



## **Staff Report**

**To:** Francis City Planning Commission

**From:** Katie Henneuse

**Report Date:** October 7, 2024

**Meeting Date:** October 17, 2024

**Title:** Short-Term Rental Conditional Use Permit

**Type of Item:** Administrative

### **Executive Summary:**

Mike and Kim Lincoln, owners of 795 West Oak Lane, applied for a short-term rental Conditional Use Permit (CUP). They plan to spend the summers and several weeks in the winter in the home but would like to be able to rent it out on a short-term basis to friends and through listings on Airbnb and VRBO. The home has 6 bedrooms, 4 bathrooms, and a 3-car garage. There is additional parking in the driveway for three more vehicles and an area on the side of the home for additional parking. There is an outdoor space with a hot tub and sitting area. The home is surrounded by a white fence. They will have a property manager that lives nearby maintain the property and take care of any needs that arise.

Francis City began regulating short-term rentals in 2021. Short-term rentals are permitted with the intent of protecting the integrity and characteristics of established land use districts by ensuring that short-term or vacation rentals are operated in a manner that minimizes negative impacts of those uses on neighbors, public services, and the surrounding community.

### **Process:**

Short-term rentals are allowed as a conditional use in any residential zone in Francis City. The Planning Commission is vested with authority to review and evaluate applications and to approve, approve with conditions, or deny applications based on the criteria listed in code. In addition to the requirements in the Short-Term Rental Code, the Planning Commission may impose conditions that are necessary to mitigate the potential adverse effects of the short-term rental on neighbors and nearby uses.

In Utah, "Conditional uses must be approved if reasonable conditions are imposed, or can be imposed, to mitigate the potential negatives involved. Conditions must relate to applicable standards in the ordinance. A conditional use may not be denied unless it is shown with

documented findings of fact and conclusions of law that “the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards.” [*Ground Rules*, pg. 82]

**Code Analysis (18.115.220):**

By definition in Francis Code, the responsible party is the owner(s), agent(s) or management company responsible for the operation and maintenance of the short-term rental property and for its compliance with all laws, rules and regulations applicable to the same. The responsible parties are the Lincolns and their property manager. By applying for the conditional use permit, they agree to ensure compliance with the following noise and nuisance regulations, the Maintenance Standards (18.115.220 (5)), and all other code regulations.

“The responsible party shall regulate the occupancy of the short-term rental and ensure that:

- a. Occupants and their pets do not create noise or other conditions that by reason of time, nature, intensity or duration are out of character with noise and conditions customarily experienced in the surrounding neighborhood;
- b. Occupants do not disturb the peace of surrounding residents by engaging in outside recreational activities or other activities that adversely affect nearby properties before 7:00 a.m. or after 10:00 p.m.;
- c. Occupants and their pets do not interfere with the privacy of nearby residents or trespass onto nearby properties;
- d. Occupants do not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol; and
- e. The premises, responsible party and all occupants strictly comply with Utah Administrative Code Rule R392-502, Public Lodging Facility Sanitation.”

Per 18.115.220 (10), “On-street parking is prohibited. The number of occupants’ vehicles shall not exceed the number of bedrooms available. Parking of vehicles shall be entirely within a garage or carport, or upon a driveway or other gravel or paved surface.”

The home has six bedrooms, so the short-term rental occupants can have a maximum of six vehicles. The Lincolns provided a site plan showing that the primary driveway is paved and has enough space to provide parking for at least six total vehicles – three in the garage and three in the driveway. There is space for additional parking on the side of the home. This space could potentially be used for RV parking. The applicant was informed that RVs, motor homes, and trailers with living space may only be occupied by guests of the resident for up to 14 consecutive days per calendar quarter (18.15.180) and that the short-term rental code prohibits short-term rentals in camp trailers, travel trailers, and recreational vehicles.

The conditional use permit and the associated business license may be revoked if complaints are received by the City and, after investigation, violations are found.

**Staff Recommendation:**

Staff recommends either action:

1. Review and approve the conditional use permit.
2. Review and approve the conditional use permit with reasonable conditions to mitigate any adverse effects on neighbors and the surrounding community.

**Community Review:**

A public hearing is required for this item. Adequate notice of the public hearing was given in accordance with State and local law.

Hello and thank you for your consideration of this conditional use permit! We are excited to have had the opportunity to purchase this home and look forward to spending a good amount of time there. Our application for a conditional use permit is simply to have the opportunity to rent the property for a short part of the year. We expect to spend a good deal of time in the home, likely June 1 through late October, as well as several weeks over the winter months. In the months that we are not spending time at the property, we would appreciate the opportunity to rent it out to our friends as well as through listings on Airbnb and VRBO. We will have a fulltime property manager that lives very close by that would be available at all times to tend to any needs that might arise. We respect the concerns and views of our neighbors and in no way want to inconvenience or disturb them. We love the neighborhood and have rented just down the street in the Wild Wood community for the last several years.

We will have strict house rules as it relates to who we allow to rent, noise, parking, zero tolerance on parties, pets and more. Quiet time is understood to be 10 pm to 7 am. A fire extinguisher is located in the garage and is easily accessible. Zoning Chapter 18.15.220 has been reviewed and understood.

Thank you all again for your consideration and should you need anything or have additional questions, feel free to reach out to us directly.

All the best!

A handwritten signature in black ink, appearing to read "Mike and Kim Lincoln". The signature is written in a cursive, flowing style.

Mike and Kim Lincoln

## 795 W. Oak Lane

### **P – Parking**

- The home has a 3 car garage with additional parking in the driveway for at least 3 more cars.

### **RV – RV/Trailer Parking**

- There is additional space for an RV or Trailer

### **C – Covered Structure**

- There is a new covered structure approximately 36' x 24' where a hot tub is as well as a sitting area.

### **F – Fence**

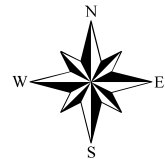
- The home is surrounded by a white fence that basically covers the entire property.

### **Property Description**

- 6 Bedroom
- 4 Bathroom
- Office
- Large open finished basement
- 3,862 Sq. Ft.
- 3 car garage
- Additional parking in driveway
- Additional space for RV/Trailer Parking
- Outdoor covered space with a hot tub and sitting area
- Mature landscaping



1 in = 47 feet  
Imagery courtesy of Google



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information and data obtained from various sources, including Summit County which is not responsible for its accuracy or timeliness.



## **Staff Report**

**To:** Francis City Planning Commission

**From:** Katie Henneuse

**Report Date:** October 12, 2024

**Meeting Date:** October 17, 2024

**Title:** Subdivisions

**Type of Item:** Code Text Amendment

**Action:** Legislative

### **Executive Summary:**

This is a complete “repeal and replace” of the Title 17 Subdivisions code. The primary reason for this update is to comply with SB174 (the 2023 bill requiring state-wide subdivision ordinance updates) and HB476 (the 2024 update). These laws require a new review and approval process for subdivision applications for single family, townhome, and twin home developments. The key requirements of this new legislation are:

- The City Council can no longer be the subdivision land use authority. The reason for this is that the state is trying to make reviewing and approving subdivision applications an administrative, not a legislative process.
- The Planning Commission can no longer approve final subdivision applications (but can for preliminary subdivision applications).
- The City needs to follow an expedited timeline for review and approval. The new law gives the City a maximum of four review cycles when considering subdivision improvement plans. The City must provide a written response within 30 days in each review cycle.
- Public hearings are discouraged because the subdivision process is administrative. If plans “check all the boxes”, they must be approved.
- The new law restricts the City to reviewing the subdivision improvement plans (including the construction plans) in *either* the preliminary or final applications. Francis has elected to review them in the preliminary phase, as that is when the Planning Commission can be involved.
- Concept plan reviews are optional. The applicant may request a “pre-application meeting”.

- The City must provide all subdivision requirements up-front. We cannot add requirements during the process.
- Francis has elected to follow the new subdivision process for all subdivision applications, even developments that aren't single family, townhomes, and duplexes. We made some exceptions for public hearings and the number and length of review cycles for other types of applications.
- Francis has elected to eliminate the minor subdivision process (subdivision of 4 or fewer lots) because the new process inherently provides flexibility and a reduced number of review cycles for simple subdivisions.
- The updated subdivision code must be in effect by December 31, 2024.

The following updates, unrelated to SB174 and HB476 were also made:

- The Annexation Declaration Map was updated with the current city boundary. The annexation declaration boundary did not change.
- Washington Irrigation requested some changes in the code. In the section titled "Drainage Ways and Irrigation Ditches" (17.15.080), the code was changed so that applicants must now sign an agreement with the irrigation company when the development impacts irrigation works or access. A plat and phasing plan requirement was also added. The update says they will show, "All irrigation company ditches, irrigation structures, and accompanying maintenance access dimensions on the property, if any."
- A provision was added that the area of outdoor irrigation may be reduced by a plat note, potentially reducing the number of water shares required to be turned in by some applicants with large lots.
- Organization, formatting, spelling, and grammar were updated throughout the code.

**Staff Recommendation:**

Discuss the proposed update and make changes if needed. The majority of the update must be approved to be in compliance with State law. Motion one of two options:

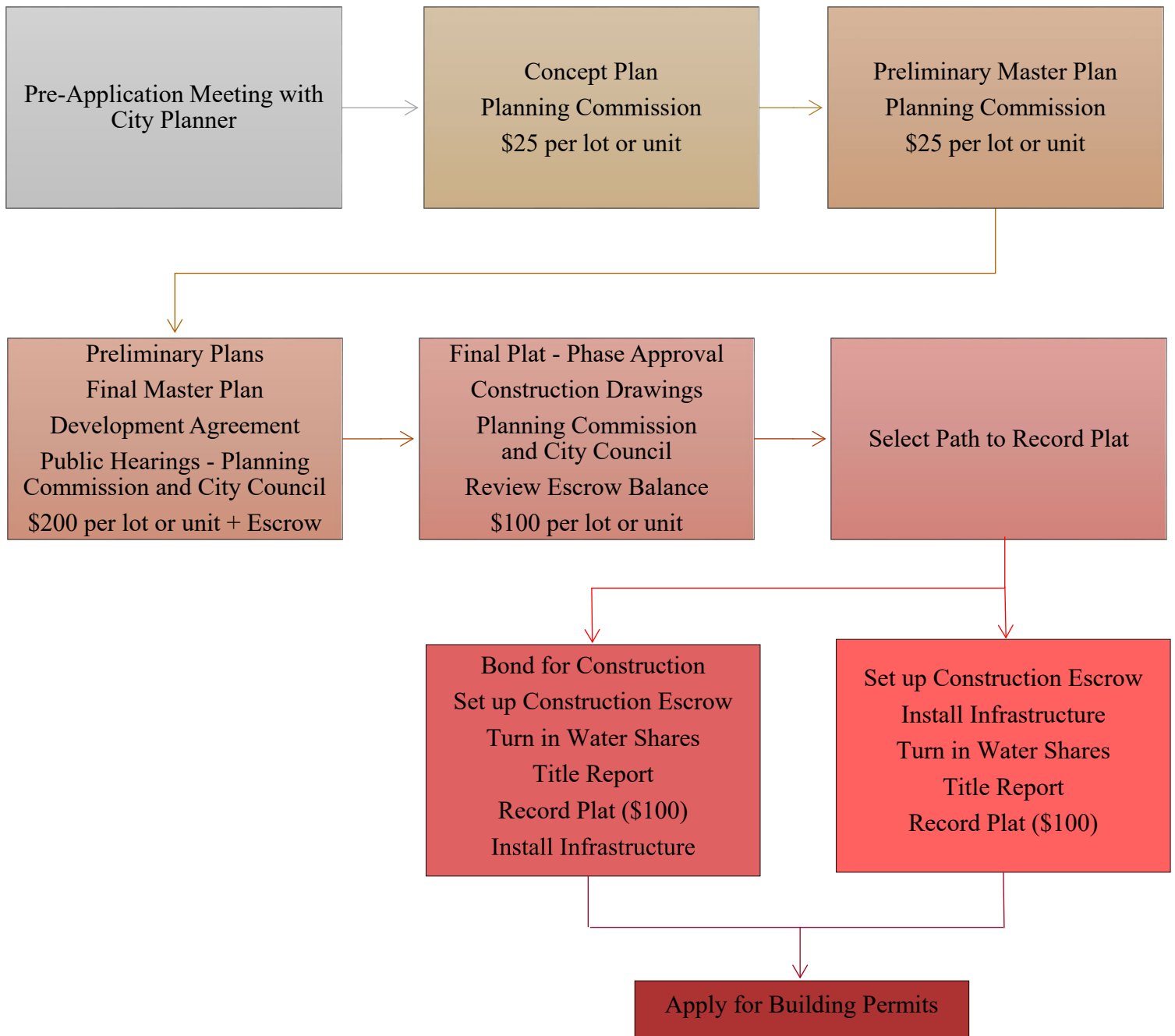
- Positive recommendation if the amendment is ready to be reviewed by City Council.
- Table if more time is needed to discuss the amendment or to make revisions.

**Community Review:**

A public hearing is required for this item. The public hearing was noticed in accordance with State and local law.



## CURRENT Subdivision Process Flow Chart with Phasing

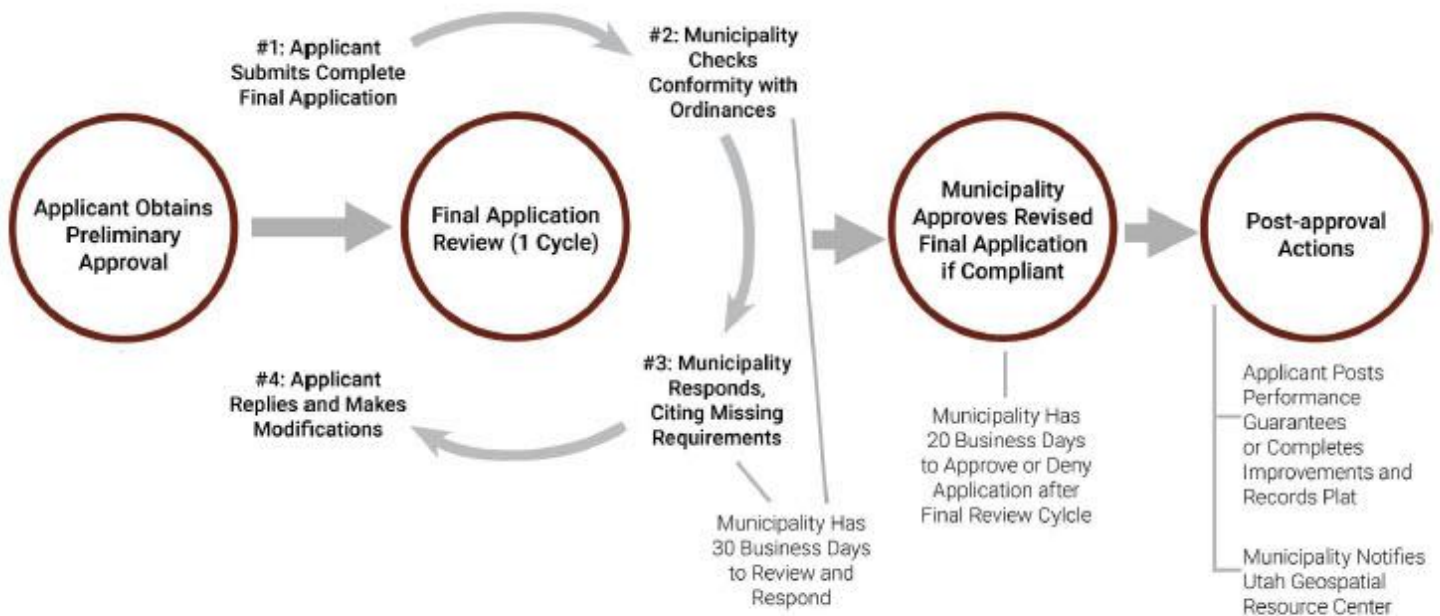


# Proposed Subdivision Process

## Preliminary Review Process



## Final Review Process



## **Title 17 SUBDIVISIONS**

### **Chapters:**

- 17.05 General Provisions**
- 17.10 Annexation Policy Plan**
- 17.15 Improvement, Design, and Layout Considerations**
- 17.20 Lot Improvements and Arrangement**
- 17.25 Pre-Application Meeting**
- 17.30 Process for Preliminary Subdivision Application**
- 17.35 Process for Final Subdivision Application**
- 17.40 Improvements**
- 17.45 Building Permits**
- 17.55 Moderate Income Housing**
- 17.60 Conservation Subdivision**

### **Chapter 17.05 GENERAL PROVISIONS**

- 17.05.010 Introduction.**
- 17.05.020 Purpose.**
- 17.05.030 Applicability, jurisdiction, and enforcement.**
- 17.05.040 Authority.**
- 17.05.050 Definitions.**
- 17.05.060 Interpretation, conflict, and severability.**
- 17.05.070 Code text amendments.**
- 17.05.080 Subdivision plat amendments.**
- 17.05.090 Professional review fees.**

#### **17.05.010 Introduction.**

Subdivisions in Francis shall be designed in a manner so that they may be used safely for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace. Land shall not be subdivided and developed until available public facilities and improvements exist (or adequate guarantees are in place), and proper provision has been made for Improvements. If necessary and required infrastructure and safety protections are not in place or cannot be provided for, the subdivision will not be allowed.

#### **17.05.020 Purpose.**

The subdivision regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the residents of the City.
2. To guide future growth and development in Francis, in accordance with the general plan.

3. To provide for adequate light, solar access, open space, air, privacy, to secure safety from fire, flood, landslides and other geologic and natural hazards, and other danger, and to prevent overcrowding of the land and undue congestion of population.
4. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
5. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, trails, recreation, streets, and other public facilities.
6. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and the pedestrian traffic facilities, and to provide for the proper location and width of streets and building setbacks.
7. To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land.
8. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed development.
9. To prevent the pollution or degradation of air, streams, and ponds, assure the adequacy of drainage facilities, protect subsurface water, minimize site disturbance and the removal of native vegetation and soil erosion, encourage the wise use and management of natural resources throughout the municipality, and preserve the integrity, stability, and beauty of the community and value of the land.
10. To provide for open spaces through efficient design and layout of the land using flexible density or cluster type zoning, and flexible width and area of lots, while preserving the overall density of land as established in Chapter 17.60 FCC.

**17.05.030 Applicability, jurisdiction, and enforcement.**

1. These standards and regulations relate to proposed subdivisions in the City of Francis. All subdivisions shall be consistent with this title and all other relevant sections of this title and FCC Title 18. All commercial projects will be reviewed under the provisions of Chapter 18.115 FCC.
2. This section does not apply to land use regulations adopted, approved, or agreed upon by the City Council exercising land use authority in the review of land use applications for zoning or other legislative land use regulation approvals.

3. These standards and regulations may be known, cited, and referred to as the development standards and/or subdivision regulations of the City of Francis, Utah.
4. No land shall be subdivided within Francis until the subdivider or agent obtains approval of the final subdivision application from the Administrative Land Use Authority and the approved plat is filed with the County Recorder.
5. No building permit or certificate of occupancy will be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations unless approved under prior subdivision ordinance. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the applicable City regulations.
6. No owner, or agent, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a final subdivision application has been approved by the City in accordance with the provisions of these regulations and filed with the County Recorder. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. The City may approve metes and bounds descriptions for purposes of lot line adjustments and resolving conflicting boundary descriptions.

#### **17.05.040 Authority.**

By authority of ordinance and in accordance with Section 10-9a-601 et seq., Utah Code Annotated (as amended), and any other applicable federal, state, county or municipal laws, statutes, ordinances, and regulations of the state of Utah, the City Council through the Administrative Land Use Authority hereby exercises the power and authority to review, approve, and disapprove plats for subdivision of land within the corporate limits of Francis.

By the same authority, the Administrative Land Use Authority does also hereby exercise the power and authority to disapprove development in subdivisions if the plat or subdivision has been recorded in the County Recorder's office without prior approval by the City.

#### **17.05.50 Definitions**

**Administrative Land Use Authority:** The appointed board, consisting of the City Planner, Public Works Director, City Engineer, and others as assigned, responsible for reviewing applications and approving land use decisions arising from subdivision applications. The Planning Commission shall be part of the appointed board for the review of the preliminary subdivision application only. The process is administered and overseen by the City Planner or designee. Members of the City Council shall not be appointed to the Administrative Land Use Authority for single family, townhome, and twin-home land use applications. The City Council shall be the Administrative Land Use Authority for the approval of vacating a street, right of way, or easement only.

**Administrative Land Use Authority Response:** The written response provided by the Administrative Land Use Authority after a Subdivision Ordinance Review and/or Subdivision Plan Review. The response shall be specific and include citations to ordinances, standards, or specifications that require modifications to Subdivision Improvement Plans and shall be logged in an index of requested modifications or additions.

**Applicant or Subdivider or Developer:** A person or persons making an application to create a subdivision.

**Applicant Reply:** In addition to revised plans, an Applicant shall provide a written explanation in response to the Administrative Land Use Authority's Response, identifying and explaining the Applicant's revisions and reasons for declining to make revisions, if any. The Applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions for each required correction. If the applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

**City:** Francis City, Utah

**City Engineer:** The city engineer of Francis City or any individual or firm retained or designated by Francis City as the city engineer for the purpose of performing engineering duties.

**City Planner:** City Planner or contracted City Planner.

**Complete Application:** A preliminary or final subdivision application shall be considered complete as defined in each application section.

**Subdivision Improvement Plans:** Civil engineering and design plans associated with required infrastructure and City owned/operated utilities required for a Subdivision.

**County:** Summit County, Utah

**Development, Design, and Construction Standards:** The Francis City Standard Specifications and Drawings (as amended).

**Geological Hazard Area:** Property identified to be within the City's "Sensitive Lands Regulations" – see FCC Title 18.120.

**Improvements:** All infrastructure improvements, such as water, sewer, storm drain, land drain, secondary water, curbs, gutters, trail, sidewalk, grading, streetlights, paving, landscaping, fencing, electric power, natural gas, communication lines, and all other elements required by this Title and the Francis City Standard Specification & Drawings.

**Planning Commission:** The Francis City Planning Commission.

**Subdivision Improvement Plans.** Civil engineering and design plans associated with required infrastructure and City owned/operated utilities required for a subdivision.

**Subdivision Ordinance Review:** A review to verify that an application for a Subdivision meets the criteria of the applicable City Ordinance(s).

**Subdivision Plan Review:** A review of the Applicant's Subdivision Improvement Plans and other aspects of the subdivision application to verify that the application complies with all ordinances and applicable standards and specifications, including the current Francis City Francis City Standard Specification & Drawings.

**17.05.060 Interpretation, conflict, and severability.**

1. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
2. Conflict with Public and Private Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or imposes higher standards shall control.

Further, these regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of approval, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and conditions imposed; provided, however, that the City is under no obligation to enforce private covenants.

3. Severability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

**17.05.070 Code text amendments.**

For the purpose of protecting the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by the subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and City Council in the manner prescribed by law and outlined in Chapter 18.05 FCC.

**17.05.080 Subdivision plat amendments**

1. Vacation, of a public street, lot, alley, or public use contained in a subdivision plat. The City Council may, on its own motion, a recommendation by the Planning Commission, City staff, or pursuant to a petition, consider at a public hearing any proposed vacation.
2. Alteration or amendment of a subdivision plat. The Administrative Land Use Authority, pursuant to a petition, shall consider the alteration or amendment of a subdivision plat, as provided in Sections 10-9a-608 through 10-9a-609, Utah Code Annotated.

#### **17.05.090 Professional review fees.**

Fees for projects that require review and/or inspection by the City Attorney, City Engineer, or other consultant(s) shall be billed to the applicant at the actual billed rates incurred by the City, in addition to all other applicable fees. To assure prompt payment, the applicant shall deposit with the City sufficient funds against which the City may draw to satisfy these costs, in amounts set forth in the City's then-prevailing fee and rate ordinance.

All funds in applicant deposit accounts are available at all times for expenditure by the City to satisfy fees incurred by the City for the project. The City shall notify applicants when fees are incurred for the applicant's project. If the balance on deposit for an applicant drops below an amount sufficient to cover anticipated costs, the applicant must pay all outstanding billings for the month plus bring the deposit account back up to a sufficient amount, as set forth in the City's then-prevailing fee and rate ordinance. If at any time an applicant's deposit account does not comply with the provisions set forth herein, the City's staff and its contractors, agents and consultants shall stop work on the project until the account comes into compliance. At the conclusion or termination of a project, any unexpended amounts in an applicant's deposit account shall be refunded to the applicant.

## **Chapter 17.10 ANNEXATION POLICY PLAN**

**17.10.010 Purpose.**

**17.10.020 General requirements.**

**17.10.030 Property owner initiation of annexation.**

**17.10.040 Procedures for consideration of petition and plat.**

**17.10.050 Annexation petition review.**

**17.10.060 Municipal initiation of annexation.**

**17.10.070 Annexation declaration area map.**

### **17.10.010 Purpose.**

This chapter shall be the Francis City annexation policy plan and shall replace in full all prior versions of an annexation policy plan adopted by Francis City.

The annexation requirements specified in this chapter are intended to protect the general interests and character of Francis City by assuring the orderly growth and development through: coordinating and planning utilities and public services; preserving open space, enhancing parks and trails; ensuring environmental quality; protecting entry corridors, view sheds and environmentally sensitive lands; preserving historic and cultural resources; creating buffer areas; protecting public health, safety, and welfare; and ensuring that annexations are approved consistent with the Francis City general plan, the Francis City vision and applicable laws of the state of Utah.

In meeting the goals of Francis City's annexation policy plan, contained herein, the Planning Department and City Council shall strive to avoid gaps between or overlaps with the expansion areas of other municipalities; consider the population growth projections for Francis City and adjoining areas for the next 20 years; consider current and projected costs of infrastructure, urban services, and necessary public facilities; facilitate full development of areas within Francis City; expand infrastructure, services, and facilities into the area being considered for inclusion in the expansion area when practical and feasible; consider, in conjunction with Francis City's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development; consider the reasons for including agricultural lands, forests, recreation areas, and wildlife management areas in Francis City; and be guided by the following principles:

The areas into which Francis City may be expanded are depicted by the annexation declaration map, attached hereto as Exhibit "A" and incorporated by reference. The lands within the expansion area are presently outside the City limits and within the South Summit Fire District boundaries.

If practical and feasible, the boundaries of an area proposed for annexation shall be drawn to:

1. Eliminate islands and peninsulas of territory that are not receiving municipal type services;
2. Facilitate the consolidation of overlapping functions of local government; and

3. Promote the efficient delivery of services.

It is the intent of this chapter to ensure that property annexed to the City will contribute to the attractiveness of the community and will enhance the rural image which is critical to the economic viability of the community, and that the potential fiscal effect of an annexation does not impose an unreasonable burden upon City resources and tax base.

This chapter hereby incorporates by reference all applicable provisions of Sections 102-401 through 102-428, Utah Code Annotated 1953, as amended (hereinafter, "Utah Code"). (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2007-12 § 1, 2007.)

#### **17.10.020 General requirements.**

The following specific requirements are hereby established for annexation to Francis City:

1. Property under consideration for annexation must be considered a logical extension of the City boundaries.
2. Annexation of property to the City must be consistent with the intent and purpose of this chapter and the Francis City general plan, in addition to the master plan for water, sewer, and roads.
3. Every annexation shall include the greatest amount of contiguous property area, which is also contiguous to the City's municipal boundaries.
4. Piecemeal annexation of individual small properties shall be discouraged if larger contiguous parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.
5. Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be strongly discouraged.
6. In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to annexed areas:
  - a. Law enforcement protection;
  - b. Snow removal on public streets, subject to standard City snow removal policies;
  - c. Maintenance of existing public streets, provided that such streets have been constructed or reconstructed to City street standards or are acceptable to the City Engineer and City Council;
  - d. Planning, zoning, and municipal code enforcement;
  - e. Access to municipal sponsored parks and recreational activities and cultural events and facilities;

- f. Water and sewage waste disposal services as the area is developed. Existing facilities for water treatment, storage and delivery, and/or for sewage removal and treatment may be inadequate to provide water and sewer services to a proposed annexation area. The City shall determine the timing of and necessary capacity for the extension of water and sewer service to a proposed annexation area. New development in an annexation area shall pay the cost of improvements necessary for the extension and connection of new developments to City water and sewer lines and systems, as well as contribute to the cost of additional capital improvements, including, but not limited to, storage and distribution facilities as necessary for safe, reliable, and efficient water flows and waste removal.
7. Before considering requests for annexation, the City shall carefully analyze the impacts of annexation of the area proposed by taking into consideration whether the area will create negative impacts on the City and considering whether the City can economically provide services to the annexed area. Community issues such as location and adequacy of schools and community facilities, traffic, fire protection, particularly in wildfire/wildland interface areas, usable open space and recreation areas, protection of sensitive lands, conservation of natural resources, protection of view corridors, protection and preservation of historic resources, affordable housing, balance of housing types and ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation area shall be considered.
8. Where it is in the public interest to preserve certain lands from development in floodplains, where geologic hazards exist, where slopes are severe, or where the need for preservation of community open space and/or agricultural lands is consistent with the general plan, annexations may be used as a means to retain those lands in a natural state.
9. Francis City shall consider annexation of unincorporated areas of Summit County that are within the annexation declaration area on its own initiative in order to promote the policies set forth in FCC 17.10.010.
10. In general, the annexation of unincorporated territory which should be located within another municipality is not favored, nor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenues, nor for retarding the capacity of another municipality to annex. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2007-12 § 2, 2007.)

#### **17.10.030 Property owner initiation of annexation.**

Annexations are initiated by filing a notice of intent with the City Recorder and by sending a copy of the notice to affected entities in accordance with Section 10-2-403, Utah Code Annotated. The person or persons who filed the notice of intent must then submit a request to the county to mail the required notice to each property owner within 300 feet of the area proposed for annexation as set forth in Section 10-2-403, Utah Code Annotated. The City shall provide an annexation petition upon request from the person or persons who filed the notice of intent after receiving certification from the county indicating that the required notice has been mailed. The petition shall contain and comply with the following:

1. The petition shall satisfy the criteria and formats established by the City, as well as comply with the statutory requirements set forth in Sections 10-2-401, 10-2-402, and 10-2-403, Utah Code Annotated.
  - a. The signatures of property owners whose real property covers a majority of the private land area within the proposed annexation area, which is also equal in value to at least one-third of the value of all private real property within said area.
  - b. If the area is within an agriculture protection area created under Title 17, Chapter 41, Utah Code Annotated, 100 percent of the private land area within the area proposed for annexation must be included.
  - c. If the property is owned by a public entity other than the federal government, the signature of the owner of all of the publicly owned property within the area proposed for annexation.
  - d. The designation of up to five of the petitioners as sponsors, one of whom shall be designated as the contact sponsor, along with the mailing address of each sponsor.
2. Attached to and as part of the petition shall be an accurate certified survey plat of the property to be annexed, prepared by a surveyor licensed to practice in Utah, accurately describing the existing City boundaries and each individual ownership sought to be annexed, including an accurate legal description of the property to be annexed.
3. A representation as to the anticipated timetable for development, if applicable, of the property being annexed.
4. If the proposed area is intended for development, a complete copy of the development concept plan, which shall also be filed at the same time (or earlier) with the City Planner. The petition shall also identify and depict any requested zoning designation on the plan or a suitable map. Impact mitigation considerations in the annexation agreement will be based on the density permitted under the requested or applied zone requirements.
5. Depending on the scope and intensity of proposed development of the annexation area and the anticipated impact on adjacent lands, the applicant shall prepare and submit a review and analysis of the surrounding property, as provided in FCC 17.10.050(5), including but not limited to a wetlands delineation.
6. Zoning requests are subject to independent review and recommendation by the Planning Commission, with final approval by the City Council concurrent with public hearings on the proposed annexation.
7. There shall also be attached to the annexation petition a full disclosure statement of any and all waters owned or historically utilized on the property to be annexed.
8. The annexation petition shall not propose annexation of any land area proposed for annexation to a municipality in a previously filed petition that has not been granted, denied, or rejected.

9. The annexation petition shall not propose annexation of any land area being considered as part of any area proposed for incorporation as a municipality under Utah State law.
10. On the date of filing the annexation petition with the City Recorder, the petition sponsor(s) shall also deliver a copy of the petition to the clerk of the county or counties in which the annexation area is located. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2017-04 § 1, 2017; Ord. 2007-12 § 3, 2007.)

#### **17.10.040 Procedures for consideration of petition and plat.**

The procedure for processing an annexation petition and plat shall be as follows:

1. A petition and accurate certified survey plat by a licensed surveyor shall be submitted to the City Recorder in accordance with Section 10-2-403(2)(C), Utah Code Annotated, together with such other information as may be required by the City Planner to enable the staff to prepare a written recommendation.
2. Prior to City Council action on the petition, the petition and plat shall be reviewed by the City Planner, who shall evaluate the feasibility of the subject expansion of the City's boundaries and who shall prepare a written recommendation for consideration by the City Council.
3. If the City Council determines that the annexation petition provides the information and representations required by FCC 17.10.030, the petition may be accepted for further consideration under FCC 17.10.050 and delivered to the City Recorder for consideration of certification pursuant to Section 10-2-405, Utah Code Annotated.
4. The City Recorder shall determine, within the time frame and according to the provisions of Section 10-2-405, Utah Code Annotated, whether the petition should be certified. If the petition is certifiable, the City Recorder shall publish notification thereof in accordance with Section 10-2-406, Utah Code Annotated. The City Recorder shall mail written notice of certification to the school district, fire district, any special service district, utility companies, and the County Clerk.
5. If certified by the City Recorder, the Planning Commission shall hold a public hearing and thereafter make a recommendation on the annexation proposal, including any requested zoning designation, to the City Council.
6. After receipt of the Planning Commission's recommendation, completion of the review and evaluation provided for by FCC 17.10.050, and after giving notice pursuant to Section 102-407, Utah Code Annotated, the City Council shall hold a public hearing on the proposed annexation. Following public hearing, the City Council may either grant the petition, with or without conditions, or deny it. If granted, and upon compliance with all conditions, an ordinance affirming the annexation shall be enacted; provided, however, that protests to an annexation petition shall be dealt with as set forth in Section 10-2-407,

Utah Code Annotated. Denial of or granting the petition while a protest is pending is subject to Section 10-2-408, Utah Code Annotated.

7. Once the City Council enacts an ordinance annexing an unincorporated area or adjusting a boundary all applicable zoning and land management code provisions shall apply to the annexed property.
8. As a condition to recordation of the annexation ordinance, the City may require the execution of an annexation agreement pursuant to FCC 17.10.050(3).
9. Within 30 days after enacting an ordinance annexing an unincorporated area or adjusting a boundary, the City shall:
  - a. Record with the Summit County Recorder a certified copy of the ordinance approving the annexation or boundary adjustment, together with the annexation plat or map prepared by a licensed surveyor and approved by the City, showing the new boundaries of the affected area.
  - b. File with the Lieutenant Governor of the state of Utah the amended articles of incorporation reflecting the annexation or boundary adjustment, as provided in Section 10-1-117, Utah Code Annotated 1953.
  - c. Comply with the notice requirements of Section 10-1-116, Utah Code Annotated 1953. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2007-12 § 4, 2007.)

#### **17.10.050 Annexation petition review.**

1. Staff Review Team. After the acceptance of a petition by the City Council and certification thereof by the City Recorder, the procedure for annexation shall comply with the Utah Code; provided, however, the City Council shall not take final action on any petition until the same has been reviewed by the City Planning Commission and by the staff review team.
2. Annexation Evaluation and Staff Report. The staff review team will review each annexation and zoning request. The Planning Department will prepare a staff report based thereon and with recommendation to the Planning Commission. The staff report shall include an evaluation of the proposed annexation and shall include at least such of the following information as deemed necessary and appropriate in consideration of the scope of the proposed annexation:
  - a. The ability to meet the general annexation requirements set forth in FCC 17.10.020.
  - b. An accurate map of the proposed annexation area showing the boundaries and property ownership within the area, the topography of the area and major natural features, e.g., drainage, channels, streams, wooded areas, areas of high water table, very steep slopes, sensitive ridgeline areas, wildfire/wildland interface areas, and other environmentally sensitive lands.

- c. Identification of current and potential population of the area and the current residential densities.
  - d. Land uses presently existing and those proposed.
  - e. Character and development of adjacent properties and neighborhoods.
  - f. Present zoning and proposed zoning.
  - g. A statement as to how the proposed area, and/or its potential land use, will contribute to the achievement of the goals and policies of the Francis City general plan and Francis City vision.
  - h. Assessed valuation of the properties within the annexation area.
  - i. Potential demand for various municipal services and the need for land use regulation in the area, e.g., consideration of the distance from existing utility lines, special requirements for sensitive lands review and fire protection in wildfire or wildland areas, location within hazardous soils areas, and feasibility of snow removal from public streets.
  - j. The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service areas.
  - k. A proposed timetable for extending municipal services to the area and recommendation on how the cost thereof will be paid.
  - l. Comparison of potential revenue from the annexed properties with cost of providing services thereto.
  - m. An estimate of the tax consequences and other potential economic impacts to residents of the area to be annexed.
  - n. Recommendations or comments of other local government jurisdictions regarding the annexation proposal and potential impact of the annexation on general county economic needs, goals, or objectives.
  - o. Location and description of any historic or cultural resources.
3. Conditions of Annexation Approval and Annexation Agreement. The following conditions must be met prior to approval of an annexation, unless the City Council determines that the particular circumstances of a proposed annexation do not require the imposition of some, or all, of such conditions. These conditions shall be applied consistently for each proposal; however, unusual or unique circumstances may exist which require the imposition of additional, special conditions. The conditions of approval may be required to be formalized by written annexation agreement. The annexation agreement shall be approved by the City Attorney, reviewed by the Planning Commission, signed by the City Council and recorded with the Summit County Recorder.
- a. Identification of usable water rights to be transferred to Francis City to serve the proposed development.
  - b. Additional improvements as necessary which may be required in order to improve the water system.
  - c. Identification of usable water rights to be transferred to Francis City to serve the proposed development. Dedication of necessary streets, trails, utilities, and rights-of-way consistent with the subdivision standards of this code.

- d. Phasing of the development and the annexed area to insure adequacy of public facilities if necessary.
  - e. Agreement to an annexation fee in the amount of \$8,000 per equivalent residential unit constructed on the annexation property, but this fee may be adjusted up or down or waived by the City Council for any particular annexation, but only for just cause, as determined in the City Council's sole discretion in findings to be set forth in writing.
  - f. Dedication of open space or conservation areas.
  - g. Payment of other fees required by the City, including planning, engineering, legal and other professional and consulting fees.
  - h. Provision of affordable housing in accordance with any affordable housing resolution as may be in effect at the time of petition filing.
  - i. Submittal of site plans and architectural plans for review.
  - j. A sunset clause setting a deadline on the applicant's density allowance specified in the annexation agreement (if any).
  - k. Floodplain management or preservation of environmentally sensitive lands including compliance with the sensitive lands provisions of the City code.
  - l. Analysis and survey of any historic and cultural resources located on the property.
  - m. Analysis of the fiscal impacts of the development as determined necessary by the City. The fiscal impact analysis format, including the revenue and cost assumptions, shall be approved by the City. If necessary, the City may retain a qualified consultant to perform the fiscal impact analysis, at the expense of the applicant.
  - n. Fees paid in lieu of satisfying certain conditions, as may be approved by the City Council.
  - o. Review of surrounding property as described in subsection (5) of this section.
  - p. Any other condition reasonably related to a health, safety, or welfare issue or negative impact of the annexation and any proposed development thereof.
4. Amendments to the Annexation Agreement. Amendments to an annexation agreement which are substantive in nature, as determined by the Administrative Land Use Authority, shall be subject to review by the Planning Commission and approval by the City Council, following reasonable public notice. Substantive amendments shall also be recorded with the Summit County Recorder.
5. Review and Analysis of Surrounding Property. Upon consideration of the impact of the proposed annexation, the City Planner may require that a land use review and analysis of surrounding property be submitted with the annexation petition. This analysis of surrounding property shall be in sufficient detail for the City to determine the long-term community impacts of the proposed annexation on these properties. This analysis may include, but is not limited to, all property within one-half mile of the boundaries of the proposed annexation. The City Planner may modify the study area one-half mile more or less to achieve a suitable and logical study area. The review and analysis of surrounding property shall be performed by a qualified land use planner with assistance from other professionals, such as traffic engineers, civil engineers, wildlife biologists, hydrologists, and soils scientists. The City reserves the option of selecting the qualified professionals to

perform this analysis with the cost to be paid by the applicant. The review and analysis shall include, but is not limited to, a study of the following:

- a. Slope, wetlands, vegetation, wildlife habitat, view corridors, existing historic and cultural resources, and significant geological features.
- b. Existing and proposed road systems.
- c. Existing and proposed utilities and major utility extension plans.
- d. Location of existing and proposed open space, recreational areas and trail systems.
- e. Existing and proposed land uses including type and density of residential areas.
- f. Existing and proposed locations of community facilities such as fire stations, schools, parks, recreation centers, etc. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2017-04 § 1, 2017; Ord. 2007-12 § 5, 2007.)

#### **17.10.060 Municipal initiation of annexation.**

It shall be the policy of Francis City to annex on its own initiative such areas which meet all of the following criteria:

1. The area is an island within or a peninsula contiguous to the City;
2. The majority of each island or peninsula consists of residential or commercial development;
3. The area requires the delivery of municipal-type services;
4. The City has provided most or all of the municipal-type services to the area for more than one year; and
5. Annexation of the area is supported by the goals of the Francis City general plan, including open space, land use, affordable housing, recreation, growth management and economic development.

Such annexations shall be processed as provided under Section 10-2-418, Utah Code Annotated, including all noticing and public hearing requirements. This review shall be in addition to the review required in FCC 17.10.050.

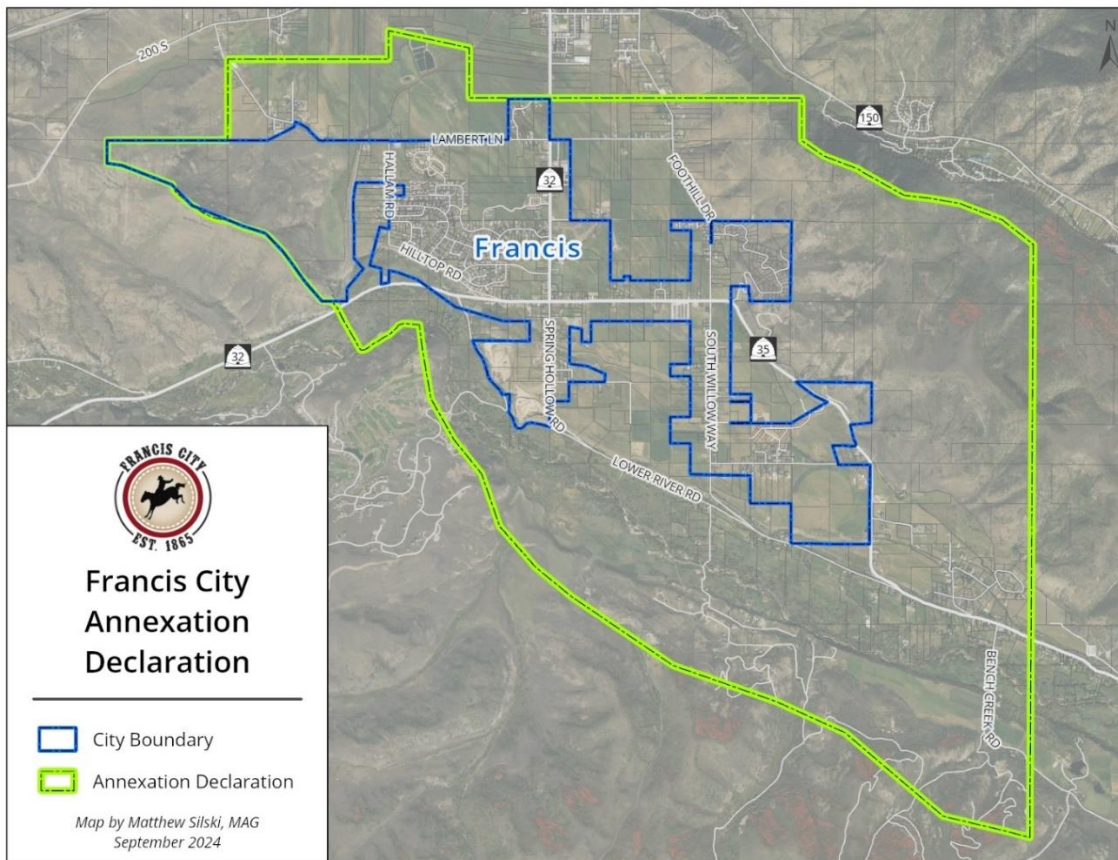
The City may not adopt an annexation ordinance based on its own initiative unless the Summit County Commission has previously approved the annexation.

If written protest to such annexation is timely filed and complies with Section 10-2-418(3), Utah Code Annotated, the City may not adopt an ordinance annexing the area proposed for annexation, and the annexation proceedings under this section shall be considered terminated. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2007-12 § 6, 2007.)

### 17.10.070 Annexation declaration area map.

1. The annexation declaration area map is included as Exhibit A. The map may be altered to change the proposed annexation boundaries of Francis City upon action by the City Council upon recommendation by the Planning Commission and following public hearing duly noticed.
2. The following criteria were used as justification to exclude lands from the expansion area:
  - a. Topography and other physical constraints to efficient delivery of basic services;
  - b. Overlapping utility services already being supplied by other providers;
  - c. Level of existing services, or quality of construction and condition of existing roads and habitable structures below City standards, requiring expensive upgrades;
  - d. Other negative fiscal consequences to the City. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2007-12 § 7, 2007.)

### Exhibit A Annexation Declaration Map



## **Chapter 17.15 IMPROVEMENT, DESIGN, AND LAYOUT CONSIDERATIONS**

- 17.15.010 Generally.**
- 17.15.020 Plats straddling or bordering municipal boundaries, annexations.**
- 17.15.030 Monuments.**
- 17.15.040 Unsuitability.**
- 17.15.050 Subdivision name.**
- 17.15.060 Ridgeline and hillside development.**
- 17.15.070 Open space.**
- 17.15.080 Drainage ways and irrigation ditches.**
- 17.15.090 Limits of disturbance/vegetation protection.**
- 17.15.100 Fire sprinkling.**
- 17.15.110 High water table areas.**

### **17.15.010 Generally.**

The criteria in this section and Chapter 17.20 FCC shall be used as a guide in preparing the preliminary subdivision application. The Administrative Land Use Authority will also use these criteria in its consideration of approving the preliminary and final subdivision plan application.

In addition to the requirements established herein, all subdivision plats shall comply with all applicable statutory provisions, sensitive lands overlay zone regulations, International Building Code and related codes, City design standards and specifications, the official streets master plan, the general plan, the official zone map, the trails master plan, public utilities plans, capital improvements program of the City or any other local government having jurisdiction in the development, including all streets, trails, drainage systems, and parks shown on the official map or general plan as adopted or amended for the subdivision, and the rules of the Utah Department of Transportation if the subdivision or any lot contained therein abuts a state highway.

If the owner places restrictions on any of the land contained in the subdivision greater than those required by this title, FCC Title 18 or these regulations, such restrictions or reference thereto may be required to be indicated on the final plat, or the Administrative Land Use Authority may require that restrictive covenants be recorded with the County Recorder in form to be approved by the City Attorney. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12, 1993.)

### **17.15.020 Plats straddling or bordering municipal boundaries, annexations.**

Whenever a subdivision is proposed that includes property under the jurisdiction of another entity, the Administrative Land Use Authority may require the annexation of the property involved.

If the area in the county is not annexed, the City and county shall work together in a cooperative arrangement or through an interlocal agreement, if necessary, to insure that the portion of the development lying in the county is as compatible as possible with the City codes, development regulations and general plan.

When a development lies entirely within the county but gains access from a City street or across property within the City's jurisdiction, the developer must receive a conditional use permit to guarantee that the proposed development will not have a negative impact on City services, streets or public interest. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.13.1, 1999; Ord. 66 § 6.12.1, 1993.)

#### **17.15.030 Monuments.**

The applicant shall place permanent reference monuments in the subdivision as required herein or as otherwise approved by the City Engineer.

Monuments shall be installed in accordance with the Francis design standards, construction specifications and standard drawings and located on street right-of-way lines, at street intersections, and angle points of curves. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.

All monuments shall be properly set in the ground and approved by a registered land surveyor prior to the time the plat is recorded unless a performance guarantee is established in accordance with the provisions of this chapter. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12.2, 1993.)

#### **17.15.040 Unsuitability.**

If the Administrative Land Use Authority, finds lands unsuitable for subdivision or development due to natural hazards, flooding, improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, unsuitable for service of public utilities, wildlife habitats that cannot be reasonably mitigated, or other natural features, including ridgelines and hilltops, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or surrounding areas, the land shall not be subdivided or developed.

The development may be made suitable if adequate methods are formulated by the developer and approved by the City, upon recommendation of a qualified planner or engineer hired by the developer and approval of the City Engineer, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. Unsuitable land shall be set aside or reserved for uses as shall not involve such a danger or severe environmental impact. Lands located in sensitive lands areas may be further regulated by FCC Title 18.

Additionally, consideration must be given to soil conditions and ground water existence and may include appropriate setbacks and conservation requirements. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12.3, 1993.)

#### **17.15.050 Subdivision name.**

The proposed name of the subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area covered by these regulations or nearby communities. The Administrative Land Use Authority shall have final authority to approve the name of the subdivision and the street names. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12.4, 1993.)

#### **17.15.060 Ridgeline and hillside development.**

Protection of ridges from development which would be visible against the skyline from prominent areas or designated vantage points (as per Chapter 18.120 FCC) in Francis will be maintained. Hillside development which may disturb agricultural uses may be prohibited unless it can be shown that the development and improvements will be constructed or clustered in a way to minimize impacts. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12.5, 1993.)

#### **17.15.070 Open space.**

Units may and should be clustered in the most developable and least sensitive portions of the site with common open space corridors separating clusters. The open space corridors should be designed to coincide with significant vegetation and in many cases left natural. Open space areas will be the maintenance responsibility of a homeowner's association, unless dedicated and accepted by the City. Open space conservation easements dedicated in perpetuity to a qualified land trust are encouraged to prevent future development of open space. Note that roads and rights-of-way shall not be used in the calculations for open space nor density. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.13.6, 1999; Ord. 66 § 6.12.6, 1993.)

#### **17.15.080 Drainage ways and irrigation ditches.**

Existing natural drainage and irrigation ditches or rights-of-way shall be preserved. Notification, an agreement, and a recommendation from irrigation companies shall be required for development in certain circumstances as determined by the City when the development impacts irrigation works or access.

When required, a committee shall be organized to review impact on drainage ways and irrigation ditches. The committee shall include the following as a minimum: a member from the City Council, a member from the Planning Commission, the City Engineer, the development engineer, and a representative from each water company. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12.7, 1993.)

#### **17.15.090 Limits of disturbance/vegetation protection.**

A separate plan which addresses limits of disturbance and vegetation protection during construction and revegetation of disturbed areas may be required. This shall include construction necessary for all project improvements such as roads and utilities. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12.8, 1993.)

### **17.15.100 Fire sprinkling.**

Fire sprinkler systems may be required in projects pursuant to the applicable fire code. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.13.9, 1999; Ord. 66 § 6.12.9, 1993.)

### **17.15.110 High water table areas.**

1. Water Table Review. In areas that are known for the potential of ground water impacts, a ground water investigation shall be made by a geotechnical engineer and provided to the City for review with the final subdivision application to include the following:
  - a. What mitigation measures should be taken to assure that homes will be protected from potential ground water impacts, including a proposed method of ground water disposal to be reviewed and approved by the City Engineer or his/her designee.
  - b. The developer shall provide ground water information to each lot purchaser/owner and disclose the information on the plat.
  - c. Any proposed or existing drainage plans for high water table areas.
2. Drainage Systems. Ground water drainage systems, if required, shall be designed and installed in accordance with construction standards and specifications determined by the City Engineer. All drainage systems shall be extended to the outermost boundaries of the subdivision by the developer.
3. Existing Infrastructure. The developer shall install or replace, when required by the City, all sewer and water systems within a high water table area to eliminate or minimize possible damage to such systems.
4. Lot Restrictions in High Water Table Areas. The City may prohibit basements in high water table areas upon recommendation from the City Engineer. Sump pumps, French drains, or other like devices which drain into the sanitary sewer system are prohibited. Due to the high water tables in Francis City, basements are strongly discouraged. Plats in high water table areas shall have a warning printed on the plat stating that basements are strongly discouraged and that the City of Francis assumes no responsibility or liability for damage done by high water tables to basements. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12.10, 1993.)

## **Chapter 17.20 LOT IMPROVEMENTS AND ARRANGEMENT**

- 17.20.010 Double frontage lots and access to lots.**
- 17.20.020 Grading, drainage and seeding.**
- 17.20.030 Debris and waste.**
- 17.20.040 Fencing.**
- 17.20.050 Performance guarantee to include lot improvements.**
- 17.20.060 Roads and streets.**
- 17.20.070 Grading and improvement plan.**
- 17.20.080 Topography and arrangement.**
- 17.20.090 Ingress and egress.**
- 17.20.100 Blocks.**
- 17.20.110 Access to highway, arterial or collector streets.**
- 17.20.120 Road names.**
- 17.20.130 Road regulatory signs.**
- 17.20.140 Streetlights.**
- 17.20.150 General design standards.**
- 17.20.160 Road surfacing and improvement.**
- 17.20.170 Excess right-of-way.**
- 17.20.180 Intersections.**
- 17.20.190 Road dedications and reservations.**
- 17.20.200 Drainage and storm sewers.**
- 17.20.210 Accommodation of upstream drainage areas.**
- 17.20.220 Effect on downstream drainage areas.**
- 17.20.230 Areas of poor drainage.**
- 17.20.240 Floodplain areas.**
- 17.20.250 Dedication of drainage easements.**
- 17.20.260 Water rights and facilities.**
- 17.20.270 Existing system.**
- 17.20.280 Fire hydrants.**
- 17.20.290 Proof of water rights and facilities.**
- 17.20.300 Sewer facilities.**
- 17.20.310 Sidewalks, curbs, trails, and paths.**
- 17.20.320 Other utilities.**
- 17.20.330 Preservation of natural features and amenities.**

### **17.20.010 Double frontage lots and access to lots.**

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Administrative Land Use Authority may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways

shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials or collectors. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.13.1, 1993.)

#### **17.20.020 Grading, drainage and seeding.**

1. Final Grading. Topsoil should not be removed from residential lots or used as spoil, but should be redistributed to provide suitable soils for vegetation. Slope stabilization and erosion control, as determined necessary by the City Engineer, will also be required to be installed according to the approved specification.
2. Lot Drainage. Lots shall be laid out to provide positive drainage away from all buildings in accordance with the International Building Code and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed to avoid concentration of storm drainage water from any lot to adjacent lots
3. Landscaping and Revegetation. All lots should be revegetated to avoid erosion and improve the visual quality of the development. The Administrative Land Use Authority may impose planting requirements if deemed necessary. If revegetation is required, all lots shall be improved from the roadside edge of the right-of-way back to a distance of 20 feet behind the principal residence on the lot. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.13.2, 1993.)

#### **17.20.030 Debris and waste.**

Unless otherwise approved by the City Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy on a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.13.3, 1993.)

#### **17.20.040 Fencing.**

Each applicant shall be required to furnish and install fences when the Administrative Land Use Authority determines that a hazardous condition may exist. The fences shall be constructed according to standards to be established by the City Engineer and shall be noted as to height and material on the final plat or in the development agreement. No certificate of occupancy shall be issued until said fence improvements have been duly installed. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.13.4, 1993.)

#### **17.20.050 Performance guarantee to include lot improvements.**

The performance guarantee shall include an amount to guarantee completion of all requirements contained in this chapter, the supplemental regulations (Chapters 18.15 and 18.75 through 18.145 FCC) and in the regulations including, but not limited to, final grading, lot drainage, landscaping,

lawn-grass seeding, curb, gutter and sidewalk, removal of debris and waste, fencing, and all other lot improvements required by the Administrative Land Use Authority. Whether or not a certificate of occupancy has been issued, at the expiration of the performance guarantee, the City may enforce the provisions of the guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.13.6, 1993.)

#### **17.20.060 Roads and streets.**

All road and street layout and design is subject to approval of the City Engineer. All roads and streets in subdivisions shall meet the applicable requirements of the standards document available from the City Engineer. All subdivisions shall have frontage on and access to an existing public street. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14, 1993.)

#### **17.20.070 Grading and improvement plan.**

Streets shall be graded and improved in conformance with the Francis design standards, construction specifications and standard drawings as adopted and shall be approved as to design and specifications by the City Engineer. All road construction plans are required to be submitted with the preliminary subdivision application. Prior to final subdivision approval the City shall make the determination as to whether each street is to be public or private. Such status shall be shown on the plat.

If private streets are approved, they must be constructed to meet all requirements of public streets in case the City is required to maintain the streets in the future. Any private streets approved as part of a subdivision must be accompanied by a maintenance plan by which the homeowner's association (HOA) will operate. The developer shall be responsible for maintenance and snow plowing the private road(s) until such time that more than 75 percent of the lots have been built upon, at which point the HOA will assume full responsibility of the maintenance. (Ord. 2022-01 § 1 (Exh. A), 2022; Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.1, 1993.)

#### **17.20.080 Topography and arrangement.**

Roads shall be related appropriately to the topography. All streets shall be arranged to obtain as many building sites at, or above, the grades of the streets as possible. Grades of streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and revegetated. Steep grades and/or curves as well as large cut and fill sections will not be allowed. All cuts and fills shall conform to the requirements found in FCC 18.120.090(3) regardless of whether the subdivision is located in the sensitive lands overlay zone or not.

All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the general plan, streets master plan and zoning map. Streets shall be laid out to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Administrative Land Use Authority such an extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective safety protection, efficient provision of utilities, and where such continuation is in accordance with the streets master plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnout shall be provided on all temporary dead-end streets, with the notation on the final plat that land outside the normal street right-of-way shall revert to adjacent owners when the street is continued. The Administrative Land Use Authority may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Administrative Land Use Authority for access to adjoining property, its terminus shall normally not be nearer to such boundary than 50 feet. However, the Administrative Land Use Authority may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, snow removal/storage or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with construction standards and specifications. The length of the permanent and temporary dead-end streets shall be determined by the regulations relating to each individual zone found in Division II of FCC Title 18. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.2, 1993.)

#### **17.20.090 Ingress and egress.**

In order to provide adequate emergency access to and from the development and proper circulation, two points of ingress and egress will be required in all subdivisions with the following exceptions:

1. Any subdivision which cannot provide two points of ingress and egress shall be limited to no more than 12 residential lots or units.
2. Subdivision which will be served by more than one point of ingress and egress in the future may receive approval for more than 12 lots; provided, that no more than 12 units are constructed until a second point of ingress and egress is provided, and so indicated on the final plat. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.3, 1993.)

#### **17.20.100 Blocks.**

Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets,

or waterways. The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated. Block lengths in residential areas should not exceed 1,200 feet or 12 times the minimum lot width required in the zoning district, whichever is greater. When practicable, blocks along major arterials and collector streets shall not be less than 1,000 feet in length. In long blocks the Administrative Land Use Authority may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

Pedestrian ways or crosswalks, not less than 10 feet wide, may be required by the Administrative Land Use Authority through the center of blocks more than 800 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, trails, or other community facilities. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.4, 1993.)

#### **17.20.110 Access to highway, arterial or collector streets.**

Where a subdivision borders on or contains an existing or proposed highway, arterial or collector, the Administrative Land Use Authority may require that access to such streets be limited by one of the following means:

1. The subdivision lots back onto the highway, arterial or collector and front onto a parallel local street with no direct access to the primary arterial or collector, and screening provided by a strip of land along the rear property line of such lots.
2. A series of U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the highway, arterial or collector roadway. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.5, 1993.)

#### **17.20.120 Road names.**

The Administrative Land Use Authority shall inform the applicant of the preferred street names for all streets at the time of preliminary approval. The County shall be consulted prior to final approval. Names shall be sufficiently different in sound and in spelling from other road names in Summit County or Francis to eliminate confusion. A street which is or is planned as a continuation of an existing road shall bear the same name. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.6, 1993.)

#### **17.20.130 Road regulatory signs.**

The applicant shall erect or post acceptable guarantees ensuring placement of each road and safety signs required by the City Engineer. All road signs shall be installed before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within and abutting the subdivision, the type, design and location of which to be approved by the City Engineer. Street signs shall be designed according to City

specifications and standards. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.7, 1993.)

#### **17.20.140 Streetlights.**

Installation of streetlights may be required in accordance with Francis design and specification standards. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.8, 1993.)

#### **17.20.150 General design standards.**

In order to provide for roads in suitable locations, with proper width, and improvements to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road maintenance equipment, and to coordinate roads to compose a convenient system and avoid undue hardships to adjoining properties, the design standards for roads are hereby required to be in compliance with the Francis design standards, construction specifications, and standard drawings, and the streets master plan, as adopted, or determined by the City Engineer, or City Council.

Street grades may not exceed eight percent. Under special circumstances street grades up to 12 percent may be approved by the City Engineer. The City Engineer shall approve grades more than eight percent only when conditions are present which warrant that safety and economy of road maintenance can be secured.

Street widths for collector streets shall conform to the width requirement on the major street plan when a development falls in an area for which a major street plan has been adopted. For areas where a street plan has not been completed at the time the preliminary plat is submitted, streets shall be provided as follows:

1. The minimum street width for a local street shall be 30 feet and the minimum street right-of-way shall be 60 feet. Private streets shall meet the same standards.
2. The minimum street width for a collector street shall be 44 feet and the minimum street right-of-way shall be 70 feet. Private streets shall meet the same standards.
3. Cul-de-sacs shall have a maximum length as described in Division II of FCC Title 18 and in the adopted construction specifications. (Ord. 2022-08 § 1 (Exh. A), 2022; Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.9, 1993.)

#### **17.20.160 Road surfacing and improvement.**

After sewer and water and other applicable utilities have been installed by the developer, the applicant shall construct curbs and gutters (if required) and shall surface or cause to be surfaced roadways to the widths prescribed in FCC 17.25.150 and the Francis City design standards. Types of pavement shall be determined by the City Engineer. The minimum street grades shall be 0.3 percent and the maximum grade for roads in all zones shall be five percent. Adequate provision shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage

improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the City and shall be incorporated into the construction plans required to be submitted by the developer for plat approval. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.10, 1993.)

#### **17.20.170 Excess right-of-way.**

Right-of-way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography or other features such as irrigation ditches or other easements, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one, unless specifically approved by the City Engineer. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.11, 1993.)

#### **17.20.180 Intersections.**

Streets shall be laid out to intersect as near as possible at right angles. A proposed intersection of two new streets at an angle within 10 degrees of perpendicular is required. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least 100 feet. Not more than two streets shall intersect at any one point unless specifically approved by the Administrative Land Use Authority.

Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any intersections on the opposite side of the street. Street jogs with centerline offsets of less than 150 feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least 800 feet apart.

Minimum curb radius at the intersection of two local streets shall be at least 20 feet and minimum curb radius at an intersection involving a collector street shall be at least 25 feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having less than a two percent slope for a distance of 100 feet, measured from the nearest right-of-way line of the intersecting street.

Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

The cross-slopes on all streets, including intersections, shall be three percent or less. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.12, 1993.)

#### **17.20.190 Road dedications and reservations.**

Street systems in new subdivisions shall be laid out to eliminate or avoid new perimeter half-streets. The Administrative Land Use Authority may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width.

Where a subdivision borders an existing narrow road or when the general plan, streets master plan or zoning map indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate such areas for widening or realignment of such roads that are necessary and for the benefit of the subdivision. Frontage roads and streets shall be improved and dedicated at the applicant's expense to the full width as required by these subdivision regulations. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.14, 1993.)

#### **17.20.200 Drainage and storm sewers.**

The Administrative Land Use Authority may not approve any final subdivision application which does not make adequate provision for storm or flood water runoff. Plans shall be reviewed for compliance with the Francis design standards, construction specifications, and standard drawings or other standards as may be adopted. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the rational method, or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with construction plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded, catch basins shall be used to intercept flow. Surface water drainage patterns shall be shown for each and every lot and block.

The applicant may be required by the Administrative Land Use Authority, upon the recommendation of the City Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

Underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved outfall. Inspection of facilities shall be conducted by the City Engineer. If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer and Administrative Land Use Authority, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat.

No subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.15, 1993.)

#### **17.20.210 Accommodation of upstream drainage areas.**

Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The developer shall hire a qualified engineer to determine the necessary size of the facility based on the provisions of the construction standards and specifications assuming conditions of a 100-year storm event. The City Engineer must review and approve the design. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.15.1, 1993.)

#### **17.20.220 Effect on downstream drainage areas.**

The City Engineer shall also require the developer's engineer to study the effect of the subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff will overload an existing downstream drainage facility, the Administrative Land Use Authority may require the applicant to improve the facility in order to serve the subdivision with approval of the owner of the downstream drainage facility. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.15.2, 1993.)

#### **17.20.230 Areas of poor drainage.**

Whenever a plat is submitted for an area which is subject to flooding, the Administrative Land Use Authority, upon recommendation of the City Engineer, may approve the subdivision; provided, that the applicant fills the affected area of the subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of 12 inches above the elevation of the 100-year flood event, as determined by the City Engineer. The plat shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the City Engineer. Development in areas of extremely poor drainage will not be allowed. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.15.3, 1993.)

#### **17.20.240 Floodplain areas.**

The Administrative Land Use Authority may, upon recommendation of the City Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the 100-year floodplain of any stream or drainage course. These floodplain areas should be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Administrative Land Use Authority. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.15.4, 1993.)

#### **17.20.250 Dedication of drainage easements.**

Where a subdivision is traversed by a watercourse, drainage way, channel, river or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction adequate for the purpose.

Where possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

Where topography or other conditions make the inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the final plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated.

The applicant shall dedicate to the City, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Administrative Land Use Authority. Note: An open channel may require fencing with chain link fencing or equivalent, as determined by the Administrative Land Use Authority, for the safety, health and welfare of residents. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.15.5, 1993.)

#### **17.20.260 Water rights and facilities.**

Necessary action shall be taken by the applicant to extend or create a safe water supply system for the purpose of providing a water supply capable of providing domestic water use and fire protection. All improvements, whether on or off site, which provide direct benefit to the subdivision, shall be constructed and paid for by the developer. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.16, 1993.)

#### **17.20.270 Existing system.**

Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the state and City. All water mains shall conform with the adopted Francis City construction standard. Water main extensions and water facilities improvements shall be approved by the City Engineer and the Administrative Land Use Authority and only in areas that can be reasonably served. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.16.1, 1993.)

#### **17.20.280 Fire hydrants.**

Fire hydrants shall be required in all subdivisions. Fire hydrants shall be located no more than 500 feet apart; no home shall be more than 250 feet away from a fire hydrant. The locations of fire hydrants shall be approved by the South Summit Fire District and City Engineer. In some instances, the City may determine that due to wildland fire potential, hydrants will be required to be located closer than 500 feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements, shall be installed before any final paving of a street shown on the plat. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.17.4, 1999; Ord. 66 § 6.16.4, 1993.)

### **17.20.290 Proof of water rights and facilities.**

All applicants for a subdivision, as well as all applicants for a building permit for a new structure not located in a subdivision, shall transfer to the City ownership of net 0.45 acre feet of wet water for culinary use for each equivalent residential unit in the parcel or project. In addition, all applicants shall transfer to the City net three acre feet of wet water for irrigation of each one acre of land in the parcel or project unless there is a plat note restricting outdoor irrigation. For purposes of this total acreage calculation, the City shall exclude acreage to be covered by streets serving the project and shall exclude an average footprint acreage for each structure proposed for permanent human occupancy, based on average sizes of comparable structures on comparable lots located within the City.

Wet water is defined as water rights in quantity, quality, duration and availability as determined by the Utah State Engineer sufficient when converted to culinary use to meet the required amount. Availability is defined as the existence of a spring, well or other source proven capable of delivering actual water in the required amounts to the proposed lots.

If the applicant proposes to transfer the point of diversion of the water rights in question to one of the City's wells or other sources of wet water, the applicant must demonstrate all of the following:

1. That the State Engineer will approve of the change of point of diversion of the necessary quantity of water to such source; and
2. That such source has the necessary excess capacity to produce the required quantity of wet water.

If the City accepts a source of wet water which is not part of its current water system, the applicant shall be required to develop and improve such source to the point that it meets all Summit County, state of Utah and federal government requirements for a public culinary water system and the applicant shall be required to transfer to the City all such sources, improvements, distribution systems and all necessary land and easements reasonably necessary to connect such source and distribution system to the current City water system and to vest ownership in the City of such source, improvements and distribution system and permit ongoing servicing and upgrading of such system.

All such procedures and full vesting of ownership of all necessary water rights, improvements and land interests shall be approved as part of final approval and shall be completed prior to recording of the plat. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.16.5, 1993.)

### **17.20.300 Sewer facilities.**

The applicant shall install sanitary sewer facilities in the manner prescribed by the City construction standards and specifications. All plans shall be designed in accordance with current

City, state and EPA rules, regulations, and standards. Necessary action shall be taken by the applicant to extend sanitary sewer service for the purpose of providing sewerage facilities to the subdivision. Off-site requirements may be necessary to meet impacts imposed by the development on the City's sewer facilities.

Sanitary sewerage facilities shall connect with the public sanitary sewer at sizes required by the City and the City Engineer. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted in the part of the City serviced by the sewer system and within 300 feet or less of that system as measured from the subdivision property line closest to the system lines. Sanitary sewerage facilities (including the installation of laterals in the right-of-way and dedication of easements) shall be subject to the City specifications, rules, regulations, and guidelines and this title and FCC Title 18. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.17, 1993.)

#### **17.20.310 Sidewalks, curbs, trails, and paths.**

1. Location. Sidewalks, if required, shall be built pursuant to currently applicable City and state standards. Concrete curbs may be required for all roads where sidewalks are required by these regulations and run along roads or where required in the discretion of the Administrative Land Use Authority.
2. Trails and Paths. Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer in accordance with any state, county or local trail plan, and where otherwise necessary as determined by the Administrative Land Use Authority. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, and other significant natural features. Trails shall be built to City specifications and easements shall be dedicated for trails. The trails shall be constructed at the time of road construction, unless the Administrative Land Use Authority determines otherwise, in which case cash deposits shall be required pursuant to this title and FCC Title 18 for improvements. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.19.2, 1999; Ord. 66 § 6.18, 1993.)

#### **17.20.320 Other utilities.**

Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new subdivisions when underground location does not violate safety standards of the particular utility and underground location does not impose any potential additional maintenance burden on City streets and water/sewer personnel in the opinion of the City Council. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the subdivider and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the City Engineer.

A 10-foot utility easement shall be provided on the frontage of each lot, and a five-foot utility easement on the sides and rear of each lot in the subdivision for both private and municipal utilities. Proper coordination shall be established by the subdivider between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties.

Where topographical or other conditions make it impractical to include utilities within these easements, perpetual unobstructed easements at least 10 feet in width shall be provided with satisfactory access to the road. All easements shall be indicated on the plat. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.19, 1993.)

### **17.20.330 Preservation of natural features and amenities.**

Existing features which add natural value or historical amenities to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development which would be visible from prominent areas or vantage points, as defined in Chapter 18.120 FCC. Existing natural vegetation should also be retained as much as possible. Vegetation protection will be required during construction so that disturbance is limited. Existing features such as watercourses, rivers, irrigation works, wetlands, historic sites, critical meadowlands, important vistas, and other irreplaceable assets shall be preserved in the design of the subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The preliminary plat shall show the general number, size, and location of existing trees and indicate all those marked for retention. Any project falling within the sensitive lands area overlay zone may be subject to additional requirements and regulations as outlined in the sensitive lands regulations contained in Chapter 18.120 FCC. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.20, 1993.)

## **Chapter 17.25 PRE-APPLICATION MEETING**

### **17.25.010 Pre-Application Meeting.**

#### **17.25.010 Pre-Application Meeting.**

Prior to submitting a formal application for a subdivision, a prospective Applicant may request a meeting with City staff to obtain initial feedback and information. This meeting shall be optional, non-binding, and considered separate from and independent of the required subdivision review cycles.

1. If an applicant requests a pre-application meeting, the City shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
2. At the pre-application meeting, the staff shall provide or have available on the city website the following:
  - a. Copies of applicable land use regulations;
  - b. A complete list of standards required for the project;
  - c. Preliminary and Final Application checklists; and
  - d. Feedback on the concept plan.

## **Chapter 17.30 PROCESS FOR PRELIMINARY SUBDIVISION APPLICATION**

- 17.30.010 Complete Application.**
- 17.30.020 Review process and timing.**
- 17.30.030 Features to be shown on preliminary plat.**
- 17.30.040 Features to be shown on phasing plan.**
- 17.30.050 Features to be shown on construction plans.**
- 17.30.060 Zoning regulations.**
- 17.30.070 Effective period of preliminary approval.**

### **17.30.010 Complete Application.**

A preliminary subdivision application shall not be considered complete, and the first review cycle shall not begin until the Applicant has submitted the following items:

1. A completed Preliminary Subdivision Application as provided by the City.
2. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
3. A recent Title Report (dated no more than 30 days from the time of application) covering the proposed subdivided property identifying ownership, easements of record, liens or other encumbrances, and verifies payment of taxes and assessments.
4. A pdf file and full-size paper copy (if requested) of the preliminary plat. The preliminary plat must be prepared by a land surveyor or engineer, licensed to practice in the state of Utah, at a scale of not more than one-inch equals 100 feet.
5. A pdf file and full-size paper copy (if requested) of the construction plans. The construction plans must be prepared by a licensed surveyor or engineer, licensed to practice in the state of Utah.
6. For phased developments, a pdf file and full-size paper copy (if requested) of the phasing plan. The phasing plan must be prepared by a land surveyor or engineer, licensed to practice in the state of Utah.
7. For phased developments, conservation subdivisions, and other developments as required by the City Council, or as requested by the Applicant, an approved development agreement.
8. For conservation subdivisions, submit a draft of the maintenance plan for conservation lands (see Francis City Code 17.60.55).
9. Payment of fees as stated in the City's current adopted Fee Schedule.

The Applicant will be given written notice when the City determines that the preliminary subdivision application is complete and has been accepted for review.

**17.30.020 Review process, timing, and appeal.**

1. Review Cycles: There shall be no more than four (4) total review cycles. The first review cycle begins when the City Planner and City Engineer determine that a Complete Application has been submitted. A review cycle means the occurrence of:
  - a. The Applicant's submittal of a Complete Application to the Administrative Land Use Authority.
  - b. The Administrative Land Use Authority's review of the subdivision application.
  - c. The Administrative Land Use Authority's Response to the subdivision application.
  - d. The Applicant's Reply to the Administrative Land Use Authority's Response addressing each of the required modifications or requests for additional information.
  
2. Review Cycle Exceptions:
  - a. Additional Review Cycle(s): May be required when a modification or correction is necessary to protect public health and safety or to enforce state or federal law when a change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phase plan that adjusts infrastructure needed for the specific development.
  - b. Other Land Use Applications: The review cycle applies only to single family, townhome, and twin-home land use applications. Review times and cycles may vary for multifamily, commercial, industrial, institutional, and other non-residential land use applications.
  - c. Geological Hazard Areas: The restrictions and requirements of the review cycle do not apply to the review of subdivision applications affecting property within identified Geological Hazard Areas.
  
3. Requirements from Review: In reviewing the preliminary subdivision application, the Administrative Land Use Authority may require:
  - a. Additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements; and
  - b. Modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

4. Public Land Dedications: Before the Administrative Land Use Authority approves a preliminary plat showing land for public use (other than proposed public streets) proposed to be dedicated to the City, the Administrative Land Use Authority shall obtain approval of the park or land reservation from the City Council. If the project involves a conservation type easement, the Administrative Land Use Authority must receive approval or comments from the City Council and the City Attorney or an approved land trust involved in the transaction.
5. Timing: No later than thirty (30) business days after the City determines a Complete Application was submitted, and after the start of each review cycle, the Applicant shall receive the Administrative Land Use Authority's Response. If the Applicant does not submit a revised Subdivision Improvement Plan within forty (40) business days after the Administrative Land Use Authority Response, the Administrative Land Use Authority shall have an additional twenty (20) business days to respond.
6. Additional Reviews: After the Applicant has responded to the fourth review cycle, and the Applicant has complied with each modification requested in the Administrative Land Use Authority's previous review cycle, no additional reviews are required if the Applicant has not materially changed the plan – other than those changes in response to the requested modifications or corrections.
7. Public Hearing: A public hearing before the Planning Commission will not be held for preliminary subdivision applications for single family, townhome, and twin-home land use applications. A public hearing may be held for other types of subdivision applications, at the discretion of the City Planner.
8. Approval: If a preliminary subdivision application complies with the applicable City Ordinances including the requirements of this Title and Title 18, the Administrative Land Use Authority shall approve the preliminary subdivision application at a meeting of the Planning Commission.
9. Request for Decision or Appeal: If, on the fourth or final review of the preliminary subdivision application, the Administrative Land Use Authority fails to respond within the time frame, the property owner may request:
  - a. A decision to approve or deny the preliminary subdivision application. The Administrative Land Use Authority must respond to this request within 10 business days after the day on which the request is received.
  - b. That an appeals panel be assembled to review and approve or deny the preliminary subdivision application when there is a dispute arising from the Subdivision Improvement Plans. The panel must be assembled within 10 business days after the day on which the request is received.
  - c. That the Applicant be advised, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority when

there is a dispute arising from the Subdivision Ordinance Review. The Administrative Land Use Authority must respond to this request within 10 business days after the day on which the request is received.

10. Appeal Panel: If a property owner requests an appeal when there is a dispute arising from the Subdivision Improvement Plans, within 10 business days, the City shall assemble an appeal panel consisting of one (1) licensed engineer designated by the City, one (1) licensed engineer designated by the Applicant, and one (1) licensed engineer agreed upon and designated by the engineers selected by the City and the Applicant. No member of the panel may have any interest in the application that is the subject of the appeal. The Applicant shall pay fifty percent (50%) of the cost of the appeal review and the City's fee as stated in the current adopted Fee Schedule. The decision by the appeal panel shall be final, subject to a petition being filed within thirty (30) days of the decision in the District Court.

### **17.30.030 Features to be shown on preliminary plat.**

The preliminary plat must be prepared by a land surveyor or engineer, licensed to practice in the state of Utah, at a scale of not more than one-inch equals 100 feet. The preliminary plat shall be in compliance with the requirements of this Title and Title 18.

The preliminary plat shall, at a minimum, show the following:

1. The date of the map, approximate true north point, scale, and name of the subdivision.
2. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of adjoining developments, the names of adjoining streets, and the location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
3. The location of existing streets, easements, wetlands, water bodies, rivers, water sources, streams, irrigation systems and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Administrative Land Use Authority.
4. All irrigation company ditches, irrigation structures, and accompanying maintenance access dimensions on the property, if any.
5. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way.
6. The location, dimensions, and areas of all proposed or existing lots complete with utility easements, lot numbers, acreage or square footage of each lot or parcel, and building setback lines. All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.

7. The location and dimensions of all property proposed to be set aside for park or playground use, trails, and other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation.
8. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
9. Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines which would enable the engineer to reproduce the lines upon the ground, and the location of all proposed monuments.
10. Proposed street names.
11. Indication of the use of all lots or parcels whether single-family, multifamily, agricultural, commercial, open space as well as all uses other than those specified that are proposed by the subdivider.
12. All information required by the Administrative Land Use Authority after review of the preliminary subdivision application.
13. Explanation of drainage and site easements, if any.
14. Explanation of reservations and conservation easements, if any.
15. Owner's dedication and consent to record as required by applicable state law.
16. Signature blocks for endorsement by the Planning Commission Chair, Mayor, City Engineer, City Attorney, current South Summit Fire District, South Summit School District, utility companies, applicable irrigation company(s) and any other signatures required by the Administrative Land Use Authority.
17. A plan designating limits of disturbance or building pads, if required, and utilities corridors and connections for each parcel and for subdivision improvements, such as utilities and roads.
18. If the plan does not include all contiguous property of the owner of the subdivision, an indication of future use of the additional property.
19. Indication of the nearest location of all public and private utilities.
20. Indication of all slopes greater than 25 percent.
21. A vegetation or revegetation plan if required herein.

22. The location and actual setbacks of existing structures within the preliminary plat boundaries, and a notation as to whether the existing structures will remain or be demolished.

#### **17.30.040 Features to be shown on phasing plan.**

The phasing plan shall be prepared by a land surveyor or engineer, licensed to practice in the state of Utah. The phasing plan shall be in compliance with the requirements of this Title and Title 18. A phasing plan must demonstrate that approval of the project in multiple phases can occur such that the project can still function autonomously if subsequent phases are not completed. Therefore, the phasing plan application must demonstrate that sufficient property, water rights, roads, sensitive lands protection, and open space are proposed with the first phase to allow the project to function without subsequent phases.

The phasing plan shall, at a minimum, show the following:

1. The date of the map, approximate true north point, scale, and name of the subdivision.
2. The location of property with respect to surrounding property and streets, the names of adjoining streets, and the location and dimensions of all boundary lines of the property.
3. The location of existing streets, easements, wetlands, water bodies, rivers, water sources, streams, irrigation systems and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Administrative Land Use Authority.
4. All irrigation company ditches, irrigation structures, and accompanying maintenance access dimensions on the property, if any.
5. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way. Proposed street names are optional.
6. Proposed street names.
7. The location of all proposed lots with lots numbered and approximate acreage or square footage of each lot. All lots in each block shall be consecutively numbered.
8. The location of all property proposed to be set aside for park or playground use, trails, or other public or private reservations and open space dedications.
9. Phasing plan of proposed lots (generally color-coded on map), construction sequence, and expected timeline of phasing.
10. Explanation of drainage and site easements, if any.

11. All utility facilities existing and proposed throughout the subdivision.
12. Indication of the nearest location of all public and private utilities.
13. Indication of all slopes greater than 25 percent.
14. The location and actual setbacks of existing structures within the preliminary plat boundaries, and a notation as to whether the existing structures will remain or be demolished.
15. A table which details the density calculations for the plan, to include total acreage of plan, total acreage of lots, total acreage of streets, total acreage of open space, etc. and percentages of these items to the total acreage.

**17.30.050 Features to be shown on construction plans.**

Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one-inch equals 50 feet, and map sheets shall be of the same size as the preliminary plat. The construction plans shall be in compliance with the requirements of this Title and Title 18.

The following features, at a minimum, shall be shown:

1. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within 100 feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
2. The Administrative Land Use Authority may require, upon recommendation by the City Engineer, where steep slopes exist, that typical cross sections of all proposed streets be shown.
3. Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitudes, rights-of-way, manholes, and catch basins; the locations of street trees, streetlights, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections to any existing or proposed utility systems, and exact location, shut-off valves and size of all water, gas, or other underground utilities or structures.
4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies or impoundments, streams, and other pertinent features such as swamps, wetlands, buildings, features noted on the official zoning map, at the point of connection to proposed facilities and utilities within the subdivision, and each tree or group of trees to be preserved. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or

streams. All elevations shall be referred to the City Engineer's or USGS datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than 20 feet back from the ordinary high-water mark of such waterways.

5. Topography at the same scale as the preliminary plat with a contour interval of five feet, referred to sea-level datum. All datum provided shall be the latest applicable U.S. Geodetic Survey datum and should be so noted on the plat.
6. All other specifications, details, and references required by the design standards, construction specifications, and standard drawings, including a site grading plan for the entire subdivision.
7. Notation of approval by the owner, city engineer and all utility providers.
8. Title, name, address, signature, and seal of the licensed engineer preparing the plans, and date, including revision dates.
9. A limit of disturbance and revegetation plan.
10. Signature blocks for the City Engineer and the applicant's engineer and surveyor.

#### **17.30.060 Zoning regulations.**

Every plat and plan shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any preliminary subdivision application which has received approval shall be exempt from any subsequent amendments to this title or FCC Title 18 rendering the application nonconforming as to bulk or use, provided the final approval is obtained within the two-year period.

#### **17.30.070 Effective period of preliminary subdivision application approval.**

The approval of a preliminary subdivision application shall be effective for a period of two years at the end of which time final approval of at least one phase of the subdivision must have been obtained from the City. Any application not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application subject to all new review requirements, zoning restrictions and subdivision regulations that may be in effect. Upon request of the Applicant, the City Council may extend the approval, if deemed appropriate, for a specified length of time.

## **Chapter 17.35 PROCESS FOR FINAL SUBDIVISION APPLICATION**

- 17.35.010 Complete Application.**
- 17.35.020 Review process and timing.**
- 17.35.030 Final plat revisions.**
- 17.35.040 Features to be shown on final plat.**
- 17.35.050 Dedications.**
- 17.35.060 Outstanding obligations.**
- 17.35.070 Vested rights.**
- 17.35.080 Signing and recording of final plat.**
- 17.35.090 Expiration of approval.**

### **17.35.010 Complete Application.**

A final subdivision application shall not be considered complete, and the review cycle shall not begin until the Applicant has submitted the following items:

1. A completed Final Subdivision Application as provided by the City.
2. A pdf file and full-size paper copy (if requested) of the final plat. The final plat must be prepared by a land surveyor or engineer, licensed to practice in the state of Utah, and certified on the plat. It must be drawn to a scale of not more than one-inch equals 100 feet.
3. For conservation subdivisions:
  - a. Submit a draft of the conservation easement or other method of protection and preservation of conservation lands (Francis City Code 17.60.045)
  - b. In the case of the HOA holding the conservation easement, submit a description of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for the conservation land, including restrictive covenants for the subdivision as required by Francis City Code 17.60.050.
  - c. Submit a final draft of the maintenance plan (Francis City Code 17.60.55).
4. For projects which include moderate income housing, submit a signed moderate income housing agreement in accordance with Francis City Code 17.55.
5. Payment of fees as stated in the City's current adopted Fee Schedule.

The Applicant will be given written notice when the City determines that the final subdivision application is complete and has been accepted for review.

### **17.30.020 Review process and timing.**

1. Review Cycles: There shall be one review cycle. It begins when the City Planner and City Engineer determine that a Complete Application has been submitted. A review cycle means the occurrence of:
  - a. The Applicant's submittal of a Complete Application to the Administrative Land Use Authority.
  - b. The Administrative Land Use Authority's review of that subdivision application.
  - c. The Administrative Land Use Authority's Response to the subdivision application.
  - d. The Applicant's Reply to the Administrative Land Use Authority's Response that addresses each of the required modifications or requests for additional information.
2. Review Cycle Exceptions:
  - a. Additional Review Cycle(s): May be required when a modification or correction is necessary to protect public health and safety or to enforce state or federal law when a change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phase plan that adjusts infrastructure needed for the specific development.
  - b. Other Land Use Applications: The review cycle applies only to single family, townhome, and twin-home land use applications. Review times and cycles may vary for multifamily, commercial, industrial, institutional, and other non-residential land use applications.
  - c. Geological Hazard Areas: The restrictions and requirements of the review cycle do not apply to the review of subdivision applications affecting property within identified Geological Hazard Areas.
3. Requirements from Review: In reviewing the final subdivision application, the Administrative Land Use Authority may require:
  - a. Additional information relating to an applicant's submittals to ensure compliance with City ordinances; and
  - b. Modifications to submittals that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
4. Timing: No later than thirty (30) business days after the City determines a Complete Application was submitted the Applicant shall receive the Administrative Land Use Authority's Response.

5. Public Hearing: No public hearings shall be held for final subdivision applications for single family, townhome, and twin-home land use applications. A public hearing may be held for other types of subdivision applications, at the discretion of the City Planner.
6. Approval: If a final subdivision application complies with the applicable City Ordinances including the requirements of this Title and Title 18 and the preliminary subdivision approval, the Administrative Land Use Authority shall approve the final subdivision application.
7. Request for Decision or Appeal: If the Administrative Land Use Authority fails to respond within the time frame, the property owner may request:
  - a. A decision to approve or deny the final subdivision application. The Administrative Land Use Authority must respond to this request within 10 business days after the day on which the request is received.
  - b. That the Applicant be advised, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority. The Administrative Land Use Authority must respond to this request within 10 business days after the day on which the request is received.
8. Notify Geospatial Resource Center: Within thirty (30) days after approving a final plat, the municipality shall submit an electronic copy of the final approved plat to the Utah Geospatial Resource Center for inclusion in the unified statewide 911 emergency services database.

#### **17.35.030 Final plat revisions.**

All revision dates must be shown as well as notation of any self-imposed restrictions. If any revision is included on the final plat which was not present on the preliminary plat or a requirement of approval by the Administrative Land Use Authority, it is the applicant's responsibility to inform the City of the changes. Failure to inform the City of revisions not present on the preliminary plat or a requirement of approval may result in a decision to deny the final subdivision application.

#### **17.35.040 Features to be shown on final plat.**

The following list of features is intended to be as complete as possible. However, the applicant is responsible for including all features required by this Title and FCC Title 18.

The final plat shall comply in all respects with the preliminary plat, as approved. The final plat shall be drawn to scale no smaller than one-inch equals 100 feet and, at a minimum, shall show the following:

1. All the requirements of the preliminary plat.

2. Blocks for the names and stamps of the engineer and/or surveyor of the subdivision. An owner's dedication block.
3. Signature lines for the Mayor, Planning Commission Chair, City Engineer, City Attorney, current South Summit Fire District, South Summit School District, utility companies, applicable irrigation company(s) and other signatures required by the Administrative Land Use Authority.
4. A boundary description. All existing survey monuments and survey monuments to be installed with the construction of the subdivision shall be shown and properly labeled and referenced.
5. All easements of record shall be shown on the final plat.
6. All lot numbers and addresses. All bearings, distances, and curve data for all lot lines, street center lines, right-of-way lines, etc.
7. All public utility easements as required by the Administrative Land Use Authority.
8. A vicinity map showing the location of the subdivision in relationship to the City.
9. Any notices to purchasers required by the Administrative Land Use Authority.
10. Dedicate a cluster mailbox sight on plat map.
11. Any notes required by the City Engineer.

**17.35.050 Dedications.**

At the time of final plat approval, all dedications shall be completed accompanied by all formal irrevocable offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the City Attorney. A title report issued no more than 30 calendar days prior to recording the plat shall accompany the submitted final mylar plat.

**17.35.060 Outstanding obligations.**

At the time of recording the plat, the applicant shall provide a report from the County Treasurer showing evidence that all property taxes are current and that no other debts or obligations are outstanding and no liens are placed on the property. Furthermore, all review fees owed to the City shall be paid in full prior to final subdivision approval.

**17.35.070 Vested rights.**

Vesting for purposes of zoning occurs upon the filing of a complete application as provided in FCC 18.05.130. All requirements, conditions, or regulations adopted by the Planning

Commission and City Council applicable to the subdivision or to all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat.

**17.35.080 Signing and recording of final plat.**

The Chair of the Planning Commission and the Mayor, and all others required by City code, will sign a reproducible mylar original of the final plat. It shall be the responsibility of the City Recorder to file the original mylar plat with the County Recorder within 30 calendar days of the date of signature.

**17.35.090 Expiration of approval.**

Any plat not recorded within two years of final approval by the Administrative Land Use Authority shall be null and void, and the developer shall be required to resubmit a new preliminary subdivision application subject to all new review requirements, zoning restrictions and subdivision regulations that may be in effect.

The City Council may, in its sole discretion, grant the applicant an extension of this deadline, for good cause shown, if application is made prior to expiration of the deadline. The City Council may condition its granting of the extension on specific requirements set by the City Council in its sole discretion.

## **Chapter 17.40 IMPROVEMENTS**

### Article I. Assurance for Completion and Maintenance of Improvements

**17.40.010 Dedication of improvements.**

**17.40.020 Performance guarantees.**

**17.40.030 Temporary improvements.**

**17.40.040 Costs of improvements.**

**17.40.050 Acceptance of dedication offers.**

### Article II. Inspection of Improvements

**17.40.060 General procedure and fees.**

**17.40.070 Release or reduction of performance guarantee.**

### Article III. Maintenance of Improvements

**17.40.080 Prior to completion.**

**17.40.090 Warranty after acceptance and dedication.**

## **Article I. Assurance for Completion and Maintenance of Improvements**

### **17.40.010 Dedication of improvements.**

Before the final plat is signed by the Chair of the Planning Commission and the Mayor, all applicants shall be required to dedicate all applicable public improvements to the City as well as any water right transfers, conservation easements or dedications of public lands to land trusts, free and clear of all liens and encumbrances on the property and public improvements thus dedicated. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.23.1, 1993.)

### **17.40.020 Performance guarantees.**

The applicant shall post an acceptable guarantee when the final subdivision application is submitted in an amount estimated by the City Engineer and Public Works Director as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the required improvements. The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall also secure all lot improvements on the individual lots of the subdivision as may be required. Such performance guarantee shall comply with all City policies and statutory requirements of Utah Code and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in this title or FCC Title 18.

The period within which required improvements must be completed shall be specified by the Administrative Land Use Authority in the letter approving the final subdivision application and shall be incorporated in the guarantee and shall not in any event exceed two years from the date of final approval. Such guarantee shall be approved by the City Council and City Engineer with satisfactory surety and conditions. The City Council may extend the completion date set forth in such guarantee for a maximum period of one additional year. The City Council may at any time

during the period of such guarantee accept a substitution of principal or sureties. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.23.2, 1993.)

#### **17.40.030 Temporary improvements.**

The applicant shall build and pay for all costs of temporary improvements required by the City and shall maintain them for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate suitable guarantee, in accordance with this title or FCC Title 18, for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained, and removed. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.23.3, 1993.)

#### **17.40.040 Costs of improvements.**

All on-site or project-specific improvements required to provide adequate public facilities in order to provide service to a subdivision at acceptable level of service standards shall be made by the applicant, at their expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.23.4, 1993.)

#### **17.40.050 Acceptance of dedication offers.**

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by the signature of the Mayor on the plat. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.23.5, 1993.)

### **Article II. Inspection of Improvements**

#### **17.40.060 General procedure and fees.**

The City Engineer or Building Official shall provide inspection of required improvements during construction and insure their satisfactory completion. The applicant shall, in accordance with the City fee schedule, pay to the City an inspection fee and the final plat shall not be signed by the Chair of the Planning Commission or Mayor unless the fees have been paid pursuant to the escrow account procedures set forth in this chapter (refer to FCC 17.05.100). These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.24.1, 1993.)

#### **17.40.070 Release or reduction of performance guarantee.**

Subject to the maintenance provisions contained in this title and FCC Title 18, the City will not accept dedication of required improvements, or release or reduce a performance guarantee, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" survey plats of the subdivision indicating location, dimensions, materials, improvements and other information required by the City Engineer, that the layout of the line and grade of all public improvements is in accordance with the City-approved construction plans for the subdivision. Upon such approval and recommendation, the City shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

A performance guarantee may be reduced upon actual completion and acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance guarantee be reduced below 25 percent retainage of the principal amount until total completion. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.24.2, 1993.)

### **Article III. Maintenance of Improvements**

#### **17.40.080 Prior to completion.**

The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until over 50 percent of the lots within the subdivision are occupied. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.26.1, 1993.)

#### **17.40.090 Warranty after acceptance and dedication.**

The applicant shall be required to file a maintenance guarantee with the City, prior to acceptance, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one year after the date of their acceptance by the City and dedication of same to the City. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 6.26.2, 1993.)

## **Chapter 17.45 BUILDING PERMITS**

### **17.45.010 Issuance of building permits and certificates of occupancy.**

#### **17.45.010 Issuance of building permits and certificates of occupancy.**

No building permits shall be issued for any lots in a subdivision until an all-weather road and fire protection improvements have been inspected and approved by the City Engineer.

No certificates of occupancy for any structures in a subdivision shall be issued until the required subdivision improvements have received a satisfactory final completion inspection by the City Engineer.

## **Chapter 17.55 MODERATE INCOME HOUSING**

### **17.55.010 Purpose.**

### **17.55.020 Definitions.**

### **17.55.030 Standards.**

### **17.55.040 Residential developments.**

### **17.55.050 Process.**

#### **17.55.010 Purpose.**

To provide affordable housing to the citizens of Francis City and to accomplish the goals of the moderate income housing element of the Francis City general plan. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2020-07 § 1 (Exh. A), 2020; Ord. 2016-09 § 1, 2016; Ord. 2008- § 6.30, 2008; Ord. 66 § 6.30, 1993.)

#### **17.55.020 Definitions.**

“Affordable” is defined as the ability of a household to occupy a dwelling unit paying no more than 30 percent of the household’s gross income for housing costs, including utilities.

“Area median income (AMI)” is defined as the median household income for a household in Eastern Summit County.

“Moderate income housing” is defined as owner-occupied dwelling units that are offered for sale at a rate that is affordable to those households having incomes that are 81 to 120 percent of the AMI. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2020-07 § 1 (Exh. A), 2020.)

#### **17.55.030 Standards.**

1. The provisions of this section may apply to (each “development”):
  - a. Large single-family subdivisions (50 lots or more);
  - b. Multiple-family developments (25 units or more);
  - c. Conservation subdivision developments; and
  - d. Mixed-use developments.
  
1. A development meeting the criteria in subsection (1) of this section, as an incentive to provide moderate income housing as part of the development, may exceed what would otherwise be the maximum allowed number of dwelling units with one bonus market rate unit for each moderate income housing dwelling unit included in the project, up to five bonus units. The bonus density in this section may not be combined with bonus density given for multifamily developments as outlined in FCC 18.58.020 or city center residential mixed use as outlined in FCC 18.57.070. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2020-07 § 1 (Exh. A), 2020.)

#### **17.55.040 Residential developments.**

New residential developments in the R-H (half acre residential), R-C (residential cottage zone), CC (city center zone) or R-M (multifamily residential) zoning districts are encouraged to provide moderate income housing units as part of the project. Projects including moderate income housing units may apply for the following density bonuses:

1. Those lots in a new single-family conventional subdivision which are proposed to contain moderate income housing dwelling units may be reduced in area by up to 20 percent of the minimum lot size and frontage of the underlying zoning district. Reduced lot size and frontage applies only to lots on which moderate income housing dwelling units will be built.
2. The density bonus shall be used to include moderate income housing dwelling units as a part of a larger development, as a means of avoiding concentrating such housing in any given area of the subdivision and/or the City.
  - a. The moderate income housing dwelling units shall be of a similar size and scale as the rest of the development's units.
  - b. The moderate income housing dwelling units or lots shall be built in conjunction with the rest of the project and built before 50 percent or ratable of the development is completed.
  - c. The moderate income housing dwelling units shall be dispersed throughout the development without being built on adjacent lots or clustered in one part of the development. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2020-07 § 1 (Exh. A), 2020.)

**17.55.050 Process.**

1. Prior to approval of the final subdivision application for any dwelling unit in a development for which density bonus units have been awarded, the developer shall enter into a moderate income housing development agreement with Francis City that identifies which lots are intended to be the moderate income housing units, identifies the builder of each moderate income housing dwelling unit, and guarantees for 30 years their continued use and availability to households that qualify for moderate income housing by means of a deed restriction or other means.
2. The terms and conditions of the agreement shall run with the land, be noticed to title, shall be binding upon the successor in interest of the developer, and shall be recorded in the office of the Summit County Recorder.
3. The deeds to the designated units shall state that the developer or his/her successor in interest shall confirm the continued use of the designated units for households that qualify for moderate income housing. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2020-07 § 1 (Exh. A), 2020.)

## **Chapter 17.60 CONSERVATION SUBDIVISION**

- 17.60.005 Definitions.**
- 17.60.010 Purpose.**
- 17.60.015 Applicability.**
- 17.60.020 Process.**
- 17.60.025 Dimensional standards.**
- 17.60.030 Design standards.**
- 17.60.035 Use regulations.**
- 17.60.040 Conservation land and design standards.**
- 17.60.045 Permanent protection of conservation lands.**
- 17.60.050 Ownership of conservation lands.**
- 17.60.055 Maintenance of conservation lands.**

### **17.60.005 Definitions.**

“Conservation subdivisions” are subdivisions that preserve 30 to 60 percent of undivided, buildable tracts of land as communal open space for residents. Land to be conserved is first identified and buildable lots are identified after the open space requirements are met.

“Open space” is defined as a portion of a development site that is permanently set aside for public or private use and that will not be developed.

- a. Open space shall not be satisfied by any areas contained within a designated building lot, P.U.E., land proposed to be devoted to vehicular streets or roads, parking, and drives.
- b. Open space is required along major collector roads and to give a buffer to development.
- c. Sensitive lands, as defined elsewhere in this title, may be counted as open space, provided the lands also satisfy the other characteristics of open space set forth herein and shall be protected by the proposed development agreement.
- d. Development alterations of any sensitive lands shall be prohibited except as allowed and defined elsewhere in this title.
- e. Open space shall be planned and designed to encourage and promote its proper use, care and ongoing maintenance. Specifics of vegetation, landscaping, amenities, improvements, recreational facilities, etc., within the open space shall be proposed by the applicant, approved by the Planning Commission and City Council, and then set forth in detail in the development agreement for the project. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2018-06 § 1 (Exh. A), 2018.)

### **17.60.010 Purpose.**

The purpose of this chapter is to:

1. Encourage the preservation of open land for its scenic beauty and to enhance open space, forestry, agricultural and recreational use.

2. Provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences.
3. Provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce the length of roads, utility easements, and the amount of paving required for residential development.
4. Encourage innovation and promote flexibility, economy and ingenuity in development.
5. Preserve the natural environment, including those areas containing natural features such as meadows, streams, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, and open space.
6. Protect areas of Francis City with productive agricultural land by conserving blocks of land large enough to allow for viable farm operations.
7. Protect sensitive lands, including those areas containing sensitive and undevelopable features such as steep slopes, floodplains and wetlands. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2018-06 § 1 (Exh. A), 2018.)

#### **17.60.015 Applicability.**

The option to develop property as a conservation subdivision is voluntary and provided to developers as an alternative to the development of property pursuant to other provisions of this title. The intent of this chapter is to encourage the creation and development of flexibly designed open space subdivisions. Conservation subdivisions may be developed within the AG-2, AG-1 and R-H zones. Conservation subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this chapter and the general design standards for subdivisions as contained in this title and with all other applicable subdivision ordinances and zoning regulations of Francis City. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2018-06 § 1 (Exh. A), 2018.)

#### **17.60.020 Process.**

Applications for a conservation subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in this title, including pre-application meeting (if desired), preliminary and final subdivision applications and any additional procedural requirements set forth in this chapter, including, but not limited to, submission of a subdivision yield plan and development agreement.

A subdivision yield plan would exhibit the base density allowed in the underlying zone. Open space will account for any area that is deemed as wetlands, irrigation ditches, waterways, floodplains and steep slopes. Each application for a conservation subdivision shall demonstrate that these four design steps were followed by their site designers in determining the layout of their proposed streets, home sites, and open space.

1. Designation of Open Space and Conservation Areas (Primary and Secondary).
  - a. Primary conservation areas may include bodies of water, easements, floodplains, steep slopes, soils, waterways, wetlands, wooded areas, etc.
  - b. Secondary conservation areas may include buffers, historic components, landmarks, prime views, public vistas, etc., as determined by the Administrative Land Use Authority, Planning Commission and City Council.
2. Location of Building Sites. Home sites should be clustered and located not closer than 50 feet to wetland areas.
3. Street and Lot Layout. Alignment of proposed streets should provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be in a way that avoids or minimizes adverse impacts on open space.
4. Lot Lines. These are generally drawn midway between house locations. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2018-06 § 1 (Exh. A), 2018.)

**17.60.25 Dimensional standards.**

1. Density. The permitted density for development within a conservation subdivision shall be determined in accordance with the development incentive chart below. The percentage increases noted as the “multiplier” in the chart are percentage increases from the base density identified in the approved subdivision yield plan for the proposed development.

The permitted maximum density allowed in a development that is subject to the open space requirements of this chapter shall be calculated by dividing the total density-qualifying acreage of the project by the minimum lot size requirement of the zone in which the development is located and then adding any density additions or bonuses allowed by this title.

Townhomes will be allowed at up to 25 percent of the total number of units shown on the approved preliminary plat. For each townhome approved within the conservation subdivision, a unit in the development must be deed restricted to provide moderate income housing per Chapter 17.55 FCC.

**Development Incentive Chart**

<b>Zone</b>	<b>Typical Lot Area</b>	<b>Lot sizes shall vary with a min. of 7,000 sq. ft.</b>	<b>Required Open Space</b>	<b>Incentive Multiplier</b>
AG-2	2 acres	7,000 sq. ft.	60%	20%
AG-1	1 acre	7,000 sq. ft.	50%	15%
R-H	0.5 acre	7,000 sq. ft.	30%	10%

## 2. Lot Requirements.

- a. **Street Frontage.** The minimum street frontage for lots within a conservation subdivision shall be a minimum of 70 feet from the property line, except along the circumference of a cul-de-sac improved to City standards where a minimum of 35 feet may abut the street.
- b. **Front Setback.** The developer shall designate the building pads for main buildings in a conservation subdivision. Front setbacks shall be a minimum of 20 feet from the property line.
- c. **Rear Setback.** The minimum rear yard setback for main buildings within a conservation subdivision shall be 20 feet from the property line.
- d. **Side Setback.** The minimum side yard setback for main buildings within a conservation subdivision shall be 10 feet from the property line.
- e. **Side Corner Setback.** The minimum side corner setback for main buildings within a conservation subdivision shall be 20 feet from the property line in compliance with clear vision standards. (Ord. 2022-04 § 1 (Exh. A), 2022; Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2018-06 § 1 (Exh. A), 2018.)

### **17.60.030 Design standards.**

1. **Individual Lots.** Individual lots in conservation subdivisions shall be laid out pursuant to the dimensional standards set forth in FCC 17.60.025. Individual residential lots shall not encroach upon or contain any of the required minimum designated conservation land for the subdivision.
2. **Buffer from Road.** All new dwellings shall be arranged and located a minimum of 100 feet from all external roads.
3. **Conservation Lands.** Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership and maintenance of conservation land within a conservation subdivision shall be in compliance with all provisions contained herein.
4. **Sensitive Lands.** Restrictions and regulations regarding the preservation, protection, ownership and maintenance of sensitive lands within a conservation subdivision shall be in compliance with this chapter. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2018-06 § 1 (Exh. A), 2018.)

### **17.60.35 Use regulations.**

Subdivision. Subject to use and development restrictions of sensitive lands, open land within conservation subdivisions may be used for the following purposes:

Permitted Uses:

1. Conservation of open land in its natural state; i.e., meadow, grassland, trees, farmland, etc.

2. Agricultural and horticultural uses, including raising crops that support an active, viable agricultural or horticultural operation.
3. Pastureland for sheep, cows and horses, excluding commercial livestock operations involving swine, poultry and mink.
4. Noncommercial outdoor equestrian facilities.
5. Underground utility easements for drainage, access, sewer or water lines, or other public purposes.
6. Above-ground utility and street rights-of-way may traverse conservation land, provided areas encumbered by such facilities and/or rights-of-way shall not be counted towards the minimum required conservation land for the subdivision.
7. Neighborhood open space uses such as common areas, picnic areas, trails, and similar recreational uses.
8. Fencing, when deemed necessary and appropriate for the particular use, condition, purpose and/or location of the conservation land.
9. Improvements such as gazebos may be included within the open space requirement along with uncovered recreational facilities such as playing fields, bikeways, basketball or tennis courts and playgrounds. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2018-06 § 1 (Exh. A), 2018.)

#### **17.60.040 Conservation land and design standards.**

Designated conservation land within a conservation subdivision shall meet the following standards:

1. Significant Areas and Features. Conservation land should include the most unique and sensitive resources and significant features of the property within the subdivision.
2. Recreation Uses. A substantial amount of the minimum required conservation land may be comprised of the active recreation facilities such as playing fields, golf courses, tennis courts, etc., exclusive of parking lots; provided, at least 20 percent of the minimum required conservation land remains available for the common use and enjoyment of the residents and/or the public.
3. Buffering. Conservation land shall be designed to provide buffers and to protect scenic views looking from or towards existing roadways.
4. Pedestrian Access. Adequate pedestrian access to conservation land shall be provided.

5. Maintenance Access. Sufficient maintenance access to all conservation land and sensitive land will be provided.
6. Landscaping. All conservation land that is not wooded, farmed, or maintained as conservation meadows, grassland, or steep slopes or other approved open space, shall be landscaped. For each remaining open space acre, there shall be required on the project site at least two deciduous trees at least two-inch caliper in size and one conifer tree at least six feet in height. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2018-06 § 1 (Exh. A), 2018.)

#### **17.60.045 Permanent protection of conservation lands.**

1. Conservation Easement. All conservation land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to Francis City. Under no circumstances shall any development be permitted in the conservation land, except for those permitted uses listed herein and approved with the conservation subdivision. All methods of protection and preservation of conservation land shall be approved by Francis City and recorded prior to or concurrent with the recording of the final plat for the conservation subdivision.
2. Terms and Conditions. All conservation easements, or other acceptable method of protection and preservation of the conservation land within a conservation subdivision, shall include the following terms and/or conditions:
  - a. Legal description of the easement.
  - b. Description of the current use and condition of the property.
  - c. Permanent duration of the easement.
  - d. Permitted uses.
  - e. Maintenance responsibilities and duties.
  - f. Enforcement rights and procedures.
  - g. Other terms or conditions as deemed necessary by the Administrative Land Use Authority, Planning Commission and City Council. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2018-06 § 1 (Exh. A), 2018.)

#### **17.60.050 Ownership of conservation lands.**

Unless otherwise approved by Francis City, the grantee of a conservation easement shall consist of one of the following acceptable entities which shall be qualified to maintain and enforce such conservation easement.

1. Undivided Ownership. Unless otherwise approved by Francis City and subject to the provisions set forth in this chapter, the underlying fee ownership of the conservation land shall remain in single ownership and may be owned and maintained by the homeowners' association, a land trust, conservation organization, or private individual. In the case of the HOA holding the conservation easement, the following regulations shall be met:

- a. A description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for the conservation land, including restrictive covenants for the subdivision, shall be submitted by the developer with the final plat application.
  - b. The proposed association shall be established and operating (with financial subsidization, if necessary) prior to or concurrent with the recording of the final plat for the subdivision.
  - c. Membership in the association shall be mandatory for all purchasers of the property within the subdivision and their successors in title.
  - d. The association shall be responsible for maintenance and insurance of the conservation land.
  - e. The by-laws of the association and restrictive covenants for the subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
  - f. Written notice of any proposed transfer of conservation land by the association of the assumption of maintenance for the conservation land must be given to all members of the association and to Francis City no less than 30 calendar days prior to such event.
  - g. The association shall have adequate staff to administer, maintain and operate such conservation land.
2. Property subject to a conservation easement, or other acceptable method of protection and preservation, shall not be subdivided. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2018-06 § 1 (Exh. A), 2018.)

**17.60.055 Maintenance of conservation lands.**

1. Costs. Unless otherwise agreed to by Francis City, the cost and responsibility of maintaining conservation land shall be borne by the owner(s) of the underlying conservation land.
2. Maintenance Plan. The developer shall submit a maintenance plan providing for and addressing the means for permanent maintenance of the conservation land within the proposed conservation subdivision with the preliminary plat application for the subdivision. The maintenance plan shall provide the following:
  - a. The plan shall define ownership.
  - b. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadows, pasture, wetlands, stream corridors, hillsides, cropland, control of noxious weeds, etc.).
  - c. The plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation land and operation of any common facilities on an ongoing basis. Such funding plan

shall include the means for funding long-term improvements as well as regular yearly operating and maintenance costs.

3. Approval. The maintenance plan must be approved by Francis City prior to or concurrent with final approval for the subdivision. (Ord. 2021-13 § 1 (Exh. A), 2021; Ord. 2018-06 § 1 (Exh. A), 2018.)



## **Staff Report**

**To:** Francis City Planning Commission

**From:** Katie Henneuse

**Report Date:** October 8, 2024

**Meeting Date:** October 17, 2024

**Title:** Noise and Sound Disturbances

**Type of Item:** Code Text Amendment

**Action:** Legislative

### **Update:**

This item was tabled at the September Planning Commission meeting to work on updates to further delineate between the penalties for regular disturbances and construction-related disturbances.

### **Executive Summary:**

The Mayor directed staff to add enforcement actions and penalties to the noise and sound disturbances code after a construction project violated the noise ordinance two days in a row recently without penalty. These actions and penalties mirror the construction waste code.

### **Staff Recommendation:**

Discuss the proposed amendment and make changes if needed. Motion one of three options:

- Positive recommendation if the amendment is in the best interest of the city.
- Negative recommendation if the amendment is not in the best interest of the city.
- Table if more time is needed to discuss the amendment.

### **Community Review:**

A public hearing is not required for this item. A public hearing was held at the September Planning Commission meeting.

## Chapter 8.10

### NOISE AND SOUND DISTURBANCES

Sections:

- 8.10.010 Generally.
- 8.10.020 Prohibited sounds.
- 8.10.030 Sound level measurement.
- 8.10.040 Sound level measurement location.
- 8.10.050 Special event permit.
- 8.10.060 Agricultural activities exempt.

#### **8.10.010 Generally.**

No person shall willfully or recklessly make, or cause or permit to be emitted, any sound prohibited by this chapter. (Ord. 2011-08 § 1, 2011.)

#### **8.10.020 Prohibited sounds.**

The following sounds are prohibited pursuant to this chapter:

1. A sound measuring 70 decibels or more between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturday, or between the hours of 9:00 a.m. and 10:00 p.m. on Sunday.
2. A sound measuring 55 decibels or more between the hours of 10:00 p.m. and 7:00 a.m. Monday through Saturday, or between the hours of 10:00 p.m. Saturday and 9:00 a.m. on Sunday. (Ord. 2011-08 § 2, 2011.)

#### **8.10.030 Sound level measurement.**

Sound shall be measured with a sound level meter using the A-weighted scale in accordance with standards promulgated by the American National Standards Institute. (Ord. 2011-08 § 3, 2011.)

#### **8.10.040 Sound level measurement location.**

Sound levels shall be measured at the property line of the property from which the sound is being emitted. (Ord. 2011-08 § 4, 2011.)

#### **8.10.050 Special event permit.**

A person may apply to the City to receive a special event permit for a limited time period to allow the reasonable production of sound that would otherwise violate this chapter. The special event permit may be issued if approved by the Mayor and one other member of the City Council, in their sole discretion, prior to the event. The special event permit shall be in writing and shall state the dates and times for which it is effective and any special conditions or restrictions under which it is issued. (Ord. 2011-08 § 5, 2011.)

#### **8.10.060 Agricultural activities exempt.**

Agricultural activities are exempt from the provisions of this chapter. (Ord. 2011-08 § 6, 2011.)

### **8.10.070 Enforcement and penalties.**

Enforcement may proceed as follows if the City becomes aware of a violation of this section:

1. Warning. If the code enforcement officer determines that there was a violation, a verbal or written warning shall be given to the responsible party to make them aware of this chapter.
2. First Violation. If the code enforcement officer determines that there is a subsequent violation of this section within one calendar year of the warning, a fine of \$250.00 shall be assessed to the responsible party and a written violation letter shall be hand delivered or mailed to the responsible party.
3. Subsequent Violations. If the code enforcement officer determines there is/are subsequent violation(s) of this section within one calendar year of the first violation, a fine of \$500.00 shall be assessed to the responsible party per subsequent violation and a written violation letter shall be hand delivered or mailed to the responsible party.

### **8.10.080 Construction-related enforcement and penalties.**

“Fine” means monetary payment to Francis City as a penalty for violation of this chapter, added to the cost of the building permit, due before issuance of a certificate of occupancy for any project managed by the violating general contractor.

Enforcement may proceed as follows if the City becomes aware of a construction-related violation of this section:

1. Warning. If the code enforcement officer determines that there was a violation, a verbal or written warning shall be given to the general contractor to make them aware of this chapter.
2. First Violation. If the code enforcement officer determines that there is a subsequent violation of this section by the same general contractor within one calendar year of the warning, a fine of \$500.00 shall be assessed to the general contractor and a written violation letter shall be hand delivered, mailed, or emailed to the general contractor.
3. Second Violation. If the code enforcement officer determines there is a subsequent violation of this section by the same general contractor within one calendar year of the first violation, a fine of \$1,000.00 shall be assessed to the general contractor and a written violation letter shall be hand delivered, mailed, or emailed to the general contractor.
4. Stop Work Order. If the code enforcement officer determines that there is/are subsequent violation(s) of this section within one calendar year of the second

violation, a stop work order shall be issued to the general contractor which will require that work stop for a minimum of 14 calendar days.

**8.10.090 Construction-related exemptions.**

Requests for construction work to be exempted from the restrictions outlined in this ordinance shall be made to the Francis City Council. The following information will be required to be made known at the time of the request:

1. Name of the person or entity applying.
2. Contact information for the person on entity applying.
3. Location of the area for the exemption (address or parcel number); and
4. Reason for the exemption.

All requests for exemptions shall be made at least 15 days in advance of the next regularly scheduled City Council meeting. The Francis City Council may, in their sole discretion, choose to approve or deny the request for exemption. Any conditions outlined and agreed upon shall be obeyed by the applicant and failure to do so will cause the exemption to be revoked.