MILLVILLE PLANNING COMMISSION MEETING
City Hall - 510 East 300 South - Millville, Utah
December 5, 2024

PRESENT: Garrett Greenhalgh, Bonnie Farmer, Matt Anderson, Darcy Ripplinger, Kara Everton, Megan Dyer, Pam June, David Hair, Corey Twedt

Call to Order/Roll Call:
Commissioner Greenhalgh opened the meeting for December 5, 2024, at 8:00 pm. Commissioners Garrett Greenhalgh, Bonnie Farmer, Matt Anderson and Darcy Ripplinger were present. Commissioners Lynette Dickey and Larry Lewis were excused. Development Coordinator Kara Everton was present and took the minutes.

Opening Remarks/Pledge of Allegiance
Commissioner Greenhalgh led all present in the Pledge of Allegiance.

Approval of Agenda
The agenda for the Planning Commission Meeting for December 5, 2024, was reviewed. **Commissioner Ripplinger moved to approve the agenda for December 5, 2024.** Commissioner Farmer seconded. Garrett Greenhalgh, Bonnie Farmer, Matt Anderson and Darcy Ripplinger voted in favor. Commissioners Lynette Dickey and Larry Lewis were excused.

Approval of the Minutes of the Previous Meeting
The Planning Commission reviewed the minutes for the Planning Commission Meeting for November 7, 2024. **Commissioner Anderson moved to approve the minutes for the meeting on November 7, 2024, with revisions.** Commissioner Farmer seconded. Garrett Greenhalgh, Bonnie Farmer, Matt Anderson and Darcy Ripplinger voted in favor. Commissioners Lynette Dickey and Larry Lewis were excused.

Commissioner Greenhalgh moved we skip ahead to item 6. City Council Review- November 14, 2024.

6. City Council Review- November 14, 2024
There was a question on the new rate for garbage.

Commissioner Anderson moved to open the public hearing for the amendments to the Land Management and Development Code in compliance with current State requirements at 8:05 pm. Commissioner Farmer seconded.

5.A. PUBLIC HEARING

No public comments.

Commissioner Bonnie Farmer moved to close the public hearing at 8:06 pm.
Commissioner Anderson seconded.

The commission discussed the proposed code, asked questions and offered various suggestions. Development Coordinator Everton stated she would gather answers to the questions and get back to the commission via email before the final draft goes to the city council.

5.B. Other

7. Agenda Items/Notes for Next Meeting

8. Calendaring of future Planning Commission Meeting – December 19, 2024, at 8:00 pm
unless there is nothing on the agenda.

9. Adjournment
Chairman Greenhalgh moved to adjourn the meeting at approximately 9:50 p.m.

DRAFT

MILLVILLE CITY CODE

TITLE 16 - SUBDIVISIONS

~~**CHAPTER 16.04 - INTRODUCTORY PROVISIONS**~~

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Commented [JH1]: We did what we could to retain the City's existing requirements and processes while reorganizing content for clarity and changing what we needed to to bring the City into compliance with the state requirements.

Please feel free to answer our comments and/or make comments directly in the document when you see something that needs to change.

We will do another round of polishing in the next draft once you give us feedback on the direction we are headed.

Commented [JH2]: Most of our edits focus on Chapters 16.16 and 16.20.

CHAPTER 16.04 - INTRODUCTORY PROVISIONS

16.04.010: AUTHORITY

~~**16.04.020: SHORT TITLE**~~

~~16.04.030: INTENT AND PURPOSE~~

~~16.04.040: CONFLICT WITH OTHER REGULATIONS~~

~~16.04.050: APPLICATION~~

~~16.04.060: EXEMPTIONS~~

~~16.04.070: RULES~~

~~16.04.080: WAIVER AUTHORITY~~

~~16.04.090: CONFORMITY WITH THE GENERAL PLAN~~

~~16.04.100: DELAYED APPROVAL OF SUBDIVISIONS~~

~~16.04.110: CONFORMITY WITH THE ZONING ORDINANCE~~

~~16.04.120: CHARACTER OF THE LAND~~

~~16.04.130: ESTABLISHED MONUMENTS~~

~~16.04.140: PREVENTIVE MEASURES~~

~~16.04.150: APPENDICES AND MANUAL OF DESIGN AND CONSTRUCTION STANDARDS~~

~~**16.04.010: AUTHORITY**~~

The ordinance codified in this title is adopted pursuant to and in accordance with the authority vested in the ~~city council~~City Council of ~~the city~~Millville, by the statutes of the state of Utah, section §10-~~9-101~~9a-6 et seq. All previously existing subdivision regulations for the ~~city~~City are repealed. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.020: SHORT TITLE

~~**16.04.020: SHORT TITLE**~~

This ~~title~~Title shall be known, cited and referred to as the *SUBDIVISION TITLE OF THE CITY OF MILLVILLE, UTAH.* (Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.030: INTENT AND PURPOSE

This ~~title~~Title is enacted for the purpose of:

A. Ensuring orderly development in conformance with a duly adopted comprehensive master plan, which includes a roadway corridor study;

B. Protecting the public health, safety, and general welfare of present and future residents of the ~~city~~City;

C. Establishing standards and procedures for the protection of the common interests of the general public, and the landowner and/or subdivider;

D. Protecting the character and value of lands and buildings throughout the ~~city~~City and minimizing conflicts among the uses of land and buildings;

E. Providing for safe and adequate transportation systems, utilities and other public facilities;

F. Establishing adequate and accurate records of land subdivision;

G. Encouraging the use of innovative land planning and urban design techniques. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.040: CONFLICT WITH OTHER REGULATIONS

In the case of a conflict between this ~~title~~Title and/or any part thereof, any other ordinance of the ~~city~~City, or any state statute or code, the more restrictive in all cases shall apply. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.050: ~~APPLICATION~~ SUBDIVISION APPROVAL REQUIRED

A. These regulations shall apply to all of the lands within the boundaries of the ~~city, as they~~ City.

B. A subdivision of land is not valid unless its governing document is approved by the Land Use Authority and properly recorded in the County Recorder's Office.

~~A.~~C. No land shall ~~from time to time be~~ be subdivided which is located wholly or in part in the City, except in compliance with this Title and Utah Code as adopted and amended.

~~B. Every owner or proprietor of any tract or parcel of land who shall hereafter subdivide or resubdivide his lands into two (2) or more parts for the immediate or future purpose of sale, building development or redevelopment for any residential, recreational, industrial, commercial, public or other use, shall comply with these regulations. No person shall commence the physical layout or construction on the ground of a subdivision without first obtaining the approval of the city council in the form of an approved subdivision plat.~~

~~C.~~A. ~~None of the provisions of these regulations shall be construed to require platting in any case in which subdivision plats have been made and legally recorded pursuant to any regulations previously in force; and all plats heretofore filed for record and not subsequently vacated are hereby declared valid, notwithstanding the fact that the procedures or the manner and form of acknowledgement may have been different than those prescribed by these regulations.~~

~~D. A subdivision does not include:~~

5. 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 zoning ordinance.

0.1. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

. i. No new lot is created; and

. The adjustment does not result in a violation of applicable zoning ordinances; or

. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property. (Ord. 2008-4, 2008: Ord. 2003-3, 2003: Ord. 94-3 § 1)

16.04.060: EXEMPTIONS

L. Unless the method of the sale of land is adopted for the purpose of evading these regulations, these regulations shall not apply to:

0.1. The subdivision of land for and the sale of cemetery lots;

14. The sale of land to the state of Utah, the federal government, or any political subdivision thereof;

15. Railroad rightNo person shall transfer ownership of way;

16. The alteration for sale or usea parcel of any designated lot within a previously recorded a subdivision, provided if that such alterations comply with all existing zoning ordinances and regulations.

Under conditions specified in section 16.20.040 of this title, platting requirements for small subdivisions, fewer than four (4) lots, may be modified. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.070: RULES

T. All subdivisions as defined and under the jurisdiction of this title are subject to the provisions of this title and to the Utah statutes which regulate subdivisions.

U. No building permits shall be issued for construction until full compliance with all the requirements of this title have been met.

V. Unless approved as a final plat as provided herein, no subdivision shall be entitled to be recorded or have any validity.

W. No public improvements are to be installed and service shall not be provided until approval of the final plat is granted and the same has been duly recorded except as otherwise allowed in this title.

~~X.~~D. has not been approved by the City in accordance with this Title. No deeds shall be recorded or property transferred until a plat has been approved and recorded in the manner prescribed herein. The description of such lot by metes and bounds shall not exempt the transaction from the provisions of this ~~title~~Title.

~~Y.~~E. The ~~city~~City shall not issue permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded and improvements accepted, except that the ~~city~~City may issue a permit on a tract of land which is not a subdivision.

F. ~~All subdividers~~No building permit shall be ~~required to make the necessary accommodations~~issued for construction until full compliance with ~~the appropriate official for sanitary sewer, septic tanks, drain fields, and water systems,~~ all the requirements of this Title have been met. No person shall commence the physical layout or construction on the ground of a subdivision without first obtaining the approval of the City in accordance with ~~the standards set~~this Title.

G. No public improvements are to be installed and service shall not be provided until approval of the final plat is granted.

~~Z.~~H. No modifications shall be made to any plat of a subdivision after approval by the ~~Utah department of environmental quality.~~ City except through the subdivision amendment process described in this Title.

~~AA.~~I. The ~~city~~City reserves the right to withhold any or all public service, including the maintenance of roads and streets from all subdivisions, parcels, or tracts where public improvements associated with the subdivision have not been accepted by the ~~council~~City.

~~A. No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval by the council unless such plat is first resubmitted to the commission and council for their consideration.~~

~~BB.~~J. The ~~city~~City shall not accept, lay out, open, improve, grade, pave, curb, light, lay or authorize water mains or sewers or connections to be laid in any street which has not been approved by the ~~city council~~City as a public street.

~~CC.~~K. No building shall be erected nor shall a building permit be issued for a building, unless the street abutting on the lot upon which such building is proposed to be placed shall have been approved by the ~~city council~~Land Use Authority as a public street.

L. None of the provisions of these regulations shall be construed to require platting in any case in which subdivision plats have been made and legally recorded pursuant to any regulations previously in force; and all plats heretofore filed for record and not subsequently vacated are hereby declared valid, notwithstanding the fact that the procedures or the manner and form of acknowledgement may have been different than those prescribed by these regulations.

16.04.060: CONFORMITY WITH THE GENERAL PLAN

All subdivisions shall conform to and be in harmony with the General Plan of the City. (Ord. 2008-4, 2008: Ord. 2003-4 § 1, 2003)

Commented [JH3]: We will adjust the numbering in the next draft once we get the city's feedback on what material should stay and go.

16.04.070: CONFORMITY WITH THE ZONING ORDINANCE

All subdivisions shall conform to the zoning ordinance of the City. (Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.04.080: PARKS AND PUBLIC SPACES

No subdivision shall be approved that does not provide for adequate parks, schools, and public spaces in conformity with the General Plan, Master Plan, and other Official Maps of the City.

Where a proposed park, school, or other public space as General Plan, Master Plan, and other Official Maps of the City is embraced in part or in whole by the boundaries of a proposed subdivision and such public land shall be reserved, the City shall have the right of first refusal to purchase said parcels at the current market price as a condition of subdivision approval. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

Commented [JH4]: We can't keep the delay provision that the City's existing ordinance has because that conflicts with the state-mandated review deadlines. But we can give the City a chance to purchase the land.

16.04.090: WATER RIGHTS REQUIRED

A. The ~~city~~City shall have the right of first refusal to purchase any water shares or rights used with the property proposed for development beyond those needed to meet the requirements for adequate water for the development as set forth herein. The purchase price for said shares or rights shall be the current market price as determined by independent appraisal or the price per share specified in Millville City resolution~~. Whichever~~, whichever is greater. The expressed intention of the ~~city~~City is to acquire sufficient water rights to meet the future water demands of the ~~city~~City.

B. The ~~city~~City has determined that it has insufficient water supplies to meet future water demands if development occurs. To meet the demands of additional water use from new development, the ~~city~~City will require as a condition of subdivision and development approval either a fee set by resolution or water shares set by resolution. The water share(s) must be from a source acceptable to the City at its sole discretion.

a. If desired water shares are available, then the water shares must be transferred first.

b. For a ~~small or~~ minor subdivision, the subdivider shall transfer one half (½) share of water or the equivalent payment of fees per new additional parcel created. For example, if a single parcel is split into three (3) parcels, two (2) additional parcels will have been created and the subdivider will transfer to the ~~city~~City one (1) share of water (½ share for each of the new parcels).

~~a.~~c. For a ~~large or~~ major subdivision, the subdivider shall transfer one (1) water share per acre of total land subdivided with a minimum of one half (½) water share for land less than one half (½) acre subdivided. For example, if the developer is subdividing 7.3 acres into four (4) or more parcels, the subdivider will transfer to the ~~city~~City 7.5 water shares. The landowner and/or developer shall transfer the water shares or payment of fees before the approval of the final plat. The landowner and/or developer can combine water shares and fees to be transferred to the ~~city~~City. The ~~city~~City resolution sets out water share equivalent to fee amount. (Ord. 2018-13, 2018: Ord. 2008-4, 2008: Ord. 2002-4 § 1, 2002: Ord. 2002-2 § 2, 2002: Ord. 94-3 § 1)

~~16.04.080: WAIVER AUTHORITY~~

~~The subdivider shall meet the requirements of this title in all cases except when a waiver of a specific requirement or requirements is granted by the city council. The city council may waive a specific requirement or requirements of this title after having received a recommendation from the planning and zoning commission. (Ord. 2008-4, 2008: Ord. 2003-4 § 1, 2003)~~

~~16.04.090: CONFORMITY WITH THE GENERAL PLAN~~

~~All subdivisions shall conform to and be in harmony with the general plan of the city. (Ord. 2008-4, 2008: Ord. 2003-4 § 1, 2003)~~

16.04.100~~: DELAYED APPROVAL OF SUBDIVISIONS~~

~~Where a proposed park, playground, school site or other public site as shown in the comprehensive master plan and/or official map is embraced in part or in whole by the boundaries of a proposed subdivision and such public land shall be reserved, no action shall be taken towards approval of a preliminary plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction. (Ord. 2008-4, 2008: Ord. 94-3 § 1)~~

~~16.04.110: CONFORMITY WITH THE ZONING ORDINANCE~~

~~All subdivisions shall conform to the zoning ordinance of the city. (Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)~~

~~16.04.120~~: CHARACTER OF THE LAND

A. The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, landslides, or other geological hazards.

B. All subdivision proposals shall be consistent with the need to minimize flood damage.

C. All subdivision proposals shall preserve native features, vegetation, wetlands, and wildlife habitat as enforced by the appropriate state and federal agencies.

D. All subdivision proposals shall locate public utilities and facilities such as sewer, gas, electrical, and water systems to service all lots and parcels. (Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.04.~~130~~110: ESTABLISHED MONUMENTS

All international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to ensure that these markers are maintained in good condition during the following construction and

development. All section and one-quarter ($^1/_4$) section corners shall be duly described and tied within the boundaries of the subdivision and within one thousand feet (1,000') outside of subdivision boundary or in accordance with Utah state law and acceptable surveying practices. (Ord. 2008-4, 2008: Ord. 2002-2 § 2, 2002)

16.04.~~140~~120: PREVENTIVE MEASURES

The subdivider and/or builder shall be solely responsible for any damage to adjacent properties caused by wind or water erosion during and upon completion of the construction. Any protective control measures which the subdivider proposes to implement to avoid damage from wind or water erosion must be included ~~in~~with the ~~plat submittings, subsections 16.16.020F14 and F15 of this title, and final plat submittals, subsection 16.20.010B of this title,~~preliminary subdivision application and must be approved by the ~~city council~~Land Use Authority prior to any construction activities. (Ord. 2008-4, 2008: Ord. 2002-2 § 2, 2002)

16.04.~~150~~130: APPENDICES AND MANUAL OF DESIGN AND CONSTRUCTION STANDARDS

The appendices and "Manual Of Design And Construction Standards" (MDCS) in this ~~title~~Title are not part of this ~~code~~Code. They are for clarification, information, and the internal administrative control of Millville City. Therefore they may be changed at any time at the discretion of and by resolution of the Millville City ~~council~~Council. (Ord. 2008-4, 2008: Ord. 2003-3, 2003)

~~**MILLVILLE CITY CODE**~~
~~**TITLE 16 – SUBDIVISIONS**~~

CHAPTER 16.08 - DEFINITIONS

16.08.010: TERMS DEFINED

~~**16.08.010: TERMS DEFINED**~~

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this ~~chapter~~Chapter. When inconsistent with the context, words used in the present tense shall include the future and words in the plural shall include the singular. The masculine gender includes the feminine and neuter genders. Words not defined in this Chapter shall have the meaning defined under State law.

ALLEY: A public right of way which affords secondary means of access to abutting property.

ATTORNEY: The person licensed by the state to practice law who has been engaged by the ~~council~~Council.

BLOCK: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

BUILDING: Means and includes all structures of every kind regardless of similarity to buildings.

BUILDING SETBACK: The minimum horizontal distance from the street right of way as prescribed in the zoning ordinance.

CITY: The ~~city~~City of Millville.

CITY ENGINEER: A person licensed as a professional engineer by the state of Utah who is engaged by the ~~council~~Council.

CITY PLANNER: The person duly appointed to administer this title.

CLERK: The ~~city clerk~~City Clerk of Millville, Utah.

COLLECTOR STREET: A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

COMMISSION: The duly appointed ~~planning~~Planning Commission ("Planning and ~~zoning commission~~Zoning Commission" or "P&Z) of the ~~city~~City of Millville.

COMPREHENSIVE MASTER PLAN: A comprehensive development plan, prepared by the commission which indicates the general locations recommended for various functional classes of land uses, places and structures and for general physical development of the ~~city~~City and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

CONCEPTUAL PLAN: A conceptual drawing of the proposed development prepared in accordance with the requirements of this title.

~~CONDOMINIUM: Ownership of a single unit in a multi-unit project together with undivided interest in common in the common areas and facilities of a property as provided by state law.~~

COUNCIL: The ~~city council~~City Council of the ~~city~~City of Millville.

CUL-DE-SAC: A street or a portion of a street with only one vehicular traffic outlet and a turnaround at the other end.

CULINARY WATER AUTHORITY: The culinary water authority for Millville City will be the ~~city council~~City Council.

DEAD END STREET: A street or a portion of a street with only one vehicular traffic outlet and on which traffic cannot continue through.

DRIVEWAY: A private roadway the use of which is limited to persons residing, employed or otherwise using or visiting the lot on which the roadway is located.

EASEMENT: An interest in land owned by another that entitles its holder to a specific limited use.

FEMA: The federal emergency management agency.

GENERAL PLAN: See definition of Comprehensive Master Plan.

HALF STREET: A street designed to provide access to only one side of the right of way.

IMPROVEMENTS~~:~~ (PUBLIC): Work objectives, devices, structures, facilities or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to:

A. Water facilities;

B. Sewer facilities;

C. Sidewalks;

D. Curbs and gutters;

E. Drainage facilities;

F. Streets;

G. Trees;

H. Street signs;

I. Streetlights;

J. Traffic control devices;

K. Safety devices;

L. Fire hydrants;

M. Such other facilities or construction required by the subdivision ordinance.

LAND USE AUTHORITY: ~~The~~An individual, board, or commission appointed or employed by a municipality to make land use ~~authority for Millville City will be~~decisions. "Land Use Authority" includes

any appropriately authorized designees.

LAND USE APPLICATION: an application required by the ~~planning~~City and ~~zoning commission, for those~~submitted by a land use ~~items delegated to them by the city council.~~ applicant to obtain land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.

LOT: A parcel, place, tract or portion of land designated by metes and bounds, registered land survey, recorder's plat, or other means and separated from other parcels or portions by such description for the purpose of sale, lease, or separation thereof.

LOT, CORNER: "Corner lot" means a lot located at the intersection of two (2) streets, having two (2) adjacent sides abutting streets; the interior angle of the intersection does not exceed one hundred thirty five degrees (135°).

LOT CORNER MONUMENTS: Eighteen (18) to twenty four inch (24") by five-eighths inch ($^5/_8$") rebar (#5 rebar) with surveyor's official cap.

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line.

LOT LINE: The property line bounding a lot except that where any portion of a lot extends into the right of way or a proposed public right of way, the line of such right of way shall be the lot line.

LOT, THROUGH: "Through lot" means any lot other than a corner lot which abuts more than one street.

LOT WIDTH: The horizontal distance between the side lot lines of the lot measured parallel to the front line of the lot at the front setback line.

MAJOR STREET OR ARTERIAL STREET: A street which serves or is designed to serve heavy flows of traffic between communities and/or other heavy traffic generating areas.

MANUAL OF DESIGN AND CONSTRUCTION STANDARDS: The "Manual Of Design And Construction Standards" are adopted by Millville City by resolution. It consists of design standards, specifications and standard plans published by the Utah chapter of the American Public Works Association (APWA) along with amendments to these published documents. Part I consists of design standards, part II of amendments to the APWA "Manual Of Standard Specifications", and part III of amendments to the APWA "Manual Of Standard Plans". Parts I, II, and III are contained in one document titled "Millville City Manual Of Design And Construction Standards", and the APWA "Manual Of Standard Specifications And Manual Of Standard Plans" are included by reference. All of these documents are referred to hereafter as "Millville City Manual Of Design And Construction Standards".

MAY: Is permissive.

MINOR STREET: A street intended to serve primarily as an access to abutting properties.

OFFICIAL MAP: The map established by the ~~council~~Council in accordance with state statutes showing streets, highways, and parks and drainage, both existing and proposed. The official map may be a part or parts of the comprehensive master plan.

OWNER: Any individual, firm, association, syndicate, copartnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

PARKWAY: That portion of a street right of way between the curb or curb line and the property line.

PEDESTRIAN WAY: The right of way across or within a block for pedestrian use.

PERSON: An individual, to include both male and female, and shall also extend and be applied to bodies political and corporate and to partnership and corporate, and to partnership and other unincorporated association.

~~PLAT: A map or drawing on which the subdivision plan is submitted, together with such information, supporting data and other requirements as are necessary to effect compliance of the subdivision with this title.~~
PLAT: 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).

PLOT: A measured piece or parcel of land within a larger plat.

PRIVATE STREET: A street which is not dedicated for public use.

PROTECTIVE COVENANT: A contract entered into between private parties and constitutes a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide protection against undesirable aspects of development which would impair values.

PUBLIC LAND: Land owned and/or operated by a governmental unit, including school districts.

PUBLICATION: An official notice as prescribed by state statutes.

SANITARY USE AUTHORITY: The sanitary use authority for Millville City will be the ~~city council~~City Council.

SERVICE STREET: An access street which is generally parallel and adjacent to a major street and provides secondary access to abutting property.

SHALL: Is mandatory.

SITE EVALUATION AND IMPACT ASSESSMENT: A report which describes, by means of a written narrative and maps, a geographical area and evaluates the development impact in terms of existing:

A. Slope;

B. Soils;

C. Watercourses;

D. Water table;

E. Flood hazard areas;

F. Geologic hazards;

G. Vegetative types;

H. Wildlife;

I. Wildlife habitat;

J. Available urban services, i.e., electricity, gas, roads, schools, culinary water, sewage facilities, police and fire protection.

SLOPE CLASS: The ~~city~~City of Millville has made five (5) slope classifications:

Class 1 references slopes less than or equal to twenty percent (20%).

Class 2 references slopes greater than twenty percent (20%) and less than or equal to twenty three percent (23%).

Class 3 references slopes greater than twenty three percent (23%) and less than or equal to twenty seven percent (27%).

Class 4 references slopes greater than twenty seven percent (27%) and less than or equal to thirty percent (30%).

Class 5 references slopes greater than thirty percent (30%).

STREET: A public right of way which affords the primary means of access to abutting property.

STREET PAVEMENT: The asphalt wearing or exposed surface of the roadway used by vehicular traffic.

STREET, PUBLIC: "Public street" means any street which has been dedicated to the ~~city~~City or is otherwise publicly owned by the ~~city~~City, and is improved and constructed to the appropriate standards as required by the subdivision ordinance.

STREET, RIGHT OF WAY: "Right of way street" means any street which has been dedicated to the ~~city~~City, or is otherwise publicly owned by the ~~city~~City, and is unimproved as opposed to a public street which is improved and constructed to subdivision ordinance standards.

STREET WIDTH: The width of the right of way, measured at right angles to the centerlines of the streets.

SUBDIVIDER: Any person, firm, corporation, partnership or association who shall lay out any "subdivision" or part thereof as defined herein.

SUBDIVISION: ~~Land~~Any land that is divided, ~~resubdivided~~subdivided, or proposed to be divided into two ~~(2)~~ or more lots~~, parcels, sites, units, plots,~~ or other division of land for the purpose, whether immediate or

future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. ~~It~~

A. Subdivision includes:

1. The division or development of land, whether by deed, metes and bounds description, devise and testacy, ~~lease~~ map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

2. ~~Divisions~~Except as provided below, divisions of land for ~~all~~ residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

B. Subdivision does not include:

1. 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;

2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

   i. No new lot is created; and

   ii. The adjustment does not result in a violation of applicable zoning ordinances;

3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property;

4. The subdivision of land for and the sale of cemetery lots;

5. The sale of land to the state of Utah, the federal government, or any political subdivision thereof;

6. A road, street, or highway dedication plat; or

7. A deed or easement for a road, street, or highway purpose.

SUBDIVISION, ~~LARGE: Four (4) building lots or more. Requires full plat with all details.~~MAJOR: Any subdivision that is not a minor subdivision.

SUBDIVISION, ~~SMALL: Three (3) building lots or less unless it falls under existing exemptions of section 16.20.040 of this title.~~MINOR: Any subdivision resulting in three (3) or fewer buildable parcels where each lot is fronted by a dedicated and improved public street and where the subdivision does not require the construction of any new streets or other major public improvements.

SURVEYOR: A person duly registered as a land surveyor by the state of Utah.

UPDES: The Utah pollution discharge elimination system.

USED FOR: To include the phrases: "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

WATER CONVEYANCE FACILITY: 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.

ZONING DISTRICT: An area as prescribed by the adopted zoning ordinance of Millville City. (Ord. 2008-4, 2008: Ord. 2002-7 § 1, 2002: Ord. 2002-2 § 3, 2002: Ord. 2000-17 § 3: Ord. 94-3 § 1)

~~**MILLVILLE CITY CODE**~~

~~**TITLE 16 – SUBDIVISIONS**~~

CHAPTER 16.12 - ADMINISTRATION AND ENFORCEMENT

16.12.010: LAND USE AUTHORITY

A. The Land Use Authority for **preliminary** subdivision applications is the Planning and Zoning Commission. For the purpose of preliminary subdivision applications, the Commission shall be responsible for the following, but may delegate any responsibility to City staff:

1. Rendering land use decisions related to preliminary applications.
2. Reviewing preliminary applications in an impartial manner and according to the standards and deadlines described in this Title.
3. Holding a public hearing for preliminary applications when the Commission determines one is needed.
4. Providing feedback to applicants on their preliminary applications.
5. Scheduling and holding a pre-application meeting with potential applicants when requested by an prospective applicant. This task is delegated to City staff by default.
6. Keeping application forms (both preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants. This task is delegated to City staff by default.
7. Providing notice to entities and parties on subdivision applications as required by this Code. This task is delegated to City staff by default.
8. Ensuring that documents are properly recorded with the County after final approval as required by this Code. This task is delegated to City staff by default.

B. The Land Use Authority for **final** subdivision applications under this Code is the Development Coordinator. For purposes of final subdivision applications, the Development Coordinator shall be responsible for the following:

1. Rendering land use decisions related to final applications.
2. Reviewing final applications in an impartial manner and according to the standards and deadlines described in this Title.
3. Signing final application approvals as required by this Title.

C. As subdivision application decisions are administrative, not legislative, the Planning and Zoning Commission and Development Coordinator are, respectively, authorized to approve preliminary and final subdivision applications without City Council approval.

D. In accordance with Utah Code §10-9a-604.1(1)(b) and §10-9a-604.1(9)(b), the City Council and its members shall not approve, deny, or require revisions to any preliminary or final subdivision application except in the case of development agreements or otherwise as permitted under state law. This provision does not limit the City Council's power to enact ordinances or administer other land use procedures.

E. For convenience, the Land Use Authorities described in this Chapter are summarized in Table 11-1-8.

Table 16.12.010 – Land Use and Appeal Authorities

Action/Application	Advisory Body	Land Use Authority	Appeal Authority
Preliminary Application for a New Subdivision	City Staff	Planning & Zoning Commission	City Council
Final Application for a New Subdivision	N/A	Development Coordinator	City Council
Petition to Amend Existing Subdivision	Planning & Zoning Commission	City Council	Board of Adjustment
Application for Lot Line Adjustment	N/A	Planning Commission	City Council
Accepting Completed Improvements and Releasing Guarantee	City Engineer	City Council	Board of Adjustment

16.12.020: APPEALS

Commented [JH5]: This is an example of an appeal process, but if you prefer, we can point to your existing process instead. We've made the City Council the AA here as the Council is otherwise excluded from the application process, but this body can be a Board of Adjustment or something else.

A. The Appeal Authority for the Land Use Authorities' actions relating to subdivision applications, except where otherwise noted, is the City Council.

B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authorities and shall hear complaints about the conduct of the Land Use Authorities in administering the provisions of this Chapter.

C. A party appealing or complaining of a Land Use Authority's decision 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.

D. A party who has submitted a subdivision application or petition may appeal or complain to the Appeal Authority under this Chapter. In such an appeal or complaint, the party may appeal or complain only regarding the Land Use Authority's treatment of that party's own application; a third party may not appeal or complain of Land Use Authority decisions or conduct.

E. A party desiring to appeal or complain of a Land Use Authority decision 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 Land Use Authority's decision and treatment of the application or petition, and why the applicant believes the Land Use Authority 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.

F. 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.

16.12.030: SUBDIVISION ORDINANCE FEES

~~16.12.020: FEES FOR APPEAL~~

~~16.12.030: ADMINISTRATION~~

~~16.12.040: NOTICE OF NONCOMPLIANCE~~

~~**16.12.**050: VACATIONS~~

~~16.12.060: PENALTIES~~

~~16.12.070: ADMINISTRATIVE LIABILITY~~

~~**16.12.010: SUBDIVISION ORDINANCE FEES**~~

A. All fees required ~~by the subdivision ordinance of the city~~for applications pertaining to this Title shall be set by resolution of the ~~city council~~City Council and shall be published by the ~~city~~City in the fee schedule. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

~~**16.12.020: FEES FOR APPEAL**~~

~~There shall be no fee for an appeal to the city council from a decision of the commission with respect to this title.~~

~~The fee for an appeal to the appeal authority from a decision made by the city council with respect to this title shall be set by resolution of the council. (Ord. 2008-4, 2008: Ord. 2007-8, 2007: Ord. 94-3 § 1)~~

~~**16.12.030: ADMINISTRATION**~~

B. Land In Lieu Of Fees: Dedication of public land, open space or park area may be used in lieu of fees, as determined by the City Council.

16.12.040: ENFORCEMENT

A. These regulations shall be ~~administered and~~ enforced by the ~~city planner~~City Planner or other entity as designated by the ~~city council~~City Council.

~~A. All subdivision plats, plans, and other required associated information (subdivision plans) submitted to the city shall first have been examined by the city engineer, the city planner, land use authority, culinary water authority and sanitary use authority in accordance with the procedures established by these regulations. As part of their examination, the city planner and the planning commission may consult with other public or private agencies to determine whether or not the subdivision plans, as proposed, will contribute to the orderly growth and development of the city. The actions of the city planner, the planning commission and the council shall be governed by the procedures and schedules hereinafter set forth.~~

~~B. Pursuant to the provisions for urban development (as defined in the Utah code as amended), when any part of a subdivision lies outside of, but within one-half (½) mile of the city, that subdivision shall be approved by the city council of the city before it is finally approved by the Cache County board of commissioners.~~

B. ~~The city~~The City shall not extend utilities and services and shall not approve any proposed subdivision of land which, by itself or as a part of a larger tract, is contiguous to the boundaries of the ~~city~~City unless the preliminary subdivision ~~plans submitted to the city planner~~application is accompanied by a properly acknowledged petition for annexation to the ~~city~~City and a separate application for proper zoning.

~~C. The city planner shall review both the annexation petition and the preliminary subdivision plans for accuracy and completeness and shall process the subdivision plans as if the land were already part of the city. The required subdivision plans and the annexation petition may be considered simultaneously by the city, however, final action by the city council on the annexation petition and zoning shall be preceded or be taken concurrently with final action on the final subdivision plans. (Ord. 2022-2, 2022: Ord. 2008-4, 2008: Ord. 2000-13 § 2: Ord. 94-3 § 1)~~

16.12.~~040~~050: NOTICE OF NONCOMPLIANCE

A. Upon inspection and discovery that any provision of the City's Subdivision Code has been or is being violated, the City may provide written Notice of Violation to the owner of the property that is the subject of the violation and to any other party who may be responsible for the violation.

B. The written Notice of Violation shall:

1. Indicate the nature of the violation;

2. Identify the action necessary to correct the violation;

3. Give the property owner fourteen (14) days from the date of the receipt of the Notice to correct the violation;

4. State the action the City intends to make if the violation is not corrected within the fourteen (14) day period; and

5. State that the property owner may request a hearing with the Planning Commission if the property owner disagrees with the determinations set forth in the Notice of Violation.

C. The Notice of Violation shall be served upon the property owner and/or the violator by personal delivery, by certified mail, return receipt required, to the address listed on the County Assessor's records for the property.

D. Within fourteen (14) days of the day on which the Notice of Violation is served on the property owner, the property owner may request a hearing with the Planning Commission to present facts and arguments as to why the property owner is entitled to relief from the Notice of Violation. The property owner shall file the request for a hearing in writing with the City ~~clerk~~Clerk. The written request for a hearing shall set for the property owner's position as to why the property owner is entitled to relief. The City ~~clerk~~Clerk shall notify the Planning Commission of the request for a hearing and the request shall be placed on the agenda for the next regularly scheduled meeting of the Planning Commission, but in no event later than thirty (30) days from the date the ~~CIty clerk~~City Clerk receives the request for a hearing. The Planning Commission shall review the Notice of Violation, the written request for a hearing, and any other information that the property owner or any other interested party may present, and make a determination as to whether the violation set forth in the Notice of Violation has taken place or exists. The City shall have the burden of proving by a preponderance of the evidence the violation took place or exists.

E. If the property owner has not requested a hearing with the Planning Commission within the fourteen (14) day period, or if after a hearing on the matter the Planning Commission determines that the violation set forth in the Notice of Violation has taken place, the Planning Commission or any other person designated by the City may record a Notice of Noncompliance on title to the property that is the subject of the Notice of Violation. The Notice of Noncompliance shall generally explain the nature of the violation, indicate that no permits or licenses, including but not limited to, a building permit, may be issued for any structure located on the subject property, and meet all other requirements for the recording of documents in the Cache County Recorder's Office.

F. If the City subsequently determines that the violation of the City's Subdivision Code for which a Notice of Noncompliance has been recorded has been cured or that the property which is the subject of the Notice of Noncompliance is otherwise no longer in violation, the Planning Commission, City Council, or other person designated by the City shall record a release of the Notice of Noncompliance on title to the subject property.

G. Notwithstanding anything to the contrary in any ordinance or code of the City, until such time as the violation for which a Notice of Noncompliance issued under this Section has been cured or otherwise resolved, the City may withhold or deny the issuance of any permits, licenses, or connections of any kind including but not limited to, a building permit, water connection, or other similar permit or connection, for the property in violation or any structure thereon. (Ord. 2024-3, 2024: Ord. 2008-4, 2008: Ord. 2003-4 § 3, 2003: Ord. 94-3 § 1)

16.12.~~050~~060: VACATIONS

A. Pursuant to the provisions of sections 10-9-808 through 10-9-810 of the Utah ~~code~~Code, any plat

may be vacated by the owners before any substantial improvements have been made in the subdivision, by submitting a copy of the plat to the ~~commission~~Commission along with a written request for a vacation. The written request shall be by all of the owners. The ~~commission~~Commission shall make a recommendation on the vacation to the ~~city council~~City Council, and the ~~council~~Council shall approve or disapprove the vacation. The recording of an instrument vacating the plat shall operate to destroy the force and effect of the recording of the original plat and to divest all public rights in the streets, alleys, commons and public grounds laid out or described in such a plat.

B. Streets and alleys platted and laid out under the provisions of these regulations or laid out under any prior law of the state of Utah may be altered or vacated in the manner provided by law for the alteration or discontinuance of highways.

C. Any part of a plat may be vacated under the provisions and subject to the conditions of subsection A of this section, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in such plat and provided, further, that nothing contained in this section shall authorize the closing or obstruction of any public highways laid out according to law. The request for vacation shall be made by all of the owners.

D. When any part of a plat shall be vacated as aforesaid, streets, alleys, and other public grounds shall be assigned to all lots or parcels adjacent to the public area being vacated in equal proportions.

E. The county recorder shall write in plain, legible letters across that part of the plat so vacated the word "vacated" and also make a reference on the same to the volume and page in which the instrument of vacation is recorded.

F. Land covered by a vacated plat may be replatted as described by these regulations. Any later replatting of an area already platted and not vacated shall be construed to be a request for the vacation of the original plat or portion thereof. Any such plat, once approved and recorded, shall act to vacate the original plat which it replaces. (Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.12.~~060~~070: PENALTIES

A. Violation Of Provisions: Any person who violates any provision of these regulations and any person who, as an agent for a subdivider, developer or owner of subdivided lands, offers for sale any subdivided lands or subdivisions without first complying with the provisions of these regulations shall be guilty of a ~~class~~Class C misdemeanor and shall be subject to fine, imprisonment or both. The ~~city~~City may bring a suit to enjoin any violation of the provisions of this ~~title~~Title by action for injunction and may recover the penalty by civil action. If such a penalty has not been paid when the subdivision plan is admitted for final approval, the ~~city council~~Land Use Authority shall not approve ~~the plan~~any subdivision application until the penalty is paid~~. Each day of violation constitutes a new offense~~.

B. The City Council may, in its discretion, void transfers of parcels in a subdivision if that subdivision was not approved by the City in accordance with this Title.

Commented [JH6]: This is something new the state permits.

~~B.~~C. Removal, Destruction Or Defacement Of Monuments Or Corners:

1. No person shall wrongfully, ~~wilfully~~willfully or negligently remove, destroy or deface any survey monument, corner, or witness corner.

2. Any person who violates this subsection is guilty of a class C misdemeanor and is additionally responsible for:

    a. The costs of any necessary legal action; and

    b. The costs of reestablishing the survey monument, corner, or witness corner. (Ord. 2008-4, 2008: Ord. 2000-13 § 2)

16.12.~~070~~080: ADMINISTRATIVE LIABILITY

The ~~city~~City shall hold harmless the ~~public works department~~Public Works Department, other ~~city~~City agencies and officials, and their official agents and representatives, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by these regulations, or for the omission of any act on the part of the department, agency or official or their authorized agents in the discharge of their duties hereunder. Any suit brought against the ~~city~~City or the ~~city~~City administration because of any such act or omission in the carrying out of the provisions of these regulations shall be defended by the ~~city's~~City's legal department through final determination of such proceedings. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

~~**MILLVILLE CITY CODE**~~

~~**TITLE 16 – SUBDIVISIONS**~~

CHAPTER 16.16 ~~– PRELIMINARY PLATS~~ – SUBDIVISION APPLICATION REQUIREMENTS

16.16.010: ~~PREAPPLICATION (CONCEPTUAL) PLANS~~ **CONCEPT PLAN / SKETCH PLAN (OPTIONAL)**

~~16.16.020: PRELIMINARY PLAT AND PLANS~~

~~**16.16.010: PREAPPLICATION (CONCEPTUAL) PLANS**~~

~~A. This section shall apply~~If a prospective applicant elects to ~~subdivisions, both large and small.~~

~~B. The purpose of this preapplication procedure is to identify any problems with the proposed development before significant expenses are incurred in the preparation of a preliminary plat, plans, and required supporting material (subdivision plans). No official action is required of the city planner, planning and zoning commission, or other agencies other than to offer appropriate comments and suggestions on the proposal and indicate suitability for proceeding through the formal process.~~

~~C. Prior to the preparation and submission of preliminary subdivision plans as discussed in 16.16.020, the subdivider shall~~ present a ~~conceptual~~concept plan ~~of the proposed subdivision to the commission as required by these regulations (see subsection E of this section). The subdivider shall contact the city planner and any other administrative personnel or private agencies to discuss:~~

~~1. Procedures and requirement for filing the preliminary and final plats;~~

~~2. Availability of public water, sewer, storm drainage, and other requirements when public systems are not readily available pursuant to subsection 16.04.070M of this title;~~

~~i. Zoning requirements on the property;~~

~~ii.~~i. ~~Requirements of the duly adopted roadway corridor study, sidewalk and curb and gutter plan, master plans, land uses, schools, parks and other public open space;~~

~~iii.~~i. ~~The location and extent of any floodplains as shown by FEMA maps in the office of the city engineer;~~

~~iv.~~i. ~~Soil types and problems on the property as shown on available soil survey maps prepared by the soil conservation service and available through the NRCS website;~~

~~v.~~i. ~~The location of well protection and drinking water source protection zones;~~

~~vi.~~i. ~~The location of all property in the development that may fall under the hillside development overlay;~~

Commented [JH7]: Under the new state law, concept plan reviews need to be optional for the applicant to request. But it's fine to require a concept plan to include certain things if the applicant decides to submit one.

~~vii.~~i. ~~Proximity to any established agriculture protection area;~~

~~viii.~~i. ~~Stormwater runoff requirements;~~

~~3. Any other improvement~~ requirements.

~~D. As~~at a ~~part of this contact, the subdivider must discuss with the city planner or any other appropriate agency, its tentative proposals for the development of the entire adjacent property controlled by the developer or the developer's affiliates.~~

A. ~~The subdivider~~pre-application meeting, the prospective shall present at least ten (10) paper copies and a PDF digital copy ~~in the portable document format (.pdf) of a conceptual~~of the concept plan, also called a sketch plan, on paper not smaller than 11x17 inches and text ~~not smaller than~~of a ~~10~~size and font that is legible and easy to read, to the ~~commission~~Commission for an informal review and discussion of the site plan and the general scope and conditions of the proposed subdivision. The concept plan shall include the following:

1. The property boundaries of the proposed subdivision as shown with a date certified plat from the county office within the last thirty (30) days;
2. Names and addresses of adjacent property owners within 600 feet of the proposed subdivision;
3. Approximate number of lots proposed and the street layout for the entire property controlled by the developer or the developer's affiliates to provide an understanding of the full concept for the complete development, even when multiple phases are planned.;
4. Approximate total acreage of the development as well as lot size range;
5. Description of the type of water (culinary and/or irrigation) system proposed along with the water rights pursuant to subsection 16.04.070M of this ~~title~~Title;
6. Description of the type of sewer system proposed including the ability to connect to the City's system, any proposed or necessary lift stations, and expected sewer pipe sizes;
7. Present zoning;
8. Written description of the stormwater drainage system proposed in compliance with the most current edition of the Cache County Stormwater Design Criteria and Utah Division of Water Quality stormwater permits for both construction and municipal separate storm sewer systems (MS4);
9. A written statement describing the intent of the development;
10. Lots within the hillside development overlay zone.

~~E. In the review and discussion of the proposal, the commission shall consider its~~ The City-provided concept ~~and compare it with the comprehensive master plans, zoning ordinances, subdivision ordinances and other regulations in the local jurisdiction to determine compliance. A record of the discussion, including the decisions agreed upon, shall be kept in the minutes of~~

~~the meeting and shall constitute the official record of the meeting. A copy of the minutes shall be furnished to the subdivider within fourteen (14) days of the minutes being approved. The subdivider may then proceed with the preparation of the preliminary plat. In the event the preliminary plat has not been submitted to the commission for approval within six (6) months from the date of the meeting, a new conceptual~~ plan ~~shall be presented for consideration by the commission before a preliminary plat can be submitted.~~

~~F. The commission at their sole discretion may seek input from the city engineer if more information is required to determine the requirements for the subdivision. The subdivider may seek input from the city engineer if desired.~~

~~G. The commission may, at its option, hold a public hearing as part of the review process of the conceptual plan.~~

~~H. The subdivider is responsible for the payment of all fees approved by the Planning Commission or the City Council for City planning and engineering reviews of the concept plans and as published by the City prior to discussions about the concept plans.~~

11. ~~The subdivider must submit the City approved~~ checklist ~~with the concept plans prior to review~~ to verify that all required and necessary information is provided to streamline the process. ~~(Ord. 2022-2, 2022: Ord. 2019-6, 2019: Ord. 2008-4, 2008: Ord. 2003-4 §§ 1, 2, 2003: Ord. 2002-2 § 2, 2002: Ord. 2000-17 §§ 2, 3: Ord. 94-3 § 1)~~

16.16.020: PRELIMINARY ~~PLAT AND PLANS~~ APPLICATION

~~A. This section shall apply to all subdivisions except those exempted as described in section 16.20.040 of this title.~~

~~B. The preliminary plat drawing shall be prepared on twenty two inch by thirty six inch (22" x 34") (ANSI D) paper at a scale of one inch equals one hundred feet (1" = 100') or larger for subdivisions where the majority of lots are less than five (5) acres in size. The scale may be reduced to one inch equals two hundred feet (1" = 200') for subdivisions in which the minimum lot size is five (5) acres or more. The design shall conform to the design criteria stipulated in chapter 16.28 of this title. The preliminary plat is to be formatted and scaled in a manner similar to the final plat submittal. See subsection 16.20.010D of this title.~~

~~C. The preliminary plat drawing shall contain the following information:~~

~~a. The name of the subdivision. The name shall not duplicate or too closely resemble the name of any subdivision previously filed in the county;~~

~~b.~~a. ~~Date of preparation, scale and north arrow. The top of each sheet shall represent north wherever possible;~~

1. ~~A vicinity map drawn at a scale of one inch equals one thousand feet (1" = 1,000') or one inch equals two thousand feet (1" = 2,000'), showing the location of the proposed subdivision in the city and its relationship to surrounding developments and boundaries;~~

2. ~~A legal description of the~~ To be considered complete, a **preliminary** subdivision ~~boundary prepared by a Utah licensed surveyor;~~

3. ~~The boundary lines of the subdivision shown in a heavy, solid black line and referenced to section or quarter section lines, and survey monuments established within Millville City and identified on the City website;~~

~~B.~~A. ~~Engineering plans shall contain~~application must include at least the following ~~information in the preliminary design drawings of the infrastructure and shall be prepared at the scale listed in the Millville City Manual of Design and Construction Standards. Three (3) paper copies of the design drawings and a digital copy in the portable document format (.pdf) are required. Legible and clear drawings for each item listed below are required.~~elements:

4. ~~Plan view of all property under the control of the subdivider and the subdivider's affiliates, even though only a portion is being subdivided, including the prospective lots, street, sewer, storm water, and culinary water systems for the platted and unplatted parts;~~
   - ~~a. A symbolic description of all monuments, both found and set, which mark the boundary of the subdivision, and a description of all control monuments used in the survey;~~

5. ~~Existing contours at a maximum interval of two feet (2') for slopes greater than two percent (2%). For slopes of two percent (2%) or less, contour intervals shall be one foot (1'), unless waived by the city engineer;~~
   - ~~b.~~a. ~~Location and extent of any significant natural features such as slopes, rivers, streams, creeks, arroyos, gullies, diversion ditches, spillways or reservoirs;~~

   - ~~c.~~a. ~~Number and location of lots within the following slope classes labeled on the plat:~~

   - ~~a. Slope Class 1 lots: Lot area of a minimum of fourteen thousand (14,000) square feet (see definitions in this title), labeled HO-1.~~
     - ~~1. Slope Class 2 lots: Lot area of a minimum of twenty thousand (20,000) square feet labeled HO-2.~~

     - ~~2.~~1. ~~Slope Class 3: Lot area of a minimum of twenty-six thousand (26,000) square feet labeled HO-3.~~

     - ~~3.~~1. ~~Slope Class 4: Lot area of a minimum of thirty-two thousand (32,000) square feet labeled HO-4.~~

     - ~~4.~~1. ~~Slope Class 5: Lots that are not eligible for development or construction as defined in this code. Herein defined as Hazard Slope Areas (HS)~~

   - ~~b. Variations: Variations from the development standards within the hillside overlay zone will be considered only when a geotechnical (soils) report is prepared and stamp certified by a state of Utah registered professional engineer. The engineer will verify in detail how the proposed building could be safely located on the sloped lot. If retaining systems such as reinforced concrete walls~~

Commented [JH8]: We combined state requirements with what the City already had in its code. It's a great idea to have your engineer / public works person look at this section and let us know if we're missing anything or if you think anything here is unnecessary.

~~or proprietary retaining wall products such as "reinforced earth" were used as part of the building, they would have to be prepared by a state of Utah registered professional engineer and reviewed by the city engineer. The cost of preparing the soils report and retaining plans would be the responsibility of the developer. A review fee of seven hundred and fifty dollars ($750.00) is required in addition to the hillside development fee to cover the costs of the city having to review and verify the additional reports, plans, and specifications;~~

~~a. Floodplains as delineated on the FEMA maps. These are available in the office of the city engineer, downloadable from the Automated Geographic Reference Center (AGRC) and the Federal Emergency Management Agency;~~

~~b.~~a. ~~Location of Geological Fault Zones;~~

~~d.~~a. ~~Location, dimensions, numbers (and names if applicable) of existing roads, streets, sidewalks, alleys, railroad rights of way and structures within one hundred feet (100') immediately adjacent to the proposed subdivision showing how they relate to the proposed subdivision layout;~~

~~6. Location, size, and grades of existing sewer and stormwater and location and size of water mains, wells (active or abandoned), reservoirs, gas lines, pipelines, power lines, telecommunication lines, or other underground, above ground and at grade utilities or installations within the proposed subdivision and within one hundred feet (100') immediately adjacent thereto;~~

~~e.~~a. ~~Location and dimensions of all easements of record as shown on a plat signed by the county recorder's office and dated within the last thirty (30) days;~~

~~f.~~a. ~~Location and width of proposed streets, alleys, pedestrian ways and easements with the associated details necessary to construct including the plan and profile of existing and proposed grades for each street; the cross sections of each street showing the width of sidewalks, curb and gutter or grassy swales, and the location of utility mains, and labeled slopes of all street tangents in compliance with the Millville City Manual of Design and Construction Standards;~~

~~c.~~a. ~~Stormwater Improvements: Plan and profile of the stormwater improvements along each street including all inlets, manholes, pipe alignments, sizes, grades, and materials, outlets, etc. Location, grading, size and capacity of proposed stormwater detention and retention ponds, stormwater low impact development systems (LIDs) as required by the Utah Division of Water Quality, with the associated details necessary to construct in compliance with Millville City Manual of Design and Construction Standards;~~

~~d.~~a. ~~Sewer Improvements: Location, size and capacity of proposed sanitary sewer system with the associated details necessary to construct including plan and profile drawings along the centerline of the sewer system, manhole locations, pipe sizes and grades, pipe material, etc. inc compliance with Millville City Manual of Design and Construction Standards;~~

7. ~~Culinary Water Improvements: Location, size and capacity of proposed culinary water system with the associated details necessary to construct including plan and profile drawings along the centerline of the water system, valves, fire hydrants, services, meters, grades, pipe sizes, pipe material, etc. in compliance with Millville City Manual of Design and Construction Standards;~~

   ~~e.~~a. ~~Existing irrigation ditches, canals, open waterways, and proposed alignments or realignments within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries; along with a letter from the affected irrigation companies indicating the plans are acceptable must be submitted to the City.~~

   ~~f.~~a. ~~Irrigation Improvements: Location, size and capacity of proposed irrigation or secondary water system with the associated details necessary to construct including plan and profile drawings along the centerline of the system and showing all necessary appurtenances to construct the system in compliance with Millville City Manual of Design and Construction Standards;~~

   ~~g.~~a. ~~Layout, numbers, frontage, and approximate dimensions of proposed lots and blocks. Do not number blocks. Number lots consecutively;~~

   ~~h.~~a. ~~Location, dimension and size in acres of all sites proposed to be used for commercial, industrial, multi-family residential, public or quasi-public use with the use noted;~~

8. ~~All infrastructure in the public right-of-way will be installed in accordance with the "Millville City Manual of Design and Construction Standards."~~

~~D. Preliminary design drawings and associated required information are to be created with the intent that they will be used for final design. Plan and profiles are to be on the same sheet aligned vertically by matching station.~~

~~E. The preliminary plat and engineering plans shall be submitted to the utility companies and other affected entities by the developer.~~

1. A cover letter and application, including:

~~5.~~ The~~All fees must be paid prior to consideration.~~

~~F. The following information and material shall be a part of any preliminary plat and plans submittal and shall accompany the preliminary plat drawing and engineering plans and a digital portable document format (.pdf) version.~~

   ~~i.~~a. ~~Cover and spine shall be labeled with the~~ subdivision name, subdivider name, subdivider agent name and contact information, and year of submittal;

   ~~j.~~b. Names Of Developer Or Subdivider: The written names, addresses, and phone numbers of the developer or subdivider, and the individual or firm responsible for the preparation of the preliminary plat and plans on the cover page;

~~k.~~c. Name Of Agent: The developer shall designate, in writing, the name of the agent who shall be available at all times during construction and who shall not be replaced without a written notice to the ~~city engineer.~~City Engineer. The agent will be the developer's representative at the site and shall have the authority to act on the developer's behalf;

~~l.~~d. Zoning And Land Use: Existing zoning and land use of proposed subdivision and immediately adjacent areas;

~~m.~~e. Summary And Identification Of Number Of Lots: A summary of the total number of acres, number of lots, number of lots within the hillside overlay by each overlay class, acreage of commercial or industrial areas, acreage of open space, amount of land in City and County right of way and other descriptive material useful in reviewing the proposed subdivision;

~~n.~~f. Development And Maintenance Responsibility: ~~Three (3) copies of a~~A statement describing the development and maintenance responsibility for any private streets, ways or open space, and retention/detention ponds;

~~o.~~g. Recommendations: ~~Three (3) copies of the~~The recommendations of a qualified professional engineer regarding soil suitability, erosion control, sedimentation and flooding problems;

~~p.~~h. Schedule Of Phasing: ~~Three (3) copies of a~~A description of the phasing and scheduling of phases for the development if it is to be constructed in separate phases;

~~1. Petition For Annexation: One copy of a petition for annexation to the city if the land to be subdivided is contiguous to, either itself or as part of a larger tract, the boundaries of the city;~~

~~2. Request For City Zoning: One copy of a request for appropriate city zoning for the subdivided area if the area is to be annexed or if the existing zoning district does not allow the type of use proposed;~~

~~q.~~i. Owners Of Subdivided Lots: One copy of a list of the names and addresses of all owners of subdivided lots and unplatted land contiguous to or within six hundred feet (600') of the boundary of the proposed subdivision;

~~3. Subdivision Application: One copy of a subdivision application on the standard forms provided;~~

~~4. Preliminary Plat and Plan Checklist: One copy of the completed preliminary plat and Plan checklist on the standard forms provided;~~

~~5. Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan in accordance with the Construction General Permit issued by the Utah Division of Water Quality and the Millville City Manual of Design and Construction Standards as approved~~

~~by the city engineer.~~

~~6. Copies of draft stream alteration permits, wetland reports, and any other reports and documentation necessary to obtain building permits.~~

~~G. After receipt of the preliminary plat, plans and all required supporting material (subdivision plans) from the city planner, the planning commission representative shall schedule the subdivision plans for consideration at the next regular meeting of the planning commission which occurs after thirty (30) days from the date on which the subdivision plans were submitted; and shall, within three (3) days, transmit copies to appropriate agencies and officials for their review and comment. At a minimum, copies of the subdivision plans shall be referred to:~~

~~1. The city engineer;~~

~~2. The school district;~~

~~3. Police department;~~

~~4. Any utility or special district;~~

~~5. Fire department;~~

~~6. Cache County zoning administrator and/or countywide planner if County right of ways or~~ An approved land ~~outside of the current city annexed areas are impacted;~~

~~a. The current solid waste contractor for garbage collection review if the subdivision in commercial or industrial;~~

~~7. Hyrum City Wastewater Treatment Plant;~~

~~b.~~a. ~~Other entities as determined necessary.~~

~~H. Agencies receiving referral copies of the preliminary subdivision plans should return written comments on the subdivision plans to the commission within sixteen (16) days after receipt of the subdivision plans. Agencies may also present comments on the subdivision plans at the planning and zoning commission meeting at which the subdivision plans are considered.~~

~~I. The comments received at the close of the sixteen (16) day review period~~use application that describes how the property will be ~~considered by the commission at its next regularly scheduled meeting.~~

2. ~~At least seven (7) days prior to the date of the commission meeting at which the subdivision plans are to be considered, the commission shall notify the owners of~~ used after it is subdivided ~~lots and owners of unplatted land within six hundred feet (600') of the boundaries of the proposed subdivision of the time and date of the meeting~~.

~~J. The subdivider, or duly authorized representative, shall attend the commission meeting at which his or her proposal is scheduled for consideration or the preliminary subdivision plans will be tabled without consideration. The subdivider, or duly authorized representative, has nine (9) months to appear before the commission with his or her proposal.~~

~~K. For all subdivisions requiring the dedication of lands to the public, the commission shall hold a public hearing on the preliminary plat. At the discretion of the commission, a public hearing may be held for all other subdivisions. A notice of the time, date, place and purpose of the hearing shall be published in a local newspaper having general distribution in the city, and/or posted in at least three (3) conspicuous places within the city limits or on the municipality's official website at least ten (10) days prior to the date of the hearing. In its deliberations on the matter, the commission shall consider oral or written statements from the applicant, the public, city staff, and its own members. The commission may recommend approval, disapproval or may continue the preliminary subdivision to a future meeting. The preliminary subdivision plans may not be continued more than two (2) meetings in succession. Recommended approval expires in ninety (90) days unless an extension is granted by the city council.~~

~~L. Any change to the preliminary subdivision plans that requires a review from the city engineer or other outside agencies shall be considered a revised preliminary subdivision plans with fees as applicable. (Ord. 2022-2, 2022: Ord. 2019-6, 2019: Ord. 2008-4, 2008: Ord. 2004-9, 2004: Ord. 2003-4 § 1, 2003: Ord. 2002-7 § 1, 2002: Ord. 2002-4 §§ 1, 2, 2002: Ord. 2002-2 §§ 2, 3, 2002: Ord. 2000-17 § 2: Ord. 94-3 § 1).~~

~~MILLVILLE CITY CODE~~

~~TITLE 16 – SUBDIVISIONS~~

~~CHAPTER 16.20 – FINAL PLATS AND PLANS~~

~~16.20.010: FINAL PLAT AND PLANS~~

~~16.20.020: FINAL PLAT AND PLANS SUBMITTAL~~

~~16.20.030: RESERVED~~

~~16.20.040: EXEMPTIONS~~

~~16.20.050: CORRECTED PLAT AND RESUBDIVISIONS~~

~~16.20.010: FINAL PLAT AND PLANS~~

~~A. This section shall apply to all subdivisions except those exempted as described in section 16.20.040 of this chapter.~~

~~B. After approval of the preliminary plat, plans, and other required associated information (subdivision plans), a final subdivision plan may be prepared and submitted. This includes submitting the final subdivision checklist. The final plat shall be prepared and certified as to its accuracy by a registered land surveyor licensed to do such work in the State of Utah. The final plans shall be prepared and stamped as to its accuracy by a registered professional engineer licensed to do such work in the State of Utah and identified as "FOR CONSTRUCTION". The final plat and required supporting material shall conform to the Millville Manual of Design and Construction Standards and to any conditions of approval specified by the Planning Commission and City Council. Submission of the final subdivision plans must be completed within twelve (12) months of acceptance of the preliminary subdivision plans and must conform to all current ordinances and design standards. Failure to submit the final subdivision plans within the twelve (12) month time period after approval of the preliminary subdivision plan will require the landowner/developer to start the preliminary submission process again, along with all applicable fees, unless an extension is requested within the twelve (12) month period and granted by the City Council. Any extension will not exceed twelve (12) months. The landowner/developer must meet current ordinances and standards at the time the extension is issued.~~

~~a. All fees must be paid prior to submission of the final subdivision plans. Final platting and design may be accomplished in stages (phases) covering reasonable portions of the area of an approved preliminary subdivision plan. When this is done, each cover sheet and plat of the final subdivision plan shall contain a vicinity map showing the location of the portion being submitted in relation to the area for which the preliminary subdivision plan was submitted. All final subdivision plans so submitted shall be of the same scale, shall have identical titles, legends and other information, and shall have match lines so that mosaics of the entire subdivision can be developed. Each stage of the subdivision shall be as nearly self-sustaining and complete as possible and shall by itself, or in conjunction with previous stages,~~

~~meet the design standards set forth in these regulations so that if development of the entire subdivision is interrupted or discontinued after one or more stages is completed, a viable development will result.~~

~~C. The final plat drawing shall be prepared at a scale of one inch equals one hundred feet (1" = 100') or larger for subdivisions where the majority of lots are less than five (5) acres in size. Required affidavits, certificates and acknowledgments shall be legibly printed on the plat in opaque ink. The sheet size of all final plats shall be twenty two inches (22") high by thirty four inches (34") wide (ANSI D Sheets). Information on the plat shall be so positioned that a one and one-half inch (1½") margin is left on the left side of the sheet and a one inch (1") margin on the three (3) remaining sides. The scale may be reduced to one inch equals two hundred feet (1" = 200') for subdivisions in which the minimum lot size is five (5) acres or more. Each sheet of the final plat shall be numbered and the total number of sheets comprising the plat shall be stated on each sheet (for example: sheet 2 of 4). The relationship of one sheet to the other shall be shown by key maps and by match lines.~~

~~D. The final engineering plans shall be prepared at a scale matching the requirements in the Millville City Manual of Design and Construction Standards and used in the preliminary engineering plans. The sheet size of all final plans shall be twenty two inches (22") high by thirty four inches (34") wide (ANSI D Sheets). Information on the plans shall be so positioned that a one and one-half inch (1½") margin is left on the left side of the sheet and a one inch (1") margin on the three (3) remaining sides. Each sheet of the final plans shall be numbered and the total number of sheets comprising the plans shall be stated on each sheet (for example: sheet 2 of 4). The relationship of one sheet to the other shall be shown by key maps and by match lines. The engineering plans shall be provided to the City in Portable Document Format (.pdf).~~

~~E. The final plat, plan drawings and required supporting materials shall be prepared and submitted digitally in a Portable Document Format (.pdf) matching the hard copy drawings submitted.~~

~~a. Ten (10) copies of the final plat and plans as well as a digital copy and a digital copy of all required supporting material shall be submitted to the City Planner at least thirty (30) days prior to the commission meeting at which the final plat is to be considered.~~

~~b.~~a. ~~The mortgagees, if any, shall provide the City with a letter confirming that they are aware of the subdivision and concur with the subdivision filing.~~

a. ~~All final plats shall include~~ 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.

b. 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.

c. If the intended use is prohibited under City ordinances and requires a variance or rezone, the land use application must include an *approved*, City-issued variance or rezone authorizing the intended use. Should an applicant seek a variance or rezone concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued or rezone occurs.

d. If the applicant intends or is required to submit a petition for annexation for any part of the subdivision, this petition must be approved by the City Council before the subdivision application may be considered complete.

3. A preliminary plat. The preliminary 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 preliminary plat must contain the following information on the face of the plat:.

1. The name of the subdivision at. The name shall not duplicate or too closely resemble the top centername of each sheet;

a. General location of the any subdivision previously filed in the County;

b. Date of preparation, scale and north arrow. The top of each sheet shall represent north wherever possible;

2. A vicinity map drawn at a scale of one inch equals one thousand feet (1" = 1,000') or one inch equals two thousand feet (1" = 2,000'), showing the location of the proposed subdivision in the by section, township, range, county, and state, entered under the name of the subdivision;

3. North arrow, date and scale;

4. Boundary lines of the subdivision in a heavy solid line;

c. LegalCity and its relationship to surrounding developments and boundaries;

d. The boundaries, course, and dimensions of all of the parcels.

a.e. A legal description of the subdivision boundary based on an accurate traverse, giving bearing and linear dimensions that result in a maximum allowable error of closure of one part in ten thousand (10,000); prepared by a Utah licensed surveyor with a certification that the surveyor(s) who prepared the plat is licensed and verified the results of the survey;

f. Layout, numbers, frontage, and approximate dimensions of proposed lots and blocks. Do not number blocks. Number lots consecutively;

g. Location, dimension and size in acres of all sites proposed to be used for commercial, industrial, multi-family residential, public or quasi-public use with the use noted;

h. The boundary lines of the subdivision shown in a heavy, solid black line and

referenced to section or quarter section lines, and survey monuments established within Millville City and identified on the City website;~~The location and description of the point of beginning and its proper~~

~~5.~~ The lot or unit reference ~~to the monumented boundary survey;~~

~~6. Location and description of all monuments;~~

~~7. Bearings, distances, and curve data of all perimeter boundary lines indicated outside of the boundary lines;~~

~~8. On curved boundaries and on all curves within the plat, sufficient data to allow the reestablishment of the curves on the ground;~~

~~9. The location and layout of lots, blocks, tracts, streets, sidewalks, alleys, easements, and other public grounds within and immediately adjoining the plat, with accurate dimensions in feet and one-hundredths (1/100) of feet, bearings to 1/10 of a second, curve data, length of radii and/or arcs of all curves;~~

~~10. Drainage easements clearly labeled as such;~~

~~11. The numbers of all streets;~~

~~12. All lots logically and consecutively numbered with the numbers in the center of the lot;~~

~~b.~~i. ~~The~~; block or building reference; street or site address ~~for each lot. Each~~; street name or coordinate address ~~shall be assigned by the City or its designees. The north and west sides of the streets shall be numbered odd and the south and east shall be numbered even;~~ ; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.

j. Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.

k. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.

l. Whether any parcel is intended to be used as a street or for any other public use;

m. Whether any parcel is reserved or proposed for dedication for a public purpose;

n. Location and dimensions of all easements of record as shown on a plat signed by the county recorder's office and dated within the last thirty (30) days;

o. A symbolic description of all monuments, both found and set, which mark the boundary of the subdivision, and a description of all control monuments used in the survey;

p. Location and extent of any significant natural features such as slopes, rivers,

streams, creeks, arroyos, gullies, diversion ditches, spillways or reservoirs;

q. Location, dimensions, numbers (and names if applicable) of existing roads, streets, sidewalks, alleys, railroad rights of way and structures within one hundred feet (100') immediately adjacent to the proposed subdivision showing how they relate to the proposed subdivision layout;

~~13. All dimensions shown on irregularly shaped lots;~~

r. The substance of all other covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings, and structures;

~~c.~~s. Parcels completely or partially surrounded by the area being subdivided shall be clearly marked "EXCEPTED", and the common boundary with the subdivision shown in a heavy solid line with bearings and distances;

t. ~~A notation of~~Signature blocks for the ~~total acreage~~owners of the ~~subdivision~~land to be subdivided, the Planning Commission Chair, the Development Coordinator, and the ~~total number~~Mayor.

4. An improvement plan, including engineering plans, created in accordance with applicable portions of this Title and the Millville City Manual of ~~lots;~~ Design and Construction Standards, for all public improvements proposed by the applicant or required by City ordinances. The improvement plan must contain:

a. Plan view of all property under the control of the subdivider and the subdivider's affiliates, even though only a portion is being subdivided, including the prospective lots, street, sewer, storm water, and culinary water systems for the platted and unplatted parts;

b. Location and width of proposed streets, alleys, pedestrian-ways and easements with the associated details necessary to construct including the plan and profile of existing and proposed grades for each street; the cross sections of each street showing the width of sidewalks, curb and gutter or grassy swales, and the location of utility mains, and labeled slopes of all street tangents in compliance with the Millville City Manual of Design and Construction Standards;

c. Existing contours at a maximum interval of two feet (2') for slopes greater than two percent (2%). For slopes of two percent (2%) or less, contour intervals shall be one foot (1'), unless waived by the City engineer;

d. Number and location of lots within the following slope classes labeled on the plat:

1. Slope Class 1 lots: Lot area of a minimum of fourteen thousand (14,000) square feet (see definitions in this title), labeled HO-1.

2. Slope Class 2 lots: Lot area of a minimum of twenty thousand (20,000) square feet labeled HO-2.

3. Slope Class 3: Lot area of a minimum of twenty six thousand (26,000) square feet labeled HO-3.

4. Slope Class 4: Lot area of a minimum of thirty two thousand (32,000) square feet labeled HO-4.

5. Slope Class 5: Lots that are not eligible for development or construction as defined in this code. Herein defined as Hazard Slope Areas (HS)

a. Variations: Variations from the development standards within the hillside overlay zone will be considered only when a geotechnical (soils) report is prepared and stamp certified by a state of Utah registered professional engineer. The engineer will verify in detail how the proposed building could be safely located on the sloped lot. If retaining systems such as reinforced concrete walls or proprietary retaining wall products such as "reinforced earth" were used as part of the building, they would have to be prepared by a state of Utah registered professional engineer and reviewed by the City engineer. The cost of preparing the soils report and retaining plans would be the responsibility of the developer. A review fee of seven hundred and fifty dollars ($750.00) is required in addition to the hillside development fee to cover the costs of the City having to review and verify the additional reports, plans, and specifications;

b. Construction Drawings: Construction drawings prepared in accordance with the "Millville City Manual of Design and Construction Standards" and this Title.

c. Drainage Report: A drainage report prepared in accordance with the "Millville City Manual of Design and Construction Standards".

d. Soils Report: A soils report prepared in accordance with the "Millville City Manual of Design and Construction Standards".

e. Development Layout Plan: A development layout plan if development is to be constructed in phases.

f. Other Studies: Other associated studies if required by Planning and Zoning Commission. (Geological or other hazard studies.)

g. Minimum Building Setbacks: For residential subdivisions, all minimum building setbacks shall be shown. No 50-year flow line shall encroach upon any minimum setback line.

h. Floodplains as delineated on the FEMA maps. These are available in the office of the City engineer, downloadable from the Automated Geographic Reference Center (AGRC) and the Federal Emergency Management Agency;

i. Location of Geological Fault Zones;

j. Location, size, and grades of existing sewer and stormwater and location and size

of water mains, wells (active or abandoned), reservoirs, gas lines, pipelines, power lines, telecommunication lines, or other underground, above ground and at grade utilities or installations within the proposed subdivision and within one hundred feet (100') immediately adjacent thereto;

k. Existing irrigation ditches, canals, open waterways, and proposed alignments or realignments within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries; along with a letter from the affected irrigation companies indicating the plans are acceptable must be submitted to the City.

l. A traffic study, if the proposed subdivision touches a road built or maintained by UDOT and if one is required by an applicable UDOT Access Management Plan.

Commented [JH9]: This would apply to any subdivision that creates a curb cut onto Main Street / Highway 165.

m. Stormwater Improvements: Plan and profile of the stormwater improvements along each street including all inlets, manholes, pipe alignments, sizes, grades, and materials, outlets, etc. Location, grading, size and capacity of proposed stormwater detention and retention ponds, stormwater low impact development systems (LIDs) as required by the Utah Division of Water Quality, with the associated details necessary to construct in compliance with Millville City Manual of Design and Construction Standards;

n. Sewer Improvements: Location, size and capacity of proposed sanitary sewer system with the associated details necessary to construct including plan and profile drawings along the centerline of the sewer system, manhole locations, pipe sizes and grades, pipe material, etc. inc compliance with Millville City Manual of Design and Construction Standards;

o. Culinary Water Improvements: Location, size and capacity of proposed culinary water system with the associated details necessary to construct including plan and profile drawings along the centerline of the water system, valves, fire hydrants, services, meters, grades, pipe sizes, pipe material, etc. in compliance with Millville City Manual of Design and Construction Standards;

p. Irrigation Improvements: Location, size and capacity of proposed irrigation or secondary water system with the associated details necessary to construct including plan and profile drawings along the centerline of the system and showing all necessary appurtenances to construct the system in compliance with Millville City Manual of Design and Construction Standards;

q. Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan in accordance with the Construction General Permit issued by the Utah Division of Water Quality and the Millville City Manual of Design and Construction Standards as approved by the City engineer;

r. Copies of draft stream alteration permits, wetland reports, and any other reports and documentation necessary to obtain building permits;

s. A phased development plan, if applicable;

t. The improvement plan shall be prepared and stamped as to its accuracy by a registered professional engineer licensed to do such work in the State of Utah and identified as "FOR CONSTRUCTION";

u. All infrastructure in the public right-of-way will be installed in accordance with the "Millville City Manual of Design and Construction Standards."

5. Certifications, including:

a. An affidavit from the applicant certifying that the submitted information is true and accurate.

b. The signature of each owner of record of land described on the preliminary plat, signifying their consent to the preliminary subdivision application and their intent to dedicate portions of the preliminary plat to the public as described in the application.

c. The mortgagees, if any, shall provide the City with a letter confirming that they are aware of the subdivision and concur with the subdivision filing.

d. 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.

e. Utility Companies Statements: A statement, obtained by the developer, from each utility company involved, including the culinary water authority and the sanitary water authority, stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easement.

f. Letter From U.S. Army Corp Of Engineers: Letter from U.S. Army Corp of Engineers and Utah Division of Water Rights indicating their approval if wetlands, stream alterations or other criteria necessitate their involvement.

g. Proof of adequate water rights to service the proposed subdivision and dedicate to the City as required under this Title.

6. Copies, including:

    a. An electronic copy of all application materials in PDF format.

    b. Seven (7) printed copies of all application documents.

7. Fees: Payment of any preliminary-application-processing fees required by the City. In addition to the fees on the City's Fee Schedule, the applicant may be liable for the reasonable cost of any legal, engineering, or consulting review of the application that exceed the posted fees. All fees must be paid prior to consideration.

16.16.030: FINAL APPLICATION

A. To be considered complete, a **final** subdivision application must include the following:

1. Land Use Authority approval of the applicant's preliminary application, given within the last 180 calendar days.

2. The approved land use application that was accepted during the preliminary application review process.

3. A final plat. The final plat should be the version of the preliminary plat approved by the City during the preliminary application review process, plus any other additions and immaterial changes (e.g., formatting) necessary to comply with the recording requirements of the County Recorder's Office, plus:

    a. The signature of each owner of record of land described on the plat, signifying their dedication and approval of the plat (an "owner's dedication");

    b. Phased Development: Final platting and construction of improvements may be accomplished in stages (phases) covering reasonable portions of the area of an approved preliminary subdivision plan. When this is done, each final plat shall contain a vicinity map showing the location of the portion being submitted in relation to the area for which the preliminary subdivision plan was submitted. All final subdivision plans so submitted shall be of the same scale, shall have identical titles, legends and other information, and shall have match lines so that mosaics of the entire subdivision can be developed. Each stage of the subdivision shall be as nearly self-sustaining and complete as possible and shall by itself, or in conjunction with previous stages, meet the design standards set forth in these regulations so that if development of the entire subdivision is interrupted or discontinued after one or more stages is completed, a viable development will result.

        1. Notwithstanding the above, a final subdivision application shall not exceed 30 parcels. Preliminary applications of more than 30 parcels must be submitted in phases at the final application stage.

        2. The Land Use Authorities may, in their discretion, refuse to accept an application from an applicant or for a subsequent phase of a larger project

if the City is currently reviewing a prior application from the applicant or for a prior phase of the same larger project.

Commented [JH10]: This will give the City some flexibility to slow down development by requiring any major development to go one phase at a time.

~~b.~~c. A signed certificate by all parties having any titled interest in or lien upon the land, consenting to the recording of the plat and dedicating public ways, grounds, and easements. The certificate shall read:

CERTIFICATE OF DEDICATION

Know all men by these presents that the undersigned (official name of the subdivider), being the owner, proprietor, or parties of interest in the land shown in this plat, do hereby certify:

That the foregoing plat designated as (name of subdivision or addition), is located in (Section, Township, Range, City, County, State), and is more

particularly described as follows:

(Insert full legal description)

and contains an area of (insert acreage) acres, more or less, and that this subdivision, as it is described and as it appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owner(s) and proprietor(s), and that this is a correct plat of the area as it is divided into lots, blocks, streets and easements, and that the undersigned owner(s) of the land shown and described on this plat does (do) hereby dedicate to the City of Millville and its licensees for perpetual public use all streets, alleys, easements for the purposes designated and other lands within the boundary lines of the plat as indicted and not otherwise dedicated for public use.

Executed this day of , A.D., 20 , by:

(Designation of interest: owner, mortgagee, etc.)

~~19. Show water rights transferred to the City;~~

~~c.~~d. ~~20.~~ Certificate of a registered land surveyor as follows:

I, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Utah in accordance with Utah Code 58-22, that this plat is a true, correct, and complete plat of (Subdivision Name) as laid out, platted, dedicated, and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are staked upon the ground in compliance with the City of Millville regulations governing the subdivision of land to an accuracy of one part in ten thousand (10,000).

DATE

(Registered Land Surveyor)

No.

~~d.~~e. ~~21.~~ A utility approval block bearing signatures indicating approval of the plat by the local communications companies, and fuel company, or their successors;

~~e.~~f. ~~22.~~ An approval block for Rocky Mountain Power acceptance stating:

1. Pursuant to Utah Code Ann. § 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with all the ~~right~~rights and duties described therein.

2. Pursuant to Utah Code Ann. § 17-27a-603 (4)(c)(ii) Rocky Mountain Power accepts delivery of the PUE as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the public utility easements, but does not warrant their precise location. Rocky Mountain Power may require other easements in order to serve this development. This approval does not affect any right that Rocky Mountain Power has under:

(1) a recorded easement or right-of-way

(2) the law applicable to prescriptive rights

(3) Title 54, Chapter 8a, Damage to Underground Utility Facilities or

(4) any other provision of law.

Representative

Title:

Date:

~~23. An approval block for Dominion Energy stating:~~

~~Dominion Energy approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set in the owner's dedication and the notes and does not constitute a guarantee of particular terms of natural gas service. For further information, please contact Dominion Right-Of-Way Department at 1-800-366-8532.~~

~~24. Certificate of review of the City Engineer as follows:~~

~~*Data on this plat reviewed this day of , A.D., 20 , by the City Engineer of Millville, Utah.*~~

~~*City Engineer*~~

~~25. Certificate of approval by the City of Millville Planning and Zoning Commission as follows:~~

~~*This plat approved by the City of Millville Planning and Zoning commission this day of A.D., 20 .*~~

~~*Chairman*~~

~~*Attest:*~~

~~*Secretary*~~

~~26. Certificate of acceptance and approval by the City Council of the City of Millville as follows:~~

~~*Approved by the City Council of the City of Millville, Utah, this day of A.D., 20_.*~~

~~*Mayor*~~

~~*Attest:*~~

~~*City Recorder*~~

~~f.a. 27. Certificate for recording by the County Recorder as follows:~~

~~*Entry #_____*~~

~~*STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF _____*~~

~~*DATE_____TIME_____BOOK_____PAGE_____*~~

~~*FEE_____ _____*~~

~~*CACHE COUNTY RECORDER*~~

~~28. If the subdivision is located in whole or in part within three hundred feet (300') of the boundary of an agriculture protection area, the face of the final plat shall contain the following notice:~~

~~*Agriculture Protection Area*~~

~~*This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.*~~

~~g.~~a. ~~29. If the subdivision is located within one hundred feet (100') of the centerline of an irrigation canal, the following acceptance block should be completed by the irrigation company:~~

~~*The (Name of Company) has reviewed this plat and approves the information shown hereon including easements and irrigation infrastructure.*~~

~~*Representative:*~~

~~*Title:*~~

~~*Date:*~~

~~F. The final plat and plans shall be accompanied by the items listed in subsection 16.20.020B, "Final Plat And Plan Requirements", of this chapter.~~

~~G. The final plat and plans shall be accompanied by the total amount of the final subdivision fee.~~

~~H. After receipt of the final subdivision plans, the City Planner shall review the submittal for completeness and for conformance with the approved preliminary subdivision plans. The City Planner may refer copies of the final plat to and seek comment from the City Attorney and other officials and agencies. The City Planner may refer copies of the final subdivision plans to and seek comment from the City Engineer and other officials and agencies. Any such comments should be made known to the Planning Commission within sixteen (16) days after the date of submittal of the final subdivision plans.~~

~~I. The final plans shall be scheduled for the consideration of the Planning and Zoning Commission at its next regular meeting after the thirty (30) day review period. After due deliberation, the Planning Commission shall recommend approval, conditional approval, or disapproval of the final plans. Recommended approval of final plans by the Planning Commission shall remain effective for eighteen (18) calendar months.~~

~~J. Within sixteen (16) days after the date of the meeting at which final action was taken, the commission shall notify the subdivider and City Council of its action. If the final plan is approved, the subdivider may proceed with section 16.20.020 of this chapter. If the final plan is disapproved by the commission or conditionally approved, and the subdivider wishes to appeal the conditions, the subdivider may request a hearing before the City Council appealing the action of the commission. The request shall be in writing, shall be submitted within thirty (30)~~

~~days of the action or decision appealed from, and shall state the specific relief which the subdivider or landowner seeks. Within thirty (30) days of the receipt of such a request, the City Council shall hold a hearing to determine the proper disposition of the matter. At the hearing, the Council shall consider not only the subdivider's appeal but also the written or verbal comments of the commission. The Council shall either reaffirm or modify the decision of the commission and note the decision in the record of its hearing. The subdivider or landowner may then proceed with the subdivision of his or her land based upon this decision of the Council. This decision shall be binding upon all agencies and administrative personnel of the City. (Ord. 2022-2, 2022: Ord. 2019-6, 2019: Ord. 2017-5, 2017: Ord. 2008-4, 2008: Ord. 2004-9, 2004: Ord. 2003-4 §§ 1, 2, 2003: Ord. 2002-4 § 1, 2002: Ord. 2002-2 § 2, 2002: Ord. 2000-17 § 2: Ord. 94-3 § 1)~~

~~16.20.020: FINAL PLAT AND PLANS SUBMITTAL~~

~~A. Application Of Section: This section shall apply to all subdivisions except those exempted as described in section 16.20.040 of this chapter.~~

~~B. Final Plat Requirements: A completed final subdivision plan shall be clearly and legibly drawn in black, waterproof ink on Mylar of 0.004 inch in thickness (minimum), or some similar stable base material. The complete final plat submittal shall consist of the final plat and all required supporting materials. Following approval of the final plat by the Planning Commission, the subdivider shall submit the following supporting material relating to the final plat to the City Planner:~~

~~1. Checklist: A final plat checklist on standard forms provided.~~

~~g.~~a. ~~Construction Drawings: Construction drawings prepared in accordance with the "Millville City Manual of Design and Construction Standards", section 1.05, designed per sections 2.0 through 9.0 and as outlined in section 16.16.020 of this title. These drawings are a continuation of those prepared during the preliminary plat submittal.~~

~~h.~~a. ~~Drainage Report: A drainage report prepared in accordance with the "Millville City Manual of Design and Construction Standards".~~

~~i.~~a. ~~Soils Report: A soils report prepared in accordance with the "Millville City Manual of Design and Construction Standards".~~

~~j.~~a. ~~Development Layout Plan: A development layout plan if development is to be constructed in phases.~~

~~k.~~a. ~~Other Studies: Other associated studies if required by Planning and Zoning Commission. (Geological or other hazard studies.)~~

~~c.~~a. ~~Letter From U.S. Army Corp Of Engineers: Letter from U.S. Army Corp of Engineers and Utah Division of Water Rights indicating their approval if wetlands, stream alterations or other criteria necessitate their involvement.~~

~~l.~~a. ~~Minimum Building Setbacks: For residential subdivisions, all minimum building setbacks shall be shown. No 50-year flow line shall encroach upon any minimum setback line.~~

2. ~~Deeds: When required by the City, assurance that a warranty deed or other acceptable instrument conveying to the City or other appropriate public agency any public lands other than streets, alleys or easements shown on the final plat and title insurance if required by the City on the subject parcel, shall be presented to the City upon approval of the final plans. The method of assurance will be approved by the City Attorney.~~

3. ~~Land In Lieu Of Fees: Dedication of public land, open space or park area may be used in lieu of fees, as determined by the City Council.~~

4. ~~Title Opinion: Evidence satisfactory to the City must be submitted showing all taxes and assessments due on the property to be subdivided have been paid in full, showing title or control of the property to be subdivided and showing the property to be subdivided as free and clear of liens. An attorney's title opinion or ownership and encumbrance report from a land title company shall be considered satisfactory evidence. Such an opinion or report shall also note any reservation for mineral rights and the existence of any mineral or oil and gas leases.~~

5. ~~Floodplain: If a subdivision lies within any 100-year floodplain, the following statement shall appear on the face fo the final plat and all contracts and agreements relating to the subdivision:~~

~~*THIS SUBDIVISION IS (OR THE FOLLOWING LOTS ARE) LOCATED IN THE ONE HUNDRED-YEAR FLOOD PLAIN AS DEFINED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.*~~

~~h.~~a. ~~Geological Fault Zones: If a subdivision or lot lies within five hundred feet (500') or over a known geological fault, the following statement shall appear on the face of the final plat and all contracts and agreements relating to the subdivision:~~

~~*THIS SUBDIVISION IS (OR THE FOLLOWING LOTS ARE) LOCATED WITHIN FIVE HUNDRED FEET OF A KNOWN GEOLOGICAL FAULT.*~~

~~C. Financial Guarantee: The City Engineer will determine a reasonable value of the required public improvements to guarantee the complete and timely development of any facilities or improvements, which are the subdivider's responsibility. No site grading or construction of lots or of the public improvements required in this title shall be started unless and until the subdivider shall have furnished to the City a contractor's performance bond equal to one hundred ten percent (110%) of the City Engineer determined reasonable value including a ten percent (10%) warranty bond or either an irrevocable letter of credit or funds in escrow, an amount equal to at least one hundred ten percent (110%) of the Engineer determined reasonable value including a ten percent (10%) warranty bond.~~

D. Agency Review: Upon review of all required supporting materials for the final subdivision plans, the City Planner shall review them for completeness to determine whether a complete final plat submittal has been made and shall refer material to appropriate agencies for review and comment. Upon being notified of the comments and any necessary approvals of reviewing agencies, the City Planner shall forward the final plans, comments and approvals of reviewing agencies, pertinent supporting materials, and the recommendations of the Planning Commission to the City Council. Incomplete final plats for which necessary approvals have not been secured shall not be forwarded to the City Council for action.

E. City Council Action: Following receipt of the recommendation of the Planning Commission along with the final plans and accompanying materials, the City Council shall either approve the final plat or disapprove the final plans and notify the subdivider of the conditions to be met to gain approval. If a disapproved final plan is modified and resubmitted to the City Council at a later date for their consideration, the Council may require the concurrent submittal of an updated ownership and encumbrance report or title opinion.

F. Filing With County Recorder: Upon approval by the City Council of the final plat, the subdivider shall be notified to submit payment for the recording fee, if any, to the City Treasurer. The City Planner shall transmit the duly approved and executed final plat to the County Recorder for the filing of the final plat among the official records of the County. The Treasurer shall submit the recording fee to the County Recorder.

G. Alternate Approval Procedure: As an alternate procedure and at the request of the subdivider, the City Council may approve a final plat and instruct the City Planner to withhold the approved final plat from recording for a period of time to allow the subdivider to install all of the required public improvements according to the plans and specifications approved by the City Engineer. This procedure, when approved by the Council, shall be in lieu of the guarantees for installation or improvements as set forth in subsection C of this section. An executed standard contract as approved by the City Attorney regarding installation of improvements shall be submitted with the final plat. The contract shall require that all improvements be completed no later than twelve (12) months from the date the final plat was approved by the City Council. When the completed improvements are inspected and approved by the City Engineer, the plat shall be recorded by the City Planner, and the sale of lots may proceed according to the approved and recorded plat. (Ord. 2022-2, 2022: Ord. 2017-6, 2017: Ord. 2008-4, 2008: Ord. 2004-9, 2004: Ord. 2003-4 §§ 2, 4, 2003: Ord. 2002-2 § 2, 2002: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.20.030: RESERVED

(Ord. 2008-4, 2008: Ord. 2002-2 § 1, 2002: Ord. 94-3 § 1)

16.20.040: EXEMPTIONS

A. Subdivisions of less than four (4) lots may be subdivided using a simplified procedure for a small subdivision if:

1. A recommendation has been received from the Planning Commission;

~~2. The subdivision has been approved by:~~

~~1. The City Council, or~~

~~2. b. Other officers that the legislative body designates in an ordinance;~~

~~3. The subdivision is not traversed by the mapped lines of a proposed street as shown in the General Plan; and~~

~~4. The subdivision does not require the dedication of any land for street or other public purposes; and~~

~~5. If the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from those requirements by the Appeal Authority; and~~

~~6. The subdivision does not require extensive utility construction for water, sewer, or storm drainage.~~

~~B. The commission may consider the above exemptions if the proposed subdivision is not:~~

~~1. Located within the Hillside Development Overlay Zone; or~~

~~2. Located in a floodplain or natural runoff drainageway.~~

~~C. Submittals for the subdivision of land under this exemption shall be made to the Planning and Zoning Commission in accordance with section 16.20.020, "Final Plat Submittal", of this chapter. If the Planning and Zoning Commission finds that the submittal meets the requirements for consideration under this section, it shall, within seven (7) days, forward the submittal along with its recommendation to the City Council for review.~~

~~D. Submittals reviewed and approved for consideration under this section by the Planning and Zoning Commission shall require the following items to be submitted to the City Council or its designated representative prior to review by the City Council:~~

~~1. A review fee as set by resolution of the City Council.~~

~~2. The original Mylar, ten (10) copies of the final plat and four (4) copies of all required supporting material shall be submitted to the City Planner prior to the commission meeting at which the plat is to be considered.~~

~~3. The final plat drawing shall be prepared at a scale of one inch equals one hundred feet (1" = 100') or larger for subdivisions where the majority of lots are less than five (5) acres in size. Required affidavits, certificates and acknowledgments shall be legibly printed on the plat in opaque ink. The sheet size of all final plats shall be twenty two inches (22") by thirty four inches (34") (ANSI D) paper. Information on the plat shall be so positioned that a one and one-half inch (1½") margin is left on the left side of the sheet and a one inch (1") margin on the three (3) remaining sides. The scale may be reduced to one inch equals two hundred feet (1" = 200') for~~

~~subdivisions in which the minimum lot size is five (5) acres or more. Each sheet of the final plat shall be numbered and the total number of sheets comprising the plat shall be stated on each sheet (for example: sheet 2 of 4). The relationship of one sheet to the other shall be shown by key maps and by match lines.~~

~~4. Any other supporting material as deemed necessary by the city council or its designated representative.~~

~~E. The submitted plat shall contain the notarized signatures of the owner or owners of any and all equitable or legal interest in the land of whatever nature and the signature of the registered land surveyor. In addition, the mortgagees, if any, shall provide the city with a letter confirming that they are aware of the subdivision and concur with the subdivision filing.~~

~~All plats shall include the following information on the face of the plat:~~

~~1. The name of the subdivision at the top center of each sheet;~~

~~2. General location of the subdivision by section, township, range, county, and state, entered under the name of the subdivision;~~

~~3. North arrow, date and scale;~~

~~4. Boundary lines of the subdivision in a heavy solid line;~~

~~5. Legal description of the subdivision boundary based on an accurate traverse, giving bearing and linear dimensions that result in a maximum allowable error of closure of one part in ten thousand (10,000);~~

~~6. The location and description of the point of beginning and its proper reference to the monumented boundary survey;~~

~~7. Location and description of all monuments;~~

~~8. Bearings, distances, and curve data of all perimeter boundary lines indicated outside of the boundary lines;~~

~~9. On curved boundaries and on all curves within the plat, sufficient data to allow the reestablishment of the curves on the ground;~~

~~10. The location and layout of lots, blocks, tracts, sidewalks, alleys, and easements within and immediately adjoining the plat, with accurate dimensions in feet and one-hundredths (1/100) of feet, bearings, curve data, length of radii and/or arcs of all curves;~~

~~11. Drainage easements clearly labeled as such;~~

~~12. All lots logically and consecutively numbered with the numbers in the center of the lot;~~

~~13. The street address for each lot. Each street address shall be assigned by the city or its designees. The north and west sides of the streets shall be numbered odd and the south and east shall be numbered even;~~

~~14. All dimensions shown on irregularly shaped lots;~~

~~15. Parcels completely or partially surrounded by the area being subdivided shall be clearly marked "EXCEPTED", and the common boundary with the subdivision shown in heavy solid line with bearings and distances;~~

~~16. A notation of the total acreage of the subdivision and the total number of lots;~~

~~17. A notarized certificate by all parties having any titled interest in or lien upon the land, consenting to the recording of the plat and dedicating public ways, grounds, and easements. The certificate shall read:~~

~~*CERTIFICATE OF DEDICATION*~~

~~*Know all men by these presents that the undersigned (official name of the subdivider), being the owner, proprietor, or parties of interest in the land shown in this plat, do hereby certify:*~~

~~*The that foregoing plat designated as (name of the subdivision or addition), is located in (Section, Township, Range, City, County, State), and is more particularly described as follows:*~~

~~*(Insert full legal description)*~~

~~*and contains an area of acres, more or less, and that this subdivision, as it is described and as it appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owner(s) and proprietor(s), and that this is a correct plat of the area as it is divided into lots, blocks, streets and easements, and that the undersigned owner(s) of the land shown and described on this plat does (do) hereby dedicate to the city of Millville and its licensees for perpetual public use all streets, alleys,easements for the purposes designated and other lands within the boundary lines of the plat as indicated and not otherwise dedicated for public use.*~~

~~*Executed this day of , A.D., 20_, by:*~~

~~*(Designation of interest: owner, mortgagee, etc.)*~~

~~*STATE OF Utah)*~~
~~*) ss.*~~
~~*CACHE COUNTY)*~~

~~*The foregoing instrument was acknowledged before me this day of , A.D., 20_, by:*~~

~~*as a free and voluntary act and deed. Witness my hand and official seal. My*~~

~~*commission expires:*~~

~~*Notary public*~~

~~18. Show water rights transferred to the city.~~

~~19. Certificate of a registered land surveyor as follows:~~

~~*I, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Utah, that this plat is a true, correct, and complete plat of (Subdivision Name) as laid out, platted, dedicated, and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are staked upon the ground in compliance with the City of Millville regulations governing the subdivision of land to an accuracy of one part in ten thousand (10,000).*~~

~~*_DATE*~~
~~*(Registered Land Surveyor)*~~

~~*No.*~~

~~*STATE OF Utah)*~~
~~*ss.*~~
~~*CACHE COUNTY)*~~

~~*The foregoing instrument was acknowledged before me this day of , A.D., 20 , by:*~~

~~*as a free and voluntary act and deed.*~~

~~*Witness my hand and official seal.*~~

~~*My commission expires:*~~

~~*Notary Public*~~

~~20. A utility clearance block bearing signatures indicating approval of the plat by the local communications company, power company, and fuel company, or their successors;~~

~~21. An approval block for Rocky Mountain Power acceptance stating:~~

~~*1. Pursuant to Utah Code Ann. § 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with all the right and duties described therein.*~~

~~*2. Pursuant to Utah Code Ann. § 17-27a-603 (4)(c)(ii) Rocky Mountain Power accepts delivery of the PUE as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the public utility easements, but*~~

~~does not warrant their precise location. Rocky Mountain Power may require other easements in order to serve this development. This approval does not affect any right that Rocky Mountain Power has under:~~

~~(1) a recorded easement or right of way~~

~~(2) the law applicable to prescriptive rights~~

~~(3) Title 54, Chapter 8a, Damage to Underground Utility Facilities or~~

~~(4) any other provision of law.~~

~~Representative~~

~~Title:~~

~~Date:~~

~~i.~~g. An approval block for Dominion Energy stating:

Dominion Energy approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set in the owner's dedication and the notes and does not constitute a guarantee of particular terms of natural gas service. For further information, please contact Dominion Right-Of-Way Department at 1-800-366-8532.

h. Certificate for recording by the County Recorder as follows:

Entry #_____

STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF_____

~~22.~~ *DATE_____TIME_____BOOK_____PAGE*~~Certificate of review of the city engineer as follows:~~

~~Data on this plat reviewed this day of , A.D., 20_, by the City Engineer of Millville, Utah.~~

~~City Engineer~~

~~23. Certificate of approval by the city of Millville planning and zoning commission as follows:~~

~~This plat approved by the City of Millville Planning and Zoning commission this day of A.D., 20_.~~

~~Chairman~~

~~Attest:~~

~~Secretary~~

~~24. Certificate of acceptance and approval by the city council of the City of Millville as follows:~~

~~*Approved by the City Council of the City of Millville, Utah, this day of A.D., 20 .*~~

~~*Mayor*~~

~~*Attest:*~~

~~*City Recorder*~~

~~25. Certificate for recording by the county recorder as follows:~~

~~*Entry #*_____~~

~~*STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF* _____~~

~~*DATE*_____*TIME*_____*BOOK*_____*PAGE*_____~~

~~*FEE*_____~~

~~_____ *CACHE COUNTY RECORDER*~~

Commented [11]: I'm not sure how to fix the formatting on this one.

~~j.~~i. If the subdivision is located in whole or in part within three hundred feet (300') of the boundary of an agriculture protection area, the face of the final plat shall contain the following notice:

Agriculture Protection Area

This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

~~F. The plat shall be accompanied by a dust control plan, erosion control plan, and a separate final design drawing of the stormwater drainage system and shall contain the following information:~~

~~1. Detailed design drawings of all proposed system features showing locations, dimensions, elevations and materials;~~

~~2. Locations and dimensions of significant features such as rivers, streams, creeks, arroyos, and gullies;~~

~~3. Design dimensions and capacities of diversion channels, retention and detention ponds, reservoirs, spillways, curb and gutter, pipelines or other drainage features.~~

~~G. If the plat must be reviewed by the U.S. army corp of engineers because of wetlands, streams or other criteria, the plat must be accompanied by a letter from the corp indicating their approval.~~

~~H. The plat shall be accompanied by the total amount of the plat fee pursuant to resolution 2007-20.~~

~~I. After receipt of the plat, the city planner shall review the submittal for completeness. The city planner may refer copies of the plat to and seek comment from the city attorney and other officials and agencies. Any such comments should be made known to the planning commission.~~

~~J. The subdivider shall provide such improvements on the existing streets within or contiguous to the subdivision as required by the city council. (Ord. 2022-2, 2022: Ord. 2019-6, 2019: 2008-4, 2008: Ord. 2007-8, 2007: Ord. 2003-4 §§ 1, 2, 2003: Ord. 2002-2 § 2, 2002: Ord. 2000-17 § 2: Ord. 94-3 § 1)~~

~~16.20.050: CORRECTED PLAT AND RESUBDIVISIONS~~

j. If the subdivision is located within one hundred feet (100') of the centerline of an irrigation canal, the following acceptance block should be completed by the irrigation company:

The (Name of Company) has reviewed this plat and approves the information shown hereon including easements and irrigation infrastructure.

Representative:

Title:

Date:

k. Floodplain: If a subdivision lies within any 100-year floodplain, the following statement shall appear on the face of the final plat and all contracts and agreements relating to the subdivision:

THIS SUBDIVISION IS (OR THE FOLLOWING LOTS ARE) LOCATED IN THE ONE HUNDRED YEAR FLOOD PLAIN AS DEFINED BY THE

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

l. Geological Fault Zones: If a subdivision or lot lies within five hundred feet (500') or over a known geological fault, the following statement shall appear on the face of the final plat and all contracts and agreements relating to the subdivision:

THIS SUBDIVISION IS (OR THE FOLLOWING LOTS ARE) LOCATED WITHIN FIVE HUNDRED FEET OF A KNOWN GEOLOGICAL FAULT.

4. Completion Assurance: 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. The City Engineer will determine a reasonable value of the required public improvements to guarantee the complete and timely development of any facilities or improvements, which are the subdivider's responsibility. The completion assurance shall be in the form of a performance bond or escrow. The amount of the guarantee shall not exceed 110% of the cost of completing all improvements.

5. Transfer documents for water rights required by this Title as a condition of subdivision approval.

6. Certifications, including:

   a. A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.

   b. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.

   c. An affidavit from the applicant certifying that the submitted information is true and accurate.

   d. The signature of each owner of record of land described on the plat, signifying their consent to the final subdivision application and their dedication and approval of the final plat.

7. Binding dedication documents, including:

   a. As applicable, formal, irrevocable offers for dedication to the public of streets, City uses, utilities, parks, easements, or other spaces.

   b. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.

   c. Copies of protective covenants, trust agreements and homeowners' association articles and bylaws, including those required by the City, to govern resubdivision, and other potential changes which might significantly alter the subdivision as approved by the City with regard to the criteria and standards of these regulations.

8. Copies, including:

    a. A PDF document of the final plat and all other application materials.

    b. A printed copy of all application materials for City review.

    c. A final Mylar copy of the plat for signing and recording.

9. Payment of any final-application-processing fees required by the City. In addition to the fees on the City's Fee Schedule, the applicant may be liable for the reasonable cost of any legal, engineering, or consulting review of the application not covered by the published fees.

16.16.040: MINOR SUBDIVISION (1-3 Lots and No New Streets or Other Major Improvements)

A. Applications for Minor Subdivision approval are exempt from the preliminary and final plat requirements and the improvement plan requirement of Sections 16.16.020 and 16.16.030. A Minor Subdivision application must contain all other application requirements in Sections 16.16.020 and 16.16.030, plus the following:

    1. An improvement plan, including engineering plans, created in accordance with applicable portions of this Title and the Millville City Manual of Design and Construction Standards, for the construction of public sidewalks along existing roads, as required by City ordinances.

    2. If an applicant for a Minor Subdivision does not submit a preliminary or final plat, the applicant shall submit instead, in both the preliminary and final application:

        a. A record of survey map that illustrates the boundaries of the parcels; and

        b. A legal metes-and-bounds description that describes the parcels illustrated by the survey map.

B. If the Land Use Authority 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 Land Use Authority, with the County Recorder's Office. The City shall also provide the notice required in Utah Code §10-9a-605(1).

16.16.050: AGRICULTURAL SUBDIVISIONS

1. Applications to subdivide agricultural land are exempt from preliminary and final plat requirements, the improvement plan requirement, and the completion assurance requirement (but not the other application requirements) of this Chapter if the parcels to be subdivided:

    a. Qualify as land in agricultural use under Utah Code §59-2-502;

    b. Meet the minimum size requirement of applicable City land use ordinances; and

    c. Are not used and will not be used for any nonagricultural purpose.

Commented [JH12]: Let us know if there are any other improvements that would apply to minor subdivisions.

2. 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.

3. 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.

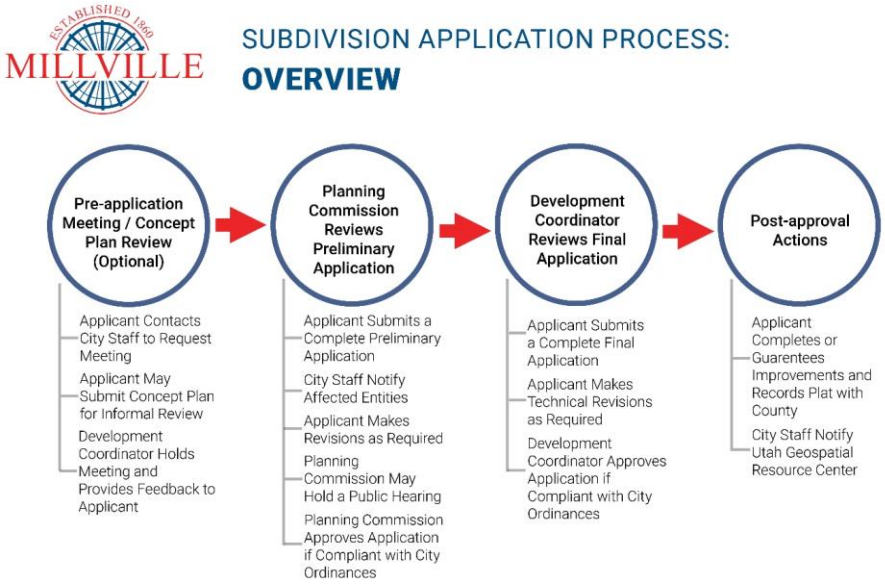
4. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The City may, in its discretion, require a subdivision amendment before issuing a building permit.

CHAPTER 16.20 – APPLICATION REVIEW PROCEDURE

16.20.010: OVERVIEW

A. 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 both a preliminary approval and a final approval from the respective Land Use Authorities.

B. The review and approval process described in this Chapter applies to all subdivisions, whether Major or Minor.



16.20.020: PRE-APPLICATION MEETING AND CONCEPT PLAN REVIEW (OPTIONAL)

A. A prospective applicant may request a pre-application meeting with the Planning Commission for the purpose of reviewing any element of the party's proposed subdivision application (preliminary or final). The proposed application need not be complete for purposes of this meeting.

1. If a prospective applicant requests a pre-application meeting, the City staff shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled to occur at the next regularly scheduled Planning Commission meeting for which appropriate notice is attainable.

2. The Planning Commission 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.

Commented [JH13]: We will produce application forms that match your updated ordinance and that fulfill this requirement.

B. The purpose of this pre-application procedure is to identify any problems with the proposed development before significant expenses are incurred in the preparation of a preliminary plat, improvement plans, and required supporting material. Prospective applicants are therefore strongly encouraged to submit a concept plan to the Planning Commission for review at this meeting.

1. Any concept plan submitted shall contain at least the elements listed in Section 16.16.010.

2. The prospective applicant should also be prepared to discuss the following with the Development Coordinator at the pre-application meeting:

i. Procedures and requirements for filing the preliminary and final plats;

ii. Availability of public water, sewer, storm drainage, and other requirements when public systems are not readily available;

iii. Zoning requirements on the property;

iv. Requirements of the duly adopted roadway corridor study, sidewalk and curb and gutter plan, master plans, land uses, schools, parks and other public open space;

v. The location and extent of any floodplains as shown by FEMA maps in the office of the City engineer;

vi. Soil types and problems on the property as shown on available soil survey maps prepared by the soil conservation service and available through the NRCS website;

vii. The location of well protection and drinking water source protection zones;

viii. The location of all property in the development that may fall under the hillside development overlay;

ix. Proximity to any established agriculture protection area;

x. Stormwater runoff requirements;

xi. Any other improvement requirement

xii. The prospective applicant's tentative proposals for the development of the entire adjacent property controlled by the developer or the developer's affiliates.

16.20.030: NOTICE TO AFFECTED ENTITIES

A. Immediately after receipt of a complete preliminary subdivision application, City staff shall:

1. Place consideration of the application on the agenda for the next Planning Commission meeting, provided that the deadlines in Section 16.20.040 are observed; and

2. Refer a copy of the subdivision application to the following individuals and entities for the purpose of supplying the Land Use Authorities with comments on the proposed application:

    a. The utility companies proposed to service the subdivision;

    b. The City Engineer;

    c. The School District;

    d. The Police Department;

    e. Any special district overlaying the subdivision;

    f. The Fire Department;

    g. The Cache County zoning administrator and/or countywide planner if County right of ways or land outside of the current City annexed areas are impacted;

    h. The current solid waste contractor for garbage collection review if the subdivision in commercial or industrial;

    i. The Hyrum City Wastewater Treatment Plant;

    j. Other entities as determined necessary.

B. Within 15 calendar days after receiving a complete subdivision application under this Chapter, the 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.

Commented [JH14]: This is a new state requirements. Water conveyance facilities are ditches and canals for secondary or irrigation water.

1. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, the City Manager or designee shall review information:

    a. 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;

    b. From the state engineer's inventory of canals; or

    c. 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 Land Use Authority shall not approve a preliminary (or related final) 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 Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.

16.20.040: REVIEW PROCESS

Commented [JH15]: This section covers a new review and approval process that ensures the City complies with the review deadlines and requirements in state statute.

A. For both preliminary and final applications, the application review process begins when an applicant submits a complete application.

1. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.

2. If the Land Use Authority 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.

B. For both preliminary and final applications, after the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of "review cycles."

1. A review cycle consists of the following phases:

a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).

b. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances. Affected entities and City staff provide comments on the application, and the Land Use Authority considers these comments.

c. Phase #3: The Land Use Authority 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 Land Use Authority 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.

d. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority 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

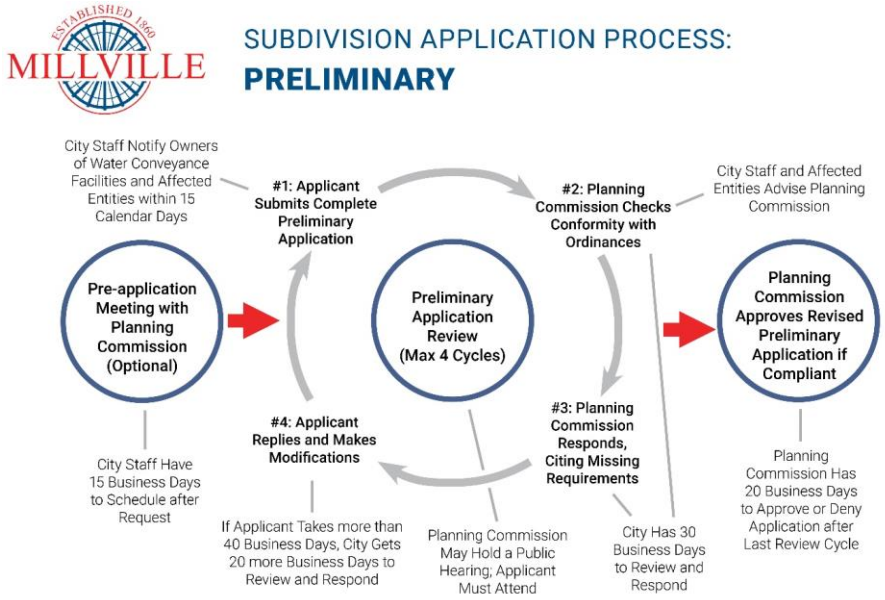
Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

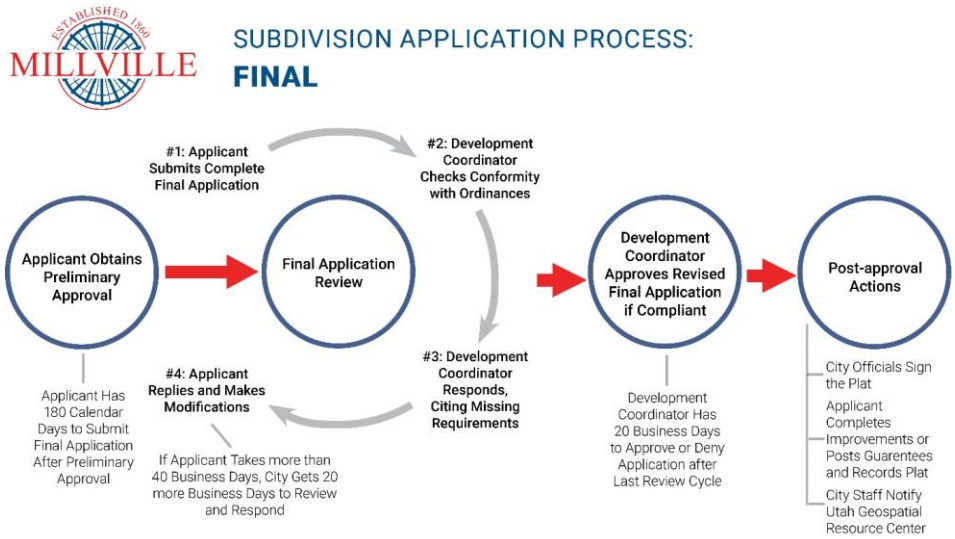
Table 16.20.040 – Review Cycles, Hearings, and Timelines by Subdivision Use Type

Use Type	*Approval Stage*	*Max Review Cycles*	*Max Public Hearings*	*City Turnaround Deadline***	*Applicant Turnaround Deadline****
1-2 Family Residential*	Preliminary	4	1	30 Business Days	180 Calendar Days
	Final	1	0	30 Business Days	180 Calendar Days
All Other Uses	Preliminary	6	2	30 Business Days	180 Calendar Days
	Final	1	0	30 Business Days	180 Calendar 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.
***Describes the total time (per review cycle) the applicant may take to submit a revised application before the application expires.

Commented [JH16]: Everything highlighted in this table can be adjusted without conflicting with state law.





C. The Land Use Authorities shall adhere to the maximum number of review cycles and the review deadlines described in Table 16.20.040, except as described below. If no further revisions are needed, a Land Use Authority may end the review process early and approve or deny the preliminary or final application.

1. 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).

2. If the applicant makes a material change to a preliminary or final application not requested by the City at any point in the review process, the Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.

3. For both preliminary and final applications, if an applicant takes longer than 40 business days to submit a revised application and respond to the City's requests for modifications and additions (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).

4. For both preliminary and final applications, 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 Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.

5. If the applicant has not submitted a final application within 180 calendar days after the Land Use Authority notifies the applicant that it has approved the related preliminary application, the related preliminary approval shall expire. In this case, the applicant shall not submit a final application until the Land Use Authority has issued a new preliminary application approval.

6. The applicant or an authorized agent of the same must attend any public meeting or hearing held by the Planning Commission at which the application is considered. If the applicant does not attend a meeting, the City's deadlines for reviewing and responding (Phases #2 and #3) shall extend by the number of days between the public meeting or hearing the applicant or agent did not attend and the next meeting of the Planning Commission.

D. When a preliminary or final application's review period ends, the Land Use Authority shall approve or deny the respective preliminary or final application within 20 business days.

1. If the Land Use Authority has not approved or denied the application within 20 business days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the municipality shall, within 10 business days:

a. 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

b. 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.

E. After the Land Use Authority provides comments in the last allotted review cycle for a final application, 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 Land Use Authority did not request.

1. 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 municipality waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.

2. 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.

F. The Planning Commission may hold one or more public hearings (up to the number described in Table 16.20.040) during the review period for a preliminary or final subdivision application.

1. The purpose of these public hearings 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.

2. A notice of the time, date, place and purpose of the hearing shall be published in a local newspaper having general distribution in the City, and/or posted in at least three (3) conspicuous places within the City limits or on the City's official website at least ten (10) days prior to the date of the hearing. In its deliberations on the matter, the Commission shall consider oral or written statements from the applicant, the public, City staff, and its own members.

G. Other chapters of this Title notwithstanding, the Land Use Authorities shall approve or deny preliminary and final applications under this Chapter after reviewing the complete applications as described in this Section.

16.20.050: APPROVAL AND RECORDING

A. The Land Use Authority shall approve any complete preliminary and final applications made under this Chapter that comply with applicable City ordinances.

B. The Land Use Authority shall issue all approvals in writing and shall certify the approved final plat, either by signing the plat directly or by attaching a signed certification to the plat.

C. The applicant shall deliver (a) the approved and signed subdivision plat and (b) the recording fee described on the City's fee schedule to the Development Coordinator for recording with the County Recorder's Office within 180 calendar days after the City approves the subdivision application, provided that the applicant has completed any improvements or posted any completion assurance required by City ordinances or described in the approved improvement plan. No party shall record the approved final plat until the required public improvements are completed or assured in compliance with City ordinances and the approved improvement plan and until the recording fee has been paid.

Commented [JH17]: Would you like to shorten this?

1. If the approved and signed plat is already in the City's possession, the applicant shall request recording, pay the recording fee, and provide proof that the improvements have been completed or guaranteed within the timeframe required in 16.20.050(C).

2. An approved final plat not properly recorded within the timeline specified in this provision is void, unless the Planning Commission approves an extension.

3. An approved final plat, the required improvements for which are not completed or guaranteed before recording, is void, unless and until the improvements are completed or guaranteed and the Planning Commission approves the post-recording completion or guarantee.

16.20.060: AMENDING A SUBDIVISION

A. Correcting Errors: If, after the approval and recording of a final plat, errors are found in the language or numbers on the recorded plat, the subdivider shall file a properly signed, corrected

or revised original Mylar or linen with the ~~city planner~~City Planner. The plat shall be noted "CORRECTED PLAT" under the name of the subdivision. Notations shall be made on the face of the plat listing all corrections made and the book and page numbers where the original plat was recorded. The ~~city planner~~Development Coordinator shall review the plat ~~for~~ and approve the correction~~, secure the signatures of~~ if the ~~proper public officials on~~correction is materially in line with the ~~corrected~~approved final plat and ~~present the plat to the city council for the reaffirmation of their approval and to the county recorder for recording.~~does not violate any City ordinance. The recording of the corrected plat shall void the incorrect original plat, and the ~~county recorder~~County Recorder shall note "VOID" across the face of the incorrect plat.

~~A. If, after the approval and recording of a final plat, a subdivider wishes to modify the location of lot lines on part or all of the recorded plat, and if there is no change in the location or size of dedicated streets, the subdivider shall submit a new final plat drawing with the lotting arrangement revised. The city planner shall determine which of the required supporting documents shall be submitted with the revised final plat. The plat shall be marked the "RESUBDIVISION OF ", under the name of the subdivision and shall be reviewed as a final plat. (Ord. 2022-2, 2022: Ord. 2008-4, 2008: Ord. 2002-2 § 2, 2002: Ord. 2000-17 § 2: Ord. 94-3 § 1)~~

~~**MILLVILLE CITY CODE**~~

~~**TITLE 16 – SUBDIVISIONS**~~

B. Vacating a Plat: The City Council may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that describes the subdivision or the portion being vacated and recording that ordinance in the County Recorder's Office. This vacation shall be done in compliance with this code and Utah State Code §10-9a-608 and §10-9a-609, as amended.

C. Material Amendment:

a. A fee owner of land in a platted subdivision may request a material subdivision amendment by filing a written petition with the City Council. This petition must meet all the requirements for a preliminary subdivision application specified in Chapter 16.16, with the following changes:

i. The preliminary 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 15.25.1.8 and Utah State Code §10-9a-603.

ii. The petition must additionally include the name and address of each property owner affected by the petition and the signature of each of those property owners who consents to the petition.

iii. The petitioner must include with the petition envelopes addresses to each property in the subdivision.

b. Upon receipt of an amendment petition, the City staff shall provide notice of the petition to:

c. Each affected entity listed in Section 16.20.030. The City shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers.

d. Each property owner in the subdivision. The City shall notify these property owners by mail.

e. The City Council shall hold a public hearing before approving an amendment petition and within 45 calendar days after the day on which the petition is submitted if:

i. A property owner objects in writing to the amendment within 10 days of the

City notifying the property owner by mail, or

ii. Not every property owner in the subdivision has signed the revised plat.

f. 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. Subdivide one or more of the petitioner's lots;

iii. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;

iv. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or

v. 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.

g. If the City Council approves the amendment petition, the City Council shall sign the amended plat, and the petitioner shall record the plat, subject to the completion or guarantee of any improvements.

16.20.070: LOT LINE ADJUSTMENTS

A. An agreement to adjust lot lines between adjoining properties, whether in a subdivision or on unsubdivided parcels of land, may be executed by the owners of record of said properties, and a document effectuating the lot line adjustment may be recorded after receiving approval from the Planning Commission. The Planning Commission may delegate review and approval of a lot line adjustment under this Section to the Development Coordinator. The Planning Commission shall approve if the following conditions are met:

1. The adjustment does not result in a subdivision.

2. No new lot results from the lot line adjustment.

3. No previously existing lot is eliminated as a result of the adjustment.

4. If the properties to be adjusted are in a subdivision, the lot sizes, frontages and configurations are consistent with City Code.

5. No lot is made undevelopable without a variance or other special consideration.

6. All property owners directly affected by the lot line adjustment give their consent.

7. The lot line adjustment does not result in a remnant piece of land that did not exist previously.

8. The lot line adjustment does not result in the violation of any applicable zoning ordinance.

9. The lot line adjustment does not substantially alter legal lots that may otherwise need further review by the City Council in the form of a subdivision plat amendment.

CHAPTER 16.24 - IMPROVEMENTS

16.24.010: ~~APPROVAL OF FINAL PLAT~~

~~16.24.020: DESIGN BY PROFESSIONAL ENGINEER~~

~~16.24.030: ON SITE REPRESENTATIVE~~

~~16.24.040: INSTALLATION OF IMPROVEMENTS~~
~~16.24.050: PARKS~~**IMPROVEMENT BONDING AND** ~~OPEN SPACE~~**WARRANTY**

~~16.24.060: AS BUILT PLANS~~

~~**16.24.010: APPROVAL OF FINAL PLAT**~~

~~Prior to the approval of any final plat by the city council, the subdivider shall either:~~

~~A. Guarantee the installation of the necessary public facilities by complying with the provisions of subsection 16.20.020C of this title regarding financial guarantees of improvements; or~~

~~B. Execute a standard contract on forms provided by the city and request that the city council proceed according to the provisions of subsection 16.20.020C of this title regarding delaying the recording of the final plat until improvements are installed and approved.~~

~~1. The standard contract shall, among other things, specify that the required improvements be installed within the time stated, in accordance with the requirements of the Utah department of environmental quality.~~

~~2. The time specified for the completion of the required improvements shall not exceed twelve (12) months from the date the final plat was approved by the city council. Requests for extensions may be approved by the city council. (Ord. 2008-4, 2008: Ord. 94-3 § 1)~~

A. Before an approved final 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:

1. Completed, inspected, and accepted by the City, or

2. Guaranteed.

B. The decision whether to guarantee a public improvement or to complete it before recording the plat rests solely with the applicant.

Commented [JH18]: These options are spelled out in state code.

C. All improvements are subject to City inspection before such improvements may be accepted by the City or considered complete. The City Public Works Department shall be responsible for conducting such inspections. Improvements shall be accepted only if they conform to applicable City ordinances and do not pose a risk to public health or safety. All public improvements are subject to the warranty described in this Section.

1. The applicant/developer shall, in accordance with the City's Fee Schedule, pay to the City an inspection fee before the City shall accept any improvements.

D. For subdivisions for which no performance guarantee has been posted, if the improvements are not completed within the period specified in the approved subdivision improvement plan, the approval shall be deemed to have expired. In those cases where a performance guarantee has been posted and required improvements have not been installed within the terms of such performance guarantee, the City may thereupon declare the guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the guarantee is declared to be in default. In the event that the un-released portion of the guarantee is not sufficient to pay all the cost for installing the required improvements, the City may maintain an action against the person giving the guarantee for the necessary amount to complete the improvements.

E. If an applicant elects to guarantee any required improvement, the applicant shall provide completion assurance for 110% of the cost of the improvement, guaranteeing that the improvements will be completed within two years after the date of the guarantee; the sum of the completion assurance shall not exceed:

1. 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and

2. 10% of the amount of the bond to cover administrative costs incurred by the City to complete the improvements, if necessary.

F. For the purpose of posting an improvement guarantee, the cost of the improvement shall be determined by an engineer's estimate.

G. The City shall accept any of the following forms of guarantee for an improvement:

1. Bond. The applicant may furnish a bond with corporate surety, which bond shall be approved by the City Attorney and filed with the City Clerk.

2. Escrow. The applicant may make a deposit in escrow with an escrow holder approved by the City Council, under an escrow agreement approved by the City Attorney and filed with the City Clerk.

3. Letter of Credit. The applicant may provide a letter of credit from a financial institution approved by the City Council, under an agreement to complete the improvements that is approved by the City Attorney and filed with the City Clerk.

Commented [JH19]: This is the maximum permitted under state law.

Commented [JH20]: State law requires the Town to accept two forms of guarantee. We can be flexible what those forms are.

16.24.020: DESIGN BY PROFESSIONAL ENGINEER

All public improvements must be designed under the direction of a professional engineer, licensed to do such work in the state of Utah. All design documents must be certified and sealed with the professional engineer's stamp. (Ord. 2008-4, 2008: Ord. 2002-2 § 2, 2002)

16.24.030: ON SITE REPRESENTATIVE

The developer shall designate, in writing, the name of the agent who shall be available at all times during construction and who shall not be replaced without a written notice to the ~~city~~City engineer. The agent will be the developer's representative at the site and shall have the authority to act on the developer's behalf. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.24.040: INSTALLATION OF IMPROVEMENTS

The subdivider shall install, at his or her expense, the following improvements within twenty four (24) months and in accordance with plans, specifications, and data as specified in the "Manual Of Design And Construction Standards" and as approved by the ~~city engineer.~~City Engineer. The construction and installation of all improvements shall be under the supervision and inspection of the ~~city~~City engineer or his agents and the owner shall be required to pay the cost of engineering and inspection services prior to the issuance of final acceptance of subdivision improvements by the ~~city~~City.

A. Sewage Disposal: The subdivider shall provide an approved sewage disposal system for all lots within the subdivision by the following means as determined by the ~~city~~City engineer:

   Individual Sewage Facilities: The subdivider shall be responsible to either install individual sewage facilities for each and all lots in the subdivision at his or her expense or require that such facilities be installed as a part of the construction of buildings or structures.

B. Storm Drainage System: There shall be constructed, at the owner's and subdivider's expense, a storm drainage system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm drainage system shall be designed and constructed in accordance with the "Millville City Manual Of Design And Construction Standards" and at the grades approved by the ~~city~~City. Design of specific system components may be required to be designed by the ~~city~~City engineer and paid for by the developer if so desired by the ~~city~~City. The drainage systems could, upon inspection, approval and acceptance by the ~~city~~City, become the property of the ~~city~~City. In the storm drainage system design phase, consideration shall be given to alternatives and principles of stormwater management in accordance with the Utah pollutant discharge elimination system (UPDES) permit or as determined by the ~~city~~City engineer.

   Under some circumstances the ~~city~~City may require, as a condition for approval of the plat, installation of a storm drain that is larger than necessary to meet the needs of the platted area or the area being subdivided as shown by the preliminary plat or site plan, but necessary to complete the ~~city~~City storm drainage system as it relates to both the area being platted and other areas.

C. Water Distribution System: There shall be constructed, at the owner's and subdivider's expense, a water distribution system (including fire protection) to adequately serve all lots or parcels of land within the platted area with due regard to the present and reasonably foreseeable needs of the entire area shown in the preliminary plat or site plan, and shall connect the same to existing water mains. The water distribution system shall be designed and constructed in accordance with the "Millville City Manual Of Design And Construction Standards" and may include pumping stations and storage facilities. Design of specific system components may be required to be designed by the ~~city~~City engineer and paid for by the developer if so desired by the ~~city~~City.

D. Streets, Street Grading: The owner of land being platted shall, at his or her expense, provide the

grading of the entire street rights of way and alleys and provide appropriate paving including curb and gutter on all streets. The street improvements shall be designed and constructed in accordance with the "Millville City Manual Of Design And Construction Standards" and shall adequately reflect the classification of the street, its location and anticipated volume of traffic. Design of specific improvements may be required to be designed by the ~~city~~City engineer and paid for by the developer if so desired by the ~~city~~City.

All streets or roads shall be of such width and shall be so constructed as to meet the standards of the public body responsible for the maintenance thereof as provided in section 16.28.020 of this title.

E. Streetlights, Street Name Signs And Traffic Control Signs: The owner shall, at his or her expense, install all streetlights, street name signs and traffic control signs. All lights and signs shall be installed so as to meet the standards provided in chapter 16.28 of this title. Streetlights, street signs and traffic control signs shall be installed prior to any occupancy permit being issued for any building, in any subdivision.

F. Fire Hydrants: The owner and subdivider shall, at his or her expense, install all fire hydrants.

G. Utilities; Gas, Electricity And Telephone, Etc.: It is the responsibility of the owner or subdivider to install all other necessary utilities. The utilities shall be installed under the supervision of the ~~city~~City engineer and the agency responsible for the particular utility. All utilities shall be installed underground, except that major overhead power lines may be located along major streets or other specifically designed streets or transmission corridors.

H. Other Facilities Or Improvements: The owner or subdivider shall, at his or her expense, install any other facility or improvement as may be specified on the preliminary plat, site plan, or in a contract and agreed to by the subdivider.

I. Monuments: Refer to the "Millville City Manual Of Design And Construction Standards" latest revision for monument requirements.

J. Supplemental On Site/Off Site Street Construction:

1. The developer or subdivider shall be responsible for and bear the expense of all street, curb, gutter and sidewalk construction within the development.

2. The extent of development of streets which are contiguous to, traverse, or provide access to areas which are to be subdivided or developed shall be determined by the commission, subject to review and approval by the ~~city council.~~Land Use Authority. The transportation and land use maps of the master plan for the ~~city~~City shall be consulted in each particular case to determine whether a particular street which traverses or is contiguous to a subdivision or development, or provides access to a subdivision or development, should be developed to major or minor street standards. Such streets may be on site or off site of the property being improved or platted. The commission may deviate from the master plan in those particular cases in which the required standard of development for such streets is not in accord with estimated traffic demands, considering further requirements for ingress and

egress and safety.

3. In the event that the ~~commission~~Commission approves construction of half streets, the developer must, at a minimum, construct half a street with pavement, shoulder, curb, gutter and sidewalk built to proper specifications for that particular street designation. Additionally, the subgrade preparation, subbase, base course and asphalt will be in accordance with the particular street designation, all at the developer's expense. The developer must also leave the surface of the deeded adjoining land in a condition which would be compatible with future construction of the remaining lanes, subject to the inspection and approval of the ~~city engineer~~City Engineer.

4. The following provisions apply to all streets when the ~~commission~~Commission has determined that deviation from the master plan is not permitted:

    a. Streets contiguous to an area being platted or improved, and that provide access to such areas being platted or improved, shall be required to be constructed or improved to the standard specified in the MDCS of this title for the appropriate street classification as designated on the transportation and land use map as part of the plat or improvement. Such streets may be on site or off site of the property being improved or platted.

    b. Streets which are required to be constructed or improved under this section shall be constructed or improved at the expense of the developer and at no expense to the ~~city~~City. In addition, full width of street construction shall be required for streets constructed or improved under this section. The ~~city~~City shall require that adjacent property owners, whose property has not yet been platted or improved and who will benefit from the street construction or improvements, will reimburse the developer, who constructed or improved the streets under this section, an equitable portion of the costs of the construction or improvement. The ~~city council~~Land Use Authority shall determine what, if any, adjacent property has benefited and shall also determine the equitable amount which an adjacent property owner shall pay to the developer who constructed or improved streets pursuant to this section. The sum of amounts paid by adjacent property owner(s) shall not exceed fifty percent (50%) of the original cost of the streets constructed or improved under this section. An owner of adjacent property which has been determined to have benefited shall not be required to pay his or her equitable share of the costs of such construction or improvement until such time as the benefited property is improved and/or developed. Adjacent property presently improved shall be exempt from payment for streets constructed or improved under this section.

    ~~a. Streets recommended for construction or improvement under this section shall be reviewed by the commission with final approval by the city council.~~

K. Extension Of Public Works Facilities: The extension of any public works facilities, including, but not limited to, streets, roads, bridges, storm drains, water mains, sewer lines, secondary water systems and the like, shall be installed by the developer or subdivider of any subdivision when such

Commented [21]: I'm not sure why the right margin is messed up here, or the best way to fix it.

extensions made necessary by reason of the impact of the subdivision or development. The necessity of all such extensions, and the scope thereof, shall first be determined by the ~~city~~City engineer. The developer or subdivider shall not be entitled to compensation or reimbursements for such improvements or extensions to the extent that such improvements or extensions were necessitated by the prospective impact of the development or subdivision. However, the developer or subdivider may be reimbursed for extensions and/or improvements which the developer may be required to make which exceeds the anticipated impact of the proposed subdivision or development.

L. Seal Coat on Asphalt Surfaces: Provisions for sealing all asphalt surfaces within the subdivision shall be determined during the subdivision development plan approval process. Developers may seal asphalt using one of the following methods:

1. Ancillary Agreement. The developer may enter into an ancillary agreement with the City in which the developer provides to the City a predetermined guarantee for improvements in exchange for the City agreeing that the developer will seal all asphalt within the subdivision no later than two (2) years after asphalt is installed in the subdivision. Under an ancillary agreement, the developer will provide the City with a refundable payment for the cost of the asphalt sealing. The payment will be refunded to the developer after City-approved completion of the sealing. If not completed within the two (2) years time requirement, the City will use the money to complete the sealing and no refund will be given to the developer; or

2. Seal Coat Fee. The developer may pay a seal coat fee to the City, and the City will seal all asphalt in the subdivision. The seal coat fee shall be equal to the square footage of road surfaces in the subdivision multiplied by the cost per square foot for the type of seal coat to be used. The fee per square foot shall be set by resolution of the City Council and modified as needed from time to time.

   Pursuant to either seal option stated above, the City's Public Works Director shall determine the type of seal coat to be used based on "best practice" for the type of street to be sealed. If a developer selects the seal coat fee option, the use of the fees collected for the actual application of the approved seal coat shall be at the discretion of the City as determined by the City's municipal budget. The seal coat fee shall be used by the City to accomplish the initial seal coating for the subdivision no later than two (2) years after the completion of the subdivision. (Ord. 2021-1, 2021: 2008-4, 2008: Ord. 2004-9, 2004: Ord. 2002-2 § 2, 2002: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.24.050: PARKS AND OPEN SPACE

A. Common Open Space: In ~~large~~Major subdivisions, the ~~city~~City may approve, upon application by the subdivider, the clustering of houses and aggregation of open spaces to better use the land within the subdivision. In such cases the following conditions will apply:

B. Provision For Common Open Space: The subdivider shall submit for ~~city~~City approval plans defining the locations, extent, intended uses, intended improvements, schedule for installing and plan for financing improvements of any open spaces and common areas. The subdivider shall

propose and the ~~city~~City shall determine whether ownership and maintenance responsibility of such open spaces shall be conveyed to the ~~city~~City or to some other entity. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.24.060: AS-BUILT PLANS

A. Prior to the approval and acceptance of any completed improvements, as built plans must be submitted to the ~~city~~City engineer. The plans shall be submitted on twenty four inch by thirty six inch (24" x 36") Mylar and shall be accompanied by two (2) sets of prints and one copy in electronic format. The plan submittal shall contain:

1. A cover sheet;
2. The subdivision plat;
3. The overall grading plan;
4. The overall street plan;
5. The overall water system;
6. The overall drainage plan;
7. Additional detail sheets as necessary at an appropriate scale, with title block and sheet numbers in the lower right hand corner of each page and showing the detailed location of all utilities to include service lines to lots. A permanent benchmark shall be described on each sheet.
8. Submission is to comply with the "Manual Of Design And Construction Standards" format.

B. The following certification by the project engineer shall appear on the face of the plans:

I certify that these plans were prepared under my direct supervision and control, that they accurately represent the referred to improvements as they have been constructed in the field, and that the improvements, to the best of my knowledge, conform to the requirements of the Department of Environmental Quality, the State Highway Department, the City Engineer and other applicable agencies.

Engineer

Utah P.E. Number

(Ord. 2008-4, 2008: Ord. 94-3 § 1)

~~**MILLVILLE CITY CODE**~~

~~**TITLE 16 - SUBDIVISIONS**~~

CHAPTER 16.28 - DESIGN CRITERIA

~~16.28.010: PUBLIC IMPROVEMENT STANDARDS~~

~~16.28.020: STREET STANDARDS~~

~~16.28.030: OTHER SUBDIVISION STANDARDS~~

16.28.010: PUBLIC IMPROVEMENT STANDARDS

All public improvements shall be designed and built to the specifications as may be adopted by the ~~city~~City, by resolution, and contained in the "Millville City Manual Of Design And Construction Standards". They will include, but will not be limited to:

A. Streets;

B. Public water supply systems;

C. Sewer system;

D. Stormwater drainage systems;

E. Sidewalks. (Ord. 2008-4, 2008: Ord. 2002-2 § 3, 2002: Ord. 94-3 § 1)

16.28.020: STREET STANDARDS

All public improvements shall be designed and built to the specifications as adopted by the ~~city~~City, by resolution and contained in the "Millville City Manual Of Design And Construction Standards".

16.28.030: OTHER SUBDIVISION STANDARDS

All subdivisions shall be designed and built in compliance with the following:

A. Millville City Manual of Design and Construction Standards

B. Utah Division of Water Quality Rules and Regulations (R317)

C. Utah Division of Drinking Water Rules and Regulations (R309)

D. Stormwater Construction General Permit (Ord. 2022-2, 2022: Ord. 2008-4, 2008: Ord. 2002-2 § 2, 2002: Ord. 94-3 § 1)

~~**MILLVILLE CITY CODE**~~

~~**TITLE 16 - SUBDIVISIONS**~~

CHAPTER 16.40 - ACCEPTANCE OF IMPROVEMENTS

16.40.010: ~~GUARANTEE AND~~ ACCEPTANCE OF IMPROVEMENTS

~~16.40.020: RELEASE OF FUNDS~~

~~16.40.030: WARRANTY OF IMPROVEMENTS~~

~~**16.40.010: GUARANTEE AND ACCEPTANCE OF IMPROVEMENTS**~~

A. Prior to acceptance of public improvements by the ~~city~~City the maintenance supervisor and ~~city~~City engineer will inspect the subdivision and develop a list of items to be completed, repaired and/or maintained. If the items listed are deemed significant as determined by the maintenance supervisor and ~~city~~City engineer the developer shall be obligated to the ~~city~~City to replace, repair and/or maintain any defective, damaged or deteriorating public improvements associated with the development prior to forwarding a letter of acceptance to the ~~city council~~City Council. If the listed items are deemed to be not significant then a letter of acceptance will be forwarded to the ~~city council~~City Planner with the attached list to be completed within one year.

B. The ~~city council~~City Planner may accept the improvements ~~by resolution~~ upon recommendation by the maintenance supervisor and ~~city~~City engineer. (Ord. 2008-4, 2008)

16.40.020: RELEASE OF FUNDS

A. As improvements are completed, inspected and approved by the maintenance supervisor and the ~~city~~City engineer, funds which have been placed in a performance bond, an irrevocable letter of credit or funds in escrow for those improvements will be authorized to be released for payment of those improvements. The ~~city~~City shall not release nor reduce these funds on any required improvement until the developer provides a statement for monies requested, signed by the ~~city~~City engineer or maintenance supervisor noting the improvements have been satisfactorily completed. In no event shall these funds be reduced below ten percent (10%) of the principal amount.

B. The ~~city~~City shall retain ten percent (10%) of the collateral for a period of one year. The purpose of retaining the ten percent (10%) warranty amount is to guarantee that the improvements have been installed correctly and that they function properly. If any improvements have not been installed correctly or fail to function properly, and the developer fails to correct the deficiencies within thirty (30) days of notification thereof, then, upon written notice by the ~~city~~City, escrow shall pay over to the ~~city~~City the amount necessary to complete, repair or replace said improvements. In the event the costs of completing, repairing or replacing the unsatisfactory improvements exceeds the amount remaining in the performance bond, an irrevocable letter of credit or funds in escrow, the developer shall, within ten (10) days of notice thereof, pay the excess amount to the ~~city~~City and shall also cause to restore the performance bond, an irrevocable letter of credit or funds in escrow to the prescribed ten percent (10%) warrantee amount. The ~~city~~City shall not issue any building permits for the subdivision until the above referenced excess costs have been paid to the ~~city~~City and the warranty amount (10 percent of the total cost of

improvements) has been restored. (Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.40.030: WARRANTY OF IMPROVEMENTS

A. The warranty period for public improvements shall commence on the date that all ~~city~~City required improvements associated with the development have been completed to the satisfaction of the ~~city~~City and a final inspection thereof has been made approving the same. The warranty period shall commence on the date of the adopted resolution and shall continue for a minimum period of one year thereafter for all improvements. If any deficiencies in materials or workmanship are found by the ~~city~~City during the warranty period, the developer shall promptly resolve such defects or deficiencies and request the maintenance supervisor and ~~city~~City engineer to reinspect the improvements.

B. At the end of the one year warranty period, as applicable, the developer shall request the maintenance supervisor and ~~city~~City engineer to make a final warranty period inspection of all improvements. If the maintenance supervisor and ~~city~~City engineer verify that the improvements are acceptable, the ~~city~~City shall release by resolution the balance of the security posted by the developer under the agreement. If after the inspection it has been determined that items need to be repaired these items will be required to be warranted for an additional amount of time, of which said time will be decided upon by the ~~city~~City and a determined portion of the escrow will be retained for the additional amount of warranty time.

C. Ten percent (10%) of the total cost of the improvements shall be retained by the ~~city~~City during this warranty period. All funds in escrow, surplus to the warranty amount, may then be released by the ~~city~~City after inspection and upon request of the ~~city~~City engineer and maintenance supervisor. (Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

~~**MILLVILLE CITY CODE**~~

~~**TITLE 16 – SUBDIVISIONS**~~

CHAPTER 16.48 - APPENDICES

16.48.010: APPENDICES; FORMS

~~**16.48.010: APPENDICES; FORMS**~~

The appendices may be obtained by contacting the ~~city planning department~~City Planning Department for all necessary forms. (Ord. 2008-4, 2008: Res. 2005-12, 2005: Ord. 2004-9, 2004: Ord. 2003-3, 2003: Ord. 2002-2 § 2, 2002: 2001 Code)