicant's Storm Water Pollution Prevention Plan (SWPPP) and a copy of the Utah Pollutant Discharge Elimination System (UPDES) permit shall be submitted to the Morgan County Engineer for approval prior to construction. All storm drainage systems, including storm water detention/retention, shall be cleared of all silt/sediments prior to final release of the Subdivider's surety.

#### **19-10 High Water Table Areas**

A. In areas that are known for the potential of ground water impacts, a ground water investigation shall be made by a geotechnical engineer and provided to the County for review with the application for preliminary plat approval to include the following:

1. The recommended mitigation measures that should be taken to assure that homes will be protected from potential ground water impacts, including a proposed method of ground water disposal to be reviewed and approved by the County Engineer or designee.

2. The developer shall provide ground water information to each lot purchaser/owner and disclose the information on the plat.

B. Ground water drainage systems, if required, shall be designed and installed in accordance with construction standards and specifications determined by the County Engineer or designee. Under no circumstances shall ground water drainage systems be permitted to discharge into sanitary sewers. Ground water drainage systems can discharge into storm drainage systems, provided the system connects to the storm drainage system downstream of any required storm water detention/retention facility.

C. All drainage systems shall be extended to the outermost boundaries of the subdivision by the developer.

D. The developer shall install or replace, when required by the County, all sewer and water systems within a high water table area to eliminate or minimize possible damage to such systems.

E. The County may prohibit basements in high water table areas upon recommendation from the County Engineer.

#### **19-11 Flood Plain Areas**

A. In any subdivision in or adjacent to a flood hazard area identified by the County Engineer or other responsible person or entity, the developer shall comply with the provisions of this Section.

B. Design and develop the subdivision to provide each lot with a buildable area that will permit the lowest floor elevation, including the basement, to be constructed one (1) foot above the one hundred (100) year flood elevation. The developer is required to obtain an elevation certificate prior to issuance of

building permits. Developments within a flood plain shall be required to obtain a flood plain development permit in accordance with local, state and federal statute. In no instance shall any building or roadway (excluding gravel access roads) be permitted to be constructed within the designated 100-year floodway as designated by FEMA, nor shall any fill associated with a subdivision be allowed to be placed within the 100-year floodway as designated by FEMA.

C. Design the subdivision to minimize the effects of flooding and to facilitate the flow of surface water runoff.

D. Submit the following base flood elevation data with the application for preliminary plat approval:

1. The elevation of the one hundred (100) year base flood elevation in relation to mean sea level. Also, as noted on FEMA maps.

2. The elevation of the lowest floor level, including basements, of proposed dwellings. An elevation certificate will be required for all dwellings located within a flood plain.

E. The County may maintain a record of all the information required in subsection (D) above.

F. Install or replace, when required by the County, all sewer and water systems within an identified flood hazard area to eliminate or minimize possible damage to such systems, discharge from such systems into flood water, or infiltration of floodwaters into such systems.

G. All new storm drain and water systems shall be approved to ensure compliance by the Morgan County Engineer.

#### **19-12 Alteration or Relocation of Natural or Man Made Waterways**

A. Alteration or relocation of any natural waterway shall receive approval from the Army Corps of Engineers, Utah Division of Wildlife Resources, and any applicable irrigation company.

B. A request for alteration or relocation of a natural waterway shall also be submitted to the County Engineer or designee to ensure the following:

1. That the flow capacity and velocity of the waterway will not change with the proposed alteration or relocation.,

2. That the soils conditions in the proposed location will not increase flooding potential.

3. That the proposed waterway can be adequately maintained.

#### **19-13 Streets**

A. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Master Street Map 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. The requirements of this section are the minimum requirements and shall not be waived, modified or varied by the Planning Commission, County Council, nor the Board of Adjustment, unless specifically authorized to do so by this section.

B. Where the Master Street Map does not show proposed streets, the arrangement of street in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

C. All street and right-of-way improvements shall be designed and constructed in accordance with the Construction Specifications for Morgan County.

D. Street right-of-way widths shall be as shown on the Master Street Map and where not shown therein, in accordance with the Construction Specifications for Morgan County.

E. Half streets are prohibited, except where it can be shown that it is essential to the development of the subdivision in conformance with the other requirements of these regulations; and where the Planning Commission finds it will be practicable to require the dedication and improvements to the other half when the adjoining property is subdivided. A minimum pavement width of 26 feet will be required.

F. Cul-de-sacs are strongly discouraged within Morgan County in favor of through streets. Cul-de-sacs may only be permitted on local streets and shall be terminated by a turn-around of not less than one hundred ten (110) feet in diameter and shall not exceed 3% grade. Surface water shall drain away from the turn-around, except where surface water cannot be drained along the street due to the grade, necessary catch basins and drainage easements shall be provided. A cul-de-sac shall not exceed one thousand (1,000) feet in length in a residential zone. A cul-de-sac length is measured from the center of the intersection with another street to the center of the cul-de-sac turn-around. Cul-de-sacs shall provide for appropriate snow storage easements. Above ground utility boxes and appurtenances shall be prohibited in snow easement areas. Streets which terminate in a cul-de-sac shall be limited to service of twelve (12) dwelling units.

G. Streets shall be laid out so as to intersect as nearly as possible at right angles. Streets shall approach other local streets, arterial, or collector streets at angles not less than 80 degrees for a distance of at least 100 feet. Street grades at intersections shall be no greater than 4% for at least fifty (50) feet.

H. Where street lines within a block deflect from each other at any one point there shall be connecting curves. The radius of the curve for the street center line shall be not less than 350 feet for arterial streets, 250 feet for collector streets, and 150 feet for local streets.

I. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names may be subject to the approval of the Morgan County Recorder's Office.

J. Local streets shall be so laid out that their use by through traffic will be discouraged.

K. Where a subdivision abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require local access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

L. Parkstrips shall be required on all new streets, unless otherwise determined by the Planning Commission and shall be designed and installed according to the Construction Specifications for Morgan County.

M. Minimum street grades of 1.0% are required. The maximum grade for roads in all zones shall be 10%, provided however, the County Council may approve grades up to 12% for short distances less than 500 feet over a continuous lineal length of 2,000 feet upon specific findings of fact relating to topography, soils, excessive cuts and fill or other conditions which warrant and where traffic safety and economy of road maintenance can be secured. Streets shall not be allowed when the cross slope of said street exceeds 30%.

Vertical curves shall be provided when the change in grades at a PVI exceeds 1.5%. Vertical curves

shall be parabolic in nature and shall have a minimum curve length of 50 feet.

N. Street grades in any proposed development that have received approval of the County Council prior to the adoption of this section, as amended, shall be permitted as approved, even though said street grades may be in excess of those permitted under this section.

O. Streets in new developments shall make provisions for the continuation of existing streets to adjoining areas at the same or greater width. Where the Planning Commission determines that it is desirable to provide for street access to adjoining property to provide an orderly development of a street system, proposed streets shall be extended by dedication to the boundary of such property. Temporary turn-arounds shall be provided at the property line.

P. A minimum of two points of ingress and egress shall be provided on all subdivisions which provide access to more than sixteen (16) dwelling units, to allow escape routes in case of fire or other catastrophe or hazard. At least one access road will be considered the main access to be dedicated with a right-of-way easement as part of the final plat. In situations where dual access is not available with the initial development, one or more easements extending to the perimeter of the proposed development and evidence that existing vehicular access through adjacent properties to public roads must be provided by the developer. For phased developments in which a development agreement has been signed, the second access may be provided as a sub-standard temporary access, so long as it is a passable access road and maintained for emergency services as approved by the Fire District.

#### 19-14 Private Streets

A. Public street systems shall be encouraged for access to all residential dwelling sites. A private street system may be approved (as provided elsewhere in this code) in conformance with construction design standards.

1. Approved private streets for access to residential dwelling structures shall conform to minimum width paved surface as adopted in the Construction Specifications for Morgan County.

2. Approved private streets greater than 150 feet in length may serve as access for up to five lots but shall be required to provide an approved turnaround of at least 3600 square feet, the configuration of which to be determined by the Fire District.

3. Approved streets greater than 150 feet in length may serve as access to more than five lots but are required to provide a cul-de-sac turnaround with a minimum asphalt width for a public street and with the engineering specifications of a public street.

4. All streets which terminate with a cul-de-sac or hammerhead turnaround shall provide for appropriate snow storage easements. No above ground utility boxes or other appurtenances shall be permitted in designated snow storage easements.

5. Private Streets shall only be allowed in developments in which a Perpetual Maintenance Plan has been established for the Home Owner's Association which is required to be professionally managed.

6. Private Streets shall only be allowed to be dedicated to the public and accepted by the Governing Body when the street meets construction standards as adopted at the time of dedication. The Governing body may also establish a special service district for the care and maintenance of the street after dedication.

#### 19-15 Buffering Along Arterial Streets

A. Residential Developments shall not be so constructed as to permit motor vehicle access directly onto an arterial street or roadway from individual residential lots. No new residential developments shall be permitted within the County which abut an arterial without requiring improvements along the entire length of the development as it abuts the arterial street, to the following standards:

(1) Curb, gutter and sidewalk to specifications approved by the County Engineer as required by the Master Street Map.

(2) A minimum five (5) foot landscaped buffer between the sidewalk and street curb, such landscaping to be installed according to the County's specifications and details for municipal construction for arterial and collector streets.

(3) Sprinkling system and water connections sufficient to maintain landscaping in all buffer areas to specifications approved by the County Engineer.

(4) Additional landscaped elements, may be required by the Planning Commission, between the sidewalk and development, such items may include but are not limited to, trees, shrubs, berms, retaining walls, etc. The specific width of the buffer and landscaping specifications shall be determined by the Planning Commission, upon recommendation by the County Planner, at the time of preliminary subdivision review.

#### 19-16 **Block Length**

A. The lengths, width and shapes of blocks shall be determined by the following:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
2. Zoning requirements as to lot size and dimensions.
3. Needs for convenient access, circulation, control and safety of street traffic.
4. Limitations and opportunities of topography.

B. Block lengths shall not exceed eight hundred (800) feet, when required for adequate emergency protection.

C. Pedestrian crosswalks shall be required where deemed essential to provide circulation or access to churches, schools, playgrounds, shopping centers, transportation, and other community facilities in accordance with the Construction Specifications for Morgan County.

#### 19-17 **Bridges**

The developer shall pay all costs of designing and constructing or installing any bridge, pipe, culvert or other structure required by the County for any ditch, river, stream, canal, etc. within the subdivision or adjacent thereto. All bridges and culverts shall be constructed in accordance with Construction Specifications for Morgan County.

#### 19-18 **Walkways/Trails**

A. Walkways or trails up to six (6) feet in width may be required within a subdivision.

B. The developer may be required to dedicate a sufficient amount of property to be used exclusively as a pedestrian access walkway. Such parcels to be dedicated shall be located in a position within the development as may be determined by the Planning Commission. The parcel shall also be of a size large enough to allow for such a walkway, such size to be determined by the Morgan County Planning Commission.

C. The developer may be required to install upon the walkway such improvements as determined by the Planning Commission and the County Engineer. All such improvements shall be erected and constructed in accordance with standards as may be established by the Morgan County Planning

Commission and County Engineer.

**19-19 Monuments**

Survey monuments shall be indicated on the final plat and accurately installed by a licensed land surveyor before any subdivision improvements are accepted.

**19-20 Easements**

A. Easements for utilities and drainage shall be provided where necessary as determined by various public utility agencies and Morgan County Engineer.

B. Easements for surface water runoff drainage, canals, irrigation ditches, waterways, public utilities, clear vision areas and rights-of-way within the subdivision and across adjoining property may be required by the County when necessary to properly serve the subdivision or protect the citizens of the County.

C. Open ditches or canals shall not be allowed within or adjoining a subdivision except along rear or side lot lines. The subdivider shall work with canal, ditch, drainage, irrigation companies and Morgan County Engineer as to:

1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision.
2. The size of pipe and culverts required,
3. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts shall be approved by the Morgan County Engineer. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the County Engineer in accordance with the Construction Specifications for Morgan County.
4. The subdivider may be required to install a six (6) foot non-climbable fence, or its equivalent, along all open ditches, canals, or waterways, open reservoirs or bodies of water, railroad right-of-way and other such features of a potentially hazardous nature, on or contiguous to the property being subdivided as determined by the Planning Commission.
5. After installation and acceptance by Morgan County, individual property owners are responsible for maintenance of fences or portions of fences erected upon their property and shall hold Morgan County harmless for any and all defects of workmanship, maintenance repair and liabilities arising from the erection or intended use of said fence.

D. Easements for public trails shall be provided where necessary as determined by various public agencies, including the Morgan County Parks and Recreation Department (or respective committee, if one exists) and the U.S. Forest Service.

**19-21 Public Utilities**

A. The developer shall be responsible for the installation of service lines prior to street paving.

B. All utilities which will serve the parcel being subdivided shall be buried beneath the surface of the ground and shall be located within the easements provided for such use or within the streets, at a location to be determined by the County.

C. All utility structures shall be included as part of the construction drawings submitted with the preliminary application and approved prior to the final plat.

D. There shall be no above-ground utility structure placed in a street but may be placed within the

sidewalk and/or parkstrip as approved by the County Engineer, provided it is not within a designated snow storage easement.

#### 19-22 **Street Lighting & Signage**

A. The developer shall pay for the installation, including all electrical service lines, of a street lighting system for the approved subdivision or as otherwise required by County Ordinance.

B. The street lights shall be placed as approved by the County Engineer or designee. Such items to be approved include appropriate distance, alternating sides of street, location upon the property, street light type, height, and illumination intensity as determined by the County's specifications and details for construction. Operation costs of street lights shall be the responsibility of the Home Owners Association, where applicable.

C. Traffic and street name signs are to be constructed and installed by the developer according to County and state standards. No building permits will be issued in a subdivision until street signs are installed. Street signs installed which are of a higher quality than the Morgan County Construction standard, shall be the maintenance and replacement responsibility of the Home Owner's Association.

#### 19-23 **Fencing Canals**

A. Any parcel being subdivided which is adjacent to or has within its boundaries a canal right-of-way may be required to provide along such right-of-way a non-climbable fence unless otherwise approved by the Planning Commission. The height of the fence shall be at least six (6) feet. The bottom of the fence shall match the grade at the location of the fence so that there are no gaps between the fence and the ground. The developer shall install a concrete strip, if necessary, to eliminate gaps between the bottom of the fence and the ground.

As an alternative to fencing the canal, and with the review and approval of the Morgan County Engineer, the developer may pipe the canal. If the canal is piped, the developer must obtain written permission from the canal company and construct the pipe according to canal company requirements and specifications.

B. All fences bordering canals shall be installed as part of the improvements for the subdivision. No occupancy permit, whether temporary or final, shall be granted until all required fencing is installed in the subdivision.

#### 19-24 **Fencing Regulations**

A. Scope. The term fence shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line.

B. Provisions Constitute Minimum Requirements In interpreting and applying the provisions of this Section, the requirements contained in this Section are declared to be the minimum requirements.

C. Effect of Section on Covenants, Agreements, etc. This Section shall not nullify the more restrictive provisions of covenants, agreements or ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

##### D. Fences - Residential Standards

1. Side Yards and Rear Yards In any required side or rear yard on lots, the height of fences shall not exceed 6 feet in height.

2. Front Yards. Fences in required front yards shall be allowed provided that solid type fences shall not exceed 3 feet in height, and open type fences (for example, chain link fences), shall not

exceed 4 feet in height.

3. Corner Lots In addition to the other provisions contained in this Section, fences located on corner lots shall be subject to the following provisions:

a. Any fence, wall and/or hedge on the front yard setback shall not exceed 3 feet in height if opaque construction, or 4 feet in height if open construction.

b. In the side yard setback which fronts on a street, height up to 6 feet shall be allowed beyond 40 feet from the intersection measured from the intersection of extended curb lines. Height within the 40 foot area shall conform to the requirements of a front yard setback.

c. Heights on the rear yard setback and interior side yard setback shall not exceed 6 feet.

4. Lots with Slopes - A fence may be built upon a slope greater than 15% provided that the following conditions are met:

a. Fences shall be located only upon areas constituting usable land unless otherwise approved by the Morgan County Planning Department.

b. Fencing materials shall be in conformance with Chapter 28, Sensitive Lands Regulations.

c. The fence shall be built in accordance to this chapter and comply with all restrictions imposed by setbacks, etc, as defined in this Code

d. All requirements of the Sensitive Lands Regulations shall be met prior to the construction of the fence.

e. Fencing on hillside lots shall only be approved in conjunction with an approved landscape plan in conformance with the General Plan.

E. Vacant Lots. For the purpose of this Chapter, it shall be presumed that a vacant lot shall contain a minimum front, side and rear yard that are otherwise required by ordinance. In any required side and rear yard on vacant lots, the maximum height of fences or other similar structures shall be 6 feet.

F. Retaining Walls. Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

G. Barbed or Razor Wire. Fences containing strands of barbed wire, razor wire or other similar fencing designed to prevent intrusions are prohibited, unless specifically approved by the Planning Commission for public safety, health or welfare. Such fences include fencing for farm animals and public utility stations.

H. Exceptions. The provisions of this Section shall not apply to certain other fences such as tennis court backstops or patio enclosures in the front, side or rear yards, if approved by the Planning Commission, if in its opinion they do not create a hazard or violation of other ordinances.

## **19-25 Lots**

A. Every parcel of land created by a subdivision shall comply with the minimum lot size requirements of the Land Use Management Code, and shall be platted as part of a subdivision. No parcel of land shall be created or left unplatted which is either undevelopable or serves merely as a nuisance or lot remnant.

B. Except for more flexible requirements listed as those pertaining to MPDR's, PRUD's, PUD's, or as may be otherwise provided in this Code, all lots shall have the required minimum frontage upon a dedicated and improved street.

C. Where a canal, waterway or ditch abuts a subdivision the area of the portion of the waterway which is located in the lot(s) shall not be included in the computation of total lot size, nor side or rear yard setbacks for purposes of determining compliance with the Land Use Management Code. The Planning Commission may waive this requirement for minor irrigation ditches.

D. All lot corners, points of curvature, tangency, and bearing changes shall be marked with permanent metal stakes approved by the County. The front corners of the lot shall be marked as per the standard specifications and details for municipal construction.

E. Double frontage, and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. The Planning Commission may place mitigating conditions upon the development of said lots.

F. Where possible, side lot lines shall be substantially at right angles to street lines.

#### 19-26      **Seismic Areas**

A. Any subdivision or lot on or adjacent to a seismic area shall comply with provisions of the Sensitive Lands Regulations, Chapter 28.

B. A subdivision lot shall be designed so that a building can be erected on the lot without encroaching the zone of deformation. No building shall be erected on or within a zone of deformation. Subdivision plats in seismic locations shall be identified with one (1) inch letters that read "EARTHQUAKE HAZARD AREA" and shall be located on the final plat.

C. A subdivision, or lot, on or adjacent to an identified fault line or fault escarpment, shall contain two or more access streets.

D. A special report which details all environmental, geological, and engineering concerns for subdivisions proposed within a sensitive area shall be submitted and reviewed as outlined in the Sensitive Area Regulations, Chapter 28.

#### 19-27      **Public Sites and Open Spaces**

A. Where a proposed park, playground, school, trail or other public use is shown in the General Plan, is located in whole or in part within a subdivision, the Planning Commission may require the dedication or reservation of such area.

B. Where deemed appropriate by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, the Planning Commission may require the dedication or reservation of such other areas, the need for which is created by or added to by such development for schools, parks, and other neighborhood purposes.

#### 19-28      **Additional Requirements**

The Planning Commission is empowered to require additional, reasonable improvements to mitigate any anticipated effects of detrimental nature to surrounding property and residents thereof and to safeguard the general welfare of the future inhabitants of the development.

#### 19-29      **Waivers**

The standards and requirements of this chapter are the minimum and shall not be waived or varied.