



7505 S Holden Street  
Midvale, UT 84047  
801-567-7200 ext. 1022  
Midvale.Utah.gov

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**Midvale Planning Commission Meeting  
Notice and Agenda  
March 11, 2026  
6:00 p.m.**

Public notice is hereby given that the Midvale City Planning Commission will consider the items listed below during their regularly scheduled meeting on Wednesday, March 11, 2026, at 6:00 p.m. This meeting will be held in person at Midvale City Hall, 7505 S Holden Street, Midvale, Utah or electronically with an anchor location at Midvale City Hall, 7505 S Holden Street, Midvale, Utah. The meeting will be broadcast at the following link:  
[Midvale.Utah.gov/YouTube](https://Midvale.Utah.gov/YouTube).

Midvale City Staff publishes a packet of information containing item specific details by 6:00 p.m. the Thursday prior to the meeting date on the [Planning Commission Agendas & Minutes](#) page. The QR code included on the right will also take you to this webpage.



Public comments for Public Hearing items may be done in person on the scheduled meeting date, submitted electronically on the Agendas & Minutes webpage, or by emailing [planning@midvaleut.gov](mailto:planning@midvaleut.gov) by 5:00 p.m. on March 10, 2026 to be included in the record.

- I. Pledge of Allegiance**
- II. Roll Call**
- III. Chair/Vice Chair Election**
  - a. Yearly Election of Chair and Vice Chair
- IV. Minutes**
  - a. Review and Approval of Minutes from the February 11, 2026 Meeting.
- V. Public Hearing**

*If items marked with \*\* are forwarded, the City Council will hear them on April 7, 2026 at 7 p.m.*

- a. \*\*Midvale City initiated text amendment to fix clerical errors in the use table of Section 17-7-7.2, 17-7-12.2, and 17-7-13.2 of the Midvale City Municipal code. *[Elizabeth Arnold, Senior Planner]*
- b. \*\*Midvale City initiated code text amendment modifying Title 16 and Section 17-4-3 of the Midvale Municipal Code to come into compliance with requirements of the Utah State Legislature.

## **VI. Staff Update/Other Business**

- a. Planning Department Report.

## **VII. Adjourn**

All meetings are open to the public; however, there is no public participation except during public hearings. Members of the public will be given an opportunity to address the Commission during each public hearing item. The Commission reserves the right to amend the order of the agenda if deemed appropriate. No item will be heard after 9:30 p.m. without unanimous consent of the Commission. Items not heard will be scheduled on the next agenda.

A copy of the foregoing agenda was posted in the City Hall Lobby, the 2<sup>nd</sup> Floor City Hall Lobby, on the City's website at [Midvale.Utah.gov](http://Midvale.Utah.gov) and the State Public Notice website at <http://pmn.utah.gov>. Commission Members may participate in the meeting via electronic communication. Commission Members' participation via electronic communication will be broadcast and amplified so all Commission Members and persons present in the Council Chambers will be able to hear or see the communication.

In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the Community Development Executive Assistant at (801) 567-7211, providing at least three working days' notice of the meeting.



7505 South Holden Street  
Midvale, UT 84047  
Phone (801) 567-7200  
Midvale.Utah.gov

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**Midvale City  
PLANNING AND ZONING COMMISSION**

*Minutes*

**11<sup>th</sup> Day of February 2026  
Council Chambers  
7505 South Holden Street  
Midvale, Utah 84047**

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**COMMISSION CHAIR:** Robyn Anderson

**COMMISSION VICE CHAIR:** Candice Erickson

**COMMISSION MEMBERS:** Dustin Snow  
Candace Tippetts  
Shane Liedtke  
Michael Edwards  
Chase Brauchie

**STAFF:** Adam Olsen, Community Development Director  
Katie Thorne, Community Development Exec. Assistant  
Daniel Van Beuge, Deputy City Attorney  
Wendelin Knobloch, Planning Director  
Elizabeth Arnold, Senior Planner  
Jonathan Anderson, Planner II  
Juan Rosario, IT Systems Administrator

**REGULAR MEETING**

Chair Anderson called the Planning & Zoning Commission meeting to order at 6:00 p.m. She explained how the meeting would proceed. First, the Planning Department would brief the Commission; then the applicant would speak to the Commission; the item will be opened to the public for their comments on public hearing agenda items; the Midvale Deputy City Attorney will then brief the Commission on their role on the given item; and then the Commission would deliberate and decide.

**ROLL CALL**

Chair Anderson	Present
Vice Chair Erickson	Present
Commissioner Tippetts	Present
Commissioner Snow	Present
Commissioner Liedtke	Present
Commissioner Edwards	Present
Commissioner Brauchie	Present

\*\*\*

**MINUTES****1. REVIEW AND APPROVE MINUTES OF JANUARY 28, 2026.**

**MOTION:** Commissioner Liedtke MOVED to approve the minutes of January 28, 2026. SECONDED by Vice Chair Erickson. Chair Anderson called for a voice vote.

The motion passed unanimously with all voting in favor.

\*\*\*

**PUBLIC HEARINGS****1. Darren Nate requests a zoning code text amendment proposing specific front setback requirements for Center Sq (125 W Street), modifying various Sections of Midvale Municipal Code Chapter 17-7-8.**

This proposed amendment is to Sections 17-7-8.3, 17-7-8.4, and 17-7-8.5 to create specific front yard setback requirements for Center Sq (125 W Street) with references in other sections (17-7-8.8 regarding parking) for other consistency throughout the zone.

The current eastern side of Center Square consists of 4 properties, all of which have some form of angled or perpendicular parking located directly off the public right-of-way (see Attachment 2). Without the amendment, the current development standards would require a project to be constructed in a manner that would create an inconsistent streetscape across the properties (see Attachment 3). This amendment would enable the streetscape to remain as it currently is and be consistent across all potential forms of future development that could occur along the street.

The Planning, Public Works, Engineering, and Legal Departments have all reviewed the proposed language in conjunction with the right-of-way vacation request (Action Item a on the 2/11/2026 Planning Commission Meeting) and other applicable development applications and determined a recommendation of approval.

Public notice has been sent to affected entities as required in 17-3-9.B of the Midvale Municipal Code. No comments have been received as of the writing of this report

**-ZONING CODE AMENDMENT CRITERIA-**

Midvale City Code 17-3-1(F) outlines the criteria necessary for amendments to the zoning code. A proposal may only be approved if it demonstrates one or more of the following:

1. The proposed amendment promotes the objectives of the general plan and purposes of this title;
2. The proposed amendment promotes the purposes outlined in Utah State Code 10-9a-102;
3. The proposed amendment more clearly explains the intent of the original language or has been amended to make interpretation more straightforward; or
4. Existing zoning code was the result of a clerical error or a mistake of fact.

Staff finds that this proposal meets the first, second and third criteria listed above.

1. The proposed amendment for Center Square (125 W) would maintain consistency of the current streetscape with the existing properties and sidewalk.
2. The amendment promotes the purposes of UCA 10-9a-102 (renumbered to 10-20-101) by “(i) providing fundamental fairness in land use regulation” and (j) “facilitates orderly growth, allows growth in a variety of housing types, and contributes toward housing affordability.”
3. The amendment also creates consistent sidewalk and landscaping widths rather than the current subjective standard that ranges in widths for the sidewalk and front landscaping setback requirement

\*\*\*

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission to recommend approval of the zoning code text amendment to the City Council with the following finding and condition:

**Findings:**

1. The amendment complies with Midvale Municipal Code 17-3-1(F)(1, 2, & 3).

Condition:

1. The right-of-way vacation request for property located at approximately 7689 S Center Sq is approved.

\*\*\*

**APPLICANT:**

Darren Nate stated that, for clarification purposes, the proposed text amendment would address and remove challenges posed by the current section of the Midvale City Code, specifically those related to the existing setback requirements for the street. He displayed images of the property he is looking to potentially develop, and an overlay of what a potential project could look like without the amendment.

**\*\*SEE ATTACHMENT A\*\***

Mr. Nate further explained that the proposed amendment would improve privacy, better distinguish between public and private spaces, enhance safety—particularly with respect to pedestrian crossings—and promote landscaping continuity. He also noted that the amendment would allow for the addition of more visitor parking stalls.

\*\*\*

**PUBLIC HEARING:**

No Comment.

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**MOTION: Commissioner Snow MOVED to close the public hearing. The motion was SECONDED by Commissioner Liedtke. Chair Anderson called for a voice vote. The motion passed unanimously with all voting in favor.**

\*\*\*

**DISCUSSION:**

Commissioner Liedtke requested clarification regarding how the proposed text amendment would affect the setback requirements for the subject property.

Darren Nate responded that the proposed amendment would allow the development to be shifted further back on the property, with setback requirements measured from behind the sidewalk rather than from the existing public right-of-way.

Commissioner Brauchie stated that this project, as well as previous projects completed by Mr. Nate within Midvale City, have provided beneficial development opportunities, particularly by offering for-sale housing rather than rental units, thereby increasing homeownership opportunities for Midvale residents.

Commissioner Edwards stated that he would propose establishing a **minimum sidewalk width requirement of at least 5 feet**, rather than the proposed stringent 5-foot requirement which would allow for the opportunity to exceed a minimum 5-foot standard.

Daniel Van Buege, Deputy City Attorney, stated that the amendment proposed by Commissioner Edwards would be permissible without requiring the text amendment to be brought back to the Planning Commission for further review and approval, provided that the additional amendment recommendation was included in the motion at this meeting.

\*\*\*

**MOTION: Commissioner Liedtke MOVED that we recommend approval of the zoning code text amendment as provided in the attachments, with the finding and condition noted in the staff report, along with the recommendation that the sidewalks have a minimum standard of 5 feet in width. The motion was SECONDED by Vice Chair Erickson. Chair Anderson called for a roll call vote. The vote was as follows:**

Chair Anderson	Yes
Vice Chair Erickson	Yes
Commissioner Tippetts	Yes
Commissioner Snow	Yes
Commissioner Liedtke	Yes

**The motion passes unanimously.**

\*\*\*

### **ACTION ITEMS**

- 1. Right-of-way vacation request for property located at approximately 7689 S Center Sq. Requestor – Darren Nate, Ryker Development, LLC.**

Variations are regulated by Midvale Municipal Code Section 12.16.050, with the City Council holding authority to dispose of properties if the requirements of this section have been satisfied as noted in MMC 12.16.050(F) at their discretion.

The Planning, Public Works, Engineering, and Legal Departments have all reviewed the proposed vacation in conjunction with a zoning code text amendment (Public Hearing Item a on the 2/11/2026 Planning Commission Meeting) and other applicable development applications, and have all recommended approval as required by MMC 12.16.050(B). A public hearing is scheduled before the City Council on March 3, 2026 as required by MMC 12.16.050(E).

\*\*\*

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission to recommend approval of the right-of-way vacation request to the City Council with the following finding and conditions:

Findings:

1. The right-of-way vacation request for property located at approximately 7689 S Center Sq generally meets the requirements of Midvale Municipal Code 12.16.050.

Conditions:

1. The right-of-way vacation request for property located at approximately 7689 S Center Sq generally meets the requirements of Midvale Municipal Code 12.16.050.
2. The required appraisal document is provided by the applicant and included in the City Council's review of the right-of-way vacation to be held on March 3, 2026 with a public hearing.

\*\*\*

**APPLICANT:**

No comment.

\*\*\*

**DISCUSSION:**

The applicant provided the appraisal report to staff 2/11/2026, and it was emailed to the Planning Commissioners.

**\*\*SEE ATTACHMENT B\*\***

Commissioner Snow requested clarification regarding the purpose of the appraisal report provided to the Planning Commission and the proposed sale of the right-of-way.

Jonathan Anderson, Planner II, stated that the City would be selling the right-of-way to Darren Nate, pending decisions by both the Planning Commission and the Midvale City Council which is the purpose of the appraisal. It is also a requirement by MMC 12.16.050 for the applicant.

Chair Anderson asked Daniel Van Buege if he had any comments regarding the matter.

Daniel Van Buege stated that the Planning Commission would be making a recommendation to the Midvale City Council; however, the final decision to approve or deny the proposed right-of-way vacation rests with the City Council.

\*\*\*

**MOTION: Commissioner Liedtke MOVED that we recommend approval of the right-of-way vacation for the property located at approximately 7689 S Center Sq, with the following finding and condition; *Finding: 1. The right-of-way vacation request for property located at approximately 7689 S Center Sq meets the requirements of Midvale Municipal Code 12.16.050. Condition: 1. The zoning code text amendment to various sections of Midvale Municipal Code 17-7-8 is approved. The motion was SECONDED by Commissioner Tippetts. Chair Anderson called for a roll call vote. The vote was as follows:***

Chair Anderson	Yes
Vice Chair Erickson	Yes
Commissioner Tippetts	Yes
Commissioner Snow	Yes
Commissioner Liedtke	Yes

**The motion passes unanimously.**

\*\*\*

## **ACTION ITEMS**

### **2. Approval of a Planning Commission Bylaws Amendment regarding the Ability of Alternates to be Elected Chair or Vice Chair.**

The Planning Commission held a brief discussion at its 1/28/2026 regular session regarding the ability of Alternates to be elected Chair or Vice Chair.

The Bylaws do not currently allow Alternates to be elected Chair or Vice Chair, therefore the Planning Commission instructed staff to modify the Bylaws and bring the changes back to the next meeting.

\*\*\*

**STAFF RECOMMENDATION:**

Staff recommends approval of the amendment to the Planning Commission Bylaws regarding the Ability of Alternates to be Elected Chair or Vice Chair with the following finding:

Findings:

1. This amendment provides more service opportunities for Alternates if they can be elected Chair or Vice Chair.
2. Having the option to elect Alternates to the position of Chair or Vice Chair broadens the pool of potential nominees for these positions.

\*\*\*

**APPLICANT:**

No comment.

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**DISCUSSION:**

No Comment.

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**MOTION:** Vice Chair Erickson **MOVED** that we approve the Planning Commission Bylaws Amendment regarding the Ability of Alternates to be Elected Chair or Vice Chair as provided in the attachments, with the findings noted in the staff report. The motion was **SECONDED** by Commissioner Snow. Chair Anderson called for a roll call vote. The vote was as follows:

Chair Anderson	Yes
Vice Chair Erickson	Yes
Commissioner Tippetts	Yes
Commissioner Snow	Yes
Commissioner Liedtke	Yes

**The motion passes unanimously.**

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**STAFF UPDATE/OTHER BUSINESS**

1. Planning Department Report

- a. The Planning Commission Meeting for February 25, 2026 has been cancelled.
- b. Planning Commission Appreciation Dinner
  - i. February 19, 2026, at Longhorn Steak House

\*\*\*

**ADJOURN**

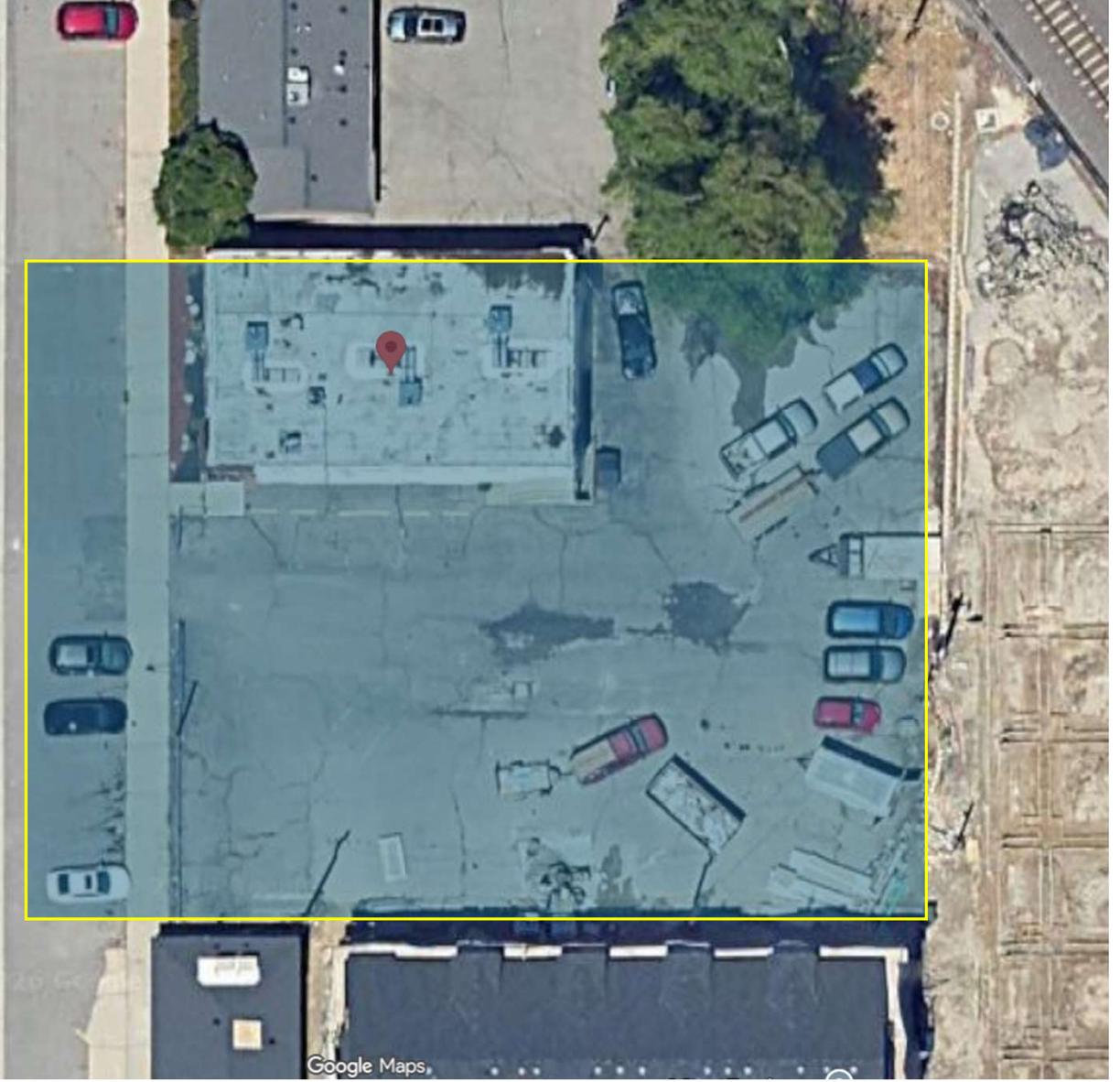
Vice Chair Erickson made the motion to adjourn 6:23 p.m. No one opposed. The meeting adjourned at 6:23 p.m.

\_\_\_\_\_  
Katie Thorne, CD Executive Assistant

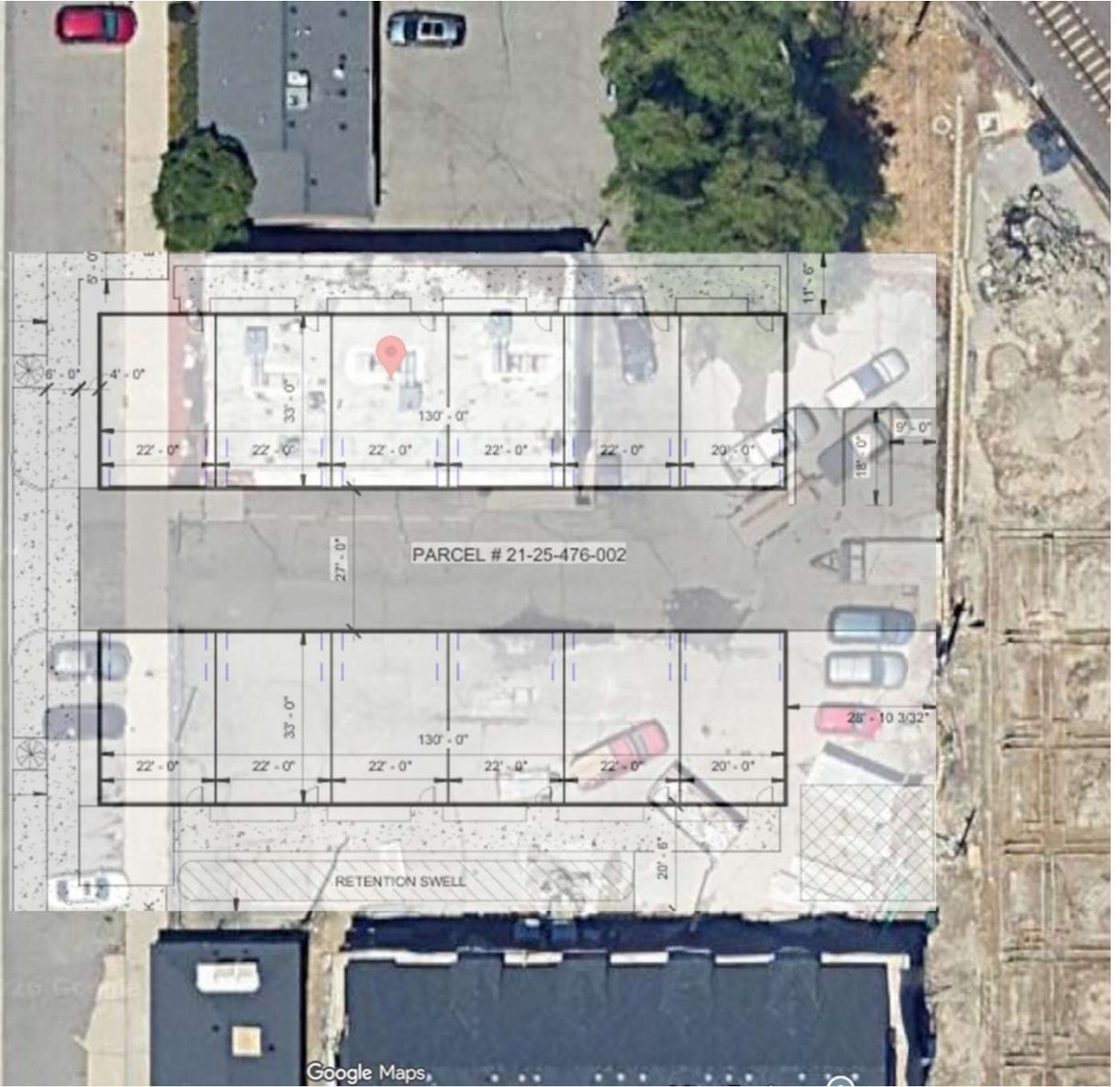
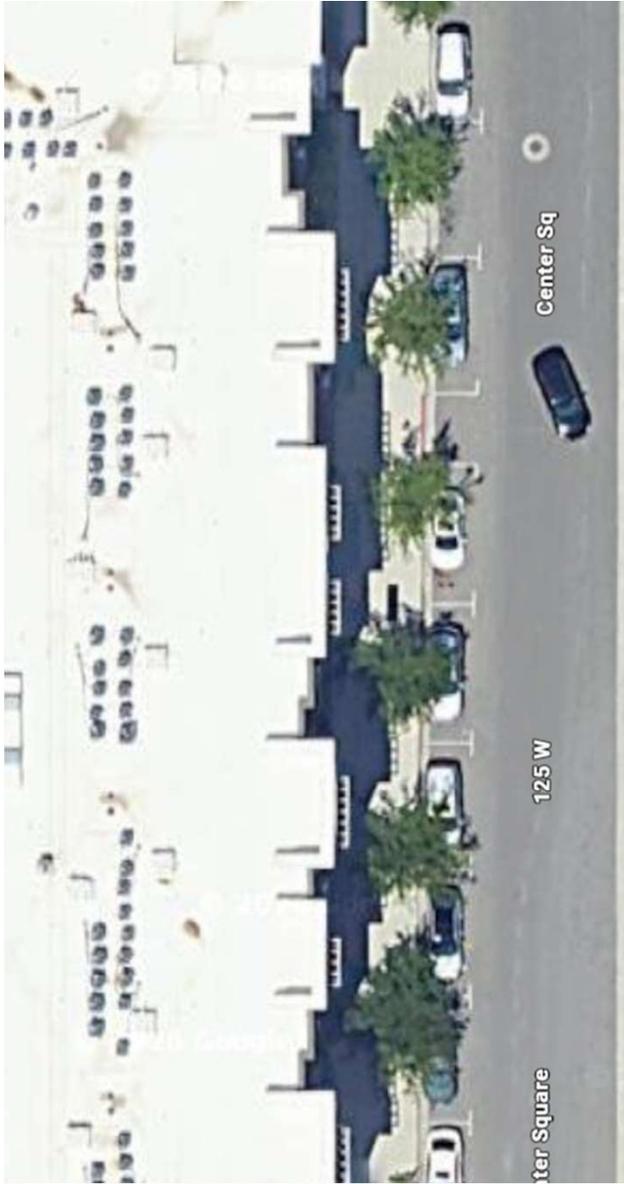
Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2026.

**ATTACHMENT A: Developer Slides for Item A**

DRAFT



Google Maps



**ATTACHMENT B: Appraisal Report for Item B**

DRAFT

**RESTRICTED USE  
APPRAISAL REPORT  
OF**

**Strip of land**

Located at approximately  
7689 S. Center Square St.  
Midvale, Utah

**APPRAISAL NO. 26-20**

FOR

**Mr. Adam Olsen, Community Development Director, Midvale City**

CHAD L. RIGBY, MAI

&

JEFFREY H. RIGBY, MAI

# **RESTRICTED USE APPRAISAL REPORT**

**CLIENT:** Mr. Adam Olsen  
Community Development Director, Midvale City  
7505 S. Holden St.  
Midvale, UT 84047

**APPRAISERS:** Chad L. Rigby, MAI & Jeffrey H. Rigby, MAI  
Rigby & Company  
1466 North Highway 89 #220  
Farmington, UT 84025

**SUBJECT INFORMATION:** The property under consideration is a 7.24 x 125-foot strip of land located along the frontage of Center Square St. at 7689 S., Midvale, Salt Lake County, Utah.

The subject site contains 905 square feet or 0.0208 acres.

The subject is currently zoned TOD by Midvale City. This zoning classification allows for and encourages high-quality transit-oriented development characterized by a mix of commercial and residential uses according to the municipal code of Midvale City.

**SUBJECT OWNERSHIP AND HISTORY:** The property under consideration is currently part of Center Square Street and under local government ownership.

**INTENDED USE OF THE REPORT:** To estimate the market value of the subject for internal management decisions.

**INTEREST VALUED:** The fee simple estate is considered in this analysis.

**EFFECTIVE DATE OF APPRAISAL:** February 11, 2026

**APPRAISAL DEVELOPMENT AND REPORTING PROCESS:** In preparing this appraisal, the appraisers visually inspected the subject property, its abutting properties, the neighborhood, and marketing area. All information is retained in the appraiser's files and is available upon request. The sales comparison is the most reliable approach when considering commercial properties similar to the subject and is therefore, the only approach considered in this report.

Sufficient information is retained in the appraiser's file for development of a narrative appraisal report.

**HIGHEST AND BEST USE:** The highest and best use of the subject is assemblage with the neighboring parcel to the east.

**SALES COMPARISON APPROACH SUMMARY:** Comparable commercial site sales from the subject’s market area are considered as part of this appraisal process. Summary data relating to the comparables used in this report are noted on the following table. Following the table is a summary of adjustments and an estimated market value for the subject.

**COMPARABLE SITE SALES**

Comparable	Subject	1	2	3	4
Location	7689 Center Square St.	7838 S. Holden St.	7444 S. State Street	7447 S. Main St.	7693 S. Redwood Rd.
City	Midvale	Midvale	Midvale	Midvale	West Jordan
Zoning	TOD	RM-25	SF1	MS-FBC	CC-F
Size (AC)	0.0208	0.50	1.66	0.28	0.19
Date		05/2024	06/2025	11/2025	UC
Price		\$789,000	\$1,375,000	\$485,000	\$225,000
Price/SF		\$36.23	\$19.02	\$39.76	\$27.19

Correlation of market data

No sales exactly similar to the subject were identified in the market. Properties of this nature that are small, non-independently developable strips of land with assemblage-only utility, are not typically exposed to the open market and are most often conveyed through private transactions between adjoining property owners. Accordingly, the comparable sales utilized in this analysis are similar to the subject in certain respects and differ in others. These differences are recognized and addressed through appropriate qualitative and quantitative adjustments for relevant economic and physical characteristics. The following paragraphs summarize the basis for the adjustments applied.

Property rights conveyed

Each transaction involved the conveyance of fee simple interest. Accordingly, no adjustments are required for property rights conveyed.

Financing

All sales appear to have been consummated on a cash or cash-equivalent basis. Therefore, no adjustment is warranted for financing terms.

Conditions of sale

Comparables 1, 2, and 3 represent arm’s-length transactions with no evidence of atypical motivation or undue duress on the part of either buyers or sellers. Accordingly, no adjustment is warranted for conditions of sale for these comparables.

Comparable 4 is currently under contract, and the final purchase price has not yet been confirmed. To reflect the uncertainty associated with the ultimate transaction terms, a downward adjustment of 5% is applied for conditions of sale.

#### Market conditions

Market conditions remained relatively stable over the period analyzed; therefore, no adjustment for market conditions is warranted.

#### Other adjustments

Other adjustments for commercial sites include size, location, zoning, and developmental potential. Each adjustment is individually analyzed in the following paragraphs. Please refer to these paragraphs for further clarification after which the adjustment grid is located in this analysis for the mathematical calculations showing the adjustments and the resulting adjusted value by way of the traditional adjustment method of the sales comparison approach.

#### Location

Comparables 2 and 3 benefit from superior locational characteristics, including independent access and broader market utility, and are therefore adjusted downward by 5% to reflect this superiority. Comparables 1 and 4 exhibit generally similar locational characteristics within their respective market contexts and do not warrant an adjustment for location.

#### Size

With the exception of Comparable 2, the sales analyzed represent small commercial parcels; however, all are materially larger than the subject. Comparable 2 is significantly larger and benefits from economies of scale, and is therefore adjusted upward by 15% to reflect its size advantage relative to the subject. Although the subject is substantially smaller than all comparables, its extreme size limitation and lack of independent development utility are more appropriately addressed within the developmental potential adjustment rather than as a standalone size adjustment.

#### Zoning

The comparables are considered generally similar to the subject in terms of zoning classification and permitted land uses. Accordingly, no adjustment is warranted for zoning or land use in this analysis.

#### Developmental potential

According to local market participants, surplus land—defined as land that cannot be separately described or independently developed and is usable only as an expansion of existing improvements—typically sells for approximately 40% to 60% of the value of a fully developable site. Land that lacks independent utility and can only be assembled with

an adjoining parcel due to its configuration or physical limitations generally commands a significantly lower value, often in the range of 5% to 20% of the value of a standard, fully developable parcel. Given the subject's limited size, configuration, and assemblage-only utility, it falls within the lower end of this spectrum. Accordingly, an 85% downward adjustment is applied to each comparable sale to account for their superior developmental potential relative to the subject.

**BUILDING SALES ADJUSTMENT GRID**

Comparable	1	2	3	4
Price/SF	\$36.23	\$19.02	\$39.76	\$27.19
Property rights	0%	0%	0%	0%
Financing	0%	0%	0%	0%
Cond. of sale	0%	0%	0%	-5%
Market conditions	0%	0%	0%	0%
Location	0%	-5%	-5%	0%
Size	0%	15%	0%	0%
Zoning	0%	0%	0%	0%
Dev. Potential	-85%	-85%	-85%	-85%
Net adjustments	-85%	-75%	-90%	-90%
Adjusted rent	\$5.43	\$4.76	\$3.98	\$2.72

**Sales comparison approach summary**

The comparables used form an adjusted value range of between \$2.72 and \$5.43 per square foot with an average of \$4.22. It is our opinion that an appropriate market value of the subject would be \$4.50 per square foot. Please refer to the following calculations for the market value estimate of the subject as per the sales comparison approach.

$$905 \text{ SF} \times \$4.50 = \$4,073$$

**ROUNDED** **\$4,075**

Should you have any questions, please do not hesitate to contact our office.

Respectfully submitted,



Chad L. Rigby, MAI

Utah State-Certified General Appraiser Certificate 5483673-CG00 Expires 5-31-26
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Jeffrey H. Rigby, MAI

Utah State-Certified General Appraiser Certificate 5485623-CG00 Expires 1-31-27
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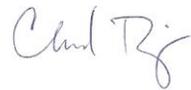
# CERTIFICATION

The undersigned does hereby certify that:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial, unbiased professional analyses, opinions, and conclusions.
- We have no present or prospective interest in the property that is the subject of this report, and we have no personal interest with respect to the parties involved.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- We have not performed prior appraisal services on this property in the previous three-year period.
- Jeffrey H. Rigby, MAI made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the persons signing this certification.
- As of the date of this report, Chad L. Rigby, MAI and Jeffrey H. Rigby, MAI have completed the continuing education program of the Appraisal Institute.

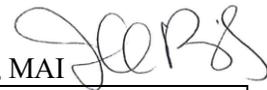
February 11, 2026

Date



Chad L. Rigby, MAI

Utah State-Certified General Appraiser  
Certificate 5483673-CG00 Expires 5-31-26



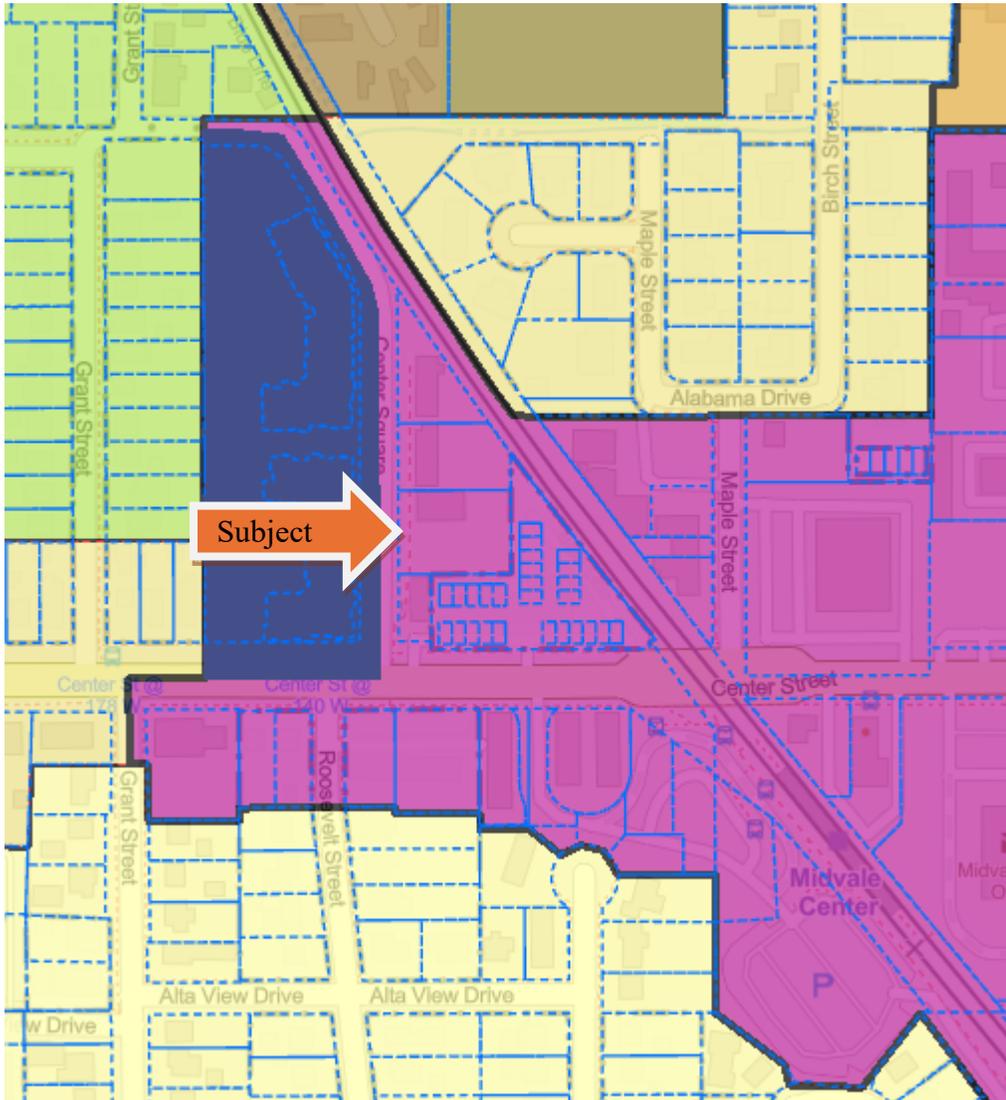
Jeffrey H. Rigby, MAI

Utah State-Certified General Appraiser  
Certificate 5485623-CG00 Expires 1-31-27

# PLAT MAP



# ZONING MAP





SUBJECT PHOTOGRAPHS



Looking south across subject. The main parcel is to the left of photo and Center Square Street is to the right of photo.



Looking north across subject. The main parcel is to the right of photo and Center Square Street is to the left of photo.



Looking south along Center Square Street. The subject is just to the left of photo.



Looking north along Center Square Street. The subject is just to the right of photo.

## **ADDENDA**

## **QUALIFICATIONS OF CHAD L. RIGBY, MAI**

### **Education**

College: Graduated from Brigham Young University, April 1993.  
Majored in Business Management, with emphasis in Finance

Advanced Study: Appraisal Institute Courses:

Real Estate Appraisal Course 1A1,  
Basic Appraisal Principles  
Boise Idaho, 1992

Real Estate Appraisal Course 1A2,  
Appraisal Procedures  
Salt Lake City, 1992

Standards of Professional Practice, Part A (USPAP)  
Salt Lake City, 1993

Standards of Professional Practice, Part B  
Salt Lake City, 1994

Appraisal Institute Course 310,  
Basic Income Capitalization  
Salt Lake City, 1996

Appraisal Institute Course 510,  
Advanced Income Capitalization  
Boulder CO, 1997

Appraisal Institute Course 540,  
Report Writing and Valuation Analysis  
Marylhurst, OR, 1997

Appraisal Institute Course 550,  
Advanced Applications  
South Jordan, UT, 1999

Appraisal Institute Course 430,  
Standard of Professional Practice, Part C  
Salt Lake City, UT, 1999

### **Professional**

Member of the Appraisal Institute  
(MAI #11763) Awarded June 2001

Certified General Appraiser - State of Utah  
License Number 5483673-CG00

### **Experience**

- 1990-1993                      Research Assistant for Larry A. Rigby, MAI
- 1993-2000                      Real Estate Appraiser employed by Larry A. Rigby, MAI
- 2000-Present                      Partner Rigby & Company—real estate appraisal, research, market analysis and consulting firm.

### **Types of Real Estate Appraised**

Shopping Centers  
Apartment Projects  
Condominium Developments  
Assisted Living Facilities  
Alzheimer's Facilities  
Service Stations  
Retail Centers  
Office Buildings  
Industrial Buildings  
Commercial Buildings  
Various Types of Undeveloped Land  
Subdivisions  
Hotels, Motels and Restaurants  
Partial takings for condemnation proceedings

### **Market studies performed**

Condominium development  
Mixed use commercial office and high density residential  
Cooperative housing  
Assisted living facility  
Alzheimer's facility  
Subsidized apartments  
Age restricted apartments

**Personal**

DOB (5/3/69)

Residence: 1859 South Kay Drive, Kaysville, Utah  
E-mail Address: chadrigbymai@gmail.com  
FAX: (801) 451-0443  
Mobile Phone: (801) 589-2699  
Business Address: 1466 North Highway 89  
Suite 220  
Farmington, UT 84025

## **QUALIFICATIONS OF JEFFREY H. RIGBY, MAI**

### **Education**

College: Graduated from the University of Utah, December 2001.  
Majored in Communications

Advanced Study: O'Brien Schools Preferred:

Real Estate Appraisal Course  
Fundamental Appraisal - 101  
Salt Lake City, UT 1998

Real Estate Appraisal Course  
Appraising Residences – 102  
Salt Lake City, UT 1998

Standards of Professional Practice (USPAP)  
Salt Lake City, UT 1998

Appraisal Institute Course 310,  
Basic Income Capitalization  
Denver, CO, 2007

Appraisal Institute Course  
General Market Analysis & Highest and Best Use  
Pleasanton, CA, 2007

Appraisal Institute Course  
General Site Valuation & Cost Approach  
Online, 2015

Appraisal Institute Course  
General Sales Comparison Approach  
Online, 2015

Appraisal Institute Course  
General Income Approach Part I  
Online, 2016

Appraisal Institute Course  
General Income Approach Part II  
Online, 2016

Appraisal Institute Course  
General Report Writing and Case Studies  
Online, 2017

Appraisal Institute Course  
Advanced Income Capitalization  
Chicago, IL, 2021

Appraisal Institute Course  
Advanced Market Analysis and Highest and Best Use  
Woburn, MA, 2022

Appraisal Institute Course  
Quantitative Analysis  
Synchronous, 2023

Appraisal Institute Course  
Advanced Concepts and Case Studies  
San Diego, CA, 2023

**Professional**

Member of the Appraisal Institute  
(MAI #526395) Awarded July 2025

Certified General Appraiser - State of Utah  
License Number 5485623 – CG00

Certified General Appraiser - State of Idaho  
License Number 6071840

**Experience**

1998-2006                      Research Assistant for Rigby & Company

2006-present                      Appraiser Trainee, Licensed Appraiser, and Certified General Appraiser  
employed by Rigby & Company

**Types of Real Estate Appraised**

Retail Centers  
Condominium Developments  
Industrial Buildings  
Commercial Buildings  
Numerous Types of Undeveloped Land  
Residential, Commercial, and Industrial Subdivisions  
Automotive Dealerships  
Medical Buildings

Automotive Repair Shops  
Retail Buildings  
Storage Facilities

**Personal**

DOB (7/16/77)

Residence: 319 E 1375 S

Kaysville, UT 84037

Business Phone: (801) 451-9888

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## **MIDVALE CITY PLANNING COMMISSION STAFF REPORT 3/11/2026**

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### **SUBJECT**

Midvale City initiated text amendment to fix clerical errors in the use table of Section 17-7-7.2, 17-7-12.2, and 17-7-13.2 of the Midvale City Municipal code.

### **SUBMITTED BY**

Elizabeth Arnold, Senior Planner

### **BACKGROUND AND ANALYSIS**

Last year changes were made to the SSC, RC, and CI zones regarding vehicle related uses. With the changes made to the use table of each of these sections, the word “vehicle” was accidentally removed from each of the uses. This amendment will add it back in.

Public notice has been sent to affected entities as required in 17-3-9.B of the Municipal Code. No comments have been received as of the writing of this report.

### ***-ZONING CODE AMENDMENT CRITERIA-***

Midvale City Code 17-3-1(F) outlines the criteria necessary for amendments to the zoning code. A proposal may only be approved if it demonstrates one or more of the following:

1. The proposed amendment promotes the objectives of the general plan and purposes of this title;
2. The proposed amendment promotes the purposes outlined in Utah State Code 10-9a-102;
3. The proposed amendment more clearly explains the intent of the original language or has been amended to make interpretation more straightforward; or
4. Existing zoning code was the result of a clerical error or a mistake of fact.

Staff finds that this proposal meets the fourth criterion listed above as text was accidentally removed.

### **STAFF RECOMMENDATION**

Staff proposes the Planning Commission recommend approval of the text amendment with the following finding:

1. The amendment complies with Midvale City Code 17-3-1(F)(4).

## **RECOMMENDED MOTION**

I move that we recommend approval of the amendment as provided in the attachments, with the finding noted in the staff report.

## **ATTACHMENTS**

1. Draft Ordinance

## 17-7-7.2 Uses.

If a use is not specifically designated, it is prohibited. Uses designated with an asterisk (\*) have additional use-specific standards included in subsection (A) of this section. Some uses have additional standards included in Chapter [17-6](#), Supplementary Regulations.

**Table 17-7-7.2. Uses**

Type	Allowed	Administrative	Conditional	Business License
Accessory Building—Unoccupied, Single Family only	X			
Alcoholic Beverage				
Class A License	X			X
Class B License	X			X
Class C Tavern	X			X
Restaurant	X			X
Package Agency			X	X
Private Club	X			X
State Liquor Store	X			
Animal Hospital	X			X
Assembly Use		X		X

Type	Allowed	Administrative	Conditional	Business License
Assisted Living Facility				
≤ 1 acre		X		X
> 1 acre			X	X
Auditorium, Assembly Hall			X	X
Bed and Breakfast			X	X
Cafe/Deli	X			X
Car Wash		X		X
Child Care				
≤ 6 children	X			X
≥ 7 children		X		X
Commercial Repair Services	X			X
Dwellings				
Single Family	X			
Duplex	X			
Multifamily				

Type	Allowed	Administrative	Conditional	Business License
≤ 1 acre		X		
> 1 acre			X	
External Accessory Dwelling Unit*	X			
Entertainment Center			X	X
Fences				
7' or less	X			
> 7'		X		
Financial Institution				
W/drive-up window		X		X
W/o drive-up window	X			X
Heliport			X	X
Home Occupation	X			X
Hotel/Motel			X	X
Internal Accessory Dwelling Unit*	X			
Itinerant Merchant				

<b>Type</b>	<b>Allowed</b>	<b>Administrative</b>	<b>Conditional</b>	<b>Business License</b>
Vending Carts	X			X
Seasonal Food Stands	X			X
Christmas Tree Sales	X			X
Fireworks Stands	X			X
Seasonal Produce Stands	X			X
Seasonal Flower Stands	X			X
Kennel, Commercial		X		X
Manufactured Home	X			
Master Planned Development			X	
Medical Cannabis Pharmacy*	X			X
Mixed-Use	X			X
Mortuary, Funeral Home	X			X
Municipal Facilities				
Parks		X		
Public Safety Facility		X		

Type	Allowed	Administrative	Conditional	Business License
Public Utilities				
Minor		X		
Major			X	
Recreational Facilities		X		
Trails		X		
Nursery, Commercial	X			X
Office				
General	X			X
Intensive and Clinical, Medical			X	X
Outdoor Dining		X		X
Outdoor Storage		X		
Parking Lot				
Commercial			X	X
Private	X			
Pre-Existing Landscaping	X			

Type	Allowed	Administrative	Conditional	Business License
Pre-Existing Lighting (outdoor)	X			
Pre-Existing Lot	X			
Pre-Existing Structure	X			
Pre-Existing Use	X			
Quasi-Public Facilities			X	X
Radio Station	X			X
Recreation Facility				
Commercial			X	X
Private	X			
Religious/Educational Institute				
Permanent	X			X
Temporary			X	X
Restaurant				
W/drive-up window		X		X
W/o drive-up window	X			X

Type	Allowed	Administrative	Conditional	Business License
Retail and Service Commercial				
W/drive-up window		X		X
W/o drive-up window	X			X
24 hour use			X	
Self-Service Storage Facility			X	X
Shopping Center			X	X
Telecommunications Facility		X		
Transportation Facility				
Major			X	
Minor	X			
Vehicle Rental	X			X
Vehicle Sales (Minor)	X			X
Vehicle Sales and Service (Major)	X			X
Vehicle Filling Station	X			X
Vehicle Repair	X			X

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<b>Type</b>	<b>Allowed</b>	<b>Administrative</b>	<b>Conditional</b>	<b>Business License</b>
Warehouse/Distribution			X	X

## 17-7-12.2 Uses.

If a use is not specifically designated, then it is prohibited. Uses designated with an asterisk (\*) have additional use-specific standards included in subsection (A) of this section. Some uses have additional standards included in Chapter [17-6](#), Supplementary Regulations.

**Table 17-7-12.2. Uses**

<b>Type</b>	<b>Allowed</b>	<b>Administrative</b>	<b>Conditional</b>	<b>Business License</b>
Alcoholic Beverage				
Class A License	X			X
Class B License	X			X
Class C Tavern	X			X
Restaurant	X			X
Package Agency			X	X
Private Club	X			X
State Liquor Store	X			X
Animal Hospital	X			X
Assisted Living Facility				
≤ 1 acre		X		

<b>Type</b>	<b>Allowed</b>	<b>Administrative</b>	<b>Conditional</b>	<b>Business License</b>
> 1 acre			X	
Auditorium, Assembly Hall			X	X
Carwash		X		
Child Care				
≤ 6 children	X			X
≥ 7 children		X		X
Commercial Repair Services	X			X
Entertainment Center			X	X
Fences				
7' or less	X			
7' or more		X		
Financial Institution				
W/o drive up window	X			X
W/drive up window		X		X

<b>Type</b>	<b>Allowed</b>	<b>Administrative</b>	<b>Conditional</b>	<b>Business License</b>
Golf Course, private			<b>X</b>	<b>X</b>
Heliport			<b>X</b>	<b>X</b>
Hotel/Motel			<b>X</b>	<b>X</b>
Itinerant Merchants				
Vending Carts	<b>X</b>			<b>X</b>
Seasonal Food Stands	<b>X</b>			<b>X</b>
Christmas Tree Sales	<b>X</b>			<b>X</b>
Fireworks Stands	<b>X</b>			<b>X</b>
Seasonal Produce Stands	<b>X</b>			<b>X</b>
Seasonal Flower Stands	<b>X</b>			<b>X</b>
Kennel, Commercial		<b>X</b>		<b>X</b>
Manufactured Home	<b>X</b>			
Medical Cannabis Pharmacy	<b>X</b>			<b>X</b>
Mortuary/Funeral Home	<b>X</b>			<b>X</b>

<b>Type</b>	<b>Allowed</b>	<b>Administrative</b>	<b>Conditional</b>	<b>Business License</b>
Municipal Facilities				
Parks				
Public Safety Facility		X		
Public Utilities				
Minor		X		
Major			X	
Recreational Facilities		X		
Trails		X		
Office				
General	X			X
Intensive			X	X
Outdoor Dining		X		X
Parking Lot				
Commercial			X	X
Private	X			

<b>Type</b>	<b>Allowed</b>	<b>Administrative</b>	<b>Conditional</b>	<b>Business License</b>
Pawn Shop		X	X	
Pre-Existing Landscaping	X			
Pre-Existing Lighting (outdoor)	X			
Pre-Existing Lot	X			
Pre-Existing Structure	X			
Pre-Existing Use	X			
Quasi-Public Facilities				
Hospital			X	X
Schools, Private			X	X
Radio Station	X			X
Recreation Facility Commercial			X	X
Religious/Educational Institute				
Permanent	X			X

<b>Type</b>	<b>Allowed</b>	<b>Administrative</b>	<b>Conditional</b>	<b>Business License</b>
Temporary			<b>X</b>	<b>X</b>
Restaurant				
W/drive up window		<b>X</b>		<b>X</b>
W/o drive up window	<b>X</b>			<b>X</b>
Retail and Service Commercial				
W/drive up window		<b>X</b>		<b>X</b>
W/o drive up window	<b>X</b>			<b>X</b>
24 hour use			<b>X</b>	<b>X</b>
Retail Tobacco Specialty Business*	<b>X</b>			<b>X</b>
Shopping Center			<b>X</b>	<b>X</b>
Telecommunications Facility		<b>X</b>		
Transportation Facility				
Major			<b>X</b>	
Minor	<b>X</b>			

<b>Type</b>	<b>Allowed</b>	<b>Administrative</b>	<b>Conditional</b>	<b>Business License</b>
Vehicle Rental	<b>X</b>			<b>X</b>
Vehicle Sales (Minor)	<b>X</b>			<b>X</b>
Vehicle Sales and Service (Major)	<b>X</b>			<b>X</b>
Vehicle Filling Station	<b>X</b>			<b>X</b>
Vehicle Repair	<b>X</b>			<b>X</b>

## 17-7-13.2 Uses.

If a use is not specifically designated, it is prohibited. Uses designated with an asterisk (\*) have additional use-specific standards included in subsection (A) of this section. Some uses have additional standards included in Chapter [17-6](#), Supplementary Regulations.

**Table 17-7-13.2. Uses**

Type	Allowed	Administrative	Conditional	Business License
Alcoholic Beverage				
Class A License	X			X
Class B License	X			X
Class C Tavern	X			X
Restaurant	X			X
Package Agency			X	X
Private Club	X			X
State Liquor Store	X			X
Animal Hospital	X			X
Assisted Living Facility				
≤ 1 acre		X		

Type	Allowed	Administrative	Conditional	Business License
> 1 acre			X	
Auditorium, Assembly Hall			X	X
Cannabis Production Establishment*	X			X
Car Wash		X		X
Child Care				
≤ 6 children	X			X
≥ 7 children		X		X
Commercial Repair Services	X			X
Entertainment Center			X	X
Fences				
7' or less	X			
7' or more		X		
W/barbed or razor wire			X	
Electrified Security			X	
Financial Institution				

<b>Type</b>	<b>Allowed</b>	<b>Administrative</b>	<b>Conditional</b>	<b>Business License</b>
W/o drive up window	X			X
W/drive up window		X		X
Golf Course, Private			X	X
Heliport			X	X
Hospital			X	X
Hotel/Motel			X	X
Itinerant Merchants				
Seasonal Food Stands	X			X
Seasonal Produce Stands	X			X
Seasonal Flower Stands	X			X
Kennel, Commercial		X		X
Manufacturing Use	X			X
Medical Cannabis Pharmacy*	X			X
Mortuary/Funeral Home	X			X
Municipal Facilities				

Type	Allowed	Administrative	Conditional	Business License
Parks		X		
Public Safety Facility		X		
Public Utilities				
Minor		X		
Major			X	
Recreational Facilities		X		
Trails		X		
Office				
General	X			
Intensive			X	
Outdoor Dining		X		X
Outdoor Storage		X		
Parking Lot				
Commercial			X	X
Private	X			

<b>Type</b>	<b>Allowed</b>	<b>Administrative</b>	<b>Conditional</b>	<b>Business License</b>
Pawn Shop		X	X	
Pre-Existing Landscaping	X			
Pre-Existing Lighting (outdoor)	X			
Pre-Existing Lot	X			
Pre-Existing Structure	X			
Pre-Existing Use	X			
Private Club			X	X
Quasi-Public Facilities				
Hospital			X	X
Schools, Private			X	X
Radio Station	X			
Recreation Facility, Commercial			X	X
Recycling Center			X	X
Religious/Educational Institute				
Permanent	X			X

Type	Allowed	Administrative	Conditional	Business License
Temporary			X	X
Restaurant				
W/drive up window		X		X
W/o drive up window	X			X
Retail and Service Commercial				
W/drive up window		X		X
W/o drive up window	X			X
24 hour use			X	X
Retail Tobacco Specialty Business*	X			X
Self-Service Storage Facility			X	X
Sexually Oriented Business			X	X
Shopping Center			X	X
Storage Yard		X		
Telecommunications Facility		X		
Transfer Station			X	X

<b>Type</b>	<b>Allowed</b>	<b>Administrative</b>	<b>Conditional</b>	<b>Business License</b>
Transportation Facilities				
Minor	<b>X</b>			
Major			<b>X</b>	
Vehicle Rental	<b>X</b>			<b>X</b>
Vehicle Sales (Minor)	<b>X</b>			<b>X</b>
Vehicle Sales and Service (Major)	<b>X</b>			<b>X</b>
Vehicle Filling Station	<b>X</b>			<b>X</b>
Vehicle Repair	<b>X</b>			<b>X</b>
Warehouse/Distribution	<b>X</b>			



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## **MIDVALE CITY PLANNING COMMISSION STAFF REPORT 03/11/2026**

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### **SUBJECT**

Midvale City initiated code text amendment modifying Title 16 and Section 17-4-3 of the Midvale Municipal Code to come into compliance with requirements of the Utah State Legislature.

### **SUBMITTED BY**

Wendelin Knobloch, Planning Director

### **BACKGROUND AND ANALYSIS**

This code text amendment modifies language within Title 16 and Section 17-4-3 of the Midvale Municipal Code (MMC) to come into compliance with the following changes in Utah State Code:

1. Subdivision improvement plans can either be reviewed with the preliminary or the final plat:

Title 16 was updated to require the subdivision improvement plan review during the preliminary plat approval process.

2. Recodification of Utah State Code Chapter 10-9a:

Utah planning enabling law was located in Utah Code Chapter 10-9a until last summer when a recodification occurred. The majority of provisions is now found in Utah Code Chapter 10-20, which means state code references found in Midvale's municipal code must be updated.

In addition to the above, the following technical improvements were made:

1. The "Powers and Duties" chapter which defines the Planning Commission's role was updated to reflect existing responsibilities that are based on other code chapters (e.g. MMC 12.16, 16).
2. Code language for numbers is being standardized as digits throughout the code (e.g. "fifteen business days" now appears as "15 business days").

Public notice has been sent to affected entities as required in 17-3-9.B of the Municipal Code. No comments were received prior to the completion of this report.

## ZONING CODE AMENDMENT CRITERIA

Midvale City Code 17-3-1(F) outlines the criteria necessary for amendments to the zoning code. A proposal may only be approved if it demonstrates one or more of the following:

- 1. The proposed amendment promotes the objectives of the general plan and purposes of this title;
- 2. The proposed amendment promotes the purposes outlined in Utah State Code 10-9a-102 [new citation: 10-20-101];
- 3. The proposed amendment more clearly explains the intent of the original language or has been amended to make interpretation more straightforward; or
- 4. Existing zoning code was the result of a clerical error or a mistake of fact.

Staff finds that this proposal meets the first, second, and third criteria listed above because the change promotes the following:

- 1. The protection of private property rights as required in MMC 17-1-1;
- 2. The Municipal Land Use, Development, and Management Act (LUDMA) objectives of providing fundamental fairness in land use regulation; and
- 3. The clear interpretation of code language.

## STAFF RECOMMENDATION

Staff advises the Planning Commission recommend approval of the code text amendment with the following finding:

- 1. The amendment complies with Midvale City Code 17-3-1(F).

## RECOMMENDED MOTION

I move that we recommend approval of the Midvale City initiated code text amendment modifying Title 16 and Section 17-4-3 of the Midvale Municipal Code to come into compliance with requirements of the Utah State Legislature.

## ATTACHMENTS

- 1. Code Language

**17-4-3 Powers and duties.**

The planning commission shall:

- A. *General Plan.* Prepare and recommend a general plan and amendments to the general plan to the city council;
- B. *Zoning.* Recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the city council;
- C. *Subdivision Regulation.* Recommend subdivision regulations and amendments to those regulations to the city council;
- D. *Subdivision Applications.* Approve or deny preliminary subdivision applications as provided in Title 16; ▼
- E. *Conditional Use Permits.* Approve or deny conditional use permits applications; ▼
- F. Street Vacations and Property Disposal. Recommend approval or denial of the vacation of city-owned rights of way or the disposal of city-owned property as provided in Chapter 12.16; and
- G. *Other Duties.* The planning commission shall have all of the powers and duties explicitly or impliedly given planning commissions by the laws of the state or city. (Ord. 12-11-2001C § 2 (part))

**Deleted:** Recommend approval or denial of subdivision applications as provided in this chapter;

**Deleted:** and

**Title 16  
SUBDIVISIONS**

Chapters:

- 16.01 Subdivisions**
- 16.02 Preliminary plat**
- 16.03 Final Subdivision**
- 16.04 Boundary Line Adjustment**
- 16.05 Vacation, Replat, or Amendment of Plat**

## Chapter 16.01 SUBDIVISIONS

Sections:

<b>16.01.010</b>	<b>Purpose.</b>
<b>16.01.020</b>	<b>Definitions.</b>
<b>16.01.030</b>	<b>Applicability.</b>
<b>16.01.050</b>	<b>Violation of subdivision ordinance.</b>
<b>16.01.060</b>	<b>Fees.</b>
<b>16.01.070</b>	<b>Invalidity or unconstitutionality.</b>
<b>16.01.080</b>	<b>Unlawful subdivision.</b>
<b>16.01.090</b>	<b>Nonconforming structures.</b>
<b>16.01.100</b>	<b>Condominium plat.</b>
<b>16.01.110</b>	<b>Appeals.</b>
<b>16.01.120</b>	<b>Preapplication meeting.</b>
<b>16.01.130</b>	<b>Overview of subdivision process.</b>

### **16.01.010 Purpose.**

This title is enacted pursuant to Utah Code Annotated Section [10-20-801](#). The purpose of this title is to:

- A. Protect and provide for the public health, safety, and general welfare of the city;
- B. Guide the future growth and development of the city in accordance with the general plan;
- C. Provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards and other dangers, and to prevent overcrowding of the land and undue congestion of population;
- D. Protect the character and the social and economic stability of all parts of the city and to encourage the orderly and beneficial development of all parts of the municipality;

**Deleted:** [10-9a-601](#)

**Deleted:** [9a](#)

**Deleted:** [6](#)

- 
- E. Protect and preserve the value of land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
  - F. Guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities;
  - G. Provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic and public transportation throughout the city, having particular regard to the avoidance of congestion in the streets, highways, and public transportation, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;
  - H. Establish reasonable standards of design and procedures for subdivisions, records of survey, replats, and boundary line adjustments, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land;
  - I. Ensure that public facilities are available and will have a sufficient capacity to serve the city's population and the proposed subdivision, replat, or boundary line adjustment;
  - J. Prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize site disturbance, removal of native vegetation, and soil erosion; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;
  - K. Preserve the natural beauty and topography of the city and to insure appropriate development with regard to these natural features;
  - L. Provide for open spaces through the most efficient design and layout of the land, including the use of flexible density or cluster-type zoning in providing for minimum width and area of lots, while preserving the density of land as established in this title and [Title 17](#);
  - M. Minimize the number of boundary line disputes in the city and to eliminate existing property line gaps and property line overlaps; and
  - N. Avoid poorly planned developments that:

1. Cannot be adequately served by existing utilities or public services;
2. May prove to be dangerous or unsafe;
3. May cause an undue burden on existing traffic or transportation services;
4. May require the future expenditure of public funds to correct problems caused by the development. (Ord. 2024-01 § 1 (Att. A))

### 16.01.020 Definitions.

For the purpose of this title, certain abbreviations, terms, and words shall be used, interpreted and defined as set forth herein. Words not included herein, but which are defined in Chapter [17-2](#), shall be construed as defined therein.

“Culinary water authority” has the definition provided in Utah Code Annotated Section [10-20-102](#), as amended.

Deleted: [10-9a-103](#)

“Review cycle” has the definition provided in Utah Code Annotated Section [10-20-806](#), as amended.

Deleted: [10-9a-604.2](#)

Deleted: [9a](#)

“Sanitary sewer authority” has the definition provided in Utah Code Annotated Section [10-20-102](#), as amended.

Deleted: [604.2](#)

Deleted: [10-9a-103](#)

“Subdivision improvement” means the required infrastructure, improvements, and municipally controlled utilities required for a subdivision.

“Subdivision improvement plans” has the definition provided in Utah Code Annotated Section [10-20-806](#), as amended.

Deleted: [10-9a-604.2](#)

“Subdivision ordinance review” has the definition provided in Utah Code Annotated Section [10-20-806](#), as amended.

Deleted: [10-9a-604.2](#)

“Subdivision plan review” has the definition provided in Utah Code Annotated Section [10-20-806](#), as amended.

Deleted: [10-9a-604.2](#)

“Underground facility” has the definition provided in Utah Code Annotated Section [10-20-803](#), as amended. (Ord. 2024-01 § 1 (Att. A))

Deleted: [10-9a-603](#)

**16.01.030 Applicability.**

Any division of real property located within Midvale City is subject to the terms of this title. However, if state law exempts a particular division of real property, then the state law governs.

The division of real property includes any sale, gift, transfer, conveyance, consolidation, split, or other division that results in changing the boundaries or legal description of a given parcel or lot of real property. (Ord. 2024-01 § 1 (Att. A))

**16.01.050 Violation of subdivision ordinance.**

Unless otherwise specified by state law or this title, the violation of any of the provisions of this chapter is a class C misdemeanor. This provision may not be used against city officers and staff in their good faith attempts to administer and enforce the terms of this title. (Ord. 2024-01 § 1 (Att. A))

**16.01.060 Fees.**

Fees required by this title must be paid in the amount set by the city council. (Ord. 2024-01 § 1 (Att. A))

**16.01.070 Invalidity or unconstitutionality.**

Should any portion of this title be found to be invalid or unconstitutional by a court of competent jurisdiction, all remaining portions not found to be invalid or unconstitutional will remain in full force and effect. (Ord. 2024-01 § 1 (Att. A))

**16.01.080 Unlawful subdivision.**

A. It is unlawful to transfer, sell, convey, gift, or assign any lot before a final subdivision plat for the lot to be transferred, sold, conveyed, gifted, or assigned is approved and recorded pursuant to the requirements of this title and applicable state law.

B. Except as otherwise provided, all lots or parcels created by the subdivision of real property must comply with the city's lot size, lot width, lot depth, lot frontage, and buildable area requirements, and must abut a public or private street.

C. No subdivision may leave a lot or parcel outside the subdivision without access to a public street or a private street which the lot or parcel outside the subdivision has the legal right to use.

D. Any applicant desiring to develop property that has been subdivided illegally must comply with the requirements of this title before developing the property, regardless of whether or not the applicant was the one who illegally subdivided the property. No building permit may be issued for real property that has been illegally subdivided until the property has come into compliance with this title. The restrictions of this subsection do not apply to legally nonconforming lots.

E. It is unlawful to amend, vacate, alter, or modify any plat which has been approved and/or recorded, without first receiving city approval of the amended, vacated, altered, or modified plat.

F. It is unlawful to divide real property in such a way that a lot or parcel of property is created or left behind that cannot be developed according to the requirements of this title, the city zoning ordinance, and other applicable laws, regardless of whether or not a subdivision plat is required for the division. Examples of this type of violation include, but are not limited to, nuisance or protection strips, parcels or lots created or left for the sole purpose of denying another property owner access to his or her property, parcels or lots with insufficient square footage, parcels or lots with insufficient buildable area, parcels or lots that do not meet the institutional controls requirements under Chapter [8.10](#), and parcels or lots that do not abut on a street.

G. All property must be developed in strict compliance with the approved preliminary plat, the approved final plat, the approved construction drawings, the city's construction standards and

specifications, and all notes, restrictions, covenants, dedications, boundaries, and other commitments shown on the approved preliminary or final plat. Failure to note any improvement required by this title or any other part of the Midvale Municipal Code on the preliminary plat, final plat, or the construction drawings will not eliminate the applicant's responsibility to complete that improvement in the subdivision.

H. It is unlawful to convey or to record any conveyance of any real property to the city without following the appropriate processes outlined in this title and in Section [18.01.030](#) or without otherwise obtaining the consent of the city council. Any such conveyance is voidable by the city. (Ord. 2024-01 § 1 (Att. A))

#### **16.01.090 Nonconforming structures.**

A subdivision that has the effect of rendering any existing structure nonconforming to current city ordinances shall not be allowed. All property lines, streets and other improvements shall be located in such a way as not to render any existing use or structure nonconforming. However, an applicant may request a variance pursuant to Section [17-3-13](#). (Ord. 2024-01 § 1 (Att. A))

#### **16.01.100 Condominium plat.**

Each application for condominium on land that has never been subdivided shall be processed as a new subdivision, including the preliminary plat and final subdivision process if new. Each application for condominium on previously subdivided land shall be processed as an amendment of plat. (Ord. 2024-01 § 1 (Att. A))

#### **16.01.110 Appeals.**

Final decisions on applications under this title may be appealed to the hearing officer appointed pursuant to Section [17-5-3](#) and according to the processes described in Section [17-3-14](#). (Ord. 2024-01 § 1 (Att. A))

**16.01.120 Preapplication meeting.**

- A. An applicant for a subdivision, record of survey, amended subdivision, boundary line adjustment, plat vacation, or vacation of a public street may request to meet with the community development department to discuss the scope, purpose, procedures, and requirements of the proposed subdivision and the requirements of this code.
- B. As part of the request for a preapplication meeting, the applicant must provide drawings to the community development department in sufficient detail to allow staff to review the proposal for compliance with this code and to direct the applicant to the appropriate process.
- C. Within fifteen days of the request for a preapplication meeting, city staff must schedule a meeting to review the concept plan and provide initial feedback.
- D. At the preapplication meeting, city staff must provide or have available on the municipal website (1) copies of applicable land use regulations; (2) a complete list of standards required for the project; (3) preliminary and final application checklists; and (4) feedback on the concept plan. (Ord. 2024-01 § 1 (Att. A))

**16.01.130 Overview of subdivision process.**

The following subsections provide a brief overview of the subdivision approval process in Midvale City. This section is not intended to give an exhaustive review of the subdivision process. More specific provisions relating to the approval process are found elsewhere in this title.

- A. The applicant and their engineer are responsible for knowing and complying with the provisions of this title.
- B. The applicant prepares a preliminary plat. See Section [16.02.030](#).
- C. The applicant completes an application for preliminary plat approval, submits the application, the preliminary plat, required supporting documents, and the applicable fee to the community development department. See Section [16.02.020](#).
- D. The preliminary plat is reviewed by the development review committee to determine if it complies with applicable city ordinances, and the city engineer determines what public

improvements are required [and reviews the subdivision improvement plans](#). See Sections [16.02.040\(A\)](#) and [\(B\)](#).

E. The planning commission holds a public hearing on the preliminary plat and approves or denies it. See Section [16.02.040\(C\)](#).

F. If the planning commission approves the preliminary plat, the applicant prepares a final plat, completes an application for final plat approval, and submits the application, the final plat, required supporting documents, and the applicable fee to the community development department. See Section [16.03.020](#).

G. The final plat is reviewed by the development review committee. See Section [16.03.040](#).

H. The applicant completes the required improvements or provides the appropriate completion assurance for required improvements. See Section [16.03.050](#).

I. The development review committee approves the final subdivision plat, and it is signed by appropriate city personnel if it complies with all applicable laws. See Section [16.03.040](#).

J. If the applicant provided completion assurance, the applicant completes the required improvements within a year. See Section [18.01.020](#).

K. The city inspects the required improvements, and if they comply with the city's construction standards and a certificate of occupancy has been issued for a property that relies on said public improvements, then the city accepts the improvements and ninety percent of the completion assurance is released. See Section [18.01.020](#).

L. If the required improvements remain free from defects through the required warranty period, the rest of the completion assurance is released to the applicant. See Section [18.01.020](#).  
(Ord. 2024-01 § 1 (Att. A))

## Chapter 16.02

### PRELIMINARY PLAT

Sections:

- |                           |  |
|---------------------------|--|
| <a href="#">16.02.010</a> | <a href="#">Preliminary plat required.</a>                 |
| <a href="#">16.02.020</a> | <a href="#">Application for preliminary plat approval.</a> |

- 16.02.030**      **Contents of preliminary plat.**
- 16.02.040**      **Preliminary plat approval process.**
- 16.02.050**      **Design standards.**
- 16.02.060**      **Expiration of preliminary plat.**

**16.02.010 Preliminary plat required.**

- A. The purpose of the preliminary plat is to review and plan for the overall development of the subdivision, [the public improvements required to service the subdivision](#), and the land surrounding the subdivision.
- B. A preliminary plat must be approved for a parcel or lot before a final subdivision plat can be approved for that parcel or lot. An applicant may request simultaneous preliminary and final subdivision plat approval but bears the risk of having either or both rejected. (Ord. 2024-01 § 1 (Att. A))

**16.02.020 Application for preliminary plat approval.**

The applicant shall prepare and submit the following in a format acceptable to the community development department:

- A. The preliminary plat.
- B. Fees sufficient to mail out appropriate notices for a public hearing.
- C. A preliminary title report prepared within 30 days of the application by a title company licensed to practice in the state of Utah, which shows the owner of every parcel or lot of land contained within the proposed subdivision.
- D. A signed affidavit or sworn statement in which each owner identified by the preliminary title report provides consent to the proposed subdivision.
- E. A grading plan containing the following information:

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- 1. Property lines, street names, and existing and proposed buildings, walls, fences, utilities, paved areas, and other site improvements; and
  - 2. Existing and proposed contour lines and spot elevations. Contour lines must show every one foot of change for grades less than five percent, every two feet of change for grades more than five percent and less than ten percent, and every five feet of change for grades more than ten percent.
  - 3. Grade shall slope away from structures as required by the applicable building code and shall comply with other building codes and standards adopted by the city engineer.
- F. A site plan showing the location of existing structures within the preliminary plat boundaries and a notation as to whether the existing structures will remain or be demolished.
- G. The fee for a preliminary subdivision application as passed by the city council.
- H. Subdivision improvement plans and construction drawings showing existing ground and/or asphalt elevations, planned grades and elevations of proposed improvements, and the location of all public utilities. Improvements shown on the construction drawings shall be in accordance with the City's infrastructure and engineering standards in Title 18.
- 1. The city engineer may adopt a policy governing additional requirements for construction drawings. All construction drawings shall have the professional engineer or architect state license seal stamped on all submitted sheets.
- I. Any other documents related to the subdivision required by the city's current, published preliminary plat application. (Ord. 2024-30 § 1 (Att. A); Ord. 2024-01 § 1 (Att. A))

**16.02.030 Contents of preliminary plat.**

The preliminary plat shall include the following:

- A. Scale must be indicated on the plat. (Minimum scale: one inch equals 50 feet);
- B. All proposed streets, alleys, parks, open spaces, and other offers of public dedications, showing widths and pertinent dimensions of each;
- C. An arrow indicating north drawn on each sheet;

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- D. Boundary dimensions and legal description of the entire subdivision;
  - E. The dimensions, legal description, and square footage of each lot;
  - F. Street stubs into the subdivision;
  - G. Legend of symbols;
  - H. The dimensions and locations of existing and proposed survey monuments, improvements, irrigation systems, structures, easements, exceptional topographical features, and other important features such as rail lines and water lines within the land to be subdivided and within one hundred feet of the proposed subdivision boundaries;
  - I. Description of every existing right-of-way and recorded easement located within the plat for:
    - 1. An underground facility;
    - 2. A water conveyance facility; or
    - 3. Any other utility facility; and
    - 4. Any water conveyance facility located entirely or partially within the plat that:
      - a. Is not recorded; and
      - b. Of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land in the state engineer's inventory of canals or from a surveyor;
  - J. Proposed subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office;
  - K. Name and address of the applicant, engineer or surveyor for the subdivision, and owners of the land to be subdivided;
  - L. Streets, lots, and properties within one hundred feet surrounding the subdivision shown in ghost lines and the owner names and parcel numbers of land immediately adjacent to the subdivision;
  - M. A vicinity drawing accurately locating the property shown on the plat. (Ord. 2024-30 § 1 (Att. A); Ord. 2024-01 § 1 (Att. A))

### 16.02.040 Preliminary plat approval process.

A. *Review by City Staff.* The members of the development review committee shall review the submitted application and plans for compliance with city code, state law, and any other applicable law.

1. The city planning director or designee shall review the application for compliance with all state and local zoning regulations and shall forward the application to other members of the development review committee for review.

2. The city engineer shall;

a. Review the submitted application to determine what public improvements are required;

b. Review the submitted application and all required construction drawings to determine if the required public improvements have been provided and if the public improvements comply with generally accepted engineering standards, the city's construction standards and specifications and any other specifications, standards or policies established by the city; and

c. Make recommendations to the development review committee and Planning Commission in accordance with city requirements concerning the preliminary plat.

3. The city must comply with the requirements of Utah Code Annotated Section 10-20-803(3)(d), as amended, regarding notice to facility owners of water conveyance facilities.

B. *Review Cycles.*

1. For a residential subdivision for single family dwellings, two-family dwellings, or townhomes, the city must complete its review as follows:

a. The initial review of the application shall be completed no later than 15 business days after the day on which an applicant submits a complete preliminary plat application; and

b. The subdivision plan review of a subdivision improvement plan shall be completed within 20 business days after the day on which the applicant submits a complete preliminary plat application.

**Moved down [1]:** The city engineer will review the submitted application to determine what public improvements are required. As part of its review, the city must comply with the requirements of Utah Code Annotated Section 10-9a-603(3)(d), as amended, regarding notice to facility owners of water conveyance facilities.

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c. Prior to recording, review the final plat and surveyor's certification for acceptability.¶

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2. In reviewing a preliminary plat the city may require (a) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and (b) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information. The city's request for additional information or modifications to plans under this subsection must be specific and include citations to ordinances, standards, or specifications that require the modifications to plans, and must be logged in an index of requested modifications or additions.

3. After the city has requested additional information or modifications to plans, the applicant must provide revised plans to the city. In addition to revised plans, the applicant must provide 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. The applicant's written explanation must be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed. If an applicant makes a material change to a plan set, the city has the discretion to restart the review process at the first review of the application but only with respect to the portion of the plan set that the material change substantively affects.

4. The city may require up to four review cycles for a preliminary plat application. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the city's previous review cycle, the city may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections. Unless a change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the city's review is waived. However, a modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

5. If, on the fourth or final review, the city fails to respond within 20 business days, the city must, upon request of the property owner, and within 10 business days after the day on which the request is received:

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a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code Annotated Section [10-20-911\(5\)\(d\)](#) to review and approve or deny the final revised set of plans; or

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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 in accordance with Section [16.01.110](#).

6. If the applicant does not submit a revised plan within [20](#) business days after the city requires a modification or correction, the city shall have an additional [20](#) days to respond to the plans.

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[7. No preliminary plat may be approved by the city engineer until the construction drawings related to the subdivision improvement plans have been approved by the city engineer.](#)

C. *Public Hearing.* After the city development review committee has determined that the proposed subdivision complies with state law and city code or after four complete review cycles, the planning commission will hold a public hearing on the preliminary plat and must approve or deny the application. The public hearing must be noticed as outlined in Section [17-3-9](#) and in accordance with state law. (Ord. 2024-01 § 1 (Att. A))

### 16.02.050 Design standards.

The following standards apply to all subdivisions within the city:

A. *Lot Standards.* All resulting lots shall comply with the lot standards for the zone district. Lots shall be perpendicular to the street. Double frontage lots are prohibited unless the planning commission, with the recommendation of the development review committee, determines that:

1. The topography or other unusual condition exists that requires deviation from the standard; and
2. If the rear yard is adjacent to a collector or arterial street, the applicant shall install a six-foot masonry wall or its functional equivalent, unless for aesthetic or safety reasons such requirement is waived.

B. *Street Layout.*

1. Streets shall comply with the city's transportation master plan.
2. Streets shall align with and connect to existing streets on adjoining properties unless the planning commission, with the recommendation of the development review committee, determines that the general plan, topography, traffic demands or other conditions make it better to depart from the system.
3. Streets shall be laid out in a manner that reduces, to the extent possible, dead-end roads and promotes connectivity.
4. Streets shall be laid out in a manner that provides future access to undeveloped and underdeveloped property.
5. The planning commission, after recommendation by the development review committee, may grant up to a 10% density bonus or up to a 10% reduction to width, depth, frontage, area, and setback requirements when the layout of future access as required herein results in a reduction of 10% or more of buildable units. The bonus or reduction approved by the planning commission should be roughly proportional to the reduction in buildable units due to future access, up to a maximum of 10%. When providing such approval, the planning commission must explicitly make the applicable findings and must include the specifics of the bonus or reduction granted in its motion.

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C. *Landscaping.* Along all streets, the applicant shall install deciduous trees, two inches in caliper, for each 30 feet of frontage.

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D. *Infrastructure.* All preliminary plats shall include subdivision improvement plans for subdivision improvements required by the city engineer pursuant to Section 18.01.010.

E. *Private Streets.* The applicant may propose private streets within the subdivision so long as the proposed street(s) include a right-of-way width of 35 feet, with 20 feet of pavement installed to city specifications and fire code, two and one-half feet of curb and gutter on each side and a five-foot sidewalk adjacent to the curb on both sides.

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1. Private streets shall align with and connect to existing streets, whether public or private, on adjoining properties unless the planning commission, after recommendation of city

staff, determines that the general plan, topography, traffic demands, or other conditions make it better to depart from the system.

2. To the extent possible, private streets shall be laid out in a manner that reduces dead-end roads and promotes connectivity.

3. Private streets shall be laid out in a manner that provides future access to undeveloped and underdeveloped property.

4. The planning commission, after recommendation by the development review committee, may grant up to a 10% density bonus or up to a 10% reduction to width, depth, frontage, area, and setback requirements when the layout of future access as required herein results in a reduction of 10% or more of buildable units. The bonus or reduction approved by the planning commission should be roughly proportional to the reduction in buildable units due to future access, up to a maximum of 10%. When providing such approval, the planning commission must explicitly make the applicable findings and must include the specifics of the bonus or reduction granted in its motion.

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5. All new private streets shall comply with the following street lighting standards:

a. Light sources shall be at least as efficient as LED and no greater than four thousand K in correlated color temperature (CCT).

b. Light fixtures shall use a cutoff luminaire that is fully or partially shielded with no light distributed above the horizontal plane of the luminaire or into nearby residential structures.

c. luminaires shall be mounted at a height no higher than 20 feet above the adjacent roadway.

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d. Streetlights shall be placed at intersections and at a frequency no less than one streetlight per every one hundred fifty feet of roadway, rounded up to the next whole number. Streetlight locations shall alternate sides of the street to the greatest extent possible.

e. Poles and fixtures shall be black, dark brown, or another neutral color approved by the community development director.

f. Poles, luminaires, sources, and associated fixtures shall match in construction those used on public streets to the greatest extent possible. The community development director may exempt an applicant from this requirement if the applicant is implementing a thematic design which incorporates lighting.

F. *Lighting Plan.* A lighting plan is required for all developments and must contain the following:

1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices that may include, but is not limited to, manufacturer catalog cuts and drawings, including section where required; and photometric data, such as that furnished by manufacturers, or similar showing the angle of the cutoff or light emission.
3. A point-by-point light plan to determine the adequacy of the lighting over the site.

G. *Driveways.* Lots which lack frontage on a public or private street, when permitted by the zoning ordinance, shall utilize access easements. Residential flag lots may share an access drive for up to two residential structures in addition to any access required by the frontage lot when the access drive is at least 20 feet wide and the units with frontage on the street have the required side setback between the unit and the driveway. (Ord. 2024-01 § 1 (Att. A))

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### 16.02.060 Expiration of preliminary plat.

A. An application for preliminary plat approval shall expire if the application has not been approved within 12 months after the date it was submitted. Upon expiration, an application for preliminary plat approval shall be considered null and void, and a new application must be submitted and fees paid. If an application for final plat approval associated with the preliminary plat was submitted simultaneously with the application for preliminary plat approval, the application for final plat approval shall also be considered null and void when the application for preliminary plat expires, and a new application must be submitted and fees paid.

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B. An approved preliminary plat expires one year after approval unless a complete final subdivision application has been filed for all of a preliminary plat or a portion of a preliminary plat for a phased subdivision. If the plat still complies with all applicable laws and ordinances,

the applicant may make a written request for an extension, and the development review committee may, in its discretion, extend the validity of an approved preliminary plat by six-month or one-year increments up to a total of two additional years for single phased plats and up to a total of four years for multi-phased plats. (Ord. 2024-01 § 1 (Att. A))

## **Chapter 16.03**

### **FINAL SUBDIVISION**

Sections:

- 16.03.010**      **Final subdivision plat required.**
- 16.03.020**      **Application for final subdivision plat approval.**
- 16.03.030**      **Contents of final plat.**
- 16.03.040**      **Final subdivision plat approval process.**
- 16.03.050**      **Requirements for final subdivision plat.**
- 16.03.060**      **Expiration of final subdivision plat.**

#### **16.03.010**      **Final subdivision plat required.**

A. Upon city staff recommendation and planning commission approval of the preliminary plat, an applicant shall prepare a final plat, which accurately reflects each and every planning commission- and staff-imposed requirement including the applicant's offer and dedication of public lands.

B. A final plat may be submitted for approval concurrently with the preliminary plat, provided the final plat meets the requirements of this chapter. If the applicant chooses to submit the preliminary and final plats concurrently, the city maintains the right to deny one or both of the plats, and the applicant shall bear all risks associated with their preparation and submittal. (Ord. 2024-01 § 1 (Att. A))

### 16.03.020 Application for final subdivision plat approval.

The applicant shall prepare and submit the following in a format acceptable to the community development department:

- A. The final plat;
- B. A preliminary title report prepared within 30 days of the application by a title company licensed to practice in the state of Utah that shows the owner of every parcel or lot of land contained within the proposed subdivision or a signed affidavit or sworn statement by each owner identified by the preliminary title report used for the preliminary plat in which each owner affirms that title for the property has not changed ownership;
- C. The fee for a final subdivision application as passed by resolution by the city council;

~~D.~~ A tax clearance, indicating that all taxes, interest, and penalties owing on the land have been paid;

~~E.~~ A site plan showing the location of existing structures within the final plat boundaries;

~~F.~~ For a condominium application, a signed affidavit by an attorney who is licensed to practice in Utah that states that the condominium declaration, the record of survey map and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (Utah Code Annotated Section 57-8-1 et seq.) as well as all applicable federal, state and local laws and ordinances and that when the condominium declaration and survey map have been recorded in the office of the Salt Lake County recorder that the proposed project will be a validly existing and lawful condominium project in all respects; and

~~G.~~ Any other documents related to the subdivision required by the city's current, published final subdivision application. (Ord. 2024-30 § 1 (Att. A); Ord. 2024-01 § 1 (Att. A))

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Deleted: D. Construction drawings showing existing ground and/or asphalt elevations, planned grades and elevations of proposed improvements, and the location of all public utilities. Improvements shown on the construction drawings shall be in accordance with the preliminary plat;¶  
adopt a policy governing additional requirements for construction drawings. All construction drawings shall have the designing engineer or architect state license seal stamped on all submitted sheets. No final plat may be approved by the city engineer until the construction drawings have been approved by the city engineer;¶

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### 16.03.030 Contents of final plat.

The final plat shall include the following:

- A. All features required by Section [16.02.030](#);

- B. Streets indicating numbers and/or names and lots addressed and numbered consecutively;
- C. Boundary dimensions and legal description of the subdivision and each lot therein which close within one-hundredth of one foot with point of beginning clearly labeled;
- D. Location, width, centerlines bearings and curve data (including delta angle, radius, length, tangent, and the long chord on curves) and other dimensions of all existing proposed or platted streets and easements;
- E. Location, width, centerlines bearings and curve data (including delta angle, radius, length, tangent, and the long chord on curves) and other dimensions of all important features such as rail lines, water lines, and exceptional topography within the proposed area and within a one-hundred-foot perimeter of the subdivision. Water system features must appear on the plat;
- F. Signature boxes for the following:
1. Surveyor's stamped certificate with subdivision boundary legal description;
  2. Owner's dedication signed by all owners of any property on the plat;
  3. Salt Lake County health department approval;
  4. Community development director approval;
  5. Planning commission chair approval;
  6. City attorney approval as to form;
  7. City engineer approval;
  8. County recorder's certificate; and
  9. Mayor's approval.
- G. A certification by the surveyor that complies with Utah Code Annotated Section [10-20-803\(6\)\(b\)](#), as amended;
- H. Dedication language and the date of the owner's dedication on each sheet;

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- I. A note indicating the existence of institutional controls or other environmental regulations in areas where such controls or regulations, particularly Midvale’s institutional controls ordinance (Chapter [8.10](#)), are in effect;
- J. A note indicating that the plat will expire and be void if it is not recorded within one year of the date it is approved by the city;
- K. A note indicating the existence of covenants, conditions, or restrictions, if any; and
- L. Language conveying to the association all common areas (as those terms are defined in Utah Code Annotated Section [57-8a-102](#), as amended) if any part of the subdivision is to be part of a community association subject to Utah Code Title [57](#), Chapter [8a](#), Community Association Act, as amended. (Ord. 2024-30 § 1 (Att. A); Ord. 2024-01 § 1 (Att. A))

**16.03.040 Final subdivision plat approval process.**

A. *Review by City Staff.* The members of the development review committee shall review the submitted application and plans for compliance with city code, state law, and any other applicable law.

- 1. The city planning director or designee shall review the application for compliance with all state and local zoning regulations and shall forward the application to other members of the development review committee for review.
- 2. The city engineer shall:

- a. Make recommendations to the development review committee in accordance with city requirements concerning the final plat; and
- b. Prior to recording, review the final plat and surveyor’s certification for acceptability.

3. All other members of the development review committee shall review the application for compliance with state, local, and federal laws and regulations related to their area of expertise.

B. *Certain Residential Review Deadlines.* For a residential subdivision for single family dwellings, two-family dwellings, or townhomes, the city shall complete the initial review of the application,

**Deleted:** a. Review all required construction drawings. The city engineer shall not approve the construction drawings unless they comply with generally accepted engineering standards, the city’s construction standards and specifications and any other specifications, standards or policies established by the city;¶

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including all subdivision plan reviews no later than 15 business days after the day on which an applicant submits a complete final subdivision application.

C. Subdivision Improvements. After the initial review and prior to final approval of the final subdivision application, the applicant shall complete the required subdivision improvements or shall provide adequate completion assurance pursuant to Section 18.01.020.

D. Approval or Denial. The development review committee shall approve the final plat if it meets the requirements of the preliminary plat and all applicable laws, ordinances, codes, and regulations. The development review committee may deny approval of the final plat if the plat does not comply with all applicable laws, ordinances, codes, and regulations. If the request for final plat approval is denied, the development review committee shall state the reasons for the denial in writing.

E. Signatures. After the development review committee has approved the final plat, the applicant shall print the final plat on linen or Mylar and obtain the necessary signatures prior to recording.

F. Utah Geospatial Resource Center. Within thirty days of approval, city staff shall submit an electronic copy of the final plat to the Utah Geospatial Resource Center as required by Utah Code Annotated Section 10-20-803(5), as amended.

G. Recording. The owner(s) of an acknowledged, certified, and approved plat shall record the plat in the county recorder's office. (Ord. 2024-01 § 1 (Att. A))

**16.03.050 Requirements for final subdivision plat.**

A. The final subdivision plat shall comply with all applicable city ordinances, state law, and conditions imposed by the preliminary plat.

B. All subdivision improvements shall be completed by qualified contractors in accordance with the construction standards in Section 18.03.010. No work may be commenced on public improvements without first obtaining a permit from the city engineer.

1. If the applicant elects to not finish subdivision improvements prior to recording the final subdivision plat, then the applicant shall provide completion assurance for all public

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additional information or modifications to plans, the applicant shall provide revised plans to the city. In addition to revised plans, an applicant shall provide 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. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed. If an applicant makes a material change to a plan set, the city has the discretion to restart the review process at the first review of the application but only with respect to the portion of the plan set that the material change substantively affects.¶

4. The city may require up to four review cycles for a final subdivision plat application. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the city's previous review cycle, the city may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections. Unless a change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure ...

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improvements as determined by the city engineer. If the applicant provides completion assurance for the public improvements, the completion assurance shall comply with the requirements of Section [18.01.020](#).

C. No final subdivision plat shall be approved or recorded until:

1. The subdivision improvements have been constructed to the satisfaction of the city engineer; or
2. The applicant for the subdivision has tendered the completion assurance required by this chapter and entered into an agreement with the city in which the applicant agrees to install the improvements as required by this chapter, and to indemnify and hold the city harmless from any claims, suits or judgments arising from the condition of the property dedicated to the city, from the time that the property is dedicated to the city to the time when the improvements on the dedicated property are finally accepted by the city (including the passage of the warranty period); and the owner(s) of the subdivision has given written permission to the city or its representatives to enter upon the property included within the final plat to complete any subdivision improvements required by this title in the event that the owner/applicant fails to satisfactorily complete such improvements in the time allowed by this title and Title [18](#).

D. The final subdivision plat must be signed by all property owners identified on the title report.

1. If ownership has changed since the preparation of the title report, the applicant must provide proof of the recorded change of ownership to the city.
2. Any subdivision plat that has an owner's dedication signed by someone other than the entity who was the owner on the date that the owner's dedication was signed is void. (Ord. 2024-01 § 1 (Att. A))

### **16.03.060 Expiration of final subdivision plat.**

A. An application for final plat approval shall expire immediately following the passage of one year of no activity with respect to the application. "Activity" means submission of documents by the applicant for review or responses to comments by the applicant, request for inspection by

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the applicant, or other active communication between the applicant and city [planning or](#) engineering staff. Upon expiration, an application for final plat approval shall be considered null and void and a new application must be submitted and fees paid.

B. The final plat shall expire and be void one year after approval by the development review committee unless the plat has been recorded. Upon expiration, new applications for preliminary and final subdivisions must be submitted. (Ord. 2024-01 § 1 (Att. A))

## **Chapter 16.04**

### **BOUNDARY LINE ADJUSTMENT**

Sections:

- 16.04.010**      **Boundary line adjustment permitted.**
- 16.04.020**      **Application for boundary line adjustment.**
- 16.04.030**      **Boundary line adjustment review.**

#### **16.04.010**    **Boundary line adjustment permitted.**

This chapter applies to boundary adjustments between two properties where at least one property is a lot or where one property is a parcel that includes a dwelling unit. The owners of record of two adjoining properties may relocate the common property boundary line between the two properties by an exchange of title if they comply with the provisions of this chapter. This chapter does not apply to the merging of two lots or parcels. (Ord. 2024-01 § 1 (Att. A))

#### **16.04.020**    **Application for boundary line adjustment.**

The applicant shall prepare and submit the following in a format acceptable to the community development department:

- A. A legal description of both the original properties and the properties resulting from the boundary line adjustment;

- B. A diagram of the two resulting properties prepared by a surveyor showing the location of all existing improvements, irrigation systems, structures, and easements;
- C. A signed affidavit or sworn statement in which each property owner provides consent to the boundary line adjustment;
- D. A notice of approval required by Utah Code Annotated Section [10-20-809\(5\)\(b\)](#) and [\(c\)](#) if the boundary line adjustment includes common area or common area and facility as those terms are defined in Utah Code Annotated Section [10-20-809](#), as amended.
- E. A tax clearance, indicating that all taxes, interest, and penalties owing on both properties have been paid;
- F. The fee for a boundary line adjustment application as passed by resolution by the city council; and
- G. Any other documents related to the subdivision required by the city's current, published boundary line adjustment application. (Ord. 2024-01 § 1 (Att. A))

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**16.04.030 Boundary line adjustment review.**

The city development review committee shall review a boundary line adjustment application and provide written notice of its decision in accordance with Utah Code Annotated Section [10-20-906](#). The development review committee shall issue a notice of approval for a boundary line adjustment if, after review, it determines that:

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- A. No new dwelling lot or housing unit results from the boundary line adjustment;
- B. The adjoining property owners consent to the boundary line adjustment;
- C. The boundary line adjustment does not result in remnant land that did not previously exist;
- D. The boundary line adjustment identifies and preserves any easements owned by third parties including, but not limited to, the city, a public utility, a special service district, a culinary water authority, or a sanitary sewer authority for existing facilities located on either of the properties; and

E. The adjustment does not result in violation of applicable subdivision or zoning requirements. (Ord. 2024-01 § 1 (Att. A))

## Chapter 16.05 VACATION, REPLAT, OR AMENDMENT OF PLAT

Sections:

- 16.05.010**      **Subdivision amendments not involving public streets.**
- 16.05.020**      **Subdivision amendments involving public streets.**

### **16.05.010**    **Subdivision amendments not involving public streets.**

A. Subdivision amendments not involving the vacation of all or a portion any public street, right-of-way, or easement and that cannot be processed as a boundary line adjustment shall be processed as a new subdivision, including the preliminary plat and final subdivision process. The preliminary and final plats shall include the following additional features:

1. The amended plat must depict only the portion of the subdivision that is proposed to be amended;
2. The amended plat must include a plat name distinguishing the amended plat from the original plat;
3. The amended plat must describe the differences between the amended plat and the original plat;
4. The amended plat must include references to the original plat; and
5. The amendment must identify and preserve any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

B. An applicant shall provide the notice of approval required by Utah Code Annotated Section [10-20-809\(5\)\(b\)](#) and [\(c\)](#), as amended, if the subdivision includes common area or common area and facility as those terms are defined in Utah Code Annotated Section [10-20-809](#), as amended.

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C. After completion of the final subdivision process, the development review committee shall approve the amendment if it finds that:

1. There is good cause for the vacation or amendment; and
2. No public street or municipal utility easement has been vacated or amended. (Ord. 2024-01 § 1 (Att. A))

### **16.05.020 Subdivision amendments involving public streets.**

A. Subdivision amendments involving the vacation (in whole or in part), alteration, or amendment of any public street, right-of-way, or easement or the dedication of a public street shall be processed as a new subdivision, including the preliminary and final subdivision process.

B. The preliminary and final plats shall include the following additional features:

1. The amended plat must depict only the portion of the subdivision that is proposed to be amended;
2. The amended plat must include a plat name distinguishing the amended plat from the original plat;
3. The amended plat must describe the differences between the amended plat and the original plat;
4. The amended plat must include references to the original plat;
5. The amendment must identify and preserve any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

C. The preliminary application shall include:

1. The name and address of each owner of record of land that is:
  - a. Adjacent to the public street or municipal utility easement between the two nearest public street intersections; or

b. Accessed exclusively by or within three hundred feet of the public street or municipal utility easement;

2. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated;

3. The signature of each owner under subsection [\(C\)\(1\)\(a\)](#) of this section who consents to the vacation; and

4. A notice of approval required by Utah Code Annotated Section [10-20-809\(5\)\(b\)](#) and [\(c\)](#), as amended, if the subdivision includes common area or common area and facility as those terms are defined in Utah Code Annotated Section [10-20-809](#), as amended.

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D. After completion of the preliminary subdivision process, the city council shall hold a public hearing in accordance with Utah Code Annotated Section [10-20-208](#), as amended. The city council shall approve the vacation or amendment if it finds that:

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1. Good cause exists for the vacation or amendment; and

2. Neither the public interest nor any person will be materially injured by the proposed vacation or amendment.

E. The effect of a vacation or amendment under this section does not impair:

1. Any right-of-way or easement of any parcel or lot owner;

2. The rights of any public utility; or

3. The rights of a culinary water authority or sanitary sewer authority. (Ord. 2024-01 § 1 (Att. A))

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**The Midvale Municipal Code is current through Ordinance 2025-02, passed February 4, 2025.**

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Disclaimer: The city clerk's office has the official version of the Midvale Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.midvalecity.org](http://www.midvalecity.org)

[Hosted by General Code.](#)