



Chair: Les Whitney

Commission:

Luke Ambrose

Lynae Malchus

Nick Schofield

Chancey Carter

Garland Walker

Michelle Crow

Planning and Zoning Meeting Agenda

November 13, 2024

7:00 PM

Milford City Office 26 South 100 West

PUBLIC NOTICE is hereby given that the Milford City Planning and Zoning Commission will hold a Regular Meeting at 7:00 PM at the Milford City Administrative Office, 26 South 100 West, Milford, Utah on Wednesday, November 13, 2024.

I. CALL TO ORDER and ROLL CALL

II. APPROVAL OF MINUTES

- a. October 16, 2024 Work Meeting and Regular Meeting

III. DISCUSSIONS/ORDINANCES/NEW BUSINESS

- a. Site Plan Review-Lisbeth Miramontes 442 South Main
- b. Recreational Vehicle Park and Short-Term Rentals Ordinance
- c. Title 14, Land Management and Development Code Update (Subdivision Ordinance)
- d. Operating Agreements

IV. COMMISSION REPORTS AND COMMENTS

V. ADJOURNMENT

I, Lisa Thompson, hereby certify that the above notice was posted to the state public notice website and the following locations:

1. Milford City Office-26 South 100 West
2. Milford Post Office-458 South Main
3. Milford City Library-401 South 100 West

Lisa Thompson

In compliance with the Americans with Disabilities Act, the City of Milford will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Requests for assistance can be made by contacting the City Recorder at 435.387.2711 at least 24 hours in advance of the meeting to be held.

**MINUTES OF MILFORD CITY
PLANNING AND ZONING COMMISSION MEETING
26 South 100 West, MILFORD, UTAH
WEDNESDAY, OCTOBER 16, 2024 6:30 PM**

The Milford City Planning and Zoning Commission work meeting was called to order by Chairman Les Whitney at 6:30 p.m.

Present: Chairman Les Whitney; Commissioner(s), Garland Walker, Chancey Charter, Michelle Carter and Zoning Administrator Lisa Thompson

Absent: Lynae Malchus, Luke Ambrose, Nick Schofield

Visitors: None

The purpose of this work meeting is to discuss the ordinances.

Administrator Lisa Thompson explained that during our last meeting we had a work meeting with Jacob Hansen (Hansen Planning Group) to go over the subdivision ordinance. During this meeting minor subdivisions were discussed as they were in the draft ordinance allowing up to 9 lots to be subdivided without going through the entire subdivision process. With that is a risk allowing a developer to come in develop 9 lots and turn around and develop 9 more without going through the process of the plat maps and all other requirements. This could result in developing an entire subdivision without going through the entire process. The planning commission decided they didn't want to allow that, so they asked that minor subdivisions be taken out of the draft ordinance. When I was typing the minutes from the last meeting, Commissioner Luke Ambrose had asked the question: By taking out minor subdivisions, does that mean you cannot split a lot without going through the subdivision process. The answer is "no" you cannot split a lot without going through the entire subdivision process if you take out the "minor subdivisions" in the code. I have been researching and have reached out to other cities and found that they all allow for minor subdivisions in their codes. Some allow up to 9 lots to be developed, some only allow up to 3 to be developed. Today I quickly looked over our plats in town and I have highlighted some within town that are vacant parcels that are large enough that the owner could split them in half and still meet all our other zoning codes; however, they wouldn't be able to do a minor subdivision without going through the entire process which is lengthy and costly. I think we would deter people from doing this and I don't believe this is our intent. I think we could still allow minor subdivisions but maybe only allow up to 3 to be subdivided and add some other regulations in to protect the city from developers coming in and trying to subdivide 3 lots at a time until they had an entire subdivision. Chairman Whitney asked if we would want to determine the number of lots based on the size of the property? Lisa answered that it will get messy if you are trying to determine it off the size of the property so if we allow for minor subdivisions, it just needs to be a number. If this is something you do decide you want placed back in the ordinance, I will work with the planning group to come up with something that protects the city, yet still allows for them. Chairman Whitney confirmed that Lisa has checked with other cities, and they do allow for them, so we would be the first city to not allow them? Lisa said she didn't check with every city in Utah, just the ones that she did search they all allowed them. Commissioner Garland Walker asked for clarification on why we would only allow up to 9 lots and how that impacts the city. Lisa explained that if a developer comes in and they want to develop an entire subdivision they are required to provide a plat map, drainage study, plans showing where infrastructure will be placed, plans showing streets, etc. These plans would go before a Subdivision Review Committee that includes engineers to determine the subdivision is meeting our standards.

The state code states that we can allow for up to 9 lots to be developed under a minor subdivision; but the requirements are lessened such as not requiring a plat map. Chancey expressed that she feels we need to add it back in the ordinance.

Amendments to Recreational Vehicle Park Ordinance

Lisa explained that she felt things got very confusing at the last meeting. After listening to the minutes multiple commissioners had made the comment that they felt short-term rentals was the way to go but the item was tabled at the last meeting. We also discussed whether or not to allow cabins, it kept coming up that we didn't want a subdivision of cabins that this is an RV Park and not a Tiny Home Subdivision. I have researched more codes since the last meeting, and I found Toquerville City has a great code. They allow for cabin sites within their RV Park; however, they have a limit on the square footage of the cabins and a limit of only 10% of the sites can be cabins. I have added this to the draft ordinance that is in your packet. If this is the route you guys want to take some other items that need to be considered is: Where do you want the cabins located within the park, cabin site space requirements, and how many do you want allowed. The other item was Short-Term Rentals. During the last meeting there was a lot of discussion on whether or not to require RV Parks to be short-term rentals. Questions were brought up about construction workers staying in an RV Park and having to leave in 30 days if it was a short-term rental. Technically, that is not the case. The tenants wouldn't necessarily have to leave after 30 days, but the owner of the RV Park would have to fill out the proper paperwork and check their tenant out and back in. By requiring it a Short-Term Rental the city would collect the transient room taxes. Commissioner Chancey Carter said that she was not here during the last meeting but just wondered why we wouldn't want cabins? Commissioner Michelle Crow explained that they were worried about having an RV Park with lots of cabins and after construction phases leave town, we are left with a empty lot full of cabins. Chancey commented that if we restrict it with a percentage of cabins then they can also be used for ball tournaments, etc or Airbnb's. Michelle explained that the presentation that was shown to the commission last month showed a lot of cabins. Lisa explained that the draft that was presented to us was only an idea. Mr. Loo will have to come back before the commission with a site plan to be reviewed.

Basillio Gaspar's Operating Agreement Discussion

Lisa reported to the commission that she followed up on the fence with Beaver County Housing Authority and spoke with our engineer regarding the street improvements. She will be getting in contact with Basillio but wanted to update the commission first. Beaver County Housing Authority has plans of installing a fence behind their duplexes. It will most likely be vinyl. Basilio will be responsible to extend the fence the rest of way. Lisa met with our engineer on site last week to look at the road improvements. Our engineer has asked that we place the street improvements and the sidewalk curb and gutter on hold until a drainage plan has been put into place.

ADJOURNMENT

As there was no further business, the work meeting was adjourned.

APPROVED by PLANNING & ZONING this _____ day of November 2024.

Lisa Thompson

LISA THOMPSON, Planning Administrator

**MINUTES OF MILFORD CITY
PLANNING AND ZONING COMMISSION MEETING
26 South 100 West, MILFORD, UTAH
WEDNESDAY, OCTOBER 17, 2024 7:00 PM**

The Milford City Planning and Zoning Commission meeting was called to order by Chairman Les Whitney at 7:07 p.m.

Present: Chairman Les Whitney; Commissioner(s), Chancey Carter, Lynae Malchus, Garland Walker, Michelle Craw and Zoning Administrator Lisa Thompson

Absent: Nick Schofield, Luke Ambrose

Consent Issues

MOTION: Commissioner Garland Walker made a motion to approve the minutes from September 18, 2024 Work Meeting and Regular Meeting. Commissioner Chancey Carter seconded the motion, all were in favor. The motion passed unanimously.

DISCUSSIONS/ORDINANCES/NEW BUSINESS

Discuss Subdivision Ordinance:

Lisa reported that after the last meeting Jacob Hansen (Hansen Planning Group) made all the changes that were discussed. I have reviewed the ordinance and he has done a great job. The only questions/discussions that I have is during the last meeting we removed the "minor subdivisions" from the draft ordinance; however, during the work meeting tonight it was discussed to add minor subdivisions back into the ordinance with regulations such as up to 3 lots may be subdivided. Commissioner Chancey Carter commented that she agrees this needs to be added back into the ordinance. Lisa explained to the commission that this ordinance would come back to them next month. We will have to hold a public hearing and at that point it can be recommended to the city council for adoption.

MOTION: Commissioner Chancey Carter made a motion to have the minor subdivisions added back into the subdivision ordinance. Commissioner Garland Walker seconded the motion. All were in favor.

Discuss Recreational Vehicle Park Ordinance:

Lisa explained that the commission needs to determine whether or not we are going to require recreational vehicle parks to operate as a short-term rental. Commissioner Chancey Carter commented that yes, she feels we should. Lisa asked if this is the consensus with everyone. Commissioner Lynae Malchus said that she doesn't want an RV Park to turn into a place where people are living. Lisa explained that by requiring them to operate as a short-term rental it would eliminate this from happening because it would be for rentals no more than 30 days. An RV Park should be used for tourism and not a place that you go to live. Everyone is focused on the construction work that we have coming into our community and we definitely want to try and keep them in our community to support our businesses, even with requiring this as a short-term rental doesn't necessarily mean that

the construction workers can't use the RV Park. It would require the owner/operator of the RV Park to file the correct paperwork and check them out and back in at the 30 day period. Having it as a short-term rental will also help if there is a situation with tenants that are causing issues within the RV Park to have the authority to check them out at the end of their 30 days and not check them back in. Lynae commented that she agrees short-term. Commissioner Chancey Carter also commented that operating it under a short-term rental will also require them to obtain a conditional use permit as well that will require them to maintain it. Chairman Whitney asked who is going to be checking up on the park, to ensure they are abiding by the short-term rentals. Lisa explained that they are going to have to be licensed and do their reporting to the state tax commission. Chancey commented that she loves the fact that Milford City will collect some revenue off it.

Lisa asked the commission what they wanted to do cabin wise. She expressed that she feels like there is some regulations we could put into place if we wanted to allow for them: size is something we can address-Toquerville has in their ordinance a minimum of 150 sqft and a maximum of 400 sqft. Commissioner Michelle Craw asked who will be ensuring that the park stays looking nice. Lisa answered that the park operator/owners should be making sure of that.

Lisa read the changes that have been put into the draft ordinance but expressed if we don't want to allow for cabins we will remove it:

- Definition of Cabin: a living space equipped with a sleeping area, kitchen area and full bathroom. The cabin must be constructed in compliance with all building codes, be a minimum of 150 square feet but no more than 400 square feet and be connected to water, sewer and electricity. No more than _____ cabins are allowed in a Recreational Vehicle Park.
- Recreational vehicle Parks are considered short-term rentals and shall not allow stays longer than 30 consecutive days. All requirements in Title 13.48 shall be followed.
- Recreational Vehicle Parks shall be considered as a conditional use in the following districts: MSC, HC and MR-30
- Cabin sites must be a minimum of _____ sq feet. (Toquerville City requires them to be 1,600 sqft)
- Prohibitions:
 - No open storage of personal property, accessory buildings, shed or cabin within any RV Site, tent site or cabin site.
 - Camping outside an RV or cabin is only allowed in designated tent sites.
 - Removal of axles, wheels, or tires from an RV within the recreational vehicle park.
 - Parking RV's anywhere within the recreational vehicle park other than a designated space is prohibited.

Commissioner Chancey Carter said that she is in favor of the cabins but I think we limit it to a percentage of the park. I am in favor of limiting it to 30%. If you have 40 RV spots you are allowed 12 cabins. Commissioner Garland Walker stated he agrees with Chancey on 30%.

Commissioner Lynae Malchus expressed that she feels it should be less because we are only ensured that they will be occupied for 5 years. After that I don't feel like they will be occupied and the upkeep is going to be more. She asked how well are we enforcing people to upkeep their homes throughout town. Commissioner Garland commented that in order to increase their revenue and bring in customers they are going to want to keep their property

maintained. Garland expressed that we need to look at this as a long-term thing instead of just the construction phase. Garland said that we currently don't have anywhere for people to stay and if we have these facilities they are going to be operated as an business and they will want it to be appealing to bring people in. Lynae expressed that out of 40 she would allow 5 or 6 instead of 12, because when I looked at the plans that were presented to us last month there was a lot. Lynae expressed that feels we need to decide how many cabins we want to allow in this whole area and go backwards from there. Lynae expressed she is great with RV spots, but she is not great with a bunch of small homes. Garland and Chancey both expressed they are good with 30%. Chancey explained that you have space requirements built into your code too that will limit it as well. Chairman Whitney expressed that he feels it is important that we look outside of the construction side of things. Lisa asked Commissioner Michelle Crow what her thoughts are. Michelle Crow asked how many RV spots we are looking at. Lisa answered we don't know and that's why we shouldn't base the number off this RV Park in general. We need to decide a number for all RV Parks or a percentage of. Trying to base it off a certain development that may or may not come in isn't how it should be determined.

Zoning Administrator Lisa explained that Garland and Chancey feel like 30% is a good number, Michelle hasn't expressed her opinion, Lynae feels like a lower number is more appropriate, is this something that we could meet in the middle with at like 20%? Lynae asked if this could be moved to a committee of Lynae and Chancey to work out at next meeting. Chancey asked if we had time to wait on this. Lisa reported that currently we already allow for an RV Park so if a developer comes in next month he can put one in but with only RV Spots.

Chancey expressed that lowering it to 20% isn't terrible and she is open to that. Lisa explained that it will keep the number lower. It will be a percentage of your trailer sites so for example, if you had 49 trailer spots you could have 9 spots. Lynae commented that why don't we do 20% with up to 20 cabin spots. Chancey reported she don't have any issues with capping it at 20.

Lisa asked the commission if they all agreed on the size requirements for the cabins and the sites? Commission all agreed they were in agreement.

MOTION: Commissioner Garland Walker made a motion to require Recreational Vehicle Parks to operate as a short-term rental and to allow for 20% of RV spots to be cabins with a maximum number not to exceed 20 Commissioner Lynae Malchus seconded the motion. All were in favor.

Operating Agreement for Basilio Gaspar

Lisa explained that we met with Basilio Gaspar at the last meeting to discuss his operating agreement and the conditions he still needed to meet. Two items that I needed to follow up on was fencing and extending the asphalt on 600 north. I have followed up on both of them and will be reaching out to Basilio if you the commission is good with the operating agreement extension that has been provided to you. Lisa read through the agreement:

- This agreement allows the applicant to have a 1-year extension on completing the following conditions. The one-year extension will begin on the date this agreement is signed.
 - Install concrete or asphalt driveway in front of the shop.
 - Install fence along property line abutting the Horn Silver Subdivision.
 - Beaver County Authority has plans to install a vinyl fence behind their duplexes that are located in the Horn Silver Subdivision and butts his

property. Mr. Gaspar will be responsible for installing a fence the remainder of his property line.

- Install a 4 foot sidewalk abutting the west side of the building.
- Install concrete or asphalt for parking lot and the entrance to parking lot on the west side of building.
- Install concrete or asphalt at the entrance of the east parking lot.
- Milford City is currently working on some drainage concerns at the intersection of 600 North and Hwy 257. It has been determined by Milford City's Engineer that the following improvements are not finished/completed until a drainage plan has been put into place. This was decided to eliminate further drainage issues being created. Once Milford City has determined a plan, Mr. Gaspar will be required to complete these improvements within one (1) year after being notified by the city of their plan.
 - Finish the sidewalk, curb and gutter extension along 600 North to Hwy 257.
 - Install the road improvements along 600 North to Hwy 257.
 - Install sidewalk, curb and gutter along Hwy 257.

I have also attached pictures in this agreement due to the language barrier. If you guys are good with this, I will get a hold of Basilio and have him come in and sign the agreement. I would like to have his brother come with him when he signs the agreement because his brother speaks better English and he can translate so we can ensure Basilio understands everything he is agreeing to.

The commission did not have any concerns with the agreement.

MOTION: Commissioner Michelle Craw made a motion to except the operating agreement for Basilio Gaspar. Commissioner Garland Walker seconded the motion. All were in favor.

COMMISSION REPORTS AND COMMENTS

- Les Whitney- None
- Nick Schofield- Absent
- Michelle Craw- None
- Garland Walker- None
- Chancey Carter-None
- Luke Ambrose-Absent
- Lynae Malchus- None
- Lisa Thompson- Lisa thanked the planning commission for their time and work.

ADJOURNMENT

As there was no further business, the meeting was adjourned at 8:25 pm

APPROVED by **PLANNING & ZONING** this _____ day of November 2024.

Lisa Thompson

LISA THOMPSON, Planning Administrator



City of Milford
P.O. Box 69
Milford, Utah 84751
435 387-2711
Fax: 435 387-2748

SITE PLAN/DESIGN REVIEW APPLICATION

For Office Use Only

Fee: \$100.00

Receipt #: SIP

Date Received: PA 10.15.24

Hearing Date: _____

Date Approved: _____

Approved By: _____

Date: 09/25/24

Applicant Name: Lisbeth Ysabel Miramontes

Mailing Address: 177 E 700 N City: Springville State: UT Zip: 84663

Physical Address: 177 E 700 N City: Springville State: UT Zip: 84663

Phone # (801) 830 7709 Cell # () Fax # ()

Email: genesismarin1313@gmail.com

Property Owner(s):

Name(s): Lisbeth Ysabel Miramontes

Mailing Address: 177 E 700 N City: Springville State: UT Zip: 84663

Physical Address: 177 E 700 N City: Springville State: UT Zip: 84663

Phone # (801) 830 7709 Cell # (385) 392 3995 Fax # ()

Email: genesismarin1313@gmail.com

Property Information:

Location/Address: 442 S Main St, Milford 84751 Parcel #: _____

Zoning District: MSC RM6 MR6S HSC MR15

(Circle One)

Purpose Plan of Site Use: Main Floor: Restaurant, Dining area.

Bas Restrooms, Hopinroom, Kitchen.

1st Floor 3 Bedrooms, 3 Bathroom and small Kitchen

PROPERTY OWNER AFFIDAVIT

STATE OF Utah
COUNTY OF Beaver

§

I (we), Lisbeth Miramontes, being duly sworn, depose and say that I (we) am (are) the owners(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I also acknowledge that I (we) have received written instruction regarding the process for which I (we) am (are) applying and the Milford City Staff have indicated they are available to assist me in making this application.

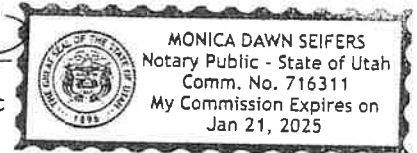
DATED this 05 day of November 2024

Lisbeth Miramontes
Property Owner Signature

Property Owner Signature

Subscribed and sworn/affirmed to before me this 5 day of November, 2024.

Monica Dawn Seifers
Notary Public



My Commission Expires: 01/21/2025

AGENT AUTHORIZATION AFFIDAVIT

STATE OF _____ §
COUNTY OF _____

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respect as our agent in matters pertaining to the attached application.

DATED this _____ day of _____ 20____.

Property Owner Signature

Property Owner Signature

Subscribed and sworn/affirmed to before me this ____ day of _____, 20____.

Notary Public

My Commission Expires: _____

City of Milford - Events

Pass Number

Cemetery Plot Description

Cemetery Plot Description

Building Permit Description

Zoning Permit

Permit Type

Zoning Permit Description

\$100.00

Site Plan Review

Genesis Sarninvav

SUBTOTAL

\$100.00

Processing Fee

\$3.25

TOTAL

\$103.25

10/15/2024 13:10 pm

V*8309

AuthCode: 015859-015340

Ref: 670ec2bb-SIP-55155

Transaction ID: Event-2679

Account #: Sarninvav-V*8309

Name: Genesis Sarninvav

X

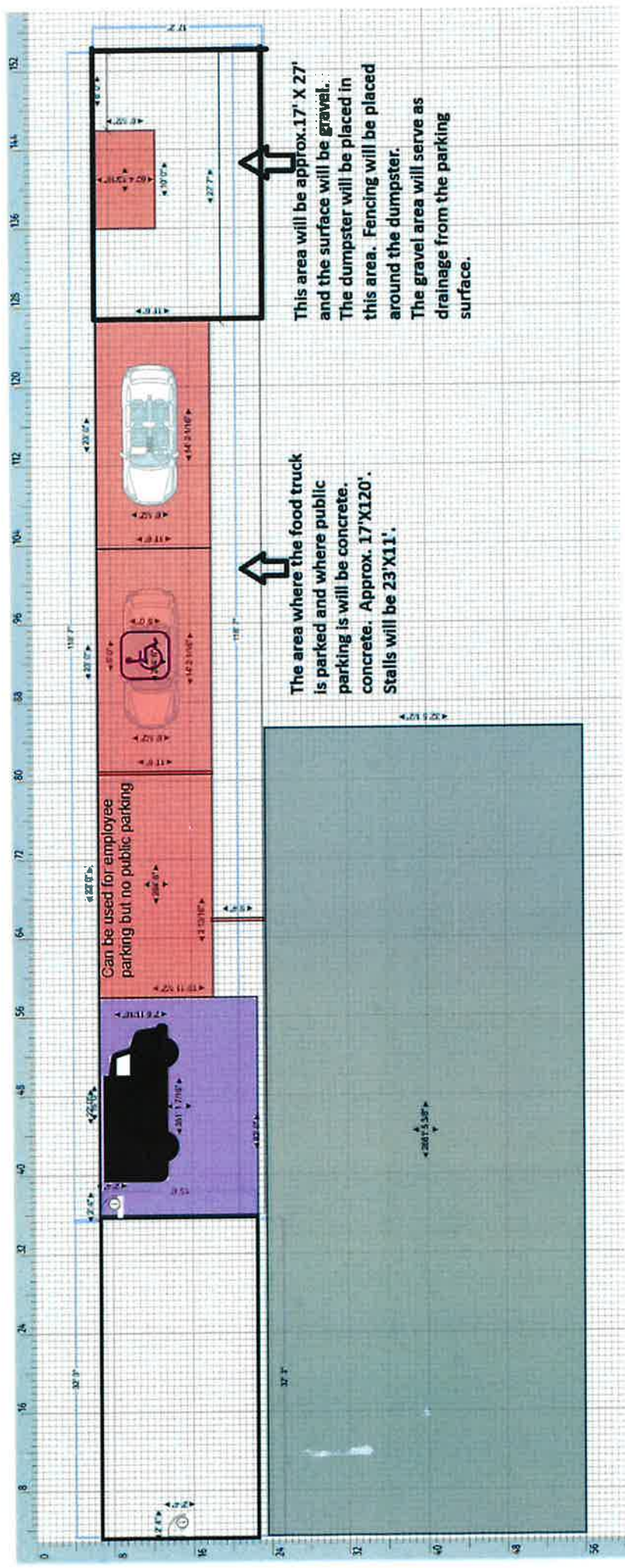
Genesis Sarninvav

Merchant Copy

City of Milford - Events
26 South 100 West
Milford, UT 84751
435-387-2711

Thank-you.

Your statement will describe your payment as 'CBT*MILFORD CITY UT' and the service fee transaction as 'CBT*SVC FEE MILFORD C'.



Title 14: Subdivision and Development

[Note that this table of contents is not part of the ordinance.]

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14.01 [Reserved]

14.02 Subdivision Code

14.02.010 Purpose and Application

1. The purpose of this chapter and any rules, standards and specifications adopted pursuant to it is to regulate and control the division of land within Milford City and to supplement the provisions of Utah Code (notably §10-9a-6) concerning the design, improvement, form and content, and procedures to be followed in subdividing land. To accomplish this purpose, the regulations outlined in this chapter are determined to be necessary for the public health, safety and general welfare, to promote orderly growth and development, and to promote open space protection and proper use of land, and to ensure provision for adequate traffic circulation, utilities, stormwater protection and public services.
2. The regulations set forth in this chapter shall apply to all subdivisions or parts thereof within Milford City, regardless of the intended use (commercial, residential, etc.). The requirements of this Chapter do not apply retroactively to subdivision applications or petitions that were approved by the City prior to the enactment of this ordinance.

14.02.020 Approved and Recorded Documents Required

1. No land shall be subdivided which is located wholly or in part in the City, except in compliance with this Chapter and Utah Code as adopted and amended.
2. The City shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Chapter and received approval from the Subdivision Review Committee (SRC).
3. A subdivision of land, or any amendment of the same, is not valid unless its governing document is approved by the City under this Title and properly recorded in the County Recorder's Office.

14.02.030 Penalty for Non-Compliance

1. It is unlawful to transfer ownership of any parcel of land pursuant to an invalid subdivision.
2. Notwithstanding other penalties provided for in City ordinances, the City Council may, in its discretion, void such transfers and impose on the transferor a fine of up to \$1,000 for each illegally subdivided lot. In such case, the subdivider shall be liable to any subsequent purchasers for damages resulting from the City's voiding of a transfer.
3. The statute of limitations for the City's ability to void a transfer done pursuant to an invalid subdivision and/or impose a fine shall be five years after the plat is recorded in the County Recorder's Office. After five years, the lot(s) in question shall be treated as a legal

nonconforming use, except to the extent that conditions on the lot(s) post a substantial danger to the health or safety of inhabitants or the neighboring community.

14.02.040 Interpretation and Conflict of Laws

Where any provision in this Subdivision Chapter conflicts with state law, state law shall prevail. Where any provision in this Subdivision Chapter conflicts with other ordinances enacted by the City, the provisions in this Subdivision Chapter shall prevail unless the City intended such conflicting ordinances not in this Chapter to amend this Chapter.

14.02.050 Definitions

The following words and phrases, as used in this Chapter, shall have the following meanings. All definitions included in the Milford City Zoning Ordinance (Title 13) shall also apply to this Chapter, where and when needed. Whenever any words or phrases used in this Chapter are not defined herein, the most common usage of such word or phrase shall be deemed to apply.

1. "Advisory agency" means:
 - a. The Planning and Zoning Commission for all purposes concerning plats, and
 - b. The director of planning and development for all purposes concerning lot line adjustments.
2. "Appeal board" means the city council of Milford City unless otherwise noted.
3. "Design" means:
 - a. Street alignments, grades and widths;
 - b. Drainage and sanitary facilities and utilities, including alignments and grades thereof;
 - c. Location and size of all required easements and rights-of-way;
 - d. Fire roads and fire breaks;
 - e. Lot size and configuration;
 - f. Traffic access;
 - g. Grading;
 - h. Land to be dedicated for park or recreational purposes; and
 - i. Such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the general plan or any adopted specific plan.
4. "General plan" means the general policies and development plan; including all adopted elements, in effect in Milford City.

5. "Geologic hazard" means: a surface fault rupture, shallow groundwater, liquefaction, a landslide, a debris flow, unstable soil, a rock fall, or any other geologic condition that presents a risk (i) to life, (ii) of substantial loss of real property, (iii) of substantial damage to real property.
6. "Improvement" refers to such street work, storm drainage, utilities, and landscaping to be installed, or agreed to be installed, by the applicant on the land to be used for public or private streets, highways and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof; or to such other specific improvements or type of improvements, the installation of which, either by the applicant, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the general plan or any adopted specific plan.
7. "Improvement plan" means a civil engineering plan to complete permanent infrastructure and municipally controlled utilities on the subdivision that is essential for the public health and safety, that is required for human occupation, or that is required by applicable law and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.
8. "Improvement standards and specifications" means the standard details and specifications, and other standards that are adopted as supplemental to this chapter that govern the improvements to be constructed pursuant to this chapter.
9. "Land use application" means an application required by the City and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.
10. "Lot line adjustment" means a minor shift or rotation of an existing lot line or other adjustments where a greater number of parcels than originally existed is not created.
11. "Merger" means the joining of two or more contiguous parcels of land under one ownership into one parcel.
12. "Peripheral street" means a street where right-of-way is contiguous to the exterior boundary of a subdivision.
13. "Plat" means an instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).
14. "Remainder" means that portion of an existing parcel which is not included as part of the subdivided land but must be shown on the required maps as part of the area surrounding subdivision development.
15. "Subdivision" means any land which is divided, resubdivided or proposed to be divided into two or more lots, 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.

a. Subdivision includes:

- i. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
- ii. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

b. Subdivision does not include:

- i. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
- ii. A lot line adjustment or boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;
- iii. A recorded document, executed by the owner of record, revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
- iv. A joining of one or more lots to a parcel;
- v. A road, street, or highway dedication plat; or
- vi. A deed or easement for a road, street, or highway purpose.

16. "Water conveyance facility" means a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. "Water conveyance facility" does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

17. "Zoning regulations" means the zoning ordinance of Milford City, as adopted pursuant to state law.

14.02.060 Subdivision Land Use Authority

1. The land use authority for actions under this Chapter is as follows:

- a. For applications for a new subdivision: the Subdivision Review Committee ("SRC" or

“Committee”);

- b. For applications for a lot line adjustment: the Planning Commission;
- c. For applications to materially amend an existing subdivision: the City Council.

2. The Subdivision Review Committee consists of the following individuals:

- a. The City Engineer;
- b. The City Foreman;
- c. The Zoning Administrator;
- d. The City Administrator;
- e. The Utility Clerk;
- f. Two Zoning Commissioners;
- g. The Mayor; and
- h. The City Attorney.

2. The Subdivision Review Committee shall operate as follows:

- a. The SRC may convene on an as-needed basis to review subdivision applications.
- b. The SRC shall approve subdivision applications by majority vote.

4. For purposes of new subdivision applications, the Subdivision Review Committee shall be responsible for the following, but may delegate any responsibility to City staff:

- a. Rendering land use decisions related to applications under this Chapter.
- b. Reviewing all applications under this Chapter in an impartial manner and according to the standards and deadlines described in this Chapter.
- c. Holding a public hearing for applications when required by this Chapter.
- d. Providing feedback to applicants on their applications in the manner required by this Chapter.
- e. Scheduling and holding a pre-application meeting with potential applicants as required by this Chapter.
- f. Keeping subdivision application forms and related informational material up to date and publicly accessible and distributing such forms and materials to potential

applicants.

- g. Providing notice to entities and parties as required by this Chapter.
 - h. Signing final application approvals as required by this Chapter. This task shall be performed by the Mayor.
 - i. Ensuring that documents are properly recorded with the County as required by this Chapter.
- 5. As subdivision application decisions are administrative, not legislative, the Subdivision Review Committee is authorized to review, administer, and approve or deny applications for new subdivisions without City Council approval.
 - 6. Except when operating as the Appeal Authority, the City Council shall not require the Subdivision Review Committee to approve or deny an application under this Chapter.

14.02.070 Subdivision Appeal Authority

- 1. The Appeal Authority for decisions of the Subdivision Review Committee or Planning Commission relating to this Chapter, except where otherwise noted, is the City Council.
- 2. The Appeal Authority shall hear appeals on final decisions made by the SRC or Planning Commission and shall hear complaints about the conduct of the SRC or Planning Commission in administering the provisions of this Chapter.
- 3. A party appealing or complaining of a decision of the SRC or Planning Commission under this Chapter must exhaust its remedies under this section (by appealing or complaining to the Appeal Authority) before bringing an action against the City in a court of law.
- 4. A party who has submitted a subdivision application or petition may appeal or complain to the Appeal Authority under this Chapter.
- 5. A party desiring to appeal or complain of a decision by the SRC or Planning Commission shall submit to the Appeal Authority the following in writing:
 - a. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the SRC or Planning Commission's decision and treatment of the application or petition, and why the applicant believes the SRC or Planning Commission misapplied the provisions of this Chapter or abused the discretion given it by this Chapter.
 - b. The most recent version of the application or petition the party submitted.
 - c. Any supplemental documentation or information that the Appeal Authority requests.
 - d. All appeals and complaints must be emailed or mailed to the City Recorder using the Recorder's official City address and/or email account listed on the City website.

6. After receiving a complete appeal or complaint in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 30 calendar days after the Appeal Authority receives the appeal or complaint.

14.02.080 Subdivision Application Process and Requirements

1. To be considered complete, a subdivision application must include at least the following elements:
 - a. An approved land use application that describes how the property will be used after it is subdivided.
 - i. If the intended use is permitted by right under City ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
 - ii. If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an *approved*, City-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
 - iii. If the intended use requires a rezoning, the applicant must obtain the rezoning before submitting an application under this Chapter. Should an applicant seek a rezoning concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the rezoning is effectuated.
 - b. A plat, unless exempted under Section 14.02.090. The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder's Office. The plat must include:
 - i. The proposed subdivision name, which must be distinct from any subdivision name on a plat recorded in the County Recorder's office.
 - ii. The name of the owner(s) of the parcel to be subdivided
 - iii. An identification and legal description of the subdivision.
 - iv. The location of the subdivision.
 - v. A graphic scale and north arrow.
 - vi. The date of preparation.

- vii. A vicinity map, showing all lots and streets in the subdivision and abutting streets and public right of way.
- viii. The boundaries, course, and dimensions of all proposed parcels.
- ix. All existing structures.
- x. The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.
- xi. Every existing right-of-way and recorded easement located within the plat for water and utility facilities.
- xii. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.
- xiii. Whether any parcel is intended to be used as a street or for any other public use.
- xiv. Location, width, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces to be dedicated to the public, with a complete description.
- xv. The high-water marks of all rivers, streams and location of any designated wetlands.
- xvi. The locations of prominent natural features such as rock outcroppings, woodlands, steep slopes, and potential natural hazards.
- xvii. The existing sanitary sewers, storm drains, water supply mains and culverts within the subdivision or within 100 feet thereof.
- xviii. Any restrictive covenants.
- xix. If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).
- xx. If any portion of the proposed subdivision is within 1,000 feet of an Industrial Protection Area, the notice language found in Utah Code §17-41-403(4).
- xxi. If any portion of the proposed subdivision is within 1,000 feet of a Critical Infrastructure Materials Protection Area, the notice language found in Utah Code §17-41-403(4).

xxii. If any portion of the proposed subdivision is within 1,000 feet of a Mining Protection Area, the notice language found in Utah Code §17-41-403(4).

xxiii. If any portion of the proposed subdivision is within 1,000 feet of a Vested Critical Infrastructure Materials Operation (extracting, excavating, processing, or reprocessing sand, gravel, or rock aggregate where that use is not permitted by City ordinances), the notice language found in Utah Code §10-9a-904.

xxiv. If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.

b. Reports and Studies, including:

- i. A traffic study, if one is required by an applicable UDOT Access Management Plan (e.g., when a proposed subdivision touches Highway 21 or another road built or maintained by UDOT).
- ii. Any other study or report reasonably necessary to ensure compliance with City design standards and improvement requirements.

c. An improvement plan, created in accordance with applicable portions of City ordinances (notably Chapters 14.03 and 14.04 of this Title and Title 15), for all public improvements proposed by the applicant or required by City ordinances. In addition to the requirements mentioned elsewhere in this Title, the improvement plan must contain:

- i. An engineer's estimate of the cost of completing the required improvements.
- i. Grading plans, including all proposed changes in grade.
- ii. Existing and finished contours at intervals of at least 5 feet.
- iii. A drainage plan providing a reasonable solution to containing stormwater within the subdivision.
- iv. Proposed on-site and off-site water facilities, sanitary sewers, storm drain facilities and fire hydrants.
- v. Proposed street lighting.
- i. Proposed or required fencing (including location, height and material).
- ii. A vegetation preservation and protection plan, including trees and other vegetation proposed to be planted.

- iii. A landscaping plan for all areas of the proposed development.
- d. Certifications, including:
 - i. An affidavit from the applicant certifying that the submitted information is true and accurate.
 - ii. Certificate of the engineer and site planner as to the accuracy of the plat.
 - iii. Certification that the surveyor who prepared the plat:
 - (1) Holds a license in accordance with Utah Code 58-22; and
 - (2) Either
 - (a) Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 - (b) Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - (3) Has placed monuments as represented on the plat.
 - iv. A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.
 - v. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
 - vi. A letter of approval from the local health department and the local fire department.
- e. A completion assurance for all public improvements required by the approved improvement plan, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the applicant records the plat, as required by chapter 14.02.140 of this Title.
- f. Binding dedication documents, including:
 - i. As applicable, formal, irrevocable offers for dedication to the public of streets, City uses, utilities, parks, easements, or other spaces.
 - ii. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.

- g. Copies, including:
 - i. One electronic copy of the final plat in AutoCAD format (DWG or DXF), with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to.
 - ii. A PDF document of the complete application (including the plat and all other plans and supporting documents required by this Subsection).
 - iii. Nine 8.5” x 11” printed copies of the complete application, delivered to the City office, for review.
 - iv. A copy of the plat drawn on Mylar for signing and recording. The applicant may wait to produce this recording-form copy until the Subdivision Review Committee has completed two review cycles, but in such case, the Committee need not approve the application until this copy has been produced and reviewed.
 - h. The names and addresses of all property owners within 500 feet of the proposed subdivision, to whom the applicant will mail notice of the Planning Commission’s public hearing under Subsection 14.02.120.7.
 - i. Payment of any application-processing fees required by the City (see the City’s Fee Schedule). In addition to the posted fees on the City’s Fee Schedule, the applicant shall be liable for all reasonable costs incurred by the City by obtaining engineering and legal review of the application.
2. The Subdivision Review Committee shall produce, maintain, and make available to the public a list of the specific items that comprise complete applications and a breakdown of any fees due upon submission or approval of the applications.
3. The Subdivision Review Committee may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the City relating to an applicant’s plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of City residents.
4. Notwithstanding 14.02.080.1, the Subdivision Review Committee may, in its sole discretion, waive any of the specific requirements found in this Section on a case-by-case basis.

14.02.090 Exceptions to Specific Application Requirements

1. Agricultural Land:

- a. Applications to subdivide agricultural land are exempt from the plat requirements (but not the other application requirements) of Section 14.02.080 if the resulting parcels:

- i. Qualify as land in agricultural use under Utah Code §59-2-502;
 - ii. Meet the minimum size requirement of applicable City land use ordinances; and
 - iii. Are not used and will not be used for any nonagricultural purpose.
- b. For subdivision applications for which this exception applies, an applicant may submit to the City—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.
- c. If the City approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the City, with the County Recorder's Office. This shall be done in the same manner as is done for a plat under Sections 14.02.130 and 14.02.140.
- d. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The City may, in its discretion, impose the penalty in Section 14.02.030 and/or require a subdivision amendment before issuing a building permit.

2. Development Agreements:

- a. At the request of an applicant, the City may approve a subdivision through a development agreement entered into between a developer and the City.
 - i. The City Council shall not enter into any development agreement until the Planning Commission has had the opportunity to review the agreement and provide a recommendation to the City Council.
- b. Subdivisions platted in a valid development agreement are exempt from the application requirements (Section 14.02.080) and review and approval requirements (Section 14.02.120) of this Chapter.
- c. Clauses in a valid development agreement with the City supersede all conflicting requirements in this Title, except where a clause in the development agreement poses a substantial danger to the health and safety of City residents or except as prohibited under state law.

3. Minor Subdivisions:

- a. Applications to subdivide land are exempt from the preliminary and final plat requirements, improvement plan requirements, and the studies/reports requirements (but not the other application requirements) of Section 14.02.080 if the subdivision:
 - i. Results in no more than three parcels;
 - ii. Is not traversed by the mapped lines of a proposed street (as shown in the Milford General Plan), City easement, or any other land required for or

- intended to be dedicated for public purposes;
 - iii. Has been approved by the culinary water authority, the sanitary sewer authority (if applicable), and the Central Utah Public Health Department;
 - iv. Is located in a zoned area;
 - v. Is already serviced by an existing and improved street such that no public improvements are required; and
 - vi. Is not adjacent to another minor subdivision or part of a larger lot that underwent a minor subdivision in the last two years.
- b. For subdivision applications for which this exception applies, an applicant may submit to the City—in place of a plat—both:
- i. A record of survey map that illustrates the boundaries of the parcels; and
 - ii. A legal metes-and-bounds description that describes the parcels illustrated by the survey map.
- c. If the City approves a subdivision application based on a record of survey map and metes-and-bounds description, the applicant shall record the map and description, signed by the City, with the County Recorder's Office. This shall be done in the same manner as is done for a plat under Sections 14.02.130 and 14.02.140, except that the City shall also provide the notice required in Utah Code §10-9a-605(1).

14.02.100 Pre-Application Meeting

1. A party intending to submit a subdivision application under this Chapter may request a pre-application meeting with City staff to present the concept of the proposed development or subdivision and to review any element of the party's proposed subdivision application. A potential applicant may present any materials for discussion that he or she desires, including a project sketch, a concept plan, improvement plans, a plat, or a complete application.
 - a. If a party requests a pre-application meeting, City staff shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur within 20 business days after scheduling.
 - b. City staff shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the City website the following at the time of the meeting:
 - i. Copies of applicable land use regulations,
 - ii. A complete list of standards required for the project, and

- iii. Relevant application checklists.

14.02.110 Notice to Affected Entities

1. Within 15 calendar days after receiving a complete subdivision application under this Chapter, City staff shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat. (Note that “water conveyance facility” includes secondary and irrigation only, not culinary or sewer; see the full definition in 14.02.050.)
 - a. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, City staff shall review information:
 - i. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
 - ii. From the state engineer's inventory of canals; or
 - iii. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
2. To give water conveyance facilities time to provide feedback on subdivision applications, the Subdivision Review Committee shall not approve a subdivision application under this Chapter sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.
 - a. A water conveyance facility owner's failure to provide comments to the Subdivision Review Committee about a subdivision application does not affect or impair the Subdivision Review Committee's authority to approve the subdivision application.

14.02.120 Review

1. The Subdivision Review Committee shall review each subdivision application in accordance with the requirements of this Section before approving or denying the application.
2. The review process begins when an applicant submits a complete application.
 - a. The Subdivision Review Committee shall not review an incomplete subdivision application, except to determine whether the application is complete.
 - b. If the Subdivision Review Committee determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.
3. After the applicant submits a complete application, the Subdivision Review Committee shall

review and provide feedback to the applicant in up to four “review cycles.”

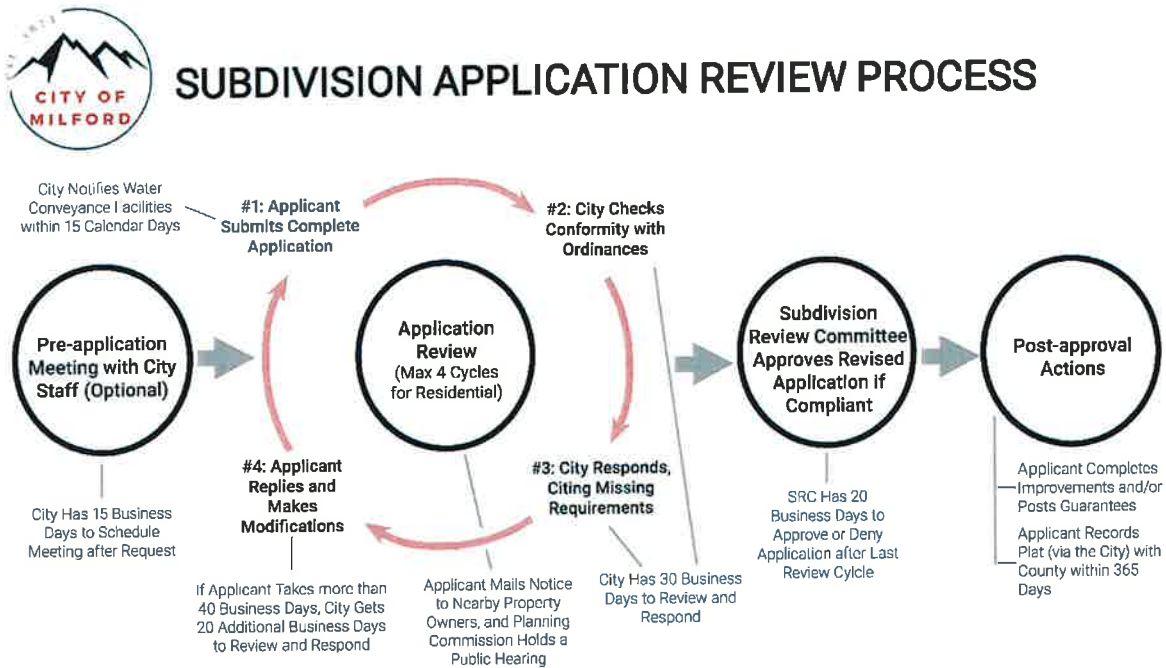
a. A review cycle consists of the following phases:

- i. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
- ii. Phase #2: The Subdivision Review Committee reviews the application in detail and assesses whether the application conforms to local ordinances.
- iii. Phase #3: The Subdivision Review Committee responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Subdivision Review Committee shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.
- iv. Phase #4: The applicant revises the application, addressing each comment or requirement the Subdivision Review Committee made. The applicant must submit both revised plans and a written explanation in response to the City’s review comments, identifying and explaining the applicant’s revisions and reasons for declining to make revisions, if any. If the applicant fails to respond to a comment made by the Subdivision Review Committee in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

Table 14.02.120 – Review Cycles, Hearings, and Timelines by Subdivision Use Type			
<i>Use Type</i>	<i>Max Review Phases</i>	<i>Public Hearings</i>	<i>City Turnaround Deadline**</i>
1-2 Family Residential*	4	1	30 Business Days
All Other Uses	6	2	30 Business Days

**Includes single-family homes, duplexes, and townhomes.*

***Describes the total time (per review cycle) the City may take to complete both Phase #2 and Phase #3.*



4. The Subdivision Review Committee (and any other representatives of the City) shall adhere to the maximum number of review cycles and the review deadlines described in Table 14.02.120, except as described below. If no further revisions are needed, the Subdivision Review Committee may end the review period early and approve or deny the application.
 - a. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the City is exempt from limits on the number of permitted review cycles and the City's deadlines for reviewing and responding (Phases #2 and #3).
 - b. If the applicant makes a material change to the application not requested by the City at any point in the review process, the Subdivision Review Committee may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
 - c. If an applicant takes longer than 40 business days to submit a revised subdivision improvement plan responding to the City's requests for modifications and additions (in Phases #1 and #4), the City shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
 - d. If an applicant takes longer than 180 calendar days to submit a revised application and respond to the City's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Subdivision Review Committee, expire. If an application expires, the applicant must restart the subdivision application process.

5. After the fourth or final review cycle is complete, the Subdivision Review Committee shall approve or deny the application within 20 business days.
 - a. If the Subdivision Review Committee has not approved or denied the application within 20 business days after the fourth and final review, the applicant may request a final decision. After such a request, the City shall, within 10 business days:
 - i. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the 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 the designated Appeal Authority.
6. After the Subdivision Review Committee provides comments in the fourth or final review cycle, the City shall not require further modifications or corrections to the application unless those modifications or corrections are necessary to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Subdivision Review Committee did not request.
 - a. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the City waives noncompliant subdivision-related requirements that the Subdivision Review Committee does not identify during the review process.
 - b. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.
7. The Planning Commission shall conduct a public hearing during the review period for a subdivision application.
 - a. The purpose of this public hearing is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.
 - b. The hearing must occur before the end of the Subdivision Review Committee's review period in the fourth or final review cycle. Scheduling issues shall not extend the review and approval deadlines in this Chapter.
 - c. Following the public hearing, the Planning Commission shall provide comments to the Subdivision Review Committee on the proposed subdivision.
 - d. Unless waived by the Subdivision Review Committee at least seven days prior to this hearing, the applicant shall mail to all property owners of property located within 500 feet of the boundary of the proposed subdivision written notice of the time, date and

place where the Planning Commission will hold a public hearing to consider giving approval to the subdivision. The written notice shall also advise the property owner that she or he has the right to be present and to comment on the proposed subdivision. The applicant shall provide the Subdivision Review Committee with the names of all persons to whom the notice was mailed.

8. Other chapters of this Title notwithstanding, the Subdivision Review Committee shall approve or deny a subdivision application under this Chapter after reviewing a complete subdivision application as described in this Section. This singular application and review process includes the combined elements of traditional “preliminary” and “final” applications, as those terms are used in Utah Code § 10-9a-604.2. For purposes of applying Utah Code §10-91-604.1(3)(a) and §10-91-604.1(9)(b), this Chapter describes a “preliminary” review and approval, with “final” approval happening automatically when the plat is recorded.

14.02.130 Approval

1. The Subdivision Review Committee shall approve any complete subdivision application made under this Chapter that complies with applicable municipal ordinances.
2. A subdivision application is approved when the Subdivision Review Committee certifies the approved plat, either by signing the plat directly or by attaching a signed certification to the plat.

14.02.140 Post-Approval Actions

1. The applicant shall record the approved subdivision plat with the County Recorder’s Office, by submitting the same to the City Recorder, within 365 days after the Subdivision Review Committee approves the subdivision application, provided that the applicant has completed any public improvements or posted any performance guarantee required by City ordinances or described in the approved improvement plan. The applicant shall not record the approved plat until such improvements are completed or guaranteed in compliance with City ordinances and the approved improvement plan.
 - a. An approved plat not properly recorded within the timeline specified in this provision is void, unless the Subdivision Review Committee approves an extension.
 - b. Approval of the application notwithstanding, the City shall retain the signed and approved plat until the applicant has completed all public improvements or provided a performance guarantee for the same, according to the approved improvement plan. If the applicant elects to complete public improvements before recording the plat, the City shall release the signed and approved plat when the City has inspected and accepted the improvements. If the applicant elects to post a performance guarantee, the City shall release the signed and approved plat when the guarantee has been fully executed or delivered to the City.

14.02.150 Amending Existing Subdivisions

1. **Amendments as Further Subdivisions:** A proposed amendment to an existing subdivision that would result in the creation of new lots for additional development shall proceed as an application for a new subdivision. If the proposed amendment meets the requirements for a minor subdivision, the application must include the elements of a minor subdivision application described in Section 14.02.090(3). Otherwise, the application must include the elements of a major subdivision application described in Section 14.02.080. The application, whether including the elements of a minor or minor subdivision application, shall be reviewed under Sections 14.02.100–140 and in accordance with other relevant portions of this Title.
2. **Lot Line Adjustments:**
 - a. Lot line adjustments shall be reviewed and approved by the Planning Commission.
 - b. The fee owners of two parcels may petition to adjust the lot line separating the parcels without a subdivision amendment. Such a petition shall include:
 - i. A record of survey map and a metes-and-bounds description showing the adjustment.
 - ii. An explanation of the reason for the adjustment.
 - iii. Signatures from all the parcel owners involved in the adjustment.
 - iv. Any other information the Planning Commission requests.
 - c. If the adjustment will not result in a violation of a land use ordinance or an adverse development condition, the Planning Commission shall approve the petition.
 - d. If the adjustment is approved, the Planning Commission shall sign the record of survey map and accompanying metes-and-bounds description, and the petitioner shall record the document in the County Recorder's Office.
3. **Immaterial Corrections to a Plat:** A property owner or agent of a property owner may correct minor typographical or clerical errors in a document of record by filing with the County an affidavit or other appropriate instrument. This provision does not apply to changing the name of a subdivision, which requires a material amendment described in the following provisions.
4. **Material Subdivision Amendments and Vacating a Subdivision:**
 - a. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted may, in writing, petition the City Council to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section; provided, however, that the amendment does not result in the creation of new lots or parcels except those that will be dedicated to the public. This petition must meet all the requirements for a subdivision application

specified in Section 14.02.080, with the following changes:

- i. The plat (or the record of survey map, if applicable) should:
 - (1) Depict only the portion of the subdivision that is proposed to be amended;
 - (2) Include a plat name distinguishing the amended plat from the original plat;
 - (3) Describe the differences between the amended plat and the original plat;
 - (4) Include references to the original plat; and
 - (5) Meet all the other plat requirements specified in Section 14.02.080.2.b.
 - ii. The name and address of all owners of record of the land contained in the entire plat;
 - iii. The name and address of all owners of record of the land adjacent to any street that is proposed to be vacated, altered, or amended; and
 - iv. The signature of each of these owners who consents to the petition.
- b. The City Council may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.
- c. Before considering any proposed vacation, alteration, or amendment of a subdivision plat or any portion thereof, the City Council (through City staff, as delegated) shall provide notice of the petition and any related public hearings to:
- i. Each utility provider that services a parcel of the subdivision. The City shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers. The City may notify the utility providers in any effective manner (email, mail, etc.).
 - ii. Each property owner in the subdivision. The City shall notify these property owners by mailing the notice to the addresses appearing on the rolls of the Beaver County Assessor.
 - iii. Upon receipt of a petition, the City Council shall hold the public hearing within 45 days after it is filed if:
 - (1) A property owner objects in writing to the amendment within 10 days of the City notifying the property owner by mail, or

- (2) Not every property owner in the subdivision has signed the revised plat.
- d. Notwithstanding the above, the City Council need not hold a public hearing if notice has been given to adjoining property owners in accordance with any applicable local ordinance and the petition seeks to:
- i. Join two or more of the petitioner's contiguous lots;
 - ii. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the City; or
 - iii. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as a common area.
- e. If the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the City Council, by ordinance, may vacate, alter, or amend the plat, any portion of the plat, or any street or lot.
- i. The City Council shall ensure that the vacation, alteration, or amendment is recorded in the office of the Beaver County Recorder.
- f. If the City Council approves an amendment petition, the City Council shall sign the amended plat in the manner described in Section 14.02.130.2, and the petitioner shall record the plat, subject to the completion or guarantee of any improvements, as described in Section 14.02.140.

14.03 Improvements and Design Standards

14.03.010 Required Improvements

1. The applicant, as a condition of approval of the plat and prior to the recordation of the plat, shall improve or agree and guarantee to improve all land either within or outside the subdivision to be used for public or private streets, alleys, pedestrian ways, easements or other improvements in compliance with this Ordinance.
2. The following improvements are required for all subdivisions and other development applications, except those that qualify under the Agricultural Land exemption of Section 14.02.090:
 - a. **Curb, Gutter, and Sidewalk:** All applications for subdivision or other development shall provide for curb, gutter, and sidewalk along all abutting roadways for a distance equal to the length of the common boundary shared with said roadway, subject to the

following:

- i. Any single-family parcel(s) regardless of zoning with lot frontage requirements of 200 feet or greater are not required to provide curb, gutter, and sidewalk along roadways which are interior to the project.
 - ii. Any single-family parcel(s) regardless of zoning with lot frontage requirements of less than 200 feet are required to provide curb, gutter, and sidewalk along roadways which are interior to the project.
 - iii. Any parcel(s) which meet the provisions of subsection (i) above shall be subject to the provisions of subsection (ii) above in the event that said parcel(s) are re-zoned and re-subdivided such that resulting lots have a required lot frontage of less than 200 feet.
- b. **Electricity:** All applications for subdivision or other development shall provide for an electrical hookup to service the subdivision or development, produced in accordance with the local electricity provider.
- c. **Fire Hydrants:** All applications for subdivision or other development shall provide for fire hydrants, with adequate placement and availability, to service the proposed subdivision or development.
- d. **Natural Gas:** All applications for subdivision or other development shall provide for a natural gas hookup to service the subdivision or development, produced in accordance with the local natural gas provider.
- e. **Parks, Public Uses, and Open Space:** Applications for subdivision may be required to reserve areas of real property for parks, recreational facilities, fire stations, libraries, open space, or other public uses to the extent contemplated by the City General Plan.
- f. **Protective Landscaping:** Within areas subject to high wind erosion, applications for subdivision or other development shall provide for protective landscaping such that:
 - i. Lots within and/or outside of the subdivision that have had soil disturbed during construction shall be covered with protective landscaping materials, subject to the approval of the City Engineer; and
 - ii. Prior to and during construction, streets and disturbed open areas within and/or outside of the subdivision shall be treated by watering or other approved method to prevent fugitive dust.
- g. **Stormwater Drainage and Retention:** All applications for subdivision or other development shall provide for adequate stormwater drainage and retention to prevent flooding in or around the proposed subdivision or development. The applicant shall provide and install storm drainage and/or retention improvements within and/or outside

the subdivision as needed to reasonably ensure that storm water is contained within the subdivision, subject to the standards in Title 15.

- h. **Sewer:** All applications for subdivision or other development shall provide for adequate sanitary sewer facilities, within and/or outside the subdivision as needed, to service the subdivision or development.
- i. **Streets and Street Access:** All applications for subdivision or other development shall provide for the construction and layout of streets such that:
 - i. The subdivision shall abut or have an approved access to a public street;
 - ii. Each lot or unit within the subdivision shall have approved direct access to a public or private street;
 - iii. Street layout shall be designed to provide for future access to, and not impose undue hardship upon, property adjoining the subdivision;
 - iv. Direct driveway access from individual residential lots onto divided major arterials, major arterials or minor arterials shall be avoided; and
 - v. In the case of private streets, the applicant shall provide an appropriate method for permanent maintenance;
 - vi. Reserve strips, or non-access at the end of any street or at the exterior boundary of the subdivision, shall be dedicated unconditionally to the City, when required; and
 - vii. A plat shall provide for at least two ingress and egress points from collector or, if necessary, arterial roadways.
- j. **Street Lights:** All applications for subdivision or other development shall provide for adequate street lighting to service the proposed subdivision or development.
- k. **Telephone and Internet:** All applications for subdivision or other development shall provide for telephone and internet hookups to service the subdivision or development, produced in accordance with the local service providers.
- l. **Water Supply:** All applications for subdivision or other development shall provide for adequate water supply facilities, either within and/or outside the subdivision.
- m. **Other:** Any other infrastructure (or infrastructure improvement) that is required by City ordinances or that is reasonably necessary to meet the needs of the proposed development.
 - i. The SRC may require an analysis to be completed and provided to determine if adequate public facilities and services are available to serve the proposed

development and if such development will change the existing levels of service, or will create a demand for services that exceeds acceptable service levels. Public facilities that may be required by the SRC to be included in a public facilities analysis include, but are not limited to, road and street facilities and capacities, intersection and bridge capacities, culinary water facilities, sanitary sewer facilities, storm drainage facilities, fire protection and suppression facilities, park and recreational facilities, culinary water pressure, fire and emergency services response times, police protection services, and other required public facilities and services. The SRC may deny or modify any proposed development activity if the demand for public facilities and services exceeds accepted or adopted levels of service, or require an applicant for an approval, license, or permit to provide the required facilities and services concurrent with the demand created by the development activity, consistent with all applicable legal authorities.

14.03.020 Improvement Exemptions

1. The following streets within Milford City are exempt from developer and/or homeowner installing the paving requirements. However, the developer and/or homeowner can at their own expense install the street improvements if desired.
 - a. Milford Heights Subdivision:
 - i. 600 West from 600 South to 900 South
 - ii. 800 South from 700 West to 550 West
 - b. Lewis Addition Subdivision:
 - i. 700 West from Center Street to 100 North
 - ii. 100 North from 700 West to 600 West
 - c. North Milford Latey and Williams Townsite Subdivision:
 - i. 200 North From 100 East to 200 East
 - ii. 300 North from 100 East to 200 East
 - iii. 200 East from 200 North to 400 North

HISTORY

Adopted by Ord. 01-2023 on 1/17/2023

14.03.030 Improvement Plans

Improvement plans shall be prepared by a registered civil engineer licensed by the State of Utah, and shall include, but not be limited to, all improvements required in this Chapter. *In the case of a new*

subdivision, the applicant shall submit the improvement plans and all supporting data to the City along with the subdivision application. *In the case of development unrelated to a subdivision application*, the following standards shall apply:

1. Form and Content: The form, content and supporting data of an improvement plan shall conform to the requirements of the City Engineer.
2. Review and Approval: The applicant shall submit the improvement plans and all supporting data to the City Engineer for review. The applicant shall revise the improvement plans, if necessary, as required by the City Engineer. Upon completion of the improvement plans and satisfaction of all other requirements of this Ordinance, the applicant shall transmit the original set of improvement plans to the City Engineer for final review and signature. The originals shall be retained by the City.
3. Approval by the City shall in no way relieve the applicant or the applicant's engineer from responsibility for the design of the improvements and for any error, omission or any deficiency resulting from the design or from any required conditions of approval of the application.
4. Revisions to Approved Plans:
 - a. By Applicant: Requests by the applicant for revisions to the approved plans, appearing necessary during construction, shall be submitted in writing to the City Engineer and shall be accompanied by revised drawings showing the proposed revision(s). If found acceptable and consistent with the approved preliminary plat, the amended originals shall be initialed by the City Engineer. Construction of any proposed revision(s) shall not proceed until the revised plans have been initialed by the City Engineer.
 - b. By City Engineer: When revisions are deemed necessary by the City Engineer to protect the public health and safety, or as field conditions may require, a request shall be made to the applicant. The applicant shall revise the plans and transmit the original(s) to the City Engineer for initialing within the time specified by the Engineer.
 - c. Construction of all, or any portion of, the improvements may be stopped by the City Engineer, until the revised drawings have been submitted, approved and initialed.

14.03.040 Supplemental Improvements

The applicant may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a plat, and thereafter to dedicate such improvements to the public. However, the applicant shall be reimbursed for that portion of the cost of such improvements equal to the difference between the amount it would have cost the applicant to install such improvements to serve the subdivision only, and the actual cost of such improvements.

1. The owner of property serviced by a sewer main extended by the owner 300 feet or more beyond the existing sewer facilities as measured from the point of connection with such

existing facilities to the point where the extension enters the lot, parcel or tract to be served by such line, may file with the City two copies of an audited report of the costs incurred for the sewer line extension and manhole construction (except laterals) as an application for the reimbursement of the costs. The reports shall be filed within 90 days after written acceptance of such extension by the City. The City Engineer shall review such documentation and shall within 45 days after acceptance of same, make a recommendation to the City Administrator that:

- a. All or a portion of the costs be accepted or denied;
 - b. The City enter into a payback agreement with the owner or applicant. The agreement shall provide that persons making connection to the line be assessed a fee on a pro rata basis as determined by the frontage of the lot, parcel, or tract serviced by the sewer line extension and, that all fees collected shall be paid to the original builder of the line. Any such agreement shall have a maximum term of 10 years and shall not pay interest; or
 - c. The owner receive immediate payment from the sewer construction fund of the allowed costs of the construction.
2. The recommendation of the City Engineer shall be based upon the following criteria:
 - a. That the extension represents a logical and reasonable extension of the sewer line;
 - b. Properties along the extension have a reasonable probability of development within the ensuing 10 years;
 - c. There are sufficient unencumbered funds in the sewer line construction fund to finance the line;
 - d. The extension does not conflict with or delay the 5-year sewer line construction plan;
 - e. The extension is in compliance with the General Plan; and
 - f. The owner is not receiving any other form of government financing including but not limited to inducement, reimbursement, or fee waiver for such development.
 - g. Based on the above, the City Administrator shall submit a recommendation to the Council (or in the case of a new subdivision, to the SRC).
3. No reimbursement shall be made hereunder unless and until the City Administration determines that the audited report and verified claim have been filed within the allotted time periods and are otherwise acceptable to the City.

14.03.050 Completion of Improvements

1. Before a subdivision plat may be recorded, and before a building permit may be issued, all improvements required by this Chapter or other City ordinances shall be either:
 - a. Completed, inspected, and accepted by the City, or

- b. Guaranteed according to Section 14.03.050.
- 2. The decision whether to guarantee an improvement or to complete it before recording and obtaining a building permit rests solely with the applicant.
- 3. All improvements are subject to City inspection before such improvements may be accepted by the City or considered complete. The City Engineer shall be responsible for conducting such inspections. Improvements shall be accepted only if they conform to applicable City ordinances (notably Chapter (subdivision design standards) of this Title) and do not pose a risk to public health or safety. All public improvements are subject to the warranty described in Section 14.03.050.
- 4. The provisions of this Chapter do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

14.03.060 Improvement Guarantees and Warranties

1. General:

- a. The applicant for a subdivision or other development shall complete all public improvements as agreed upon in the approved improvement plan, but in no case later than two years from the date of subdivision or project approval and in compliance with all City standards and the approved improvement plan.
- b. If an applicant elects to guarantee any required improvement in lieu of waiting to record a plat, the applicant shall provide a completion assurance for 110% of the cost of all public improvements required by City ordinances or contemplated by the approved improvement plan, guaranteeing that the improvements will be completed within two years after the date of subdivision or project approval.
- c. For the purpose of posting a completion assurance, the cost of the improvement shall be determined by an engineer's estimate or licensed contractor's bid.
- d. The City shall accept any of the following forms of guarantee for an improvement:
 - i. Bonds. All bonds shall be executed by a surety company authorized to transact business as a surety, and have an agent for service in Utah, together with an "A" policy holder's rating and a financial rating of at least "V" in compliance with the current "Best's" ratings. The bond(s) shall contain the nearest street address of the institution providing the bond(s).
 - ii. Cash Deposits. In lieu of the faithful performance and labor and material bonds, the applicant may submit cash deposits or negotiable bonds of a kind approved for securing deposits of public monies under the conditions hereinafter described. Disbursements from cash deposits shall be made in compliance with a separate agreement between the applicant and the City. A bookkeeping fee of 1% of the total amount deposited with the City for each cash deposit shall be submitted with each security.

Disbursements from a cash deposit in any instance shall not be permitted unless and until authorized in writing by the Director of Public Works.

- iii. Letter of Credit. In lieu of faithful performance and labor and material bonds or cash deposits, the applicant may submit a letter of credit subject to the Utah Commercial Code and under the conditions hereinafter described. The letter of credit shall be issued by a financial institution organized and doing business in, and subject to regulation by, the State of Utah or federal government, in a form, content, and duration as approved by the City Attorney, and shall pledge that the funds necessary to meet the performance are on deposit and guaranteed for payment and agree that the funds designated by the instrument shall become secured trust funds for the purposes set forth in the instrument. The letter of credit shall contain the nearest street address of the institution providing the instrument.
 - iv. Other securities as approved by the Milford City Council and Milford City Attorney.
 - e. The City shall not require improvement guarantees for any of the prohibited uses listed in Utah Code §10-9a-604.5(3)(d), including improvements the City has previously inspected and accepted, private improvements that are not essential to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation.
2. Release of Security: Guarantees provided under this Section shall be released upon final inspection and acceptance by the City. Guarantees shall also, at the applicant's request, shall be proportionally released by the City Council each quarter upon inspection and acceptance by the City of select improvements, provided that 10% of the initial amount is retained over the warranty period as outlined in Subsection (3).
- a. Progress Payments: Progress payments may be made to the applicant from any deposit money or letter of credit which the applicant may have made in lieu of providing a security bond; provided, however, that no progress payment shall be made for more than 90% of the value of any installment of work. No progress payments from cash deposits shall be made except upon certification by the City Engineer, and the applicant that work covered thereby has been completed.
 - b. In the case of a letter of credit, the issuing bank or association will receive a copy of the Notice of Completion.
3. Warranty / Maintenance Guarantee: The applicant shall warrant all public improvements for a period of 1 year from the date of final acceptance and shall correct any and all defects or deficiencies arising during that period of limitation outlined, as a result of the acts or omissions of the applicant, its agents, or employees.
- a. This warranty shall be guaranteed by retention of 10% of the initial guarantee

provided to the City for the improvements or, if no guarantee was provided, the applicant shall provide a warranty guarantee equal to the same prior to final acceptance of the public improvements by the City and prior to recording the plat.

- b. The City shall provide written notice of the defect or deficiency. In any instance where the applicant fails to take action within the specified time, or when immediate action is required to protect the public health, safety and/or welfare, the City may cause the work to be performed and call on the guarantee for reimbursement.
4. Forfeiture of guarantee: In the event that the applicant fails to complete all improvement work in compliance with the provisions of this Section and the approved improvement plan, and the City shall have to complete the same, the City shall call on the guarantee for funds necessary to complete the improvement as reimbursement or shall appropriate from any cash deposit funds for reimbursement. If the amount of any security shall be less than the cost and expense incurred by the City, the applicant shall be liable to the City for such difference. Any cash remaining in the possession of the City after completion of the improvement shall be returned to the originator minus normal administrative costs.
5. The deadlines for completing the improvements under this Section may be extended by the City Council for good cause. As a condition of extension, the City Council may require additional conditions, including but not limited to the following:
 - a. Revision of improvement plans to provide for current design and construction standards when required by the City Engineer;
 - b. Revised improvement construction estimates to reflect current improvement costs as approved by the City Engineer;
 - c. Increase of improvement securities in compliance with revised construction estimates;
 - d. Inspection fees may be increased to reflect current construction costs, but shall not be subject to any decrease or refund; and
 - e. Payment of additional fees.

14.03.070 Acceptance of Improvements

1. General: After all improvement deficiencies have been corrected and "Drawings of Record" plans filed, the completed subdivision improvements shall be inspected by the City Engineer. The developer shall be responsible for the cost of providing "as built" revisions to the approved original "drawings of record" on file with the City. Redlined drawings shall not be accepted for "as built" revisions.
2. Upon satisfactory report by the City Engineer, the City Council shall accept the improvements. Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that public improvements have been accepted for public use.

3. Acceptance of a portion of the improvements shall not relieve the applicant from any other requirements imposed by City ordinances.

14.03.080 Dedication of Streets, Alleys and Other Rights-Of-Way or Easement

1. The applicant for a subdivision shall dedicate, or make an irrevocable offer of dedication of, all parcels of land within the subdivision that are needed for streets and alleys, including access rights and abutter's rights, drainage, public open space, trails, scenic easements, public utility easements, and other public easements. In addition, the applicant shall improve or agree to improve all the aforementioned dedications and easements.
2. At the time of completion of roadway improvements, all roadways must be dedicated to the City as public roadways, unless otherwise specified in an approved improvement plan. All dedications of property to the City for public purposes may be made in fee title, and that, at the City's discretion, a grant of an easement may be accepted for open space, scenic trails, parks, and/or public utility easements. All dedications in fee and grants of easements shall be free of liens and encumbrances except for those which the City finds would not conflict with the intended use. The City may accept an irrevocable offer of dedication in lieu of dedication.

14.03.090 Waiver of Direct Access Rights

The City shall require, as a condition of approval of a plat dedication of streets designated as arterial highways, waiver of direct access rights, except at approved access points. The City may require as a condition of approval of a plat that dedications or offers of dedication of streets include a waiver of direct access rights to any street from any property within or abutting the subdivision. The waiver shall become effective upon acceptance of the dedication.

14.03.100 Project Phasing

An applicant for a subdivision or other development may submit a phasing plan for improvements as part of the required improvement plan. The phasing plan shall designate the number of phases, the number of lots per phase, the sequence of improvement, and shall be subject to all other provisions of this Ordinance and the Milford City Construction Standards.

14.03.110 Restriction on Further Subdivision Without Plat.

Real property that has been subdivided as a minor subdivision under this Title, including both the parent parcel and the parcel which was subdivided from the parent parcel, may not be further subdivided pursuant to a minor subdivision for two years from the submission of the original application for minor subdivision. Any further subdivision of any property that has been subdivided pursuant to a minor subdivision must be completed in accordance with this Title, and all property that was part of the minor subdivision must be included in, and be made part of, the plat and application for any subsequent subdivision.

14.04 Design Standards for Public Improvements

14.04.010 Improvement and Design Standards

1. The following standards shall apply to the design and construction of all public improvements required by City ordinances, in the following order of priority (in case of direct conflict) and with requirements being additive:
 - a. The specifications in this Title.
 - b. The specifications in Title 15 (Construction Standards) of City Code.
 - c. The current (2007) edition of the **Manual of Standard Specifications** published by the Utah Chapter of the American Public Works Association (APWA), as amended. References to “owner” shall mean Milford City and references to “engineer” shall mean Milford City’s engineer.
 - d. The current (2007) edition of the **Manual of Standard Plans** published by the Utah Chapter of the American Public Works Association (APWA), as amended.

14.04.020 Street Construction

The applicant shall provide and install all required streets and related improvements in compliance with the policies and procedures of the Milford City Construction Standards, and the serving utility company.

14.04.030 Utility Construction

The subdivision applicant or developer shall provide for the undergrounding of all existing and proposed utility distribution or transmission facilities (e.g. cable television, electric, gas, telephone and water), within the subdivision and along peripheral streets.

14.04.040 Street Light Construction

After acceptance by the City of the street lighting systems, it shall become the property of the City except where installed by a public utility or attached to poles or a system owned by a public utility.

14.04.050 Wells

Any water wells which are required to be abandoned by conditions of approval or state law shall be abandoned in a manner approved by the City Engineer and the State Department of Water Resources. The location of any well shall be delineated on the final map, and well logs, if available, shall be submitted to the City.

14.04.060 Energy Conservation

The use of passive solar techniques should be incorporated into the design of the subdivision which serves to reduce interior summertime temperatures and increase interior wintertime temperatures.

14.04.070 Maintenance of Curb, Gutter and Sidewalk

All owners of land, as recorded with the Beaver County Recorder, of lot(s) or parcels(s) in the City, regardless of zoning, size, or exemption, shall be responsible to maintain, keep clear, repair, or replace any curb, gutter, sidewalk, driveways or portions of same that share common boundary with the lot(s), parcel(s) and all abutting roadways.

14.05 Disposal of Real Property

14.05.010 Public Comment

Before the City may dispose of a significant parcel of real property, the City shall provide reasonable notice of the proposed disposition and allow the opportunity for public comment on the proposed disposition.

14.05.020 Significant Parcel of Real Property

For the purposes of this chapter a significant parcel of real property is a parcel of real property with a value as determined by the Beaver County Assessor greater than \$5,000.00.

14.05.030 Reasonable Notice

For the purposes of this chapter reasonable notice shall consist of at least one publication in a newspaper in general circulation in Milford City and on the Utah Public Notice Website and posting public notice of the public hearing in at least three public places within Milford City, all at least fourteen (14) days before the public hearing.

BUSINESS OPERATING AGREEMENT

Applicant: Melissa Wunderlich

Business Type: Coffee Shop/Small Diner

Property Owner: Melissa Wunderlich

Property Description: 81 West 400 South

Zoning District: Main Street Commercial (MSC)

Purpose: An agreement which allows the applicant to start operating business prior to installing all required improvements.

Conditions

1. The following items must be completed prior to opening establishment:
 - A. Install three parking spots on the south side of the property for salon parking
 - a. Install 3 bollards to separate salon parking and drive-thru
 - B. Install 6" curbing along the north side of the building to protect from vehicles hitting into the building.
 - C. Install 1 bollard on the north east side of the building to protect the building
 - D. Secure the gas meter that is located on the north side of the building with 2 bollards or a cover.
**This is to be determined by Dominion Gas
 - E. Install road base/gravel for the drive through area
 - F. Relocate the frost freeze hydrant to the south approximately 2 feet to ensure its not in the drive path of the drive thru
 - G. Install rolled curb for the drive thru exit
 - H. Paint the curbing red on the west side of the property
 - I. Install two additional lights
 - a. East side of building to assist with lighting up salon parking lot
 - b. North East side of building to assist with lighting up the drive thru area.
 - J. Install a sign at the drive-thru entrance that states: Patrons don't block alley
2. The following items must be installed within 12 months of opening the coffee Shop/Small Diner:
 - A. Install asphalt or concrete for salon parking and paint lines
 - B. Install asphalt or concrete for the drive thru
3. Alley: The planning commission will allow the drive thru entrance to come off the alley; however, this will be reviewed 3 months after opening to determine if the drive thru is causing issues for delivery trucks and/ or salon parking.

THIS AGREEMENT is between the City of Milford Planning and Zoning Commission and Melissa Wunderlich. This agreement will be reviewed by the Planning and Zoning Commission. Upon review all required improvements must be completed for business to remain in operation.

Approved this ____ day of _____, 2022.

Les Whitney, Chairman
Milford City Planning and Zoning Commission

Applicant (Signature)

Applicant (Printed Name)

Attest:

Monica Seifers
Milford City Recorder

EXHIBIT A

