

**Meeting Body:** Kearns Metro Township Planning Commission

**Meeting Date:** January 3<sup>rd</sup>, 2023

**File Number:** OAM2023-001050

**Subject:** Proposed amendment to the Kearns Subdivision Ordinance, Title 18 of the Kearns Municipal Code, to comply with review timeframes, review cycle limits, land use authority designations and other amendments mandated by SB 174. P (Public Hearing)

**Applicant:** Kearns Metro Township Council

**Planner:** Brian Tucker, Planning Manager

**Project Type:**

Subdivision Ordinance Text Amendment

**Areas Affected:** All of the Kearns Metro Township

**Recommendation:** Motion to recommend approval of the proposed amendments to Title 18 Subdivisions to comply with enrolled Senate Bill 174 of the 2023 General Session of the Utah State Legislature.



G R E A T E R   S A L T   L A K E

**Municipal Services  
District**

## **SUMMARY & BACKGROUND**

The 2023 Utah State Legislature adopted Senate Bill 174 (SB 174), which amended various land use and development requirements for municipalities and counties, including subdivision review procedures. The “effective date” of the amended subdivision review procedures is February 1, 2024 (see Attachment A – Utah Code Subdivision Review Requirements).

## **ATTACHMENTS**

The following attachments are included as supplementary materials to the end of this staff report:

1. Utah Code Subdivision Review Requirements
2. Proposed revisions to Title 18, Subdivisions

## **STAFF ANALYSIS**

### **Issue before the Commission:**

SB 174 includes sweeping changes and definitional changes that previously were not imposed. Many of our existing policies, procedures, and provisions are already compliant, but the Metro Township has been advised by legal consultants, Jay Springer and Lisa Watts Baskin, attorneys with Smith Hartvigsen, PLLC, that to ensure clarity, consistency, and compliance with State Code, several text amendments to Title 18 are warranted (see Attachment B – Proposed revisions to Title 18, Subdivisions).

In addition to amendments mandated by SB 174, staff have included a handful of clean-up revisions to the drafted ordinance. These revisions are non-substantive in nature and are intended to improve the overall clarity of Title 18.

**Legislative Mandate:**

The primary effects of Senate Bill 174 are:

- Requires cities and counties to identify an administrative land use authority for subdivision review and preliminary subdivision application approval for single-family dwellings, two-family dwellings, and townhomes;
- Prohibits city and county councils from acting as an administrative land use authority for subdivision plats or plat amendments—except for plat amendments or vacations that seek to reduce or remove dedicated public rights-of-way;
- Establishes subdivision review procedures for cities and counties, including defining review cycles and permitted requests, and establishes timelines and noticing requirements;
- Requires that a pre-application meeting be available to any interested applicant; and
- Requires certain administrative and processing standards be made publicly available on the municipal website.

**Notice:**

Notice of the public hearing before the Planning Commission has been given in accordance with Utah Code 10-9a-205 and Kearns Code 19.16.080. Notice was mailed to each affected entity. Physical notice was posted at the meeting location 10 days prior to the public hearing. Notice was posted on the Utah Public Notice Website, and Kearns’s official website, [kearns.utah.gov](http://kearns.utah.gov).

**Review Procedure and Criteria:**

The Kearns Metro Township Council is the legislative authority for subdivision ordinance text amendments. The Council cannot amend the subdivision ordinance without first submitting the amendment to the Kearns Metro Township Planning Commission for the Planning Commission’s recommendation. The Planning Commission must hold a public hearing and review and recommend an action to the Council. The Council must then hold a public meeting after which they may adopt, adopt with revisions, or reject the proposed text amendments recommended by the Planning Commission.

A text amendment can be approved if it is reasonably debatable that the decision could promote the public welfare. It is not necessary to show that the decision actually promotes the public welfare, or is the best alternative, as long as it is reasonably debatable that the public could benefit from the decision. Similarly, a text amendment can be denied if it is reasonably debatable that the decision could detrimentally impact the public welfare.

## **STAFF RECOMMENDATION**

MSD Planning Staff finds that:

1. In accordance with Senate Bill 174, the proposed ordinance identifies the Kearns Metro Township Planning Commission as the administrative land use authority for preliminary subdivision approval;
2. In accordance with Senate Bill 174, the proposed ordinance establishes a subdivision review procedure that includes review cycles and permitted requests, and establishes timelines and noticing requirements;
3. In accordance with Senate Bill 174, the proposed ordinance requires that a pre-application meeting be available to any interested applicant;
4. In accordance with Senate Bill 174, the proposed ordinance requires certain administrative and processing standards be made publicly available on the municipal website;
5. The proposed amendment improves clarity and does not alter the subdivision process to any greater extent that mandated by SB 174; and
6. The proposed amendment does not affect any specific land use or property within the Metro Township, applying only to future applications to subdivide land within the Kearns Metro Township.

Given the above findings, staff recommends the following action:

*Motion to recommend approval of the proposed amendments to Title 18 Subdivisions to comply with enrolled Senate Bill 174 of the 2023 General Session of the Utah State Legislature and improve overall clarity of Title 18.*

## **POTENTIAL PLANNING COMMISSION ACTIONS**

The Planning Commission's role in the text amendment process is to provide a recommendation to the Kearns Metro Township Council. After taking public comment, the Planning Commission could take any of the following actions, among others:

- Option 1. Recommended approval of the attached ordinance to the Kearns Metro Township Council subject to staff and legal counsel's non-substantive and technical changes.
- Option 2. Recommended approval of the attached ordinance to the Kearns Metro Township Council with changes subject to staff and legal counsel's non-substantive and technical changes.
- Option 3. Recommend that the Council deny the proposed ordinance.

### **18.02.010 Title**

This Title is known as "The Subdivision Ordinance of Kearns" ~~"and may be so cited and pleaded~~. This title is also known as Title 18, the Kearns Subdivision Ordinance.

#### **HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

### **18.02.020 Purpose**

A. This ordinance is intended to promote the health, safety, morals, order, prosperity, and welfare of the inhabitants of Kearns which includes:

1. Facilitating the orderly development of the municipality;
2. Securing efficiency in governmental expenditures;
3. Implementing the municipality's transportation plans;
4. Facilitating the development of a safe and efficient street system;
5. Facilitating the orderly transfer of the ownership of building sites in a manner consistent with state law;
6. Ensuring adequate water, sewer, drainage, utilities, and other services to developing areas of the municipality; and
7. Establishing the rights, duties, and responsibilities of subdividers with respect to the development of subdivisions within the municipality.

#### **HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

### **18.02.030 Applicability**

All land within the jurisdictional limits of Kearns is subject to the provisions of this Title.

#### **HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

### **18.02.040 Severability**

If any provision of this Title is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remaining provisions of this Title. The effect of the judgment is confined to the provision immediately involved in the controversy in which the judgment or decree was rendered.

#### **HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

### **18.04.010 Subdivision Plats Required**

No person may subdivide, as defined by Utah Code Section §10-9a-103 ~~Chapter 19.04 of the Municipal Code~~, any tract of land within the jurisdictional limits of the municipality; nor shall any person sell, exchange, purchase or otherwise convey a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a "subdivision" as defined by Municipal Code, unless and until a Final Plat, prepared in accordance with the provisions of this Title, has been reviewed and approved by the ~~appropriate decision-making body~~ land use authority and recorded in the Office of the Salt Lake County Recorder consistent with this Title.

**Commented [A1]:** We will look at the definitions and provisions in Chapter 19 as well, which may come later in implementation.

#### HISTORY

*Repealed & Replaced by Ord. Title 18 Kearns Subdivision Ordinance on 6/26/2023*

#### **18.04.020 Exemption From Plat Requirements**

- A. ~~A division of property that complies~~ Agricultural lot splits that comply with the following standards ~~is~~ exempt from plat requirements:
1. The original property as a whole qualifies as land in agricultural use under Utah Code Section §59-2-502;
  2. Each ~~resulting parcel~~ lot will comply with the minimum lot size requirement of the applicable zone in which the property is located;
  3. The property does not contain any existing residential units and each of the resulting parcels will not be used for nonagricultural purposes; and
  4. The boundaries of each lot or parcel are graphically illustrated on a record of survey map, in accordance with Section 17-23-17 of Utah State Code, that is presented to the municipality. Upon approval of the parcel by the Director or designee the record of survey map shall be recorded with the Salt Lake County Surveyor in addition to a subsequent notice of interest referring to the affected parcels and record of survey index with the Salt Lake County Recorder; and
  5. If a lot or parcel exempted under Section 18.04.020 is used for nonagricultural purposes, that lot or parcel shall comply with the platting and improvement requirements of this Title.
- B. Parcel Boundary Adjustments. Parcel boundary adjustments are exempt from plat requirements.
1. A "parcel boundary adjustment" means a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
    1. No additional parcel is created; and
    2. Each property identified in the agreement is unsubdivided land, including a remainder of subdivided land.

#### HISTORY

*Repealed & Replaced by Ord. Title 18 Kearns Subdivision Ordinance on 6/26/2023*

#### **18.04.030 Lots Created By Metes And Bounds Description**

A. In order to ensure the accurate location of property lines and the location of future construction and land uses within those property lines; ensure the orderly dedication of rights-of-way for public thoroughfares; and facilitate the orderly transfer of ownership of buildable lots, no property created by a "metes and bounds" description and recorded with the Salt Lake County Recorder may be considered eligible for the issuance of a building permit unless:

1. The property is recognized as a legal lot of record by the Director or designee, meets all current zoning standards, and a plat describing such parcel of land is approved by the Director or designee and recorded with the Salt Lake County Recorder; ~~or~~
2. The property has been recognized by the Director or designee as a legal nonconforming lot of record, a plat describing such parcel of land is approved by the Director or designee and the plat is recorded with the Salt Lake County Recorder, or
- ~~2.3.~~ The division of property by a "metes and bounds" description is permitted by applicable law.

B. A plat authorized by this Section shall be prepared in accordance with final plat requirements of this Title. The improvements required by Titles 14 and 18 of Kearns Code shall be installed at the property owner's or applicant's expense.

C. If a property qualifies as a legal lot of record or a legal nonconforming lot of record and is already developed with a dwelling unit, no plat is required. However, a street dedication may still be required.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.04.040 Development Agreements**

A. The developer/property owner and the municipality may choose to enter into a development agreement that outlines the duties, responsibilities, obligations, commitments and promises of the developer/property owner and the commitments of the municipality.

B. A development agreement does not exempt a developer/property owner from complying with this Title or any part of the Development Code unless such an exemption is clearly contained within the executed development agreement; and the Council has approved the development agreement after the planning commission has held a public hearing and provided a recommendation.

C. If a development agreement restricts an applicant's rights under clearly established state law, the municipality shall disclose in writing to the applicant the rights of the applicant the development agreement restricts.

1. ~~It is the policy of Kearns Metro Township that if the municipality fails to disclose a restricted right in accordance with State Code, the entirety of the development agreement shall be considered null and void. The developer and municipality may~~

choose to enter into a new agreement.

D. The development agreement shall be recorded by the municipality in the Salt Lake County Recorder's Office. Recordation by the municipality may only take place after all of the necessary signatures are obtained, all approvals given, and all bonds and fees posted. The development agreement must be recorded prior to the recording of the final plat. The Kearns Metro Council may approve a development agreement as a legislative action. Consideration of a development agreement is separate from any consideration of a preliminary or final subdivision application or plat.

E. Any development agreement entered into by a developer/property owner and Kearns Metro Township shall comply with the provisions identified in Utah Code §10-9a-532.

#### HISTORY

*Repealed & Replaced by Ord. Title 18 Kearns Subdivision Ordinance on 6/26/2023*

#### **18.06.010 Time Limits**

A. Subdivision applications are subject to expiration according to the following schedule unless, for good cause shown, the applicant is granted an extension of time by the Director:

1. A subdivision application expires if the applicant has not filed all of the required documents for preliminary plat approval with Planning and Development Services within six (6) months of the submission of a complete application.
2. A preliminary plat approval expires if a complete final plat application is not submitted to Planning and Development Services within one (1) year of the preliminary plat approval.
3. A preliminary subdivision with an approved phasing plan is granted an automatic preliminary subdivision extension of one (1) year each time a complete final plat application for one or more phases is submitted.
4. A subdivision application expires if the final plat has not been recorded with the Salt Lake County Recorder's Office within six (6) months of the date of the required signatures on the plat.
5. Failure to pursue an application, as evidenced by failure to file a complete application, the lack of timely resubmittal to the Development Review Committee's comments and corrections, or failure to communicate delays in a timely manner, shall result in the expiration of the application after six (6) months of inaction.

#### HISTORY

*Repealed & Replaced by Ord. Title 18 Kearns Subdivision Ordinance on 6/26/2023*

#### **18.06.020 Exceptions, Permitted When**

In cases where unusual topographic, aesthetic or other exceptional conditions exist or the welfare, best interests and safety of the general public will be usefully served or protected, variations and exceptions of this Title may be made by the ~~Kearns Council~~ administrative land

~~use authority at preliminary approval~~ after the recommendation of the ~~Planning Commission~~ ~~Municipal Engineer as provided in Subsection B~~, provided, that such variations and exceptions may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Title.

B. Any variation or exception ~~to the adopted engineering standards or this Title must be based on a recommendation~~ ~~by the Planning Commission must be based on a recommendation by the Municipal Engineer as to whether~~ ~~Municipal Engineer and shall address the following:~~

1. Strict adherence to this ordinance is not in keeping with sound engineering practice;
2. The variation or exception is the minimal variation or exception to this ordinance to keep with sound engineering practice; and
3. The variation or exception is associated with a specific hardship at a specific location and not a generally applicable condition.

**HISTORY**

*Repealed & Reenacted by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

**18.06.030 Appeals**

The applicant or any person adversely affected by a final decision on a subdivision ~~shall have the right to may~~ appeal the decision to the Land Use Hearing Officer by filing a letter to ~~with Planning and Development Services the Land Use Hearing Officer~~ stating the reasons for appeal within ten (10) days after the decision. The Land Use Hearing Officer shall review the record and the decision to determine whether the decision was arbitrary, capricious, or illegal. After hearing the appeal, the Land Use Hearing Officer may affirm, reverse, alter or remand the decision for further consideration. ~~Notwithstanding the foregoing, any appeal from the Subdivision Improvement Plans shall comply with Utah Code Ann. Sections 10-9a-604.2(8) and 10-9a-508(5)(d).~~

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

**18.06.140 Definitions**

All terms pertaining to the development or division of land as defined in Chapter 19.04 of the Kearns' Zoning Ordinance shall also be applicable to this Title.

**Commented [A2]:** This will be reviewed and revised as an additional step in implementation.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

**18.08.010 Approval Authority**

A. The Director is the administrative land use authority for all preliminary plat approvals of five (5) or fewer lots that do not include:

1. The creation of a new public or private street or road, and/or



2. A request to amend or waive certain public improvement requirements found in Chapter 18.14.

B. The Planning Commission is the administrative land use authority for all preliminary plat approvals of greater than five (5) lots that do not require legislative action.

C. The Kearns Council may ~~not consider or approve~~ approve a legislative action and a subdivision plat simultaneously if a recommendation for both the legislative action and the subdivision plat have been made by the Planning Commission as part of its approval of a legislative action.

#### HISTORY

*Repealed & Replaced by Ord. Title 18 Kearns Subdivision Ordinance on 6/26/2023*

#### **18.08.020 Review Procedures, Director To Administer**

In order to ensure that each subdivision fully complies with the provisions of this Title, the Director or designee shall administer formal application and review procedures for subdivisions. An application may not be deemed complete until the full application, fees and all required materials have been submitted to Planning and Development Services. The payment of a partial fee and submission of conceptual plans for a pre-submittal review does not constitute a complete application.

#### HISTORY

*Repealed & Replaced by Ord. Title 18 Kearns Subdivision Ordinance on 6/26/2023*

#### **18.08.030 Development Review Committee**

A. The Development Review Committee (Development Review Committee) is the Planning and Development Services staff, in consultation with agencies with statutory review and approval authority for engineering, health, fire, and surveying reviews and services. Comments from other affected entities, service providers or other reviewing agencies may also be solicited as needed. The Development Review Committee is an extension of the Director and serves as the Director's designee with the following responsibilities:

1. Establish subdivision application forms, checklists, and standard operating procedures;
2. Review development applications, including concept plans, subdivisions, commercial site plans and project plans;
3. Provide recommendations to the Planning Commission and/or Council regarding development applications that require their approval;
4. Review subdivision final plats and construction drawings, and to approve, approve with conditions or deny final plats and construction drawings; and
5. Hold preconstruction meetings for approved subdivision plats and other applicable development projects.

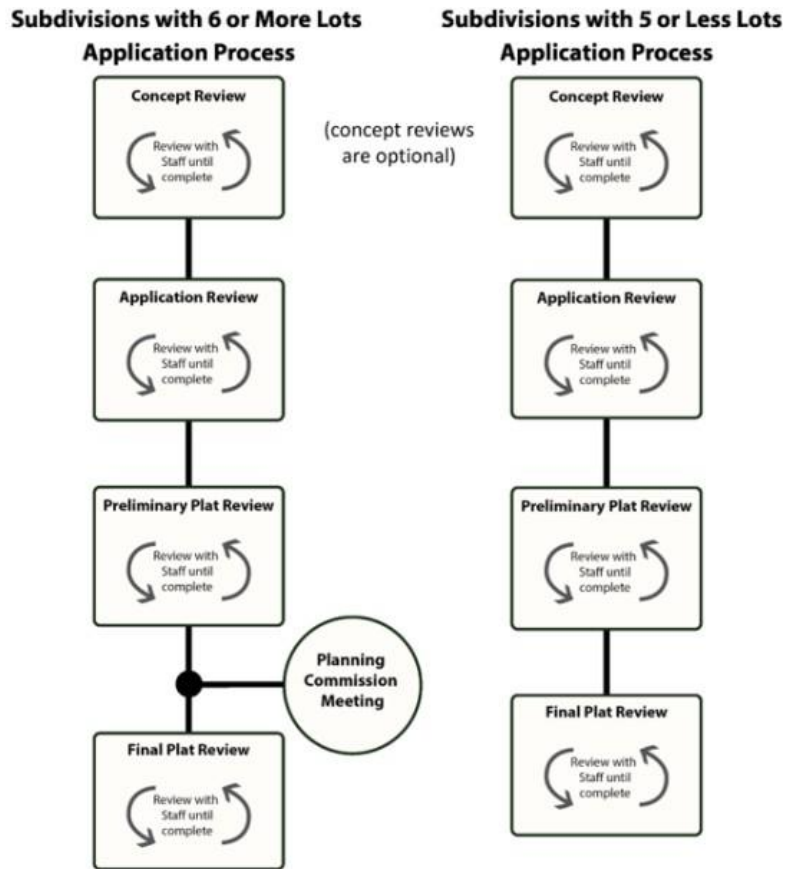
**HISTORY**

*Repealed & Replaced by Ord. Title 18 Kearns Subdivision Ordinance on 6/26/2023*

**18.08.040 Subdivision Procedure. Generally**

The applicant shall prepare and submit a land use application, including fees, in accordance with this Title and Planning and Development Services policy. The applicant may submit a concept plan. While the concept plan is optional except under the circumstances provided herein, a preliminary and a final plat are required.

Figure 18.08.040: Procedure for Subdivision Processing.



## HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

### **18.08.050 Concept Plan**

- A. ~~Except as otherwise stated in this Title, Any person seeking to subdivide land within the municipal boundaries may request a pre-application meeting or concept plan review. Kearns highly recommends a pre-application concept plan review meeting prior to submitting a Preliminary Subdivision Plat Application. A preapplication concept plan meeting is optional, is not a land use application for the purposes of ~~investing~~ and does not count toward the maximum number of review cycles for subdivision land use applications. Within fifteen (15) business days after the request, the city planning staff committee shall schedule the meeting to review the concept plan and give initial feedback. ~~a concept plan review is not a mandatory step.~~~~
- B. The purpose of a concept plan review is to provide a potential applicant with an economical way to work with the planning staff ~~and elected officials~~ in reaching a general agreement as to the nature of a proposed land subdivision project, its impact on the community, and its conformance with the codes, ordinances, plans and policies. For the concept plan review, the potential applicant will not need detailed architectural or engineering drawings.
- C. An applicant may submit a concept plan if the applicant desires to obtain input from Planning and Development Services staff or the ~~Kearns Council~~ administrative land use authority prior to undertaking the preparation and submission of a complete preliminary plat.
- D. Prior to a concept plan review, the Applicant shall submit to the Director or designee a complete concept plan application, including documents, fees, any items specified under Section 18.10.020, and any other matter appropriately required by the Development Review Committee.
- E. When the concept plan application is complete and accepted by the Director or designee, the date of acceptance will be noted. The Development Review Committee shall, within fifteen (15) business days of the date of acceptance, schedule a meeting to review the concept plan and give initial feedback.
- F. ~~At or before the scheduled pre-application meeting, Kearns shall provide the applicant with, or make available on its official website, the following:~~
1. Copies of applicable land use regulations, including this Chapter;
  2. A complete list of standards required for the proposed project;
  3. Preliminary and final application checklists; and
  - ~~4.~~ Feedback on the concept plan.
- E.G. Where the applicant owns or controls more territory than they propose to submit for preliminary or final approval, or under circumstances where the proposed subdivision is part of a larger project or territory which the applicant owns or controls and which includes property in more than one zone, the Director may require that a concept plan covering the larger area be

submitted. The concept plan for the larger area shall show how the immediate development relates to:

1. Possible development of the remaining territory;
2. Kearns' adopted transportation plans; and
3. The provision of other public services, utilities and facilities.

FH If the Director concludes that, because of the scope or complexity of a proposed project, the proposal should be reviewed by the ~~Kearns Council~~ administrative land use authority at the concept plan stage, they may direct that the plan be forwarded for review by the ~~Council~~ administrative land use authority prior to the preparation of the preliminary plat.

GL Any review of a concept plan by the ~~Kearns Council~~ administrative land use authority shall be considered as advisory only and shall not constitute a commitment of approval of a subsequent preliminary plat or final plat.

#### HISTORY

*Repealed & Replaced by Ord. Title 18 Kearns Subdivision Ordinance on 6/26/2023*

#### **18.08.060 Preliminary Plat Application**

Application. The applicant shall submit a preliminary plat application to Planning and Development Services, which shall include:

1. Submission of an approved application form that clearly indicates the type of application, property address, applicant information, and other pertinent information;
2. Submission of a preliminary plat and other drawings and documentation conforming to the requirements of Section 18.10.030, technical reports in accordance with Section 18.10.050, supplementary materials as required by this Title and mailing labels (if required) for notifications, including a copy of all plans in PDF format; and
3. Authorization for application submittal from the property owner or and, if applicable, authorized agent, in the form of an owner's affidavit; and
- ~~3.4~~ All items required on the Preliminary Subdivision Application Checklist published on the Kearns official website.

#### B. Completeness Review.

- a. The preliminary plat application shall be carefully reviewed by Planning and Development Services to determine whether or not it is complete as soon as practicable after submission.

- b. If it is concluded that the preliminary plat application is not complete, the Director or designee shall notify the applicant in writing within ~~fourteen-fifteen (415)~~ business days:
  - i. That the application is incomplete; and
  - ii. The specific components of the application deemed insufficient.
- c. After notice is given, an application deemed incomplete automatically terminates after sixty (60) days if the necessary components to complete the application have not been submitted.
- d. At any time during the completeness review process outlined in this subsection, a pre-application meeting may be requested by the applicant or Director or designee to discuss the application, plans, and anticipated review process. In order to facilitate efficiency of the review process, the Director or designee may invite representatives from other reviewing agencies as well as the applicant's design professionals to the meeting.

C. Complete Application.

- a. When the preliminary plat application is determined to include all the of the required documentation, plans, plats, reports and other required submittals, the Director shall release the fees for the applicant to pay.
- b. When the applicant has paid the required fees, the application is determined complete, and the application is accepted by the Director or designee, the date of acceptance will be noted for the record.

HISTORY

*Repealed & Replaced by Ord. Title 18 Kearns Subdivision Ordinance on 6/26/2023*

**18.08.070 Preliminary Plat Agency/~~development-Development~~ Review Committee Review**

The purpose of a preliminary plat is to provide a review of a proposed subdivision prior to approval by the land use authority. It is intended that this review will help ensure that the plans which are being prepared are in accordance with all applicable development codes and ordinances.

B. The Director or designee shall review or cause to be reviewed, the complete preliminary plat application as follows:

1. ~~No later than fifteen (15) business days after submittal of a complete application. For every submittal,~~ the Development Review Committee ~~shall will have at least fifteen (15) business days for~~ review of the preliminary plat and preparation of review comments.
2. The Director or designee shall review the application materials, plans, plats, subdivision

improvement plans, and technical documents for compliance with municipal land use ordinances, codes and adopted plans and specifications, and other technical requirements. As part of this review, the Director or designee may conduct one or more on-site reviews, as provided by Utah Code Ann. Section 10-9a-303.

3. The Director or designee shall refer the application materials, plans, plats, and technical documents to the Development Review Committee and any other government agency and/or affected entity which the Director deems necessary to protect the health, safety, and welfare of the public and to ensure the project's compliance with all applicable ordinances, codes and adopted plans and specifications and other technical requirements.
4. ~~No later than fifteen (15) business days after submittal of a complete preliminary subdivision application, the Director or Designee shall provide all written comments to the applicant. Multiple reviews and submittals may be required based on the accuracy of the drawings, consistency with the applicable municipal land use ordinances and codes, state and federal law, and adherence to the requirements of the adopted plans and specifications and other technical requirements. Effective February 1st, 2024, in processing reviews and submittals, the municipality shall adhere to the standards for subdivision review cycles, as articulated in Utah Code §10-9a-604.2.~~
5. Upon preliminary approval by the Development Review Committee, the Director or designee shall schedule the application for review by the administrative land use authority.

#### HISTORY

*Repealed & Replaced by Ord. Title 18 Kearns Subdivision Ordinance on 6/26/2023*

#### **18.08.070 Preliminary Plat Approval Or Disapproval**

Following a review of the preliminary plat, the administrative land use authority, as designated in Section 18.08.010, shall act on the preliminary plat as submitted or modified. In addressing the questions in Subsection B. ~~The~~ the land use authority ~~in answering the questions in Subsection B~~ shall refer to the ordinances in effect at the time that the applicant submitted a complete preliminary plat application.

1. Unless the application is for a subdivision of five (5) or fewer lots with no public dedication, the application shall be reviewed by the administrative land use authority at a public meeting.
- B. In reviewing the proposed subdivision, the administrative land use authority shall consider the following:
1. Are the plans, documents and other submission materials (including technical reports where required) sufficiently detailed for proper consideration of the project?
  2. Do the submitted plans, documents and submission materials conform to applicable municipal standards?

3. Does the proposed development conform to municipal zoning ordinances and subdivision design standards?
4. Does any combination of natural or manmade conditions, encumbrances, easements, setbacks, geometry, or the dimensions of the lot leave an adequate buildable area for a reasonably sized main structure?
5. Do any natural or manmade conditions exist on or in the vicinity of the site defined in the preliminary plat that, without remediation, would render part or all of the property unsuitable for development? Does the preliminary plat address these conditions?
6. Does the preliminary plat provide for safe and convenient traffic circulation and road access to adjacent properties under all weather conditions?
7. Does the preliminary plat impose an undue financial burden upon the municipality?
8. Are the location and arrangement of the lots, roads, easements and other elements of the subdivision contemplated by the preliminary plat consistent with the municipality's general street system, transportation master plan and/or applicable elements of the general plan?
9. Does the preliminary plat recognize and accommodate the existing natural conditions?
10. Are the public facilities, including public utility systems serving the area defined in the preliminary plat adequate to serve the proposed development?
11. Will the project contemplated in the preliminary plat conform to the purposes and intent of this Title as stated in Chapter 18.02?

C. The administrative land use authority may:

1. Approve the preliminary plat;
2. Approve the preliminary plat with reasonable conditions intended to ensure compliance with the standards and objectives of the applicable zone and this Title;
3. Continue review of the preliminary plat, directing that changes be made to the preliminary plat so that it conforms with the standards and objectives of the applicable zone and this Title; or
4. Deny the preliminary plat because it does not meet the standards and objectives of the applicable zone and this Title.

D. If the plat conforms with the standards and objectives of the applicable zone, all required standards and specifications, and this Title, and has been approved by the culinary water authority and the sanitary sewer authority, or the local health department where culinary water or sanitary sewer services is not available, the administrative land use authority shall approve the preliminary plat.

- E. If the preliminary plat is not approved, the Director or designee shall notify the applicant in writing and give reasons for the denial.
- F. The Director or designee shall issue a preliminary plat approval letter with the conditions of approval and a copy of the approved preliminary plat. The receipt of said letter shall be authorization for the subdivider to proceed with the preparation of additional specifications for the minimum improvements required in Chapter 18.14 of this Title and with the preparation of the final plat.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.08.090 Submittal Of The Final Plat, Engineering Drawings and Documents To The Development Review Committee For Final Plat Approval**

- A. Purpose. The purpose of the final plat of a subdivision is to present an accurate depiction of the layout of the subdivision so that it can be properly recorded and then used as a permanent reference for the sale of the property included within the subdivision. The purpose of the final plat review is to ensure that the plat and the construction plans for the required improvements meet the applicable standards and specifications.
- B. Application.
  - 1. The applicant shall submit a final plat application to Planning and Development Services, which shall include:
    - a. Submission of an application form, as designed by the Director or designee to clearly indicate the type of application, property address, applicant information, and other pertinent information;
    - b. Submission of a final plat and other drawings and documentation conforming to the requirements of Section 18.10.040, technical reports in accordance with Section 18.10.050, engineered construction plans for the improvements required in Chapter 18.14, and supplementary materials as may be required by this Title; ~~and~~
    - ~~c.~~ Authorization for application submittal from the property owner or authorized agent;  
and
    - ~~e.d.~~ All items required on the Final Subdivision Application Checklist published on the Kearns official website.
  - 2. Completeness Review.
    - a. The final plat application shall be carefully reviewed by Planning and Development Services to determine whether or not it is complete.
    - b. If it is concluded that the final plat application is not complete, the Director or



designee shall notify the applicant in writing within ~~fourteen-twenty (1420)~~ business days:

1. That the application is incomplete; and
  2. Which specific components of the application are deemed insufficient.
- c. After notice is given, an application deemed incomplete automatically terminates after sixty (60) days if the necessary components to complete the application have not been submitted.
- d. At any time during or before the completeness review process outlined in this subsection, a pre-application meeting may be requested by the applicant or Director or designee to discuss the application, plans, and anticipated review process. In order to facilitate efficiency of the review process, the Director or designee may invite representatives from other reviewing agencies as well as the applicant's design professionals to the meeting.
3. Complete Application.
- a. When the final plat application is determined to include all the of the required documentation, plans, plats, reports and other required submittals, the Director or designee shall release the fees for the applicant to pay.
  - b. When the applicant has paid the required fees, the application submittal is complete, and the application is deemed complete and is accepted by the Director or designee, the date of acceptance shall be noted for the record.

C. Technical Review of the Final Plat and Construction Documents. The Director or designee shall review or cause to be reviewed, the complete final plat application and construction documents as follows:

1. No later than twenty (20) business days after the day on which an applicant submits a final subdivision plat application, or revised plat, plans, or reports addressing previous Development Review Committee comments, For every submittal, the Development Review Committee will have at least fifteen (15) working days for shall review the of plat and/or construction plans, and preparation of review comments.
2. The Director or designee shall review the application materials, plans, plats, and technical documents for compliance with municipal land use ordinances, codes and adopted plans and specifications and other technical requirements in effect at the time that the applicant submitted a complete final plat application. As part of this review, the Director or designee may conduct one or more on-site reviews, as provided by Utah Code §10-9a-303.

3. The Director or designee shall refer the application materials, plans, plats, and technical documents to the Development Review Committee and any other government agency and/or affected entity which the Director deems necessary to protect the health, safety, and welfare of the public and to ensure the project's compliance with all applicable design standards and specifications, ordinances, codes and adopted plans and specifications and other technical requirements.
4. ~~No later than twenty (20) business days after submittal of a complete final subdivision plat application, or revised plats, plans, or reports addressing previous Development Review Committee comments, the Director or Designee shall provide all written comments to the applicant. Multiple reviews and submittals may be required based on the accuracy of the plat, drawings and plans, consistency with the applicable municipal land use ordinances and codes, state and federal law, and adherence to the requirements of the adopted plans and specifications and other technical requirements. Effective February 1<sup>st</sup>, 2024, in processing reviews and submittals, the municipality will adhere to the standards for subdivision review cycles, as articulated in Utah Code §10-9a-604.2.~~
5. Upon a determination that the application is consistent with applicable standards and conditions, the Development Review Committee shall provide a written letter of approval to the applicant.
6. If an applicant is proposing ~~substantial-material~~ changes to the preliminary plat, the ~~Director or designee may, but need not, restart the review cycle with respect to those portions affected by the material changes and direct the administrative land use authority to consider preliminary approval of the portions affected by the material change. applicant shall be referred to the land use authority that approved the preliminary plat for final approval. Substantial-Material~~ changes include an increase in the number of proposed lots, changes to the location and/or configuration of streets including stub streets, and/or other changes deemed ~~substantial-material~~ by the Development Review Committee.
7. If an applicant contests any requirements imposed by the Development Review Committee as part of the final plat approval, the applicant may ~~appeal the conditions of approval to the land use hearing officer in accordance with section 19.20.030, request that the application be referred to the Kearns Council~~ ~~Director or designee for a final decision.~~
8. The following actions shall be taken within one (1) year of final plat approval, or the applicant must reapply for preliminary plat approval:
  - a. The subdivision plat shall be recorded in the Office of the Salt Lake County Recorder; or
  - b. A site restoration/durability bond shall be posted with Planning and Development Services and a preconstruction meeting shall have been held with the Development Review Committee.
9. The Director may grant a one (1) year extension provided the final plans have been updated to address any changes to the applicable ordinances and standards that may have been updated or changed since the time of the final plat approval.

HISTORY

Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)

**18.08.100 Combined Applications**

An applicant may submit an application for approval of a preliminary plat and a final plat simultaneously if the subdivision does not include multiple phases. Such application shall be on a form provided by the Planning and Development Services Division. The combination application shall contain both a preliminary plat and a final plat that meet all requirements of this Title and all municipal, state, and federal regulations prior to approval by the land use authority. All other agency reviews shall also be conducted and approved in accordance with this Title. Notwithstanding the foregoing, review of the final subdivision application and plat may not begin until the preliminary subdivision application has been approved by the administrative land use authority. Under no circumstances may the administrative land use authority grant final approval.

**Commented [A3]:** This is a policy consideration, but it is not recommended to allow concurrent review.

HISTORY

Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)

**18.08.110 Recording The Final Plat**

A. Prior to recording the final plat, the applicant shall:

1. Pay any remaining fees; and
2. Provide the Planning and Development Services Division with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid; and
3. Complete all required improvements and post a durability bond in accordance with Chapter 18.16. The required improvements shall all be inspected, approved and accepted by the Municipal Engineering Division; or
4. Post a performance guarantee and a durability bond in accordance with Chapter 18.16 and in an amount determined by the Municipal Engineering Division.

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B. The final plat ~~must shall~~ include all required approval signatures (Planning Commission representative, Director, health department, district attorney, Mayor or their designees).

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C. ~~The applicant shall Make-make~~ an appointment with Planning and Development Services staff to record the final plat in the Salt Lake County Recorder's Office.

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HISTORY

Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)

**18.08.120 As Built Drawings**

Prior to the final acceptance of the required improvements, the applicant / developer shall provide the Municipal Engineering Division a complete and accurate set of as-built drawings in an electronic format acceptable to the Municipal Engineering Division.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

### **18.10.010 Document Submittal Requirements**

All subdivision applications shall include, at a minimum, the documents identified in the [preliminary and final](#) subdivision application ~~packet~~ [checklists posted on the Kearns official website provided by Planning and Development Services.](#)

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

### **18.10.020 Concept Plan Specifications**

A. As a minimum, the following information and materials should be provided as a part of the concept plan application package:

1. An accurate and up-to-date preliminary survey map of the property proposed for subdivision;
2. A vicinity map at a scale of 1:600 showing the property in relation to the general area of the jurisdictional limits in which it is located;
3. A schematic plat drawn clearly and accurately by a design professional at a scale appropriate for the nature of the project, to include:
  - a. Scale, north arrow, and date of preparation;
  - b. Approximate topography;
  - c. All primary and secondary conservation areas;
  - d. Existing man-made features on the property;
  - e. Proposed streets, lots, public areas, open spaces, greenbelts, buffers, amenity areas, and other significant proposed improvements;
  - f. Zoning setbacks, and the approximate area of each lot;
  - g. Any other features that will be important in the design and development of the project; and
  - h. Any off-site improvements that may be needed to properly develop the property.
2. A Stormwater Management Concept Plan;
3. Typical floor plans and elevations of the houses that are planned for the proposed subdivision; and
4. A concept plat review fee.

## HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

### **18.10.030 Preliminary Plat Required Information**

- A. The preliminary plat shall contain the information specified in this Section and comply with the following requirements:
1. Description and Delineation. In a title block located in the lower right-hand corner of the plat, the following shall appear:
    - a. The proposed name of the subdivision, which name must be approved by Planning and Development Services;
    - b. The location of the subdivision, including:
      - i. Address;
      - ii. Section, township and range, base and meridian;
      - iii. When applicable, the name and phase of the recorded subdivision being amended; and
      - iv. Municipality and County.
    - c. The names and addresses of the owner, the subdivider, if different than the owner, and of the designer of the subdivision; and
    - d. The date of preparation, scale (no less than one inch to equal one hundred feet) and the north point.
- B. Existing Conditions. The plat shall show:
1. The location and elevation of project benchmark(s) referenced to published Salt Lake County Surveyor datum and its spatial relationship to existing Public Land Survey System monuments or their accessories;
  2. The boundary lines of the proposed subdivision indicated by a solid heavy line and the total approximate acreage encompassed thereby;
  3. All property under the control of the subdivider, even if only a portion is being subdivided. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in the light of existing street system, general street plans, other Kearns studies and adopted transportation plans;
  4. The location, width, names, and jurisdiction of all existing streets within two hundred feet (200') of the subdivision and of all prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements and section, and municipal and service district boundaries, within and adjacent to the tract;
  5. The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least one hundred feet (100') beyond the tract

boundaries;

6. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe sizes, grades, manholes, elevations and exact locations;
7. Existing and proposed realignment of ditches, canals, natural drainage channels, and open waterways;
8. Boundary lines of adjacent tracts of subdivided and unsubdivided land, showing ownership and parcel identification number;
9. Contour at vertical intervals of not more than two feet (2'). Highwater levels of all watercourses, if any, shall be indicated in the same datum for contour elevations;
10. Nearest installed fire hydrants on and within five hundred feet (500') of the proposed subdivision; and
11. Accurate locations of all natural features such as lakes, ponds, streams, creeks, State Waters, wetlands, floodplain boundaries, riparian buffers, Wildlife and Priority Habitats (as identified by the Department of Natural Resources), and other significant features, and notations designating any federal, state, or local regulatory agency permits or approvals that are or may be required relative to development of or around such features.

C. Proposed Subdivision Plans. The subdivision plans shall include:

1. The layout of streets, showing location, widths and other dimensions of (designated by actual or proposed names and numbers) proposed streets, crosswalks, alleys and easements;
2. The layout, numbers, and typical dimensions of lots;
3. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision;
4. Building setback lines, including showing dimensions where required by the land use authority;
5. Typical street cross sections. The required street cross sections may be submitted as a separate sheet or as part of the construction plans. Grade sheets may be required by the land use authority or other reviewing agency; and
6. A tentative plan or method by which the subdivider proposes to handle stormwater drainage for the subdivision.

D. Phasing.

1. Where a subdivider proposes to submit a final plat containing less territory than shown on the preliminary plat, indicating a phased development plan, the preliminary plat shall identify each of the proposed phases. Any such final plat phasing scheme shall occur at logical "break points" in the project and provide access and utility services which will be adequate in the event that subsequent phases do not occur. The phasing scheme shall also incorporate the provisions of Chapter 18.12 of this Title.
2. A phase may not include two or more non-contiguous areas on the same plat.
3. No phasing scheme may have the effect of leaving a residual lot, non-conforming parcel or previously divided land for which the required subdivision improvements

have not been previously constructed. For purposes of this Title, a "residual lot" shall be defined as a zoning lot, created by the proposed subdivision, but which is not shown as a lot on the final plat of the subdivision project or as future development. A future development parcel must be developable into multiple lots meeting the area standards for the applicable zone.

E. Where required, evidence of any agreements with adjacent property owners relative to the subdivision development shall be presented to Planning and Development Services in writing prior to its approval of the plat. These agreements shall include those relative to drainage, easements, protection strips and improvement bonds.

#### HISTORY

*Repealed & Replaced by Ord. Title 18 Kearns Subdivision Ordinance on 6/26/2023*

#### **18.10.040 Final Plat Required Information**

The final plat shall be prepared by a professional land surveyor licensed in Utah on a sheet of approved reproducible Mylar and made with approved waterproof black ink. The plat shall be oriented so that the top of the sheet is either north or east, whichever accommodates the drawing best. All text shall be a minimum of one-tenth inch in size. The plat shall contain all information required on the preliminary plat with the exception of contours and construction information, utilities (except existing and proposed fire hydrants), structures and fences (unless called monuments).

A. Description and Delineation. The final plat shall show:

1. The approved name of the subdivision;
2. North arrow and graphic scale. The minimum scale is 1"=100';
3. A legend defining all lines and symbols used on the plat;
4. Lot addresses, and approved street names and numbers;
5. The plat drawing shall agree with the boundary description;
6. Accurate angular and lineal dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features. Boundaries, lots and streets shown as solid lines, with outside subdivision boundary lines indicated as a heavier, more substantial line than lot, street and easement lines. Easements shown as dashed lines;
7. The lengths of lot lines and boundary lines shown as decimals of a foot with a precision of 0.00'; Bearings and angles will be shown as Deg/Min/Sec with a precision of 0°00'00". Additional precision may be necessary to meet closure requirements;
8. Bearings and distance to provide a mathematical closure of 0.01' on exterior subdivision boundary and 0.02' or less, on all lots and centerline of streets;
9. Basis of bearing between two or more public land survey monuments or between identified monuments in a recorded subdivision or street dedication plat;
10. Survey ties to public land survey monuments, and where applicable, to identified monuments in a recorded subdivision or street dedication plat, showing measured and record, if different;

11. The accurate location of all survey monuments and fire hydrants to be installed shown by the appropriate symbol. All United States, state, county or other official benchmarks, survey monuments or triangulation stations in or adjacent to the property, shall be preserved in precise position and in compliance with Utah Code, §17-23-14 and Salt Lake County Ordinance, Chapter 14.17;
12. The clearly labeled point of beginning;
13. The sum of the lot distances along the exterior of the plat shall equal the subdivision boundary distance;
14. Existing and proposed streets within two-hundred feet (200') of the proposed subdivision boundary. Dimension street width and identified street ownership;
15. Recording information of adjoining subdivisions. Ownership with parcel identification numbers of adjoining lots and parcels;
16. The dimensioned relationship between existing and proposed utility easements with proposed lot lines. Include recording reference(s) of existing easements and provide a utility approval line for proposed easements;
17. All curve data, including radii, internal angles, points and curvatures, tangent bearings and length of all arcs, identified at correct location or in a curve table;
18. Centerline control on existing streets, matching the County's record data. New street monuments will be installed per the Salt Lake County Surveyor's monument permitting process as specified in Salt Lake County Ordinance, Chapter 14-17;
19. The dedication to the municipality of all streets and highways included in the proposed subdivision. Where it is proposed that streets be constructed on property controlled by a public agent 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 municipal attorney;
20. Subdivision monuments shall be installed prior to the improvement bond release by the subdivider's engineer or land surveyor at such points designated on the final plat as approved by Planning and Development Services. Standard precast monuments, rings and lids shall be installed through the Salt Lake County Surveyor monument permitting process (Salt Lake County Ordinance, Chapter 14.17);
21. Physical markers shall be placed at each outside boundary corner, in accordance with state statutes and industry standards; and verified to be in their correct location(s) according to the plat;
22. Physical markers shall be placed at each lot corner in accordance with state statutes and industry standards; and
23. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners.

B. Boundary Description. The boundary description shall include:

1. A caption with reference to current vesting deed(s), location by Quarter Section, Township & Range, Base & Meridian, and if applicable, existing lot(s) and subdivision(s);
2. A survey tie to an existing Public Land Survey monument, or a recognized street or



3. subdivision monument;
4. All necessary bearings, distances and curve data to complete the description and provide a mathematical closure of 0.01' (one hundredth) of a foot or less;
5. Narrative (bound) calls to and along adjoining subdivisions, parcels, streets, and rights of way as necessary to define the intent of the description;
6. Recording reference to any additional easements required for property access where applicable; and
1. Total development area in square feet (0.00) and acres (0.000).

C. Standard Forms for the Following. Kearns Metro Township may adopt a template establishing the expected format of the final plat, which shall at a minimum require:

1. A Professional Land Surveyor's certificate of survey;
2. The owner's certificate of dedication;
3. A notary public's acknowledgement;
4. The land use authority's certificate of approval;
5. The health department's certificate of approval;
6. Planning and Development Service's certificate of approval;
7. The municipal attorney's certificate of approval;
8. The municipal mayor's certificate of approval, witnessed by the municipal clerk / recorder;
9. The County Surveyor's record of survey acknowledgment block; and
10. A one and one-half by five-inch (1.5" x 5") space in the lower right-hand corner of the drawing for the Salt Lake County Recorder's use.

D. The final plat may require written acknowledgment of any legal documents recorded at the Salt Lake County Recorder's Office completed as part of the approval process for the subdivision. The acknowledgment shall include the recorded number of the document after it has been recorded at the Salt Lake County recorder's office.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### **18.10.050 Technical Reports Required**

The following technical reports are required for all subdivisions:

1. Soils Report. The report shall include, but is not necessarily limited to, information with respect to slope analysis, general soils classification, suitability for development, erosion potential, any recommendations for proposed methods of mitigating any constraints determined to be present as part of the development plan, and any adverse impact on the natural environment.
2. Stormwater, Grading and Drainage Plan: The plan shall include, but is not necessarily limited to, information on groundwater levels, identification and mapping of drainage channels and systems, floodplains, existing details and contours where modification of terrain is proposed, the direction of proposed drainage flow, proposed plans and the location of all surface and subsurface

drainage devices to be constructed as part of the proposed development, erosion control measures during the course of construction, identification of any grading and drainage problems such as the alteration of natural drainage patterns and any other problems of the proposed development, and a plan to mitigate or eliminate such problems and any adverse impact on the natural environment.

B. The following technical reports are required for subdivision applications in areas designated as Special Flood Hazard Areas on a FEMA Flood Insurance Rate Map (FIRM), and all other property in designated fault or debris flow areas:

1. Geotechnical and Geology Report (Global And Site Specific): The report shall include, but is not necessarily limited to, identification and mapping of the location of major geographic and geologic features such as fault traces, surface ruptures, zones of deformation, potential slide and other high hazard areas such as mine shafts and avalanche paths, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, recommendations covering the adequacy of sites proposed for development, and any potential adverse impact on the natural environment. This report shall be completed by a geotechnical engineer or an engineering geologist. The geotechnical report shall contain a certification in accordance with this Title.
  - a. The geotechnical investigation shall include soil borings extended to a depth sufficient to define the soil stratigraphy, water table and other features within the zone of significant stress of the proposed structural footings of the proposed development. If the development needs evaluation of slope stability then the soil borings will extend deep enough to define all soil layers in the zone of possible slippage.
  - b. If published geologic maps show possible faults in the area or a surface geologic examination reveals signs of faulting, then the geotechnical investigation will be supplemented by trenching in addition to the soil borings. The trenches will be so located as to intercept the apparent fault at a perpendicular angle to the trend of the fault. The trenching will extend a minimum of twenty feet (20') each side of the located fault. Developments of two (2) acres or more will require at least two (2) trenches to define the fault. One trench will be approximately where the fault enters the property and the other where it leaves the property. The trenches will be excavated to a depth that will define the fault and allow physical observation and measurement to be taken.
2. Natural Conditions And Vegetation Analysis And Preservation Plan: This report and plan shall include a survey of existing trees, large shrubs and ground covers, a plan for the proposed revegetation of the site, detailing existing vegetation to be preserved, new vegetation to be planted and any modifications to existing vegetation, and the identification of any vegetation problems and recommendations as how to mitigate or eliminate such problems and avoid potential adverse impact on the natural environment.

3. Fire Protection Report: The report shall include, but not be limited to, identification of potential fire hazards, mitigation measures, access for fire protection equipment and proposed fire flow capability.

C. The scope and content of these required technical reports and plans shall be in accordance with adopted standards. The Municipal Engineering Division may waive the necessity for submitting one or more of the technical reports or any elements of a report where, in its opinion, conditions associated with the proposed development do not require consideration of the subject matter covered. Also, where the lot is contained within an approved subdivision and the technical reports previously submitted as part of the subdivision approval process are sufficient in scope and detail to adequately address the issues required under this Chapter, this requirement may be waived.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.10.060 Final Approval, GIs Data Required**

A. Prior to the final approval and the issuance of any permit associated with a subdivision or development plan, or in the case of a single lot development or a single building permit, the owner or developer shall provide to Planning and Development Services the GIS data corresponding to the approved plans for all improvements required by Chapter 18.14. Any changes during construction will require additional GIS data to be submitted with the final approved as-built drawings. All GIS data shall be submitted in the following format:

1. All GIS data shall be submitted in conformance with County Policy 1013, "~~Standards for Geographic Information System~~" and the "~~Salt Lake County Public Works Engineering GIS Standards~~," as approved by the Salt Lake County GIS Steering Committee and on file with Salt Lake County Engineering. The municipality reserves the right to reject any GIS data that is provided and is not in compliance with the above standards.
2. This shall be done at the developer or owner's expense. If a developer or owner does not provide the required GIS data, the municipality may complete the work on the developer or owner's behalf and the developer or owner shall pay to the municipality the cost of completing the work at the hourly rate approved by the municipal council for such work. If the developer or owner fails to pay for such work, the municipality may pursue legal action to recover these costs.
3. Developers with a cost as estimated by the Municipal Engineering Division of ten thousand dollars (\$10,000) or less may, prior to construction, petition Planning and Development Services for an exemption from the GIS requirements of this Chapter. The decision of the Director or designee shall be final.

B. GIS data will be required for the following improvements:

1. Roadway system: Regulatory signs, street signs, ~~bus and other transit stops,~~ centerlines, curb and gutter, sidewalks, crosswalks, ADA ramps, striping, road

width, and monuments; streetlights and signals (including conduit and electrical boxes for streetlights and signals).

2. Storm drain system: Catch basins, manholes, fire hydrants, cleanout boxes, drainage areas, detention basin inlets and outlets, culverts, detention basin area, stormwater quality BMPs, and pipes.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### **18.12.010 Departmental Standards**

A. Standards for design, construction specifications, and inspection of street improvements, curbs, gutters, sidewalks, storm drainage and flood control facilities shall be prepared by the Municipal Engineering and Flood Control divisions; standards for water distribution and sewage disposal facilities shall be prepared by the health department, and similar standards for fire hydrants shall be prepared by the fire department. All subdividers shall comply with the standards established by such departments and agencies of the municipality, provided that such standards shall be approved by the legislative body.

B. Subject to the provisions of Utah State Code §10-9a-508, no adopted design or construction standards shall have the effect of requiring the installation of pavement on a residential roadway at a width in excess of thirty-two feet (32').

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### **18.12.020 Conformance With Design Standards**

The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces, and other design factors shall conform with the standards contained herein.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### **18.12.030 Streets And Roads, General Criteria**

A. Width. The width of the hard surfacing and the location and type of other required street improvements shall be as set forth on the applicable street cross section standard adopted by the Kearns Council.

B. Relationship To Adjacent Streets. The proposed street system shall properly align and be compatible with adjacent streets. Offsets intersections shall be avoided whenever possible and any intersecting-in street alignment of more than fifteen feet (15') shall be prohibited. The distance between intersections shall not be less than one hundred fifty feet (150') for local streets shall be prohibited. This provision shall not apply to existing streets unless the development includes realignment of the existing streets.

C. Street Names. New street names may not duplicate those already existing within Salt Lake County. A street that is obviously a continuation of another already in existence should bear the same name. Before the street is named, the proposed name must be submitted to and approved by Planning and Development Services.

D. Access To Adjacent Properties. In order to facilitate the development of an adequate and convenient circulation system within the municipality and to provide access for the logical development of adjacent vacant properties, the municipality may, as a condition of approval, require the subdivision plan to include one or more temporary dead end streets (stub streets) which extend to the boundary of the subdivision. All such stub streets shall be fully developed to the boundary of the subdivision. Any plan for the subsequent development of the adjacent property shall provide for the continuation of any such stub street.

E. Temporary Dead End (Stub Streets). Where a final plat includes a dead end stub street which is intended to be continued into adjacent property in the future and which serves as the primary access for one or more adjacent lots, said final plat shall make provision for temporarily accommodating vehicular movement and the extension of utility services by designating temporary cul-de-sacs, turnaround areas, travel easements connecting the end of the stub street with other streets in the vicinity or such other temporary measure as may be approved by the land use authority~~planning commission~~. Such temporary facilities required pursuant to this provision shall remain until such time as the street has been extended into the adjacent property and the improvements accepted by the municipality.

F. Cul-De-Sacs. Cul-de-sacs shall be discouraged.

~~4.~~ Cul-de-sacs may be appropriate in cases where the possibility of future adjacent development does not exist due to topography or existing development, where an additional through street would be unnecessary, where a road cannot be extended through the property to connect to another street elsewhere, where development has occurred on at least three (3) sides of the surrounding property, or other special circumstances exist as determined appropriate by the land use authority after receiving a recommendation from the Municipal Engineer in accordance with industry best practices. When permitted, permanent cul-de-sacs shall be designed in accordance with adopted standard drawings, each cul-de-sac stem shall meet the standard street requirement including right-of-way, pavement width, gutter, curb, and sidewalk within residential subdivisions. The maximum length of a cul-de-sac street shall be ~~fivefour~~ hundred feet (5400') from the center of the cul-de-sac to the centerline of the intersecting street. ~~The planning commission may allow a five hundred foot (500') maximum cul-de-sac length if the applicant of such can demonstrate one or both of the following requirements:~~

- ~~a. That a road cannot be extended through the property to connect to another street elsewhere.~~
- ~~b. That development has occurred on at least three (3) sides of the surrounding property.~~

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~~2.1~~ The land use authority may require a sidewalk connection through a cul-de-sac to allow for pedestrian connectivity to existing or future adjacent development and/or public streets.

G. Vehicle Access. Subdivision projects of twenty (20) lots or more shall provide at least two (2) points of vehicular access.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### **18.12.040 Blocks**

A. Length. Blocks may not exceed six hundred (660') feet in length.

B. Width. Blocks shall be wide enough to adequately accommodate two tiers of lots except as provided for herein.

C. Walkways. Dedicated walkways through the block may be required where access is necessary to a point designated by the Planning Commission. Such dedicated walkways shall be a minimum of six feet in (6') width, but may be required to be wider where determined necessary by the ~~Planning Commission~~ [land use authority](#). The subdivider shall surface the full width of the walkway with a paved surface, install a solid vinyl 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, rules and regulations, barriers at each walkway entrance to prevent the use of the walkway, by any motor vehicle or by any other nonmotorized vehicle wider than four feet (4').

D. Commercial and Industrial Block Design. 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.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### **18.12.050 Lots**

Design. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly designed according to topography, the character of surrounding development, and to existing requirements. Lots may not contain peculiarly shaped elongations solely to provide necessary square footage which would be unusable for normal purposes.

B. Zoning Conformity. All lots shown on the preliminary and final plats shall conform to the minimum requirements of the zone in which the subdivision is located, and to the minimum requirements of the health department for water supply and sewage disposal. Lots created as part of an approved planned unit development, or subject to a development agreement are subject to the standards set forth in that approval or document.

C. Frontage.

1. Each lot in a subdivision shall abut upon and have access to a street which is:

- a. Dedicated to the municipality by the subdivision plat;
- b. An existing publicly dedicated street;
- c. An existing public street which has become public by right of use and which is more than twenty-six (26') feet wide;
- d. An existing private street that has been approved by the municipality; or
- e. Have an approved access via private right of way to a public street shown on the plan and approved under the criteria outlined in Subsection 2 of this Section.

2. The municipality may approve a request for a private street that complies with the following criteria:

- a. The street must be part of a planned unit development (PUD) or planned community where the municipality and the developer have entered into a development agreement;
- b. Private streets will only be allowed for streets that have no public interest for traffic circulation and connectivity;
- c. The final design and cross section of any private street shall be determined by the Council based on recommendations from the Planning Commission. Unless otherwise authorized by the Council, private streets shall conform to adopted street cross section and shall in no case less than twenty feet (20') in width;
- d. The maximum length of a dead-end private street may not exceed five hundred feet (500');
- e. A note on the plat shall be included indicating that Kearns has no responsibility to improve or maintain the private streets contained within, or private streets providing access to, the property described in the plat, nor does the municipality have responsibility for any of the infrastructure associated with the roadway such as sidewalks, drainage facilities, streetlights, curbs, and/or landscaping; and
- f. The applicant shall provide a maintenance plan outlining how the private streets will be maintained.

D. Corner Lots. Corner lots shall include the minimum lot width along each of the fronting streets, as measured at the front setback line. Corner lots shall have an additional ten feet (10') of width along one of the frontages to accommodate the additional setback requirements.

E. Double Fronting Lots.

1. Single-family or duplex double frontage lots shall be prohibited, except where they may be essential to provide separation of single-family or duplex residential development from fronting on collector or arterial streets, or to overcome a specific disadvantage or hardship imposed by topography or other factors. Such double frontage lots allowed within the municipality shall be constructed to the adopted engineering design standards.

2. Where lots have double frontage, are not screened, and/or are provided access directly onto an arterial street, building setback lines shall be established for each street side.

3. Lots in single-family or duplex residential subdivisions and lots measuring less than one hundred feet (100') wide and located within multifamily residential subdivisions may abut a street on both the front and rear boundaries, but only under the following conditions:

- a. One lot boundary must abut a collector street, arterial street or freeway;
- b. No access to the abutting arterial street or freeway. The Planning Commission may require a reservation, easement or other condition of approval to ensure that no right of access is given; and
- c. The Planning Commission may require that a parkway at the rear of a double frontage lot be landscaped, or other aesthetic treatment be provided by the subdivider, subject to the approval of the Planning Commission to provide a visual and physical separation between the development and the street.

F. Angle of Lot Lines. Side lot lines or lots shall be approximately at right angles (90°), or radial to the street line, except where topographic or other conditions make it advisable to have side lot lines at sharper angles.

G. Multiple Ownership of Lots. 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 subdivision shall be considered as a joint project and the final plat shall be signed by all affected property owners.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.12.060 Remnant Parcels And Nuisance Strips**

A. No subdivision or platting of a lot may create a nuisance strip, residual lot, or remnant parcel of property less than the minimum lot area or width for the zone in which it is located.

B. If a remnant parcel is proposed, a phasing plan shall be submitted demonstrating how the remnant parcel can be developed in the future.

C. Remnant land not included in the proposed subdivision or platting of a lot must be deeded to adjacent property, with the deed or other appropriate instrument being recorded at the same time as the subdivision or recording of a plat. The resulting deeds may not result in additional parcels being created that are not within the subdivision boundary.

D. No lot may contain an elongated protuberance, or any other feature intended to deny frontage to another parcel.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*



**18.12.070 Flag Lots, Prohibited**

A. No flag lots may be created in the municipality after the adoption of this ordinance.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.14.010 Certification Of Improvements**

No final plat of a subdivision of land may be recorded without receiving a statement signed by the Planning and Development Services Division certifying that the improvements described in the subdivider's plans and specifications have been completed, or that an adequate performance bond has been submitted for the required improvements as allowed under Chapter 18.16. The certification document is to certify that the required improvements meet the minimum requirements of all ordinances of the municipality, and that they comply with the standards and requirements of the Health Department, Planning and Development Services, the Planning Commission and the Fire Authority serving the area.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.14.020 Storm Sewers**

Storm sewers shall be constructed throughout the entire subdivision to carry off water from all inlets and catch basins and shall be connected to an adequate outfall. A stormwater drainage system subject to the approval of Planning and Development Services shall be provided and shall be separate and independent of the sanitary sewer system. The final plans for the drainage system shall be prepared by a licensed engineer not in the employ of the County, the MSD, or Kearns.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.14.030 Public Sanitary Sewer**

A. Where public sewer service is available to the subdivision, a public sanitary sewer system, including main lines and laterals from the main to each lot property line, shall be constructed throughout the entire subdivision in accordance with plans and technical standards required by the entity providing public sewer service to the subdivision and shall be connected to the public sewer system.

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B. In cases where public sewer service is not presently available to the subdivision, alternate waste disposal systems may only be permitted and used provided that the subdivider or developer installs and constructs concurrently therewith sanitary sewer laterals and mains within the subdivision streets to a point on the subdivision boundary where future connection with the public sewer system shall be made. Sewer laterals shall be laid from each lot to the main line in each street, and a connection shall be available on each lot to connect from the alternate waste disposal systems to the sewer system when public sewer becomes available and operational. Such sanitary sewer system shall be capped until ready for use and shall be constructed throughout the entire

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subdivision in accordance with plans and technical standards required by the entity that will provide public sewer service to the subdivision in the future.

C. The Kearns Council may exempt the subdivider from the requirements of this Section upon a finding that public sewer service is unlikely to be provided to the subdivision in the future due to physical inaccessibility of the terrain. Prior to making a decision concerning a requested exemption, the Council shall request a written recommendation from the Planning Commission, the Municipal Engineering Division, and from the entity most likely to provide sewer service to the area in which the subdivision is located.

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D. Subsection C notwithstanding, it is expressly provided that it shall be unlawful for the owner or other person having charge of or occupying any property upon which a building has been or is being constructed for residential, commercial or industrial use, any part of which building is within three hundred feet (300') of any street, alley, or way in which a public sewer is then in existence and used in the municipality, to construct or permit to be constructed or to use or permit to be used any privy vault, septic tank or cesspool connected with such building. Each such owner or other person shall within ninety (90) days after having been given notice by the municipality that an accepted public sewer is ready to receive connections, therewith cause such building to be connected with the sewer (except that if such building may not, at the time such notice is given, have therein any toilet or toilets, the owner or person having charge thereof or occupying any such building shall have a period of two years in which to connect it with such public sewer) and it shall thereafter be unlawful for such owner or other person to have the plumbing in such building remain unconnected to the public sewer or to maintain or use or cause or permit to exist any privy vault, septic tank or cesspool to which the building is connected or which is used by the occupant thereof. Whenever an accepted public sewer is available to receive connections therewith, the manager of the system shall cause appropriate notice to be served upon the owner, agent or other persons having charge of or occupying all property coming within the scope of this Section, that the public sewer is ready to receive connections therewith and that all plumbing must be connected with such sewer.

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**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.14.040 Storm Drainage**

No ditch or canal may be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users for such use. No ditch or canal may be used for stormwaters unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff water, and other water expected to reach such canal or ditch. No ditch, canal or other waterway may be permitted within property dedicated or to be dedicated for public use. The subdivider shall remove such waterways from property to be so dedicated prior to the construction of required off-site improvements.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.14.050 Street Improvements**

**A.** The subdivider shall submit a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision to the Planning and Development Services Division. Plans and profiles are to be prepared by a professional engineer licensed to practice in the State of Utah and shall be accompanied by the final plat. The subdivider must also provide all GIS data corresponding to the submitted plans as required by Section 18.10.060. The Planning and Development Services Division shall, within a reasonable time not to exceed twenty (20) days from the receipt of the plans and profiles, notify the subdivider of approval, and in case of disapproval the reasons therefor. Such plans and profiles shall include:

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1. The designation of limits of work to be done;
2. The location of the benchmark and its true elevation according to County Policy 1013, ~~“Standards for Geographic Information System”~~ and the ~~“Salt Lake County Public Works Engineering GIS Standards,”~~ all profiles to be referred to in those standards;
3. Profiles which indicate the finished and existing grades for the centerline of the street. Separate profiles, clearly designated, shall be made for each side of the street;
4. Profile of all public storm drain system and any private system that connects to public system;
5. Construction plans which include the details of curb and gutter and street cross-sections, location and elevation of manholes, catchbasins and storm sewers, elevations and location of fire hydrants, location of existing and proposed public survey control monuments and street centerline monuments, and any other detail necessary to simplify construction;
6. Complete date for field layout and office checking;
7. On curb returns, at least two additional control points for elevation besides those at points of curvature. Control points shall be staked in the field to insure drainage at intersection; and
8. The street address of the project as approved by Planning and Development Services and subdivision name if applicable.

**B.** ~~B.~~ At least ten (10) days prior to the commencement of construction, the subdivider shall furnish to Planning and Development Services two (2) bound twenty-four inch by thirty-six inch (24" x 36") hard copies of the complete set of approved construction plans and profiles of all streets, existing and proposed, as well as all corresponding GIS data in a format compatible with this Chapter. The approved hard copy sets of the construction plans and profiles shall include all information required in Subsection A.

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#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.14.060 Arrangement Of Streets**

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the ~~planning~~

~~commission~~land use authority. New streets shall connect with existing public streets.

#### HISTORY

Repealed & Replaced by Ord. Title 18 Kearns Subdivision Ordinance on 6/26/2023

#### **18.14.070 Utility And Facility Systems To Be Underground**

All utility and facility systems including, but not limited to, all poles, towers, wires, lines, cables, conduits, and pipes providing services such as electricity, telephone, telegraph, cable television, gas, water, sewer, steam or petroleum including service drops, distribution systems, and transmission systems shall be placed underground in accordance with municipal ordinances and policies. (Refer to Chapter 19.46 of Municipal Code, Utility and Facility System Placement Regulations.)

#### HISTORY

Repealed & Replaced by Ord. Title 18 Kearns Subdivision Ordinance on 6/26/2023

#### **18.14.080 Street Lighting**

A. Except as provided for in Subsection E below, adequate street lighting shall be provided for the safety and welfare of residents and businesses located in the municipality through the installation of a street lighting system as part of subdivision development.

B. All streetlights intended to illuminate the public street shall be installed in accordance with the "Standard Specifications for Streetlight Construction" as established and approved by the Public Works Operations Director or designee. Street light systems shall be designated on approved plats and installed accordingly.

1. For all residential, multi-family residential, planned unit development, commercial, and industrial subdivision developments approved after the effective date of this ordinance, the subdivider shall install and pay the installation costs for streetlights as shown on the approved subdivision plat or site plan and post a bond, pursuant to Chapter 18.16, guaranteeing proper installation. The subdivider shall also provide a dedicated public utility easement from each respective underground power source to each streetlight.
2. Items to be approved pursuant to the requirements of the "Standard Specifications for Streetlight Construction" include:
  - a. Appropriate distance or spacing;
  - b. Alternating sides of street, when applicable;
  - c. Appropriate illumination at intersections;
  - d. Location upon the property;
  - e. Streetlight type and decorative style based on street classification;
  - f. Height based on location;
  - g. Installation methods and requirements; and
  - h. Illumination intensity, electrical specifications, and code requirements as determined by the "Standard Specifications for Streetlight

Construction."<sup>62</sup> <sup>64</sup>

C. The subdivider or designee shall submit completed as-built-drawings and the GIS data corresponding to the as-built drawings, as required by Section 18.10.060 to the Public Works Operations Director or designee within thirty (30) days of the completion of the installation of a street light system within a subdivision development.

D. The Public Works Operations Director or designee shall have the authority:

1. To enforce this Section and to ensure that streetlight installation is completed in compliance with all of its requirements; and,
2. To vary the standards referenced in this Section and to approve alternative streetlight designs and locations when adverse topography, roadway geometrics and design, the presence of natural vegetation, or any other adverse conditions exist which would justify such variations and alternatives without being detrimental to the public safety or welfare.

E. The ~~land use authority Planning Commission~~ shall have the authority to waive or modify the requirement for streetlight installation in subdivisions upon finding that:

1. The subdivision is located in an environmentally sensitive area; or
2. The subdivision will result in three (3) or fewer new lots; or
3. The subdivision will not result in any other public street improvements.

HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.14.090 Pavement Requirements**

A. All streets within the municipality shall be improved with pavements bounded by integral concrete curbs and gutters to an overall width in accordance with the standards, rules and regulations adopted by the Council.

B. Pavements shall be constructed in accordance with the requirements of the standards, rules and regulations adopted by the Council.

HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.14.100 Curbs And Gutters**

A. Curbs and gutters on all streets shall be concrete of the standard high-back-type unit, not less than two feet, six inches (2' 6<sup>22</sup> <sup>64</sup>) in overall width, and not less than seven inches (7<sup>22</sup> <sup>64</sup>) thick where the curb abuts the street pavement.

B. All curb corners shall have a radius of not less than twenty-five feet (25'), or thirty-five

feet (35') on streets designated as collector or arterial streets.

C. The subdivider shall install curbs, gutters and sidewalks on existing and proposed streets in all subdivisions.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.14.110 Street Name Signs**

Street name signs, conforming to the design and specifications and in the number provided by the standards, rules and regulations of the municipality, shall be provided by the developer at all street intersections. Installation shall be made by the municipality to ensure uniformity.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.14.120 Trails**

~~To the extent allowed by the Municipal Land Use Development and Management Act, the applicant The subdivider shall dedicate trails necessary to provide public access to public lands and other trails shown on the general plans or any other adopted plan or required by the land use authorityplanning commission. Trails shall be located so that the route is feasible for both construction and long-term maintenance; side slopes may not exceed seventy percent (70%) and rock cliffs and other insurmountable physical obstructions shall be avoided. The specific location of the trail right-of-way shall be verified on the ground before approval of the subdivision. The amount of land required for trail dedication without compensation may not exceed five percent (5%) of the land within the subdivision excluding trails located within a standard street right of way.~~

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.14.130 Fire Hydrants**

Fire hydrants shall be installed in all subdivisions in accordance with the regulations of the fire authority.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.14.140 Stormwater Inlets And Catch Basins**

Stormwater inlets and catch basins shall be provided within the roadway improvements at points specified by the Municipal Engineering Division.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.14.150 Open Ditches And Canals, Permitted When**

A. Open ditches or canals may not be allowed within or adjoining a subdivision except along rear or side lot lines. The subdivider shall work with irrigation, drainage or ditch companies as to:

1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision;
2. The size of pipe and culverts required;
3. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. 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 Planning and Development Services Division.

B. Irrigation components, whether open or piped, require water master approval.

1. If existing irrigation components are suspected and not identified, then verification is required.
2. If irrigation components are present, they are checked to comply with the ordinance.
3. The Water Master's signature is required on any sheet in the final construction plans which show irrigation components.
4. Final approval of the construction plans shall be withheld until Water Master's signature is confirmed.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.14.160 Open Ditches And Canals, Fencing Requirements**

The subdivider shall install a six-foot (6'), decorative precast or block, brick, stone, iron wrought, or other masonry fence or wall with an approved fence cap, in conformance with the standards and rules and regulations adopted as provided in Chapter 18.12, along all open ditches, canals or waterways, non-access streets, open reservoirs or bodies of water, railroad rights-of-way and other such features—of potentially hazardous nature on, crossing or contiguous to the property being subdivided, except along those features which the ~~planning commission~~ [land use authority](#) shall determine would not be a hazard to life, or where the conforming structure would create a hazard to the safety of the public.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.14.170 Fencing Requirements**

A. Where lots rear on a public street, the developer shall install a decorative masonry wall along the street right-of-way which is:

1. Uniform in design and materials within the subdivision;
2. A solid visual barrier screening;
3. A minimum of six feet (6') high from the top of curb or, if there is no curb, from the crown of the street;
4. Maintained by the abutting property owner;
5. Constructed with a sealant placed on any masonry fence to help with the removal of graffiti and to preserve the surface;
6. Constructed according to development standards approved by the land use authority; and
7. Placed on the property line with the space between the fence and the sidewalk hard surfaced or planted with a perennial, climbing, groundcover and an irrigation system.

B. In lieu of a masonry wall, the land use authority may authorize a decorative masonry wall equivalent such as architectural precast concrete, architecturally treated concrete masonry units, or natural or precast stone.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.14.180 Construction Of Improvements**

A. Twenty-four (24) hours prior to construction of any required improvements, the Municipal Engineering Division shall be notified so that proper inspection may be provided and so that it may be determined whether or not proper authorization and/or required permits for construction have been obtained.

B. As-built plans, profile drawings, and corresponding GIS data shall be furnished to the Municipal Engineering Division of all street improvements, storm drain, sanitary sewer, and water systems upon completion. Planning and Development Services shall retain the improvement bond until such plans have been submitted.

C. Extreme care should be exercised on the part of the subdivider, the contractor, and all other associated agencies for the protection and maintenance of all existing or newly placed improvements or facilities within the roadway sections during development.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.14.190 Responsibility For Damages**

All damages to any bonded improvements or facilities incurred during the period of development shall be the sole responsibility of the subdivider and shall be replaced to the satisfaction of the Municipal Engineering Division before final acceptance of any improvements and bond release. Any damages that occur during building construction, shall be the responsibility of the builder, and shall be satisfactorily repaired prior to the issuance of any certificates of occupancy. At the



discretion of the Municipal Engineering Division, additional bonding may be required.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.16.010 Performance Guarantee Required**

A. Wherever a performance guarantee is required under the terms of this Title, the performance guarantee shall be submitted:

1. In conformance with this Chapter; and
2. Prior to the commencement of any improvements covered by the performance guarantee.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.16.020 Performance Bonds**

A. Prior to the recording of a plat or conducting any development activity, in lieu of actual completion of the improvements listed in this Title, subdividers may file with Planning and Development Services a performance bond to assure actual construction of such improvements within a one-year period after the recording of the plat.

B. If the applicant elects to post a performance bond in lieu of completing the improvements prior to the recording of the final plat, the applicant shall provide a performance bond for:

1. The completion of one hundred percent (100%) of the required improvements; or
2. If the Municipal Engineering Division has inspected and accepted a portion of the required improvements, one hundred percent (100%) of the incomplete or unaccepted improvements.

C. The amount of the performance bond for public improvements such as curb, gutter, sidewalk, road construction and surfacing, flood control and fire hydrants shall be established by the Municipal Engineering Division's estimated cost of completion.

D. The performance bond shall also secure any required improvements on individual lots within the subdivision which are required in this Chapter.

E. The performance bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit from a financial institution located in the State of Utah.

F. A performance bond agreement shall be entered into by Planning and Development Services and the subdivider:

1. The performance bond agreement shall include a provision that the performance bond shall expire within thirteen (13) months from the date issued if the bonded improvements are not completed, and that the Director can grant an extension(s)

of this period upon a showing of good cause.

2. If the project has not been completed by that date, then the performance bond shall be considered foreclosed upon.
3. If the project is not timely completed, All remaining funds shall be thereafter remitted to the Planning and Development Services Division as set forth in the performance bond agreement.
4. The 13 month period in subsection (F)(1)A performance bond may be extended only if special circumstances warrant an extension, as determined by the Director after consultation with the Municipal Engineering Division.

G. A performance bond may be partially released if the performance to which it relates has been satisfactorily completed, except that not less than ten percent (10%) of the performance bond shall be retained to ensure completion of the entire performance which shall be in addition to the 10% that must be retained as a warranty for all bonded improvements that have been installed.

H. The Director or designee may establish objective procedures consistent with this Section relating to the administration of performance bonds, including fund management, default and collection.

#### HISTORY

*Repealed & Replaced by Ord. Title 18 Kearns Subdivision Ordinance on 6/26/2023*

#### **18.16.030 Final Disposition And Release**

A. Upon completion of the work for which a performance bond has been posted, the developer shall submit to the Director or designee, one copy of a written request for release.

B. After receipt of the notice and request under Subsection A of this Section, within five (5) days the Municipal Engineering Division shall make a preliminary inspection of the improvements and shall submit a report to the Director or designee setting forth the condition of the facilities.

C. The Director or designee shall receive the report and, within seven (7) days of the inspection, authorize release of a portion of the performance bond corresponding to the work completed and approved if the Municipal Engineering Division finds, based on objective inspection standards, that the condition of the improvements is satisfactory.

D. The portion of the bond to be held as a durability bond under Section 18.16.050 of this Chapter may not be release until the durability period has expired and an inspection has been conducted by the Municipal Engineering Division that finds, based on objective inspection standards, that the condition of the improvements is satisfactory.

E. A bond may not be released if ,after consulting with the Municipal Engineering Division, the Director:

1. Finds that the condition of material or workmanship shows unusual depreciation

- or does not comply with the acceptable standards of durability;
- 2. Finds that any other terms of the bond agreement have not been satisfied; or
- 3. As built plans, including profile drawings, have not been filed and corresponding GIS data (as required) has not been submitted.

F. If the bonds are not released, the reasons shall be given to the applicant in writing within seven (7) days from the time of the inspection.

G. In the case of a dispute over the release of a performance bond under this Section, the Director may refer the matter to the Kearns Council for subsequent action to secure performance.

H. Such bonds shall be processed and released in accordance with the procedures set forth in Chapter 3.56 of Municipal Code.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.16.040 Default**

A. Upon substantiating a finding under Subsection B of this Section, the Director with approval of the Council may, with due notice to the developer:

- 1. Declare the performance bond forfeited; and
- 2. ~~Install~~ Install or cause the required improvement to be installed using the proceeds from the performance bond to defray the costs.

B. A performance bond may be forfeited under Subsection A of this Section if the Director finds that a developer has failed or neglected to:

- 1. Satisfactorily install the required improvements;
- 2. Make required corrections;
- 3. Make payment to Planning and Development Services for administration and inspections; or
- 4. Otherwise failed to carry out the activity for which the performance bond was required.

C. The developer is responsible for work beyond the limits of the bond amount.

D. Any funds remaining after completion of the required improvements will be returned to the developer.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.16.050 Warranty Bond, Phase 1: Reclamation**

A. Prior to conducting any development activity, the developer shall file with Planning and

Development Services a reclamation bond to ensure that the site can be made safe in the event the developer is unable to complete the required improvements.

B. The amount of the reclamation bond for public improvements such as curb, gutter, sidewalk, road construction and surfacing, flood control and fire hydrants shall be not less than ten percent (10%) of the Municipal Engineering Division's estimated cost of completion.

C. The reclamation bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit from a financial institution located in the State of Utah.

D. At the end of the construction phase of the project, when the Municipal Engineering Division has approved and accepted the required improvements, the reclamation bond becomes the durability bond, with the final disposition and release subject to the same standards as the durability bond.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### **18.16.060 Warranty Bond, Phase 2: Durability**

A. The Planning and Development Services Division shall retain a durability bond in the amount of not less than ten percent (10%) of the initial amount of the performance bond or the applicant's reasonable proven cost of completion. The durability bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit. The durability bond shall be for the purpose of warranting the improvements and shall be for a period of:

1. One (1) year after final acceptance of the improvement or warranty work; or
2. Two (2) years after final acceptance of the improvement or warranty work, if the Director:
  - a. Determines for good cause that a lesser period would be inadequate to protect the public health, safety, and welfare; and
  - b. Has substantial evidence of any of the following:
    - i. Prior poor performance of the applicant;
    - ii. Unstable soil conditions within the subdivision or development area; or
    - iii. Extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period.

B. A determination under Subsection A2 of this section shall be made by the Municipal Engineering Division in consultation with the Director.

C. If, after the warranty period, the durability of said improvements is found to be satisfactory, the retainage may be released following the procedure outlined under Section

18.16.030 of this Chapter.

D. The Director may authorize a release of fifty percent (50%) of the improvement durability bond prior to the warranty period, if determined appropriate based on a finding of:

1. The project has been completed and found acceptable and all monies have been released except for the durability bond;
2. An error in the initial amount of the performance bond or the original calculation of the durability bond; or
3. A fact that was previously unknown to the Municipal Engineering Division that is material in a determination that the municipality's public health, safety, and welfare would still be adequately protected.

E. The person giving the durability bond shall correct the improvements if at any time during the warranty period:

1. Any required improvement fails or shows unusual depreciation;
2. Certain work has not been completed or it becomes evident that certain work was not completed; or
3. The materials or workmanship used in constructing the improvements do not otherwise comply with accepted standards of durability.

F. If the corrections are not made within a reasonable time, the Director, with review from the Kearns Council, in accordance with Section 18.16.040 of this Chapter, may declare the person in default and use the retainage to defray the cost of any required work.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.16.070 Fee In Lieu Of Required Improvements**

A. Where present conditions exist which make it unfeasible or impractical for the developer or property owner to install any required public improvements, the Director may require the subdivider to pay to the municipality a fee equal to the estimated cost of such improvements as determined by the Municipal Engineering Division. Upon payment of the fee by the developer, the municipality shall assume the responsibility for future installation of such improvements.

B. The auditor shall establish a special account for such fees and shall credit to such account a proportioned share of interest earned from investment of municipal moneys. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties and money transfer requests shall be the responsibility of the Planning and Development Services Division.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

### **18.18.010- Purpose**

This Chapter establishes review and approval procedures for subdivision amendments and property boundary adjustments.

#### **HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

### **18.18.020 Boundary Line Adjustments**

A. If properly executed and acknowledged as required by law, an agreement between owners of adjoining property that designates the boundary line between the adjoining properties acts, upon recording in the office of the Salt Lake County Recorder as a quitclaim deed to convey all of each party's right, title, interest, and estate in property outside the agreed boundary line that had been the subject of the boundary line agreement or dispute that led to the boundary line agreement.

B. Requirements. Adjoining property owners executing a boundary line agreement described in Subsection A shall:

1. Ensure that the agreement includes:
  - a. A legal description of the agreed upon boundary line and of each parcel or lot after the boundary line is changed;
  - b. The name and signature of each grantor that is party to the agreement;
  - c. A sufficient acknowledgment for each grantor's signature;
  - d. The parcel identification number and street address of each grantee for assessment purposes;
  - e. A legal description of the parcel or lot each grantor owns before the boundary line is changed;
  - f. The date of the agreement if the date is not included in the acknowledgment in a form substantially similar to a quitclaim deed; and
  - g. Ensure that violations of the width, area, frontage, setback and other requirements are not created, and that any existing, legal nonconformities are not increased by any degree.
2. If any of the property subject to the boundary line agreement is part of a subdivision lot, prepare an amended plat, to be approved by the land use authority designated by Section 18.08.010, before executing the boundary line agreement; and
3. If none of the property subject to the boundary line agreement is a part of a subdivision lot, ensure that the boundary line agreement includes a statement citing the file number of a record of a survey map on record with the Salt Lake County Surveyor.

C. Presumptions. A boundary line agreement described in Subsection A that complies with Subsection B presumptively:

1. Has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed unless the owner of the property benefitting from the easement specifically modifies the easement within the boundary line agreement or a separate recorded easement modification or relinquishment document; and
2. Relocates the parties' common boundary line for an exchange of consideration.

D. Metes and Bounds Parcels. A boundary line agreement that only affects metes and bounds parcels is not subject to:

1. Any public notice, public hearing, or preliminary platting requirement;
2. The review of a land use authority; or
3. An engineering review or approval of the municipality, except as provided in Subsection E.

E. Boundary Line Agreements when Dwelling Units are Present.

1. If a parcel that is the subject of a boundary line agreement contains a dwelling unit, the owners shall submit the boundary line agreement to Planning and Development Services for review.
2. The purpose of the review is to ensure that violations of the width, area, frontage, setback and other requirements are not created, and that any existing, legal nonconformities are not increased by any degree.
3. ~~Planning and Development Services shall complete the review within fourteen (14) days after the day on which the property owner submits the boundary line agreement for review.~~
4. ~~If Planning and Development Services determines that the boundary line agreement is deficient or if additional information is required to approve the boundary line agreement, Planning and Development Services shall, within fourteen (14) days, send written notice to the property owner that:~~
  - a. Describes the specific deficiency or additional information required to approve the boundary line agreement; and
  - b. State that the municipality shall approve the boundary line agreement upon the property owner's correction of the deficiency or submission of the additional information described in the notice;
5. ~~If Planning and Development Services approves the boundary line agreement, the division shall send written notice of the boundary line agreement's approval to the property owner within fourteen (14) days.~~
6. ~~If the municipality fails to send a written notice within fourteen (14) days, the property owner may record the boundary line agreement as if no review was~~

required.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.18.030 Subdivision Amendments**

A. Application Required. A fee owner of land, as shown on the last county assessment roll, in an approved subdivision that has been recorded with the Salt Lake County recorder may file an application with the Planning and Development Services Division to request a subdivision amendment.

B. Plat Required. Upon filing an application to request a subdivision amendment, the owner shall prepare a plat in accordance with Chapter 18.10 that:

1. Depicts only the portion of the subdivision that is proposed to be amended;
2. Includes a plat name distinguishing the amended plat from the original plat;
3. Describes the differences between the amended plat and the original plat; and
4. Includes references to the original plat.

C. Notice. The Director or designee shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least ten (10) calendar days before the land use authority may approve the petition for a subdivision amendment.

D. Public Hearing Required. The Planning Commission shall hold a public hearing within forty-five (45) days after the day on which the petition is filed if:

1. ~~Any owner within the plat notifies the municipality of the owner's objection in writing within ten (10) days of mailed notification; or~~
2. ~~A public hearing is required because all of the owners in the subdivision have not signed the revised plat.~~

E. Public Hearing Not Required. The public hearing requirement does not apply, and the Planning Commission may consider at a public meeting an owner's petition for a subdivision amendment if:

1. The petition seeks to:
  - i. Join two (2) or more of the petitioner fee owner's contiguous lots;
  - ii. Subdivide one (1) or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
  - iii. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition,



- regardless of whether the properties are located in the same subdivision;
- iv. On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
  - v. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:

- 1. Owned by the petitioner; or
- 2. Designated as a common area.

2. Notice has been given to adjoining property owners in accordance with any applicable local ordinance.

F. An administrative land use authority may not approve a petition for a subdivision amendment under this Section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

G. A request to amend a public street or municipal utility easement is also subject to Section 18.18.050.

H. A request to amend an entire plat or a portion of a plat shall include:

- 1. The name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and
- 2. The signature of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition who consents to the petition.

I. The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this Section. An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the Salt Lake County Recorder's Office.

- 1. The surveyor preparing the amended plat shall certify that the surveyor:
  - a. Holds a license in accordance with Utah Code; and
  - b. Has completed a survey of the property described on the plat in accordance Utah Code and has verified all measurements; or
  - c. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
  - d. Has placed monuments as represented on the plat.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### **18.18.040 Approval Of Vacation Or Amendment Of Plat**

A. The administrative land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:

1. There is good cause for the vacation or amendment; and
2. No public street or municipal utility easement has been vacated or amended.

B. The administrative land use authority shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the Salt Lake County Recorder.

C. If the amended plat is approved and recorded in accordance with this Section, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.

D. The Kearns Council may vacate a subdivision or a portion of a subdivision by recording in the Salt Lake County Recorder's Office an ordinance describing the subdivision or the portion being vacated. The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.

E. An amended plat may not be submitted to the Salt Lake County Recorder for recording unless it is:

1. Signed by the administrative land use authority; and
2. Signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended.

F. A management committee may sign and dedicate an amended plat as provided in Utah Code, Title 57, Chapter 8, Condominium Ownership Act.

G. A plat may be corrected as provided in Utah Code §57-3-106.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.18.050 Petition To Vacate A Public Street**

A. In lieu of vacating some or all of a public street through a plat or amended plat in accordance with Utah Code, a legislative body may approve a petition to vacate a public street in accordance with this Section.

B. Application. A petition to vacate some or all of a public street or municipal utility easement shall include:

1. The name and address of each owner of record of land that is:
  - a. Adjacent to the public street or municipal utility easement between the two nearest public street intersections; or
  - b. Accessed exclusively by or within three hundred feet (300') of the public street or municipal utility easement.

2. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated; and
3. The signature of each owner due notice who consents to the vacation.

C. Notice. If a petition is submitted containing a request to vacate some or all of a public street or municipal utility easement, the Kearns Council shall hold a public hearing, giving notice of the date, place, and time of the hearing as follows:

1. At least ten (10) days before the public hearing, the legislative body shall ensure that notice is:
  - a. Mailed to the record owner of each parcel that is accessed by the public street or municipal utility easement;
  - b. Mailed to each affected entity;
  - c. Posted on or near the public street or municipal utility easement in a manner that is calculated to alert the public; and
  - d. Publish notice on the Kearns Metro Township website and the Utah Public Notice Website until the public hearing concludes.

D. Determination. After having held a public hearing as required herein, the Kearns Council shall determine whether:

1. Good cause exists for the vacation; and
2. The public interest or any person will be materially injured by the proposed vacation.

E. Adoption. The Kearns Council may adopt an ordinance granting a petition to vacate some or all of a public street or municipal utility easement if the Kearns Council finds that:

1. Good cause exists for the vacation; and
2. Neither the public interest nor any person will be materially injured by the vacation.

F. Recording. If the Kearns Council adopts an ordinance vacating some or all of a public street or municipal utility easement, the Kearns Council shall ensure that one or both of the following is recorded in the office of the Salt Lake County Recorder:

1. A plat reflecting the vacation; or
2. An ordinance described in Subsection D and a legal description of the public street to be vacated.

G. Limitations. The action of the Kearns Council vacating some or all of a public street or municipal utility easement that has been dedicated to public use:

1. Operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of the

municipality's fee in the vacated public street or municipal utility easement; and  
2. May not be construed to impair:

- a. Any right-of-way or easement of any parcel or lot owner;
- b. The rights of any public utility; or
- c. The rights of a culinary water authority or sanitary sewer authority.

H. Municipal Petition to Vacate. The municipality may submit a petition, in accordance with Subsection B, and initiate and complete a process to vacate some or all of a public street.

1. If the municipality submits a petition and initiates a process under this subsection:

- a. The Council shall hold a public hearing;
- b. The petition and process may not apply to or affect a public utility easement, except to the extent:
  - i. The easement is not a protected utility easement as defined in Utah Code;
  - ii. The easement is included within the public street; and
  - iii. The notice to vacate the public street also contains a notice to vacate the easement.
- c. A recorded ordinance to vacate a public street has the same legal effect as vacating a public street through a recorded plat or amended plat.

I. Water and Sewer Easements. The Kearns Council may not approve a petition to vacate a public street under this section unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.18.060 Amendments To Create Additional Lots**

An amendment to a recorded subdivision to create one or more additional lots shall follow the approval procedure outlined in Chapter 18.08. Where the amendment does not include the creation of additional infrastructure beyond service lines, this amendment process may utilize a streamlined final plat process.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

#### **18.18.070 Other Amendments To Subdivision**

A. An amendment to a recorded subdivision that involves the alteration or removal of an easement, private right-of-way, condition, limitation, or special requirement shall follow the

approval procedure outlined in Chapter 18.08 with the following variations:

1. Only those persons or entities who have a direct interest in, or who will be directly affected by the proposed change (including the applicant) must be notified of any pending action; and
2. No preliminary plat need be approved. The recommendations of the affected entities and the approval of the Planning Commission may be based on a final plat.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### **18.18.080 Correction Of Technical Errors**

An amendment to correct a technical error, such as misnumbered street addresses or an errant note on the plat may be done through recording an affidavit of correction by the Director.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### **18.20.010 Filing Required, Indexing And Fees**

A. Any licensed professional land surveyor making a boundary survey of private lands within this state who establishes or reestablishes any property boundary line; or to obtain data for construction of ~~a~~ a map of plat showing the boundary line, shall file a map of the survey that meets the requirements of this Chapter with the Salt Lake County Surveyor within ninety (90) days of the establishment or reestablishment of the boundary line.

B. The Salt Lake County Surveyor shall file and index the map of the survey which will thereafter be a public record in the office of the Salt Lake County Surveyor and will be available for examination and purchase by the public. The Salt Lake County Surveyor will provide facilities for copying such maps and associated documents.

C. Fees will be charged for services in accordance with the adopted fee schedule.

D. The requirements of this Section are in addition to Chapter 14.17, Excavation Permit for Monuments.

#### HISTORY

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### **18.20.020 Contents Of Maps**

A. The County Surveyor will screen maps of survey that are submitted ~~to him~~ to ensure that they conform to the requirements set forth in this Chapter before receiving them. Such maps shall be drawn on a twenty-four-inch by thirty-six-inch (24" x 36") reproduceable mylar using waterproof black drawing ink with text of not less than one-tenth inch in size; or submitted as a digital electronic file in a type and format approved by the Salt Lake County Surveyor; and shall

show:

1. The location of survey by quarter section and township and range;
2. The date of survey;
3. The scale of drawing and north point;
4. The distance and course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision;
5. All measured bearings, angles and distances separately indicated from those of record;
6. A written boundary description of property surveyed;
7. All monuments set and their relation to older monuments found;
8. A detailed description of monuments found and monuments set, indicated separately;
9. The surveyor's seal or stamp;
10. The surveyor's business name and address; and
11. Each boundary survey map shall reserve a one and one-half by four-inch (1.5" x 4") space in the lower right-hand corner of the drawing for the Salt Lake County Surveyor's use in indexing.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

**18.20.030 Written Narrative**

A. The map of survey shall include a written narrative that explains and identifies the purpose of the survey; the basis on which the lines were established; and the found monuments and deed elements that controlled the established or reestablished lines.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

**18.20.040 Marking Monuments**

A. Any monument set by a licensed professional land surveyor to mark or reference a point on a property of land or land line shall be durably and visibly marked or tagged with the registered business name or the letters "L.S." followed by the registration number of the surveyor in charge.

B. If the monument is set by a public officer, it shall be marked with the official title of the office.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

**18.20.050 Changes Of Section Or Quarter Section Corners**

A. If, in the performance of a survey, a surveyor finds or makes any changes to the section corner or quarter-section corner, or their accessories as they are described in an existing corner record or survey map in the Office of the Salt Lake County Surveyor, the surveyor shall complete and submit to the Salt Lake County Surveyor a record of the changes made.

B. The record shall be submitted within forty-five (45) days of the corner visits and shall include the surveyor's seal, business name, and address.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.20.060 Compliance By Governmental Agencies**

Each federal or state agency, board or commission, special service district, or municipal corporation that makes a boundary survey of lands within Salt Lake County shall comply with this Chapter.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.20.070 Amendment By Affidavit**

A. Any survey map or narrative filed and recorded under the provisions of this Chapter may be amended by an affidavit of corrections:

1. To show any courses or distances omitted from the map or narrative;
2. To correct an error in the description of the real property shown on the map or narrative; or
3. To correct any other errors or omissions where the error or omission is ascertainable from the data shown on the map or narrative as recorded.

B. The affidavit of correction shall be prepared by the licensed professional land surveyor who filed the map or narrative.

C. In the event of the death, disability or retirement from practice of the surveyor who filed the map or narrative, the Salt Lake County Surveyor may prepare the affidavit of correction.

D. The affidavit shall set forth in detail the corrections made.

E. The seal and signature of the registered professional land surveyor filing the affidavit of correction shall be affixed to the affidavit.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.20.080 County Surveyor Certification**

F. The Salt Lake County Surveyor having jurisdiction of the map or narrative shall certify that the affidavit of correction has been examined and that the changes shown on the map or narrative are changes permitted under this Section.

G. Nothing in this section permits changes in courses or distances for the purpose of redesigning parcel configurations.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.20.090 Penalty**

Failure to file a map of survey as required in this Chapter is guilty of an infraction.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.22.010 Adoption Of Health Regulations**

The regulating provisions of the Salt Lake County Health Department, entitled "Subdivisions," as currently adopted by the Board of Health under authority of the Utah State Code are incorporated in their entirety by reference. Three (3) copies of the current regulations shall be filed with and retained by the Salt Lake County Clerk and the Health Department for examination by any person.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.22.020 Violations**

Violation of any provision of any health regulation incorporated into this Title shall constitute a Class B misdemeanor as defined by the Utah State Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.24.010 Building Permit Issuance**

From the time of the effective date of the ordinance codified in this Title, the building inspector may not grant a permit, nor may any municipal 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 Title until a subdivision plat has been recorded or approved as required in this Chapter. Any license or permit issued in conflict with such provisions is void.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*



#### **18.24.020 Filing Fee**

Any and all persons filing plats with the Salt Lake County Recorder shall first have paid all fees required in this Title. In addition, persons filing plats shall pay to the Planning and Development Services Division prior to recording, an office checking fee as provided for in Section 3.48.020.

#### **HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### **18.24.030 Inspections**

The Planning and Development Services Division shall inspect or cause to be inspected all buildings, street improvements, fire hydrants and water supply and sewage disposal systems in the course of construction, installation or repair. Excavations for the fire hydrants and water and sewer mains and laterals may not be covered or backfilled until such installation shall have been approved by the service provider. 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 inspector.

#### **HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### **18.24.040 Enforcement Authority**

Planning and Development Services, the Municipal Engineering Division, the fire authority, and such other divisions as are specified under the provisions of this Title are designated and authorized as the agencies charged with the enforcement of the provisions of this Title and shall enter such actions in court as are necessary. Failure of such departments to pursue appropriate legal remedies does not legalize any violation of such provisions.

#### **HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### **18.24.050 Forms And Instructions**

Application forms and instructions for preparing and processing plats and plans in accordance with these regulations are periodically updated. Current copies of these forms and instructions are available upon request from the Director. Documentation requirements are also specified in Chapter 18.10, and application completeness standards are articulated in Chapter 18.08. Applicants will be required to submit such other information as may be required by the Director of designee.

#### **HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance](#) on 6/26/2023*

#### **18.26.010 Prohibited Acts**

A. If a subdivision requires a plat, an owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this Title for each lot or parcel transferred or sold.

B. The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of this Subsection or from the penalties or remedies provided in this Chapter.

C. Notwithstanding any other provision of this subsection, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:

1. Does not affect the validity of the instrument or other document; and
2. Does not affect whether the property that is the subject of the instrument or other document complies with applicable municipal ordinances on land use and development.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.26.020 Violation, Penalty**

Whoever shall violate any of the provisions of this Title, including the violation of a condition, limitation or requirement contained on a recorded subdivision plat, is guilty of a misdemeanor and, upon conviction of any such violation, shall be punished as provided by the state criminal code for Class B misdemeanors.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*

**18.26.030 Violation, Remedies**

A. The municipality may bring an action against an owner to require the property to conform to the provisions of this Title or an ordinance enacted under the authority of this Title.

B. An action under this Subsection may include an injunction or any other appropriate action or proceeding to prevent or enjoin the violation.

C. The municipality need only establish the violation to obtain the injunction.

**HISTORY**

*Repealed & Replaced by Ord. [Title 18 Kearns Subdivision Ordinance on 6/26/2023](#)*