



**NOTICE OF MEETING AND AGENDA  
PLANNING COMMISSION  
NOVEMBER 28, 2023, AT 7:00 P.M.**  
City Council Chambers  
110 South Main Street  
Springville, Utah 84663

The agenda will be as follows:

**Call to Order**

- Approval of the Agenda
- Approval of Minutes: November 14, 2023

**Consent Agenda**

*The Consent Agenda includes administrative actions where no additional discussion is needed. When approved, the recommendations in the staff reports become the action of the Commission. A call for objection or comment will be made on the consent agenda items. If there is any opposition or comment, the item will be taken off the consent agenda and put on the regular administrative session meeting agenda for discussion. Without objections or comments, the item(s) will pass without further consideration.*

1. K Barr, Co. seeking commercial site plan approval for expanding the Tyton Self-Storage facility located at 203 W 700 S within the L-IM Light Industrial Manufacturing Zone.
2. Plat amendment approval for Westfields Central, Plat B, located in the area of 800 S 950 W within the Westfields Central Traditional Neighborhood Development.

**Administrative Session**

**Legislative Session – Public Hearing**

3. Springville Community Development requests amendments to Springville Code Title 11 Chapter 2 Article 3 Board of Adjustment to comply with Title 10 Chapter 9a Part 7 UCA Appeal Authority and Variances.
4. Springville Community Development requests amendments to Springville Code Titles 11 and 14 to comply with the requirements of 2023 S.B. 174 Local Land Use and Development Revisions and H.B 406 Local Land Use, Development, and Management Act Modifications.
5. Springville Community Development requests amendment to Springville Code Title 11 Chapter 4 Section 301 Land Use Matrix to refine the permitted uses in the Main Street South Gateway Zone.

**Adjournment**

THIS AGENDA SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE

This meeting was noticed in compliance with Utah Code 52-4-202 on November 22, 2023. Agendas and minutes are accessible through the Springville City website at [www.springville.org/agendas-minutes](http://www.springville.org/agendas-minutes). Planning Commission meeting agendas are available through the Utah Public Meeting Notice website at [www.utah.gov/pmn/index.html](http://www.utah.gov/pmn/index.html). Email subscriptions to Utah Public Meeting Notices are available through their website.

In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Community Development department at (801) 491-7861 at least three business days prior to the meeting.

## IN ATTENDANCE

**Commissioners Present:** Chair Karen Ellingson, Genevieve Baker, Michael Farrer, Rod Parker, Ralph Calder, Ann Anderson and Brett Nelson

**City Staff:** Josh Yost, Community Development Director  
Heather Goins, Executive Assistant

**City Council:** Liz Crandall

## CALL TO ORDER

Chair Ellingson called the meeting to order at 7:02 p.m.

## APPROVAL OF THE AGENDA

Commissioner Nelson moved to approve the agenda as written. Commissioner Baker seconded the motion. The vote to approve the agenda was unanimous.

## APPROVAL OF THE MINUTES

### *October 10 & 24, 2023*

Commissioner Baker moved to approve the October 10 & 24, 2023 meeting minutes. Commissioner Anderson seconded the motion. The vote to approve the meeting minutes was unanimous.

## CONSENT AGENDA

*No Items*

## ADMINISTRATIVE SESSION

### *Approval of the 2024 Meeting Schedule*

Commissioner Anderson moved to accept the 2024 Meeting Schedule. Commissioner Calder seconded the motion. The vote to approve the Administrative Session item was unanimous.

## LEGISLATIVE SESSION:

- 1. Springville Community Development requests amendments to Springville Code Titles 11 and 14 to comply with the requirements of 2023 S.B. 174 Local Land Use, Development, and Management Act Modifications.*

Josh Yost, Community Development Director, asked for this item to be continued to a future meeting.

Commissioner Baker opened the public hearing at 7:06 p.m. Commissioner Farrer seconded. Seeing no one coming to the podium, Commissioner Baker closed the public hearing. Commissioner Calder seconded. The vote to close the public hearing was unanimous. The public hearing was closed at 7:06 p.m.

Commissioner Baker moved to continue this item until a future date. Commissioner Nelson seconded the motion. The vote to continue the Legislative Session item was unanimous.

***3. Springville Community Development requests an amendment of Springville Code Title 11 Chapter 4 Section 301 Land Use Matrix to refine the permitted uses in the Main Street South Gateway Zone.***

Josh Yost, Community Development Director, asked for this item to be continued to a future meeting.

Commissioner Nelson moved to open the public hearing. Commissioner Anderson seconded. The public hearing was opened at 7:08 p.m. Seeing no one coming to the podium, Commissioner Baker moved to close the public hearing. Commissioner Calder seconded. The public hearing was closed at 7:08 p.m.

Commissioner Parker arrived at 7:08 p.m.

5:58

Commissioner Calder moved to continue the Springville Community Development requests an amendment of Springville Code Title 11 Chapter 4 Section 301 Land Use Matrix to refine the permitted uses in the Main Street South Gateway Zone item until a further date. Commissioner Baker seconded the motion. The vote to continue the Legislative Session item was unanimous.

***2. Springville Community Development requests amendment of Springville Code Title 11 Chapter 6, Section 113 Off-Street Parking.***

6:28

Josh Yost, Community Development Director, presented. This item's genesis is for 2 reasons: 1. Most of the proposed code amendments are simply formatting corrections and clarifications to wording to be consistent with State Code and be easier to administer. 2. The City Council requested a few months ago at the request of some downtown property owners, to evaluate ways to facilitate the reuse of buildings downtown that was hampered by parking requirements that arose from the change of use of those buildings.

The amendments will add criteria for parking reduction requests that are easier to evaluate and for uses not listed in the parking table that need to be cleaned up. For parking reduction and uses not consistently listed, it makes those administrative or Staff level determinations. One of the amendments will go over the Historic Downtown area

from change of use requirements for parking. Also, provide an alphabetized list of parking off of required minimum parking.

The required parking table is also being reformatted, listing the uses alphabetically. None of the parking amounts are being changed.

He talked about a change in State code that allows the Staff to make decisions on many of these items and without having to come to Planning Commission. We are proposing that this not apply to the Historic Downtown area as defined as 400 S to 400 N from 400 S to 400 N through 100 W to 100 E.

Chair Ellingson is worried about why that isn't being applied there. Director Yost said it is to permit the conversion of the change of use in buildings and not require additional parking. Providing the required parking based on their square footage is prohibitive of having those buildings change use. It furthers the goals of the downtown plan. It won't permit any changes not allowed by zoning.

15:15

Commissioner Calder said this feels like a blanket change and there would be no more discussions about parking for anyone. Director Yost said that rule would not apply to new construction, just existing buildings.

Director Yost said this is where a larger parking discussion comes into play. He feels it is the City's role to adequately control, monetize and control the market for what is essentially the public good which is on-street parking. By providing it free of charge with no time limits, we are distorting the market for that. Any good provided for free is over-utilized. That demand needs to be managed actively.

Commissioner Nelson wants a parking plan in place now so it isn't addressed when applicants are asking for it and so it doesn't become a problem. Director Yost said we have lead time and that is why he is addressing it now.

Commissioner Calder is concerned about taking everything that was coming to the Planning Commission and turning it over to the Land Use Authority. Director Yost said some of those items didn't already come to the Planning Commission. You would only see a plan for parking construction if it were part of a site plan and that site plan would only come to you if it is larger than a certain size. With changes in the Land Use Development Management Act, the State is pushing the majority of Administrative Action to the Staff level. Unless it is a legislative item, something that would go to Council, they push it to the lowest level of approval possible. It can still come to Planning Commission if there is an issue or the applicant requests it to be heard here. Commissioner Nelson loves that part of getting rid of the red tape. He asked if there is enough on-street parking around for the intent of a vibrant Main Street.

Commissioner Calder is worried about the current amount of available parking and how it will be affected when there is a vibrant downtown. He is also very concerned about the Land Use Authority making decisions that he feels should still come to Planning Commission. He wants more eyes on the applications. Director Yost explained the

difference between administrative items (that just need to be checked that they meet the code) and legislative items (that need opinions, experience and diversity). Once the laws and regulations are made, the ability to discretionally make decisions is decreased to the point based on the evidence of the record as to whether something meets the requirements. Commissioner Nelson feels it is OK for Staff to approve applications.

Commissioner Parker wants a parking plan in place before deciding. It cuts red tape, but he agrees with Commissioner Calder.

Commissioner Baker said we are discussing two separate things. Planning Commission to Land Use Authority and changes to historic downtown parking. Commissioner Baker said we would both have to work with the criteria and if it's met, we have to approve. Whether it is Staff or Planning Commission means we still have to follow the same criteria. This way we don't have to wait to talk about it twice a month. It's not taking away from our ability to make decisions on things because the same criteria are being met.

Director Yost continued. For a use not listed, we asked people to amend the parking code. And that is expensive and takes time. We will now evaluate the intensity of the proposed use as well as operation, needs for shared parking, trip generation, and peak demands.

The use table is alphabetized and there are no changes to the table.

41:07 Director Yost clarified the difference between Additions and Change of Use for parking. If you are changing the use, it can be done in the building. You don't have to meet the off-street parking for that use. If you are building new square footage, you have to provide parking for that square footage.

Director Yost said he is with Commissioner Calder in that you may have a more robust discussion on whether it meets the criteria or not, but he has only seen improvement to the outcomes when administrative items are taken to Staff level.

Commissioner Parker is concerned about lessening the parking downtown when there are places that don't have enough parking. Director Yost said that is why we have the criteria to base the decision on. If 20% isn't merited, we don't have to grant the 25% reduction.

Commissioner Anderson wants to solve the parking problem first. Commissioner Calder agrees. Some businesses are being driven to other cities when there isn't enough parking.

Chair Ellingson asked about bike racks mentioned in #8 on the last page. We haven't had a lot of new development that is subject to that, but we haven't been doing a good job of implementing them. It is a big part of our Active Transportation Plan. Chair Ellingson asked if there is a way to ask businesses to help with this. Director Yost said we can. Provo has had great success with this. We would like to get caught up front for

anything new. Chair Ellingson asked if the City could lead the way by adding some at the Rec Center. Director Yost said yes. She said that would be great as there are many bikes there and they are just leaning up against the building. We should be as concerned about the bike parking as the car parking.

Commissioner Nelson asked if there are any plans for parking. Director Yost said there is a plan to go through a process. Commissioner Nelson said we are increasing demand by decreasing parking and asked if it is wise to go about it this way. Director Yost thinks it's OK as there is not a quick runway to problems. The number of big buildings downtown that could change is small. The changes on Main that could be made are very small. The commercial uses are very established. We are 18 months away from that.

51:30

Director Yost doesn't like planning under duress. If we change the geographic boundary to the north of Center Street, then it will address the items the Council asked him to address. It doesn't apply to the Downtown core, and it wouldn't impact things in the near future. Commissioner Baker said if nothing passes, then there are two businesses not able to be licensed. Director Yost said one - the bike shop will be able to pave their side yard to meet the required parking. Sharee Killpack owns the Reynold's home and wants to do more with it but can't because of the parking requirement.

Commissioner Parker said what is going on is nebulous. Part of the problem with the government is saying we will look at it down the road. He wants to get a plan and then have Director Yost run with it. Commissioner Calder feels that this needs to be addressed so we don't move backward.

Director Yost mentioned that downtown parking is not something that is on his list from the Council as a priority project. And it still isn't a priority.

Provision E is the one the Council asked him to work on. He started with the simplest way to make it achieve what they were asking him to do. If we need to get more prescriptive, then we can.

Commissioner Anderson asked how many businesses complain about parking. Director Yost said the elderly ladies going to the salon have been the only ones to complain about parking, that he has heard.

Director Yost said the end goal is that there are always a couple of spaces available on each block face. When it isn't managed well, traffic gets congested from people cruising for parking.

Commissioner Calder said there is a common parking area, that would help. He is concerned about the established businesses and their parking being taken. Commissioner Baker suggested time limits on parking. Commissioner Nelson is supportive of this. Director Yost said when we go to the planning, we do a lot of data gathering.

Chair Ellingson asked for Commissioner Farrer's opinion. He said what bothers him is we plan an Active Transportation system, yet no one is willing to walk two blocks. He feels the UPS Store is in a bad location. Chair Ellingson said it brings people downtown. Commissioner Farrer expressed we can beat this to death, and it won't accomplish anything because it isn't going to change.

Chair Ellingson asked how long it would take to put together a well-thought-out parking plan. Director Yost said one year and \$100,000. Chair Ellingson asked if he is willing to wait until this is done. Director Yost said he knows the people who made the request in Council don't want to. Chair Ellingson said we could address that piece separately. Director Yost said the rest of it, aside from the reduction percentage, has a substantial impact on parking demand and supply downtown. He has no opposition to waiting but he doesn't see there is a benefit to waiting on those administrative or clerical items. He said you can make a very specific motion that you move to recommend approval except for whatever provisions you'd like to strike.

Commissioner Anderson asked for more clarification on what Director Yost's assignment was and if this goes beyond the scope of what they were asking him to do. He said he got two lines of direction in the public comment period. He chose to make a proposal and then discuss it. Commissioner Anderson clarified that someone was there in the public comment. Director Yost said yes, Sharee Killpack addressed the Council and the Council asked Director Yost to look at this. Commissioner Parker said this is for one individual. Commissioner Anderson asked if the person asked you for this, could they ask for some kind of policy change, can you change it. Director Yost said up to 20%. Commissioner Parker said the Council isn't asking for a huge change. Maybe we are making this issue larger than it is. We want to make sure that we have some plan in place where we haven't created a messy problem in 5 - 10 years. He doesn't see Council approving \$100,000 for parking downtown. Director Yost agrees.

Director Yost said once we finish the General Plan and the Reframing Downtown Plan needs a parking plan, it should be an easy sell to use the \$250,000 he has been allocating for professional services about every year to spend that much on downtown parking. It is people's first and last impression. Up to this point, we haven't received a lot of push on it. There is a clear argument to be made to invest.

Chair Ellingson told the Commissioners we can continue the whole item, pull out things we are OK with and recommend continuance of the other, or recommend denial to the council.

Commissioner Baker feels that we shouldn't stymie growth or create parking wastelands just because the parking requirement requires it. We have a vitality problem not a parking problem on Main Street. Important to encourage small businesses and not make it cost-prohibitive and then they go to another City.

Commissioner Nelson said it's a good argument, although not strategic. that he doesn't know if it is even going to be a problem. We are doing the Reframing Downtown, shouldn't that be addressed with this? That is a strategic level of addressing it. He doesn't want to discourage small businesses here. He doesn't want to do something today that causes problems tomorrow. Commissioner Parker agrees, but when you have a small business, you know what those costs are going to be going in. It isn't the City's responsibility to provide parking up and down the street.

Chair Ellingson said it isn't. But if we have a standard that isn't meant to be universally applied, then adjusting the standard is necessary.

Commissioner Parker doesn't feel there is a comprehensive plan.

Chair Ellingson asked how the Commissioners are going to move forward tonight. Commissioner Calder said that there are 3 items: 1- moving authority from Planning Commission to Staff, 2- Allowing applicants to apply for a bigger parking exception and 3- administrative alphabetizing of the table. He is confused about the motivation to move it from the Planning Commission. He doesn't want someone to make his job easier. Director Yost said the Council tells us to do that. This is all Staff-initiated. The criteria for evaluating this isn't that we are trying to make your job easier, rather we are trying to make the administration of the development process easier, more straightforward and more predictable. Commissioner Calder is very concerned about only one person approving those. Director Yost said it is one person's interpretation of the criteria. Commissioner Calder said he is saying if one person applies for a 25% increase anyone can apply and then it will be approved by the Land Use Authority. Chair Ellingson added 'according to the criteria.'

Commissioner Calder said we are making a change to the way we are doing government in the City. Director Yost said no and explained what you are doing now is legislative, such as when you make a recommendation to the Council. When you approve a site plan, conditional use permit or a parking reduction, that is administrative. You are not acting in a recommending function, you are simply evaluating applications and determining if they meet the code. You have no discretion to approve or deny the application aside from substantial evidence on a record that tells you whether it meets the code. If you deny the application when it meets the code, it is arbitrary and capricious and we get sued and they get to do what they want. All we are doing is saying the standard is still the same for the applicant, they just don't have to come to the Planning Commission and go through the presentation, Staff doesn't have to write a Staff Report and we don't have to deal with the timing of agendas. Staff can do this on an as-needed basis to streamline and remove any additional perceived risk from the development.

The Planning Commission is a legislative body. You have no discretion to approve or deny with substantial evidence that it meets the code. Staff can do this on an as-needed basis and reduce stress on the pipeline for the development community. We don't feel that you are doing a bad job or don't want to bring things to the Planning Commission.



We also know that Planners in the State are running the legislative side of things and we need to take everything we can where public input doesn't factor in and get that out of the public meeting session. It generally provides negative outcomes where people feel their voices weren't heard and didn't make a difference whereas legally it can't make a difference.

127:45

Where additional discretion or arbitrariness comes into a process that should be very straightforward and clerical. That is what these Land Use and Development Management Act changes are doing across the board. It is limiting the number of reviews we can do and limiting discretion in a way these items are subject to that kind of discretion. He sees it as anything we can do to get ahead of the State Legislature's quest to do that and be proactive and strategic he is in favor of because they continue to ratchet it down on us. We are doing a great job in Springville. There are some cities with have items come back to the Planning Commission 2 or 3 times for a plat. Responding to some of those less good actors in the State, the Legislators really cracked down on us. We are confident that you could handle the load. But we don't see it as a necessary part of the development review process. We would rather have you spend your time doing this kind of thing and going in-depth on detailed discussions on codes, policies and plans. That is where we get the most value. The City Council has communicated that a lot recently. Director Yost relayed back to the Commissioners that the City Council really appreciates their detailed work on the plans that have come to them.

Commissioner Nelson moved to open the public hearing. Commissioner Baker seconded. The public hearing was opened at 8:34 p.m.

Mindy Wright 853 E 1000 S

She has only been able to listen to what has been changed today. Parking is a big issue. We don't have a parking problem. If you want princess parking, then it is. This allows business to come to our city, which we need. It allows them to come and start on a good foot. This should be passed and, if we have an issue in the future, we can look at it then. She is all about Reframing Downtown and that will need a study. This shouldn't stop us from passing these changes.

Logan Millsap 133 S 880 E

He appreciated the discussion and getting into the details, and the impact of the choices. Sometimes we are worried about hypothetical situations, but we know now some of these parking requirements are preventing businesses from opening or opening timely. Focus on the current problem we have and leave the hypotheticals to a future parking plan. Worry more about downtown's vitality.

Commissioner Baker moved to close the public hearing. Commissioner Nelson seconded. The public hearing was closed at 8:38 p.m.

1:36:00

Commissioner Ellingson went through the whole document to get the Commissioner's vote.

PG 1 Commissioners are OK with this.

PG 2 Commissioner Calder has a problem with the Land Use Authority. Commissioner Nelson and Commissioner Baker do not object to this. Commissioner Parker agrees with Commissioner Calder.

Item E) Commissioner Baker said no problems as is but would support it if it was reduced to Center to 400 N. Commissioner Anderson's concern is whether this is what Council asked for, or does this go beyond what they asked. Commissioner Calder said and why does it go beyond the Council's ask. Chair Ellingson suggested that they take that section out and ask Staff to bring direction back from Council.

PG 3 Accessible parking - all Commissioners are OK with this.

PG 4 addition of standards - I-X - Commissioner Calder has issue with it. He wants to know why are we making all of these changes.

Chair Ellingson asked about the 25% reduction - Commissioners Calder and Parker don't agree with it. Commissioner Nelson is fine with the whole thing as long as we say we get on top of the strategic part with Reframing Downtown. Commissioner Baker feels that is time-prohibitive. Commissioner Calder says it's working. Commissioner Baker said it isn't because people want to have businesses and can't. Commissioner Farrer said it is opening the floodgates to get rid of all parking requirements. Commissioner Baker said it's not opening the floodgates where no one has to put in parking or if they build something new, they don't have to put parking in. It is so a house can be converted into a business. It is to accommodate existing smaller buildings on Main Street so that they can be used for something other than a residence.

1:42:45

Commissioner Nelson moved to recommend approval of the proposed amendments to Springville Code, Title 11, Chapter 6, Section 113, Off-Street Parking with the understanding that the City will pursue a parking study and address parking if the study shows the need. With the understanding the City will provide a strategic plan for parking. Commissioner Baker seconded.

Roll call vote:

Farrer - aye

Anderson - nay

Parker - nay

Baker - aye

Calder - nay

Nelson - aye

Ellingson - aye

1:44:18

Chair Ellingson said the recommendation carries to City Council but we strongly want the parking plan in place. Commissioner Parker said like Commissioner Anderson said we have gone way beyond the scope of what the Council is asking. Commissioner Anderson asked Director Yost to communicate that to the council. Director Yost said it will include minutes and he does his best to crystalize the discussion. Commissioner Baker said this is why it is so important for us to discuss so it does go into the minutes

and so the Council can read through it. Commissioner Nelson hopes they will take the time to read this.

Director Yost reiterated that the Mayor was really pleased with your work on the Active Transportation plan. He read the minutes and the reports on the plan. Knowing it was vetted so thoroughly allowed the Council to make an informed, efficient decision. With the scope of their duties, they will generally not have the ability to go to that level of detail. It is appreciated that they can trust that this Commission has gone to that level. When there are differences in discussion and opinion, he doesn't see any instance when public policy is not well served by having thorough discussion. Airing disagreement and perspective is always productive.

Commissioner Calder appreciates the discussion. He doesn't like sending the item to the Council without an approach. Commissioner Nelson said in most scenarios, he would agree but feels some issues in downtown Springville need to be addressed. He feels that parking is several years out.

Commissioner Baker said with Calder's analogy, we send it down the raft, but we have Staff as the helmsman. They go to the City Council and convey what we talk about and the provisions we put on there. They are there to make sure those changes we recommend don't get lost. That is an important and valued function that Staff does provide for the Planning Commission.

Director Yost said he needs to do a better job at closing that loop, specifically with the Active Transportation Plan. The Mayor asked me to convey that your recommendations have a direct impact on the discussion that the City Council has and on the plan. The plan now has a section on the policy recommendations that evaluates the safety of each facility so we aren't encouraging behavior that is inappropriate to the context based on signage, or bike boulevards in neighborhoods. And then it has a section on education that Commissioner Farrer asked for. The last provision in the adoption ordinance directs Staff with Public Works as the lead department to develop a policy for public involvement and public notice for all capital projects in the City. Your push on the Active Transportation Plan, led to the Council adopting something broader that will lead to how we do capital projects in the future. All of your messages were picked up. Councilwoman Crandall said they really do listen and she is glad she comes to these in person. It is a lot better because of your discussions.

With nothing further to discuss, Commissioner Farrer moved to adjourn the meeting. Commissioner Baker seconded the motion. Chair Ellingson adjourned the meeting at 9:00 p.m.

November 22, 2023

TO: Planning Commission Members

FROM: Laura Thompson, Planner II

RE: Commercial site plan approval for expanding the Tyton Self-Storage facility located at 203 W 700 S within the L-IM Light Industrial Manufacturing Zone.

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**Petitioner:** K Barr, Co.  
PO Box 301  
Farmington, UT 84025

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### Summary of Issues

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Does the proposed site plan meet the requirements of the Springville City Code?

### Background

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The proposed expansion includes an additional 82,385 square feet of self-storage space on the five-acre parcel.

The construction will occur in five phases, completing the overall site's development.

The proposal also includes a caretaker unit to be constructed in the final phase.



### Analysis

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#### DEVELOPMENT REVIEW COMMITTEE (DRC)

The Development Review Committee reviewed the site plan on September 28, 2023, and provided the applicant with a copy of redlined comments on the submitted plans and checklist. Any items not addressed or any additional revisions needed are listed below in the "POST DRC COMMENTS" section.

## POST DRC COMMENTS

Revised plans were received on November 6, 2023. Approval is contingent upon the final review and acceptance by the Chief Engineer.

### **Staff Recommendation**

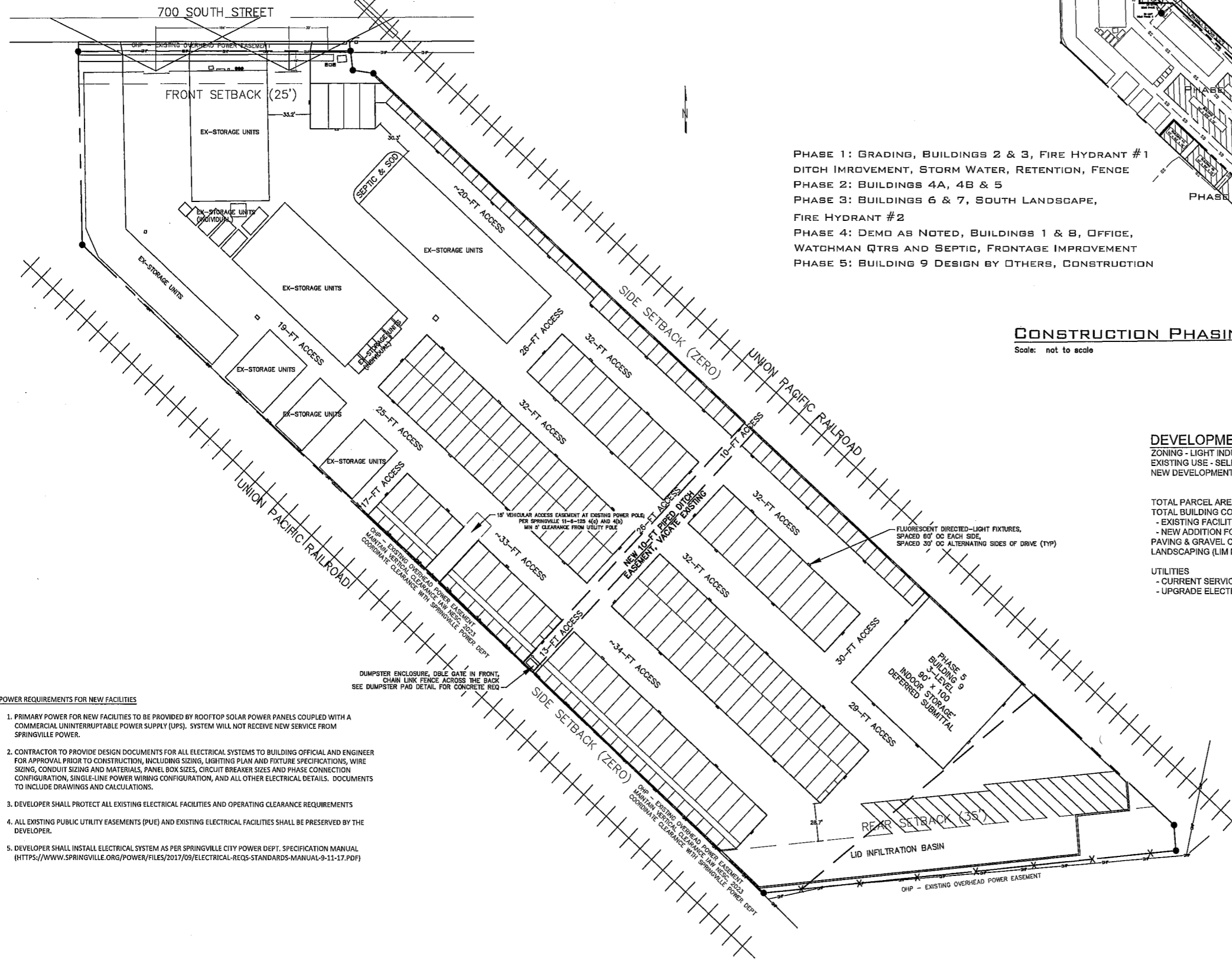
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Staff finds the proposed site plan meets the requirements of Springville City Code and recommends approval.

### **Recommended Motion**

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Move to grant commercial site plan approval for expanding the Tyton Self-Storage facility located at 203 W 700 S within the L-IM Light Industrial Manufacturing Zone.



**NEW SITE PLAN**

Scale: 1" = 40'-0"

**POWER REQUIREMENTS FOR NEW FACILITIES**

1. PRIMARY POWER FOR NEW FACILITIES TO BE PROVIDED BY ROOFTOP SOLAR POWER PANELS COUPLED WITH A COMMERCIAL UNINTERRUPTIBLE POWER SUPPLY (UPS). SYSTEM WILL NOT RECEIVE NEW SERVICE FROM SPRINGVILLE POWER.
2. CONTRACTOR TO PROVIDE DESIGN DOCUMENTS FOR ALL ELECTRICAL SYSTEMS TO BUILDING OFFICIAL AND ENGINEER FOR APPROVAL PRIOR TO CONSTRUCTION, INCLUDING SIZING, LIGHTING PLAN AND FIXTURE SPECIFICATIONS, WIRE SIZING, CONDUIT SIZING AND MATERIALS, PANEL BOX SIZES, CIRCUIT BREAKER SIZES AND PHASE CONNECTION CONFIGURATION, SINGLE-LINE POWER WIRING CONFIGURATION, AND ALL OTHER ELECTRICAL DETAILS. DOCUMENTS TO INCLUDE DRAWINGS AND CALCULATIONS.
3. DEVELOPER SHALL PROTECT ALL EXISTING ELECTRICAL FACILITIES AND OPERATING CLEARANCE REQUIREMENTS
4. ALL EXISTING PUBLIC UTILITY EASEMENTS (PUE) AND EXISTING ELECTRICAL FACILITIES SHALL BE PRESERVED BY THE DEVELOPER.
5. DEVELOPER SHALL INSTALL ELECTRICAL SYSTEM AS PER SPRINGVILLE CITY POWER DEPT. SPECIFICATION MANUAL ([HTTPS://WWW.SPRINGVILLE.ORG/POWER/FILES/2017/09/ELECTRICAL-REQS-STANDARDS-MANUAL-9-11-17.PDF](https://www.springville.org/power/files/2017/09/ELECTRICAL-REQS-STANDARDS-MANUAL-9-11-17.PDF))

- PHASE 1: GRADING, BUILDINGS 2 & 3, FIRE HYDRANT #1  
 DITCH IMPROVEMENT, STORM WATER, RETENTION, FENCE  
 PHASE 2: BUILDINGS 4A, 4B & 5  
 PHASE 3: BUILDINGS 6 & 7, SOUTH LANDSCAPE,  
 FIRE HYDRANT #2  
 PHASE 4: DEMO AS NOTED, BUILDINGS 1 & 8, OFFICE,  
 WATCHMAN QTRS AND SEPTIC, FRONTAGE IMPROVEMENT  
 PHASE 5: BUILDING 9 DESIGN BY OTHERS, CONSTRUCTION

**CONSTRUCTION PHASING PLAN**

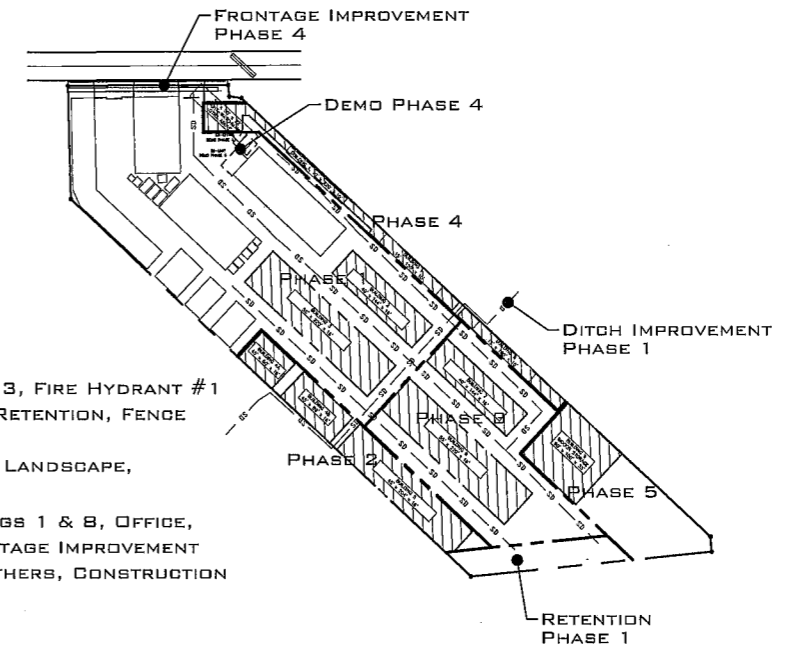
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**DEVELOPMENT AND LAND USE**

ZONING - LIGHT INDUSTRIAL MANUFACTURING  
 EXISTING USE - SELF-STORAGE (PERMITTED USE SCC 11-4-301)  
 NEW DEVELOPMENT - EXTEND STORAGE FACILITIES TO REST OF PARCEL

	AREA (SF)	AREA (%)
TOTAL PARCEL AREA (5.045 AC±)	219,750	
TOTAL BUILDING COVERAGE	119,430	54
- EXISTING FACILITY FOOTPRINT	37,045	17
- NEW ADDITION FOOTPRINT	82,385	37
PAVING & GRAVEL COVERAGE	88,682	40
LANDSCAPING (LIM MIN IS ZERO)	11,638	5

- UTILITIES  
 - CURRENT SERVICE INCLUDES WATER, ELECTRIC, GAS, STORM DRAINAGE  
 - UPGRADE ELECTRIC, UPGRADE EXISTING SEPTIC (NO SEWER BETWEEN RAILWAYS)



**Revisions**

McCreaken Engineering, expressly reserves the right to modify or amend any drawings, plans, specifications, or any other documents prepared by it, without notice, and without liability, if such modification or amendment is necessary to correct errors, omissions, or to conform to applicable laws, regulations, or standards. The user of these drawings, plans, specifications, or any other documents shall be deemed to have accepted the user's responsibility for the accuracy and completeness of the information provided to the user, and the user shall be deemed to have agreed to indemnify and hold McCreaken Engineering, its agents, employees, and subcontractors harmless from and against all claims, damages, and expenses, including reasonable attorneys' fees, that may be asserted against or incurred by McCreaken Engineering, its agents, employees, or subcontractors, in connection with the use of these drawings, plans, specifications, or any other documents, whether or not such claims, damages, or expenses result in whole or in part from the negligence of McCreaken Engineering, its agents, employees, or subcontractors.

**SHEET C102**

Site Plan

Client Information  
 Name: TYTON LLC  
 Project No.: 202205-15  
 Address/Location: 203 West 700 South  
 Springville, Utah 84663



Issued - 11/5/2023

**MCCKEAKEN ENGINEERING**  
 P.O. Box 1170, Kalaheo, HI 96741  
 801-309-5145

November 22, 2023

TO: Planning Commission Members

FROM: Laura Thompson, Planner II

RE: Plat amendment approval for Westfields Central, Plat B, located in the area of 800 S 950 W within the Westfields Central Traditional Neighborhood Development.

Petitioner: Lafferty Communities

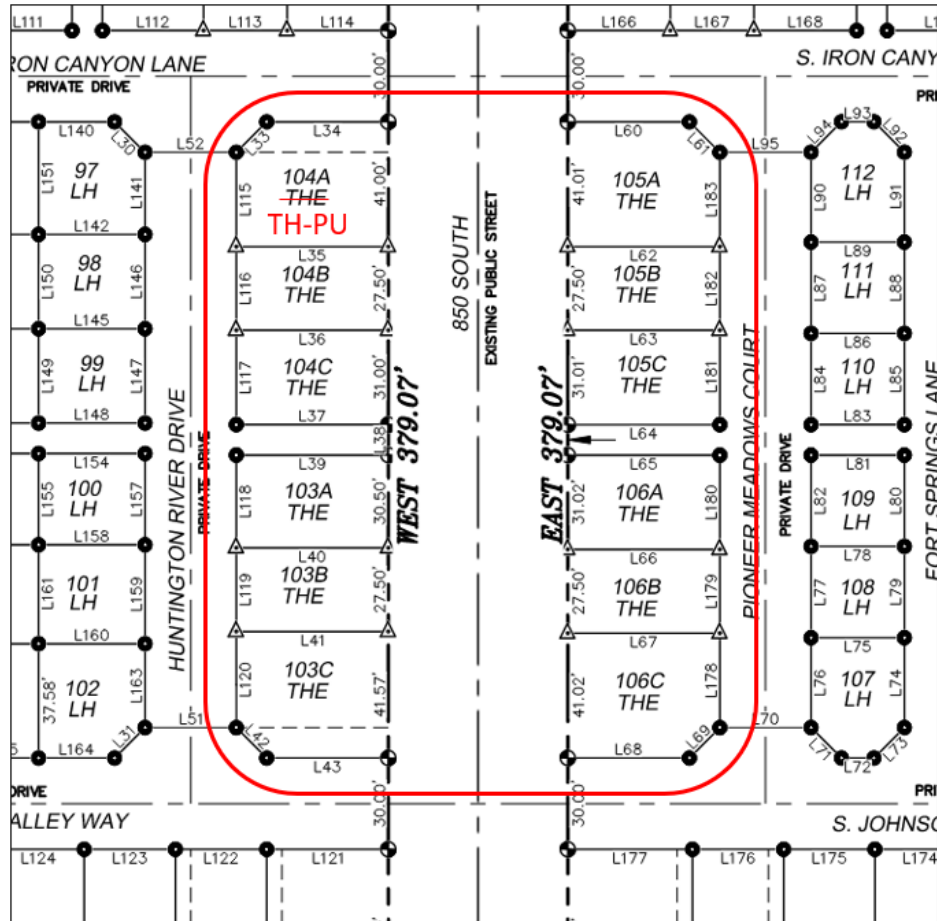
Summary of Issues

Does the proposed plat amendment meet the requirements of Springville City Code?

Background

On October 10, 2023, the Planning Commission approved the amended Westfields Central, Plat B, which added individual parcel lines to the 'Townhouse Estates' lots and yard easements to the Cottage lots. Since the approval, it was noticed that the Townhouse Estates lots were supposed to be 'Townhouse Park-Under' lot types according to the Westfields Central New Neighborhood Regulating Plan.

The updated amended plat corrects Lots 103-106 to be shown as Townhouse Park-Under lot type.



**Staff Recommendation**

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Staff finds the plat amendment meets the requirements of Springville City Code and recommends approval.

**Recommended Motion**

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Move to grant plat amendment approval for Westfields Central, Plat B, located in the area of 800 S 950 W within the Westfields Central Traditional Neighborhood Development.





**PLANNING COMMISSION  
STAFF REPORT**

Agenda Item, #4  
November 14, 2023

November 9, 2023

TO: Planning Commission Members  
FROM: Carla Wiese  
RE: **Springville Community Development requests amendments to Springville Code Titles 11 and 14 to comply with the requirements of 2023 S.B. 174 Local Land Use and Development Revisions and H.B 406 Local Land Use, Development, and Management Act Modifications.**

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**Petitioner:** Springville Community Development

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### **Background**

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The Utah State Legislature passed Senate Bill 176 in the 2023 session. This bill changed the residential subdivision approval process for municipalities and limited the number of reviews a municipality could require. The bill requires that certain municipalities complete any needed ordinance amendments prior to February 1, 2024.

### **Analysis**

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Springville City currently has a reasonably streamlined subdivision review process for both residential and commercial development, and as such, we are not making wholesale changes in our process. While the changes may look substantive at first glance, the amendments make minor technical changes so that the language is consistent with the language in the legislation. We have also taken this opportunity to clean up Title 14 and delete redundancies and details that need not be codified. Following is a summary of the proposed amendments to Titles 11 and 14:

#### **Title 11**

**11-2-101 General Plan.** This section repeated the language in the state code. The amendment deletes most of this section to address the redundancies while requiring the city to draft a general plan that complies with state code. The Effect of the General Plan on Public Uses was maintained in the revision.

**14-1-105 deletes** the City Council's authority over residential and commercial subdivisions. SB 176 requires that the Council be removed from the residential subdivision process. Still, to maintain consistency, it was determined that all subdivision reviews and approvals should be processed similarly.

#### **14-1-202 Definitions**

A definition of Administrative Land Use Authority was added to comply with SB 176.

To clarify that the review process mandated by SB 176 is for residential subdivisions, we added definitions that delineate Non-Residential and Residential Subdivisions. The definitions are not

substantially different other than clarifying that the city has codified two distinct subdivision types. This is meant to provide cover in the event that a commercial development tries to force the city to comply with the subdivision review process that SB 176 established for residential development.

Another piece of state legislation, HB 406, took away the ability for a city to require a bond for landscape improvements unless those improvements are on public property or to be dedicated to the city, adjacent to trails, or to be maintained by HOA. The definition clarifies public landscaping improvements.

Unstable soil was listed in the definitions without verbiage. The City Engineer provided a definition of unstable soil.

Definition of Public Landscaping added as part of the requirements of HB 406 which prohibits the bonding requirement for landscaping unless the landscaping improvements are on public property or are to be dedicated to the city, adjacent to trails, or to be maintained by HOA,

## **Title 14 Chapter 2**

**14-2-101** This section contains the changes mandated by SB 176 and provides a basic summary of the parameters of this legislation. Once again, we have delineated that the requirements laid out in this chapter apply only to the type of developments enumerated in SB 176. Much of the language that has been added comes directly from the language that the Utah League of Cities and Towns (ULCT) provided as guidance for municipalities.

**14-2-102** Definitions recommended by ULCT have been added.

**14-2-104 and 105** SB 176 outlines the process for residential subdivision reviews to include a preliminary plan and a final plat. Cities are no longer allowed to require concept plans. Springville has had a streamlined process for subdivision applications that provided for a concept plan to be reviewed with Community Development Staff and the City Engineer in what is referred to as a Pre-App meeting. We have not required this in practice, but our code language (shall) seems to indicate that a concept plan is mandatory. This allows an applicant to argue that because the concept plan is mandatory, as stated in the code, it would create an entitlement. SB 176 requires that cities not require the pre-app meeting and makes the preliminary plan review the first step in the residential subdivision review process. SB 176 also mandates how long the city has to respond to a request for a pre-application meeting. The city typically schedules these meetings within a week of them being requested, however, now the timeframe must be codified. The information that cities must provide at the pre-application meeting is also mandated, and the standards and checklists will be incorporated in the Checklist and Application document referenced above.

**14-2-106** Formerly 14-2-104. Codifies the review process mandated by SB 176.

**14-2-107** We have also taken this opportunity to clean up the subdivision ordinance. Starting on page 254, we have deleted the list of documents and items that we require to be submitted. It was felt that codifying these items added greater complexity to our code than necessary. However, we still need to have specific documentation to move forward with a review. We have taken the list from the code and created a Preliminary Plan Checklist and Application document. This document is called out in the code. We have taken the added step of having the checklists and applications adopted by the City Council.

**14-2-107(2)** Codifies that a city cannot require a change or correction to be made by the applicant if the issue necessitating a change or correction was addressed in the plan review. Changes or

corrections required for public health and safety or to comply with state or federal law are not included in this waiver.

**14-2-107(3) through (6)** codifies the review cycle timeline and what information the city must provide to the applicant as part of the review.

**14-2-107(7)** SB 176 established an appeals process for the applicant that cities must comply with. This appeals process is codified in this section.

**14-2-108** Formerly 105. Beginning on page 262, we have omitted the list of requirements on a Final Plat just as we did for the preliminary plan checklist. This list was much more extensive than the preliminary plan checklist. It is difficult to reference when speaking with applicants and taking the list out of the code and providing the list in a checklist/application format will be easier for the applicant and city staff. The final plat checklist will also be adopted by the City Council.

**14-2-109** Finally, SB 176 mandated the concurrent processing of preliminary and final applications if the applicant wants to do this. If concurrent processing is required, the city is still limited to four reviews and needs to establish in policy how the four reviews will be divided up between preliminary and final plat.

### **14-3 Commercial and Industrial Subdivisions**

We have had this section of the code reserved and the changes required by SB 176 made it an ideal time to establish separate provisions for commercial and industrial subdivisions. By creating two separate subdivisions processes, we are not held to the same strict review cycle for commercial and industrial that SB 176 mandates for residential. We have defined commercial and industrial subdivisions to include all development types not enumerated in SB 176. Other than removing the lists of required items, this section takes the previous subdivision process and establishes it as the codified process for commercial development. We will have a Commercial and Industrial Subdivision Checklist and Application that will include the elements of the lists and the City Council will adopt them. We have allowed ourselves to continue our existing subdivision review process for subdivisions not included in SB 176.

### **Staff Recommendation**

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Staff recommends the Planning Commission forward a recommendation of approval to the City Council. Springville is required to make these updates to our ordinance by February 1, 2024. The date is mandated in the legislation.

### **Recommended Motion**

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Motion to recommend approving the amendments to Springville Code Titles 11 and 14 to comply with the 2023 S.B. 174 Local Land Use and Development Revisions requirements and H.B 406 Local Land Use, Development, and Management Act Modifications.

### **Attachments**

Attachment 1: Proposed Amendments to Titles 11 and 14

Attachment 2: ULCT Overview

Attachment 3: Slide deck from ULCT Legislative Update

**Attachment 1**

Proposed Amendments to Title 11 and 14

## Title 11

**DEVELOPMENT CODE** Revised 3/22 Revised 8/22 Revised 11/22 Revised 2/23 Revised 5/23 Amended

### Chapters:

- 1 General Provisions
- 2 Municipal Planning
- 3 Zoning
- 4 Zoning District Regulations Revised 8/22 Revised 5/23 Amended
- 5 Overlay District Regulations
- 5a New Neighborhood Plans Revised 8/22 Revised 11/22 Revised 5/23
- 6 Supplementary Regulations Revised 8/22 Revised 5/23 Amended
- 7 Administration
- 8 Enforcement and Penalties
- 9 Lakeside Landing Special District Overlay Zone Revised 3/22 Revised 2/23

**CHAPTER 1**  
**GENERAL PROVISIONS**

Sections:

Article 1 – GENERAL PROVISIONS

- 11-1-101 Title.
- 11-1-102 Intent and Purpose.
- 11-1-103 Interpretation and Conflict.

**Article 1 – GENERAL PROVISIONS**

**11-1-101 Title.**

This Title shall be known and may be cited as the Development Code of Springville, Utah.

(1979 Code 11-1-101)

**11-1-102 Intent and Purpose.**

It is the intent of the City Council of Springville, Utah, to avail itself of the powers granted pursuant to the Municipal Land Use, Development, and Management Act, Title 10, Chapter 9a, Utah Code Annotated 1953, as amended, in a manner that will promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Springville, and to this end:

- (1) To encourage and facilitate orderly growth and development within the City.
- (2) To secure economy in municipal expenditures and to facilitate adequate provision for transportation, water, sewerage, parks, schools and other public requirements.
- (3) To lessen congestion in the streets, prevent the overcrowding of land, and provide adequate light and air.
- (4) To secure safety from fires, floods, traffic hazards and other dangers.
- (5) To stabilize and improve property values.
- (6) To protect the tax base.
- (7) To promote the development of a more attractive, wholesome and serviceable City.
- (8) To create conditions favorable to prosperity, civic activities and recreational, educational, and cultural opportunities.

(1979 Code 11-1-102; amended by Ordinance No. 21-92; Ord. No. 06-2012, 07/17/2012)

**11-1-103 Interpretation and Conflict.**

(1) In interpreting and applying this Code, the provisions thereof shall be held to be the minimum requirements needed to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City.

(2) Conflict with Other Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or provision of law. Where any provision of these regulations is in conflict with any other provision of these regulations or any other ordinance, adopted standard or policy, rule or regulation, the provision which is more restrictive or imposes the higher standard shall control.

(3) Further, these regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of these regulations are more restrictive or impose higher standards or regulation than such easement, covenant or other private agreement or restrictions are more restrictive

or impose a higher standard than these regulations, then the private provisions shall be operative and supplemental to these regulations and conditions imposed; however, Springville City shall not be responsible to enforce those private provisions.

(1979 Code 11-1-103; Ord. No. 06-2012, 07/17/2012)

**CHAPTER 2**  
**MUNICIPAL PLANNING**

Sections:

Article 1 – GENERAL PLAN AND STREET MAP

- 11-2-101 General Plan.
- 11-2-102 .Effect of General Plan on Public Uses

Article 2 – PLANNING COMMISSION

- 11-2-201 Establishment of Planning Commission.
- 11-2-202 Term of Office.
- 11-2-203 Organization.
- 11-2-204 Duties and Powers.
- 11-2-205 Qualifications.
- 11-2-206 Sub-Committees Authorized.

Article 3 – BOARD OF ADJUSTMENT

- 11-2-301 Establishment of Board of Adjustment.
- 11-2-302 Organization and Procedure.
- 11-2-303 Duties and Powers.
- 11-2-304 Community Development Director’s Determination.
- 11-2-305 Appeals to Board.
- 11-2-306 Variances.
- 11-2-307 District Court Review of Appeal Authority Decisions.

Article 4 – ZONING ADMINISTRATOR

- 11-2-401 Zoning Administrator.
- 11-2-402 Powers and Duties of Zoning Administrator.

Article 5 – PLANNING ADMINISTRATOR

- 11-2-501 Planning Administrator.
- 11-2-502 Powers and Duties of Planning Administrator.

**Article 1 – GENERAL PLAN AND STREET MAP**

**11-2-101 General Plan.**

(1) In order to accomplish the purposes set forth in this Title and in accordance with the Utah State Municipal Land Use, Development, and Management Act 10-9a-4 UCA,1953, the City shall prepare and adopt a comprehensive, long-range General Plan

(1979 Code 11-2-101; repealed and readopted by Ordinance No. 21-92; Ord. No. 06-2012, 07/17/2012)

(Adopted by Ordinance No. 21-92; Ord. No. 01-2011, 01/18/2011)

**11-2-10(2) Effect of General Plan on Public Uses.**

After the City Council has adopted a General Plan or any amendments to the General Plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized unless and until it conforms to the Plan or it has been considered by the Planning Commission, and after receiving the advice of the Planning Commission, approved by the City Council as an amendment to the General Plan.



(Adopted by Ordinance No. 21-92; Ord. No. 06-2012, 07/17/2012)

## **Article 2 – PLANNING COMMISSION**

### **11-2-201 Establishment of Planning Commission.**

There is hereby created a Planning Commission which shall have seven (7) members of the general public appointed by the Mayor, with the approval of the City Council. Members of the Commission shall serve without compensation, except that the City may make provision for payment of necessary expenses incurred by them in carrying out the duties specified in this Chapter. Members shall be selected without respect to political affiliations.

The Mayor shall designate one (1) member of the City Council and one (1) alternate member selected from the City Council to be assigned to attend the Planning Commission meetings. City Council members shall serve as nonvoting members of the Commission. In addition, selected staff members shall attend Commission meetings.

(1979 Code 11-2-201; amended by Ordinance No. 9-91, and #10-2007, 03/20/2007; Ord. No. 06-2012, 07/17/2012)

### **11-2-202 Term of Office.**

Each member of the Planning Commission, except the City Council members who serve on the Commission, shall serve for a term of four (4) years and until his successor is appointed; provided, that the members first appointed shall be appointed for such terms that the terms of the members shall be staggered to expire every two (2) years. The term of the City Council members who sit on the Planning Commission shall be for two (2) year segments concurrent with the term on the Council. The term of office of each voting member shall commence on the first (1st) day of April in the year in which such member is appointed. Planning Commission members serve at the pleasure of the City Council. Vacancies shall be filled in the same manner as the original appointment for the unexpired term.

(1979 Code 11-2-202; amended by Ordinance No. 9-91, and #10-2007, 03/20/2007; Ord. No. 06-2012, 07/17/2012)

### **11-2-203 Organization.**

(1) At its first (1st) meeting in February of each year, the Planning Commission shall elect one (1) of its members as Chairman. The Chairman shall serve for a term of one (1) year and until a successor is chosen in the same manner. A vacancy in the chairmanship shall be filled for the unexpired term by election at the next meeting of the Planning Commission. A person may be elected to serve consecutive terms as Chairman.

(2) The Planning Commission shall adopt rules for its own organization and for the transaction of business. Meetings of the Planning Commission shall be held monthly or more frequently as the Commission deems advisable. Reports of official acts and recommendations of the Planning Commission shall be made by the Chairman in writing to the City Council and shall indicate how each member of the Commission voted with respect to such act or recommendation. Any member of the Commission may also make a concurring or dissenting report or recommendation to the City Council whenever he so desires.

(3) All meetings of the Planning Commission shall comply with the requirements of the Utah Open and Public Meetings Act.

(1979 Code 11-2-203; amended by Ordinance Nos. 21-92 and 4-93; Ord. No. 06-2012, 07/17/2012)

### **11-2-204 Duties and Powers.**

The Planning Commission shall have the following powers and duties:

(1) The Planning Commission, as provided by Sections 11-2-101 to 11-2-103, shall prepare and recommend to the City Council a General Plan and amendments to the General Plan.

(2) The Planning Commission may make reports and recommendations relating to the planning and development of the City to public officials and agencies, and other organizations and citizens. The Planning Commission, its members and employees, in the performance of its functions, may enter upon any land at reasonable times to make examinations and surveys.

- (3) The Planning Commission or designee shall prepare regulations governing the subdivision of land within the City or amendments to such regulations and submit said regulations or amendments to the City Council for adoption.
- (5) The Planning Commission may, or by order of the City Council shall, make and recommend to the City Council a zoning plan, including both the full text of the zoning regulations and maps and amendments thereto. The zoning regulations, including the maps, may be amended from time to time by the City Council.
- (6) The Planning Commission shall hear and decide all applications for conditional use permits.
- (7) The Planning Commission shall prepare regulations governing the approval, construction and maintenance of condominium projects, or amendments to such regulations, and shall submit said regulations to the City Council for adoption.
- (8)
- (9) The Planning Commission, by order of the City Council, shall make and recommend to the City Council a multiyear improvement program which shall set forth an orderly program for the acquisition of land, buildings and other facilities that are needed for City purposes.
- (10) The Planning Commission may conduct hearings and meetings with interested property owners, officials and citizens in the process of carrying out its functions.

(1979 Code 11-2-205; amended by Ordinance Nos. 21-92 and 31-92; Ord. No. 06-2012, 07/17/2012)

**11-2-205 Qualifications.**

All members of the Commission shall be residents of the City of Springville.

(Adopted by Ordinance #10-2007, 03/20/2007)

**11-2-206 Sub-Committees Authorized.**

(1) The Planning Commission may elect to establish a sub-committee consisting of Commission members to oversee specific areas of concern to the Commission. In authorizing a sub-committee, the Commission shall establish rules and procedures for members, terms, and duties of the sub-committee.

(2) In the event the Planning Commission elects to appoint an individual who is not a member of the Commission to any sub-committee, the Commission shall present the recommendation and all rules and procedures for the non-Commission member, including terms and duties, to the Mayor for appointment and potential confirmation by the City Council.

(Adopted by Ordinance #10-2007, 03/20/2007)

**Article 5 – PLANNING ADMINISTRATOR**

**11-2-501 Planning Administrator.**

The Community Development Director or his or her designee shall serve as the Planning Administrator. It shall be the duty of the Planning Administrator to assist the Planning Commission in the performance of its duties, along with other duties as set forth below.

(1979 Code 11-2-501, amended by Ord. No. #19-2007, 04/03/2007)

**11-2-502 Powers and Duties of the Planning Administrator.**

The Planning Administrator shall have the following powers and duties:

- (1) To review all applications for annexation, subdivisions, condominium projects and other site plans which the Planning Commission is required to review and to advise the Planning Commission regarding the completeness of said application and any plans, documents, or other supplementary data submitted therewith.
- (2) To review and approve commercial and residential subdivisions and site plans as specifically defined in the Development Code;
- (3) To respond to requests for information from citizens and officials regarding the details of the City's General Plan, subdivision requirements, and the activities of the Planning Commission.
- (4) To make technical studies relating to amendments of the Development Code.
- (5) To cooperate and coordinate his work with the City Engineer, City Attorney and representatives from the Public Works Department, Public Safety Department, Power Department, Buildings and Grounds Department, and other City officers and employees as may be appropriate, along with representatives of utility service providers.
- (6) To assist the Planning Commission in updating the General Plan in carrying any part of the Plan into greater detail.
- (7) To assist the Planning Commission in the preparation of its annual, multi-year improvement program for the City.
- (8) To enforce the provisions of the Development Code relating to subdivisions and site developments. Whenever violations occur, to consult with the City Attorney, post or issue citations and to prepare exhibits, testimony, and other data which may be needed in such enforcement.
- (9) To serve as secretary of the Planning Commission.

(1979 Code 11-2-502, amended by Ord. No. 19-2007, 04/03/2007)

## Article 4 – DEFINITIONS

### 11-3-402 Definitions.

The following words, as used in this Title, shall have the meaning ascribed to them:

**Commercial Parking Lot and/or Structure** – An open area or partially open and/or enclosed area other than a street or lane used for the parking of motor vehicles and available for public and/or private use whether or not for compensation.

**Commercial Subdivision** shall mean any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, of offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms or conditions. For purposes of clarification, any remaining portion of the original lot from which additional lots were subdivided shall be counted as one (1) lot.

**Common Area** – An area designed to serve two (2) or more dwelling units in separate ownership with convenient access to all dwelling units.

**Community Use** – A publicly owned facility or office building which is primarily intended to serve the administrative, recreational, educational, and cultural or entertainment needs of the community as a whole. Community uses also include public parks and playgrounds.

**Conditional Use** – A land use that because of its unique characteristics or potential impact on the City, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. A conditional use may be allowed, allowed with conditions, or denied in designated zoning districts, based on compliance with standards and criteria set forth in this Title for those uses.

**Conventional Construction** – A structure which is constructed in compliance with the provisions of the International Building Code, International Mechanical Code, National Electric Code, International Plumbing Code and International Gas Code as adopted by the City.

**Condominium** – The ownership of a single unit in a multi unit project, together with an undivided interest in common areas and facilities of the property.

**Condominium Project** – A plan or project whereby two or more units, together with an undivided interest in the common area or facility, are separately offered or proposed to be offered for sale. This definition shall apply to existing or proposed residential, commercial or industrial buildings or structures which are intended to be sold separately. Condominium projects shall also mean the property when the context so requires.

**Condominium Ownership Act of 1975, or Act for purposes of Article 4 of Chapter 4 of this Title**, shall mean the provisions of Chapter 8 of Title 57, Utah Code Annotated 1953, as amended.

Utah Code Annotated 1953; or (b) is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act of Utah Code Annotated 1953.

**Residential Health Care Facility** – A facility providing assistance with activities of daily living and social care to two (2) or more residents who require protected living arrangements. Residential Health Care Facility does not include a nursing home, nursing care facility or hospice. Placement of any person in such a facility shall be on a strictly voluntary basis and not part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. A facility shall not be a Residential Health Care Facility if any person being treated for alcoholism or drug abuse is placed there.

“Residential Subdivision” shall mean any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, of offer, sale, lease or development either on the installment plan or upon any and all other plans, terms or conditions for the use of single family, two family, and or townhome dwellings only. For purposes of clarification, any remaining portion of the original lot from which additional lots were subdivided shall be counted as one (1) lot.

**TITLE 14**  
**SUBDIVISION REGULATIONS**

**Chapters:**

- 1 General Provisions**
- 2 SUBDIVISION APPLICATION AND APPROVAL PROCESS FOR SINGLE FAMILY, TWO FAMILY AND TOWNHOME DWELLINGS ONLY**
- 3 Commercial and Industrial Subdivisions**
- 4 Westfield Overlay Zone**
- 5 Requirements for Subdivision Improvements, Reservations, Design & Layout**
- 6 Condominiums**
- 7 Plat Amendments, Alterations and Vacations**

**CHAPTER 1**  
**GENERAL PROVISIONS**

Sections:

Article 1 GENERAL PROVISIONS

- 14-1-101 Title.
- 14-1-102 Policies.
- 14-1-103 Public Purpose.
- 14-1-104 Purposes.
- 14-1-105 Authority.
- 14-1-106 Jurisdiction.
- 14-1-107 Interpretation and Conflict.
- 14-1-108 Provisions, Relationship to Previous Ordinance.
- 14-1-109 Amendments to the Title.
- 14-1-110 Variances, Exceptions and Waiver of Standards.

Article 2 DEFINITIONS

- 14-1-201 Interpretation.
- 14-1-202 Definitions.

**Article 1 GENERAL PROVISIONS**

**14-1-101 Title.**

The provisions of this title known, cited and referred to as the Subdivision Regulations of Springville City are intended to implement subdivision regulations of the Utah Municipal Land Use Development and Management Act, Utah Code, Title 10, Article 9a, Part 6.

**14-1-102 Policies.**

(1) Springville City considers the subdivision of land and the subsequent development of the subdivided plat subject to its control and according to the official general plan of the City for the orderly, planned, efficient, and economical development of the City.

(2) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until adequate public facilities and improvements exist and/or proper provision has been made for drainage, water, sewerage, electrical power and capital improvements such as schools, parks, recreational facilities, transportation facilities and improvements.

(3) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the General Plan, with accompanying maps and illustrations, along with the capital improvement plan and annual program of Springville City. These regulations are intended to supplement and facilitate the enforcement of the provisions and standards contained in the Building Code, zoning ordinance, General Plan with accompanying maps and illustrations, and the capital improvement plan and annual program of Springville City.

**14-1-103 Public Purpose.**

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Utah to Springville City. The developer has the duty of compliance with reasonable conditions laid down by the City Council for design, dedication, improvement and restrictive use of the land to conform to the physical and economic development of the municipality and to the health, safety and general welfare of the future lot owners in the subdivision and of the community at large.

**14-1-104 Purposes.**

These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the municipality;
- (2) To guide the future growth and development of the municipality in accordance with the General Plan;
- (3) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger and to prevent overcrowding of the land and undue congestion of population;
- (4) To protect the character and the social and economic stability of all parts of Springville;
- (5) To encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities;
- (6) To assure proper urban form and open space separation of urban areas;
- (7) To protect environmentally critical areas and areas premature for urban development;
- (8) To protect and conserve the value of land throughout Springville and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
- (9) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, electric power, schools, parks, playgrounds, recreation and other public requirements and facilities;
- (10) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movement appropriate to the various uses of land and buildings;
- (11) To provide for the proper location and size of streets and buildings;
- (12) To establish reasonable standards of design and procedures for subdivisions and re-subdivisions of land that will maximize buildable area and insure the orderly layout and use of land, recognizing that this may not allow developers to create irregular lots or use other mechanisms to maximize the number of lots created, but lot design will be in the best interest of current and future residents and the community;
- (13) To ensure proper legal descriptions and monumenting of subdivided land;
- (14) To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the development to pay fees, furnish land or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development;
- (15) To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout Springville in order to preserve the integrity, stability and beauty of the community and the value of the land;
- (16) To preserve the natural beauty, topographic and geologic features of the municipality and to ensure appropriate development with regard to these natural features;
- (17) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum widths and area of lots, while preserving the density of development as established in the zoning ordinance;
- (18) To remedy the problems associated with boundary line disputes; and
- (19) To eliminate existing property line gaps and overlaps, inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and sub-standard subdivision.

(Amended by Ord, No. 28-2006, 10/17/2006)

**14-1-105 Authority.**

In accordance with Section 10-9a-108, Utah Code Annotated 1953 and by authority of the Springville City Code, the City Council exercises the power and authority to establish subdivision regulations..

**14-1-106 Jurisdiction.**

(1) These regulations apply to all subdivision of land or subdivision of real property as defined in Section 14-1-202 located within any portion of the corporate limits of Springville City as provided by Section 10-9a-801(1)(a), Utah Code Annotated 1953.

(2) No real property, whether wholly or partially within the corporate limits of Springville City, shall be considered legally subdivided unless and until the applicant has completed the procedure for subdivision approval as defined in Chapters 2 and 3 of this Title. This includes concept plan, preliminary plan approval, and final plat approval and recordation and filing of the plat with the Utah County Recorder's Office.

(3) No owner or agent of any parcel of land may transfer, sell or otherwise exchange any subdivided real property unless and until the proposed subdivision has been approved by the City Council and filed in the Office of the Utah County Recorder. The subdivision of any lot or parcel of land by the use of metes and bounds descriptions for the purpose of sale, transfer or lease with the intent of evading these regulations shall not be permitted. The City may approve metes and bounds descriptions for the purposes of minor subdivisions, lot line adjustments and resolving conflicting boundary descriptions.

(4) All lots, parcels, sites, plots, units or other divisions of real property created by subdivision shall comply with the City's lot size, lot width and buildable area requirements and shall abut on a public street.

(5) A building permit or certificate of occupancy may only be issued for real property which was legally subdivided or existed as a lot of record prior to the adoption of subdivision regulations.

(6) The excavation of land or construction of any public or private improvements must conform to the applicable City regulations.

(7) A proposed subdivision that makes an existing structure illegal as to current setback and other relevant City ordinances shall not be allowed.

**14-1-107 Interpretation and Conflict.**

(1) Interpretation. These provisions shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly by the City to promote the purposes for which they are adopted.

(2) Conflict with Other Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or provision of law. Where any provision of these regulations is in conflict with any other provision of these regulations or any other ordinance, adopted standard or policy, rule or regulation, the provision which is more restrictive or imposes the higher standard shall control.

(3) Further, these regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, these regulations shall govern. Where any easement, covenant or other private agreement or restrictions are more restrictive or impose a higher standard than these regulations, then the private provisions shall be operative and supplemental to these regulations and conditions imposed; however, Springville City shall not be responsible to enforce those private provisions.

**14-1-108 Provisions, Relationship to Previous Ordinance.**

(1) These regulations shall not be interpreted as abating any action under the previous existing subdivision regulations or in any way affecting any penalty accruing or about to accrue, nor the liability of any person, firm, or corporation, or waiving any right of Springville under any section or provision existing at the time of adoption of



these regulations. These regulations shall also not be interpreted as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of the City.

(2) The procedures set forth in this Title are intended to supersede any inconsistent procedural provisions in the previous regulations. All final actions under the previous existing ordinance are subject to the appeal processes set forth herein. All applications for subdivision approval are subject to termination as set forth herein.

**14-1-109 Amendments to the Title.**

(1) For the purpose of protecting the public health, safety and general welfare, the City Council may, from time to time, amend the provisions of these subdivision regulations. Any amendments to this Title should be consistent with the Springville General Plan. Public hearings on all proposed amendments shall be held in accordance with the Section 10-9-803, Utah Code Annotated 1953 and the Springville City Code. The process for amending this Title is intended to be consistent with the provisions of the Utah Code. All amendments will be completed in the following manner:

(2) **Initiation of Amendments.** Amendments to the provisions of this Title may be initiated by the City Council, the Planning Commission, a member of the general public, or the City staff. When amending this Title results in the need to amend the Springville General Plan, the need for the General Plan amendment should be noted on the petition and may proceed concurrently.

(3) **Petition for Amendment.** A petition initiated by the general public to amend this Title shall be filed with the Community Development Department on a form provided for this purpose. The form shall contain a statement of the petitioner's interest in the amendment. The petition shall indicate the proposed amendment and indicate the reasoning for the change. The petition shall include proposed amending language. A fee adopted by the City Council for acting of the petition to amend the Title shall be paid prior at the time the petition is submitted for consideration.

(4) Petitions initiated by the City shall indicate the proposed amendment and purpose for the change being sought. The proposed amending language shall also be provided.

(5) **Notice of Public Hearing.** Notice of hearing before the Planning Commission and City Council concerning amendments to this Title shall be given at least ten (10) days before the date of the hearing in accordance with the Utah Code.

(a) **Posted Notice Requirements.** City staff shall post, or cause to be posted, notice of the proposed amendment to this Title in at least three (3) public places within Springville City. The notice shall state that an amendment has been proposed to Title 14 and give general information regarding the proposed amendment and indicate where detailed information concerning the proposed amendment may be reviewed. The notice shall state the time, place and date set for the public hearing.

(b) **Published Public Notice.** Published notice, to be covered by the application fee, shall be given by publication in a newspaper having general circulation in Springville City. Published notice shall state that an amendment has been proposed to Title 14 and give general information concerning the proposed amendment being reviewed and indicate where detailed information concerning the proposed amendment may be reviewed. The notice shall state the time, place and date set for the public hearing.

(c) **Proof of Notice.** Proof that notice was given as required in subsection (5)(a) or (b) of this section is prima facie evidence that notice was properly given. If notice given under authority of this Section is not challenged as provided under State Law, within thirty (30) days from the date of the meeting for which the notice was given, the notice is considered adequate and proper.

(6) **Hearing before the Planning Commission.** The Planning Commission shall hold a public hearing on a proposed amendment to the Title to allow for comments from citizens and property owners affected by the change. Notice of all amendments shall be given as set forth in subsection (5) of this section.

(7) **Action by the Planning Commission.** Following the public hearing, the Planning Commission shall prepare a formal recommendation to City Council. The recommendation shall be to approve, approve with modifications or deny the petitions. The Planning Commission may act on the petitions at the time of the hearing or continue to the

next regular meeting. Failure to act on the petition following the next regular Planning Commission meeting shall be deemed a recommendation for denial by the Planning Commission and the petition shall be forwarded to the City Council for their consideration.

(8) Hearing before the City Council. The City Council shall hold a public hearing on the recommendation of the Planning Commission for all petitions to amend this Title. Notice of all amendment hearings before the City Council shall be given as set forth in subsection (5) of this section. The public hearing may be continued to a time certain without public notice. Following the public hearing, the City Council shall approve, approve with modifications or deny the recommendation of the Planning Commission. Council action on amendments to this Title requires the affirmative vote of three (3) or more members of the City Council. The Council may act on the petition at the time of the hearing or at a subsequently scheduled meeting.

(Ord. No. 02-2011, 02/15/2011)

#### **14-1-110 Variances, Exceptions and Waiver of Standards.**

(1) The Board of Adjustment, upon application and payment of the appropriate fee by the property owner or agent, may grant variances, exceptions and waivers of standards from the terms of this Title. Variances, exceptions and waivers of standards may be granted only if the literal enforcement of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Title. The variance shall not nullify the purpose and intent of this Title. Before any variance, exception or waiver of standards may be granted, findings justifying such shall be made by the Board of Adjustment based on the evidence presented in each specific case that:

- (a) Granting a variance, exception or waiver of standards will not be detrimental to the public safety, health or welfare or injurious to other property;
- (b) Granting a variance, exception or waiver of standards will not substantially affect the Springville City General Plan or development ordinances;
- (c) The literal enforcement of a code or standard would result in unreasonable hardship that is not necessary to carry out the purposes of the General Plan and development ordinances;
- (d) There are conditions specific to the property that are not applicable generally to other properties in the same zoning district; and
- (e) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would occur to the applicant that would not occur to other properties in the vicinity and the variance is essential to the enjoyment of a substantial property right enjoyed by other properties in the same zoning district.

(2) Any variance, exception, or waiver of standards shall be noted on the final subdivision plat.

### **Article 2 DEFINITIONS**

#### **14-1-201 Interpretation.**

For the purpose of this Title, certain words and terms are defined as follows:

- (1) Words in the present tense include the future, and the future includes the present.
- (2) The singular number includes the plural and the plural the singular; the word “lot” includes the word plot, tract or parcel of land, as the sense may require it.
- (3) The term “erected” means constructed, altered, moved or repaired.
- (4) The words “shall” and “must” are always mandatory.
- (5) The word “district” is synonymous with the word “zone.”

**14-1-202 Definitions.**

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

“Administrative land use authority” means an individual, board, or commission, appointed or employed by Springville City, including the staff or the planning commission. Administrative land use authority does not include the Springville City Council or a member of the City Council.

“Alley” shall mean a public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a public street.

“Application” shall mean all plan maps, improvement drawings, City forms and supporting documents determined necessary for review.

“Arterial street” shall mean a street that is designated as an arterial street in the Springville City Streets Master Plan.

“Condominium” shall mean the ownership of a single unit in a multi-unit project, together with an undivided interest in common areas and facilities of the property.

“Cul-de-sac” shall mean a local street with only one outlet that terminates in a vehicular turnaround appropriately sized for the safe and convenient reversal of traffic.

“Design criteria” shall mean standards that set forth specific improvement requirements.

“Developer” shall mean the owner of land proposed to be developed, or the appointed representative who is responsible for any undertaking that requires review and/or approval under these regulations.

Development Review Committee. This committee may include the Community Development Director, Planning Staff, City Engineer, City Attorney, representatives from the Public Safety Department, Public Works Department, Building Division of the Nebo School District, Springville Irrigation Company, Springville Power, Questar Gas Company, and/or other parties as deemed appropriate.

“Excavation” shall mean the removal of earth from its natural position, or the cavity resulting from the removal of earth.

“Improvement completion assurance” means a surety bond, letter of credit, cash, or other security required pursuant to Section 14-5-202 to guaranty the proper completion of landscaping or infrastructure that is required as a condition precedent to:

- (1) Recording a subdivision plat; or
- (2) Beginning development activity.

“Improvement warranty” means an applicant’s unconditional warranty that the accepted landscaping or infrastructure:

- (1) Complies with Springville City ordinances and the Springville Standard Specifications and Drawings for design, materials, and workmanship; and
- (2) Will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

“Improvement warranty period” means a period of:

- (1) One year after the City accepts required landscaping improvements; or
- (2) One year after the City accepts required infrastructure, unless the City:

- (a) Determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
- (b) Has substantial evidence, on record:
  - (i) Of prior poor performance by the applicant; or
  - (ii) That the area upon which the infrastructure will be constructed contains suspect soil and the City has not otherwise required the applicant to mitigate the suspect soil.

“Lot combination” shall mean the elimination of the boundary line between two (2) or more lots within the same subdivision, which lots are held in common ownership.

“Lot line adjustment” shall mean the relocation of a property boundary line between two adjoining properties within the same subdivision with the consent of the owners of record.

“Major change” shall mean a major change shall include, but not be limited to:

- (1) Any amendment that results in or has the effect of decreasing open space in the subdivision by ten percent (10%) or more, increasing density in the subdivision by ten percent (10%) or more, increasing the number of lots by ten percent (10%) or more, or increasing the lot size of more than ten percent (10%) of the number of lots by an amount of five hundred (500) square feet or greater; or
- (2) A change in the alignment, connection or grade of a public or private street, that could alter the locations, alignments or connections of water, sanitary sewer, storm sewer lines and facilities.

“Commercial Subdivision” shall mean any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, of offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms or conditions. For purposes of clarification, any remaining portion of the original lot from which additional lots were subdivided shall be counted as one (1) lot.

(1) “Commercial Subdivision” includes:

- (a) The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument;
- (b) Divisions of land for all multi-family residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes; and
- (c) Creation of commercial condominiums, or any other project that results in individual ownership in fee title, airspace or cooperatively.

(2) “Commercial Subdivision” does not include:

- (a) A bona fide division or partition of agricultural land for the purpose of joining one (1) of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if certified by the Director that neither the resulting combined parcel nor the parcel remaining from the subdivision or partition violates an applicable zoning ordinance;
- (b) A recorded agreement between owners of adjoining properties adjusting their mutual boundary if, certified by the Director that:
  - (i) No new lot is created; and
  - (ii) The adjustment does not result in a violation of applicable zoning ordinances;

(c) A recorded document, executed by the owner of record, revising the legal description of more than one (1) contiguous parcel of property into one (1) legal description encompassing all such parcels of property; or

(d) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a “subdivision” under this definition as to the unsubdivided parcel of property. This does not subject the unsubdivided parcel to the requirements of this Title.(e) any subdivision of land for the purpose of single family, two-family or townhome development.

“Commercial Subdivision, minor” shall mean the subdivision of land for residential purposes into not more than nine (9) lots, which does not require the dedication of land for the creation of a new street or any other public purpose. A small subdivision may not be allowed if the property proposed for subdivision is traversed by the mapped lines of a proposed street as shown in the Springville General Plan.

“Plat vacation” shall mean the elimination of a plat, in whole or in part, which vacation may apply to subdivided lots as well as roads, alleys, easements, and other areas depicted or dedicated on the plat.

“Property, real” shall mean land, including the surface, whatever is attached to the surface (e.g., buildings or trees), whatever is beneath (e.g., minerals), and the area above the surface.

“Public Landscaping Improvement” means landscaping that an applicant

- (a) is required to install; and
- (b) Will be dedicated to and maintained by Springville City; or
- (c) Are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

“Residential Subdivision” shall mean any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, of offer, sale, lease or development either on the installment plan or upon any and all other plans, terms or conditions for the sue of single family, two family, and or townhome dwellings only. For purposes of clarification, any remaining portion of the original lot from which additional lots were subdivided shall be counted as one (1) lot.

(1) “Residential Subdivision” includes:

- (a) The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument;
- (c) Creation of residential condominiums, townhouses, or any other project that results in individual ownership in fee title, airspace or cooperatively.

(2) “Residential Subdivision” does not include:

(a) a recorded agreement between owners of adjoining properties adjusting their mutual boundary if, certified by the Director that:

(i) No new lot is created; and

(ii) The adjustment does not result in a violation of applicable zoning ordinances:

(b) a recorded document, executed by the owner of record, revising the legal description of more than one (1) contiguous parcel of property into one (1) legal description encompassing all such parcels of property; or

(c) the joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a “subdivision” under this definition as to the unsubdivided parcel of property. This does not subject the unsubdivided parcel to the requirements of this Title.“Residential Subdivision, minor” shall mean the subdivision of land for residential purposes into not more than nine (9) lots, which does not require the dedication of land for the creation of a new street or any other public purpose. A small subdivision may not be allowed if the property proposed for subdivision is traversed by the mapped lines of a proposed street as shown in the Springville General Plan.

“Street tree” shall mean a tree located in the street right-of-way as provided in these regulations.

“Subdivision, minor” shall mean the subdivision of land into not more than nine (9) lots, which does not require the dedication of land for the creation of a new street or any other public purpose. A small subdivision may not be allowed if the property proposed for subdivision is traversed by the mapped lines of a proposed street as shown in the Springville General Plan.

Unstable Soil shall mean soils determined by a geotechnical report signed and stamped by a licensed professional engineer as not suitable for the placement of streets, buildings, and or other loadings, or excavation

“Utility easement” shall mean the area designated for access to construct or maintain utilities on privately or publicly owned land.

(Ord. No. 05-2014 § 2, 02/18/2014)

**CHAPTER 2**  
**SUBDIVISION APPLICATION AND APPROVAL PROCESS FOR SINGLE FAMILY, TWO FAMILY**  
**AND TOWNHOME DWELLINGS ONLY**

Sections:

Article 1 **GENERAL SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS FOR**  
**SINGLE FAMILY, TWO FAMILY AND TOWNHOME DWELLINGS ONLY**

- 14-2-101    Applicability
- 14-2-102    Definitions.
- 14-2-103    Designation of a Single Administrative Land Use Authority for Review and Approval of Preliminary and Final Subdivision Applications
- 14-2-104    General Procedure.
- 14-2-105    Preapplication Meeting
- 14-2-106    Preliminary Plan
- 14-2-107    Final Plat Approval

**Article 1 GENERAL SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS FOR  
SINGLE FAMILY, TWO FAMILY AND TOWNHOME DWELLINGS ONLY**

**14-2-101 Applicability**

- (1) This section applies to land use decisions arising from subdivision applications for single family dwellings, two-family dwellings, or townhomes.
- (2) This section does not apply to land use regulations adopted, approved or agreed upon by the Springville City Council exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.
- (3) The review cycle restrictions and requirements of this section do not apply to the review of single-family dwellings, two-family dwellings, or townhomes subdivision applications affecting property within identified geological hazard areas under the Springville City Code.

**14-2-102 Definitions**

“Administrative land use authority” means an individual, board, or commission, appointed or employed by Springville City, including the staff or the planning commission.

- (1) Administrative land use authority” does not include the Springville City Council or a member of the City Council.

“Review cycle” means the occurrence of:

- (1) The applicant’s submittal of a complete subdivision land use application;
- (2) The City’s review of that subdivision land use application;
- (3) The City’s response to that subdivision land use application, in accordance with this section; and
- (4) The applicant’s reply to the City’s response that addresses each of the municipality’s required modifications or requests for additional information.

“Subdivision improvement plans” means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

“Subdivision ordinance review” means review by the City to verify that a subdivision land use application meets the criteria of the City’ subdivision ordinances.

“Subdivision plan review” means a review of the applicant’s subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

**14-2-103 Designation of a Single Administrative Land Use Authority for Review and Approval of Preliminary and Final Subdivision Applications**

The Springville Community Development Director, or their designee, shall act as the Administrative Land Use Authority for review and approval of Preliminary and Final Subdivision applications.

**14-2-104 General Procedure**

Classification of Residential Subdivisions. Before any land is subdivided for residential purposes, the owner of the property to be subdivided, or the owner’s authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which includes one (1) step for minor subdivisions and two (2) steps for subdivisions:

- (1) Minor Subdivision:



- (a) Preliminary plan;
- (2) Subdivision:
  - (b) Preliminary plan;
  - (c) Final plat.

**14-2-105 Preapplication Meeting**

Before preparing a preliminary plan for a residential subdivision, the applicant may request a preapplication meeting prior to application submission with the Community Development Department to discuss the procedure for approval of a subdivision plan with regard to zoning requirements and to review a concept plan. As relevant to the proposed subdivision, general layout of streets and required reservation of land, street improvements, drainage, sewerage, fire protection and similar matters, as well as the general availability of existing services will also be discussed. The applicant will then be advised, when appropriate, to discuss the proposed residential subdivision with those officials who must eventually approve those aspects of the residential subdivision plat for which they have responsibility. The Director may also request other members of the Development Review Committee to be present to provide early assistance to the applicant.

- (1) If an applicant requests a preapplication meeting, the Community Development Director, or his or her designee, shall schedule the meeting to review the concept plan and give initial feedback within fifteen (15) business days after the request is made.
- (2) At the Preapplication Meeting, the staff shall provide or have available on the City website the following:
  - a. Copies of applicable land use regulations;
  - b. A complete list of standards required for the project;
  - c. Preliminary and final application checklists; and
  - d. Feedback on the concept plan

**14-2-106 Establishment of Process and application for Preliminary Subdivision Application**

- (1) Preliminary Subdivision Application. The application for preliminary subdivision applications and materials can be found on the City's website at the City Offices. These materials include provisions for:
  - a. The owner's affidavit
  - b. An electronic copy of all plans in PDF format;
  - c. The preliminary subdivision plat drawings; and
  - d. A breakdown of fee due upon application.
- (2) Review Process and Timing
  - a. The Administrative Land Use Authority may complete a preliminary residential subdivision application review in a public meeting or at a municipal staff level.
  - b. The Administrative Land Use Authority may
    - i. Receive public comment; and
    - ii. Hold no more than one public hearing
  - c. No later than fifteen (15) business days after the day on which an applicant submits a complete application, Springville City shall complete a review of the applicant's preliminary subdivision

land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, including subdivision improvement plans.

- d. In reviewing the preliminary subdivision land use application, the City may require:
    - i. Additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements; and
    - ii. Modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
- (3) The City's request for additional information or modifications to plans under Subsection (2)(d)(i) or (ii) shall be specific and include citations to all City ordinances, standards or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

#### **14-2-107 Establishment of Process and application for Final Subdivision Application**

- (1) Final Residential Subdivision Application. The application for final subdivision application and materials can be found on the City's website and at the City Office.
- (2) Review Process and Timing,
  - a. No later than twenty (20) business days after the day on which the applicant submits a complete application, the municipality shall complete a review of the applicant's final subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes including all subdivision plan reviews.
  - b. In reviewing the final subdivision land use application, the City may require:
    - i. The additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and
    - ii. Modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
  - c. The City's request for additional information to plans under Subsection (2)(b)(i) or (ii) shall be specific and include citation to all City ordinances, standards or specifications that require the modifications to plans, and shall be logged in an index or requested modifications or additions.

#### **14-2-108 Specific Review Cycle Process for Review of Preliminary and Final applications.**

Springville City requires the following review cycles with no more than four (4) in total permitted:

##### **(1) Preliminary Plan.**

- a. Purpose and Application . The purpose of the preliminary plan is to prepare a complete and detailed set of subdivision plans that meets the requirements detailed in the Residential Subdivision Preliminary Plan Checklist and Application as adopted by the City Council.
- b. Submission and Determination of Completeness. All information required in the application for Preliminary Plan Review along with all required application fees prior to shall be provided prior to scheduling the item for the Development Review Committee (DRC) .
- c. Determination of Completeness – The Preliminary Plan shall be reviewed by the Community Development Department to determine the completeness of the application. An incomplete application shall not be accepted. Completed applications shall be forwarded to members of the Development Review Committee.
- d. DRC Review – The DRC shall review all applications to determine conformance with all applicable City ordinances and standards. If the preliminary plan is determined to meet City ordinances and standards, the DRC will forward the application Administrative Land Use Authority. Otherwise, the application will be returned to the applicant for appropriate modification. The application should not proceed to the Administrative Land Use Authority if it does not meet the requirements of City ordinances and standards as listed in the Subdivision Preliminary Plan Checklist as adopted by the City Council. However, the DRC may forward applications to the Planning Commission subject to variances, waivers, modifications or amendments being made by the appropriate body.

- e. Upon review by the DRC and determination that the item shall be considered by the Administrative Land Use Authority, the item shall be noticed in compliance with UCA Title 52 Chapter 4-Part 102

(2) Subject to Subsection 2(a) , unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts infrastructure needed for the specific development, a change or correction not addressed or referenced in plan review is waived.

- a. a modification or correction necessary to protect public health and safety or to enforce a state of federal law may not be waived.

(3) If an applicant makes a material change to a plan set, the City has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.

(4) If an applicant does not submit a revised plan within twenty (20) business days after the notice of a required modification or correction, the City shall have an additional twenty (20) business days to respond to the plans.

(5) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the City's previous review cycle, the City may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(6)

- a. In addition to the revised plans, an applicant shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons or declining to make revisions, if any.
- b. The applicant's written explanation shall be comprehensive and specific including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
- c. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle by the City may not begin until all comments are addressed.

(7) If on the fourth or final review, the City fails to respond within twenty (20) business days, the City shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:

- a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code Subsection 10-9a-508(5)(d) et seq. to review and approve or deny the final revised set of plan. Unless otherwise agreed by the applicant and the City, the panel shall consist of the following three (3) experts:
  - i. one (1) licensed engineer, designated by the City
  - ii. one (1) licensed engineer, designated by the land use applicant; and
  - iii. one (1) licensed engineer, agreed upon and designated by the two (2) designated engineers as appointed in subsection (a)(i)(ii).
- b. A member of the panel assembled by the City under subsection (a) may not have an interest in the application that is the subject of the appeal.
- c. The land use applicant shall pay:
  - i. Fifty percent (50%) of the cost of the panel; and
  - ii. The City published appeal fee; or
- d. For a dispute arising from the residential subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

(8) Amendments to Preliminary Plans – At any time after preliminary plan approval and before submission of a final plat, the applicant may request that an amendment be made in the approval of the preliminary plat. The Community Development Department may agree to proposed amendments n. Consideration of amendments will be limited to

the proposed amendment. The Community Development Director may approve or disapprove the proposed amendment and may make any modifications in the terms and conditions of preliminary plan approval reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed amendment under the terms and conditions required by the Community Development Director/Department, the applicant may withdraw the proposed amendment. No more than two amended plans, whether major or minor, may be proposed for any approved preliminary plan.

) (9) Effective Period of Preliminary Approval

(a) Non-phased Subdivisions: The approval of a Preliminary Plan application shall be effective for a period of one (1) year from the time that approval is granted. The effective period of preliminary approval may be extended for more than a year when a final plat for the subdivision is submitted prior to one (1) year, but only for the amount of time that the final plat is under review. If a final plat is not approved or if the approval of the final plat expires prior to recording the subdivision, the preliminary plan also expires, unless the preliminary plan approval was less than one (1) year prior to the action on the final plat.

(b) Phased Subdivisions: The approval of a Preliminary Plan application shall be effective for a period of one (1) year from the time that approval is granted

First Phase. The effective period of preliminary approval may be extended for more than a year when a final plat for the first phase of the subdivision is submitted prior to one (1) year from the original preliminary plan approval, but only for the amount of time that the final plat is under review. If the final plat for the first phase is not approved or if the approval of the final plat expires prior to recording the subdivision, the preliminary plan also expires, unless the preliminary plan approval was less than one (1) year prior to the action on the final plat for the first phase.

Subsequent Phases (after the first phase). The effective period of preliminary approval may further be extended when a final plat for any subsequent phase of the subdivision is submitted prior to one (1) year of the recording of the most previous phase of the subdivision and for the time that the final plat of the most recent phase is under consideration. If the final plat for the most recent phase is not approved or if the approval of the final plat expires prior to recording the most recent phase of the subdivision, the preliminary plan for the remainder of the unrecorded portion of the subdivision also expires, unless recording of the previous phase was less than one (1) year prior to the action on the final plat for the most recent phase.

) (10) Preliminary plan approval does not result in any vested right to develop the property.

(Ord. No. 12-2012, 12/18/2012; Ord. No. 21-2017 § 3, 09/19/2017)

**14-2-108 Final Plat Approval.**

(1) Submission. Following approval of the preliminary plan by the Administrative Land Use Authority, the applicant may submit an application for final plan approval. The purpose of the final plat is to prepare a complete and detailed subdivision plat that addresses the issues included in the preliminary plan review and approval and meets the requirements which follow in preparation for recording the subdivision plat with the Utah County Recorder's Office. All information required in the application shall also be provided prior to scheduling the item for. Once the application is determined complete by the staff, the applicant shall submit:

- (a) All fees.
- (b) The completed application form.
- (c) All documents as required and described in the Final Plat Checklist as adopted by the City Council

(5) The Community Development Director, acting as the Administrative Land Use Authority shall review the completed application, along with comments from the DRC and the Planning staff report. The Community Development Director may then approve, conditionally approve or deny the application request.

(a) The Community Development Director shall grant approval of the final plat application if it complies with preliminary plan approval and is in conformity with all applicable City ordinances and standards and there is no need to attach any conditions to the approval. The Community Development Director may impose

conditions upon its approval if it finds that such conditions are reasonably necessary to meet the requirements of this Title.

(b) The Community Development Director may deny the final plat for either of the following reasons:

- (i) The final plat does not comply with the preliminary plat approval; or
- (ii) The final plat does not comply with all of the applicable City ordinances and standards.

(8.

(9) Minor Corrections to Final Plat Map. The City Engineer may approve minor changes to approved final plats before the plat is recorded if the Engineer finds that the proposed changes do not jeopardize the interests of the City or adjoining property owners. Examples of minor changes contemplated by this Section include legal descriptions mistakes, minor boundary changes and items that should have been included in the original final plat.

(10) Required Submissions. After making all required revisions, the subdivider shall submit the final plat, which plat shall be certified by a professional engineer or land surveyor, and properly executed and acknowledged by all owners of the property and any other parties required for recordation. Additionally, all required bonds, fees, water rights and necessary documents shall be provided prior to recording.

(11) Signing and Recordation of Final Plat. The executed plat shall then be submitted for the signature of the City Engineer, followed by the City Attorney and then forwarded to the Mayor for the final signature on the plat. The final plat, bearing all official approvals as required in this Section, shall be recorded and filed in the office of the Utah County Recorder and the office of the Springville City Recorder.

(12) Effective Period of Final Approval. Submission of the executed plat and all required submissions must occur within six (6) months of approval. The construction of all subdivision improvements shall be completed pursuant to the time period allowed pursuant to Section 14-5-101. In the event that the subdivision improvements are not installed within the time period allowed under Section 14-5-101, final approval of any unrecorded plat expires.

(13) Overall Compliance with Requirements. All property shall be developed in strict compliance with the approved final plat, plans, the approved construction drawings, the City's development standards and specifications and all notes, restrictions, covenants, dedications, boundaries and other commitments shown on the approved plan and/or final plat. Failure to note any improvement required by this Title on the preliminary plan, final plat or the construction drawings shall not eliminate the developer's responsibility to complete the improvement or meet the obligation required for the subdivision.

#### **14-2-108 Concurrent Processing of the Final Subdivision application with the Preliminary Subdivision application.**

The City shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and municipal ordinances, which provides for or permits concurrent processing of the final subdivision plat application with the preliminary subdivision plat application. Final subdivision review cycle restrictions will apply to concurrent processing applications. The review for concurrent processing, the City may not require Planning Commission or City Council approval and must concur with **14-2-107**.

(1) The following items are required for a combined application:

- (a) All information listed in the Residential Subdivision Preliminary Plan Checklist and Application; and
- (b) All information listed in the Residential Subdivision Final Plan Checklist and Application.

(2) Review Process: The review process for concurrent review of the Preliminary and Final Plan shall follow the process detailed in 14-2-108 of Springville City Code.

(Adopted by Ord. No. 1-03, amended by 6-03, and 28-05; Ord. No. 12-2012, 12/18/2012; Ord. No. 05-2014 § 3, 02/18/2014; Ord. No. 21-2017 § 4, 09/19/2017)

**CHAPTER 3**  
**COMMERCIAL AND INDUSTRIAL SUBDIVISIONS**

**Article 1**

Sections:

**Article 1 GENERAL COMMERCIAL AND INDUSTRIAL SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS**

- 14-3-101    Applicability
- 14-3-102    Definitions
- 14-3-103    Designation of a Single Administrative Land Use Authority for Review and Approval of Preliminary and Final Commercial Subdivision Applications.
- 14-3-104    General Procedure
- 14-3-105    Concept Plan
- 14-3-106    Preliminary Plan
- 14-3-107    Final Plat Approval

**Article 1 GENERAL COMMERCIAL AND INDUSTRIAL SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS**

**14-3-101 Applicability**

- (1) This section applies to land use decisions arising from subdivision applications for multi-family, condominium, commercial, and industrial development.
- (2) This section does not apply to land use regulations adopted, approved or agreed upon by the Springville City Council exercising land use authority in reviewing land use applications for zoning or other land use regulation approvals

**14-3-102 Definitions**

“Administrative land use authority” means an individual, board, or commission appointed or employed by Springville City, including the staff.

- (2) Administrative land use authority” does not include the Springville Planning Commission, City Council or a member of the City Council.

“Commercial subdivision improvement plans” means the civil engineering plans associated with the required infrastructure and municipally controlled utilities required for a multi-family, commercial, or industrial subdivision.

“Commercial subdivision ordinance review” means review by the city to verify that a multi-family, condominium, commercial, or industrial subdivision land use application meets the criteria of the City’s commercial and industrial subdivision ordinances.

“Commercial subdivision plan review” means a review of the applicant’s multi-family, condominium, commercial, or industrial subdivision improvement plans and other aspects of the commercial subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

“Review cycle” means the occurrence of:

- (5) The applicant’s submittal of a complete commercial subdivision land use application;
- (6) The City’s review of that commercial subdivision land use application;
- (7) The City’s response to that commercial subdivision land use application, in accordance with this section; and
- (8) The applicant’s reply to the City’s response that addresses each of the municipality’s required modifications or requests for additional information.

#### **14-3-103 Designation of a Single Administrative Land Use Authority for Review and Approval of Preliminary and Final Commercial Subdivision Applications**

The Springville Community Development Director, or his designee, shall act as the Administrative Land Use Authority for review and approval of Preliminary and Final Subdivision applications.

#### **14-3-104 General Procedure**

Classification of Subdivisions. Before any land is subdivided, the owner of the property to be subdivided, or the owner’s authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which includes two (2) steps for minor subdivisions and three (3) steps for subdivisions:

- (1) Minor Subdivision:
  - (a) Concept plan;
  - (b) Preliminary plan;
- (2) Subdivision:
  - (a) Concept plan;
  - (b) Preliminary plan;
  - (c) Final plat.

#### **14-3-105 Preapplication Meeting.**

Before preparing a concept plan for a commercial subdivision, the applicant may request a pre-application meeting prior to application submission an appointment with the Community Development Department to discuss the procedure for approval of a subdivision plan regarding zoning requirements and to review a concept plan. As relevant to the proposed commercial subdivision, the general layout of streets and required reservation of land, street



improvements, drainage, sewerage, fire protection, and similar matters, as well as the general availability of existing services, will also be discussed. The applicant will then be advised, when appropriate, to discuss the proposed commercial subdivision with those officials who must eventually approve those aspects of the subdivision plat for which they have responsibility. The Director may also request other members of the Development Review Committee to be present to provide early assistance to the applicant.

**14-3-105 Concept Plan.**

(1) Submission. The applicant shall prepare and submit a concept plan with the accompanying application provided by the Springville Community Development Department, along with the applicable fee. The purpose of the concept plan is:

- (a) To provide an opportunity for the members of the Development Review Committee (DRC) to review the proposal and prepare written comments concerning the general feasibility of the proposed subdivision prior to proceeding with an application for preliminary plat approval; and
- (b) To determine whether or not the plan can comply with the subdivision requirements that include lot configuration, street layout, and general availability of electrical power, water, sanitary and storm sewer facilities in the vicinity of the proposed subdivision property.

(2) The applicant shall provide a completed application along with a digital copy of the plans in Vector scalable format, for distribution to members of the DRC. The plan shall show the following:

- (a) North point, scale and date of preparation;
- (b) Vicinity map with a one-quarter (0.25) mile radius;
- (c) Names, addresses and phone numbers of the applicant and engineer and/or surveyor for the proposal;
- (d) Proposed lot and street layout;
- (e) Total acreage; and
- (f) Proposed subdivision name.

(3) Simultaneous Submission of Concept and Preliminary Plans. An applicant may choose to submit both a concept and Preliminary Plan simultaneously for review by the Development Review Committee. If this approach is taken, the applicant needs to be aware that if the DRC determines that changes are needed in the Concept Plan, the Preliminary Plans will need to be corrected to reflect the changes identified by the DRC. Simultaneous submissions will not assure applicants that their preliminary plans will be considered at the next Planning Commission, even if deadlines for that meeting are met by the applicant.

(4) Staff Action. The Concept Plan shall be distributed to the members of the DRC for their review and comment. The time frame for submissions and review shall be set by policy of the Community Development Department. Members of the DRC should submit their written comments on the Concept Plan to the Community Development Department, with advice to the applicant for specific changes, if any, needed in the layout. Members of the DRC will be invited to attend a meeting with the applicant to discuss concerns with the applicant. Additional changes may be required by the DRC, Planning Commission and City Council as part of the Preliminary Plan and Final Plat approvals for which the applicant will be responsible. While there is no approval of a Concept Plan required or given, the Planning Commission shall not review any Preliminary Plan prior to completion of a Concept Plan reviewed by members of the DRC and a meeting to discuss concerns and recommendations with the applicant. Upon completion of this process, the Planning staff will inform the applicant that the Preliminary Plan may be considered by the DRC.

(5) Effective Period of Conceptual Review. The applicant shall have six (6) months from the date of DRC action to prepare and submit a complete application for Preliminary Plan review.

**14-3-106 Preliminary Plan.**

- (1) Submission and Determination of Completeness. The purpose of the preliminary plan is to prepare a complete and detailed set of commercial subdivision plans that meet the requirements detailed in the Commercial Subdivision Preliminary Plan Checklist. The Community Development Department shall review the Preliminary Plan to determine the completeness of the application. All information required in the application, along with all required application fees, shall be provided prior to scheduling the item for the Development Review Committee (DRC).
- (2) DRC Review – The DRC shall review all applications to determine conformance with all applicable City ordinances and standards. If the preliminary plan is determined to meet City ordinances and standards, the DRC will forward the application to the Planning Commission. Otherwise, the application will be returned to the applicant for appropriate modification. The application should not proceed to the Planning Commission if it does not meet the requirements of City ordinances and standards. However, the DRC may forward applications to the Planning Commission subject to variances, waivers, modifications or amendments being made by the appropriate body.
- (5) Upon review by the DRC and determination that the item shall be considered by the Administrative Land Use Authority.
- (6) The Administrative Land Use Authority shall review the completed application, along with comments from the DRC and the Planning Staff report. The Authority may then approve, conditionally approve or deny the application request.
  - (a) The preliminary plan shall be approved if it complies with all applicable City ordinances and standards and there is no need to attach any conditions to the approval. The Administrative Land Use Authority may impose conditions upon its approval if it finds that such conditions are reasonably necessary to meet the requirements of this Title.
  - (b) The Administrative Land Use Authority may deny an application for preliminary plan provided that reasons for the denial are stated. Preliminary Plan approval may be denied for any of the following reasons:
    - (i) There is insufficient evidence to establish that the applicant either owns or has authority to represent the owners of all of the property included on the preliminary plan; or
    - (ii) Issues associated with property gaps overlaps or other property disputes which affect the property contained within the preliminary plan; or
    - (iii) The preliminary plat does not comply with all of the applicable City ordinances and standards.
- (7) Amendments to Preliminary Plans – At any time after preliminary plan approval and before submission of a final plat, the applicant may request that an amendment be made in the approval of the preliminary plat. The Community Development Department may consider amendments to the preliminary plat. Consideration of amendments will be limited to the proposed amendment. Community Development Department may approve or disapprove the proposed amendment and may make any modifications in the terms and conditions of preliminary plan approval reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed amendment under the terms and conditions required by the Administrative Land Use Authority, the applicant may withdraw the proposed amendment. No more than two amended plans, whether major or minor, may be proposed for any approved preliminary plan.
- (8) Effective Period of Preliminary Approval
  - (a) Non-phased Subdivisions: The approval of a Preliminary Plan application shall be effective for a period of one (1) year from the time that approval is granted. The effective period of preliminary approval may be extended for more than a year when a final plat for the subdivision is submitted prior to one (1) year, but only for the amount of time that the final plat is under review. If a final plat is not approved or if the approval of the final plat expires prior to recording the subdivision, the preliminary plan also expires, unless the preliminary plan approval was less than one (1) year prior to the action on the final plat.

- (b) Phased Subdivisions: The approval of a Preliminary Plan application shall be effective for a period of one (1) year from the time that approval is granted.

First Phase. The effective period of preliminary approval may be extended for more than a year when a final plat for the first phase of the subdivision is submitted prior to one (1) year from the original preliminary plan approval, but only for the amount of time that the final plat is under review. If the final plat for the first phase is not approved or if the approval of the final plat expires prior to recording the subdivision, the preliminary plan also expires, unless the preliminary plan approval was less than one (1) year prior to the action on the final plat for the first phase.

Subsequent Phases (after the first phase). The effective period of preliminary approval may further be extended when a final plat for any subsequent phase of the subdivision is submitted prior to one (1) year of the recording of the most previous phase of the subdivision and for the time that the final plat of the most recent phase is under consideration. If the final plat for the most recent phase is not approved or if the approval of the final plat by the expires prior to recording the most recent phase of the subdivision, the preliminary plan for the remainder of the unrecorded portion of the subdivision also expires, unless recording of the previous phase was less than one (1) year prior to action on the final plat for the most recent phase.

- (9) Preliminary plan approval does not result in any vested right to develop the property.

(Ord. No. 12-2012, 12/18/2012; Ord. No. 21-2017 § 3, 09/19/2017)

#### **14-2-107 Final Plat Approval.**

(1) Submission. Following approval of the preliminary plan by the Administrative Land Use Authority the applicant may submit an application for final plan approval. The purpose of the final plat is to prepare a complete and detailed subdivision plat that addresses the issues included in the preliminary plan review and approval and meets the requirements which follow in preparation for recording the subdivision plat with the Utah County Recorder's Office. All information required in the application shall also be provided prior to scheduling the item for the Administrative agenda. Once the application is determined complete by the staff, the applicant shall submit:

- (a) All fees.
- (b) The completed application form.
- (c) Digital copy of the final plat and improvement drawings plans in Vector scalable format.
- (d) One (1) eleven-inch (11") by seventeen-inch (17") reproducible copy of the final plat and improvement drawings.
- (e) One (1) copy of the final drainage report with narrative (must be stamped and signed by a licensed engineer).
- (f) One (1) copy of any restrictive covenants (CC&Rs), bylaws, environmental studies, etc. (if applicable).
- (g) One (1) copy of the geotechnical report.

When all materials and fees are submitted, the request will be scheduled for Development Review Committee (DRC). Applications are scheduled on a first come, first served basis and space is limited.

(2) The final plat and improvement drawings shall include all required elements listed on the Commercial and Industrial Subdivision Checklist and Application as adopted by the City Council:

- (a) Prior to the preconstruction meeting, the developer will make copies of plans for the meeting from the approved and signed check set. When changes need to be made to a check set, revise the affected sheets only and return the revised sheets to the City for approval and signatures. Copies of the revised sheets will be distributed only after approval and signatures given. Copies for the preconstruction meeting must be made prior to the preconstruction meeting being scheduled. Any/all construction documents used in the field will be a copy of the approved check set with the approval stamped, signed and dated on the front cover.

- (b) Documents evidencing the ability to tender water rights, any property or easements to Springville City.
- (c) Proposed development agreement, if applicable.

(3) DRC Review. The DRC shall review all applications to determine whether corrections have been made in accordance with preliminary plan application approval and conformance with all applicable City ordinances and standards. If the final plat is determined to meet City ordinances and standards, the DRC will forward the application to Administrative Land Use Authority. Otherwise, the application will be returned to the applicant for appropriate modification. In no case shall the application proceed to the Administrative Land Use Authority if it does not meet the requirements of City ordinances and standards. However, the DRC may forward applications to the Planning Commission subject to variances, waivers, modifications or amendments being made by the appropriate body.

(4) In reviewing the final plat, City staff will consider the items listed below:

(a) The Community Development Director or the Director's designee shall determine whether the submitted plat complies with the approved preliminary plan application and conditions of approval, along with the applicable City ordinances affecting the subdivision of land.

(b) The City Engineer shall:

(i) Review and approve the improvement drawings and quantity estimates for construction of the improvements. The improvements shall be approved when the City Engineer determines that the proposed improvements are in accordance with the requirements of this Title, the adopted engineering standards and specifications of Springville City and any applicable conditions of preliminary plan approval;

(ii) Verify that the drawings of streets, easements, storm detention facilities and other improvements comply with the requirements of this Title, engineering standards and specifications, and conditions of preliminary approval;

(iii) Verify that the boundary descriptions are correct;

(iv) Verify existing easements of record; and

(v) Verify submission and approval of any financial guarantees, deeds, conveyances or other agreements required for final approval and recordation.

(c) The City Attorney shall:

(i) Review the language and forms on the plat to assure compliance with the requirements of Springville City and appropriately addresses the requirements of the Administrative Land Use Authority;

(ii) Review any financial guarantees, deeds, conveyances or other agreements for final approval and recordation;

(iii) Review any required declaration of conditions, covenants and restrictions to be recorded with the plat to ensure their consistency with the plat and they are in conformance with applicable City ordinances and standards;

(iv) Verify creation of any required homeowners association;

(v) Review the current title report and verify, prior to signing and recordation of the plat by the mayor, that:

(A) The owner's dedication is properly executed by all of the owners of the subject property;

(B) Easements of record are reflected on the final plan; and

(C) The owner's dedication is free of liens or encumbrances.

(5) Effective Period of Recommendation of Approval. The recommendation of final plat shall be effective for a period of ninety (90) days from the date of the action of recommended approval.


(6) Minor Corrections to Final Plat Map. The City Engineer may approve minor changes to approved final plats before the plat is recorded if the Engineer finds that the proposed changes do not jeopardize the interests of the City or adjoining property owners. Examples of minor changes contemplated by this Section include legal descriptions mistakes, minor boundary changes and items that should have been included in the original final plat.

(7) Required Submissions. After making all required revisions, the subdivider shall submit the final plat, which plat shall be certified by a professional engineer or land surveyor, and properly executed and acknowledged by all owners of the property and any other parties required for recordation. Additionally, all required bonds, fees, water rights and necessary documents shall be provided prior to recording.

(8) Signing and Recordation of Final Plat. The executed plat shall then be submitted for the signature of the City Engineer, followed by the City Attorney and then forwarded to the Mayor for the final signature on the plat. The final plat, bearing all official approvals as required in this Section, shall be recorded and filed in the office of the Utah County Recorder and the office of the Springville City Recorder.

(9) Effective Period of Final Approval. Submission of the executed plat and all required submissions must occur within six (6) months of approval. The construction of all subdivision improvements shall be completed pursuant to the time period allowed pursuant to Section 14-5-101. In the event that the subdivision improvements are not installed within the time period allowed under Section 14-5-101, final approval of any unrecorded plat expires.

(10) Overall Compliance with Requirements. All property shall be developed in strict compliance with the approved final plat, plans, the approved construction drawings, the City's development standards and specifications and all notes, restrictions, covenants, dedications, boundaries and other commitments shown on the approved plan and/or final plat. Failure to note any improvement required by this Title on the preliminary plan, final plat or the construction drawings shall not eliminate the developer's responsibility to complete the improvement or meet the obligation required for the subdivision.

(Adopted by Ord. No. 1-03, amended by 6-03, and ~~28-05~~; Ord. No. 12-2012, 12/18/2012; Ord. No. 05-2014 § 3, 02/18/2014; Ord. No. 21-2017 § 4, 09/19/2017) 



**Attachment 2**  
ULCT Overview

## Overview

SB 174 and HB 406 from the 2023 General Legislative Session require all local governments to, among other things, modify their subdivision ordinances to comply with the process described in the statute. There are two different deadlines, depending on the size of municipality or county.

February 1, 2024: all moderate income housing plan municipalities and counties ([see list here](#))

- All municipalities with populations greater than 10,000
- Municipalities with a population greater than 5,000 in a county with a total population greater than 40,000
- Metro townships with populations greater than 5,000
- Counties with populations greater than 40,000 with populations greater than 5,000 in unincorporated areas.

December 31, 2024: all other municipalities and counties

## New Process Requirements

- Local governments must designate an administrative land use authority (may be planning commission for preliminary review, cannot be planning commission for final review).
- All subdivision approval must conform to a two-step administrative process.
  - **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.
  - **Final subdivision application review**
    - Local governments must complete a review of applications at this stage within 20 days.
    - Local governments 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.



- Local governments 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.
- If the subdivision application complies with the requirements of the Land Use Development and Management Act, applicable local ordinances, and the preliminary subdivision approval granted, the local government shall approve the application.

**Attachment 3**

Slide deck from ULCT Legislative Update

## Hot takes:

SB 174 subdivision provisions apply only to subdivisions for 1- or 2-family dwellings & townhomes

No more City Council approvals for these subdivision applications.

Administrative!

&

Planning Commission out of final plat approval process

**Need to Designate “administrative land use authority” for these actions**

**Capped Review Cycle. Maximum of 4 review cycles permitted for final review only. So in between the Preliminary approval and final approval only four revisions are permitted.**

**Define a Complete Application-triggers timeclock of review**

**Concept Plan cannot be mandated**

**New Appeal Process is created**

**You have until to make updates by Feb 1, 2024 or Dec 1, 2024 (based on size)**



# Subdivision Approval Process (SB174)

## New LUDMA Section 604.1 – Process for subdivision review and approval

- Designate “administrative land use authority”
- Can be Planning or staff for preliminary review
- Applicant may request pre-application meeting. Can not be mandated. eg no mandate
- A Land Use Authority may complete preliminary plat review by staff, or in public meeting; may hold one public hearing
- Final application **cannot** be reviewed by Council or Planning Commission

# Subdivision Review Process (SB174)

Maximum of 4 review cycles permitted for final review only. So, in between the Preliminary approval and final approval only four revisions are permitted. Check with your attorney for this provision.

- **Initial review** of preliminary plat to be completed within **15 business days** of receiving complete application for that stage.
- Review of final plat to be completed within **20 business days** of receiving complete application for final application.
- Applicant must respond to required changes he/she disagrees with in writing.



# Appeal Process Changes

SB174 creates two distinct appeal processes after the four review cycles have been exhausted & 20 days have passed.

- ❖ For disputes relating to public improvement or engineering standards, the city shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant.
- ❖ For all other disputes refer to the regular Appeal Authority process





# Action Item- When Do I need to do this by?

**Municipalities who are required to comply with Moderate Income Housing Provision (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**.





**PLANNING COMMISSION  
STAFF REPORT**

Agenda Item 5  
November 28, 2023

November 22, 2023

TO: Planning Commission Members

FROM: Josh Yost

RE: **Springville Community Development requests amendment to Springville Code Title 11 Chapter 4 Section 301 Land Use Matrix to refine the permitted uses in the Main Street South Gateway Zone.**

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**Petitioner:** Springville Community Development

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**Summary of Issues**

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Does the proposed amendment align with and further the purpose of the Main Street South Gateway (MSSG) Zone?

**Background**

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When the Official Zone Map was amended to extend the MSSG Zone southward along Main Street from the Allen's Block, the City Council directed staff to reexamine the permitted uses in the zone to ensure that each permitted use was compatible with the purpose and intent of the zone.

**Analysis**

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The purpose of the Main Street South Gateway Zone ("MSSG Zone") is to provide for the creation of unique places of lasting value surrounding the intersection of 400 South and Main Street, enabling vibrant, intense, and high-quality development. To accomplish this, the zone permits a wide range of uses, mixed horizontally and vertically, housed in buildings with forms reflective of a traditional downtown and utilizing traditional materials. The zone anticipates both large-scale redevelopment and small-scale infill and provides for appropriate transitions to existing residential and downtown areas.

After reviewing the land use table, staff determined that all the permitted uses are appropriate for the zone. Staff identified that the land use category General Retail Stores - < 15,000 sq. ft. was not permitted in the zone. As small general retail stores are essential to enabling vibrant development downtown, staff recommends adding that category to the permitted uses in the zone.

**Staff Recommendation**

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Staff finds that the proposed amendment aligns with and furthers the purpose of the Main Street South Gateway Zone.

**Recommended Motion**

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Move to recommend approval of the amendment to Springville Code Title 11 Chapter 4 Section 301 Land Use Matrix to refine the permitted uses in the Main Street South Gateway Zone.

**Attachments**

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Attachment 1: Proposed amended Land Use Table

Attachment 1: Proposed Amended Land Use Table

**Article 3 – LAND USE**

**11-4-301 Land Use Matrix.** [Revised 8/22](#)

Land use descriptions for the abbreviated zones in the matrix can be found in Sections [11-4-101](#) and [11-4-102](#). Conditional use regulations are found in Chapter 7 of this Title.

LAND USE KEY P=Permitted Use C=Conditional Use Blank Box=Not Allowed

PERMITTED USE	ZONING DISTRICTS																					
	A-1	A-S	R1-15	R1-10	R1-8	R1-5	R2	R-MHP	R-MF1	R-MF2	PO	BP	MSSG	VC	TC	NC	CC	RC	RRC	HC	LIM	HIM
<b>RESIDENTIAL/DOMESTIC</b>																						
Accessory Dwelling Unit	P		P	P	P	P	P		P	P												
Dwelling – Mobile Home								P					-									
Dwelling – Multiple-Family									P	P			P	P								
Dwelling – Single- or Multiple-Family above First Floor (Mixed Use) (When Parking Is Located to the Side or Rear of the Building)											C		P	P	C		C <sup>4</sup>					
Dwelling – Public Agency Owned Senior Housing									P	P			P		C	C	C					
Dwelling – Single-Family Attached							P		P	P			P									
Dwelling – Single-Family Detached	P		P	P	P	P	P		P	P			-									
Dwelling – Single-Family Detached, Manufactured	P		P	P	P	P	P	P	P	P			-									
Dwelling – Two-Unit (Duplex)							P		P	P			-									
Mobile Home Park								P					-									
Residential Facilities for Elderly Persons (Small – 8 or Less)	P		P	P	P	P	P	P	P	P	P		P									
Residential Facilities for Persons with Disabilities (8 or Less)	P		P	P	P	P	P	P	P	P			P									
Short-Term Rentals	P		P	P	P	P	P	P	P	P				P	P							
<b>INSTITUTIONAL/SPECIAL SERVICES</b>																						
Assisted Living Facilities									C	C	P		-			P	P			P		
Senior Independent Living	-	-	-	-	-	-	-	-	-	-	-	-	P <sup>5</sup>	-	-	-	-	-	-	-	-	-
Cemetery, Mausoleum, or Columbarium			C		P								-									
Church, Temple, Rectory	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P











