



5:30 p.m. – Work Session

No motions or decisions will be considered during this session, which is open to the public.

6:00 p.m. – Council Meeting (Council Chambers)

A. Welcome & Roll Call

B. Pledge of Allegiance – Alan Arnold

C. Invocation – TBA, by invitation

D. Public Comment

(This is an opportunity to address the City Council regarding your concerns or ideas. No action will be taken during public comment. Please try to limit your comments to three minutes.)

E. Presentations and Reports

1. Mayor's Report
2. City Council Assignment Reports
3. Youth City Council Halloween activity presentation
4. Presentation from Rocky Mountain Power

F. Consent Items

1. [Consideration to approve meeting minutes from:](#)

October 1, 2024 Council Work Session

October 1, 2024 Council Meeting

G. Action Items

1. [Consideration of Final Site Plan request for AFCU Hillside for property located at 4580 S 1500 W, Riverdale Utah, as requested by America First Credit Union and AWA Engineering.](#)
Presenter: Brandon Cooper
2. [Discussion and consideration of Ordinance #986 facility use permit policy for Riverdale City parks and facilities.](#)
Presenter: Rich Taylor
3. Discussion and consideration of Ordinance #987 approving job description and pay scale for IT and Digital Media Technician position.
Presenter: Cody Cardon
4. [Consideration of Ordinance #988 amending the Riverdale Municipal Ordinance Code, Title 21, Chapter 21, to add new or modify existing sections in compliance with the 2024 Utah State Legislature's House Bill 476 further clarifying subdivision procedures and related matters.](#)
Presenter: Brandon Cooper
5. Discussion regarding update, legal review and recodification of Riverdale City Code.
Presenter: Steve Brooks

H. Comments

1. City Council
2. City Staff

3. Mayor

I. Adjournment

In compliance with the Americans with Disabilities Act, persons in need of special accommodation should contact the City Offices (801) 394-5541 at least 48 hours in advance of the meeting.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Riverdale City limits on this 1st day of November, 2024 at the following locations: 1) Riverdale City Hall Noticing Board 2) the City website at <http://www.riverdalecity.com/> 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html>.

Michelle Marigoni
Riverdale City Recorder

**The City Council meeting on November 6, 2024 is viewable electronically and may be accessed by clicking on the link below. The regular City Council Chambers will be available for in-person participation. The Agenda for the meeting is also attached above. **

https://www.youtube.com/channel/UCegcYe-plXSRZGd5llencvA/videos?view_as=subscriber

Minutes of the **Work Session** of the **Riverdale City Council** held Tuesday October 1, 2024, at 5:30 p.m., at the Civic Center in the Council Chambers, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

Present:

City Council:	Braden Mitchell, Mayor Alan Arnold, Councilmember Bart Stevens, Councilmember Anne Hansen, Councilmember Michael Richter, Councilmember Stacey Haws, Councilmember
City Employees:	Steve Brooks, City Administrator/Attorney Brandon Cooper, Community Development Director Casey Warren, Police Chief Michelle Marigoni, City Recorder
Excused:	
Visitors:	

The City Council Work Session meeting began at 5:33 p.m. Mayor Mitchell welcomed all in attendance and noted for the record that all Councilmembers were present. Members of the city staff were also present.

Public Comment:

Presentations and Reports:

1. **Mayor's Report**
2. **City Council Assignment Reports**

Consent Items

1. **Consideration to approve meeting minutes from:**
September 17, 2024 Council Work Session
September 17, 2024 Council Meeting

Mayor Mitchell asked if there were any changes or corrections to the minutes. There were none.

Action Items

Discussion Items

Mr. Cooper and Mr. Brooks noted that all discussion items were general updates that will be give during the main meeting.

1. **Panera/Riverdale Road closure discussion.**
2. **Upcoming code updates per state requirements.**

Mr. Cooper noted codes were included in the packet which need review or changes to be complaint with state law.

3. **Goldcrest Homes.**
4. **Schneider's Golf Course site plan update.**

5. **AFCU Updates (1500 West, bridges/betterment, etc.)**
6. **Peacock Ridge purchase update.**
7. **Senior Center (WHS/County contract) discussion**

Action Items

8. **Council Rules and Procedures – Consideration of Resolution 2024-30**
9. **Wall/Bridge murals** – Mr. Brooks stated he was looking for direction after someone reached out to offer his services. Councilor Arnold suggested a contract be signed if the city were to move in this direction.
10. **Signs (political, sniper and city event signs)**

Mr. Brooks explained that there have been many signs posted on fences and other areas which are not allowed and suggested the code may need to be cleaned up.
11. **Consideration to adjourn into a closed session pursuant to UCA 52-4-205 (a) (c) and (d), to discuss the sale or purchase of real property, pending or reasonably imminent litigation, and personnel.**

Mr. Brooks said there were multiple updates on each of the items.

Comments

Councilor Arnold mentioned the packet for the meeting should have included more information.

Mayor Mitchell noted that he had a conflict for the next meeting date.

Mr. Brooks said the increased water rates went into effect October 1, 2024.
New chair samples will arrive this week.
Monitors will be installed for Council in November
Flu shot clinic October 2.

Adjournment

Having no further business to discuss, the Work Session was adjourned at 5:50 p.m.

Date Approved:

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, October 1, 2024, at 6:00 p.m., at the Civic Center, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

Present: City Council: Braden Mitchell, Mayor
Alan Arnold, Councilmember
Bart Stevens, Councilmember
Anne Hansen, Councilmember
Mike Richter, Councilmember
Stacey Haws, Councilmember

City Employees: Steve Brooks, City Administrator/Attorney
Brandon Cooper, Community Development Director
Casey Warren, Police Chief
Michelle Marigoni, City Recorder

Excused:

Visitors:

Welcome & Roll Call

The City Council meeting began at 6:00 p.m. Mayor Mitchell called the meeting to order and welcomed all in attendance, including all Council Members and all members of the public.

Pledge of Allegiance

Mayor Mitchell invited Brandon Cooper to lead the Pledge of Allegiance.

Invocation

Michael Richter offered the invocation.

Public Comment

Mayor Mitchell invited any member of the public with questions or concerns to address the Council and asked that they keep their comments to approximately three minutes, noting no action will be taken during public comment. There were no public comments made during this portion of the meeting.

Dale Trossel, a Riverdale resident, raised concerns about communication between city officials and residents. He noted receiving conflicting information regarding his address change for water and garbage services, specifically about whether he would need a recycling bin. While he trusts the city, he finds the differing answers confusing. Trossel, whose HOA includes wetland areas, also mentioned conflicting guidance on the maintenance of these spaces. While the city newsletter suggested that clearing could be allowed, residents were told they could not even remove deadfall, leaving him uncertain about the appropriate guidelines.

Kathy Byson, representing the Shady Grove HOA, raised concerns about fire hydrant maintenance in her neighborhood. She noted that from 1997 until about five years ago, the fire department routinely checked their hydrants. Since then, however, they were informed that the hydrants, being private, were no longer eligible for city checks, despite being on an easement. Byson emphasized that Shady Grove residents pay full property taxes and expect equal access to city services, including fire protection, rather than feeling like "second-class citizens" due to their HOA status. She argued that, like other specialized tools, hydrants require knowledgeable oversight by fire department personnel to ensure proper functioning, especially given the nearby wetlands, which pose an added fire risk. Byson requested clarification on whether the city could resume regular checks or if the HOA would need to engage a private contractor for this service.

Mr. Brooks gave some history on the private hydrants and problems that had arisen from the fire departments. The code also specifically prohibits the city from accessing the hydrants. Ms. Byson suggested a waiver of liability, Mr. Brooks said either way the code would need to be changed first. Councilor Arnold clarified that the PRUD is what regulates the access, not the HOA. He would like to see the fire department maintaining those. Councilor Hansen agreed that with a waiver they could be maintained by the fire department to ensure safety of the residents.

The council discussed issues surrounding the city's responsibility for maintaining fire hydrants within Planned Residential Urban Developments (PRUDs), especially regarding liability and ownership. City code currently prohibits the city from maintaining hydrants in these areas, which are under the jurisdiction of homeowners' associations (HOAs). Past incidents were discussed where hydrants in HOAs were serviced by the city, leading to disputes over damages. The city halted these services, requiring any changes to come from amendments to the code. Council members discussed

potential solutions, including establishing a waiver of liability allowing the fire department to test hydrants in PRUDs while leaving repairs to the HOAs. Discussion included concerns about water access during emergencies and the impact of city involvement on existing PRUD agreements. Staff will gather further information on liability and assess code revisions to determine if certain allowances could be made to ensure functional fire safety resources in PRUD areas.

Councilor Arnold suggested this be added to a future agenda to look at the code and PRUDs. Councilor Hansen agreed.

Jim Packard expressed concerns about recent power outages in Riverdale. He requested that information about these outages be shared with residents, possibly through the city newsletter. Additionally, Mr. Packard proposed the idea of using the city's green space for a disc golf course or exploring other ways to make better use of the area.

Mr. Brooks explained that the power company recently adopted a new policy requiring shutdowns in proximity to any potential hazard—such as fires or accidents—as a response to lawsuits from past wildfire damage. This change has led to an increase in outages citywide, with residents experiencing disruptions as the company completes necessary repairs. Additionally, the council noted infrastructure in certain subdivisions as aging, with power lines in need of replacement, but clarified that upgrades are subject to the power company's timeline. Mr. Brooks said he would share further updates as more information becomes available.

Mayor Mitchell thanked the residents for attending and sharing.

Presentations and Reports

Mayor's Report

- The Fire Department open house was successful and well attended.
- Building of the townhomes off Pacific avenue should start soon.
- Chuck E Cheese grand opening was also well attended.

City Council Assignment Reports

- Councilor Richter and Rich Taylor have been meeting with Youth Council often to prepare for the Halloween event on October 28th.

Consent Items

1. **Consideration to approve meeting minutes from:**
September 17, 2024 Council Work Session
September 17, 2024 Council Meeting

Mayor Mitchell asked if there were any changes or corrections to the minutes. There were no changes.

MOTION:

Councilmember Arnold moved to approve the meeting minutes. Councilmember Richter seconded the motion. There was not any discussion regarding this motion. The motion passed unanimously.

Discussion Items

1. **Panera/Riverdale Road closure discussion.**

Mr. Brooks and Mr. Cooper provided an update on the Panera construction project along Riverdale Road. They noted that demolition preparation is underway, with equipment and materials already on site. Final approval from UDOT was recently granted after resolving easement issues, which included a drive lane connection for neighboring businesses. Demolition and road work are expected to start soon, requiring a partial closure of two lanes on Riverdale Road to allow for water line adjustments and new infrastructure installation, expected to take about four days. Efforts to coordinate these closures with planned work by Shake Shack to minimize disruption were unsuccessful, despite extensive attempts by the city.

2. **Upcoming code updates per state requirements.**

Mr. Cooper presented an overview of upcoming city code updates required to comply with recent changes in state statutes. Updates will include aligning city code with 2023 adjustments on internal accessory dwelling units (ADUs), incorporating new state-mandated design standards for single-family residential homes, and integrating water conservation measures into the city's general plan, which is already complete. Road width standards will need minor revisions to meet low-impact design criteria, and recent subdivision requirements are scheduled for a Planning Commission public hearing on October 8 before reaching the council. Additionally, updates are necessary to reflect existing practices in plan review times, inspections, and private landscaping requirements. Mr. Cooper aims to complete the majority of these updates by December 31, while other minor language updates may extend into the following year.

3. Goldcrest Homes.

An update on the Gold Crest Homes project was provided by Mr. Cooper, noting that construction is fully permitted, bonded, and underway. Fieldstone Homes initially acquired approximately 48 lots, while Alpine Homes is acquiring the remaining lots. The project faces a potential issue with the Accident Protection Zone (APZ) overlay, which restricts certain land uses near airport runways. The state Attorney General's office, who oversees APZ enforcement, recently reviewed the project and questioned approvals granted back in 2022. If the original approvals are determined to be non-compliant, the number of homes allowed on portions of the development may be reduced, potentially impacting two to six homes. The AG's office is also reviewing other properties within APZ zones across nearby areas, including some in South Weber, where enforcement actions have already occurred.

4. Schneider's Golf Course site plan update.

Mr. Cooper updated the council about compliance issues at Schneider's Golf Course following recent site work. Earlier this year, Schneider's had sought and received city approval to expand a separate parcel adjacent to their main golf course, transforming it into additional parking. Despite the approved site plan, the construction deviated in several respects. As required by ordinance, the city is now working with the golf course owners to address these discrepancies, including potentially bringing a site plan amendment request back to the council. Council members noted the importance of adhering to approved site plans to avoid setting precedents that could affect future projects.

5. AFCU Updates (1500 West, bridges/betterment, etc.)

The council received updates on the construction progress at 1500 West and the roundabout, as well as the bridge improvement projects. America First is working towards meeting the October 15th paving deadline, having made significant progress on the underground utilities that had previously delayed completion. While the full pavement section leading to the roundabout is expected to be finished on time, the roundabout itself will not be completed by this date, necessitating a temporary solution to avoid winter damage. This may involve paving the roundabout partially, with the understanding that it will need to be redone properly next year.

Estimated costs related to the bridge improvement project have increased nearly 50% from initial estimates. These costs will be passed through to Riverdale City and America First, per the existing betterment agreement. City officials are actively negotiating with the parties involved to mitigate these additional expenses, with confidence that the costs will not ultimately fall on the city.

6. Peacock Ridge purchase update.

Mr. Cooper reported that the city has received possession of the property, pending the mayor's signature on some final documents. The purchase connects the city's previously owned property to the cul-de-sac, enhancing its accessibility and security by removing man-made structures, which was part of the agreement with the seller, Mr. Hill. The removal of these structures was completed satisfactorily, and a final inspection is planned.

Mr. Cooper emphasized that owning Peacock Ridge not only adds value to the city's existing land but also presents new possibilities for community engagement and outdoor activities. Council members were encouraged to share their ideas regarding the future use of the property and how it can best serve the community, with a focus on maintenance considerations being a priority.

7. Senior Center (WHS/County contract) discussion

The city had submitted a proposal for the county contract and was the only one among three cities to fully comply. Riverdale agreed to supervise its own employees, while the other two cities declined to do so. Weber Human Services later proposed that Riverdale take on employees from other cities at a lower funding rate. This proposal was met with confusion and frustration, as it would require Riverdale to manage additional staff without adequate compensation.

Mayor Mitchell and Mr. Brooks expressed their frustration over not being invited to present their case during a recent meeting where Washington Terrace made a presentation. They noted that Riverdale has significant numbers of attendees at its senior center, which were not considered in the decision-making process.

The only reason cited against Riverdale's proposal was its location, which they found puzzling given Riverdale's central position in the county and the high attendance rates from seniors in various areas.

The current situation places a disproportionate financial burden on Riverdale residents, who are subsidizing services for seniors from other cities without receiving equivalent support from the county. It was suggested that the discussions should be communicated to the seniors and their board, potentially using social media to raise awareness.

It was suggested that a letter to Weber Human Services be drafted, and possibly reaching out to the County Commission to advocate for a fair review of Riverdale's proposal and to share accurate data regarding service usage.

The council agreed on the necessity of advocating for the interests of Riverdale seniors while exploring all avenues to secure funding and maintain service levels without unfairly excluding seniors from other areas. Mr. Brooks is determined to take proactive steps in addressing the challenges posed by the current funding and support structure.

Action Items

8. Council Rules and Procedures – Consideration of Resolution 2024-30

Mr. Brooks noted he had not received comments on the proposed clarifications to the council rules and procedures. He raised a specific question regarding the language related to the expulsion of council members for cause, which is defined in state code. Mr. Brooks recommended removing the requirement for a two-thirds majority vote, suggesting the language instead state that council members could be expelled for cause as defined by state law, which addresses potential misconduct through a criminal process. He emphasized the importance of having clear guidelines to avoid situations where council members might neglect their duties without consequence, referencing a past incident in South Salt Lake as an example.

Councilmember Arnold wanted to review relevant state code sections before proceeding. Mr. Brooks said he would provide those references. The need for clarity in these procedures was acknowledged; Mr. Arnold suggested tabling the item until additional clarification could be provided.

MOTION: Councilor Arnold moved to table Resolution 2024-30 until mid-November.

SECOND: Councilor Haws

ROLL CALL VOTE:	Councilor Haws:	Yes
	Councilor Arnold:	Yes
	Councilor Hansen:	Yes
	Councilor Stevens:	Yes
	Councilor Richter:	Yes

The motion passed unanimously

9. Wall/Bridge murals

Mr. Brooks reported that a gentleman approached the city about creating murals in various locations to enhance aesthetics and deter graffiti. The Mayor expressed interest, prompting discussion among council members regarding potential mural sites. Suggestions included areas under bridges and walls, though many are owned by UDOT, which could complicate the process. It was emphasized that any murals should reflect the heritage of Riverdale City and should be approved by the council to avoid political messages.

Mr. Cooper suggested involving the arts community in the process, advocating for a structured call for art to outline criteria such as location, budget, and themes. This approach would allow for public submissions reviewed by a panel, ensuring a transparent selection process. The council reached a consensus to explore this initiative further, recognizing the importance of engaging UDOT and addressing budget considerations while moving forward with the concept.

10. Signs (political, sniper and city event signs)

During the discussion about signage regulations, Mr. Brooks expressed concerns regarding the current code, which does not allow for the promotion of city events on city property. He emphasized the importance of maintaining a clean and uncluttered city, particularly in light of violations observed with signs related to lost pets, which do not comply with existing regulations. Council members discussed the need for clarity on whether to enforce sign regulations on state property, considering the implications for city events and the aesthetic of the community. The consensus leaned towards allowing exceptions for city-related signs on city property while remaining cautious about enforcing rules on state property. The possibility of obtaining a letter of agency from UDOT was also proposed to facilitate enforcement of sign regulations on state property without infringing on political expression. Council members acknowledged the challenges of maintaining order without appearing to restrict freedom of speech and highlighted the balance between promoting community events

and adhering to code enforcement standards. It was decided to gather more information from UDOT and revisit the issue in mid-November for further direction.

MOTION: Councilor Arnold moved to table until mid-November.

SECOND: Councilor Haws

ROLL CALL VOTE:

Councilor Stevens:	Yes
Councilor Hansen:	Yes
Councilor Arnold:	Yes
Councilor Richter:	Yes
Councilor Haws:	Yes

11. Consideration to adjourn into a closed session pursuant to UCA 52-4-205 (a) through (e), to discuss the sale or purchase of real property, pending or reasonably imminent litigation, and personnel.

Mr. Brooks noted there was one item specific to City Council regarding property purchase.

MOTION: Councilor Arnold moved to enter the closed session.

SECOND: Councilor Hansen

ROLL CALL VOTE:

Councilor Hansen:	Yes
Councilor Stevens:	Yes
Councilor Haws:	Yes
Councilor Arnold:	Yes
Councilor Richter:	Yes

The motion passed unanimously; the closed session began at 7:51 pm.

Present:

- Braden Mitchell, Mayor
- Alan Arnold, Councilmember
- Bart Stevens, Councilmember
- Anne Hansen, Councilmember
- Mike Richter, Councilmember
- Stacey Haws, Councilmember
- Steve Brooks, City Administrator/Attorney
- Brandon Cooper, Community Development Director
- Casey Warren, Police Chief
- Michelle Marigoni, City Recorder

MOTION: Councilor Arnold moved to adjourn the closed session and resume the open session.

SECOND: Councilor Richter

ROLL CALL VOTE:

Councilor Richter:	Yes
Councilor Haws:	Yes
Councilor Stevens:	Yes
Councilor Hansen:	Yes
Councilor Arnold:	Yes

The motion passed unanimously; closed session ended, and open meeting resumed at 8:55 pm.

H. Comments

I. Adjournment

MOTION: Having no further business to discuss, Councilmember Arnold moved to adjourn. The motion was seconded by Councilmember Stevens, and all voted in favor. The meeting was adjourned at 8:56 p.m.

Date Approved:

DRAFT

**RIVERDALE CITY
CITY COUNCIL AGENDA
November 6, 2024**

AGENDA ITEM: G1

SUBJECT: Consideration of Final Site Plan request for AFCU Hillside for property located at 4850 S 1500 W, Riverdale Utah, as requested by America First Credit Union and AWA Engineering.

PRESENTER: Brandon Cooper, Community Development

INFORMATION:

- a. [Transmittal – AFCU Hillside Site Plan](#)
- b. [Staff Report – AFCU Hillside Site](#)
- c. [Plan Corrections Report](#)
- d. [Draft minutes PC 10/22/2024](#)

[BACK TO AGENDA](#)

Body: City Council

Topic: Site Plan Review – AFCU Corporate Office
Hillside Site Plan Only

Department: Community Development

Director: Brandon Cooper

Staff/Presenter: Brandon Cooper

Contact: bcooper@riverdalecity.com

Executive Summary

On July 16, 2024, AWA Engineering, on behalf of America First Credit Union, applied for a site plan review of the AFCU Corporate Office Hillside site plan located at approximately 4850 South 1500 West in a Regional Commercial (C-3) zone. The proposed project includes the following elements associated with the hillside on the south end of phase 1 of the AFCU Corporate Campus:

- general demolition
- grading and drainage work (storm drain)
- landscaping/irrigation
- retaining walls

The property is owned by America First Credit Union. No additional building improvements are proposed as part of this site plan but will be submitted as a separate site plan review request and will include Building 1 and Parking Structure 1 of Phase 1. A public hearing is not required to consider this Site Plan proposal.

This Site Plan review is regulated under Riverdale City Code **10-25** “*Development in All Zones*” and is affected by City Codes **10-10A** “*Commercial Zones*”, **10-14** “*Regulations Applicable to All Zones*” and other regulations found in Title 8 “*Water and Sewer*”.

Attached to this transmittal is the formal Staff Report and associated documents.

Pursuant to RCC 10-10(A)(5), in considering any site plan for permitted or conditional uses specified in Chapter 10 – Commercial Zones, the Planning Commission shall endeavor to ensure, among other things, the safety and convenience of traffic movement both within the area covered and in relation to access streets, harmonious and beneficial relation among the buildings and uses in the area covered, and satisfactory and harmonious relation between such area and contiguous land and buildings and adjacent neighborhoods. In any commercial zone, the location of main and accessory buildings on the site and in relation to one another, the traffic circulation features within the site, the height and bulk of buildings, the provision of off street parking space, the provision of driveways for ingress and egress, and provision of other open space on the site, and the display of signs, shall be in accordance with a site plan or plans or subsequent amendment thereof, approved in any case by the Planning Commission prior to issuance of a building or land use permit. A site plan may also include provisions for landscaping, fences and walls designed to further the purposes of the regulations for commercial zones, and such features shall be provided and maintained as a condition of the establishment and maintenance of any use to which they are appurtenant.

Requested Timeline:

Planning Commission Meeting – October 22, 2024

Results: *UNANIMOUS APPROVAL FOR FAVORABLE RECOMMENDATION*

City Council Meeting – November 6, 2024

Potential Actions:

Following the presentation and discussion of the proposal, the City Council may make:

- 1) a motion to approve
- 2) a motion to approve with modifications
- 3) a motion to table the matter to a later date
- 4) a motion to deny

Staff Recommendation

Based on the findings described in the attached Staff Report, it is recommended that the City Council approve the AFCU Corporate Campus Hillside Site Plan

Planning Commission Recommendation

On October 22, 2024, the Planning Commission voted unanimously to recommend to the City Council approval of the AFCU Corporate Campus Hillside Site Plan

Attachments

Staff Report

Planning Commission Meeting Minutes – Oct 22, 2024



Body: Planning Commission

Date: 22 October 2024

Requested Action: America First Credit Union Corporate Office
Site Plan Review – Hillside only

Petitioner/Applicant: America First Credit Union
C/O AWA Engineering
4646 S 1500 W
Riverdale, Utah 84405
jaket@awaeng.com

Department: Community Development

Director: Brandon Cooper

Staff/Presenter: Brandon Cooper

Contact: bcooper@riverdalecity.com

Description of Request

On July 16, 2024, AWA Engineering, on behalf of America First Credit Union, applied for a site plan review of the AFCU Corporate Office Hillside site plan located at approximately 4850 South 1500 West in a Regional Commercial (C-3) zone. The proposed project includes the following elements associated with the hillside on the south end of phase 1 of the AFCU Corporate Campus:

- general demolition
- grading and drainage work (storm drain)
- landscaping/irrigation
- retaining walls

This Site Plan review is regulated under Riverdale City Code **10-25** “*Development in All Zones*” and is affected by City Codes **10-10A** “*Commercial Zones*”, **10-14** “*Regulations Applicable to All Zones*” and other regulations found in Title 8 “*Water and Sewer*”.

PROJECT INFORMATION

Background

The applicant seeks approval of a Site Plan to construct various improvement on the hillside slope south of the existing AFCU corporate buildings. This hillside site plan is part of a larger campus project that includes an amended subdivision and 10 new corporate office buildings and the associated parking and site work (see below for full project concept proposal).

VISION STATEMENT | OVERALL CAMPUS MASTER PLAN



3 | AFCU CORPORATE CAMPUS



This site plan application is focused solely on the hillside on the south end of the campus project, which is structurally necessary to accommodate the construction of the first phase of office buildings.



Application: Site Plan Review – July 16, 2024

Planning Commission: October 22, 2024

City Council: November 6, 2024

Plan Review:

Review #1 – July 2024

Review #2 – August – September 2024

Review #3 – October 2024

Concept Site Plan Rendering





Riverdale
City

Staff Report



Analysis and Findings

Basis of Review for Site Plans (RCC 10-25-1)

The underlying purpose and intent of a site plan review and approval is to promote the health, safety, convenience, and general welfare of the inhabitants of the City in the matter of all proposed land developments, to encourage the healthful growth of the city and related matters affected by such developments. Any proposed development and its use shall be in the best interests of the public and shall be in harmony with the surrounding area and the developer shall present evidence to this effect.

Commercial Zones – C-3 (RCC 10-10(A))

1. *The purpose of the C-3 regional commercial zone is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of the city. It is also to separate into three (3) zones, uses based upon type of activity which are compatible and complementary, as well as intensity of land utilization and accessory use needs. (Ord. 860, 9-2-2014).*

Analysis: Review of Site Development Standards, Special Regulations, Permitted Uses, traffic movement, harmonious and beneficial relations among buildings, height and bulk of buildings, and the harmonious relations between adjacent neighborhoods.

Finding: The AFCU corporate campus is currently operating as a financial institution Permitted Use within the C-3 zone. This site plan proposal is comprised of hillside beautification and structural work that will facilitate the building of additional structures on the south side of the existing structure. The proposal satisfies this zoning standard based on the above analysis. Staff determination: **Complies**

Development in All Zones (RCC 10-25)

1. *The underlying purpose and intent of this chapter is to promote the health, safety, convenience and general welfare of the inhabitants of the city in the matter of all proposed land developments, to encourage the healthful growth of the city and related matters affected by such developments.*



Analysis: Review of Preliminary Plan, proper submission and compliance to site plan standards checklist, review and action by Planning Commission, and review of Design Standards.

Finding: Review was conducted by the Riverdale City Community Development Director, Public Works Director, Riverdale City Fire Chief and the City's consulting engineer Civil Engineering Consultants (CEC). Comments were provided to the applicant's design team and revisions were made to the site plan. All City comments have been satisfied by the applicant and are reflected in the attached site plan presented for consideration. Staff determination: **Complies**

Regulations Applicable to All Zones (RCC 10-14)

1. *The requirements of this title as to minimum site development standards shall not be construed to prevent a use as permitted in a respective zone of any parcel of land in the event such parcel was held in separate ownership prior to the effective date hereof. Each such parcel to be developed must have not less than sixteen feet (16') of frontage on a street, or as approved by the board of adjustment, and the density of development may not exceed that permitted by area requirements in the respective zone. (1985 Code § 19-3-2). The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations contained elsewhere in this title. (1985 Code § 19-3-1)*

Analysis: Review of Main Building Regulations, Yard Regulations, Height Regulations, and Non-Residential Landscape Requirements.

Finding: General review was conducted by the Riverdale City Community Development Director and the City's consulting engineer Civil Engineering Consultants (CEC). Comments were provided to the applicant's design team and revisions were made to the site plan. All City comments have been satisfied by the applicant and are reflected in the attached site plan presented for consideration. Staff determination: **Complies**

Stormwater Management & Regulation (RCC 8-5)

1. *The purpose of this chapter is to protect the health, safety and welfare of the city and its inhabitants by improving the city's storm sewer system, managing and controlling stormwater runoff, protecting property, preventing polluted waters from entering the city's water supply and other receiving waters, and establishing a viable and fair method of*



financing the construction, operation and maintenance of the storm sewer system. (Ord. 829, 12-18-2012):

Analysis: Review of Article B – Storm Drainage and other regulations found in Title 8 – Water and Sewer

Finding: General review was conducted by the Riverdale City Public Works Director and the City’s consulting engineer Civil Engineering Consultants (CEC). Comments were provided to the applicant’s design team and revisions were made to the site plan. All City comments have been satisfied by the applicant and are reflected in the attached site plan presented for consideration. Staff determination: **Complies**

CONCLUSION

The applicant’s site plan proposal for structural, beautification, and utility site improvements has been determined to promote the health, safety, convenience, and general welfare of the inhabitants of the City in a manner that encourages the healthful growth of the city. The proposed development is determined to be in the best interests of the public and is in harmony with the surrounding area and complies with associated local code requirements.

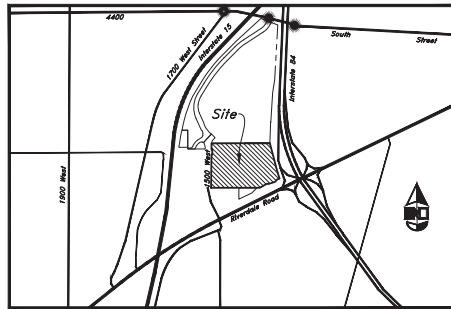
Staff recommends **APPROVAL** of the AFCU Corporate Office Hillside Site Plan application dated July 16, 2024.

Attachments

Staff Comments
Engineer Letter
Proposed Site Plan
Drainage Conformance Letter
Stormwater Maintenance Plan
Site Plan Application

AFCU Corporate Office Hillside

4850 South 1500 West
Riverdale, UT



Vicinity Map
Not to Scale

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Owner/Developer

Tin Sletten
American First Federal Credit Union
4646 South 1500 West, Suite 100
Riverdale, UT 84115
801-410-8505

Architect

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375 West 200 South
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2010 North Redwood Road
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Surveyor

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2010 North Redwood Road
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Hillside Spring Note

Contractor to install burrito drains @ any location where a spring is found during the Hillside Improvement Project. Notify Owner & Engineer if any undocumented springs are found.

Flood Zone

This property lies entirely within Flood Zone X as designated on FEMA Flood Insurance Rate Map for Weber County, Utah and incorporated into Map Number 49057004177 dated 2 June, 2015. Flood Zone X is defined as "Areas determined to be outside the 0.2% annual chance floodplain." (No shading)

Basis of Bearings

The field measurements were collected on the 1953 basis which verified the Weber County subdivision bearing of North 89°11'50" East. The following measurements marking the Southeast and Southwest corners of Section 7, T9N, R10E, and the full mile between monuments recovered for the East and West Quarter Corners of Section 12, T9N, R10E, were measured as South 89°54'45" West. The monument marking the South Quarter Corner of Section 12 was also recovered and accurate.

Benchmark

Brown Cap Monument for the East Quarter of Section 12, T9N, R2W, S18E, N
Elevation = 4399.00 feet (Ortho Height)
Weber County Surveyor's Map Observed April 8, 2020

Legal Description

All of Lot 1 of the American First Corporate Campus Subdivision recorded as Entry No. 3261328 in Book 84 of Pages 51-58 of the Official Records of Weber County, together with more land, being a part of the South half of Section 12 and the Northeast Quarter of Section 13, Township 9 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, in the City of Riverdale, Weber County, Utah.

Beginning at a point on the Eastern line of that certain Warranty Deed conveyance in the State Road Commission of Utah recorded as Entry No. 436816 in Book 787 of Page 487 in the Official Records of Weber County, located 16.50 feet North 89°54'45" East along the Section line from a Brown Cap Monument found marking the South Quarter Corner of said Section 12 and running thence North 1°13'43" East 86.23 feet along the Eastern line of said conveyance and of 1500 West Street as it exists on the ground to a line established by that certain First Order of Condominium recorded in Book 869 of Page 0139 of the Official Records of Weber County; thence North 17°45'56" East 21.62 feet along the said Condominium line to the Southwestern line of 1500 West Street as delineated with said AFCU Corporate Campus Subdivision; thence along the Southwestern and Northwestern lines of said 1500 West Street, also being the Southwestern and Northwestern lines of said Lot 1, the following twenty courses: North 89°50'40" East 6.30 feet to a point on a curve; Northwesterly along the arc of a 60.80 foot radius curve to the right a distance of 21.79 feet (Center bears North 31°51'42" East, Central Angle equals 24°43'19" and Long Chord bears North 70°49'53" East 21.62 feet) to a point of tangency; North 82°11'52" East 14.73 feet; North 41°48'28" West 40.75 feet to a point of curvature; Northwesterly along the arc of a 16.00 foot radius curve to the right a distance of 13.39 feet (Central Angle equals 47°57'48" and Long Chord bears North 17°10'28" East 13.01 feet) to a point of tangency; North 41°09'20" East 45.58 feet to a point on a curve; Northwesterly along the arc of a 82.50 foot radius curve to the right a distance of 14.77 feet (Center bears North 34°11'37" East, Central Angle equals 10°11'17" and Long Chord bears North 50°40'45" West 14.75 feet) to a point of tangency; North 45°33'08" West 77.22 feet; North 48°43'52" West 11.80 feet to a point on a curve; Northwesterly along the arc of a 468.50 foot radius curve to the right a distance of 215.17 feet (Center bears North 38°06'53" East, Central Angle equals 27°10'17" and Long Chord bears North 38°16'48" West 211.18 feet); North 18°22'29" West 53.01 feet; North 34°31'13" West 200.36 feet to a point of curvature; Northwesterly along the arc of a 300.00 foot radius curve to the right a distance of 172.73 feet (Central Angle equals 32°59'23" and Long Chord bears North 8°01'54" West 170.36 feet) to a point of compound curvature; Northwesterly along the arc of a 424.00 foot radius curve to the right a distance of 169.78 feet (Center bears North 81°31'53" East, Central Angle equals 32°52'22" and Long Chord bears North 19°58'18" East 168.62 feet) to a point of tangency; North 31°24'29" East 234.76 feet to a point of curvature; Northwesterly along the arc of a 296.00 foot radius curve to the right a distance of 388.09 feet (Central Angle equals 13°21'01" and Long Chord bears North 38°06'54" East 596.73 feet) to a point of tangency; thence North 44°47'58" East 294.00 feet to a point of curvature; Northwesterly along the arc of a 320.00 foot radius curve to the right a distance of 165.32 feet (Central Angle equals 12°02'23" and Long Chord bears North 50°40'30" East 182.47 feet) to a point of tangency; North 50°30'02" East 402.71 feet to a point of curvature; Northwesterly along the arc of a 380.00 foot radius curve to the left a distance of 240.44 feet (Central Angle equals 38°11'07" and Long Chord bears North 38°02'22" East 236.45 feet) to the Southern line of 4400 South Street as it exists on the ground; thence along said Southern line the following ten courses: South 89°43'50" East 40.81 feet to a point 110.0 feet perpendicular distant Southerly from the 1000' Control Line "B-8" for said 4400 South Street; and South 87°47'16" East 96.29 feet to the intersection thereof with a point that is 125.0 feet perpendicular distant Southerly from said Control Line "B-8" and the Western line of Interstate Highway 1-84 as it exists at 175.00 foot half-width; thence along the Western line of said Highway 1-84 as it is monumented on the ground and previously described in the plat of record the following nine courses: South 3°14'53" West 104.48 feet; South 9°04'28" West 145.70 feet to a point on a curve; South 10°05'00" West 100.00 feet perpendicular distant Southerly from Highway Section 945+05.56; South 3°35'31" West 464.98 feet; South 2°42'50" West 101.00 feet; North 47°20'30" West 5.50 feet; South 58°20'00" West 1629.52 feet; East 521.82 feet to the Southeast corner of said Lot 1; thence North 89°11'03" East 0.95 feet; and South 18°54'23" East 189.14 feet to the Northwestern line of Riverdale Road as it exists on the ground; thence along said Northwestern line the following seven courses: South 89°53'45" East 55.41 feet; South 37°31'58" West 53.89 feet; South 72°03'58" West 143.99 feet; North 70°29'42" West 43.79 feet; South 61°08'10" West 16.00 feet; East 144.98 feet; East 162.16 feet; and Southerly extension of the Northern line of the Weaver Riverbed Subdivision recorded as Entry No. 3260989 in the Official Records of Weber County, and South 89°54'45" West 56.85 feet along said extension to the Northeast corner of said Weaver Riverbed Subdivision; thence North 89°54'45" West 80.00 feet along said Northern line of the Weaver Riverbed Subdivision extended Westerly to the Quarter Section line of said Section 13; thence North 0°16'54" East 652.46 feet along said Quarter Section line to the Southerly line of said Warranty Deed conveyance in the State Road Commission of Utah; thence along the Eastern line of said conveyance the following ten courses: North 89°54'45" East 16.50 feet; and North 0°16'54" East 59.00 feet to the point of beginning.

or 77,290 acres

Damaged Improvement Note

All missing, nonfunctioning and / or damaged surface improvements shall be replaced.

(Sidewalk, Curb & Gutter, Fencing, etc.)

Know what's below. 811

Call 811 before you dig.
SAFE REPAIR OF UTILITY
800-463-4111

16 Oct, 2024

SHEET NO.

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Designed by: JF
Checked by: CM/NE/DC
Client Name:
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23-148 PH1 CV



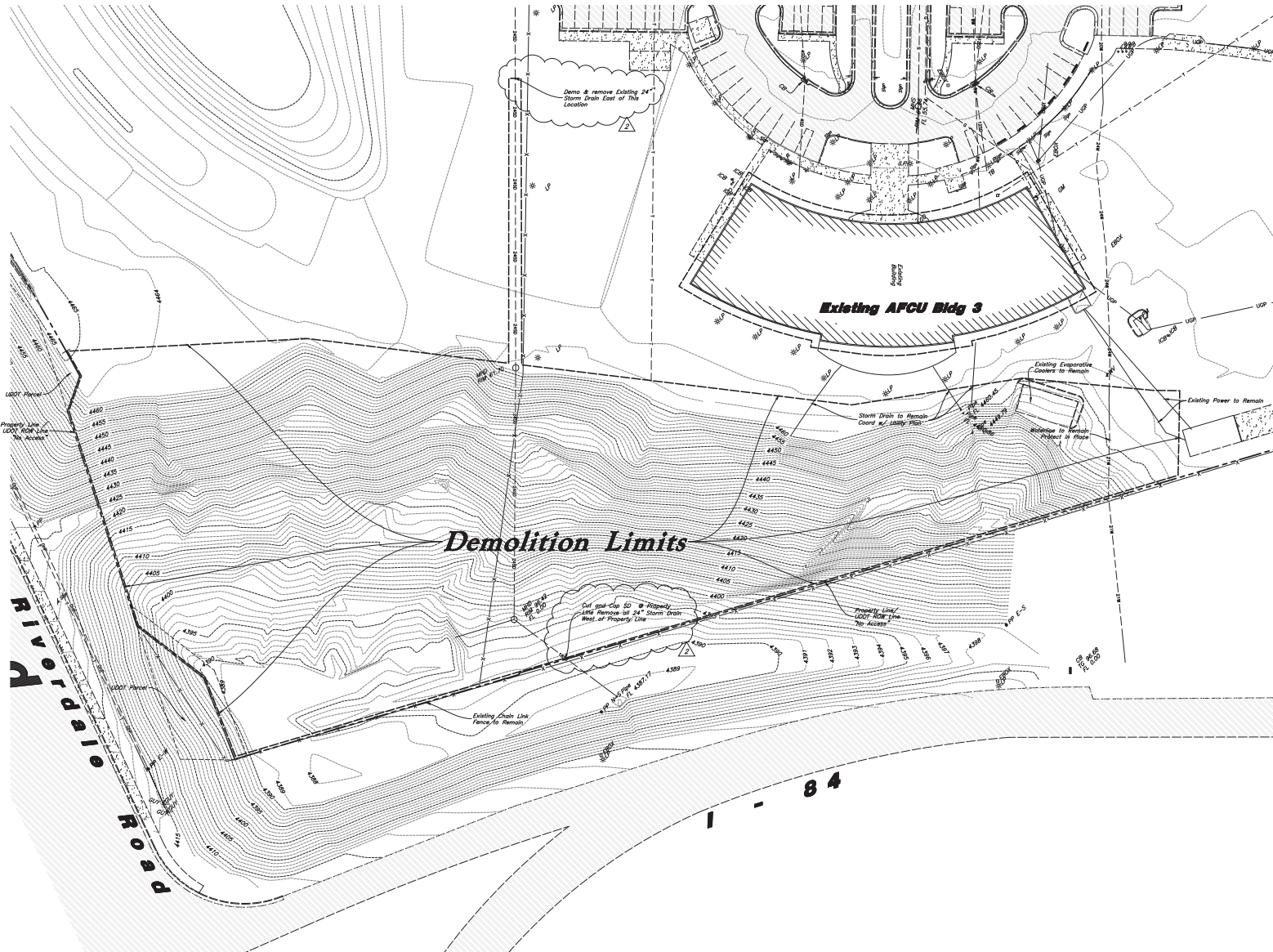
Cover Sheet
AFCU Corporate Office Hillside
4850 South 1500 West
Riverdale, Utah



16 Oct, 2024

SHEET NO.

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Scale: 1" = 30'



General Demolition Notes

1. Demolition and site clearing for this contract are to include all areas shown within demolition limits or by note.
2. Refer to site improvement plans for more details on limits of removal.
3. All curbs, gutters, walls, sidewalks, fences, firework, asphalt, waterlines and meters, gas lines, sewer lines, light poles, buried cables, storm water piping and structures within the demolition limits to be cleared from site unless otherwise shown.
4. All utilities, sewer, water, gas, telephone and electrical services to be disconnected and capped according to city, county and utility company requirements, unless otherwise shown.
5. Excavated areas to be backfilled with clean granular material compacted to 95% of maximum dry density as determined by ASTM D 1557-00. (Test results to be given to owner). Excavated areas should be backfilled per the geotechnical report prepared for the project.
6. Clear and grub trees, shrubs, and vegetation within demolition limits, dispose to be off-site except where noted otherwise.
7. DO NOT interrupt any services or disrupt the operation of any businesses shown outside the demolition limits.
8. Remove debris, rubble, and other materials resulting from the demolition and site clearing operations from the site and dispose of in a legal manner.
9. The location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies and, where possible, measurements taken in the field. The information is not to be relied upon as being exact or complete. Contractor shall contact authorities having jurisdiction for field locations. Contractor shall be responsible for protection of in place and relocated utilities during construction.
10. Stockpiles shall be graded to maintain slopes not greater than 3 horizontal to 1 vertical. Provide erosion control as needed to prevent sediment transport to adjacent drainage ways.
11. Contractor shall be responsible for disposal of all waste material. Disposal shall be at an approved site for such material. Burning waste is not permitted.
12. Contractor shall verify with city any street removal, curb cuts, and any restoration required for utility line removal.
13. Install traffic warning devices as needed in accordance with local standards.
14. Contractor shall obtain all permits necessary for demolition from City, County, State or Federal Agencies as required.
15. Demolish existing buildings and clear from site. (Including removal of all footings and foundations.)
16. If Contractor observes evidence of hazardous materials or contaminated soils he shall immediately contact the project engineer to provide notification and obtain direction before proceeding with disturbance of said materials or contaminated soils.
17. Limits of demolition/disturbed areas shown on the plans may not be an exact depiction. It is the contractor's responsibility to determine the means and methods of how the work will be completed. The contractor shall be responsible for the construction impact. The contractor is responsible to restore all impacted areas and all restoration shall be part of the contract bid.
18. Contractor shall shore and protect neighboring properties per DSH rules during excavation activities when necessary. All excavation shall remain on and within the bounds of the subject property. Unless specifically noted on the plans and agreed from the adjoining neighbor has been obtained prior to any excavation beyond the subject property limits.

CAUTION:

The location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies and, where possible, measurements taken in the field. The information is not to be relied upon as being exact or complete.



Demolition/Existing Condition Plan

AFCU Corporate Office Hillside

4850 South 1500 West
Riverdale, Utah



16 Oct, 2024

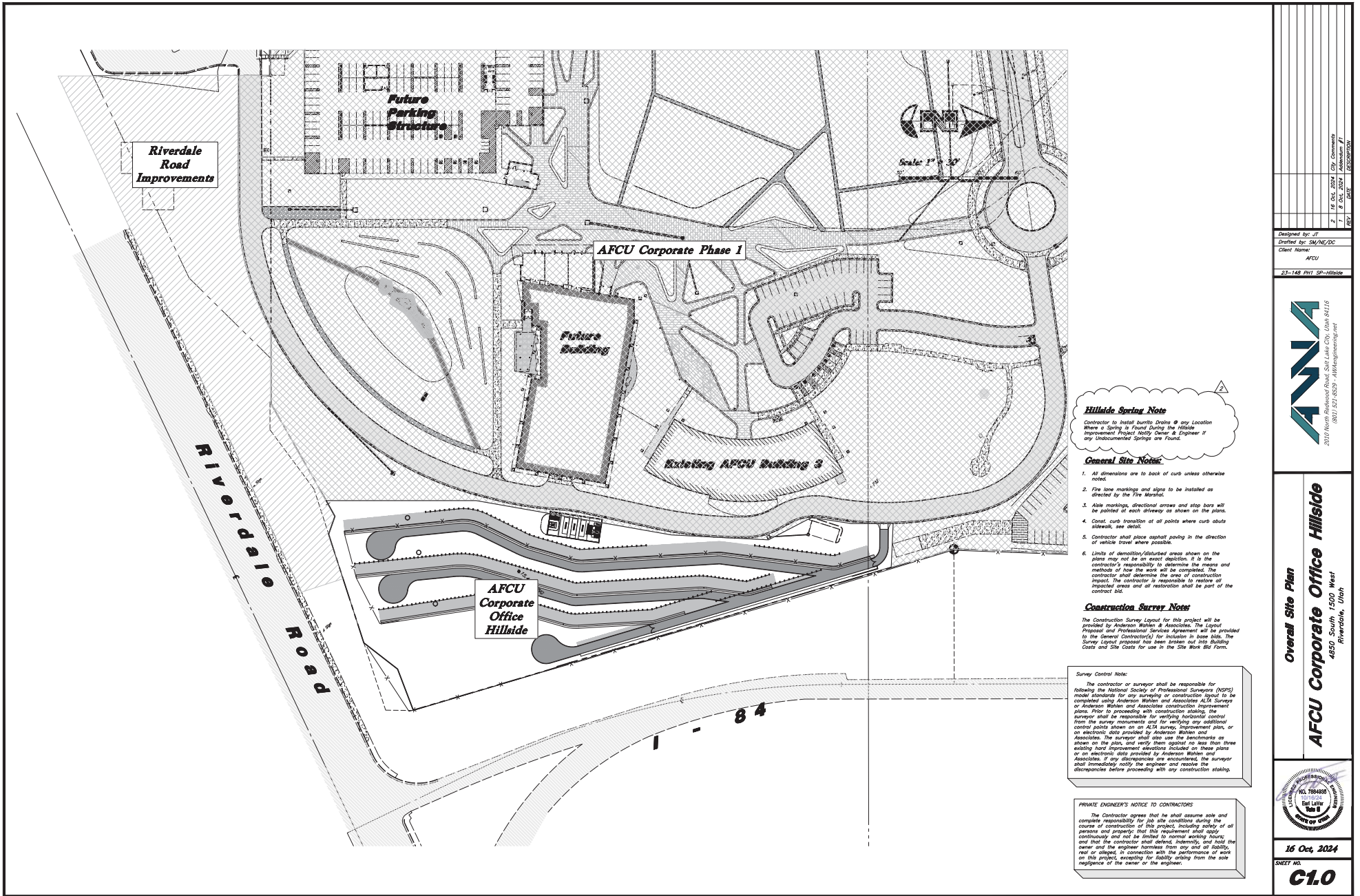
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Designed by: JF
Checked by: CM/NE/DC
Client Name:
AFCU
23-148 PH1 CM Hillside



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3	16 Oct, 2024	Architect P2



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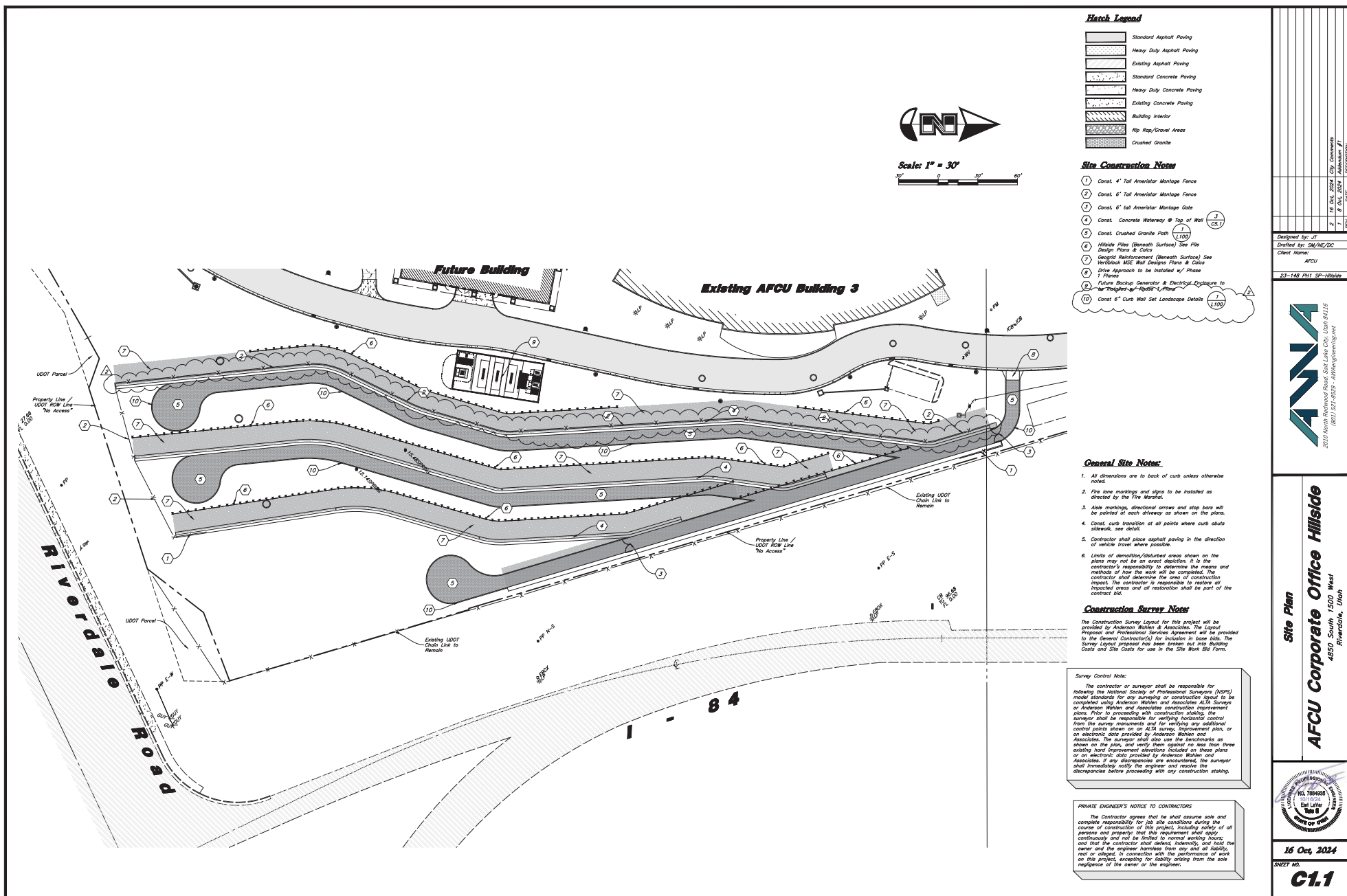
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AFCU
23-148 PH1 SP-Hillside

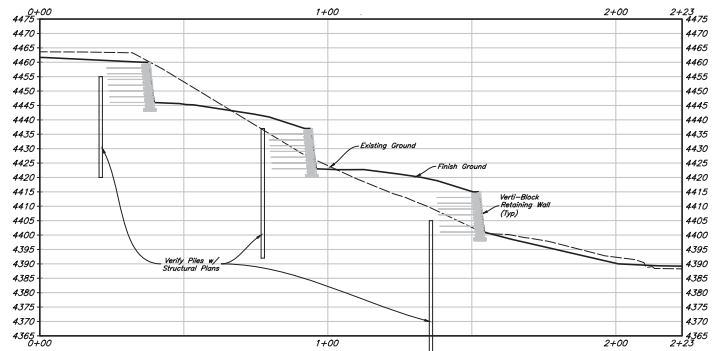


Overall Site Plan
AFCU Corporate Office Hillside
4850 South 1500 West
Riverton, Utah

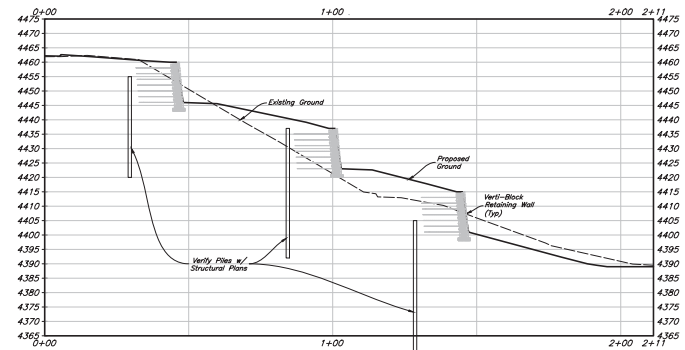


16 Oct. 2024
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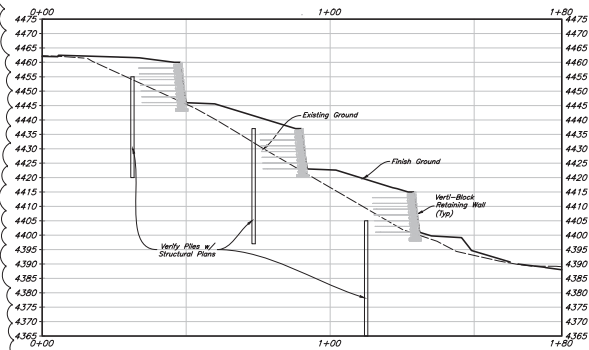




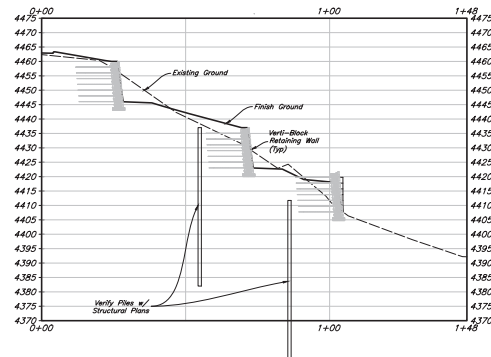
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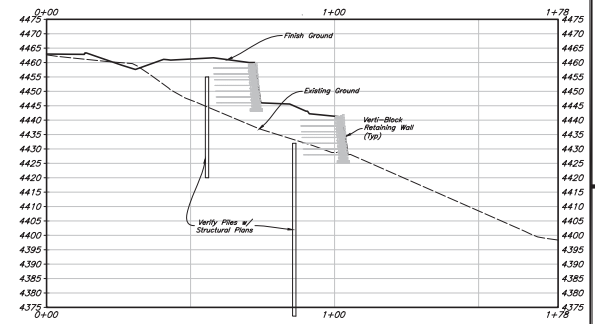
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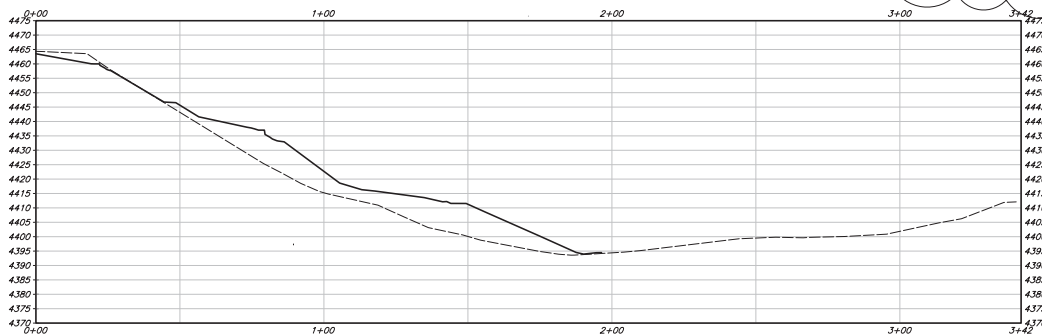
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Section 6

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Designed by: JT
 Checked by: DM/NE/DC
 Client Name: AFCU
 23-148 PH1 GR

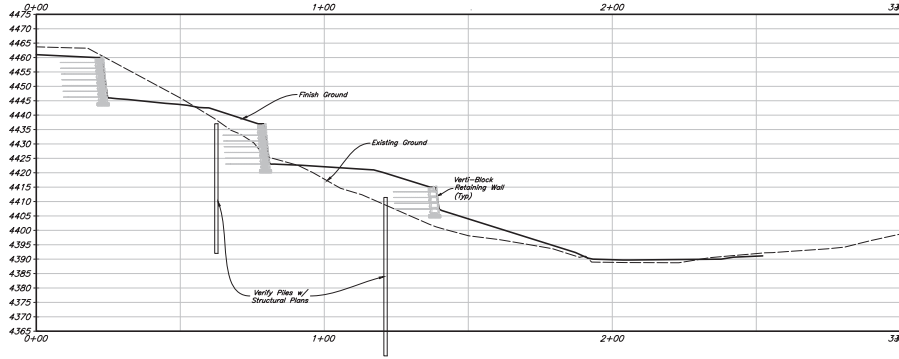
ANZ
 2010 North Redwood Blvd, Salt Lake City, Utah 84116
 (801) 521-8529 - a@anzengineering.net

Wall Sections
AFCU Corporate Office Hillside
 4850 South 1500 West
 Riverton, Utah

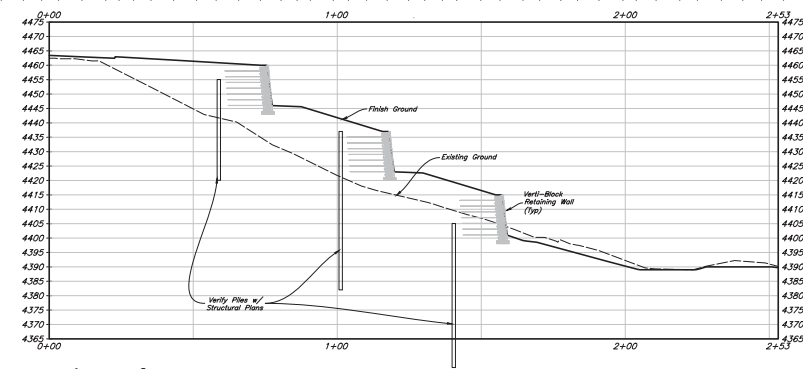


16 Oct. 2024

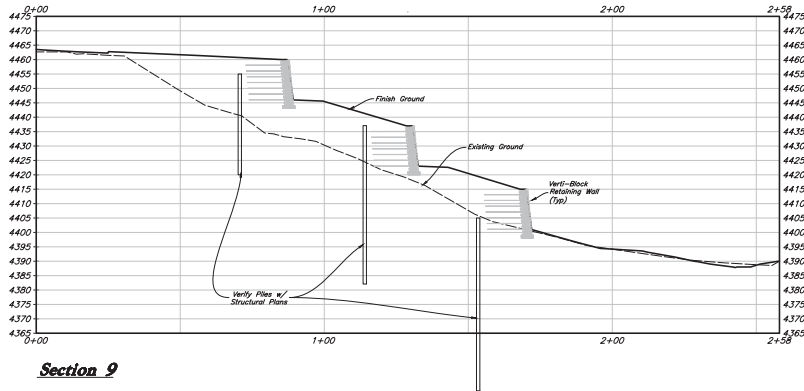
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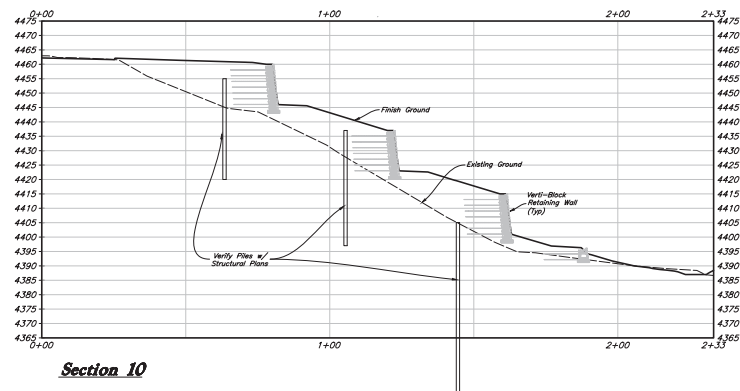
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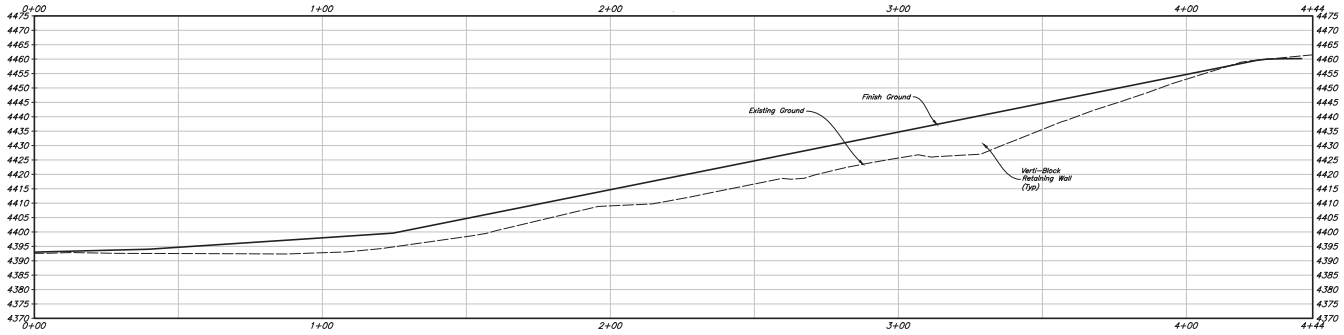
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Section 9



Section 10



Section 11

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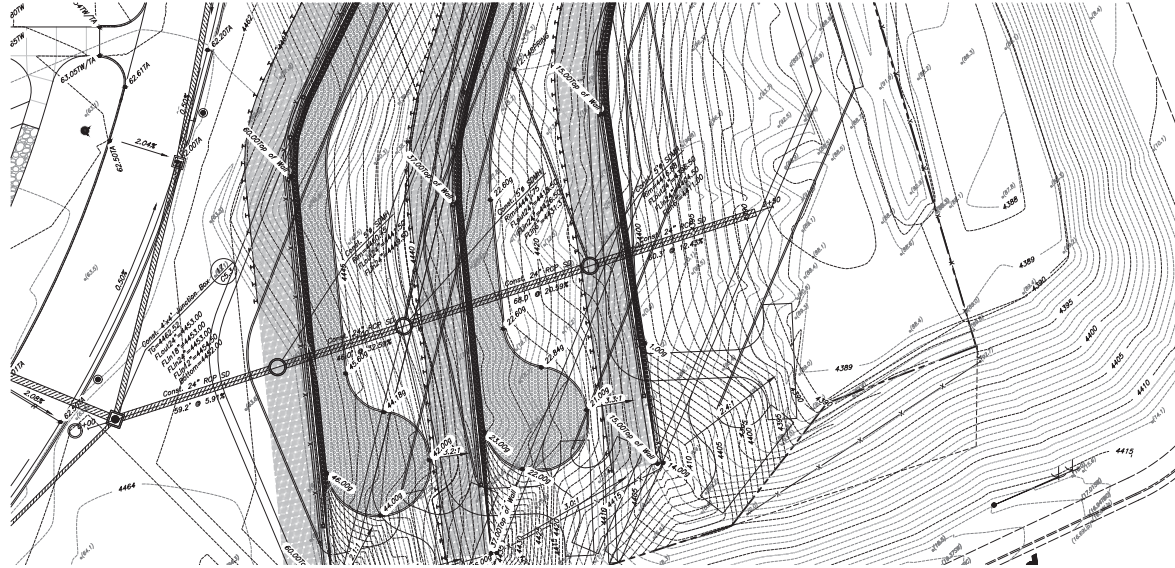
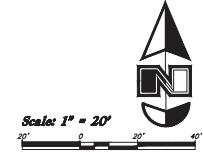
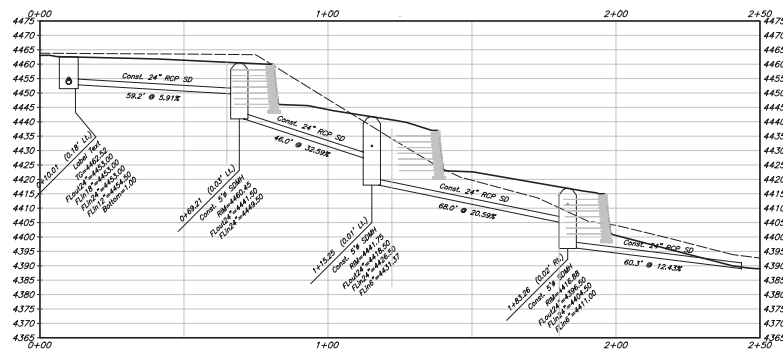
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 Checked by: DM/NE/DC
 Client Name: AFCC
 23-148 PH1 GR



Wall Sections
AFCC Corporate Office Hillside
 4850 South 1500 West
 Riverton, Utah



16 Oct. 2024
 SHEET NO.
C3.2



Storm Drain Hillside Profile

Damaged Improvement Note

All missing, nonfunctioning and / or damaged surface improvements shall be replaced. (Sidewalk, Curb & Gutter, Fencing, etc.)



Storm Drain Plan & Profile
AFCU Corporate Office Hillside
 4850 South 1500 West
 Riverton, Utah



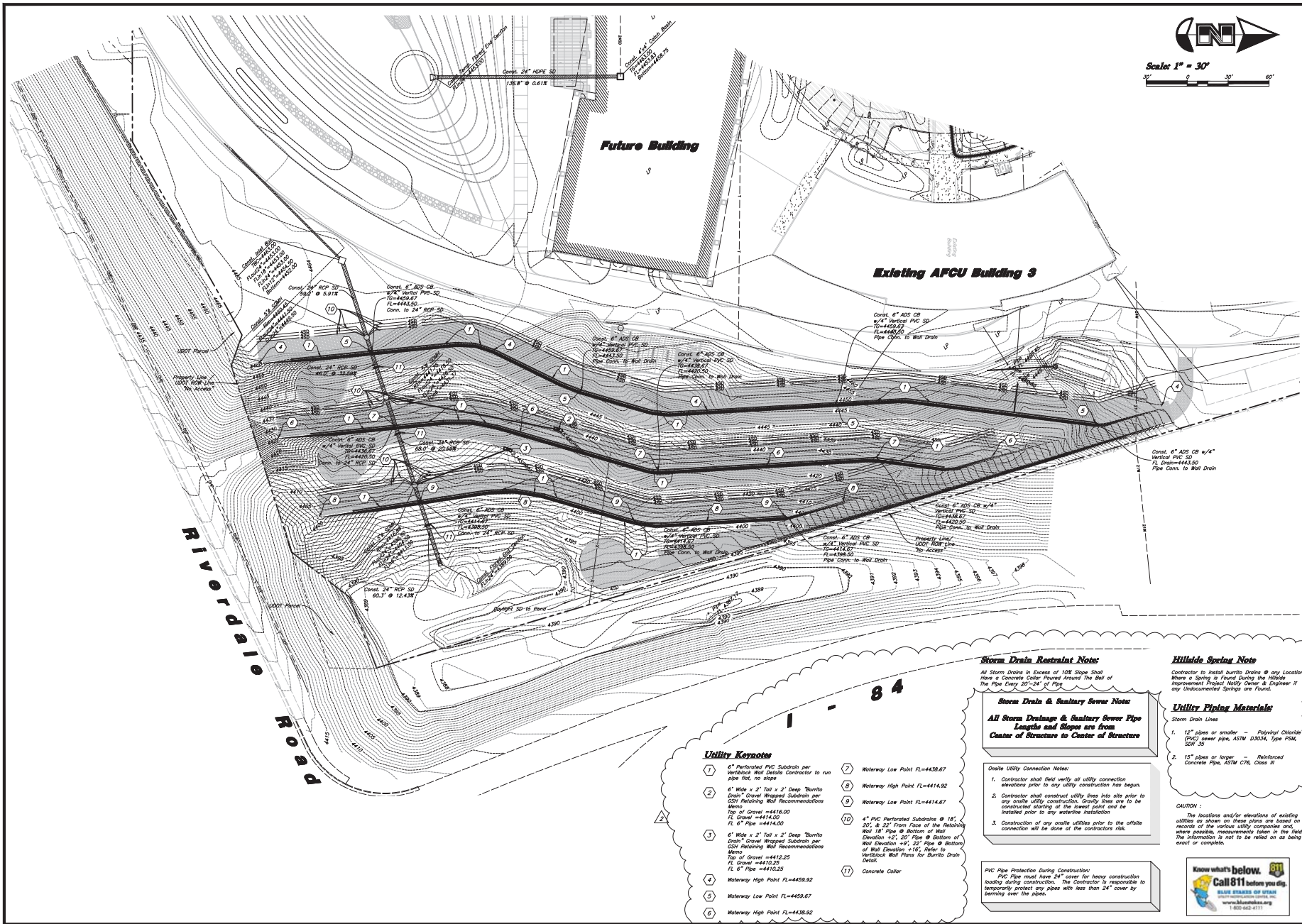
16 Oct, 2024

C3.3

2	16 Oct, 2024	City Comments
1	8 Oct, 2024	Additional P.I.
0	1 Oct, 2024	10/05/2024

Designed by: JF
 Drafted by: DM/NE/DC
 Client Name:
 AFCU
 23-148 PH1 GR





Utility Keynotes

- 1 6" Perforated PVC Subdrain per Vertical Wall Details Contractor to run pipe flat, no slope
- 2 6" Wide x 2' Tall x 2' Deep 'Burrito Drain' Gravel Wrapped Subdrain per GDI Retaining Wall Recommendations Memo
- 3 6" Wide x 2' Tall x 2' Deep 'Burrito Drain' Gravel Wrapped Subdrain per GDI Retaining Wall Recommendations Memo
- 4 Waterway High Point FL=4459.92
- 5 Waterway Low Point FL=4459.67
- 6 Waterway High Point FL=4438.92
- 7 Waterway Low Point FL=4436.67
- 8 Waterway High Point FL=4414.92
- 9 Waterway Low Point FL=4414.67
- 10 4" PVC Perforated Subdrain @ 18', 20', & 22' From Face of the Retaining Wall 18" Pipe @ Bottom of Wall Elevation +1', 20" Pipe @ Bottom of Wall Elevation +6', 22" Pipe @ Bottom of Wall Elevation +16', Refer to Vertical Wall Plans for Burrito Drain Detail.
- 11 Concrete Collar

Storm Drain Restraint Note:

All Storm Drains in Excess of 108' Slope Shall Have a Concrete Collar Placed Around the Bell of the Pipe Every 20'-24' of Pipe

Storm Drain & Sanitary Sewer Note:

All Storm Drainage & Sanitary Sewer Pipe Lengths and Slopes are from Center of Structure to Center of Structure

Onsite Utility Connection Notes:

- 1. Contractor shall field verify all utility connection elevations prior to any utility construction hole begun.
- 2. Contractor shall construct utility lines into site prior to any onsite utility construction. Gravity lines are to be constructed starting at the lowest point and be installed prior to dry waterline installation.
- 3. Construction of any onsite utilities prior to the offsite connection will be done at the contractor's risk.

PVC Pipe Protection During Construction:
PVC Pipe must have 24" cover for heavy construction loading during construction. The Contractor is responsible to temporarily protect any pipes with less than 24" cover by setting over the pipes.

Hillside Spring Note

Contractor to install burrito drains @ any location where a spring is found during the hillside improvement project. Notify Owner & Engineer if any Unrecorded Springs are Found.

Utility Piping Materials:

Storm Drain Lines

- 1. 12" pipes or smaller - Polyvinyl Chloride (PVC) sewer pipe, ASTM D3034, Type PSM, SDR 35
- 2. 15" pipes or larger - Reinforced Concrete Pipe, ASTM C76, Class III

CAUTION:

The locations and/or elevations of existing utilities as shown on these plans are based on records of the various utility companies and, where possible, measurements taken in the field. The information is not to be relied on as being exact or complete.



1	16 Oct. 2024	City Comments
2	8 Oct. 2024	Additional P
3	8 Oct. 2024	Additional P
4	8 Oct. 2024	Additional P

Designed by: JF
Checked by: DM/NE/DC
Client Name: AFCU
23-148 PH1 UT-Hillside

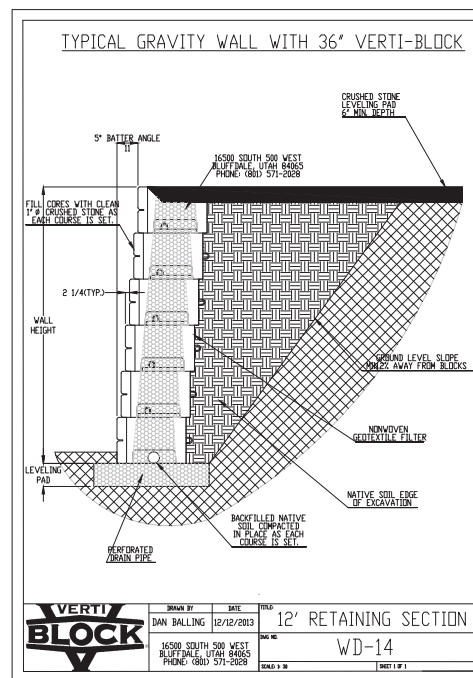


Utility Plan
AFCU Corporate Office Hillside
4850 South 1500 West
Riverton, Utah

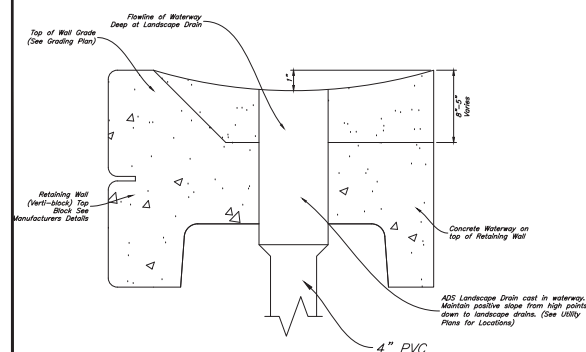


16 Oct. 2024

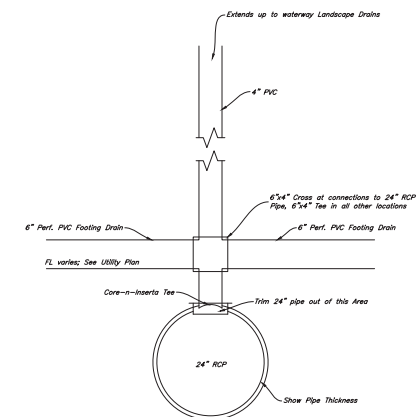
SHEET NO. **C4.1**



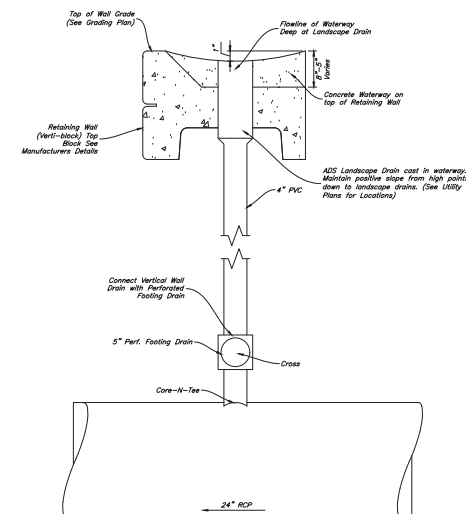
4 Standard Verti-Block Detail
(See Design Docs for Actual Design)
Not to Scale



3 Concrete Waterway Detail
Not to Scale



2 4" Vertical Pipe Connection Detail
Not to Scale



1 Waterway Landscape Drain &
4" Vertical Pipe Connection Detail
Not to Scale

1	16 Oct. 2024	City Comments
2	16 Oct. 2024	Minimum P
3	16 Oct. 2024	Minimum P
4	16 Oct. 2024	Minimum P
5	16 Oct. 2024	Minimum P
6	16 Oct. 2024	Minimum P
7	16 Oct. 2024	Minimum P
8	16 Oct. 2024	Minimum P
9	16 Oct. 2024	Minimum P
10	16 Oct. 2024	Minimum P

Designed by: JT
Checked by: DM/NE/DC
Client Name:
AFCU
23-148 DT Hillside



Hillside Pipe Details
AFCU Corporate Office Hillside
4850 South 1500 West
Riverton, Utah



16 Oct. 2024
SHEET NO.
C5.1

GENERAL NOTES

ALL GRADING, EASEMENTS, UTILITIES, AND PROPOSED UTILITIES PREPARED BY CIVIL AND SHOWN FOR INFORMATION ONLY. REFER TO CIVIL DRAWINGS, NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES ABOVE AND BELOW GRADE PRIOR TO CONSTRUCTION.

ALL ARCHITECTURAL ELEMENTS SHOWN ON LANDSCAPE PLANS FOR REFERENCE. ONLY, REFER TO ARCHITECTURE DRAWINGS FOR ARCHITECTURAL INFORMATION. NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.

ALL LAYOUT DIMENSIONS ARE FROM PLAN VIEW CALCULATIONS. FIELD DIMENSIONS MAY VARY FROM PLAN DUE TO ACTUAL LENGTHS ALONG SLOPED SURFACES. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. ALL LAYOUT DIMENSIONS ARE TO EDGE OF LANDSCAPE ELEMENT, AND/OR FACE OF WALL UNLESS OTHERWISE NOTED.

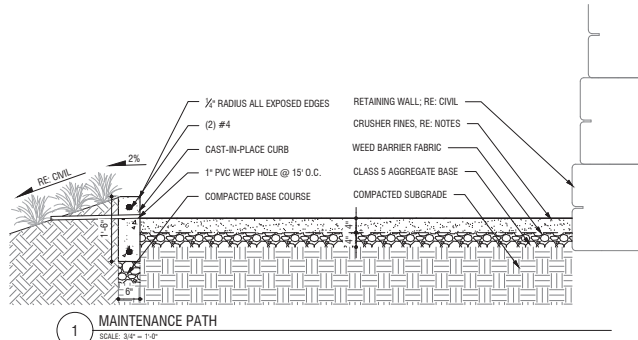
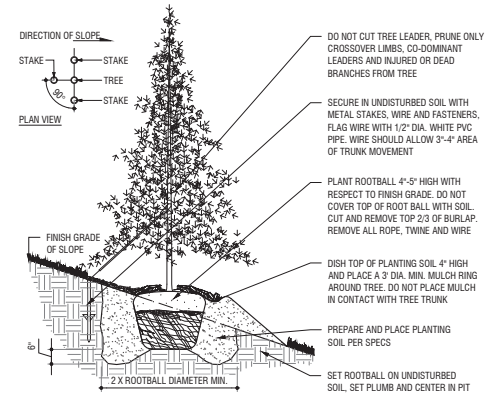
DRAWING AND PLAN NOTES REPRESENT FINISHED, BUILT CONDITIONS. ALL BRACING, TEMPORARY SUPPORTS AND SHORING NECESSARY FOR CONSTRUCTION ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

ALL SYMBOLS ARE SHOWN DIAGRAMMATICALLY ILLUSTRATING APPROXIMATE LOCATION OF EXISTING AND PROPOSED MATERIALS. ANY DISCREPANCIES OR CONFLICTS BETWEEN EXISTING AND PROPOSED CONDITIONS SHALL BE REPORTED TO LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION.

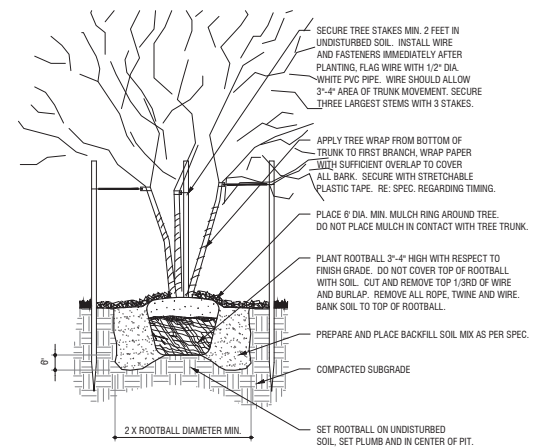
REFER TO IRRIGATION CONSTRUCTION DOCUMENTS FOR ALL INFORMATION PERTAINING TO IRRIGATION SYSTEM CONSTRUCTION.

PLANT SCHEDULE

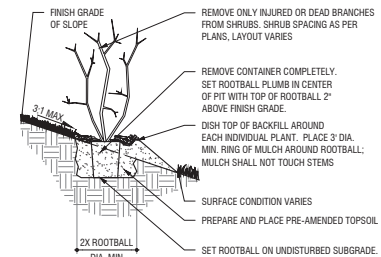
	QTY	BOTANICAL NAME	COMMON NAME	SIZE
DECIDUOUS TREES				
	BET BBC	6	Betula nigra 'Cully'	Heritage River Birch Multi-trunk 8' Ht. 2" cal min
EVERGREEN TREES				
	PIN ALG	5	Pinus nigra	Austrian Pine 12' Ht. 2" cal min
	PIN ARN	3	Pinus nigra	Austrian Pine 6' Ht. 2" cal min
	PIN PON	8	Pinus ponderosa	Ponderosa Pine 6' Ht. 2" cal min
	PIN SYL	7	Pinus sylvestris	Scotch Pine 6' Ht. 2" cal min
SHRUBS				
	AME UTA	10	Amelanchier utahensis	Utah Serviceberry 5 gal.
	ART TRI	23	Antennaria tridentata	Big Sagebrush 5 gal.
	COR BUD	44	Cornus sericea 'Budd's Yellow'	Budd's Yellow Twig Dogwood 5 gal.
	ERI SP3	44	Ericameria nauseosa speciosa	Blue Rabbitbrush 5 gal.
	FOR NEM	20	Forestiera neomexicana	New Mexico Privet 5 gal.
	JUN ME2	21	Juniperus scopulorum 'Medora'	Medora Juniper 5 gal.
	JUN OL2	43	Juniperus x media 'Old Gold'	Old Gold Juniper 5 gal.
	MAH COM	113	Mahonia aquifolium 'Compacta'	Compact Oregon Grape 5 gal.
	PIC CRE	27	Picea pungens 'Procurambens'	Creeping Colorado Spruce 5 gal.
	PIN HIL	32	Pinus sylvestris 'Hillside Creeper'	Hillside Creeper Scotch Pine 5 gal.
	PRU CIS	12	Prunus x cistena	Purple Leaf Sand Cherry 5 gal.
	RIB GOL	12	Ribes aureum	Golden Currant 5 gal.
	SAL PU7	30	Salix purpurea	Purple Osier Willow 5 gal.
	SAM BL3	11	Sambucus nigra 'Black Lace'	Black Lace Elderberry 5 gal.
	VIB LAN	12	Viburnum lentana 'Mohican'	Mohican Wayfaring Tree 5 gal.
GRASSES				
	SOR IND	40	Sorghastrum nutans 'Indian Steel'	Indian Steel Indian Grass 1 gal.
GROUND COVERS				
	MX B	48,996 sf	SEED MIX: MID GRASS	RE: SPECS seed
	MX E	7,758 sf	SEED MIX: WETLAND WITH FORBS	RE: SPECS seed



2 EVERGREEN TREE PLANTING ON SLOPE
SCALE: 1/2" = 1'-0"



3 MULTI-STEM TREE PLANTING
SCALE: 1/2" = 1'-0"



4 SHRUB PLANTING ON SLOPE
SCALE: 1/2" = 1'-0"

CIVITAS

1200 BARRON ST | DENVER, CO 80202 | TEL: 303.571.0033

America First Credit Union
Site Plan

NOT FOR CONSTRUCTION
Riverville, UT

Consultants:

AWA Engineering

Civil Engineer

2010 North Redwood Road

Salt Lake City, UT 84116

(801) 551-8525

GSBS Architects

Architect

315 W 200 S

Salt Lake City, UT 84101

(801) 551-8600



Issue Record:

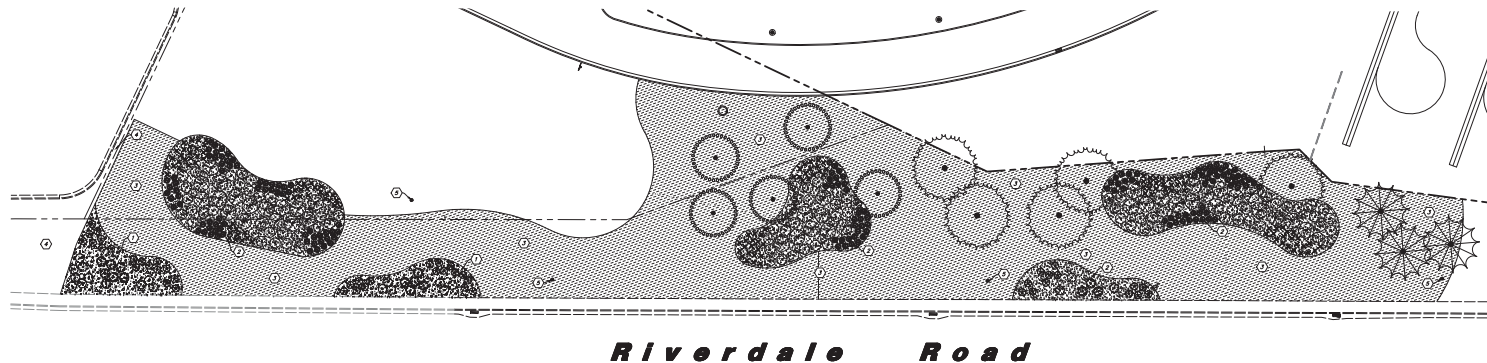
08.09.24 SITE PERMIT SUBMITTAL 1

CVT Proj. #: 23-0817

Drawn: LH

Checked: CV

NOTES AND DETAILS



Scale: 1" = 30'

Landscape Notes

- See Sheet L-2 for Landscape Notes and Details.
- All Existing Trees and Native Vegetation Shall be Removed to Make Way for New Site Improvements and Landscaping.
- All Landscape Material Shall be Fully Irrigated by an Automatic Irrigation System. Plant Source Site Irrigation Shall be Used for Shrub Areas. Motors Shall Provide Temporary Irrigation to Seeded Areas.
- Adjust Landscape Material as Needed to Allow Access to all Existing Utilities and Irrigation Mains. Every Space Plant Material Around Existing Site Utilities.
- All Areas Disturbed by Construction Shall be Landscaped and Not Left Undone. Contact Landscape Architect in Area of Question.
- Edging Shall not be Used Between Seeded Areas and Decorative Stone/Road Mulch Areas. Provide a Nice Distinct Smooth Flowing Line Between the Stone/Mulch and Seeded Areas.
- Landscape Shall Blend and Match What is Going on to the Northwest in the Hillside with Walls.
- The Irrigation System Shall be Equipped with a Smart Controller and Rain Sensor.

General Landscape Notes

- Plant material quantities are provided for bidding purposes only. It is the contractor's responsibility to verify all quantities listed on the plans and the availability of all plant materials and their specified sizes prior to submitting a bid. The contractor must notify the Landscape Architect prior to submitting a bid if the contractor determines a quantity deficiency or availability problem with specified material. The contractor shall provide sufficient quantities of plants equal to the symbol count or to fill the area shown on the plan using the specified spacing. Plants take precedence over plant schedule quantities.
- Contractor shall call Blue State before excavation for plant material.
- Prior to construction, the contractor shall be responsible for locating all underground utilities and shall avoid damage to all utilities during the course of the work. It shall be the responsibility of the contractor to protect all utility lines during the construction period, and repair any and all damage to utilities, structures, site appearances, etc. which occurs as a result of the landscape construction.
- The landscape contractor shall examine the site conditions under which the work is to be performed and notify the general contractor in writing of unsatisfactory conditions. Do not proceed until conditions have been corrected.
- The contractor shall provide all materials, labor and equipment required for the proper completion of all landscape work as specified and shown on the drawings.
- Contractor safety and cleanup must meet OSHA standards at all times. All contractors must have adequate liability, personnel injury and property damage insurance. No work must be performed until all safety and cleanup requirements are met.
- All new plant material shall conform to the minimum guidelines established by the American Standard for Nursery Stock Published by the American Association of Nurserymen, Inc. In addition, all new plant material shall be of specimen quality.
- The Owner/Landscape Architect has the right to reject any and all plant material not conforming to the plans and specifications.
- Any proposed substitutions of plant species shall be made with plants of equivalent overall form, height, branching habit, flower, leaf, color, fruit and culture only as approved by the Landscape Architect.
- It is the contractor's responsibility to furnish all plant materials free of pests or plant diseases. It is the contractor's obligation to maintain and warranty all plant materials.
- The contractor shall take all necessary scheduling and other precautions to avoid winter, climatic, wildlife, or other damage to plants. The contractor shall install the appropriate plants at the appropriate time to guarantee life of plants.
- The contractor shall install all landscape material per plan, notes and details.
- Plant names are abbreviated on the drawings; see plant schedule for symbols, abbreviations, botanical, common names, sizes, estimated quantities and remarks.
- No grading or soil placement shall be undertaken when soils are wet or frozen.
- All existing trees and understory plant material shall be removed to make way for new site improvements.
- All plant material holes shall be dug twice the diameter of the rootball and 6 inches deeper. Excavated material shall be mixed with a soil conditioner and replaced in plant holes. The top of the root ball shall be planted flush with the finish grade. Soil conditioner shall be soil prep from a local source. Deep water all plant material immediately after planting. Add bacillof mixture to depressions as needed.
- All new plants shall be balled and burlapped or container grown, unless otherwise noted on plant schedule.
- Upon completion of planting operations, all landscape areas with trees, shrubs, and perennials, shall receive a specified stone over Dearth Pro's weed barrier or wood mulch without weed barrier. Stone and mulch shall be evenly spread on a carefully prepared grade free of weeds. The top of stone and mulch should be slightly below finish grade and concrete areas. All stone shall be washed prior to installation.
- Landscape installer shall repair or replace plantings and accessories that fall in materials, workmanship, or growth within specified warranty period. Failures include, but are not limited to, the following: death and unsatisfactory growth, except for defects resulting from abuse, lack of adequate maintenance, or neglect by Owner, or incidents that are beyond installer's control. Warranty period shall be 12 months and begin at date of final project acceptance.

PLANT SCHEDULE

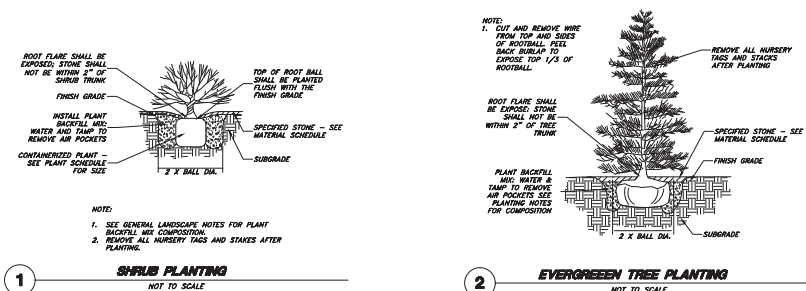
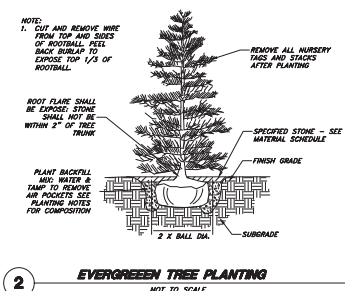
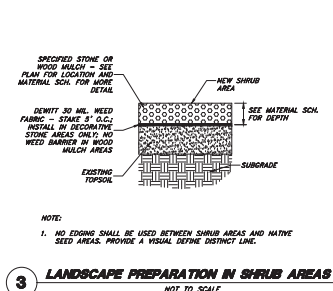
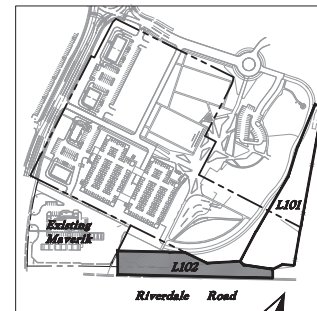
SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE
EVERGREEN TREES			
	5	Pinus nigra / Austrian Pine	8' Ht. & 2" Cal. Min.
	1	Pinus ponderosa / Ponderosa Pine	6' Ht. & 2" Cal. Min.
	5	Pinus sylvestris / Scotch Pine	6' Ht. & 2" Cal. Min.
SHRUBS			
	47	Dicotyles aeneus speciosa / Blue Rabbitbrush	5 gal.
	40	Forestiera neomexicana / New Mexico Privet	5 gal.
	137	Hesperaloe parviflora / Red Yucca	5 gal.
	15	Juniperus x media 'Old Gold' / Old Gold Juniper	5 gal.
	19	Prunus besseyi 'Y0115' / Praznos Buttes' Sand Cherry	5 gal.
	82	Rhus aromatica 'Ora-Low' / Ora-Low Fragrant Sumac	5 gal.
GRASSES			
	154	Sorghastrum nutans 'Indian Steel' / Indian Steel Indian Grass	1 gal.
GROUND COVERS			
	2,528 sf	Decorative Stone / See Material Schedule for More Detail	---
	37,052 sf	See Mix B / See Material Schedule for More Detail	seed
	10,675 sf	Wood Mulch / See Material Schedule for More Detail	---

MATERIAL SCHEDULE

	Decorative Stone #1 - Install a (3) Three Inch Depth over Dearth Pro's Weed Barrier. Stone Shall be Used in Specified Shrub Areas Where Shown on Plan. Stone Shall be Blended Into Existing Site Conditions. Stone Shall be 1 1/2" Diameter Fractured Tan Colored Stone from Solar Pavers Pro Copper Canyon (385-338-0804). Submit Samples for Approval (Match the Adjacent Mowable Stone to Blend the Two Sites).	3,1/10		
	Wood Mulch - Install a (3) Three Inch Depth in Specified Shrub Areas Where Shown on Plan. Mulch Shall be Shredded Brown in Color from a Local Nursery. Mulch Shall Also Match What is Being Used in the Hillside with Walls Landscape Design. Submit Samples for Approval.	3,1/10		
Mix B: Mid Grass Mix				
Scientific Name	Common Name	PLS lbs/cu	PLS/sq	WPLS/sq
<i>Achnatherum hymenoides</i>	Indian Ricegrass	1.30	3.00	2.45
<i>Bouteloua curtipendula</i>	Sideoats Grama	5.80	26.00	20.00
<i>Bouteloua gracilis</i>	Blue Grama	2.00	35.00	27.24
<i>Koeleria cristata</i>	Prairie Junegrass	0.50	22.00	16.75
<i>Panicum virgatum</i>	Switchgrass	0.70	6.00	4.54
<i>Pascopyrum amabilis</i>	Western Wheatgrass	2.10	6.00	4.85
<i>Schizanthyrium scoparium</i>	Little Bluestem	3.70	17.00	12.71
<i>Sporobolus cryptandrus</i>	Sand Dropseed	0.10	10.00	7.61
<i>Stipa comata</i>	Needle and Thread	1.80	5.00	3.75
	Total	18.10	130.00	100.00

Landscape Installation Keynotes

- Install Shrub Area with Weed Barrier and Decorative Stone - See Material Schedule for More Detail.
- Install Shrub Area with Wood Mulch and no Weed Barrier - See Material Schedule for More Detail.
- Install Seeded Area - See Plant Schedule for More Detail.
- Existing Mowable Landscape with Tan Colored Decorative Stone - Match Decorative Stone.
- Existing Power Pole with Overhead Lines. Verify that Trees are not Planted Directly Under Powerlines.
- Area Along Riverdale Road Shall be Remain and Native Grasses be Protected.



Landscape Plan

AFCU Corporate Office Hillside

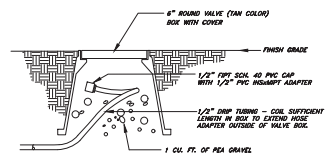
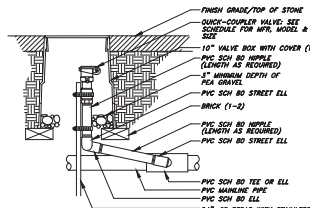
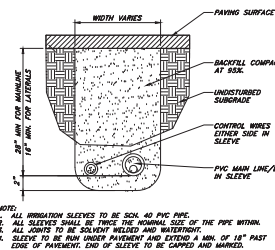
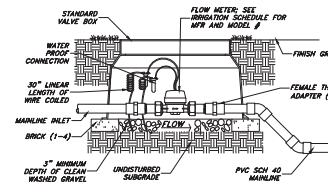
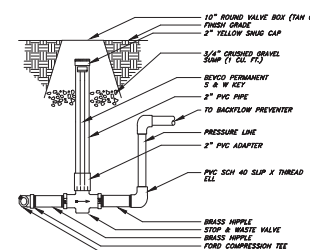
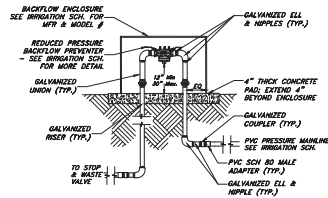
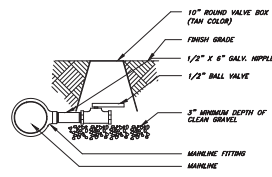
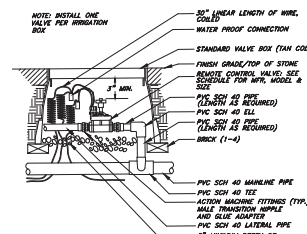
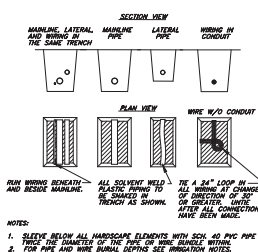
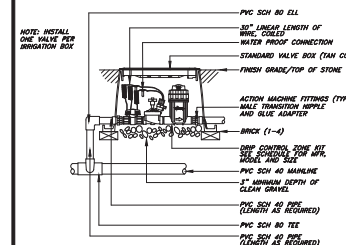
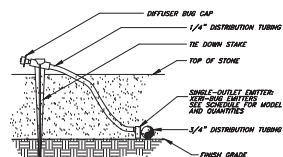
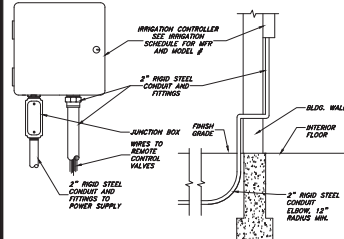
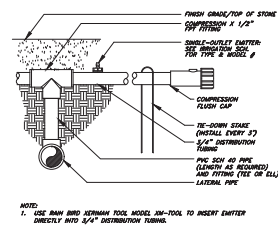
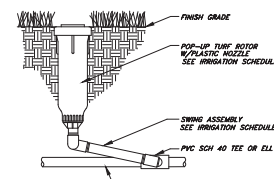
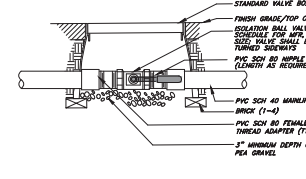
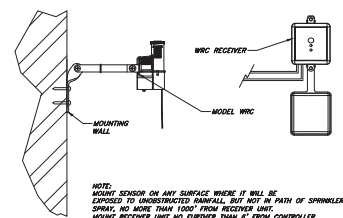
4850 South 1500 West
Riverdale, Utah



3 Jul, 2024

SHEET NO.

L102



Irrigation Notes:

1. See Sheet L103 for Valve Schedule. See Sheet L104 for Irrigation Schedule and Irrigation Notes. See Sheet L105 for Irrigation Layout.
2. See Sheet L100, L101 and L102 for Planning, Layout, Notes, and Details.
3. A Static Pressure of psi is Required in the Area. See Valve Schedule on L103 for Minimum Static Pressure Required for Each Valve. The Static Pressure of psi was Used for the Irrigation Design.
4. The Irrigation System Shall be Equipped with a Two-Wire System (Hunter D1 WIRE). All Wires Shall be Tucked Under the Mainline and Lateral Lines to Protect Wire From Being Damaged.
5. All Grip Tubing Shall be Installed Underground to Avoid Damage Due to Trimming and Mowing of Mowed Grasses.
6. Irrigation Mainline Shall be Installed Adjacent to Maintenance Path and Irrigation Boxes in a Full Circle Off-Path.
7. Separate Valves Shall be Used to Irrigate Shrub Areas, Trees, and Seeded Areas.



PLAN CORRECTIONS REPORT – SITE PLAN REVIEW #2

CASE NO: _____ DATE ISSUED: **October 10, 2024**

PROJECT NAME: **AFCU CORPORATE OFFICE PHASE 1 - HILLSIDE**

PROJECT ADDRESS: **4850 S 1500 W, RIVERDALE, UTAH**

PARCEL(S): **08-098-0080**

APPLICATION DATE: **July 3, 2024 (CIVIL); August 22, 2024 (LANDSCAPE)**

DESCRIPTION: **SITE PLAN – HILLSIDE LANDSCAPING AND CIVIL DRAWINGS**

ARCHITECT: **GSBS** Phone: _____

ENGINEER: **AWA – JAKE TATE** Phone: **801.410.8505**

OWNER: **AMERICA FIRST CREDIT UNION** Phone: _____

REVIEW PROCESS	STATUS	REVIEWER
Public Works	Resolved	Shawn Douglas – sdouglas@riverdalecity.com
Engineering	Requires Resubmittal	Todd Freeman – toddf@cec-engineers.com
Community Development	Resolved	Brandon Cooper – bcooper@riverdalecity.com
Fire	Resolved	Jared Sholley – jsholley@riverdalecity.com

PUBLIC WORKS

DATE	COMMENTS	CORRECTIVE ACTION	STATUS
------	----------	-------------------	--------

ENGINEERING

DATE	COMMENTS	CORRECTIVE ACTION	STATUS
------	----------	-------------------	--------

07/26/2024	General Notes	Is the legal description just for the hillside portion or the larger lot that encompasses most of the development?	Ongoing
		The boundaries of the property should be identified on all drawings. Also show adjacent properties/roadways	Resolved
		Label the UDOT right-of-way and “no access” lines	Resolved
		Label all streets/names on all drawings	Resolved

		There is an existing storm drainpipe coming down the hillside that is not shown but appears to be re-routed? Please include on existing plans and show how it's to be re-routed	Ongoing
		With the steepness of the RCP pipes, are there any proposed anchors to prevent separation?	Resolved
		There are two 4" and one 12" pipe that appears to be coming from the existing America First Building. Do you know the usage and what needs to be done to keep them functional?	Resolved
		There is a manhole on the north side of Riverdale Road below some light poles. Do you know if this is the storm drain system from Riverdale Road? How is this routed?	Unknown
		It appears that there are some access roads (maintenance?) along the retaining walls. What type of surfaces are they going to be (asphalt, gravel, roadbase, etc.).	Resolved
		The stability analysis requires the use of piles to be installed. Please indicate where the piles are to be located to stabilize the hillside.	Resolved
		The verti-block wall design needs to be called out on the plans with the geogrid reinforcement for each wall section so that the plans are self-sufficient without contractor to referring to the geotechnical report.	Resolved
		Regarding the drainage of the hillside and collection of the storm water on the hillside - What are the storm calculations and routing of the storm water?	Resolved
		Please show the storm water basin and retention system and how flow is collected and coordinated with UDOT's storm water system.	Resolved
		The back of the retaining walls have the storm drainage system collecting and then piped to the main storm water pipe coming off the hill. Please show the details on the wall cross sections and the drainage gravel on the back of the retaining walls.	Resolved
10/09/2024	General Notes	Please reference geotechnical reports, updates, slope stability analysis, pile design submittal/design and verti-block MSE retaining wall design package on the drawings and make stipulations that contractor shall adhere to said reports, recommendations and requirements and that any discrepancies and/or field changes shall be brought to the attention of the design engineer to be approved by the design engineer and reviewed and approved by Riverdale City for any changes.	Not Resolved
		Per the pile design recommendations, a long-term monitoring plan needs to be submitted for the Verti-Block MSE wall and drainage system.	Not Resolved
		The general contractor needs to adhere to and review all plans and design documentation for the MSE walls, drainage system and pile design requirements.	Not Resolved

Sheet C0.0	Update civil sheet index callout of two C0.1.	Not Resolved
	The legal description total at the bottom needs to match areas and also need to match the plat map that is being updated.	Not Resolved
Sheet C0.1	The storm drainpipe that is being cut and capped. Is part of it being removed. Is the portion in UDOT ROW remaining and being abandoned in place. Has UDOT reviewed plans.	Not Resolved
Sheet C1.1	Is there not a fence along the middle or easterly wall? The fence is not shown completely across the retaining walls. Need to verify the locations and safety issues.	Not Resolved
	How is the fence being mounted on the top of the block walls? And how does the waterway function if fence mounted?	Not Resolved
Sheet C2.1	Need legend for call outs.	Not Resolved
	The crushed granite path detail shows a concrete curb wall that is not shown on the plan. Does this go all around the path where the block retaining walls are not adjacent to the path?	Not Resolved
	Show the pile locations, depths (elevations).	Not Resolved
	The pile design documentation shows additional springs than are shown on this sheet.	Not Resolved
Sheet C3.1_3.2	The walls sections are shown such that the bottom block is not installed on the existing material. The details need to show the requirements for over excavating and building up the foundation material for the bottom block to be installed upon.	Not Resolved
	Need to show the pile locations, depths (elevations).	Not Resolved
	The wall sections should show the geo-grid and the relationship between piles.	Not Resolved
	Verify that the piles are installed without any cap.	Not Resolved
Sheet C4.1	Need legend for call outs.	Not Resolved
	The inlet box at the top of hill shows the one storm pipe coming out but not the other storm water piping coming into the box.	Not Resolved
	Do the pipes coming into the inlet box have controlled flow with an orifice to control the flow of storm water going out?	Not Resolved
	On the storm water calculations, there are retention/detention basins on top of the hill that should be noted from previous design submissions.	Not Resolved
	Need details for the drains from the springs that are connected to the storm water manholes.	Not Resolved

Sheet C5.1	The note from the geotechnical report states that if other springs are encountered that additional drains need to be installed. Please include such notes on drawings and also reference the geotechnical report on the drawings	Not Resolved
	There are pipes that appear to be 4" diameters that are connecting to the storm water manholes. How are all the pipes being connected to the storm water manhole?	Not Resolved
	Need to show the pile locations to ensure placement of the wall drainage.	Not Resolved
	The verti-block wall detail shows a perforated drainpipe under the bottom block, is that correct and how does it get installed? Is the block cut out to have a continuous pipe or is it beneath the bottom block.	Not Resolved
	Where does the perforated drainpipe go after it is daylighted at the end of the verti-block walls? Does the water flow and erode the landscaping?	Not Resolved
	The detail shows that fabric against the wall and native soil backfilled. The design has geogrid shown up to 18' behind the front of the walls. What is the fill material specification behind the walls between the geogrid? Is there not a free draining material to relieve the pore pressure? The detail does reference design documents but should be shown similar to what is required. Will the contractor in the field be able to interpret the design documents and know which section is required to be installed at each location? Should the H piles be shown with the correct orientation?	Not Resolved
	The insert-a-t detail in the concrete pipe is perpendicular to the pipe but I believe the rcp pipe is on considerable slope at the connection from the 4" vertical drainpipe.	Not Resolved
	The verti block wall shows a level pad with crushed stone behind the wall. The wall sections have shown a sloped surface behind. Ensure the walls have been designed for the sloped backfill. And what is the sloped backfill material?	Not Resolved
	The MSE wall design shows the burrito wrapped pipe and fabric at different elevations, this needs to be shown on the plans and details for construction.	Not Resolved

COMMUNITY DEVELOPMENT

DATE	COMMENTS	CORRECTIVE ACTION	STATUS
08/01/2024	General Notes	Please combine both sets of plans and renumber	Resolved
		Please add vicinity maps to all pages	Resolved
		Label and/or grey out future phases or property outside project limits	Resolved
		Please add a minimum size standard in notes	Resolved
		Show full scope of work on site plan (including frontage sections)	Resolved
		Is screening for the mechanical equipment area called out on civil or landscape sets?	Resolved
		Please note minimum tree requirement	Resolved
		Please label existing buildings	Resolved

FIRE

DATE	COMMENTS	CORRECTIVE ACTION	STATUS
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8 October 2024

Riverdale City
4600 South Weber River Drive
Riverdale, Utah 84405

Attn: Brandon Cooper, Community Development Director/RDA Deputy Executive Director
Proj: **AFCU Corporate Office Hillside**
Subj: Review #2 - Plans signed on 9/16/2024, GSH Letter -addendum dated June 13, 2024; Report – Update #1 Geotechnical Study dated January 5, 2024; Verti-Block MSE Retaining Wall Design Package signed 9/6/2024; Storm Water Analysis signed 09/16/2024; Report – Slope Stability Analysis and Verti-Block Wall Design dated June 3, 2024 and Submittal 001 – Pile Design dated 08.27.2024 from Ralph L. Wadsworth

Dear Brandon,

Attached for consideration is our engineering review of the plans and submitted calculations of the above referenced project. The following items should be considered and addressed prior to receiving recommended approval from our office.

General Note:

1. An **electronic copy** of the Site Plan drawings and details must be submitted to the Public Work Department via our office for record keeping upon design completion and prior to approval of the Site Plan drawings from our office.
2. Please reference geotechnical reports, updates, slope stability analysis, pile design submittal/design and verti-block MSE retaining wall design package on the drawings and make stipulations that contractor shall adhere to said reports, recommendations and requirements and that any discrepancies and/or field changes shall be brought to the attention of the design engineer to be approved by the design engineer and reviewed and approved by Riverdale City for any changes.
3. Per the pile design recommendations, a long-term monitoring plan needs to be submitted for the Verti-Block MSE wall and drainage system.
4. The general contractor needs to adhere to and review all plans and design documentation for the MSE walls, drainage system and pile design requirements.

Sheet C0.0 Cover Sheet:

1. Update civil sheet index callout of two C0.1.
2. The legal description total at the bottom needs to match areas and also need to match the plat map that is being updated.

Sheet C0.1 Demolition / Existing Condition Plan:

1. The storm drainpipe that is being cut and capped. Is part of it being removed. Is the portion in UDOT ROW remaining and being abandoned in place. Has UDOT reviewed plans.

Sheet C1.0 Overall Site Plan:

No comments.

Sheet C1.1 Site Plan:

1. Is there not a fence along the middle or easterly wall? The fence is not shown completely across the retaining walls. Need to verify the locations and safety issues.
2. How is the fence being mounted on the top of the block walls? And how does the waterway function if fence mounted?

Sheet C2.1 Grading Plan:

1. Need legend for call outs.
2. The crushed granite path detail shows a concrete curb wall that is not shown on the plan. Does this go all around the path where the block retaining walls are not adjacent to the path?
3. Show the pile locations, depths (elevations).
4. The pile design documentation shows additional springs than are shown on this sheet.

Sheet C3.1 and 3.2 Wall Sections:

1. The walls sections are shown such that the bottom block is not installed on the existing material. The details need to show the requirements for over excavating and building up the foundation material for the bottom block to be installed upon.
2. Need to show the pile locations, depths (elevations).
3. The wall sections should show the geo-grid and the relationship between piles.
4. Verify that the piles are installed without any cap.

Sheet C4.1 Utility Plan:

1. Need legend for call outs.
2. The inlet box at the top of hill shows the one storm pipe coming out but not the other storm water piping coming into the box.
3. Do the pipes coming into the inlet box have controlled flow with an orifice to control the flow of storm water going out?
4. On the storm water calculations, there are retention/detention basins on top of the hill that should be noted from previous design submissions.
5. Need details for the drains from the springs that are connected to the storm water manholes.

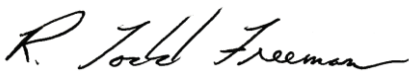
6. The note from the geotechnical report states that if other springs are encountered that additional drains need to be installed. Please include such notes on drawings and also reference the geotechnical report on the drawings
7. There are pipes that appear to be 4" diameters that are connecting to the storm water manholes. How are all the pipes being connected to the storm water manhole?
8. Need to show the pile locations to ensure placement of the wall drainage.

Sheet C5.1 Hillside Pipe Details:

1. The verti-block wall detail shows a perforated drainpipe under the bottom block, is that correct and how does it get installed? Is the block cut out to have a continuous pipe or is it beneath the bottom block.
2. Where does the perforated drainpipe go after it is daylighted at the end of the verti-block walls? Does the water flow and erode the landscaping?
3. The detail shows that fabric against the wall and native soil backfilled. The design has geogrid shown up to 18' behind the front of the walls. What is the fill material specification behind the walls between the geogrid? Is there not a free draining material to relieve the pore pressure? The detail does reference design documents but should be shown similar to what is required. Will the contractor in the field be able to interpret the design documents and know which section is required to be installed at each location? Should the H piles be shown with the correct orientation?
4. The insert-a-t detail in the concrete pipe is perpendicular to the pipe but I believe the rcp pipe is on considerable slope at the connection from the 4" vertical drainpipe.
5. The verti block wall shows a level pad with crushed stone behind the wall. The wall sections have shown a sloped surface behind. Ensure the walls have been designed for the sloped backfill. And what is the sloped backfill material?
6. The MSE wall design shows the burrito wrapped pipe and fabric at different elevations, this needs to be shown on the plans and details for construction.

Should you have any questions or concerns please contact me at your earliest convenience.

Sincerely,
CEC, Civil Engineering Consultants, PLLC.



R. Todd Freeman, S.E., P.E.
City Engineer

Cc. Shawn Douglas, Riverdale City Public Works Director
Norm Farrell, Assistant Riverdale City Public Works Director
Jeff Woody, Riverdale City Building Inspector



Riverdale City
4600 S Weber River Drive
Riverdale, UT 84405

Plan Corrections Report – Site Plan Review #2

Project Name: AFCU Corporate Office Phase I – Hillside
Project Address: 4850 S 1500 W Riverdale, UT
Parcel: 08-098-0080
Description: Site Plan – Hillside landscaping and civil drawings

Engineering:

Comment: Is the legal description just for the hillside portion or the larger lot that encompasses most of the development?

Response: The legal description has been updated to match the subdivision plant and only include the description for Lot 1. Which the hillside project resides within.

Comment: There is a manhole on the north side of Riverdale Road below some light poles. Do you know if this is the storm drain system from Riverdale Road? How is this routed?

Response: There does not appear to be an inlet box in Riverdale Road that aligns with this manhole. It does not show up on our survey as it was just outside the project area. We are sending our survey crew out to pull the manhole and determine how/if it interacts with the lower retention area. We will report our findings.

General Notes:

Comment: Please reference geotechnical reports, updates, slope stability analysis, pile design submittal/design and verti-block MSE retaining wall design package on the drawings and make stipulations that contractor shall adhere to said reports, recommendations and requirements and that any discrepancies and/or field changes shall be brought to the attention of the design engineer to be approved by the design engineer and reviewed and approved by Riverdale City for any changes.

Response: Note has been added to cover sheet and applicable design documents referenced.

Comment: Per the pile design recommendations, a long-term monitoring plan needs to be submitted for the Verti-Block MSE wall and drainage system.

Response: We are working with the structural designers to put together the monitoring plan. A copy of that plan will be provided to the City when it is available.

The general contractor needs to adhere to and review all plans and design documentation for the MSE walls, drainage system and pile design requirements.

Response: Noted.

Sheet C0.0

Comment: Update civil sheet index callout of two C0.1.

Response: Updated per request.

Comment: The legal description total at the bottom needs to match areas and also need to match the plat map that is being updated.

Response: The legal description has been updated to match the subdivision plan and only include the description for Lot 1. Which the hillside project resides within.

Sheet C0.1

Comment: The storm drainpipe that is being cut and capped. Is part of it being removed. Is the portion in UDOT ROW remaining and being abandoned in place. Has UDOT reviewed plans.

Response: The storm drain will be removed from the demolition limit on the west all the way to the UDOT ROW as shown on the plans. Additional call outs have been added to clarify this scope.

Sheet C1.1

Comment: Is there not a fence along the middle or easterly wall? The fence is not shown completely across the retaining walls. Need to verify the locations and safety issues.

Response: No, there are no fences on the middle or lower wall. Apart from a short distance on the lower wall's very south end where the grade raises to meet the top of wall. The wall itself is 14' tall and will have a gate at the bottom of the ramp up to the AFCU site. The south side is fenced and the west side will be fenced with another gate at the top of the ramp on AFCU property all the way to the UDOT chain link fence providing full fence coverage around the walls. Safety harness tie off points will be provided along the wall for AFCU maintenance crews.

Comment: How is the fence being mounted on the top of the block walls? And how does the waterway function if fence mounted?

Response: the fence foundation swill be drilled just behind the wall and waterway. There will be no impedance in the water way. The plans have been updated to reflect this.



**Riverdale
City**

Community Development
4600 So. Weber River Drive
Riverdale, Utah 84405
Acct #10-34-1500

**APPLICATION FOR COMMERCIAL OR MANUFACTURING
SITE PLAN REVIEW**

Received: 7.3.24
In Process: 7.16.24

CASE NO: _____ DATE SUBMITTED: 7/3/24

PROJECT NAME: AFCU Corporate Office Hillside

PROPERTY OWNER'S NAME: America First Credit Union

PROPERTY OWNER'S ADDRESS: PO Box 9199, Ogden, Utah 84409

PROPERTY OWNER'S PHONE: 801-827-8070 EMAIL ADDRESS: tsnideman@americafirst.com

PROJECT CONTACT: AWA - Jake Tate

PHONE: 801-410-8505 EMAIL ADDRESS: jaket@awaeng.com

ADDRESS OF SITE: 4850 South 1500 West, Riverdale, UT

PARCEL #(S): 080980080, 086950001

PROPOSED LAND USE: Hillside Stabilization, Retaining Wall and Landscape

CURRENT ZONING: M-1, C-3 PROJECT SIZE (SQ. FT / ACRES): Approx. 5 acres Disturbed

ARCHITECT/ENGINEER NAME: AWA - Jake Tate PHONE: 801-410-8505


Signature of Applicant


Signature of Property Owner

NOTE: A fee will be charged at the time the site plan is submitted for review - \$400 per acre or portion of
Fee: \$ _____ Date paid: _____

Planning Commission set public hearing: Yes ☐ No ☐ Date of Public Hearing: _____

Planning Commission scheduled to hear this application for site plan approval on:

Date: _____ Decision of Commission: _____

City Council set public hearing: Yes ☐ No ☐ Date of Public Hearing: _____

City Council scheduled to hear this application for site plan approval on:

Date: _____ Decision of Council: _____

Minutes of the **Regular Session** of the Riverdale City **Planning Commission** held Tuesday, October 22, 2024, at 6:30 p.m., at the Civic Center, 4600 S Weber River Drive., Riverdale City, Weber County, Utah.

Present: Commissioners: Kent Anderson, Chair
Rikard Hermann, Commissioner
Wanda Ney, Commissioner
Celeste Noland, Commissioner
Randy Poulsen, Commissioner

City Employees: Brandon Cooper, Community Development Director
Michelle Marigoni, City Recorder

Excused: Colleen Henstra, Commissioner
Amy Ann Spiers, Vice Chair

Visitors: Jake Tate
Tim Snideman

A. Welcome & Roll Call

The Planning Commission Meeting began at 6:30 p.m. Chair Anderson welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present except for Commissioner Henstra, who was excused. Members of the city staff were also present.

B. Public Comment

Commissioner Anderson asked if any members of the public had comments. There were none.

C. Presentations and Reports

Mr. Cooper provided several updates on upcoming projects and ongoing business developments:

Changes to the 4400 South Roundabouts are conceptual with the AFCU campus project, and no plans have been addressed. Jake Tate from AWA Engineering explained that the AFCU Master Plan will bring a lot of people and jobs to the area. Roundabouts encourage consistent movement for the main traffic direction, but a signal allows for more control and timing to move people through the area. Both roundabouts should be phased out based on traffic analysis and growth regionally. The bridges will be widened as well to accommodate increased traffic. Commissioner Hermann inquired about multiple lane roundabouts being as efficient as traffic light intersections. Mr. Tate said it could be a possibility, though he has not researched the safety of them. Commissioners Noland and Poulsen spoke further about the potential safety risks and the school in the area. Mr. Tate noted that traffic calming measures would be considered. Commissioner Anderson asked if the issue would be brought before the Planning Commission. Mr. Cooper said it would not, though there are council members with the same concerns and he would work with AWA and UDOT to get more information

D. Consent Items

1. Consideration of Meeting Minutes from:

September 24, 2024 Work Session
September 24, 2024 Regular Meeting

Chair Anderson asked if there were any changes or corrections to the minutes. Chair Anderson asked if there were any changes or corrections to the minutes. Commissioner Ney noted there were two changes regarding missing words. Commissioner Noland also noted a change to the welcome and roll call section. Commissioner Hermann moved to approve the consent items with corrections. Commissioner Noland seconded the motion, which passed unanimously in favor.

E. Action Items

1. **Consideration of recommendation to City Council for an Amended Subdivision Plat for the AFCU Corporate Campus Subdivision, located at 4646 South 1500 West, Riverdale Utah, as requested by America First Credit Union and AWA Engineering.**

Mr. Cooper introduced Jake Tate from AWA and Tim Snideman from AFCU. He presented information, including background and noting that additional property has been acquired by AFCU to the south of the existing plat and that city staff recommend approval subject to staff recommendations.

Questions:

- Poulsen: Height of largest building meets height restrictions for the airport? Tim: has been addressed and reviewed by the airport.
- Poulsen: Drainage point on Riverdale Road from spring? Jake: is being collected and moved to an existing retention pond. Drains will be installed with the hillside project.

Commissioner Anderson noted that the questions being asked were better addressed in the second agenda item and not on the plat. Commissioner Noland asked about the four items that needed corrections. All items were addressed and answered in the packet.

Mr. Cooper noted that due to the latest subdivision changes by the state, the Planning Commission is the land use authority and therefore will be the final decision on this item (not a recommendation to council).

Motion: Commissioner Poulsen moved to approve subject to any outstanding staff recommendations for the amended Subdivision Plat for the AFCU Corporate Campus Subdivision, located at 4646 South 1500 West, Riverdale Utah, as requested by America First Credit Union and AWA Engineering.

Second: Commissioner Hermann

Vote:

Commissioner Spiers:	Absent
Commissioner Ney:	Yes
Commissioner Anderson:	Yes
Commissioner Poulsen:	Yes
Commissioner Hermann:	Yes
Commissioner Henstra:	Absent
Commissioner Noland:	Yes

Motion passes unanimously.

2. Consideration to forward a recommendation to City Council for Final Site Plan request for AFCU Hillside for property located at 4580 S 1500 W, Riverdale Utah, as requested by America First Credit Union and AWA Engineering.

Mr. Cooper presented information on the site plan.

Questions:

- Commissioner Noland thanked AFCU for being good stewards of the city and the intention of the project.
- Commissioner Ney asked about springs in the hillside. Mr. Tate said they worked with a Geotech and the city engineer to make sure the water is removed to keep the wall solid. The water drains to existing retention pond at the bottom of the hillside. He also noted that any large I-beams will be installed at varying depths below the surface to stabilize the hillside. They are the same posts used to hold freeway bridges.
- Commissioner Ney asked if there would be a fence between the freeway and terraces? Mr. Tate noted it would not be a publicly accessible area. Any access is only for landscape workers and maintenance.

Commissioner Hermann noted that the campus and landscaping looked beautiful and asked if there would be any other uses in the campus besides commercial. The frontage along 1500 will be used for some retail commercial. There is still some land on the north end that is undecided. There is a plan for restaurants, retail, hotels, etc. Amenities will also be a part of each building, such as cafeteria and medical facilities. They are also working with UTA and UDOT for solutions to mitigate traffic.

Motion: Commissioner Noland moved to forward a favorable recommendation to City Council for Final Site Plan request for AFCU Hillside for property located at 4580 S 1500 W, Riverdale Utah, as requested by America First Credit Union and AWA Engineering, considering that all staff requirements are met.

Second: Commissioner Ney

Vote:

Commissioner Hermann:	Yes
Commissioner Poulsen:	Yes

Commissioner Henstra:	Absent
Commissioner Spiers:	Absent
Commissioner Noland:	Yes
Commissioner Anderson:	Yes
Commissioner Ney:	Yes

Motion passes unanimously.

F. Comments

Commissioner Ney talked about the KSL story and asked if Mr. Brooks had approved Mr. Cooper's statement. Mr. Cooper said that Mr. Brooks had spoken to them first. They asked specifically for a "cease and desist" letter, but he had said he could only find zoning violation letters. Not all information was included in the article. Mr. Cooper noted that the city was highly disappointed in the article.

Commissioner Anderson asked about At Home's parking lot lighting as it is much brighter than it used to be.

G. Adjournment

As there was no further business to discuss, Commissioner Hermann moved to adjourn. This was seconded by Commissioner Ney All were in favor and the Planning Commission meeting adjourned at 7:49 p.m.

Date Approved:

**RIVERDALE CITY
CITY COUNCIL AGENDA
November 6, 2024**

AGENDA ITEM: G2

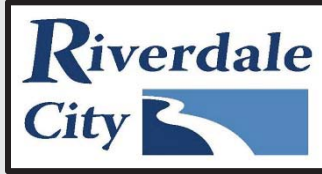
SUBJECT: Discussion and consideration of Ordinance #986 facility use permit policy and fee schedule update for Riverdale City parks and facilities.

PRESENTER: Rich Taylor, Community Services

INFORMATION:

- a. [Executive Summary](#)
- b. [Ordinance 986](#)
- c. [Field Rental Agreement and Policies](#)
- d. [Facility Use Permit](#)
- e. [Proposed fee schedule](#)

[BACK TO AGENDA](#)



City Council Executive Summary

For the Council meeting on: 11/06/24

Petitioner: Rich Taylor

Summary of Proposed Action

Discussion and possible approval of a facility use permit policy for Riverdale City parks and facilities.

Summary of Supporting Facts & Options

Riverdale City parks and open spaces are provided and maintained to benefit all citizens of Riverdale City. We are seeing an increase in organized activities, team practices, and non-personal use. Not only do these activities limit availability for unorganized public recreational use, but also places the financial burden of additional maintenance costs on the citizens of Riverdale. By implementing this policy, we look forward to capturing funds to help with maintenance and control use of the park by organized activities, team practices, and non-personal use. Please see attached facility use permit policy document. We have updated the document to include preference for Riverdale groups. You will also see a fee schedule change to reflect the updated policy if it is accepted.

Legal Comments – City Attorney

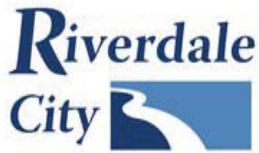
Steve Brooks, Attorney

Fiscal Comments – Business Administrator/Budget Officer

Cody Cardon,
Business Administrator

Administrative Comments – City Administrator

Steve Brooks,
City Administrator



ORDINANCE NO. 986

AN ORDINANCE ESTABLISHING A POLICY AND PROCEDURE FOR THE USE OF PARKS AND FACILITIES OF RIVERDALE CITY THAT WILL BETTER IMPLEMENT, CLARIFY AND DEFINE THESE SECTIONS CONCERNING FACILITY USE AND PERMIT POLICIES FOR PARKS AND FACILITIES OF RIVERDALE CITY AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Riverdale City (hereafter "City") is a municipal corporation, duly organized and existing under the laws of the State of Utah; and;

WHEREAS, Utah Code Annotated §10-9-102 empowers municipalities of the state to enact all ordinances and rules that they consider necessary for the proper operation of a municipality; and

WHEREAS, the City Council of Riverdale, Utah, has determined that it is in the best interests of the citizens of Riverdale to establish policies regarding the use of public parks and facilities to ensure their enjoyment, safety, and upkeep; and

WHEREAS, the City finds it is in the best interest of the community and its citizens to address the issues concerning parks and park facilities in order to better serve the residents and community; and

WHEREAS, it appears that the proposed policy is in accord with the City's goals, desires and needs and will promote health, safety, and the general welfare of the community at large and that the Riverdale City Council finds it to be in the best interests of the City;

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF RIVERDALE:

Section 1. Repealer. Any provision of Riverdale Policy Code found to be in conflict with this ordinance is hereby repealed.

Section 2. The Riverdale Council hereby finds that the Parks Use and Permit Policy, as outlined in Attachment 1, attached hereto, and incorporated hereby, be adopted, and incorporated in the operation of city functions concerning parks and facilities found within the Riverdale City boundaries.

Section 3. All other rules, titles, and policies sections not otherwise amended hereby shall remain unchanged, in full force and effect.

Section 4. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective date. This ordinance shall take effect immediately upon its adoption and posting.

PASSED, ADOPTED AND ORDERED POSTED this ____ day of November, 2024.

Attest:

Michelle Marigoni, City Recorder

Attachment 1

Riverdale City Corporation Facility Use Permit Policies

The following guidelines have been issued by the Riverdale City Council to govern the usage of park fields and facilities within the Riverdale City limits, which are owned and/or in the care of Riverdale City and the users thereof.

DEFINITIONS

1. All City sponsored activities, programs, games, practices, leagues, and tournaments. Reservations for City functions may be made at any time for any date. City functions may pre-empt lower priority reservations at the discretion of the Community Services Director. There will be no rental fees charged for City reservations.
2. All City co-sponsored activities, programs, games, practices, leagues, and tournaments. A definition of co-sponsorship is when a department head or staff is committed to two or more of the following management functions for the activity: Planning and budgeting for the activity. Coordinating and organizing activity in terms of who will be responsible for each task. Providing leadership staff for such activities. Evaluating and measuring its impact on participants. Reservations for City co-sponsored activities may be made at any time for any date. There will be no rental fees charged for City reservations.
3. ALL other organized activities, team practice or play, and non-personal use requesting use of grass field, open space, or ball diamonds will be considered for a facility use permit. Fee and deposits are required.

GENERAL POLICY

- A. USE: The primary use of the municipal recreation areas and facilities is for the public recreational use for the residents and visitors of Riverdale City.
- B. PRIORITY USE: Activities sponsored by Riverdale City and its departments have priority use of the recreational facilities.
- C. PARK HOURS: The park is open daily from 6:00 AM to 10:00 PM. Visitors must vacate the park outside these hours unless a permit is obtained for special use.
- D. RESPECT FOR OTHERS: All visitors must be respectful of other enjoying the park. This includes keeping noise to a reasonable level, particularly near playgrounds, picnic areas, splashpad, and walking paths.

E. FACILITIES AND EQUIPMENT: Use of park facilities (sport fields, playgrounds, pavilions, picnic shelters, restrooms, etc.) must be used in accordance with city rules. Facilities must be used as intended and left clean after use.

E. EVENT SET-UP AND DECORATIONS: Event organizers may decorate rented areas, but decorations must be approved in advance. The use of tape, nails, or other materials that may damage park structures is prohibited. All decorations must be removed after the event, and no confetti, glitter, or non-biodegradable materials may be used.

F. FACILITY USE PERMITS: Citizens of Riverdale City and other users of the parks and facilities are granted limited restricted use (excluding the splashpad, which is not permitted for use by private events) by a facility use permit, which is issued by the Community Services Department. Facility use permits are required for all organized activities, team practices or play, and non-personal use on grass fields, open space, and ball diamonds.

G. CARE OF FACILITIES: Holders of facility use permits are required to leave the facilities and fields in the same condition in which they were found. It is unlawful for users to create any nuisance, offense, to scratch, cut, injure, deface any building, fence, structure, tree, shrubbery, sidewalk, destroy any fountain, property, facility, structure, or other improvement on Riverdale City property or property in its care. It is also unlawful to drive any vehicle over any garden, lawn, sidewalk, bench, wall, or any other portion of any public park. Holders of facility use permits will be held responsible and liable for all damage to the buildings and facilities thereto herein indicated and not indicated and shall be responsible to Riverdale City Corporation for reimbursement for damages incurred. Permit holders must also be aware that appropriate criminal actions may be brought against any person who abuses, damages and/or destroys Riverdale City property or otherwise violates the law.

H. USER BEHAVIOR: It is unlawful for any person to use threatening, abusive, insulting, or indecent language in the public parks and facilities of Riverdale City. Users will be required to obey all Riverdale City Park and Trail Rules, laws and ordinances of Riverdale City, the State, and the Nation.

I. ALCOHOL, SMOKING, & DRUG CONSUMPTION: No alcoholic beverage, no smoking, electronic cigarettes, vaping, and no illegal drug or substance shall be sold, used or consumed on any Riverdale City property, facility, park, field, parking lot, grounds, or building.

J. FIELD PREPARATION: No lines will be painted on the grass, no stakes, or ground anchors are allowed. It is mandatory that field preparation on softball fields be completed by Riverdale City staff. Users are not allowed to bring in goals larger than 8ft in width. All equipment must be removed the same day. Exceptions to this requirement must be approved by the Community Services Director or other designated city official.

K. FIELD USAGE: Any use of Riverdale City green fields, open space, and ball diamonds for organized activities, team practice or play, and non-personal use must be approved and scheduled in advance according to the terms outlined in this policy. Riverdale green fields, open space, or ball diamonds can be used for either practices or games. Practice fields will not be prepped. Games will take precedence over practices. After fields are scheduled at the beginning of each season, any requests for games or practices or make-up games will be scheduled on an as-available basis. Riverdale City reserves the right to limit the amount of play permitted in its park space, both scheduled and non-scheduled play, during any given season to prevent excessive damage to turf or facilities. Wear factors include:

- a) Size, age, and number of users
- b) Type of use
- c) Frequency of use
- d) Weather conditions
- e) Type of sports equipment used
- f) wear and tear

L. FIELD MAINTENANCE/RENOVATION: To help maintain the quality of Riverdale City parks, field closures may be scheduled at certain allocated sites throughout the year to allow for field maintenance and renovation. The City does attempt to be flexible in accommodating user groups, however the health and

safety of the user and/or the condition of the facility takes priority. This could affect any number of fields that are available during the allocation period and may require organizations to use alternative locations.

M. INCLEMENT WEATHER FIELD CLOSURES: Riverdale City reserves the right to close any park or open space for rental due to inclement weather. In case of inclement weather, the scheduled facilities are not to be used. Be aware that if organizations use the facility during inclement weather, you and your organization will be held responsible for all damages that may occur because of such use, including repair costs and lost revenue due to prolonged closure. It is the user group's responsibility to verify field closures on the day of use by calling Riverdale City Community Services at 801-621-6084.

N. BICYCLES, SCOOTERS, & SKATEBOARDS: Bicycles, scooters, and skateboards are permitted in designated areas only. They are not allowed on playgrounds or inside pavilions and must always be operated safely.

O. MOTORIZED VEHICLES: Motorized vehicles are not allowed on walking paths, playground areas, or on the grass. Parking is allowed only in designated areas.

P. USE OF AMPLIFIED MUSIC OR SOUND: Personal music devices, speakers, or other amplified sound equipment may be used, but volume levels should not disturb other park visitors or violate allowed limits. Amplified sound for events or gatherings requires prior approval and a permit (see Event Permits),

Q. CLOSING TIME: Facilities must be vacated no later than 10:00 p.m. Exceptions to this requirement must be approved through a special event permit application.

R. UNAUTHORIZED USE/VIOLATION OF POLICY: Any unauthorized use of fields or violation of the policy may be subject to a \$250.00 fine and the team(s) in violation and the league or association may be suspended from further field use. First time violations of this policy will result in a fine, while subsequent policy violations will result in a minimum of a one-year suspension, but the seriousness of the violation could result in either, or both fine and suspension.

S. PRIVATE CONCESSION SALES: Granting of a facility use permit does not allow the holder/user to sell souvenirs, food, or drink on the property of Riverdale City Corporation. The authority to operate all concessions thereon shall be the sole privilege of Riverdale City and/or its assigns.

T. USAGE FEES: Any group or individual issued a facility use permit will be subject to the fee schedule outlined below.

1. APPLICATIONS: Facility use permit applications for single or repeated use will be accepted annually from January 1 to February 1 for spring and summer seasons (March – July), and between May 1 and July 1 for fall season (August- October). At that time, all applications will be considered with priority given to applications from Riverdale residents. Riverdale City Corporation reserves the right to limit the number of requests per applicant. All applicants will be notified by the third Friday in February for spring schedules, and by the third Friday in July for fall schedules regarding the status of their request/application. Applications received after the application deadline will be evaluated based on field availability.

2. SECURITY DEPOSIT: A refundable security deposit of \$100 for single use or \$250 for multiple-day tournaments and large-scale events is required at the time the permit is granted. This deposit is separate and above the usage cost of the facilities. Users are responsible for cleaning up the area during and after each use. If the facility is left clean and no damage occurs, the deposit shall be returned after the permit expires. Failure to pay the security deposit will invalidate the application and the facility use request.

3. LIABILITY INSURANCE: Liability insurance with a company authorized and licensed to conduct business within the State of Utah shall be obtained and Riverdale City Corporation shall be named as co-insured with liability limits of \$1,000,000. Proof of this insurance coverage must be presented to Riverdale City before the permit is granted. Riverdale City Corporation recommends that grantees of facility use permits require their participants to have their own health and accident insurance coverage. Failure to submit the required proof of insurance will invalidate the application and the facility use request.

4. FEE PAYMENT: All fees are due in full before a permit is issued. Failure to pay the usage fees will invalidate the application and the facility use request. The usage fees shall be used to pay the charges and fees set forth herein.

If Riverdale City denies a request for use and a facility use permit is not issued, all deposits and fees will be returned without penalty.

5. CANCELLATION: Fees will ONLY be waived for games that are rained out by the city, or appropriately cancelled by the league official or umpire, unless damage is done. Facility use fees WILL NOT be refunded for any other purpose. As a result, users are encouraged to consider the dates and times of requested field use. Users who have been granted a field use permit will be charged for the requested dates/times whether the fields are used when cancellation is not related to weather related field conditions.

DETERMINING FIELD PLAYABILITY:

A. Standing water occurs because the ground is saturated. Removing standing water does not eliminate saturation. It is the saturation and not standing water that causes damage and unsafe conditions.

B. Determining the playability of a grass field is crucial to the continued health of the turf and the sustainability of the field throughout the season. The Department will close its grass fields if park staff determine that fields are too wet for play or if other issues arise that would compromise patron safety.

C. In case of inclement weather, the scheduled field/facilities are not to be used. Be aware that if organizations use the field/facility during inclement weather, you and your organization will be held responsible for all damages that may occur because of such use, including repair costs and lost revenue due to prolonged closure. It is the user group's responsibility to call the Riverdale City Community Center rainout line at 801-621-6084 Monday through Friday after 4:00 p.m., and Saturdays after 8:00 a.m. to verify field closures.

D. Leagues and users have the responsibility to close fields for play when safety and/or field damage is possible.

E. A grass field should be considered closed if any of the following conditions exist:

1. There is standing water present on any part of the field that cannot be removed without causing damage to the field.
2. There are muddy conditions present that will not dry naturally by the start of the use.
3. While walking on the field, water can be seen or heard with any footstep.
4. While walking on the field, any impression of your footprint is left in the surface.
5. If water gathers around the sole of a shoe or boot on any portion of the field.
6. If it is raining or lightning is present or near.

F. Any unauthorized use of fields or violation of the policy may be subject to a \$100.00 fine and the team in violation and the league or association may be suspended from further field use. First time violations of this policy will generally result in a fine, while subsequent policy violations will result in a minimum of a one-year suspension.

6. COMPLIANCE: Park visitors must comply with all posted signs, this policy or any other state or city law, rule, or regulation. Park staff, alone or in coordination with law enforcement, have the authority to enforce park rules and address violations. Visitors must comply with requests made by park staff or law enforcement, including the direction to cease an activity, vacate a particular area of the park or may ask visitors to leave.

7. VIOLATIONS OF PARK RULES: Those who engage in disruptive behavior, or who damage park property may be fined, penalized, or restricted on current or future use of park facilities. Issued permits for events or group use may also be revoked if organizers fail to comply with park rules and regulations or cause damage to city property at any time. Riverdale City reserves the right to close all facilities for any reason.

USAGE FEES – GAMES AND PRACTICES field use fee per field \$45 per hour, scoreboard fee \$20 per hour, layout of fields \$125 one-time fee and \$50 restriping fee.

USAGE FEES – BASEBALL/SOFTBALL GAMES Baseball/softball field use \$45 per hour, scoreboard fee \$20 per hour, baseball/softball field prep \$100 one-time prep.



Riverdale City Field Use Permit Application

Date: _____

Name of Organization: _____

Contact Person: _____

Address: _____

City: _____ State: _____ Zip _____

Home Phone: _____ WK/Cell: _____

E-mail: _____

Classification of Renter:

- ☐ Resident Based Recreation Team/League
- ☐ Non-Resident Based Team/League

Park Rental:

- ☐ Golden Spike East
- ☐ Golden Spike West
- ☐ Riverdale Park
- ☐ Golden Spike Grass
- ☐ Riverdale Grass

Date of Rental: _____

Time of Rental: From _____ To _____ # of Games: _____

Field Rental Fee: \$ _____ Prep of Fields: \$ _____

Security Deposit: \$ _____ Scoreboard Fee: \$ _____

Supervisor Fee: \$ _____ **TOTAL FEE:** \$ _____

Renter Signature

City Employee Signature

FEES

Field Use Fee\$45.00 per hour
Scoreboard Use Fee\$20.00 per hour
Field Layout Fee\$125.00
Restriping Fee\$50.00
Softball Field Prep Fee.....\$100.00
Security Deposit.....\$100.00

To be filled out by Riverdale City only

Date Paid: _____ Amount Paid: \$ _____ Receipt # _____
Deposit Return Approved: ☐ Yes ☐ No Date Deposit Return Approved: _____
City Employee Signature _____ Date _____



Riverdale City Field Use Permit Policies

1. Facility use applications are required for all organized activities, team practices or play, and non-personal use on grass fields, open space and ball diamonds.
2. Applicant agrees to follow approved Facility Use Permit Policies.
3. Applicant agrees to follow all park policies.
4. Fields usage applications must be and scheduled a minimum of 10 days in advance of desired use.
5. Permits will not be officially granted until all fees are paid and the application signed.
6. If costs to clean and/or repair the facility exceed the amount of the deposit, the renter shall be responsible for additional costs. If the renter fails to pay the additional costs, as requested by the City staff, the renter shall be responsible for all collection costs and/or attorney's fees.
7. Renter must provide proof of a minimum of \$1,000,000.00 liability insurance policy for each rental listing Riverdale City as an additional insured.
8. In case of inclement weather, Riverdale City may cancel field usage permit. No fields will be allowed to be played upon that are not in playable condition. A determination is at the sole discretion of Riverdale City as to the rescheduling of field, or money refunded.
9. The City may refuse rental to anyone. Reasons may include, but are not limited to: non-payment, abuse of facilities, sportsmanship issues, lack of supervision, disregarding policy.
10. Alcoholic beverages, drugs and smoking are prohibited at all Park facilities.
11. Field sizes are set and not negotiable. Participants are not allowed to move base distances, pitching rubbers, etc. No painting, dragging, mechanical machines or altering of the fields will be allowed.
12. No driving of any vehicle on the grass or walking path.



Riverdale City Corporation Facility Use Permit Policies

The following guidelines have been issued by the Riverdale City Council to govern the usage of park fields and facilities within the Riverdale City limits which are owned and/or in the care of Riverdale City and the users thereof.

DEFINITIONS

1. All City sponsored activities, programs, games, practices, leagues and tournaments. Reservations for City functions may be made at any time for any date. City functions may pre-empt lower priority reservations at the discretion of the Community Services Director. There will be no rental fees charged for City reservations.
2. All City co-sponsored activities, programs, games, practices, leagues and tournaments. A definition of co-sponsorship is when a department head or staff is committed to two or more of the following management functions for the activity: Planning and budgeting for the activity. Coordinating and organizing activity in terms of who will be responsible for each task. Providing leadership staff for such activities. Evaluating and measuring its impact on participants. Reservations for City co-sponsored activities may be made at any time for any date. There will be no rental fees charged for City reservations.
3. ALL other organized activities, team practice or play, and non-personal use requesting use of grass field, open space, or ball diamonds will be considered for a facility use permit. Fee and deposits are required.

GENERAL POLICY

- A. USE: The primary use of the municipal recreation areas and facilities is for the public recreational use for the residents and visitors of Riverdale City.
- B. PRIORITY USE: Activities sponsored by Riverdale City and its departments have priority use of the recreational facilities.
- C. PARK HOURS: The park is open daily from 6:00 AM to 10:00 PM. Visitors must vacate the park outside these hours unless a permit is obtained for special use.
- D. RESPECT FOR OTHERS: All visitors must be respectful of other enjoying the park. This includes keeping noise to a reasonable level particularly near playgrounds, picnic areas, splashpad, and walking paths.

E. FACILITIES AND EQUIPMENT: Use of park facilities (sport fields, playgrounds, pavilions, picnic shelters, restrooms, etc.) must be use in accordance with city rules. Facilities must be used as intended and left clean after use.

E. EVENT SET_UP AND DECORATIONS: Event organizers may decorate rented areas, but decorations must be approved in advance. The use of tape, nails, or other materials that may damage park structures is prohibited. All decorations must be removed after the event, and no confetti, glitter, or non-biodegradable materials may be used.

F. FACILITY USE PERMITS: Citizens of Riverdale City and other users of the parks and facilities are granted limited restricted use (excluding the splashpad, which is not permitted for use by private events) by a facility use permit, which is issued by the Community Services Department. Facility use permits are required for all organized activities, team practices or play, and non-personal use on grass fields, open space and ball diamonds.

G. CARE OF FACILITIES: Holders of facility use permits are required to leave the facilities and fields in the same condition in which they were found. It is unlawful for users to create any nuisance, offense, to scratch, cut, injure, deface any building, fence, structure, tree, shrubbery, sidewalk, destroy any fountain, property, facility, structure, or other improvement on Riverdale City property or property in its care. It is also unlawful to drive any vehicle over any garden, lawn, sidewalk, bench, wall, or any other portion of any public park. Holders of facility use permits will be held responsible and liable for all damage to the buildings and facilities thereto herein indicated and not indicated and shall be responsible to Riverdale City Corporation for reimbursement for damages incurred. Permit holders must also be aware that appropriate criminal actions may be brought against any person who maliciously abuses and/or destroys Riverdale City property or otherwise violates the law.

H. USER BEHAVIOR: It is unlawful for any person to use threatening, abusive, insulting or indecent language in the public parks and facilities of Riverdale City. Users will be required to obey all Riverdale City Park and Trail Rules, laws and ordinances of Riverdale City, the State, and the Nation.

I ALCOHOL, SMOKING, & DRUG CONSUMPTION: No alcoholic beverage, no smoking, electronic cigarettes, vaping, and no illegal drug or substance shall be sold or consumed on any Riverdale City property, facility, park, field, parking lot, grounds or building.

J. FIELD PREPARATION: No lines will be painted on the grass, no stakes, or ground anchors are allowed It is mandatory that field preparation on softball fields be completed by Riverdale City staff. Users are not allowed to bring in goals larger than 8ft in width. All equipment must be removed the same day. Exceptions to this requirement must be approved by the Community Services Director or other designated city official.

K. FIELD USAGE: Any use of Riverdale City green fields, open space, and ball diamonds for organized activities, team practice or play, and non-personal use must be approved and scheduled in advance according to the terms outlined in this policy. Riverdale green fields, open space, or ball diamonds can be used for either practices or games. Practice fields will generally not be prepped. Games will take precedence over practices. After fields are scheduled at the beginning of each season, any requests for games or practices or make-up games will be

scheduled on an as-available basis. Riverdale City reserves the right to limit the amount of play permitted in its park space both scheduled and non-scheduled play during any given season to prevent excessive damage to turf or facilities. Wear factors include:

- a) Size, age, and number of users
- b) Type of use
- c) Frequency of use
- d) Weather conditions
- e) Type of sports equipment used
- f) wear and tear

L. FIELD MAINTENANCE/RENOVATION: To help maintain the quality of Riverdale City parks, field closures may be scheduled at certain allocated sites throughout the year to allow for field maintenance and renovation. The City does attempt to be flexible in accommodating user groups, however the health and safety of the user and/or the condition of the facility takes priority. This could affect any number of fields that are available during the allocation period and may require organizations to use alternative locations.

M. INCLEMENT WEATHER FIELD CLOSURES: Riverdale City reserves the right to close any park or open space for rental due to inclement weather. In case of inclement weather, the scheduled facilities are not to be used. Be aware that if organizations use the facility during inclement weather, you and your organization will be held responsible for all damages that may occur as a result of such use including repair costs and lost revenue due to prolonged closure. It is the user group's responsibility to verify field closures of the day of use by calling Riverdale City Community Services at 801-621-6084.

N. BICYCLES, SCOOTERS, & SKATEBOARDS: Bicycles, scooters, and skateboards are permitted in designated areas only. They are not allowed on playgrounds or inside pavilions and must be operated safely at all times.

O. MOTORIZED VEHICLES: Motorized vehicles are not allowed on walking paths, playground areas, or grass. Parking is allowed only in designated areas.

P. USE OF AMPLIFIED MUSIC OR SOUND: Personal music devices, speakers, or other amplified sound equipment may be used, but volume levels should not disturb other park visitors or violate allowed limits. Amplified sound for events or gatherings requires prior approval and a permit (see Event Permits),

Q. CLOSING TIME: Facilities must be vacated no later than 10:00 p.m. Exceptions to this requirement must be approved through a special event permit application.

R. UNAUTHORIZED USE/VIOLATION OF POLICY: Any unauthorized use of fields or violation of the policy may be subject to a \$250.00 fine and the team(s) in violation and the league or association may be suspended from further field use. First time violations of this policy will generally, but not necessarily binding, result in a fine, while subsequent policy violations will result in a minimum of a one-year suspension.

S. PRIVATE CONCESSION SALES: Granting of a facility use permit does not allow the holder/user to sell souvenirs, food or drink on the property of Riverdale City Corporation. The authority to operate all concessions thereon shall be the sole privilege of Riverdale City and/or its assigns.

T. USAGE FEES: Any group or individual issued a facility use permit will be subject to the fee schedule outlined below.

1. APPLICATIONS: Facility use permit applications for single or repeated use will be accepted annually from January 1 to February 1 for spring and summer seasons (March – July), and between May 1 and July 1 for fall season (August- October). At that time, all applications will be considered with priority given to applications from Riverdale residents. Riverdale City Corporation reserves the right to limit the number of requests per applicant. All applicants will be notified by the third Friday in February for spring schedules, and by the third Friday in July for fall schedules regarding the status of their request/application. Applications received after the application deadline will be evaluated based on field availability.

2. SECURITY DEPOSIT: A refundable security deposit of \$100 for single use or \$250 for multiple day tournaments and large-scale events is required at the time the permit is granted. This deposit is separate and above the usage cost of the facilities. Users are responsible for cleaning up the area during and after each use. If the facility is left clean and no damage occurs, the deposit shall be returned after the permit expires. Failure to pay the security deposit will invalidate the application and the facility use request.

3. LIABILITY INSURANCE: Liability insurance with a company authorized and licensed to conduct business within the State of Utah shall be obtained and Riverdale City Corporation shall be named as co-insured with liability limits of \$1,000,000. Proof of this insurance coverage must be presented to Riverdale City before the permit is granted. Riverdale City Corporation recommends that grantees of facility use permits require their participants to have their own health and accident insurance coverage. Failure to submit the required proof of insurance will invalidate the application and the facility use request.

4. FEE PAYMENT: All fees are due in full before a permit is issued. Failure to pay the usage fees will invalidate the application and the facility use request. The usage fees shall be used to pay the charges and fees herein set forth. If Riverdale City Corporation denies a request for use and a facility use permit is not issued, all deposits and fees will be returned without penalty.

5. CANCELLATION: Fees will ONLY be waived for games that are rained out by the city, or appropriately cancelled by the league official or umpire, unless damage is done. Facility use fee WILL NOT be refunded for any other purpose. As a result, users are encouraged to consider the dates and times of requested field use. Users who have been granted a field use permit will be charged for the requested dates/times whether the fields are used when cancellation is not related to weather related field conditions.

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A. Standing water occurs because the ground is saturated. Removing standing water does not eliminate saturation. It is the saturation and not standing water that causes damage and unsafe conditions.

B. Determining the playability of a grass field is crucial to the continued health of the turf and the sustainability of the field throughout the season. The Department will close its grass fields if

park staff determine that fields are too wet for play or if other issues arise that would compromise patron safety.

C. In case of inclement weather, the scheduled field/facilities are not to be used. Be aware that if organizations use the field/facility during inclement weather, you and your organization will be held responsible for all damages that may occur as a result of such use including repair costs and lost revenue due to prolonged closure. It is the user group's responsibility to call the Riverdale City Community Center rainout line at 801-621-6084 Monday through Friday after 4:00 p.m., and Saturdays after 8:00 a.m. to verify field closures.

D. Leagues and users have the responsibility to close fields for play when safety and/or field damage is possible.

E. A grass field should be considered closed if any of the following conditions exist:

1. There is standing water present on any part of the field that cannot be removed without causing damage to the field.
2. There are muddy conditions present that will not dry naturally by the start of the use.
3. While walking on the field, water can be seen or heard with any footstep.
4. While walking on the field, any impression of your footprint is left in the surface.
5. If water gathers around the sole of a shoe or boot on any portion of the field.
6. If it is raining or lightning is present.

F. Any unauthorized use of fields or violation of the policy may be subject to a \$100.00 fine and the team in violation and the league or association may be suspended from further field use. First time violations of this policy will generally result in a fine, while subsequent policy violations will result in a minimum of a one-year suspension.

6. COMPLIANCE: Park visitors must comply with all posted signs, this policy or any other state or city law, rule, or regulation. Park staff, alone or in coordination with law enforcement, have the authority to enforce park rules and address violations. Visitors must comply with requests made by park staff or law enforcement, including the direction to cease an activity, vacate a particular area of the park or may ask visitors to leave.

7. Violations of park rules, those who engage in disruptive behavior, or who damage park property may be fined, penalized, or restricted on current or future use of park facilities. Issued permits for events or group use may also be revoked if organizers fail to comply with park rules and regulations or cause damage to city property at any time. Riverdale City reserves the right to close any and all facilities for any reason.

USAGE FEES – GAMES AND PRACTICES field use fee per field \$45 per hour, scoreboard fee \$20 per hour, layout of fields \$125 one-time fee and \$50 restriping fee.

USAGE FEES – BASEBALL/SOFTBALL GAMES Baseball/softball field use \$45 per hour, scoreboard fee \$20 per hour, baseball/softball field prep \$100 one-time prep

A.	Old Glory Days fees shall be as follows:		
	1	Booth rental for residents	\$ 35.00
	2	Booth rental for nonresidents	\$ 70.00
	3	Booth electircal hookup	\$ 10.00
	4	Parade entry for residents	\$ 15.00
	5	Parade entry for nonresidents	\$ 30.00
C.	Fees for the community center shall be as follows:		
	1	Gym and exercise room- open public use- daily fee:	
		a. Individual:	
		Resident	\$ 2.50
		Noncity Resident	\$ 3.75
		b.Senior citizens (55 and older)- Resident	\$ 1.25
		Senior citizens (55 and older)- Noncity Resident	\$ 2.50
		c. Family:	
		Resident	\$ 6.25
		Noncity Resident	\$ 12.50
		d. Business (per employee)	\$ 2.50
		e. City employees, appointed officials and immediate household	No charge
	2	Gym and exercise room- open public use- monthly fee:	
		a. Individual:	
		Resident	\$ 12.50
		Noncity Resident	\$ 25.00
		b. Senior citizens (55 and older)- Resident	\$ 6.25
		b. Senior citizens (55 and older)- Noncity Resident	\$ 12.50
		c. Family: includes 4	
		Resident- additional members \$5	\$ 25.00
		Noncity Resident- additional members \$10	\$ 50.00
		Additional Members	
		d. Business (per employee)	\$ 25.00
		e. City employees, appointed officials and immediate household	No charge
	3	Gym and exercise room- open public use- annual fee:	
		Annual passes will be discounted for a 30-day sale annually	
		a. Individual:	
		Resident	\$ 125.00
		Noncity Resident	\$ 250.00
		b. Senior citizens (55 and older)- Resident	\$ 62.50
		b. Senior citizens (55 and older)- Noncity Resident	\$ 125.00
		c. Family: includes 4	
		Resident- additional members \$50	\$ 250.00
		Noncity Resident- additional members \$100	\$ 500.00

		d. Business (per employee)	\$ 250.00
		e. City employees, appointed officials and immediate household	No charge
	4	Reservations/rental:	
		a. Security deposit for all uses (refundable) minimum, or as	\$ 125.00
		b. Gymnasium- hourly fee (2 hour minimum)	
		(1) City residents and employees	\$ 150.00
		(2) Approved nonprofit and civic groups	\$ 150.00
		(3) Noncity residents	\$ 450.00
		(4) Business	\$ 450.00
		c. Gym Practices hourly fee (half court) no deposit required	
		1. City residents and employees	\$ 37.50
		2. Approved nonprofit and civic groups	\$ 37.50
		3. Noncity Residents	\$ 62.50
		4. Business	\$ 62.50
		c. Exercise room- hourly fee- (1 hour minimum)	
		(1) City residents and employees	\$ 25.00
		(2) Approved nonprofit and civic groups	\$ 25.00
		(3) Noncity residents	\$ 75.00
		(4) Business	\$ 75.00
		d. Large meeting room- fee per hour (inclusive of setup and cleanup	
		(1) City residents and employees	\$ 31.25
		(2) Approved nonprofit and civic groups	\$ 31.25
		(3) Noncity residents	\$ 93.75
		(4) Partner Program	\$ 20.00
		e. Small meeting room- fee per hour (inclusive of setup and cleanup	
		(1) City residents and employees	\$ 25.00
		(2) Approved nonprofit and civic groups	\$ 25.00
		(3) Noncity residents	\$ 75.00
		(4) Partner Program	\$ 15.00
		f. Kitchen- fee per hour (inclusive of setup and cleanup times):	
		(1) City residents and employees	\$ 25.00
		(2) Approved nonprofit and civic groups	\$ 25.00
		(3) Noncity residents	\$ 75.00
		(4) Business	\$ 75.00
		Riverdale parks and pavilions- use fees:	
D.	1	Small pavilion:	
		No fees or reservations, available first come, first serve basis	
	2	Meduim pavilion:	
		a. City residents and employees	\$ 30.00
		b. Noncity residents and businesses	\$ 120.00

	3	Large pavilion:		
		a. City residents and employees	\$	60.00
		b. Noncity residents and businesses	\$	180.00
	4	Amphitheater		
		a. City residents and employees	\$	30.00
		b. Noncity residents and businesses	\$	120.00
		Fee per 5 hour block: 9:00 AM to 2:00 PM and 4:00 PM to 9:00 PM		
		In exchange for community service, the fee may be waived by administration for Riverdale area church and civic groups		
		The charge for governmental agencies shall be reviewed on a case by case basis		
E.		Field Use Permit: applications accepted first working day in January each year.		
	1	Field Use Fee- hourly fee	\$	45.00
	2	Security deposit	\$	100.00
	3	Scoreboard Use Fee- hourly fee	\$	20.00
	4	Field Layout Fee- initial layout	\$	125.00
	5	Field Restriping Fee	\$	50.00
	6	Softball Field Prep Fee	\$	100.00
G.		Senior Center		
	1	Lunch	\$	4.00

**RIVERDALE CITY
CITY COUNCIL AGENDA
November 6, 2024**

AGENDA ITEM: G4

SUBJECT: Consideration of ordinance #988 amending the Riverdale Municipal Ordinance Code, Title 21, Chapter 21, to add new or modify existing sections in compliance with the 2024 Utah State Legislature’s House Bill 476 further clarifying subdivision procedures and related matters.

PRESENTER: Brandon Cooper, Community Development

INFORMATION:

- a. [Executive Summary](#)
- b. [Ordinance #988](#)
- c. [Redline version of the recommended changes](#)
- d. [Enrolled copy of HB476](#)
- e. [Analysis identifying key components on HB476, particularly as they relate to differences between SB174 \(2023\)](#)
- f. [Minutes PC 10/8/2024](#)

[BACK TO AGENDA](#)

Body: City Council

Topic: Changes to Riverdale Municipal Ordinance Code
Title 10, Chapter 21 – Subdivision Procedures – HB476

Department: Community Development

Director: Brandon Cooper

Staff/Presenter: Brandon Cooper

Contact: bcooper@riverdalecity.com

Executive Summary

In the 2024 Utah State Legislative Session, the Utah Legislature passed House Bill 476, modifying provisions related to local government. This bill:

- modifies county and municipal land use provisions;
- requires a county or municipality to accept and process a complete land use application under specified conditions;
- modifies provisions relating to development agreements;
- modifies the limitation of a provision on building design elements;
- authorizes a county or municipality to require a seller to notify a buyer of water wise landscaping requirements;
- enacts language relating to residential rear setback limitations;
- modifies provisions relating to the review of subdivision applications and subdivision improvement plans;
- modifies a provision relating to the landscaping of residential lots or open space;
- modifies a provision relating to a completion assurance bond;
- modifies provisions relating to the enforcement of county and municipal land use regulations

Similar changes to the Riverdale Municipal Ordinance Code were made by the Council in January 2024 (Ordinance 977) related to modifications to the subdivision process required by Senate Bill 174. Staff has worked with Jay Springer with SMITH HARTVIGSEN, PLLC to implement the

requirements of HB476 into the Riverdale Municipal Ordinance Code, specifically with Title 10, Chapter 21, Subdivisions. Mr. Springer will be making a presentation to the Council outlining the proposed changes.

Requested Timeline:

Planning Commission Meeting – October 8, 2024 (Public Hearing)

City Council Meeting – November 6, 2024

Potential Actions:

Following the presentation and discussion of the proposal, the City Council may make:

- 1) a motion to approve
- 2) a motion to approve with modifications
- 3) a motion to table the matter to a later date
- 4) a motion to deny

Staff Recommendation

Based on the findings presented by Jay Springer from SMITH HARTVIGSEN, PLLC., it is recommended that the City Council approve the necessary changes to Title 10, Chapter 21 – Subdivisions as required by HB476.

Planning Commission Recommendation

On October 8, 2024, the Planning Commission voted unanimously to recommend to the City Council approval of an ordinance amending the Riverdale Municipal Ordinance Code, Title 10, Chapter 21 – Subdivisions, to add new or modify existing sections in compliance with HB476.

Attachments

Planning Commission Meeting Minutes – October 8, 2024

Enrolled copy of HB476

Analysis identifying components of HB 476 and SB174 (2023)

Redline Version of recommended changes



ORDINANCE NO. 988

AN ORDINANCE AMENDING THE RIVERDALE MUNICIPAL ORDINANCE CODE, TITLE 10, CHAPTER 21, TO ADD NEW OR TO MODIFY SECTIONS THAT WILL BETTER IMPLEMENT, CLARIFY AND DEFINE THESE SECTIONS CONCERNING SUBDIVISION PROCEDURES WITHIN RIVERDALE CITY AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Riverdale City (hereafter "City") is a municipal corporation, duly organized and existing under the laws of the State of Utah; and

WHEREAS, Utah Code Annotated §10-9-102 empowers municipalities of the state to enact all ordinances and rules that they consider necessary for the use and development of land located within the municipality; and

WHEREAS, the Utah State Legislature, in house bill 476 of the 2024 legislative session, mandated modifications to all local municipalities when considering subdivision requests within their boundaries; and

WHEREAS, Riverdale City has complied with the mandates and has held a public hearing as mandated and submitted the final version of the changes to the Planning Commission for review and recommendation on October 8, 2024, in accordance with state law and the Planning Commission positively recommended the amendment be passed on and adopted by the City Council; and

WHEREAS, the City finds it is in the best interest of the community and its citizens to address the issues concerning subdivisions and subdivision regulations in order to better serve the residents and community and as was mandated by the state legislature; and

WHEREAS, it appearing that the proposed code additions are in accord with the City's goals, desires and needs and will promote health, safety and the general welfare of the community at large, the Riverdale City Council finds it to be in the best interests of the City;

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF RIVERDALE:

Section 1. Repealer. Any provision of the Riverdale Municipal Ordinance Code found to be in conflict with this ordinance is hereby repealed.

Section 2. The Riverdale Municipal Ordinance, TITLE 10, ZONING AND SUBDIVISION REGULATIONS, CHAPTER 21, SUBDIVISIONS, are hereby adopted as outlined in Attachment 1, attached hereto and incorporated hereby.

Section 3. All other titles, chapters and sections not otherwise amended hereby shall remain unchanged, in full force and effect.

Section 4. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective date. This ordinance shall take effect immediately upon its adoption and posting as allowed by law.

PASSED, ADOPTED AND ORDERED POSTED this ____ day of November, 2024.

Braden Mitchell, Mayor

Attest:

Michelle Marigoni, City Recorder

ATTACHMENT 1

CHAPTER 21 SUBDIVISIONS

SECTION:

10-21-1: General Provisions

10-21-2: Definitions

10-21-3: Scope Of Regulations

10-21-4: Preapplication Concept Review For A Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivision

10-21-5: Complete Application For Preliminary Subdivision Plan For A Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivision

10-21-6: Financial Guarantees For Improvements For A Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivision

10-21-7: Complete Application For Final Subdivision Review For A Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivision

10-21-8: Preapplication Concept Review For A Multiple-Family Residential Subdivision, Commercial Subdivision, Or Manufacturing Use Subdivision (Not Including Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivisions)

10-21-9: Complete Application For Preliminary Subdivision Plan For A Multiple-Family Residential Subdivision, Commercial Subdivision, Or Manufacturing Use Subdivision (Not Including Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivisions)

10-21-10: Financial Guarantees For Improvements For A Multiple-Family Residential Subdivision, Commercial Subdivision, Or Manufacturing Use Subdivision (Not Including Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivisions)

10-21-11: Complete Application For Final Subdivision Review For A Multiple-Family Residential Subdivision, Commercial Subdivision, Or Manufacturing Use Subdivision (Not Including Single-Family Dwelling, Two-Family Dwelling, Or Townhome Subdivisions)

10-21-12: Construction Plans And Profiles

10-21-13: Design Standards

10-21-14: Parks, School Sites, Other Public Places

10-21-15: Improvements

10-21-16: Small Subdivisions; Special Provisions

10-21-17: Enforcement And Permits

10-21-18: Penalty

10-21-1: GENERAL PROVISIONS:

A. The purpose and intent of this chapter is to promote the health, safety, convenience and general welfare of the inhabitants of the city in the matter of the subdivision of land, to encourage the healthful growth of the city and related matters affected by such subdivision.

B. Any proposed subdivision and its ultimate use shall be in the best interests of the public and shall be in harmony with good neighborhood development of the area concerned and the applicant shall present evidence to this effect when requested to do so by the planning commission.

C. In cases where unusual topographic or other exceptional conditions exist, variations and exceptions from this chapter may be considered:

1. For a single-family dwelling subdivision, two-family dwelling subdivision, or townhome subdivision by the city staff planning committee, after recommendation by the planning commission; or
2. For a multiple-family residential subdivision, commercial subdivision, or manufacturing subdivision by the city council, after recommendation by the planning commission. (1985 Code § 19-40-1, amd. Ord. 977, 1-2-2024)

10-21-2: DEFINITIONS:

The following words and phrases used in this chapter shall have the respective meanings hereinafter set forth, unless a different meaning clearly appears from the context:

ADMINISTRATIVE LAND USE AUTHORITY: The administrative land use authority established by the city to review land use decisions from preliminary subdivision applications as submitted for single-family dwelling, two-family dwelling, townhome subdivisions, or other subdivisions as provided in 10-21-9. For the city, this is designated as the Riverdale City Planning Commission. The administrative land use authority does not include any member of the Riverdale City Council, including the mayor.

APPLICANT: The person or group of persons who submits a subdivision land use application to the city.

CITY: City of Riverdale, Utah.

CITY COUNCIL: The city council of the city of Riverdale, Utah.

CITY ENGINEER: The city engineer of the city of Riverdale, Utah.

CITY PLANNING STAFF COMMITTEE: The designated subdivision review and approval committee that shall consist of the community development director, the city administrator, the public works director, the city engineer, and other city staff who may be selected by the designated members of the city planning staff committee.

COMPLETE SUBDIVISION LAND USE APPLICATION: The complete application that the applicant submits to the Administrative Land Use Authority subsequent to the preapplication review by the city planning staff committee.

COUNTY: Weber County, Utah.

CUL-DE-SAC: A minor dead-end street provided with a turnaround.

DWELLING: Any building or structure, or portion thereof, including a trailer house, intended for residential use.

LOT: A portion of a subdivision or parcel of land intended as a unit for building development or transfer of ownership. A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area, as are required by this title, having frontage upon a street or upon a right of way approved by the board of adjustment. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy any one lot.

MAJOR STREET PLAN: A plan, labeled "major street plan of the city of Riverdale", including maps or reports or both, which has been approved by the city council as required by law or such plan as it may be amended from time to time and so certified to the city council.

OFFICIAL MAP: Any map adopted by the city council under provisions of Utah Code Annotated section 10-9-306.

PARCEL OF LAND: Contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same person.

PARTITION OR DIVISION OF AGRICULTURAL LAND: A bona fide "partition or division of agricultural land" for agricultural purposes" shall mean the division of a parcel of land into three (3) or more lots or parcels, none of which lots or parcels are smaller than five (5) acres in area; and provided, that no dedication of any street or road is required to serve any such lots or parcels of agricultural land for the purpose of building development.

PERSON: Any individual, corporation, partnership, firm, or association of individuals however styled or designated.

PLANNING COMMISSION: The city planning commission of Riverdale, Utah.

REVIEW CYCLE: means the occurrence of:

- A. the applicant's submittal of a complete subdivision ~~land use~~ application which includes the subdivision improvement plans;
- B. the City's review of that subdivision ~~land use~~ application including subdivision plan review;
- C. the City's response to that subdivision land use application, in accordance with this section and Utah Code Annotated § 10-9a-604.2; and

D. the applicant's reply to the City's response that addresses each of the municipality's required modifications or requests for additional information.

STREET: A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than twenty-six feet (26') wide which has been made public by right of use and which affords the principal access to abutting property.

STREET, COLLECTOR: A street, existing or proposed, of considerable continuity which serves or is intended to serve as the principal trafficway between large and separated areas or districts and which is the main access to the major street system.

STREET, MAJOR: A street, existing or proposed, which serves or is intended to serve as a major trafficway and is designated on the master street plan as a controlled access highway, major street, parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan.

STREET, MARGINAL ACCESS: A minor street which is parallel to and adjacent to a major street and which provides access to abutting properties and protection from through traffic.

STREET, MINOR: A street, existing or proposed, which is supplementary to a collector or major street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood.

SUBDIVISION: Any land that is divided, resubdivided or proposed to be divided into two (2) or more parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions.

SUBDIVISION IMPROVEMENT PLANS: The civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

SUBDIVISION ORDINANCE REVIEW: The review by the city to verify that a subdivision land use application meets the criteria of the city's subdivision ordinances.

SUBDIVISION PLAN REVIEW: The review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

ZONING ORDINANCE: The uniform zoning ordinance which is this title. (1985 Code § 19-40-2; amd. 2001 Code, amd. Ord. 977, 1-2-2024)

10-21-3: SCOPE OF REGULATIONS:

A. No person ~~shall~~may subdivide any tract of land which is located wholly or in part of the city except in compliance with this chapter. No person ~~shall~~may sell or exchange or offer to sell or exchange any parcel of land which is any part of a subdivision of a

larger tract of land, nor offer for recording in the office of the county recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this chapter; provided, that this chapter ~~shall~~ may not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this chapter.

B. Prior to the review of any property plat amendment, subdivision of land or quit claim deed of property, Riverdale City requires that any and all of the affected property's or properties' prior year (delinquent) taxes, interest and penalties be paid. (Ord. 824, 12-4-2012, amd. Ord. 977, 1-2-2024)

10-21-4: PREAPPLICATION CONCEPT REVIEW (OPTIONAL) FOR A SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISION:

A. Preapplication Concept Review: Each applicant who proposes to subdivide land within the territorial limits of the city shall have the opportunity to request a preapplication review meeting with the city planning staff committee before preparing any plats, charts, or plans. The city highly recommends a preapplication concept plan review meeting prior to submitting a Preliminary Subdivision Plat Application. A preapplication concept plan meeting is optional and does not count toward the maximum number of review cycles for subdivision land use applications. Within ten (10) business days after the request, the city planning staff committee shall schedule the meeting to review the concept plan and give initial feedback.

B. The preapplication meeting is intended to provide and explain the city's subdivision requirements and general plan that apply to the proposed subdivision and to discuss the proposed plan of development of the tract. The city planning staff committee shall provide or make available on the city's website copies of applicable land use regulations; a complete list of standards required for the project; preliminary and final application checklists; and feedback on the concept plan (if there is any feedback). (Ord. 854, 5-6-2014)

C. Preapplication Sketch Submission: If a preapplication meeting is requested by the applicant, the applicant shall submit two (2) copies of conceptual sketches showing the proposed preliminary plat and site plan for review by the city planning staff committee. The provided sketches are expected to show the relationship to proposed traffic arteries, existing arteries, utilities, shopping centers, schools, parks, or other infrastructure or city facilities.

D. Information Form: The city shall provide a subdivision information form to the applicant to be completed and submitted by the applicant to the planning commission prior to submission of the complete preliminary subdivision plat and site plan.

E. Preliminary Plat Fee: A fee shall be assessed in the amount as established by resolution of the city council to offset the cost of reviewing and other related work performed by the city and engineering staff associated with the review of the preliminary plat and site plan. The fee amount shall be as provided in the consolidated fee schedule set forth in Title 1, Chapter 12 of this code. No preliminary plat or site plan may be presented to the planning commission or city staff without the payment of the fee. (1985 Code § 19-40-4; amd. 2001 Code, amd. Ord. 977, 1-2-2024)

10-21-5: COMPLETE APPLICATION FOR PRELIMINARY SUBDIVISION PLAN FOR A SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISION:

A. Required: Each applicant shall prepare a preliminary plan of such subdivision, which may not including-include the subdivision improvement plans, and shall submit four (4) large (~~24'x36'~~24"x36") sized set of prints, one (1) small (~~11'x17'~~11"x17") sized set of prints, and one digital full set submittal of all preliminary plans and plat to the planning commission and city staff. One copy of the submitted preliminary subdivision plan shall be delivered by the city staff to each of the following for the information and recommendation of such officials and departments: city engineer, fire department, police department, public works department, city administration, and other pertinent city departments.

B. The preliminary plans must be received by the city staff no later than fifteen (15) business days prior to the scheduled administrative land use authority meeting in order to allow sufficient time to be reviewed and to receive recommendations from the foregoing listed departments. The administrative land use authority, i.e., planning commission, may receive public comment; and may hold no more than one public hearing as part of the authority's review process. (Ord. 815, 9-25-2012)

C. Scale; Information Required: The preliminary plan shall be drawn to a scale not fewer than one hundred feet to the inch (1" = 100'), and shall show:

1. The proposed name of the subdivision.
2. The location of the subdivision as forming a part of a larger tract or parcel where the plan submitted covers only a part of the applicant's tract, or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
3. Sufficient information to locate accurately the property shown on the plan.
4. The name and address of the applicant; the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
5. Contour map at appropriate intervals where required by the planning commission.
6. The boundary lines of the tract to be subdivided.
7. The location, widths and other dimensions of all existing or platted streets and other significant features such as railroad lines, watercourses, exceptional topography, and buildings within the tract or within two hundred feet (200') of the tract to be subdivided.
8. Existing and proposed sanitary sewers, storm drains, water supply mains and culverts within the tract or within one hundred feet (100') thereof.

9. The location, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the public.

10. North point, scale and date.

D. Decision Of Planning Commission: The planning commission as the administrative land use authority shall complete the initial review of the complete preliminary subdivision application, ~~including~~ excluding subdivision improvement plans, no later than fifteen (15) business days after the applicant's submission. The planning commission may approve or reject the preliminary plan and plat, or grant approval with any conditions stated by the planning commission. Approval of the preliminary plan and plat by the planning commission does not constitute final acceptance of the subdivision by the planning commission. One copy of the approved preliminary plan and plat shall be retained in the city offices and one copy shall be made available to the applicant, if so requested. The planning commission's approval of the subdivision preliminary plan and plat shall be the authorization for the applicant to proceed with the finalization of plans and specifications of this chapter and with the preparation of the final plat and plan.

E. The administrative land use authority, city staff, or departments may not engage in substantive in review of subdivision improvement plans during the preliminary plan approval stage or at any other time prior to the beginning of the review cycles for subdivision improvement plans during final plat approval.

~~E. Improvement Plans: Prior to the construction of any improvements required in section 10-21-15 of this chapter, or to the submission of financial guarantees, the applicant shall furnish to the city engineer all subdivision improvement plans, information and data necessary for said improvements. These plans shall be examined by the city engineer and shall be approved if the city engineer determines them to be in accordance with the requirements of section 10-21-15. No construction of buildings may begin until after recording of the final plat.~~

F. The applicant's preliminary subdivision application(s) and materials will be maintained, published, and accessible at the Riverdale City offices. These materials shall include: the application; the owner's affidavit; the electronic copy of all plans in the PDF formatting; the preliminary subdivision plat drawings excluding subdivision improvement plans (which are required for final approval); and the breakdown of fees due upon approval of the application.

G. Term Of Approval: Approval of the preliminary plan and plat by the planning commission shall be valid for a maximum period of twelve (12) months after approval, unless upon application of the applicant the planning commission grants the applicant a six (6) month extension. If the final plat has not been recorded within the twelve (12) month period, the preliminary plan and plat must again be submitted to the planning commission for reapproval. (1985 Code § 19-40-5, amd. Ord. 977, 1-2-2024)

10-21-6: FINANCIAL GUARANTEES FOR IMPROVEMENTS FOR A SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISION:

Prior to the final plat being presented to the city planning staff committee for final review and consideration for approval or denial, the applicant shall satisfy one of the following requirements:

A. Escrow Deposit: Enter into a developer's agreement with the city and furnish satisfactory proof of an escrow deposit in favor of the city in an amount equal to the cost of the improvements required for the subdivision, plus ten percent (10%) of the costs, with the amounts to be released pursuant to the terms and conditions of the developer's agreement; or

B. Performance Bond: Enter into a developer's agreement with the city and furnish to the city a developer's performance bond in an amount equal to the cost of the improvements required for the subdivision, plus ten percent (10%) of the costs, with the bond to be released pursuant to the terms and conditions of the developer's agreement. (Ord. 871, 9-1-2015; amd. Ord. 926, 10-20-2020, amd. Ord. 977, 1-2-2024)

10-21-7: COMPLETE APPLICATION FOR FINAL SUBDIVISION REVIEW FOR A SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISION:

A. Planning Staff Committee Review: Prior to final technical review of the final subdivision plan and plat, the applicant's engineer shall submit the proposed final plat, with any changes and modifications as directed at the preliminary review by the planning commission, along with a letter of certification that each lot meets the requirements of this title to the city planning staff committee. The city planning staff committee, after reviewing the proposed final plat and confirming that all the above fees and financing guarantees have been satisfied, shall review the final subdivision plan and plat for appropriate final action. Review of the final subdivision application and plat may not begin until the preliminary subdivision application has been approved by the administrative land use authority. Under no circumstances may the administrative land use authority grant final approval.

B. Preparation Of Plat: After compliance with the provisions of subsection A. of this section, and sections [10-21-5](#) and [10-21-6](#), a final plat of the subdivision covering all or part of an approved preliminary plat shall be prepared by a licensed surveyor not in the employ of the city in conformance with the design standards of section [10-21-13](#) of this chapter and submitted within one year from the date of preliminary plan approval unless the time is extended by the planning commission; otherwise, such approval shall be considered to have been withdrawn. Four (4) large (~~24"x36"~~[24"x36"](#)) sized set of prints, one (1) small (~~11"x17"~~[11"x17"](#)) sized set of prints, and one (1) digital full set submittal of all final plans and of the final plat shall be submitted to the city planning staff committee.

~~E.C.~~ Improvement Plans: Prior to the construction of any improvements required in section 10-21-15 of this chapter, or to the submission of financial guarantees, the applicant shall furnish to the city engineer all subdivision improvement plans, information and data necessary for said improvements. These plans shall be examined by the city engineer and shall be approved if the city engineer determines them to be in accordance with the requirements of section 10-21-15. No construction of buildings may begin until after recording of the final plat.

GD. City Review Cycle Process: The city planning staff committee shall be permitted up to fifteen (15) business days to complete the initial review of the complete ~~preliminary~~ final subdivision land use application, including the subdivision improvement plans, the ordinance review, and the plan to provide corrections and review comments thereto. Subdivision plat and plan responses and revisions, as provided by the applicant, may thereafter be re-submitted to the city planning staff committee to address the identified city planning staff committee's corrections and commentaries. However, the city may not review the subdivision plan and plat for more than four (4) total review cycles during the entire subdivision submittal and review process, excluding the preapplication review process if requested by the applicant. During the final review cycle, the city planning staff committee shall be allowed up to twenty (20) business days to take final action and provide the applicant with an official city decision regarding the final plan and plat submittal.

DE. Waiver. Any change or correction that is not addressed or referenced in the city's plan review shall be considered waived unless: the change or correction is necessary to address the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure of the specific development; the modification or correction is necessary to protect public health or safety; or to enforce state or federal law. If any requirement of this ordinance or the applicable standards is proposed to be satisfied by relation to or incorporation of components of another phase or related development, the applicant shall enter into a development agreement with Riverdale governing the applicable phases or related development or otherwise modify the application to satisfy all requirements independently.

EF. Effect of Material Changes. If the applicant makes a material change to the plan set, the city may restart the review process as the first review of the final application regarding the portion of the plan set that the material change substantially affects.

FG. Applicant's Failure to Submit Revised Plan. If the city requires a modification or correction of the final application, the applicant must submit the revised plan within twenty (20) business days. Applicant's failure to submit the required modifications or corrections within the twenty (20) business days shall result in an additional twenty (20) business days for the city to respond to the modified or corrected plans.

GH. After the applicant has responded to the final review cycle, in compliance with each modification requested in the city planning staff committee's previous review cycle, the city planning staff committee may not require additional revisions if the applicant has not materially changed the plan, except changes that were in response to previously requested modifications or corrections.

HI. The applicant shall provide a written explanation to each of the city planning staff committee's review comments, identifying, and explaining the applicant's revisions and reasons for declining to make revisions, if any. The written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design, including an index of requested revisions or additions to each required correction. The review process is not considered complete if the applicant fails to address a review comment in the response. The subsequent review cycle may not begin until all comments are addressed.

J. On the fourth or final review, if the city planning staff committee fails to respond within twenty (20) business days, the city planning staff committee shall, upon request of the applicant, and within ten (10) business days after the request is received:

1. for a dispute arising from the subdivision improvement plans, coordinate a meeting with the city appeal authority pursuant to Utah Code Annotated Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

2. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated appeal authority.

K. Drawing: The final plat, if approved by the city planning staff committee, shall consist of a sheet of approved tracing linen (mylar paper), to the outside or trim line dimensions of nineteen inches by thirty inches (19"-x-30") and the border line of the plat shall be drawn in heavy lines leaving a space of at least one-half inch ($\frac{1}{2}$ " margin on all four (4) sides. The approved plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen with waterproof black drawing ink. The approved plat shall be made to a scale large enough to clearly show all details, in any case not fewer than one hundred feet to the inch (1" = 100'), and workmanship on the finished drawing shall be neat, clean cut and readable. The approved plat shall be signed by all parties listed in subsection J5. of this section, who are duly authorized and required to sign and shall contain the following information:

1. A subdivision name, approved by the county recorder, and the general location of the subdivision, in bold letters at the top of the sheet.

2. A north point and scale of the drawing, and the date.

3. Accurately drawn boundaries, showing the proper bearing and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.

4. The names, widths, lengths, bearings, and curve data on centerlines of proposed streets, alleys, and easements; the boundaries, bearings, and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; and the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system approved by the city planning staff committee. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street naming and numbering system as outlined in Title 9, Chapter 5 of the city code.

5. The standard forms approved by the city planning staff committee as lettered for the following on the final approved plat:

a. Description of land to be included in the subdivision.

b. Registered professional engineer and/or land surveyor's certificate of survey.

- c. Owner's dedication.
 - d. Notary public's acknowledgment.
 - e. Planning commission's signature block for certificate of approval.
 - f. City engineer's signature block for certificate of approval.
 - g. City attorney's signature block for certificate of approval.
 - h. Mayor's certificate of acceptance signature block with space to allow for the signature to be attested by the city recorder.
6. A three-inch by three-inch (3"x3") space in the lower right-hand corner of the drawing for recording information.

7. After approving the final plat, the city planning staff committee shall submit the plat for approval to the city engineer, who shall bill the applicant for this review, and shall check the engineering requirements of the drawing. After approval and signature by the city engineer, the plat shall be submitted to the city attorney, planning commission, and mayor for signatures and certificate of acceptance. The final plat, bearing all official approvals as above required, shall be returned to the applicant for recording at the expense of the applicant. No subdivision ~~shall~~ may be recorded in the office of the county recorder and no lot included in such subdivision ~~shall~~ may be sold or exchanged and no offer ~~shall~~ may be made to sell or exchange any such lot unless and until the plat is approved and accepted.

K.L. Expiration Of Final Subdivision Plat Approval; Extension Of Final Subdivision Plat Approval:

1. After the final subdivision plat has been recorded in the Office of the Weber County Recorder, the applicant(s) may apply for building permits consistent with the approved and recorded final subdivision plat and consistent with the city requirements for a building permit. The approval of a final subdivision application shall be effective for a period of one (1) year from the date the final subdivision application is approved by the city planning staff committee, at the end of which time the final subdivision plat shall have been recorded in the office of the Weber County Recorder.

2. If the approved final subdivision plat is not recorded within the one (1) year period of date of approval, and the city planning staff committee has not extended the approval of the final subdivision plat, the final subdivision approval shall be void and any vested rights thereunder will therefore be void, whereupon the city planning staff committee may require that a new subdivision plat be submitted and approval obtained pursuant to this section. A written request may be submitted to the city planning staff committee prior to expiration of the final subdivision plat for an extension of up to six (6) months. The city planning staff committee may grant such an extension for good cause. Once the application has expired, in order to reintroduce the proposed subdivision development, the applicant must submit a new application with all applicable fees. (Ord. 881, 7-20-2016, amd. Ord. 977, 1-2-2024)

10-21-8: PREAPPLICATION CONCEPT REVIEW FOR A MULTIPLE-FAMILY RESIDENTIAL SUBDIVISION, COMMERCIAL SUBDIVISION, OR MANUFACTURING USE SUBDIVISION (NOT INCLUDING SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISIONS):

The following process shall be followed to create a multiple-family residential, commercial subdivision, or manufacturing use subdivision in the city:

A. Preapplication Concept Review: Each applicant who proposes to subdivide land within the territorial limits of the city shall confer with the city planning staff committee before preparing any plats, charts, or plans. The preapplication meeting is intended to provide and explain the city's subdivision requirements, the general plan guidelines that apply to the proposed subdivision, and to discuss the proposed plan of development of the tract. (Ord. 854, 5-6-2014)

B. Preapplication Sketch Submission: The applicant shall submit two (2) copies of conceptual sketches showing the proposed preliminary plat and site plan for review by the city planning staff committee. The provided sketches are expected to show the relationship to proposed traffic arteries, existing arteries, utilities, shopping centers, schools, parks, or other infrastructure or city facilities.

C. Information Form: A subdivision information form to be supplied to the applicant by the city staff shall be completed and submitted to the planning commission with submission of the preliminary plat and site plan.

D. Preliminary Plat Fee: A fee shall be assessed in such amount as established by resolution of the city council to offset the cost of reviewing and other related work performed by the city and engineering staff associated with the review of the preliminary plat and site plan. The fee amount shall be as provided in the consolidated fee schedule set forth in title 1, chapter 12 of this code. No preliminary plat and site plan ~~shall~~ may be presented to the planning commission or city council without the payment of said fee being received by the city. (1985 Code § 19-40-4; amd. 2001 Code, amd. Ord. 977, 1-2-2024)

10-21-9: COMPLETE APPLICATION FOR PRELIMINARY SUBDIVISION PLAN FOR A MULTIPLE-FAMILY RESIDENTIAL SUBDIVISION, COMMERCIAL SUBDIVISION, OR MANUFACTURING USE SUBDIVISION (NOT INCLUDING SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISIONS):

A. Required: Upon completing the requirements set forth in section [10-21-8](#) of this chapter, each person who proposes to subdivide land in the city shall prepare a preliminary plan of such subdivision and shall submit four (4) large (~~24"x36"~~ 24"x36") sized set of prints, one (1) small (~~11"x17"~~ 11"x17") sized set of prints, and one digital full set submittal of all preliminary plans and plat thereof to the planning commission and city. One print shall be delivered by the city staff to each of the following for the information and recommendation of such officials and departments: city engineer, fire department, police department, public works departments, city administration, and other pertinent city departments.

B. Preliminary plans must be received by the city no later than the end of the day ten (10) business days prior to the next scheduled planning commission meeting in order to

allow sufficient time to be reviewed and to receive recommendations from the foregoing listed departments. (Ord. 815, 9-25-2012)

C. Scale; Information Required: The preliminary plan shall be drawn to a scale not fewer than one hundred feet to the inch (1" = 100'), and shall show:

1. The proposed name of the subdivision.
2. The location of the subdivision as forming a part of a larger tract or parcel where the plan submitted covers only a part of the applicant's tract, or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
3. Sufficient information to locate accurately the property shown on the plan.
4. The name and address of the applicant; the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
5. Contour map at appropriate intervals where required by the planning commission.
6. The boundary lines of the tract to be subdivided.
7. The location, widths, and other dimensions of all existing or platted streets and other significant features such as railroad lines, watercourses, exceptional topography, and buildings within the tract or within two hundred feet (200') of the tract to be subdivided.
8. Existing and proposed sanitary sewers, storm drains, water supply mains and culverts within the tract or within one hundred feet (100') thereof.
9. The location, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the public.
10. North point, scale and date.

D. Decision Of Planning Commission: The planning commission may approve or reject the preliminary plan and plat, or grant approval with the conditions stated by the planning commission. Approval of the preliminary plan and plat by the planning commission ~~shall~~ may not constitute final acceptance of the subdivision by the planning commission. One copy of the approved preliminary plan and plat shall be retained in the city offices and one copy shall be made available to the applicant, if so requested. The planning commission's approval of the subdivision preliminary plan and plat shall be the authorization for the applicant to proceed with the finalization of plans and specifications of this chapter and with the preparation of the final plat and plan.

E. Improvement Plans: Prior to the construction of any improvements required in section 10-21-15 of this chapter, or to the submission of financial guarantees, the applicant shall furnish to the city engineer all subdivision improvement plans,

information, and data necessary for said improvements. These plans shall be examined by the city engineer and shall be approved if the city engineer determines them to be in accordance with the requirements of section [10-21-15](#). No construction of buildings may begin until after recording of the final plat.

F. Term Of Approval: Approval of the preliminary plan and plat by the planning commission shall be valid for a maximum period of twelve (12) months after approval, unless upon application of the applicant, the planning commission grants the applicant a six (6) month extension. If the final plat has not been recorded within the twelve (12) month period, the preliminary plan and plat must again be submitted to the planning commission for reapproval. (1985 Code § 19-40-5, amd. Ord. 977, 1-2-2024)

10-21-10: FINANCIAL GUARANTEES FOR IMPROVEMENTS FOR A MULTIPLE-FAMILY RESIDENTIAL SUBDIVISION, COMMERCIAL SUBDIVISION, OR MANUFACTURING USE SUBDIVISION (NOT INCLUDING SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISIONS):

Prior to the final plat being presented to the city council for final review and consideration for approval or denial, the applicant shall satisfy one of the following requirements:

A. Escrow Deposit: Enter into a developer's agreement with the city and furnish satisfactory proof of an escrow deposit in favor of the city in an amount equal to the cost of the improvements required for the subdivision, plus ten percent (10%) of the costs, with the amounts to be released pursuant to the terms and conditions of the developer's agreement; or

B. Performance Bond: Enter into a developer's agreement with the city and furnish to the city a developer's performance bond in an amount equal to the cost of the improvements required for the subdivision, plus ten percent (10%) of the costs, with the bond to be released pursuant to the terms and conditions of the developer's agreement. (Ord. 871, 9-1-2015; amd. Ord. 926, 10-20-2020, amd. Ord. 977, 1-2-2024)

10-21-11: FINAL PLAT FOR A MULTIPLE-FAMILY RESIDENTIAL SUBDIVISION, COMMERCIAL SUBDIVISION, OR MANUFACTURING USE SUBDIVISION (NOT INCLUDING SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING, OR TOWNHOME SUBDIVISIONS):

A. Planning Staff Committee Review: Prior to final review of the final subdivision plan and plat, the applicant's engineer shall submit the proposed final plat, with any changes and modifications as directed at the preliminary review by the planning commission, along with a letter of certification that each lot meets the requirements of this title to the city planning staff committee. The city planning staff committee, after reviewing the proposed final plat and confirming that all the above fees and financing guarantees have been satisfied, shall present the final plat to the planning commission for appropriate final recommendation to city council consideration.

B. Preparation Of Plat: After compliance with the provisions of subsection A of this section, and sections [10-21-9](#) and [10-21-10](#), a final plat of the subdivision covering all or part of an approved preliminary plat shall be prepared by a licensed surveyor not in the employ of the city in conformance with the design standards of section [10-21-13](#) of this

chapter and submitted within one year from the date of preliminary plan approval unless the time is extended by the planning commission; otherwise, such approval shall be considered to have been withdrawn. Four (4) large (~~24'x36'~~24"x36") sized set of prints, one (1) small (~~11'x17'~~11"x17") sized set of prints, and one (1) digital full set submittal of all final plans and the final plat shall be submitted to the planning commission at least ten (10) business days prior to the date of the planning commission meeting, at which time such final plat and plan is to be considered for a recommendation to the city council.

C. Submittal of Final Plat and Plan: After the proposed final plat and plan have received a planning commission recommendation to the city council, the applicant shall revise the final plat and plan prior to submittal to the city council for final consideration. Four (4) large (~~24'x36'~~24"x36") sized set of prints, one (1) small (~~11'x17'~~11"x17") sized set of prints, and one (1) digital full set submittal of all final plans and the final plat shall be submitted to the city for the city council review at least ten (10) business days prior to the date of the city council meeting, at which time such final plat and site plan is to be considered by the city council.

D. Drawing: The final plat, if approved by the city council, shall consist of a sheet of approved tracing linen (mylar paper), to the outside or trim line dimensions of nineteen inches by thirty inches (~~19"-x-30"~~) and the border line of the plat shall be drawn in heavy lines leaving a space of at least one-half inch (~~1/2"-~~) margin on all four (4) sides. The approved plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen with waterproof black drawing ink. The approved plat shall be made to a scale large enough to clearly show all details, in any case not fewer than one hundred feet to the inch (~~1"=~~ 100'), and workmanship on the finished drawing shall be neat, clean cut and readable. The approved plat shall be signed by all parties listed in subsection D.5. of this section, who are duly authorized and required to sign and shall contain the following information:

1. A subdivision name, approved by the county recorder, and the general location of the subdivision, in bold letters at the top of the sheet.
2. A north point and scale of the drawing, and the date.
3. Accurately drawn boundaries, showing the proper bearing and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.
4. The names, widths, lengths, bearings, and curve data on centerlines of proposed streets, alleys, and easements; the boundaries, bearings, and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; and the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system approved by the city council. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street naming and numbering system as outlined in Title 9, Chapter 5 of the city code.

5. The standard forms approved by the city council as lettered for the following on the final approved plat:

- a. Description of land to be included in the subdivision.
- b. Registered professional engineer and/or land surveyor's "certificate of survey".
- c. Owner's dedication.
- d. Notary public's acknowledgment.
- e. Planning commission's signature block for certificate of approval.
- f. City engineer's signature block for certificate of approval.
- g. City attorney's signature block for certificate of approval.
- h. Mayor's certificate of acceptance signature block with space to allow for the signature to be attested by the city recorder.

6. A three-inch by three-inch (3"x-3") space in the lower right-hand corner of the drawing for recording information.

7. After approving the final plat, the city planning staff committee shall submit the plat for approval to the city engineer, who shall bill the applicant for this review, and shall check the engineering requirements of the drawing. After approval and signature by the city engineer, the plat shall be submitted to the city attorney, planning commission, and mayor for approval signatures and certificate of acceptance. The final plat, bearing all official approvals as above required, shall be returned to the applicant for recording at the expense of the applicant. No subdivision ~~shall~~ may be recorded in the office of the county recorder and no lot included in such subdivision ~~shall~~ may be sold or exchanged and no offer ~~shall~~ may be made to sell or exchange any such lot unless and until the plat is so approved and accepted.

E. Expiration Of Final Subdivision Plat Approval; Extension Of Final Subdivision Plat Approval:

1. After the final subdivision plat has been recorded in the Office of the Weber County Recorder, the applicant(s) may apply for building permits consistent with the approved and recorded final subdivision plat and consistent with the city requirements for a building permit. The approval of a final subdivision application shall be effective for a period of one (1) year from the date the final subdivision application is approved by the city council, at the end of which time the final subdivision plat shall have been recorded in the office of the Weber County Recorder.

2. If the approved final subdivision plat is not recorded within the one (1) year period of date of approval, and the planning commission has not extended the approval of the final subdivision plat, the final subdivision approval shall be void and any vested rights thereunder will be lost, whereupon the planning commission may require that a new subdivision plat be submitted and approval obtained pursuant to this section. A written request may be submitted to the planning commission prior to expiration of the

final subdivision plat for an extension of up to six (6) months. The planning commission may grant such an extension for good cause. Once the application has expired, in order to reintroduce the proposed subdivision development, the applicant must submit a new application with all applicable fees. (Ord. 881, 7-20-2016, amd. Ord. 977, 1-2-2024)

10-21-12: CONSTRUCTION PLANS AND PROFILES:

Prior to commencement of construction, the applicant shall furnish to the city engineer a complete set of construction plans and profiles prepared by a licensed professional engineer not in the employ of the city of all streets, existing and proposed, within the subdivision with the final plat. The city engineer, within a reasonable time not to exceed twenty (20) days from receipt of plans, shall notify the applicant of approval or disapproval and, in case of disapproval, the reason therefore. (1985 Code § 19-40-7)

10-21-13: DESIGN STANDARDS:

A. Street Arrangement: The arrangement of streets in new subdivisions shall require the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided), if considered necessary by the planning commission for meeting public requirements. The street arrangement may not cause unnecessary hardship to any owner of adjoining property when the owner plats the owner's land and seeks to provide convenient access to it.

B. Minor Streets: Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees (80°).

C. Major And Collector Streets: Major and collector streets shall conform to the width designated on the major street plan where a subdivision falls in an area where a major street plan has been adopted. For territory where such street plan has not been completed at the time the subdivision preliminary plan is submitted to the planning commission, major or collector streets shall be provided as required by the planning commission with minimum widths of one hundred feet (100') for major streets and sixty-six feet (66') for collector streets.

D. Minor Residential Streets: Minor residential streets shall have a minimum width of sixty feet (60'), except that cul-de-sacs (dead-end streets) or loop streets serving not more than ten (10) lots may have minimum widths of not less than fifty feet (50').

E. Alleys: Alleys shall have a minimum width of twenty feet (20'). Alleys may be required in the rear of business lots but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission. (1985 Code § 19-40-8)

F. Cul-De-Sacs: Cul-de-sacs (turnarounds or dead-end streets) shall be used only where unusual conditions exist which make other designs undesirable. Cul-de-sacs are not desirable. Cul-de-sacs are not favorable to the city and will generally not be acceptable in subdivision plans. Each cul-de-sac must be terminated by a turnaround not less than one hundred feet (100') in diameter and cannot be a distance longer than four hundred feet (400') from the center of the intersection to the throat of the cul-de-sac. In the event that surface water drains into the cul-de-sac, necessary catch basins and drainage easements shall be provided. (Ord. 591, 7-3-2001)

G. Easements: Easements for drainage through the property may be required by the city engineer, and easements of not less than ten feet (10') in width shall be provided if required for utilities or other purposes.

H. Service Roads: Service roads paralleling major streets shall be required unless the planning commission approves double-frontage lots which may back onto major highways or collector streets as designated on the major street plan. Where lots back onto a major highway or collector street, a buffer planting strip of trees or shrubs shall be provided in a width of ten feet (10') or wider, but in no case less than ten feet (10').

I. Blocks:

1. Blocks ~~shall~~ may not exceed one thousand six hundred feet (1,600') in length. A dedicated walkway through the block may be required where access is necessary to a point designated by the planning commission. Such walkway shall be a minimum of four feet (4') in width but may be required to be wider where determined necessary by the planning commission. The applicant shall surface the full width of the walkway with a concrete surface, install a chain-link fence or its equal four feet (4') high on each side and the full length of each walkway, and provide, in accordance with the standards and rules and regulations, barriers at each walkway entrance to allow vehicles no wider than four feet (4').

2. The width of blocks generally shall be sufficient to allow two (2) tiers of lots.

3. Irregular shaped blocks, indented by cul-de-sacs, or containing interior spaces, will be acceptable when properly designed and fitted to the overall plat.

4. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

J. Lots:

1. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and to existing and probable future requirements. (1985 Code § 19-40-8)

2. All lots shown on the subdivision plan must conform to the minimum requirements of this title for the zone in which the subdivision is located, and to the minimum requirements of the city engineer and the state board of health for sewage disposal. The minimum width for any residential building lot shall be as required by this title. Where a public sewer is not available, the minimum area of such lot shall be no less than that approved in a letter to the planning commission by the board of health nor less than twenty thousand (20,000) square feet, whichever is greater. (1985 Code § 19-40-8; amd. 2001 Code)

3. Each lot shall abut on a street dedicated by the recording of the subdivision or on an existing publicly dedicated street, or on a street which has become public by right of use and is more than twenty-six feet (26') wide. Interior lots abutting on more than one street shall be prohibited except where unusual conditions make other design undesirable.

4. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.

5. Side lines of lots shall be approximately at right angles, or radial to the street line.

6. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

7. Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer certified to the planning commission by the county recorder. (1985 Code § 19-40-8, amd. Ord. 977, 1-2-2024)

10-21-14: PARKS, SCHOOL SITES, OTHER PUBLIC PLACES:

A. When the preliminary plan is submitted for the division of property, a part or all of which is deemed suitable by the planning commission for schools, parks, playgrounds, or other public use in accordance with the master plan, the planning commission shall require the applicant to include the required public open space in the subdivision design to the satisfaction of the planning commission.

B. The applicant, at or before the time of presentation of the final subdivision plat for approval of the city council, shall offer to sell to the city or other appropriate agency, at any time during the two (2) year period immediately following the recording of the final plat, any land which has been set aside for park, playground, school or other public use at a fair market price.

C. In the case of land required for park or playground, the fair market price will be based upon raw land value, but in no event ~~shall~~ may such price exceed the price for said land in the last bona fide sale thereof within the period of five (5) years immediately before the date of the final subdivision plat.

D. The city or other appropriate public agency may accept such offer at any time within a two (2) year period immediately following the recording of the final plat. If any such proposed public areas have not been purchased by the appropriate public agency within two (2) years after the recording of the final plot, such areas may be divided into lots in accordance with the requirements of this chapter and sold. (1985 Code § 19-40-9, amd. Ord. 977, 1-2-2024)

10-21-15: IMPROVEMENTS:

A. Time Of Construction: The improvements listed in this section ~~shall~~ may not be installed prior to recording the final plat. No improvements ~~shall~~ may be installed until their location and specifications are approved by the city engineer. Water and sewer mains and laterals and fire hydrants shall be installed prior to the installation of road base, curbs, gutters, and the surfacing of streets.

B. Performance Guarantees:

1. Before final plat approval by the city council, the applicant shall have satisfied the financing requirements of section [10-21-6](#) of this chapter. The required performance guarantees are to assure the actual construction of the following improvements within a period of two (2) years in a manner satisfactory to and in an amount specified by the city council. Improvements include part or all of the following: streets, curbs, gutters, water supply systems, fire hydrants, sewer systems, surface water disposal systems, protection from hazards of canals and ditches, safety fences, street trees, monuments, or other improvements required by the city council.

2. Sidewalks shall be installed by the building contractor at the same time as the said contractor installs driveways and walkways on individual lots. Said installation of sidewalks shall be completed and in good repair at or before the time an application for occupancy is made to the community development director.

3. The developer shall be responsible for the satisfactory performance of improvements dedicated to the city for a period of one year after inspection and final acceptance by the city. These improvements include, but are not limited to: streets, curbs, gutters, sidewalks, water main lines, fire hydrants, sewer mains and manholes, storm sewer mains and catch boxes, monuments, and street signs which are in a dedicated easement and are controlled solely by the city.

4. The developer's engineer shall, as each improvement is installed, certify, in writing, that the installed improvements meet city standards and that said improvements have been completed as approved by the city. Said written certification shall be delivered to the city engineer, who shall make periodic on-site inspections for plan review and to verify the certification of the developer's engineer. The developer's engineer shall provide evidence to the satisfaction of the city engineer that the installed improvements meet city standards before the developer shall be allowed to proceed with other improvements on the development, or to begin construction of buildings or structures in the subdivision.

5. In the event a utility easement or easements are provided to the city in connection with the installed improvements, the utility line shall be placed as close to the center of said easement as is reasonably possible.

C. Standards: Standards for design, construction, specifications and inspection of street improvements, curbs and gutters, sidewalks and drainage facilities shall be prepared by the city engineer, standards of design and procedure by the planning commission, standards for water distribution and sewage disposal facilities by the state board of health and city engineer, and similar standards for fire hydrants by the city engineer and fire department. Such standards and rules and regulations, and any amendments thereto, before becoming effective, shall be adopted or amended by the city council as a part of this chapter after recommendation by the planning commission and shall be available to the public. (Ord. 871, 9-1-2015)

D. Streets On Property Of Other Public Agencies Or Utility Companies: Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall

be obtained from the public agency or utility company and entered on the final plat in a form approved by the city attorney.

E. Street Improvements: All streets shall be constructed by the applicant in accordance with the standards and rules and regulations of the city engineer.

F. Curbs, Gutters, And Sidewalks: Curbs, gutters and sidewalks shall be installed on existing and proposed streets by the developer of the property in all subdivisions and must be put in prior to the sale of any subdivision or phase.

G. Water Supply: A culinary water supply which must be approved by the city engineer and the state board of health shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of the city. (Ord. 766, 9-7-2010)

H. Fire Hydrants: Fire hydrants shall be installed by the applicant at locations determined by the city engineer and fire department in all subdivisions in accordance with the standards, rules, and regulations of the city. (Ord. 815, 9-25-2012)

I. Sewage Disposal: Whether by individual disposal system or by public disposal facilities, sewage disposal shall be provided and approved by the city engineer and public works director for each lot in the subdivision in accordance with the standards, rules and regulations of the city. (Ord. 766, 9-7-2010; amd. Ord. 854, 5-6-2014)

J. Surface Water: The applicant shall provide adequate methods of conveyance and disposal of stormwater and surface water at his expense, the plans for which shall be prepared by a licensed engineer not in the employ of the city and which shall be approved by the planning commission after recommendation by the city engineer. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the applicant to acquire such easements.

K. Ditches And Canals: Open ditches or canals ~~shall~~may not be allowed within or adjoining a subdivision. It shall be the applicant's responsibility to work with the irrigation, drainage or ditch companies and arrange for the covering, realigning or elimination of open ditches or canals. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the city engineer.

L. Safety Fences: The applicant shall install a six foot (6'6") nonclimbable chain-link fence, or equivalent thereof, in conformance with all applicable standards, rules and regulations of the city, along all nonaccess streets, open reservoirs, bodies of water or railroad rights of way.

M. Street Trees: Street trees may be provided at the option of the applicant, but when so provided, the variety and location of such trees shall be recommended by the planning commission staff and approved by the planning commission.

N. Monuments: Permanent monuments shall be accurately set and established at such points as are necessary to definitively establish all lines of the plat, except those outlining individual lots. Monuments shall be of a type approved by the city engineer. All

subdivision plats shall be tied to a corner or monument of record or established land office survey corner.

O. Streetlights: The city shall install streetlights at each intersection of the subdivision. The installation shall be under the direction of the public works director and shall conform to the standards set forth in the city street lighting policy. The expense for the cost of materials and installation shall be borne by the applicant.

P. Administrative Rules, Regulations; Authority: The city council is authorized to prescribe by administrative rule or regulation filed for record with the city recorder forms and procedures to ensure the orderly, regular, and efficient processing of applications for the approval of a proposed subdivision and the strict compliance with the requirements of this chapter.

Q. Fees Deposited; Inspections: The applicant, upon submission of his plans, shall deposit with the city such fees as may be prescribed by resolution of the city council. The public works inspector shall oversee the inspection of all improvements and may request the assistance of the city engineer if the public works inspector deems it necessary. The applicant shall, prior to beginning any improvements as set forth herein, enter into a written agreement with the city to pay all fees or assessments associated with the services provided by the city or which become necessary for the enforcement of this chapter, as said services are rendered. (Ord. 766, 9-7-2010, amd. Ord. 977, 1-2-2024)

10-21-16: SMALL SUBDIVISIONS; SPECIAL PROVISIONS:

A preliminary plan shall be required for all small subdivision submittals, based on the criteria listed below:

- A. For single-family dwelling, two-family dwelling, and townhome subdivisions, the applicant's preliminary plan submittal must be reviewed by the administrative land use authority, i.e., the planning commission, for recommendation to the city planning staff committee, and thereafter the preliminary plan must be reviewed for approval by the city planning staff committee.
- B. For multiple-family residential subdivisions, commercial subdivisions, or manufacturing use subdivisions, the preliminary plan must be reviewed by the planning commission for recommendation to the city council, and thereafter the preliminary plan must be reviewed for final approval by the city council.
- C. Approval of the final plan shall be authorization for the applicant to sell lots within the subdivision covered by the preliminary plan by metes and bounds, and the requirements of a final plan shall be waived. When final plans are not required, the applicant shall provide such improvements on existing streets within the subdivision as shall be required by the city council. Final plans ~~shall~~ may not be required where all the following conditions exist:

1. The subdivision consists of not more than ten (10) lots.

2. The subdivision does not require the dedication of any land for street or other public purposes.

3. The subdivision is not traversed by the mapped lines of a proposed street or a street to be widened as shown on the major street plan.

4. Each of the lots in the subdivision meets the frontage, width and area requirements of this title. (1985 Code § 19-40-11, amd. Ord. 977, 1-2-2024)

10-21-17: ENFORCEMENT AND PERMITS:

A. Official: The community development director is hereby designated and authorized as the officer charged with the enforcement of this chapter. He shall enforce all the provisions of this chapter, entering actions in the courts when necessary and his failure to do so ~~shall~~may not legalize any violation of such provisions.

B. Permits: The community development director ~~shall~~may not grant a permit, nor shall any city officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this chapter or on a lot in a subdivision created by judicial decree, until a subdivision plat therefor has been recorded, or approved under section 10-21-7 of this chapter. Any license or permit issued in conflict with such provisions shall be null and void.

C. Inspections: The community development director shall inspect or cause to be inspected all buildings, fire hydrants, water supply, and sewage disposal systems during construction, installation, or repair. Excavations for fire hydrants and water and sewer mains and laterals ~~shall~~may not be covered or backfilled until such installation shall have been approved by the city engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the community development director. (Ord. 854, 5-6-2014)

D. Fee: At the time any building permit is applied for to construct any building or structure in any subdivision which may be established, there shall be paid, along with such application for such building permit, a fee in such amount as prescribed by the city council as provided in the consolidated fee schedule set forth in title 1, chapter 12 of this code, which additional fee shall be in addition to the usual building permit fee which might otherwise be applicable. This additional fee shall be used to assist in defraying the expenses of the city in the creation of such subdivision. (1985 Code § 19-40-12; amd. 2001 Code, amd. Ord. 977, 1-2-2024)

10-21-18: PENALTY:

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be guilty of a class C misdemeanor and punished as is provided in section 1-4-1 of this code. (1985 Code § 19-40-13, amd. Ord. 977, 1-2-2024)

MUNICIPAL LAND USE REGULATION MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen L. Whyte

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill modifies provisions relating to local governments.

Highlighted Provisions:

This bill:

- modifies the signature requirements for a petition proposing to annex an area to a municipality;
- modifies county and municipal land use provisions;
- requires a county or municipality to accept and process a complete land use application under specified conditions;
- modifies provisions relating to development agreements;
- modifies the limitation of a provision on building design elements;
- authorizes a county or municipality to require a seller to notify a buyer of water wise landscaping requirements;
- enacts language relating to residential rear setback limitations;
- modifies provisions relating to the review of subdivision applications and subdivision improvement plans;
- modifies a provision relating to the landscaping of residential lots or open space;
- modifies a provision relating to a completion assurance bond;
- modifies provisions relating to the enforcement of county and municipal land use regulations; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

10-2-403 (Effective 11/01/24), as last amended by Laws of Utah 2023, Chapters 16, 34 and 478

10-9a-509 (Effective 11/01/24), as last amended by Laws of Utah 2023, Chapter 478

10-9a-532 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 478

10-9a-534 (Effective 11/01/24), as last amended by Laws of Utah 2023, Chapters 160, 478

10-9a-536 (Effective 11/01/24), as last amended by Laws of Utah 2023, Chapters 139, 247

10-9a-604.2 (Effective 11/01/24), as enacted by Laws of Utah 2023, Chapter 501

10-9a-604.5 (Effective 11/01/24), as last amended by Laws of Utah 2023, Chapter 478

10-9a-802 (Effective 11/01/24), as last amended by Laws of Utah 2020, Chapter 434

17-27a-508 (Effective 11/01/24), as last amended by Laws of Utah 2023, Chapter 478

17-27a-528 (Effective 11/01/24), as last amended by Laws of Utah 2023, Chapter 478

17-27a-530 (Effective 11/01/24), as last amended by Laws of Utah 2023, Chapters 160, 478

17-27a-532 (Effective 11/01/24), as last amended by Laws of Utah 2023, Chapters 139, 247

17-27a-604.2 (Effective 11/01/24), as enacted by Laws of Utah 2023, Chapter 501

17-27a-604.5 (Effective 11/01/24), as last amended by Laws of Utah 2023, Chapter 478

17-27a-802 (Effective 11/01/24), as last amended by Laws of Utah 2020, Chapter 434

38-9-102 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 16

ENACTS:

10-9a-538 (Effective 11/01/24), Utah Code Annotated 1953

17-27a-534 (Effective 11/01/24), Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-2-403** is amended to read:

10-2-403 (Effective 11/01/24). Annexation petition -- Requirements -- Notice required before filing.

(1) Except as provided in Section 10-2-418, the process to annex an unincorporated area to a municipality is initiated by a petition as provided in this section.

(2) (a) (i) Before filing a petition under Subsection (1), the person or persons intending to file a petition shall:

(A) file with the city recorder or town clerk of the proposed annexing municipality a notice of intent to file a petition; and

(B) send a copy of the notice of intent to each affected entity.

(ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the area that is proposed to be annexed.

(b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be annexed is located shall:

(A) mail the notice described in Subsection (2)(b)(iii) to:

(I) each owner of real property located within the area proposed to be annexed; and

(II) each owner of real property located within 300 feet of the area proposed to be annexed; and

(B) send to the proposed annexing municipality a copy of the notice and a certificate indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

(ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20 days after receiving from the person or persons who filed the notice of intent:

(A) a written request to mail the required notice; and

(B) payment of an amount equal to the county's expected actual cost of mailing the notice.

(iii) Each notice required under Subsection (2)(b)(i)(A) shall:

(A) be in writing;

(B) state, in bold and conspicuous terms, substantially the following:

"Attention: Your property may be affected by a proposed annexation.

Records show that you own property within an area that is intended to be included in a proposed annexation to (state the name of the proposed annexing municipality) or that is within 300 feet of that area. If your property is within the area proposed for annexation, you may be asked to sign a petition supporting the annexation. You may choose whether to sign the petition. By signing the petition, you indicate your support of the proposed annexation. If you sign the petition but later change your mind about supporting the annexation, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality) within 30 days after (state the name

of the proposed annexing municipality) receives notice that the petition has been certified.

There will be no public election on the proposed annexation because Utah law does not provide for an annexation to be approved by voters at a public election. Signing or not signing the annexation petition is the method under Utah law for the owners of property within the area proposed for annexation to demonstrate their support of or opposition to the proposed annexation.

You may obtain more information on the proposed annexation by contacting (state the name, mailing address, telephone number, and email address of the official or employee of the proposed annexing municipality designated to respond to questions about the proposed annexation), (state the name, mailing address, telephone number, and email address of the county official or employee designated to respond to questions about the proposed annexation), or (state the name, mailing address, telephone number, and email address of the person who filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the notice of intent, one of those persons). Once filed, the annexation petition will be available for inspection and copying at the office of (state the name of the proposed annexing municipality) located at (state the address of the municipal offices of the proposed annexing municipality)."; and

(C) be accompanied by an accurate map identifying the area proposed for annexation.

(iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any other information or materials related or unrelated to the proposed annexation.

(c) (i) After receiving the certificate from the county as provided in Subsection (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for the annexation proposed in the notice of intent.

(ii) An annexation petition provided by the proposed annexing municipality may be duplicated for circulation for signatures.

(3) Each petition under Subsection (1) shall:

(a) be filed with the applicable city recorder or town clerk of the proposed annexing municipality;

(b) contain the signatures of, if all the real property within the area proposed for annexation is owned by a public entity other than the federal government, the owners of all the publicly owned real property, or the owners of private real property that:

(i) is located within the area proposed for annexation;

- 130 (ii) (A) subject to Subsection (3)(b)(ii)(C), covers a majority of the private land
131 area within the area proposed for annexation;
132 (B) covers 100% of all of the rural real property within the area proposed for
133 annexation; and
134 (C) covers 100% of all of the private land area within the area proposed for
135 annexation [or] if the area is within a migratory bird production area created
136 under Title 23A, Chapter 13, Migratory Bird Production Area; and
137 (iii) is equal in value to at least 1/3 of the value of all private real property within the
138 area proposed for annexation;
- 139 (c) be accompanied by:
- 140 (i) an accurate and recordable map, prepared by a licensed surveyor in accordance
141 with Section 17-23-20, of the area proposed for annexation; and
142 (ii) a copy of the notice sent to affected entities as required under Subsection
143 (2)(a)(i)(B) and a list of the affected entities to which notice was sent;
- 144 (d) contain on each signature page a notice in bold and conspicuous terms that states
145 substantially the following:
- 146 "Notice:
- 147 • There will be no public election on the annexation proposed by this petition because Utah
148 law does not provide for an annexation to be approved by voters at a public election.
- 149 • If you sign this petition and later decide that you do not support the petition, you may
150 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
151 of (state the name of the proposed annexing municipality). If you choose to withdraw your
152 signature, you shall do so no later than 30 days after (state the name of the proposed annexing
153 municipality) receives notice that the petition has been certified.";
- 154 (e) if the petition proposes a cross-county annexation, as defined in Section 10-2-402.5,
155 be accompanied by a copy of the resolution described in Subsection 10-2-402.5
156 (4)(a)(iii)(A); and
- 157 (f) designate up to five of the signers of the petition as sponsors, one of whom shall be
158 designated as the contact sponsor, and indicate the mailing address of each sponsor.
- 159 (4) A petition under Subsection (1) may not propose the annexation of all or part of an area
160 proposed for annexation to a municipality in a previously filed petition that has not been
161 denied, rejected, or granted.
- 162 (5) If practicable and feasible, the boundaries of an area proposed for annexation shall be
163 drawn:

- 164 (a) along the boundaries of existing special districts and special service districts for
165 sewer, water, and other services, along the boundaries of school districts whose
166 boundaries follow city boundaries or school districts adjacent to school districts
167 whose boundaries follow city boundaries, and along the boundaries of other taxing
168 entities;
- 169 (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type
170 services;
- 171 (c) to facilitate the consolidation of overlapping functions of local government;
- 172 (d) to promote the efficient delivery of services; and
- 173 (e) to encourage the equitable distribution of community resources and obligations.
- 174 (6) On the date of filing, the petition sponsors shall deliver or mail a copy of the petition to
175 the clerk of the county in which the area proposed for annexation is located.
- 176 (7) A property owner who signs an annexation petition may withdraw the owner's signature
177 by filing a written withdrawal, signed by the property owner, with the city recorder or
178 town clerk no later than 30 days after the municipal legislative body's receipt of the
179 notice of certification under Subsection 10-2-405(2)(c)(i).

180 Section 2. Section **10-9a-509** is amended to read:

181 **10-9a-509 (Effective 11/01/24). Applicant's entitlement to land use application**
182 **approval -- Municipality's requirements and limitations -- Vesting upon submission**
183 **of development plan and schedule.**

- 184 (1) (a) (i) An applicant who has submitted a complete land use application as
185 described in Subsection (1)(c), including the payment of all application fees, is
186 entitled to substantive review of the application under the land use regulations:
- 187 (A) in effect on the date that the application is complete; and
- 188 (B) applicable to the application or to the information shown on the application.
- 189 (ii) An applicant is entitled to approval of a land use application if the application
190 conforms to the requirements of the applicable land use regulations, land use
191 decisions, and development standards in effect when the applicant submits a
192 complete application and pays application fees, unless:
- 193 (A) the land use authority, on the record, formally finds that a compelling,
194 countervailing public interest would be jeopardized by approving the
195 application and specifies the compelling, countervailing public interest in
196 writing; or
- 197 (B) in the manner provided by local ordinance and before the applicant submits

- the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted.
- (b) The municipality shall process an application without regard to proceedings the municipality initiated to amend the municipality's ordinances as described in Subsection (1)(a)(ii)(B) if:
- (i) 180 days have passed since the municipality initiated the proceedings; and
 - (ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or
(B) during the 12 months prior to the municipality processing the application, or multiple applications of the same type, are impaired or prohibited under the terms of a temporary land use regulation adopted under Section 10-9a-504.
- (c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.
- (d) A subsequent incorporation of a municipality or a petition that proposes the incorporation of a municipality does not affect a land use application approved by a county in accordance with Section 17-27a-508.
- (e) Unless a phasing sequence is required in an executed development agreement, a municipality shall, without regard to any other separate and distinct land use application, accept and process a complete land use application.
- ~~[(e)]~~ ~~(f)~~ The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
- ~~[(f)]~~ ~~(g)~~ A municipality may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:
- (i) this chapter;
 - (ii) a municipal ordinance in effect on the date that the applicant submits a complete application, subject to Subsection 10-9a-509(1)(a)(ii); or
 - (iii) a municipal specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.
- ~~[(g)]~~ ~~(h)~~ A municipality may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:
- (i) in a land use permit;

- (ii) on the subdivision plat;
- (iii) in a document on which the land use permit or subdivision plat is based;
- (iv) in the written record evidencing approval of the land use permit or subdivision plat;
- (v) in this chapter;
- (vi) in a municipal ordinance; or
- (vii) in a municipal specification for residential roadways in effect at the time a residential subdivision was approved.

~~[(h)]~~ (i) Except as provided in Subsection (1)(i), a municipality may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

- (i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or
- (ii) in this chapter or the municipality's ordinances.

~~[(i)]~~ (j) A municipality may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

- (i) the applicant and the municipality have agreed in a written document to the withholding of a certificate of occupancy; or
- (ii) the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.

(2) A municipality is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3) A municipality may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.

(4) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the municipality's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and

land use regulations in effect on the date of submission.

- (5) (a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:
- (i) to the local clerk as defined in Section 20A-7-101; and
 - (ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(5).
- (b) Upon delivery of a written notice described in Subsection (5)(a) the following are rescinded and are of no further force or effect:
- (i) the relevant land use approval; and
 - (ii) any land use regulation enacted specifically in relation to the land use approval.

Section 3. Section **10-9a-532** is amended to read:

10-9a-532 (Effective 05/01/24). Development agreements.

- (1) Subject to Subsection (2), a municipality may enter into a development agreement containing any term that the municipality considers necessary or appropriate to accomplish the purposes of this chapter, including a term relating to:
- (a) a master planned development;
 - (b) a planned unit development;
 - (c) an annexation;
 - (d) affordable or moderate income housing with development incentives;
 - (e) a public-private partnership; or
 - (f) a density transfer or bonus within a development project or between development projects.
- (2) (a) A development agreement may not:
- (i) limit a municipality's authority in the future to:
 - (A) enact a land use regulation; or
 - (B) take any action allowed under Section 10-8-84;
 - (ii) require a municipality to change the zoning designation of an area of land within the municipality in the future; or
 - (iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 10-9a-502, including a review and recommendation from the planning

- commission and a public hearing.
- (b) A development agreement that requires the implementation of an existing land use regulation as an administrative act does not require a legislative body's approval under Section 10-9a-502.
- ~~[(e) (i) If a development agreement restricts an applicant's rights under clearly established state law, the municipality shall disclose in writing to the applicant the rights of the applicant the development agreement restricts.]~~
- ~~[(ii) A municipality's failure to disclose in accordance with Subsection (2)(c)(i) voids any provision in the development agreement pertaining to the undisclosed rights.]~~
- ~~[(d) A municipality may not require a development agreement as a condition for developing land if the municipality's land use regulations establish all applicable standards for development on the land.]~~
- (c) Subject to Subsection (2)(d), a municipality may require a development agreement for developing land within the municipality if the applicant has applied for a legislative or discretionary approval, including an approval relating to:
- (i) the height of a structure;
 - (ii) a parking or setback exception;
 - (iii) a density transfer or bonus;
 - (iv) a development incentive;
 - (v) a zone change; or
 - (vi) an amendment to a prior development agreement.
- (d) A municipality may not require a development agreement as a condition for developing land within the municipality if:
- (i) the development otherwise complies with applicable statute and municipal ordinances;
 - (ii) the development is an allowed or permitted use; or
 - (iii) the municipality's land use regulations otherwise establish all applicable standards for development on the land.
- (e) A municipality may submit to a county recorder's office for recording:
- (i) a fully executed agreement; or
 - (ii) a document related to:
 - (A) code enforcement;
 - (B) a special assessment area;
 - (C) a local historic district boundary; or

(D) the memorializing or enforcement of an agreed upon restriction, incentive, or covenant.

(f) Subject to Subsection (2)(e), a municipality may not cause to be recorded against private real property a document that imposes development requirements, development regulations, or development controls on the property.

[(e)] (g) To the extent that a development agreement does not specifically address a matter or concern related to land use or development, the matter or concern is governed by:

(i) this chapter; and

(ii) any applicable land use regulations.

Section 4. Section **10-9a-534** is amended to read:

10-9a-534 (Effective 11/01/24). Regulation of building design elements prohibited -- Exceptions.

(1) As used in this section, "building design element" means:

(a) exterior color;

(b) type or style of exterior cladding material;

(c) style, dimensions, or materials of a roof structure, roof pitch, or porch;

(d) exterior nonstructural architectural ornamentation;

(e) location, design, placement, or architectural styling of a window or door;

(f) location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;

(g) number or type of rooms;

(h) interior layout of a room;

(i) minimum square footage over 1,000 square feet, not including a garage;

(j) rear yard landscaping requirements;

(k) minimum building dimensions; or

(l) a requirement to install front yard fencing.

(2) Except as provided in Subsection (3), a municipality may not impose a requirement for a building design element on a one- or two-family dwelling.

(3) Subsection (2) does not apply to:

(a) a dwelling located within an area designated as a historic district in:

(i) the National Register of Historic Places;

(ii) the state register as defined in Section 9-8a-402; or

(iii) a local historic district or area, or a site designated as a local landmark, created

- by ordinance before January 1, 2021, except as provided under Subsection (3)(b);
- (b) an ordinance enacted as a condition for participation in the National Flood Insurance Program administered by the Federal Emergency Management Agency;
 - (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban Interface Code adopted under Section 15A-2-103;
 - (d) building design elements agreed to under a development agreement;
 - (e) a dwelling located within an area that:
 - (i) is zoned primarily for residential use; and
 - (ii) was substantially developed before calendar year 1950;
 - (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
 - (g) an ordinance enacted to regulate type of cladding, in response to findings or evidence from the construction industry of:
 - (i) defects in the material of existing cladding; or
 - (ii) consistent defects in the installation of existing cladding; [or]
 - (h) a land use regulation, including a planned unit development or overlay zone, that a property owner requests:
 - (i) the municipality to apply to the owner's property; and
 - (ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zoning area or district[-] ; or
 - (i) an ordinance enacted to mitigate the impacts of an accidental explosion:
 - (i) in excess of 20,000 pounds of trinitrotoluene equivalent;
 - (ii) that would create overpressure waves greater than .2 pounds per square inch; and
 - (iii) that would pose a risk of damage to a window, garage door, or carport of a facility located within the vicinity of the regulated area.

Section 5. Section **10-9a-536** is amended to read:

10-9a-536 (Effective 11/01/24). Water wise landscaping.

(1) As used in this section:

- (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.
- (b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose and applied to the soil.
- (c) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.
- (d) (i) "Vegetative coverage" means the ground level surface area covered by the

- 402 exposed leaf area of a plant or group of plants at full maturity.
- 403 (ii) "Vegetative coverage" does not mean the ground level surface area covered by
- 404 the exposed leaf area of a tree or trees.
- 405 (e) "Water wise landscaping" means any or all of the following:
- 406 (i) installation of plant materials suited to the microclimate and soil conditions that
- 407 can:
- 408 (A) remain healthy with minimal irrigation once established; or
- 409 (B) be maintained without the use of overhead spray irrigation;
- 410 (ii) use of water for outdoor irrigation through proper and efficient irrigation design
- 411 and water application; or
- 412 (iii) use of other landscape design features that:
- 413 (A) minimize the need of the landscape for supplemental water from irrigation; or
- 414 (B) reduce the landscape area dedicated to lawn or turf.
- 415 (2) A municipality may not enact or enforce an ordinance, resolution, or policy that
- 416 prohibits, or has the effect of prohibiting, a property owner from incorporating water
- 417 wise landscaping on the property owner's property.
- 418 (3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a municipality from
- 419 requiring a property owner to:
- 420 (i) comply with a site plan review or other review process before installing water
- 421 wise landscaping;
- 422 (ii) maintain plant material in a healthy condition; and
- 423 (iii) follow specific water wise landscaping design requirements adopted by the
- 424 municipality, including a requirement that:
- 425 (A) restricts or clarifies the use of mulches considered detrimental to municipal
- 426 operations;
- 427 (B) imposes minimum or maximum vegetative coverage standards; or
- 428 (C) restricts or prohibits the use of specific plant materials.
- 429 (b) A municipality may not require a property owner to install or keep in place lawn or
- 430 turf in an area with a width less than eight feet.
- 431 (4) A municipality may require a seller of a newly constructed residence to inform the first
- 432 buyer of the newly constructed residence of a municipal ordinance requiring water wise
- 433 landscaping.
- 434 [(4)] (5) A municipality shall report to the Division of Water Resources the existence,
- 435 enactment, or modification of an ordinance, resolution, or policy that implements

regional-based water use efficiency standards established by the Division of Water Resources by rule under Section 73-10-37.

Section 6. Section **10-9a-538** is enacted to read:

10-9a-538 (Effective 11/01/24). Residential rear setback limitations.

(1) As used in this section:

(a) "Allowable feature" means:

(i) a landing or walkout porch that:

(A) is no more than 32 square feet in size; and

(B) is used for ingress to and egress from the rear of the residential dwelling; or

(ii) a window well.

(b) "Landing" means an uncovered, above-ground platform, with or without stairs, connected to the rear of a residential dwelling.

(c) "Setback" means the required distance between the property line of a lot or parcel and the location where a structure is allowed to be placed under an adopted land use regulation.

(d) "Walkout porch" means an uncovered platform that is on the ground and connected to the rear of a residential dwelling.

(e) "Window well" means a recess in the ground around a residential dwelling to allow for ingress and egress through a window installed in a basement that is fully or partially below ground.

(2) A municipality may not enact or enforce an ordinance, resolution, or policy that prohibits or has the effect of prohibiting an allowable feature within the rear setback of a residential building lot or parcel.

(3) Subsection (2) does not apply to a historic district within the municipality.

Section 7. Section **10-9a-604.2** is amended to read:

10-9a-604.2 (Effective 11/01/24). Review of subdivision applications and subdivision improvement plans.

(1) As used in this section:

(a) "Review cycle" means the occurrence of:

(i) the applicant's submittal of a complete subdivision[~~land use~~] application;

(ii) the municipality's review of that subdivision[~~land use~~] application;

(iii) the municipality's response to that subdivision[~~land use~~] application, in accordance with this section; and

(iv) the applicant's reply to the municipality's response that addresses each of the

- 470 municipality's required modifications or requests for additional information.
- 471 (b) "Subdivision application" means a land use application for the subdivision of land.
- 472 ~~[(b)]~~ (c) "Subdivision improvement plans" means the civil engineering plans associated
- 473 with required infrastructure improvements and municipally controlled utilities
- 474 required for a subdivision.
- 475 ~~[(e)]~~ (d) "Subdivision ordinance review" means review by a municipality to verify that a
- 476 subdivision[~~land use~~] application meets the criteria of the municipality's[~~subdivision~~
- 477 ordinances.
- 478 ~~[(d)]~~ (e) "Subdivision plan review" means a review of the applicant's subdivision
- 479 improvement plans and other aspects of the subdivision[~~land use~~] application to
- 480 verify that the application complies with municipal ordinances and applicable
- 481 installation standards and inspection specifications for infrastructure improvements.
- 482 (2) The review cycle restrictions and requirements of this section do not apply to the review
- 483 of subdivision applications affecting property within identified geological hazard areas.
- 484 ~~(3)~~ (a) A municipality may require a subdivision improvement plan to be submitted with
- 485 a subdivision application.
- 486 (b) A municipality may not require a subdivision improvement plan to be submitted with
- 487 both a preliminary subdivision application and a final subdivision application.
- 488 (4) (a) The review cycle requirements of this section apply:
- 489 (i) to the review of a preliminary subdivision application, if the municipality requires
- 490 a subdivision improvement plan to be submitted with a preliminary subdivision
- 491 application; or
- 492 (ii) to the review of a final subdivision application, if the municipality requires a
- 493 subdivision improvement plan to be submitted with a final subdivision application.
- 494 (b) A municipality may not, outside the review cycle, engage in a substantive review of
- 495 required infrastructure improvements or a municipally controlled utility.
- 496 ~~[(3)]~~ (a) No later than 15 business days after the day on which an applicant submits a
- 497 complete preliminary subdivision land use application for a residential subdivision for
- 498 single-family dwellings, two-family dwellings, or townhomes, the municipality shall
- 499 complete the initial review of the application, including subdivision improvement plans.]
- 500 ~~[(b)]~~ (5) (a) A municipality shall complete the initial review of a complete subdivision
- 501 application submitted for ordinance review for a residential subdivision for
- 502 single-family dwellings, two-family dwellings, or town homes:
- 503 (i) no later than 15 business days after the complete subdivision application is

- 504 submitted, if the municipality has a population over 5,000; or
505 (ii) no later than 30 business days after the complete subdivision application is
506 submitted, if the municipality has a population of 5,000 or less.
- 507 (b) A municipality shall maintain and publish a list of the items comprising the complete[
508 preliminary] subdivision[~~land use~~] application, including:
509 (i) the application;
510 (ii) the owner's affidavit;
511 (iii) an electronic copy of all plans in PDF format;
512 (iv) the preliminary subdivision plat drawings; and
513 (v) a breakdown of fees due upon approval of the application.
- 514 ~~[(4)]~~ (6) ~~[(a)]~~ A municipality shall publish a list of the items that comprise a complete[
515 final] subdivision land use application.
- 516 ~~[(b) No later than 20 business days after the day on which an applicant submits a plat,~~
517 ~~the municipality shall complete a review of the applicant's final subdivision land use~~
518 ~~application for a residential subdivision for single-family dwellings, two-family~~
519 ~~dwellings, or townhomes, including all subdivision plan reviews.]~~
- 520 (7) A municipality shall complete a subdivision plan review of a subdivision improvement
521 plan that is submitted with a complete subdivision application for a residential
522 subdivision for single-family dwellings, two-family dwellings, or town homes:
523 (a) within 20 business days after the complete subdivision application is submitted, if the
524 municipality has a population over 5,000; or
525 (b) within 40 business days after the complete subdivision application is submitted, if
526 the municipality has a population of 5,000 or less.
- 527 ~~[(5)]~~ (8) (a) In reviewing a subdivision[~~land use~~] application, a municipality may require:
528 (i) additional information relating to an applicant's plans to ensure compliance with
529 municipal ordinances and approved standards and specifications for construction
530 of public improvements; and
531 (ii) modifications to plans that do not meet current ordinances, applicable standards
532 or specifications, or do not contain complete information.
- 533 (b) A municipality's request for additional information or modifications to plans under
534 Subsection ~~[(5)(a)(i)]~~ (8)(a)(i) or (ii) shall be specific and include citations to
535 ordinances, standards, or specifications that require the modifications to subdivision
536 improvement plans, and shall be logged in an index of requested modifications or
537 additions.

(c) A municipality may not require more than four review cycles for a subdivision improvement plan review.

(d) (i) Subject to Subsection ~~[(5)(d)(ii)]~~ (8)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan~~[-set]~~ or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a municipality's subdivision improvement plan review is waived.

(ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

(iii) If an applicant makes a material change to a subdivision improvement plan~~[-set]~~, the municipality has the discretion to restart the review process at the first review of the ~~[final application]~~ subdivision improvement plan review, but only with respect to the portion of the subdivision improvement plan~~[-set]~~ that the material change substantively ~~[effects]~~ affects.

(e) (i) ~~[H]~~ This Subsection (8)(e) applies if an applicant does not submit a revised subdivision improvement plan within~~[-]~~ :

(A) 20 business days after the municipality requires a modification or correction, ~~[the municipality shall have an additional 20 business days to respond to the plans]~~ if the municipality has a population over 5,000; or

(B) 40 business days after the municipality requires a modification or correction, if the municipality has a population of 5,000 or less.

(ii) If an applicant does not submit a revised subdivision improvement plan within the time specified in Subsection (8)(e)(i), a municipality has an additional 20 business days after the time specified in Subsection (7) to respond to a revised subdivision improvement plan.

~~[(6)]~~ (9) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the municipality's previous review cycle, the municipality may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

~~[(7)]~~ (10) (a) In addition to revised plans, an applicant shall provide a written explanation in response to the municipality's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(b) The applicant's written explanation shall be comprehensive and specific, including

572 citations to applicable standards and ordinances for the design and an index of
573 requested revisions or additions for each required correction.

574 (c) If an applicant fails to address a review comment in the response, the review cycle is
575 not complete and the subsequent review cycle may not begin until all comments are
576 addressed.

577 [(8)] (11) (a) If, on the fourth or final review, a municipality fails to respond within 20
578 business days, the municipality shall, upon request of the property owner, and within
579 10 business days after the day on which the request is received:

580 (i) for a dispute arising from the subdivision improvement plans, assemble an appeal
581 panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or
582 deny the final revised set of plans; or

583 (ii) for a dispute arising from the subdivision ordinance review, advise the applicant,
584 in writing, of the deficiency in the application and of the right to appeal the
585 determination to a designated appeal authority.

586 Section 8. Section **10-9a-604.5** is amended to read:

587 **10-9a-604.5 (Effective 11/01/24). Subdivision plat recording or development**
588 **activity before required landscaping or infrastructure is completed --**
589 **Improvement completion assurance -- Improvement warranty.**

590 (1) As used in this section, "public landscaping improvement" means landscaping that an
591 applicant is required to install to comply with published installation and inspection
592 specifications for public improvements that:

593 (a) will be dedicated to and maintained by the municipality; or

594 (b) are associated with and proximate to trail improvements that connect to planned or
595 existing public infrastructure.

596 (2) A land use authority shall establish objective inspection standards for acceptance of a
597 public landscaping improvement or infrastructure improvement that the land use
598 authority requires.

599 (3) (a) Before an applicant conducts any development activity or records a plat, the
600 applicant shall:

601 (i) complete any required public landscaping improvements or infrastructure
602 improvements; or

603 (ii) post an improvement completion assurance for any required public landscaping
604 improvements or infrastructure improvements.

605 (b) If an applicant elects to post an improvement completion assurance, the applicant

- 606 shall provide completion assurance for:
- 607 (i) completion of 100% of the required public landscaping improvements or
- 608 infrastructure improvements; or
- 609 (ii) if the municipality has inspected and accepted a portion of the public landscaping
- 610 improvements or infrastructure improvements, 100% of the incomplete or
- 611 unaccepted public landscaping improvements or infrastructure improvements.
- 612 (c) A municipality shall:
- 613 (i) establish a minimum of two acceptable forms of completion assurance;
- 614 (ii) if an applicant elects to post an improvement completion assurance, allow the
- 615 applicant to post an assurance that meets the conditions of this title, and any local
- 616 ordinances;
- 617 (iii) establish a system for the partial release of an improvement completion
- 618 assurance as portions of required public landscaping improvements or
- 619 infrastructure improvements are completed and accepted in accordance with local
- 620 ordinance; and
- 621 (iv) issue or deny a building permit in accordance with Section 10-9a-802 based on
- 622 the installation of public landscaping improvements or infrastructure
- 623 improvements.
- 624 (d) A municipality may not require an applicant to post an improvement completion
- 625 assurance for:
- 626 (i) public landscaping improvements or an infrastructure improvement that the
- 627 municipality has previously inspected and accepted;
- 628 (ii) infrastructure improvements that are private and not essential or required to meet
- 629 the building code, fire code, flood or storm water management provisions, street
- 630 and access requirements, or other essential necessary public safety improvements
- 631 adopted in a land use regulation;
- 632 (iii) in a municipality where ordinances require all infrastructure improvements
- 633 within the area to be private, infrastructure improvements within a development
- 634 that the municipality requires to be private; or
- 635 (iv) landscaping improvements that are not public landscaping improvements~~[, as~~
- 636 ~~defined in Section 10-9a-103]~~, unless the landscaping improvements and
- 637 completion assurance are required under the terms of a development agreement.
- 638 (4) (a) Except as provided in Subsection (4)(c), as a condition for increased density or
- 639 other entitlement benefit not currently available under the existing zone, a

municipality may require a completion assurance bond for landscaped amenities and common area that are dedicated to and maintained by a homeowners association.

(b) Any agreement regarding a completion assurance bond under Subsection (4)(a) between the applicant and the municipality shall be memorialized in a development agreement.

(c) A municipality may not require a completion assurance bond for or dictate who installs or is responsible for the cost of the landscaping of residential lots or the equivalent open space surrounding single-family attached homes, whether platted as lots or common area.

(5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not exceed the sum of:

(a) 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and

(b) 10% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.

(6) At any time before a municipality accepts a public landscaping improvement or infrastructure improvement, and for the duration of each improvement warranty period, the municipality may require the applicant to:

(a) execute an improvement warranty for the improvement warranty period; and

(b) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the municipality, in the amount of up to 10% of the lesser of the:

(i) municipal engineer's original estimated cost of completion; or

(ii) applicant's reasonable proven cost of completion.

(7) When a municipality accepts an improvement completion assurance for public landscaping improvements or infrastructure improvements for a development in accordance with Subsection (3)(c)(ii), the municipality may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the building code and fire code.

(8) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

Section 9. Section **10-9a-802** is amended to read:

10-9a-802 (Effective 11/01/24). Enforcement.

(1) (a) A municipality or an adversely affected party may, in addition to other remedies

provided by law, institute:

(i) injunctions, mandamus, abatement, or any other appropriate actions; or

(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

(b) A municipality need only establish the violation to obtain the injunction.

(2) (a) [A] Except as provided in Subsections (3) and (4), a municipality may enforce the municipality's ordinance by withholding a building permit.

(b) It is an infraction to erect, construct, reconstruct, alter, or change the use of any building or other structure within a municipality without approval of a building permit.

(c) A municipality may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

(d) A municipality may not deny an applicant a building permit or certificate of occupancy because the applicant has not completed an infrastructure improvement:

(i) that is not essential to meet the requirements for the issuance of a building permit or certificate of occupancy under the building code and fire code; and

(ii) for which the municipality has accepted an improvement completion assurance for a public landscaping improvement, as defined in Section 10-9a-604.5, or an infrastructure [improvements] improvement for the development.

(3) A municipality may not deny an applicant a building permit or certificate of occupancy based on the lack of completion of a landscaping improvement that is not a public landscaping improvement, as defined in Section 10-9a-604.5.

(4) A municipality may not withhold a building permit based on the lack of completion of a portion of a public sidewalk to be constructed within a public right-of-way serving a lot where a single-family or two-family residence or town home is proposed in a building permit application if an improvement completion assurance has been posted for the incomplete portion of the public sidewalk.

(5) A municipality may not prohibit the construction of a single-family or two-family residence or town home, withhold recording a plat, or withhold acceptance of a public landscaping improvement, as defined in Section 10-9a-604.5, or an infrastructure improvement based on the lack of installation of a public sidewalk if an improvement completion assurance has been posted for the public sidewalk.

(6) A municipality may not redeem an improvement completion assurance securing the installation of a public sidewalk sooner than 18 months after the date the improvement

completion assurance is posted.

(7) A municipality shall allow an applicant to post an improvement completion assurance for a public sidewalk separate from an improvement completion assurance for:

(a) another infrastructure improvement; or

(b) a public landscaping improvement, as defined in Section 10-9a-604.5.

(8) A municipality may withhold a certificate of occupancy for a single-family or two-family residence or town home until the portion of the public sidewalk to be constructed within a public right-of-way and located immediately adjacent to the single-family or two-family residence or town home is completed and accepted by the municipality.

Section 10. Section **17-27a-508** is amended to read:

17-27a-508 (Effective 11/01/24). Applicant's entitlement to land use application approval -- Application relating to land in a high priority transportation corridor -- County's requirements and limitations -- Vesting upon submission of development plan and schedule.

(1) (a) (i) An applicant who has submitted a complete land use application, including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

(A) in effect on the date that the application is complete; and

(B) applicable to the application or to the information shown on the submitted application.

(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays all application fees, unless:

(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted.

(b) The county shall process an application without regard to proceedings the county

initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

(i) 180 days have passed since the county initiated the proceedings; and

(ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or

(B) during the 12 months prior to the county processing the application or multiple applications of the same type, the application is impaired or prohibited under the terms of a temporary land use regulation adopted under Section 17-27a-504.

(c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.

(d) Unless a phasing sequence is required in an executed development agreement, a county shall, without regard to any other separate and distinct land use application, accept and process a complete land use application.

~~[(d)]~~ (e) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

~~[(e)]~~ (f) A county may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

(i) this chapter;

(ii) a county ordinance in effect on the date that the applicant submits a complete application, subject to Subsection 17-27a-508(1)(a)(ii); or

(iii) a county specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

~~[(f)]~~ (g) A county may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:

(i) in a land use permit;

(ii) on the subdivision plat;

(iii) in a document on which the land use permit or subdivision plat is based;

(iv) in the written record evidencing approval of the land use permit or subdivision plat;

(v) in this chapter;

(vi) in a county ordinance; or

(vii) in a county specification for residential roadways in effect at the time a

- 776 residential subdivision was approved.
- 777 ~~[(g)]~~ (h) Except as provided in Subsection ~~[(1)(h)]~~ (1)(i), a county may not withhold
- 778 issuance of a certificate of occupancy or acceptance of subdivision improvements
- 779 because of an applicant's failure to comply with a requirement that is not expressed:
- 780 (i) in the building permit or subdivision plat, documents on which the building permit
- 781 or subdivision plat is based, or the written record evidencing approval of the
- 782 building permit or subdivision plat; or
- 783 (ii) in this chapter or the county's ordinances.
- 784 ~~[(h)]~~ (i) A county may not unreasonably withhold issuance of a certificate of occupancy
- 785 where an applicant has met all requirements essential for the public health, public
- 786 safety, and general welfare of the occupants, in accordance with this chapter, unless:
- 787 (i) the applicant and the county have agreed in a written document to the withholding
- 788 of a certificate of occupancy; or
- 789 (ii) the applicant has not provided a financial assurance for required and uncompleted
- 790 public landscaping improvements or infrastructure improvements in accordance
- 791 with an applicable ordinance that the legislative body adopts under this chapter.
- 792 (2) A county is bound by the terms and standards of applicable land use regulations and
- 793 shall comply with mandatory provisions of those regulations.
- 794 (3) A county may not, as a condition of land use application approval, require a person
- 795 filing a land use application to obtain documentation regarding a school district's
- 796 willingness, capacity, or ability to serve the development proposed in the land use
- 797 application.
- 798 (4) Upon a specified public agency's submission of a development plan and schedule as
- 799 required in Subsection 17-27a-305(8) that complies with the requirements of that
- 800 subsection, the specified public agency vests in the county's applicable land use maps,
- 801 zoning map, hookup fees, impact fees, other applicable development fees, and land use
- 802 regulations in effect on the date of submission.
- 803 (5) (a) If sponsors of a referendum timely challenge a project in accordance with
- 804 Subsection 20A-7-601(6), the project's affected owner may rescind the project's land
- 805 use approval by delivering a written notice:
- 806 (i) to the local clerk as defined in Section 20A-7-101; and
- 807 (ii) no later than seven days after the day on which a petition for a referendum is
- 808 determined sufficient under Subsection 20A-7-607(5).
- 809 (b) Upon delivery of a written notice described in Subsection(5)(a) the following are

rescinded and are of no further force or effect:

(i) the relevant land use approval; and

(ii) any land use regulation enacted specifically in relation to the land use approval.

Section 11. Section **17-27a-528** is amended to read:

17-27a-528 (Effective 11/01/24). Development agreements.

(1) Subject to Subsection (2), a county may enter into a development agreement containing any term that the county considers necessary or appropriate to accomplish the purposes of this chapter[-] , including a term relating to:

(a) a master planned development;

(b) a planned unit development;

(c) an annexation;

(d) affordable or moderate income housing with development incentives;

(e) a public-private partnership; or

(f) a density transfer or bonus within a development project or between development projects.

(2) (a) A development agreement may not:

(i) limit a county's authority in the future to:

(A) enact a land use regulation; or

(B) take any action allowed under Section 17-53-223;

(ii) require a county to change the zoning designation of an area of land within the county in the future; or

(iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 17-27a-502, including a review and recommendation from the planning commission and a public hearing.

(b) A development agreement that requires the implementation of an existing land use regulation as an administrative act does not require a legislative body's approval under Section 17-27a-502.

~~[(e) (i) If a development agreement restricts an applicant's rights under clearly established state law, the county shall disclose in writing to the applicant the rights of the applicant the development agreement restricts.]~~

~~[(ii) A county's failure to disclose in accordance with Subsection (2)(c)(i) voids any~~

- 844 provision in the development agreement pertaining to the undisclosed rights.]
- 845 ~~[(d) A county may not require a development agreement as a condition for developing~~
- 846 ~~land if the county's land use regulations establish all applicable standards for~~
- 847 ~~development on the land.]~~
- 848 [(e)] (c) Subject to Subsection (2)(d), a county may require a development agreement for
- 849 developing land within the unincorporated area of the county if the applicant has
- 850 applied for a legislative or discretionary approval, including an approval relating to:
- 851 (i) the height of a structure;
- 852 (ii) a parking or setback exception;
- 853 (iii) a density transfer or bonus;
- 854 (iv) a development incentive;
- 855 (v) a zone change; or
- 856 (vi) an amendment to a prior development agreement.
- 857 (d) A county may not require a development agreement as a condition for developing
- 858 land within the unincorporated area of the county if:
- 859 (i) the development otherwise complies with applicable statute and county ordinances;
- 860 (ii) the development is an allowed or permitted use; or
- 861 (iii) the county's land use regulations otherwise establish all applicable standards for
- 862 development on the land.
- 863 (e) A county may submit to a county recorder's office for recording:
- 864 (i) a fully executed agreement; or
- 865 (ii) a document related to:
- 866 (A) code enforcement;
- 867 (B) a special assessment area;
- 868 (C) a local historic district boundary; or
- 869 (D) the memorializing or enforcement of an agreed upon restriction, incentive, or
- 870 covenant.
- 871 (f) Subject to Subsection (2)(e), a county may not cause to be recorded against private
- 872 real property a document that imposes development requirements, development
- 873 regulations, or development controls on the property.
- 874 (g) To the extent that a development agreement does not specifically address a matter or
- 875 concern related to land use or development, the matter or concern is governed by:
- 876 (i) this chapter; and
- 877 (ii) any applicable land use regulations.

Section 12. Section 17-27a-530 is amended to read:

17-27a-530 (Effective 11/01/24). Regulation of building design elements

prohibited -- Exceptions.

(1) As used in this section, "building design element" means:

- (a) exterior color;
- (b) type or style of exterior cladding material;
- (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
- (d) exterior nonstructural architectural ornamentation;
- (e) location, design, placement, or architectural styling of a window or door;
- (f) location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;
- (g) number or type of rooms;
- (h) interior layout of a room;
- (i) minimum square footage over 1,000 square feet, not including a garage;
- (j) rear yard landscaping requirements;
- (k) minimum building dimensions; or
- (l) a requirement to install front yard fencing.

(2) Except as provided in Subsection (3), a county may not impose a requirement for a building design element on a one- or [~~two-famiy~~] two-family dwelling.

(3) Subsection (2) does not apply to:

- (a) a dwelling located within an area designated as a historic district in:
 - (i) the National Register of Historic Places;
 - (ii) the state register as defined in Section 9-8a-402; or
 - (iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before January 1, 2021, except as provided under Subsection (3)(b);
- (b) an ordinance enacted as a condition for participation in the National Flood Insurance Program administered by the Federal Emergency Management Agency;
- (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban Interface Code adopted under Section 15A-2-103;
- (d) building design elements agreed to under a development agreement;
- (e) a dwelling located within an area that:
 - (i) is zoned primarily for residential use; and
 - (ii) was substantially developed before calendar year 1950;
- (f) an ordinance enacted to implement water efficient landscaping in a rear yard;

- (g) an ordinance enacted to regulate type of cladding, in response to findings or evidence from the construction industry of:
- (i) defects in the material of existing cladding; or
 - (ii) consistent defects in the installation of existing cladding; [or]
- (h) a land use regulation, including a planned unit development or overlay zone, that a property owner requests:
- (i) the county to apply to the owner's property; and
 - (ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zoning area or district[-] ; or
- (i) an ordinance enacted to mitigate the impacts of an accidental explosion:
- (i) in excess of 20,000 pounds of trinitrotoluene equivalent;
 - (ii) that would create overpressure waves greater than .2 pounds per square inch; and
 - (iii) that would pose a risk of damage to a window, garage door, or carport of a facility located within the vicinity of the regulated area.

Section 13. Section **17-27a-532** is amended to read:

17-27a-532 (Effective 11/01/24). Water wise landscaping.

(1) As used in this section:

- (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.
- (b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose and applied to the soil.
- (c) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.
- (d) (i) "Vegetative coverage" means the ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity.
- (ii) "Vegetative coverage" does not mean the ground level surface area covered by the exposed leaf area of a tree or trees.
- (e) "Water wise landscaping" means any or all of the following:
 - (i) installation of plant materials suited to the microclimate and soil conditions that can:
 - (A) remain healthy with minimal irrigation once established; or
 - (B) be maintained without the use of overhead spray irrigation;
 - (ii) use of water for outdoor irrigation through proper and efficient irrigation design and water application; or

(iii) the use of other landscape design features that:

(A) minimize the need of the landscape for supplemental water from irrigation; or

(B) reduce the landscape area dedicated to lawn or turf.

(2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits, or has the effect of prohibiting, a property owner from incorporating water wise landscaping on the property owner's property.

(3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a county from requiring a property owner to:

(i) comply with a site plan review or other review process before installing water wise landscaping;

(ii) maintain plant material in a healthy condition; and

(iii) follow specific water wise landscaping design requirements adopted by the county, including a requirement that:

(A) restricts or clarifies the use of mulches considered detrimental to county operations;

(B) imposes minimum or maximum vegetative coverage standards; or

(C) restricts or prohibits the use of specific plant materials.

(b) A county may not require a property owner to install or keep in place lawn or turf in an area with a width less than eight feet.

(4) A county may require a seller of a newly constructed residence within the unincorporated area of the county to inform the first buyer of the newly constructed residence of a county ordinance requiring water wise landscaping.

[(4)] (5) A county shall report to the Division of Water Resources the existence, enactment, or modification of an ordinance, resolution, or policy that implements regional-based water use efficiency standards established by the Division of Water Resources by rule under Section 73-10-37.

Section 14. Section **17-27a-534** is enacted to read:

17-27a-534 (Effective 11/01/24). Residential rear setback limitations.

(1) As used in this section:

(a) "Allowable feature" means:

(i) a landing or walkout porch that:

(A) is no more than 32 square feet in size; and

(B) is used for ingress to and egress from the rear of the residential dwelling; or

(ii) a window well.

- (b) "Landing" means an uncovered, above-ground platform, with or without stairs, connected to the rear of a residential dwelling.
- (c) "Setback" means the required distance between the property line of a lot or parcel and the location where a structure is allowed to be placed under an adopted land use regulation.
- (d) "Walkout porch" means an uncovered platform that is on the ground and connected to the rear of a residential dwelling.
- (e) "Window well" means a recess in the ground around a residential dwelling to allow for ingress and egress through a window installed in a basement that is fully or partially below ground.

(2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits or has the effect of prohibiting an allowable feature within the rear setback of a residential building lot or parcel.

(3) Subsection (2) does not apply to a historic district located within the unincorporated area of a county.

Section 15. Section **17-27a-604.2** is amended to read:

17-27a-604.2 (Effective 11/01/24). Review of subdivision applications and subdivision improvement plans.

(1) As used in this section:

(a) "Review cycle" means the occurrence of:

- (i) the applicant's submittal of a complete subdivision~~[-land use]~~ application;
- (ii) the county's review of that subdivision~~[-land use]~~ application;
- (iii) the county's response to that subdivision~~[-land use]~~ application, in accordance with this section; and
- (iv) the applicant's reply to the county's response that addresses each of the county's required modifications or requests for additional information.

(b) "Subdivision application" means a land use application for the subdivision of land located within the unincorporated area of a county.

~~[(b)]~~ (c) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure improvements and county-controlled utilities required for a subdivision.

~~[(e)]~~ (d) "Subdivision ordinance review" means review by a county to verify that a subdivision~~[-land use]~~ application meets the criteria of the county's~~[-subdivision]~~ ordinances.

1014 ~~[(d)]~~ (e) "Subdivision plan review" means a review of the applicant's subdivision
1015 improvement plans and other aspects of the subdivision~~[-land-use]~~ application to
1016 verify that the application complies with county ordinances and applicable installation
1017 standards and inspection specifications for infrastructure improvements.

1018 (2) The review cycle restrictions and requirements of this section do not apply to the review
1019 of subdivision applications affecting property within identified geological hazard areas.

1020 (3) (a) A county may require a subdivision improvement plan to be submitted with a
1021 subdivision application.

1022 (b) A county may not require a subdivision improvement plan to be submitted with both
1023 a preliminary subdivision application and a final subdivision application.

1024 (4) (a) The review cycle requirements of this section apply:

1025 (i) to the review of a preliminary subdivision application, if the county requires a
1026 subdivision improvement plan to be submitted with a preliminary subdivision
1027 application; or

1028 (ii) to the review of a final subdivision application, if the county requires a
1029 subdivision improvement plan to be submitted with a final subdivision application.

1030 (b) A county may not, outside the review cycle, engage in a substantive review of
1031 required infrastructure improvements or a county controlled utility.

1032 ~~[(3) (a) No later than 15 business days after the day on which an applicant submits a~~
1033 ~~complete preliminary subdivision land use application for a residential subdivision for~~
1034 ~~single-family dwellings, two-family dwellings, or townhomes, the county shall complete~~
1035 ~~the initial review of the application, including subdivision improvement plans.]~~

1036 ~~[(b)]~~ (5) (a) A county shall complete the initial review of a complete subdivision
1037 application submitted for ordinance review for a residential subdivision for
1038 single-family dwellings, two-family dwellings, or town homes:

1039 (i) no later than 15 business days after the complete subdivision application is
1040 submitted, if the county has a population over 5,000; or

1041 (ii) no later than 30 business days after the complete subdivision application is
1042 submitted, if the county has a population of 5,000 or less.

1043 (b) A county shall maintain and publish a list of the items comprising the complete~~[-~~
1044 ~~preliminary]~~ subdivision~~[-land-use]~~ application, including:

1045 (i) the application;

1046 (ii) the owner's affidavit;

1047 (iii) an electronic copy of all plans in PDF format;

- 1048 (iv) the preliminary subdivision plat drawings; and
- 1049 (v) a breakdown of fees due upon approval of the application.
- 1050 ~~[(4)] (6)~~ ~~[(a)]~~ A county shall publish a list of the items that comprise a complete~~[-final]~~
- 1051 subdivision land use application.
- 1052 ~~[(b) No later than 20 business days after the day on which an applicant submits a plat,~~
- 1053 ~~the county shall complete a review of the applicant's final subdivision land use~~
- 1054 ~~application for single-family dwellings, two-family dwellings, or townhomes,~~
- 1055 ~~including all subdivision plan reviews.]~~
- 1056 (7) A county shall complete a subdivision plan review of a subdivision improvement plan
- 1057 that is submitted with a complete subdivision application for a residential subdivision for
- 1058 single-family dwellings, two-family dwellings, or town homes:
- 1059 (a) within 20 business days after the complete subdivision application is submitted, if the
- 1060 county has a population over 5,000; or
- 1061 (b) within 40 business days after the complete subdivision application is submitted, if
- 1062 the county has a population of 5,000 or less.
- 1063 ~~[(5)] (8)~~ (a) In reviewing a subdivision~~[-land use]~~ application, a county may require:
- 1064 (i) additional information relating to an applicant's plans to ensure compliance with
- 1065 county ordinances and approved standards and specifications for construction of
- 1066 public improvements; and
- 1067 (ii) modifications to plans that do not meet current ordinances, applicable standards,
- 1068 or specifications or do not contain complete information.
- 1069 (b) A county's request for additional information or modifications to plans under [~~Subsections (5)(a)(i)]~~ Subsection (8)(a)(i) or (ii) shall be specific and include citations
- 1070 to ordinances, standards, or specifications that require the modifications to
- 1071 subdivision improvement plans, and shall be logged in an index of requested
- 1072 modifications or additions.
- 1073 (c) A county may not require more than four review cycles for a subdivision
- 1074 improvement plan review.
- 1075 (d) (i) Subject to Subsection ~~[(5)(d)(ii)]~~ (8)(d)(ii), unless the change or correction is
- 1076 necessitated by the applicant's adjustment to a subdivision improvement plan~~[-set]~~
- 1077 or an update to a phasing plan that adjusts the infrastructure needed for the
- 1078 specific development, a change or correction not addressed or referenced in a
- 1079 county's subdivision improvement plan review is waived.
- 1080 (ii) A modification or correction necessary to protect public health and safety or to
- 1081

- 1082 enforce state or federal law may not be waived.
- 1083 (iii) If an applicant makes a material change to a subdivision improvement plan[-set],
- 1084 the county has the discretion to restart the review process at the first review of the [
- 1085 ~~final application~~] subdivision improvement plan review, but only with respect to
- 1086 the portion of the subdivision improvement plan[-set] that the material change
- 1087 substantively [effects] affects.
- 1088 (e) (i) [H] This Subsection (8) applies if an applicant does not submit a revised
- 1089 subdivision improvement plan within[-] :
- 1090 (A) 20 business days after the county requires a modification or correction, [the
- 1091 county shall have an additional 20 business days to respond to the plans] if the
- 1092 county has a population over 5,000; or
- 1093 (B) 40 business days after the county requires a modification or correction, if the
- 1094 county has a population of 5,000 or less.
- 1095 (ii) If an applicant does not submit a revised subdivision improvement plan within the
- 1096 time specified in Subsection (8)(e)(i), a county has an additional 20 business days
- 1097 after the time specified in Subsection (7) to respond to a revised subdivision
- 1098 improvement plan.
- 1099 [(6)] (9) After the applicant has responded to the final review cycle, and the applicant has
- 1100 complied with each modification requested in the county's previous review cycle, the
- 1101 county may not require additional revisions if the applicant has not materially changed
- 1102 the plan, other than changes that were in response to requested modifications or
- 1103 corrections.
- 1104 [(7)] (10) (a) In addition to revised plans, an applicant shall provide a written explanation
- 1105 in response to the county's review comments, identifying and explaining the
- 1106 applicant's revisions and reasons for declining to make revisions, if any.
- 1107 (b) The applicant's written explanation shall be comprehensive and specific, including
- 1108 citations to applicable standards and ordinances for the design and an index of
- 1109 requested revisions or additions for each required correction.
- 1110 (c) If an applicant fails to address a review comment in the response, the review cycle is
- 1111 not complete and the subsequent review cycle may not begin until all comments are
- 1112 addressed.
- 1113 [(8)] (11) (a) If, on the fourth or final review, a county fails to respond within 20 business
- 1114 days, the county shall, upon request of the property owner, and within 10 business
- 1115 days after the day on which the request is received:

(i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 17-27a-507(5)(d) to review and approve or deny the final revised set of plans; or

(ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Section 16. Section **17-27a-604.5** is amended to read:

17-27a-604.5 (Effective 11/01/24). Subdivision plat recording or development activity before required infrastructure is completed -- Improvement completion assurance -- Improvement warranty.

(1) As used in this section, "public landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

(a) will be dedicated to and maintained by the county; or

(b) are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

(2) A land use authority shall establish objective inspection standards for acceptance of a required public landscaping improvement or infrastructure improvement.

(3) (a) Before an applicant conducts any development activity or records a plat, the applicant shall:

(i) complete any required public landscaping improvements or infrastructure improvements; or

(ii) post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.

(b) If an applicant elects to post an improvement completion assurance, the applicant shall provide completion assurance for:

(i) completion of 100% of the required public landscaping improvements or infrastructure improvements; or

(ii) if the county has inspected and accepted a portion of the public landscaping improvements or infrastructure improvements, 100% of the incomplete or unaccepted public landscaping improvements or infrastructure improvements.

(c) A county shall:

(i) establish a minimum of two acceptable forms of completion assurance;

(ii) if an applicant elects to post an improvement completion assurance, allow the

- 1150 applicant to post an assurance that meets the conditions of this title, and any local
1151 ordinances;
- 1152 (iii) establish a system for the partial release of an improvement completion
1153 assurance as portions of required public landscaping improvements or
1154 infrastructure improvements are completed and accepted in accordance with local
1155 ordinance; and
- 1156 (iv) issue or deny a building permit in accordance with Section 17-27a-802 based on
1157 the installation of public landscaping improvements or infrastructure
1158 improvements.
- 1159 (d) A county may not require an applicant to post an improvement completion assurance
1160 for:
- 1161 (i) public landscaping improvements or infrastructure improvements that the county
1162 has previously inspected and accepted;
- 1163 (ii) infrastructure improvements that are private and not essential or required to meet
1164 the building code, fire code, flood or storm water management provisions, street
1165 and access requirements, or other essential necessary public safety improvements
1166 adopted in a land use regulation;~~[-or]~~
- 1167 (iii) in a county where ordinances require all infrastructure improvements within the
1168 area to be private, infrastructure improvements within a development that the
1169 county requires to be private; or
- 1170 (iv) landscaping improvements that are not public landscaping improvements~~[-as~~
1171 ~~defined in Section 17-27a-103]~~, unless the landscaping improvements and
1172 completion assurance are required under the terms of a development agreement.
- 1173 (4) (a) Except as provided in Subsection (4)(c), as a condition for increased density or
1174 other entitlement benefit not currently available under the existing zone, a county
1175 may require a completion assurance bond for landscaped amenities and common area
1176 that are dedicated to and maintained by a homeowners association.
- 1177 (b) Any agreement regarding a completion assurance bond under Subsection (4)(a)
1178 between the applicant and the county shall be memorialized in a development
1179 agreement.
- 1180 (c) A county may not require a completion assurance bond for or dictate who installs or
1181 is responsible for the cost of the landscaping of residential lots or the equivalent open
1182 space surrounding single-family attached homes, whether platted as lots or common
1183 area.

- (5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not exceed the sum of:
- (a) 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and
 - (b) 10% of the amount of the bond to cover administrative costs incurred by the county to complete the improvements, if necessary.
- (6) At any time before a county accepts a public landscaping improvement or infrastructure improvement, and for the duration of each improvement warranty period, the land use authority may require the applicant to:
- (a) execute an improvement warranty for the improvement warranty period; and
 - (b) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the county, in the amount of up to 10% of the lesser of the:
 - (i) county engineer's original estimated cost of completion; or
 - (ii) applicant's reasonable proven cost of completion.
- (7) When a county accepts an improvement completion assurance for public landscaping improvements or infrastructure improvements for a development in accordance with Subsection (3)(c)(ii), the county may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the building code and fire code.
- (8) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.
- Section 17. Section **17-27a-802** is amended to read:
- 17-27a-802 (Effective 11/01/24). Enforcement.**
- (1) (a) A county or an adversely affected party may, in addition to other remedies provided by law, institute:
- (i) injunctions, mandamus, abatement, or any other appropriate actions; or
 - (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
- (b) A county need only establish the violation to obtain the injunction.
- (2) (a) [A] Except as provided in Subsections (3) and (4), a county may enforce the county's ordinance by withholding a building permit.
- (b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within a county without approval of a building permit.
- (c) The county may not issue a building permit unless the plans of and for the proposed

erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

(d) A county may not deny an applicant a building permit or certificate of occupancy because the applicant has not completed an infrastructure improvement:

(i) that is not essential to meet the requirements for the issuance of a building permit or certificate of occupancy under the building code and fire code; and

(ii) for which the county has accepted an improvement completion assurance for a public landscaping improvement, as defined in Section 17-27a-604.5, or an infrastructure [improvements] improvement for the development.

(3) A county may not deny an applicant a building permit or certificate of occupancy based on the lack of completion of a landscaping improvement that is not a public landscaping improvement, as defined in Section 17-27a-604.5.

(4) A county may not withhold a building permit based on the lack of completion of a portion of a public sidewalk to be constructed within a public right-of-way serving a lot where a single-family or two-family residence or town home is proposed in a building permit application if an improvement completion assurance has been posted for the incomplete portion of the public sidewalk.

(5) A county may not prohibit the construction of a single-family or two-family residence or town home, withhold recording a plat, or withhold acceptance of a public landscaping improvement, as defined in Section 17-27a-604.5, or an infrastructure improvement based on the lack of installation of a public sidewalk if an improvement completion assurance has been posted for the public sidewalk.

(6) A county may not redeem an improvement completion assurance securing the installation of a public sidewalk sooner than 18 months after the date the improvement completion assurance is posted.

(7) A county shall allow an applicant to post an improvement completion assurance for a public sidewalk separate from an improvement completion assurance for:

(a) another infrastructure improvement; or

(b) a public landscaping improvement, as defined in Section 17-27a-604.5.

(8) A county may withhold a certificate of occupancy for a single-family or two-family residence or town home until the portion of the public sidewalk to be constructed within a public right-of-way and located immediately adjacent to the single-family or two-family residence or town home is completed and accepted by the county.

Section 18. Section **38-9-102** is amended to read:

1252 **38-9-102 (Effective 05/01/24). Definitions.**

1253 As used in this chapter:

1254 (1) "Affected person" means:

1255 (a) a person who is a record interest holder of the real property that is the subject of a
1256 recorded nonconsensual common law document; or1257 (b) the person against whom a recorded nonconsensual common law document purports
1258 to reflect or establish a claim or obligation.1259 (2) "Document sponsor" means a person who, personally or through a designee, signs or
1260 submits for recording a document that is, or is alleged to be, a nonconsensual common
1261 law document.1262 (3) "Interest holder" means a person who holds or possesses a present, lawful property
1263 interest in certain real property, including an owner, title holder, mortgagee, trustee, or
1264 beneficial owner.1265 (4) "Lien claimant" means a person claiming an interest in real property who offers a
1266 document for recording or filing with any county recorder in the state asserting a lien, or
1267 notice of interest, or other claim of interest in certain real property.1268 (5) "Nonconsensual common law document" means a document that is submitted to a
1269 county recorder's office for recording against public official property that:

1270 (a) purports to create a lien or encumbrance on or a notice of interest in the real property;

1271 (b) at the time the document is recorded, is not:

1272 (i) expressly authorized by this chapter or a state or federal statute;

1273 (ii) authorized by or contained in an order or judgment of a court of competent
1274 jurisdiction; or1275 (iii) signed by or expressly authorized by a document signed by the owner of the real
1276 property; and

1277 (c) is submitted in relation to the public official's status or capacity as a public official.

1278 (6) "Owner" means a person who has a vested ownership interest in real property.

1279 (7) "Political subdivision" means a county, city, town, school district, special improvement
1280 or taxing district, special district, special service district, or other governmental
1281 subdivision or public corporation.

1282 (8) "Public official" means:

1283 (a) a current or former:

1284 (i) member of the Legislature;

1285 (ii) member of Congress;

- 1286 (iii) judge;
1287 (iv) member of law enforcement;
1288 (v) corrections officer;
1289 (vi) active member of the Utah State Bar; or
1290 (vii) member of the Board of Pardons and Parole;
- 1291 (b) an individual currently or previously appointed or elected to an elected position in:
1292 (i) the executive branch of state or federal government; or
1293 (ii) a political subdivision;
- 1294 (c) an individual currently or previously appointed to or employed in a position in a
1295 political subdivision, or state or federal government that:
1296 (i) is a policymaking position; or
1297 (ii) involves:
1298 (A) purchasing or contracting decisions;
1299 (B) drafting legislation or making rules;
1300 (C) determining rates or fees; or
1301 (D) making adjudicative decisions; or
- 1302 (d) an immediate family member of a person described in Subsections (8)(a) through (c).
- 1303 (9) "Public official property" means real property that has at least one record interest holder
1304 who is a public official.
- 1305 (10) (a) "Record interest holder" means a person who holds or possesses a present,
1306 lawful property interest in real property, including an owner, titleholder, mortgagee,
1307 trustee, or beneficial owner, and whose name and interest in that real property
1308 appears in the county recorder's records for the county in which the property is
1309 located.
- 1310 (b) "Record interest holder" includes any grantor in the chain of the title in real property.
- 1311 (11) "Record owner" means an owner whose name and ownership interest in certain real
1312 property is recorded or filed in the county recorder's records for the county in which the
1313 property is located.
- 1314 (12) (a) "Wrongful lien" means any document that purports to create a lien, notice of
1315 interest, or encumbrance on an owner's interest in certain real property and at the time
1316 it is recorded is not:
1317 ~~[(a)]~~ (i) expressly authorized by this chapter or another state or federal statute;
1318 ~~[(b)]~~ (ii) authorized by or contained in an order or judgment of a court of competent
1319 jurisdiction in the state; or

1320 ~~[(e)]~~ (iii) signed by or authorized pursuant to a document signed by the owner of the
1321 real property.

1322 (b) "Wrongful lien" includes a document recorded in violation of Subsection 10-9a-532
1323 (2)(d).

1324 Section 19. **Effective date.**

1325 (1) Except as provided in Subsection (2), this bill takes effect on November 1, 2024.

1326 (2) (a) Except as provided in Subsection (2)(b), the actions affecting Sections 10-9a-532
1327 and 38-9-102 take effect on May 1, 2024.

1328 (b) If this bill is approved by two-thirds of all the members elected to each house, the
1329 actions affecting Sections 10-9a-532 and 38-9-102 take effect upon approval by the
1330 governor, or the day following the constitutional time limit of Utah Constitution,
1331 Article VII, Section 8, without the governor's signature, or in the case of a veto, the
1332 date of veto override.

COMPARISON OF S.B. 174 (2023) AND H.B. 476 (2024)

H.B. 476 (2024) effective in Utah's code November 1, 2024.

Utah Code Ann. Section 10-9a-604.2 (and its sister for counties), enacted by SB 174 (2023) was modified by HB 476 (2024)

	S.B. 174 (2023)	H.B. 476 (2024)
Application Name	Subdivision <u>land use</u> application	Subdivision application – means a land use application for the subdivision of land.
Subdivision ordinance review	Means review by a municipality to verify that a subdivision <u>land use</u> application meets the criteria of the municipality's <u>subdivision</u> ordinances.	Means review by a municipality to verify that a subdivision application meets the criteria of the municipality's ordinances.
Subdivision improvement plan	Initial review of the preliminary application includes subdivision improvement plans. If the municipality has not responded within 20 business days on the fourth or final review, the property owner can request an assembly of an appeal panel for disputes “arising from the subdivision improvement plans.”	May be required to be submitted with either a preliminary or final subdivision application but may not be required for both.
Review Cycle Requirements	“A municipality may not require more than four review cycles.”	“A municipality may not require more than four review cycles <u>for a subdivision improvement plan review.</u> ” Applies to either preliminary or final → whichever stage the municipality/county requires a subdivision improvement plan be submitted.
Limitations on substantive review.	n/a	Outside review cycle.
Timeline for initial application review.	15 days	15 days → population over 5,000 30 days → population 5,000 or less
Timeline for final/complete application review.	20 days	Within 20 days → population over 5,000 Within 40 days → population 5,000 or less (or municipality has an additional 20 days to respond)
Timeline for applicant's revised subdivision improvement plan.	20 days (or municipality shall have an additional 20 business days to respond)	20 days → population over 5,000 40 days → population 5,000 or less (or municipality has an additional 20 days to respond)

COMPLIANCE WITH H.B. 476 (SUBDIVISION CODE)		
STEPS	CODE	CHECKBOX
Pre-application Meeting (at applicant's request). <ul style="list-style-type: none"> Must be scheduled within 15 business days after request. At meeting, Municipal staff must provide/make available: <ol style="list-style-type: none"> Copies of applicable land use regulations A complete list of standards required for the project; Preliminary and final application checklists; and Feedback on concept plan. 	§ 10-9a-604.1	
Preliminary Subdivision Application <ul style="list-style-type: none"> Review may occur at a public meeting or at the municipal staff level. If to subdivide land, public comment and no more than one public hearing may occur. A municipality may require a <u>subdivision improvement plan</u> to be submitted with either a preliminary or final subdivision plan (if required with preliminary application, "<u>Review Cycle</u>" requirements apply to review of preliminary application). If complies with all applicable municipal ordinances and requirements of [Section 10], then the preliminary subdivision application <u>shall</u> be approved. 	§ 10-9a-604.1 § 10-9a-604.2	
Final Subdivision Application <ul style="list-style-type: none"> May permit concurrent processing of final subdivision plat application with preliminary subdivision plat application; and may not require planning commission or city council approval. If subdivision improvement plan was required in preliminary subdivision application, municipality cannot require subdivision improvement plan with final subdivision application (if required with final application, "<u>Review Cycle</u>" requirements apply to review of final application). If complies with all applicable ordinances and requirements, a municipality <u>shall</u> approve the application. 	§ 10-9a-604.1 § 10-9a-604.2	
Review Cycle <ul style="list-style-type: none"> "A municipality may not require more than four review cycles for a subdivision improvement plan review." "Review cycle" means the occurrence of: <ol style="list-style-type: none"> the applicant's submittal of a complete subdivision application; the municipality's review of that subdivision application; the municipality's response to that subdivision application, in accordance with this section; and 	§ 10-9a-604.2	

<p>(iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.</p> <ul style="list-style-type: none"> Review cycle requirements apply for either the preliminary or final review depending on when the municipality required a subdivision improvement plan. Review cycle requirements do not allow for a municipality to “engage in a substantive review of required infrastructure improvements or a municipally controlled utility” outside the review cycle. Review cycle requirements do not apply “with the review of subdivision applications affecting property within identified geological hazard areas.” During review, the municipality may request additional information or modifications, but such request must be accompanied by relevant citations to ordinances, standards or specifications. 		
<p>Initial Review of a Complete Subdivision Application for Ordinance Review for a Residential Subdivision for Single-Family Dwellings, Two-Family Dwellings, or Town Homes</p> <ul style="list-style-type: none"> No later than <u>15 business days</u> if municipal population is over 5,000. No later than <u>30 business days</u> if municipal population is 5,000 or less. 	§ 10-9a-604.2	
<p>Maintenance and Publication of Items Comprising the Complete Subdivision Application</p> <ul style="list-style-type: none"> Includes: <ul style="list-style-type: none"> (i) the application; (ii) the owner's affidavit; (iii) an electronic copy of all plans in PDF format; (iv) the preliminary subdivision plat drawings; and (v) a breakdown of fees due upon approval of the application. 	§ 10-9a-604.2	
<p>Subdivision Plan Review of a Subdivision Improvement Plan Submitted with Complete Subdivision Application for a Residential Subdivision for Single-Family Dwellings, Two-Family Dwellings, or Town Homes</p> <ul style="list-style-type: none"> Within 20 business days after complete application is submitted if municipal population is over 5,000 Within 40 business days after the complete application is submitted, if municipal population is 5,000 or less. Unless otherwise required, a change or correction not addressed or referenced in a municipality’s subdivision improvement plan review is waived. Should the applicant make a material change to subdivision improvement plan, the municipality may restart the review process at the first review for the portion that the material change affects. 	§ 10-9a-604.2	
<p>Modification and Corrections</p> <ul style="list-style-type: none"> Should the municipality require modifications or corrections the applicant has: <ul style="list-style-type: none"> - 20 business days to submit a revised subdivision improvement plan if municipal population is over 5,000; or 	§ 10-9a-604.2	

<ul style="list-style-type: none"> - 40 business days to submit a revised subdivision improvement plan if municipal population is 5,000 or less • Should the applicant not submit a revised subdivision improvement plan within this timeframe, the municipality will have an additional 20 days to review the subdivision plan. 		
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Other Updates with H.B. 476:

1. 10-2-403
 - a. (3)(b)(ii)(C) – Annexation of an unincorporated area into a municipality now requires the signature of all the publicly owned real property, or the owners of private real property that “covers 100% of all of the private land area within the area proposed for annexation if the area is within a migratory bird production area created under Title 23A, Chapter 13, Migratory Bird Production Area”
2. 10-9a-509
 - a. A municipality shall accept and process a land use application unless a phasing sequence is required in an executed development agreement.
3. 10-9a-532
 - a. Adds terms for a development agreement including: a master planned development; a planned unit development; an annexation; affordable or moderate income housing with development incentives; a public-private partnership; or a density transfer or bonus within a development project or between development projects.
 - b. Removes disclosure requirement for development agreement restricting applicant’s rights.
 - c. Removes restriction on not allowing a development agreement as a condition.
 - d. Allows a municipality to require a development agreement if the applicant has applied for legislative or discretionary approval for: height of structure, parking/setback exception; density transfer/bonus; development incentive; zone change; amendment to prior development agreement.
 - e. Disallows a municipality from requiring a development agreement when:
 - i. The development otherwise complies with law;
 - ii. Is an allowed or permitted use; or
 - iii. Land use regulations establish applicable standards.
 - f. Municipality may record with recorder’s office:
 1. Fully executed agreements; or
 2. A document related to
 - a. Code enforcement;

- b. A special assessment area;
 - c. A local historic district boundary; or
 - d. Memorialization or enforcement of agreed upon restrictions, incentives, or covenants.
- g. However, a municipality cannot record development requirements, regulations, or controls against private real property subject to the above section.
- 4. 10-9a-534
 - a. Building design requirements can be imposed by a municipality to mitigate the impacts of an accidental explosion (detailing explosion size).
- 5. 10-9a-536
 - a. Municipality may require the seller of a newly constructed residence to inform buyer of requirements for water wise landscaping.
- 6. 10-9a-538
 - a. Allows for certain rear setback features and restricts municipality from limiting this allowance unless property is within a historic district.
- 7. 10-9a-604.2
 - a. Subdivision update → see above.
- 8. 10-9a-604.5
 - a. Definition of public landscaping improvements no longer defined in Section 10-9a-103.
 - b. Municipality may not dictate who puts in the landscaping and is responsible for the cost of such landscaping of residential lots.
- 9. 10-9a-802
 - a. Lack of complete landscaping improvements are not grounds for denying building permit or certificate of occupancy.
 - b. Lack of complete portion of public sidewalk does not warrant withholding building permit, prohibiting construction of a residence or townhome, withhold recording of a plat, or withholding accepting a public landscaping improvement, if an improvement completion assurance has been posted for the incomplete portion.
 - c. Redemption of an improvement completion assurance cannot occur sooner than 18 months after date of improvement is posted for a public sidewalk installation.
 - d. Public sidewalk improvement completion assurances can be posted separate from other infrastructure improvements, or public landscaping improvements.
 - e. Municipality can withhold certificate of occupancy if public sidewalk immediately adjacent to residence or townhome is not yet completed and accepted.
- 10. 38-9-102 (effective 05-01-24)
 - a. “‘Wrongful lien’ includes a document recorded in violation of Subsection 10-9a-532(2)(d).”

Minutes of the **Regular Session** of the Riverdale City **Planning Commission** held Tuesday, October 8, 2024, at 6:30 p.m., at the Civic Center, 4600 S Weber River Drive., Riverdale City, Weber County, Utah.

Present:

Commissioners:	Kent Anderson, Chair Amy Ann Spiers, Vice Chair Rikard Hermann, Commissioner Wanda Ney, Commissioner Celeste Noland, Commissioner Randy Poulsen, Commissioner Colleen Henstra, Commissioner
City Employees:	Brandon Cooper, Community Development Director Michelle Marigoni, City Recorder
Excused:	
Visitors:	Jay Springer

A. Welcome & Roll Call

The Planning Commission Meeting began at 6:30 p.m. Chair Anderson welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present. Members of the city staff were also present.

B. Public Comment

Commissioner Anderson asked if any members of the public had comments. There were none.

C. Presentations and Reports

Mr. Cooper provided several updates on upcoming projects and ongoing business developments:

- Code updates related to short-term rentals as well as others will be forthcoming.
- Schneider's site plan approval was granted months ago, but the work done was not as approved in the site plan. Schneider's has been cooperating with the city to address these issues.
- The bridge rebuild is not expected until January 2026 and the cost is increasing.
- Peacock Ridge was purchased by the city and grant funds are being sought out for trails or other public use.

D. Consent Items

1. Consideration of Meeting Minutes from:

September 24, 2024 Work Session
September 24, 2024 Regular Meeting

Chair Anderson asked if there were any changes or corrections to the minutes. There were no changes. Commissioner Noland moved to approve the consent items. Commissioner Ney seconded the motion, which passed unanimously in favor.

E. Action Items

1. **Public hearing for an ordinance amending the Riverdale Municipal Ordinance Code, Title 21, Chapter 21, to add new or modify existing sections in compliance with the 2024 Utah State Legislature's House Bill 476 further clarifying subdivision procedures and related matters.**

Motion: Commissioner Hermann moved to open the public hearing.

Second: Commissioner Poulsen

Vote:

Commissioner Spiers:	Yes
Commissioner Ney:	Yes
Commissioner Hermann:	Yes
Commissioner Henstra:	Yes

Commissioner Noland: Yes
Commissioner Anderson: Yes
Commissioner Poulsen: Yes

Motion passes unanimously, public hearing open.

Mr. Cooper introduced Jay Springer, with Smith Hartvigsen, who presented information from the 2024 legislative session (HB476) which required changes to the subdivision code. Changes indicated in the packet were explained.

Chair Anderson asked for clarification regarding the new subdivision process and timeline. Mr. Springer explained the timeline in more detail.

Motion: Commissioner Spiers moved to close the public hearing.

Second: Commissioner Ney

Commissioner Noland noted for the record that there was no public present for comments.

Vote:

Commissioner Henstra: Yes
Commissioner Anderson: Yes
Commissioner Noland: Yes
Commissioner Spiers: Yes
Commissioner Ney: Yes
Commissioner Hermann: Yes
Commissioner Poulsen: Yes

Motion passes unanimously, public hearing closed.

Consideration to forward a recommendation to City Council for an ordinance amending the Riverdale Municipal Ordinance Code, Title 21, Chapter 21, to add new or modify existing sections in compliance with the 2024 Utah State Legislature's House Bill 476 further clarifying subdivision procedures and related matters.

Chair Anderson asked if there were any questions or recommendations. Commissioner Spiers thanked Mr. Springer for his time.

Motion: Commissioner Poulsen moved to forward a positive recommendation to City Council for an ordinance amending the Riverdale Municipal Ordinance Code, Title 21, Chapter 21, to add new or modify existing sections in compliance with the 2024 Utah State Legislature's House Bill 476 further clarifying subdivision procedures and related matters.

Second: Commissioner Henstra

Vote:

Commissioner Anderson: Yes
Commissioner Poulsen: Yes
Commissioner Ney: Yes
Commissioner Spiers: Yes
Commissioner Noland: Yes
Commissioner Henstra: Yes
Commissioner Hermann: Yes

Motion passes unanimously.

F. Comments

- Commissioner Spiers passed along thanks to Riverdale City Police Department for being in the parking lot after planning commission meetings.
- Commissioner Noland thanked the fire department for an excellent open house.
- Commissioner Poulsen expressed appreciation for the quick response to the grass fire near the mobile home park. He asked if the city could look into cutting tall weeds down.

G. Adjournment

As there was no further business to discuss, Commissioner Noland moved to adjourn. This was seconded by Commissioner Spiers All were in favor and the Planning Commission meeting adjourned at 7:01 p.m.

Date Approved: 10/22/2024