



Memorandum

To: Tammy Folkman, Land Use Specialist
Plain City Corporation

From: Brad C. Jensen, P.E.
Wasatch Civil Consulting Engineering

Date: October 5, 2023

Subject: Town Center Business Plaza, Site Plan Review

We have reviewed the submitted site plan the Town Center Business Plaza as associated with the amended plat and have the following comment.

If the two buildings that are being combined have separate water meters, we recommend one the meters abandoned. It appears that all other utilities are already separate, so no utility changes will be required.

We recommend approval of the Town Center Business Plaza. If you have any questions or require additional information, feel free to contact me.

SITE PLAN APPLICATION FOR PLAIN CITY

(Existing Commercial Building – same use, minimal remodeling)

What is being proposed Combine 2 tax I.D.'s to one Zone C-2 Date Submitted 9/21/23
Address of Location 2392 N-4350 W. Plain City UT 84404
Contact Name Cody Rhee Email: cody@hearingcrafthomes.com Ph 801-450-4868 Fax #
Company Name Cody Rhee Construction Address 23916 N-4350 W. Ph 801-450-4868 Fax #

Mark the following if applicable:

Secondary Water Available? Y

Culinary Water Available? Y

Sewer Available? Y

Septic System Appears Feasible? NA

Is Property in a Flood Hazard Area? No Flood Zone No

Please describe any agreements, rights-of-way, easements etc. that could affect this site:

Describe history of parcel being submitted for a site plan, approximate dates of division and uses of property:

*Please attach a detailed site plan of the property showing parking, landscaping, the footprint of the building and the proposed floor plan for your business. Please be sure to include restrooms, windows, and outside doors.

The completed application and supporting documents need to be submitted at least 7 days prior to the Planning Commission Meetings on the 2nd and 4th Thursdays of the month.

The above information is true and accurate to the best of my knowledge.

9/21/23 Cody Rhee
Date Signature

Office Use Only

Site Plan Fee:

Date Paid:

No. of copies:

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH)
) ss
COUNTY OF WEBER)

I (we), Cody Rheas, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I also acknowledge that I have received written instructions regarding the process for which I am applying and the Plain City Planning staff have indicated they are available to assist me in making this application.

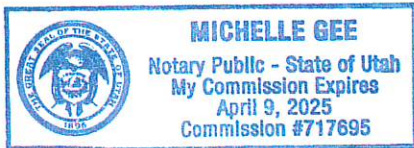
[Signature]

(Property Owner)

Cody Rheas President

(Property Owner)

Subscribed and sworn to me this 21 day of September, 2023.



[Signature]

(Notary)

Residing in Weber County, Utah

My commission expires: 4-9-25

AGENT AUTHORIZATION

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Agent)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.

(Notary)

Residing in Weber County, Utah

My commission expires: _____

SITE PLAN APPLICATION FOR PLAIN CITY

What is being proposed Town Center Business Plaza ^{Town} Zone C-2 Date Submitted 9/8/21

Address of Location 2400 N 4350 W

Contact Name Cody Rhees Email: crhees@YAHOO.com Ph 801-458-4868

Company Name Cody Rhees Const Address 2414 N 4350 W Ph 801-458-4868

Surveyor's Name Mike Wangeman Address _____ Ph 801-725-8395

Engineer's Name Greg Day Address _____ Ph 801-814-1778

Mark the following if applicable:

Secondary Water Available? Y Type Pineview Water Dist Ph _____

Culinary Water Available? Y Type Bona Vista Water Dist Ph _____

Sewer Connection Available? Y Contact Plain City Sewer Dist

Septic System Appears Feasible? N Contact N/A

Is Property in a Flood Hazard Area? N Flood Zone N

Please describe any agreements, rights-of-way, easements etc. that could affect this site:

NONE

Describe history of parcel being submitted for a site plan, approximate dates and acreage of past land divisions:

December 2020 Technical Review Meeting

The completed application and supporting documents need to be submitted at least 30 days prior to the Planning Commission Meetings on the 2nd and 4th Thursdays of the month.

The above information is true and accurate to the best of my knowledge.

Date 9/8/21 Signature [Signature]

Office Use Only

Site Plan Fee: _____

Date Paid: _____

No. of copies: _____

AFFIDAVIT

PROPERTY OWNER

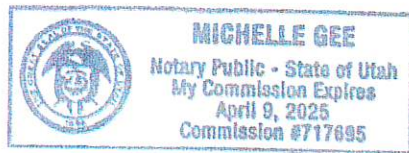
STATE OF UTAH)
) ss
COUNTY OF WEBER)

I (we), Michelle Gee, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I also acknowledge that I have received written instructions regarding the process for which I am applying and the Plain City Planning staff have indicated they are available to assist me in making this application.

Cody Rhees
(Property Owner)

RA
(Property Owner)

Subscribed and sworn to me this Eighth day of September, 20 21.



Michelle Gee
(Notary)

Residing in Weber County, Utah

My commission expires: 4/9/25

AGENT AUTHORIZATION

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Agent)

(Property Owner)

Dated this _____ day of _____, 20____, personally appeared before me _____, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.

(Notary)

Residing in Weber County, Utah

My commission expires: _____

PLAIN CITY NON-RESIDENTIAL SITE PLAN CHECKLIST

The following checklist is a summary of the requirements for approval of non-subdivision and/or non-residential site plans for Plain City. Detailed requirements are described in Plain City Code, Zoning and Subdivision Ordinance. In case of a discrepancy, the detailed ordinance requirements will govern. Incomplete submittals will not be reviewed or forwarded to the Planning Commission.

- ~~1.~~ One (1) copy of all required supporting documents and application fees shall be submitted.
- ~~2.~~ An exact copy of a certificate from a title insurance company or attorney which shall set for the names of all property owners included in the plat and shall include a list of all mortgages, judgements, liens, easements, contracts and agreements of record in the County which shall affect the property covered by such plats. If the opinion of title discloses any of the above, then at the option of the City Council the holders or owners of such mortgages, judgements, liens, easements, contracts, or agreements shall be required to join in and approve the application before the Plat shall be acted upon by the Planning Commission.
- Title Report*
- ~~3.~~ Traffic Impact Analysis, when required by the City Engineer.
- ~~4.~~ The original Site Plan drawing and three (9) 24"X36" and one (1) 11"X17" copy of the site plan along with three (3) 24"X36" and one (1) 11"X17" copy of the construction drawings, of such quality and resolution that all detail in the drawing is readily discernible, shall be submitted at the time of submittal of the final plat.

Site Plan Drawing Requirements (If pertains to the Site Plan):

- ☒ Name, address, and telephone number of owner and engineer.
- ☒ True north arrow, name of municipality, section, township and range, and date.
- ☒ Vicinity map showing the proposed site's location in the City.
- ☒ Names of neighboring subdivisions, owners or abutting properties, and City streets. This should include an area not less than 100 feet beyond the boundaries of the proposed development.
- ☒ Tie to all controlling survey corners or monumentation.
- ☒ Lot line dimensions.
- ☐ Tabulation Table in the following format:

	Square Footage	Acreage	Percent of Total
Total Area	22119		100
Total Building Area	8325		37%
Total Impervious Area	7357		33%
Total Landscaped Area	4858		22%

Total Number of Parking Spaces: 100+ BY ORDINANCE

- ☒ Streets: Names and locations of fronting streets and dimensions of public streets, private streets, and driveways.
- ☒ Buildings: Footprints of existing and proposed buildings and structures including a notation of each building's main floor finished floor height above grade.
- ☒ Building elevation: show height dimension & types of materials proposed.
- ☒ Sewer & Water: Location and size of existing and proposed sewer lines and manholes, storm drains and manholes, water supply main valves, water lines, culverts, etc.

9/3/21

To: Plain City Corporation Planning Commission

From: Cody Rhees, Cody Rhees Construction, Inc.

RE: Proposed Town Center Business Plaza

Plain City Planning Commission,

I am submitting the attached Site Plan approval application for the proposed Town Center Business Plaza, following a plan consistent with Plain City Ordinance 10-6B-1. I am asking for this Site Plan approval consistent with both the current commercial Zoning C-2, and consideration of the Town Center Ordinance accomplishing the purpose and intent to design an integral, homogeneous component of the neighborhood, oriented to pedestrian use 10-6-2.

This Site Plan Includes all of Property Tax ID#'s 24-031-0005, and 24-031-0003; Both of these parcels are consistent with the General Plan of Plain City, and are currently in the C-2 Zone, The combined parcel footage is 22,119.6 square feet'.

In following the ordinances set forth, this project will create clean, and needed commercial office spaces in relationship to the surrounding areas, along with some of the additional highlights.

Some of the Highlights to this project will include;

- All Building Materials Shall be Consistent with strict CC&R Requirements.
- This project will be clean, well kept, and a very attractive commercial addition to Plain City with fully landscaped areas between parking areas and behind buildings. Including mature ornamental trees, and a neat and tidy appearance
- All Parking areas to be privately owned by a HOA of business owners, not to impose on the city in any way
- Above Minimum Parking area for Business Office use 10-9-3, with 500' radius of 92 additional public parking stalls, and on street parking in the dozens of additional stalls of public parking 10-9-5A
- UDOT owned frontage to entire project, so no city liability for road maintenance, utility inspections, or utility work
- Open Landscaping Space far exceeding the 15% minimum landscaping area, using a blend of Parking area landscaping, and xeriscape to reduce water usage. (10-8-15 B, 1) (10-8-15 A, 8)
- Project provides additional parking for the area, and other nearby parks and businesses
- This also provides some much needed commercial low impact development to Plain City
- Lockable Cluster Mailboxes shall be located within the project subject to postmaster approval
- Schools, Water Districts, Sewer treatment, and Storm Water Impacts
-
- will also be kept to a minimum with no additional roadways, less than maximum densities, and no public facilities to maintain.

A description of architectural elevations and floor plans demonstrating the general design, character, and exterior building materials of the proposed structures can be found in the Proposed Restrictive Covenants of the Project; Commonly referred to as CC&R's. These are not a requirement in Plain City, but it does keep the quality and integrity of a project up to a standard, as well as outline the above stated requirements for the request.

In Closing; As a builder and developer, I cannot control the market needs, the growth that Plain City will experience over the upcoming years, or the extremely high costs of city impact fees, but I can control the way that a project looks and feels. With less than maximum square footage of buildings, more than required footage of landscaping, and more than required parking spaces, I can help create a small commercial project that Plain City residents would be very happy with long term, and with less impact to the city. All together this does meet the general plan of the city C-2, and Town Center Zone 10-6-2, and add to the neighborhood commercial zone characteristics and open space commitments that Plain City outlines in the general plan.

A site plan approval now, does not give the go ahead for any type of business that may eventually end up being in one or more of the proposed buildings. You as a planning commission, will have the opportunity to discuss and vote on a site plan for every business that may individually be part of this project. What we are asking for now is the overall site approval, to move forward with vanilla shell building plans, and have direction to move forward in.

As seen in Chapter 10-6B-14, I am asking that the Planning Commission recommend approval of this submitted application as it does meet the considerations listed in Plain City Code.

Thank You,



Cody Rhees, President

Cody Rhees Construction, Inc.
Heritage Craft Homes
Bear River Investments LLC



W3277462

E# 3277462 PG 1 OF 4

LEANN H KILTS, WEBER CTY. RECORDER
24-MAR-23 11:53 AM FEE \$40.00 SW
REC FOR: TOWN CENTER BUSINESS PLAZA

Town Center Business Plaza Property Owners Association LLC
CCR'S, Agreement and Ownership Designation

KNOWN BY ALL MEN THESE PRESENTS: That the undersigned is the legal said beneficial owner of a certain tract of land in Weber County, State of Utah, hereafter known as the Town Center Business Plaza which is described below;

PART OF LOT 3, BLOCK 7, PLAT A, PLAIN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 7, PLAT A, PLAIN CITY SURVEY, WEBER COUNTY, UTAH, AND RUNNING THENCE NORTH 49.6 FEET; THENCE EAST 6.5 RODS; THENCE SOUTH 49.6 FEET; THENCE WEST 6.5 RODS TO THE PLACE OF BEGINNING. WEBER COUNTY PARCEL 24-031-0005
PART OF LOT 2, BLOCK 7, PLAT A, PLAIN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT, AND RUNNING THENCE EAST ALONG THE NORTH LINE OF SAID LOT 120 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID LOT, 140 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID LOT, 120 FEET; THENCE NORTH ALONG THE WEST LINE OF LOT 2, A DISTANCE OF 140 FEET TO THE PLACE OF BEGINNING. WEBER COUNTY PARCEL 24-031-0003

WHEREAS: The undersigned is about to sell/buy the property described heretofore, which desires to subject said land to the following Covenants, Conditions, and Restrictions; and the acceptance of any deed or conveyance thereof by the Grantee(s) herein, and their heirs, executors, administrators, successors, and assigns, all constitute there covenant and agreement with the undersigned and with each other, do accept and hold the property described or conveyed in or by such deed or conveyance subject to said Covenants, Conditions, and Restrictions as agrees to operate as follows;

1. USE OF LAND: No lot shall contain more than the 4 approved structures.
2. APPEARANCE OF THE EXTERIORS OF THE BUILDINGS: No Owner shall change the appearance of the building without prior approval from ALL other owners in Owners Association
3. BUILDING LOCATION: All buildings have been located as per approved site plans and consistent with Plain City ordinances, so as not to be in violation with Plain City building department. In no event shall any building, including eaves or steps, encroach on any other lot, or POA space.
4. NUISANCES: No noxious or offensive activity shall be carried upon any lot, portion of the property, nor shall anything be done that may become an annoyance to the surrounding neighborhood.
5. OIL AND MINING OPERATIONS: No oil drilling, quarrying, or mining operations of any kind shall be permitted on, or within any lot. No wells, tunnels, or mineral excavation is permitted.
6. BOATS, RV'S, AND MOTOR VEHICLES: No boats, motorcycles, ATV's, Trailers, Busses, Motor Homes, Campers, or other vehicles, shall be stored upon any lot or OA area. Inoperable motor vehicles are not permitted to be stored on any portion of any lot or POA-area, and are not allowed to be stored on public roadways fronting property for any length of time.
7. WALLS, FENCES, AND OTHER BARRIERS: All walls, fences, and barriers shall be approved by all owners of the POA prior to install, as well as an approval from Plain City Corporation.
8. SIGNS: No billboard or sign of any kind shall be erected, posted, painted, or displayed on, or above, any lot. No sign of any kind, except for signs for advertisement of a lot, or property for sale or rent, limited to one sign per lot, will be permitted. Signs by the developer for the advertisement of the development and/or the initial sale of the lots or

Town Center Business Plaza Property Owners Association LLC
CCR'S, Agreement and Ownership Designation

buildings, shall be excluded from this restriction. Any Permanent Sign on a building will need to be permitted by Plain City Corporation prior to installation. See Plain City Corporation Code for information on sign approvals.

9. TRUCKS AND TRAILERS: Trucks and trailers with an overall length, or combined length of 26 feet or more and commercial trucks and trailers with a gross vehicle weight of 26,000 pounds (considered commercial class A vehicle) or more are not allowed to be parked, placed, or stored on any lot or POA area, or upon roadway fronting property.
10. SITE REVIEW: Prior to the commencement of alteration of any building, plans and/or construction drawings shall be submitted and approved by the Developer, Property Owners Association, and Plain City Corporation. No Construction in this plaza will be permitted without obtaining the necessary permits and approvals from Plain City, POA, and Developer. The cost of such approvals and permits shall be borne by the seeker of permit or approval.
11. ROOF MOUNTED EQUIPMENT: Solar panels, heat pumps, air conditioning units, antennas, and satellite dishes, shall be mounted only if they cannot be viewed from the street directly in front of the business' on said lots within the POA.
12. DAMAGE: Any inflicted damage on existing improvements such as streets, gutters, sidewalks, landscaping, etc. By purchaser of any particular building must be repaired and the costs of repair shall be borne by the purchaser at his/her own expense. This also includes damage to landscaping, and other existing structures. Any dirt, gravel, or landscape materials, or other materials placed or spilled on the road during any construction shall be removed at the cost and/or expense of the lot owner, and returned to the pre-existing condition.
13. DISCLAIMER OR LIABILITY: Notwithstanding and information given by Developer (Declarant) regarding soils and subsurface water conditions, whether it be oral or written, Declarant hereby disclaims any responsibility for soil conditions, surface flooding, ditch overflow, runoff, acts of god, and/or subsurface water conditions, and hereby advises buyers and subsequent owners to obtain their own necessary engineering and soils information regarding the same, before construction or improving said property, and hereby denies any liability thereof. Declarant also denies liability thereof to concurrent lot owners that may acquire a property that has not been diligently and thoughtfully constructed, and has potential to flood.
14. UTILITIES: Culinary water is provided by Bona Vista Water. The Sewer is provided by the Plain City treatment facility and paid for on Bona Vista Water bill. Sewer Mainline lateral shall be maintained by the POA, and has been installed with a top end cleanout for maintenance purposes. The Storm Water Facilities including large underground detention basins, and gravel basins, are the responsibility of the POA to maintain. The POA will be responsible to pay for all water, sewer, and garbage collection bills, and will be split between all owners of the Property Owners Association fairly and equally. Natural gas is provided by Questar Gas and can be obtained directly with them. Power is provided by Rocky Mountain Power and can be obtained directly with them. The secondary purpose within this section is to provide Plain City Corporation with a full waiver of all responsibility within the boundaries of the recorded plat.

Town Center Business Plaza Property Owners Association LLC
CCR'S, Agreement and Ownership Designation

15. GARBAGE: No part, or portion of, any property shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Such rubbish, trash, and debris may only be stored in sanitary containers and disposed of regularly and properly. It is the responsibility of the POA to arrange garbage haul off weekly.
16. FRONTING STREET: The roadway fronting the property is a UDOT Highway, and shall be maintained by UDOT. Sidewalks fronting property shall be the responsibility of the POA to keep clear of snow and debris.
17. COMMON AREA: The common area as indicated on the recorded plat, within the boundaries of the recorded plat shall be recorded and owned by the POA, also known as "Town Center Business Plaza POA LLC"
18. DEFINITION OF PROPERTY: The building envelope is equal to the actual dimension of real property owned, from the Exterior Brick/Siding in, is owned and maintained by the property owner, all property outside the building, including sidewalks, drive areas, common areas, and landscaping is owned by the POA, and maintained by such.
19. MAINTENANCE: POA will assume the responsibility to maintain and care for common property. A minimum of 75% of owners shall be in agreeance to maintain or service any common property, prior to any money being spent as an association. All owners of property agree to split this cost 25% each as the common areas and parking areas shall be for equal share and use. Should an owner not be willing to pay his/her portion of the maintenance fees incurred, any other owner can file a lien on the property equal to the costs paid for other owner/s.
20. LANDSCAPING: 100% of landscaping is to be completed prior to a certificate of occupancy of the building. All landscaping must include 2" caliper ornamental trees consistent with Plain City Standards in all parking areas, as well as shrubs in the other common area of the lot. Xeriscaping shall be placed in all areas possible to avoid over usage of water. The POA will be responsible to maintain all landscape areas of the property.
21. RIGHTS TO ENFORCE: Excluding provision 22 of these covenants, the provisions contained in this Declaration shall be enforceable by the City Officials, Land Developer, Declarant, or by their legal representatives. Failure to enforce any of said restrictions shall in no way prevent enforcement of any or all other restrictions herein the declaration of any restrictions to be invalid by court proceeding and shall not invalidate any other restriction/restrictions unless specifically specified.
22. DURATION: All of the covenants and restrictions set forth in this declaration shall take effect at all times against said property owners thereof or any subsequent owner(s) thereof, for a period of (45) Years from the date of adoption. Said covenants shall then be automatically renewed for successive periods of (10) years. Said Covenants and restrictions, may be altered, modified, or changed by a written agreement of three-fourths (3/4) of the lot owners of the subdivision. Said changes cannot include easements, or other areas dedicated for public use, or POA areas. In addition, Declarant of these Covenants, Conditions, and Restrictions, may add additional restrictions as may be deemed necessary to and from the protection of other property owners in the subdivision.

Town Center Business Plaza Property Owners Association LLC
CCR'S, Agreement and Ownership Designation

23. USES: All uses of Buildings must be approved by Property Owners Association, and Plain City Corporation and have a business license issued prior to occupancy. Uses shall also be limited to Office space primarily, as well as a small, non-invasive retail shop, Clinic, or Dental Clinic, Beauty Shop, or Medical Office, with an emphasis on low impact traffic businesses to not distract from the neighborhood atmosphere within the surrounding area.

In Witness Whereof, the parties hereto have executed this covenant this 24 day of MARCH, ~~2022~~ 2023

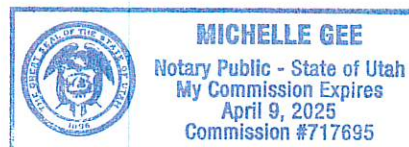
Cody Rhee

Cody Rhees, Developer, Declarant
Cody Rhees Construction, Inc.
2404 N 4350 W Plain City, UT 84404

State of Utah)

ss

County of Weber)



On the 24 day of March, 202^{MA}3 personally appeared signee of the forgoing instrument, who duly acknowledged to me that they executed the same.

Michelle Gee

Notary Public

Residing at Plain city, UT

My Commission Expires 4/9/25

4-5b

Line #	Bearing	Distance
L1	N07°45'51"W	7.18'
L2	N85°55'29"W	1.18'
L3	N40°13'51"E	14.72'
L4	N1°43'37"E	11.42'
L5	N1°43'29"E	11.42'
L6	S37°37'41"E	15.88'
L7	N82°24'59"E	1.41'



CAP (UTAH LAND SURVEYING) TO BE SET AT ALL BOUNDARY AND
SET TO BE SET IN TOP BACK OF CURB AT EXTENSION OF SHEL LOT
3500. SHALL BE RESPONSIBLE TO THE SURVEYOR TO ENSURE THE
S DIRECTED TO FRONTING ROAD OF SNALES THAT ENSURE THE
CH LOT DOES NOT DRINK INTO THE NEIGHBORING LOTS OR
IN AREA IS DESIGNATED AS A PUBLIC UTILITY AND DRAINAGE
ACCESSIBLE EASEMENT.

RELATIVE

THIS SURVEY WAS TO CREATE A NEW
PROPERTY
E EXISTING TWO PARCELS

OF BEARINGS

BEARINGS WERE RUN FROM THE
3 FOUND WEST WITNESS CORNER TO
THE INTERSECTION OF THE SHEL LOT
IP 7 NORTH RANGE 2 WEST, SALT LAKE
R AS SHOWN ON THIS SURVEY PLAT.

LEGEND

- Shaded Area
- Property Line
- Survey Line
- Corner Line
- Easement Line

AIN CITY ENGINEER

AT THIS PLAT COMPLETION WITH THE ANNUAL CONDITIONS OF THE PLAIN
S OFFICE IS REQUIRED TO REVIEW AND APPROVE.

ITY ATTORNEY'S OFFICE

AIN CITY ATTORNEY'S OFFICE

AIN CITY APPROVAL

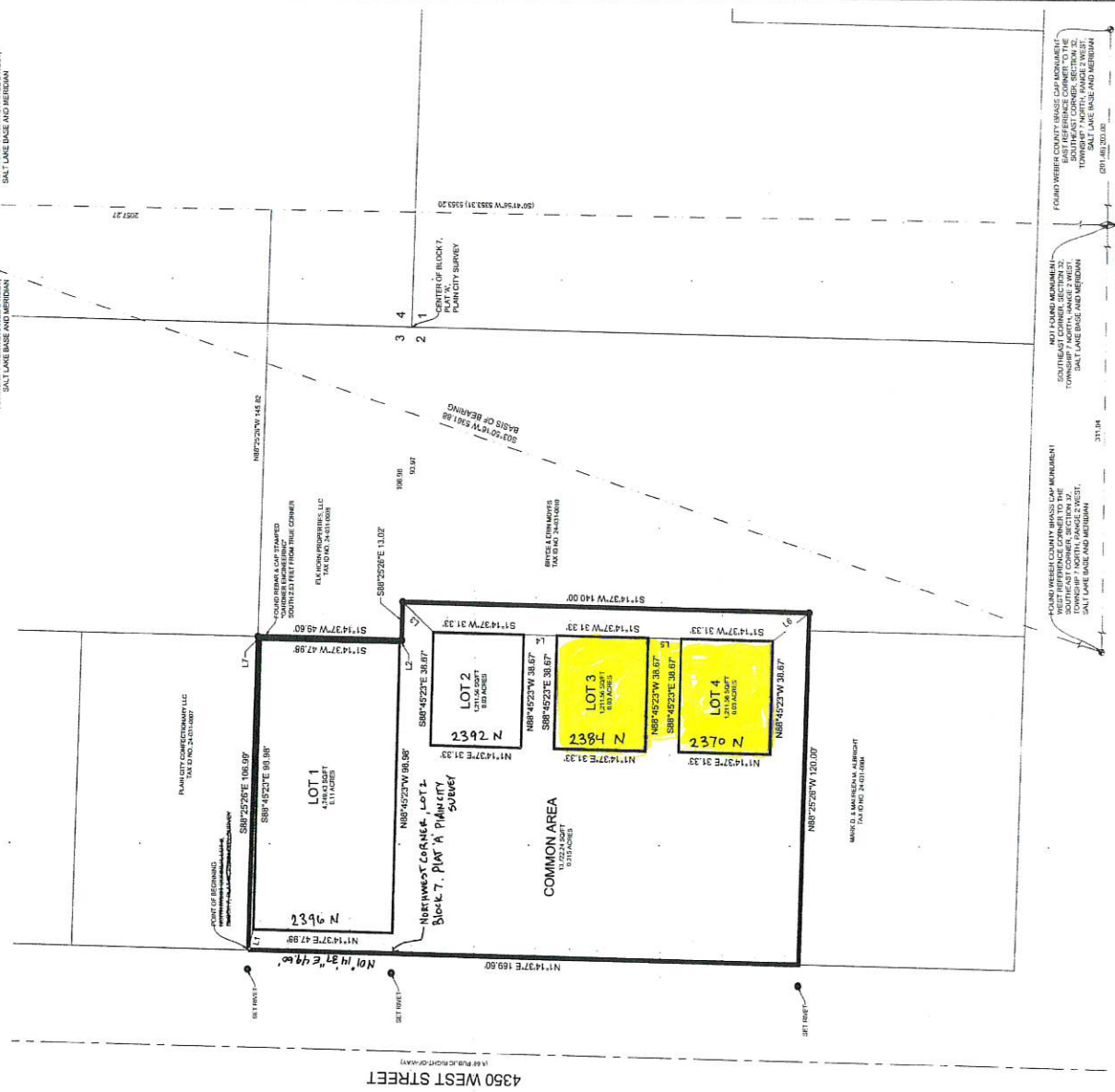
DECLARATION OFFERED (WHICH ARE APPROVED AND ACCEPTED BY THE)
THIS DAY OF November, 2022.

AINING COMMISSION

AT THIS PLAT COMPLETION WITH THE ANNUAL CONDITIONS OF THE PLAIN
S OFFICE IS REQUIRED TO REVIEW AND APPROVE.

TOWN CENTER BUSINESS PLAZA

LOCATED IN THE NORTHEAST QUARTER, SECTION 32,
TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN
PLAIN CITY, WEBER COUNTY, UTAH



SURVEYOR'S CERTIFICATE
I, MICHAEL L. WINKELMANN, DO HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR AND THAT
NO ADJUSTMENTS AS REQUIRED BY THE STATE OF UTAH, I HAVE RECEIVED BY AUTHORITY
OF THE STATE OF UTAH, I HAVE RECEIVED BY AUTHORITY OF THE STATE OF UTAH, I HAVE
THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THE
THIS IS TRUE AND CORRECT.

July 20, 2022
PL 3 2431156

BOUNDARY DESCRIPTION
BEGINNING AT THE NORTHWEST CORNER OF LOT 3, BLOCK 2, PLAT 14, PLAIN CITY SURVEY, WEBER
POINT BEING SOUTH 0°14'37\"/>

OWNER'S DEDICATION
THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND HEREBY SET APART AND
SAME TRACT WITH LOT AND STREET AS SHOWN ON THIS PLAT AND ASSIGN THE LANDS INCLUDED IN
TO THE PUBLIC. THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND
THAT THE PUBLIC SHALL HAVE THE RIGHT TO USE THE SAME FOR THE SAME PURPOSES AS
THOSE PORTIONS OF SAID TRACT OF LAND DESIGNATED HEREIN AS STREETS THE SAME TO BE USED
FOR THE SAME PURPOSES AS THOSE PORTIONS OF SAID TRACT OF LAND DESIGNATED HEREIN AS
DESIGNATED HEREIN FOR THE SAME PURPOSES AS THOSE PORTIONS OF SAID TRACT OF LAND
THE INSTALLATION, MAINTENANCE, AND OPERATION OF PUBLIC UTILITIES AS MAY BE AUTHORIZED BY
THE PUBLIC. THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND HEREBY
CONVEY AN EASEMENT OVER THE AREA DESIGNATED AS STORMWATER EASEMENT TO EACH OF THE
ABUTTING THEREON FOR A COMMON STORMWATER BASIN AS MORE PARTICULARLY DESCRIBED HERE
SHOULD THIS 23RD DAY OF November, 2022.

ACKNOWLEDGEMENT
STATE OF UTAH
COUNTY OF WEBER
ON THE 22ND DAY OF November, 2022, I, Michael L. Winkelmann,
NOTARY PUBLIC, DO HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR AND THAT
I HAVE RECEIVED BY AUTHORITY OF THE STATE OF UTAH, I HAVE RECEIVED BY AUTHORITY
OF ITS MEMBERS ON THE ARTICLES OF ORGANIZATION, AND RESOLVING TO BE
LIMITED LIABILITY COMPANY EXECUTED THE SAME.

TOWN CENTER BUSINESS PLAZA
LOCATED IN THE NORTHEAST QUARTER, SECTION 32,
TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN
PLAIN CITY, WEBER COUNTY, UTAH

UTAH LAND SURVEYING, LLC
A PROFESSIONAL LICENSED LAND SURVEYING COMPANY
1359 FARWAY CIR
FARMINGTON, UT 84025
PHONE 801.725.8395
mike@utahlandsurveying.com
www.utahlandsurveying.com

AMENDING LOTS 3 AND 4 AND THE COMMON AREA, TOWN CENTER BUSINESS PLAZA
LOCATED IN THE NORTHEAST QUARTER, SECTION 32,
TOWNSHIP 7 NORTH, RANGE 2 WEST, SALI LAKE BASE & MERIDIAN
PLAIN CITY, WEBER COUNTY, UTAH

GENERAL NOTES

1. THE DEVELOPER SHALL BE RESPONSIBLE TO GRADE EACH LOT SUCH THAT RUNOFF WATER IS DIRECTED TO FROTHING ROADS OR SMALLER THAT ENLURE THE RUNOFF FROM EACH LOT DOES NOT DRAIN INTO THE NEIGHBORING LOTS OR LINES.
2. COPPER RIVET TO BE SET IN TOP BACK OF CURB AT EXTENSION OF SIDE LOT LINES.

ALL CONDUITS ARE DESIGNED AS A PUBLIC UTILITY AND UNUSUAL EASEMENT AND CROSSANCES EASEMENT.

THE PURPOSE OF THIS SURVEY WAS TO CREATE 4 NEW BUILDABLE LOTS FOR FUTURE COMMERCIAL PROPERTY FROM THE EXISTING TWO PARCELS.

THE BASIS OF BEARING FOR THIS SURVEY WAS ESTABLISHED USING FOUND WEST WITNESS CORNER TO THE NORTHEAST CORNER OF SECTION 32 AND THE WEST REFERENCE MONUMENT TO THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AS SHOWN ON THIS SURVEY PLAT.

Section Movement	Direct Movement

I HEREBY CERTIFY THAT THIS PLAN COMPLES WITH THE MINIMUM CONDITIONS OF THE PLAIN CITY ORDINANCES THIS OFFICE IS REQUIRED TO REVIEW AND APPROVE.

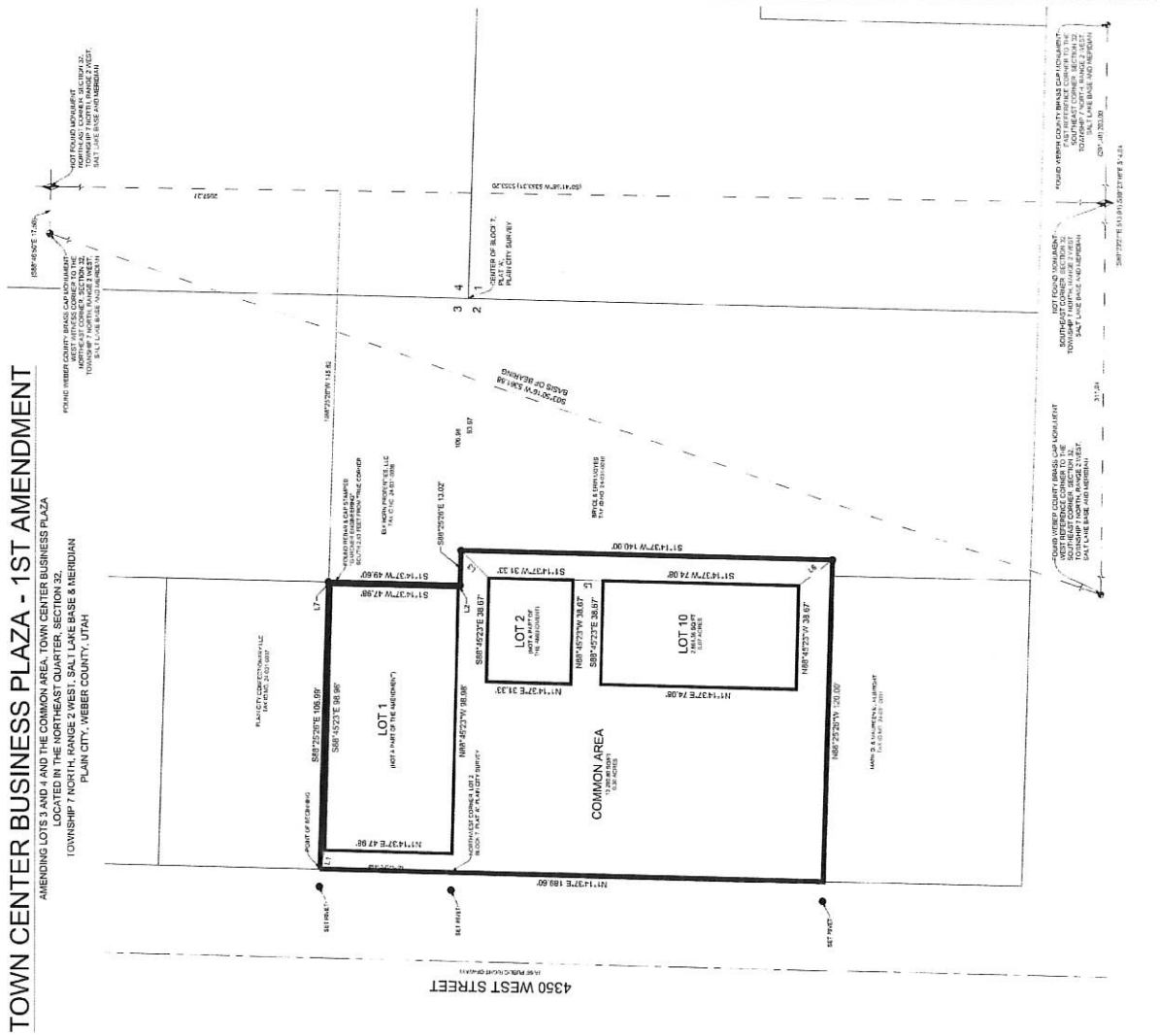
APPROVED BY THE IN ALA CITY ATTORNEY'S OFFICE

THIS PLAT AND ANY DEDICATIONS OFFERED HEREIN ARE APPROVED AND ACCEPTED BY THE
MAYOR OF PLAIN CITY, TN, _____ DAY OF _____, 2022.

ATTEST _____ CITY RECORDER

HEREBY CERTIFY THAT THIS PLAY COMPLES WITH THE MINIMUM CONDITIONS OF THE PLAIN CITY ORDINANCES THIS OFFICE IS REQUIRED TO REVIEW AND APPROVE.

SIGNED THIS _____ DAY OF _____ 2021.

[illegible][illegible][illegible]

ON THE _____ DAY OF _____ A.D. 2023 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED
NOTARY PUBLIC, _____ WHO BEING BY ME DULY SWORN DO SAY THAT
HE/SHE THEY IS/ARE THE _____ OF _____ BY AUTHORITY OF ITS
MEMBERS OR ITS ARTICLES OF ORGANIZATION, AND HE/SHE ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY
COMPANY EXECUTED THE SAME.

ON THE _____ DAY OF _____ A.D. 2023 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED
NOTARY PUBLIC, _____, WHO BEING BY ME DULY SWORN DID SAY THAT
HE/SHE THEY IS/ARE THE _____ OF _____ BY AUTHORITY OF ITS
MEMBERS ON ITS ARTICLES OF ORGANIZATION AND HE/SHE ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY
COMPANY ENJOYED THE SAME

AMENDING LOTS 3 AND 4 AND THE COMMON AREA, TOWN CENTER BUSINESS PLAZA
LOCATED IN THE NORTHEAST QUANTER, SECTION 32,
TOWNSHIP 7 NORTH, RANGE 2 WEST, 64TH LANE BASE & MEMPHIS
PLAQUE CITY, WEBER COUNTY, UTAH

UTAH LAND SURVEYING, LLC
 A PROFESSIONAL LICENSED SURVEYING COMPANY
 1359 FARMWAY CIR
 FARMINGTON, UT 84025
 PHONE 801.725.8395
 mlw@utahlandsurveying.com
 www.utahlandsurveying.com

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PLAIN CITY
4160 W 2200 N
PLAIN CITY UT 84404
801-731-4908

Receipt No: 2.036277
Sep 21, 2023

Site Plan Town Center Cody Rhees

Previous Balance:	.00
MISC REVENUE - FILING FEES - LAND USE	200.00
10-36-93 FILING FEES	
Total:	200.00
CHECK	200.00
Check No: 107	
Total Applied:	200.00
Change Tendered:	.00

09/21/2023 3:35 PM

PLAIN CITY CORPORATION

CONDITIONAL USE PERMIT APPLICATION

APPLICANT'S NAME BRINLEE ACRES DATE SUBMITTED 9-22-2023

ADDRESS 118 E LOMOND VIEW DR STATE UT ZIP 84414

PHONE NO 801-725-0789 EMAIL rickscadden@gmail.com

ADDRESS OF SITE BEING CONSIDERED: 3465 W NORTH PLAIN CITY RD

TAX ID NUMBER OF PARCELS BEING CONSIDERED: 190210052 190210048 190210041
190210040 190210041
190210049 190210051

FEE: \$200.00 Date Paid 10-10-23 Receipt No. 2036320

Application is hereby made to the Planning Commission requesting that the following land use SENIOR HOUSING OVERLAY be approved as a "Conditional Use" on 9.3 Acres in zone R 18.5 Sq. ft or acres

in accordance with the attached site plan.

Please Complete the Following:

1. Please state in detail what is intended to be done on or with the property. Include a site plan as required in the Plain City Ordinance. ACTIVE ADULT COMMUNITY/ SINGLE FAMILY STYLE DWELLINGS. WITH AMENITIES AND WALKING TRAILS.

2. Explain fully how this application of land use will satisfy each of the following conditions:

(a) Why is this use at this particular location necessary or desirable to provide a service of facility which will contribute to the general well-being of the neighborhood or community? PROVIDES HOUSING FOR SENIORS READY TO DOWNSIZE. PROJECT PROVIDES MAINTENANCE ON LANDSCAPE. AMENITIES TO ENJOY. WALKING TRAIL, PICKLEBALL COURT, OPEN SPACE.

(b) How will the proposed use promote the general welfare of persons and property in the vicinity? NO ADDITIONAL PRESSURE ON SCHOOLS. ACTIVE ADULT COMMUNITY PROVIDES LESS TRAFFIC THAN SINGLE FAMILY. ADULT AGE IS FASTEST GROWING SECTION OF POPULATION

- (c) How will the proposed use be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, and landscaping?

PROPERTY IS BACK OFF ROAD. PROVIDING SECURE, PRIVATE LIFESTYLE. PROVIDING AN ACTIVE ONSITE LIFESTYLE FOR RESIDENTS.

- (d) How does the proposed use conform to the goals, policies, governing Principles and projected land use of the General Plan?

PROVIDES OPPORTUNITY FOR SENIORS TO DOWNSIZE AND NOT HAVE MAINTENANCE FOR LANDSCAPING ETC... AMENITIES WITH WALKING TRAILS

List the names and addresses of all property owners located within 500 feet of any point of the affected property. Attach additional sheet if necessary. The City will send out letters to the landowners informing them of this project.

Name

Address

JD & KATY CHRISTENSEN

DARRELL CHRISTENSEN

JDC RANCH

JERRY HAMBLEN

COURTNEY CHECKETTS

BRYAN SQUIRES

9/22/2023

Date

Rick Scadden

Signature of Applicant

I authorize RICK SCADDEN to act as my agent in all matters relating to this application.

Rick Scadden

Owner of Property

FOR OFFICE USE

Approved/Denied

Date _____ Permit #: _____

Conditions:

CONDITIONAL USE PROCESSING PROCEDURE

1. The Plain City Zoning Ordinance provides that certain uses, which may be harmonious under special conditions and in specific locations, but improper under general conditions and in other locations are classified as conditional uses and require conditional use permits.
2. A conditional use permit can be issued only when regulations of the district or at a specific location are allowed with a "C" or a conditional provision by the Plain City Zoning Ordinance. The applicant should make this determination before filing the application.
3. The application should then be filed with the City Office. Arrangements should be made at that time to have the application review placed on the Planning Commission agenda. Regular Commission meetings are held on the second and fourth Thursday of each month at 7:00 p.m. in the City Hall. To insure review, applications must be submitted at least seven (7) days prior to the Planning Commission meeting.
4. The applicant or an authorized agent is requested to be at the Planning Commission meeting. In addition to the information furnished in the application, additional verbal and written material may be submitted at that time.
5. The Planning Commission will act on the application within 30 days. The Planning Commission may attach such conditions as deemed necessary to secure compliance with city planning and zoning purposes. Upon approval of the conditional use permit application, the applicant may apply for the building permit or license as needed. Approval by the Planning Commission does not circumvent meeting code and ordinance requirements applied by the Building Inspector.

Notes:

Checklist for TRC Intake

Current Zoning R18.5 Future Land Use (General Plan) UNK

The following information may be addressed at the TRC meeting. For a more effective meeting, please compile any available data related to the following points and remit with the Technical Review Committee Application.

- ☒ Concept Sketch
- ☒ Written Explanation of Concept
- ☐ Current Survey of Existing Conditions
- ☒ Right-of-Way Ownership
- ☐ Open Space Design (if required)
- ☐ Grading and Drainage
- ☒ Utility Connection Availability
- ☐ Phase Plan (if required)
- ☐ Stormwater Pollution Prevention Plan

PART OF THE SW 1/4 OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN
PLAIN CITY, WEBER COUNTY, UTAH - Date of Survey: June 2021

[illegible]

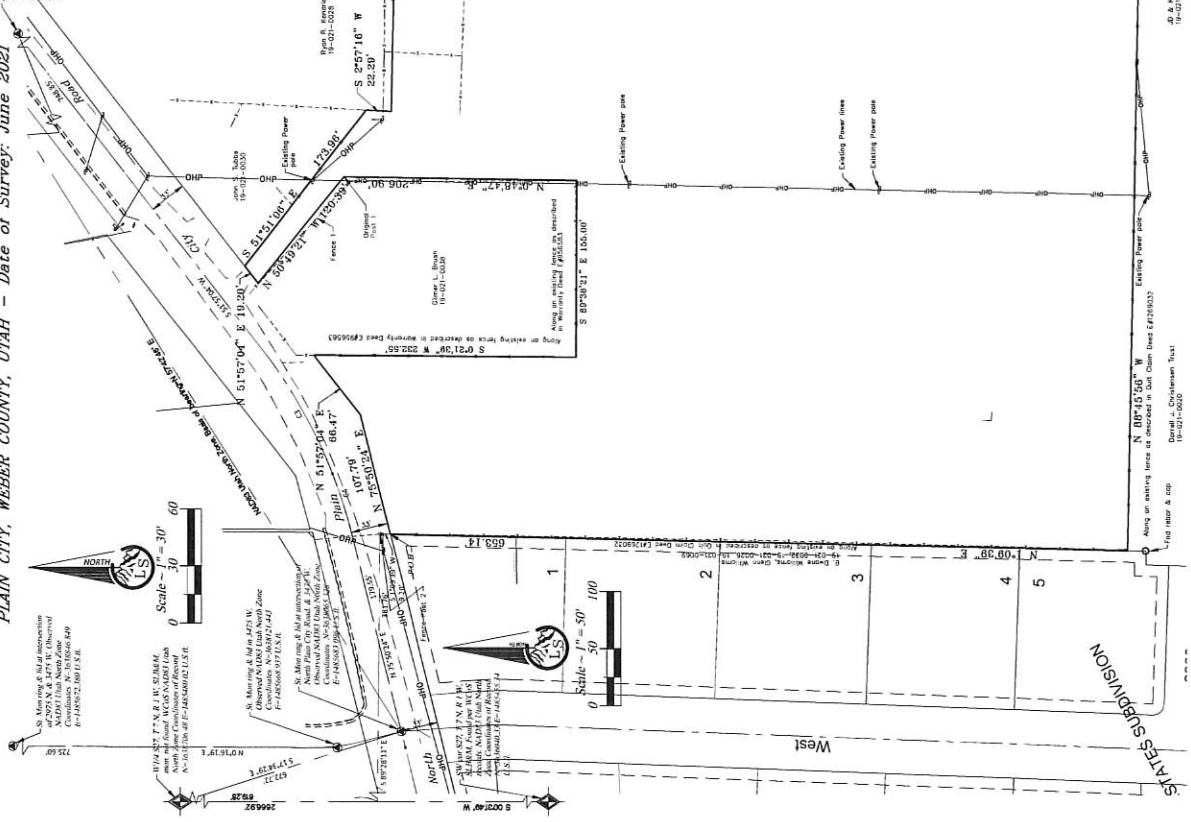
the 1990s, the estimated life expectancy at birth for females was 76.9 years, compared with 74.9 years for males (Table 1). The projected life expectancy at birth for females was 80.5 years in 2010, compared with 78.5 years for males. The projected life expectancy at birth for females was 82.5 years in 2020, compared with 80.5 years for males. The projected life expectancy at birth for females was 84.5 years in 2030, compared with 82.5 years for males. The projected life expectancy at birth for females was 86.5 years in 2040, compared with 84.5 years for males. The projected life expectancy at birth for females was 88.5 years in 2050, compared with 86.5 years for males. The projected life expectancy at birth for females was 90.5 years in 2060, compared with 88.5 years for males. The projected life expectancy at birth for females was 92.5 years in 2070, compared with 90.5 years for males. The projected life expectancy at birth for females was 94.5 years in 2080, compared with 92.5 years for males. The projected life expectancy at birth for females was 96.5 years in 2090, compared with 94.5 years for males. The projected life expectancy at birth for females was 98.5 years in 2100, compared with 96.5 years for males.

[illegible]

Curve	Delta	Radius	Tangent	Length	Chord Bearing & Distance
C3	23°53'20"	430.000'	90.96'	179.28'	N 63°53'44" E 177.98'
C4	13°26'00"	430.000'	50.64'	100.82'	N 69°07'24" E 100.59'

[illegible]

SF Home Imp., R Ltd all
SF Home Imp., R Ltd
Plant City,
Fla 33609-7800
Road # Stuccoed Parkway
Box 1950 W. SO Observed
No DRI Lash North Zone
Coordinates N=163664S 77E
B=-146660W 481 U.S.R.

[illegible][illegible][illegible][illegible][illegible][illegible][illegible]

Curve Table				
Curve	Delta	Radius	Tangent Length	Chord Bearing & Distance
C3	23°52'00"	430.000'	90.95'	N 69°53'44" E 177.99'
C4	13°26'00"	430.000'	50.44'	N 69°07'24" E 100.50'

Landmark Surveying, Inc.

www.LandmarkSurveying.co.uk

DEVELOPER: Brynlee Acres, LLC

Address: **LINE** Concord New Hampshire, North Square 477 and

SW 1/4 of Section 27, Township 7 North,
Range 2 West, Salt Lake Base and Meridian.

Eusebio et al.

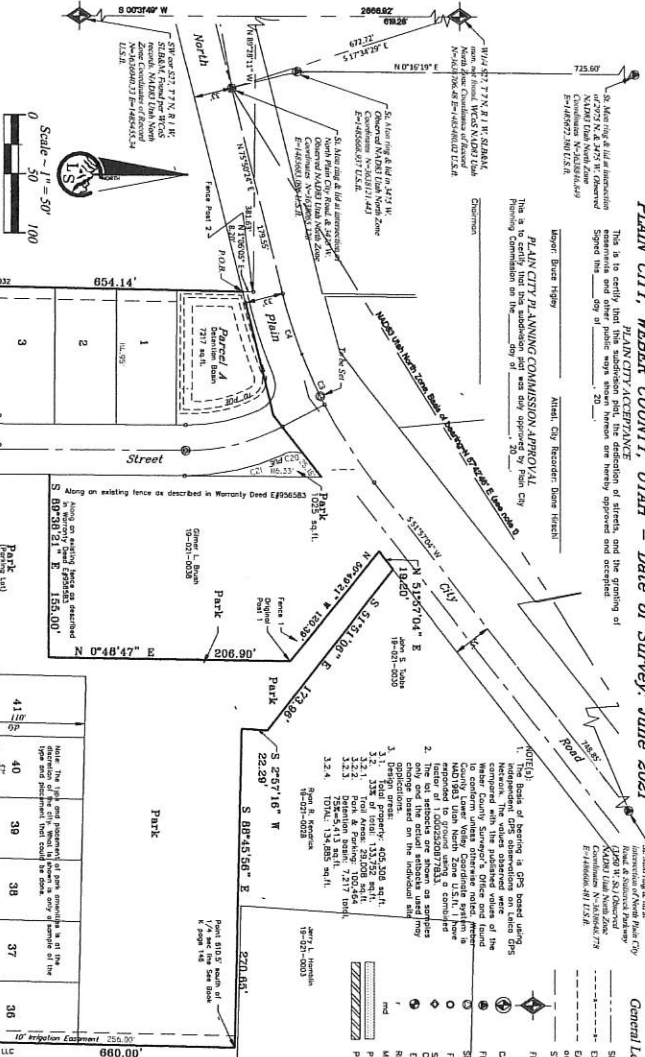
The paid and unsubmitted documents are "withheld" by FOIA, and subject to change. The National Archives and Records Administration (NARA) is the only agency that can be asked to release documents. The National Archives and Records Administration (NARA) is the only agency that can be asked to release documents.

BRYNLEE ACRES

PART OF THE SW 1/4 OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN
PLAIN CITY, WEBER COUNTY, UTAH - Date of Survey: June 2021

General Legend

- SECTION LINE
- EXISTING FENCE
- BOUNDARY OR INTEREST
- STREET CENTERLINE
- PLAT SECTION CORNER
- CALC SECTION CORNER
- SET STREET MONUMENT
- FIN REBAR AND CAP
- CAP STAKED UNDERMARK
- ELEVATION BENCHMARK
- RECORD DATA
- MONUMENT DATA
- PUBLIC STREET RELOCATION
- PUBLIC TRAIL



I, **PLAIN CITY ATTORNEY**, **MAKANA**, do hereby certify that the foregoing plat and dedication have been properly signed this _____ day of _____, 20____.

Approved by the Plain City Engineer on the _____ day of _____, 20____.

Standard Surveying, Inc. 4000 South 2000 West, Suite 100 Salt Lake City, UT 84119 Phone: (801) 466-1000 Fax: (801) 466-1001 Email: info@standard-surveying.com		City of _____ Plat for record and recorded at _____ day of _____, 20____ at _____ of official records. County Recorder: _____ Book: _____ Page: _____ Date: December 5, 2022
DEVELOPER: Brynlee Acres, LLC Address: 128 Elmwood Drive, North Ogden, UT 84401 SW 1/4 of Section 27, Township 7 North, Range 2 West, Salt Lake Base and Meridian	Subdivision BRYNLEE ACRES 2022-0001	By: _____ Title: _____ Date: _____



Bona Vista Water Improvement District

2020 West 1300 North, Farr West, Utah 84404

Phone (801) 621-0474 Fax (801) 621-0475

October 3, 2023

To Whom it May Concern:

RE: **AVAILABILITY LETTER** – Brynlee Acres

The development is located at approximately 3415 West North Plain City Rd in Plain City consisting of 41 lots.

This letter is **ONLY** to state that the above named project is in the boundaries of the Bona Vista Water Improvement District and water will **ONLY** be available under the following conditions:

- The property is annexed into the District, if necessary.
- The subdivision utility plan is reviewed and approved by the District.
- Review fees are paid to the District.
- Proof of Secondary Water is provided to the District.

The non-refundable fee for the plan review is \$450 plus \$75 per lot and includes running one fire flow model. We consider this fee to be minimal and is only to cover the cost of review by the District administration, inspectors, and the District Engineer. If additional models are requested, supplementary fees will be required. Only the phase in consideration is guaranteed service, and the plan review is good only for a period of one year from the date of the will serve letter, if not constructed.

Furthermore, the District's responsibility is to provide flow and pressure to the development. The Developer and his Engineer are responsible to provide proper flow and pressure throughout the development. This may require some over-sizing within the development, as determined by the District.

This letter is the first of two letters that will be issued for this development. Following the acceptance of the above conditions the District will issue the "Will Serve" letter.

This subdivision, like all other subdivisions, must have a secondary water system for all outside irrigation usage. Prior to the District accepting connection fees, the owner or developer must furnish proof of secondary. If you have any questions please call 801-621-0474, ext 207.

Sincerely,

Matt Fox
Assistant Manager

Board of Directors

Scott VanLeeuwen, Chairman – Marriott/Slaterville
Michelle Tait, Vice Chairwoman - Harrisville
Z. Lee Dickemore – Farr West
Jon Beesley – Plain City
Ronald Stratford – Unincorporated Area

Management

Blake Carlin, Manager
Matt Fox, Assistant Manager
Marci Doolan, Office Manager



October 2, 2023

Plain City Planning
Re: Brynlee Acres

To Whom It May Concern:

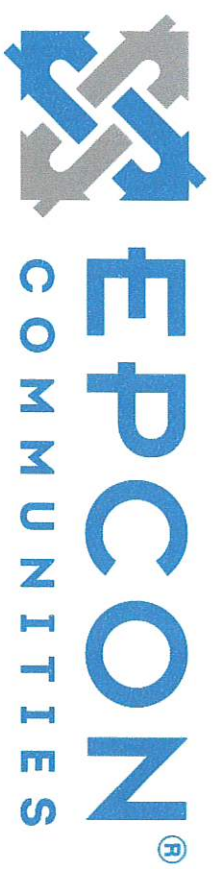
We have reviewed the plans for Brynlee Acres, this property is not currently part of the secondary water district. The owner of this property will need to complete inclusion requirements and provide water shares to bring the property into the water district. We will service this development after the inclusion requirements have been met. Please contact me with any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Brooke Harris".

Brooke Harris
bharris@pineviewwater.com
Assessment Clerk
801-622-4355

471 West 2nd Street
Ogden, UT 84404
801-621-6555



Courtyards Brynlee Acres

an Epccon Community by Hamlet Homes

10.26.23



Founded in Utah in 1995 and privately owned

Dozens of industry awards including:

- **7x Utah Best of State winner**
- **4x Utah Best Companies to Work For**
- **3x Best Customer Experience winner from Customer Insight**
- **Salt Lake Chamber Veteran Owned Business of the Year**
- **More than 4000 happy homeowners in 28 years**

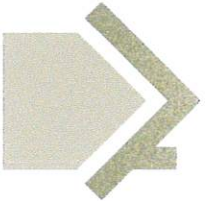
Our National Footprint



35,000+
Epccon Homes
Built



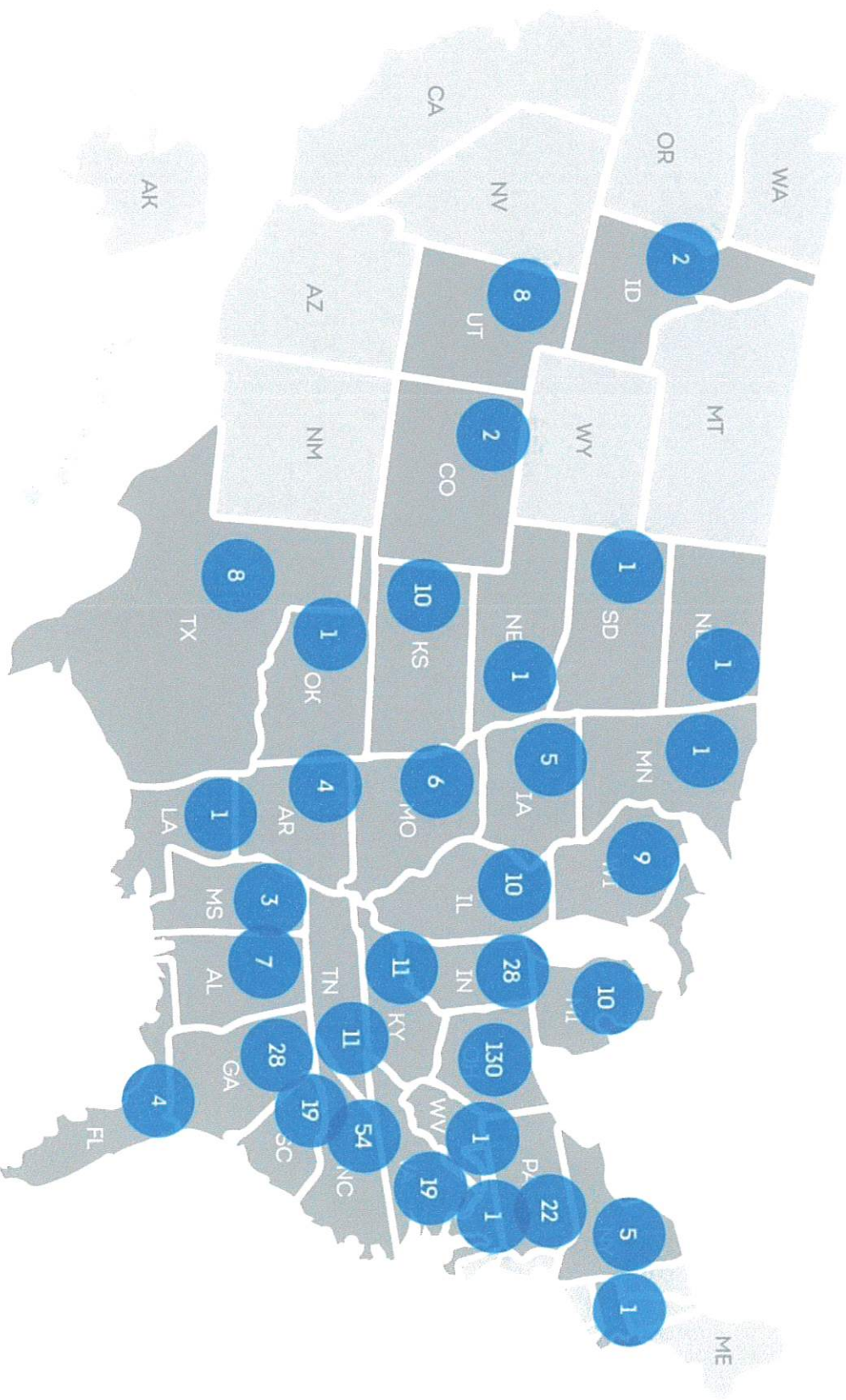
450+
Communities
Developed



34
States With
Epccon Homes

One of America's Largest Home Builders

- Builder & ProBuilder, 2022 -



Selling a Lifestyle

No rake, no shovel, no mower! Lock and leave!

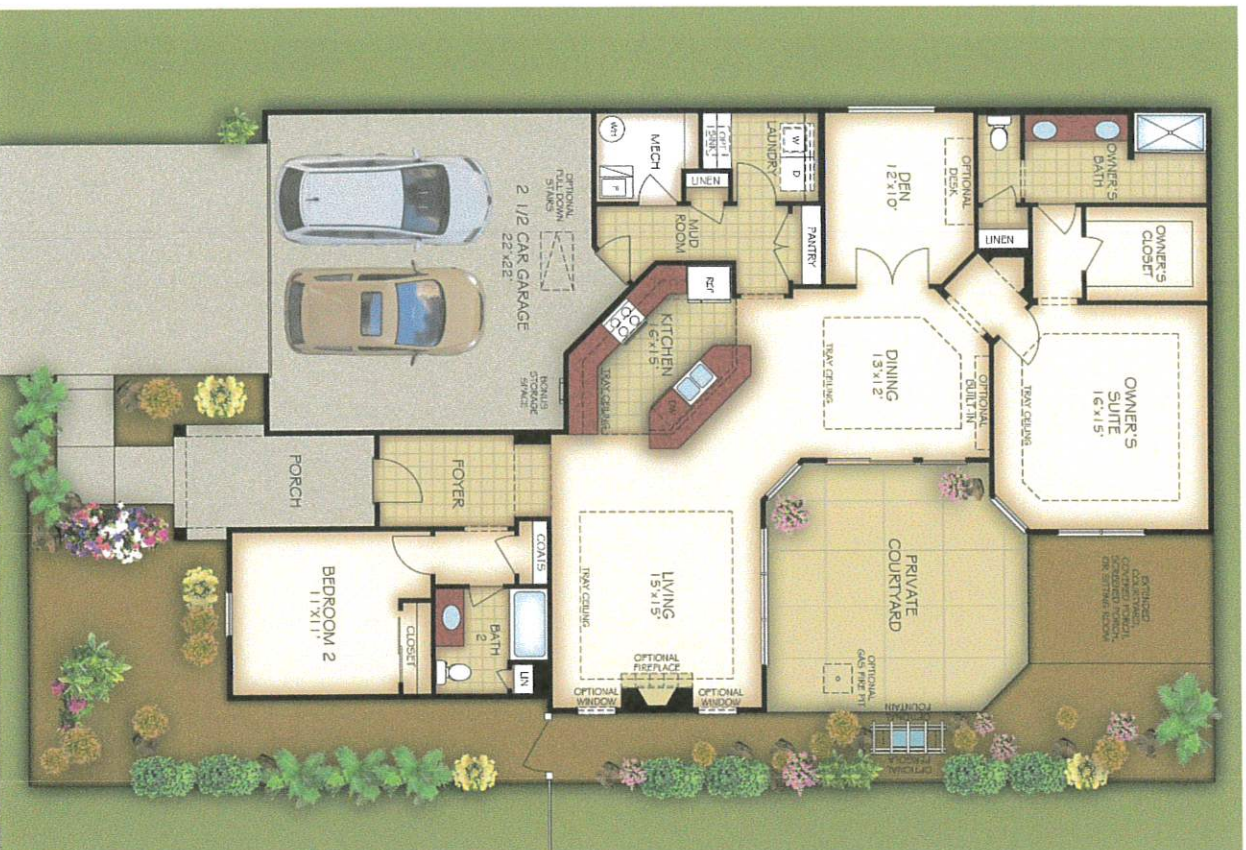
- Owner occupied upscale housing providing a lifestyle for those in the area that are no longer able to stay in their current homes but do not want to leave the area to find this type of housing.
- Single-level living that allows residents to age in their new homes. No more steps, all detached homes have two bedrooms and two baths standard on the main floor.
- **Reduced Traffic and School impacts from an active adult neighborhood compared to traditional housing.**



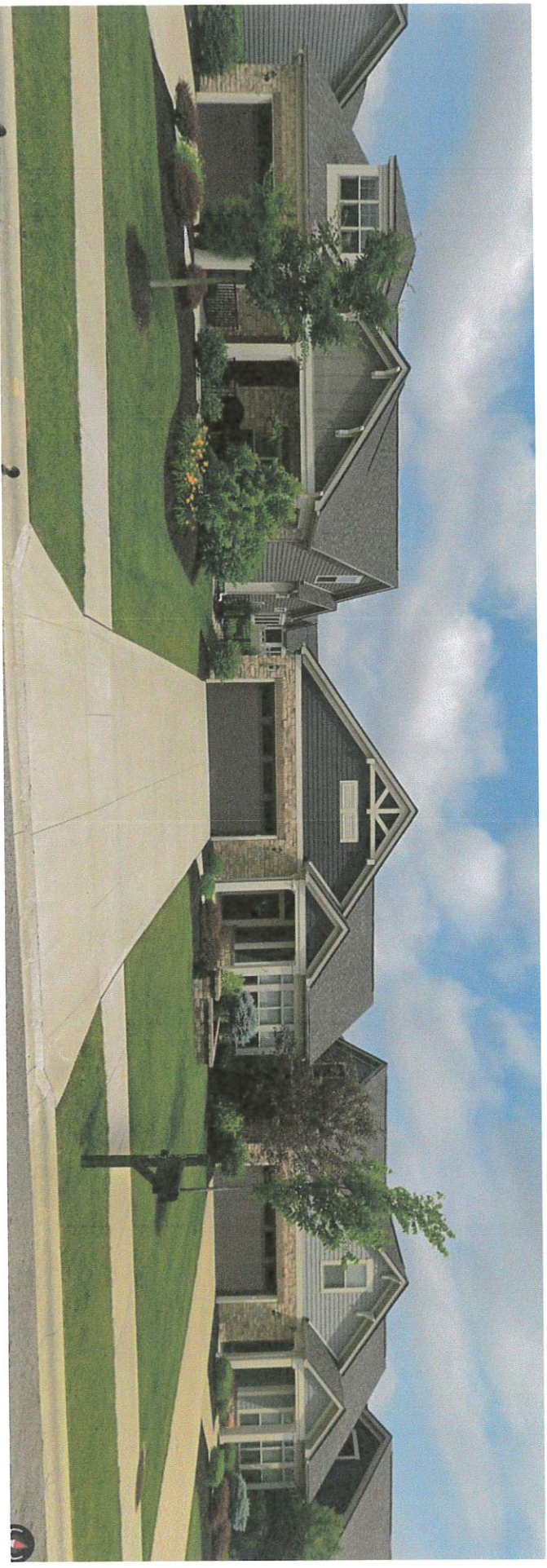
Courtyards at Brynlee Acres



GREAT HOMES. GREAT PEOPLE. GREAT EXPERIENCE.



Courtyards at Brynlee Acres

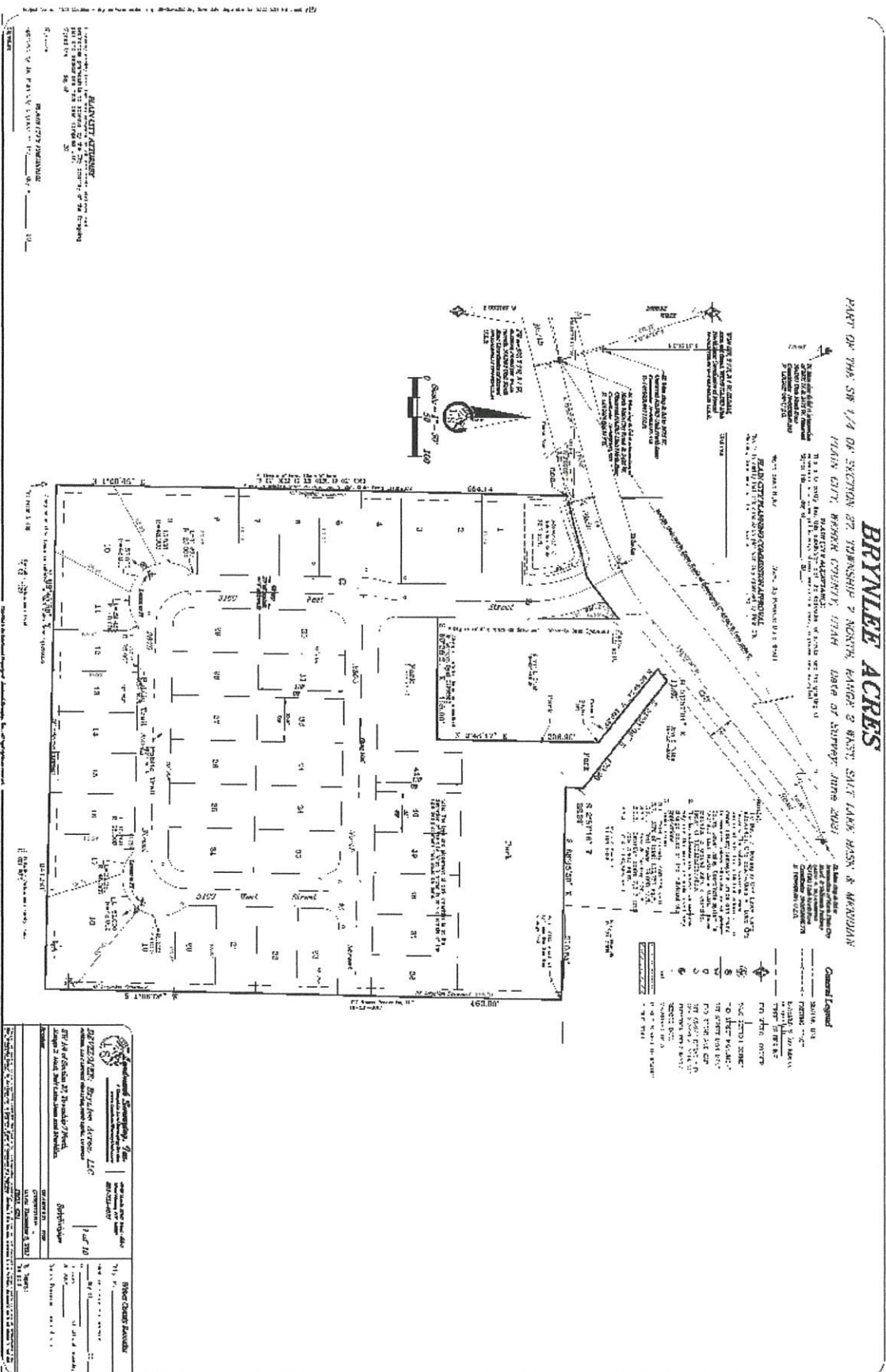


Courtyards at Brynlee Acres

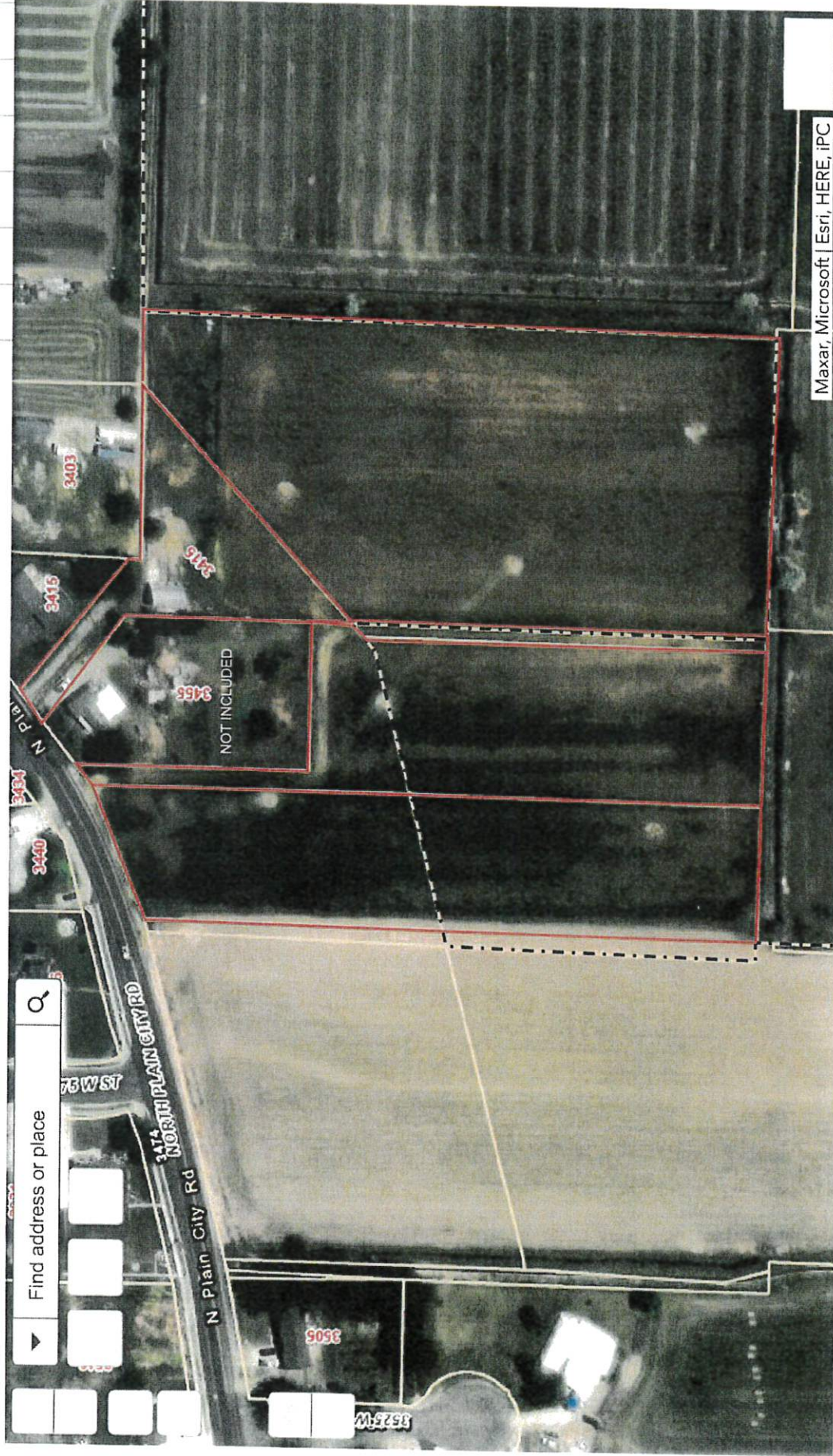


- 9.30 acres with 41 units (4.41/Ac) with approximately 2.3 acres of open space (~25%) with 15% being required.
- Providing a walkable community including installation of a walking trail.

Courtyards at Brynlee Acres



Weber County Geo-Gizmo



200ft

10-5B-4: SITE DEVELOPMENT STANDARDS: RE-1-11

A. Minimum lot area 11,000 square feet

B. Minimum lot width 100 feet

C. Minimum yard setbacks:

1. Front 30 feet

2. Side:

a. Dwelling 10 feet with total width of 2 side yards not less than 24 feet

b. ~~Other main building~~ 30 feet each side

Accessory Dwelling Unit Detached units shall have a minimum separation from the primary dwelling of fourteen (14) feet. Rear and side setbacks are five (5) feet, and corner lot side setbacks are thirty (30) feet. (Ord. 10-21-3 #2)

c. Accessory building 10 feet, except ~~1-foot~~ **5 feet** if located at least 6 feet from rear of main building but not closer than 10 feet to dwelling on adjacent lot

3. Side facing street on corner lot 30 feet, except average of existing building where 50 percent frontage is developed but not less than 20 feet

4. Rear:

a. Main building 30 feet

b. Accessory building ~~1-foot~~ **5 feet**, except 10 feet where accessory building rears on side yard of adjacent corner lot

D. **Main** Building height:

1. Minimum 1 story

2. Maximum 2 1/2 stories or 35 feet

E. Accessory Building height: No dwelling shall be erected to a height less than ten feet (10'), and no accessory building in a residential zone shall be erected to a height greater than twenty five feet (25').

(Ord., 11-14-1974; amd. Ord. 79-4, 7-26-1979; Ord. 84-2, 2-9-1984; Ord. 89-02, 7-13-1989)

10-5A-4: SITE DEVELOPMENT STANDARDS:

	RE-15	RE-18.5	RE-20
A. Minimum lot area	15,000 square feet	18,500 square feet	20,000 square feet
B. Minimum lot width	100 feet	100 feet	100 feet
C. Minimum yard setbacks:			
1. Front	30 feet, except if 50 percent of approved subdivision/phase is completed, then not less than 40 feet		
2. Side:			
a. Dwelling	10 feet with total width of 2 side yards not less than 24 feet		
b. ~~Other main building~~ Accessory Dwelling Unit	~~20 feet each side~~ Detached units shall have a minimum separation from the primary dwelling of fourteen (14) feet. Rear and side setbacks are five (5) feet, and corner lot side setbacks are thirty (30) feet. (Ord. 10-21-3 #2)		
c. Accessory building	10 feet, except ~~1 foot~~ 5 feet if located at least 6 feet in rear of main building		
3. Side, facing street on corner lot	30 feet	30 feet	30 feet
4. Rear:			
a. Main building	30 feet	30 feet	30 feet
b. Accessory building	~~1 foot~~ 5 feet, except 10 feet where accessory building rears on side yard of adjacent corner lot		
D. Main Building height:			
1. Minimum	1 story	1 story	1 story
2. Maximum	2 1/2 stories or 35 feet		
E. Accessory Building height:	No dwelling shall be erected to a height less than ten feet (10'), and no accessory building in a residential zone shall be erected to a height greater than twenty five feet (25').		

(Ord. 2019-01, 1-3-2019, eff. 1-4-2019)

Site Development Standards

No lot in the RE-40 Zone may be smaller than forty thousand (40,000) square feet. No lot in the RE-30 Zone may be smaller than thirty thousand (30,000) square feet. Area and width requirements of a building lot in the RE-30 and RE-40 Zones shall be as follows:

	RE-30	RE-40
A. Minimum lot area	30,000 square feet	40,000 square feet
B. Minimum lot width	150 feet	150 feet
C. Minimum yard setbacks:		
1. Front	40 feet	40 feet
2. Side:		
a. Dwelling	10 feet, with total width of 2 side yards not less than 24 feet	10 feet, with total width of 2 side yards not less than 24 feet
b. ~~Other main building~~	~~20 feet each side~~	~~20 feet each side~~
b. Accessory Dwelling Unit	Detached units shall have a minimum separation from the primary dwelling of fourteen (14) feet. Rear and side setbacks are five (5) feet, and corner lot side setbacks are thirty (30) feet. (Ord. 10-21-3 #2)	
c. Accessory building	10 feet, except ~~1 foot~~ 5 feet if located at least 6 feet in rear of main building	10 feet, except ~~1 foot~~ 5 feet if located at least 6 feet in rear of main building
3. Side, facing street on corner lot	30 feet	30 feet
4. Rear:		
a. Main building	30 feet	30 feet
b. Accessory building	~~1 foot~~ 5 feet, except 10 feet where accessory building rears on side yard of adjacent corner lot	~~1 foot~~ 5 feet, except 10 feet where accessory building rears on side yard of adjacent corner lot
D. Main Building height:		
1. Minimum	1 story	1 story
2. Maximum	2 1/2 stories or 35 feet	2 1/2 stories or 35 feet

E. Accessory Building height: No dwelling shall be erected to a height less than ten feet (10'), and no accessory building in a residential zone shall be erected to a height greater than twenty five feet (25').

(Ord. 2019-02, 1-3-2019, eff. 1-4-2019)

CHAPTER 6

COMMERCIAL ZONES

SECTION:

10-6-1 : Uses

10-6-2 : Town Center

10-6-1 : USES:

A. Uses In Commercial Zones: In the following list of possible uses in the commercial zones, those designated in any zone as "P" will be permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in chapter 10 of this title. Uses designated "N" will not be allowed in that zone. **If a specific business is not listed these uses apply C-1 Not Allowed (N) C-2 Not Allowed(N) C-3 Not Allowed (N)**

Business	Neighborhood C-1 ¹	General C-2	Transitional C-3
Business	Neighborhood C-1 ¹	General C-2	Transitional C-3
Amusement enterprises (i.e., arcades, mini-golf course, batting cage)	N	C	C
Animal hospital, small animals only and provided conducted within completely enclosed building	C	C	C
Antique and import shop	C	P	P
Archery shop and range, provided conducted within completely enclosed building	C	C	C
Art and artists supply store	C	P	P
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	C	P	P
Athletic and sporting goods store, including sale or repair of motor vehicles, motor boats or motors	N	C	C
Athletic club	N	P	P
Auction establishment	N	P	P
Automobile body repair	N	P	C
Automobile maintenance	N	C	C
Automobile new or used sales and service	N	P	P
Automobile rental	N	C	P
Automobile repair	C	P	P
Awning sales and service	C	P	P
Bakery goods manufacturing	N	N	P
Bakery manufacture limited to goods retailed on premises	C	P	N
Bank or financial institution	C	P	C
Barbershop	C	P	P
Beauty culture school	N	P	P
Beauty shop	P	P	P
Beer parlor, sale of draft beer	N	C	C
Bicycle sales and service	C	P	P
Billiard parlor	N	C	C
Blueprinting or copy center	C	P	P
Boarding or lodging house	N	N	N
Boat building	N	N	P

Boat sales and service	N	C	P
Bookbinding	C	P	P
Bookstore, retail	C	P	P
Bottling and distribution plant	N	N	P
Bowling alley	N	P	P
Building materials sales or yard	N	C	P
Cafe or cafeteria	C	P	P
Camera store	C	P	P
Candy manufacturer	C	P	P
Candy store, confectionery	C	P	P
Car wash - automatic	C	P	P
Car wash - manual	C	P	P
Carbonated water sales	C	P	P
Carpenter and cabinet shop	C	P	P
Carpet and rug cleaning	C	P	P
Carpet, rug, and linoleum service	C	P	P
Catering establishment	C	P	P
Childcare - daycare	P	P	P
Christmas tree sales	C	P	P
Church	C	C	C
Church, temporary revival	N	C	C
Circus, carnival or other transient amusement	N	C	C
Clinics, medical and dental	C	P	P
Clothing and accessory store	C	P	P
Construction of buildings to be sold and moved off of premises	N	N	P
Contractor shop, provided work conducted within a completely enclosed building	C	P	P
Convenience store	C	P	P
Costume rental	C	P	P
Dairy products	C	P	P
Dance hall - studio	C	P	P
Delicatessen	C	P	P
Dental practice	C	P	P
Department store	N	C	C
Drapery and curtain store	C	P	P
Drugstore	C	P	P
Dumpster Rental	N	N	C
Educational institution	C	C	C
Electrical and heating appliances and fixtures sales and service	N	P	P
Electronic appliances and/or electronic instruments assembly	N	N	P
Electronic equipment sales and service	C	P	P
Employment agency	N	P	P
Estate sales and one day auctions	C	P	P
Express and transfer service	N	P	P
Fabric and textile store	C	P	P
Farm implement sales	N	C	P
Farmers' market	C	P	N
Five and ten cent notions store	C	P	C
Florist shop	C	P	C

Fruit and vegetable store or stand	P	C	N
Fuel sales office	N	N	C
Furniture sales, repair and upholstery	C	P	P
Garden supplies and plant material sales	N	P	C
Gift store	C	P	C
Glass sales and service	N	P	C
Government buildings or uses, nonindustrial	C	C	C
Graphic designing	N	P	C
Greenhouse and nursery	C	P	P
Grocery	C	P	C
Gunsmith	C	P	P
Gymnasium	C	P	P
Hardware store	N	P	P
Health and fitness club	C	P	P
Health food store	C	P	P
Heating and air conditioning sales and service	N	C	C
Heliport	N	N	C
Hobby and crafts store	C	P	C
Home decor shop	C	P	P
Hospital supplies	N	C	C
Hotel	N	C	C
Household appliance sales and incidental service	N	P	P
Household cleaning and repair	N	P	P
Household pet boarding	N	P	P
Ice cream manufacture	N	C	P
Ice cream parlor	P	P	P
Ice manufacture and storage	N	C	P
Insulation sales	N	C	P
Insurance agency	P	P	P
Interior decorating and designing establishment	N	P	P
Janitor service and supply	N	P	P
Jewelry store sales and service	P	P	C
Knitting mills	N	P	P
Laboratory, dental or medical	C	P	P
Laundry and/or dry cleaning and/or laundromat	C	P	P
Laundry and/or dry cleaning pick up station	P	P	P
Lawn and garden equipment sales and service	C	P	P
Leather goods sales and service	P	P	P
Legal office	P	P	P
Library	P	P	P
Linen supply store	N	P	P
Liquor store	N	C	C
Locksmith	P	P	P
Lodge or social hall	N	N	P
Lounge	N	N	C
Machine shop operations	N	N	P

Manufacture of goods retailed on premises	N	C	C
Meat, fish and seafood store	N	P	P
Medical office	C	P	P
Mobile home sales lot and service	N	N	P
Monument works and sales	N	N	P
Mortuary	N	P	P
Motel	N	C	C
Motorcycle and motor scooter sales and service	N	P	P
Museum	C	C	C
Music store	C	C	C
Nightclub or social club	N	N	C
Novelty store	N	N	C
Office machines sales and service	N	P	P
Office supply	C	P	P
Optometrist, optician or oculist	C	P	P
Ornamental iron sales or repair	N	C	P
Outcall services (sexually oriented)	P	P	P
Paint or wallpaper store	N	P	P
Parking lot or garage for passenger automobiles	N	C	C
Pawnshop	N	C	P
Pest control and extermination	N	C	P
Pet and pet supply store	N	C	P
Pet grooming	C	P	P
Pharmacy	C	C	P
Photo studio	C	C	P
Photographic supplies	N	C	P
Physician or surgeon	C	P	P
Pie manufacture	N	C	P
Plumbing shop	N	C	C
Portable/Mobile Toilet	N	N	C
Post Office or supply	N	C	P
Preschool and/or nursery school	P	P	P
Private club	N	C	C
Professional office	C	P	P
Propane retail sales as an accessory use ² :	N	C	P
1. Be located outside of any required setback;			
2. Not exceed 16 feet in length if tank is horizontal;			
3. Not exceed the primary building height or 10 feet, whichever is lower, if tank is vertical;			
4. Not exceed a volume of 1,100 gallons (or 4,664 lbs);			
5. Be limited to 1 tank per site;			
6. Meet the National Fire Protection Association (NFPA) standards per their title 58 and meet the minimum distance requirements for cylinders locations.			

Real estate agency	N	C	P
--------------------	---	---	---

Reception center or wedding chapel	N	C	P
Recreational vehicle sales and service	N	N	C
Recreational vehicle storage	N	N	P
Rehabilitation Center	N	N	C
Rental agency for home and garden equipment	N	C	P
Residential dwellings in a Mixed Use Overlay Zone per chapter 19 of this title	P	P	N
Restaurant	C	C	P
Restaurant drive-in	C	C	P
Rollerskating rink	N	C	P
Roofing sales or shop	N	N	P
Sandblasting	N	N	P
Seamstress or tailor	P	P	P
Seed and feed store, retail	N	C	P
Self-storage - enclosed	N	C	C
Service station, automobile	C	C	P
Sewing machine sales and service	N	C	P
Sexually oriented business	N	N	P
Sheet metal shop and retinning, provided all operations conducted within completely enclosed building	N	N	C
Shoe store	N	P	C
Shooting gallery	N	N	C
Sign - graphic design	N	C	C
Sign manufacture or sign painting	N	N	C
Soil and lawn service	N	P	P
Souvenir shop	C	P	P
Spa and massage establishment	C	P	C
Supercenter (groceries and nonfood related items)	N	C	P
Tanning salon	N	P	P
Tavern	N	C	C
Taxicab and shuttle terminal	N	N	C
Taxidermist	N	C	C
Telecommunication tower	C	C	P
Theater, indoor	N	C	C
Theater, outdoor	N	N	P
Thrift store	N	C	P
Tire recapping or retreading sales and service	N	N	P
Tobacco shop	N	C	C
Tool design (precisions) repair and manufacture	N	N	C
Toy store, retail	N	C	C
Trade or industrial school	N	C	C
Travel agency	C	C	P
Ultra light aircraft manufacturing	N	N	P
Used car lot	N	C	C
Utility equipment building	C	P	P
Variety store	N	C	P
Ventilating equipment sales and service	N	N	C
Video arcade	N	C	P

SITE PLAN APPLICATION FOR PLAIN CITY

(Existing Commercial Building – same use, minimal remodeling)

What is being proposed Massage therapy Zone C-2 Date Submitted 10/10/23

Address of Location 2396 N 4350 W

Contact Name Kylie Shepherd Email: KyRichins13@gmail.com Phone 801-641-5306 Fax # _____

Company Name Superblum Wellness & Massage Address 2396 N 4350 W Ph _____ Fax# _____

Mark the following if applicable:

Secondary Water Available? N

Culinary Water Available? Y

Sewer Available? Y

Septic System Appears Feasible? N/A

Is Property in a Flood Hazard Area? N Flood Zone N

Please describe any agreements, rights-of-way, easements etc. that could affect this site:

N/A

Describe history of parcel being submitted for a site plan, approximate dates of division and uses of property:

N/A

*Please attach a detailed site plan of the property showing parking, landscaping, the footprint of the building and the proposed floor plan for your business. Please be sure to include restrooms, windows, and outside doors.

The completed application and supporting documents need to be submitted at least 7 days prior to the Planning Commission Meetings on the 2nd and 4th Thursdays of the month.

The above information is true and accurate to the best of my knowledge.

Date 10/10/23

Signature Kylie Shepherd

Office Use Only
Site Plan Fee: 200.00

Date Paid: 10-11-23
2036323

No. of copies: _____

AFFIDAVIT

PROPERTY OWNER

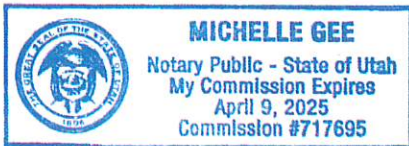
STATE OF UTAH)
) ss
COUNTY OF WEBER)

I (we), Cody Rheas, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I also acknowledge that I have received written instructions regarding the process for which I am applying and the Plain City Planning staff have indicated they are available to assist me in making this application.

[Signature]
(Property Owner)

Cody Rheas President
(Property Owner)

Subscribed and sworn to me this 21 day of September, 2023.



[Signature]

(Notary)
Residing in Weber County, Utah

My commission expires: 4-9-25

AGENT AUTHORIZATION

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Agent)

(Property Owner)

Dated this _____ day of _____, 20_____, personally appeared before me _____, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.

(Notary)

Residing in Weber County, Utah
My commission expires: _____

ARCHITECTURAL
SHEET TITLE
A-1.00

DATE	REVISION

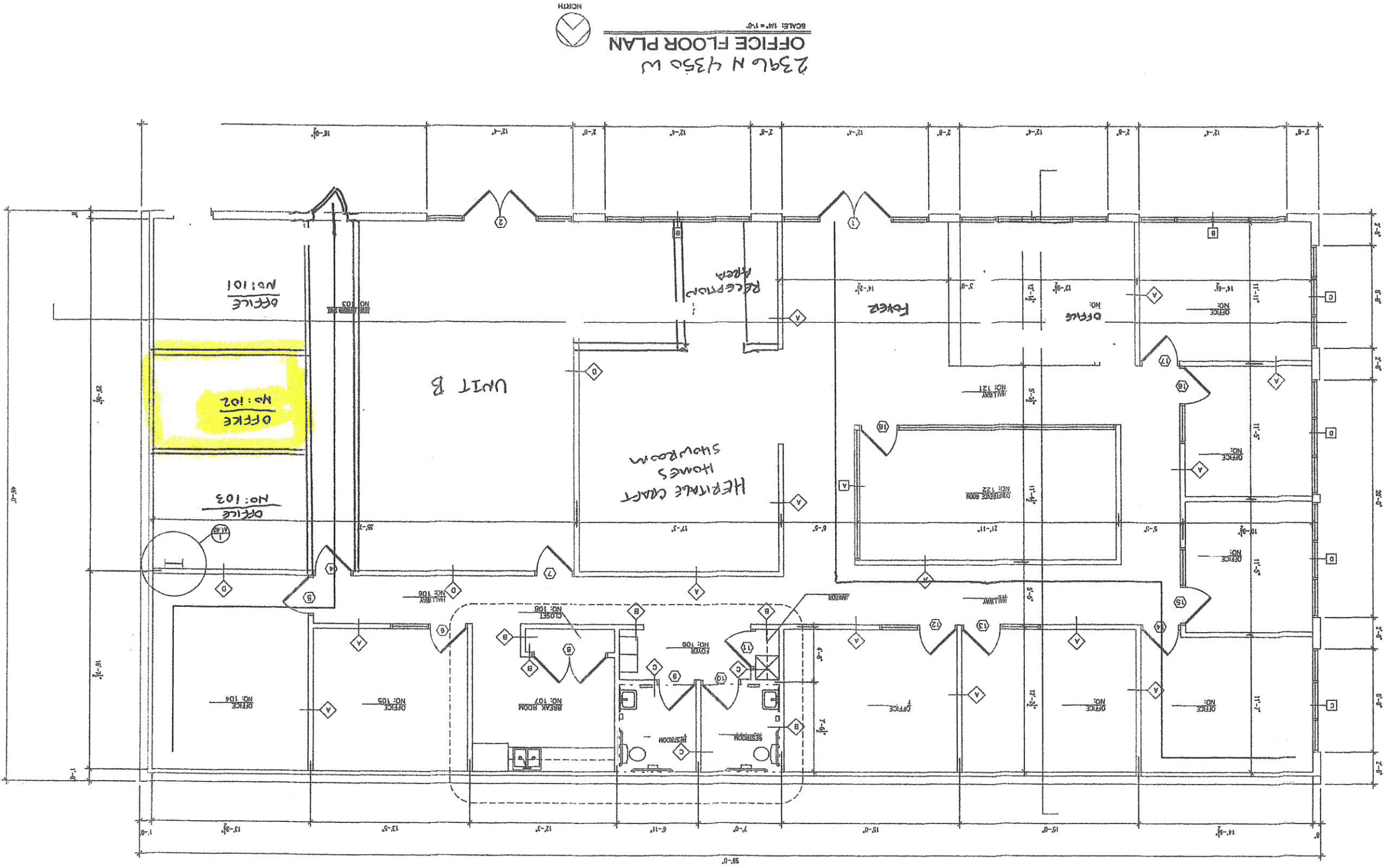
© COPYRIGHT VDG ARCHITECTS
DESIGNED BY:
CHECKED BY: BRENT
DRAWN BY: BRENT
DATE: 10/28/21
ARCH. PROJECT NO: 21-130

NEW OFFICE COMPLEX FOR:
HERITAGE CRAFT HOMES
2370-2404 MAIN STREET
PLAIN CITY, UTAH
MAIN OFFICE FLOOR PLAN



VDG VINCENT DESIGN GROUP, INC.
ARCHITECTS AND PLANNERS
401 EAST 1700 SOUTH, SALT LAKE CITY, UTAH (801) 484-2046

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APPLICATION FOR A PLAIN CITY
LOT LINE ADJUSTMENT AND CONSOLIDATION OF PARCELS

Date Submitted 9-19-2023 Lot Line Adjustment X Consolidation of Parcels _____
Property Owner Name OVERLAND HOMES INC. Email: OVERLAND HOMES INC @ 6 mail.
Address 240 W. 770 N. Kaysville Plain City, UT
Phone 801-540-8374 Parcel No(s). 4702 W 2200 N
No. of Existing Parcels TWO (2) No. of proposed parcels TWO (2)

Existing Zone _____

Please answer the following questions:

The lot line creates a new lot. Yes (No)

The affected property owners adjoining the lot line consent to the lot line adjustment. (Yes) No

The lot line creates a remnant parcel that did not previously exist. Yes (No)

The lot line creates a violation of zoning codes. Yes (No)

Surveyor's Name GARDNER ENGINEERING Address 4674 WEST 2200 N. Ph 801-470-0202

Engineer's Name GARDNER ENGINEERING Address " " Ph " "

Please describe any agreements, rights-of-way, easements etc that could affect this property:

THERE IS AN UTILITY EASEMENT ALONG THE WEST BOUNDARY
LINE OF LOT #1 BB'S PLACE SUBDIVISION

PLEASE NOTE IF REQUIRED:

All Engineer, Legal, and Planner Fees are the responsibility of the Person or Entity applying for the Lot Line or Consolidation process.

The new legal description shall not create a new parcel, remnant parcel or violate existing zoning ordinances.

The above information is true and accurate to the best of my knowledge.

9-14-23
Date

Jasper Hauer
Signature

Office Use Only

Lot Line Adjustment Fee: 200.00

Consolidation of Parcel Fee: _____

Number of Copies Submitted: _____

Receipt No. 203622 Date Paid 9-20-23

Planning Commission Approval Date: _____

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH)
) ss
COUNTY OF WEBER)

I (we), Jason Credet, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I also acknowledge that I have received written instructions regarding the process for which I am applying and the Plain City Planning staff have indicated they are available to assist me in making this application.

[Signature]
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 19 day of September, 2023.



Tasha Hadfield
(Notary)
Residing in Weber County, Utah

My commission expires: 10-12-2025

Land Use Task Force/Commission on Housing Affordability Legislation Summaries

Spring 2023

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HB 364 Housing Affordability Amendments (Whyte)

Topline

HB 364 modifies the process for reporting on moderate-income housing plans (MIHP) and enhances low-income housing funding programs. In short, the bill moves up the deadline for submitting MIHP reports and makes subsequent reports administrative (eliminating the need for council action and public hearing timelines). The bill also seeks to clarify the steps involved in the process. There are no changes to the language describing 'menu item' strategies. Note: SB 174 (summarized below) adds a fee for non-compliance with the reporting process.

Action Necessary: if your city is required to report on MIHP progress, please ensure that you take actions you identified in your city's MIHP implementation plan and submit your subsequent report by **August 1st, 2023**. Please note that this deadline is earlier than in years past. We expect that this date will become the regular reporting requirement going forward. You can find additional MIHP training resources on our website at <https://www.ulct.org/events/spring-training>.

Detailed Summary

Moderate-income housing plan changes

Process for growing into compliance requirements

- HB 364 establishes the timelines/process for how municipalities and counties grow into compliance with the MIHP requirements (based on municipal and county populations). If a municipality or county grows into the population thresholds requiring reporting (municipalities with populations >5,000 in urban counties, >10,000 in rural counties) they are required to comply with the MIHP provisions beginning January 1 of the year that they qualified with this status. The Dept. of Workforce Services will notify jurisdictions if they grow into the reporting requirement.

Clarified 5-year reporting time horizons

- For years, moderate income-housing plans have had five-year time horizons. Prior to HB 364, reporting requirements did not differentiate between the initial report (the selection of items) and subsequent reports (what actions are taken to implement the items). Reports will now distinguish between the different steps in the process:
 - Year 1 is now the **initial reporting** year. Specified municipalities adopt/modify plans to comply with requirements (10-9a-408). For most communities with approved MIHPs, the initial year was 2022.
 - Years 2 - 5 are **subsequent progress report** years. Specified municipalities report on MIHP/implementation plan progress.

- Description of actions taken, one-time or ongoing, in the previous 12 months (e.g., August 1st 2022 - August 1st 2023).
- Description of each land use decision made, one-time or ongoing, in the 12 months prior to submitting the report.
- Description of barriers encountered during the previous 12 month period.
- Information regarding the number of internal and external or detached ADUs located within the municipality issued building permits or business/comparable licenses to rent.
- Description of how the market has responded to the selected MIHP strategies.
- Any recommendations on how the state can support the city in implementing MIHP strategies.

"Ongoing menu items" defined

- Ongoing action can be reported if the specified municipalities has already adopted an ordinance, approved a land use application, made an investment, or approved an agreement or financing that substantially promotes the implementation of a moderate income housing strategy identified in the initial report and **demonstrates that the action taken is relevant to making meaningful progress** towards the specified municipality's implementation plan.

MIHP compliance appeal process

- Reports must now be submitted to the Department of Workforce Services (DWS) on August 1st. The reporting timeline is now October 1st to August 1st (e.g., October 1, 2022 - August 1st, 2023). DWS will have 90 days to review submissions. If a municipality is found to be deficient, HB 364 creates a process for curing and/or appealing findings:
 - Upon notice of deficiency, the municipality may either:
 - Cure the deficient plan and resubmit it within 90 days or
 - Appeal the division's initial determination.
 - Appeals must be requested within **10 days** of receiving the notice of non-compliance.
 - Appeals will be reviewed by a three-person review board comprised of:
 - One member appointed by ULCT,
 - One member appointed by the Utah Homebuilders Association, and
 - One member is appointed by the presiding member of the relevant AOG.
 - If a municipality resubmits its modified report during the cure period and it is found deficient a second time, the municipality may still access an appeal.
- DWS will determine which local governments are compliant and which aren't compliant after all remedy periods expire in February.

Housing Funding Programs

Housing Preservation Fund reporting

- HB 364 requires the Utah Housing Preservation Fund to report on expenditures funded through legislative pass-through appropriations

LIHTC Changes

- HB 364 Increases the State Low-Income Housing Tax Credit
 - Modifies tax credit cap from a formula to a fixed amount: \$10,000,000.
 - Requires the Revenue and Taxation Interim Committee to review all tax credits authorized by the State of Utah
 - Allows claiming of retrospective tax credit operations for the taxable year beginning on January 1, 2023.

SB 174 Local Land Use and Development Revisions (Fillmore)

Topline

SB 174 changes three areas of the Land Use, Development, and Management Act:

1. It creates a new process that all municipalities and counties must follow for subdividing residential lots.
2. It modifies the Internal Accessory Dwelling Unit (IADU) provisions enacted in HB 82 (2021).
3. Lastly, the bill creates a penalty for cities and counties who fail to comply with MIHP reporting requirements beginning in 2024. Note: HB 364 modified the MIHP reporting timeline. See summary above for more details.

The deliberation on this bill occurred for months in 2022 through the Commission on Housing Affordability and the Land Use Task Force. At various points throughout 2022-23, the following ideas were on the table:

- State imposed minimum zoning regulations/minimum densities.
- Making general plans binding and thus making zoning an administrative instead of a legislative action.
- Withholding gas tax revenue from counties, cities, and towns that are not compliant with MIHP requirements.
- Authorizing attorneys fees for plaintiffs to sue counties, cities, and towns over MIHP compliance.

ULCT opposed all of those ideas and opposed potential preemption or undermining of local legislative land use authority to plan communities. The finished product of SB 174 instead focuses on improving the local administrative land use process for subdivisions by both the public side and the private property owner side.

Action Necessary: SB 174 requires local governments to update their subdivision ordinances. Deadlines vary based on municipal population. They are specified in the details section below. ULCT secured additional technical assistance resources from the state for ordinance updates. We expect the funding program to be created this summer. Some municipalities may need to update their Internal IADU ordinances as well. The IADU provisions take effect on May 3, 2023.

Detailed Summary

Two-step Administrative Subdivision Process

- SB 174 requires local governments to each designate an Administrative Land Use Authority (ALUA) to review subdivision applications. These authorities may not be members of a town/city council.
- SB 174 establishes a two-step process for approving subdivisions. **Municipalities who are required to comply with MIHP reporting** (all cities with populations > 10,000 and cities with populations > 5,000 located in a county of the 1st, 2nd, or 3rd class) must revise their subdivisions ordinances to comply

with this process by Feb. 1, 2024. **All other municipalities** must revise their subdivision ordinances to comply with this process by Dec. 31, 2024.

Step 1) preliminary subdivision application review - the administrative land use authority (municipal staff or planning commissioners) must review the subdivision application within 15 business days of receiving a complete application. The administrative land use authority may receive public comment and conduct one public hearing. If the application complies with applicable local regulations, it shall be approved and proceed to the second step.

Step 2) final subdivision application review - municipalities must complete a review of applications at this stage within 20 days. Municipalities may perform up to four review cycles on a given application. A review cycle is not considered complete until the applicant has adequately addressed all of the redlines identified by the municipality. Municipalities may only add new redlines after the first review cycle in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law.

- SB 174 creates two distinct appeal processes after the four review cycles have been exhausted and 20 days have passed.
 - For disputes relating to public improvement or engineering standards, the municipality shall assemble a three-person panel meeting the same criteria as described in HB 406 (see below) within 10 days of receiving a request from the applicant.
 - For all other disputes, the municipality shall refer the question to the designated appeal authority at the applicant's request.

Internal ADUs

- SB 174 clarifies that attached (sharing a common wall) garages are part of the primary dwelling for the purposes of the IADU provisions.
- SB 174 prohibits local governments from regulating internal connectivity between the IADU and the primary dwelling within the structure of the residence.
- SB 174 states that municipal architectural element requirements for IADUs must be consistent with the regulations applied to other single-family units.
- SB 174 clarifies that municipalities can require one parking space in addition to the number of parking spaces required by the governing land use ordinance unless the municipality requires four or more off-street parking spaces within the setback.
- SB 174 states that the 25% of residential land use exception from the IADU provisions does not apply to new construction with a final plat approved on or after October 1, 2021.

Consequences for non-compliance with MIHP requirements

- SB 174 imposes a penalty on specified local governments (counties, cities, and metro townships currently required to comply with SB34/HB462) who fail to comply with the planning and reporting requirements listed in 10-9a-408.
 - The penalty has a delayed effective date and applies to entities who fail to comply with MIHP reporting requirements in 2024.

- The penalty mirrors an existing penalty in state law for local governments and property owners. The bill would require non-compliant specified municipalities to pay a fee of \$250/day for the year they are non-compliant. The funds would be deposited in the Olene Walker Housing Loan Fund.
- The penalty doubles beginning in 2025 to \$500/day or \$180,000 per year total.

HB 406 Land Use, Development, and Management Act Modifications (Whyte)

Topline

HB 406 changes the following Land Use, Development, and Management Act provisions:

1. HB 406 changes the definition of rural real property for purposes of annexation protests.
2. HB 406 allows a municipality to reconsider a vote denying an annexation.
3. HB 406 adds an additional factor for consideration for boundary commission decisions.
4. HB 406 Clarifies lot line adjustment process.
5. HB 406 Creates a maximum statewide residential road width standard for new development with certain exceptions.
6. HB 406 requires municipalities to identify provisions in development agreements that modify a prospective applicant's land use rights.
7. HB 406 restricts stacking temporary land use regulations (aka "moratoriums").

Action Necessary: review your current annexation ordinance to ensure compliance with new regulations. Review your ordinances to ensure that lot line adjustments are not treated as subdivision amendments. Municipalities that require residential road widths greater than 32' for residential cross sections should review those ordinances for compliance. All municipalities need to ensure the language in future development agreements identify what rights an applicant may waive by signing the agreement. Lastly, ensure any new temporary land use regulations imposed do not apply additional restrictions on applications restrained by a prior temporary land use regulation. The provisions in this bill take effect on May 3, 2023.

Detailed Summary

Annexation

- HB 406 modifies the definition of rural real property. Rural Real Property now means a single parcel or group of contiguous parcels under common ownership that consist of at least 1,000 total acres. The parcels must be zoned for manufacturing or agricultural purposes and cannot have a residential density greater than one unit per acre. This has the effect of clarifying which entities are eligible to file annexation protest petitions.
- HB 406 allows a municipal legislative body to reconsider a vote to deny an annexation petition by a majority of the body.
- HB 406 provides that boundary commissions shall consider the known preferences of the person or persons who submitted an annexation petition as well as the protesting entity filing in protest proceedings.

- **Note:** ULCT had a long list of potential changes to the annexation statute that we will work on during the 2023 interim in anticipation of the 2024 legislative session. If you are interested in contributing to that conversation, please notify us.

Lot Line Adjustment

- HB 406 clarifies that lot line adjustments do not include new boundary lines that constitute subdivision amendments.
- HB 406 clarifies that subdivision amendments do not include lot line adjustments between a single lot and an adjoining lot that alters the boundary of the subdivision.

Public Improvement Standards

- HB 406 defines a “residential roadway” which means a public local road that:
 - serves primarily to access adjacent residential areas.
 - is designed to accommodate minimal vehicle traffic.
 - has a posted speed limit less than or equal to 25 mph.
 - does not have higher traffic volumes from connecting previously separated areas of the road network.
 - Cannot have primary access.
 - Does not abut high traffic volume lots (e.g., schools, rec. centers, sports complexes, or libraries).
 - Primarily serves traffic within a neighborhood.
- HB 406 states that a municipality may not require installation of pavement on a residential roadway at a width greater than 32 feet. A municipality may still require or allow a residential roadway that is less than 32 feet. This provision does not apply if:
 - The roadway is a vehicle turnaround area.
 - The roadway is located in a cul-de-sac.
 - The wider roadway is required to address specific traffic flow constraints at intersections, mid-block crossings, or other areas.
 - The wider roadway is required to address an applicable general or master plan improvement (e.g., transportation, bicycle lanes, trails, or other similar improvements that are not included within an impact fee area).
 - The wider roadway serves to address traffic flow constraints for service to or abutting higher density developments or uses that generate higher traffic volumes, including community centers, schools, and similar uses.
 - The installation of municipal or third party utility lines requires additional roadway width.
 - Utilities are more than 12 feet in depth.
 - The roadways have a design speed exceeding 25 miles per hour.
 - The wider roadways are needed for flood and stormwater routing.

- The wider roadways are necessary to meet fire code requirements for parking and fire hydrants.
- HB 406 set a new appeal process for this provision. The new process provides an applicant the opportunity to appeal the municipality's requirement under the above criteria for residential roadway width in excess of 32' to a panel of technical experts. Those experts include:
 - One licensed engineer designated by the municipality.
 - One licensed engineer designated by the land use applicant.
 - One licensed engineer, agreed upon, and designated by the two designated engineers.

Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.

Development Agreements

- HB 406 creates a new requirement for development agreements: if a development agreement restricts an applicant's rights under clearly established state law, the municipality must disclose the rights being waived in the agreement. If those rights are not identified, affected provisions in the agreement become unenforceable.

Temporary Land Use Regulations (aka "Moratoriums")

- HB 406 prohibits municipalities from "stacking" temporary land use regulations. Specifically, it restricts the application of a temporary land use regulation if the application was subject to a prior temporary land use regulation.

10-9a-604.1. Process for subdivision review and approval.

378 (1) (a) As used in this section, an "administrative land use authority" means
 379 an

379 individual, board, or commission, appointed or employed by a municipality,
 380 including

380 municipal staff or a municipal planning commission.

381 (b) "Administrative land use authority" does not include a municipal legislative
 382 body

382 or a member of a municipal legislative body.

383 (2) (a) This section applies to land use decisions arising from subdivision
 384 applications

384 for single-family dwellings, two-family dwellings, or townhomes.

385 (b) This section does not apply to land use regulations adopted, approved, or
 386 agreed

386 upon by a legislative body exercising land use authority in the review of land use
 387 applications

387 for zoning or other land use regulation approvals.

388 (3) A municipal ordinance governing the subdivision of land shall:

389 (a) comply with this section, and establish a standard method and form of
 390 application

390 for preliminary subdivision applications and final subdivision applications; and

391 (b) (i) designate a single administrative land use authority for the review of
 392 preliminary

392 applications to subdivide land; or

393 (ii) if the municipality has adopted an ordinance that establishes a separate
 394 procedure

394 for the review and approval of subdivisions under Section 10-9a-605, the
 395 municipality may

395 designate a different and separate administrative land use authority for the
 396 approval of

396 subdivisions under Section 10-9a-605.

397 (4) (a) If an applicant requests a pre-application meeting, the municipality
 398 shall, within

398 15 business days after the request, schedule the meeting to review the concept
 399 plan and give

399 initial feedback.

400 (b) At the pre-application meeting, the municipal staff shall provide or have
 401 available

401 on the municipal website the following:

402 (i) copies of applicable land use regulations;

403 (ii) a complete list of standards required for the project;

404 (iii) preliminary and final application checklists; and

405 (iv) feedback on the concept plan.

406 (5) A preliminary subdivision application shall comply with all applicable
 407 municipal

407 ordinances and requirements of this section.

408 (6) An administrative land use authority may complete a preliminary

subdivision

409 application review in a public meeting or at a municipal staff level.

410 (7) With respect to a preliminary application to subdivide land, an
administrative land

411 use authority may:

412 (a) receive public comment; and

413 (b) hold no more than one public hearing.

414 (8) If a preliminary subdivision application complies with the applicable
municipal

415 ordinances and the requirements of this section, the administrative land use
authority shall

416 approve the preliminary subdivision application.

417 (9) A municipality shall review and approve or deny a final subdivision plat

418 application in accordance with the provisions of this section and municipal
ordinances, which:

419 (a) may permit concurrent processing of the final subdivision plat application
with the

420 preliminary subdivision plat application; and

421 (b) may not require planning commission or city council approval.

422 (10) If a final subdivision application complies with the requirements of this
section,

423 the applicable municipal ordinances, and the preliminary subdivision approval
granted under

424 Subsection (9)(a), a municipality shall approve the final subdivision application.

425 Section 4. Section **10-9a-604.2** is enacted to read:

426 **10-9a-604.2. Review of subdivision land use applications and**
subdivision

427 **improvement plans.**

428 (1) As used in this section:

429 (a) "Review cycle" means the occurrence of:

430 (i) the applicant's submittal of a complete subdivision land use application;

431 (ii) the municipality's review of that subdivision land use application;

432 (iii) the municipality's response to that subdivision land use application, in
accordance

433 with this section; and

434 (iv) the applicant's reply to the municipality's response that addresses each of
the

435 municipality's required modifications or requests for additional information.

436 (b) "Subdivision improvement plans" means the civil engineering plans
associated with

437 required infrastructure and municipally controlled utilities required for a
subdivision.

438 (c) "Subdivision ordinance review" means review by a municipality to verify
that a

439 subdivision land use application meets the criteria of the municipality's
subdivision ordinances.

440 (d) "Subdivision plan review" means a review of the applicant's subdivision

441 improvement plans and other aspects of the subdivision land use application to
442 verify that the
443 application complies with municipal ordinances and applicable standards and
444 specifications.
445 (2) The review cycle restrictions and requirements of this section do not apply
446 to the
447 review of subdivision applications affecting property within identified geological
448 hazard areas.
449 (3) (a) No later than 15 business days after the day on which an applicant
450 submits a
451 complete preliminary subdivision land use application for a residential subdivision
452 for
453 single-family dwellings, two-family dwellings, or townhomes, the municipality
454 shall complete
455 the initial review of the application, including subdivision improvement plans.
456 (b) A municipality shall maintain and publish a list of the items comprising the
457 complete preliminary subdivision land use application, including:
458 (i) the application;
459 (ii) the owner's affidavit;
460 (iii) an electronic copy of all plans in PDF format;
461 (iv) the preliminary subdivision plat drawings; and
462 (v) a breakdown of fees due upon approval of the application.
463 (4) (a) A municipality shall publish a list of the items that comprise a complete
464 final
465 subdivision land use application.
466 (b) No later than 20 business days after the day on which an applicant
467 submits a plat,
468 the municipality shall complete a review of the applicant's final subdivision land
469 use
470 application for a residential subdivision for single-family dwellings, two-family
471 dwellings, or
472 townhomes, including all subdivision plan reviews.
473 (5) (a) In reviewing a subdivision land use application, a municipality may
474 require:
475 (i) additional information relating to an applicant's plans to ensure compliance
476 with
477 municipal ordinances and approved standards and specifications for construction
478 of public
479 improvements; and
480 (ii) modifications to plans that do not meet current ordinances, applicable
481 standards or
482 specifications, or do not contain complete information.
483 (b) A municipality's request for additional information or modifications to plans
484 under
485 Subsection (5)(a)(i) or (ii) shall be specific and include citations to ordinances,
486 standards, or
487 specifications that require the modifications to plans, and shall be logged in an

index of

471 requested modifications or additions.

472 (c) A municipality may not require more than four review cycles.

473 (d) (i) Subject to Subsection (5)(d)(ii), unless the change or correction is necessitated

474 by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the

475 infrastructure needed for the specific development, a change or correction not addressed or

476 referenced in a municipality's plan review is waived.

477 (ii) A modification or correction necessary to protect public health and safety or to

478 enforce state or federal law may not be waived.

479 (iii) If an applicant makes a material change to a plan set, the municipality has the

480 discretion to restart the review process at the first review of the final application, but only with

481 respect to the portion of the plan set that the material change substantively effects.

482 (e) If an applicant does not submit a revised plan within 20 business days after the

483 municipality requires a modification or correction, the municipality shall have an additional 20

484 business days to respond to the plans.

485 (6) After the applicant has responded to the final review cycle, and the applicant has

486 complied with each modification requested in the municipality's previous review cycle, the

487 municipality may not require additional revisions if the applicant has not materially changed

488 the plan, other than changes that were in response to requested modifications or corrections.

489 (7) (a) In addition to revised plans, an applicant shall provide a written explanation in

490 response to the municipality's review comments, identifying and explaining the applicant's

491 revisions and reasons for declining to make revisions, if any.

492 (b) The applicant's written explanation shall be comprehensive and specific, including

493 citations to applicable standards and ordinances for the design and an index of requested

494 revisions or additions for each required correction.

495 (c) If an applicant fails to address a review comment in the response, the review cycle

496 is not complete and the subsequent review cycle may not begin until all comments are

497 addressed.

498 (8) (a) If, on the fourth or final review, a municipality fails to respond within 20
499 business days, the municipality shall, upon request of the property owner, and
500 within 10
501 business days after the day on which the request is received:
502 (i) for a dispute arising from the subdivision improvement plans, assemble an
503 appeal
504 panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or
505 deny the final
506 revised set of plans; or
507 (ii) for a dispute arising from the subdivision ordinance review, advise the
508 applicant, in
509 writing, of the deficiency in the application and of the right to appeal the
510 determination to a
511 designated appeal authority.
512 Section 5. Section **10-9a-604.9** is enacted to read:
513 **10-9a-604.9. Effective dates of Sections 10-9a-604.1 and 10-9a-604.2.**
514 (1) Except as provided in Subsection (2), Sections 10-9a-604.1 and 10-9a-
515 604.2 do not
516 apply until December 31, 2024.
517 (2) For a specified municipality, as defined in Section 10-9a-408, Sections 10-
518 9a-604.1
519 and 10-9a-604.2 do not apply until February 1, 2024.
520 Section 6. Section **10-9a-608** is amended to read: