



SPRINGDALE Utah

Memorandum

To: Planning Commission
From: Niall Connolly, Principal Planner
Date: June 14th, 2024
Re: Johnson Family Farm Subdivision - Time Extension Request

Introduction

Mrs. Pearl Johnson was given approval by the Town Council in July 2023 to subdivide her property at 1365 Zion Park Blvd (S-84). The property is 2.63 acres in size, and the approval allows her to subdivide the property into two individual lots. The new lots are 1.77 and 0.86 acres each.



Figure 1. Aerial View of Parcel S-84 (pre subdivision lot lines shown)

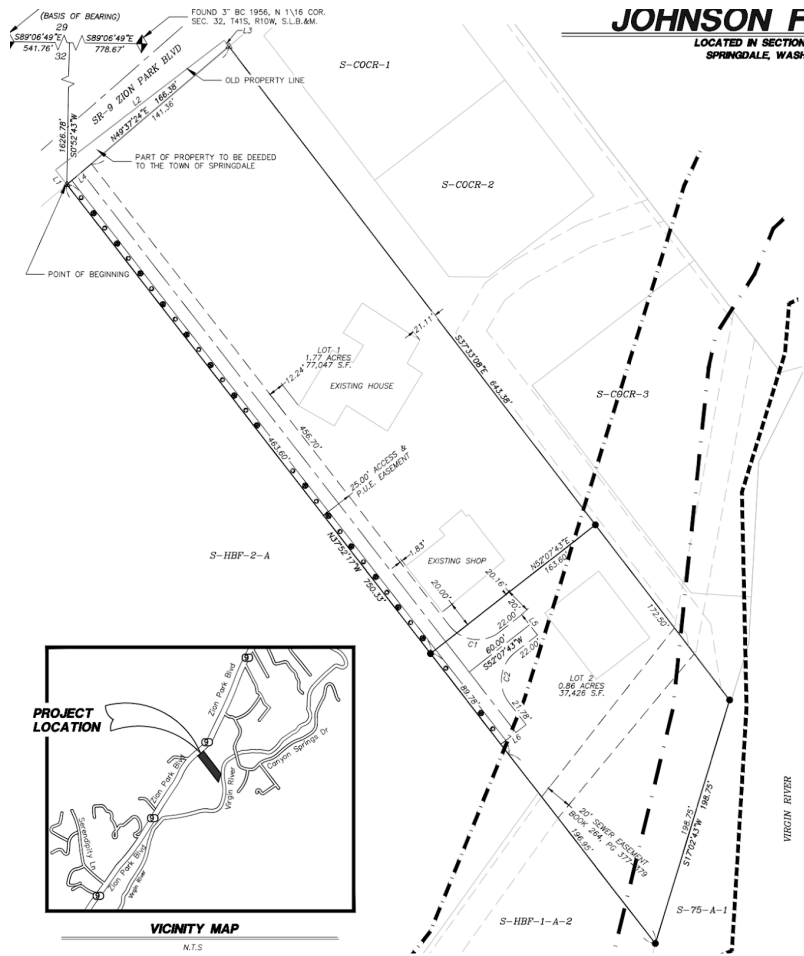


Figure 2. Approved Final Plat, showing the two separate lots

The Town Code requires subdividers to install certain infrastructure to service their newly created lots. The exact infrastructure depends on the nature and scale of the subdivision, and what infrastructure is already there. In this instance, Mrs. Johnson is required to install a culinary water line to serve the new lot. The Town Council approval of the subdivision was contingent on the following condition:

1. The culinary water line must be installed before recording the Plat Map with the County.

The final plat has not yet been brought to Washington County to be recorded, because the culinary water line is not yet installed. Section 10-14-6(D) of the Code states:

If the final subdivision plat is not approved within 12 months from the date the preliminary plat approval is granted, the preliminary plat approval will expire, unless the Town Council finds that the project has been diligently pursued toward completion and there has been substantial completion of improvements for the project, or within that 12-month time span the applicant

applies for and receives from the Planning Commission an extension of the preliminary plat for an additional year.

(emphasis added)

Mrs. Johnson is seeking a 12 month time extension to install the culinary water line.

Town Code Section 10-14: Subdivisions

For larger subdivisions, infrastructure improvements need to be completed before the final plat is approved, and the applicant has 12 months to do this following approval of the preliminary plat. Because this subdivision involved fewer than four individual lots, the Code allowed for the preliminary and final plats to be approved concurrently. We can infer that the 12 month time limit also applies here, because the approval of the final plat was conditional on the installation of the culinary water line.

The Town Council approval was given on July 12th, 2023 and so the 12 month timeframe has almost expired. The Code allows for time extensions of one year, up to a maximum of three extension years. Mrs. Johnson is requesting a year's extension to install this infrastructure and have the plat recorded.

Section 10-14-6: *Preliminary Plat* includes the following relating to time extensions:

An extension request will be granted by the Planning Commission if the application is made **within 12 months** of the preliminary plat approval, **there are no changes to the plat**, and **no subdivision improvements have been made**. Any extension request, under this provision, will subject the preliminary plat to further review by the Planning Commission recognizing and considering **any applicable zoning changes that have occurred since the original plat approval**. If there are changes to the plat, they will need to be approved by both the Planning Commission and the Town Council...

A subdivider may continue to extend the preliminary plat approval each year as described in this section for a maximum of three extension years. If the final subdivision plat is not approved by the conclusion of the third extension year, the preliminary plat approval will lapse. If an applicant has substantially completed improvements in the project, the preliminary plat will expire five years from the date such improvements were made.

Mrs. Johnson is not proposing any changes to the plat at this time.

Staff Analysis

The Planning Commission is not required to review the preliminary and final plats afresh. The Commission should focus its discussion on whether or not a 12 month time extension should be approved.

Requirement	Comments
Was the application for an extension made within 12 months of the preliminary plat approval?	Yes
Are any changes to the plats proposed?	No
Have any subdivision improvements taken place?	No
Have any zoning changes occurred since the original approval that may affect the subdivision?	<p>There has been no change to the zoning of the property since the plats were approved. The Town has passed a number of land use ordinance revisions in that time however. These are listed below for consideration:</p> <ul style="list-style-type: none"> ● 2023-07: Revisions to the Agricultural Zone. This ordinance revision has no bearing on this subdivision. ● 2023-08: Revisions to 10-13F (Transient Lodging). This ordinance revision has no bearing on this subdivision. ● 2023-09: Revisions to access standards for commercial properties. This ordinance revision has no bearing on this subdivision. ● 2023-10: Open air displays for bikes and e bikes. This ordinance revision has no bearing on this subdivision. ● 2024-01: Large Outdoor Events. This ordinance revision has no bearing on this subdivision. ● 2024-03: Building without a permit. This ordinance revision has no bearing on this subdivision. ● 2024-04: Natural Washes. This ordinance revision has no bearing on this subdivision. ● 2024-05 and 06: Relating to mobile businesses. These ordinance revisions have no bearing on this subdivision. <p>Based on the analysis above, it can be concluded that there have been no changes to the zoning or land use regulations since this plat was approved that affect the subdivision.</p>
Has the project been “diligently pursued” or brought to “substantial completion”?	Because the applicant has made the extension request before the 12 month period has expired,

	they do not need to demonstrate that they have “diligently pursued” the project or brought it to “substantial completion”. This would be required only if the 12 months had lapsed before they made the extension request (see Section 10-14-6(D) of the Code.
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Planning Commission Action

The Planning Commission should review this request for a Time Extension of an additional 12 months to lay the culinary water line to lot #2. Staff recommends the Commission specifically consider the following:

- Was the Time Extension request received within 12 months of the date the subdivision was approved (July 12th, 2023)?
- Have there been any zoning changes, or changes to the Town’s land use ordinances since the original approval that would have the effect that this subdivision no longer complies with the Code ?

Sample Motion Language

The Commission may refer to the following sample language when making a motion on the application:

*The Planning Commission **approves/denies** this request for a time extension for the period of 12 months to install the culinary water line to lot #2 in the Johnson Family Farm Subdivision. This motion is based on the following findings:*

[LIST FINDINGS]

Appendices

1. Written request for time extension from Aaron and Annette Tebbs, on behalf of Mrs. Pearl Johnson.
2. Approved Preliminary and Final Plats for the Johnson Family Farm Subdivision.

June 3, 2024

To Whom it May Concern

This letter is to request an extension for the utility installation for the property at 1365 Zion Park Blvd.

Thank you for you consideration and assistance in this matter.

Cordially

Aaron & Annette Tebbs

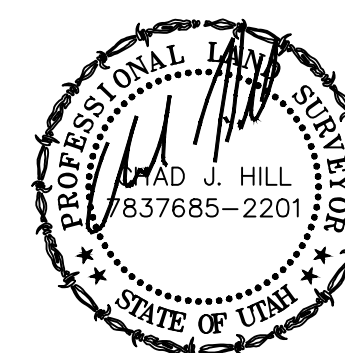
FINAL PLAT FOR: JOHNSON FAMILY FARM

LOCATED IN SECTION 32, T41S, R10W, S.L.B.&M.
SPRINGDALE, WASHINGTON COUNTY, UTAH

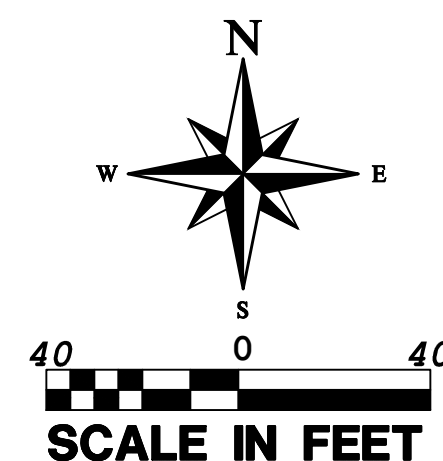
SURVEYOR'S CERTIFICATE

I, CHAD J. HILL, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 7837685, IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND A PARK, TOGETHER WITH EASEMENTS, AND A STORM DRAIN DETENTION AREA IN ACCORDANCE WITH SAINT GEORGE TOWN DESIGN STANDARDS, HEREAFTER TO BE KNOWN AS BASH RESORTS, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND WILL BE MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT.

Chad J. Hill
CHAD J. HILL, P.L.S. #7837685



6/8/2023
DATE



SUBDIVISION BOUNDARY LEGAL DESCRIPTION

COMMENCING AT THE NORTH QUARTER (1/4) CORNER OF SECTION 32, TOWNSHIP 41 SOUTH, RANGE 10 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE S89°06'49"E ALONG THE NORTH SECTION LINE OF SAID SECTION 32, 541.76 FEET; THENCE S00°52'43"W 1626.78 FEET TO THE POINT OF BEGINNING; THENCE N49°37'24"E 166.38 FEET; THENCE S37°52'17"E 456.70 FEET; THENCE EASTERLY ALONG THE ARC OF A 28.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 43.98 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", (LONG CHORD BEARS: S82°52'17"E 39.60 FEET); THENCE N52°07'43"E 22.00 FEET; THENCE S37°52'17"E 20.00 FEET; THENCE S52°07'43"W 22.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF A 28.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 43.98 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", (LONG CHORD BEARS: S07°07'43"W 39.60 FEET); THENCE S37°52'17"E 21.78 FEET; THENCE S52°07'43"W 25.00 FEET; THENCE N37°52'17"W 553.38 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 114,473 SQUARE FEET OR 2.628 ACRES.

20' ACCESS & PUBLIC UTILITY EASEMENT W/ 5' PLANTER STRIP EASEMENT LEGAL DESCRIPTION

COMMENCING AT THE NORTH QUARTER (1/4) CORNER OF SECTION 32, TOWNSHIP 41 SOUTH, RANGE 10 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE S89°06'49"E ALONG THE NORTH SECTION LINE OF SAID SECTION 32, 541.76 FEET; THENCE S00°52'43"W 1626.78 FEET TO THE POINT OF BEGINNING; THENCE N49°37'24"E 25.02 FEET; THENCE S37°52'17"E 456.70 FEET; THENCE EASTERLY ALONG THE ARC OF A 28.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 43.98 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", (LONG CHORD BEARS: S82°52'17"E 39.60 FEET); THENCE N52°07'43"E 22.00 FEET; THENCE S37°52'17"E 20.00 FEET; THENCE S52°07'43"W 22.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF A 28.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 43.98 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", (LONG CHORD BEARS: S07°07'43"W 39.60 FEET); THENCE S37°52'17"E 21.78 FEET; THENCE S52°07'43"W 25.00 FEET; THENCE N37°52'17"W 553.38 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 15,185 SQUARE FEET OR 0.349 ACRES.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOWN AS JOHNSON FAMILY FARM, AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON. IN WITNESS WHEREOF, I HAVE SET MY HAND THIS THE _____ DAY OF _____, 20____.

DENNIS E. JOHNSON AND PEARL A. JOHNSON TRUST CREATED UNDER AGREEMENT DATED NOVEMBER 15, 2001

TRUST ACKNOWLEDGMENT

STATE OF UTAH }
COUNTY OF WASHINGTON } S.S.

ON THIS THE _____ DAY OF _____, PERSONALLY APPEARED BEFORE THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE OF UTAH, SAID COUNTY OF WASHINGTON, PEARL A. JOHNSON AS TRUSTEE OF THE DENNIS E JOHNSON AND PEARL A. JOHNSON TRUST CREATED UNDER AGREEMENT DATED NOVEMBER 15, 2001, WHO BEING SWORN DID SAY SHE IS THE SIGNER OF THE OWNER'S DEDICATION, WHO DULY ACKNOWLEDGED THAT SHE EXECUTED THE SAME.

RESIDING IN _____ COUNTY, UTAH

NOTARY PUBLIC FULL NAME: _____

COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

A NOTARY PUBLIC COMMISSIONED IN UTAH

NOTE:

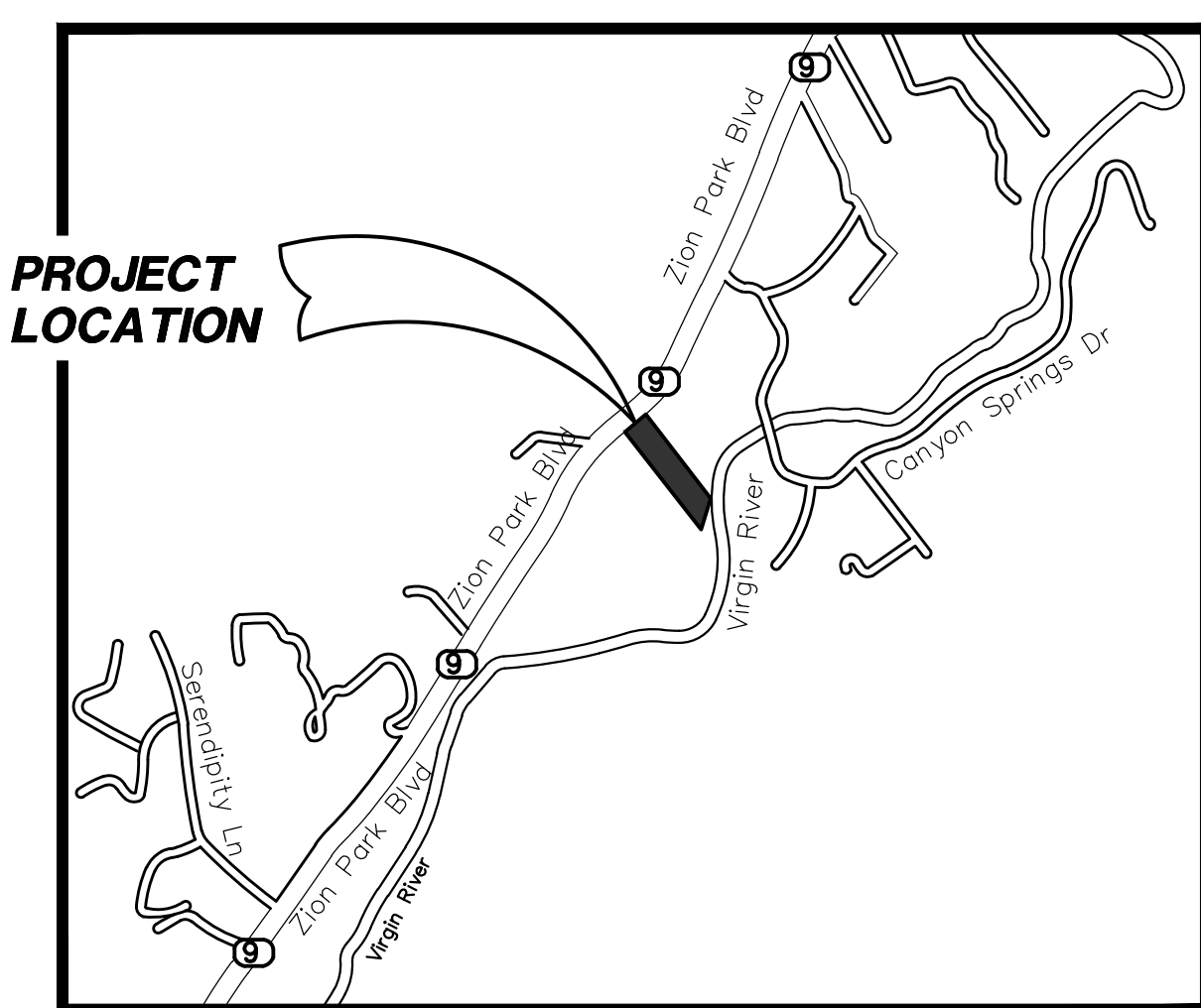
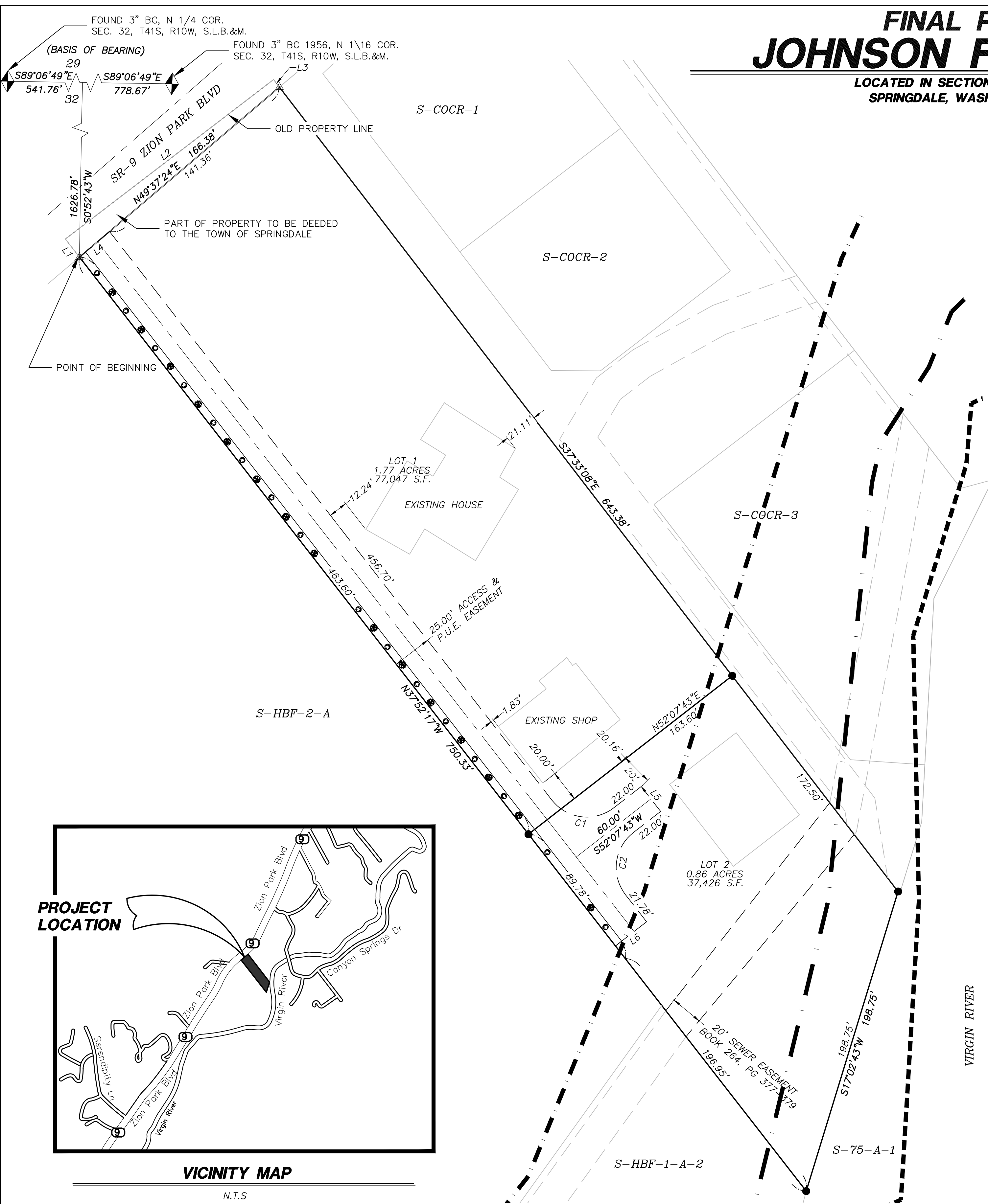
- OWNER TO DEDICATE 2 WATER SHARES TO LOT 2.
- PORTIONS OF THE LOTS IN THE SUBDIVISION ARE IN MODERATE AND HIGH EROSION HAZARD AREAS. PROPERTY OWNERS ASSUME ALL RISKS FOR DEVELOPMENT IN THIS AREA AND ARE RESPONSIBLE FOR COMPLYING WITH ALL SPRINGDALE TOWN ORDINANCES FOR DEVELOPMENT IN EROSION HAZARD AREAS.

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING FENCE
- SECTION LINE
- MODERATE HAZARD EROSION BOUNDARY
- HIGH HAZARD EROSION BOUNDARY
- FEMA FLOOD HAZARD LINE
- SECTION CORNER AS DESCRIBED
- SET PROVALUE ENGINEERING REBAR & CAP P.L.S. #7837685
- SET P.K. NAIL IN TBC ON PROPERTY LINE PROJECTION
- FOUND CAMPBELL REBAR CAP MONUMENT
- RECORD BEARING OR DISTANCE

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	43.98'	28.00'	39.60'	S82°52'17"E	90°00'00"
C2	43.98'	28.00'	39.60'	S7°07'43"W	90°00'00"



VICINITY MAP
N.T.S.

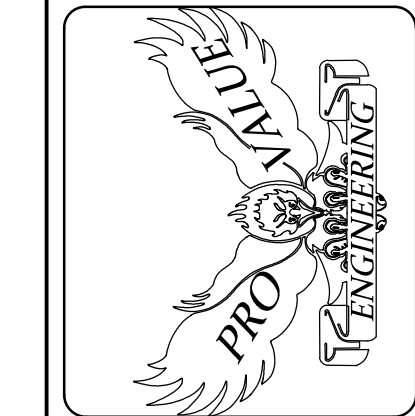
OWNER:

DENNIS E. & PEARL A. JOHNSON
PO BOX 216
SPRINGDALE, UT 84767

APPROVAL OF PLANNING COMMISSION	ENGINEER'S APPROVAL	APPROVAL AS TO FORM	APPROVAL AND ACCEPTANCE BY THE TOWN OF SPRINGDALE, UTAH	TREASURER APPROVAL	RECORDED NUMBER
I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE. THIS _____ DAY OF _____, A.D. 20____.	THE HEREON SUBDIVISION FINAL PLAT HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE THIS _____ DAY OF _____, A.D. 20____.	APPROVED AS TO FORM, THIS THE _____ DAY OF _____, A.D. 20____.	WE, THE MAYOR AND TOWN COUNCIL OF THE TOWN OF SPRINGDALE, UTAH, HAVE REVIEWED THE ABOVE PLAT AND HEREBY ACCEPT SAID PLAT WITH ALL COMMITMENTS AND ALL OBLIGATIONS PERTAINING THERETO THIS _____ DAY OF _____, A.D. 20____.	I, WASHINGTON COUNTY TREASURER, CERTIFY ON THIS THE _____ DAY OF _____, A.D. 20____, THAT ALL TAXES, SPECIAL ASSESSMENTS, AND FEES, DUE AND PENDING ON THIS SUBDIVISION PLAT HAVE BEEN PAID IN FULL.	
PLANNING COMMISSION CHAIR, A.C.S.S.D.	ENGINEER TOWN OF SPRINGDALE, UTAH	TOWN ATTORNEY TOWN OF SPRINGDALE, UTAH	ATTEST: TOWN RECORDER TOWN OF SPRINGDALE, UTAH BARBARA BRUNO, MAYOR TOWN OF SPRINGDALE, UTAH	WASHINGTON COUNTY TREASURER	WASHINGTON COUNTY RECORDER

NO	REVISIONS	DESCRIPTION	DATE	BY

PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors - Land Planners
20 South 850 West, Suite 1
Springdale, Utah 84717
Phone: (435) 668-0801



FINAL PLAT FOR:
JOHNSON FAMILY FARM
LOCATED IN SECTION 32, T41S, R10W, S.L.B.&M.
SPRINGDALE, WASHINGTON COUNTY, UTAH

DATE: 6/8/2023
SCALE: 1"=40'

JOB NO.
703-001

SHEET NO.
1 OF 1