
SUBDIVISION ORDINANCE
SAN JUAN COUNTY, UTAH



SEPTEMBER, 1993

AMENDED JULY, 1995

AMENDED OCTOBER, 2002

AMENDED AUGUST, 2005

PRICE \$ 5.00

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ARTICLE I. GENERAL PROVISIONS

Section 1. Title

An ordinance establishing rules and standards regulating the subdivision of land in the unincorporated area of San Juan County, Utah and setting for the procedures to be followed by the Board of County Commissioners and other officials in San Juan County, Utah in administering these regulations, and establishing rules for the recording of subdivisions of land in the San Juan County, Utah.

1.01 Short Title. This ordinance shall be known and referred to as “Subdivision Ordinance of San Juan County, Utah adopted September 13, 1993, and amended July, 1995.

Section 2. Purpose

The purpose of this ordinance is to:

- A. Promote the health, safety, and general welfare of the residents of San Juan County;
- B. Promote the efficient and orderly growth of San Juan County;
- C. Establish adequate and accurate records of land subdivision; and
- D. Provide for adequate, safe and efficient public utilities and improvements, and to provide for other general community facilities and land for public places.

Section 3. Jurisdiction

- A. This Subdivision ordinance shall apply to all land in the unincorporated portion of San Juan County, Utah except for lands that are owned or under the legal jurisdiction of the United States, State of Utah or the Navajo or Ute Nations.
- B. The County is enabled to control all of the land within the unincorporated portion of San Juan County by virtue of Section 17-27-102 and 17-27-108, Utah State Code, annotated, excepting those lands exempted in Part A of this Section.

Section 4. Enforcement

- A. No person or agent of a person shall divide, re-subdivide, or propose to divide any land into two 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, or conditions. For purposes of this ordinance

subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument. Subdivision does not include a bona fide division or partition of agricultural land for agricultural purposes or of commercial, manufacturing, or industrial purpose. Land that has been initially divided shall not be further subdivided into two or more parcels except in compliance with this Ordinance. No person shall offer for recording, in the office of the County Recorder, any deed conveying a parcel of land, or interest therein, unless such a parcel of land has been subdivided, or otherwise created, in compliance with the rules set forth in the Ordinance.

- B. No lot within a subdivision created prior to the effective date of this Ordinance or approved by the San Juan County Board of County Commissioners under the provisions of this Ordinance shall be further divided, rearranged, or reduced in area, nor shall the perimeter boundaries of any subdivision, or any lot within a subdivision, be altered in any manner without the approval of the Board of County Commissioners of San Juan County, Utah and as provided for in this Ordinance.
- C. Any person or agent of a person, subdivider or agent of a subdivider who sells, transfers or otherwise conveys land when such sale, transfer or conveyance has not been approved under the provisions of this Ordinance shall be charged with a Class B misdemeanor and if convicted of such charges, shall be punished by a fine of not exceeding \$1000.00 dollars for each parcel which is sold, transferred or otherwise conveyed. The time limit for initiating legal action under the provision of this Ordinance shall be twenty-four (24) months from the date of the alleged infraction. The Board of County Commissioners of San Juan County shall have the power to bring an action to enjoin any person or agent of any person from selling subdivided land before approval of the subdivided land has been granted by the Board of County Commissioners in accordance with the provision of this Ordinance.

Section 5. Amendment

Amendments to this Ordinance may be requested by any person or agent of any person by filing an application with the Subdivision Administrator of San Juan County. Applications for an amendment to the Subdivision Ordinance shall include a "Statement of Request to Amend" and payment of such fees that may be established, and from time to time revised, by the Board of

County Commissioners. Amendments to this Ordinance may also be initiated by the Board of County Commissioners by resolution.

No amendments to this Ordinance shall be considered by the Board of County Commissioners until a public hearing has been held. The County Commissioners shall convene a public hearing for the purpose of amending this Ordinance only after:

- A. Copies of the “Request to Amend the Subdivision Ordinance” or a copy of the Board of County Commissioner’s Resolution initiating the amendment process have been made available to the public by placing the copies in the office of the County Clerk for a period of not less than 20 days prior to the Public Hearing; and
- B. a “Notice of Public Hearing to Consider an Amendment to the Subdivision Ordinance” has been published in a newspaper of general circulation for a least once per week for the three weeks preceding the date of the Public Hearing.

Amendments to this Ordinance shall become effective immediately upon approval by the Board of County Commissioners.

Section 6. Separability

If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date

This Ordinance shall be in effect from the date of adoption by the Board of County Commissioners, pursuant to legal provisions and procedures as required by state statues of the state of Utah.

Section 8. Definitions

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

Angle – the rotation required to superimpose either of two lines on the other.

Agricultural – the tilling of the soil, raising of crops, horticulture, including the grazing and pasturing of domestic animals, but not including any agricultural business such as fruit packing plants, fur farms, animal hospitals or similar uses.

Agricultural Zone District – those areas designated in the Zoning Ordinance of San Juan County, Utah as A-10 and where the primary permitted land use is agriculture.

Arc – a segment of a (surveyed) curve.

Bearing – the angular direction of a line on a survey.

Block – a segment of a platted subdivision usually containing one or more lots.

Board of County Commissioners – The Board of County Commissioners of San Juan County, Utah.

Certification – the confirmation of an official document or a copy thereof by an authorized official.

Collateral – funds or some other valuable pledged as security against a promise to repay or perform certain actions.

Commissioners – see Board of County Commissioners.

Configuration – the shape of a boundary or perimeter line, the shape of a lot, block or subdivision.

County – San Juan County, Utah.

County Commissioners – see Board of County Commissioners.

Culinary – water intended for human consumption, usually required to meet certain health standards.

Dedication – the conveyance of land or an easement thereon through a final plat or other instrument to a public agency or to one or more persons for a specific purpose.

Delineate – to draw or trace the outline of a feature drainage channel – the natural or man made water course that drains a particular piece of land.

Dwelling unit – a structure or portion thereof designed to provide permanent living accommodations for an individual or family.

Easement – the acquired right-to-use that a person or public entity may have on the land or another.

Escrow Deposit – the placement of cash in a special account held by a bank or other financial institution to be released upon completion of specific tasks such as construction of a road.

First lien and Restriction of sale – a form of collateral wherein the County places a lien on one or more lots in a subdivision and prohibits the sale of those lots until specified public improvements have been satisfactorily completed.

Floodplain – an area of land subject to inundation or overflow having significant velocity to transport debris, scour the surface soil, dislodge or damage buildings or erode banks of water courses.

Floodplain data – information that defines the boundary of a floodplain, either mapped or given in elevations.

High density subdivision-When a subdivision has 10 (ten) or more lots within a concentrated area.

Impact fees – fees that may be required to provide required infrastructure improvements and/or services.

Initially subdivide – the first division of land into three parcels in conformance with this Ordinance.

Letter of Credit – a document issued by a bank or other financial institution which guarantees a subdivider or developer a specific amount of credit and which can be called by the County for failure to perform specified improvements.

Lot – a parcel or unit of ground described by metes and bounds or as a numbered lot or parcel in a recorded subdivision and held or intended to be held in a separate lease or ownership.

Lot corner – a lot abutting two (2) or more streets at their intersection or upon two (2) parts of the same street when such streets or parts of the same street form an interior angle of less than one hundred thirty five (135) degrees.

Lot depth – the horizontal distance between the front and rear lot lines.

Lot frontage – that part of a front lot line that abuts a street.

Lot width – the horizontal distance between the side yard lines.

Lot line, front – that lot boundary line which abuts a street and which the front of the building faces or will face.

Mylar – (1) a thin polyester material that when drawn upon can be reproduced on a blue or black line print. (2) the official copy of a subdivision plat.

Official – any elected official or their designated deputy of San Juan County or the appointed Administrative Assistant, Building Inspector Surveyor, or Zoning Administrator of San Juan County.

Owner of record – the owners of a parcel of land as shown on the San Juan County Assessors records.

Parcel of record – any lot, tract, parcel or other piece of land that was recorded by the Recorder of San Juan County prior to the adoption of this Ordinance.

Performance Bond – a form of collateral, issued by a bonding company which guarantees a specified amount of money to be paid in the event of failure to perform by a subdivider, or other person.

Perimeter boundary – a line around any piece of property such as a lot block or subdivision which encloses and separates that piece from adjacent pieces.

Person – any individual or agent of an individual, a family entity, a corporation, a public entity or any other organization or association that has the legal right to own or lease of County Commissioners of San Juan County.

Plat – a map and supporting materials of certain described land prepared in accordance with this Ordinance which serves as an instrument for approval by the Board of County Commissioners of San Juan County, Utah.

Plat, final – the official plat which is recorded with the County Recorder.

Plat, preliminary – the map or maps of a proposed subdivision, and specified supporting materials prepared in sufficient detail to permit the evaluation of the subdivision prior to final engineering design and survey.

Planning commission – for the purpose of this ordinance and planning and zoning issues, the planning commission is the Board of County Commissioners.

Radii – (p of radius), a line segment between the center of a circle and any point on its circumference.

Recorder – the County Recorder of San Juan County, Utah.

Right-of-way – a parcel or strip of land which is granted by a property owner for use by another, i.e.: street right-of-way.

Road – a designated strip of land, improved and intended use by vehicles, e.g. a street, lane, cart way, etc.

Road, County – a road or highway designated as a County road and maintained by San Juan County.

Seal – the official seal of a Registered Land Surveyor.

Section line – the line delineating the boundary of a section of land in the United States Geological Survey.

Sewer System, Private – a system for treatment and disposal of household sewage that is owned by an individual or several individuals and designed to serve the owners property only e.g., septic tank and leach field systems.

Sewer System, Public – an approved sanitary sewer system containing transmission lines and treatment facilities owned and operated by a public entity such as a municipality or special district.

Sight distance triangle – the area at the intersection of two streets or roads or where a driveway enters a street or road, which is intended to allow a clear line of sight of oncoming vehicles.

Stock proof fence – a fence designed to contain or prevent cattle, horses, sheep or other domestic animals from entering or leaving the fenced area.

Street – see road.

Subdivide – any division of an existing parcel of land in accordance with this Ordinance.

Subdivider – any person or agent of a person who causes land to be subdivided.

Subdivision – in this Ordinance, the division, re-subdivision, or proposal to divide any land into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, development, either on the installment plan or upon any and all other plans, terms or conditions.

Subdivision Administrator – the official or employee of San Juan County appointed by the Commissioners to administer this Ordinance.

Subdivision Improvement Agreement – a contract between the Subdivider or developer and the County which specifies the required public improvements to be constructed in or in support of a subdivision including the estimated costs and the method of guarantee the collateral, to insure the improvements are constructed.

Storm water detention – the holding of storm water on a particular site though the use of swales or structures that are designed to release the water at a specified rate.

Survey monument – an object placed or built to identify a survey reference point, usually a section corner on the land.

Topographical contours – horizontal lines on a map indicating an elevation above a specified point, usually sea level, and containing intermittent lines in intervals usually of two (2) feet, five (5) feet or other specified distances.

Tract – a designated parcel of land that is part of a larger parcel. Sometimes used in lieu of “lot.”

Unit costs – the cost of a specified segment or part of an improvement usually expressed as a cost per liner or square foot or cubic yard.

Unincorporated – any land in a county that is not within the boundaries of a municipality.

USGS – United States Geological Survey

vacate – 1) abandoned or relinquished claim to a previously right to use a specific piece of land such as a road, right of way, or easement. 2) to void a subdivision or portion thereof and returning it to unplatted status.

Velocity (water) – the rate of flow at a specific point usually stated in cubic feet per seconds (cfs) or gallons per minute (gpm).

Vicinity map – a small scale map shown as an insert on a larger map that indicates the location of a subdivision or other pieces of land in relation to a much larger geographic area.

Water system, private – a source of water and the transmission lines owned by one or more persons to serve only their property, i.e.: an individual domestic well.

Water system, public – a source of water, including transmission lines and treatment facilities owned by a public entity such as a municipality or special district to provide water to their residents.

ARTICLE II. PLATTING REQUIREMENTS

Section 1. General Procedures

- A. Any person who wished to subdivide land in San Juan County should first meet with the Subdivision Administrator. The Subdivision Administrator will explain the County's requirements for subdividing, the procedure that must be followed, and the application fees required to process a subdivision plat and the minimum time that the process requires. The Subdivision Administrator procedure checklist and a copy of the Subdivision Ordinance.
- B. Approval of subdivisions in San Juan County is a two step process requiring approval of a preliminary plat and a final plat:
1. the preliminary plat shall be submitted and processed in accordance with provisions of Article II, Section 2 of this Ordinance; and
 2. the final plat shall be submitted and processed in accordance with the provisions of Article II, Section 3 of this Ordinance.
 3. Under special circumstances a combined preliminary and final plat may be submitted and processed as a single application. Combined plat applications will be accepted when, in the opinion of the Subdivision Administrator, the proposed subdivision presents no significant engineering or planning problems and the combined plat and supporting documentation is in conformance with the submittal requirements of this Ordinance. The Subdivision Administrator shall inform the applicant that approval to submit a combined plat does not imply or assure that the applicant will be approved by the County board.

Section 2. Preliminary Plat

- A. Intent. A preliminary plat is the first official document submitted when owners of a property wish to subdivide their property. The preliminary plat shall include all the property the owner intends to subdivide. Approval of the preliminary plat does not constitute approval of the subdivision. Only approval of the final plat constitutes official approval by the County.
- B. Preliminary Plat Requirements. An application for preliminary plat approval shall include an original of the following:
1. an "Application for Subdivision Approval" with all requested information completed and required signatures. (San Juan County Building Inspector)

2. a Letter of Intent signed by the applicant subdivider which explains the purpose of the application and includes all requests and justification for variances, exceptions or waivers of submittal requirements; (San Juan County Building Inspector)
3. proof of ownership of the property to be subdivided. A subdivider shall include an Affidavit of Ownership signed and notarized by all owners of the property, or if the property is owned by a corporation, an authorized officer shall sign the Affidavit. If the applicant is different from the property owners, documentation of the applicant's authority to act for the owner shall be included; (San Juan County Recorder)
4. payment of the processing fee for a preliminary plat approval shall be included. Such fees will be those approved by the Board of County Commissioners and from time to time revised; (San Juan County Building Inspector)
5. a preliminary plat map (6 copies) which shall be on a 24"x 36" sheet or a legible quality print of a matte mylar drawn in black ink or a black line positive mylar of the same and shall contain the following information;
 - a. project name, type of proposal (preliminary plat), legal description of the total land area referenced to township, range, section; county and state, date of the drawing, scale 1 :100 or larger, and north arrow; (San Juan County Recorder)
 - b. vicinity map with north arrow (scale of 1"=2000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal; (San Juan County Surveyor)
 - c. boundary lines of the proposed subdivision drawn in a heavy solid line. (San Juan County Surveyor)
 - d. existing and/or proposed zoning district boundary lines; (San Juan County Building Inspector)
 - e. existing contours with intervals of five (5) feet or less within the tract and at least one hundred feet (100') immediately adjacent thereto. In the absence of available five foot contour data, the contour intervals must be deemed acceptable by the (San Juan County Surveyor.)
 - f. all parcels of land to be dedicated for public use or reserved for the use of all property owners in the proposed subdivision together with the purpose and conditions of such

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- reservations. This shall include the names, locations and widths of proposed rights-of-way of streets and alleys, together with total lineal footage of streets and alleys. (San Juan County Surveyor and San Juan County Building Inspector)
- g. Location, width and purpose of all existing and/or proposed public and/or private easements including existing and/or proposed sanitary sewers, utility main lines, culverts, storm sewers and storm water detention areas located within the tract and at least one hundred feet (100') immediately adjacent thereto. (San Juan County Surveyor)
 - h. Dimensions of proposed lots and blocks calculated to the nearest foot. (San Juan County Building Inspector)
 - i. Drainage channels, wooded areas and other significant natural features within the tract and at least one hundred feet (100') immediately adjacent thereto. (San Juan County Surveyor)
 - j. Location, widths and names of all existing and/or platted rights-of-way for streets or other public ways within the tract and at least one hundred feet (100) immediately adjacent thereto, railroad right-of-way, section lines and/or other such features. (San Juan County Recorder)
 - k. The boundary and source of reference of anyone hundred year floodplain shall be shown on the preliminary plat. In the absence of reliable floodplain data, any areas of the plat that are known to be subject to flooding shall be delineated and noted on the plat map. (San Juan County Administrator)
 - l. Perimeter fence line, if required, delineated and a description of the type and height of the fence. (San Juan County Building Inspector)
 - m. Site development details: (San Juan County Surveyor and San Juan County Building Inspector)
 - 1) total land area in acres;
 - 2) existing zoning of the property; and
 - 3) total number of proposed dwelling units.

6. names and addresses of the owner(s), subdivider and surveyor; (San Juan County Building Inspector)
7. a letter describing the water and sanitary sewer facilities proposed for the subdivision;
 - a. if either the water or sanitary sewer facilities are to be part of an approved public system, the application shall also include confirmation from the entity providing the sewer and water services, that such services are, or will be available to the subdivision; (Utah Department of Health Sanitarian)
 - b. if either the water or sanitary sewer facilities are to be individual wells and septic systems for each lot, the letter will include a statement that the wells and septic systems will be installed in conformance with the rules and regulations of the Utah Division of Environmental Health; and
 - c. if either the water and sewer facilities are to be private systems designed to serve multiple lots, the letter shall include a statement that such systems shall be installed in conformance with the rules and regulations of the Utah Division of Environmental Health.
8. Estimated construction costs for roads and related facilities for the water supply and distribution systems, for sanitary sewer collection and treatment systems, storm drainage facilities and other such public facilities that may be required. The subdivider shall also state the form of collateral that will be provided to insure that such improvements will be completed. The forms of collateral that are acceptable to the County are listed in Section 4.1. Subdivision Improvements Agreement. (San Juan County Administrator)
9. In the event the proposed subdivision is within 1.5 miles of a municipality or within the boundary of a County Service Area or Special Service District, applicant shall provide written comments from the affected entity. (San Juan County Building Inspector)
10. Other documents and information as may be deemed necessary by the Subdivision Administrator. (San Juan County Building Inspector)
11. A copy of all restrictive covenants proposed for the subdivision. (San Juan County Building Inspector)

12. A copy of a title policy covering the property to be included in the proposed subdivision. The title policy must be dated within thirty (30) days of the application submitted. (San Juan County Building Inspector)

C. Conformance to Zoning Ordinance

No application for a Preliminary Plat shall be accepted by the Subdivision Administrator if the proposed development is not in compliance with the Zoning Ordinance.

Section 3. Final Plat

A. Intent

1. The Final Plat is the last stage in the subdivision approval process. At this stage the subdivider is responsible for delineation and dedication of all public rights-of-way and easements, dedication of other public lands, if required, and final lot and block configuration. In addition, all public improvements associated with the subdivision are identified and quantified, and the subdivider is required to enter into a Subdivision Improvements Agreement with the County which guarantees that the appropriate improvement costs are borne by the subdivider.
2. Except where a combined preliminary and final plat has been accepted by the Subdivision Administrator, no request for final plat approval shall be considered by the Board of County Commissioners until the Preliminary Plat has been approved and all conditions of approval set forth in the Resolution approving the Preliminary Plat have been satisfied. The final plat approval process shall not be used to amend or revise the approved Preliminary Plat or the conditions of approval of the Preliminary Plat. Any revisions or amendments to the Preliminary Plat, or to the conditions, must be approved by an amendment to the Preliminary Plat prior to the Board of County Commissioners hearing of the Final Plat.

B. Final Plat Requirements

The Final Plat shall conform in all respects to the approved Preliminary Plat and with all amendments to the Preliminary Plat. An application for final plat approval shall include the following:

an "Application for Subdivision Approval" with all requested information completed and required signatures; (San Juan County Building Inspector)

1. certification of the County Treasurer that all taxes on the property are paid; (San Juan County Building Inspector)
2. title certificate or an abstract of title covering all public lands required to be dedicated, except County Roads and easements. (San Juan County Recorder)
3. A Final Plat map which shall be a print of 24 x 36' matte mylar drawn in black ink or a black line positive mylar of the same, which shall contain the following information:
 - a. name of the subdivision, name of the county (San Juan) and state (Utah), and the location and legal description of the subdivision referenced to section, township and range; (San Juan County Building Inspector)
 - b. north arrow, scale,(1:100 or larger) dates of original drawing, and subsequent revisions and sheet number; (San Juan County Surveyor)
 - c. show that all lot corners have been surveyed and monumented with either pipes or iron rod markers and that this must be done by or under the direction of a licensed land surveyor; (San Juan County Surveyor)
 - d. owners and mortgagee's Certificate of Dedication of public rights-of- way and easements, (San Juan County Surveyor and San Juan County Recorder)
 - e. The surveyor's Certificate of Survey, his or her seal, and the date of survey; (San Juan County Surveyor)
 - f. boundary of the subdivision in a heavy solid line with a small circle at each change in direction; (San Juan County Surveyor)
 - g. Board of County Commissioner's approval lines, certificate of the Board of County Commissioner's acceptance of public right-of-way and easements and public land dedications, and the County Clerk's signature line. (San Juan County Building Inspector)

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- h. the location and description of all section corners and permanent survey monuments in or near the subdivision to at least one of which the subdivision shall be referenced; (San Juan County Surveyor)
 - i. the length of subdivision perimeter boundary lines in feet and decimals thereof and the value of all required true bearings and angles dimensioned in degrees, minutes and seconds for the perimeter boundary. Boundary lengths, bearings and angles must close within the limits of one (1) in two thousand (2000) (San Juan County Surveyor)
 - j. the ownership of lands abutting the subdivisions, or the name of any adjacent subdivision. (San Juan County Recorder)
 - k. the delineation, dimensions and names of all proposed public roads and access easements to public rights-of-way and adjacent roads and rights-of-way. (San Juan County Surveyor)
 - l. the lines of all proposed lots fully dimensions by length and widths in feet and decimals thereof and the value of all required true bearings and angles dimensioned in degrees, minutes and seconds, and the acreage for each lot, shown within the lot lines and staked on the ground. (San Juan County Surveyor)
 - m. the blocks numbered consecutively throughout the subdivision, and the lots numbered consecutively throughout each block, with the areas to be excluded from the plat marked "Reserved" or "Not a Part". (San Juan County Recorder)
 - n. the outline and notification of any property which is offered for dedication to public use fully dimensioned by lengths and bearings or angles with the area marked "public". (San Juan County Recorder)
 - o. the identification, location and dimensions of all easements for public services or utilities, and the line delineating the required perimeter fencing. (San Juan County Surveyor)
 - p. the radii, arcs, point of tangency and central angles for curvilinear streets and radii of all property returns. (San Juan County Surveyor)
 - q. the identification and designation of the boundaries of any 100 year floodplain and the source of the designation. (San Juan County Administrator)

- r. a note disclosing that there are restrictive covenants on the property and an acknowledgment that the County has no responsibility for enforcing the covenants. (San Juan County Building Inspector)
- s. other plat notes as may be required by the Board of County Commissioners. (San Juan County Building Inspector)
4. Two sets of preliminary construction plans for the proposed public improvements prepared in accordance with the requirements contained in Section 5 Design Standards. (San Juan County Building Inspector)
5. In the event the proposed subdivision is within 1.5 miles of a municipality or within the boundary of a County Service Area or Special Service District, applicant shall provide written comments from the affect entity. (San Juan County Building Inspector)
6. A copy of all restrictive covenants on the property which shall be recorded with the County Recorder with the final plat. The covenants shall indicate that the County has no responsibility for enforcing the covenants, but will be the responsibility of the subdivider to enforce these covenants. (The Subdivision shall also provide a copy to the San Juan County Recorder)
7. Process
 1. The Subdivision Administrator shall review the application for Final Plat approval to determine whether it is consistent with the approved preliminary plat and with the requirements of this Ordinance. (San Juan County Building Inspector)
 2. If the Subdivision Administrator determines that the Final Plat application is not in compliance with the approved Preliminary Plat, or with the requirements of this Ordinance, the subdivider will be provided a list of the deficiencies and other information to assist in correcting the application. (San Juan County Building Inspector)
 3. Upon determination that the application for Final Plat is complete and consistent with the approved Preliminary Plat and the requirements of this Ordinance, the Subdivision Administrator shall schedule the Final Plat to be heard by the Board of County Commissioners. (San Juan County Building Inspector)

4. If it is the intent of the subdivider to build roads within the subdivision according to County Road Standards with the intent that the County will assume maintenance of the roads once completed, the subdivider shall meet with the San Juan County Surveyor

Prior to any type of construction of the roads, to assure that the specifications are in accordance with all County Road Standards, the subdivider shall prior to approval of the proposed roads and utilities have prior acceptance by the County. All road construction and development must be correlated with the County Surveyor. Failure to follow this procedure as outlined will result in all roads within the subdivision not being accepted by the County and the non-approval of the subdivision.

The sub-divider must be familiar with the minimum county road standards as outlined in Appendix “B” of the County Subdivision Ordinance.

Before proceeding on any road work, placement of any underground utilities, and/or acquisition of any road materials, the sub-developer must provide the County Surveyor with a preliminary copy of the subdivision and set up an on site meeting with the County Surveyor to review all aspects of the roads with the subdivision.

If the sub-divider proposes that the roads within the subdivision shall be private roads and not brought up to county standards, the sub-divider shall be required to receive approval of the County Surveyor for all access roads off of county roads and other safety factors including placement of signs and other items.

The sub-divider may be required, at his/her own expense to provide testing for road materials, compaction testing, and other testing procedures will be used to assure compliance with minimum standards. The Sub-Divider will develop a schedule of work to be accomplished with an inspection schedule.

If the subdivider proceeds with any of the work outlined herein without the approval and/or inspection of the ~~County Road Engineer~~ San Juan County Surveyor or his designated representative, the County will not accept these roads onto the County system nor be responsible for any type of maintenance responsibility. This would include but not be limited to the placement of any type of water, sewer, septic, telephone, cable television, fire hydrant, etc. lines that will be within the right of ways of any public roads. If such lines are intended to be placed within the right of ways of any public roads, substantial compaction compliance will be required and the subdivider will be required to either provide adequate certification of such compaction or to compensate the County in providing such certification. After all requirements have been met and inspections completed a letter will be sent to the sub-divider stating the acceptance of the roads by San Juan County.

C. Actions Required Prior to Recording of the Final Plat

1. The surveyor making the plat shall certify that the surveyor:
 - a. Holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act;
 - b. Has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; and
 - c. Has placed monuments as represented on the plat.
2. No plat shall be recorded until it has been:
 - a. approved by the Board of County Commissioners of San Juan County, Utah;
 - b. a signature mylar has been prepared with all revisions, signed by the land owner(s), and the surveyor with signatures notarized, surveyors seal and registration number, signature of the chairman of the Board of County Commissioners and attested by the County Clerk;
 - c. an approved Subdivision Improvements Agreement has been executed and filed with the County Clerk; and

- d. the Final Plat mylar has been approved as to form and signed by the County Attorney, the County Surveyor and the District Health Department.

Section 4. Subdivision Improvements Agreement

A. Intent

In order to insure that the required County roads and, if specified, other public facilities including drainage and water and sanitary sewer facilities are constructed in accordance with the County Road Standards, acceptable drainage facility standards and the standards of the agency providing public and water and sanitary sewer service and, to insure that the cost of the required public improvements are borne by the subdivider, the subdivider is required to enter into a Subdivision Improvements Agreement with the County. The Agreement shall be found acceptable to the County and signed by the applicant prior to the approval of the Final Plat by the Board of County Commissioners. No final plat shall be approved by the Board of County Commissioners until an approved Subdivision Improvements Agreement has been executed.

B. Form and Content

The Subdivision Improvements Agreement shall be structured as proscribed by the County Commissioners and approved as to form by the County Attorney. The Subdivision Improvements Agreement shall, at a minimum, describe the public improvements to be provided and include unit and total costs, the form of collateral to be provided for the public improvements, and the basis for forfeiture of the collateral and assumption of responsibility by the County.

C. Collateral to Guarantee Improvements

1. The Board of County Commissioners shall require that sufficient collateral be provided by the subdivider to cover the cost of the public improvements required by the Subdivision Improvements Agreement and insure the completion of such improvements within the time period specified. The amount of collateral shall be 125% of the estimated cost of the County Roads as prepared by the County Roads Superintendent. If requested by the agency responsible for the provision of public water and/or sanitary sewer service,

the Board of County Commissioners may require collateral for water and sanitary sewer improvements. Collateral may also be required for drainage facilities and other improvements. The collateral shall be in the form of an Escrow Deposit, Performance Bond, Irrevocable Letter of Credit, or in special circumstances, a First Lien and Restriction on Sale of the property to be subdivided. The First Lien and Restriction on Sale of the property shall only be used when the appraised market value of the property is equal to, or greater than, the estimated cost of the public improvements. The Board of County Commissioners may accept one, or a combination, of the types of collateral.

2. As improvements are completed, the subdivider may apply to the County Commissioners for release of all or part of the collateral. Upon certification by the County Surveyor that the County Road improvements have been completed and are in conformance with County Standards, the Board will authorize the release of part or all of the collateral, except that the Board may hold 10% of the collateral for a specified period of time in order to insure that the improvements have been properly constructed.
3. In the event that the water and sewer facilities have been included in the Subdivision Improvements Agreement and collateralized, the Board of County Commissioners will authorize the release of the water and sewer collateral upon notification by the providing entity that the improvements have been completed.

Section 5. Design Standards

A. General Provisions

All subdivisions must comply with the following standards:

1. Insofar as possible, the natural terrain, existing topography and natural vegetation shall be preserved.
2. Where the property to be subdivided is subject to natural or man-made hazards such as flooding, rock and mud slides, open quarries or abandoned mines, or where there exists shallow water table conditions or polluted water sources, such hazards or conditions shall be identified and the subdivider shall provide documentation as to how the hazards or conditions have been eliminated, or will be eliminated, through the design and construction of the subdivision.

B. Lots

All lots within the subdivision shall conform to the following standards:

1. Lots shall meet the width, depth, frontage and lot size requirements for the Zoning District in which the subdivision is located, as specified in the Zoning Ordinance of San Juan County, Utah as outlined in Appendix A of this ordinance; (San Juan County Building Inspector)
2. All lots shall abut a dedicated street or county road, or a street or road that has become public by right of use, or a private street for which there is a (recorded) maintenance agreement; and (San Juan County Surveyor)
3. No single lot shall be divided by a municipal or county boundary line or by a special service area or special service district boundary, a public road or street, or a private road or street which can legally be used by property owners other than the owner of the lot. (San Juan County Recorder)

C. Roads

All roads including streets, alleys, lanes, or other right-of-way designated for vehicular use shall be designed and constructed in accordance with the adopted Road Standards of San Juan County, Utah, including adequate and required street or highway signs, cattle guards and other necessary items, which are incorporated into this Subdivision Ordinance as Appendix B. Maps and plats, when made, acknowledged, filed, and recorded according to the procedures specified, operate as a dedication of all streets and other public places and vest the fee of those parcels of land in the county for the public for the uses named or intended in those maps or plats. The dedication established by this ordinance and section does not impose liability upon the county for streets and other places that are dedicated in this manner, but unimproved and not accepted by the county subject to its road standards and other requirements. (San Juan County Surveyor)

D. Sidewalks and Pedestrian Walkways

When, in the opinion of the County Surveyor the projected traffic volumes within the subdivision are such that the separation of vehicular and pedestrian access is necessary for

the safety of the public, the County Commissioners may require designed sidewalks or pedestrian rights-of-way. (San Juan County Surveyor)

E. Sanitary Sewage

1. Except as otherwise provided below, each lot in the subdivision shall be served with an approved piped sanitary sewer system.
2. Individual septic tank systems, or other private sewage systems, shall only be permitted when the nearest point of the subdivision boundary is more than 1,320 feet from an existing approved sanitary sewer system. Septic systems shall be in conformance with the requirements established by the State Division of Environmental Health. (Utah Department of Health Sanitarian)

F. Water Supply

1. Except as otherwise provided below, each lot in the subdivision shall be served with an approved, public water system.
2. Individual or common wells, or other private water systems shall only be permitted when the subdivision boundary is more than 1,320 feet from the nearest approved public water system. All private water systems shall be in compliance with the requirements of the Utah Division of Environmental Health. (Utah Department of Health Sanitarian)

G. Storm Drainage

1. If at the discretion of the subdivision Administrator at the time of the application for Preliminary Plat, the subdivider shall provide a drainage system design which covers the entire subdivision. The design shall accommodate runoff from the entire subdivision and the historical runoff from areas adjacent to and "upstream" of the subdivision. The design shall insure that runoff from the developed subdivision shall not exceed the historical volumes and velocities discharged onto adjacent property.
2. The drainage system plans submitted with the Preliminary Plat shall include:
 - a. all proposed surface drainage structures; and

- b. all appropriate design details, dimensions, construction materials and elevations.
3. At the time of the Final Plat, the subdivider shall include Final Drainage Design for the phase of the subdivision included in the Final Plat. The Final Drainage Design shall show how the drainage is consistent with the overall Drainage System Design.

H. Perimeter Fencing

In all zoned districts the entire subdivision shall be enclosed by a stock proof perimeter fence. The height, fence type, and materials shall be as approved by the Board of County Commissioners. In the event that the subdivider requests an exemption and receives an exemption from this provision, the subdivider and future land owners shall become responsible for providing fencing at a future time to prevent animals from adjacent lands from entering their property and shall in no manner become the responsibility of adjacent land owners.

I. Fire Protection

1. Except as otherwise provided, the County will not provide any additional fire protection for approved subdivisions other than from those current departments established at different locations within the County.
2. When, in the opinion of the County Commission and other County emergency response personnel, the size of the subdivision and the number of lots proposed along with other factors, determines that the health, safety, and general welfare of the residents of the subdivision may require that the subdivider provide substantial improvements to provide fire protection for the subdivision. Such improvements may include, but not be limited to; fire hydrants, water storage for fire protection, other water systems, participation in fire fighting equipment and facilities to house such equipment.
3. If such fire protection improvements are required, these shall be made at the expense of the subdivider and shall meet all fire protection standards as provided in the National Fire Code, Uniform Building Code, and other standards that are applicable to such. All systems shall be tested and accepted by the County prior to final approval of the

subdivision of the County. In the event that such improvements are not completed or furnished by the subdivider prior to final approval of the subdivision, the subdivider shall provide to the County a form of collateral for the improvements as outlined in Section 4, Subdivision Improvements Agreement.

J. Utilities

All utilities that are planned to be provided in a subdivision shall be presented to the County prior to any construction or placement of utilities. All utilities shall be shown on the final plat. The subdivider shall provide the County with letters of completion and certification from building inspectors, utility companies or other assurances that all utilities meet proper codes prior to the sale of any lot.

K. Easements and Right of Ways

The final plat shall show all legally recorded rights of way and/or easements that are recorded in the Office of the San Juan County Recorder. The County may require that the subdivider receive written approval from the owners of such rights of way and/or easements that any developments within the rights of way and/or easements meet all public health and safety requirements. (San Juan County Recorder)

L. Impact Fees

The County may at any time in the future authorize impact fees.

Section 6. Resubdivisions

Changes to a recorded Final Plat shall be considered a new subdivision and shall comply with all the regulations, laws and policies applicable to a new subdivision, and shall be processed in accordance with the provisions of Article II, Section 3 of this Ordinance, except where such changes and revisions are determined of a minor nature and eligible to be considered under the administrative resubdivision procedure, the requirements of which are contained in Article II, Section 7 of this Ordinance.

Section 7. Administrative Resubdivisions**A. Intent**

This Administrative Resubdivision may only be used for changes and revisions that have been determined by the Board of County Commissioners to be a minor engineering, planning or administrative nature. The criteria used by the Board and by the (Subdivision Administrator) in interpreting this section shall be:

1. the land has already been subdivided and there exists an approved (by the Board of County Commissioners) and recorded Final Plat;
2. no additional right-of-way dedications or public improvements are necessary;
3. no perimeter boundary of an existing subdivision plat is affected;
4. the perimeter of boundaries of the Administrative Plat coincide with the existing lots and blocks; and
5. the number of lots shall not be increased and all lots shall be in conformance with the County Zoning Ordinance in affect at the time the Administrative Subdivision is approved.

B. Procedure

Requests for Administrative Resubdivisions shall include an Application for Subdivision Approval and supporting documentation as specified in the Subdivision Approval Submittal Requirements.

Section 8. Vacations**A. Authority**

The Board of County Commissioners is authorized to vacate any subdivision plat or any platted or designated right-of-way or easement, whether used or not, pursuant to the provisions of Section 17-27-808, Utah State Code, annotated.

B. Procedure for Vacation

The Board of County Commissioners may consider any proposed vacation of a plat or portion thereof including any public rights-of-way and easements through one of the following methods:

1. By approval of a Resolution of “Intent to Vacate a Subdivision or Portions Thereof” by the Board of County Commissioners. The Resolution shall describe the subdivision or portion thereof, and any public rights-of-way to be vacated, and the basis for the proposed vacation.
2. A petition of any fee owner of property within the subdivision which shall include:
 - a. the names and addresses of all owners of record of the land contained in the entire plat;
 - b. the names and addresses of all owners of record of land adjacent to any public right-of-way to be vacated; and
 - c. the signature of each of the owners who consents to the petition.

C. Public Hearing Required

Except in the event where a petition for vacation has been signed by all property owners of record of land within the plat and, in the case of vacation of a public right-of-way or easement, all owners of record of land that abuts the public right-of-way to be vacated, the Board of County Commissioners shall hold a public hearing in conformance with Section 17-27-809, Utah code, annotated.

D. Recording

Upon approval of the vacation the County Clerk shall forward a copy of the Resolution of Approval to the County Recorder for recording.

Section 9. Exemptions, Waivers, Variances and Appeals

A. Exemptions

1. In subdivisions of less than ten (10) lots, land may be sold by metes and bounds, without the necessity of recording a Subdivision plat if:
 - a. a recommendation has been received from the planning commission;

- b. the subdivision has been approved by:
 - i) the legislative body; or
 - ii) other officers that the legislative body designates in an ordinance;
 - c. a plat of a legal survey of the subdivision, along with an access easement is provided.
 - d. the subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; and
 - e. if the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from those requirements by the board of adjustments. If such an exemption is granted, only the necessity of recording the final plat is waived. All other requirements of the subdivision ordinance are applicable and required.
2. The Board of County Commissioners may by Resolution exempt certain sales, transfers and conveyances of land from the requirements of this Ordinance and such sales, transfers and conveyances may be accepted for recording by the County Recorder when accompanied by a certified copy of the Board of County Commissioner's Resolution approving the Subdivision Exemption.
 3. The Board of County Commissioners may grant exemptions from the requirements of this Ordinance when one or more of the following conditions have been met:
 - a. the land was a "Parcel of Record" prior to the enactment of this Ordinance.
 - b. land which is being divided for purposes other than real estate development including cemetery lots and other land divisions of a similar nature;
 - c. land which is being divided for purposes of separating ownership only and no development is planned or proposed. "Separation of Ownership" exemptions shall prohibit the construction of non-farm structures and the issuance of building permits. Separation of Ownership shall be considered, but not limited to, properties being divided due to inheritance, divorce decree, mortgage foreclosures, or other order of a court of competent jurisdiction;
 4. A request for a Subdivision Exemption shall be made to the Subdivision Administrator. The application shall include:

- a. a letter explaining the reasons an Exemption should be granted;
- b. a legal description of the entire property and a separate legal description for each tract or parcel that will be created; and
- c. a survey showing the entire parcel and the divided parcels or tracts. The Board of County Commissioners upon determination that the Subdivision Exemption request meets the criteria for Exemption may by Resolution exempt the land from the provisions for this Ordinance. The Commissioners may include special notes or conditions in the approved Resolution which shall be filed with the County Recorder.

B. Waivers

1. The Board of County Commissioners may waive certain submittal requirements for an application for Subdivision Approval or for all or a portion of the required processing fees. All waiver requests must be submitted to the Subdivision Administrator with a letter which explains the reasons for the waiver. The letter can be presented prior to the submittal of the Preliminary Plat or Final Plat application or as part of the plat submittal.
2. Waivers of submittal requirements may be granted upon recommendation of the Subdivision Administrator, and a finding by the Commissioners that the particular requirements are not necessary for consideration of the subdivision on approval.
3. A waiver of part or all the required processing fees for a subdivision application may be granted by the Board of County Commissioners only on finding that the particular application is such that the review time of county officials will be significantly less than the typical subdivision application.

C. Variations

1. A variance from specific requirements of this ordinance may be granted by the Board of County Commissioners upon finding that, due to unusual circumstances relating to the physical characteristics of the property or land adjacent to the property, conformance with the specific requirement would create an undue hardship on the property owner, and

that the public health, safety and welfare would not be adversely affected by the granting of the variance. Variances shall not be granted on the basis of the financial status of the property owner or subdivider.

2. Procedure for variances:

- a. An application for a variance from one or more of the requirements of this ordinance shall be made to the (Subdivision Administrator) in the form of a letter. The letter shall include the basis for the variance request and the nature of the hardship that would result if the variance is not approved.
- b. The Subdivision Administrator shall schedule the variance request for consideration by the Board of County Commissioners who shall approve or deny the request.
- c. The Preliminary or Final Plat application which includes or is the subject of a variance request shall not be scheduled for consideration by the Board of County Commissioners until all variance requests have been either approved or denied.

D. Appeals

In the event that any person disagrees with the Subdivision Administrator's interpretation with the language of this Ordinance they may appeal to the Board of County Commissioners as specified in the Subdivision Approval Submittal Requirements.

APPENDIX "A"
COUNTY ZONING ORDINANCE
ZONING REGULATIONS
CHAPTER 11

<u>WIDTH REGULATIONS</u>	MU-1	A-1	RR-1
The minimum width in feet for any lot in the districts regulated by this chapter, except as modified by planned unit developments or cluster subdivisions, shall be:	660	330	100
<u>FRONTAGE REGULATIONS</u>			
The minimum frontage in feet for any lot in the districts regulated by this chapter on a public street or a private street approved by the governing board shall be:	25	25	25
<u>FRONT YARD REGULATIONS</u>			
The minimum depth in feet for the front yard for main buildings shall be:	25	25	25
On established street right-of-ways, or an equivalent depth as determined by the Planning Commission where there is no established right-of-way. Accessory buildings may have the same minimum front yard depth as main buildings, if they have the same side yard as required for main building, otherwise they shall be set back at least six (6) feet in the rear of the main buildings.	A	A	A
<u>REAR YARD REGULATIONS</u>			
The minimum side yard in feet for the rear yard in the districts regulated by this chapter shall be:			
For main buildings	25	25	25
For accessory buildings	1	1	1

SIDE YARD REGULATIONS
The minimum side yard in feet for any dwelling

other main or accessory buildings in districts regulated by this chapter shall be:	15	15	15
and a total width of the two (2) required side yards or not less than	30	30	30
except on corner lots two (2) and two (2) rear yards are required.	A	A	A

HEIGHT REGULATIONS

The maximum height for all buildings and structures in districts regulated by this chapter shall be:

In feet	35	35	35
In number of stories	2.5	2.5	2.5

APPENDIX "B"

COUNTY ROAD STANDARDS

STREET DESIGN REQUIREMENTS

1. STREET TYPES

A. Residential Streets – Streets which primary function is to provide access to individual lots within the subdivision. This would include all streets except the ones designated as Collector Streets.

B. Collector Streets – The main streets in the subdivision. This would usually be the street that enters or exits the subdivision which serves as a collector of all the residential streets.

2. STREET WIDTHS

A. Residential streets shall have a minimum right of way of fifty (50) feet. The minimum surface width for gravel shall be twenty-six (26) feet. The minimum surface width for pavement shall be twenty-four (24) feet.

B. Collector streets shall have a minimum right of way of sixty (60) feet. The minimum width for gravel shall be thirty-two (32) feet. The minimum surface width for pavement shall be thirty (30) feet.

3. STREET DESIGN STANDARDS

A. Before any street is accepted by San Juan County for maintenance, the street must be constructed to the width requirement. A minimum of a nine (9) inch compacted depth of base material must be placed on the street. Of this base material, the surface must consist of a minimum of three (3) inches of 1" or ¾" crushed gravel. This material must be accepted by the San Juan County Surveyor and if deemed necessary, testing of the material and compaction may be required by the engineer. If such testing is required, this shall be done at the expense of the sub divider.

B. Asphalt Surfaces – If the street is constructed to an asphalt surface, the surface depth must be a minimum of three (3) inches to be accepted for maintenance by San Juan County. Asphalt and compaction must be accepted by the San Juan County Surveyor and if deemed necessary, testing of the material and compaction may be required by the engineer. If such testing is required, this shall be done at the expense of the sub divider.

C. The minimum grade for all streets shall be 0.5%. The maximum grade allowed for residential streets is 8% and for collector streets is 6%. Where the observance of this requirement is unfeasible, an exception may be granted. Streets should be leveled, when possible, to a grade of less than 4% for a distance of at least fifty (50) feet approaching all intersections.

D. Whenever possible, streets shall intersect at right angles. When streets meet at acute angles, a reasonable radius will be required.

E. Dead end streets will have a turn around (cul-de-sac) with a minimum radius of fifty (50) feet. Dead end streets should not exceed five hundred (500) feet in length if possible.

F. No more than four (4) streets shall enter an intersection.

G. Vertical curves shall be used at all changes of grade exceeding 1%. Horizontal curves shall be required if street lines deflect more than (5) degrees. The minimum centerline radius for residential streets shall be one hundred fifty (150) feet. Collector streets shall be three hundred (300) feet.

H. Curb and gutter – The minimum widths of streets which have curb and gutter shall be forty (40) feet on residential streets and fifty (50) feet for collector streets. All measurements are from the back of the curb to the back of the curb.

I. Cattle guards – Any cattle guards required or installed, shall be in compliance with the County Cattle guard policy and shall be of a width and construction approved by the San Juan County Surveyor.

J. Signs – The sub divider shall provide and install any required signs on roads or streets as required by the Manual of Uniform Traffic Control Devices and by the San Juan County Surveyor.

K. Gates – No gates, whether locked or unlocked, shall be allowed on any roads or streets accepted by the County.

L. Public Roads – All roads or streets accepted by the County are considered public roads and no access by the public can be limited by the sub divider or future owners of any of the lots within the subdivision.

M. Drainage/Curb and Gutter-In the absence of curb and gutter, the sub-divider shall provide a street drainage plan detailing potential impacts to county roads and streets. The sub-divider shall be required to provide and install culverts or other drainage structures as required by the county.

N. New Roads-When a subdivision is considered to be high density. San Juan County may require the sub-divider to pave the road with a minimum of a two lift

armor coat consisting of one lift using a $\frac{3}{4}$ inch dirty gravel chip and the second lift using a $\frac{1}{2}$ inch clean gravel chip; or as determined by the County a compacted asphalt mat consisting of a minimum 2" depth when fully compacted may be required.

O. Existing Roads-San Juan County may consider on a case by case basis the upgrading of officially accepted roads that meet San Juan County standards in high density subdivisions with at least 10 or more lots, or when conditions in the subdivision may cause safety or health related issues.

4. EASEMENTS

A. Easements for utilities such as poles, wires, conduits, gas lines, water lines, etc. shall be located at the rear of all lots whenever possible. The width shall be a minimum of fifteen (15) feet, which can be divided between adjoining lots.

B. If front line easements are required, a minimum of fifteen (15) feet shall be allocated. All easements shall be designed so as to provide efficient installation of utilities.

C. If front line easements are required and are within the right of way of any road or street, sufficient and proper compaction of any underground lines shall be required. Testing of compaction shall be at the expense of the sub divider.

D. All utilities shall be provided in compliance with all of the required building codes covering such installation.