

Spring City Council Work Meeting

7-30-2024

1. Impact Fees Recap and Discussion

a. Water Impact Fees

Spring City Culinary System Eligible Improvements

Improvement	Estimated Cost	Grant	Principal + Interest	Eligible?	% Allocated to New Growth	Eligible Cost	ERC Served	\$/ERC
250,000-Gallon Tank	\$ 410,000		\$ 454,406	Yes	5.48%	\$ 454,406	475	\$ 956.80
New 500,000-Gallon Tank	\$ 1,041,067	\$ 436,319	\$ 1,263,553	Yes	100%	\$ 1,263,553	950	\$ 1,330.27
Upgrades to Distribution System	\$ 2,133,383	\$ 894,117	\$ 2,589,306	Yes	100%	\$ 2,589,306	1,464	\$ 1,768.61
Subtotal of Eligible Impact Fees								\$ 4,055.67
User Fee Credit								\$ (1,744.47)
Recommended Impact Fee								\$ 2,311.20

Spring City Culinary System Eligible Improvements

Improvement	Estimated Cost	Grant	Principal + Interest	Eligible for Impact Fees	% Allocated to New Growth	Eligible Cost	ERC Served	\$/ERC
250,000-Gallon Tank	\$ 410,000		\$ 454,406	Yes	5.48%	\$ 454,406	475	\$ 956.80
New 500,000-Gallon Tank	\$ 1,041,067	\$ 436,319	\$ 1,263,553	Yes	100%	\$ 1,263,553	950	\$ 1,330.27
Upgrades to Distribution System	\$ 2,133,383	\$ 894,117	\$ 2,589,306	Yes	100%	\$ 2,589,306	1,464	\$ 1,768.61
New Water Rights	\$ 1,800,000		\$ 1,800,000	Yes	100%	\$ 1,800,000	682	\$ 2,638.21
Spring Development Project	\$ 596,000	\$ 178,800	\$ 610,042	Yes	71%	\$ 610,042	196	\$ 3,111.84
Sum of Eligible Impact Fees								\$ 9,805.72
User Fee Credit								\$ (2,413.37)
Recommended Impact Fee								\$ 7,392.35

b. WW Impact Fees

Spring City Wastewater Recommended Improvements

Improvement	Estimated Cost	Grant	Principal + Interest	Eligible for Impact Fees	% Allocated to New Growth	Eligible Cost	ERC Served	\$/ERC
Spring City Sewer Improvement Project 2024	\$ 5,128,000	\$ 1,274,000	\$ 5,765,766	Yes	100.00%	\$ 5,765,766	1,388	\$ 4,154.80
Existing Lagoons	\$ 143,391	\$ 499,151	\$ 286,500	Yes	9.32%	\$ 286,500	501	\$ 572.24
Existing Collection System	\$ 355,761	\$ 1,238,421	\$ 695,520	Yes	70.68%	\$ 695,520	1,548	\$ 449.23
Sum of Eligible Impact Fees								\$ 5,176.27
User Fee Credit								\$ (2,499.69)
Recommended Impact Fee								\$ 2,676.59

c. Discuss basis of User Fee Credit and contributing factors to the value of the impact fee

d. Decide future projects to include:

- i. Water Rights
- ii. Spring Development Project

2. Wastewater Project Status Update

- a. Plans submitted to USDA-RD for review
- b. Change of alignments triggered requirement for amended environmental report and scoping

3. Wastewater Lagoon Improvements (Cell 3 Remediation + Headworks Screen)
 - a. Go/No Go
 - b. Funding Alternatives
 - i. USDA-RD
 - ii. Water Quality Board

DRAFT

SUNRISE REDLINES April. 2024

Spring City Utah
Subdivision Code 2023

Title 11 SUBDIVISION REGULATIONS

Chapter 11-1 GENERAL PROVISIONS

Chapter 11-2 PLATS AND PLANS

Chapter 11-3 IMPROVEMENTS AND REQUIREMENTS

Chapter 11-4 PARK FEES AND PARK DEVELOPMENT

Chapter 11-5 GUARANTEE OF PERFORMANCE

Chapter 11-1 GENERAL PROVISIONS

11-1-1 ENFORCEABILITY

11-1-2 DEFINITIONS

11-1-3 ADMINISTRATIVE RESPONSIBILITIES

11-1-4 DUE PROCESS AND APPROVAL

11-1-5 SUBDIVIDER/DEVELOPER/OWNER RESPONSIBILITY

11-1-6 DESIGN REQUIREMENTS

11-1-7 BUILDING REQUIREMENTS

11-1-8 DOCUMENTATION REQUIREMENTS

11-1-9 FEES, COSTS AND CHARGES

11-1-10 VARIANCES

11-1-11 ENFORCEMENT; PENALTY

11-1-1 ENFORCEABILITY

Should any part, portion, provision, or point of this title be found to be illegal or unenforceable in any court of competent jurisdiction, it shall not render any other part, portion, provision, or point hereof to be illegal or unenforceable. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-1-2 DEFINITIONS

ADMINISTRATIVE ACTIONS: Administrative actions are those where the policy issues have been previously settled by a legislative action, applying existing law to a particular application. Administrative actions require fact findings and there should be substantial evidence on record that justifies the action. City operations, subdivisions, developments, site plan approvals, and consideration of conditional uses are typical administrative actions.

ADMINISTRATIVE LAND USE AUTHORITY: The Development Review Committee is responsible to review concept plan applications and to review applications for preliminary and final plat approval and make recommendations to the Administrative Land Use Authority. For approval of a Preliminary Plat, the Administrative Land Use Authority shall be the Planning Commission. For approval of a Final Plat, the Administrative Land Use Authority shall be the City designee over planning and zoning. If a Preliminary or Final Plat requires vacating a street, right of way, or easement, the City Council shall be the Administrative Land Use Authority. The City Council reserves the right to change the Administrative Land Use Authority at its discretion,

DRAFT

provided that any Administrative Land Authority meets the requirements of Utah Code 10-9a-601, et seq, as amended.

ANNEXATION: To annex land to the city is to absorb by legal incorporation or to bring previously unincorporated land into the municipal incorporation (the city limits).

BUFFER ZONE: A specific area in the county surrounding the city as indicated on the buffer zone or expansion zone map and county maps that is designated as a zone where the county has given or may give certain jurisdictions or opportunities for input to the city with respect to annexation, developments, rights of way, easements, alignment with city plans, provision of services, or otherwise. It is within the discretion of the city to determine what services offered to the city residents may be extended to those residing in such zone, and the terms applicable thereto. For clarification, the city shall not be required to provide utilities and other city services to properties outside of the city limits, unless agreed to in writing by the city council after review by Planning & Zoning, and the provision of utilities to such properties may be contingent upon annexation.

BUFFER ZONE MAP: The official city map outlining the buffer zone and its characteristics.

CITY STREET GRID MAP: The official city map outlining the "street grid" including those planned and proposed for future development. Such map would be referenced in regards to required dedications of land to the city by developers for future city streets.

CLOSED MEETING: Any meeting held by any board, council, commission, and committee or like group which is not open to the public. Although most meetings are open to the public they may or may not allow public comment, such as work meetings and city operational meetings. Some meetings may be closed, such as: meetings concerning character, professional competency, physical or mental health issues of city personnel or other individuals; collective bargaining meetings; strategy sessions to discuss property and equipment purchases, imminent litigations, deployment of security personnel or systems, investigations of allegations of criminal misconduct; and like meetings. However, if a meeting is not open to the public, the purpose of the closed meeting must be stated and no legislative matter may be voted on or changed, even if it is on the agenda for discussion. Minutes and recordings of the proceedings in closed meetings must be kept but are protected records under U.C.A. title 63, chapter 2 and under penalty of law all attendees shall act in accordance therewith. Any such protected records may be disclosed only by a proper court order.

CONCURRENT: Two (2) activities that occur virtually simultaneously with each other. An example would be that growth development plans ensure that public facilities and services necessary to support new development are adequate and available at the time the development occurs.

CONDITIONAL USE: A land use in a particular zone that cannot be assumed by the

DRAFT

allowances stated in the character of the zone. Any such conditional use must not impair the integrity and character of any given zone and must be stated in the zoning ordinance with the standards and conditions of the same outlined. If standards and conditions can be met by an applicant, approval must be given.

DEDICATION: The giving of land by a private person or entity to the city, typically for an easement, a street, a park or school site; as a part of and condition of a real estate development. Such dedications must be accepted by the city before or concurrent with the beginning of the development. The city is not required to develop such areas immediately but in no case may they be sold or transferred to any private person.

DEVELOPER: Any person or persons who undertake to improve a plat of land to such an extent as to require building permits or other judicial approval, such as building roads, streets, structures, installing utilities, or any other like action. A number of laws and ordinances governing most developments and permits, as well as due process, are required.

DEVELOPMENT: Any plat of land which is improved to such an extent as to require building permits or other judicial approval, such as building roads, streets, buildings, structures, installing utilities, or any other like action. There are a number of laws and ordinances governing most developments and permits, as well as due process which are required.

DEVELOPMENT REVIEW COMMITTEE: The appointed committee, consisting of the city designee over planning and zoning, Public Works Director, City Engineer, two (2) Council Members as available and assigned by the Mayor, and others as assigned, shall complete a review of each completed Application and provide written comments to the Applicant requesting additional information and/or modifications to plans. Each request shall be specific and include citations to ordinances, standards, or specifications.

DUE PROCESS: The processes required by legislative action, including the U.S. constitution, state, and local laws that ensure fairness, justice, and equality for all citizens. Such processes shall require conditions, standards, and actions that protect the health, safety and general welfare of all concerned. Regarding land uses, such due process must not only advance a legitimate public interest but be a reasonable way to further legitimize governmental purposes.

FINAL PLAT: The final or third step in the three (3) step process necessary for a developer to acquire a permit to build. The official plat plan including all drawings, documents, and maps indicating any and all proposed changes, proposed developments, dedications, affidavits, approvals, and all other legal documents prepared and presented to the Administrative Land Use authority for final approval before the project is recorded in the county recorder's office and building permit is issued.

IMPACT FEES: A charge levied against new development in order to generate revenue for

funding capital improvements made necessary by that development. Impact fees are generally levied at the time a permit is issued. The amount and conditions of impact fees shall be set by the city council and must be reasonably supported by a fact finding process.

LANDLOCKED: Land divided in such a way as to leave a parcel or parcels without proper access from "bona fide" city streets or proper access to utilities in accordance with the city grid map and the appropriate codes. Such divisions are usually an attempt to circumvent the requirement to dedicate property to the city to extend city grid streets through proposed developments. It is not legal, and along with penalties, may render sale or transfers of such lands invalid.

LEGISLATIVE ACTIONS: The powers to make, alter, amend, and repeal laws. Generally, legislative actions are generated in the interest of the public health, safety, and/or general welfare and relates to more than one property or person. Legislative actions may not be arbitrary or capricious. The courts usually uphold any legislative actions that are reasonably in the best interest of the general welfare.

METES AND BOUNDS: A method of describing the territorial limits of property by means of measuring distances and angles from designated landmarks, survey monuments, and adjoining properties, which results in a legal description.

MORATORIUM: A temporary freeze on a legitimate action giving time to solve or remedy a situation or problem usually through legislative action. A good faith effort to study and resolve the issue must be sought to support a moratorium or the extension of the same.

NUISANCE: A public nuisance is any unreasonable interference with some right that is common to the general public. Generally, a nuisance is any use, or condition of land, public street/road, or any structure thereon, or any activity or event which endangers the public safety, health, or welfare, or creates damage to others. Generally a nuisance is shown to be an ongoing rather than an isolated instance.

PARKING vs. STORAGE: Temporary parking of motorized vehicles on public streets, roadways, rights of way, or other designated public parking areas is permissible unless otherwise prohibited or limited by signs to the contrary. No vehicle may be parked in such a way as to restrict the normal flow of traffic. Leaving motorized vehicles parked in/on such public streets, roadways, rights of way, or other designated public parking areas for more than seven (7) consecutive days constitutes "storage" which storage is strictly prohibited (motorized vehicles in constant use excepted). Leaving nonmotorized vehicles such as trailers, horse trailers, wagons, farm equipment, camper trailers, as well as specialty motorized vehicles such as recreational vehicles (with or without trailers), including, but not limited to, boats, quadrunners, snowmobiles, and the like, parked on public streets, roadways, rights of way, or other designated public parking areas for more than forty eight (48) hours constitutes "storage" which storage is strictly prohibited.

Storage on/in such public areas is subject to fines and removal by the city.

PERMITTED USE: A "use by right" which is specifically authorized in a particular zoning district. This is in contrast with conditional uses which are authorized only if certain requirements are met and after review and approval by a designated agency. An applicant is entitled to approval of a land use application if the application conforms to the requirement of an applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, except in a case where the public health, safety, or welfare is at question.

PLAT: A parcel of land that is part of an approved subdivision plat.

POLICE POWER: The enforcement powers given municipalities and jurisdictions, its legislative, policy making, and implemental entities as handed down from federal through state and local agencies, to establish laws and ordinances to preserve public order and tranquility and to promote the public health, safety, and morals, and general welfare of the public. Jurisdictions must strictly comply with the statute delegating them the powers to act. Failure to strictly follow the statutory requirements in enacting the legislation or ordinance renders it invalid. Regulations must bear a reasonable and substantial relationship to the health, safety, or welfare of the public.

PRELIMINARY PLAN: The second step in the three (3) step process of subdividing or developing a plat of land is to submit a comprehensive preliminary plan to the planning and zoning commission, city engineer, city attorney, and other concerned agencies and officials. The purpose is to resolve issues and ensure compliance with all regulatory laws and ordinances.

PRESUMPTION OF CONSTITUTIONALITY: When an ordinance or regulation is enacted by any legitimate governmental agency, the presumption is that it is legal and supported constitutionally. Should a person challenge such ordinance or regulation's constitutionality, that person has the burden of presenting evidence sufficient to overcome this presumption of constitutionality:

If an ordinance could promote the general welfare; or even if it is reasonably debatable that it is in the interest of the general welfare, we will uphold it. Utah Supreme Court

PUBLIC HEARING: A formally announced meeting to hear written or oral testimony, at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing. Commission or legislative representatives may ask questions but no deliberation or debate shall take place during the meeting. A full record of information shall be kept for further deliberation.

PUBLIC MEETING: A meeting that is required to be open to the public under U.C.A. title 52, chapter 4, open and public meetings.

SINGLE LOT RESIDENTIAL DEVELOPMENT: The residential development of a single lot or parcel of land without subdividing it. Note: There are a number of laws and ordinances governing most developing of land and any prospective developer should refer to SCMC Title 9, "Building Regulations" and this title, "Subdivision Regulations", and comply with the same before attempting any such development.

CONCEPT PLAN: A non-mandatory review to identify potential issues in the process of subdividing or developing a plat of land and to set up a dialogue with the planning and zoning commission, city engineer, city council, city attorney, and other concerned agencies and officials by submission of a Concept Plan laying out the plans of the project for initial review. The purpose is to ensure that the developer/subdivider/owner is aware of the due process, fees, and other concerns and issues that are requisite to approval for a building or other permit.

SPOT ZONING: The unjustifiable singling out of a piece of property for preferential treatment. It is a judicial term signifying legal invalidity. It is zoning a relatively small area differently from the surrounding area, usually for an incompatible use and often to favor the owner of a particular piece or pieces of property. Spot zoning is not allowed in Spring City as it smacks of favoritism and usually annoys neighbors.

SUBDIVIDER: Any person or persons having plans to, in the process of, or having divided land into two (2) or more parcels. To avoid penalties such person would be well advised to consult this title, "Subdivision Regulations" and comply with the same. Failure to comply with subdivision laws can carry fines and/or other penalties.

SUBDIVISION: The process and result of dividing or redividing a parcel of land into two (2) or more smaller pieces, often for the development of residential uses. There are a number of laws and ordinances governing the subdividing of land and any prospective developer should refer to SCMC Title 9, "Building Regulations" and this title, "Subdivision Regulations", and comply with the same before attempting any subdivision. Failure to comply with subdivision laws may result in the invalidation of certain actions or other penalties.

Without limiting the generality of the foregoing, the term "Subdivision" shall mean any land located within any residential zone (R-1 zone) within the limits of Spring City (the city) that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, of offer for sale, for lease, or for residential development either on the installment plan or upon any and all other plans, terms, and conditions. Further, any person or persons making or proposing such a division of land shall be called the subdivider and/or developer and/or owner. Note: Notwithstanding this definition of a subdivision being two (2) or more lots, developers are advised that single lot residential developments in residential zones have restrictions and requirements as well (see SCMC Title 9). Notwithstanding any other provisions of this

Title 11, lots that were previously recorded as 1.06 acre lots by the Sanpete County, Utah recorder's office and later combined can be divided back to the original 1.06 acre sizes (along the original recorded boundary lines), but no less than 1.06 acres, without complying with the requirements of this Title 11. Any person or persons proposing dividing and re-establishing historical recorded lots shall provide written documentation of said historical property boundaries. No subdivision to the original boundaries as referenced above shall be deemed to impose any requirement on the city to participate in, or bear any costs related to, either the development or improvement of access roads or the installation of Spring City utilities to the resulting lots.

UNCONDITIONAL USE: A land use in a particular zone which is specifically authorized in a particular zoning district by allowances stated in the character of the zone or one that can be assumed as a "use by right". Any such unconditional use must not impair the integrity and character of any given zone.

USE BY RIGHT: The right to ownership and unrestricted use of property is a basic right granted by the constitution of the United States of America. When necessary, legislative acts, laws, and ordinances are enacted to protect the health, safety, and general welfare of all concerned. If no law is in place to restrict a use or activity, such use or activity is assumed to be legal by common-law right or "use by right", except in cases where the public health, safety, or general welfare is at question.

Because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provision therein restricting property uses should be strictly construed and provisions permitting property use should be liberally construed in favor of the property owner. *Patterson vs. Utah Co. Board of Adjustment*, April 1995

VARIANCE: A device which grants a property owner relief from certain or specific provisions of a zoning ordinance, because of particular physical surroundings, shape or topographical conditions of the property and special circumstances attached to the property that do not generally apply to other properties in the same zone. A variance is granted when compliance would result in a particular hardship upon the owner, or infringe upon, or limit rights normally granted to others in the same or similar situation; as distinguished from a mere inconvenience or a desire to make more money. Financial conditions or hardships are not a consideration in the granting of a variance. The petitioner must prove that a physical hardship exists, and that the request would not be alien to the design or intent of the area. Only the board of adjustment is vested with the authority to grant variances. Any appeal of the board decision must be made to the district courts.

VOID: The rendering of a regulation, proceeding, ordinance, legislation, or event as legally invalid.

VOID FOR VAGUENESS: Courts will invalidate a regulation that is so unclear or ambiguous

that a person of normal intelligence will not be able to comprehend what the regulation forbids or permits.

Because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provision therein restricting property uses should be strictly construed and provisions permitting property use should be liberally construed in favor of the property owner. *Patterson vs. Utah Co. Board of Adjustment*, April 1995. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

¹See SCMC Title 12

HISTORY

Amended by Ord. 2023-04 on 4/6/2023

11-1-3 ADMINISTRATIVE RESPONSIBILITIES

No administrative official of the city shall issue a building permit for the building of any structure without due process and all appropriate approvals. Further, no official of the city shall authorize the opening of, or the construction, grading, or paving of any street, or authorize the laying of sewers and/or water mains, or making connections from the mains to any such lines in a street or authorize any such activity for any property which: a) has not received the status of a public street; or b) does not correspond with a street on a subdivision plat tentatively approved by the administrative land use authority; or c) having been submitted and disapproved by the administrative land use authority. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-1-4 DUE PROCESS AND APPROVAL

No plat of land located within the limits of Spring City shall be divided or divided and sold; nor shall any part thereof be divided and/or sold without completion of all subdivision requirements as put forth in this title, including approval of all officials and all land use authorities concerned. Without such process and approvals, it is unlawful to record any sale of any divided land and any such act may be punishable by fine and/or imprisonment. The only exceptions to the above shall be: a) lands divided and exchanged for convenience (in the manner of a shifting boundary line) between owners of neighboring parcels where the resulting modified parcels would be in full compliance with all applicable legal requirements; and b) a division or partitioning of agricultural land for "bona fide" agricultural purposes only (not development). Such exceptions must still be approved, in writing, by all officials and land use authorities concerned. Further, any and all conditions set by them must be complied with. Notwithstanding the other provisions of this Title 11, the city may elect to permit the consolidation of any one or more of the steps contemplated by this Title 11. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

HISTORY

Amended by Ord. 2023-04 on 4/6/2023

11-1-5 SUBDIVIDER/DEVELOPER/OWNER RESPONSIBILITY

It shall be deemed the responsibility of any person desiring to subdivide land within the city to secure from the zoning administrator and/or city recorder all necessary information pertaining to the city plan of streets, parks, drainage, zoning, and other

general plan requirements affecting the proposed subdivision. After obtaining such information, subdivider/developer/owner shall make application for the planned division and comply with all requirements, go through all processes, and receive all approvals before sale of or recording of any such division of land with the county recorder. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-1-6 DESIGN REQUIREMENTS

The layout and design of all subdivision and engineering plans and the content of all required documentation shall be in accordance with the minimum city standards and specifications which are provided for by this title.

1. Single Lot Residential Development: Multiple single lot resident developments in the city limits shall only be allowed on lands zoned R-1 single-family residential agriculture zone. Note: Single lot residential developments may be permitted, with conditions, in other zones. (See SCMC Title 9.)
2. Side Lot Lines; Frontage: See SCMC 11-3-3.
3. Easements: Easements shall be dedicated to the city for streets, utilities access, and roads and shall follow, as near as possible, the city planned street grid as indicated on the planned street grid map. In no event shall construction of buildings or other structures be permitted that would obstruct the building of future streets on the city street grid. Further, other easements, not to exceed ten feet (10'), shall be dedicated to the city as required by the city for utilities, irrigation water supply, or access to public lands. Any such dedication of land to the city does not impose liability upon the city to make improvements until the city deems it necessary or appropriate.
4. Lot Sizes: Residential lots shall conform to the zoning as established in the zoning title and the adopted zoning map.
5. Required Improvements: Subdivider/developer/owner shall provide, at their expense all required improvements (see SCMC 11-3, "Improvements And Requirements"). (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-1-7 BUILDING REQUIREMENTS

All construction shall be in accordance with the minimum standards set forth in the international building code. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-1-8 DOCUMENTATION REQUIREMENTS

Subdivider/developer/owner shall provide all documentation required by this title. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-1-9 FEES, COSTS AND CHARGES

1. Borne By Subdivider: Except as may otherwise be provided in this title, all costs and charges for the development and planning of subdivisions shall be borne and paid by the subdivider/developer/owner and shall not be paid by the city.
2. Processing Fees: With respect to new subdivisions/developments, the following provisions and standard fees shall be required and paid to the city:

DRAFT

1. Concept Plan Fee: There are no fees associated with this type of application.
2. Subdivision Preliminary Plan Submittal Fee: For the preliminary plan presented to the planning and zoning commission for consideration, with respect to each subdivision, there shall be a fee paid in the amount set forth in the city resolution for fees and charges. The said fees shall provide for the following services:
 1. Review and verification of metes and bounds conformity of lots to zoning title and planning standards.
 2. Planning review of site plan, placement of parks and common area, if any, and verification of conformance of subdivision ordinance of the city, including general plan conformity.
 3. Legal review of plat, bonding instrument, dedication of public area, preliminary title report and conformity to title.
 4. Written notice of preliminary review of the proposed development to owners of properties located within three hundred feet (300') of the proposed development.
3. Engineering Review Fees: Engineering review fees shall be collected for each lot shown upon the preliminary plan approved by the planning and zoning commission. Fees are set forth in the city resolution of fees and charges. The fees collected at the time and in a manner pursuant to Part B,5 and shall pay for the following regulatory services:
 1. Flood control, topographical and drainage review.
 2. Traffic review (pattern and scope).
 3. Review of public improvements design as to adequacy and placement.
 4. Review of capital impact of subdivision, including revenue projection and estimated costs of services.
 5. Calculations and verification of public improvement bond estimates and final amount.
4. Zone Change And Annexation Fees: Each application for a zone change for any parcel of land, regardless of size, shall be accompanied by a fee to pay for legal notices and preliminary staff review of request. Annexation fees shall be based on a flat fee, plus a fee per acre of area annexed, plus a fee for preparing an impact statement. These fees are as established by the city resolution of fees and charges.
5. Payment Of Fees: All fees set forth and required by this section shall be paid to the city as follows:
 1. Concept plan fees: Prior to submission of the Concept plan to the Development Review Committee.
 2. Subdivision preliminary plan submittal fees: Prior to submission of the preliminary plat to the planning and zoning commission.

3. Engineering review fees: Prior to submission of the final plat to the administrative land use authority secretary, immediately prior to consideration of the same by the city engineer and/or the administrative land use authority.
4. Zone change and annexation fees: Concurrent with the filing of the petition.
5. Final plat review and possessing fees: Due concurrent with submittal of final plat.
6. Impact fee: If applicable, due concurrent with submittal of final plat.
6. Fee Refunds And Fee Modifications: Fees, once paid, shall not be refunded. The fees herein charged may be modified or changed from time to time hereafter by resolution of the city council. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-1-10 VARIANCES

Subdivider/developer/owner may appeal to the board of adjustments for a variance by showing that a provision of these general requirements and minimum standards of design would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of the provisions, or infringe upon or limit rights normally granted to others in the same or similar situation. Such a variance is granted only when compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money. Financial conditions or hardships are not a consideration in the granting of a variance. Any variance authorized and the reasons for such departure shall be stated on the final plat, shall be entered in writing in the minutes of the board of adjustment, and shall be recorded on the deed of any affected lot. (See definition of "variance" in SCMC 11-1-2.) (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-1-11 ENFORCEMENT; PENALTY

1. Misdemeanor Penalty: It shall be unlawful to record any plan or plat of a subdivision in the office of the county recorder unless the same shall bear thereon the approval of the planning and zoning commission and the administrative land use authority. Whoever, being the owner or agent of the owner of any land located within a subdivision in the incorporated area of the city, transfers or sells any land in such subdivision before the plan thereof has been approved by the planning and zoning commission and the administrative land use authority and recorded in the office of the county recorder, or parcel within the outermost bounds of recorded subdivision which does not conform to the approved and recorded lot lines of the plat, without first following the procedure of amending the subdivision plat as required by state law¹, shall be guilty of a class C misdemeanor for each lot or parcel of land transferred or sold and any such recording may be voidable. The description of lots or parcels of land by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not

exempt the transaction from the penalties in U.C.A. 10-9a-803, or from the remedies herein provided.

2. Injunction: The city may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover said penalty by civil action in any court of competent jurisdiction.
3. Separate Offense; Punishment: Each person found guilty of violation shall be deemed guilty of a separate offense for every day during which any violation of any provision of this title is committed, continued or permitted by such person, and shall be punished as provided in SCMC 1-4-1. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

¹UCA § 10-9a-601 et seq.

Chapter 11-2 PLATS AND PLANS

11-2-1 PLATS REQUIRED

11-2-2 CONCEPT PLAN

11-2-3 PRELIMINARY PLAN REVIEWS

11-2-4 FINAL PLAT

11-2-5 PERFORMANCE GUARANTEE

11-2-6 Appeals

11-2-1 PLATS REQUIRED

1. Approval; Recording: From the effective date hereof, no person shall subdivide any tract of land which is located wholly or in part within the limits of the city, nor shall any person sell, exchange or offer for sale, or purchase or offer to purchase any parcel of land which is divided into two (2) or more parcels of land within the city; nor shall any person offer for recording any deed conveying such a parcel of land or any interest therein, unless he shall first make or cause to be made a final plat thereof, which plat shall conform to all requirements of this title and shall have been approved by the administrative land use authority and recorded in the office of the county recorder.
2. Applicability Of Title: Any parcel of land located in a residential zone (R-1 zone) divided into two (2) or more parcels of land shall be governed by this title. This title will allow for the sale of lots without separate tax notices if in a city block and the roads are dedicated.
3. Compliance Required: All divisions of land require compliance with this title before the issuance of a zoning permit or building permit. Further, no sale or change of title shall result in any violation of any land use ordinance. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-2-2 CONCEPT PLAN

1. Purpose: An Applicant may request a meeting with the Development Review Committee to obtain initial feedback and information prior to making a formal preliminary application for a Subdivision. This meeting shall be optional, non-binding, and considered separate from

and independent of the required Subdivision approval review cycles. It is highly recommended that the Applicant participate in this optional Review Cycle.

2. Application Required: To provide a basic framework of the proposed Subdivision, the Applicant shall submit the required application to the Development Review Committee.
3. Fees: There are no fees associated with this type of application.
4. Time Frame: Within fifteen (15) business days after the receipt of the completed application, the Applicant shall be placed on the agenda of the next regularly scheduled meeting of the Development Review Committee for discussion.
5. Review: The City shall provide comment on the Concept Plan and provide, or have available on the City website, each of the following:
 1. A copy of the applicable land use ordinances
 2. A complete list of standards required for the project
 3. Preliminary and Final application checklists

11-2-3 PRELIMINARY PLAN REVIEWS

1. Submission Of Plan: The subdivider/developer/owner shall submit electronic PDF's copies of a preliminary plan application, , with all maps, charts, statements, documents, approvals, subdivision improvement plan, and other information required for the preliminary plan to the city recorder, together with the required submittal fee. For their consideration, said electronic copies shall be presented to all city officials, commissions, and governmental agencies concerned such as: city engineer, city council, planning and zoning commission, city attorney, etc.
2. Contents: In many cases, the preliminary plan may consist of a series of maps with legends and detailed information on each respective map. As an example, it may include a site plan map, a grading plan map, a utilities plan map, a drainage area plan map, a foliage planting plan map and/or any other map showing the information below. Maps should not be so cluttered as to render them confusing. Along with whatever information the city officials and other concerned agencies might require, the preliminary plan shall include:
 1. Name of owner and proof of ownership of the development parcel.
 2. Name of land surveyor, engineer and site planner and certificate as to the accuracy of the plat.
 3. Identification and legal description of the subdivision/parcel.
 4. Approved name of the subdivision/parcel.
 5. Location by section, township and range.
 6. Dimensions and bearings of all property boundaries.
 7. Layout and dimensions of all proposed lots and numbers of the same.
 8. Existing structures.
 9. Vicinity map, at a specified scale, showing all lots, streets, sidewalks, and curb and gutters in the subdivision/parcel; and all abutting streets and public rights of way.

10. High watermarks of all lakes, rivers, streams and location of any designated wetlands; all known potential natural hazards.
 11. Location of prominent natural features such as rock outcroppings, woodlands, lakes, ponds, and steep slopes.
 12. Location and dimensions of existing and proposed utilities and utility easements.
 13. Grading and drainage plans, including all proposed changes in grade.
 14. Existing and finished contours at intervals of at least five feet (5').
 15. Existing sanitary sewers, storm drains, water supply mains and culverts within the subdivision/parcel or within one hundred feet (100') thereof.
 16. Existing and proposed storm water drainage system, including easements.
 17. Location, width, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces to be dedicated to the public, with complete descriptions.
 18. Proposed on site and off site water facilities including culinary, irrigation, fire hydrants, and other water facilities.
 19. Soil erosion and sediment control plan, including trees and other vegetation proposed to be planted.
 20. Landscaping plan for any public or common areas.
 21. Proposed street lighting.
 22. Proposed zoning changes, if any are needed or recommended.
 23. Graphic scale.
 24. North arrow.
 25. Date of preparation.
 26. Abstract of title or registered property certificate.
 27. A certificate of review from the historic preservation subcommittee if land is within the historic district.
 28. Any other information necessary for the City Engineer to establish that adequate public facilities exist in the areas affected by the development to accommodate the development.
3. Subdivision Improvement Plan: Along with the plat, the applicant shall include the subdivision improvement plan. This includes the civil engineering plans associated with required infrastructure improvements and municipally-controlled utilities required for the subdivision. The following documents shall be submitted with the Plat drawing and be considered a part of the submittal:
1. Drawings showing layout, profile and detail design of:
 2. All utilities and easements, existing fences, plus statements from utility companies (water, sewer, electric, gas, telephone, etc.) as applicable, that service will be provided to the development.
 3. Every existing right of way and recorded easements shall be located on the plat
 4. Every water conveyance facility, whether recorded or not, shall be located on the plat

5. Plan, profile and typical cross-section drawings of the roads, bridges, culverts, sewers, and other drainage structures.
 6. Grading and drainage plan. The proposed grading plan shall be indicated by solid line contours superimposed on dashed line contours of existing topography for the area of the Final Plat. Such contours shall be at two (2) foot intervals for predominant ground slopes within the tract between level and five (5) percent grade, and five (5) foot contours for predominant ground slopes within the tract over five (5) percent grade. In case of predominantly level topography throughout a subdivision, one (1) foot contour intervals may be required.
 7. Erosion control plan when required, to be submitted as result of Preliminary Plat review.
4. Time Frame: Within forty (40) days after receipt of a completed application, the Development Review Committee shall complete their review of the application and subdivision improvement plan and provide written comments to the applicant. However, the review period cycle timeframe is waived if the proposal includes property affected by a geological hazard and more information is needed to review and approve development within the hazard area.
1. Location Is Within One Hundred Feet (100') Of Water Conveyance Facility: Within twenty (20) calendar days after the receipt of the completed application, the City shall notify in writing the Water Conveyance Facility Owner(s) of the Application and request comments related to the following aspects of the water conveyance facility: access, maintenance, protection, safety, and any other issues related.
 1. Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the City may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land Authority shall not grant approval until after at least twenty (20) days after the day on which the City mailed notice to the Water Conveyance Facility.
 2. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b.
5. Review Cycles: The following outlines the review cycles, as intended by Utah State Code 10-9a-604, as amended. If the application includes additional approvals, such as a zone change, overlay approval, annexation, general plan amendment, right of way vacation, or any other legislative action, the review cycle timeline may not apply.
1. When an applicant submits an application, the City reviews the submittal for completeness. If the submittal includes all materials, the City receives the submittal and starts the review cycle. If the submittal is incomplete, the submittal is returned to the applicant.

DRAFT

2. Within thirty (30) days the City shall complete a review of the preliminary plan. If the proposal includes a final plat, the review cycle is extended to a total of forty (40) days. The review cycle dates are waived if the proposal includes properties affected by a geological hazard and more information is needed to review and approve development in the hazard area.
3. After review, the City will determine if the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response:
 1. If the application is found to require corrections, the City must be specific and cite the ordinance, statute, or specifications that require the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
 2. If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.
4. After receiving the list of required modifications or additions, the applicant's resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.
5. The City shall review the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the City shall return the submittal to the applicant.
 1. If the resubmittal is complete, the City shall continue with the review. The time frame to complete the review depends on how quickly the applicant was able to respond to the corrections in full and if the applicant made any material changes.
 1. If the applicant was able to respond with each requested item in full, and to the satisfaction of the City representative completing the review within the original review cycle, whether thirty (30) or forty (40) days, depending on the nature of the submittal, then the review shall be completed within that initial day review cycle.
 2. If the applicant needed additional time beyond the review cycle, then a new review cycle period shall commence with a review period of thirty (30) or forty (40) days, depending on whether a final plat is included in the submittal.
 3. If the applicant made a material change that merits a new review, then the review shall restart at the first review cycle as it relates to the new material.

DRAFT

6. If the City neglects to include a required change or correction in the initial review process, the modification or correction can only be imposed on subsequent reviews if it is necessary to protect public safety or to enforce state or federal law.
 7. If the City determines that the resubmittal is now complete and meets all codes, standards, and specifications, the resubmittal shall be forwarded to the Administrative Land Use Authority for review and approval.
 1. If the City finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant. This shall be provided to the applicant up until the fourth review cycle, at which point the application shall be forward or to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specification. The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(8), as amended.
6. Administrative Land Use Authority Review: After the review cycles have been completed, the preliminary plans are put on the agenda of a regularly scheduled meeting of the Administrative Land Use Authority. The Administrative Land Use Authority shall review with the subdivider/developer/owner all reports and recommendations submitted.
1. The Administrative Land Use Authority may receive public comments, however a hearing is not required unless it is necessary for another approval tied to the application.
 - a. The Administrative Land Use Authority may approve, deny or approve with conditions the proposed Preliminary Plan. If the Authority finds questions remain regarding the conformity of the proposed Preliminary Plan with the applicable codes and regulations, they may continue the matter to further study the issues presented. If any conditions are attached, the Preliminary Plan shall be corrected to reflect such changes and an accurate Preliminary Plan shall be submitted to the City. Changes made to the Preliminary Plan shall be completed before proceeding to the next step.
 - b. If the applicant is unwilling to make required corrections or provide required information, the Administrative Authority shall deny the application.
 - c. Preliminary approval of plans and documents by the planning and zoning commission shall not constitute approval of the final plan, but shall be deemed as an expression of tentative approval of the layout of the

DRAFT

preliminary plan which the subdivider/developer/owner may use as a guide in preparing the final plat and documents.

7. Limitation Of Preliminary Plan Approval: The preliminary plans and documents shall be valid for one year from the date of approval. No construction shall be permitted until final approval has been obtained. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

HISTORY

Amended by Ord. 2023-04 on 4/6/2023

11-2-4 FINAL PLAT

1. Submission: After receiving preliminary plan approval, the subdivider/developer/owner may proceed to submit a Final Plat application. The final plat shall be in a form and size acceptable to the county recorder's office and submit to the City:
 1. Electronic PDF copies of the final plans.
 2. Electronic PDF copies of the final plat.
 3. Electronic PDF copies of the final documents.
 4. Electronic PDF copies of an itemized estimate of the cost of constructing the required improvements.
2. Contents: Along with whatever information the city officials and other concerned agencies have required, the final plat with maps and documents shall include:
 1. Subdivision/parcel name and location.
 2. Description of land to be included in the subdivision.
 3. Accurately drawn boundaries with proper bearings and dimensions of all properties within the subdivision.
 4. Graphic scale.
 5. North arrow.
 6. Date of plat.
 7. Name, address, signature of subdivider/developer/owner.
 8. Dimensions and bearings of boundary lines of property.
 9. Location of rights of way.
 10. Widths of existing and proposed streets, sidewalks, curb, and gutters.
 11. Numbers (not names) of existing and proposed streets.
 12. Location and widths of existing and proposed utility and drainage easements.
 13. Location and names of existing and proposed parks and other open space with accurate lot line dimensions.
 14. Lot numbers.
 15. Location, description, and size of all survey monuments.

DRAFT

16. Location of rivers, streams, lakes, ponds, and swamps with high watermarks.
 17. Restrictive covenants, all legal certifications by the proper local officials (usually the chief elected official and the planning and zoning commission chairman) and statements of dedication, dedicating all streets to the city for public use that are not private streets; any and all other legal certifications pertinent to the project.
 18. Preliminary title report.
 19. Public improvement agreement.
 20. Owner's certificate of dedication.
3. Fees: The final plat shall be accompanied by the engineering review fee, as provided by resolution by the city council, plus the actual cost of recording the final plat and documents, and any other fees due and payable before final approval of a building permit.
 4. Review Cycles: The following outlines the review cycles, as intended by Utah State Code 10-9a-604, as amended. If the application includes additional approvals, such as a zone change, overlay approval, annexation, general plan amendment, right of way vacation, or any other legislative action, the review cycle timeline may not apply.
 1. When an applicant submits a Final Plat application, the City reviews the submittal for completeness. If the submittal includes all materials, the City receives the submittal and starts the review cycle. If the submittal is incomplete, the submittal is returned to the applicant.
 2. Within forty (40) days the City shall complete a review of the Final Plat. If any changes to hazard assessments, such as FEMA floodplains or wetland delineations, have occurred, and time is needed to meet those requirements, then this timeline does not apply.
 1. At a minimum, the review shall include the City Engineer, City Attorney, and a representative of planning.
 3. After review, the City will determine if the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response:
 1. If the application is found to require corrections, the City must be specific and cite the ordinance, statute, or specifications that require the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
 2. If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.
 4. After receiving the list of required modifications or additions, the applicant's resubmittal shall include a written explanation in response to each of the

municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.

5. The City shall review the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the City shall return the submittal to the applicant.
 1. If the resubmittal is complete, the City shall continue with the review. The time frame to complete the review depends on how quickly the applicant was able to respond to the corrections in full and if the applicant made any material changes.
 1. If the applicant was able to respond with each requested item in full, and to the satisfaction of the City representative completing the review within the original review cycle of forty (40) days then the review shall be completed within that initial day review cycle.
 2. If the applicant needed additional time beyond the review cycle window for forty (40) days, then a new review cycle period shall commence with a review period of forty (40) days, depending on whether a final plat is included in the submittal.
 3. If the applicant made a material change that merits a new review, then the review shall restart at the first review cycle as it relates to the new material.
6. If the City neglects to include a required change or correction in the initial review process, the modification or correction can only be imposed on subsequent reviews if it is necessary to protect public safety or to enforce state or federal law.
7. If the City determines that the resubmittal is now complete and meets all codes, standards, and specifications, the resubmittal shall be forwarded to the Administrative Land Use Authority for review and approval.
 1. If the City finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant. This shall be provided to the applicant up until the fourth review cycle, at which point the application shall be forward or to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specification. The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(8), as amended.

5. Administrative Land Use Authority Approval: When the plans, plat, documents and cost estimates are complete and have been reviewed as required above, it shall be submitted to the Administrative Land Use Authority who shall, upon approval, issue a certification that all lots meet all requirements of the zoning ordinance. For approval, the administrative land use authority shall review and ascertain that the following criterion has been met:
 1. The final plans conform with those given preliminary approval,
 2. The final plat and documents comply with the requirements and standards relating to the applicable zone,
 3. The estimates of cost of constructing the required improvements are realistic,
 4. Tax liabilities of the common space (wherever a planned residential development involves the reservation of common open space) have been determined, and
 5. There are no unresolved issues.
6. Timely Recording: After final approval, subdivider/developer/owner shall record the plat in the office of the county recorder in the county where the lands platted and laid out are situated. If this is not done within eighteen (18) months of final approval, the plat may be voidable.
7. Timely Beginning Of Construction: Subdivider/developer/owner shall begin the project within one year from the date of recording or approval shall be revoked and the entire review process must be repeated. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-2-5 PERFORMANCE GUARANTEE

1. Contract Agreement: To guarantee the installation of all required improvements, a contract agreement shall be entered into by the subdivider/developer/owner in which a lien shall be placed on the property concerned.
2. Bond Required: Before final approval of a subdivision is given by the administrative land use authority, a bond shall be posted by the subdivider/developer/owner conforming to the requirements set forth herein and in SCMC 11-5, shall be furnished to the city.
 1. Type Of Bond: Every bond required or allowed by this title shall be approved by the city attorney as to form and shall be in the form of a cash escrow bond in accordance with at least the following:
 1. The value of the bond shall be one hundred ten percent (110%) of estimated cost of improvements.
 2. The bond shall be signed by the subdivider/developer/owner and a bank, savings and loan, or mortgage company and shall commit the said parties to faithful performance or in lieu thereof payment to the

city as set forth in the bond. The bond agreement shall include a commitment not to release any of the said sums without specific approval of the city council and/or the city engineer. The city attorney shall have discretion as to such other terms as may be required from time to time to adequately protect the city and assure final completion of all public improvements.

2. Duration And Terms: Every bond authorized by this title shall have an express irrevocable term of two (2) years from the date of approval of the final plat of the subdivision to which it applies. Further, such a bond shall contain language unconditionally guaranteeing the performance of the subdivider/developer/owner. A provision shall be provided for unconditional payment of the face amount of the bond within thirty (30) days from the city's declaration of default by the subdivider/developer/owner.
3. Default: Two (2) years after the completion of the required improvements, such improvements shall be inspected by the city council and/or the city engineer, and if found to be in satisfactory condition, the city engineer will certify the same to the city council. In the event the subdivider/developer/owner is in default or fails or neglects to satisfactorily install the required utilities and improvements within two (2) years from the date of approval of the final plat by the administrative land use authority, the city shall declare the bond forfeited and the city may install or cause the required improvements to be installed, using the proceeds of the bond to defray the expense thereof.
3. Preliminary Report Of Title: Pursuant to the normal subdivision process, a final document is required of a subdivider/developer/owner upon which signatures of numerous persons and agencies appear, and which is subsequently recorded under the authority of the city. Upon the final document, the owners of the property described thereon dedicate for the public use certain portions of the property such as streets, rights of way, and the like. To assure proper formality, a preliminary report of title shall be submitted for review by the city attorney and city engineer. In addition, the following provisions shall be met by the subdivider/developer/owner:
 1. No final document shall be signed or executed in any manner by the city council unless there shall have first been presented to the city engineer a preliminary title report from an authorized agent licensed to issue policies of title insurance in the state, which preliminary report shall describe the property included within the subdivision.
 2. The said preliminary report shall set forth with specificity each and every owner or interested party in and to the real property contained within the subdivision, according to the usual custom and practice where the preliminary report is made pursuant to the issuance of a policy of title insurance.

3. The said preliminary report shall become the property of the city and shall be filed with the review papers of the subdivision. Upon tentative approval of the final plat by the administrative land use authority, the subdivider/developer/owner shall post a performance guarantee, acceptable to the administrative land use authority, with the zoning administrator as required by SCMC 11-5.
4. Tax And Other Liens: The city may withhold an otherwise valid plat approval until the owner of the land provides adequate documentation indicating that all liens, taxes, interest, and penalties owing on the land have been paid. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

Chapter 11-3 IMPROVEMENTS AND REQUIREMENTS

11-3-1 GENERAL IMPROVEMENTS

11-3-2 STREET DESIGN

11-3-3 LOTS

11-3-4 PUBLIC USE AND SERVICE AREAS

11-3-5 SUITABILITY OF LAND

11-3-6 ACCESS TO LOTS

11-3-7 DRAWINGS REQUIRED

11-3-8 FINAL ACCEPTANCE

11-3-9 CONSTRUCTION STANDARDS

11-3-1 GENERAL IMPROVEMENTS

After the subdivided final plat for a multiple lot development in the residential zone (R-1) has been approved, subdivider/developer/owner shall construct the required improvements under the direction of the city engineer as herein specified. The subdivider/developer/owner shall also submit a bond or certified check to the city guaranteeing the quality of the material and workmanship of the improvements. The amount of the bond shall be set by the city council upon recommendation of the city engineer, which recommendation shall be based upon one hundred percent (100%) of the estimated cost of the required improvements.

Commented [DF1]: Can this exceed 100%?

Before final acceptance of any subdivision shall be approved by the city, the following improvements shall be made by the subdivider/developer/owner, at subdivider's/developer's/owner's expense, and completed construction of the same in accordance with city specifications and under the inspection of the city engineer:

1. Permanent Markers: All subdivision boundary corners, all points tangent, and street intersections shall be definitely marked, by a certified surveyor, with survey monuments detailed in the city's "Construction Standards Manual".

2. Streets: All streets and alleys shall be graded, graveled and hard surfaced in accordance with city specifications. Traffic regulatory, safety and street identification signs shall be erected.
3. Water Lines And Fire Hydrants: In all subdivisions, a culinary water supply, water lines and fire hydrants shall be required as follows:
 1. The subdivider/developer/owner must have prior approval for connections to system or other source and shall make such water available to each lot within the subdivided area. Sizes of water mains shall be subject to the approval of the city engineer and shall be based upon fire protection requirements, but in no case shall they have a diameter of less than six inches (6"). Workmanship and details of construction shall be in accordance with city specifications and with the state board of health requirements.
 2. Fire hydrants shall be installed at intervals within the subdivision in such manner that no lot will be a distance greater than five hundred feet (500') from the closest hydrant, measured along the streets.
4. Sewers: Sewer connections, subdivision sewer systems and individual sewage facilities shall be installed in accordance with specifications set by the state department of health. Subdivider/developer/owner shall make necessary provisions by installing sewer mains and laterals to the property line of each lot, in accordance with requirements established by the planning and zoning commission and the city engineer. Such sewer mains may be required to be larger than usual to accommodate future needs. Subdivider/developer/owner shall make provisions so that a minimum of roadway excavation will be required to connect said subdivision to the city sewer system. Note: Any lot or plat that is within three hundred feet (300') of the city sewer system is required to hook in. Otherwise, a septic tank and drain field system may be approved by the county health department upon compliance with the applicable development standards.
5. Utilities: The subdivider/developer/owner shall make natural gas, electricity, telephone services, TV cable, water, and any other utilities available to each lot in the subdivision area. Notwithstanding any precedence to the contrary, any and all such utilities shall be installed underground. All improvements shall be complete before the streets are hard surfaced. Installation shall be approved by the utility company providing the service and the city engineer.
6. Storm Water Drainage: If determined by the city engineer an adequate storm drainage system with culverts shall be required. Such system may be required to be larger than usual to accommodate future needs. Other provisions may be required to control erosion.
7. Street Lighting: Streetlights may be required if it is determined by the city engineer.
8. Parks And Open Spaces: The city may require the dedication of land for parks and open spaces for public recreational purposes. (See public use and service areas in this chapter.)

9. Visibility Barriers: Visibility barriers may be required in some incidences to hide unsightly utility equipment or the like, or to visually separate zones. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-3-2 STREET DESIGN

1. Conformance With Plan: The planned street designs of the development area must conform to the adopted general plan for the city as it regards alignment and right of way widths. The layout of proposed streets for any development must give due consideration to the extension of the street grid to abutting properties, in accordance to the city street grid map, developed or undeveloped, in order to produce a safe, effective street network in conformity with the intent of the transportation and circulation element of the general plan. In order to bring about the best development of the area, insofar as possible, offset streets or jogs at intersections shall be avoided.
2. Dedicated Easements: Easements shall be dedicated to the city for streets, utilities access, and roads and shall follow, as near as possible, the city planned street grid as indicated on the planned street grid map. In no event shall construction of buildings or other structures be permitted that would obstruct the building of future streets on the city street grid. Further, other easements, not to exceed ten feet (10'), shall be dedicated to the city as required by the city for utilities, irrigation water supply, or access to public lands. Any such dedication of land to the city does not impose liability upon the city to make improvements until the city deems it necessary or appropriate.
3. Gated Developments: No gated development shall be allowed as this limits access of police protection, fire protection and other emergency agencies.
4. Cul-De-Sacs And Dead Ends: Cul-de-sacs shall be avoided as there should be motor access from at least two (2) directions to enhance traffic flow and access of emergency equipment. Streets shall not be designed to have one end permanently closed.
5. Specifications For Rights Of Way: Street rights of way in the city must conform to the following specifications:
 1. Dedicated roadways shall not be less than eighty two and one-half feet (82 1/2') wide.
 2. Sidewalks shall not be less than three feet (3') wide.
 3. Local roadways that serve only single-family, two-family and townhome developments may be allowed a 32' wide paved road section.
6. Grades: Grades on streets shall not exceed eight percent (8%).
7. Angle: Streets shall intersect each other as nearly at right angles as topography and other limiting factors of good design will permit.
8. Dedicated Public Street: Every subdivided property shall front on a dedicated city street, county road or state highway, with direct access from the property with side lot lines at right angles to the street lines.

9. Designation: Proposed streets shall bear the number, not a name, and any existing street which is in obvious alignment must have the same number and no street shall curve to any extent that will confuse the numbering system.
10. Block Length: Blocks shall not be less than five hundred ten feet (510') in length and/or five hundred ten feet (510') in width.
11. Width Of Surfacing: Streets shall be hard surfaced approximately twenty four feet (24') in width. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)
12. Appeals
 1. The applicant can appeal the municipality's requirement under the statutory criteria for residential roadway width in excess of 32' to a panel of technical experts. Those experts include:
 1. One licensed engineer designated by the municipality.
 2. One licensed engineer designated by the land use applicant.
 3. One licensed engineer, agreed upon, and designated by the two designated engineers.
 2. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%.
 3. The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.
- 13.

11-3-3 LOTS

1. Side Lot Lines; Frontage: Insofar as practical, side lot lines shall be at right angles to street lines. Each lot shall front on a public street or road that is on the state highway system, or that is dedicated to the city or the county.
2. Lot Sizes: Residential lots shall conform to the zoning as established in the zoning title and the adopted zoning map.
3. Measurements: Lot size measurements will be considered as actual measurements. It is not intended that all lot sizes in an area be of identical size. Lot size denotes the minimum allowable under the zoning title. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-3-4 PUBLIC USE AND SERVICE AREAS

1. Easements: The planning and zoning commission may require the dedication of easements not exceeding ten feet (10') in width for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains, or other utility lines along the rear lot lines and alongside lot lines. In commercial and other like zones, such easements may be required for the purpose of alleyways in which case the easement may be more than ten feet (10') but shall not exceed fifteen feet (15').
2. Waterway Within Public Street: No irrigation ditches, canals or other waterway shall be located within a dedicated public street, except to cross such street or in a location approved by the city engineer and/or the city council.

DRAFT

3. Street Dedication: All streets within the subdivision must be dedicated to the city.
4. Fencing Of Canals And Ditches: In their development plan, subdividers/developers/owners of any parcel of land must give due consideration to the location of any existing legally established irrigation ditch company or private water supply or wastewater, and provide for the continued supply of irrigation water to downstream users and disposal of wastewater. Written approval by irrigation companies of alterations to irrigation systems within proposed developments shall be submitted by subdivider/developer/owner to the city engineer prior to recording the final plat. If required by the city council, all canals and major ditches shall be fenced on both sides for public safety, health and welfare with a six foot (6') chainlink fence as specified by the city engineer. At the discretion of the city council, all canals, ditches, etc., must either be covered, piped or fenced.
5. Irrigation And Private Water Supplies: All irrigation ditches running adjacent to or within a property or subdivision shall be piped and covered. Pipe size and quality shall be determined by the city engineer.
6. Public Open Space Dedication: Dedication of all parks, school grounds and other public open space within the subdivision will be required in accordance with the general plan. Where the general plan calls for a larger amount of public open space than the subdivider's/developer's/owner's fair amount, as established by the planning and zoning commission, part of the required amount of land may be reserved for acquisition by a public body, provided such acquisition is made within one year from the date of final approval. It will be the responsibility of the city council to determine appropriate legislation in relation to this subsection. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-3-5 SUITABILITY OF LAND

No land shall be subdivided for residential use which is held by the planning and zoning commission to be unsuitable for such use by reason of flooding, swamp or high water table, bad drainage, unstable or unsettled ground, toxic areas, steeply sloped areas, incompatibility with existing or planned zoning requirements, or any situation likely to be harmful to the health, safety or welfare of the future residents in the proposed subdivision or of the community, unless and until such land is rendered suitable for residential use. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-3-6 ACCESS TO LOTS

Access to each and every lot shall be provided by a public street that has been dedicated to the city. The street layout for any proposed development must give due consideration to the future development of adjacent parcels of ground. Proper access to adjacent properties must be provided. No parcel of ground may be landlocked as a result of the development of any other parcel of ground. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-3-7 DRAWINGS REQUIRED

Plans showing the location, size, grade and depth of all water and sewer mains, water and sewer laterals, valves, manholes and other subsurface utility and service lines and facilities shall be submitted to the city by the subdivider/developer/owner prior to the

release of any performance guarantees. The location of required survey monuments shall be approved by the city engineer, at the request of the subdivider/developer/owner, to the city council, before the release of any performance guarantees. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-3-8 FINAL ACCEPTANCE

Within twenty four (24) months after final approval by the administrative land use authority and issuance of building permits by the county, all required improvements shall be completed by the subdivider/developer/owner and inspected by the city engineer. The city engineer shall then certify to the administrative land use authority that all requirements have been completed by the subdivider/developer, at which time the administrative land use authority shall give final acceptance to the subdivision. Bond requirements continue for twenty four (24) months after final acceptance. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-3-9 CONSTRUCTION STANDARDS

All requirements in this chapter shall be in conformance with the city's approved "Construction Standards Manual". (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

Chapter 11-4 PARK FEES AND PARK DEVELOPMENT

11-4-1 AUTHORITY; USE; COLLECTION

11-4-2 DONATION, GIFTING OR PROCUREMENT OF LAND

11-4-3 DEMOLITION OF CEMETERY OR HISTORICAL SITES

11-4-1 AUTHORITY; USE; COLLECTION

The city council is responsible for the establishment and adjustment of park fees. These fees are to be used for the procurement, development and maintenance of parks in the community. One-half (1/2) of the fees are to be collected at the time of final plat and one-half (1/2) at the time of issuance of a zoning permit. The city council may accept property as outlined in SCMC 11-4-2 in lieu of payment of fees. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-4-2 DONATION, GIFTING OR PROCUREMENT OF LAND

A subdivider/developer or a landowner may propose a park incorporated into his development plat for purposes of donation or gifting, or for future sale to the city. It will be the option of the administrative land use authority to determine the need and feasibility for such a design. When a park or recreational facility has been designated in the general plan and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the neighborhood within which the subdivision is located, the subdivider/developer or landowner may donate, gift or sell land for a local park sufficient in size and topography to serve the residents of the neighborhood within which the subdivision is located. Donated, gifted or sold land for parks will not be in the computation of the lots, and at the discretion of the city council, conditions may be placed as to the acceptance of such property. It is the intent of this section to encourage incentives and cooperation with subdividers/developers/owners in the implementation of the general plan as it relates to parks and recreation properties. It will be the responsibility of the city council to establish criteria for park development. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

DRAFT

11-4-3 DEMOLITION OF CEMETERY OR HISTORICAL SITES

No public or private cemetery, public historic monument, or public historic site shall be demolished or degraded in any way without prior approval of the city council. The city council may, at their discretion, require a relocation of any such site to another place or they may require any other act of protection or preservation suitable to the situation. Before demolition of any private historic site the owner is required to meet with the historic preservation subcommittee for advice and to give notice to said subcommittee so that the site may be documented by photos or other means. This also gives said subcommittee a chance to make whatever arrangements they may with the owner to preserve such site. Since the historic preservation subcommittee is advisory only, any such arrangements shall be at the owner's discretion. The owner is required only to meet with the historic preservation subcommittee to discuss the matter at which time they shall issue to the owner a certificate of appearance. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

Chapter 11-5 GUARANTEE OF PERFORMANCE

11-5-1 APPLICABILITY OF CHAPTER

11-5-2 TYPE AND AMOUNT OF GUARANTEE

11-5-3 FINAL DISPOSITION AND RELEASE

11-5-4 PARTIAL RELEASE PERMITTED

11-5-5 DURATION OF GUARANTEE; DURABILITY RETAINAGE

11-5-6 DEFAULT

11-5-1 APPLICABILITY OF CHAPTER

This chapter shall govern the provisions, nature, use and disposition of all performance bonds or guarantees of performance which are required to be posted with or deposited for the benefit of the city by this title or any other provision of this code. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-5-2 TYPE AND AMOUNT OF GUARANTEE

The performance guarantee shall be one of the following, at the discretion of the city council:

1. Escrow Account: A deposit of cash in a separate escrow account in an amount not less than one hundred percent (100%) of the estimated cost of constructing the required improvement or improvements, as determined by the city. Said account shall be made with a financial institution acceptable to the city council and shall be established in such a manner that any release therefrom shall require the advance written consent of the city council. All interest earned from the account shall be the property of the subdivider/developer/owner.
2. Performance Bond: A performance bond in an amount not less than one hundred percent (100%) of the estimated cost of constructing the required improvement or improvements, as determined by the city, with such sureties as are acceptable to the city council. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

Commented [DF2]: Can this exceed 100%?

Commented [DF3]: Can this exceed 100%?

11-5-3 FINAL DISPOSITION AND RELEASE

The subdivider/developer/owner, or other person giving the performance guarantee provided for by this chapter, shall be responsible for all materials and workmanship of the improvements. At the completion of the work, or not less than ten (10) days prior to the release date of the bond or other assurance, the person giving the guarantee shall submit to the city engineer one copy of the drawings of record of the improvements and a certificate of completion. The city engineer shall then make an inspection of the improvements and shall submit a report to the mayor and city council setting forth the condition thereof. If the condition of said improvements is found to be satisfactory and all liens are paid, the mayor and city council shall issue a final approval of the improvements. If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, or if the outstanding liens are not paid, the matter shall be deferred to the city council; and in accordance with SCMC 11-5-6, the city council may declare the person giving the guarantee in default. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-5-4 PARTIAL RELEASE PERMITTED

The city council may, upon recommendation of the city engineer and application of the person(s) giving the guarantee, authorize from time to time a partial release of the performance guarantee in accordance with the following schedule:

Percent of Work Completed	Maximum Percentage Of Guarantee Of Performance Eligible For Release Of Total Bond
50 percent	up to 40 percent of total bond
75 percent	up to 60 percent of total bond
100 percent and a satisfactory final inspection	up to 80 percent of total bond

Note: The remaining percentage (not less than 20 percent) shall be retained by the city for at least 2 years. (See SCMC 11-5-5 Part B.)

(Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-5-5 DURATION OF GUARANTEE; DURABILITY RETAINAGE

1. Duration: The duration of the performance guarantee covering the construction of the required improvements shall be for a period of two (2) years, unless a different time period is prescribed by a particular section of this code which requires such guarantee to be posted. The time period shall begin on the date of final approval of the guarantee by the city council.
2. Retainage: A retainage of not less than twenty percent (20%) of the total amount of the guarantee shall be retained by the city for a period of not less than two (2) years following the date of final acceptance of the improvements by the city. Such retainage shall be a guarantee of the durability of all improvements. If during the two (2) year period the durability of said improvements are found to be satisfactory, the city council shall authorize release of said retainage. If, however, during said

period the condition, or material or workmanship of the improvement or improvements fails or shows unusual depreciation, or if it becomes evident that certain work was not completed, or that said improvements do not otherwise comply with accepted standards of durability, said condition shall be corrected by the person giving the performance guarantee. If the corrections are not made within a reasonable time, the city council may, in accordance with SCMC 11-5-6, declare such person in default and use the retainage to defray the cost of any required work. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-5-6 DEFAULT

1. Hearing: When the city council shall determine that the person posting the performance guarantee has failed or neglected to satisfactorily install the required improvements or make required corrections, or to pay all liens in connection with said improvements, the city council may, after a public hearing on the matter, declare the performance guarantee, or any unreleased portion thereof, forfeited, and thereafter may install or cause the required improvements to be installed or repaired using the proceeds of the guarantee to defray the expense thereof.
2. Insufficient Funds: In the event that the unreleased portion of the guarantee is not sufficient to pay all the cost and expense of such installation or repair, the city may maintain an action against the person giving the guarantee for the excess. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

Chapter 11-6 EXEMPTIONS FROM PLAT; PARCEL AND LOT LINE ADJUSTMENTS

11-6-1: Purpose

11-6-2: Parcel Boundary Adjustments Not In A Recorded Subdivision

11-6-3: Lot Line Adjustments Within A Recorded Subdivision

11-6-1: PURPOSE:

1. The purpose of this chapter is to outline the requirements and procedures for parcel line adjustments and lot line adjustments in accordance with Utah State Code and local land use regulations. The intent of this chapter is to allow owners of real property to adjust common property lines while minimizing delay and expense without the need of a subdivision plat.

11-6-2: PARCEL BOUNDARY ADJUSTMENTS NOT IN A RECORDED SUBDIVISION:

1. Approval Required: Prior to the recording of a parcel line adjustment between adjoining properties not located within a platted subdivision, the adjustment must first be approved by the Administrative Land Use Authority if the any of the properties involved includes a dwelling unit.
 1. Exemption: Approval is not required prior to recording of a parcel line adjustment if the properties involved do not contain a dwelling unit.
 1. Review: Application and the review of a proposed parcel line adjustment shall follow the procedures listed below:

DRAFT

2Application: An applicant, either an owner of one of the properties or a representative of the owners, shall submit a complete application which shall include:

1. Property owner(s) affidavit acknowledging the consent of each party for the proposed adjustment.
2. Property survey(s) with all existing improvements to the properties;
3. A legal description of the proposed parcel line and of each parcel after the boundary line is changed;
4. A site plan or exhibit serving as a visual depiction of the parcel line adjustment;
5. Any necessary improvement plans, agreements, or additional materials needed for review as determined by the Administrative Land Use Authority.

3Review Procedure: Upon receipt and payment of a complete application, the Administrative Land Use Authority shall commence the review of the parcel line adjustment request. The review shall be completed, with a written response returned to the applicant, within fourteen (14) business days from the date of complete application. The reviewing parties shall review the adjustment for compliance with city zoning and public works standards.

1. Final Approval: If the proposed parcel line adjustment complies with all city ordinances and development standards, written approval shall be provided to the applicant by the city staff designee over planning and zoning.
2. Recording: Upon final approval from the Administrative Land Use Authority, the applicant shall record the approved documents at the office of the Sanpete County Recorder to complete the parcel line adjustment. The parcel line adjustment may be completed by a quitclaim deed or boundary line agreement and shall be accompanied by the following:
 4. The written notice of approval of the parcel line adjustment by Spring City that recites the legal descriptions of both the original parcels and the parcels resulting from the exchange of title;
 5. The approved site plan or exhibit depicting the new parcel boundaries and adjacent properties if deemed necessary; and
 6. Any other documents deemed necessary as part of the parcel line adjustment approval.

DRAFT

1. Exception: If the parcel line adjustment is creating a new parcel(s) for the purpose of constructing a dwelling unit, a subdivision plat must be approved, and the provisions of this title must be followed.
2. All parcel line adjustments shall comply with applicable state code regulations found under sections 10-9a-523 (property boundary adjustment) and 10-9a-524 (boundary line agreement). A parcel line adjustment shall follow the procedures provided herein unless exempted from local land use authority review as provided in the forementioned state code sections.

11-6-3: LOT LINE ADJUSTMENTS WITHIN A RECORDED SUBDIVISION:

1. Approval Required: Prior to the recording of a lot line adjustment between adjoining properties within a platted subdivision, the adjustment must first be approved by the Administrative Land Use Authority.
2. Review: Application and the review of a proposed lot line adjustment shall follow the procedures listed below:
 1. Application: An applicant, either an owner of one of the properties or a representative of the owners, shall submit a complete application which shall include:
 2. Property owner(s) affidavit acknowledging the consent of each party for the proposed adjustment between the lots.
 3. Property survey(s) with all existing improvements to the lots and reference to the subdivision within which the properties are located including easements located on the lots;
 4. A legal description of each of the proposed lots after the lot line is changed including any changes to platted easements associated with the lots;
 5. A site plan or exhibit serving as a visual depiction of the lot line adjustment. Although not a plat, the site plan or exhibit shall sufficiently represent the new lots and include adjacent lots within the subdivision;
 6. Any necessary improvement plans, agreements, or additional materials needed for review as determined by the city designee over planning and zoning, City Engineer, or designees.

3. Review Procedure: Upon receipt and payment of a complete application, the Administrative Land Use Authority shall commence the review of the lot line adjustment request. The review shall be completed, with a written response returned to the applicant, within fourteen (14) business days from the date of complete application. The reviewing parties shall review the adjustment for compliance with city zoning and public works standards.

DRAFT

1. Final Approval: If the proposed lot line adjustment complies with all city ordinances and development standards, written approval shall be provided to the applicant by the city designee over planning and zoning.
2. Recording: Upon final approval from the Administrative Land Use Authority, the applicant shall record the approved documents at the office of the Sanpete County Recorder to complete the lot line adjustment. The lot line adjustment may be completed by quitclaim deed or boundary line agreement and shall be accompanied by the following:
 1. The written notice of approval of the lot line adjustment by Spring City that recites the legal descriptions of both the original lots and the lots resulting from the exchange of title;
 2. The approved site plan or exhibit depicting the new lot boundaries along with adjacent lots within the subdivision; and
 3. Any other documents deemed necessary as part of the lot line adjustment approval.
3. Exception: If the lot line adjustment is creating a new lot(s) or parcel(s) for the purpose of constructing a dwelling unit, a subdivision plat must be approved, and the provisions of this title must be followed.
4. All lot line adjustments shall comply with applicable state code regulations found under section 10-9a-608 (5). A lot line adjustment shall follow the procedures provided herein unless an amended plat is required per state statute.