

TOWN OF AMALGA

ORDINANCE NO. 2022-__5__

**AN ORDINANCE AMENDING THE TOWN SUBDIVISION ORDINANCE
AND PROVIDING THE REQUIREMENTS FOR A MINOR SUBDIVISION**

WHEREAS, the Town Council of Amalga (the “Council”) has determined that it is in the best interest of its citizens, advances one or more of the purposes of the Town Land Management and Development Code and is consistent with the Town’s General Plan to update and revise the Amalga Town Subdivision Ordinance (the “Subdivision Ordinance”) in accordance with the terms and conditions in this Ordinance;

WHEREAS, the Town Planning Commission has reviewed this Ordinance and recommended its adoption by the Council after holding the required public hearing on the same;

NOW, THEREFORE, BE IT ORDAINED, by the Amalga Town Council, Cache County, State of Utah, as follows:

1. Section 1.7(A) of the Town Subdivision Ordinance is amended to read as follows:

A. No person shall subdivide any tract of land which is located wholly or in part within the boundaries of The Town of Amalga, except in compliance with this ordinance. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a subdivision of a larger tract of land, nor offer for recording in the office of the County Recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this Ordinance and other local regulations. This Ordinance shall not apply to lots legally created prior to the adoption of this Ordinance, unless they are further subdivided after the creation of this ordinance.

Subdivisions which qualify as minor subdivisions, as defined by this ordinance, must meet all the requirements of Section II-4 of this ordinance.

2. The definition of a “Minor Subdivision” set forth in Section I-8 of the Town Subdivision Ordinance is amended to read as follows:

Minor Subdivision: A minor subdivision is the subdivision of a single parcel of real property into two separate lots. Minor subdivisions may be approved in accordance with Section II-4 of this ordinance and, except as

otherwise provided in that Section, are exempt from the subdivision plat and other requirements of this ordinance.

3. Section II-4 is hereby added to the Town's Subdivision Ordinance to read as follows:

II – 4 Minor Subdivision Approval Process

A. Land Use Authority. PLANNING COMMISSION shall be the land use authority to decide minor subdivision applications. The applicant for a minor subdivision must be the record owner of the property proposed to be subdivided or a duly authorized agent for the record owner as evidence in a writing signed by the record owner.

B. Conditions of Approval. A minor subdivision may be approved by PLANNING COMMISSION if the following conditions are met:

1. The property being subdivided is not traversed by the mapped lines of a proposed street as shown in the City's General Plan;
2. The City's culinary water authority and sanitary sewer authority have approved the subdivision;
3. The property being subdivided has been zoned; and
4. The subdivision conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.

C. Required Infrastructure. As a condition of approval for a minor subdivision, PLANNING COMMISSION may require the installation of the following infrastructure:

1. Culinary water and sewer lines connecting to both the parent parcel and the parcel which was subdivided;
2. Power lines with connection to the existing power supply;
3. Curbing, gutters, and other storm water drainage systems appropriate for the property;
4. Sidewalks and park strips on portions of the parent parcel and the parcel which was subdivided from the parent parcel that abut any street; and

5. Any other infrastructure deemed necessary by PLANNING COMMISSION to address the impact of the development of either the parent parcel or the parcel which was subdivided from the parent parcel.

D. Approval Process. Minor subdivision applications shall be approved through the following process:

1. The applicant shall file an AMALGA TOWN SUBDIVISION APPLICATION with the PLANNING COMMISSION and pay any application fee established by the Town.
2. The Planning Commission Chair, or the officer otherwise appointed by the Town for the purposes of this section, shall perform an initial review of the application to verify the application is complete and an applicable fee has been paid. If not, the Planning Commission Chair shall notify the applicant of the deficiency.
3. Upon verification that the application is complete and any applicable fee has been paid, the applicant shall deliver a copy of the application to the Town's culinary water authority, and a copy to the sanitary sewer authority (Bear River Health) and request written approval of the application from them. The applicant will provide written, signed approval of these items to the Planning Commission Chair.
4. If the Town's culinary water authority or the sanitary sewer authority (Bear River Health) denies approval of the application, then the application shall be returned to the applicant without further action by the Town.
5. If the Town's culinary water authority or sanitary sewer authority approves the application, the application shall be placed on the agenda for the next available meeting of the PLANNING COMMISSION.
6. At a duly noticed public meeting of the PLANNING COMMISSION, the PLANNING COMMISSION shall approve or deny the application for a minor subdivision based on the requirements set forth in this section.
7. If the PLANNING COMMISSION approves the minor subdivision, it shall provide a written LAND USE CERTIFICATE OF APPROVAL to the applicant in a form approved by the Town Attorney. The applicant shall record in

the Cache County Recorder's Office the Certificate of Approval as an attachment to the instrument effectuating the minor subdivision. The Certificate of Approval shall act as a restrictive covenant against title on both lots arising out of the minor subdivision and thereby provide notice of the restriction set forth subsections E and F below.

8. No excavation, grading or regarding, or removal of vegetation for a proposed minor subdivision site shall take place and no building permits shall be issued, until a proposed minor subdivision has received approval from the PLANNING COMMISSION pursuant to this Section and the Certificate of Approval has been recorded in the Office of the Cache County Recorder.
- E. Restriction on further Subdivision without Plat. Real property that has been subdivided as a minor subdivision under this Section, both the parent parcel and the parcel which was subdivided from the parent parcel, may not be further subdivided pursuant to a minor subdivision. Any further subdivision of any property that has been subdivided pursuant to a minor subdivision must be completed in accordance with Sections II – VI of this ordinance, and all property that was part of the minor subdivision must be included in, and be made part of, the subdivision.
- F. Restriction on Construction. Except as provided in this Subsection F, real property that has been subdivided as a minor subdivision under this Section may only have one dwelling between the subdivided parcels. Thus, if a dwelling is constructed on either parcel after the approval of the minor subdivision, or if a dwelling already exists on either the parent parcel or the newly subdivided parcel at the time of the minor subdivision approval, then a dwelling may not be placed on the other parcel in the minor subdivision until a period of four years has lapsed since the issuance of the building permit for the first dwelling or since the approval of the minor subdivision, whichever occurs later. Only one lot is divided from the property. Additionally, the construction of a dwelling upon either the original parcel or upon the newly created lot shall be deemed as the allotted construction for a minor subdivision. The remaining parcel shall be deemed as ineligible for dwelling construction under the minor subdivision provisions until four years from the issuance of the zoning clearance and issuance of a building permit for either lot. This applies regardless of any property ownership changes.
- G. Violations. In addition to any other penalties or remedies set forth in the Subdivision Ordinance, any person who violates any of the restrictions set forth above in subparagraphs E and F shall be guilty of an infraction and shall be liable to the Town for all costs and attorney fees incurred by the Town in enforcing the restrictions.

4. To the extent of any conflict between this Ordinance and any other ordinance(s) or regulation(s) of Amalga Town, the provisions of this Ordinance shall be controlling.

5. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance

6. This ordinance shall become effective immediately upon publication or posting as set forth by State Law.

ADOPTED AND PASSED, by the AMALGA TOWN COUNCIL this _____ day of _____, 2022.

AMALGA TOWN

ATTEST:

David Wood, Mayor

Haley Read, Town Clerk

COUNCIL MEMBER	YES	NO	ABSENT	ABSTAIN
David Wood				
Paul Hansen				
Julio Vega				
Rick Fannesbeck				
David Lee				