



## MEMORANDUM TO MUNICIPAL COUNCIL

DATE: August 5, 2014  
FROM: Mike DeSimone, Director  
SUBJECT: LDC Text Amendment – Subdivision Requirements & Permit Extensions

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### **Summary of Planning Commission Proceedings**

*Project Name:* Subdivision Requirements and Permit Extensions  
*Request:* Code Amendment  
*Project Address:* City-wide  
*Recommendation of the Planning Commission:* Approval with modification

On May 22, 2014, the Planning Commission recommended that the Municipal Council **approve** a request to amend the Land Development Code Chapter 17.47 (Subdivisions) and Chapter 17.58 (Expiration and Extensions of Time) by clarifying recordation requirements for phased subdivisions in 17.47, and by clarifying the language and including a reference to fee schedule in 17.58.

### **Planning Commissioners vote (6 - 0):**

Motion to recommend approval: A. Fannesbeck

Second: D. Adams

Yea: D. Adams, A. Fannesbeck, A. Davis, M. Romero

Nay: none

### **Attachments:**

*Staff Report*

*Ordinance 14-57*

*PC Meeting Minutes*

**CITY OF LOGAN, UTAH**  
**ORDINANCE NO. 14-57**

AN ORDINANCE AMENDING TITLE 17 THE LAND DEVELOPMENT CODE OF LOGAN CITY, UTAH

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, STATE OF UTAH AS FOLLOWS:

**SECTION 1:** That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.47: "Subdivisions" is hereby amended as attached hereto as Exhibit A, respectively:

**SECTION 2:** That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.58: "Expiration and Extensions of Time" is hereby amended as attached hereto as Exhibit B, respectively:

**SECTION 3:** This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, \_\_\_\_\_  
THIS DAY OF \_\_\_\_\_, 2014.

AYES:  
NAYS:  
ABSENT:

\_\_\_\_\_  
Karl Ward, Chair

ATTEST:

\_\_\_\_\_  
Teresa Harris, City Recorder

**PRESENTATION TO MAYOR**

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Karl Ward, Chairman

**MAYOR'S APPROVAL OR DISAPPROVAL**

The foregoing ordinance is hereby \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Craig Petersen, Mayor

# EXHIBIT A

## Chapter 17.47: Subdivisions

### §17.47.010 Purpose

The purpose of regulating subdivisions is to ensure the orderly development of the City of Logan in order to protect the public health, safety, and general welfare by ensuring new lots are adequate in size, shape, design, and topography to accommodate new development; road lay-outs adequately provide community linkages and conform to the block grid system; and the character of Logan's neighborhoods are protected in the development process.

### §17.47.020 Standing To Apply

Any owner of real property proposing to create a subdivision of one or more lots shall follow the procedures in this chapter.

### §17.47.030 Procedures, Reports and Hearings

Subdivisions are processed under the provisions of Chapter 17.55 and the requirements of this Chapter. Applications for subdivisions are heard before the Planning Commission as required by State law and this Code.

A. Department of Community Development Standards and Procedures.

The Director shall prepare administrative procedures and requirements to ensure that the Planning Commission has adequate information from which it may make a decision about the proposed subdivision.

B. Public Works Standards and Procedures for Infrastructure.

The Director of Public Works shall prepare administrative procedures and requirements to regulate and monitor the construction of infrastructure required as part of subdivision design and development

C. Other Department Standards and Procedures.

The directors of other departments participating in the subdivision process shall prepare administrative procedures and requirements related to the departmental needs in reviewing subdivision design.

### §17.47.040. Additional Application Requirements

A. Preliminary Plat Map Required.

In addition to the requirements in Chapter 17.55, a complete application for a subdivision shall include a preliminary plat map and the submittal of all applicable preliminary plat review fees as set forth in the current fee schedule as adopted by the City Council. The preliminary plat map shall depict the content required by the City's administrative procedures and the content specified by Utah Law. At a minimum, all preliminary plat maps shall be stamped and prepared by, or under the supervision of, a professional appropriately licensed to prepare plat maps in the State of Utah.

B. Contents of Preliminary Plat Map.

The preliminary plat map shall include all of the following items and other items as may be required by the Director or City Engineer:

1. The proposed name of the subdivision;
2. A title block that includes the following information:
  - a. Name, mailing address, daytime telephone number of the subdivider;
  - b. Name, mailing address, daytime telephone number of the owner of record if different from the subdivider;
  - c. Name, license type, license number, mailing address, daytime telephone number of the licensed professional preparing the plat map;

- d. The tax identification number(s) of the subject property proposed for subdivision;
  - e. The official record number(s) of the current deed(s) for the property; and
  - f. The official stamp, signature, license number, and date of the person preparing the map.
3. A certificate with the signature of at least one owner of record consenting to the filing of the preliminary plat map that states substantially the following: *"I/we, the undersigned, do hereby affirm that I/we are record owners of the subject property proposed on this map for subdivision, and I/we consent to the filing of this preliminary plat map."* The signature(s) shall be notarized and the date signed shall be identified on the preliminary plat map.
  4. The location of perimeter property lines, streets, railroads, easements, buildings, water courses or other important features within or adjacent to the area;
  5. Adjoining properties and current owners of record and all tax identification numbers and official record number of the current deed or legal description;
  6. The location of existing sanitary and storm sewers, water mains, culverts and other underground structures with the location and size of the nearest water main and sewer outlet indicated on the preliminary plat map;
  7. The proposed name, location, and width of streets, alleys, lots, easements, building setback lines, utilities, parks, and other common spaces;
  8. The location of all hydrants and known sewer and water lines within two hundred feet of the subject property;
  9. Date, north arrow, and an accurate bar scale;
  10. Contour lines at appropriate vertical intervals if the area has irregular topography or if the Public Works Director requires them;
  11. Description and drawing of the typical template for streets, roads, and utilities;
  12. A proposed phasing plan identifying the unit or phase boundaries on the preliminary plat and including a timeline for recording each subsequent final plat map; If the subdivider proposes to submit the final plat maps in units or phases, the unit or phase boundaries shall be shown on the preliminary plat. Failure to identify phases on the preliminary plat may require that the remaining unrecorded portion of the subdivision be reviewed by the Planning Commission when each subsequent final plat map is submitted for City review;
  13. Location and extent of critical lands which are not buildable as required by this code; and
  14. Land Set Asides, open space, or other land held in common.

#### §17.47.050. Planning Commission Action

##### A. Required Findings.

The Commission may approve a subdivision when it is able to substantiate the following findings:

1. The subdivision is consistent with the goals and policies of the Logan General Plan;
2. Each lot conforms to the requirements of Title 17 of the Logan Municipal Code in terms of lot size, width, and depth;
3. Each lot is physically suitable for development, has an adequate buildings site, and will not require variances due to physical constraints in order to be developed;
4. The subdivision lots maintain or enhance neighborhood character;
5. Each lot has access to a street or easements to provide for connection to sewer service, water service, and other public utilities;

6. The subdivision has been revised and amended by the conditions of project approval to respond to the issues raised by City Departments and public agencies, and to address legitimate concerns of the public;
  7. The subdivision meets the approval of the City Engineer for technical specifications, standards, and conforms to the conditions imposed on the subdivision by the Commission;
  8. The design and layout of lots and streets conforms to the city grid to greatest extent possible;
  9. The design and layout of lots and their associated building area is configured to protect critical lands, existing trees, and other natural features;
  10. Approval of the subdivision conforms to the requirements of Utah law;
  11. If the subdivision is proposed to be completed in phases or units, the Commission shall find that the subdivision can be completed in phases. This finding shall be required in order to provide a record of the approved phasing. The Department of Public Works shall make a recommendation on the location of phasing lines to ensure construction of infrastructure and utilities meets the requirements of the Department;
  12. Approval of the subdivision includes appropriate road rights-of-way, easements, and offers of dedication meeting the needs of the City; and
  13. Where adjoining streets are regulated by the Utah Department of Transportation, access to street(s) shall conform to the requirements of the Cache Access Management Plan.
- B. Failure to Substantiate Findings.  
The Commission may deny a proposed subdivision when it is not able to find facts in the record to substantiate the required findings in this section.
- C. Modification of Plat Maps.  
The Commission may modify a preliminary plat map, including the elimination and resizing of lots, if it finds that the modifications or conditions imposed result in better design, layout, site development, or to satisfy development policies.

**§17.47.060. Final Plat Map or Final Plat Map Waiver**

- A. Final Plat Map Required.  
Following action to approve or conditionally approve the preliminary subdivision, the subdivider shall have a professional, appropriately licensed in the State of Utah, prepare a plat map for the subdivision.
- B. City Engineer May Waive the Final Plat Map Requirement for a Two-Lot Subdivision.
1. The City Engineer may waive the final plat map requirement for a subdivision of two lots if the subdivision is comprised of two lots, the subdivider intends to create the lots by metes and bounds descriptions, and the deed includes a certificate signed by the Director as required by Utah Law and as listed in Explanation 17-20 stating: "The lot described in this instrument was reviewed and approved by the City of Logan Planning Commission as Docket # \_\_\_\_\_ at its meeting of <meeting date>. This certificate warrants that at the time of original signature, all subdivision requirements and conditions tied to the recordation of this deed have been satisfied. The Commission action may have included other development requirements, development agreements, or deferred actions that may be conditions prerequisite to the issuance of building permits, use or occupancy of any development for this lot."
  2. The City Engineer may require preparation of construction plans when appropriate.
  3. The Director shall not sign the instrument unless and until it has been verified that all appropriate conditions have been satisfied and the subdivision has been approved by the City Engineer.

**§17.47.070. Final Plat Preparation****A. Final Plat Preparation.**

Following action to approve or conditionally approve the subdivision, the subdivider shall comply with conditions imposed by the Commission, ~~shall and~~ prepare a final plat map for recordation, and shall submit the applicable final plat review fees as set forth in the current fee schedule as adopted by the City Council. The final plat map shall comply with this Title and Utah law. At a minimum, and in addition to any requirements established by the City, the map shall include the following:

1. The surveyed subdivision boundary line shall include all elements defined by Utah Code §17-23-17, and including the following:
  - a. A measured distance and basis of bearing between two existing government accepted monuments. Accurate ties from the basis of bearing to the point of beginning of the surveyed subdivision boundary. Indication shall be given of the type, condition, markings, and nomenclature of monuments used for the basis of bearing.
  - b. A written survey narrative that identifies and explains the following:
    - i. Identify the book and page, entry number, or other such reference to the conveying legal document(s) which contain the legal description(s) of the parcel(s) being surveyed.
    - ii. The date of measurement, method of measurement, distance measured, and basis of bearing used between two government accepted monuments.
    - iii. The written, parol, and demonstrative evidence held, found evidence not held, methods of calculation, and the applications of boundary law used to identify each established or reestablished boundary line.
    - iv. The written, parol, and demonstrative evidence held, found evidence not held, methods of calculation, and the applications of boundary law used to identify the location and width of all existing utilities, easements, right of ways, canals, etc... which adjoin, intersect, or transverse the subdivision.
- ~~1-2.~~ All lots, blocks, and parcels created or offered for any purpose other than streets or easements, shall be delineated and designated with all dimensions, boundaries, courses, and dimensions, square footage, acreage, and ties to the surveyed subdivision boundary clearly shown and defined in every case. Parcels designated as lots for sale shall be identified by numbers starting with the numeral "1" and continuing consecutively throughout the subdivision and shall be assigned a temporary address. Parcels offered for dedication, other than for streets or easements, shall be identified by letter starting with "A" and continuing alphabetically throughout the subdivision of the lots;
3. All lots shall be assigned and labeled with a ~~The lot number,~~ temporary address, and length and width of the blocks and lots;
- ~~2-4.~~ The identification of those specific portions of the subdivision plat that are to be used for streets, right of way, or reserved for other public purposes;
5. The plat shall show the name and/or number of all existing or created streets and the street centerlines, right-of-way lines, widths, and half widths. Every centerline and right-of-way line shall be dimensioned and tied to the surveyed subdivision boundary with sufficient detail to definitively retrace and locate the same;

6. The boundaries, course, dimensions, width, and ties to the surveyed subdivision boundary of all existing or created utilities, easements, right-of-ways, canals, etcet... which adjoin, intersect, or transverse the subdivision with sufficient detail to definitively retrace and locate the same;
  - ~~4.7.~~ Existing right-of-way and easement grants of record for underground facilities, as defined in Utah Code §54-8a-2, and for other utility facilities; ~~and~~
  8. The location of all subdivision boundary corner markers, lot corner markers, and monuments as defined in the Logan Municipal Code Chapter 15.28, or as directed by the City Engineer;
  9. Building setbacks shall not be recorded on the final plat. Setbacks shall be as specified in the Land Development Code at the time of the issuance of the building permit;
  10. The location and extent of open space and/or common areas;
  11. The location and extent of critical lands;
  12. If open space and/or common areas are involved in the subdivision, the final plat shall be accompanied by all common documents including covenants, conditions, restrictions, and articles of incorporation demonstrating perpetual ownership and maintenance of said open space and/or common areas;
  13. The final plat shall be accompanied by copies of any private covenants, conditions, and restrictions (CC&Rs) proposed or required to be recorded for the purpose of providing regulations governing the use of the land;
  14. The final plat shall be accompanied by construction plans as approved by the City Engineer; and
  - ~~5.15.~~ The construction drawings and specifications shall be prepared by, or under the supervision of, a professional licensed to perform such work in the State of Utah.
- B. Final Plat Map Certificates.
- The final plat map shall include the following information as required by the City of Logan and Utah law:
1. A notarized signature of the land owner on the face of the original plat;
  2. A certification by the surveyor preparing the map or plat. The surveyor making the plat shall certify that the surveyor:
    - a. holds a license in accordance with Utah Code Title 58, Chapter 22, Professional Engineers and Professional Surveyors Licensing Act;
    - b. has completed a survey of the property described on the plat in accordance with Utah Code Section 17-23-17 and has verified all measurements; and
    - c. has placed monuments as represented on the plat in accordance with Logan Municipal Code Chapter 15.28.
  3. If the final plat map identifies new locations for underground or utility facilities that are shown or described on the map in conformance with the requirements of Utah State law, the owner or operator of the underground and utility facilities shall approve the map or plat of its property interest. This is required only if the final plat specifies:
    - a. the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record;
    - b. the location of existing underground and utility facilities; and
    - c. any conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision.
  - ~~4. Location of all monuments required by the City Engineer or State requirements;~~

- ~~5.4.~~ The following dedications, certificates and acknowledgments shall be shown on the map and shall empower the person responsible for signing the certificate to require the subdivider to submit any records, calculations, title reports, deeds, property tax records, or other documentation necessary to verify conformance with subdivision requirements:
- a. Licensed land surveyor's ~~or registered professional civil engineer's~~ certificate of survey;
  - b. Owner's dedication certificate;
  - c. Notary public's acknowledgment;
  - d. City Attorney's certificate of approval;
  - e. City Engineer's certificate of approval;
  - f. Director's certificate of approval;
  - g. The Mayor's certificate of approval; and
  - h. Certificate of the County Recorder.
- ~~6. The final plat shall be accompanied by copies of any private covenants, conditions, and restrictions (CC&Rs) proposed or required to be recorded for the purpose of providing regulations governing the use of the land;~~
- ~~7. The final plat shall be accompanied by construction plans as approved by the City Engineer;~~
- ~~8. When the final plat has been prepared to City and State specifications, and when all conditions, requirements, and modifications have been satisfied, the City shall approve the plat map and cause it to be recorded. Before the City may approve the final plat, the owner of the land shall provide a Preliminary Title Report and tax clearance from Cache County demonstrating that all taxes, interest, and penalties owing on the land have been paid;~~
- ~~9. The City attorney shall be required to verify that the map meets the requirements of Utah law and this Title in terms of form, certificates, title, ownership, and release of liens;~~
- ~~10. The Director shall be required to review and ensure that the subdivider has complied with all conditions of this Title and as imposed as a result of the Planning Commission's action or the appeal, if any;~~
- ~~11. If required by the City Engineer, the final plat map shall be accompanied by a full and complete drawing on computer diskette readable in the current version of AutoCAD®, ArcInfo®, or as a "DXF" or similar file readable at scale by the City's engineering computer and geographic information system software. Such disks and computer files shall be considered proprietary information between the originating engineer or surveyor and the City and shall not be made available as public documents;~~
- ~~12. Building setbacks shall not be recorded on the final plat. Setbacks shall be as specified in the Land Development Code;~~
- ~~13. The location and extent of open space and/or common areas;~~
- ~~14. The location and extent of critical lands; and~~
- ~~15. If open space and/or common areas are involved in the subdivision, the final plat shall be accompanied by all common documents including covenants, conditions, restrictions, and articles of incorporation demonstrating perpetual ownership and maintenance of said open space and/or common areas.~~
- C. Phasing the Recordation or Completion of a Subdivision.
1. ~~If the proponent elects to complete the subdivision by filing multiple final plat maps for units or phases of the project, and more than one year will separate the filing of any one unit or phase from another, the Planning Commission shall review each subsequent unit or phase of the subdivision. If a proposed phasing plan has been~~

approved by the Planning Commission as part of the preliminary plat, the first phase of the final plat shall be filed and recorded within 12 months of the original Planning Commission approval, and each subsequent unit or phase shall be recorded within 12 months of the filing date of the prior unit or phase. If more than 12 months separates the recording of any one unit or phase from another, re-application for a new subdivision is required.

2. If the preliminary plat map does not identify phases or units for the subdivision, each subsequent phase or unit shall be reviewed by the Planning Commission.

D. Recordation.

1. When the final plat has been prepared to City and State specifications, and when all conditions, requirements, and modifications have been satisfied, the City shall approve the plat map and cause it to be recorded. Before the City may approve the final plat, the owner of the land shall provide a Preliminary Title Report and tax clearance from Cache County demonstrating that all taxes, interest, and penalties owing on the land have been paid;
2. The City attorney shall be required to verify that the map meets the requirements of Utah law and this Title in terms of form, certificates, title, ownership, and release of liens;
3. The Director shall be required to review and ensure that the subdivider has complied with all conditions of this Title and as imposed as a result of the Planning Commission's action or the appeal, if any;
4. If required by the City Engineer, the final plat map shall be accompanied by a full and complete drawing on computer diskette readable in the current version of AutoCAD®, ArcInfo®, or as a "DXF" or similar file readable at scale by the City's engineering computer and geographic information system software. Such disks and computer files shall be considered proprietary information between the originating engineer or surveyor and the City and shall not be made available as public documents; and
5. After the map or plat has been acknowledged, certified, approved, and all development agreements executed, the owner shall provide the City with funds payable to Cache County for the recordation of the map and the City Engineer shall cause the final plat map to be filed and recorded in the county recorder's office. The final plat map or the final plat map for the first phase or unit shall be recorded within twelve months of the date of the Planning Commission approval as per Section 17.58.010. All applicable fees and taxes shall be paid prior to the filing of the final plat map. The subdivider shall execute a development agreement for completion of subdivision improvements prior to the recordation of the final plat map. The development agreement shall be recorded with the map and shall run with the land until the completion of all improvements. The City Engineer may require a notation on the final plat concerning assessments or completion of improvements that may occur more than twelve months after recordation of the plat.

~~§17.47.080. Subdivision Monumentation.~~

~~A. All Maps Shall Use Horizontal Control Points.~~

~~All plats, maps and other documents submitted to the City describing legal boundaries of lands within the corporate limits of the City of Logan shall be tied to the horizontal control network and meet the minimum requirements in Section 17.35.080.C. This requirement applies to:~~

- ~~1. Subdivisions;~~
- ~~2. Townhomes, planned unit development, or condominium developments;~~
- ~~3. Annexations;~~

4. ~~Road or right-of-way dedications;~~
5. ~~Commercial developments;~~
6. ~~Boundary line adjustments;~~
7. ~~Records of survey; or~~
8. ~~Any other maps or legal descriptions as found necessary by the City Engineer to be required to generate legal descriptions with horizontal control network ties.~~

~~B. Maintenance of the Horizontal Control Network Data and Maps.~~

~~Updated copies of the control diagram, with coordinates, station descriptions and other documents pertaining to the horizontal control network shall be maintained in the office of the City Surveyor and a copy of each document shall be available for review and copying, upon request, for a fee to be established by the City from time to time.~~

~~C. Minimum Requirements.~~

~~All final plat maps, survey maps, and other documents containing official maps or legal descriptions shall meet the following minimum requirements for preparing legal descriptions:~~

1. ~~Survey ties shall consist of the grid azimuth (or grid bearing), ground bearings, and grid and ground distances from established horizontal control network stations to monumented corners of the lands being platted or surveyed. These ties are to be shown as straight lines and shall be executed to an accuracy of one part in 40,000 parts. Ties should be established by means of a closed traverse which includes at least two Horizontal control network stations and two monumented corners of the land being platted, surveyed or described (the distance between the two monumented corners of the lands being surveyed must be at least 25% as long as the longest distance across the land being surveyed). In all cases it shall be noted upon the plat or map the accuracy obtained and the adjustment procedure used. In the event of a discrepancy between adjacent surveys additional information may be required from the certifying surveyors;~~
2. ~~Coordinates of the two monumented corners, as described above, in addition to those of the Horizontal control network stations from which the survey ties originate, are to be shown by tabulation or other means on the plat or map. These coordinates are to be designated (East), (North) and (Elevation) both ground and grid coordinates are to be shown. All exterior boundary points and any monumentation points required by the City are to be shown in the same format as above. Sealed drawing line lengths should represent ground distances;~~
3. ~~A grid azimuth (or grid bearing) shall be used as a basis of bearing for the survey and shall be clearly noted on the plat or map. Grid azimuths, grid bearings and grid distances shall always be shown in square brackets e.g. [N 0°00'00" E], [1000'];~~
4. ~~Ground distances are to be used in descriptions and for calculating areas. Ground distances shall not be used to transfer State Plane coordinates. All distances used for transfer of coordinates must be State Plane grid distances;~~
5. ~~When a record description or portion thereof is retraced with a State Plane description, there shall be included an explanation of the equivalent of the record description and the description based on a grid azimuth. The following statement shall be inserted in the legal description:  
"The following description is the mathematical equivalent of the record description with all bearings converted to the description terms of the Utah State Plane Rectangular Coordinate System."~~

~~All property descriptions shall relate through the chain of title to the original government patent for the property and the use of state plane information in descriptions shall be accomplished in such a way that the title chain is not broken;~~

~~6. The City shall not accept descriptions based upon a monument which has not been tied to the horizontal control network or has been displaced. It shall be necessary to tie or reestablish the monument through a procedure approved by the City using accepted surveying practices.~~

~~D. New Stations in the Horizontal Control Network.~~

~~Where a Land Surveyor deems it advantageous to establish a new horizontal control network station, the work shall be accepted subject to review and approval of the City Engineer. When accepted, the new station shall become a component of the horizontal control network and shall include the following:~~

- ~~1. New stations shall be marked by a substantial, immutable and easily discernible monument, adequately referenced to monuments or objects.~~
- ~~2. A sketch shall be drafted showing the station, reference monuments and/or objects, and other pertinent information to aid in the recovery of the station, including bearing, distance and description of reference monuments and objects.~~
- ~~3. The licensed Land Surveyor responsible for establishment of the station shall execute a certificate, which may be included on the aforementioned sketch or on an attached document, regarding the procedures used, the accuracy obtained, and the correctness of the work.~~
- ~~4. The position of new Horizontal control network stations shall be determined by ties to at least two established Horizontal control network stations, the ties being executed to an accuracy of not less than one part in 100,000 parts. There shall be a statement on the plat or document indicating the adjustment procedure used and the accuracy obtained.~~

**§17.47.090. Completion of Subdivision Improvements**

No subdivision final plat map or deed shall be recorded until all required improvements have been completed to the standards and specifications established by the City or other codes, laws, or regulations. In addition, the following minimum requirements apply and may be added to by the City Engineer or the Planning Commission as applicable:

- A. Construction within the subdivision shall conform to all federal, state, and local regulations.
- B. Construction drawings and construction within the subdivision shall conform to the Department of Public Works Standards and Specifications. This document shall be available in the office of the City Engineer.
- C. A right of way construction permit shall be obtained for all work within existing right of ways.
- D. Permits must be obtained for construction of the infrastructure facilities within the subdivision.
- E. There shall be a schedule of fees in the office of the Public Works Director and approved by resolution of the City Council.
- F. Before obtaining any permits, each contractor must submit proof of the following:
  1. Utah State contractor's license;
  2. Performance bond as required by this Title;
  3. A warranty bond guaranteeing the improvements for a minimum period as set forth in Utah Law;
  4. Liability insurance;
  5. Vehicle insurance; and
  6. Worker's compensation insurance.
- G. Any work which begins prior to the issuance of a permit may be assessed an administrative penalty equal to two hundred percent of the cost of any fees and permits plus one thousand dollars.

- H. A preconstruction conference with the City Engineer may be required not less than forty-eight hours prior to the commencement of construction activities.
- I. The contractor shall notify the Public Works Department not less than forty-eight hours prior to the commencement of construction.
- J. Within thirty days of the completion of improvements, the subdivider shall submit “as built” drawings of subdivision improvements prepared by or under the supervision of a professional licensed to prepare such work in the State of Utah. Failure to submit such drawings shall result in a hold being placed on issuance of any building permits.

# **EXHIBIT B**

## Chapter 17.58: Expiration and Extensions of Time

### §17.58.010. Expiration of Permits

The original approvals shall be valid for the time specified in this section.

#### A. Subdivisions.

The final plat map ~~or final plat map for the first phase or unit~~ shall be recorded within twelve months of the date of Planning Commission approval. ~~If a proposed phasing plan has been approved by the Planning Commission as part of the preliminary plat, the first phase of the final plat shall be filed and recorded within 12 months of the original Planning Commission approval, and each subsequent unit or phase shall be recorded within 12 months of the filing date of the prior unit or phase. If more than 12 months separates the recording of any one unit or phase from another, re-application for a new subdivision is required.~~

#### B. Conditional Use Permits.

1. ~~The Conditional Use Permit is valid for 12 months from the date of Planning Commission approval. If a building permit is required, all permits shall be obtained by the proponent within 12 months of Planning Commission approval. If no building permit has been obtained by the proponent, the permit issued pursuant to this Title shall expire one year from the date of approval unless an extension of time has been approved.~~

2. If no building permit is required, the use or occupancy of the project for which the permit has been issued shall be initiated and business licenses obtained within one year from the date of Planning Commission approval ~~unless an extension of time has been approved.~~

#### C. Design Review Permits.

1. ~~The Design Review Permit is valid for 12 months from the date of Planning Commission approval. If a building permit is required, all permits shall be obtained by the proponent within 12 months of Planning Commission approval. If no building permit has been obtained by the proponent, the permit issued pursuant to this Title shall expire one year from the date of approval unless an extension of time has been approved.~~

2. If no building permit is required, the use or occupancy of the project for which the permit has been issued shall be initiated and business licenses obtained within one year from the date of Planning Commission approval ~~unless an extension of time has been approved.~~

#### D. All Other Permits.

1. If no building permit has been obtained by the proponent, the permit issued pursuant to this Title shall expire one year from the date of approval ~~unless an extension of time has been approved.~~

2. If no building permit is required, the use or occupancy of the project for which the permit has been issued shall be initiated and business licenses obtained within one year from the date of approval ~~unless an extension of time has been approved.~~

### §17.58.020. Extensions of Time

#### A. Subdivisions.

Extensions of time may be approved by the Director as follows:

1. A written request for an extension of time, including payment of all extension fees, shall be received by the Director prior to the expiration date of the subdivision.

2. The request for extension of time shall specify what conditions have been completed and the reasons for the extension request.

## 17.58: Expiration and Extensions of Time

3. If the subdivider is delayed in completing the project due to circumstances beyond the subdivider's control, except for failure to obtain financing, the Director may grant an extension of time as follows:
  - a. Subdivision approvals may be extended for a maximum of one year from the date of original expiration. The maximum length of time from the date of Planning Commission approval to date of recordation of a subdivision shall not exceed two (2) years.

**B. Conditional Use Permits and Design Review Permits - Commercial and Industrial Projects.**

Extensions of time may be approved as follows:

1. A written request for an extension of time, including payment of all extension fees, shall be received by the Director prior to the expiration date.
2. The request for extension of time shall specify what conditions have been completed and the reasons for the extension request.
3. If the proponent is delayed in completing the project due to circumstances beyond the proponent's control, the Director may grant an extension of time for an additional 12 months from the date of original permit expiration if the findings in §17.58.030 are substantiated. A second extension of time for a period of time not exceeding 12 months may be authorized by the Director if the findings in §17.58.030 are substantiated.
4. If the proponent is delayed in completing the project beyond the second time extension granted by the Administrator, the proponent may request an additional extension of time, not exceeding 12 months, from the Planning Commission if a written request and payment of all extension fees are received by the Director prior to the expiration date, and the Planning Commission can substantiate the findings in §17.58.030.

~~1. For commercial and industrial projects, two extensions of time may be permitted:~~

- ~~a. An extension of time, not to exceed a cumulative total of two (2) years from the original expiration date, may be approved by the Director if the findings in §17.58.030 are substantiated.~~

**C. Conditional Use Permits and Design Review Permits - All Other Projects (residential, public, non-commercial or non-industrial), Except Building Permits.**

Extensions of time may be approved as follows:

1. A written request for an extension of time, including payment of all extension fees, shall be received by the Director prior to the expiration date.
2. The request for extension of time shall specify what conditions have been completed and the reasons for the extension request.
3. If the proponent is delayed in completing the project due to circumstances beyond the proponent's control, the Director may grant an extension of time for an additional 12 months from the date of original permit expiration if the findings in §17.58.030 are substantiated. A second extension of time for a period of time not exceeding 12 months may be authorized by the Director if the findings in §17.58.030 are substantiated.
4. If the proponent is delayed in completing the project beyond the second time extension granted by the Director, the proponent may request an additional extension of time, not exceeding 12 months, from the Planning Commission if a written request and payment of all extension fees are received by the Director prior to the expiration date, and the Planning Commission can substantiate the findings in §17.58.030.

~~For residential, public or other non-commercial or non-industrial projects, an extension of time, not to exceed a cumulative total of two (2) years from the original expiration date, may be approved by the Director if the findings in §17.58.030 are substantiated.~~

**§17.58.030. Standards for Approving Extensions of Time**

**A. Extensions of Time Reviewed by the Director.**

~~The Director may approve an extension of time for those approvals and permits specified in Section 17.58.020 provided shall not approve an extension of time for which authority is granted by this chapter unless~~ the following findings can be substantiated:

1. The proponent's initiation of development activities is based on an action by the City or other public agency which has not taken place or was delayed, resulting in a time delay beyond the permit holder's control;
2. The proponent has made a good faith effort to initiate the project by systematically completing pre-development conditions to the satisfaction of the responsible agency or department; and
3. Circumstances beyond the control of the permit holder ~~has have~~ prevented initiation of the project. A delay in the approval of project financing shall not constitute a finding warranting an extension of time.

**B. Extensions of Time Reviewed by the Planning Commission.**

The Planning Commission may approve an ~~additional~~ extension of time for ~~either a Conditional Use Permit or Design Review Permit as specified in Section 17.58.020 provided commercial or industrial projects beyond the time extension authorized in Section 17.58.020.B if the Commission is able to substantiate~~ the following findings can be substantiated:

1. The proponent's initiation of development activities is based on an action by the City or other public agency which has not taken place or was delayed, resulting in a time delay beyond the permit holder's control;
2. The proponent has made a good faith effort to initiate the project by systematically completing pre-development conditions to the satisfaction of the responsible agency or department;
3. Circumstances beyond the control of the permit holder ~~has have~~ prevented initiation of the project. A delay in the approval of project financing shall not constitute a finding warranting an extension of time; ~~and~~
4. The Planning Commission has modified the project's conditions to ensure that development standards in effect at the time of the ~~second~~ extension of time are required for compliance; ~~and~~
5. The extension of time is not detrimental to the public's interest.



**Project #14-023  
Track I Process (17.47 & 17.58)  
Code Amendment**

**REPORT SUMMARY...**

<i>Project Name:</i>	Subdivision Requirements & Permit Extensions
<i>Proponent/Owner:</i>	Community Development Department
<i>Project Address:</i>	Citywide
<i>Request:</i>	Code Amendment
<i>Type of Action:</i>	Legislative
<i>Date of Hearing:</i>	June 12, 2014
<i>Submitted By:</i>	Mike DeSimone, Director

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**RECOMMENDATION**

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendments to the Land Development Code (LDC): Sections 17.47 (Subdivisions) and 17.58 (Expiration and Extensions of Time).

**REQUEST**

This proposed text amendments to the Land Development Code would amend both the Subdivision standards contained in Chapter 17.47 and the Expiration and Extensions of Time standards contained in Chapter 17.58.

The purposes of the amendments to 17.40 are to clarify the phasing language for plats and updating the City's subdivision standards to ensure they are consistent with recent changes to the State subdivision standards. Red changes were prepared by myself while the blue ones were prepared by the City Engineer.

The purposes of the amendments to 17.58 are to clarify the existing subdivision phasing language, clarify the permit expiration and extension language, and add a reference to an extension fee.

**GENERAL PLAN**

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. This proposed amendment clarifies language within the Subdivision and the Permit Expiration and Extension sections. The proposed amendments are consistent with the General Plan.

**STAFF RECOMMENDATION AND SUMMARY**

Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

**PUBLIC COMMENTS**

As of the time the staff report was prepared, no public comments had been received.

**PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on May 8, 2014, posted on the City's website and the Utah Public Meeting website on April 22, 2014, and noticed in a quarter page ad on May 4, 2014. This item was originally scheduled for the May 22, 2014 PC hearing but was tabled until June 12, 2014.

## AGENCY AND CITY DEPARTMENT COMMENTS

No comments have been received.

## RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are generally administrative in nature as they work to clarify the platting and permit administration processes.
4. The general language amendments elsewhere are minor in nature.
5. The provisions of the Subdivision Standards are consistent with the overall goals and objectives of the Logan General Plan.
6. The amendments to the Subdivision Standards are consistent with the State Subdivision and Platting standards.
7. No public comment has been received regarding the proposed amendment.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. This report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.



# APPLICATION FOR PROJECT REVIEW

Planning Commission    Board of Adjustment    Board of Appeals    Other

Date Received <b>4-21-14</b>	Received By	Receipt Number	Zone	Application Number <b>PC 14-023</b>
Type of Application (Check all that apply):				
<input type="checkbox"/> Design Review <input type="checkbox"/> Conditional Use <input type="checkbox"/> Subdivision <input type="checkbox"/> Zone Change <input type="checkbox"/> Boundary Line Adjustment <input type="checkbox"/> Code Amendment <input type="checkbox"/> Appeal <input type="checkbox"/> Variance <input type="checkbox"/> 4950' Design Review <input type="checkbox"/> Other _____				
<b>PROJECT NAME</b>				
<b>TEXT AMENDMENT – LOGAN LAND DEVELOPMENT CODE</b>				
PROJECT ADDRESS <b>CITYWIDE – TEXT AMENDMENT.</b>				COUNTY PLAT TAX ID # - -
AUTHORIZED AGENT FOR PROPERTY OWNER ( <u>Must</u> be accurate and complete) <b>LOGAN CITY COMMUNITY DEVELOPMENT DEPARTMENT</b>				MAIN PHONE # <b>(435) 716-9021</b>
MAILING ADDRESS <b>290 NORTH 100 WEST</b>	CITY <b>LOGAN</b>	STATE <b>UTAH</b>	ZIP <b>84321</b>	
EMAIL ADDRESS <b><a href="http://WWW.LOGANUTAH.ORG">WWW.LOGANUTAH.ORG</a>; <a href="mailto:MIKE.DESIMONE@LOGANUTAH.ORG">MIKE.DESIMONE@LOGANUTAH.ORG</a></b>				
PROPERTY OWNER OF RECORD ( <u>Must</u> be listed) <b>CITYWIDE</b>				MAIN PHONE #
MAILING ADDRESS	CITY	STATE	ZIP	
EMAIL ADDRESS				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED (Include as much detail as possible - attach a separate sheet if needed) <b>AMEND LOGAN LAND DEVELOPMENT CODE SECTIONS 17.47 &amp; 17.58 TO CLARIFY SUBDIVISION APPLICATION AND PHASING RECORDATIONS REQUIREMENTS AND CLARIFY PROCEDURES FOR PERMIT EXPIRATION AND EXTENSIONS OF TIME.</b>				Size of Proposed New Building (square feet)
				Number of Proposed New Units/Lots
I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permits on behalf of the property owner.		Signature of Property Owner's Authorized Agent		
		Signature of Property Owner		
I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.				

**mc workshop: Jun. 17**  
**mc hearing: Jul. 1**



## **PUBLIC NOTIFICATION** **PC 14-023**

**Project Name:** LDC – 17.47 & 17.58  
**Project Address:**  
**Project TIN:**  
**Meeting Date:** May 22, 2014

- Attachment 1: **Public Notice** - **N/A**
- Attachment 2: **Legal Notice** published in Herald Journal – **5/8/14**
- Attachment 3: **Utah Public Meeting Notice website** – **4/22/14**
- Attachment 4: **Qtr Page Ad** published in Herald Journal – **5/4/14**
- Attachment 5: **Municipal Council - Legal Notice** published in Herald Journal – **6/3/14**
- Attachment 6: **Municipal Council - Utah Public Meeting Notice website** – **4/22/14**