

NOTICE AND AGENDA
SOUTH OGDEN CITY PLANNING COMMISSION MEETING
Thursday, April 9, 2015

Notice is hereby given that the South Ogden City Planning Commission will hold a meeting April 9, 2015, beginning at 6:15 p.m. in the Council Chambers located at 3950 Adams Avenue, South Ogden, Utah.

A briefing session will be held at 5:30 pm in the conference room and is open to the public.

- I. Call to Order and Overview of Meeting Procedures - Chairman Todd Heslop**
- II. Public Hearing on Proposed Annexation Policy Plan**
- III. Discussion/Recommendation on Annexation Policy Plan – Legislative Decision**
- IV. Conditional Use Actions – Administrative Decision**
 - A. Re-consideration of Tree-O Conditional Use Application Due to Change in Site Plan**
- V. Special Items**
 - A. Discussion on Subdivision Ordinance (Title 11 of South Ogden City Code)**
 - B. Discussion on PRUD Ordinance (Title 10, Chapter 11 of South Ogden City Code)**
- VI. Other Business**
- VII. Approval Of Minutes Of Previous Meeting**
 - A. Approval of March 12, 2015 Briefing Meeting Minutes**
 - B. Approval of March 12, 2015 Meeting Minutes**
- VIII. Public Comments**
- IX. Adjourn**

Posted and emailed to the State of Utah Public Notice Website [April 2, 2015](#)

The undersigned, duly appointed city recorder, does hereby certify that a copy of the above notice and agenda was posted in three public places with the South Ogden City limits on April 2, 2015. These public places being City Hall (1st and 2nd floors), the city website (www.southogdencity.com), and emailed to the Standard-Examiner. Copies were also mailed to each commissioner.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations, including auxiliary communicative aids and services during the meeting should notify Leesa Kapetanov at 801-622-2709 at least 48 hours in advance.

FINAL ACTION MAY BE TAKEN ON ANY ITEM ON THIS AGENDA



**SOUTH OGDEN CITY ANNEXATION POLICY PLAN
(2008)
PROPOSED AMENDMENT 2015
AREAS 1-2**

TABLE OF CONTENTS

	<i>Page</i>
1. BACKGROUND	3
2. ANNEXATION POLICY PLAN AMENDMENT 2015	5
Area 1	7
Area 2	8
Area 3	10
Area 4	11
Area 5	11
Area 6	13
3. UTAH STATE LAW REGARDING ANNEXATIONS	15

1. Background

Overview of the Process for Annexing Land into South Ogden City¹

Nature of the decision

This is a legislative decision that is made in two phases:

First, as a municipality that is willing to grow (some are not) and with an existing annexation policy plan in place, South Ogden must adopt a new annexation policy plan that reflects the new direction and changes. The existing South Ogden Annexation Policy Plan was adopted in 2008, replacing previous versions that were adopted in 1997 and modified in 2003 and 2006. This amendment modifies the 2008 South Ogden Amendment Policy Plan incorporating two of the existing annexation areas with minor modifications/ clarifications (Areas 1 and 2), maintaining one existing annexation area "as is" with minor text modifications (Area 3), deleting Annexation Area 4 in its entirety (the area has been annexed into South Ogden since the 2008 amendment was adopted), and adding two new annexation areas (Areas 5 and 6.)

Once the plan is adopted, individual annexation requests can be considered as legislative acts. Such proposals usually begin with a petition by the owners of more than 50 percent of the property in the proposed annexation area. The issue on a specific annexation request is whether or not South Ogden wishes to make the annexation; it typically has no duty to do so and has virtually complete discretion whether to make an annexation. In some cases, if enough landowners or residents within the proposed annexation area protest the annexation, the annexation cannot occur.

Who makes the decision?

In order for a property to be annexed, it must first be included in the city's annexation policy plan. The city council, by majority vote, adopts the annexation policy plan based on recommendations from the planning commission. Once the plan has been adopted, the decision to annex a property requires a simple majority of the council.

What notice is required?

There are several stages of meetings required and public notices provided for, but no specific notice to a particular property owner is required. However, notices to affected entities are required. When a particular property or area is slated for annexation, there is yet another set of public notice requirements, but still no requirement that affected property owners be notified directly. See the statute for specific language and requirements.

¹ Information contained in the *Utah Citizen's Guide to Land Use Regulation - Specific Legislative Issues and How They are Resolved*, p.60-62. http://www.utahlanduse.org/pages/Citizens_Guide_Links.html was utilized as the basis of this section.

What public input is required?

The notice periods, public meetings and public hearings required in the preparation of an annexation policy plan are relatively extensive. Once the petition for a specific annexation is received, not only are public notices required, but specific notices to affected municipalities, Weber County, Weber School District, special service districts and other affected entities also must be provided.

What are the issues?

The question of annexation is simple: Is this addition a good thing for the community?

How is the decision appealed?

Property owners can protest the petition to annex and refer it to a local appeals body called the Boundary Commission. This can also be done by the school district, special service district (a government utility provider), the county or a neighboring town. Once the Boundary Commission has made a decision, the local city council is to follow the commission's directive and annex the land or deny the request as instructed. Within 20 days of the boundary commission's decision, those who disagree must file a petition with the district court or their challenge will be too late.

Basic Annexation Criteria

In 1979, the Utah State Legislature passed an annexation law that outlined the criteria, policy declaration and standards required for annexation. The law also provided for a boundary commission to settle annexation disputes within each county. Changes to the law in 1997 eliminated the policy declaration requirement of the annexation law and made other procedural changes. In 2001, the Legislature further amended portions of the annexation law to further define the requirements and responsibilities of counties and municipalities regarding annexation. As of January 2002, the basic criteria under State Law are as follows:

1. A petition requesting annexation, signed by a majority of the owners of property in the area to be annexed (i.e., a majority of the private land and equal to at least 1/3 of the value of all private property, or 100 percent of owner if the area is within an agricultural protection area) be filed with the city recorder;
2. The properties to be annexed must be contiguous to each other;
3. The area to be annexed must be contiguous to the corporate boundaries of the municipality;
4. The area must not leave or create an unincorporated island or peninsula, except that existing islands or peninsulas within a city may be annexed in portions, leaving islands (See UCA 10- 2-418(1)(b), 1953)[
5. The area must be within the municipality's expansion area;
6. An accurate and recordable plat, prepared by a licensed surveyor must accompany the petition; and
7. The plat and ordinance declaring the annexation be recorded by the County Recorder.

Specific Requirements of the Annexation Policy Plan

In addition to the above criteria, the amended Utah State Law requires that after December 2002, a municipality may not annex unincorporated land unless it has adopted an annexation policy

plan. The policy plan is a description of those areas the city would consider annexing if petitioned by the owners, and the criteria that will be used to decide when to annex.

Specifically, the policy plan must include the following:

1. A map of the expansion area; and
2. A statement of the specific criteria that will guide the decision whether or not to grant future annexation petitions. The statement should include matters relevant to those criteria including the following:
 - The character of the community.
 - The need for municipal services in developed and undeveloped unincorporated areas.
 - The municipality's plans for extension of municipal services.
 - How the services will be financed.
 - An estimate of the tax consequence to residents both currently within the municipal boundaries and in the expansion area.
 - The interests of all affected entities.
3. Justification for excluding from the expansion area any area containing urban development within ½ mile of the municipality's boundary

In developing, considering and adopting the annexation policy plan, the Planning Commission and City Council must:

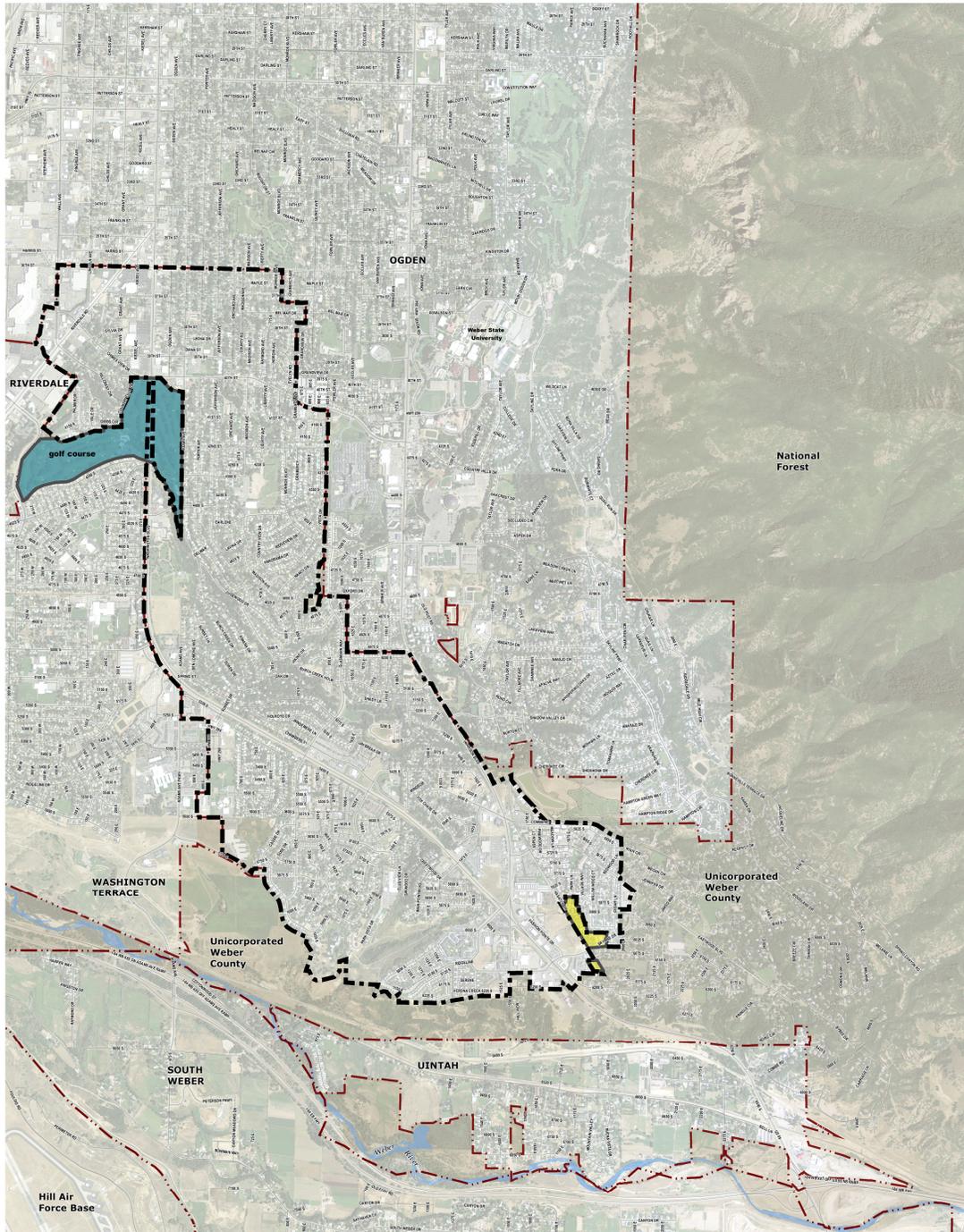
- Attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;
- Consider population growth projections for the municipality and adjoining areas for the next 20 years;
- Consider current and projected costs of infrastructure, urban services and public facilities necessary to facilitate full development of the area within the municipality and to expand the infrastructure, services and facilities into the area being considered for inclusion in the expansion area;
- Consider the need over the next 20 years for additional land suitable for residential, commercial and industrial development;
- Consider the reasons for including agricultural lands, forests, recreational areas and wildlife management areas in the municipality; and
- Be guided by the principles set forth in UCA 10-2-403 (5), 1953.

2. Annexation Policy Plan Amendment 2015

NOTE

Annexation Expansion Areas 1-4 were originally approved by the City Council in 2003, and amended in 2006 and 2008. Area 2 encompasses primarily steep hillside and has been eliminated from this amendment. Area 4 (the South Ogden Junior High School Expansion Area) has been incorporated into the City in recent years and has been removed from this amendment. Map 1 illustrates the location of Annexation Areas 1 and 3 from a citywide context. Detailed maps of the same are provided in the annexation area descriptions that follow.

Map 1 Annexation Areas



ANNEXATION AREA OVERVIEW

-  South Ogden City Boundary
-  Adjacent Municipal/County Boundary
-  Annexation Area 1
-  Annexation Area 3

South Ogden General Plan
Map Analysis

April 2015



0 0.25 0.5
Miles



AREA 1

CHARACTER OF THE COMMUNITY

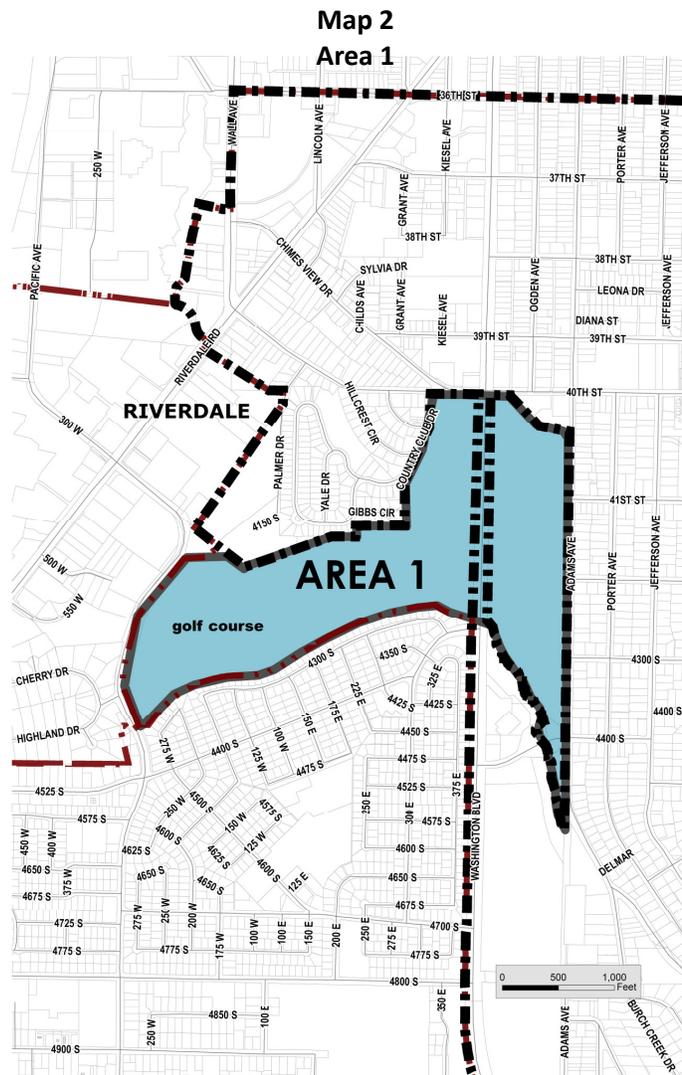
This is a 126 acre site that currently encompasses the Ogden Golf and Country Club. The surrounding area is fully developed in South Ogden City as well as Washington Terrace and Riverdale City. Most of the surrounding area is made up of long established residential neighborhoods, with limited commercial uses located north of 40th Street in South Ogden, which is an arterial street. Access to the Ogden Golf and Country Club is from U.S. 89, a main arterial street that divides the golf course into two separate parcels. A tunnel is located under the street, providing a direct pedestrian link between the two parcels, and continuous pedestrian circulation throughout the course.

It should be noted that Washington Terrace has also adopted an annexation policy plan that includes Area 1 west of US-89 (see map for Area 1.)

NEED FOR MUNICIPAL SERVICES

This area is the Ogden Golf and Country Club. The South Ogden City General Plan indicates a desire to maintain this open space as part of the City environment. The bulk of the facility is located on the east side of U.S. 89, forming an island of unincorporated Weber County land. The site does not need to be annexed to South Ogden to remain a visual asset to the community. However, in the event that the club organization wants to become part of the City, the City would consider annexation. The City will then provide all municipal services as provided to others in the City. In the event that the club organization offers the facility for sale, South Ogden City would investigate the possibility of purchasing the property as a City facility or a jointly owned facility with other municipal entities such as Weber County and Washington Terrace.

The cost of providing municipal services to the area “as is” would be minimal and would have little impact on the existing City infrastructure or organization. The loss to Weber County would in turn be minimal because of the low demand for services.



ESTIMATE OF TAX CONSEQUENCES

The estimated tax consequences would be minimal, having little impact on the existing South Ogden City tax burden or benefit. The loss to Weber County would likewise be minimal.

THE AFFECTED ENTITIES

- Riverdale City
- Washington Terrace
- Ogden City
- Weber School District
- Weber County
- Central Weber Sewer Improvement District
- Weber Mosquito Abatement District
- Weber Area 911 Dispatch
- Pine View Water
- Weber Fire District

AREA 3

CHARACTER OF THE COMMUNITY

This area consists of two small portions comprising a total of 11 acres. The surrounding South Ogden community was developed primarily in 1970's, and is primarily lower-density residential in character. The area also includes a few older homes in addition to a few newer homes that have been developed in recent years. Wasatch Drive is a collector street that services most of the community. The proposed annexation area is located at the southern extents of this roadway, where it is anticipated that the properties located on the east side of the street will be developed with residential homes similar to those that surround it, while the properties on the west side of Wasatch Drive will be commercial in nature, matching the uses to the southwest. It is expected that office buildings and/or retail uses will be located on the latter site. The unincorporated area to the south and east are dominated by low-density residential neighborhoods that have been in existence for several decades.

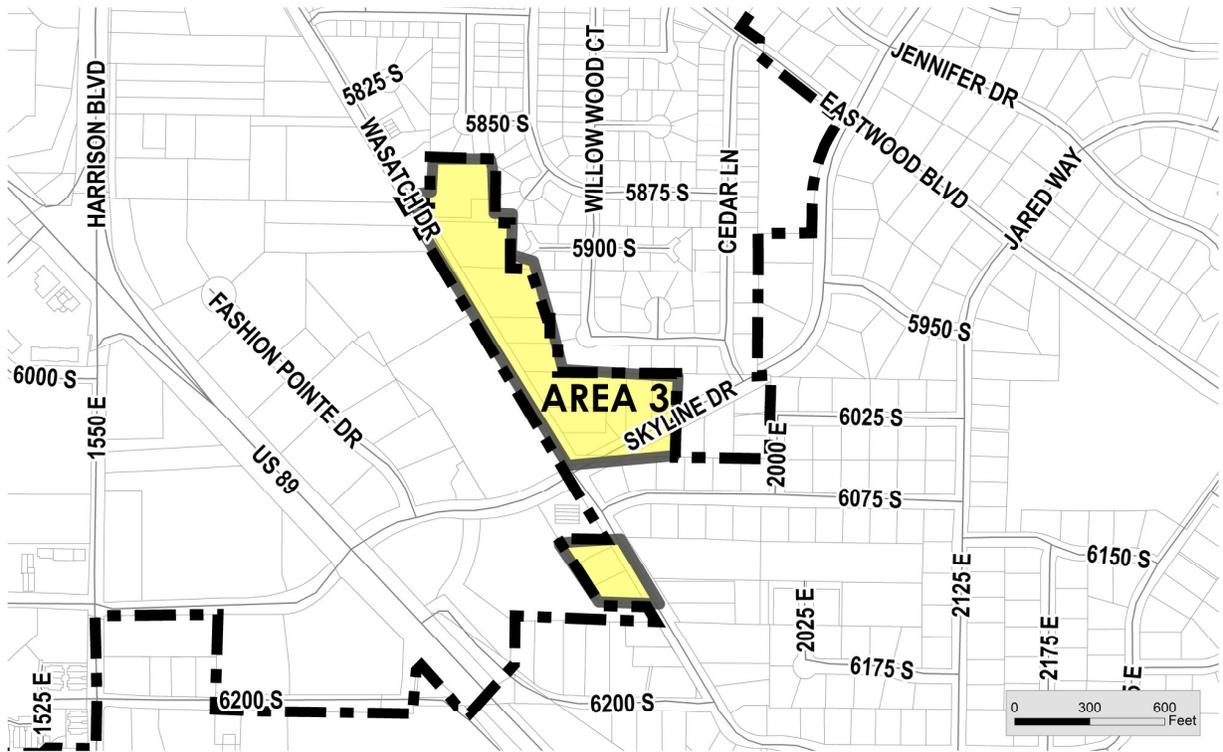
NEED FOR MUNICIPAL SERVICES

Area 3 has been planned for development expansion for several years. The utilities necessary to facilitate this development are available through South Ogden City and the Uintah Highlands Improvement District. As development is approved, costs to connect to or expand the utilities will be paid by the developers, with the costs to maintain public improvements will be offset by the anticipated increase in tax revenues.

ESTIMATE OF TAX CONSEQUENCES

The small size of this annexation area, coupled by the fact that infrastructure is readily available supports the notion that costs can be easily absorbed by the increase in tax revenue generated by new development. Service costs will either remain the same or be reduced assuming South Ogden City provides the services.

Map 3
Area 2



THE AFFECTED ENTITIES

- Weber County
- Weber School District
- Uintah Highlands Water Improvement District
- Central Weber Sewer Improvement District
- Weber Mosquito Abatement District
- Weber Area 911 Dispatch
- Weber Basin Water Conservancy District
- Weber Fire District

3. State Law Regarding Annexations

In 1979, the Utah State Legislature passed an annexation law that outlined the criteria, policy declaration and standards required for annexation. The law also provided for a boundary commission to settle annexation disputes within each county. Changes to the law in 1997 eliminated the policy declaration requirement of the annexation law and made other procedural changes. In 2001, the Legislature further amended portions of the annexation law to further define the requirements and responsibilities of counties and municipalities regarding annexation

After December 31, 2002, laws were adopted that ensured that no municipality may annex an unincorporated area located within a specified county unless the municipality has adopted an annexation policy plan as provided below.

To adopt an annexation policy plan the planning commission shall:

- prepare a proposed annexation policy plan that complies with Subsection (3);
- hold a public meeting to allow affected entities to examine the proposed annexation policy plan and to provide input on it;
- provide notice of the public meeting under Subsection (2)(a)(ii) to each affected entity at least 14 days before the meeting;
- accept and consider any additional written comments from affected entities until 10 days after the public meeting under Subsection (2)(a)(ii);
- before holding the public hearing required under Subsection (2)(a)(vi), make any modifications to the proposed annexation policy plan the planning commission considers appropriate, based on input provided at or within 10 days after the public meeting under Subsection (2)(a)(ii);
- hold a public hearing on the proposed annexation policy plan;
- provide reasonable public notice, including notice to each affected entity, of the public hearing required under Subsection (2)(a)(vi) at least 14 days before the date of the hearing;
- make any modifications to the proposed annexation policy plan the planning commission considers appropriate, based on public input provided at the public hearing.

The Planning Commission shall the submit its recommended annexation policy plan to the municipal legislative body (city council) and the municipal legislative body shall

- hold a public hearing on the annexation policy plan recommended by the planning commission;
- provide reasonable notice, including notice to each affected entity, of the public hearing at least 14 days before the date of the hearing;
- after the public hearing under Subsection (2)(b)(ii), make any modifications to the recommended annexation policy plan that the legislative body considers appropriate; and
- adopt the recommended annexation policy plan, with or without modifications.

Each annexation policy plan shall include:

- a map of the expansion area which may include territory located outside the county in which the municipality is located;
- a statement of the specific criteria that will guide the municipality's decision whether or not to grant future annexation petitions, addressing matters relevant to those criteria including:
 - (i) the character of the community;
 - (ii) the need for municipal services in developed and undeveloped unincorporated areas;

- (iii) the municipality's plans for extension of municipal services;
 - (iv) how the services will be financed;
 - (v) an estimate of the tax consequences to residents both currently within the municipal boundaries and in the expansion area; and
 - (vi) the interests of all affected entities;
- justification for excluding from the expansion area any area containing urban development within 1/2 mile of the municipality's boundary; and
 - a statement addressing any comments made by affected entities at or within 10 days after the public meeting under Subsection (2)(a)(ii).

In developing, considering, and adopting an annexation policy plan, the planning commission and municipal legislative body shall:

- attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;
- consider population growth projections for the municipality and adjoining areas for the next 20 years;
- consider current and projected costs of infrastructure, urban services, and public facilities necessary:
 - (1) to facilitate full development of the area within the municipality; and
 - (ii) to expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area.
- consider, in conjunction with the municipality's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development;
- consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the municipality; and
- be guided by the principles set forth in Subsection 10-2-403 (5) of the Utah State Code.

Within 30 days after adopting an annexation policy plan, the municipal legislative body shall submit a copy of the plan to the legislative body of each county in which any of the municipality's expansion area is located.

Nothing in this chapter may be construed to prohibit or restrict two or more municipalities in specified counties from negotiating and cooperating with respect to defining each municipality's expansion area under an annexation policy plan.

Planning Commission Report



Subject: Consideration of Site Plan Amendment to for Additional Carports as part of the Tree-o Senior Housing Project Located at 6086 Ridgeline Drive

Author: Mark Vlastic

Department: Planning & Zoning

Date: April 1, 2015

Background

This is an application to amend the site plan for a senior housing project currently in the final stages of construction. Located in an R-5zc(C) zone, the existing development was approved as a conditional use.

Discussion/Analysis

Carports are an allowed use in the zone. The application meets all site planning requirements for such uses. Consultations with the City Engineer indicate that this change would not negatively affect civil engineering for the site, including storm water and drainage.

Recommendation

1. Staff recommends approval of the application.

CONDITIONAL USE APPLICATION

Owners Name Treeo So. Ogden, LLC Phone 206-436-7827 email rjensen@oneeightytwist.com

Address 1601 5th Avenue, Suite 1900 City Seattle State WA Zip 98101

Agents Name - All information will be sent to the Agent.

Jim Hyde Phone 801-598-3140 email jhyde@sahara1.com

Address 801 North 500 West, Suite 300 City Bountiful State UT Zip 84010

Property Address: 6086 S. Ridgeline Drive, South Ogden Utah 84403

Existing Zone R-5zc No. of Acres or Sq. Ft. 171,472 #Res. Units 143

Bldg. Sq. Ft. 44,526 Building Height (stories & ft.) 3 Stories, 45'-6

What Use is Requested?

Add 22 additional carpports to the north east side of the property.

Legal Description (Parcel #07-745-0002)

All of lot 9, Granite Point Phase 1, lot 2, 1st amendment, South Ogden City, Weber County, Utah

Fee - Conditional Use Application

\$100.00 plus \$25.00 for each acre over one (1) to five (5) acres then \$10.00 for each additional acre or part thereof and \$100 for the City Engineer review. The Engineer fee is charged at a per hour rate and the balance over \$100 will be owing upon billing. The City collects these engineering hours on a project so the actual costs are recognized. As long as the project is under construction, the City engineer may incur costs that will be billed to the applicant.

OFFICE USE

Request for Recommendation sent to the following by copy and return of this form:

City Engineer -	Date _____	Received back - Date _____
Fire Dept. -	_____	_____
Public Works -	_____	_____
Other -	_____	_____

RECOMMENDATION: (INCLUDE ATTACHMENT)

PLANNING COMMISSION ACTION:

APPROVED _____ DENIED _____ Date _____

Applicant notified - Date _____ Effective date (10) days from the P.C. meeting granting final approval

APPLICANT'S AFFIDAVIT

State of Washington
County of King

I (we) Treco So. Ogden, LLC, being duly sworn, depose and say I (we) am (are) the sole
Property Owner(s) or Agent of Owner
owner(s)/agent of the owner(s), of the property involved in this application, to-wit,
6086 S. Ridgeline Drive, South Ogden, UT 84403 and that the statements and answers contained herein, in
Property Address

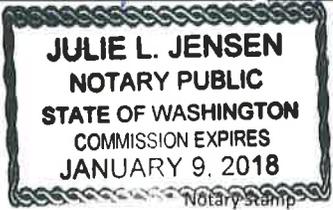
the attached plans and other exhibits, thoroughly and to the best of my ability, present the argument in behalf of the application. Also, all statements and information are in all respects true and correct, to the best of my knowledge and belief.

Dated this 30 day of March, 2015.

Signed: [Signature] _____
Property Owner or Agent Property Owner or Agent

Subscribed and Sworn before me this 30th day of March, 2015.

Notary Public: [Signature]



AGENT AUTHORIZATION

State of Washington
County of King

I (we) Treco So. Ogden, LLC, the sole owner(s) of the real property located
Property Owner(s)
at 1601 5th Avenue, Suite 1900 Seattle, WA 98101, South Ogden, Utah do hereby appoint
Property Address

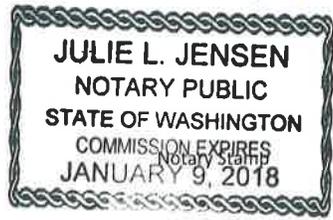
Jim Hyde, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and to appear on my (our) behalf before any city boards considering this application.

Dated this 30th day of March, 2015.

Signed: [Signature] _____
Property Owner Property Owner

Subscribed and Sworn before me this 30th day of March, 2015.

Notary Public: [Signature]



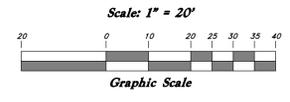
10/31/2013 8:11:53 PM
 C:\Users\larryj\Documents\1322 - South Ogden_Mir_Central_larryj.rvt
 FILE NAME: W:\13N909 One-Eighty TREEO South Ogden Senior Living\DWG\13N909-S4.dwg, 5/30/2014 1:59:48 PM, Rebecca.C, 1:1

Legend

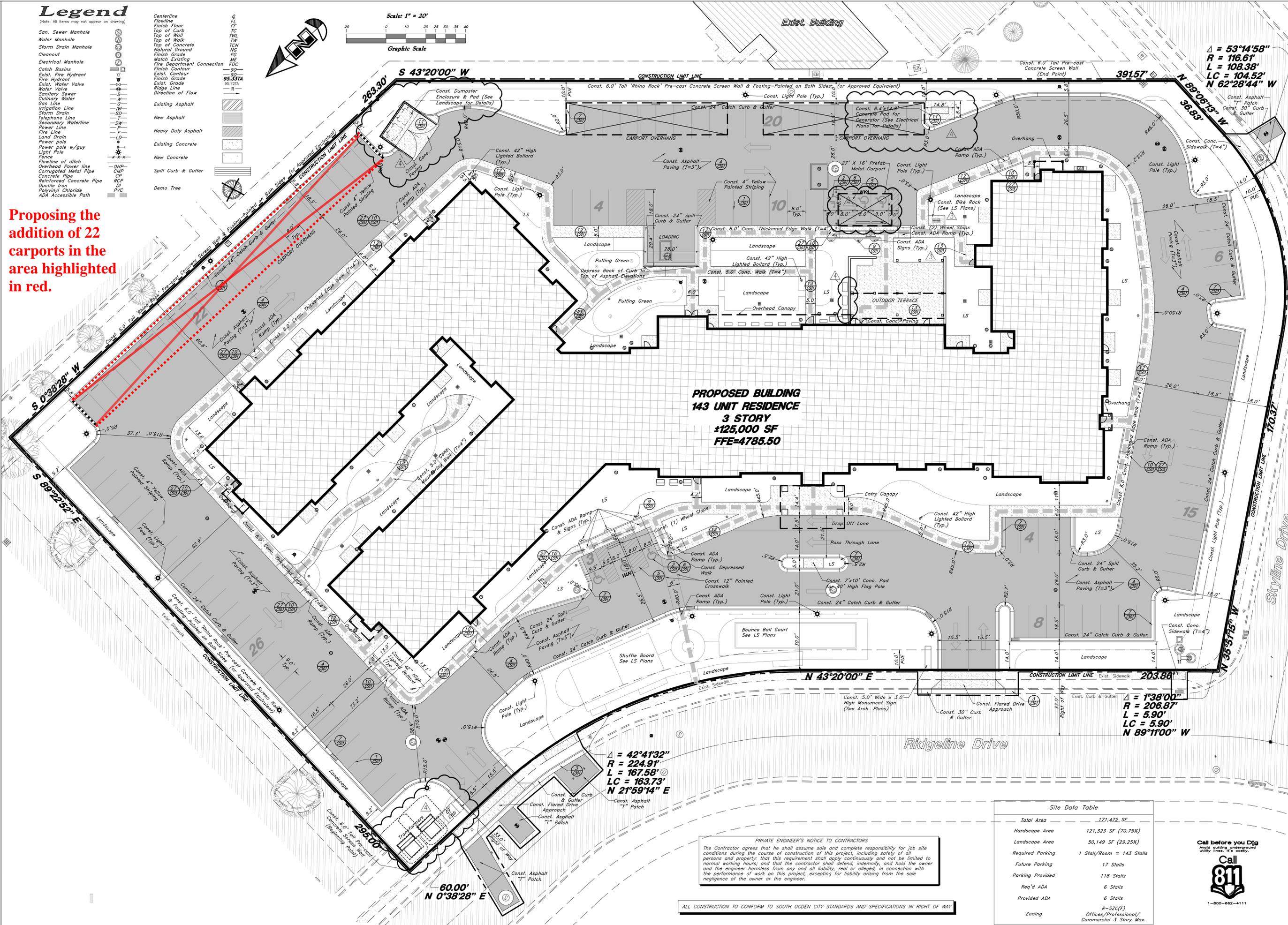
(Note: All items may not appear on drawing)

- San. Sewer Manhole
- Water Manhole
- Storm Drain Manhole
- Cleanout
- Electrical Manhole
- Catch Basins
- Exst. Fire Hydrant
- Fire Hydrant
- Exst. Water Valve
- Water Valve
- Sanitary Sewer
- Culinary Water
- Gas Line
- Irrigation Line
- Storm Drain
- Telephone Line
- Secondary Waterline
- Power Line
- Fire Line
- Land Drain
- Power pole w/guy
- Light Pole
- Fence
- Flowline of ditch
- Overhead Power Line
- Corrugated Metal Pipe
- Concrete Pipe
- Reinforced Concrete Pipe
- Ductile Iron
- Polyvinyl Chloride
- ADA Accessible Path

- Centerline
- Finish Floor
- Top of Curb
- Top of Walk
- Top of Concrete
- Natural Ground
- Finish Grade
- Match Existing
- Fire Department Connection
- Finish Contour
- Exst. Contour
- Finish Grade
- Exst. Grade
- Ridge Line
- Direction of Flow
- Existing Asphalt
- New Asphalt
- Heavy Duty Asphalt
- Existing Concrete
- New Concrete
- Spill Curb & Gutter
- Demo Tree



Proposing the addition of 22 carports in the area highlighted in red.



JOHNSON BRAUND
 15200 52nd Ave. South
 Suite 300
 Seattle, WA 98188
 Phone 206.766.8300
 www.johnsonbraund.com

ARCHITECTURE
INTERIOR DESIGN
 Greg L. Allwine, AIA
 Jeffrey A. Williams, AIA

GREAT BASIN U
ENGINEERING
 INC.

PROFESSIONAL ENGINEER
 7142907
ALBERT COURTY
 MORRIS
 5-30-14
 STATE OF UTAH

Rev#	Date	Description
1	11/22/14	PRELIM SUBMITTAL
2	10/29/14	CITY COMMENTS
3	04/29/14	CITY COMMENTS AND OWNER REVISIONS
4	05/09/14	ASB

ISSUE DATE: 03/24/14

TREEO SENIOR LIVING
 6088 SOUTH RIDGELINE DRIVE
 SOUTH OGDEN, UTAH 84403

OWNER APPLICANT:
 TREEO S. OGDEN, LLC

THESE DRAWINGS WERE PREPARED FOR THE TREEO SENIOR RESIDENCE PROJECT IN OGDEN, UTAH © JOHNSON BRAUND, INC. THEY ARE NOT INTENDED FOR USE IN ANY OTHER PROJECT.

TREEO

PROJECT #: 1322
 DRAWN BY: RC
 CHECKED BY: ACM

SITE PLAN

C101

Site Data Table

Total Area	171,472 SF
Hardscape Area	121,323 SF (70.75%)
Landscape Area	50,149 SF (29.25%)
Required Parking	1 Stall/Room = 143 Stalls
Future Parking	17 Stalls
Parking Provided	118 Stalls
Req'd ADA	6 Stalls
Provided ADA	6 Stalls
Zoning	R-52C(F) Office/Professional/ Commercial 3 Story Max.

Call before you Dig
 Avoid cutting underground utility lines. It's costly.

Call 811
 1-800-662-4111

PRIVATE ENGINEER'S NOTICE TO CONTRACTORS
 The Contractor agrees that he shall assume sole and complete responsibility for job site conditions during the course of construction of this project, including safety of all persons and property; that this requirement shall apply continuously and not be limited to normal working hours; and that the contractor shall defend, indemnify, and hold the owner and the engineer harmless from any and all liability, real or alleged, in connection with the performance of work on this project, excepting for liability arising from the sole negligence of the owner or the engineer.

ALL CONSTRUCTION TO CONFORM TO SOUTH OGDEN CITY STANDARDS AND SPECIFICATIONS IN RIGHT OF WAY

Planning Commission Report



Subject: Discussion on Subdivision Ordinance
(Title 11 of South Ogden City Code)

Author: Mark Vlastic

Department: Planning & Zoning

Date: April 3, 2015

Background

Staff has conducted a preliminary review of the existing Subdivision Ordinance (Title 11 of South Ogden City Code) to ensure it is compatible with recent changes made to the Zoning Ordinance and the Public Works Standard Drawings, Details and Technical Specifications. This review also addresses possible improvements to make the ordinance more efficient and easier to implement.

Discussion/Analysis

A copy of the South Ogden Subdivision Ordinance follows. This is followed by a draft Subdivision Amendment Chapter has been included, which is modeled on a similar chapter used by Ogden City.

It should be noted that staff has focused on substantive modifications and changes at this stage, not necessarily text, grammar, consistency, etc.

Recommendation

Staff would like to receive direction and input on the proposed modifications made before proceeding. In particular, direction should be provided regarding the extent of changes, and whether the new chapter is adequate.

Title 11

Subdivision Regulations

Chapter 1

GENERAL PROVISIONS; DEFINITIONS

11-1-1: PURPOSE AND INTENT:

A. Specified: The underlying purpose and intent of this title is to promote the health, safety, convenience and general welfare of the inhabitants of the city in the matter of subdivision of land and related matters affected by such subdivision.

B. Evidence Of Best Interest: Any proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area concerned and the subdivider shall present evidence to this effect when requested to do so by the planning commission.

C. Variations, Exceptions: In cases where unusual topographical or other exceptional conditions exist, variations and exceptions from this title may be made by the city council after recommendation by the planning commission. (Ord. 793, 7-11-1989)

11-1-2: SCOPE:

A. Compliance Required: No person shall subdivide any tract of land which is located wholly or in part in the city, except in compliance with this title.

B. Sales, Exchanges Of Land: No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the county recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title; provided, that this title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the initial subdivision regulations adopted by the city on August 10, 1955. (Ord. 793, 7-11-1989)

[The section below has been affected by a recently passed ordinance, 15-09 - PUBLIC WORKS STANDARDS . Go to new ordinance.](#)

Staff could find no definitional changes below that were affected by ordinance 15-09, which deals primarily with detailed technical specifications and standards related to construction.

Staff has indicated some changes to be considered based on recent discussions related to the zoning ordinance.

11-1-3: DEFINITIONS:

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

ALLEY: A public thoroughfare less than twenty six feet (26') wide. (Approval of public alleys will be given by city council only.)

BLOCK: The land surrounded by streets and other right of way, other than an alley, or land which is designated as a block on any recorded subdivision plat.

BONA FIDE DIVISION OR PARTITION OF AGRICULTURAL LAND FOR AGRICULTURAL DEVELOPMENT PURPOSE: The division of a parcel of land into two (2) or more lots or parcels, none of which is less than five (5) acres in area; and provided, that no dedication of any street is required to serve any such lots or parcels of agricultural land so created.

CITY: South Ogden City, Utah.

CITY COUNCIL: City Council of South Ogden City, Utah.

CITY ENGINEER: Any registered civil engineer appointed by the city council to accomplish the objectives of this title; provided, that no such person may serve the city and a subdivider in the city simultaneously where he would have to check his own work or the work of a member of his firm in connection with any subdivision in the city.

EASEMENT: That portion of a lot or lots reserved, granted or arising in behalf of and for the present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, use on, or use above said lot or lots.

HALF STREETS: Approval and construction of half streets is not allowed in the city.

LOT: A parcel of land comprising a unit within a subdivision or a unit of land for building development or transfer of ownership, together with such yards, open spaces, lot width and area as required by the zoning title of South Ogden City having frontage upon street or upon right of way approved by the planning commission and/or the board of adjustment.

LOT RIGHT OF WAY: An easement of not less than sixteen feet (16') wide reserved by the lot owners as private access to serve the lots through which it passes.

MASTER STREET PLAN: A plan, labeled "master street plan of the city of South Ogden", approved by the city council.

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

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

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

PLANNING COMMISSION: The South Ogden City planning commission.

PROTECTION STRIP: A strip of land running parallel and adjacent to a public street and the abutting private property, created for the purpose of controlling the access of property owners abutting the street.

STREET: A thoroughfare which has been dedicated to the public and accepted by proper public authority, or a thoroughfare of standard width which has become a public thoroughfare by right of use and which affords the principal access to the abutting property.

STREET, ARTERIAL, MAJOR OR MINOR: A street existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan, may be classified a controlled-access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the

street plan. A major arterial not less than one hundred feet (100') width of right of way, and a minor arterial not less than eighty feet (80') width of right of way.

STREET, COLLECTOR: A street, existing or proposed, of considerable continuity which is the main means of access to the major street system. A thoroughfare not less than sixty six feet (66') width of right of way.

STREET, CUL-DE-SAC: A terminal street provided with a turnaround.

STREET, MARGINAL ACCESS (FRONTAGE ROADWAY): A street which is parallel to and adjacent to a limited access major or minor arterial street and which provides access to abutting properties and provides protection from through traffic. A thoroughfare not less than sixty feet (60') width of right of way.

STREET, PRIVATE: A street, existing or proposed, within a subdivision and/or planned residential development which has been reserved by dedication unto the subdivider, lot owners or homeowners association; to be used as private access to serve the lots and homes within the subdivision and/or planned residential development. This street may be less than sixty feet (60'). ~~in width upon review and approval by the city.~~ This private street shall be maintained by the subdivider or other private agency.

Recent discussions have indicated that private streets should not be allowed to be less than constructed to a lesser standard than the equivalent public street.

STREET, STANDARD RESIDENTIAL: A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood. A thoroughfare not less than sixty feet (60') width of right of way.

SUBDIVISION: A. The division of any tract, lot or parcel of land owned presently, or the time of adoption of the original subdivision regulations of South Ogden City on August 10, 1955, as an undivided tract by one individual or by joint tenants or tenants in common or by the entirety, into two (2) or more lots, plots or other divisions of land for the purpose, whether immediate or future, of sale or of building development; provided, that said term shall not include a bona fide division or partition of agricultural land for agricultural development purposes. The word "subdivide" and any derivative thereof shall have reference to the term "subdivision", as herein defined.

B. For the purpose of these regulations, a subdivision of shall land include: 1) the dedication of a road, highway, or street through a tract of land, regardless of area, which may create a division of lots or parcels constituting a "subdivision"; 2) resubdivision of land heretofore divided or platted into lots, sites or parcels.

SUBDIVISION, CLUSTER¹: A subdivision of land in which the residential lots have areas less than the minimum lot area of the zone in which the subdivision is located, but which complies with the cluster subdivision provisions of the zoning title and in which a significant part of the land is privately reserved or dedicated as permanent open space to provide an attractive low density character for the residential lots in the subdivision.

ZONING ORDINANCE: The zoning ordinance of South Ogden City as adopted by the city council of South Ogden City, on January 8, 1980, as amended from time to time (codified as [title 10](#) of this code). (Ord. 793, 7-11-1989; amd. 2001 Code)

Chapter 2

PLAT PROCEDURES

11-2-1: PRELIMINARY PLAT:

A. Preliminary Information: Each person who proposes to subdivide land in the city shall confer with the planning commission staff before preparing any plats, charts or plans in order to become familiar with the city subdivision requirements and existing master plans for the territory in which the proposed subdivision lies and to discuss the proposed plan of development of the tract. (Ord. 793, 7-11-1989)

B. Preliminary Plan Filing: A preliminary plan shall be prepared in conformance with the standards, rules and regulations contained herein and the current required number of copies thereof shall be submitted to the planning commission for approval or disapproval. One print shall be delivered by the planning commission to each of the affected entities such as the city departments, power company, school district, service district, UDOT, etc., for their information and recommendations. A public hearing notice of the date, time, location, and project information shall be published ten (10) days prior to the hearing or mailed to the adjoining property owners to provide a minimum three (3) day notice of the hearing before the planning commission. (Ord. 06-09, 3-7-2006, eff. 3-7-2006)

C. Preliminary Plan Requirements:

1. All drawings and/or prints shall be clear and legible, drawn according to professional engineering practice in ~~waterproof black India drawing ink-on approved Mylar sheets.~~ Size of drawing shall be twenty four inches by thirty six inches (24" x 36") with one-half inch ($1/2$ ") border on top, bottom and right sides, left side border shall be one and one-half inches ($1\frac{1}{2}$ ".)

The preliminary plan shall be drawn to a scale not smaller than one hundred feet to the inch (1" = 100'), and shall show:

- a. The proposed name of the subdivision (such name must be cleared through the county recorder's office).
- b. Its location as forming a part of a larger tract or parcel, where the plat submitted covers only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplatted parts shall be submitted, and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area and other surrounding areas.
- c. Sufficient information to locate accurately the property shown on the plan.
- d. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
- e. Contours at intervals of two feet (2'), or five feet (5'), or ten feet (10').
- f. The boundary lines of the tract to be subdivided shall be indicated.
- g. The location, widths and other dimensions of all existing or platted streets and other important features such as railroad lines, watercourses, exceptional topography, utility conduits, and buildings within or immediately adjacent to the tract to be subdivided.
- h. Existing sanitary sewers, storm drains, water supply mains, culverts and natural drainage channels within the tract and immediately adjacent thereto.
- i. The locations, widths and other dimensions of proposed public streets, private streets, alleys, utility easements, parks, other open spaces and lots, with proper labeling of spaces to be dedicated to the public or designated as private streets.

2. Plans or written statements regarding the proposed storm water drainage facilities and other proposed improvements, such as planting and parks, and any grading of individual lots. (Ord. 793, 7-11-1989)

D. Preliminary Plan Approval: The preliminary plan shall be reviewed by the planning commission which shall act on the plan as submitted or modified within sixty (60) days after its presentation. If approved, the planning commission shall express its written approval with or without specific conditions. If the preliminary plan is disapproved, the planning commission shall indicate its disapproval in writing and list the reasons for such disapproval. Approval of the preliminary plan shall be authorization for the subdivider to proceed with the preparation of the final plat improvement drawings and specifications for the minimum improvements required by this title and the standard drawings attached to the ordinance codified herein.

E. Time Limitation: Approval of the preliminary plan by the planning commission shall be valid for a maximum period of one year after approval, unless upon application of the subdivider, the planning commission grants an extension. If the final plat has not been submitted within the one year or approved extended period, the preliminary plan must again be submitted to the planning commission for reapproval; however, preliminary approval of a development shall not be voided; provided, that the final plat of the first section is submitted for final approval within the one year period. (Ord. 793, 7-11-1989; amd. 2001 Code)

F. Grading Limitation: No large scale excavation, grading or regrading shall take place on any land for which a subdivision preliminary plan has been submitted until such plan has been given preliminary approval by the planning commission. (Ord. 793, 7-11-1989)

11-2-2: FINAL PLAT:

A. Tentative Final Plat Required:

1. Prior to the submission of the final plat, the subdivider shall submit two (2) copies of the tentative final plat to the planning commission, who shall check the tentative final plat against the requirements and conditions of approval of the preliminary plan, and refer one copy to the city engineer for checking.
2. The planning commission shall return one copy of the checked tentative final plat to the subdivider indicating thereon any changes required by the planning commission and/or the city engineer.

B. Final Plat Required:

1. After compliance with the provisions of section [11-2-1](#) of this chapter, the subdivider shall submit a final plat with the "current required number of copies" thereof to the planning commission. Such plat shall be accompanied by a "letter of certification" by the subdivider's engineer and/or surveyor, indicating that all lots meet the requirements of the zoning title.
2. The final plat and accompanying information shall be submitted to the planning commission at least seven (7) days prior to a regularly scheduled planning commission meeting in order to be considered at said meeting.

C. Final Plat Requirements: ~~The final plat shall be submitted on a sheet of approved mylar. The outside or trim dimensions shall be twenty four inches by thirty six inches (24" x 36") and the borderline of the plat shall be drawn in heavy lines leaving a space of at least one-half inch ($\frac{1}{2}$ ") margin on all four (4) sides of the sheet.~~ The final plat shall be clear and legible, drawn according to professional engineering standards according to professional engineering practice in ~~waterproof black India drawing ink on approved Mylar sheets.~~ Size of drawing shall be twenty four inches by thirty six inches (24" x 36") with one-half inch ($\frac{1}{2}$ ") border on top, bottom and right sides, left side border shall be one and one-half inches ($1\frac{1}{2}$ ").

The plat shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing best. ~~All lines, dimensions and markings shall be made on approved mylar with black waterproof India drawing ink.~~ The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred feet to the inch (1" = 100'), and the workmanship on the finished drawing shall be neat, clean cut and legible. The plat shall be signed by all parties mentioned in subsection C7 of this section, duly authorized and required to sign, and shall contain the following information:

1. The subdivision name, and the general location of the subdivision, in bold letters at the top of the sheet.
2. Where a subdivision complies with the cluster subdivision provisions of the zoning title and the provisions of this chapter, the final plat shall indicate underneath the subdivision name, the words "cluster subdivision".
3. A north arrow and scale of the drawing, and the current date.
4. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines.
5. The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries bearing and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions bearings and numbers of all lots, address of lots within the subdivision. All lots are to be numbered consecutively under a definite system approved by the

planning commission. The street naming/numbering and lot addressing shall be provided by the city engineer and written on the plat by the subdivider's engineer and/or surveyor.

6. Parcels of land to be dedicated as public park, storm water detention basins or to be permanently reserved for private common open space shall be included in the lot numbering system and shall also be titled "public park" or "private common open space", whichever is applicable.

7. The standard forms approved by the planning commission for all subdivision plats lettered for the following:

- a. Description of land to be included in subdivision, with total acres.
 - b. Land surveyor's certificate of survey.
 - c. Owner's dedication certificate.
 - d. Notary public's acknowledgement.
 - e. Planning commission's certificate of approval.
 - f. City engineer's certificate of approval.
 - g. City attorney's certificate of approval.
 - h. Public works director's certificate of approval.
 - i. City council's certificate of acceptance, signed by the mayor and attested by the city recorder.
8. A three inch by three inch (3" x 3") space in the lower right-hand corner of the drawing for recording information.

D. Construction Drawings:

~~1. The subdivider shall cause to be prepared by a qualified professional engineer, not in the employ of the city, a complete set of plans and profiles, construction details and construction design data of all streets, existing and proposed, and all utilities and improvements to be constructed within the subdivision and furnish such information to the city engineer with the final plat. Size of drawings shall be twenty four inches by thirty six inches (24" x 36") with one half inch ($\frac{1}{2}$ ") border on top, bottom and right sides. Left side shall be one and one half inches ($1\frac{1}{2}$ "). All lines, dimensions and markings shall be made on approved mylar with black waterproof India drawing ink. The final plat shall be clear and legible, drawn according to professional engineering standards according to professional engineering practice in waterproof black India drawing ink, on approved Mylar sheets.~~

~~2. In general, the following shall be included on the construction drawings:~~

- a. North arrow (plan).
- b. Scale and elevations above sea level referenced (benchmark established, shall be shown on the construction drawings).
- c. Stationing and elevations for profiles.
- d. Materials, slope, size and pressure class specified of all pipelines.
- e. Typical roadway cross sections for all street sizes and variations.
- f. Details of all structures (namely, catch basins, manholes, etc.)
- g. Top of curb elevations at PC, PT, BCR and at ends and where needed, along with curve data.
- h. Flow direction, high point, type of cross drainage structures at intersections with adequate flow line elevations.
- i. Street survey monument locations and coordinates tied to the point of beginning.
- j. BM location and elevations (use approved datum).
- k. Location of street lighting.

~~3. Upon completion of all construction improvements, the developer shall cause to be submitted one set of mylar "as constructed" construction drawings for filing in the office of the city engineer.~~

Shall conform with **ORDINANCE NO. 15-09** Section 1.3 (Public Works Standard Drawings, Details and Technical Specifications – Standards for Construction Drawings) and as indicated below:
(INSERT CODIFIED SECTION 1.3 DESCRIPTION HERE)

E. Engineer's Cost Estimate: The subdivider shall cause to be prepared by a qualified engineer, not in the employ of the city, a complete cost estimate, which shall indicate a list of all the required construction items,

quantities and estimated unit bid prices and/or lump sum bid prices. This estimate shall be submitted to the city engineer with the plat and construction drawings to assist the city engineer in determining the amount of the escrow or other agreements required of the developer. (This estimate shall include any contingencies and/or inflation factors as determined applicable by the city engineer.) (Ord. 793, 7-11-1989)

F. Approval Of Final Plat:

1. Prior to approving and signing the final plat, the planning commission shall submit the plat for approval to the city engineer who shall collect all checking fees from the subdivider and who shall check the engineering requirements of the drawings, and determine the amount of the escrow, or other agreements, to assure construction of the improvements where necessary. After approval and signature by the city engineer, the plat shall be submitted to the planning commission for approval and signing by the chair. The plat and financial guarantee shall be submitted to the city attorney and the city council, respectively, for their approval. The final plat, bearing all official approvals as above required, shall be deposited in the office of the county recorder for recording at the expense of the subdivider who shall be notified of such deposit by the office of the county recorder. No building construction shall be started until the recording of the final plat. (Ord. 930, 12-2-1997, eff. 12-2-1997)
2. No plats shall be recorded in the office of the county recorder and no lots included in such plat shall be sold or exchanged unless and until the plat is so approved, signed and accepted by the city.
3. At the time of recording, the subdivider shall pay all costs associated with supplying a reproducible mylar of the plat for filing in the office of the city engineer. (Ord. 793, 7-11-1989)

11-2-3: FILING:

A. General: This section provides a summary of the procedure required by the city for submitting preliminary and final plats, utility construction drawings and other supporting data for construction of subdivisions within the corporate limits of the city.

B. Preliminary Plat: The following procedure shall be followed in submittal and review of the preliminary plat:

1. Master Plan Review: A review shall be made by the subdivider with the planning commission to determine the master plan requirements for the area proposed to be subdivided.
2. Plat Submittal: Thirteen (13) ~~(or the current required amount)~~ copies of the preliminary plat shall be submitted to the planning commission for review. These ~~copies~~ shall be distributed for review as follows: seven (7) each planning commission/consultant, one each city engineer, five (5) each utility companies (power, gas, telephone, gas, television, irrigation).
3. Engineer's Report: After completion of his review, the city engineer will prepare and transmit to the planning commission a report summarizing the requirements for utilities and surface improvements, together with results of his review of the preliminary plat.
4. Approval/Rejection:
 - a. After completion of its review, the planning commission shall either approve, reject or conditionally approve the preliminary plat.
 - b. Approval or conditional approval is authorization for the subdivider to proceed with preparation of the final plat.

C. Final Plat: The following procedure shall be followed in submittal and review of the final plat:

1. Plat Submittal: A black ink mylar reproducible original drawing and eight (8) ~~(or the current required amount), blueprints paper copies~~ shall be submitted to the planning commission.
2. Fees: There shall be paid to the city by the owners or developers of the land petitioning for subdivision approval such sum of money as the city council may require to cover engineering review and field inspection costs. Fees shall be paid to the city recorder as per current adopted fee schedule.
3. Construction Drawings: Three (3) ~~(or the current required amount)~~ sets of prints of the drawings showing proposed construction shall be sent to the city engineer for his review, comments and approval.

4. Subdivision Agreement: An agreement between the city council and subdivider shall be approved by the city attorney. This agreement shall include the city engineer's estimate of improvement costs, which shall be the basis for determination of the amount of required security to cover said improvements.
5. Notice Of Approval: After review and approval of the planning commission, city council, city engineer and city attorney, the subdivider will be notified by the planning commission that the plat has been approved.
6. Recording: The plat shall be recorded by the city recorder within a period of seven (7) days after completion of all approvals. The owners or developers shall pay all recording fees, along with the cost to provide the city with a reproducible mylar copy of the recorded plat. (Ord. 793, 7-11-1989)
7. Construction: Construction of improvements shall not proceed until recording of the plat has been accomplished. (Ord. 793, 7-11-1989; amd. 2001 Code)
8. Intermediate Inspection: At completion of construction, the city engineer shall make an inspection of all improvements and shall inform the subdivider and city council of the results of the inspection. "As-built drawing" prints shall be submitted to the city engineer prior to his making this inspection. Record mylar reproductions for city files shall be submitted following the city engineer's approval of the "as-built drawing" prints.
9. Final Inspection: One year after the completion of construction of improvements (date of intermediate inspection), a final inspection shall be made by the city engineer. The results of this inspection shall be made known to the city council and subdivider and if all work is satisfactory, a recommendation will be made to release the escrow or other security held by the city council. (Ord. 793, 7-11-1989)

11-2-4: MINIMUM IMPROVEMENTS REQUIRED:

For a statement of the improvements required for development within the city, see section [11-4-1](#) of this title, adopting development standards and specifications for the city and providing that such standards shall be on file with the city engineer. (Ord. 793, 7-11-1989; amd. 2001 Code)

Chapter 3 DESIGN STANDARDS

11-3-1: GENERAL PROVISIONS:

A. Relation To Adjoining Street System:

1. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the planning commission for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Half streets along the boundary of land proposed for subdivision will not be permitted.
2. Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees (80°).

B. Street Widths, Cul-De-Sacs, Easements, Etc.:

1. Street Dedication: All streets in subdivisions in the city shall be dedicated to the city.
2. Arterial And Collector Streets: Arterial and collector streets shall conform to the width designated on the master street plan wherever a subdivision falls in an area for which a master street plan has been adopted. For territory where such street plan has not been completed at the time the preliminary plan is submitted to the planning commission, arterial and/or collector streets provided as required by the planning commission, with minimum widths of eighty feet (80') and one hundred feet (100') for major and minor arterial streets and sixty six feet (66') for collector streets.
3. Standard Residential Streets And Terminal Streets: Standard residential streets and terminal streets shall have a minimum width of sixty feet (60').
4. Terminal Streets (Cul-De-Sacs):

a. Terminal streets (cul-de-sacs) shall not be longer than four hundred feet (400') to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred ten feet (110') in diameter, right of way dimension. If surface water drainage is into the turnaround due to the grade of the street, necessary catch basins and drainage systems and easements shall be provided.

b. Where a street is designed to remain only temporarily as a dead-end street, an adequate asphalt/road base temporary turning area shall be provided at the dead-end thereof to remain and be available for public use so long as the dead-end condition exists.

5. Marginal Access Streets (Frontage Roadway): Marginal access streets (frontage roadway) of not less than sixty feet (60') in right-of-way width shall be required paralleling all limited access arterial streets, unless the subdivision is so designed that lots back onto such limited access streets. (All standard improvements per the typical cross section are required.)

6. Half Streets: Half streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved.

7. Street Cross Section Standards: All proposed streets shall conform to the city street cross section standards as recommended by the planning commission and adopted by the city council.

8. Street Grades: Except where due to special circumstances, street grades over any sustained length shall not exceed the following percentages:

a. On arterial and collector streets, eight percent (8%);

b. On standard residential and private streets, twelve percent (12%).

9. Alleys: Alleys shall have a minimum easement width of twenty feet (20'). Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission and approved by the city council. The alley cross section shall be approved by the planning commission.

10. Protection Strips: Where subdivision streets parallel contiguous property of other owners, the subdivider may place in trust a protection strip of not less than one foot (1') in width between said street and adjacent property; provided, that an agreement with the city and approved by the city attorney has been made with the subdivider, contracting to place in trust the one foot (1') or larger protection strip free of charge to the city, to be dedicated for street purposes upon payment by the then owners of the contiguous property to the subdivider or their heirs, of a consideration named in the agreement, such consideration to be equal to the current cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half ($\frac{1}{2}$) the land in the street at the time of the agreement, until time of subdivision of such contiguous property.

C. Blocks:

1. The maximum length of blocks generally shall be one thousand three hundred feet (1,300') and the minimum length of blocks shall be five hundred feet (500'). Blocks over eight hundred feet (800') in length may, at the discretion of the planning commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than ten feet (10') in width and shall be fenced.

2. The width of blocks shall be sufficient to allow two (2) tiers of lots, or as otherwise approved by the planning commission because of design, terrain or other unusual conditions.

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

D. Lots:

1. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and to existing and probable future requirements.

2. All lots shown on the subdivision plat must conform to the minimum area and width requirements of the zoning title for the zone in which the subdivision is located; or

a. Except as otherwise permitted by the board of adjustment; or

b. As in accordance with cluster subdivision provisions of the zoning title.

3. Each lot shall abut on a public street, dedicated by the subdivision plat or an existing publicly dedicated street, or on a street which has become public by right of use with the asphalt width at least thirty six feet

(36') wide, and having a sixty foot (60') right of way, except as provided in subsection D4 of this section. Interior lots having frontage on two (2) streets shall be allowed access on only one street except where unusual conditions make such other design undesirable and then only with planning commission approval. (The planning commission shall cause a note to be placed on the plat indicating the no access side.)

4. Flag Lots: Flag lots shall be approved by the board of adjustment after the recommendation by the planning commission. A lot or lots not having frontage or not having adequate frontage (flag lot) on a street, as required by the zoning title for the zone in which the subdivision is located, but upon a right of way, may be included within a subdivision, provided the following requirements are met:

- a. The planning commission determines that it is impractical to extend streets to serve such lots.
- b. The area of the right of way shall be in addition to the minimum lot area requirements of the zone in which the lot is located.
- c. The grade of any portion of the right of way not exceed fifteen percent (15%).
- d. Lots so created shall be large enough to comply with all yard and area requirements of the zone in which the lot is located.
- e. The building setback line shall be established and approved by the planning commission and indicated on the plat.

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

6. Side Lines: Side lines of lots shall be approximately at right angles or approximately radial to the street line. Lot lines not radial shall be so noted on the final recording plat.

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

8. Parcels In Separate Ownership: Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer certified to the planning commission by the county recorder.

9. Natural Drainage And Other Easements: The planning commission may require that easements for drainage through this and adjoining property be provided by the subdivider, and easements of not less than fourteen feet (14') in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision when required by the planning commission.

E. Parks, School Sites And Other Public Places:

1. In subdividing property, the planning commission shall give consideration to suitable sites for schools, parks, playgrounds and other areas for similar public use.
2. Such sites shall be indicated on the preliminary plan, which shall be referred to the city council and/or school board for their concurring approval.
3. If approved, the site shall be indicated on the approved preliminary subdivision plan in order that the city council and/or school board and subdivider may commence negotiations in exercising the option on the site granted by the subdivider to the city and/or school board at the time of annexation of the land to the city in accordance with the current annexation ordinance of the City¹ in force at the time.

F. Cluster Subdivision; Special Provisions:

1. Design Standards:

- a. The design of the preliminary and final plat of the subdivision in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the intent of zoning regulations, elements of the master plans that have been adopted by the city council, and design standards recommended by the planning commission and approved by the city council.
- b. Streets shall be so designed as to take advantage of open space vistas and to create drives with a rural or open space character.

2. Provision For Common Open Space:

- a. The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open space. He shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. A cluster

subdivision must meet the requirements of the zoning title, must assure proper use, construction and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future residents of the subdivision, surrounding residents and the general public.

b. The planning commission may place whatever additional conditions or restrictions it may deem necessary to ensure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space used is not maintained in the manner agreed upon or is abandoned by the owners.

3. Guarantee Of Common Open Space Improvements: As assurance of completion of common open space improvements, the subdivider, at the request of the city council, shall be required to file with the city council a bond or cash surety, or other agreement, in a form satisfactory to the city attorney guaranteeing such completion within two (2) years after such filing. Upon completion of the improvements for which a bond or cash surety, or other agreement, has been filed, the subdivider shall call for inspection by the city engineer, such inspection to be made within thirty (30) days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds therefor shall be released. If the bonds are not released, refusal to release and reasons therefor shall be given the subdivider in writing.

4. Continuation Of Common Open Space: As assurance of continuation of common open space used in accordance with the plans approved by the planning commission, the subdivider shall grant to the city "open space easement" on and over the common open space prior to the recording of the final plat, which easement will not give the general public the right of access but will provide that the common open space remains open.

5. Maintenance Of Common Open Space, Etc.:

a. In order to ensure maintenance of the common open space and other improvements where so required, the subdivider, prior to the recording of the final plat, shall cause to be incorporated under the laws of the state, a lot/homeowners' association. By proper covenants running with the land and through the articles of incorporation and bylaws of said association it shall, among other things, provide that:

(1) Membership in said association shall be mandatory for each lot/home purchaser, their grantees, successors and assigns.

(2) The common open space restrictions shall be permanent and not just for a period of years.

(3) The association be responsible for maintaining liability insurance, paying general property taxes and maintaining recreational and all other facilities.

(4) All lot owners shall pay their pro rata share of the costs of upkeep, maintenance and operation.

(5) Any assessment levied by the association may become a lien on the real property of any lot owner which may be foreclosed and the property sold as on sales under execution.

(6) The association shall be able to levy and to adjust assessments on the lot owners to meet current conditions. (Ord. 793, 7-11-1989)

[The section below has been affected by a recently passed ordinance, 15-09 - PUBLIC WORKS STANDARDS . Go to new ordinance.](#)

Staff only found minor changes in the new public Works standards that affect this section. That said, the City Engineer and City Planner should coordinate efforts to ensure the following text is true and accurate!

11-3-2: SUBDIVISION IMPROVEMENTS REQUIRED:

A. Required; Time Limit: The owner of any land to be platted as a subdivision shall at their own expense install all improvements within a two (2) year time table following the date of recording of the final plat in accordance with the public works specifications adopted by the city council, except for septic tanks (see subsection A2b of this section), which must be installed according to the specifications and under the inspection of the Weber-Morgan county health department. (Ord. 793, 7-11-1989; amd. 2001 Code)

1. Water Lines: Where an approved public water supply is reasonably accessible or procurable, the subdivider shall install water lines, to make the water supply available to each lot within the subdivision, including

laterals to the property line of each lot. The location and size of water mains shall be approved by the city engineer. (Ord. 793, 7-11-1989)

2. Sewage Disposal:

a. Where a public sanitary sewer is within three hundred feet (300') or is otherwise close enough in the opinion of the city council after recommendation of the city engineer to require a connection, the subdivider shall connect with such sanitary sewer and provide adequate lateral lines to the property line of each lot.

Such sewer connections and subdivision sewer systems shall comply with the regulations and specifications of, and shall be approved by, the city council and city engineer. (Ord. 793, 7-11-1989; amd. 2001 Code)

b. Where a public sanitary sewer is not reasonably accessible, the subdivider shall obtain approval from the state department of health for sewage disposal by means of a septic tank and drain field for each of the lots. Subdividers shall furnish to the board of health a report of percolation tests completed on the property proposed for subdivision in accordance with the regulations of the Utah state department of public health governing individual sewage disposal systems as currently adopted. A tentative final plat of the subdivision shall accompany the report showing thereon the location of test holes used in completing the tests.

Percolation tests shall be completed and reports prepared and signed by a qualified registered sanitarian or a licensed engineer not in the employ of the city. Written approval from the board of health shall be submitted to the planning commission before consideration of the final plat. Design of an individual system will be such that at the time a public sanitary sewer system is installed, the private system will be able to connect to the public sanitary sewer system. (Ord. 793, 7-11-1989)

c. Notwithstanding anything to the contrary in this subsection, should there be a conflict between the requirements of this subsection and the requirements of section [8-3-1](#) of this code (adopting the wastewater control rules and regulations of the central Weber sewer improvement district), the requirements of section [8-3-1](#) of this code, to the extent of such conflict, shall control. (Ord. 793, 7-11-1989; amd. 2001 Code)

3. Storm Water: The city council will require the subdivider to manage and dispose of storm water per the city engineer's recommendations. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.

4. Street Grading And Surfacing: All public streets shall be graded in accordance with the specifications and drawings adopted by the city council.

5. Curbs And Gutters: Curbs and gutters shall be installed on existing and proposed streets by the subdivider in accordance with the specifications and drawings adopted by the city council.

6. Street Drainage and Drainage Structures: Street drainage and drainage structures shall be required where necessary in the opinion of the city council after recommendation by the city engineer in accordance with the specifications and drawings adopted by the city council.

7. Sidewalks: Sidewalks shall be required and installed in accordance with the specifications and drawings adopted by the city council.

8. Monuments: Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type shown on the drawings and all subdivision plats shall be tied to a survey monument of record. (Ord. 793, 7-11-1989)

9. Street Trees: Street trees are to be provided as required in approved development plans and following approval from and by **the city's urban forestry commission²¹ does such a group exist?** (Ord. 793, 7-11-1989; amd. 2001 Code)

10. Fire Hydrants: Fire hydrants shall be installed. Such fire hydrants shall be of the type, size, number and installed in such locations as determined by recommendation of the fire department and/or city engineer.

Should this be replaced by a reference to Section 13 of the revised Public Works Standards, or placed here verbatim?

11. Street Signs: The city will furnish and install necessary street signs. The cost will be charged to the subdivider. (Street signs shall include regulatory and address signs.) **Should this be replaced by a reference to Section 21 of the revised Public Works Standards, or placed here verbatim?**

12. Fencing Of Hazards: A solid board, chainlink or other nonclimbable fence not less than six feet (6') nor greater than seven feet (7') in height shall be installed on both sides of existing irrigation ditches or canals which carry five (5) second feet or more of water, or bordering open reservoirs, railroad rights of way or

nonaccess streets, and which are located within or adjacent to a subdivision, except where the planning commission and city council determine that park areas including streams or bodies of water shall remain unfenced. **Should this be replaced by a reference to Section 19 of the revised Public Works Standards, or placed here verbatim?**

13. Staking Of Lots: Survey stakes shall be placed at all lot corners so as to completely identify the lot boundaries on the ground.

14. Street Lighting: Street lighting shall be installed by the subdivider/developer in such locations as determined by the city engineer. (Ord. 793, 7-11-1989) **Should this be replaced by a reference to Section 20 of the revised Public Works Standards, or placed here verbatim?**

B. Guarantee Of Improvements: **Should this be replaced by a reference to Section 1.12 of the revised Public Works Standards, or placed here verbatim?**

1. In lieu of actual installation of the improvements required by this chapter, the subdivider may guarantee the installation thereof by one of the methods specified as follows:

a. The subdivider may furnish and file with the city recorder a bond with corporate surety, or irrevocable letter of credit by a financial institution approved by the city council and city attorney, in an amount equal to the cost of the improvements plus ten percent (10%) contingency/inflation factor for improvements not previously installed, as estimated by the city engineer, to assure the installation of such improvements within a period of two (2) years immediately following the approval of the subdivision plat by the city council, and to secure the ten percent (10%) guarantee amount for one year beyond the date of conditional final acceptance of improvements. The bond required by this subsection shall be approved by the city council and city attorney.

b. The subdivider may deposit in escrow with an escrow holder approved by the city council an amount of money equal to the cost of improvements, plus ten percent (10%) contingency/inflation factor for improvements not then installed, as estimated by the city engineer, as aforesaid, under an escrow agreement conditioned for the installation of said improvements within two (2) years from the approval of the subdivision plat by the city council, as aforesaid. The escrow agreement aforesaid shall be approved by the city council and the city attorney and shall be filed with the city recorder to secure the ten percent (10%) guarantee amount for one year beyond the date of conditional final acceptance of improvements.

2. The city council is authorized to prescribe by administrative rule or regulation, forms and procedures to ensure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision and the strict compliance with the requirements of this subsection.

3. Whenever the subdivider develops a subdivision a portion at a time, such development shall be in an orderly manner and in such a way that the required improvements will be made available for the full, effective practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinbefore specified.

4. In the event the developer defaults, fails or neglects to satisfactorily install the required improvements within two (2) years from the date the final plat is recorded, the city may declare the bond or escrow deposit forfeited, and the city may install or cause the required improvements to be installed using the proceeds from the collection of the bond or escrow to defray the expense thereof. The city council may, but shall not be required, upon proof of difficulty, extend the completion date for a maximum period of one additional year. (Ord. 930, 12-2-1997, eff. 12-2-1997)

C. Engineering Checking Fees: There shall be paid to the city by the owners of the land petitioning for subdivision approval such sums of money as the city council may require to cover engineering review and field inspection costs. Fees shall be paid to the city treasurer as per adopted fee schedule which may be amended from time to time by the city council.

D. Inspection Of Improvements: The building official and city engineer shall inspect or cause to be inspected all buildings, structures, streets, fire hydrants and water supply, and sewage disposal systems and other improvements in the course of construction, installation or repair. All concrete forms are to be inspected and approval given prior to the placement of any concrete. Excavations for fire hydrants and water and sewer

mains and laterals shall not be covered over or backfilled until such installations shall have been approved by the city engineer, nor shall any pavement on any street be laid unless and until the city engineer has been notified of the intention and the time and place of said paving and unless and until the engineer has approved the paving of said street in all its aspects. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the building official and if any paving of any street is done without prior notification and approval of the city engineer, then the subdivider and any other responsible person would be liable for any costs incurred by the city in inspecting, repairing or replacing said pavement, whenever such inspection, repair or replacement shall result from inadequate paving by the subdivider or other responsible person. (Ord. 793, 7-11-1989)

11-3-3: GUARANTEE OF WORK: Should this be replaced by a reference to Section 2.7 of the revised Public Works Standards, or placed here verbatim?

The subdivider shall warrant and guarantee (and post bond or other security) that the improvements provided for hereunder, and every part hereof, will remain in good condition for a period of one year after the date of the construction completion inspection report by the city engineer, and agrees to make all repairs to and maintain the improvements, and every part thereof, in good condition during the warranty period with no cost to the city. The subdivider shall agree that the determination for necessity of repairs and maintenance of the work rests with the city engineer. His decision upon the matter shall be final and binding upon the subdivider, the guarantee hereby required shall extend to and include, but shall not be limited to, the entire streetbase, all pipes, joints, valves, backfill, compaction, as well as the working surface, curbs and sidewalks, as determined by the city engineer. (Ord. 793, 7-11-1989)

11-3-4: ENFORCEMENT AND PERMITS:

The building official shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conforms to all provisions of this title. No officer of the city shall grant any permit or license for the use of any building, structure or land, when such land is a part of a subdivision, that has not been approved and recorded in the county recorder's office. Any license or permit issued in conflict with this title shall be null and void. (Ord. 793, 7-11-1989; amd. 2001 Code)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1:](#) See [title 1, chapter 8](#) of this code.

[Footnote 2:](#) See [title 7, chapter 2](#) of this code.

Chapter 4 IMPROVEMENTS

11-4-1: STANDARDS AND SPECIFICATIONS ADOPTED BY REFERENCE:

The standards and specifications for subdivision improvements, including any amendments thereto, are hereby adopted by this reference as if fully set forth herein. Said standards and specifications are on file in the city engineer's office. (Ord. 793, 7-11-1989; amd. 2001 Code) **Should this be replaced and or/amended to include reference to the new Public Works standards?**

Chapter 5 SUBDIVISION AMENDMENTS, ALTERATIONS AND VACATIONS

(Note – the following is a new proposed chapter related to amended plats, and will require careful review before approval)

11-5-1: DEFINITIONS:

LOT COMBINATION: The altering of a subdivision plat by joining two (2) or more of an owner's contiguous, residential lots into one lot.

PLAT VACATION: The elimination of a plat, in whole or in part, which vacation may apply to subdivided lots as well as roads, alleys, easements, and other areas depicted or dedicated on the plat.

PROPERTY LINE ADJUSTMENT: The adjustment of a mutual boundary line between the owners of adjacent parcels that are described by either a metes and bounds description or as a lot within a recorded plat.

PUBLIC STREET OR ALLEY: Any street or alley, including a right of way or public access easement, that was dedicated as a public thoroughfare by means of recordation of a subdivision plat or street dedication plat. It also includes public streets or alleys, rights of way, and public access easements established by use or conveyed to the city, or its predecessor, by deed, declaration, legislative act or other instrument of conveyance other than a subdivision plat or street dedication plat.

11-5-2: PLAT AMENDMENTS, ALTERATIONS AND VACATIONS - CITY COUNCIL AUTHORITY:

A. The city council may, with or without petition, consider and approve any proposed vacation, alteration, or amendment of a recorded subdivision plat under the provisions of this chapter and Utah Code Annotated section 10-9a-608 as amended.

B. The city council may, with or without petition, consider and approve any proposed vacation of a public street or alley, after public hearing and notice as provided previously in this chapter and Utah Code Annotated section 10-9a-208.

11-5-3: STANDARDS AND PROCEDURES:

A. Compliance with Zoning Title and Subdivision Title Requirements: Any amendment, alteration, or vacation of a recorded subdivision plat shall comply with the requirements of the zoning title. The approval of an amended subdivision plat shall comply with the standards and procedures for the approval of a new subdivision plat, except for those procedural requirements waived herein.

B. Preliminary Plat Approval:

1. In addition to the petition requirements under section 11-1-2-1 of this chapter, any information or documents otherwise required for preliminary plat approval for any proposed amended subdivision plat that:
 - a. Requires the additional dedication of any land for street or other public purposes; or
 - b. Creates more than five (5) new additional lots.
2. Under such circumstances, the petitioner shall meet with the City Planner prior to submission of the petition in order to determine what additional documents or information will be necessary to adequately review the proposal.

C. Resubdivision: Whenever an owner or developer desires to vacate all or a portion of a recorded subdivision plat for purposes of the resubdivision of land, the owner or developer shall first, or concurrently therewith, obtain approval for the new or resubdivided plat by the same procedures prescribed for the subdivision of land.

D. Approval and Recording: All subdivision amendments shall be approved by recording of an amended plat in the office of the Weber County recorder meeting all requirements of this title for the approval of a final plat, except where approval by another instrument is authorized herein.

E. Waiver of Requirement To File Amended Plat: The filing of an amended plat shall not be required to implement a subdivision amendment, alteration or vacation under the following circumstances:

1. A property line adjustment approved by the director pursuant to section 14-7-9 of this chapter.
2. The vacation of an easement, other than a public access easement, dedicated to the city may be approved by recording of a deed signed by the mayor quitclaiming any interest the city may have in the described easement.
3. The vacation of an entire subdivision plat, wherein the resubdivision of the property is not intended, may be approved by recording of a resolution duly adopted by the city council containing a legal

F. Planning Commission Review: All petitions to vacate, alter or amend a subdivision plat shall be reviewed by the planning commission and its recommendations made to the city council.

G. Required Owner Signatures: Any amended plat, or conveyance document effectuating a property line adjustment, shall be signed and acknowledged by all owners of the real property which is the subject of the amended plat or property line adjustment.

H. Effective Period Of Approval: Approval of a petition to amend a plat shall be valid for a maximum period of twelve (12) months, unless, upon application of the subdivider, the planning commission grants an extension. If the amended plat has not been recorded within twelve (12) months or the approved extended period, the amended plat must again be submitted for approval.

I. Time Limit For Recording: After the mayor has approved a petition to amend a plat, an amended plat shall be prepared and approved in the same manner as final plats under the previous provisions of this title. An approved amended plat, in the form of a final plat, shall be recorded within one month after receiving approval from the city. If a final plat is not recorded within one month after receiving final approval, the approval shall be considered null and void and the petitioner must again submit for final approval.

11-5-4: PETITION REQUIREMENTS:

A. A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this title may file a written petition with the city to have some or all of the plat vacated, altered, or amended. A separate petition is required if the applicant proposes to vacate a public street or alley in connection with the vacation, alteration or amendment of a plat. A petition to vacate, alter or amend a plat shall be made on forms provided by the department, upon payment of fees as required. A petition shall include at a minimum:

1. The name and address of each owner of record of the land contained in the entire plat.
2. The signature of each of these owners within the plat who consents to the petition.
3. The name, address, telephone number, fax number and e-mail address of the designated contact person.

4. A copy of the recorded plat to be amended, and a current copy of the Weber County ownership plats depicting the subdivision and the adjacent properties.
 5. Be accompanied by a minimum of twelve (12) copies of the proposed amended plat.
 6. A recent title report covering the subject property, which identifies ownership, easements of record, liens or other encumbrances, and verifies payment of taxes and assessments. Such requirement may be waived by the director if the city attorney determines that the ownership records of Weber County or other documentation of ownership provided by the petitioner will be adequate.
 7. Any additional information or documents required to adequately review the proposed amendment, alteration or vacation.
- B. Unless an amended plat is not required under the provisions of this chapter, a copy of the proposed amended plat is required.
- C. No petition shall be accepted unless accompanied by the applicable fee required. Regardless of the action on the petition, the petitioner will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to or approved by the city.
- D. For purposes of determining whether all owners in the subdivision have signed a petition or an amended plat, ownership may be determined as of the date of the petition requesting the amendment, alteration or vacation.

11-5--5: CRITERIA:

The vacation, alteration, or amendment of a recorded subdivision plat may be approved upon a finding that there is good cause for the vacation, alteration, or amendment and on such terms and conditions as are reasonable to protect public health, safety, and welfare, or as is necessary to meet the requirements for new subdivisions.

11-5-6: NOTICE:

- A. Except for a lot combination or a property line adjustment involving unsubdivided properties, notice of a proposed subdivision vacation, alteration, or amendment shall be made by:
1. Mailing the notice to each record owner of property located within three hundred feet (300') of the property that is the subject of the proposed plat change, and all record owners of property subject to the change, addressed to the owner's mailing address appearing on the rolls of the Weber County assessor at least ten (10) calendar days before a public meeting or public hearing where the matter will be considered. The notice shall include:
 - a. A statement that anyone objecting to the proposed plat change must file a written objection to the change within ten (10) days of the date of the notice;
 - b. A statement that if no written objections are received by the city within the time limit, no public hearing will be held; and
 - c. The date, place, and time when a public meeting or public hearing, if one is required, will be held to consider a vacation, alteration, or amendment without a petition when written objections are

received or to consider any petition that does not include the consent of all landowners as required.

2. Posting the date, place, and time of the public meeting or public hearing, in lieu of mailing, on the property proposed for subdivision vacation, alteration or amendment in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passersby.

B. The public meeting or, if required, the public hearing will be held within forty five (45) days after the petition is filed. A public hearing will be required, if:

1. Any owner within the plat notifies the city of the owner's objection in writing within ten (10) days of mailed notification;
2. All of the owners in the subdivision have not signed the revised plat; or
3. Any owner of property located within three hundred feet (300') of the property that is the subject of the proposed plat change notifies the city of their objection in writing within ten (10) days of mailed notification.

11-5-7: STREET OR ALLEY VACATIONS:

A. Procedure:

1. Any person desiring to vacate a public street or alley as part of a subdivision amendment or as a separate action is required to file a petition making the request and provide a recordable plat if such vacation is approved in any manner. The plat may be either a street vacation plat or, if the vacation is proposed as part of a resubdivision of property, a subdivision plat. The petition shall include:
 - a. The name and address of each owner of record of land that is adjacent to the section of public street or alley proposed to be vacated and that is accessed by or within three hundred feet (300') of said section;
 - b. The signature of each owner under subsection A1a of this section who consents to the vacation;
 - c. A title report disclosing how the section of public street or alley proposed to be vacated was acquired by the city or dedicated to public use.
2. No petition shall be accepted unless accompanied by the applicable fee required by this code. Regardless of the action on the petition, the petitioner will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to or approved by the city.
3. No portion of any public street or alley may be vacated by the city council unless the vacation has been proposed by the planning commission or first submitted to the planning commission for its recommendation. Notice of the date, place and time of the planning commission meeting where such vacation shall be considered shall be mailed at least seven (7) days in advance to the record owner of each parcel located within three hundred feet (300') of the portion of the street or alley to be vacated regardless of whether such parcel is located within the jurisdictional boundaries of the city.
4. The recommendation of the planning commission shall be forwarded to the city council.
5. The city council shall hold a public hearing for any proposed vacation of a public street or alley. At least ten (10) days before the public hearing, notice of the date, place and time of the hearing shall be:

- a. Mailed to each affected entity;
 - b. Published in a newspaper of general circulation in the city;
 - c. Mailed to the record owner of each parcel that is accessed by the portion of the public street or alley proposed to be vacated or that is located within three hundred feet (300') of the portion of the street or alley to be vacated regardless of whether such parcel is located within the jurisdictional boundaries of the city; and
 - d. Posted on or near the public street or alley in a manner that is calculated to alert the public.
6. The city council may approve the proposed vacation if it finds that good cause exists for the vacation and neither the public interest nor any person will be materially injured by the vacation. The ordinance approving the vacation or narrowing of a public street or alley shall contain a legal description of the vacated portion.
7. The plat reflecting the vacation shall be signed by those persons within the city who sign subdivision plats, and shall be effective when recorded with the Weber County recorder's office. The plat and ordinance shall be recorded:
- a. Within thirty (30) days of approval or of complying with any required conditions if the vacation is not part of a resubdivision of property; or
 - b. At the time the subdivision plat is filed if the vacation is included as part of a resubdivision of property.
8. The action of the city council vacating some or all of a public street or alley that has been dedicated to public use operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the city's fee in the vacated street or alley, but may not be construed to impair any right of way or easement of any lot owner or the franchise right of any public utility with existing utility lines in the portion vacated.
9. The action of the city council in vacating some or all of a public street or alley that was acquired by the city by use or conveyance to the city, or its predecessors, by deed, declaration, legislative act or other instrument of conveyance, other than a subdivision plat or street dedication plat, operates to remove the property from the category of public use property and the portion vacated shall be held and managed by the city according to the property management requirements of title 4, chapter 3, article A of this code.

11-5-8: PLAT VACATION BY CITY:

- A. Planning Commission Recommendation: The planning commission, on its motion, may recommend that the plat of any recorded subdivision be vacated when:
- 1. No lots within the approved subdivision have been sold within five (5) years from the date that the plat was recorded;
 - 2. The developer has breached a subdivision improvement agreement or otherwise failed to install the required public improvements and the city is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the developer or its successor;

3. The plat has been of record for more than five (5) years and the planning commission determines that the further sale of lots within the subdivision presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the developer or its successor.

B. Procedure: Upon any motion of the planning commission to vacate the plat of any previously approved and recorded subdivision the proposed vacation shall be referred to the City Council, which may approve the vacation of the subdivision plat after notice and public hearing as provided previously in this chapter. If approved a resolution of vacation containing a legal description of the entire vacated subdivision shall be prepared and submitted to the city council for their approval and thereafter recorded in the records of Weber County.

C. Authority Not Restricted: The authority granted herein shall not be interpreted to restrict the power of the city to approve, without petition, other amendments, alterations or vacations of recorded subdivision plats.

11-5-9: PROPERTY LINE ADJUSTMENTS:

A. A property line adjustment may be approved by the City Council after the required notice and public hearing, that:

1. No new lot, dwelling unit, or remnant parcel will result from the property line adjustment;
2. The adjoining property owners have agreed, or intend to agree, to the property line adjustment through means of a recorded agreement or an agreement suitable for recording; and
3. The adjustment does not result in violation of applicable zoning requirements.

B. The conveyance document effecting the property line adjustment shall recite the descriptions of both the original parcels or lots and the parcels or lots created by the adjustment or exchange of title, and be signed and acknowledged by the owners.

C. If the City Council approves a property line adjustment, a notice of approval shall be recorded in the Weber County recorder's office, either as an attachment to the conveyance document or as a separate document, in a form suitable for recording, approving such conveyance document.

D. The city engineer shall review and approve the legal descriptions used in the conveyance document. The city attorney shall review and approve the form of the conveyance documents for compliance with this chapter and the requirements of state law.

Planning Commission Report



Subject: Discussion on PRUD Ordinance
(Title 10, Chapter 11 of South Ogden City Code)

Author: Mark Vlastic

Department: Planning & Zoning

Date: April 3, 2015

Background

Staff has conducted a preliminary review of the existing Planned Residential Unit Development (PRUD) Ordinance - Title 10, Chapter 11 of South Ogden City Code. The purpose of the review is to incorporate changes suggested as part of the recent residential zoning review conducted by the Planning Commission

Discussion/Analysis

A copy of the current PRUD Ordinance follows. As mentioned, the ordinance is quite brief and has several shortcomings that make it inadequate. Concern has also been expressed by legal counsel that the ordinance is susceptible to challenge on several points.

In order to make improvements to the PRUD ordinance, staff has reviewed similar ordinances in Taylorsville (PUD Ordinance) Draper and Ogden). Based on this analysis, staff believes that the Ogden PRUD Ordinance is the best model for a new PRUD ordinance for South Ogden.

In general, the Ogden model is more precise, encompassing a clear system of bonuses for reaching maximum density through the utilization of a density co-efficient and Density Point system, which serve as a "checklist" for making density calculations. Likewise, design and quality expectations are well-defined, the submission and approval process is clearly laid out, as are the other steps in the process. On the other hand, the Ogden model is more prescriptive than the South Ogden code, which can be regarded both positively and negatively, depending on one's perspective.

A copy of the Ogden PRUD ordinance concludes this report, and is provided in [BLUE text](#).

Recommendation

Staff would like to discuss the pros and cons of the Ogden PRUD Ordinance as a model for a new South Ogden PRUD ordinance, and receive direction whether it should be pursued.

SOUTH OGDEN PRUD ORDINANCE

Chapter 11 PLANNED RESIDENTIAL UNIT DEVELOPMENT

10-11-1: PURPOSE AND INTENT:

10-11-2: USE REGULATIONS:

10-11-3: AREA REGULATIONS:

10-11-4: GENERAL REGULATIONS:

10-11-5: SUBMISSION OF APPLICATION:

10-11-6: PLANNING COMMISSION CONSIDERATION:

10-11-7: PLANNING COMMISSION ACTION:

10-11-8: CITY COUNCIL ACTION:

10-11-9: FINAL SITE PLAN APPROVAL:

10-11-10: BUILDING PERMIT ISSUANCE:

10-11-11: TIME LIMIT:

10-11-12: EASEMENT OVER COMMON AREAS:

10-11-1: PURPOSE AND INTENT:

- A. A planned residential unit development (PRUD) is intended to allow for diversification in the relationship of various uses and structures, to permit more flexibility, to encourage new and imaginative concepts in the design of neighborhood and housing projects in urban areas. To this end, the development should be planned as one complex land use rather than an aggregation of individual unrelated buildings located in separate unrelated lots.
- B. Substantial compliance with the zone regulations and other provisions of this title in requiring adequate standards related to the public health, safety and general welfare shall be observed, without unduly inhibiting the advantages of large scale site planning for residential and related purposes. (Ord. 673, 1-8-1980)

10-11-2: USE REGULATIONS¹:

- A. Zones Permitted: A planned residential unit development shall be permitted in the R-1-10, R-1-8, R-1-6, R-2, R-3, R-4 and R-5 zones, and notwithstanding any other provisions as hereinafter set forth, shall be applicable if any conflict exists. (Ord. 673, 1-8-1980; amd. Ord. 718, 4-3-1984)
- B. Development Plan Approval: An overall development plan for a planned residential unit development showing building types, locations, sizes, height, number of residential units, access roads, open spaces, parking and landscaping, may be approved by the planning commission and city council and building permits issued in accordance with such plan, even though the residential uses, housing types and the location of the buildings proposed differ from the residential uses, housing types and regulations governing such uses in effect in the zone in which the development is proposed, provided the provisions of this chapter are complied with.
- C. Accessory, Nonresidential Uses: Accessory nonresidential uses may be included in the development to provide a necessary service to the residents of the development as determined by the planning commission. (Ord. 673, 1-8-1980)

10-11-3: AREA REGULATIONS:

The minimum area for a planned residential unit development shall be as follows:

<u>Zone</u>	<u>Acres</u>	
R-1-10	10	
R-1-8	8	
R-1-6	6	
R-2	1	(40,000 square feet)
R-3	4	
R-4	4	
R-5	3	

(Ord. 673, 1-8-1980; amd. Ord. 718, 4-3-1984; Ord. 08-01, 1-8-2008, eff. 1-8-2008)

10-11-4: GENERAL REGULATIONS:

A. Density: The number of dwelling units in a planned residential unit development may be ten percent (10%) higher than the number of dwelling units permitted by the area regulations of the zone in which the planned residential unit development is located in accordance with the following:

1. Land for schools, churches and other nonresidential service-type uses and land uses exclusively for access to the useable area of a planned residential unit development shall not be included in the area used for determining the number of allowable dwelling units.
2. The amount of bonus, if any, shall be determined by the planning commission after considering the proposed site in relation to public services and facilities surrounding residential density and land use, adequacy of appropriate physical boundaries that uses of least intensity or greatest compatibility be arranged around the boundaries of the project. (Ord. 673, 1-8-1980)

B. Yard And Height Requirements: The yard and height requirements of the adjacent zone around the periphery of the project shall be considered by the planning commission and may be modified (greater or smaller), as the planning commission deems necessary, in order to provide the privacy to the existing land uses, as well as the proposed land uses in the PRUD project. However, in no event shall the rear yard setback requirement of the peripheral be less than fifty percent (50%) of the adjacent zoning requirement when the adjacent zone is residential. (Ord. 858, 6-13-1994)

C. Site Development Standards; Signs: Site development standards and sign regulations shall be determined by approval of the site development plan.

D. Land Dedication: The city council, upon recommendation of the planning commission, may require dedication to the city land for public park or parkway purposes.

E. Guarantee: The developer shall provide a financial guarantee approved by and in an amount determined by the city engineer guaranteeing the completion of all off-site improvements related to the proposed PRUD. The financial guarantee shall be approved by the city council and shall be filed with the city recorder.

- F. Access Roads Creating Corner Lots: Where access roads create corner lots on adjoining parcels of land, the location of the paved area of the access road shall be located so as to maintain the minimum corner lot side yard requirements of the zone in which the corner lot is located, plus an additional ten foot (10') planting and walking area.
- G. Subdivision Of Development: If the planned residential unit development is to be subsequently divided either as a "subdivision", into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in the case of "subdivision".
- H. Applicability Of Subdivision Regulations: Any part of a PRUD which is proposed as a subdivision is subject to the provisions of the subdivision title, except for reference therein to lot dimensions and size, which is to be determined as part of the PRUD review process.
- I. Revisions: In the event an approved preliminary or final site plan requires revision by the developer, the site plan and its revision shall be resubmitted to the planning commission for consideration of approval. The planning commission may require re-approval by the city council. In the event revision is for final site plan, all new property owners in the development shall be notified in writing by the planning commission that a revision has been submitted and will be considered by the planning commission.
- J. Condominiums: In PRUDs that are proposed as condominiums or other forms of multiple, separate ownership, agreement shall be reached between the planning commission and developer as to a condition of approval of the preliminary plan. Amenities shall include all recreational facilities.
- K. Checking Fees: Checking fees for PRUDs shall be based on the same standards contained in the subdivision title and fees established for lots shall be applicable to housing units. (Ord. 673, 1-8-1980)

10-11-5: SUBMISSION OF APPLICATION:

- A. Required: An application for a planned residential unit development shall be submitted to the planning commission and shall be accompanied by an overall preliminary development plan showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as schools, playground, landscaping, recreational facilities and open spaces, areas reserved and proposals for accommodating the design and character of the proposed development, access and parking.
- B. Other Necessary Information: Such other information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinary applicable under this title. (Ord. 673, 1-8-1980)

10-11-6: PLANNING COMMISSION CONSIDERATION:

In considering the proposed planned residential unit development, the planning commission shall consider:

- A. Design: The design of buildings and their relationship to the site and their relationship to development beyond the boundaries of the development.
- B. Streets, Traffic, Parking: Which streets shall be public and which shall be private, the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.

- C. Landscaping, Screening: The landscaping and screening as related to the several uses within the development as a means of its integration into its surroundings.
- D. Signs: The size, location, design and nature of signs, if any, and the intensity and direction of area of floodlighting.
- E. Density: The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or master plan as being a desirable future residential density.
- F. Financial Ability: The demonstrated ability of the proponents of the planned residential unit development to financially carry out the proposed project under total or phase development proposals within the time limit established. (Ord. 673, 1-8-1980)

10-11-7: PLANNING COMMISSION ACTION:

The planning commission, subject to the requirements of this chapter, may recommend approval or denial or approval with conditions, of the preliminary plan for the proposed planned residential unit development to the city council. (Ord. 673, 1-8-1980)

10-11-8: CITY COUNCIL ACTION:

The city council, after holding a public hearing thereon, may approve or disapprove the application. The city council may attach such conditions, including a limitation of time during which the permit remains valid, as it may deem necessary to secure the purposes of this chapter. Approval of the city council, together with any conditions imposed, constitutes approval of the proposed development as a "permitted use" in the zone in which it is proposed. (Ord. 673, 1-8-1980)

10-11-9: FINAL SITE PLAN APPROVAL:

After city council approval of the preliminary site plans, final site plans reflecting all conditions of preliminary approval must be submitted to the planning commission for approval. Approved final site plans will be forwarded to the building official for issuance of building permits. (Ord. 673, 1-8-1980)

10-11-10: BUILDING PERMIT ISSUANCE:

The building official shall not issue any permit for the proposed building or use within the project unless such building or use is in accordance with the approved development plan and any conditions imposed. Approved development plans shall be filed with the planning commission, city engineer, building official and city recorder. (Ord. 673, 1-8-1980)

10-11-11: TIME LIMIT:

Unless there is substantial action leading toward completion of a planned residential unit development or an approved phase thereof within a period of eighteen (18) months from the date of approval, as determined by the city council, such approval shall expire, unless after reconsideration of the progress of the project, an extension is approved. (Ord. 673, 1-8-1980)

10-11-12: EASEMENTS OVER COMMON AREAS:

In every planned residential unit, cluster subdivision or condominium-type development, there shall be reserved proper easements over the common areas to accommodate public services, including, but not limited to, the right of police and fire personnel to enter upon any part of the common areas, and to allow the city to repair or replace facilities or improvements thereon if any association fails so to do. The declaration for any such development shall include a provision covenanting with the city and all unit owners to maintain the common areas and facilities for the use of declarant and all unit

owners prior to being turned over to an association. (Ord. 673, 1-8-1980)

[Footnote 1](#): See also subsection [7-2-4D](#) of this code for landscaping requirements.

OGDEN PRUD ORDINANCE

PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

15-8-1: PURPOSE:

15-8-2: DEFINITIONS:

15-8-3: USE REGULATIONS:

15-8-4: DENSITY DETERMINATION:

15-8-5: MINIMUM DEVELOPMENT REQUIREMENTS:

15-8-6: BONUSES FOR MAXIMUM DENSITY:

15-8-7: BONUS DENSITY CALCULATIONS:

15-8-8: BONUS DENSITY DESIGN REQUIREMENTS:

15-8-9: SUBMISSION AND APPROVAL PROCESS:

15-8-10: APPLICABILITY OF SUBDIVISION TITLE:

15-8-11: FINAL PLAT RECORDATION:

15-8-12: CONDITIONAL USE PERMIT AND FINAL PLAN:

15-8-13: AMENDMENTS TO PERMIT, PLAN OR RECORDED PLAT:

15-8-14: TIME LIMITATION:

15-8-15: CONSTRUCTION PARAMETERS:

15-8-16: PROPERTY OWNERSHIP:

15-8-17: PHASING:

15-8-18: FAILURE TO COMPLY; CERTIFICATE OF OCCUPANCY:

15-8-19: ISSUANCE OF BUILDING PERMITS:

15-8-20: REVOCATION OF CONDITIONAL USE PERMIT:

15-8-21: VIOLATIONS:

15-8-1: PURPOSE:

A. The purpose of a planned residential unit development (PRUD) is to encourage better utilization of land, to develop a sense of community and to ensure compatibility with the surrounding neighborhoods. This is accomplished by allowing flexibility in the placement and design of buildings and infrastructure not ordinarily allowed in conventional zoning regulations. It allows flexibility in development standards for creative design and yet provides specific requirements to ensure surrounding properties and natural features are protected.

B. A planned residential unit development is a residential development planned as a whole, single complex. It incorporates a definite development theme which includes the elements of usable open spaces, diversity of lot design or residential use, amenities, a well planned circulation system, and attractive entrances as part of the design. The incorporation of one or two (2) of these elements into a development does not make a PRUD. The combination of all of these elements is necessary for the development of a PRUD.

(Ord. 93-30, 7-23-1993)

15-8-2: DEFINITIONS:

As used in this Chapter, the following terms shall mean:

ATTACHED DWELLING UNITS: Two (2) or more dwelling units connected by at least one wall or floor of common construction.

DEVELOPED COMMON ACTIVITY AREA: Open green space which is designed to provide activity areas for use by all residents such as playgrounds, recreational courts, picnic pavilions, gazebos and water features. Common developed activity areas shall be held by all residents in common ownership through a homeowners' association or shall be available for use by all residents if the PRUD will be held in single ownership.

FACADE: All exterior walls of a building or structure.

GROSS ACREAGE: The total amount of acreage in a PRUD development.

NET ACREAGE: The total amount of acreage in a PRUD development, excluding right of ways or roads.

OPEN GREEN SPACE: A planned open area suitable for relaxation, recreation or landscaping which may be held in common or private ownership. It should be unoccupied and unobstructed by buildings and hard surface such as asphalt or cement, except that such open green spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos and water features so long as such surfaces do not exceed fifteen percent (15%) of the required open green space.

PERIPHERY: A one hundred foot (100') depth around the perimeter of the project measured inward from the property line.

(Ord. 93-30, 7-23-1993)

15-8-3: USE REGULATIONS:

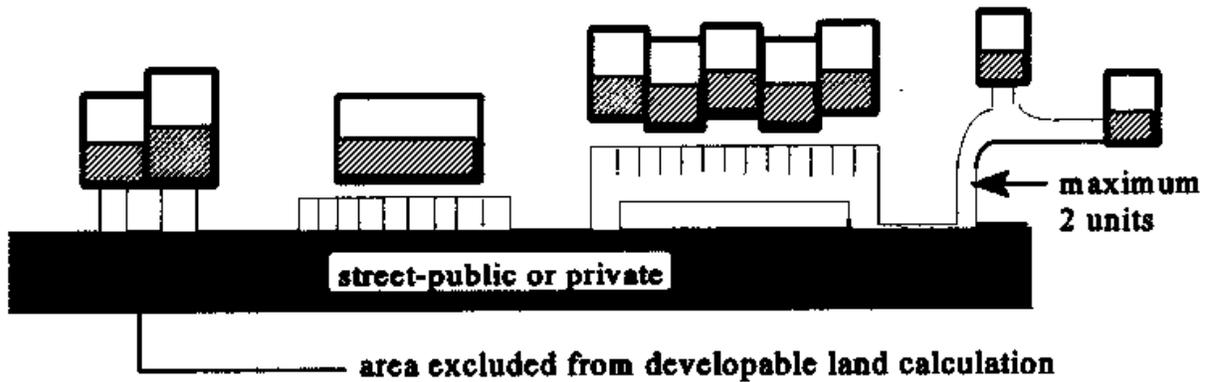
Uses in all PRUDs shall be limited to the permitted and conditional uses in the zone where the PRUD is located, with the following exceptions:

- A. Attached Dwelling Units: Attached dwelling units may be allowed in the R-1 and R-2 zones to provide a variety of housing options, provided all other requirements of this chapter are met.
- B. Accessory Uses: Accessory uses to the PRUD which are located in a common main building may be permitted. Accessory uses shall be limited to daycares, personal services and recreational facilities so long as adequate parking is provided as determined by the planning commission.

(Ord. 93-30, 7-27-1993)

15-8-4: DENSITY DETERMINATION:

- A. Developable Acreage: Density in a PRUD shall be determined by using the developable acreage of the entire proposed development. Developable acreage is land under thirty percent (30%) slopes which is capable of being improved with landscaping, recreational facilities, buildings or parking. Land devoted to street usage (the right of way for public streets and the area from back of curb to back of curb for private streets) shall not be considered developable acreage and must be subtracted out of the total acreage used to determine density.



B. Baseline Density: The maximum number of residential units allowed per developable acre in a PRUD which meet only the minimum development requirements per developable acre shall be calculated using the following chart. This shall be referred to as the baseline density:

<u>Zone</u>	<u>Square Footage</u>	<u>Baseline Density Units/Acre</u>
R-1-10	1 unit per 15,000 square ft.	2.9
R-1-8	1 unit per 12,000 square ft.	3.6
R-1-6	1 unit per 9,000 square ft.	4.8
R-2	1 unit per 8,000 square ft.	5.4
R-2A	1 unit per 7,000 square ft.	6.2
R-2EC	1 unit per 7,000 square ft.	6.2
R-3	1 unit per 6,000 square ft.	7.3
R-3EC	1 unit per 5,000 square ft.	8.7
R-4	1 unit per 6,000 square ft.	7.3

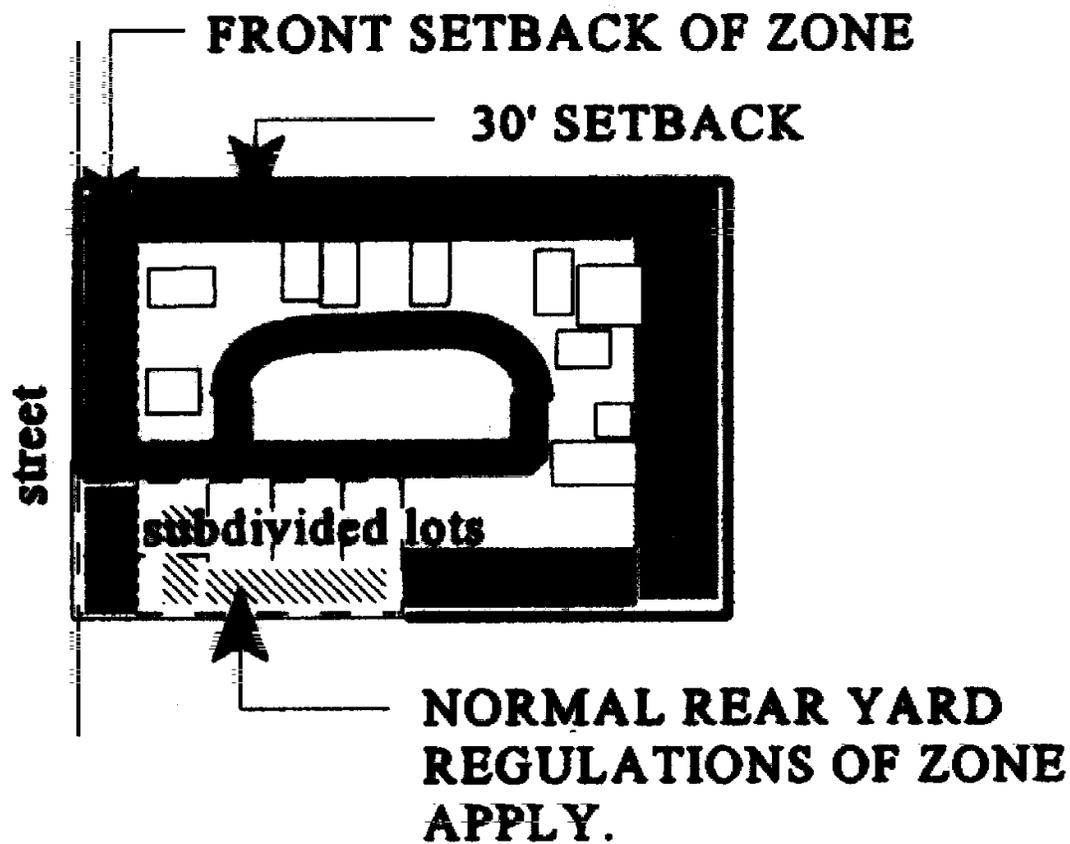
(Ord. 93-30, 7-27-1993; amd. Ord. 2000-70, 1-16-2001, eff. 1-18-2001)

15-8-5: MINIMUM DEVELOPMENT REQUIREMENTS:

All proposed PRUD developments shall comply with all minimum development requirements as provided in this section:

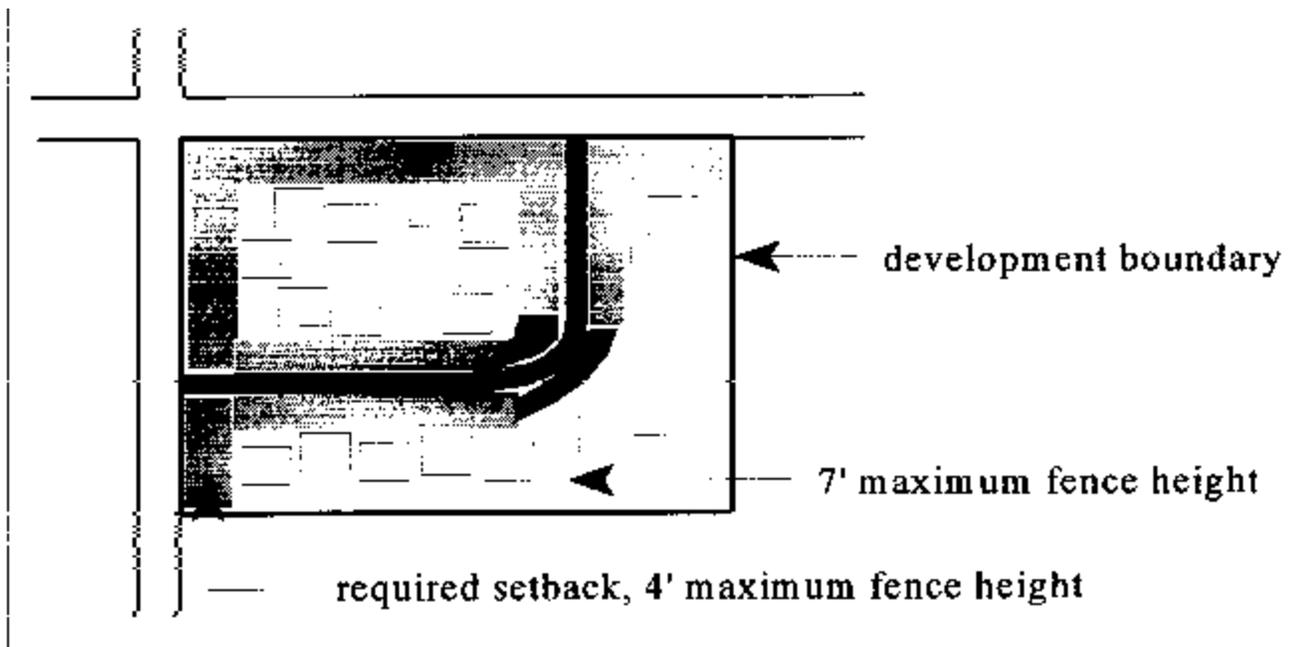
A. General Regulations:

1. A minimum of five (5) acres of land in an R-1 or R-2 zone, eight (8) acres in the R-3 zone and ten (10) acres in the R-4 zone is required for a proposal to be developed as a PRUD.
2. The minimum setback for all buildings (excluding fences) and parking in the periphery of the development shall be the front setback of the zone at those locations where development abuts a street and thirty foot (30') setback at those locations where development abuts other parcels of land. Notwithstanding the above provision, if the development has subdivided single-family lots which abut other parcels of land, the specific zone regulations shall apply for rear yard setbacks and accessory uses of the subdivided lots. The required setback area shall be landscaped.

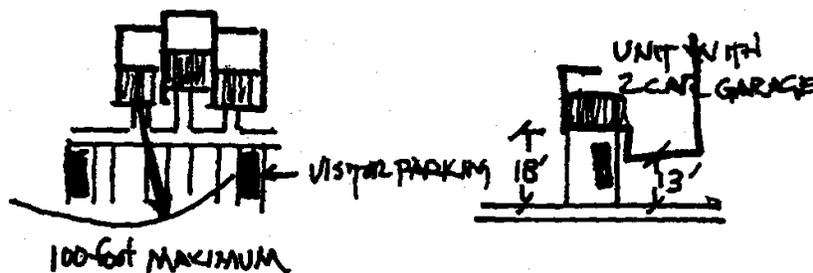


3. Minimum distance between main buildings in the development shall be ten feet (10') for single-story buildings, fifteen feet (15') for two (2) story buildings, and twenty feet (20') for three (3) or more stories.
4. If fencing is proposed adjacent to a public or private street, the maximum fence height shall be four feet (4') for fences located in the required front yard and side yard setback facing a street as determined in the underlying zone. The width of the setbacks shall be according to the required setback of the zone in which the development is proposed. Fence heights located outside of these setbacks shall be limited to a maximum height of seven feet (7'). The planning commission may vary the height or location if it determines the proposed fence design, materials and location will not create a safety hazard due to obstructed vision of approaching vehicles or pedestrians and will:
 - a. Not isolate the surrounding neighborhoods;
 - b. Be consistent with the theme of the development; and
 - c. Be compatible with the neighborhood.

If fencing isolates property between the fence and the public street, the development shall provide means to ensure continued maintenance of this area.



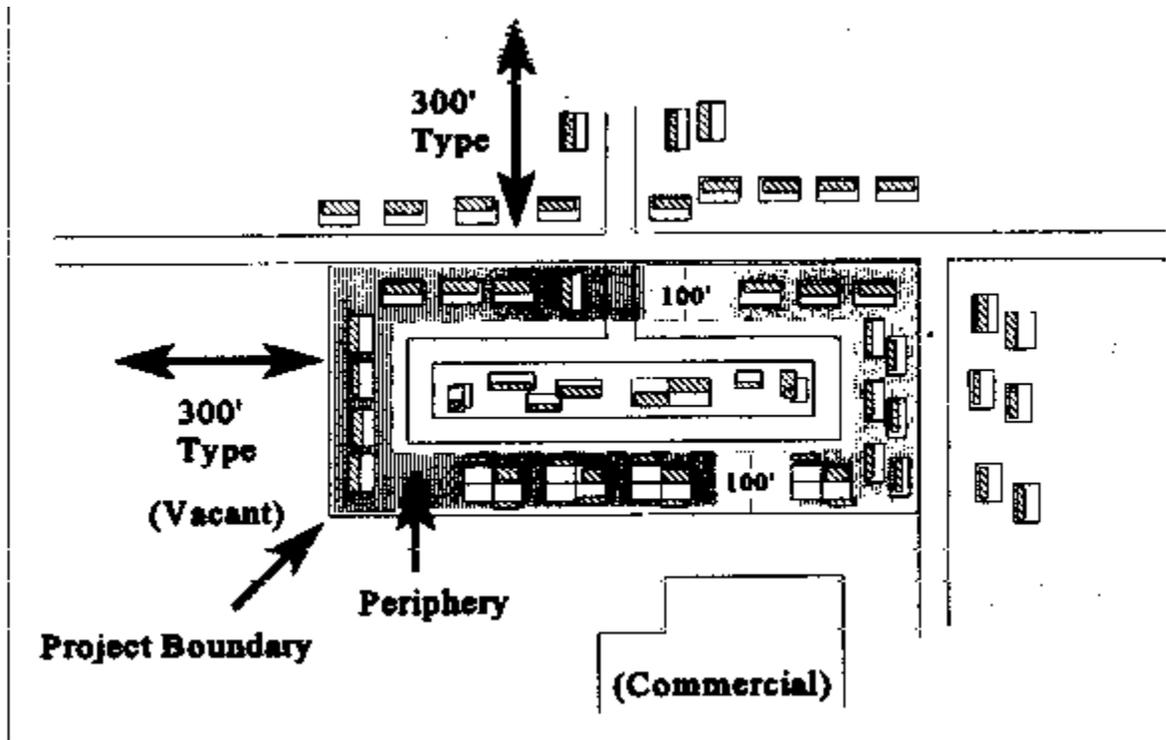
5. Two (2) parking stalls shall be required for each unit in the development. All parking and access shall be hard surfaced. Required parking for the unit shall be located within a one hundred foot (100') radius measured from any entrance to the dwelling unit. Units which have an attached garage shall have the garage set back a minimum of eighteen feet (18') from the road, street or from the walkway if a walkway is designed along the road or street. Units with an attached garage shall also have the garage recessed a minimum of five feet (5') from the front of the building.



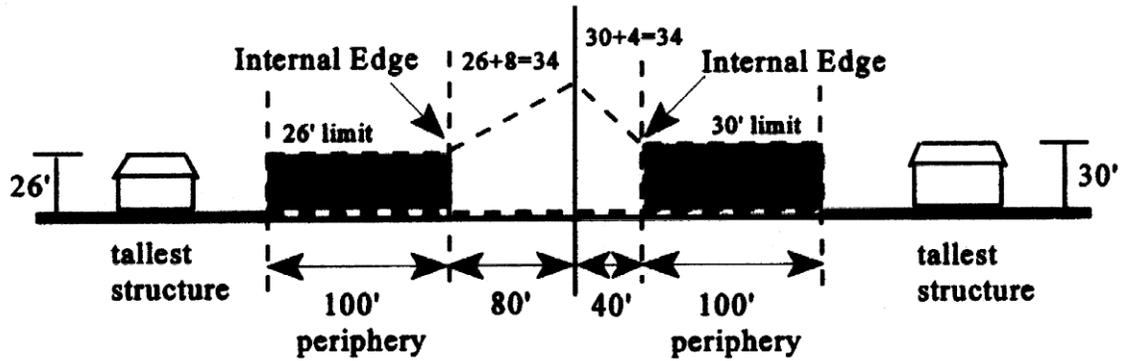
6. Developments shall be designed to preserve and incorporate the natural features of the land into the development. Natural features include drainage swales, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.
7. If a group RV parking area is provided for the development, it shall be at a minimum of one RV space per five (5) dwelling units. The RV parking area shall not be located in the periphery of the development and shall be completely screened.
8. All utilities shall be placed underground where possible.

B. Compatibility:

1. The number of units per building within the periphery of the project shall be the same as seventy five percent (75%) of the surrounding neighborhood within three hundred feet (300') of the project boundary line; provided however, that where an adjacent residentially zoned property is vacant or occupied by schools or churches, then only single-family units are allowed along that side. The corner of the periphery development shall be developed with the least intense number of units when sides of the periphery development are different. The limitation on units per building does not apply if adjacent to a commercial, manufacturing, open space zone or property used for parks or cemeteries.

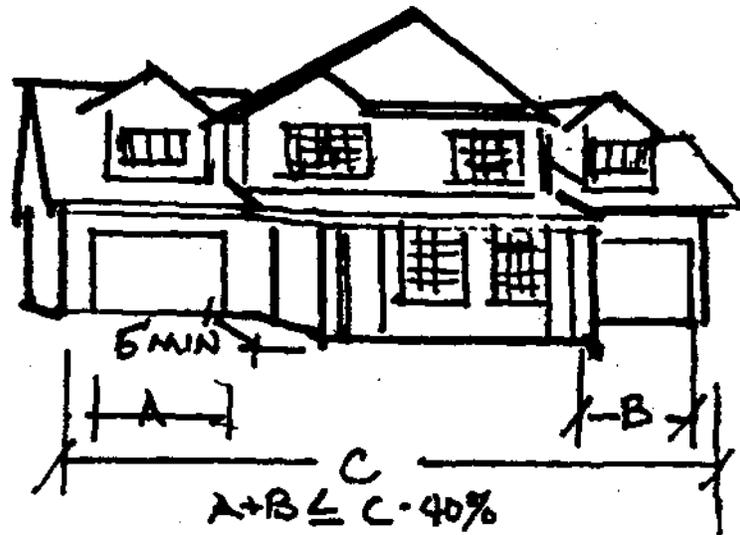


2. The front of the units developed on the periphery of the project shall front onto the public streets. When units abut two (2) parallel streets, the fronts of the units shall face the public street bordering the PRUD. Units which are on corners may front either street. The planning commission may waive this provision due to unusual topographic features or unusual conditions, provided such waiver does not negatively impact the continuity of the existing streetscape.
3. The height of the buildings within the periphery shall not exceed the average height of the existing residential structures adjacent to each side of the development. When the periphery is next to vacant residentially zoned land, the maximum height shall be limited to thirty five feet (35'). The maximum height allowed beyond the internal edge of the periphery shall be limited to the height allowed in the periphery plus one additional foot in height for every ten feet (10') from the internal edge of the periphery.



4. The type of exterior building material and ratio of surface coverage for the proposed facade for other than single-family dwelling units shall be similar in material and ratio of coverage to fifty one percent (51%) of the existing residential structures adjacent to the development (e.g., the majority of the existing buildings have the lower $\frac{1}{3}$ of the facade in brick on the front and the rest is siding, the new development shall have as a minimum $\frac{1}{3}$ of the front in brick and the rest in siding). This provision shall not limit the use of brick in place of other material.

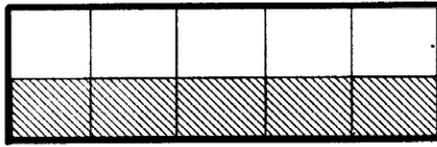
5. If a building has an attached garage and the garage doors are located along the front of the building facing a public or private street, the garage doors shall not occupy more than forty percent (40%) of the ground level building frontage facing the street. The portion of the building facing the street shall have ten percent (10%) of the wall surface area on the main level in glazing.



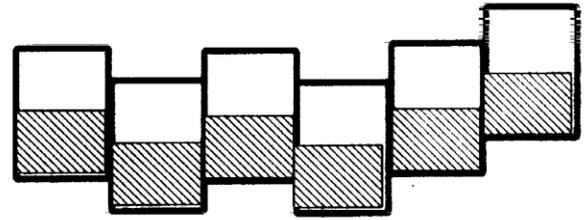
C. Design Theme:

1. Entrance designs to the development are required. The minimum entrance design to the development shall consist of a monument sign naming the development, surrounded by a variety of ground cover, shrubs, and trees.
2. All dumpsters shall be stored in screened enclosures which are architecturally compatible in style and materials with the architecture of the development. Dumpsters shall be located so they are not visible from the main circulation routes and do not restrict vehicular movement or parking. Enclosures shall not be located within the periphery of the project.

3. Attached dwelling units shall have visual relief in facade and roofline which adds variety and rhythm to the design and avoids monotonous straight lines.



not appropriate



appropriate

D. Open Space:

1. A minimum of forty percent (40%) of the entire site shall be in open green space. Each phase of development shall provide its proportionate required open green space needed for that phase.
2. Developed common activity area for single-family and attached dwelling units shall be provided as follows:
 - a. Developments with attached dwelling units shall provide developed common activity area at a ratio of one square foot of developed common activity area per one square foot of floor area of living space. Each phase of development shall provide its proportionate required open green space needed for that phase. At a minimum, developed common activity area shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.
 - b. Subdivided, single-family lots shall provide developed common activity area at a ratio of one thousand (1,000) square feet per lot. Each phase of development shall provide its proportionate required open green space needed for that phase. At a minimum, developed common activity area shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.
3. Developments shall be designed to incorporate existing large trees, clusters of trees or clusters of large shrubs. The Planning Commission shall review the appropriateness of removal of portions of these types of vegetation if proposed in the development plan. The Planning Commission may approve removal of some or all vegetation based on a determination of the benefits of the existing plant material and the efforts made to save and incorporate the existing plant material into the design of the project versus the problems the plant materials may create for the project in terms of general construction techniques, impact removal will have to the character of the area, the topography of the site, and harmful conditions the vegetation may create.

As one of the purposes of a PRUD is to protect natural features, the Planning Commission may deny approval of a PRUD if it is determined there has been removal of trees or shrubs prior to submittal.

4. A minimum of two (2) 2-inch caliper deciduous trees shall be required to be planted for each unit in the development and one 4-foot tall evergreen tree for every two (2) units in the development. The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access. Evergreen trees should be used as wind breaks, screening, and accent plantings.

E. Street Design: PRUDs shall be designed to meet the circulation requirements of the Transportation Element of the General Plan, the design needs of the surrounding area, and the project. Projects which are located on or next to a collector or arterial street shall be designed and developed so the public street continues through the project in a logical, safe design. Projects which are located at the end of stubbed local public streets may be required to extend the street through the development based on the proposed circulation needs of the area as determined by the Planning Commission. The Planning Commission, upon recommendation of the Engineering Division, shall determine if the street should be extended as a through street or as a cul-de-sac during the concept or preliminary approval.

Local streets which are internal to the development and do not provide access through the project may be designed as either public or private streets, provided they meet the following criteria:

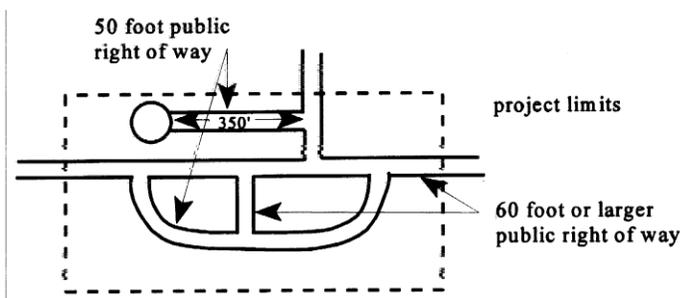
1. Public Street Requirements:

a. Right-Of-Way Width: Public streets shall meet the appropriate right-of-way widths as required in the Subdivision Ordinance or the General Plan, based on the function of the road for either a local, collector, or arterial road.

b. Neighborhood Local Streets: Projects may develop neighborhood local streets with a fifty foot (50') right of way (37 foot width from back of curb to back of curb) as part of a PRUD, provided the street meets one of the following criteria:

(1) The road is a cul-de-sac which does not exceed three hundred fifty feet (350') in length;

(2) The roadway is internal to the development, intersects at each end with a roadway which has a right of way of sixty feet (60') or larger, does not provide for access through the development, and is less than seven hundred feet (700') in length or is intersected by a standard width right of way.



c. Unusual Cross Sections: In cases where unusual topography or other exceptional conditions exist which would make the installation of required public street cross sections impractical to develop, variations from the standards may be considered. The Planning Commission shall consider the reasons for the request, the impact to the existing land, the development and the ability of the City to deliver services with the unusual cross section before any variation from the standard is approved.

d. Public Sidewalk: The sidewalks generally required to be installed in the public right of way may be varied in location. If the sidewalk is placed immediately next to the curb with no parkway in between, the sidewalk shall be six feet (6') wide. The applicant may request that a public sidewalk be located independent of the public street right of way due to topography or other design considerations, provided the design has reasonable access from one end of the development to the other, allows the public to pass through the neighborhood in a logical manner and is within the common area of the development. A public easement for such a walkway shall be required. Because such sidewalk is

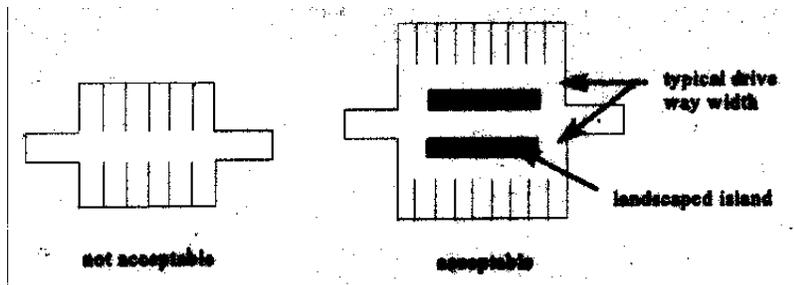
established independent of the street right of way, the sidewalk shall be maintained by a homeowners' association.

2. Private Street Requirements:

a. Street Design: Private street designs shall provide for the location of sidewalk, curb and gutter, parallel curbside parking on both sides of the street, and a two-way travel surface similar to a public street; however, flexibility in the location of these elements is allowed, provided the intent of each element is maintained. The minimum size for each street element is:

- (1) Two-way travel lanes, twenty four foot (24') width of pavement.
- (2) One-way travel lane, twenty foot (20') width of pavement.
- (3) Curb and gutter, two and one-half foot ($2\frac{1}{2}'$) width on each side.
- (4) Sidewalk, four feet (4') wide on each side of the street.
- (5) Curb side parking, six and one-half feet ($6\frac{1}{2}'$) on each side of the road.

A private street shall include curb and gutter on both sides of the road. If curb side parking is not provided for on the street, "no parking" shall be posted along the street and the parking shall be provided elsewhere in the project at a requirement of one stall per twenty two (22) lineal feet of curb length. This parking shall be located within reasonable distance to areas the curbside parking would have served and is additional to the required parking for the dwelling units. No angled parking shall be permitted along those streets which are used for through access in the development.



b. Private Sidewalk: The required sidewalks may be varied in location. The sidewalk may be located independent of the street, provided the design provides reasonable access for the development.

c. Maintenance And Cost: Homeowners' associations are responsible for maintenance, repair and replacement of private streets and sidewalks. To ensure adequate funds are set aside for the maintenance of private roads and sidewalks, the developer shall provide a cost analysis of the life expectancy of the entire private road and sidewalk system. The cost analysis shall include maintenance schedule and projected cost for sealing, resurfacing, and replacement of the road and the repair and replacement of sidewalks and an estimate of the annual homeowner fee to cover these projected costs.

(Ord. 93-30, 7-27-1993; amd. Ord. 97-19, 3-18-1997; Ord. 97-78, 10-21-1997; Ord. 97-90, 2-16-1997; 1999 Code; Ord. 2000-71, 1-16-2001, eff. 1-18-2001)

15-8-6: BONUSES FOR MAXIMUM DENSITY:

Density in excess of the baseline density for the underlying zone may be considered for projects which comply with the bonus density design requirements. The amount of density bonus shall be determined by the type of bonus density design requirements incorporated in the development proposal. In no case shall the density bonus exceed the maximum density allowed for the zone in which the development occurs according to the following chart:

<u>Zone</u>	<u>Baseline Density</u>	<u>Maximum Density</u>
R-1-10	2.9 units/acre	4.3 units/acre
R-1-8	3.6 units/acre	5.4 units/acre
R-1-6	4.8 units/acre	7.2 units/acre
R-2	5.4 units/acre	7.2 units/acre
R-2A	6.2 units/acre	8.7 units/acre
R-2EC	6.2 units/acre	8.7 units/acre
R-3	7.3 units/acre	20.3 units/acre
R-3EC	8.7 units/acre	20.3 units/acre
R-4	7.3 units/acre	26.0 units/acre

(Ord. 93-30, 7-27-1993; amd. Ord. 2000-70, 1-16-2001, eff. 1-18-2001)

15-8-7: BONUS DENSITY CALCULATIONS:

For applicants requesting a density greater than the baseline density, the planning commission shall determine whether the applicant has complied with the necessary design components as provided in section 15-8-8 of this chapter and shall assign density points as applicable. The additional units per acre allowed above the baseline density for the PRUD shall be determined by multiplying the total number of density bonus points by the density coefficient of the underlying zone. This figure is the additional number of units per acre allowed above the baseline density. This number, when added to the baseline, will determine the total density per acre for the project; provided, that the number shall not exceed the maximum density allowed in the zone. (Example: The project is in an R-3 zone and the design is awarded 75 bonus points. $75 \times 0.0441 = 3.3$ additional units per acre. $3.3 + 7.3$ [baseline density] = 10.6 maximum units per acre for the development.) The density coefficient for each underlying zone and the total amount of points needed for the maximum density are listed below:

<u>Zone</u>	<u>Density Coefficient</u>	<u>Maximum Density Points</u>
R-1-10	0.0175	80
R-1-8	0.02	85
R-1-6	0.024	100
R-2	0.02	90
R-2A	0.0177	85
R-2EC	0.0177	85
R-3	0.0441	295

R-3EC	0.043	270
R-4	0.0492	380

(Ord. 93-30, 7-27-1993; amd. Ord. 2000-70, 1-16-2001, eff. 1-18-2001)

15-8-8: BONUS DENSITY DESIGN REQUIREMENTS:

If greater density is requested above the baseline density, a PRUD development shall comply with one or more of the bonus density design requirements outlined in this section, depending upon the desired density increase. The planning commission shall review and determine if the proposed design complies with the intent of the design requirement before the points are granted. The density bonus points for each individual design component are in parentheses at the end of each requirement. In order to receive the maximum density allowed in the zone, the development shall have received bonus density points from at least one design component in each of the following categories: energy efficiency or building design, design theme, landscaping, and open green space. A design component cannot be used to obtain points in more than one category. The bonus density design requirements are as follows:

A. Energy Efficiency:

1. All dwellings and main buildings shall have R-19 wall insulation and R-38 ceiling insulation. (10)
2. All dwellings are designed with an active or passive solar feature. The solar feature shall be a solar water heater, trombe wall, earth insulation of a majority of the walls, the building designed so that the main exposure faces south and has windows to allow solar access, or other features as approved by the Planning Commission. (Single feature per unit throughout the entire project, 20 points. Combination features per unit throughout the entire project, 30 points.)

B. Building Design:

1. All facades of each dwelling structure, exclusive of windows or doors, have a minimum coverage of eighty percent (80%) of the exterior surface in either brick or stone. (30)
2. Required parking for each unit is provided for by an attached garage. (25)
3. All required dwelling unit parking (2 stalls per unit) is covered by carports. (10)

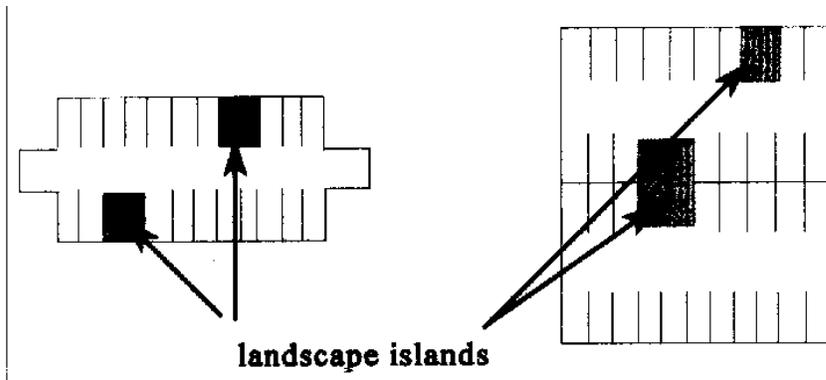
C. Design Theme:

1. Theme lighting is used throughout the development for street lighting, lighting of walkways, entrances and building exteriors. (15)
2. Landscaping is designed and installed along all streets of the development according to a theme which provides unity and interest to the development. (20)
3. Architectural details of all buildings have a common theme which unifies the entire development. This theme is not so dominant, however, that all buildings are identical. (20)
4. Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong theme for the development and are utilized in highly visible locations in the development. (25)

5. Large special features such as lakes and golf courses which define the theme of the development and are utilized throughout the entire project. (40)

D. Parking Areas:

1. Parking lots of twenty (20) or more stalls are screened from view by means of berming or landscaping around the perimeter of the parking lot. (20)
2. Parking lots of twenty (20) or more stalls or a continuous row of parking over ninety feet (90') in length has a landscaped island which provides landscaping at a ratio of one square foot of landscaping per thirteen (13) square feet of hard surface. (15)



3. Areas with five (5) or more uncovered parking stalls are designed to include a sufficient number of two inch (2") caliper trees located in such a manner as to shade fifty percent (50%) of the parking area upon maturation of the trees. (15)

E. Recreation Amenities:

1. The PRUD development includes a recreational amenity primarily for the use of the residents of the development. Recreational amenities include swimming pools, sports courts, spas, or other features as approved by the Planning Commission. The Planning Commission may determine the points based on the cost of the amenity, its benefit to the residents of the development, its size and the number of amenities in the development. (5 to 35)
2. Development of a common building which shall be used for meetings, indoor recreation, or other common uses as approved by the Planning Commission. (20)
3. Dedication of land for public park, public access along a stream, or public access along a planned trail. The City must be willing to accept the proposed dedication before points are awarded. (Public access 15 points, public park 30 points)
4. Construction according to City standards of trail or park which has been dedicated to the City according to subsection E3 of this Section. (Trail 15 points, public park 40 points)

F. Landscaping:

1. Design and planting a minimum of four (4) 2-inch caliper deciduous trees for each dwelling unit in the development and two (2) 4-foot tall evergreen trees for every two (2) dwelling units in the development. (20)
2. Increasing caliper size of all the required trees from a minimum two inch (2") caliper to:

3" caliper	(5)
4" caliper	(10)
6' evergreen	(5)
8' evergreen	(10)

3. Increasing caliper size of all elected bonus design requirement trees to:

3" caliper	(10)
4" caliper	(20)
6' evergreen	(10)
8' evergreen	(20)

4. The majority of new plant material used for landscaping the development are drought-tolerant plants. The landscaping design shall locate plant materials in similar water usage demand zones to ensure proper irrigation coverage and reduce wasteful watering. (20)
5. For the purpose of water conservation, the use of turf grass is limited to areas of high foot traffic, play areas, and other appropriate areas as determined by the Planning Commission. All other areas which are normally planted in lawn shall be planted with ground covers, shrubs or trees. (35)
6. Drip irrigation systems are designed and installed to irrigate all shrub and tree areas as needed. (20)
7. Areas which are to be screened use a solid non-see-through wood or masonry fence and landscaping which acts to soften the appearance of the fence. Landscaping may be vines, shrubs or trees. (15)

G. Open Green Space:

1. Open green space is designed (not left over space between buildings) and flows uninterrupted through the entire development, linking dwellings and recreation amenities. (25)
2. Storm water detention facility areas are designed and used for multiple purposes which blend with the overall theme of the open space design, i.e., shape of the area is free flowing, the grading and landscaping are carried out in such a manner that the use as a detention pond is not discernible. (20)

H. Public Streets: All streets within the development are dedicated public streets. (25)

(Ord. 93-30, 7-27-1993; amd. 1999 Code)

15-8-9: SUBMISSION AND APPROVAL PROCESS:

- A. Steps Outlined: The PRUD approval process consists of three (3) basic review steps. The first step is submission and review of a conceptual sketch plan. The purpose of this step is to evaluate the appropriateness of the development as PRUD based on the consideration of the existing features of the proposed site and the relationship to adjacent properties. The second

step is submission and review of a preliminary development plan and conditional use permit based on the conceptual sketch plan. The purpose of this step is to determine if the preliminary plan/conditional use permit shall be granted. The third step is submission and review of a final development plan. The purpose of this step is to review compliance with the conditional use permit and the preliminary plan. For purposes of recordation, the PRUD shall be recorded as a subdivision. Upon compliance with final approval, a final plat shall be recorded.

B. Conceptual Sketch Plan Approval Process: Prior to the submission of a PRUD proposal, the applicant shall meet with the current planning staff to discuss their proposal and its appropriateness for development as a PRUD. Upon completion of the pre-application meeting with the current planning staff, the applicant may choose to present the conceptual sketch plan to the Planning Commission. The purpose of this presentation is to provide the applicant with an opportunity to present why the PRUD proposal is appropriate for the site. The Planning Commission may comment as to the potential suitability of the site for a PRUD and present any concerns or comments they may have for the applicant relative to the proposed PRUD. If the applicant chooses to not present the conceptual sketch plan, it shall be done as part of the preliminary plan approval. For sites located in the Sensitive Area Overlay Zone, a conceptual review by the Planning Commission is required to determine if and what geo-technical studies are required in accordance with the zone. The application shall provide a conceptual sketch plan which shall include the following:

1. Basic site analysis which includes existing features of the site, such as existing plant materials, steep slopes or rock outcroppings, views and how they will be incorporated into the proposed development;
2. Traffic flow patterns into, through and out of the proposed development, including vehicular, pedestrian, and other;
3. The general location of the housing units by type (i.e., detached dwelling units and attached dwelling units), along with other appropriate uses and amenities; and
4. The existing land uses bordering the proposed site.

C. Preliminary Development Plan/Conditional Use Permit Submission: An application for a PRUD preliminary plan/conditional use permit shall be presented to the Planning Commission and shall include the following information:

1. Topographic maps of the entire site, including contour intervals of no greater than ten feet (10');
2. A tabulation of the total acreage of the site and the percentages to be designated for parking, streets and travel ways, various types of residential units, other buildings and structures, open space, and waterways, along with other relevant aspects of the site;
3. The proposed circulation patterns, including private and public streets, and any other path systems;
4. The proposed location of all parking and ingress and egress;
5. The proposed location of parks, common open spaces, playgrounds, school sites, recreation facilities, and other similar types of improvements;
6. The proposed location of all dwellings by type and number of dwelling units per building, along with other buildings (e.g., recreational buildings or club houses) or structures (e.g., fencing, lighting, and signage);

7. The proposed location of each phase, if the project is to be done in phases;
8. A table of densities for each development phase with a overall density for the development;
9. A general landscape plan showing the areas to be landscaped and the retention of existing plant materials and landscape features, along with the use of plant materials for buffers and screening;
10. Preliminary building elevations with notation of building materials of all building types proposed within the development, excluding detached single-unit dwellings;
11. A preliminary subdivision design, showing a general lot layout and buildable area;
12. A preliminary utility plan showing the manner in which adequate sewage disposal, subsurface drainage, storm drainage, and water are to be provided to the site, including the location from which said services will need to be extended;
13. If located in the Sensitive Area Overlay Zone, all necessary reports or information required for compliance with Chapter 27 of this Title; and
14. Such other information as may be necessary to determine whether the proposed PRUD is desirable and in accordance with the applicable standards.

D. Preliminary Development Plan Review Process:

1. The Planning Commission, subject to the requirements of this Chapter, may approve, deny or approve with conditions, the preliminary development plan for the proposed PRUD. Approval of a preliminary development plan shall result in the issuance of a conditional use permit. During the preliminary review process, notice shall be given to the public of the PRUD proposal in accordance with Planning Commission rules for conditional use permits.
2. In reviewing the proposed PRUD, the Planning Commission shall determine if the PRUD:
 - a. Encourages better utilization of the land, develops a sense of community and is compatible with the neighborhood;
 - b. Meets the minimum requirements in this Chapter;
 - c. Meets the requirements for any bonus density requested for the PRUD;
 - d. Provides an adequate traffic circulation system and whether streets should be designated as public or private; and
 - e. Meets the general intent and purpose of this Chapter and the General Plan.

E. Final Development Plan Submission: The final development plan, based on the conceptual sketch and preliminary plans, shall be presented to the Planning Commission and include the following information:

1. All of those items required by the Planning Commission as part of the approval of the preliminary development plan and conditional use permit;
2. A complete and accurate legal description of all property proposed for development;

3. A detailed site plan showing the precise location of all buildings and structures, the location of developed common activity area and recreational uses, waterways, detailed circulation patterns, including proposed ownership of common areas, streets and trails, along with other relevant aspects of the site;
4. Parking layout showing the location of individual stalls and all areas of ingress and egress;
5. Design of entryways, along with elevations of proposed signage;
6. A detailed landscape plan showing the location, types and sizes of all plant materials, sprinkling or irrigation systems, screening and fencing;
7. Final elevations of all buildings proposed within the development with notation of building materials, excluding detached single-unit dwellings;
8. A final plat of the PRUD, along with all covenants, conditions and restrictions which the City deems necessary to provide adequate guarantees for retention and maintenance of the development as approved;
9. Detailed engineering plans including site grading, street improvements, drainage and public utility locations; and
10. A time schedule for the completion of landscaping and amenities (e.g., common buildings, playground equipment, recreational facilities, trails and entry signage).

F. Final Development Plan Review Process:

1. The Planning Commission, subject to the requirements of this Chapter, may approve, deny, or approve with conditions, the final development plan for the proposed PRUD and the accompanying conditional use permit.
2. The Planning Commission review of the final development plan shall include the following:
 - a. Whether or not the requirements imposed addressed by the Planning Commission during the conceptual, preliminary processes and the conditions established by the conditional use permit have been adequately addressed in the final development plan;
 - b. Any additional changes from the preliminary development plan proposed by the developer; and
 - c. Any additional information relevant to the success of the proposed development.

(Ord. 93-30, 7-27-1993)

15-8-10: APPLICABILITY OF SUBDIVISION TITLE:

- A. Exceptions: A PRUD shall comply with the provisions of Title 14, Subdivision Regulations, of this Code, or any successor title, except as follows:
1. A PRUD need not comply with those requirements of the Subdivision Title which are specifically waived under the provisions of this Chapter.

2. The procedures for preliminary and final plan approval required under the Subdivision Title shall be fulfilled upon approval of the preliminary development plan and final development plan as provided in this Chapter.

B. Plat Filing: A PRUD for which all of the real property is intended to be maintained as one lot, held in single ownership, shall require the filing of a plat as a single lot subdivision as part of the final development plan approval process, in order to provide for the dedication of public property, the recording of covenants, conditions and restrictions, notice to third parties of the requirements imposed under this Chapter, and the elimination of existing lot lines.

(Ord. 93-30, 7-27-1993)

15-8-11: FINAL PLAT RECORDATION:

A. Required: For purposes of recordation, the final approved plat shall be recorded as a subdivision and be included in the subdivision plat records of the Weber County Recorder's office. Recordation by the City shall only take place after all of the necessary signatures are obtained, all approvals given, and all bonds and fees are posted with the Public Works Department.

B. Covenants, Conditions And Restrictions:

1. The City may require the applicant to submit for recording covenants, conditions and restrictions which will provide adequate guarantees for the permanent retention and maintenance of open space area, landscaping, natural features, architectural design standards and design components used to achieve density bonus. The covenants, conditions and restrictions shall include, at a minimum, provisions for:

a. The establishment of a homeowners' association, unless the property will continue to be held in single ownership by either a corporation, partnership or an individual and restrictions are recorded requiring establishment of a homeowners' association in the event that the unity of title is not maintained; and

b. A notice to subsequent owners of the need to obtain City approval of changes to the PRUD which may require either an amendment to the final development plan or to the conditional use permit.

2. Streets not constructed to City standards for public roads shall be noted in a required covenant. Such covenant shall provide that such streets cannot be dedicated in the future unless brought up to City standards.

3. Each phase submitted for review shall include the covenants, conditions and restrictions for approval.

4. Where covenants, conditions and restrictions are imposed upon a PRUD, two (2) copies of the declaration of covenants, conditions and restrictions shall be submitted to the City, signed and prepared for recording at the Weber County Recorder's office prior to approval of a final plat.

(Ord. 93-30, 7-27-1993)

15-8-12: CONDITIONAL USE PERMIT AND FINAL PLAN:

A conditional use permit stipulating all required conditions of development shall be maintained with a final approved site plan.

(Ord. 93-30, 7-27-1993)

15-8-13: AMENDMENTS TO PERMIT, PLAN OR RECORDED PLAT:

- A. Any changes in the proposed final development plan which involves a substantial change to the conditional use permit used in the preliminary plan review process shall be approved by amendment to the conditional use permit after notice as required in the Planning Commission's rules and procedures for issuance of a conditional use permit.

- B. All development shall conform to the final plan. Minor changes in the location, siting or character of buildings and structures may be authorized by the director if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized under this section may cause any of the following:
 - 1. A change in the use or character of the development.
 - 2. An increase in the overall density or intensity of use.
 - 3. An increase in overall coverage of structures in designated common areas.
 - 4. A reduction or change in character of approved open space.
 - 5. A reduction of required off-street parking.
 - 6. A detrimental alteration to the pedestrian, vehicular and bicycle, circulation and utility networks.
 - 7. A reduction in required street pavement widths.
 - 8. Any substantial changes to the conditional use permit.

- C. Any major changes in use, or rearrangement of lots, blocks, building tracts or grouping, or any changes in the provision of open space and significant changes as noted above, must be approved by the planning commission as an amendment to the conditional use permit. In case of amendments after final approval, such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final development plan was approved. Any major changes must be recorded as amendments and be reviewed and approved in accordance with procedures established for final development plan review.

(Ord. 93-30, 7-27-1993; amd. Ord. 2001-32, 6-5-2001, eff. 6-30-2001)

15-8-14: TIME LIMITATION:

- A. Final Development Plan: A final development plan shall be submitted for approval within twelve (12) months of the issuance of the conditional use permit for the PRUD, and the preliminary development plan approved as part of the permit. Failure to submit a final development plan within the specified time period shall result in a revocation of the conditional use permit, and the permit and approved preliminary development plan shall be null and void; provided, however, that one extension of six (6) months may be granted by the planning commission for a showing of good cause.

- B. Recording Subdivision Plat: A final subdivision plat shall be recorded within six (6) months after approval of the final development plan. Failure to record the subdivision plat within the specified time period shall result in the final development plan becoming null and void, and the conditional use permit shall be revoked. If phased development for the PRUD was approved by the planning commission, the above time limitation shall apply only to the recording of a final subdivision plat for the first phase.
- C. Conditional Use Revocation: Any property for which a conditional use permit has been revoked or a plan determined to be null and void for failure to comply with the above time limitations shall thereafter be subject to the zoning and subdivision ordinances otherwise applicable to said property.

(Ord. 93-30, 7-27-1993)

15-8-15: CONSTRUCTION PARAMETERS:

- A. Financial Guarantees: Prior to the recording of a PRUD subdivision plat and prior to the issuance of any building permit on property covered by a PRUD final development plan, financial guarantees acceptable to the city as follows:
 - 1. A financial guarantee meeting the requirements of section 15-13-23 of this title, sufficient in amount to cover the cost of all private infrastructure, amenities and required landscaping in common open space, and, public infrastructure improvements, if such financial guarantee mechanism is approved by the city engineer;
 - 2. For public improvements, a financial guarantee meeting the requirements of the subdivision title.
- B. Completion of Improvements:
 - 1. Infrastructure: All street improvements, sidewalks, curb and gutter, storm drainage facilities, water and sewer lines, and all other such surface and underground improvements shall be completed prior to occupancy.
 - 2. Amenities and Landscaping: Notwithstanding the provision above, all amenities shall be completed prior to occupancy unless inclement weather prevents their completion, in which case one extension of six (6) months for amenities and landscaping may be granted. If not completed at the end of the six (6) month period, the city will review the progress and may proceed to use the guarantee funds to make the improvements in accordance with the approved plan.
- C. Property Ownership: Plans submitted for preliminary and final development review may be filed jointly by multiple owners, provided all owners have signed the proposed plans. The applicant shall submit a title report demonstrating compliance with this subsection. The area proposed for a PRUD shall be in single ownership or corporate ownership prior to recording of the final plat in order to provide for full supervision and control of said development, and to ensure conformance with the provisions of this chapter.
- D. Phasing: If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A phasing plan, including size and order of phases, shall be approved by the planning commission. Such phasing plan shall have the written approval of all property owners. In addition, the approved phasing shall be submitted to the city recorder for recordation with the county

recorder's office as a covenant to run with the land.

(Ord. 93-30, 7-27-1993; amd. Ord. 98-37, 6-16-1998)

15-8-16: PROPERTY OWNERSHIP:

Plans submitted for preliminary and final development review may be filed jointly by multiple owners, provided all owners have signed the proposed plans. The area proposed for a PRUD shall be in single ownership or corporate ownership prior to recording of the final plat in order to provide for full supervision and control of said development, and to ensure conformance with the provisions of this chapter. The applicant shall submit a title report demonstrating compliance with this section.

(Ord. 93-30, 7-27-1993)

15-8-17: PHASING:

If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A phasing plan, including size and order of phases, shall be approved by the planning commission. Such phasing plan shall have the written approval of all property owners. In addition, the approved phasing shall be submitted to the city recorder for recordation with the county recorder's office as a covenant to run with the land.

(Ord. 93-30, 7-27-1993)

15-8-18: FAILURE TO COMPLY; CERTIFICATE OF OCCUPANCY:

In case of failure or neglect to comply with any and all of the provisions of this chapter, and the conditions and stipulations herein established, and as specifically made applicable to a PRUD, the building official shall not authorize occupancy of any structure. Such failure or neglect shall be cause for termination of the approval of the project. Such failure or neglect to comply with the requirements and to maintain the buildings and premises in accordance with the conditions or approval thereafter shall also be deemed to be a violation of this chapter.

(Ord. 93-30, 7-27-1993; amd. Ord. 2001-32, 6-5-2001, eff. 6-30-2001)

15-8-19: ISSUANCE OF BUILDING PERMITS:

The building official shall not issue a permit for any proposed building, structure, or use within the project unless such building, structure or use is in accordance with the approved plan and any conditions imposed in conjunction with its approval.

(Ord. 93-30, 7-27-1993; amd. Ord. 2001-32, 6-5-2001, eff. 6-30-2001)

15-8-20: REVOCATION OF CONDITIONAL USE PERMIT:

A conditional use permit may be revoked if any of the conditions or terms are violated; however, the holder of the permit shall first be afforded an opportunity to be heard before the planning commission and show cause as to why the permit should not be revoked. A violation of a condition or term of a permit shall constitute a violation of this code, and the revocation of a permit shall not prohibit prosecution or any other legal action taken on account of the violation. The decision of the planning commission to revoke a conditional use permit may be appealed to the mayor, in writing, within fifteen (15) days of the planning commission's decision.

(Ord. 93-30, 7-27-1993)

15-8-21: VIOLATIONS:

- A. The conditional use permit, the preliminary development plan approved as part of the conditional use permit, and the final development plan which have been issued in accordance with the provisions of this chapter shall have the full force of this title. Any violation of such approved plan or permit shall be grounds for the city to order that all construction be stopped, and to order that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the city.

- B. Violations of any plan approved under this chapter or of the conditional use permit issued in accordance with the provisions of this chapter, or failure to comply with any requirements of this chapter, including any agreements and conditions attached to any approved plan or permit, shall be considered a violation of this title as provided in section 15-1-14 of this title.

(Ord. 93-30, 7-27-1993)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

**SOUTH OGDEN CITY
PLANNING COMMISSION BRIEFING MEETING MINUTES**

**March 12, 2015
Council Chambers, City Hall
5:30 P.M.**

PLANNING COMMISSION MEMBERS PRESENT

Chairman Todd Heslop, Commissioners Shannon Sebahar, Steve Pruess, Raymond Rounds and Mike Layton

PLANNING COMMISSION MEMBERS EXCUSED

Commissioners and Dax Gurr and Chris Hansen

STAFF PRESENT

City Manager Matt Dixon, City Planner Mark Vlasic, and City Recorder Leesa Kapetanov

OTHERS PRESENT

Walt Bausman and others

The briefing session began at 5:36 p.m.

Chairman Heslop welcomed everyone to the briefing meeting and reviewed the agenda items to be discussed that evening. He pointed out that sixteen affected entities had been notified and invited to attend and offer comment that evening; after their input, the Commission would have a discussion on the proposed annexation plan. He also informed the commissioners that Uintah Highlands Water Improvement District had sent out notices to their customers about the meeting that evening. There may be quite a few people in attendance worried that the city was going to annex them, as they were not aware of the process. Mr. Heslop said he would try and explain the process at the beginning of the meeting so everyone would understand the Annexation Policy Plan needed to be in place before any annexation could take place. The residents would have to ask to be annexed to the city. City Planner Vlasic also suggested Mr. Heslop inform the audience that this was not a public hearing and only the affected entities would be allowed to comment. City Recorder Leesa Kapetanov added that the city would never initiate annexation; property owners initiated it because they wanted to annex to the city.

Planner Vlasic then reviewed some comments Commissioner Sebahar had submitted concerning the Annexation Policy Plan. He also pointed out that the plan was a working document, and would be modified and improved over the course of the adoption process. Ms. Sebahar's first comment asked why an area just west of Area 5 was not included. Mr. Vlasic said it was already part of Washington Terrace City. Ms. Sebahar said she thought it was important to also note that the Stephen's property in Area 5 could only be accessed by a road owned by Washington Terrace. Mr. Vlasic said the assessment of the area at this point should not be highly detailed. A detailed assessment came later when someone actually petitioned the city for annexation. Mr. Vlasic said the other issues Commissioner Sebahar had brought up would also be looked at when and if someone in the area petitioned for annexation.

48 Chairman Heslop then moved to the next agenda item for discussion, an overview of upcoming
49 months. City Planner Vlasic indicated staff had met and created a priority list for all the changes to
50 the ordinance that needed to be made. He also informed the commissioners the first draft of the
51 form based code had been completed. It was determined the Planning Commission should be
52 present when the code was presented to the City Council so staff was directed to make the
53 necessary arrangements.
54

55 City Manager Dixon then reported on the recent actions by the City Council in adopting an
56 Ordinance relating to residential facilities for disabled persons. The Council also determined they
57 would like to assemble a workshop to discuss if there were other valid ideas to consider for the
58 ordinance. The council also had made clear their decision to see the current litigation concerning
59 the monastery property through the court system.
60

61 City Manager Dixon then reiterated the need to explain to the public what adopting an annexation
62 policy plan means and that it should be emphasized that only affected entities would be allowed to
63 to comment. If people wanted to wait until the end of the meeting for public comments, they were
64 welcome to do so.
65

66 The chairman and staff discussed some items concerning the order of the meeting and
67 then Chairman Heslop concluded the briefing meeting at 6:11 pm.
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94

95 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City
96 Planning Commission Briefing Meeting held Thursday, March 12, 2015.
97

98 
99 Leesa Kapetanov, City Recorder

Date Approved by the Planning Commission

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

**MINUTES OF THE
SOUTH OGDEN CITY PLANNING COMMISSION MEETING
Council Chambers, City Hall
Thursday, March 12, 2015 – 6:15 p.m.**

PLANNING COMMISSION MEMBERS PRESENT

Chairman Todd Heslop, Commissioners Shannon Sebahar, Steve Pruess, Raymond Rounds, and Mike Layton

PLANNING COMMISSIONERS EXCUSED

Commissioners Chris Hansen and Dax Gurr

STAFF PRESENT

City Manager Matt Dixon, City Planner Mark Vlasic and City Recorder Leesa Kapetanov

OTHERS PRESENT

Richard Hartmann, Debbie George, Greg Johnson, Michelle Roberts, Jean Hamilton, Mark Allen, Brian Hunter, Lanny Clelland, Ellen & Ralph Williams, Perry's, Lyle & Susie Lane, Jim & Kathie Chandler, Alva & Pam Emmertson, Shirley Willis, Ross Loevy, Wayne Hayes, Carol & Donald Finger, Adele & Michael Feeney, Tom Rire, Bernard Allen, Craig Golden, Joan Tonn, Stephanie Christiansen, Ayel Zeuthen, Jerilyn Call, Robert Neiswanger, Loy Vandiver, Robert Nye, Rick Beyer, Kenneth & Marcy Palkki, Roxanne Ball, Joyce & Rob Stillwell, Kevin Ward, Richard Nye, Lydia Bullock, Martel Shock, John & Gisel Riley, Steve Bailey, Karen & Bob Nekaoka, Ale & Karleen Gabrielsen, Ben & Danne Adams, Val & Leslie George, Suzanne Wayment, Michael Lloyd, Dave Hardman, Jeff Penman, Linda Watson, Kit Cashmore, Sue Allen, Martha Greenhalgh, Les Greenhalgh, Ken Wicks, Blaine Brough, Davie Austin, Bob Aschenbach, Richard Schmid, Wayne Decker, Ralph Friz, John Jones, Will Hilgar, Elliot Moses, J. Moses, Marilyn Enz, Rick Durham, Nora Durham, Harlan Schmitt, Lauralee Schmitt, Nancy Litchford, Gary & Mary Cornelsen, Matt & Kristi Palkier, Jill Hurst, Ronald Cheever, Janet Phillips, Darven Phillips, Linda Vandiver and others

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES

Chairman Todd Heslop called the meeting to order at 6:19 pm and called for a motion to open the meeting.

Commissioner Sebahar moved to open the meeting, with a second from Commissioner Rounds. All present voted aye.

Chairman Heslop reviewed the agenda and explained that affected entities were sent notices of the meeting and would be able to comment, but the general public would not. The meeting was not a public hearing. A public hearing would be held on April 9, 2015 at the next meeting. Commissioner Sebahar added the commission felt bad there had been a misunderstanding concerning a notice that had been sent out by another entity; some present may have thought they would be able to comment at the meeting. She also pointed out that South Ogden City

49 could not just annex any property they wanted. Property owners had to initiate the
50 annexation process, i.e. they had to want to annex to the city. Having their property in the
51 annexation plan simply allowed them to petition the city for annexation. The crowd became a
52 little disruptive at that time. Chairman Heslop said the meeting would continue and if people
53 wanted to stay, they needed to sit and listen. He then moved on to the next item on the
54 agenda.
55

56
57 **II. SPECIAL ITEMS - Legislative**

58 **A. Affected Entity Input on Proposed South Ogden City Annexation Policy Plan Pursuant to**
59 **UCA §10-2-401.5(2)(a)(ii)**

60 The chairman asked City Planner Mark Vlasic to give a brief overview of the proposed
61 annexation policy plan. Mr. Vlasic showed the different areas and gave a brief history
62 and overview of each. He pointed out the Plan was a working document, and changes
63 could and probably would be made as it went through the process of being adopted. It
64 was the city's decision to include the areas in the annexation policy plan and let the
65 property owners weigh their options now or in the future to determine if they would like
66 to be a part of the city.

67 Chairman Heslop then had the list of affected entities posted on the screen in the room
68 and indicated he would simply follow the order on the list in inviting those present to
69 come forward and speak. The first entity on the list was Weber County Planning.

70 **Matthew Bell, Weber County Commissioner**, came forward. He indicated he was there
71 representing Weber County. He said he had a concern that government tends to creep.
72 He also said unincorporated islands and pockets are a problem in the county and cities
73 have approached the county wanting to eliminate them. However, the islands have
74 been there so long that the financial impacts of incorporating into the city are quite large
75 on the individual property owners. The county also wanted to clear up the islands and
76 pockets; however they needed to take into consideration the wishes of the property
77 owners. Commissioner Bell said from the county's point of view, they would prefer that
78 Uintah Highlands not be in the annex plan. If in the future he and his community
79 wanted to be part of South Ogden, Ogden or Uintah City, they would come to the city
80 and begin the process.

81 Commissioner Sebahar verified that the county maintained all the roads in Uintah
82 Highlands. Commissioner Bell said they did. She then asked if there was police
83 protection 24/7. Mr. Bell said there were deputies assigned to the south end of the
84 county at all times, but they may not be in the Uintah Highlands at all times. Ms.
85 Sebahar then asked what harm there would be to have Uintah Highlands in the plan now.
86 Commissioner Bell indicated he lived in Uintah Highlands, but he could not speak for the
87 residents there. He asked what harm there would be to not have it in the plan and if
88 Uintah Highland residents wanted to annex later to add it then. Ms. Sebahar said since
89 they were going through the process now, it made sense to add it so they would not have
90 to do it later. Commissioner Bell said it was a perception issue. Ms. Sebahar then
91 asked about parks and sports programs in the area.

92 Chairman Heslop asked Commissioner Bell if the area by the junior high was not a
93 concern to the county. Mr. Bell said Uintah Highlands was his main concern; he did not
94 know what the landowners' plans in the other areas were. He said he did not know for
95 sure, but if everyone in Uintah Highlands were asked if they wanted to be in the
96 annexation plan or not, close to 100% would say no. There were no more questions.
97 Chairman Heslop called the next affected entity forward.
98
99

100 **John Reeve, Chairman of Uintah Highlands Water and Sewer Improvement District,**
101 came forward and introduced himself. He gave a brief history of the Improvement
102 District and said the people in the area had thought about creating their own city on
103 several occasions, but did not have the tax base to do so. He said the area was 90%
104 developed and the lots in the area were larger than normal. He feared that the 10%
105 that was undeveloped would ask to annex to the city and want high density zoning. He
106 said the water system was in very good shape and there was no need to improve it.
107 Half of the area had curb and gutter and other areas did not, there was a park at the
108 elementary school, and the roads were not excellent, but they were good. He said they
109 were opposed to the plan because they did not want smaller lots or higher density
110 housing; the residents looked on that as an infringement on what they already had.
111 Commissioner Sebahar asked Mr. Reeve about where the water for the district came
112 from. Mr. Reeve answered their primary source of water was Weber Basin Water but
113 they also had some springs and one well. They also had a system to control and
114 monitor the water. Mr. Reeve concluded by saying they did not want any part of
115 annexing to South Ogden City.
116 There were no representatives from Uintah City or Ogden City. The next entity was
117 Washington Terrace City.

118 **Tom Hansen, Washington Terrace City Manager** was next to comment. He said he
119 appreciated the good working relationship the two cities had. The cities worked
120 together on many levels including recreation, roads, sewer, water, police services, and
121 animal control. He also said Washington Terrace had spent hundreds of thousands of
122 dollars to accommodate South Ogden's request that 5300 South not be closed when
123 Washington Terrace re-did Adams Avenue. He then noted that in 2008, the area north
124 of 5700 South that was proposed for the future site of South Ogden Junior High was in
125 Washington Terrace City. South Ogden approached Washington Terrace, saying they
126 would like the new junior high to be in South Ogden. Through discussion and
127 negotiation, an agreement was made that allowed South Ogden to annex the property
128 into their city with the understanding that Washington Terrace would annex the property
129 south of 5700 South. There had been an interlocal agreement between the two cities
130 concerning the infrastructure in the area based on the agreement made. Now South
131 Ogden was planning on putting the area in their annexation plan when it already existed
132 in Washington Terraces annexation plan. South Ogden and Washington Terrace had
133 contacted the State Ombudsman Office to help shed some light on the matter; the
134 Ombudsman's Office had issued an opinion letter. The letter pointed out both a
135 gentleman's agreement and an interlocal agreement had been made between the cities.
136 It also pointed out the state code said cities "should attempt to avoid overlaps". Mr.
137 Hansen said adding the area to South Ogden's Annexation Policy Plan was an attempt to
138 create an overlap (Mr. Hansen left a copy of the Ombudsman's opinion letter for the
139 record; see Attachment A). He said he understood the city could include the area in
140 their annexation plan; it was not until someone actually petitioned to annex into the city
141 that a breach of contract would take place. Mr. Hansen asked that the Planning
142 Commission not recommend to the City Council this area to be included in the
143 Annexation Policy Plan. It would put the communities at odds with one another. He
144 would prefer they continue to work well together and maintain the relationship they had
145 had for many years. Both cities would maintain their integrity by keeping the
146 agreements that had been made (Mr. Hansen then submitted for the record a summary
147 of points he had discussed; see Attachment B)
148 Commissioner Sebahar commented she had been present when the agreements had
149 been made with Washington Terrace and understood Mr. Hansen's concerns. She also
150 said it would be a very "tough sell" for anyone in the area to agree to annex to South
151 Ogden as the cost for installing infrastructure would be so much more than if they

152 annexed to Washington Terrace. She also pointed out that the South Ogden City
153 residents living in the area in question were concerned there would be commercial
154 development close to their homes.

155 Mr. Hansen said if there were commercial interest in the property it would be toward the
156 west, along Adams Avenue; to put anything commercial or industrial along 5700 South
157 toward the east made no sense from a planning perspective. Ms. Sebahar asked if
158 there was anything the two cities could do together to protect that area. Mr. Hansen
159 said that would be possible and very much in harmony with how the cities had been
160 working together in the past.

161 Chairman Hansen then asked for the next representative to come forward. There was
162 no one from the Weber County School District, Weber Basin Water, Pine View Water,
163 Central Weber Sewer Improvement District or Weber Mosquito Abatement District who
164 presented themselves for comment. The next representative to come forward was
165 from the Weber Fire District.

166 **David Austin, Weber Fire District Chief** – Chief Austin said his department had been
167 serving the Uintah Highlands for a long time. He said the department did not take the
168 area lightly, as it was a wild land interface area. There was the potential for heavy fire
169 in the area due to the many homes in wooded areas. He said at one point the fire
170 district and South Ogden had shared facilities at one station, but negotiations had failed
171 to expand the facility and the fire district had built a fire station next to Uintah
172 Elementary School. The District committed three full-time firemen to the station at all
173 times. They had mutual aid agreements with the South Ogden City Fire Department
174 and both departments responded to calls in both areas. Chief Austin said having only
175 one station in the area would not be a good idea. There was also still some bonded
176 debt for the station. He went on to say that the fire teams in the area had some special
177 training to deal with wild land interface areas. Many cities would not commit to the
178 special training and knowledge needed to deal with interface areas if they were annexed
179 into their cities. The Fire District had made the commitment and provided good service.
180 The chief said another concern with annexation of the area, whether in pieces or as a
181 whole, were the reduction in revenue sources for the district as well reduction of the size
182 of the district. He felt the Weber Fire District was an asset to the residents of Uintah
183 Highlands as well as the South Ogden City Fire Department.

184 Commissioner Sebahar asked Chief Austin some questions about the fire district and the
185 debt for the station. She also acknowledged her concerns of fires in the area caused by
186 the trains. Commissioner Pruess asked if the Railroad Companies reimbursed the
187 district for fighting fires caused by the trains. The chief said they did. There were no
188 more questions.

189 Chairman Heslop then asked if there were representatives from Weber Area 911, South
190 Weber City or Riverdale City who wished to come forward. No other representatives
191 from affected entities came forward. The chair moved on to discussion of the proposed
192 plan.

193
194 **B. Discussion on Proposed Annexation Policy Plan**

195 Commissioner Sebahar began the discussion by saying staff had advised them that the
196 Policy Plan did not need a high level of analysis, but she was concerned that if they did
197 not get the details now, it became a political decision instead of a decision based on the
198 benefits and/or liabilities of annexation. If one were to use Uintah Highlands as an
199 example, the city would not receive any revenue generated by annexing any of the area
200 and the costs could be very high. By having more detailed information, they could
201 make a decision based on costs rather than on political reasons. City Planner Vlasic
202 replied he thought the costs could be determined without spending thousands of dollars
203 on assessments and just using a common sense approach. City Manager Dixon

204 reminded the planning commissioners that they could make any changes to the plan they
205 wished and that next month the public hearing would be held. He also said it is
206 required that the city consider the financial costs in its annexation plan, but only on a
207 very general level.

208 Commissioner Layton asked if Mr. Dixon had any reply to what Washington Terrace City
209 Manager Hansen had said. Mr. Dixon said he and Mr. Hansen had agreed together to
210 approach the Property Rights Ombudsman's Office. Based on the opinion letter, Mr.
211 Dixon did not see that there was anything wrong with including the overlapping area in
212 the plan; the concern would be if the property in question actually chose to incorporate
213 into South Ogden. At the point it actually annexed to South Ogden City, there may be a
214 basis for breach of contract based on the interlocal agreement. City Manager Dixon
215 also pointed out that cities could adopt overlapping annexation plans if they showed a
216 reason it was in their best interest. Mr. Dixon then read the paragraph from the
217 Property Rights Ombudsman's Office beginning with "overlaps in annexation policy
218 plans..." (see Attachment A). Commissioner Layton said he did not see compelling
219 reason to include the area in the Annexation Policy Plan, especially if it was possible it
220 could put the city in the position to breach a contract. City Manager Dixon said that
221 was a question the commission and council would need to answer. Commissioner
222 Pruess said that common sense told him that because of the topography of the land it did
223 not make sense for South Ogden to want to annex the area by the junior high, because
224 providing utilities to the area would be too difficult. He understood the desire to want
225 to control what the zoning in the area was in order to protect the existing neighborhood;
226 however, Washington Terrace had said they would be open to discussing the issue with
227 South Ogden. Commissioner Sebahar also pointed out that it made no sense that any
228 developer would ever want to annex that area into South Ogden, as the costs would be
229 so much greater than if they annexed to Washington Terrace. City Manager Dixon said
230 the fundamental question for the planning commission to ask was, why it is important for
231 the City to include the area in its plan. Is it to control the zoning or the continuity of the
232 neighborhood? Commissioner Pruess said he felt the only reason the city would want
233 to include Area 5 would be to control what was built on the property, but he also had
234 confidence that South Ogden and Washington Terrace could work together and come to
235 an agreement. Commissioner Sebahar agreed. She said she had been on the council
236 at the time the agreements had been made concerning annexing the property for the
237 new junior high, and the agreement had been that Area 5 would be annexed to
238 Washington Terrace. Chairman Heslop asked what the reason was for deciding that
239 Area 5 would become Washington Terrace City. The consensus of staff and the
240 commissioners was because of the way the water and sewer flowed. At this point,
241 Washington Terrace City Manager Tom Hansen asked if he might be able to speak.
242 Chairman Heslop invited Mr. Hansen to come forward. City Manager Hansen said at
243 the time of the agreement, Washington Terrace gave up a prime piece of property for
244 the junior high in trade for the right to annex the property on the south side of 5700
245 South. The property that the junior high now sits on was actually de-annexed from
246 Washington Terrace and then annexed into South Ogden. City Manager Dixon then
247 pointed out South Ogden de-annexed the property where the seminary building now sits
248 and Washington Terrace then annexed it into their city. Mr. Hansen said in essence the
249 road and the seminary building put a place marker on the map showing that the area
250 south of the road would in the future become Washington Terrace. Commissioner
251 Rounds then asked some questions about Area 2 on the map. It was brought forward
252 that the land in Area 2 was mostly un-developable and the area was included so as not to
253 create an island between Areas 5 and 6.

254 Chairman Heslop asked if there were any more discussion. Commissioner Sebahar
255 stated she did not have any problem with pulling Area 5 from the Annexation Policy Plan.

256 She also did not have a problem with removing the Uintah Highlands (Area 6) from the
257 Plan; the area was already developed and it would not benefit the city of South Ogden.
258 There were too many costs involved with both areas that the City was not ready to
259 assume. Commissioner Pruess said Area 3, along Wasatch Drive, made sense to keep in
260 the Plan, as well as Area 1 (the golf course).
261 City Planner Vlastic said the Commission's recommendation to the City Council for the
262 Annexation Policy Plan was very important and they should stand strong and give the
263 reasons for their recommendation from a planning point of view. Commissioner
264 Sebahar said they had already given their recommendation to the Council concerning
265 annexing Area 5, and yet the Council had requested that it still be added to the
266 Annexation Policy Plan. Mr. Vlastic said if they still felt it should not be in the Plan, this
267 was the time to say so, as the City was in the actual process of adopting the Plan. City
268 Manager Dixon pointed out the Planning Commission did not have to finalize their
269 recommendation to the City Council that evening. Also, they may want to wait until
270 after the public hearing in April before making any amendments to the Plan if they felt
271 receiving public comment on the proposed areas would be of value. Commissioner
272 Pruess asked City Manager Dixon what he thought the real possibility was of Washington
273 Terrace and South Ogden City working together concerning the property in Area 5.
274 Would South Ogden actually have a say in the matter? Mr. Dixon said the two cities
275 currently worked very well together, however the reality was that if the property were
276 not in South Ogden, legally we had no control over it. South Ogden would hope that
277 through good planning practices, Washington Terrace would make the property a
278 continuation of the type of neighborhood that already existed in our city, but there was
279 no type of agreement that could bind future legislative decisions.
280 The Planning Commission determined they would like to make a motion.

281
282 **Commissioner Sebahar moved to eliminate Area 5 due to a previous agreement with**
283 **Washington Terrace as well as the large costs that would be incurred to provide**
284 **services in the area. She also moved to eliminate Area 6 due to the fact that it is**
285 **already largely developed and the City did not know the true costs of what annexation**
286 **would entail and she saw no benefit to the City if the area was annexed. She also**
287 **moved to eliminate Area 2, as it was largely included in the Plan solely for the purpose**
288 **to not create an island between Areas 5 and 6. This therefore left the Plan basically as**
289 **it had been for many years and had served the City well. Commissioner Rounds**
290 **seconded the motion. Chairman Heslop then made a roll call vote:**

291		
292	Commissioner Sebahar-	Aye
293	Commissioner Layton-	Aye
294	Commissioner Pruess-	Aye
295	Commissioner Rounds-	Aye
296		

297 **The motion was approved.**

298
299 Commissioner Rounds asked if the action eliminated the need for public comment at the
300 next meeting. Staff indicated the process of adopting the Plan would continue, but the
301 public hearing would now be on the Plan with Areas 3, 5 and 6 removed. After the
302 public hearing, the Planning Commission's recommendation and the amended Plan
303 without Areas 2, 5 and 6 would be forwarded to the City Council. The Council at that
304 point may choose to add the areas back into the Plan.
305 Chairman Heslop then moved to the next item on the agenda.
306
307

308 III. **OTHER BUSINESS**

309 A. **Staff Overview Of Upcoming Months**

310 Staff showed the Commission a list of prioritized projects for the coming months. City
311 Recorder Leesa Kapetanov explained what some of the items on the list were. City
312 Manager Dixon suggested the list be sent out to the Planning Commission so they could
313 comment on it if they felt that something needed to be changed.
314
315

316 IV. **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

317 A. **Approval of February 12, 2015 Briefing Meeting Minutes**

318 Chairman Heslop called for a motion concerning the February 12, 2015 Briefing Meeting
319 Minutes.

320
321 **Commissioner Sebahar moved to approve the February 12, 2015 Briefing Meeting**
322 **Minutes, followed by a second from Commissioner Rounds. All present voted aye in**
323 **favor of the motion.**
324

325 B. **Approval of February 12, 2015 Meeting Minutes**

326 The chairman then called for a motion concerning the February 12, 2015 meeting
327 minutes.

328
329 **Commissioner Sebahar moved to approve the February 12, 2015 meeting minutes.**
330 **Commissioner Rounds seconded the motion. The voice vote was unanimous in favor**
331 **of the motion.**
332

333 Commissioner Pruess then asked if the City had considered making Madison a thru street
334 when the old Mar Lon Hills Elementary School is torn down and the new one built. He
335 thought it would improve traffic around the school quite a bit. City Manager Dixon
336 indicated the City had met with the School District about the property but there had not
337 been any discussion on making the road go thru. Mr. Dixon said if the City had a
338 General Transportation Plan that indicated the road would someday connect, the City
339 would have been able to have leverage with the School District to have the road go thru.
340 As it stood, the City did not have much of a position. However, Mr. Dixon said he would
341 look at the plans and see if it might work.
342

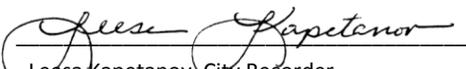
343 V. **PUBLIC COMMENTS**

344 There were no comments from the public. Chairman Heslop then called for a motion to
345 adjourn.
346
347

348 VI. **ADJOURN**

349 **At 8:18 pm, Commissioner Pruess moved to adjourn, followed by a second from Commissioner**
350 **Sebahar. All present voted aye.**
351
352

353 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission
354 Meeting held Thursday, March 12, 2015.
355

356 
357 Leesa Kapetanov, City Recorder

Date Approved by the Planning Commission

358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382

Attachment A
State Ombudsman's Office Opinion Letter

Not Approved



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah
Department of Commerce

OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN

FRANCINE A. GIANI
Executive Director

BRENT N. BATEMAN
Lead Attorney, Office of the Property Rights Ombudsman

January 21, 2015

Matthew J. Dixon
South Ogden City Manager
3950 Adams Ave.
South Ogden, Utah 84403

Tom Hanson
Washington Terrace City Manager
5249 S South Pointe Dr
Washington Terrace, UT 84405

RE: Informal Opinion concerning Annexation Policy Plan

Gentlemen:

I have received your emails requesting an informal opinion from this Office. I appreciate your requests and hope that I can be of assistance.¹

The issue concerns potentially overlapping annexation policy plans (APPs) between South Ogden City and Washington Terrace City. As I understand the facts, certain property (Property) is within Washington Terrace's APP. South Ogden City is currently considering including the same Property within its APP. Also, a previous Interlocal Agreement concerning the Property exists between the parties.²

I have carefully reviewed the information you provided, including the Interlocal Agreement dated November 19, 2008. I have also researched the relevant law. After due consideration, this Office offers the following opinion.

The Interlocal Agreement shows a clear understanding that the Property will be annexed into Washington Terrace City. This understanding appears to have been held by both parties. Many of the obligations of both parties in the Interlocal Agreement are based upon this understanding. The language in the Agreement reflects this understanding in multiple passages. If the property is not annexed into Washington Terrace, the Interlocal Agreement largely makes no sense. Nevertheless, nothing can be found in that agreement that directly prohibits South Ogden City from including the Property in its APP.

¹ This informal opinion is provided in accordance with the Office of the Property Rights Ombudsman's statutory duties under UTAH CODE §13-43-203(1). This letter and its contents are not an Advisory Opinion under UTAH CODE §13-42-205, and the provisions of UTAH CODE §13-43-206 do not apply to any part of this letter. This letter contains only a summary legal opinion. If the parties would like to discuss this opinion in more detail, please let me know.

² For purposes of this letter, I assume that Private Property defined in the Interlocal Agreement is the same property that is the subject of this request. Also, I assume that the Property is contiguous to both Cities, and that no *physical* characteristics prevent the Property from inclusion in either City's APP.

406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428

We must consider, however, that including the property in an APP and actually annexing property are different legal acts. The Interlocal Agreement clearly contemplates that annexation will be by Washington Terrace. Thus South Ogden City's *actual annexation* of the Property (as opposed to simply including the Property in its APP) appears contrary to the strong assumptions upon which the agreement was based, and could form the basis for a breach of contract claim. However, such a claim would not arise until the property was annexed. South Ogden City could include the Property in its APP and not violate the Interlocal Agreement.

Nevertheless, another consideration is more important.

Overlapping annexation policy plans are not prohibited in Utah Law. In fact, the Utah Code acknowledges that overlapping APPs are possible. *See* UTAH CODE § 10-2-401(4)(a):

In developing, considering, and adopting an annexation policy plan, the planning commission and municipal legislative body shall: attempt to avoid gaps between or overlaps with the expansion areas of other municipalities.

The language of this statute acknowledges overlaps, and thus they are not prohibited. However, the specific language must be carefully considered. This statute does not merely "discourage" overlapping APPs. This statute obligates a municipality to an affirmative act. It states that the City "*shall attempt to avoid*" overlaps. This is not a mere declaration of policy. The word "shall" is mandatory language. A City must actually make an attempt to avoid the overlap.

Thus, were a parcel is within one City's APP, another city cannot just decide to place the same parcel in its APP. The second City must show an affirmative attempt to avoid the overlap. It is unknown how strong an attempt is required, but some attempt is required. In the experience of this Office, most overlaps can be easily avoided. Thus it appears that nearly any attempt to avoid an overlap under UTAH CODE § 10-2-401(4)(a) will succeed, except in the most exceptional circumstances. Overlaps would therefore be very rare. In any event, this language prohibits casual addition of overlapping areas to an APP.

To summarize, overlaps in annexation policy plans are not prohibited by law, nor in this case prohibited by the agreement. However, before South Ogden City includes the Property in its APP, it must show an attempt to avoid the overlap. The City cannot simply choose to add the property to its APP without showing some attempt.

I hope that this has been helpful, if you have any questions or would like to discuss this further, please feel free to contact me.



Brent N. Bateman, Lead Attorney
Office of the Property Rights Ombudsman

429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452

Not Approved

Attachment B
Washington Terrace City Manager Tom Hansen's Handout

453

454

455

South Ogden City / Washington Terrace City Annexation Discussion

- ✚ **Working Relationship:** Over the past several years Washington Terrace and South Ogden have developed a strong working relationship when it comes to Recreation, Public Works, Animal Control, Public Safety response and overall good-will between the cities. It would be our desire to see this working association continue to be strong and mutually beneficial for years to come.
- ✚ **South Ogden JH Annexation:** In 2008 South Ogden and Washington Terrace worked cooperatively to allow South Ogden City to annex Washington Terrace City where the South Ogden JH is now located. This annexation was permitted because of the understanding that there would be no opposition to the current annexation plans. An Interlocal Agreement was drafted at that time to ratify that agreement. We encourage integrity and honesty as it relates to this agreement.
- ✚ **State Property Rights Ombudsman Opinion Letter:** The Ombudsman's letter points out two main concerns with the annexation proposal; One, South Ogden entered into an interlocal agreement stating in essence that this area would be annexed by Washington Terrace. Two, jurisdictions "shall attempt to avoid" overlapping annexation plans. If the annexation plan by South Ogden is approved there would be no attempt to avoid the overlap. (See attached letter)
- ✚ **Infrastructure Ownership:** The majority of the infrastructure (Streets, sewer, culinary water and storm water) supporting this property is owned and operated by Washington Terrace City. Washington Terrace City is and has been maintaining the infrastructure that serves this property since its construction.
- ✚ **Understanding of the law:** Washington Terrace staff and elected officials understand that South Ogden would not be prohibited from including this land in the proposed annexation plan. However; it would be our desire that we avoid the overlap and adhere to the contract drafted in 2008.
- ✚ **Request:** At this point in time Washington Terrace City would respectfully request the Planning Commission and City Council to discontinue the pursuit of this annexation proposal.