

## **5:30 p.m. – Work Session**

*No motions or decisions will be considered during this session, which is open to the public.*

## **6:00 p.m. – Council Meeting (Council Chambers)**

### **A. Welcome & Roll Call**

**Pledge of Allegiance** – Anne Hansen

**Invocation** – TBA, by invitation

### **D. Public Comment**

*(This is an opportunity to address the City Council regarding your concerns or ideas. No action will be taken during public comment. Please try to limit your comments to three minutes.)*

### **E. Presentations and Reports**

1. Mayor's Report
2. City Council Assignment Reports
3. Tribute to council member Steve Hilton.
4. Swearing in of new council member Michael Richter.

### **F. Consent Items**

#### **1. Consideration to approve meeting minutes from:**

December 5, 2023 Council Work Session

December 5, 2023 Council Meeting

### **G. Action Items**

#### **1. Consideration of Ordinance #976 approving proposed changes to RCC Title 8, Chapter 6: Transfer of Water Right.**

*Presenter: Shawn Douglas*

#### **2. Consideration of Ordinance #977 approving proposed changes to RCC Title 10, Chapter 21: Subdivisions as requested by the Community Development Department and required by the State of Utah.**

*Presenter: Mike Eggett*

### **H. Comments**

1. City Council
2. City Staff
3. Mayor

### **I. Adjournment**

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In compliance with the Americans with Disabilities Act, persons in need of special accommodation should contact the City Offices (801) 394-5541 at least 48 hours in advance of the meeting.

#### **Certificate of Posting**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Riverdale City limits on this 28<sup>th</sup> day of December, 2023 at the following locations: 1) Riverdale City Hall Noticing Board 2) the City website at <http://www.riverdalecity.com/> 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html>.

Michelle Marigoni  
Riverdale City Recorder

\*\*The City Council meeting on January 2, 2024 is viewable electronically and may be accessed by clicking on the link below. The regular City Council Chambers will be available for in-person participation. The Agenda for the meeting is also attached above. \*\*

[https://www.youtube.com/channel/UCegcYe-pIXSRZGd5llencvA/videos?view\\_as=subscriber](https://www.youtube.com/channel/UCegcYe-pIXSRZGd5llencvA/videos?view_as=subscriber)



Minutes of the **Work Session** of the **Riverdale City Council** held Tuesday December 5, 2023, at 5:30 p.m., at the Civic Center in the Council Chambers, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

<b>Present:</b>	<b>City Council:</b>	Braden Mitchell, Mayor Alan Arnold, Councilmember Bart Stevens, Councilmember Steve Hilton, Councilmember Anne Hansen, Councilmember Karina Merrill, Councilmember
	<b>City Employees:</b>	Steve Brooks, City Administrator/Attorney Mike Eggett, Community Development Director Jared Sholly, Fire Chief Casey Warren, Police Chief Michelle Marigoni, City Recorder
	<b>Excused:</b>	
	<b>Visitors:</b>	

The City Council Work Session meeting began at 5:30 p.m. Mayor Mitchell welcomed all in attendance and noted for the record that all Councilmembers were present. Members of the city staff were also present.

### **Public Comment:**

### **Presentations and Reports:**

- 1. Mayor's Report**
- 2. City Council Assignment Reports**

### **Consent Items**

- 1. Consideration to approve the 2024 Riverdale City Council Meeting Schedule.**

Mayor Mitchell asked if there were any concerns with the meeting schedule.

### **Action Items**

- 1. Consideration to approve a new local consent for on-premises beer license for Shake Shack Utah, LLC, to be located at 4142 Riverdale Road, Riverdale Utah.**

Michelle Marigoni explained this is a new local consent for a new business opening on December 14, 2023. This item was previously addressed during another meeting, but the store manager was unknown at the time the application was submitted. Packet information has been updated to include the store manager, who has cleared a background check. Proximity was checked and the location does not fall within any restricted areas.

- 2. Consideration to approve a local consent for off-premises beer license for Gas Stop Riverdale LLC, located at 686 W Riverdale Road, Riverdale Utah.**

Michelle Marigoni explained this is a new local consent for an existing store due to a change in ownership. No proximity restrictions apply, and a background check has been completed on the new owner.

- 3. Consideration of Ordinance #975 approval for Ken Garff Riverdale Amended Small Subdivision request, located at approximately 950 West Riverdale Road, Riverdale, Utah 84405, as requested by Kimley Horn and the Ken Garff Automotive Group.**

- b. Consideration of approval for Ken Garff Honda Amended Site Plan request, located at approximately 950 West Riverdale Road, Riverdale, Utah 84405, as requested by Kimley Horn and the Ken Garff Automotive Group.**

## **City Council Work Session Meeting, December 5, 2023**

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Mike Eggett noted representatives from Kimley Horn and Ken Garff would be present. The existing building will be demolished and a new one rebuilt. They have been through the design review and planning commission processes.

**4. Consideration of Resolution #2023-34 approving an interlocal agreement between Riverdale City and Weber County concerning use of the county transfer station.**

Mr. Brooks explained the Weber County Transfer Station has asked mayors to commit to use of the station. Riverdale City's waste collection service already uses Weber's station.

**5. Consideration of Resolution #2023-35 adopting the Interlocal Cooperation Agreement for Paramedic Aboard Charges.**

Chief Sholly explained this is an agreement renewal and gave a brief history of the program and charges. The collection rates are looked at annually. These charges apply when a paramedic rides in an ambulance with Riverdale staff, which is about 40% of transports.

**6. Consideration of Resolution #2023-36 requesting the recertification of the Riverdale City Justice Court.**

Mr. Brooks explained the recertification is required by the state every four years to make sure all of their requirements are being met. A new security plan was included with the recertification packet.

**7. Consideration of Resolution #2023-37 amending the 2023-2024 Consolidated Fee Schedule.**

Rich Taylor explained the daily passes had been increased a few years ago, but the monthly passes did not change. Since that increase, more people have gone to monthly passes. He would like to see more people purchase annual passes, so he asked to discount the annual pass 50% for the month of January only. The city makes more revenue on annual passes than monthly.

**8. Consideration of Resolution #2023-38 certifying the official canvass report of the November 21, 2023 Municipal Election for Riverdale City, Utah.**

Michelle Marigoni explained the numbers from the election would be gone over in the main meeting. Mr. Brooks noted the mayor would also vote on the matter as a member of the board of canvassers.

**Comments**

1. City Council:
2. City Staff:
3. Mayor:

**Adjournment**

Having no further business to discuss, the Work Session was adjourned at 6:00 p.m.

**Date Approved:**



Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, December 5, 2023, at 6:00 p.m., at the Civic Center, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

**Present:** City Council: Braden Mitchell, Mayor  
Alan Arnold, Councilmember  
Bart Stevens, Councilmember  
Steve Hilton, Councilmember  
Anne Hansen, Councilmember  
Karina Merrill, Councilmember

City Employees: Steve Brooks, City Administrator/Attorney  
Mike Eggett, Community Development Director  
Jared Sholly, Fire Chief  
Casey Warren, Police Chief  
Michelle Marigoni, City Recorder

Excused:

Visitors:

### **A. Welcome & Roll Call**

The City Council meeting began at 6:00 p.m. Mayor Mitchell called the meeting to order and welcomed all in attendance, including all Council Members and all members of the public.

### **B. Pledge of Allegiance**

Mayor Mitchell invited Jared Sholly to lead the Pledge of Allegiance.

### **C. Invocation**

Mayor Mitchell invited Anne Hansen to offer the invocation.

### **D. Public Comment**

Mayor Mitchell invited any member of the public with questions or concerns to address the Council and asked that they keep their comments to approximately three minutes, noting no action will be taken during public comment. There were none.

### **E. Presentations and Reports**

**Mayor's Report**

**City Council Assignment Reports**

**UDOT 5600 South Construction Update**

### **F. Consent Items**

#### **1. Consideration to approve the 2024 Riverdale City Council Meeting Schedule.**

**MOTION:** Councilmember Arnold moved to approve the 2024 City Council Meeting Schedule. Councilmember Hilton seconded the motion. There was not any discussion regarding this motion. The motion passed unanimously in favor.

### **G. Action Items**

#### **1. Consideration to approve a new local consent for on-premises beer license for Shake Shack Utah, LLC, to be located at 4142 Riverdale Road, Riverdale Utah.**

Michelle Marigoni, City Recorder explained this is a new local consent for a new business opening on December 14, 2023. This item was previously addressed during another meeting, but the store manager was unknown at the time

## Council Regular Meeting, December 5, 2023

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the application was submitted. Packet information has been updated to include the store manager, who has cleared a background check. Proximity was checked and the location does not fall within any restricted areas.

**MOTION:** Councilor Arnold moved to approve a new local consent for on-premises beer license for Shake Shack Utah, LLC, located at 4142 Riverdale Road, with the stipulation that signatures are done and third reference in listed.

**SECOND:** Councilor Merrill

**ROLL CALL VOTE:** Councilor Arnold: Yes  
Councilor Hansen: Yes  
Councilor Hilton: Yes  
Councilor Merrill: Yes  
Councilor Stevens: Yes

Motion passes unanimously.

2. **Consideration to approve a local consent for off-premises beer license for Gas Stop Riverdale LLC, located at 686 W Riverdale Road, Riverdale Utah.**

Michelle Marigoni explained this is a new local consent for an existing store due to a change in ownership. No proximity restrictions apply, and a background check has been completed on the new owner.

**MOTION:** Councilor Arnold moved to approve the local consent for off-premises beer license for Gas Stop Riverdale, LLC, located at 686 W Riverdale Road.

**SECOND:** Councilor Hilton

**ROLL CALL VOTE:** Councilor Merrill: Yes  
Councilor Arnold: Yes  
Councilor Stevens: Yes  
Councilor Hansen: Yes  
Councilor Hilton: Yes

Motion passes unanimously.

3. **Consideration of Ordinance #975 approval for Ken Garff Riverdale Amended Small Subdivision request, located at approximately 950 West Riverdale Road, Riverdale, Utah 84405, as requested by Kimley Horn and the Ken Garff Automotive Group.**

b. **Consideration of approval for Ken Garff Honda Amended Site Plan request, located at approximately 950 West Riverdale Road, Riverdale, Utah 84405, as requested by Kimley Horn and the Ken Garff Automotive Group.**

Mike Eggett noted Chris Bick was present representing the project. Engineering and staff concerns have been resolved. He went over the supporting documents in the packet, noting that two amendments were made to correct errors on the ordinance.

**MOTION:** Councilor Arnold moved to approve Ordinance #975 approving the Ken Garff Riverdale Amended Small Subdivision located at approximately 950 West Riverdale Road, with the changes that Mr. Eggett noted in the work session.

**SECOND:** Councilor Hilton

**ROLL CALL VOTE:** Councilor Stevens: Yes  
Councilor Hansen: Yes  
Councilor Hilton: Yes  
Councilor Arnold: Yes  
Councilor Merrill: Yes

Motion passes unanimously.

**MOTION:** Councilor Arnold moved to approve the amended site plan request for Ken Garff Honda at 950 West Riverdale Road, Riverdale Utah, as requested by Kimley Horn and Ken Garff Automotive Group.

**SECOND:** Councilor Merrill

**ROLL CALL VOTE:** Councilor Stevens: Yes

Councilor Hansen:	Yes
Councilor Hilton:	Yes
Councilor Arnold:	Yes
Councilor Merrill:	Yes

Motion passes unanimously.

Mayor Mitchell thanked Ken Garff for improving the site and for being in Riverdale. Councilor Stevens asked if the design was from corporate. Chris Bick with Kimley Horn said it was generally dictated by Honda, but Ken Garff added further improvements around the property while they were in the process.

**4. Consideration of Resolution #2023-34 approving an interlocal agreement between Riverdale City and Weber County concerning use of the county transfer station.**

Mr. Brooks explained the Weber County Transfer Station has asked mayors to commit to use of the station. Riverdale City's waste collection service already uses Weber's station.

**MOTION:** Councilor Arnold moved to approve Resolution #2023-34 approving an interlocal agreement between Riverdale City and Weber County concerning use of the county transfer station.

**SECOND:** Councilor Merrill

<b>ROLL CALL VOTE:</b>	Councilor Hilton:	Yes
	Councilor Merrill:	Yes
	Councilor Arnold:	Yes
	Councilor Stevens:	Yes
	Councilor Hansen:	Yes

Motion passes unanimously.

**5. Consideration of Resolution #2023-35 adopting the Interlocal Cooperation Agreement for Paramedic Aboard Charges.**

Chief Sholly explained this is a five-year agreement renewal and gave a brief history of the program and charges. The collection rates are looked at annually. These charges apply when a paramedic rides in an ambulance with Riverdale staff, which is about 40% of transports.

**MOTION:** Councilor Arnold moved to approve Resolution #2023-35 adopting the Interlocal Cooperation Agreement for Paramedic Aboard Charges.

**SECOND:** Councilor Hilton

<b>ROLL CALL VOTE:</b>	Councilor Hansen:	Yes
	Councilor Merrill:	Yes
	Councilor Arnold:	Yes
	Councilor Hilton:	Yes
	Councilor Stevens:	Yes

Motion passes unanimously.

**6. Consideration of Resolution #2023-36 requesting the recertification of the Riverdale City Justice Court.**

Mr. Brooks explained recertification is required by the state every four years to make sure all of their requirements are being met. A new security plan was included with the recertification packet.

**MOTION:** Councilor Merrill moved to approve Resolution #2023-36 recertifying the Riverdale City Justice Court.

**SECOND:** Councilor Arnold

Councilor Arnold:	Yes
Councilor Stevens:	Yes
Councilor Hansen:	Yes
Councilor Merrill:	Yes
Councilor Hilton:	Yes

Motion passes unanimously.

**7. Consideration of Resolution #2023-37 amending the 2023-2024 Consolidated Fee Schedule.**

Rich Taylor explained the daily passes had been increased a few years ago, but the monthly passes did not change. Since that increase, monthly pass sales have increased. He would like to see more people purchase annual passes, so he asked to discount the annual pass 50% for the month of January only. The City brings in more revenue on annual passes than monthly, and he hoped the discount would encourage them to use annual passes to increase revenue. The senior lunch fee has also been updated to reflect the current fee.

Councilor Stevens asked what demographic mainly used the gym. Mr. Taylor explained anecdotally that many seniors use the facility. Mr. Stevens complemented the most recent improvements to the gym and pickleball courts.

**MOTION:** Councilor Arnold moved to approve Resolution #2023-37 amending the 2023-2024 Consolidated Fee Schedule.

**SECOND:** Councilor Hilton

**ROLL CALL VOTE:** Councilor Hilton: Yes  
Councilor Stevens: Yes  
Councilor Merrill: Yes  
Councilor Arnold: Yes  
Councilor Hansen: Yes

Motion passes unanimously.

**8. Consideration of Resolution #2023-38 certifying the official canvass report of the November 21, 2023 Municipal Election for Riverdale City, Utah.**

Michelle Marigoni presented the official canvass report from Weber County Elections. This report was updated on December 4, 2023 and a printed handout was dispersed to council members with the final numbers. Michael Richter, Steve Hilton, and Alan Arnold were named as elected.

**MOTION:** Councilor Stevens moved to approve Resolution #2023-38 certifying the official canvass report of the November 21, 2023 Municipal Election for Riverdale City, Utah.

**SECOND:** Councilor Merrill

Councilor Arnold: Yes  
Councilor Hansen: Yes  
Councilor Merrill: Yes  
Councilor Stevens: Yes  
Councilor Hilton: Yes  
Mayor Mitchell: Yes

Motion passes unanimously.

Mayor Mitchell expressed appreciation for Karina Merrill and the time she spent on the council. Councilor Arnold said he was nervous with the close race and said it had never happened before.

**H. Comments**

City Council:

- Mr. Arnold commented that someone had installed a speed bump on Ritter Drive and asked public works to take a look at it.
- Mr. Arnold thanked Chief Warren for his support of the victims and dedication to their cases.

City Staff:

- Mr. Brooks reminded the council of the employee Christmas luncheon on December 13, as well as the friends and family event at Shake Shack, and Shake Shack grand opening on December 14 at 10:15 am.
- Mr. Brooks attended a county commission meeting where Chief Warren presented an award to the Weber County Attorney's Office. He recognized Chief Warren for all the work he did on the same cases.

Mayor:

- Mayor Mitchell recognized Steve Brooks for dealing with all of the weird and random calls and requests that he passes on to him.
- The council Christmas dinner is scheduled for December 15. There was discussion about dates and locations.

**I. Adjournment**

**MOTION:** Having no further business to discuss, Councilmember Arnold moved to adjourn. The motion was seconded by Councilmember Merrill all voted in favor. The meeting was adjourned at 6:43 p.m.

Date Approved:

**RIVERDALE CITY  
CITY COUNCIL AGENDA  
January 2, 2024**

**AGENDA ITEM: G1**

**SUBJECT:** Consideration of Ordinance #976 approving proposed changes to RCC Title 8, Chapter 6: Transfer of Water Right.

**PRESENTER:** Shawn Douglas, Public Works

**INFORMATION:**

- a. Executive Summary
- b. Ordinance #976
- c. Transfer of Water Right Code Update with changes
- d. Hansen, Allen & Luce review - Coleman

[\*\*BACK TO AGENDA\*\*](#)



## City Council Executive Summary

For the Council meeting on:  
January 2, 2024

Petitioner:  
Shawn Douglas, Public Works Director

### Summary of Proposed Action

Consideration of changes to Municipal Code Title 8 Chapter 6.

### Summary of Supporting Facts & Options

Following further review of our current water requirements and changes to state law for water extraction we would recommend a change to city code 8-6. In the last few months we have changed our code for high density residential and commercial users. Our code for residential users has not changed. We have consulted with Hanse, Allen and Luth concerning residential developments. Based on our new landscaping requirements, current water trends and changes to the building codes for low water fixtures we can lower our water conveyances for single family residential inside ERC's to .30 per unit. This number also includes the 16% for system loss. For outdoor usage we would recommend a calculation based on the following Turf Grass: 3.2 ac-ft/irr-ac, Xeriscape: 1.43 ac-ft/irr-ac and Hardscape: no water requirement for each ERC. For all other landscape areas in residential developments the following water requirements would apply: Turf Grass: 3.2 ac-ft/irr-ac, Xeriscape: 1.43 ac-ft/irr-ac and Hardscape. I would recommend approval.

### Legal Comments – City Attorney

Steve Brooks, Attorney

### Fiscal Comments – Business Administrator/Budget Officer

Cody Cardon,  
Business Administrator

### Administrative Comments – City Administrator

Steve Brooks,  
City Administrator



## ORDINANCE NO. 976

### AN ORDINANCE AMENDING THE RIVERDALE MUNICIPAL ORDINANCE CODE, TITLE 8, CHAPTER 6, TO AMEND SAID SECTIONS TO BETTER CLARIFY, DEFINE AND IMPLEMENT SECTIONS CONCERNING THE CONVEYANCE OF WATER RIGHTS TO THE CITY ON NEW DEVELOPMENT IN RIVERDALE CITY AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, Riverdale City (hereafter "City") is a municipal corporation, duly organized and existing under the laws of the State of Utah; and;

**WHEREAS**, Utah Code Annotated §10-9-102 empowers municipalities of the state to enact all ordinances and rules that they consider necessary for the use and development of land located within the municipality; and

**WHEREAS**, the City finds it is in the best interest of the community and its citizens to address issues concerning water and the availability of water resources in order to better serve the residents and community; and

**WHEREAS**, water is a vital resource to any city and obtaining water is becoming more difficult and expensive; and

**WHEREAS**, in an effort to address the shortage and cost of water and to be able to continue to provide water at reasonable rates, the City finds that it is important to obtain rights to water whenever it is available and proposes that new development be required to submit water shares to the City in order for the City to maintain an adequate amount and legal right to water shares; and

**WHEREAS**, Riverdale City previously passed an Ordinance concerning the conveyance of water shares by Developers of property but since that time have become aware of certain situations that did not properly fit the previous statute as it was written for certain situations; and

**WHEREAS**, it appearing that the code addition is in accord with the City's goals, desires and needs and will promote health, safety, and the general welfare of the community at large and the City Council of the City of Riverdale finds it to be in the best interests of the City;

### NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF RIVERDALE:

**Section 1. Repeal.** Any provision of the Riverdale Municipal Ordinance Code found to be in conflict with this ordinance is hereby repealed.

**Section 2.** The Riverdale Municipal Ordinance, TITLE 8, WATER AND SEWER, CHAPTER 6, CONVEYANCE OF WATER RIGHTS, is hereby amended as outlined in Attachment 1, attached hereto, and incorporated hereby.

**Section 3.** All other titles, chapters and sections not otherwise amended hereby shall remain unchanged, in full force and effect.

**Section 4. Severability.** If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 5. Effective date.** This ordinance shall take effect immediately upon its adoption and posting.

**PASSED, ADOPTED AND ORDERED POSTED** this \_\_\_\_\_ day of January, 2024.

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\_\_\_\_\_  
Braden Mitchell, Mayor

Attest:

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\_\_\_\_\_  
Michelle Marigoni, City Recorder

**8-6-1: Purpose And Definition**

**8-6-2: General Provisions**

**8-6-3: Required**

**8-6-4: Exceptions**

**8-6-5: Form Of Transfer Of Water Right**

**8-6-1: PURPOSE AND DEFINITION:**

The purpose of this chapter is to obtain water rights to support development within the City's growth area, inside and outside of the water provision service area. This purpose shall be achieved through the transfer of water rights to the City as a condition of connection to the City's Municipal water system. The purpose for requiring a transfer of water rights is to enhance the public health, safety, and welfare through a provision designed to enable the City to meet the growth of future culinary water needs within the City. The City uses equivalent residential connections (ERC), irrigable acres, and calculated use for calculation of water demand requirements. (Ord. 904, 9-18-2018; amd Ord. 927 Oct. 2020)

**8-6-2: GENERAL PROVISIONS:**

Any and all shares or rights to be delivered to the City, as required by this chapter, shall be recognized by the State Water Engineer and acceptable to the City. Water shares or rights shall be submitted to the City Administrator or his/her designee. All water shares or rights transferred to and accepted by the City shall be held in the sole ownership of the City upon transfer of the same. The City Administrator or his/her designee shall have the right to vote its water shares in accordance with the applicable rules and regulations governing the same and shall coordinate contacts and actions of the City with the respective canal or irrigation companies in which the shares are owned. (Ord. 904, 9-18-2018)

**8-6-3: REQUIRED:**

In the City, each acre of irrigable property requires roughly four (4) acre feet of water annually during normal water years as published by Utah State Engineers Office in the Consumptive Use of Irrigated Crops in Utah, Research Report 145, Utah State University, 1994. As such, water required to be conveyed to the City as part of a request for approval of an annexation, subdivision, large scale development, or site plan, is established by the State Engineers Office as sufficient to meet the water use requirements of the proposed use. The City has performed an engineered study to determine ERC consumption in acre feet for residential **and commercial** development. The City has determined that each ERC is equivalent to **.41 or .91 .30** acre feet **for indoor use** depending upon development type. The City shall require all residential development to utilize these ERC's in their calculation of water needs when developing. **Outdoor water use for Residential shall be calculated using the following formula** **Turf grass: 3.2 ac-ft/irr-ac Xeriscape: 1.43 ac-ft/irr-ac Hardscape: no water requirement. High Density residential shall use the calculations in sub section C to calculate the water required for the development** Nonresidential development shall use the calculations in sub section D to calculate the water requirement for the development. (Amd. Ordin. 976, 1-2024)

- A. Applicable To All Development: The City Council does hereby establish the preferred type of water acceptable to the City shall be shares or stock within an irrigation or water company or an approved water right in good standing by the State of Utah Engineers

Office and capable of delivering water through the City's water distribution system via Weber Basin Water Conservancy District treatment.

1-All Residential and Commercial Developments that have an approved site plan or subdivision that was approved by the City Council prior to April 19, 2022 shall be eligible to meet the water requirement via cash in lieu of shares. The share price shall be set as the cost of a Davis Weber Canal shares at that time which is \$45,000.00. Those requiring less than a full share shall be prorated based on increments of 1 acre foot. Funds will be held by the City in the Water Fund and restricted for future water purchase.

2-Redevelop years use. Water leaks and unauthorized use of water shall not be included in the calculation. Any attempt to increase water use fore the sole purpose of increasing the credit calculation shall result in the loss of all credits.

3-All Residential and Commercial Developments that are in areas of Riverdale City that have secondary water provided by Weber Basin Secondary Water or Pineview water systems and have a connection to the secondary water system that is sufficient to provide for all of the irrigation needs of the development shall only be required to provide water shares for the culinary water requirements. Should a developer choose to provide a private secondary water system for a development that provides for all of the irrigation needs of the development and the secondary system is approved by the Riverdale City Council, the development shall only be required to provide water shares for the culinary water requirements.

(Amd. Ord.952, 06-2022)

B. Residential Subdivisions: A developer shall convey to the City water rights that have been customarily used on the property to be developed that are usable by and acceptable to the City to provide 0.91-.30 acre feet per ERC or part thereof within a residential subdivision. The .91-.30 acre feet shall meet the requirement for indoor and outdoor use. Outdoor use shall be calculated with the following formula: Turf grass: 3.2 ac-ft/irr-ac, Xeriscape: 1.43 ac-ft/irr-ac, and Hardscape: no water requirement per ERC. Open space, parks, common areas, other landscaped areas, etc. shall be calculated using the following formula: Turf grass: 3.2 ac-ft/irr-ac, Xeriscape: 1.43 ac-ft/irr-ac, and Hardscape. The developer would also have the option to contract with Riverdale City's water consultant firm to complete a study for the individual site and determine the water requirement. In the event there are no owner water shares or rights on property to be developed, the developer shall obtain and convey water shares or rights acceptable and usable by the City as determined by the City Public Works Director. (Amd. Ordin. 976, 1-2024)

C. High Density Residential Subdivisions: A developer shall convey to the City water shares or rights that have been customarily used on the property to be developed that are useable by and acceptable to the city to provide .41 acre feet per ERC and 4 acre ft for each irrigable acre of outdoor use. Should the development use more than the conveyed amount of water for two consecutive years the development shall be required to purchase additional water to meet the demand. In the event there are no owner water rights on the property to be developed, the developer shall obtain and convey water rights acceptable and usable by Riverdale City as determined by the Public Works Director. The developer is not required to convey water rights for acreage of asphalt or other non-permeable surfaces. (Amd. Ordin. 949, 4-2022)

D. Nonresidential Subdivisions: A developer shall convey to the City water shares or rights that have been customarily used on the property to be developed that are usable by and acceptable to the City to provide four 3.2 acre feet for each irrigable acre or part thereof within a nonresidential subdivision. Developments using Xeriscape as defined by the cities landscape ordinance, drip irrigation and smart clocks shall convey water rights based on the calculated use plus sixteen percent following calculations: Turf grass: 3.2 ac-ft/irr-ac, Xeriscape: 1.43 ac-ft/irr-ac, and Hardscape. Mixed use landscaping shall be calculated on a percentage, based on the quantity of the aforementioned calculations. The developer shall also convey the actual

calculated indoor usage plus sixteen percent to account for system losses. These calculations will be used to determine the developments water requirement. Should the development use more than the conveyed amount of water for two consecutive years the development shall be required to purchase additional water to meet the demand. In the event there are no owner water rights on property to be developed, the developer shall obtain and convey water rights acceptable and usable by Riverdale City as determined by the Public Works Director. The developer is not required to convey water rights for acreage of asphalt or other non-permeable surfaces.(Ord. 904, 9-18-2018; amd. Ord. 927, 11-4-2020, Amd. Ord.952, 06-2022, **Ordin. 976, 1-2024**)

#### **8-6-4: EXCEPTIONS:**

A. Exceptions For Redevelopment Of Property: Notwithstanding subsections 8-6-3B and C of this chapter, if the proposed subdivision is on one or more currently landscaped lots, the Public Works Director will waive conveyance of water rights if the developer establishes by clear and convincing evidence that:

1. Water rights acceptable and usable by the City were previously conveyed as a condition of a prior subdivision approval which included that property.

B. Governmental Or Quasi-Governmental Entities: Conveyance of water will not be required of governmental or quasi-governmental entities proposing development that will improve the public benefit, welfare, health, or safety.

C. Conveyances To Cease Upon Excess Supply: Every five (5) years, if necessary, the City Public Works Director shall determine whether the City's existing available water interests exceed the water interests needed to meet the amount of water needed in the next forty (40) years by the persons within the City's projected service area based on projected population growth and other water use demand ("reasonable future water requirements"). Should the Director conclude that available water interests exceed the reasonable future water requirements of the public, the Public Works Director shall notify the City Council and the City Council shall act to cease conveyance of water shares according to this section until existing available water interests no longer exceed the reasonable future water requirement. (Ord. 904, 9-18-2018)

#### **8-6-5: FORM OF TRANSFER OF WATER RIGHT:**

The transfer of water rights pursuant to this chapter shall be in such forms as may be approved by the City Administrator or his/her designee. The applicant may also be required to execute applications for conveyance. Those forms or documents may include, but are not limited to, change in point of diversion, change in place of use, change in purpose of use, and any other documents or forms. The City will diligently pursue approval of the water right transfer. In order for a water right transfer to be completed, the water right transfer must be changed to a Municipal water right. The applicant must convey the water right to the City by statutory warranty deed or other appropriate conveyance instrument, as determined by the City Administrator or his/her designee, upon completion of the water right transfer; provided, however, that the actual conveyance may be delayed to coincide with the City's approval of the petition for annexation or application for development, or as otherwise set forth in an agreement between the applicant and the City. (Ord. 904, 9-18-2018)

**From:** Ridley Griggs <[rgriggs@halengineers.com](mailto:rgriggs@halengineers.com)>  
**Sent:** Thursday, December 7, 2023 11:36 AM  
**To:** Shawn Douglas <[SDouglas@riverdalecity.com](mailto:SDouglas@riverdalecity.com)>  
**Subject:** RE: Coleman Vu Estates Water Exaction Calls

Shawn,

We got the plans and calculations for Coleman Vu Estates from Adam and reviewed them. Here are our comments:

- We have assumed that all lot, building footprint, driveway/patio, turf, xeriscape, etc. areas provided by the developer are accurate and represent the complete development (in other words, I did not go through each lot one by one to make sure they were providing accurate information).
- We concur with the calculations for residential units. I was able to reproduce their calculation based on the information provided to me.
- I was not able to entirely reproduce the calculations for open space based on the information provided to me. However, assuming that the square footage provided by the developer for hardscape, sod, and xeriscape areas are accurate, the calculation in their spreadsheet is correct. It seemed reasonable based on the information I was given.
- Following the calculations as recommended in the memo Steve sent, we compute a total exaction requirement of 39.12 ac-ft for the development. This works out to about 0.58 ac-ft per unit.

Let me know if you have any questions or need anything else.

Thanks,

**Ridley J. Griggs, M.Eng., P.E.**  
Project Manager

**HANSEN, ALLEN & LUCE, INC.**  
859 W. South Jordan Pkwy. Ste. 200  
South Jordan, UT 84095  
Office: 801-566-5599  
Mobile: 801-809-7921  
[www.hansenallenluce.com](http://www.hansenallenluce.com)



Confidentiality Notice. This email message (and any attachments) is confidential and may be privileged. If you believe it has been sent to you in error, please notify the sender and delete this email.

**From:** Shawn Douglas <[SDouglas@riverdalecity.com](mailto:SDouglas@riverdalecity.com)>  
**Sent:** Tuesday, December 5, 2023 2:03 PM

**To:** Ridley Griggs <[rgriggs@halengineers.com](mailto:rgriggs@halengineers.com)>  
**Subject:** Fwd: Coleman Vu Estates Water Exaction Calls

**Caution:** External

Could you review this and see if it would meet the calculations outlined in the draft Steve sent. I'm out of town with limited internet or cell service. I will check them when I have service. If you need a set of plans for Coleman Vu Adam who sent this email could provide the latest set or you could reach out to norm in our office and he could track you down a set. Let me know if you need anything else. Thanks

Sent from my iPhone

Begin forwarded message:

**From:** "Emily E. Lewis" <[eel@clydesnow.com](mailto:eel@clydesnow.com)>  
**Date:** December 4, 2023 at 11:24:39 PM CST  
**To:** Adam Anderson <[adam@and-dev.com](mailto:adam@and-dev.com)>, Shawn Douglas <[SDouglas@riverdalecity.com](mailto:SDouglas@riverdalecity.com)>  
**Cc:** [thatiam@goldcresthomes.com](mailto:thatiam@goldcresthomes.com), "Robert W. DeBirk" <[RDeBirk@clydesnow.com](mailto:RDeBirk@clydesnow.com)>  
**Subject: RE: Coleman Vu Estates Water Exaction Calls**

Hello everyone!

I am touching bae to see if the information provided meets our needs.

Riverdale folks – do you need anything else from us?

Best –

EELewis

**From:** Adam Anderson <[adam@and-dev.com](mailto:adam@and-dev.com)>  
**Sent:** Thursday, November 30, 2023 6:05 PM  
**To:** [sdouglas@riverdalecity.com](mailto:sdouglas@riverdalecity.com)  
**Cc:** [thatiam@goldcresthomes.com](mailto:thatiam@goldcresthomes.com); Emily E. Lewis <[EEL@clydesnow.com](mailto:EEL@clydesnow.com)>; Robert W. DeBirk <[RDeBirk@clydesnow.com](mailto:RDeBirk@clydesnow.com)>  
**Subject:** Coleman Vu Estates Water Exaction Calls

Shawn,

I hope this email finds you well. I want to express my gratitude for the meeting we had last week discussing water extraction at Coleman Vu Estates. Your guidance has been invaluable, and we appreciate your support in codifying the necessary updates to the exaction.

To ensure ample time for analysis, I am sharing the water calculations with you a bit earlier than our agreed-upon deadline of December 5th. Attached, you will find the development water calcs, site study plan for phase 1 and landscape plan, which serves as a references for the open space and residential unit breakdown and further details:

1. **Open Space Breakdown:** We've categorized open space into sod, xeriscape, and hardscape, aligning with the acre feet requirement outlined during our meeting for the sod and xeriscape exaction requirements. Please refer to the attached landscape plan for a visual representation of the landscape use and materials.
2. **Residential Analysis:** Breaking down the residential area, we considered all building lots (lot sizes are detailed in a separate tab on the attached spreadsheet). By subtracting the building footprint and hardscapes, we determined the available area for landscaping. Applying a 65% xeriscape and 35% sod standard, we calculated the outside water usage for the units.
3. **Building and Hardscape Coverage:** Our architect extrapolated the house footprint, driveway, side sidewalk (entrance), perimeter sidewalk, and patio based on the product assigned to the 11 lots in phase one. The average coverage applied across all lots resulted in a 39% building and hardscape coverage, leaving 61% for landscaping.

As we conducted this analysis, we noticed similarities with another subdivision we're currently working on, with comparable lot sizes and a focus on extensive xeriscaping. I think it demonstrates the ordinances you've put in place do conserve water and look fantastic. We would be delighted to provide photo/video evidence or extend an open invitation for an on-site visit if you find it beneficial.

If there's any aspect of the calculations that requires further clarification or if you'd like to review specific numbers, please don't hesitate to reach out. We appreciate your ongoing collaboration and eagerly anticipate advancing water conservation efforts through this development, a testament to the hard work you and the city have dedicated to its implementation.

Thank you once again for your time and support.

Best regards,

Adam Anderson  
Acquisitions & Development  
9730 South 700 East  
Suite 200  
Sandy, Utah 84070  
P: (385) 222-0839  
E: [adam@and-dev.com](mailto:adam@and-dev.com)  
W: [www.goldcresthomes.com](http://www.goldcresthomes.com)



**RIVERDALE CITY  
CITY COUNCIL AGENDA  
January 2, 2024**

**AGENDA ITEM: G2**

**SUBJECT:** Consideration of Ordinance #977 approving proposed changes to RCC Title 10, Chapter 21: Subdivisions as requested by the Community Development Department and required by the State of Utah.

**PRESENTER:** Mike Eggett, Community Development

**INFORMATION:**

- a. Executive Summary
- b. Ordinance #977
- c. Subdivision Review Process Code Update Draft (clean)
- d. Notice of Public Hearing
- e. ULCT Subdivisions Template – Guide
- f. LWB email approval message 20231227
- g. Subdivision Review Process Code Update Draft (redlined)

**BACK TO AGENDA**



## City Council Executive Summary

For the Council meeting on: 1-2-2024

Petitioner: Riverdale City, and as required by the Utah State Legislature and State Codes

### Summary of Proposed Action

Riverdale City Community Development, as required by the Utah State Legislature (Senate Bill 174, 2023) and State Code, has completed an updated ordinance amendment draft of the "Subdivisions" ordinance as found in Title 10, Chapter 21 of the Riverdale City Code. This updated draft amendment was prepared to be in compliance with the updated legislative mandates for land use development ordinances associated with single-family dwellings, two-family dwellings, and townhomes subdivisions. The State of Utah Legislature has mandated that cities throughout the State of Utah that are in first class and second class counties complete a code update reflecting and adopting these new Utah State Codes by or before February 1, 2024. As a component of this proposed comprehensive subdivisions code amendment, city staff also updated codes associated with process and administration of subdivisions that more clearly reflect historical activity and procedural standards for all types of subdivisions (residential, commercial, and industrial). The Utah State Legislature has discussed consequences of not completing this update by February 1, 2024, but these consequences are not clear at this time and would likely be debated during the next legislative session in February of 2024, based on identified rates of compliance throughout the State of Utah during this time period.

The State of Utah has authorized select entities to enter into contract arrangements with cities in order to review these subdivision code amendment proposals, and the State of Utah will pay the expenses of these reviews. One of the entities providing this service is Smith Hartvigsen PLLC, with whom our RDA attorney Adam Long is employed. We have engaged his firm's services to assist us in the review of our proposed subdivisions ordinance amendments in an effort to be in complete compliance with the requirements of Senate Bill 174. Since engaging his firm, attorneys Lisa Watts-Baskin and Jay Springer have been assigned to assist City Staff and the Planning Commission to refine the comprehensive code amendments and to overhaul the codes found in Title 10, Chapter 21 "Subdivisions". A great deal of back-and-forth efforts between City Staff and the Smith Hartvigsen PLLC attorneys has taken place and the final product now in the packet is supported and backed by the Smith Hartvigsen PLLC staff attorneys who assisted the City during this process.

In order to move forward with any recommended City Code change, the City was required to hold a public hearing for this update. Therefore, a public hearing was advertised in accordance with State and City codes. On December 12, 2023, the Planning Commission held a public hearing to receive input regarding the proposed code amendments. No public comments were provided prior to nor during the meeting. Thereafter, the Planning Commission discussed the amendment proposal and a representative attorney from Smith Hartvigsen was present to assist in the discussion.

At the conclusion of the discussion, the Planning Commission submitted a recommendation to the City Council for approval of the proposed amendments to Title 10, Chapter 21 "Subdivisions" with the

understanding that comments raised during the discussion be included in the final draft amendment document and that minor typographical errors be corrected prior to going to the Council for final consideration. The final corrected redline and clean copy versions of this city code amendment proposal are now provided in the Council packet for consideration.

Following this executive summary are the proposed code revisions and public hearing notice information for this code update recommendation consideration.

At the conclusion of the discussion in this matter, the City Council may make a motion to approve the proposed code amendments as it relates to Title 10, Chapter 21 "Subdivisions" in the City Code, approve the proposed language with any additional amendments, table the matter for a later date, or not recommend approve the proposed language changes. It would be recommended to further provide appropriate findings of facts for decisions made in this matter.

#### Ordinance Guidelines (Code Reference)

The City ordinances tied to the proposed code changes are found in the Riverdale Municipal Code in Title 10, Chapter 21 "Subdivisions", wherein the entire chapter was overhauled and significant sections within were modified, updated, or changed to be in continued compliance with the new requirements of State Code, as established by the approval of Senate Bill 174 (2023) and also as an effort to clean up and make more clear Riverdale City established subdivisions procedures and requirements.

Following any discussion in this matter, the City Council may make a motion to approve the proposed code amendments as it relates to Title 10, Chapter 21 "Subdivisions" in the City Code, approve the proposed language with any additional amendments, table the matter for a later date, or not recommend approve the proposed language changes. It would be recommended to further provide appropriate findings of facts for decisions made in this matter.

#### General Plan Guidance (Section Reference)

The General Plan is not applicable for guidance purposes in this matter.

#### Legal Comments – City Attorney

Steve Brooks, Attorney

#### Administrative Comments – City Administrator

Steve Brooks, City Administrator



## ORDINANCE NO. 977

### AN ORDINANCE AMENDING THE RIVERDALE MUNICIPAL ORDINANCE CODE, TITLE 10, CHAPTER 21, TO ADD NEW OR MODIFY EXISTING SECTIONS THAT WILL BETTER IMPLEMENT, CLARIFY AND DEFINE THESE SECTIONS CONCERNING SUBDIVISIONS AND REGULATIONS ON SUBDIVISIONS WITHIN RIVERDALE CITY AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, Riverdale City (hereafter "City") is a municipal corporation, duly organized and existing under the laws of the State of Utah; and;

**WHEREAS**, Utah Code Annotated §10-9-102 empowers municipalities of the state to enact all ordinances and rules that they consider necessary for the use and development of land located within the municipality; and

**WHEREAS**, the Utah State Legislature, in house bill 174 of the 2023 legislative session, mandated numerous and extensive modifications to all local municipality subdivision provisions, including penalties if not completed timely and as directed; and

**WHEREAS**, Riverdale City has attempted to comply with the mandates and has held a public hearing as mandated and submitted the final version of the changes to the Planning Commission for review and recommendation on December 12, 2023 and in accordance with state law; and

**WHEREAS**, the City finds it is in the best interest of the community and its citizens to address the numerous issues concerning subdivisions and subdivision regulations in order to better serve the residents and community and as was mandated by the state legislature; and

**WHEREAS**, it appearing that the proposed code additions are in accord with the City's goals, desires and needs and will promote health, safety and the general welfare of the community at large, the Riverdale City Council finds it to be in the best interests of the City;

### NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF RIVERDALE:

**Section 1. Repealer.** Any provision of the Riverdale Municipal Ordinance Code found to be in conflict with this ordinance is hereby repealed.

**Section 2.** The Riverdale Municipal Ordinance, TITLE 10, ZONING AND SUBDIVISION REGULATIONS, CHAPTER 21, SUBDIVISIONS, are hereby adopted as outlined in Attachment 1, attached hereto and incorporated hereby.

**Section 3.** All other titles, chapters and sections not otherwise amended hereby shall remain unchanged, in full force and effect.

**Section 4. Severability.** If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 5. Effective date.** This ordinance shall take effect immediately upon its adoption and posting.

**PASSED, ADOPTED AND ORDERED POSTED** this \_\_\_\_ day of January, 2024.

---

Braden Mitchell, Mayor

Attest:

---

Michelle Marigoni, City Recorder

## CHAPTER 21 SUBDIVISIONS

### SECTION:

[\*\*10-21-1:\*\* General Provisions](#)

[\*\*10-21-2:\*\* Definitions](#)

[\*\*10-21-3:\*\* Scope Of Regulations](#)

[\*\*10-21-4:\*\* Preapplication Concept Review For A Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivision](#)

[\*\*10-21-5:\*\* Complete Application For Preliminary Subdivision Plan For A Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivision](#)

[\*\*10-21-6:\*\* Financial Guarantees For Improvements For A Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivision](#)

[\*\*10-21-7:\*\* Complete Application For Final Subdivision Review For A Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivision](#)

[\*\*10-21-8:\*\* Preapplication Concept Review For A Multiple-Family Residential Subdivision, Commercial Subdivision, Or Manufacturing Use Subdivision \(Not Including Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivisions\)](#)

[\*\*10-21-9:\*\* Complete Application For Preliminary Subdivision Plan For A Multiple-Family Residential Subdivision, Commercial Subdivision, Or Manufacturing Use Subdivision \(Not Including Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivisions\)](#)

[\*\*10-21-10:\*\* Financial Guarantees For Improvements For A Multiple-Family Residential Subdivision, Commercial Subdivision, Or Manufacturing Use Subdivision \(Not Including Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivisions\)](#)

[\*\*10-21-11:\*\* Complete Application For Final Subdivision Review For A Multiple-Family Residential Subdivision, Commercial Subdivision, Or Manufacturing Use Subdivision \(Not Including Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivisions\)](#)

[\*\*10-21-12:\*\* Construction Plans And Profiles](#)

[\*\*10-21-13:\*\* Design Standards](#)

[\*\*10-21-14:\*\* Parks, School Sites, Other Public Places](#)

[\*\*10-21-15:\*\* Improvements](#)

[\*\*10-21-16:\*\* Small Subdivisions; Special Provisions](#)

[\*\*10-21-17:\*\* Enforcement And Permits](#)

[\*\*10-21-18:\*\* Penalty](#)

### **10-21-1: GENERAL PROVISIONS:**

A. The purpose and intent of this chapter is to promote the health, safety, convenience and general welfare of the inhabitants of the city in the matter of the subdivision of land, to encourage the healthful growth of the city and related matters affected by such subdivision.

B. Any proposed subdivision and its ultimate use shall be in the best interests of the public and shall be in harmony with good neighborhood development of the area concerned and the applicant shall present evidence to this effect when requested to do so by the planning commission.

C. In cases where unusual topographic or other exceptional conditions exist, variations and exceptions from this chapter may be considered:

1. For a single-family dwelling subdivision, two-family dwelling subdivision, or townhome subdivision by the city staff planning committee, after recommendation by the planning commission; or
2. For a multiple-family residential subdivision, commercial subdivision, or manufacturing subdivision by the city council, after recommendation by the planning commission. (1985 Code § 19-40-1, amd. Ord. , 1-2-2024)

## **10-21-2: DEFINITIONS:**

The following words and phrases used in this chapter shall have the respective meanings hereinafter set forth, unless a different meaning clearly appears from the context:

**ADMINISTRATIVE LAND USE AUTHORITY:** The administrative land use authority established by the city to review land use decisions from preliminary subdivision applications as submitted for single-family dwelling, two-family dwelling, townhome subdivisions, or other subdivisions as provided in 10-21-9. For the city, this is designated as the Riverdale City Planning Commission. The administrative land use authority does not include any member of the Riverdale City Council, including the mayor.

**APPLICANT:** The person or group of persons who submits a subdivision land use application to the city.

**CITY:** City of Riverdale, Utah.

**CITY COUNCIL:** The city council of the city of Riverdale, Utah.

**CITY ENGINEER:** The city engineer of the city of Riverdale, Utah.

**CITY PLANNING STAFF COMMITTEE:** The designated subdivision review and approval committee that shall consist of the community development director, the city administrator, the public works director, the city engineer, and other city staff who may be selected by the designated members of the city planning staff committee.

**COMPLETE SUBDIVISION LAND USE APPLICATION:** The complete application that the applicant submits to the Administrative Land Use Authority subsequent to the preapplication review by the city planning staff committee.

COUNTY: Weber County, Utah.

CUL-DE-SAC: A minor dead-end street provided with a turnaround.

DWELLING: Any building or structure, or portion thereof, including a trailer house, intended for residential use.

LOT: A portion of a subdivision or parcel of land intended as a unit for building development or transfer of ownership. A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area, as are required by this title, having frontage upon a street or upon a right of way approved by the board of adjustment. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy any one lot.

MAJOR STREET PLAN: A plan, labeled "major street plan of the city of Riverdale", including maps or reports or both, which has been approved by the city council as required by law or such plan as it may be amended from time to time and so certified to the city council.

OFFICIAL MAP: Any map adopted by the city council under provisions of Utah Code Annotated section 10-9-306.

PARCEL OF LAND: Contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same person.

PARTITION OR DIVISION OF AGRICULTURAL LAND: A bona fide "partition or division of agricultural land" for agricultural purposes" shall mean the division of a parcel of land into three (3) or more lots or parcels, none of which lots or parcels are smaller than five (5) acres in area; and provided, that no dedication of any street or road is required to serve any such lots or parcels of agricultural land for the purpose of building development.

PERSON: Any individual, corporation, partnership, firm, or association of individuals however styled or designated.

PLANNING COMMISSION: The city planning commission of Riverdale, Utah.

*REVIEW CYCLE: means the occurrence of:*

- A. the applicant's submittal of a complete subdivision land use application;
- B. the City's review of that subdivision land use application;
- C. the City's response to that subdivision land use application, in accordance with this section and Utah Code Annotated § 10-9a-604.2; and
- D. the applicant's reply to the City's response that addresses each of the municipality's required modifications or requests for additional information.

**STREET:** A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than twenty-six feet (26') wide which has been made public by right of use and which affords the principal access to abutting property.

**STREET, COLLECTOR:** A street, existing or proposed, of considerable continuity which serves or is intended to serve as the principal trafficway between large and separated areas or districts and which is the main access to the major street system.

**STREET, MAJOR:** A street, existing or proposed, which serves or is intended to serve as a major trafficway and is designated on the master street plan as a controlled access highway, major street, parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan.

**STREET, MARGINAL ACCESS:** A minor street which is parallel to and adjacent to a major street and which provides access to abutting properties and protection from through traffic.

**STREET, MINOR:** A street, existing or proposed, which is supplementary to a collector or major street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood.

**SUBDIVISION:** Any land that is divided, resubdivided or proposed to be divided into two (2) or more parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions.

**SUBDIVISION IMPROVEMENT PLANS:** The civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

**SUBDIVISION ORDINANCE REVIEW:** The review by the city to verify that a subdivision land use application meets the criteria of the city's subdivision ordinances.

**SUBDIVISION PLAN REVIEW:** The 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.

**ZONING ORDINANCE:** The uniform zoning ordinance which is this title. (1985 Code § 19-40-2; amd. 2001 Code, amd. Ord. , 1-2-2024)

### **10-21-3: SCOPE OF REGULATIONS:**

A. No person shall subdivide any tract of land which is located wholly or in part of the city except in compliance with this chapter. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a subdivision of a larger tract of land, nor offer for recording in the office of the county recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this chapter; provided, that this chapter shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this chapter.

B. Prior to the review of any property plat amendment, subdivision of land or quit claim deed of property, Riverdale City requires that any and all of the affected property's or properties' prior year (delinquent) taxes, interest and penalties be paid. (Ord. 824, 12-4-2012, amd. Ord. , 1-2-2024)

**10-21-4: PREAPPLICATION CONCEPT REVIEW (OPTIONAL) FOR A SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISION:**

A. Preapplication Concept Review: Each applicant who proposes to subdivide land within the territorial limits of the city shall have the opportunity to request a preapplication review meeting with the city planning staff committee before preparing any plats, charts, or plans. The city highly recommends a preapplication concept plan review meeting prior to submitting a Preliminary Subdivision Plat Application. A preapplication concept plan meeting is optional and does not count toward the maximum number of review cycles for subdivision land use applications. Within ten (10) business days after the request, the city planning staff committee shall schedule the meeting to review the concept plan and give initial feedback.

B. The preapplication meeting is intended to provide and explain the city's subdivision requirements and general plan that apply to the proposed subdivision and to discuss the proposed plan of development of the tract. The city planning staff committee shall provide or make available on the city's website copies of applicable land use regulations; a complete list of standards required for the project; preliminary and final application checklists; and feedback on the concept plan (if there is any feedback). (Ord. 854, 5-6-2014)

C. Preapplication Sketch Submission: If a preapplication meeting is requested by the applicant, the applicant shall submit two (2) copies of conceptual sketches showing the proposed preliminary plat and site plan for review by the city planning staff committee. The provided sketches are expected to show the relationship to proposed traffic arteries, existing arteries, utilities, shopping centers, schools, parks, or other infrastructure or city facilities.

D. Information Form: The city shall provide a subdivision information form to the applicant to be completed and submitted by the applicant to the planning commission prior to submission of the complete preliminary subdivision plat and site plan.

E. Preliminary Plat Fee: A fee shall be assessed in the amount as established by resolution of the city council to offset the cost of reviewing and other related work performed by the city and engineering staff associated with the review of the preliminary plat and site plan. The fee amount shall be as provided in the consolidated fee schedule set forth in Title 1, Chapter 12 of this code. No preliminary plat or site plan may be presented to the planning commission or city staff without the payment of the fee. (1985 Code § 19-40-4; amd. 2001 Code, amd. Ord. , 1-2-2024)

**10-21-5: COMPLETE APPLICATION FOR PRELIMINARY SUBDIVISION PLAN FOR A SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISION:**

A. Required: Each applicant shall prepare a preliminary plan of such subdivision, including subdivision improvement plans, and shall submit four (4) large (24'x36') sized

set of prints, one (1) small (11'x17') sized set of prints, and one digital full set submittal of all preliminary plans and plat to the planning commission and city staff. One copy of the submitted preliminary subdivision plan shall be delivered by the city staff to each of the following for the information and recommendation of such officials and departments: city engineer, fire department, police department, public works department, city administration, and other pertinent city departments.

B. The preliminary plans must be received by the city staff no later than fifteen (15) business days prior to the scheduled administrative land use authority meeting in order to allow sufficient time to be reviewed and to receive recommendations from the foregoing listed departments. The administrative land use authority, i.e., planning commission, may receive public comment; and may hold no more than one public hearing as part of the authority's review process. (Ord. 815, 9-25-2012)

C. Scale; Information Required: The preliminary plan shall be drawn to a scale not fewer than one hundred feet to the inch (1" = 100'), and shall show:

1. The proposed name of the subdivision.
2. The location of the subdivision as forming a part of a larger tract or parcel where the plan submitted covers only a part of the applicant's tract, or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
3. Sufficient information to locate accurately the property shown on the plan.
4. The name and address of the applicant; the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
5. Contour map at appropriate intervals where required by the planning commission.
6. The boundary lines of the tract to be subdivided.
7. The location, widths and other dimensions of all existing or platted streets and other significant features such as railroad lines, watercourses, exceptional topography, and buildings within the tract or within two hundred feet (200') of the tract to be subdivided.
8. Existing and proposed sanitary sewers, storm drains, water supply mains and culverts within the tract or within one hundred feet (100') thereof.
9. The location, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the public.
10. North point, scale and date.

D. Decision Of Planning Commission: The planning commission as the administrative land use authority shall complete the initial review of the complete

preliminary subdivision application, including subdivision improvement plans, no later than fifteen (15) business days after the applicant's submission. The planning commission may approve or reject the preliminary plan and plat, or grant approval with any conditions stated by the planning commission. Approval of the preliminary plan and plat by the planning commission does not constitute final acceptance of the subdivision by the planning commission. One copy of the approved preliminary plan and plat shall be retained in the city offices and one copy shall be made available to the applicant, if so requested. The planning commission's approval of the subdivision preliminary plan and plat shall be the authorization for the applicant to proceed with the finalization of plans and specifications of this chapter and with the preparation of the final plat and plan.

E. Improvement Plans: Prior to the construction of any improvements required in section [10-21-15](#) of this chapter, or to the submission of financial guarantees, the applicant shall furnish to the city engineer all subdivision improvement plans, information and data necessary for said improvements. These plans shall be examined by the city engineer and shall be approved if the city engineer determines them to be in accordance with the requirements of section [10-21-15](#). No construction of buildings may begin until after recording of the final plat.

F. The applicant's preliminary subdivision application(s) and materials will be maintained, published, and accessible at the Riverdale City offices. These materials shall include: the application; the owner's affidavit; the electronic copy of all plans in the PDF formatting; the preliminary subdivision plat drawings; and the breakdown of fees due upon approval of the application.

G. Term Of Approval: Approval of the preliminary plan and plat by the planning commission shall be valid for a maximum period of twelve (12) months after approval, unless upon application of the applicant the planning commission grants the applicant a six (6) month extension. If the final plat has not been recorded within the twelve (12) month period, the preliminary plan and plat must again be submitted to the planning commission for reapproval. (1985 Code § 19-40-5, amd. Ord. , 1-2-2024)

#### **10-21-6: FINANCIAL GUARANTEES FOR IMPROVEMENTS FOR A SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISION:**

Prior to the final plat being presented to the city planning staff committee for final review and consideration for approval or denial, the applicant shall satisfy one of the following requirements:

A. Escrow Deposit: Enter into a developer's agreement with the city and furnish satisfactory proof of an escrow deposit in favor of the city in an amount equal to the cost of the improvements required for the subdivision, plus ten percent (10%) of the costs, with the amounts to be released pursuant to the terms and conditions of the developer's agreement; or

B. Performance Bond: Enter into a developer's agreement with the city and furnish to the city a developer's performance bond in an amount equal to the cost of the improvements required for the subdivision, plus ten percent (10%) of the costs, with the

bond to be released pursuant to the terms and conditions of the developer's agreement. (Ord. 871, 9-1-2015; amd. Ord. 926, 10-20-2020, amd. Ord. , 1-2-2024)

**10-21-7: COMPLETE APPLICATION FOR FINAL SUBDIVISION REVIEW FOR A SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISION:**

A. Planning Staff Committee Review: Prior to final technical review of the final subdivision plan and plat, the applicant's engineer shall submit the proposed final plat, with any changes and modifications as directed at the preliminary review by the planning commission, along with a letter of certification that each lot meets the requirements of this title to the city planning staff committee. The city planning staff committee, after reviewing the proposed final plat and confirming that all the above fees and financing guarantees have been satisfied, shall review the final subdivision plan and plat for appropriate final action.

B. Preparation Of Plat: After compliance with the provisions of subsection A. of this section, and sections [10-21-5](#) and [10-21-6](#), a final plat of the subdivision covering all or part of an approved preliminary plat shall be prepared by a licensed surveyor not in the employ of the city in conformance with the design standards of section [10-21-13](#) of this chapter and submitted within one year from the date of preliminary plan approval unless the time is extended by the planning commission; otherwise, such approval shall be considered to have been withdrawn. Four (4) large (24'x36') sized set of prints, one (1) small (11'x17') sized set of prints, and one (1) digital full set submittal of all final plans and of the final plat shall be submitted to the city planning staff committee.

C. City Review Cycle Process: The city planning staff committee shall be permitted up to fifteen (15) business days to complete the initial review of the complete preliminary subdivision land use application, including the subdivision improvement plans, the ordinance review, and the plan to provide corrections and review comments thereto. Subdivision plat and plan responses and revisions, as provided by the applicant, may thereafter be re-submitted to the city planning staff committee to address the identified city planning staff committee's corrections and commentaries. However, the city may not review the subdivision plan and plat for more than four (4) total review cycles during the entire subdivision submittal and review process, excluding the preapplication review process if requested by the applicant. During the final review cycle, the city planning staff committee shall be allowed up to twenty (20) business days to take final action and provide the applicant with an official city decision regarding the final plan and plat submittal.

D. Waiver. Any change or correction that is not addressed or referenced in the city's plan review shall be considered waived unless: the change or correction is necessary to address the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure of the specific development; the modification or correction is necessary to protect public health or safety; or to enforce state or federal law.

E. Effect of Material Changes. If the applicant makes a material change to the plan set, the city may restart the review process as the first review of the final application regarding the portion of the plan set that the material change substantially affects.

F. Applicant's Failure to Submit Revised Plan. If the city requires a modification or correction of the final application, the applicant must submit the revised plan within twenty (20) business days. Applicant's failure to submit the required modifications or corrections within the twenty (20) business days shall result in an additional twenty (20) business days for the city to respond to the modified or corrected plans.

G. After the applicant has responded to the final review cycle, in compliance with each modification requested in the city planning staff committee's previous review cycle, the city planning staff committee may not require additional revisions if the applicant has not materially changed the plan, except changes that were in response to previously requested modifications or corrections.

H. The applicant shall provide a written explanation to each of the city planning staff committee's review comments, identifying, and explaining the applicant's revisions and reasons for declining to make revisions, if any. The written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design, including an index of requested revisions or additions to each required correction. The review process is not considered complete if the applicant fails to address a review comment in the response. The subsequent review cycle may not begin until all comments are addressed.

I. On the fourth or final review, if the city planning staff committee fails to respond within twenty (20) business days, the city planning staff committee shall, upon request of the applicant, and within ten (10) business days after the request is received:

1. for a dispute arising from the subdivision improvement plans, coordinate a meeting with the city appeal authority pursuant to Utah Code Annotated Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

2. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated appeal authority.

J. Drawing: The final plat, if approved by the city planning staff committee, shall consist of a sheet of approved tracing linen (mylar paper), to the outside or trim line dimensions of nineteen inches by thirty inches (19" x 30") and the border line of the plat shall be drawn in heavy lines leaving a space of at least one-half inch (1/2") margin on all four (4) sides. The approved plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen with waterproof black drawing ink. The approved plat shall be made to a scale large enough to clearly show all details, in any case not fewer than one hundred feet to the inch (1" = 100'), and workmanship on the finished drawing shall be neat, clean cut and readable. The approved plat shall be signed by all parties listed in subsection J5. of this section, who are duly authorized and required to sign and shall contain the following information:

1. A subdivision name, approved by the county recorder, and the general location of the subdivision, in bold letters at the top of the sheet.

2. A north point and scale of the drawing, and the date.

3. Accurately drawn boundaries, showing the proper bearing and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.

4. The names, widths, lengths, bearings, and curve data on centerlines of proposed streets, alleys, and easements; the boundaries, bearings, and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; and the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system approved by the city planning staff committee. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street naming and numbering system as outlined in Title 9, Chapter 5 of the city code.

5. The standard forms approved by the city planning staff committee as lettered for the following on the final approved plat:

- a. Description of land to be included in the subdivision.
- b. Registered professional engineer and/or land surveyor's "certificate of survey".
- c. Owner's dedication.
- d. Notary public's acknowledgment.
- e. Planning commission's signature block for certificate of approval.
- f. City engineer's signature block for certificate of approval.
- g. City attorney's signature block for certificate of approval.
- h. Mayor's certificate of acceptance signature block with space to allow for the signature to be attested by the city recorder.

6. A three-inch by three-inch (3" x 3") space in the lower right-hand corner of the drawing for recording information.

7. After approving the final plat, the city planning staff committee shall submit the plat for approval to the city engineer, who shall bill the applicant for this review, and shall check the engineering requirements of the drawing. After approval and signature by the city engineer, the plat shall be submitted to the city attorney, planning commission, and mayor for signatures and certificate of acceptance. The final plat, bearing all official approvals as above required, shall be returned to the applicant for recording at the expense of the applicant. No subdivision shall be recorded in the office of the county recorder and no lot included in such subdivision shall be sold or exchanged and no offer shall be made to sell or exchange any such lot unless and until the plat is approved and accepted.

K. Expiration Of Final Subdivision Plat Approval; Extension Of Final Subdivision Plat Approval:

1. After the final subdivision plat has been recorded in the Office of the Weber County Recorder, the applicant(s) may apply for building permits consistent with the approved and recorded final subdivision plat and consistent with the city requirements for a building permit. The approval of a final subdivision application shall be effective for a period of one (1) year from the date the final subdivision application is approved by the city planning staff committee, at the end of which time the final subdivision plat shall have been recorded in the office of the Weber County Recorder.

2. If the approved final subdivision plat is not recorded within the one (1) year period of date of approval, and the city planning staff committee has not extended the approval of the final subdivision plat, the final subdivision approval shall be void and any vested rights thereunder will therefore be void, whereupon the city planning staff committee may require that a new subdivision plat be submitted and approval obtained pursuant to this section. A written request may be submitted to the city planning staff committee prior to expiration of the final subdivision plat for an extension of up to six (6) months. The city planning staff committee may grant such an extension for good cause. Once the application has expired, in order to reintroduce the proposed subdivision development, the applicant must submit a new application with all applicable fees. (Ord. 881, 7-20-2016, amd. Ord. , 1-2-2024)

**10-21-8: PREAPPLICATION CONCEPT REVIEW FOR A MULTIPLE-FAMILY RESIDENTIAL SUBDIVISION, COMMERCIAL SUBDIVISION, OR MANUFACTURING USE SUBDIVISION (NOT INCLUDING SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISIONS):**

The following process shall be followed to create a multiple-family residential, commercial subdivision, or manufacturing use subdivision in the city:

A. Preapplication Concept Review: Each applicant who proposes to subdivide land within the territorial limits of the city shall confer with the city planning staff committee before preparing any plats, charts, or plans. The preapplication meeting is intended to provide and explain the city's subdivision requirements, the general plan guidelines that apply to the proposed subdivision, and to discuss the proposed plan of development of the tract. (Ord. 854, 5-6-2014)

B. Preapplication Sketch Submission: The applicant shall submit two (2) copies of conceptual sketches showing the proposed preliminary plat and site plan for review by the city planning staff committee. The provided sketches are expected to show the relationship to proposed traffic arteries, existing arteries, utilities, shopping centers, schools, parks, or other infrastructure or city facilities.

C. Information Form: A subdivision information form to be supplied to the applicant by the city staff shall be completed and submitted to the planning commission with submission of the preliminary plat and site plan.

D. Preliminary Plat Fee: A fee shall be assessed in such amount as established by resolution of the city council to offset the cost of reviewing and other related work performed by the city and engineering staff associated with the review of the preliminary plat and site plan. The fee amount shall be as provided in the consolidated fee schedule set forth in title 1, chapter 12 of this code. No preliminary plat and site plan shall be

presented to the planning commission or city council without the payment of said fee being received by the city. (1985 Code § 19-40-4; amd. 2001 Code, amd. Ord. , 1-2-2024)

**10-21-9: COMPLETE APPLICATION FOR PRELIMINARY SUBDIVISION PLAN FOR A MULTIPLE-FAMILY RESIDENTIAL SUBDIVISION, COMMERCIAL SUBDIVISION, OR MANUFACTURING USE SUBDIVISION (NOT INCLUDING SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISIONS):**

A. Required: Upon completing the requirements set forth in section [10-21-8](#) of this chapter, each person who proposes to subdivide land in the city shall prepare a preliminary plan of such subdivision and shall submit four (4) large (24'x36') sized set of prints, one (1) small (11'x17') sized set of prints, and one digital full set submittal of all preliminary plans and plat thereof to the planning commission and city. One print shall be delivered by the city staff to each of the following for the information and recommendation of such officials and departments: city engineer, fire department, police department, public works departments, city administration, and other pertinent city departments.

B. Preliminary plans must be received by the city no later than the end of the day ten (10) business days prior to the next scheduled planning commission meeting in order to allow sufficient time to be reviewed and to receive recommendations from the foregoing listed departments. (Ord. 815, 9-25-2012)

C. Scale; Information Required: The preliminary plan shall be drawn to a scale not fewer than one hundred feet to the inch (1" = 100'), and shall show:

1. The proposed name of the subdivision.
2. The location of the subdivision as forming a part of a larger tract or parcel where the plan submitted covers only a part of the applicant's tract, or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
3. Sufficient information to locate accurately the property shown on the plan.
4. The name and address of the applicant; the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
5. Contour map at appropriate intervals where required by the planning commission.
6. The boundary lines of the tract to be subdivided.
7. The location, widths, and other dimensions of all existing or platted streets and other significant features such as railroad lines, watercourses, exceptional topography, and buildings within the tract or within two hundred feet (200') of the tract to be subdivided.

8. Existing and proposed sanitary sewers, storm drains, water supply mains and culverts within the tract or within one hundred feet (100') thereof.
9. The location, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the public.
10. North point, scale and date.

D. Decision Of Planning Commission: The planning commission may approve or reject the preliminary plan and plat, or grant approval with the conditions stated by the planning commission. Approval of the preliminary plan and plat by the planning commission shall not constitute final acceptance of the subdivision by the planning commission. One copy of the approved preliminary plan and plat shall be retained in the city offices and one copy shall be made available to the applicant, if so requested. The planning commission's approval of the subdivision preliminary plan and plat shall be the authorization for the applicant to proceed with the finalization of plans and specifications of this chapter and with the preparation of the final plat and plan.

E. Improvement Plans: Prior to the construction of any improvements required in section [10-21-15](#) of this chapter, or to the submission of financial guarantees, the applicant shall furnish to the city engineer all subdivision improvement plans, information, and data necessary for said improvements. These plans shall be examined by the city engineer and shall be approved if the city engineer determines them to be in accordance with the requirements of section [10-21-15](#). No construction of buildings may begin until after recording of the final plat.

F. Term Of Approval: Approval of the preliminary plan and plat by the planning commission shall be valid for a maximum period of twelve (12) months after approval, unless upon application of the applicant, the planning commission grants the applicant a six (6) month extension. If the final plat has not been recorded within the twelve (12) month period, the preliminary plan and plat must again be submitted to the planning commission for reapproval. (1985 Code § 19-40-5, amd. Ord. , 1-2-2024)

**10-21-10: FINANCIAL GUARANTEES FOR IMPROVEMENTS FOR A MULTIPLE-FAMILY RESIDENTIAL SUBDIVISION, COMMERCIAL SUBDIVISION, OR MANUFACTURING USE SUBDIVISION (NOT INCLUDING SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISIONS):**

Prior to the final plat being presented to the city council for final review and consideration for approval or denial, the applicant shall satisfy one of the following requirements:

- A. Escrow Deposit: Enter into a developer's agreement with the city and furnish satisfactory proof of an escrow deposit in favor of the city in an amount equal to the cost of the improvements required for the subdivision, plus ten percent (10%) of the costs, with the amounts to be released pursuant to the terms and conditions of the developer's agreement; or
- B. Performance Bond: Enter into a developer's agreement with the city and furnish to the city a developer's performance bond in an amount equal to the cost of the

improvements required for the subdivision, plus ten percent (10%) of the costs, with the bond to be released pursuant to the terms and conditions of the developer's agreement. (Ord. 871, 9-1-2015; amd. Ord. 926, 10-20-2020, amd. Ord. , 1-2-2024)

**10-21-11: FINAL PLAT FOR A MULTIPLE-FAMILY RESIDENTIAL SUBDIVISION, COMMERCIAL SUBDIVISION, OR MANUFACTURING USE SUBDIVISION (NOT INCLUDING SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISIONS):**

A. Planning Staff Committee Review: Prior to final review of the final subdivision plan and plat, the applicant's engineer shall submit the proposed final plat, with any changes and modifications as directed at the preliminary review by the planning commission, along with a letter of certification that each lot meets the requirements of this title to the city planning staff committee. The city planning staff committee, after reviewing the proposed final plat and confirming that all the above fees and financing guarantees have been satisfied, shall present the final plat to the planning commission for appropriate final recommendation to city council consideration.

B. Preparation Of Plat: After compliance with the provisions of subsection A of this section, and sections [10-21-9](#) and [10-21-10](#), a final plat of the subdivision covering all or part of an approved preliminary plat shall be prepared by a licensed surveyor not in the employ of the city in conformance with the design standards of section [10-21-13](#) of this chapter and submitted within one year from the date of preliminary plan approval unless the time is extended by the planning commission; otherwise, such approval shall be considered to have been withdrawn. Four (4) large (24'x36') sized set of prints, one (1) small (11'x17') sized set of prints, and one (1) digital full set submittal of all final plans and the final plat shall be submitted to the planning commission at least ten (10) business days prior to the date of the planning commission meeting, at which time such final plat and plan is to be considered for a recommendation to the city council.

C. Submittal of Final Plat and Plan: After the proposed final plat and plan have received a planning commission recommendation to the city council, the applicant shall revise the final plat and plan prior to submittal to the city council for final consideration. Four (4) large (24'x36') sized set of prints, one (1) small (11'x17') sized set of prints, and one (1) digital full set submittal of all final plans and the final plat shall be submitted to the city for the city council review at least ten (10) business days prior to the date of the city council meeting, at which time such final plat and site plan is to be considered by the city council.

D. Drawing: The final plat, if approved by the city council, shall consist of a sheet of approved tracing linen (mylar paper), to the outside or trim line dimensions of nineteen inches by thirty inches (19" x 30") and the border line of the plat shall be drawn in heavy lines leaving a space of at least one-half inch (1/2") margin on all four (4) sides. The approved plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen with waterproof black drawing ink. The approved plat shall be made to a scale large enough to clearly show all details, in any case not fewer than one hundred feet to the inch (1" = 100'), and workmanship on the finished drawing shall be neat, clean cut and readable. The approved plat shall be signed by all parties listed in

subsection D5. of this section, who are duly authorized and required to sign and shall contain the following information:

1. A subdivision name, approved by the county recorder, and the general location of the subdivision, in bold letters at the top of the sheet.
2. A north point and scale of the drawing, and the date.
3. Accurately drawn boundaries, showing the proper bearing and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.
4. The names, widths, lengths, bearings, and curve data on centerlines of proposed streets, alleys, and easements; the boundaries, bearings, and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; and the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system approved by the city council. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street naming and numbering system as outlined in Title 9, Chapter 5 of the city code.
5. The standard forms approved by the city council as lettered for the following on the final approved plat:
  - a. Description of land to be included in the subdivision.
  - b. Registered professional engineer and/or land surveyor's "certificate of survey".
  - c. Owner's dedication.
  - d. Notary public's acknowledgment.
  - e. Planning commission's signature block for certificate of approval.
  - f. City engineer's signature block for certificate of approval.
  - g. City attorney's signature block for certificate of approval.
  - h. Mayor's certificate of acceptance signature block with space to allow for the signature to be attested by the city recorder.
6. A three-inch by three-inch (3" x 3") space in the lower right-hand corner of the drawing for recording information.
7. After approving the final plat, the city planning staff committee shall submit the plat for approval to the city engineer, who shall bill the applicant for this review, and shall check the engineering requirements of the drawing. After approval and signature by the city engineer, the plat shall be submitted to the city attorney, planning commission, and mayor for approval signatures and certificate of acceptance. The final plat, bearing all official approvals as above required, shall be returned to the applicant for recording at the expense of the applicant. No subdivision shall be recorded in the office of the county recorder and no lot included in such subdivision shall be sold or

exchanged and no offer shall be made to sell or exchange any such lot unless and until the plat is so approved and accepted.

**E. Expiration Of Final Subdivision Plat Approval; Extension Of Final Subdivision Plat Approval:**

1. After the final subdivision plat has been recorded in the Office of the Weber County Recorder, the applicant(s) may apply for building permits consistent with the approved and recorded final subdivision plat and consistent with the city requirements for a building permit. The approval of a final subdivision application shall be effective for a period of one (1) year from the date the final subdivision application is approved by the city council, at the end of which time the final subdivision plat shall have been recorded in the office of the Weber County Recorder.

2. If the approved final subdivision plat is not recorded within the one (1) year period of date of approval, and the planning commission has not extended the approval of the final subdivision plat, the final subdivision approval shall be void and any vested rights thereunder will be lost, whereupon the planning commission may require that a new subdivision plat be submitted and approval obtained pursuant to this section. A written request may be submitted to the planning commission prior to expiration of the final subdivision plat for an extension of up to six (6) months. The planning commission may grant such an extension for good cause. Once the application has expired, in order to reintroduce the proposed subdivision development, the applicant must submit a new application with all applicable fees. (Ord. 881, 7-20-2016, amd. Ord. , 1-2-2024)

**10-21-12: CONSTRUCTION PLANS AND PROFILES:**

Prior to commencement of construction, the applicant shall furnish to the city engineer a complete set of construction plans and profiles prepared by a licensed professional engineer not in the employ of the city of all streets, existing and proposed, within the subdivision with the final plat. The city engineer, within a reasonable time not to exceed twenty (20) days from receipt of plans, shall notify the applicant of approval or disapproval and, in case of disapproval, the reason therefore. (1985 Code § 19-40-7)

**10-21-13: DESIGN STANDARDS:**

A. Street Arrangement: The arrangement of streets in new subdivisions shall require the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided), if considered necessary by the planning commission for meeting public requirements. The street arrangement may not cause unnecessary hardship to any owner of adjoining property when the owner plats the owner's land and seeks to provide convenient access to it.

B. Minor Streets: Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees (80°).

C. Major And Collector Streets: Major and collector streets shall conform to the width designated on the major street plan where a subdivision falls in an area where a major street plan has been adopted. For territory where such street plan has not been completed at the time the subdivision preliminary plan is submitted to the planning commission, major or collector streets shall be provided as required by the planning

commission with minimum widths of one hundred feet (100') for major streets and sixty-six feet (66') for collector streets.

D. Minor Residential Streets: Minor residential streets shall have a minimum width of sixty feet (60'), except that cul-de-sacs (dead-end streets) or loop streets serving not more than ten (10) lots may have minimum widths of not less than fifty feet (50').

E. Alleys: Alleys shall have a minimum width of twenty feet (20'). Alleys may be required in the rear of business lots but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission. (1985 Code § 19-40-8)

F. Cul-De-Sacs: Cul-de-sacs (turnarounds or dead-end streets) shall be used only where unusual conditions exist which make other designs undesirable. Cul-de-sacs are not desirable. Cul-de-sacs are not favorable to the city and will generally not be acceptable in subdivision plans. Each cul-de-sac must be terminated by a turnaround not less than one hundred feet (100') in diameter and cannot be a distance longer than four hundred feet (400') from the center of the intersection to the throat of the cul-de-sac. In the event that surface water drains into the cul-de-sac, necessary catch basins and drainage easements shall be provided.

G. Easements: Easements for drainage through the property may be required by the city engineer, and easements of not less than ten feet (10') in width shall be provided if required for utilities or other purposes.

H. Service Roads: Service roads paralleling major streets shall be required unless the planning commission approves double-frontage lots which may back onto major highways or collector streets as designated on the major street plan. Where lots back onto a major highway or collector street, a buffer planting strip of trees or shrubs shall be provided in a width of ten feet (10') or wider, but in no case less than ten feet (10').

I. Blocks:

1. Blocks shall not exceed one thousand six hundred feet (1,600') in length. A dedicated walkway through the block may be required where access is necessary to a point designated by the planning commission. Such walkway shall be a minimum of four feet (4') in width but may be required to be wider where determined necessary by the planning commission. The applicant shall surface the full width of the walkway with a concrete surface, install a chain-link fence or its equal four feet (4') high on each side and the full length of each walkway, and provide, in accordance with the standards and rules and regulations, barriers at each walkway entrance to allow vehicles no wider than four feet (4').

2. The width of blocks generally shall be sufficient to allow two (2) tiers of lots.

3. Irregular shaped blocks, indented by cul-de-sacs, or containing interior spaces, will be acceptable when properly designed and fitted to the overall plat.

4. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

J. Lots:

1. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and to existing and probable future requirements. (1985 Code § 19-40-8)
2. All lots shown on the subdivision plan must conform to the minimum requirements of this title for the zone in which the subdivision is located, and to the minimum requirements of the city engineer and the state board of health for sewage disposal. The minimum width for any residential building lot shall be as required by this title. Where a public sewer is not available, the minimum area of such lot shall be no less than that approved in a letter to the planning commission by the board of health nor less than twenty thousand (20,000) square feet, whichever is greater.
3. Each lot shall abut on a street dedicated by the recording of the subdivision or on an existing publicly dedicated street, or on a street which has become public by right of use and is more than twenty-six feet (26') wide. Interior lots abutting on more than one street shall be prohibited except where unusual conditions make other design undesirable.
4. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
5. Side lines of lots shall be approximately at right angles, or radial to the street line.
6. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.
7. Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer certified to the planning commission by the county recorder. (1985 Code § 19-40-8, amd. Ord. , 1-2-2024)

**10-21-14: PARKS, SCHOOL SITES, OTHER PUBLIC PLACES:**

- A. When the preliminary plan is submitted for the division of property, a part or all of which is deemed suitable by the planning commission for schools, parks, playgrounds, or other public use in accordance with the master plan, the planning commission shall require the applicant to include the required public open space in the subdivision design to the satisfaction of the planning commission.
- B. The applicant, at or before the time of presentation of the final subdivision plat for approval of the city council, shall offer to sell to the city or other appropriate agency, at any time during the two (2) year period immediately following the recording of the final plat, any land which has been set aside for park, playground, school or other public use at a fair market price.
- C. In the case of land required for park or playground, the fair market price will be based upon raw land value, but in no event shall such price exceed the price for said

land in the last bona fide sale thereof within the period of five (5) years immediately before the date of the final subdivision plat.

D. The city or other appropriate public agency may accept such offer at any time within a two (2) year period immediately following the recording of the final plat. If any such proposed public areas have not been purchased by the appropriate public agency within two (2) years after the recording of the final plot, such areas may be divided into lots in accordance with the requirements of this chapter and sold. (1985 Code § 19-40-9, amd. Ord. , 1-2-2024)

**10-21-15: IMPROVEMENTS:**

A. Time Of Construction: The improvements listed in this section shall not be installed prior to recording the final plat. No improvements shall be installed until their location and specifications are approved by the city engineer. Water and sewer mains and laterals and fire hydrants shall be installed prior to the installation of road base, curbs, gutters, and the surfacing of streets.

B. Performance Guarantees:

1. Before final plat approval by the city council, the applicant shall have satisfied the financing requirements of section [10-21-6](#) of this chapter. The required performance guarantees are to assure the actual construction of the following improvements within a period of two (2) years in a manner satisfactory to and in an amount specified by the city council. Improvements include part or all of the following: streets, curbs, gutters, water supply systems, fire hydrants, sewer systems, surface water disposal systems, protection from hazards of canals and ditches, safety fences, street trees, monuments, or other improvements required by the city council.

2. Sidewalks shall be installed by the building contractor at the same time as the said contractor installs driveways and walkways on individual lots. Said installation of sidewalks shall be completed and in good repair at or before the time an application for occupancy is made to the community development director.

3. The developer shall be responsible for the satisfactory performance of improvements dedicated to the city for a period of one year after inspection and final acceptance by the city. These improvements include, but are not limited to: streets, curbs, gutters, sidewalks, water main lines, fire hydrants, sewer mains and manholes, storm sewer mains and catch boxes, monuments, and street signs which are in a dedicated easement and are controlled solely by the city.

4. The developer's engineer shall, as each improvement is installed, certify, in writing, that the installed improvements meet city standards and that said improvements have been completed as approved by the city. Said written certification shall be delivered to the city engineer, who shall make periodic on-site inspections for plan review and to verify the certification of the developer's engineer. The developer's engineer shall provide evidence to the satisfaction of the city engineer that the installed improvements meet city standards before the developer shall be allowed to proceed with other improvements on the development, or to begin construction of buildings or structures in the subdivision.

5. In the event a utility easement or easements are provided to the city in connection with the installed improvements, the utility line shall be placed as close to the center of said easement as is reasonably possible.

C. Standards: Standards for design, construction, specifications and inspection of street improvements, curbs and gutters, sidewalks and drainage facilities shall be prepared by the city engineer, standards of design and procedure by the planning commission, standards for water distribution and sewage disposal facilities by the state board of health and city engineer, and similar standards for fire hydrants by the city engineer and fire department. Such standards and rules and regulations, and any amendments thereto, before becoming effective, shall be adopted or amended by the city council as a part of this chapter after recommendation by the planning commission and shall be available to the public. (Ord. 871, 9-1-2015)

D. Streets On Property Of Other Public Agencies Or Utility Companies: Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the city attorney.

E. Street Improvements: All streets shall be constructed by the applicant in accordance with the standards and rules and regulations of the city engineer.

F. Curbs, Gutters, And Sidewalks: Curbs, gutters and sidewalks shall be installed on existing and proposed streets by the developer of the property in all subdivisions and must be put in prior to the sale of any subdivision or phase.

G. Water Supply: A culinary water supply which must be approved by the city engineer and the state board of health shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of the city. (Ord. 766, 9-7-2010)

H. Fire Hydrants: Fire hydrants shall be installed by the applicant at locations determined by the city engineer and fire department in all subdivisions in accordance with the standards, rules, and regulations of the city. (Ord. 815, 9-25-2012)

I. Sewage Disposal: Whether by individual disposal system or by public disposal facilities, sewage disposal shall be provided and approved by the city engineer and public works director for each lot in the subdivision in accordance with the standards, rules and regulations of the city. (Ord. 766, 9-7-2010; amd. Ord. 854, 5-6-2014)

J. Surface Water: The applicant shall provide adequate methods of conveyance and disposal of stormwater and surface water at his expense, the plans for which shall be prepared by a licensed engineer not in the employ of the city and which shall be approved by the planning commission after recommendation by the city engineer. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the applicant to acquire such easements.

K. Ditches And Canals: Open ditches or canals shall not be allowed within or adjoining a subdivision. It shall be the applicant's responsibility to work with the

irrigation, drainage or ditch companies and arrange for the covering, realigning or elimination of open ditches or canals. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the city engineer.

L. Safety Fences: The applicant shall install a six foot (6') nonclimbable chain-link fence, or equivalent thereof, in conformance with all applicable standards, rules and regulations of the city, along all nonaccess streets, open reservoirs, bodies of water or railroad rights of way.

M. Street Trees: Street trees may be provided at the option of the applicant, but when so provided, the variety and location of such trees shall be recommended by the planning commission staff and approved by the planning commission.

N. Monuments: Permanent monuments shall be accurately set and established at such points as are necessary to definitively establish all lines of the plat, except those outlining individual lots. Monuments shall be of a type approved by the city engineer. All subdivision plats shall be tied to a corner or monument of record or established land office survey corner.

O. Streetlights: The city shall install streetlights at each intersection of the subdivision. The installation shall be under the direction of the public works director and shall conform to the standards set forth in the city street lighting policy. The expense for the cost of materials and installation shall be borne by the applicant.

P. Administrative Rules, Regulations; Authority: The city council is authorized to prescribe by administrative rule or regulation filed for record with the city recorder forms and procedures to ensure the orderly, regular, and efficient processing of applications for the approval of a proposed subdivision and the strict compliance with the requirements of this chapter.

Q. Fees Deposited; Inspections: The applicant, upon submission of his plans, shall deposit with the city such fees as may be prescribed by resolution of the city council. The public works inspector shall oversee inspecting all improvements and may request the assistance of the city engineer if the public works inspector deems it necessary. The applicant shall, prior to beginning any improvements as set forth herein, enter into a written agreement with the city to pay all fees or assessments associated with the services provided by the city or which become necessary for the enforcement of this chapter, as said services are rendered. (Ord. 766, 9-7-2010, amd. Ord. , 1-2-2024)

#### **10-21-16: SMALL SUBDIVISIONS; SPECIAL PROVISIONS:**

A preliminary plan shall be required for all small subdivision submittals, based on the criteria listed below:

A. For single-family dwelling, two-family dwelling, and townhome subdivisions, the applicant's preliminary plan submittal must be reviewed by the administrative land use authority, i.e., the planning commission, for recommendation to the city planning staff committee, and thereafter the preliminary plan must be reviewed for approval by the city planning staff committee.

- B. For multiple-family residential subdivisions, commercial subdivisions, or manufacturing use subdivisions, the preliminary plan must be reviewed by the planning commission for recommendation to the city council, and thereafter the preliminary plan must be reviewed for final approval by the city council.
- C. Approval of the final plan shall be authorization for the applicant to sell lots within the subdivision covered by the preliminary plan by metes and bounds, and the requirements of a final plan shall be waived. When final plans are not required, the applicant shall provide such improvements on existing streets within the subdivision as shall be required by the city council. Final plans shall not be required where all the following conditions exist:
1. The subdivision consists of not more than ten (10) lots.
  2. The subdivision does not require the dedication of any land for street or other public purposes.
  3. The subdivision is not traversed by the mapped lines of a proposed street or a street to be widened as shown on the major street plan.
  4. Each of the lots in the subdivision meets the frontage, width and area requirements of this title. (1985 Code § 19-40-11, amd. Ord. , 1-2-2024)

**10-21-17: ENFORCEMENT AND PERMITS:**

- A. Official: The community development director is hereby designated and authorized as the officer charged with the enforcement of this chapter. He shall enforce all the provisions of this chapter, entering actions in the courts when necessary and his failure to do so shall not legalize any violation of such provisions.
- B. Permits: The community development director shall not grant a permit, nor shall any city officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this chapter or on a lot in a subdivision created by judicial decree, until a subdivision plat therefor has been recorded, or approved under section [10-21-7](#) of this chapter. Any license or permit issued in conflict with such provisions shall be null and void.
- C. Inspections: The community development director shall inspect or cause to be inspected all buildings, fire hydrants, water supply, and sewage disposal systems during construction, installation, or repair. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved by the city engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the community development director. (Ord. 854, 5-6-2014)
- D. Fee: At the time any building permit is applied for to construct any building or structure in any subdivision which may be established, there shall be paid, along with such application for such building permit, a fee in such amount as prescribed by the city council as provided in the consolidated fee schedule set forth in title 1, chapter 12 of this code, which additional fee shall be in addition to the usual building permit fee which

might otherwise be applicable. This additional fee shall be used to assist in defraying the expenses of the city in the creation of such subdivision. (1985 Code § 19-40-12; amd. 2001 Code, amd. Ord. , 1-2-2024)

**10-21-18: PENALTY:**

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be guilty of a class C misdemeanor and punished as is provided in section [1-4-1](#) of this code. (1985 Code § 19-40-13, amd. Ord. , 1-2-2024)



**RIVERDALE CITY  
PLANNING COMMISSION  
PUBLIC HEARING NOTICE**

Riverdale City gives notice that on Tuesday, December 12, 2023, at 6:30 p.m., at the Riverdale City Civic Center, 4600 South Weber River Drive, Riverdale, Utah, the Planning Commission will hold a public hearing to receive and consider public comments regarding the following:

**Proposed amended updates to Title 10, Chapter 21 “Subdivisions” ordinance  
as found in the Riverdale City Code, as requested by the Community  
Development Department and required by the State of Utah.**

The public is invited to review and inspect all information available concerning such proposal(s) at the Riverdale City Offices during the regular office hours, 8:00 a.m. to 5:00 p.m. Monday through Friday. The public or any interested parties may present written or oral testimony to the Riverdale City Planning Commission concerning the proposed action at the aforementioned time and place.

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**Certificate of Posting**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Riverdale City limits on this 4<sup>th</sup> day of December, 2023 at the following locations: 1) Riverdale City Hall Noticing Board 2) Riverdale City website at <http://www.riverdalecity.com/> 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html>.

Michelle Marigoni  
Riverdale City Recorder

**ULCT Suggested Guidelines<sup>1</sup> to  
comply with Senate Bill 174 (2023)**

**Subdivision Process for Single Family, Two Family and Townhome  
Dwellings only**

See Utah League Legislative [summary](#) for SB 174 2023 legislation key highlights.

**Statutory Compliance Dates:**

**1. February 1, 2024. [See list of cities with this deadline here](#)**

- (i) a city of the first, second, third, or fourth class;
- (ii) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class; or
- (iii) a metro township with a population of 5,000 or more.

**2. December 31, 2024**

- (i) All others not specified above.

These guidelines are intended to meet UCA Title 10, Chapter 9a, [Part 6 Sections 604.1, 604.2](#) and [Part 5 Section 508 \(5\)\(d\)](#).

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**Section 1. Applicability.**

**Meets 10-9a-604.1 2(a)(b) and 10-9a-604.2 (2)**

1. This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes<sup>2</sup>.
2. This section does not apply to land use regulations adopted, approved, or agreed upon by the City<sup>3</sup> 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 City Code.

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<sup>1</sup> "The information provided on this website does not, and is not intended to, constitute legal advice. All information provided herein, including materials obtained through embedded links, are for general informational purposes only. All individuals or entities should not rely on or act upon information on this site without first seeking legal advice from counsel in the relevant jurisdiction. Use of and access to this information does not create an attorney-client relationship between ULCT, its board, officers, and employees and any other persons or entities. All liability or loss arising from or relating to actions taken or not taken based on the contents of this information are hereby disclaimed."

<sup>2</sup> Note: Policy choice here to decide at local level to broaden the scope and process to other types of subdivision applications.

<sup>3</sup> Note: Please replace City with Town, Metro Township, or County as applicable throughout the document.

## Section 2. Defined Terms<sup>4</sup>.

### Meets 10-9a-604.1 1(a)(b) and 10-9a-604.2 (1)

1. "Administrative land use authority" means an individual, board, or commission, appointed or employed by municipality<sup>5</sup>, including the staff or the planning commission.
2. "Administrative land use authority" does not include the municipal<sup>6</sup> City Council or a member of the City Council.
3. "Review cycle" means the occurrence of:
  - (i) the applicant's submittal of a complete subdivision land use application;
  - (ii) the City's review of that subdivision land use application;
  - (iii) the City's response to that subdivision land use application, in accordance with this section; and
  - (iv) the applicant's reply to the City's response that addresses each of the municipality's required modifications or requests for additional information.
4. "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.
5. "Subdivision ordinance review" means review by the City to verify that a subdivision land use application meets the criteria of the City's subdivision ordinances.
6. "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.<sup>7</sup>

## Section 3. Designation of a Single Administrative Land Use Authority for Review and Approval of Preliminary and Final Subdivision Applications.

### Meets 10-9a-604.1, 3(a)(b)

1. Preliminary Subdivision Applications.
  - a) (Add municipality name here) hereby designates (insert policy choice here) to review and approve preliminary subdivision applications.
2. Final Subdivision Applications.
  - b) (Add municipality name here) hereby designates (insert policy choice here) to review and approve final subdivision applications.

<sup>4</sup> Note: We advise that you define a complete application and the notification process for that determination process in this section. We recommend 48 hours to determine a complete application in this section.

<sup>5</sup> Note: Add your jurisdiction's name here

<sup>6</sup> Note: Add your jurisdiction's name here

<sup>7</sup> Note: Policy choice here on designation within the statutory limitation cited in Section 2. Defined Terms 1 and 2

## Section 4. Process for a Pre-Application meeting prior to Application Submission.

### Meets 10-9a-604.1, 4(a)(b)

1. If an applicant requests a pre-application meeting, the municipality<sup>8</sup> shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
2. At the pre-application meeting, the staff shall provide or have available on the city website the following:
  - (i) copies of applicable land use regulations;
  - (ii) a complete list of standards required for the project;
  - (iii) preliminary and final application checklists; and
  - (iv) feedback on the concept plan.

## Section 5. Establishment of Process and application for Preliminary Subdivision Application.

### Meets 10-9a-604.1 4(a)(b), 6 and 7 and 10-9a-604.2. 3 (a)(b) and 5

#### 1. Preliminary Subdivision Application.

The application for preliminary subdivision applications and materials can be found on the City's website and at the City Office. These materials include provisions for:

- (ii) the owner's affidavit;
- (iii) an electronic copy of all plans in PDF format;
- (iv) the preliminary subdivision plat drawings; and
- (v) a breakdown of fees due upon application.

#### 2. Review Process and Timing

A. The administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a municipal staff level.<sup>9</sup>

B. The administrative land use authority may<sup>10</sup>:

- (a) receive public comment; and
- (b) hold no more than one public hearing.

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<sup>8</sup> Note: add your jurisdiction's name here.

<sup>9</sup> Note: Policy choice here to decide the process for your community

<sup>10</sup> Note: Policy choice here to decide how you want to process the input. Please select and insert your choice here so the process is clear and objective.

C. No later than 15 business days after the day on which an applicant submits a complete application, the municipality 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.<sup>11</sup>

D. In reviewing the preliminary subdivision land use application, the City may require:

- A. (i) 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.
- B. The City's request for additional information or modifications to plans under Subsection (D)(a)(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.

## Section 6. Establishment of Process and application for Final Subdivision Application.

### **Meets 10-9a-604.2. 4 (a)(b) and 5**

#### 1. Final Subdivision Application.

The application for final subdivision applications and materials can be found on the City's website and at the City Office.

#### 2. Review Process and Timing

- A. No later than 20 business days after the day on which an 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.<sup>12</sup>

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<sup>11</sup> Note: This may be new to many communities so please be advised and concurrently make sure your engineering standards and specification documents are updated and codified to assist you in developing a checklist of submittals required for a complete application.

<sup>12</sup> Note: This 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.

- B. In reviewing the final subdivision land use application, the City may require:
  - (i) 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 or modifications to plans under Subsection (2)(B)(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.

## **Section 7. Specific Review Cycle Process for Review of Preliminary and Final applications.<sup>13</sup>**

### **Meets 10-9a-604.2. 5(c)(d)**

- A. Municipality<sup>14</sup> requires the following review cycles with no more than four in total permitted:
  - A. (i) Detail your policy selection here.
  - B. (i) Subject to Subsection (B)(ii), 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 the infrastructure needed for the specific development, a change or correction not addressed or referenced in a municipality's plan review is waived.
    - (ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
  - C. 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.
  - D. If an applicant does not submit a revised plan within 20 business days after the municipality requires a modification or correction, the municipality shall have an additional 20 business days to respond to the plans.

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<sup>13</sup> Note: Policy decision required here. You may have no more than a total of 4 review cycles for both preliminary and final application review. Decide here how many in each review period. For example, 2 reviews at preliminary and 2 reviews at final or all 4 reviews after preliminary. The choice is yours but in this section, you must designate when those cycles occur.

<sup>14</sup> Note: Insert your jurisdiction's name here.

E. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the municipality's previous review cycle, the municipality 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.

F. (i) In addition to 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 for declining to make revisions, if any.

(ii) 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.

(iii) 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.

G. 1. If, on the fourth or final review, the City fails to respond within 20 business days, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

(i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 10-9a-508(5)(d) et seq. to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the municipality, the panel shall consist of the following three experts:

- a. one licensed engineer, designated by the City;
- b. one licensed engineer, designated by the land use applicant; and
- c. one licensed engineer, agreed upon and designated by the two designated engineers as appointed in subsection (i) a and b.

(ii) A member of the panel assembled by the City under Subsection (i) may not have an interest in the application that is the subject of the appeal.

(iii) The land use applicant shall pay:

- a. 50% of the cost of the panel; and
- b. the City's published appeal fee.; or

2. for a dispute arising from the 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.

## Section 8. Concurrent Processing of the Final Subdivision application with the Preliminary Subdivision application.<sup>15</sup>

### Meets 10-9a-604.1 (9)

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.

1. Application (include items required in combined application)
2. Review Process:
  - may not require planning commission or city council approval; and
  - Must concur with Section 7 A-G

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<sup>15</sup> Note: The option to combine review and approval of a preliminary and final plat is allowed and is optional. If you choose to utilize this option then you must make policy decisions on the type it applies to , the application details and adhere to the review cycles. See highlighted areas in yellow that need to be completed based on your local policy choices.

## Mike Eggett

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**From:** Lisa Watts Baskin <lwbaskin@shutah.law>  
**Sent:** Wednesday, December 27, 2023 1:30 PM  
**To:** Mike Eggett  
**Cc:** Jay L. Springer; Adam Long; Christee McKinney  
**Subject:** RE: Final revisions prior to PC meeting tonight  
**Attachments:** Subdiv Rev Process Code Update Draft 20231227 redlines lwb.docx; Current draft jls rev 2023-12-13 Riverdale Subdiv Rev Process Code Update 12.12.2023 lwb final redlines.docx

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

Mike:

Attached are my final revisions and comments to your excellent final draft. I did not convert to a clean version here but kept the redlines/bluelines for your final perusal. Near the end of the less critical code sections wherein you replaced references with "applicant," I started to do some unrelated drafting clean up and held back appropriately. This is good to go in my opinion. I have not accepted all the formatting edits as proposed by Jay in his version. I am attaching his revisions to show his formatting suggestions also. I look forward to offering any other assistance as needed.

Thank you,

*Lisa Watts Baskin*  
**Attorney**  
**SMITH HARTVIGSEN, PLLC**  
257 East 200 South, #500  
Salt Lake City, Utah, 84111  
801-413-1600 P  
801-671-0586 C  
[lwbaskin@shutah.law](mailto:lwbaskin@shutah.law)  
[www.smithhartvigsen.com](http://www.smithhartvigsen.com)



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**From:** Mike Eggett <MEggett@riverdalecity.com>  
**Sent:** Tuesday, December 19, 2023 3:43 PM  
**To:** Lisa Watts Baskin <lwbaskin@shutah.law>  
**Cc:** Jay L. Springer <jspringer@shutah.law>; Adam Long <along@shutah.law>; Christee McKinney <cmckinney@shutah.law>  
**Subject:** RE: Final revisions prior to PC meeting tonight

\*\*External Message\*\*

Good Afternoon Lisa (and Team):

I have further updated this subdivisions code amendment document proposal draft and further incorporated your comments and direction throughout the entirety of the proposed amended code document.

## CHAPTER 21 SUBDIVISIONS

SECTION:

[10-21-1: General Provisions](#)

[10-21-2: Definitions](#)

[10-21-3: Scope Of Regulations](#)

[10-21-4: PreApplication Concept Review For A Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivision](#)

[10-21-5: Complete Application For Preliminary Subdivision Plan For A Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivision](#)

[10-21-6: Financial Guarantees For Improvements For A Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivision](#)

[10-21-7: Complete Application For Final PlatSubdivision Review For A Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivision](#)

[10-21-8: Preapplication Concept Review For A Multiple-Family Residential Subdivision, Commercial Subdivision, Or Manufacturing Use Subdivision \(Not Including Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivisions\)](#)

[10-21-9: Complete Application For Preliminary Subdivision Plan For A Multiple-Family Residential Subdivision, Commercial Subdivision, Or Manufacturing Use Subdivision \(Not Including Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivisions\)](#)

[10-21-10: Financial Guarantees For Improvements For A Multiple-Family Residential Subdivision, Commercial Subdivision, Or Manufacturing Use Subdivision \(Not Including Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivisions\)](#)

[10-21-11: Complete Application For Final Subdivision Review For A Multiple-Family Residential Subdivision, Commercial Subdivision, Or Manufacturing Use Subdivision \(Not Including Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivisions\)](#)

[10-21-810-21-12: Construction Plans And Profiles](#)

[10-21-910-21-13: Design Standards](#)

[10-21-1010-21-14: Parks, School Sites, Other Public Places](#)

[10-21-1110-21-15: Improvements](#)

[10-21-1210-21-16: Small Subdivisions; Special Provisions](#)

[10-21-1310-21-17: Enforcement And Permits](#)

[10-21-1410-21-18: Penalty](#)

**10-21-1: GENERAL PROVISIONS:**

A. The underlying purpose and intent of this chapter is to promote the health, safety, convenience and general welfare of the inhabitants of the city in the matter of the subdivision of land, to encourage the healthful growth of the city and related matters affected by such subdivision.

B. Any proposed subdivision and its ultimate use shall be in the best interests of the public and shall be in harmony with good neighborhood development of the area concerned and the subdivider applicant shall present evidence to this effect when requested to do so by the planning commission.

C. In cases where unusual topographic or other exceptional conditions exist, variations and exceptions from this chapter may be considered:

1. For a single-family dwelling subdivision, two-family dwelling subdivision, or townhome subdivision made by the city council by the city staff planning committee, after recommendation by the planning commission; or
2. For a multiple-family residential subdivision, commercial subdivision, or manufacturing subdivision by the city council, after recommendation by the planning commission. (1985 Code § 19-40-1, amd. Ord. , 1-2-2024)

**Commented [LWB1]:** There is an exception for "identified geological hazard areas" but that does not allow for city council involvement under new state code.

#### **10-21-2: DEFINITIONS:**

The following words and phrases used in this chapter shall have the respective meanings hereinafter set forth, unless a different meaning clearly appears from the context:

ADMINISTRATIVE LAND USE AUTHORITY: The administrative land use authority established by the city to review land use decisions from preliminary subdivision applications as submitted for single-family dwelling, two-family dwelling, townhome subdivisions, or other subdivisions as provided in 10-21-9. For the city, this is designated as the Riverdale City Planning Commission. The administrative land use authority does not include any member of the Riverdale City Council, including the Mayor.

**Commented [LWB2]:** If you choose to add the expanded types of subdivisions, then you will need to include those in the definition here.

APPLICANT: The person or group of persons who submits a subdivision land use application to the city.

CITY: City of Riverdale, Utah.

CITY COUNCIL: The city council of the city of Riverdale, Utah.

CITY ENGINEER: The city engineer of the city of Riverdale, Utah.

CITY PLANNING STAFF COMMITTEE: The designated subdivision review and approval committee that shall consist of the community development director, the city administrator, the public works director, the city engineer, and other city staff who may be selected by the designated members of the city planning staff committee.

COMPLETE SUBDIVISION LAND USE APPLICATION: The complete application that the applicant submits to the Administrative Land Use Authority subsequent to the preapplication review by the city planning staff committee.

COUNTY: Weber County, Utah.

CUL-DE-SAC: A minor dead-end street provided with a turnaround.

DWELLING: Any building or structure, or portion thereof, including a trailer house, intended for residential use.

~~GUEST HOUSE: A separate dwelling structure, including a trailer house, located on a lot with one main structure intended for housing guests or servants and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.~~

LOT: A portion of a subdivision or parcel of land intended as a unit for building development or transfer of ownership. A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area, as are required by this title, having frontage upon a street or upon a right of way approved by the board of adjustment. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy any one lot.

MAJOR STREET PLAN: A plan, labeled "major street plan of the city of Riverdale", including maps or reports or both, which has been approved by the city council as required by law or such plan as it may be amended from time to time and so certified to the city council.

OFFICIAL MAP: Any map adopted by the city council under provisions of Utah Code Annotated section 10-9-306.

PARCEL OF LAND: Contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same person.

PARTITION OR DIVISION OF AGRICULTURAL LAND: A bona fide "partition or division of agricultural land" for agricultural purposes" shall mean the division of a parcel of land into three (3) or more lots or parcels, none of which lots or parcels are smaller than five (5) acres in area; and provided, that no dedication of any street or road is required to serve any such lots or parcels of agricultural land for the purpose of building development.

PERSON: Any individual, corporation, partnership, ~~firm~~firm, or association of individuals however styled or designated.

PLANNING COMMISSION: The city planning commission of Riverdale, Utah.

*REVIEW CYCLE: means the occurrence of:*

- A. the applicant's submittal of a complete subdivision land use application;
- B. the City's review of that subdivision land use application;
- C. the City's response to that subdivision land use application, in accordance with this section and Utah Code Annotated § 10-9a-604.2; and

**Commented [LWB3]:** This includes the reformatting as utilized by Jay Springer.

D. the applicant's reply to the City's response that addresses each of the municipality's required modifications or requests for additional information.

REVIEW CYCLE: means the occurrence of:

- the applicant's submittal of a complete subdivision land use application;
  - the City's review of that subdivision land use application;
  - the City's response to that subdivision land use application, in accordance with this section and Utah Code Annotated 10-9a-604.2; and
- E. the applicant's reply to the City's response that addresses each of the municipality's required modifications or requests for additional information.

STREET: A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than ~~twenty twenty~~ six feet (26') wide which has been made public by right of use and which affords the principal access to abutting property.

STREET, COLLECTOR: A street, existing or proposed, of considerable continuity which serves or is intended to serve as the principal trafficway between large and separated areas or districts and which is the main access to the major street system.

STREET, MAJOR: A street, existing or proposed, which serves or is intended to serve as a major trafficway and is designated on the master street plan as a controlled access highway, major street, ~~parkway~~parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan.

STREET, MARGINAL ACCESS: A minor street which is parallel to and adjacent to a major street and which provides access to abutting properties and protection from through traffic.

STREET, MINOR: A street, existing or proposed, which is supplementary to a collector or major street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood.

~~SUBDIVIDER, DEVELOPER: The person, persons, partnership, limited company or corporation that is causing or will cause improvements to be made to the benefit of the property designated as a subdivision.~~

SUBDIVISION: Any land that is divided, resubdivided or proposed to be divided into two (2) or more parcels, sites, units, ~~plots~~lots, or other division of land for the purpose, whether immediate or future, for offer, sale, ~~lease~~lease, or development, either on the installment plan or upon any and all other plans, terms and conditions.

SUBDIVISION IMPROVEMENT PLANS: The civil engineering plans associated with required infrastructure and municipally-controlled utilities required for a subdivision.

SUBDIVISION ORDINANCE REVIEW: The review by the city to verify that a subdivision land use application meets the criteria of the city's subdivision ordinances.

**SUBDIVISION PLAN REVIEW: The 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.**

**ZONING ORDINANCE:** The uniform zoning ordinance which is this title. (1985 Code § 19-40-2; amd. 2001 Code, amd. Ord. , 1-2-2024)

**10-21-3: SCOPE OF REGULATIONS:**

A. No person shall subdivide any tract of land which is located wholly or in part of the city except in compliance with this chapter. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a subdivision of a larger tract of land, nor offer for recording in the office of the county recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this chapter; provided, that this chapter shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this chapter.

B. Prior to the review of any property plat amendment, subdivision of land or quit claim deed of property, Riverdale City requires that any and all of the affected property's or properties' prior year (delinquent) taxes, interest and penalties be paid. (Ord. 824, 12-4-2012, amd. Ord. , 1-2-2024)

**10-21-4: PREAPPLICATION CONCEPT REVIEW (OPTIONAL) FOR A SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISION:**

**The following process shall be strictly adhered to in order to create a residential subdivision in the city:**

— A. — Preapplication (Concept) Review: Each person applicant who proposes to subdivide land within the territorial limits of the city shall have the opportunity to request a preapplication review meeting ~~confer~~ with the city planning staff committee ~~which committee shall consist of the community development director, the city administrator, the public works director and the city engineer~~ before preparing any plats, charts or plans. The city highly recommends a preapplication concept plan review meeting prior to submitting a Preliminary Subdivision Plat Application. A preapplication concept plan meeting is optional and does not count toward the maximum number of review cycles for subdivision land use applications. Within ten (10) business days after the request, the city planning staff committee shall schedule the meeting to review the concept plan and give initial feedback.

— B. — The preapplication meeting is intended to provide and explain in order to become familiar with the city's subdivision requirements and existing general plan that apply to the territory in which the proposed subdivision lies and to discuss the proposed plan of development of the tract. A sketch plan is required to be presented to the planning staff committee to illustrate the proposed subdivision concept. The city planning staff committee shall provide or make available on the city's website copies of applicable land use regulations; a complete list of standards required for the project; preliminary and final application checklists; and feedback on the concept plan (if there is any feedback). (Ord. 854, 5-6-2014)

~~– BC. – Submission; Fee~~Preapplication Sketch Submission: Preliminary~~If a preapplication meeting is requested by the applicant, the applicant shall submit two (2) copies of conceptual sketches based on said conferences showing the proposed preliminary plat and site plan shall then be prepared for review by the city planning staff committee, prior to submission of the preliminary plat. Two (2) such sketches are expected to be submitted on a topographic base map showing the relationship to proposed traffic arteries, existing arteries, utilities, shopping centers, schools, parks, or other infrastructure or city facilities. (If more detail is felt to be desirable, ASPO report no. 116 contains greater detail.) A fee in such amount as established by resolution of the city council to offset the cost of reviewing and other related work performed by the city staff associated with the review of these sketches. The fee amount shall be as provided in the consolidated fee schedule set forth in title 1, chapter 12 of this code. No preliminary plat shall be presented to the planning commission or city council without the payment of said fee being received by the city.~~

~~– CD. – Information Form: A~~The city shall provide a subdivision information form to the applicant to be completed by the applicant~~be supplied to the subdivider by the planning commission shall be filled out and submitted by the applicant~~ to the planning commission prior to submission of the complete preliminary subdivision plat and site plan.

E. Preliminary Plat Fee: A fee shall be assessed in the amount as established by resolution of the city council to offset the cost of reviewing and other related work performed by the city and engineering staff associated with the review of the preliminary plat and site plan. The fee amount shall be as provided in the consolidated fee schedule set forth in Title 1, Chapter 12 of this code. No preliminary plat or site plan shall be presented to the planning commission or city council or city staff without the payment of the fee. (1985 Code § 19-40-4; amd. 2001 Code, amd. Ord. . 1-2-2024)

**10-21-5: COMPLETE APPLICATION FOR PRELIMINARY SUBDIVISION PLAN FOR A SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISION:**

A. Required: Upon completing or foregoing the requirements optional set forth in section 10-21-4 of this chapter, each person applicant who proposes to subdivide land in the city shall prepare a preliminary plan of such subdivision, including subdivision improvement plans, and shall submit eight four (48) large (24'x36') sized black and white set of prints, one (1) small (11'x17') sized set of prints, and one digital full set submittal of all preliminary plans and plat thereof to the planning commission and city staff. One print copy of the submitted preliminary subdivision plan shall be delivered by the planning commission to each of the following for the information and recommendation of such officials and departments: city engineer, fire department, police department, public works department, city administration, and other pertinent city departments, and each company or agency furnishing water, electric or gas service.

B. The preliminary plans must be received by the planning commission city staff no later than fifteen (15) ten (10) business days prior to the next scheduled administrative land use authority planning commission meeting in order to allow sufficient time to be reviewed and checked and to receive recommendations from the foregoing listed agencies/departments. The administrative land use authority, i.e., planning commission,

may receive public comment; and may hold no more than one public hearing as part of the authority's review process. (Ord. 815, 9-25-2012)

BC. Scale; Information Required: The preliminary plan shall be drawn to a scale not smallerfewer than one hundred feet to the inch (1" = 100'), and shall show:

- 1. The proposed name of the subdivision.
2. The location of the subdivision as forming a part of a larger tract or parcel where the plan submitted covers only a part of the subdivider's applicant's tract, or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
3. Sufficient information to locate accurately the property shown on the plan.
4. The names and addresses of the subdivider applicant, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
5. Contour map at appropriate intervals where required by the planning commission.
6. The boundary lines of the tract to be subdivided.
7. The location, widths and other dimensions of all existing or platted streets and other important significant features such as railroad lines, watercourses, exceptional topography, and buildings within the tract or within two hundred feet (200') of the tract to be subdivided.
8. Existing and proposed sanitary sewers, storm drains, water supply mains and culverts within the tract or within one hundred feet (100') thereof.
9. The location, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the public.
10. North point, scale and date.

CD. Decision Of Planning Commission: The planning commission as the administrative land use authority shall complete the initial review of the complete preliminary subdivision application, including subdivision improvement plans, no later than fifteen (15) business days after the applicant's submission. The planning commission may approve or reject the preliminary plan and plat, or grant approval on with the any -conditions stated by the planning commission. Approval of the preliminary plan and plat by the planning commission does shall not constitute final acceptance of the subdivision by the planning commission. One copy of the approved preliminary plan and plat, signed by the chairman of the planning commission, shall be retained in the office of the planning commission city offices and one copy shall be made available to the applicant, if so requested. One signed copy shall be given to the subdivider. Receipt of this signed copyThe planning commission's approval of the subdivision preliminary

plan and plat shall be the authorization for the subdivider applicant to proceed with the preparation finalization of plans and specifications for the minimum improvements required in section 10-21-11 of this chapter and with the preparation of the final plat and plan.

**DE.** Improvement Plans: Prior to the construction of any improvements required in section 10-21-11-10-21-15 of this chapter, or to the submission of financial guarantees, the subdivider applicant shall furnish to the city engineer all subdivision improvement plans, information and data necessary for said improvements. These plans shall be examined by the city engineer and shall be approved if he the city engineer determines them to be in accordance with the requirements of section 10-21-11-10-21-15 of this chapter. No construction of buildings shall have begunmay begin until after recording of the final plat.

**F.** The applicant's preliminary subdivision application(s) and materials will be maintained, published, and accessible at the Riverdale City offices. These materials shall include: the application; the owner's affidavit; the electronic copy of all plans in the PDF formatting; the preliminary subdivision plat drawings; and the breakdown of fees due upon approval of the application.

**EG.** Term Of Approval: Approval of the preliminary plan and plat by the planning commission shall be valid for a maximum period of twelve (12) months after approval, unless upon application of the developer applicant the planning commission grants the applicant a six (6) month extension. If the final plat has not been recorded within the twelve (12) month period, the preliminary plan and plat must again be submitted to the planning commission for reapproval. ; however, preliminary approval of a large tract shall be voided; provided, that the final plat of the first section is submitted for final approval within one year, and provided an extension of time is granted. (1985 Code § 19-40-5, amd. Ord. , 1-2-2024)

#### **10-21-6: FINANCIAL GUARANTEES FOR IMPROVEMENTS FOR A SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISION:**

Prior to the final plat being presented to the city councilcity planning staff committee for final review and approvalconsideration for approval or denial, the subdivider/developer applicant (or an individual with legal authority acting on behalf of the subdivider/developer) shall, at the discretion of the city, satisfy one of the following requirements:

A. Escrow Deposit: Enter into a developer's agreement with the city and furnish satisfactory proof of an escrow deposit in favor of the city in an amount equal to the cost of the improvements required for the subdivision, plus ten percent (10%) of said the costs, with said the amounts to be released pursuant to the terms and conditions of the developer's agreement; or.

B. Performance Bond: Enter into a developer's agreement with the city and furnish to the city a developer's performance bond in an amount equal to the cost of the improvements required for the subdivision, plus ten percent (10%) of said the costs, with said the bond to be released pursuant to the terms and conditions of the

developer's agreement. (Ord. 871, 9-1-2015; amd. Ord. 926, 10-20-2020, amd. Ord. , 1-2-2024)

**10-21-7: COMPLETE APPLICATION FOR FINAL PLATSUBDIVISION REVIEW FOR A SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISION:**

A. Planning Staff Committee Review: Prior to the submission final technical review of the final subdivision plan and plat to the planning commission for review, the subdivider/developer's applicant's engineer shall submit the proposed final plat, with any changes and modifications as directed at the preliminary review by the planning commission, along with a letter of certification that all each lots meets the requirements of this title to the city planning staff committee. The city planning staff committee, after reviewing the proposed final plat and confirming that all the above fees and financing guarantees have been satisfied, shall present review the final subdivision plan and plat to the planning commission for appropriate final action.

B. Preparation Of Plat: After compliance with the provisions of subsection A. of this section, and sections 10-21-5 and 10-21-6 of this chapter, a final plat of the subdivision covering all or part of an approved preliminary plat shall be prepared by a licensed surveyor not in the employ of the city in conformance with the design standards of section 10-21-910-21-13 of this chapter and submitted within one year from the date of preliminary plan approval unless the time is extended by the planning commission; otherwise, such approval shall be deemed considered to have been withdrawn. Two Four (24) black and white large (24'x36') sized set of prints, one (1) small (11'x17') sized set of prints, and one (1) digital full set submittal of all final plans and of the final plat shall be submitted to the planning commissioncity planning staff committee. at least seven (7) days prior to the date of the planning commission meeting at which time such plat is to be considered.

C. City Review Cycle Process: The city planning staff committee shall be permitted up to fifteen (15) business days to complete the initial review of the complete preliminary subdivision land use application, including the subdivision improvement plans, the ordinance review, and the plan to provide corrections and review comments thereto. Subdivision plat and plan responses and revisions, as provided by the applicant, may thereafter be re-submitted to the city planning staff committee to address the identified city planning staff committee's corrections and commentaries. However, the city may not review the subdivision plan and plat for more than four (4) total review cycles during the entire subdivision submittal and review process, excluding the preapplication review process if requested by the applicant. During the final review cycle, the city planning staff committee shall be allowed up to twenty (20) business days to take final action and provide the applicant with an official city decision regarding the final plan and plat submittal.

D. Waiver. Any change or correction that is not addressed or referenced in the city's plan review shall be considered waived unless: the change or correction is necessary to address the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure of the specific development; the modification or correction is necessary to protect public health or safety; or to enforce state or federal law.

**Commented [LWB4]:** This will likely revert to 20 days as a practical matter.

**Commented [ME5]:** By new state code we are allowed a maximum of 20 business days for each review. I changed the number of business days to up to 15. This allows us to still be business friendly, but gives us up to one more week of review time than the current 10 business days. However, this can be changed to up to 20 business days, but will tend to make Riverdale subdivision processes slow down.

E. Effect of Material Changes. If the applicant makes a material change to the plan set, the city may restart the review process as the first review of the final application regarding the portion of the plan set that the material change substantially affects.

F. Applicant's Failure to Submit Revised Plan. If the city requires a modification or correction of the final application, the applicant must submit the revised plan within twenty (20) business days. Applicant's failure to submit the required modifications or corrections within the twenty (20) business days shall result in an additional twenty (20) business days for the city to respond to the modified or corrected plans.

G. After the applicant has responded to the final review cycle, in compliance with each modification requested in the city planning staff committee's previous review cycle, the city planning staff committee may not require additional revisions if the applicant has not materially changed the plan, except changes that were in response to previously requested modifications or corrections.

H. The applicant shall provide a written explanation to each of the city planning staff committee's review comments, identifying, and explaining the applicant's revisions and reasons for declining to make revisions, if any. The written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design, including an index of requested revisions or additions to each required correction. The review process is not considered complete if the applicant fails to address a review comment in the response. The subsequent review cycle may not begin until all comments are addressed.

I. On the fourth or final review, if the city planning staff committee fails to respond within twenty (20) business days, the city planning staff committee shall, upon request of the applicant, and within ten (10) business days after the request is received:

1. for a dispute arising from the subdivision improvement plans, coordinate a meeting with the city appeal authority pursuant to Utah Code Annotated Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

2. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated appeal authority.

**Commented [LWB6]:** I see property owner was replaced with applicant which is correct decision.

G-J. Drawing: The final plat, if approved by the city planning staff committee, plat shall consist of a sheet of approved tracing linen (mylar paper), to the outside or trim line dimensions of nineteen inches by thirty inches (19" x 30") and the border line of the plat shall be drawn in heavy lines leaving a space of at least one-half inch (1/2") margin on all four (4) sides. The approved plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen with approved waterproof black India-drawing ink. The approved plat shall be made to a scale large enough to clearly show all details, in any case not smaller fewer than one hundred feet to the inch (1" = 100'), and workmanship on the finished drawing shall be neat, clean cut and readable. The approved plat shall be signed by all parties listed in subsection G5-J5. of

this section, who are duly authorized and required to sign and shall contain the following information:

1. A subdivision name, approved by the county recorder, and the general location of the subdivision, in bold letters at the top of the sheet.
2. A north point and scale of the drawing, and the date.
3. Accurately drawn boundaries, showing the proper bearing and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.
4. The names, widths, lengths, ~~bearings~~bearings, and curve data on centerlines of proposed streets, alleys, and easements; ~~also~~ the boundaries, bearings, and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; and the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system approved by the ~~planning commission~~city planning staff committee. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street naming and numbering system ~~as outlined in the~~ Title 9, Chapter 5 of the city code and Weber County.
5. The standard forms approved by the ~~planning commission~~city planning staff committee as lettered for the following on the final approved plat:
  - a. Description of land to be included in the subdivision.
  - b. Registered professional engineer and/or land surveyor's "certificate of survey".
  - c. Owner's dedication.
  - d. Notary public's acknowledgment.
  - e. Planning commission's signature block for certificate of approval.
  - f. City engineer's signature block for certificate of approval.
  - g. City attorney's signature block for certificate of approval.
6. A three-inch by ~~three inch~~three-inch (3" x 3") space in the lower ~~right hand~~right-hand corner of the drawing for recording information.
7. After approving ~~and signing~~ the final plat, the ~~city~~ planning ~~commission~~staff committee shall submit the plat for approval to the city engineer, who shall ~~collect a checking fee from~~bill the ~~subdivider~~applicant for this review, and shall check the engineering requirements of the drawing. After approval and signature by the city engineer, the plat shall be submitted to the ~~city attorney, planning commission, and city council~~mayor for ~~approvals~~signatures and certificate of acceptance. The final plat, bearing all official approvals as above required, shall be returned to the ~~subdivider~~

applicant for recording at the expense of the subdividerapplicant. No subdivision shall be recorded in the office of the county recorder and no lot included in such subdivision shall be sold or exchanged and no offer shall be made to sell or exchange any such lot unless and until the plat is so approved and accepted.

**Commented [LWB7]:** Again, inform the CC that the mayor and city council cannot approve the final plat although it must be signed as a ministerial act.

**D-K. Expiration Of Final Subdivision Plat Approval; Extension Of Final Subdivision Plat Approval:**

1. After the final subdivision plat has been recorded in the Office of the Weber County Recorder, the applicant(s) may apply for building permits consistent with the approved and recorded final subdivision plat and consistent with the city requirements for a building permit. The approval of a final subdivision application shall be effective for a period of one (1) year from the date the final subdivision application is approved by the city planning staff committee, at the end of which time the final subdivision plat shall have been recorded in the office of the Weber County recorderRecorder.

2. If the approved final subdivision plat is not recorded within the one (1) year period of date of approval, and the planning commissioncity planning staff committee has not extended the approval of the final subdivision plat, the final subdivision approval shall be void and any vested rights thereunder will be losttherefore be void, whereupon the planning commissioncity planning staff committee may require that a new subdivision plat be submitted and approval obtained pursuant to this section. A written request may be submitted to the planning commissioncity planning staff committee prior to expiration of the final subdivision plat for an extension of up to six (6) months. The planning commissioncity planning staff committee canmay grant such an extension where for good cause can be shown. Once the application has expired, in order to reintroduce the proposed subdivision development, the applicant (s) must submit a new application with all applicable fees. (Ord. 881, 7-20-2016, amd. Ord. , 1-2-2024)

**Commented [LWB8]:** Not to sure I like the word "lost" here.

**10-21-84: PREAPPLICATION CONCEPT REVIEW FOR A MULTIPLE-FAMILY RESIDENTIAL SUBDIVISION, COMMERCIAL SUBDIVISION, OR MANUFACTURING USE SUBDIVISION (NOT INCLUDING SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISIONS):**

The following process shall be strictly adhered tofollowed in order to create a multiple-family residential, commercial subdivision, or manufacturing use subdivision in the city:

A. Preapplication (Concept) Review: Each person applicant who proposes to subdivide land within the territorial limits of the city shall confer with the city planning staff committee (which committee shall consist of the community development director, the city administrator, the public works director and the city engineer) before preparing any plats, charts, or plans. The preapplication meeting is intended to provide and explainin order to become familiar with the city's subdivision requirements, and the existinggeneral plan guidelines for the territory in which that apply to the proposed subdivision, lies and to discuss the proposed plan of development of the tract. A sketch plan is required to be presented to the planning staff committee to illustrate the proposed subdivision concept. (Ord. 854, 5-6-2014)

**Commented [LWB9]:** Footnotes are not good drafting for code. I would repeal this footnote provision and cite to city code. Weber County may not need to be included either.

**Commented [LWB10]:** I like the Oxford comma. Your choice but I used it throughout.

B. Preapplication Sketch Submission; Fee: Preliminary The applicant shall submit two (2) copies of conceptual sketches showing the proposed preliminary plat and site plan for based on said conferences shall then be prepared for review by the city planning staff committee, prior to submission of the preliminary plat. Two (2) such sketches shall be The submitted provided sketches are expected to on a topographic base map showing the relationship to proposed traffic arteries, existing arteries, utilities, shopping centers, schools, parks, etc or other infrastructure or city facilities. (If more detail is felt to be desirable, ASPO report no. 116 contains greater detail.) A fee in such amount as established by resolution of the city council to offset the cost of reviewing and other related work performed by the city staff associated with the review of these sketches. The fee amount shall be as provided in the consolidated fee schedule set forth in title 1, chapter 12 of this code. No preliminary plat shall be presented to the planning commission or city council without the payment of said fee being received by the city.

C. Information Form: A subdivision information form to be supplied to the subdivider applicant by the planning commission city staff shall be completed filled out and submitted to the planning commission prior to with submission of the preliminary plat and site plan.

D. Preliminary Plat Fee: A fee shall be assessed in such amount as established by resolution of the city council to offset the cost of reviewing and other related work performed by the city and engineering staff associated with the review of the preliminary plat and site plan. The fee amount shall be as provided in the consolidated fee schedule set forth in title 1, chapter 12 of this code. No preliminary plat and site plan shall be presented to the planning commission or city council without the payment of said fee being received by the city. (1985 Code § 19-40-4; amd. 2001 Code, amd. Ord. 1-2-2024)

**10-21-95: COMPLETE APPLICATION FOR PRELIMINARY SUBDIVISION PLAN FOR A MULTIPLE-FAMILY RESIDENTIAL SUBDIVISION, COMMERCIAL SUBDIVISION, OR MANUFACTURING USE SUBDIVISION (NOT INCLUDING SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISIONS):**

A. Required: Upon completing the requirements set forth in section 10-21-4-10-21-8 of this chapter, each person who proposes to subdivide land in the city shall prepare a preliminary plan of such subdivision and shall submit eight four (84) large (24'x36') sized black and white set of prints, one (1) small (11'x17') sized set of prints, and one digital full set submittal of all preliminary plans and plat thereof to the planning commission and city. One print shall be delivered by the planning commission city staff to each of the following for the information and recommendation of such officials and departments: city engineer, fire department, police department, public works departments, city administration, and other pertinent city departments, and each company or agency furnishing water, electric or gas service.

B. Preliminary plans must be received by the planning commission city no later than the end of the day ten (10) business days prior to the next scheduled planning commission meeting in order to allow sufficient time to be checked reviewed and to receive recommendations from the foregoing listed agencies departments. (Ord. 815, 9-25-2012)

**BC.** Scale; Information Required: The preliminary plan shall be drawn to a scale not smallerfewer than one hundred feet to the inch (1" = 100'), and shall show:

1. The proposed name of the subdivision.
2. The location of the subdivision as forming a part of a larger tract or parcel where the plan submitted covers only a part of the subdivider's applicant's tract, or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
3. Sufficient information to locate accurately the property shown on the plan.
4. The names and addresses of the subdivider applicant, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
5. Contour map at appropriate intervals where required by the planning commission.
6. The boundary lines of the tract to be subdivided.
7. The location, widthswidths, and other dimensions of all existing or platted streets and other importantsignificant features such as railroad lines, watercourses, exceptional topography, and buildings within the tract or within two hundred feet (200') of the tract to be subdivided.
8. Existing and proposed sanitary sewers, storm drains, water supply mains and culverts within the tract or within one hundred feet (100') thereof.
9. The location, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the public.
10. North point, scale and date.

**CD.** Decision Of Planning Commission: The planning commission may approve or reject the preliminary plan and plat, or grant approval on-with the conditions stated by the planning commission. Approval of the preliminary plan and plat by the planning commission shall not constitute final acceptance of the subdivision by the planning commission. One copy of the approved preliminary plan and plat, signed by the chairman of the planning commission, shall be retained in the office of the planning commissioncity offices and one copy shall be made available to the applicant, if so requested. One signed copy shall be given to the subdivider. Receipt of this signed copy The planning commission's approval of the subdivision preliminary plan and plat shall be the authorization for the subdivider applicant to proceed with the preparation finalization of plans and specifications for the minimum improvements required in section 10-21-11 of this chapter and with the preparation of the final plat and plan.

**DE.** Improvement Plans: Prior to the construction of any improvements required in section 10-21-1110-21-15 of this chapter, or to the submission of financial guarantees,

the subdivider applicant shall furnish to the city engineer all subdivision improvement plans, information, and data necessary for said improvements. These plans shall be examined by the city engineer and shall be approved if he~~the city engineer~~ determines them to be in accordance with the requirements of section 10-21-11-10-21-15ef this chapter. No construction of buildings shall have begun~~may begin~~ until after recording of the final plat.

~~EE.~~ Term Of Approval: Approval of the preliminary plan and plat by the planning commission shall be valid for a maximum period of twelve (12) months after approval, unless upon application of the developer applicant, the planning commission grants the applicant a six (6) month extension. If the final plat has not been recorded within the twelve (12) month period, the preliminary plan and plat must again be submitted to the planning commission for reapproval; ~~however, preliminary approval of a large tract shall be voided; provided, that the final plat of the first section is submitted for final approval within one year, and provided an extension of time is granted.~~ (1985 Code § 19-40-5, amd. Ord. , 1-2-2024)

**10-21-106: FINANCIAL GUARANTEES FOR IMPROVEMENTS FOR A MULTIPLE-FAMILY RESIDENTIAL SUBDIVISION, COMMERCIAL SUBDIVISION, OR MANUFACTURING USE SUBDIVISION (NOT INCLUDING SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISIONS):**

Prior to the final plat being presented to the city council for ~~approval~~final review and consideration for approval or denial, the subdivider applicant/developer (or an individual with legal authority acting on behalf of the subdivider/developer) shall, at the discretion of the city, satisfy one of the following requirements:

A. Escrow Deposit: Enter into a developer's agreement with the city and furnish satisfactory proof of an escrow deposit in favor of the city in an amount equal to the cost of the improvements required for the subdivision, plus ten percent (10%) of thesaid costs, with thesaid amounts to be released pursuant to the terms and conditions of the developer's agreement; or

B. Performance Bond: Enter into a developer's agreement with the city and furnish to the city a developer's performance bond in an amount equal to the cost of the improvements required for the subdivision, plus ten percent (10%) of said-the costs, with said-the bond to be released pursuant to the terms and conditions of the developer's agreement. (Ord. 871, 9-1-2015; amd. Ord. 926, 10-20-2020, amd. Ord. , 1-2-2024)

**10-21-117: FINAL PLAT FOR A MULTIPLE-FAMILY RESIDENTIAL SUBDIVISION, COMMERCIAL SUBDIVISION, OR MANUFACTURING USE SUBDIVISION (NOT INCLUDING SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISIONS):**

A. Planning Staff Committee Review: Prior to the submission~~final review~~ of the final subdivision plan and plat to the planning commission for review, the subdivider/developer's applicant's engineer shall submit the proposed final plat, with any changes and modifications as directed at the preliminary review by the planning commission, along with a letter of certification that all each lots~~meets~~ the requirements of this title to the city planning staff committee. The city planning staff committee, after

reviewing the proposed final plat and confirming that all the above fees and financing guarantees have been satisfied, shall present the final plat to the planning commission for appropriate final recommendation to city council considerationaction.

**Commented [LWB11]:** Now this is different. The city council considers and approves for these larger subdivisions, correct? This is different policy than with single-home etc. subdivisions.

B. Preparation Of Plat: After compliance with the provisions of subsection A of this section, and sections 10-21-5-10-21-9 and 10-21-6-10-21-10 of this chapter, a final plat of the subdivision covering all or part of an approved preliminary plat shall be prepared by a licensed surveyor not in the employ of the city in conformance with the design standards of section 10-21-9-10-21-13 of this chapter and submitted within one year from the date of preliminary plan approval unless the time is extended by the planning commission; otherwise, such approval shall be deemed considered to have been withdrawn. Two-Four (24) black and white large (24'x36') sized set of prints, one (1) small (11'x17') sized set of prints, and one (1) digital full set submittal of all final plans and of the final plat shall be submitted to the planning commission at least seven-ten (710) business days prior to the date of the planning commission meeting, at which time such final plat and plan is to be considered for a recommendation to the city council.

C. Submittal of Final Plat and Plan: After the proposed final plat and plan have received a planning commission recommendation to the city council, the applicant shall revise the final plat and plan prior to submittal to the city council for final consideration. Four (4) large (24'x36') sized set of prints, one (1) small (11'x17') sized set of prints, and one (1) digital full set submittal of all final plans and the final plat shall be submitted to the city for the city council review at least ten (10) business days prior to the date of the city council meeting, at which time such final plat and site plan is to be considered by the city council.

CD. Drawing: The final plat, if approved by the city council, shall consist of a sheet of approved tracing linen (mylar paper), to the outside or trim line dimensions of nineteen inches by thirty inches (19" x 30") and the border line of the plat shall be drawn in heavy lines leaving a space of at least one-half inch (1/2") margin on all four (4) sides. The approved plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen with approved-waterproof black india-drawing ink. The approved plat shall be made to a scale large enough to clearly show all details, in any case not smaller-fewer than one hundred feet to the inch (1" = 100'), and workmanship on the finished drawing shall be neat, clean cut and readable. The approved plat shall be signed by all parties listed in subsection C5-D5 of this section, who are duly authorized and required to sign and shall contain the following information:

1. A subdivision name, approved by the county recorder, and the general location of the subdivision, in bold letters at the top of the sheet.
2. A north point and scale of the drawing, and the date.
3. Accurately drawn boundaries, showing the proper bearing and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.

4. The names, widths, lengths, ~~bearings~~bearings, and curve data on centerlines of proposed streets, alleys, and easements; ~~also~~ the boundaries, bearings, and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; ~~and~~ the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system approved by the ~~planning commission~~city council. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street naming and numbering system ~~of as outlined in Title 9, Chapter 5 of the city code and Weber County~~.

5. The standard forms approved by the ~~planning commission~~city council as lettered for the following on the final approved plat:

- a. Description of land to be included in the subdivision.
- b. Registered professional engineer and/or land surveyor's "certificate of survey".
- c. Owner's dedication.
- d. Notary public's acknowledgment.
- e. Planning commission's signature block for certificate of approval.
- f. City engineer's signature block for certificate of approval.
- g. City attorney's signature block for certificate of approval.

~~g.~~ City councilMayor's certificate of acceptance signature block with space to allow for the signature to be attested by the city recorder.

6. A three-~~–~~inch by ~~three-inch~~three-inch (3" x 3") space in the lower ~~right-hand~~right-hand corner of the drawing for recording information.

7. After approving ~~and signing~~ the final plat, the ~~planning commission~~city planning staff committee shall submit the plat for approval to the city engineer, who shall ~~select a checking fee from~~bill the ~~subdivider~~applicant for this review, and shall check the engineering requirements of the drawing. After approval and signature by the city engineer, the plat shall be submitted to the city attorney, planning commission, and city councilmayor for approval signatures and certificate of acceptance. The final plat, bearing all official approvals as above required, shall be returned to the ~~subdivider~~applicant for recording at the expense of the ~~subdivider~~applicant. No subdivision shall be recorded in the office of the county recorder and no lot included in such subdivision shall be sold or exchanged and no offer shall be made to sell or exchange any such lot unless and until the plat is so approved and accepted.

~~DE.~~ Expiration Of Final Subdivision Plat Approval; Extension Of Final Subdivision Plat Approval:

1. After the final subdivision plat has been recorded in the ~~office~~Office of the Weber County ~~recorder~~Recorder, the applicant(s) may apply for building permits consistent with the approved and recorded final subdivision plat and consistent with the city requirements for a building permit. The approval of a final subdivision application

shall be effective for a period of one (1) year from the date the final subdivision application is approved by the city council, at the end of which time the final subdivision plat shall have been recorded in the office of the Weber County ~~recorder~~Recorder.

2. If the approved final subdivision plat is not recorded within the one (1) year period of date of approval, and the planning commission has not extended the approval of the final subdivision plat, the final subdivision approval shall be void and any vested rights thereunder will be lost, whereupon the planning commission may require that a new subdivision plat be submitted and approval obtained pursuant to this section. A written request may be submitted to the planning commission prior to expiration of the final subdivision plat for an extension of up to six (6) months. The planning commission ~~can~~may grant such an extension ~~where for~~ good cause ~~can be shown~~. Once the application has expired, in order to reintroduce the proposed subdivision development, the applicant(s) must submit a new application with all applicable fees. (Ord. 881, 7-20-2016, amd. Ord. , 1-2-2024)

**Notes**

- + 1. See also title 9, chapter 5 of this code.

**10-21-128: CONSTRUCTION PLANS AND PROFILES:**

Prior to commencement of construction, the ~~subdivider applicant~~ shall furnish to the city engineer a complete set of construction plans and profiles prepared by a licensed professional engineer not in the employ of the city of all streets, existing and proposed, within the subdivision to the city engineer with the final plat. The city engineer, within a reasonable time not to exceed twenty (20) days from receipt of plans, shall notify the ~~subdivider applicant~~ of approval or disapproval and, in case of disapproval, the reason therefor. (1985 Code § 19-40-7)

**10-21-139: DESIGN STANDARDS:**

A. Street Arrangement: The arrangement of streets in new subdivisions shall require ~~make provision for~~ the continuation of the existing streets in adjoining areas (or their proper protection ~~where adjoining land is not subdivided~~), if considered insofar as such may be deemed necessary by the planning commission for meeting public requirements. The street arrangement ~~may not shall be such as to cause no~~ unnecessary hardship to any owners of adjoining property when the owner ~~they~~ plats the owner's ~~their own~~ land and seeks to provide ~~for~~ convenient access to it.

**Commented [LWB12]:** Continuation of existing streets is critical but I suggest rewording this language. Policy decision.

B. Minor Streets: Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees (80°).

C. Major And Collector Streets: Major and collector streets shall conform to the width designated on the major street plan ~~wherever~~ a subdivision falls in an area where for ~~which~~ a major street plan has been adopted. For territory where such street plan has not been completed at the time the subdivision preliminary plan is submitted to the planning commission, major or collector streets shall be provided as required by the planning commission with minimum widths of one hundred feet (100') for major streets and sixty-six feet (66') for collector streets.

D. Minor Residential Streets: Minor residential streets shall have a minimum width of sixty feet (60'), except that cul-de-sacs (dead-end streets) or loop streets serving not more than ten (10) lots may have minimum widths of not less than fifty feet (50').

E. Alleys: Alleys shall have a minimum width of twenty feet (20'). Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission. (1985 Code § 19-40-8)

F. Cul-De-Sacs: Cul-de-sacs ~~(/turnarounds or dead-end streets)~~ shall be used only where unusual conditions exist which make other designs undesirable. Cul-de-sacs are not desirable. Cul-de-sacs ~~turnarounds~~ are not favorable to the city and will generally not be acceptable in subdivision plans. Each cul-de-sac ~~turnaround~~ must be terminated by a turnaround not less than one hundred feet (100') in diameter and cannot be a distance longer than four hundred feet (400') from the center of the intersection to the throat of the cul-de-sac ~~turnaround~~. In the event that surface water drains into the cul-de-sac ~~turnaround~~, necessary catch basins and drainage easements shall be provided. *(Ord. 591, 7-3-2001)*

G. Easements: Easements for drainage through the property may be required by the city engineer, and easements of not less than ten feet (10') in width shall be provided *if where* required for utilities or other purposes.

H. Service Roads: Service roads paralleling major streets shall be required unless the planning commission approves double-frontage lots which may back onto major highways or collector streets as designated on the major street plan. Where lots back onto a major highway or collector street, a buffer planting strip of trees or shrubs shall be provided in a width of ten feet (10') or wider, but in no case less than ten feet (10').

I. ~~Protection Strips: If Where subdivision streets parallel contiguous property of other owners, the subdivider may, upon approval of the planning commission, retain and deed to the city a protection strip not less than one foot (1') in width between said street and adjacent property; provided, that an agreement approved by the city attorney has been made by the subdivider, contracting to deed to the then owners of the contiguous property, the one foot (1') or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of one-half ( $\frac{1}{2}$ ) the land in the street at the time of agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted to the city attorney and one to the planning commission prior to approval of the final plat. Protection strips shall not be submitted at the end of or within the boundaries of a public street or proposed street, or within any area intended for future public use.~~

**Commented [LWB13]:** Protection strips are a vestige and difficult to accommodate. You could delete these provisions.

J. Blocks:

1. Blocks shall not exceed one thousand six hundred feet (1,600') in length. A dedicated walkway through the block may be required where access is necessary to a point designated by the planning commission. Such walkway shall be a minimum of four

feet (4') in width, but may be required to be wider where determined necessary by the planning commission. The subdivider applicant shall surface the full width of the walkway with a concrete surface, install a chain-link fence or its equal four feet (4') high on each side and the full length of each walkway, and provide, in accordance with the standards and rules and regulations, barriers at each walkway entrance to allow vehicles no wider than four feet (4').

2. The width of blocks generally shall be sufficient to allow two (2) tiers of lots.
3. Irregular shaped blocks, indented by cul-de-sacs, or containing interior spaces, will be acceptable when properly designed and fitted to the overall plat.
4. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

**KJ.** Lots:

1. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and to existing and probable future requirements. (1985 Code § 19-40-8)
2. All lots shown on the subdivision plan must conform to the minimum requirements of this title for the zone in which the subdivision is located, and to the minimum requirements of the city engineer and the state board of health for sewage disposal. The minimum width for any residential building lot shall be as required by this title. Where a public sewer is not available, the minimum area of such lot shall be net no less than that approved in a letter to the planning commission by the board of health nor less than twenty thousand (20,000) square feet, whichever is greater. (1985 Code § 19-40-8; amd. 2001 Code)
3. Each lot shall abut on a street dedicated by the recording of the subdivision or on an existing publicly dedicated street, or on a street which has become public by right of use and is more than twenty-six feet (26') wide. Interior lots abutting on more than one street shall be prohibited except where unusual conditions make other design undesirable.
4. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
5. Side lines of lots shall be approximately at right angles, or radial to the street line.
6. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.
7. Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer

certified to the planning commission by the county recorder. (1985 Code § 19-40-8, amd. Ord. , 1-2-2024)

**10-21-1440: PARKS, SCHOOL SITES, OTHER PUBLIC PLACES:**

A. When the preliminary plan is submitted for the division of property, a part or all of which is deemed suitable by the planning commission for schools, parks, playgrounds, or other public use in accordance with the master plan, the planning commission shall require the subdivider applicant to include the required public open space in the subdivision design to the satisfaction of the planning commission.

B. The subdivider applicant, at or before the time of presentation of the final subdivision plat for approval of the city council, shall offer to sell to the city or other appropriate agency, at any time during the two (2) year period immediately following the recording of the final plat, any land which has been set aside for park, playground, school or other public use at a fair market price.

C. In the case of land required for park or playground, the fair market price will be based upon raw land value, but in no event shall such price exceed the price for said land in the last bona fide sale thereof within the period of five (5) years immediately before the date of the final subdivision plat.

D. The city or other appropriate public agency may accept such offer at any time within a two (2) year period immediately following the recording of the final plat. If any such proposed public areas have not been purchased by the appropriate public agency within two (2) years after the recording of the final plot, such areas may be divided into lots in accordance with the requirements of this chapter, and sold. (1985 Code § 19-40-9, amd. Ord. , 1-2-2024)

**10-21-1544: IMPROVEMENTS:**

A. Time Of Construction: The improvements listed in this section shall not be installed prior to recording the final plat. No improvements shall be installed until their location and specifications are approved by the city engineer. Water and sewer mains and laterals and fire hydrants shall be installed prior to the installation of road base, curbs, gutters, and the surfacing of streets.

B. Performance Guarantees:

1. Before final plat approval by the city council, the subdivider applicant shall have satisfied the financing requirements of section 10-21-6 of this chapter. The required performance guarantees are to assure the actual construction of the following improvements within a period of two (2) years in a manner satisfactory to and in an amount specified by the city council. Improvements include part or all of the following: streets, curbs, gutters, water supply systems, fire hydrants, sewer systems, surface water disposal systems, protection from hazards of canals and ditches, safety fences, street trees, monuments, or other improvements required by the city council.

2. Sidewalks shall be installed by the building contractor at the same time as the said contractor installs driveways and walkways on individual lots. Said installation of sidewalks shall be completed and in good repair at or before the time an application for occupancy is made to the community development director.

3. The developer shall be responsible for the satisfactory performance of improvements dedicated to the city for a period of one year after inspection and final acceptance by the city. These improvements include, but are not limited to: streets, curbs, gutters, sidewalks, water main lines, fire hydrants, sewer mains and manholes, storm sewer mains and catch boxes, monuments, and street signs which are in a dedicated easement and are controlled solely by the city.

4. The developer's engineer shall, as each improvement is installed, certify, in writing, that the installed improvements meet city standards and that said improvements have been completed as approved by the city. Said written certification shall be delivered to the city engineer, who shall make periodic on-site inspections for plan review and to verify the certification of the developer's engineer. The developer's engineer shall provide evidence to the satisfaction of the city engineer that the installed improvements meet city standards before the developer shall be allowed to proceed with other improvements on the development, or to begin construction of buildings or structures in the subdivision.

5. In the event a utility easement or easements are provided to the city in connection with the installed improvements, the utility line shall be placed as close to the center of said easement as is reasonably possible.

C. Standards: Standards for design, construction, specifications and inspection of street improvements, curbs and gutters, sidewalks and drainage facilities shall be prepared by the city engineer, standards of design and procedure by the planning commission, standards for water distribution and sewage disposal facilities by the state board of health and city engineer, and similar standards for fire hydrants by the city engineer and fire department. Such standards and rules and regulations, and any amendments thereto, before becoming effective, shall be adopted or amended by the city council as a part of this chapter after recommendation by the planning commission and shall be available to the public. (Ord. 871, 9-1-2015)

D. Streets On Property Of Other Public Agencies Or Utility Companies: Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the city attorney.

E. Street Improvements: All streets shall be constructed by the subdivider applicant in accordance with the standards and rules and regulations of the city engineer.

F. Curbs, Gutters, And Sidewalks: Curbs, gutters and sidewalks shall be installed on existing and proposed streets by the developer of the property in all subdivisions and must be put in prior to the sale of any subdivision or phase.

G. Water Supply: A culinary water supply which must be approved by the city engineer and the state board of health shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of the city. (Ord. 766, 9-7-2010)

H. Fire Hydrants: Fire hydrants shall be installed by the subdivider applicant at locations determined by the city engineer and fire department in all subdivisions in accordance with the standards, rules and regulations of the city. (Ord. 815, 9-25-2012)

I. Sewage Disposal: Whether by individual disposal system or by public disposal facilities, sewage disposal shall be provided and approved by the city engineer and public works director for each lot in the subdivision in accordance with the standards, rules and regulations of the city. (Ord. 766, 9-7-2010; amd. Ord. 854, 5-6-2014)

J. Surface Water: The subdivider applicant shall provide adequate methods of conveyance and disposal of stormwater and surface water at his expense, the plans for which shall be prepared by a licensed engineer not in the employ of the city and which shall be approved by the planning commission after recommendation by the city engineer. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider applicant to acquire such easements.

K. Ditches And Canals: Open ditches or canals shall not be allowed within or adjoining a subdivision. It shall be the subdivider applicant's responsibility to work with the irrigation, drainage or ditch companies and arrange for the covering, realigning or elimination of open ditches or canals. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the city engineer.

L. Safety Fences: The subdivider applicant shall install a six foot (6') nonclimbable ~~chainlink~~chain-link fence, or equivalent thereof, in conformance with all applicable standards, rules, and regulations of the city, along all nonaccess streets, open reservoirs, bodies of water or railroad rights of way.

M. Street Trees: Street trees may be provided at the option of the subdivider applicant, but when so provided, the variety and location of such trees shall be recommended by the planning commission staff and approved by the planning commission.

N. Monuments: Permanent monuments shall be accurately set and established at such points as are necessary to definitively establish all lines of the plat, except those outlining individual lots. Monuments shall be of a type approved by the city engineer. All subdivision plats shall be tied to a corner or monument of record or established land office survey corner.

O. Streetlights: The city shall install streetlights at each intersection of the subdivision. The installation shall be under the direction of the public works director and shall conform to the standards set forth in the city street lighting policy. The expense for the cost of materials and installation shall be borne by the developer/subdivider applicant.

P. Administrative Rules, Regulations; Authority: The city council is authorized to prescribe by administrative rule or regulation filed for record with the city recorder forms and procedures to ensure the orderly, ~~regular~~regular, and efficient processing of

applications for the approval of a proposed subdivision and the strict compliance with the requirements of this chapter.

Q. Fees Deposited; Inspections: The ~~subdivider applicant~~, upon submission of his plans, shall deposit with the city such fees as may be prescribed by resolution of the city council. The public works inspector shall ~~be in charge of oversee~~ inspecting all improvements, and may request the assistance of the city engineer if the public works inspector deems it necessary. The ~~subdivider applicant~~ shall, prior to beginning any improvements as set forth herein, enter into a written agreement with the city to pay ~~any and all~~ fees or assessments associated with the services provided by the city or which become necessary for the enforcement of this chapter, as said services are rendered. (Ord. 766, 9-7-2010, amd. Ord. , 1-2-2024)

**10-21-1642: SMALL SUBDIVISIONS; SPECIAL PROVISIONS:**

A preliminary plan shall be required for all small subdivision submittals, based on the criteria under the conditions listed below:

A. For single-family dwelling, two-family dwelling, and townhome subdivisions, the approval of the applicant's preliminary plan submittal must be reviewed by the administrative land use authority, i.e., the planning commission, for recommendation to the city planning staff committee by the planning commission, and thereafter the preliminary plan must be reviewed for approval by the city planning staff committee.

B. For multiple-family residential subdivisions, commercial subdivisions, or manufacturing use subdivisions, the preliminary plan must be reviewed by the planning commission for recommendation to the city council, and thereafter the preliminary plan must be reviewed for final approval and by the city council.

C. Approval of the final plan shall be authorization for the ~~subdivider applicant~~ to sell lots within the subdivision covered by the preliminary plan by metes and bounds, and the requirements of a final plan shall be waived. When final plans are not required, the ~~subdivider applicant~~ shall provide such improvements on existing streets within the subdivision as shall be required by the city council. Final plans shall not be required where all ~~of~~ the following conditions exist:

A1. The subdivision consists of not more than ten (10) lots.

B2. The subdivision does not require the dedication of any land for street or other public purposes.

C3. The subdivision is not traversed by the mapped lines of a proposed street or a street to be widened as shown on the major street plan.

D4. Each of the lots in the subdivision meets the frontage, width and area requirements of this title, ~~or has been granted a variance from such requirements by the board of adjustment.~~ (1985 Code § 19-40-11, amd. Ord. , 1-2-2024)

**10-21-1743: ENFORCEMENT AND PERMITS:**

A. Official: The community development director is hereby designated and authorized as the officer charged with the enforcement of this chapter. He shall enforce all the provisions of this chapter, entering actions in the courts when necessary and his failure to do so shall not legalize any violation of such provisions.

B. Permits: The community development director shall not grant a permit, nor shall any city officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this chapter or on a lot in a subdivision created by judicial decree, until a subdivision plat therefor has been recorded, or approved under section [10-21-7](#) of this chapter. Any license or permit issued in conflict with such provisions shall be null and void.

C. Inspections: The community development director shall inspect or cause to be inspected all buildings, fire hydrants, ~~and~~ water supply, ~~and~~ sewage disposal systems ~~in~~ ~~the course of~~ ~~during~~ construction, installation, or repair. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved by the city engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the community development director. (Ord. 854, 5-6-2014)

D. Fee: At the time any building permit is applied for to construct any building or structure in any subdivision which may be established, there shall be paid, along with such application for such building permit, a fee in such amount as prescribed by the city council as provided in the consolidated fee schedule set forth in title 1, chapter 12 of this code, which additional fee shall be in addition to the usual building permit fee which might otherwise be applicable. This additional fee shall be used to assist in defraying the expenses of the city in the creation of such subdivision. (1985 Code § 19-40-12; amd. 2001 Code, amd. Ord. , 1-2-2024)

**10-21-1844: PENALTY:**

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be guilty of a class C misdemeanor and punished as is provided in section [1-4-1](#) of this code. (1985 Code § 19-40-13, amd. Ord. , 1-2-2024)