



PLANNING COMMISSION

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AGENDA

February 2, 2016

7:00 pm

There will be a work session meeting of the Clinton City Planning Commission held on the date mentioned above in the **Council Chambers** of Clinton City; **City Hall located at 2267 North 1500 West.**

Clinton City Planning Commission

Chairman
Jacob Briggs

Vice Chairman
Bob Buckles

Members
David Coombs
Jolene Cressall
Allen Labrecque
Jeff Ritchie
Anthony O. Thompson

City Staff
Will Wright

	Pledge	Appointed
	Invocation or Thought	Appointed
	Roll Call	Chair
	City Council Report	Staff
	Planning Commission Minutes	Chair
	Declaration of Conflicts	Chair
	WORK SESSION:	
1.	Consider previously reviewed subdivision regulations beginning with Chapter 1, including Chapters 2, 5 and 6, as time permits.	
2.	COMMISSION COMMENTS	
3.	ADJOURN	

DATE: January 25, 2016
TO: Members of the Clinton City Planning Commission
FROM: Will Wright, Community Development Director
SUBJECT: Subdivision Regulations

Attached are six (6) chapters of Title 26 – Subdivision Regulations, which apparently the Commission began reviewing somewhat sequentially at least twenty months ago. Four of the six chapters namely, Chapter 1 – General Provisions; Chapter 2 – Administration; Chapter 5 – Vacating, Altering, and Amending A Subdivision Plat; and Chapter 6- Preparation of Plat were in the Final file and may be close to being what the Commission and staff think are complete. Chapters 3 – Definitions and Chapter 4 – Assurance for Completion and Maintenance of Improvements, though apparently reviewed, appear to not yet be complete and were in another Draft file and will need more attention.

There were two other chapters, including Chapter 7 - Public Facilities Impact Fees and Chapter 10 - Requirement for Improvements, Reservations and Design in the 'To PC' file. These chapters apparently need further staff review and rewrite before they are sent forward to the Commission for your consideration. Staff is still unsure what, if anything, chapters 8 and 9 were being reserved for, but we're still reviewing Lynn's computer files for answers, direction and enlightenment. Further, staff is unsure of the source where these regulations came from so that we could compare them with what we hope is a 'model' ordinance as we put these City regulations together.

I look forward to working with the Commission to move this task forward so we can update the City's Subdivision Regulations from those adopted by Ordinance No. 85-1S on April 9, 1985.

CHAPTER 1

GENERAL PROVISIONS

26-1-1	Title
26-1-2	Policy
26-1-3	Purposes
26-1-4	Authority
26-1-5	Jurisdiction
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26-1-7	Interpretation, Conflict, and Severability
26-1-8	Variations, Exceptions, and Waiver Of Conditions
26-1-9	Saving Provision
26-1-10	Reservations and Repeals
26-1-11	Enforcement, Violations and Penalties
26-1-12	Restrictions On Permit Or License Issuance
26-1-13	Constructive Notice of Time Periods
26-1-14	Cease And Desist, Or "Stop Work" Orders

26-1-1 Title:

(1) These regulations are Title 26 of the Code of Revised Ordinances of Clinton City, Utah. This code shall officially be known, cited, and referred to as the Subdivision Ordinance of the City of Clinton. These regulations may also be referred to as the "Subdivision Ordinance."

(2) Specific citations will be to the Subdivision Ordinance by paragraph and sub-paragraph as depicted in this document and need not include a reference to Title 26.

(3) This Title is part of the Clinton City Land Use Ordinances.

26-1-2 Policy:

(1) It is declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City pursuant to the General Plan of the City for the orderly, planned, efficient, aesthetic, and economical development of the City.

(2) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been

made for surface drainage, culinary water, secondary water, sewerage, subsurface drainage, and capital improvements such as parks, recreational facilities, and transportation facilities, among other improvements that may be deemed necessary by the City to support the subdivision.

(3) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the General Plan, Master Land Use Map, Engineering and Standard Specifications of the City Impact Facilities Plan and the capital facilities plan of the City. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in Utah Code, building and housing codes, zoning ordinances, land use ordinances, the General Plan, Master Land Use Map and land use plan, and the capital facilities plan of the City.

(4) Land that is to be developed, even if not being subdivided shall comply with the platting requirements of this Title. The term "developed," with all of its variances, and "subdivision," and all of its variances are synonymous unless specifically outlined otherwise in this Title.

(5) Land that has been subdivided, without City approval where approval was required, prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes identified in § 26-1-3.

26-1-3 Purposes:

(1) The purposes of this Title are to provide for the health, safety, and welfare, and to promote the prosperity, improve the morals, peace and good order, comfort convenience, and aesthetics of the City and its present and future inhabitants and business, to protect the tax base, to secure economy in governmental expenditures, to protect urban development, to protect and ensure access to sunlight for solar energy devices and to protect property values as feasible within the powers and responsibilities of the City.

(2) Regulation of the subdivision of land and the attachment of reasonable circumstances to land subdivision is an exercise of valid police power delegated by the State of Utah to this City. The developer has the duty of compliance with reasonable circumstances laid down by the Land use Authority for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the City and to the health, safety,

and general welfare of the future property owners in the subdivision and of the community at large.

(3) Additionally, these regulations are adopted for the following purposes:

(a) To guide the future growth and development of the City in accordance with the General Plan.

(b) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.

(c) To protect the character, social and economic stability of the City, to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promote infill development in existing neighborhoods and nonresidential areas with adequate public facilities, assure proper urban form and open space separation of urban areas, protect environmentally critical areas, and not encourage development in areas premature for urban development.

(d) To protect and conserve the value of land throughout the City, the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

(e) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, parks, playgrounds, recreation, and other public requirements and facilities.

(f) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

(g) To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.

(h) To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services though

requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.

(i) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land.

(j) To preserve and/or improve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features.

(k) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the land use ordinance of the City.

(l) To ensure that land is subdivided only when subdivisions are necessary to provide for uses of land for which market demand exists and which are in the public interest.

(m) To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.

(n) To provide for safety and security of residents, subdivisions, commercial properties, and traffic by planning, developing, executing and requiring a city wide street lighting and general lighting design and requirement.

26-1-4 AUTHORITY: This section outlines the Authority for processing of various forms of subdivision unless specifically outlined otherwise in this Title.

(1) Where a process is outlined that leads to the approval by the Land Use Authority the entire process is considered the Authority as referred to elsewhere in this Title.

(2) The Planning Commission is the Land Use Authority vested with the power to review, approve, conditionally approve and disapprove applications for the preliminary plats of subdivision of land unless specifically stated otherwise by this Title.

(3) Based upon referral and recommendation from the City staff the Planning Commission is the Land Use Authority vested with the power to approve, conditionally approve or disapprove an application for the final plat of a subdivision of land unless specifically stated otherwise by this Title.

(4) The Community Development Director, based upon recommendation from the City Planner, is the Land Use Authority vested with the power to review, and recommend approval to the Mayor of Clinton City, for his signature:

(a) The approval of simple subdivisions of five lots or less which comply with the requirements of this Title;

(b) The approval of amendments to subdivisions that do not include vacating rights-of-way or easements and which comply with the requirements of this Title;

(c) The approval of lot line adjustments which comply with the requirements of this Title;

(d) The approval of property combinations which comply with the requirements of this Title;

(e) The approval of transfers, not to include vacation of rights-of-way and easements which comply with the requirements of this Title;

(f) The approval of Development Plats which comply with the requirements of this Title; and,

(g) The approval of a Record of Survey Map which complies with the requirements of this Title.

26-1-5 Jurisdiction:

(1) These regulations apply to all subdivisions of land, as defined in § 26- [REDACTED], located within the corporate limits of the City or outside the corporate limits as provided by State law.

(2) No land may be subdivided through the use of any legal description other than with reference to a plat approved in accordance with the requirements of this Title, unless specifically excepted by this Title and in accordance with this Title.

(3) Land not in compliance with the requirements of this Title, to include the following, is not considered to be developable:

(a) The plat of the subdivided land or land subdivided by metes and bounds was recorded without the prior approval of the City as required by this Title or preceding ordinances dealing with the same or similar topics and the plat contains contiguous lots in common ownership, where one

or more of the lots are undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;

(b) The plat of the subdivided land or land subdivided by metes and bounds has been of record for more than five (5) years, was not approved after {the date of this Title}, and contains contiguous lots in common ownership where one or more of the contiguous lots are undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;

(c) The plat of the subdivided land or land subdivided by metes and bounds has been of record for more than five (5) years, was approved after {the date of this Title}, and contains contiguous lots in common ownership where one or more of the contiguous lots is undeveloped and one or more is nonconforming under the Zoning Ordinance and/or land use ordinances whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;

(d) The original subdivider or his successor failed to complete subdivision improvement requirements pursuant to a subdivision improvement agreement entered into when the plat for the subdivided land was approved and the plat contains contiguous lots in common ownership where one or more of the contiguous lots is undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider; except that this Section shall not apply if the City has obtained possession of sufficient funds from security provided by the subdivider with which to complete construction of improvements in the subdivision.

(e) The original subdivider or his successor failed to complete the subdivision process or failed to properly execute the requirements of these regulations.

26-1-6 Enactment: In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of {the date of this Title}. All applications for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under these regulations except that these regulations will not apply if preliminary plat approval was obtained prior to the effective date of these regulations and the subdivider has constructed subdivision

Deleted: If approval wasn't required when the land was subdivided, how can we justify deeming the land undevelopable?

improvements prior to submission of the final plat as required by the City unless the Land Use Authority determines, on the record, that application of these regulations is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.

26-1-7 Interpretation, Conflict, and Severability:

(1) Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

(2) Conflict. Conflict with Public and Private Provisions.

(a) Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

(b) Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations, or the determinations of the Land Use Authority in approving a subdivision or in enforcing these regulations, and the private provisions are not inconsistent with these regulations or the determinations made under these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

(3) Severability. If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the

judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

26-1-8 Variances,:

(1) Administration of Variances shall be as established in Utah State Code 10-9a-702.

(2) The Board of Zoning Adjustments (BZA) may grant variances, to this Title upon establishment of findings in support of the requirements set forth in Utah Code 10-9a-702.

(3) Procedures:

(a) Petition by Developer. A petition for an variance to these conditions by the Developer shall be submitted, in writing, no later than presentation of the final plat to the Community Development Department for presentation to and consideration of the BZA. Presentation along with the Preliminary Plat is highly recommended. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The petition shall be accompanied by a fee as established in § [REDACTED].

(b) Petition by City Staff. City Staff, upon finding need for an exception, may make petition to the BZA for action any time prior to Land Use Authority approval of the Final Plat. If after approval of the Final Plat City Staff finds the need for an exception, based upon conditions contrary to purposes of these Subdivision Regulations as outlined in § 26-1-3 staff shall:

(i) Notify the Developer verbally followed by written notice of the issue and directing work on the area needing a variance be stopped; and

(ii) Notify the Developer of the time and date the variance will be presented to the BZA; and

(iii) Present to the BZA, at the next available regularly scheduled meeting, the need for the variance and outline the findings for the need; the stage of construction; the affect on the subdivision plan and engineering; and, the cost to the developer and /or to the City for enforcing the change.

(4) Petitions for a variance shall be heard at the next regularly scheduled meeting of the BZA.

Exception: Conditions established for a Petition by City Staff outlined in (3)(b) above.

26-1-9 Saving Provision: These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided for in these regulations.

26-1-10 Reservations and Repeals: Upon the adoption of these regulations according to law, the Subdivision Regulations of Clinton City adopted April 9, 1985, as amended, are hereby repealed, except as to those sections expressly retained in these regulations.

26-1-11 Enforcement, Violations, And Penalties:

(1) It shall be the duty of the Community Development Director to enforce these requirements and to bring to the attention of the City Attorney or his designated agent any violations of these regulations.

(2) No owner, or agent of the owner, of any parcel of the land located in a final plat of the subdivision that has been approved by the Land Use Authority in accordance with the provisions of these regulations may transfer or sell any part of the subdivision until they have caused the plat to be filed with and recorded with the Davis County Recorder's Office.

(3) The subdivision of any lot or any parcel of land by the use of a deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument for the purpose of sale, transfer, lease, or development is prohibited without being in compliance with the provisions of this Title.

(4) Inspections. The City shall inspect or cause to be inspected all buildings, streets, cement work, fire hydrants, and water supply, drain systems, storm water disposal and waste water disposal systems in the course of construction, installation or repair. Excavation for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved to be covered by the City. 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 City. Funds held in bond or escrow will not be released for any work that has not been inspected by the appropriate City Department. Fees related to inspections shall be paid by the subdivider, developer or his representative as outlined in the Consolidated Fee Schedule.

(5) Violations and Penalties:

(a) Any violations of this Title shall be a Class 'C' misdemeanor;

(b) Where applicable, each day of noncompliance shall constitute a separate violation;

(6) Civil Enforcement. Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above; and,

(7) Certificates of Notice of Non-Compliance. A Certificate of Notice of Non-Compliance may be filed against properties in violation of this Title. Procedures for notice and recording of a Notice are outlined in Title 5, Chapter 7.

26-1-12 Restrictions On Permit Or License Issuance.

(1) No City officer or agent shall grant or issue any permit or license in contravention of the provisions of this Title.

(2) A City officer or agent is hereby authorized to withhold any permit or license for an independent project, or for a project within a development wherein said project or development has been determined to be out of compliance with applicable code, regulations, laws, agreements, conditions of approval, or other established requirements. This determination is to be made by the Public Works Inspector, Building Official or other individual appointed by the City to accomplish these inspections. Any appeal of that determination shall be pursuant to the applicable code, regulations, laws, agreements, etc.

(3) No permits or licenses shall be issued for any project within a development that has been issued an order to cease and desist or a "Stop Work" order, as set forth in this Chapter.

26-1-13 **Constructive Notice Of Time Periods:**

(1) All land owners, subdividers, contractors, developers, or applicants are obligated to be aware of and are deemed to have constructive notice of all time periods and/or deadlines and the effect of noncompliance with said time periods and/or deadlines as set forth in this Title relating to the application, processing and approval or other action relating to the subdivision of property.

(2) Nothing in this Title shall be construed as requiring the City to take any affirmative action to notify land owners, subdividers, contractors, developers, or applicants of any time periods and/or deadlines or the effect of noncompliance with said processing requirements set forth in this Title relating to the processing and approval or other action relating to the subdivision of property.

26-1-14 **Cease And Desist, Or "Stop Work" Orders.**

(1) Issuance. The Public Works Inspector, Building Official or other individual appointed by the City are hereby authorized to issue orders requiring that all activities within a development cease and desist, that all work therein be stopped, also known as a "Stop Work" order. This may be done upon the authorized person making the necessary findings as set forth herein.

(2) Findings. Any "Stop Work" order issued hereunder for a development must be based on any one (1) or more of the following:

(a) An activity or condition that is causing imminent peril to persons, property, facilities, or the general welfare of the City;

(b) An activity or condition that, while not causing imminent peril, if not immediately corrected will likely result in causing said imminent peril, or creating a condition that would be a substantial detriment to the remainder of the development specifically or the City generally;

(c) Persistent violations, that singularly may be easily correctable and not creating a perilous condition, which would bring into question the integrity of the work, the potential failure of which would cause damage to persons, property, facilities, or the general welfare of the City. For purposes of this Subsection "violations" means activity or conditions that either are contrary to codes, regulations, laws, conditions of approval, or agreements, or do not satisfy the requirements of

said regulations, laws, conditions of approval, or agreements;

(d) Any activity or condition that is in contravention or will result in a contravention of the applicable codes, regulations, laws, conditions of approval, or agreements; or

(e) Any other activity or condition that if not addressed immediately is likely to result in irreparable harm or detrimental condition of a long term nature.

(3) Notification. Upon determining to issue a "Stop Work" order, the authorized person will provide verbal notice to the "on site" or assigned manager of the development, and will post a written notice thereof in a conspicuous location or locations that would provide reasonable notice to those entering the development. A written notice will be provided to said manager as soon as is practical. The authorized person shall also provide notice to their supervisor and/or department director as soon as is practical. The notice is to contain a description of the condition or activity that is contrary to the applicable code, regulation, law, condition of approval, or agreement. Upon correction, the developer may call for an inspection, and if in compliance, the inspector may withdraw the "Stop Work" order.

(4) Appeals. If a developer disagrees with any portion of the "Stop Work" order, the developer may appeal said order to the authorized person's division or department director. The division or department director is authorized to amend, modify, withdraw, or expand the order. The division or department director should respond to the appeal within one (1) business day. If the developer desires to appeal the decision of the division or department director, that appeal shall be in writing, submitted to the City Manager or the City Manager's designee. The response to that appeal should be within two (2) business days.

(5) Violation.

(a) It is unlawful for any person or entity, who knows or should have known of the issuance of a "Stop Work" order to continue or cause the continuance of work after the issuance of said order.

(b) It is unlawful for any person to remove or cause to be removed any posted "Stop Work" order without the direct authorization of the City.

(c) Such violations are class C misdemeanors and are punishable as such.

(6) Remedies. The City is authorized to seek any and all remedies of law, both civil and criminal, including, but not limited to, injunctions, restraining orders, etc.

CHAPTER 2 ADMINISTRATION

26-2-1	Amendments
26-2-2	Responsibility of Administration
26-2-3	Office of Primary Responsibility
26-2-4	The Community Development Director
26-2-5	Establishment of Fees
26-2-6	Issue of Building Permit or Certificate of Occupancy
26-2-7	Building and Occupancy Permits

26-2-1 Amendments:

(1) For the purpose of protecting the public health, safety, and general welfare, the Planning Commission may from time to time propose amendments to these regulations that shall be forwarded to the Council who shall approve, amend and approve, or disapprove the amendment.

(2) All proposed changes shall be reviewed in public hearings as required in Utah State Code §10-9a-205 and §10-9a-602 to include:

(a) Notice of the date, time and place of the first Public Hearing to consider the adoption or any modification; and,

§10-9a-205(1)(a)

(b) Notice of each Public Meeting on the subject.

§10-9a-205(1)(b)

(c) Notice of a Public Hearing under § (a) above shall be:

(i) Mailed to each affected entity at least ten (10) calendar days before the public hearing;

§10-9a-205(2)(a)

(ii) Posted:

(A) In at least three public locations within the City; or,

§10-9a-205(2)(b)(i)

(B) On the City official website; and,

§10-9a-205(2)(b)(ii)

(C) Published in a newspaper of general circulation in the area at least ten (10) calendar days before the public hearing.

§10-9a-205(2)(c)(i)(A)

(D) Published on the Utah Public Notice Website created in Utah Code Ann. §63F-1-701, at least 1-calendar days before the public hearing.

§10-9a-205(2)(c)(i)(B)

(d) Each notice of a public meeting under §(b) above shall be at least 24 hours before the meeting and shall be posted:

§10-9a-205(3)

(i) In at least three public locations within the City; or, §10-9a-205(3)(a)

(ii) On the City official website.

§10-9a-205(3)(b)

(3) All proposed changes and amendments shall be proposed by and/or submitted to the Planning Commission for its recommendation, a minimum of 30 days prior to scheduling the public hearing. There shall not be a public hearing before the Council until the Planning Commission has passed a motion making a recommendation for the Council's consideration.

26-2-2 Responsibility of Administration. The City Manager shall administer, implement, and enforce the provisions of this Title. Any powers granted or duties imposed upon the City may be delegated by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.

26-2-3 Office of Primary Responsibility. The Clinton City Community Development Department is the Office of Primary Responsibility for the review and proposing of changes to this Title. The Community Development Director may call on other departments for assistance in reviewing this Chapter.

26-2-4 The Community Development Director. The Community Development Director shall be responsible for processing of the provisions outlined within this Title.

26-2-5 Establishment of Fees. The Clinton City Council shall set by resolution the amount of fees required for actions outlined in this Title and the fees so set shall be published in the Clinton City Consolidated Fee Schedule. Consideration of fees shall include but not be limited to those needed to cover the cost of administration, reviews,

publications, hearings, engineering, and related issues associated with this Title.

26-2-6 Issue of Building Permit or Certificate of Occupancy.

(1) Building Permits for Structures in a Subdivision. No Building Permits for any structure shall be issued within any subdivision until the plat is recorded in the Davis County Recorder's office, all sanitary sewers, storm sewers, culinary water lines, curb and gutter, and compacted roadbase, for which service the lot on which a Building Permit is applied, have been installed. The utility lines shall have been tested and fully functional as determined by the Public Facilities Inspector, including fire hydrants. Reproducible "as constructed" drawings, including lateral locations shall be provided to the City. All lot corners are to be clearly delineated with appropriate survey markers.

(2) No Building Permit shall be issued for the construction of any building or structure to be or located on a parcel, lot or plat developed or sold in violation of the provisions of this title, nor shall the City have any obligation to extend utility services to any parcel created in violation of the provisions of this title.

(3) No Certificate of Occupancy shall be issued for any building or structure on a parcel, lot or plat of land created by a development not in substantial conformity with the provisions of this Title.

(4) Sidewalk, where required in Agreements, must be installed prior to the issuance of a Certificate of Occupancy for any building or structure in a development, except that the Building Official may issue a Temporary Certificate of Occupancy when weather has been a significant issue causing a delay and a cash bond for the improvement is established with the City.

(5) All fees associated with a development shall be due and payable upon demand of the Director and no Building Permit or Certificate of Occupancy shall be issued until all fees are paid.

(6) All applications for Building Permits with the potential of damaging improvements within the public right-of-way or that may result in a request for occupancy prior to completion of all improvements shall be accompanied by a Permit Completion and Off-site Improvement Protection Agreement as established in Title 5.

(7) When a security, in accordance with Chapter 4 of this Title, has not been established for a

development no Building Permit or Certificate of Occupancy shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by the City unless otherwise stipulated in the land use authority's approval of the final plat of the subdivision.

(8) The extent of street improvement shall be adequate for vehicular access by the prospective occupant(s), service, police and fire equipment prior to the issuance of a Certificate of Occupancy. For the purposes of this section, adequate generally means "Hard Surfaced", however at the discretion of the Fire Chief and Director a Temporary Certificate of Occupancy may be granted under the following conditions:

(a) The developer can show that asphalt for the subdivision has been scheduled;

(b) All underground improvements that would cause a street to be dug in are installed and inspected and approved by the Public Facilities Inspector; and

(c) Required road base is to be installed and compacted, and it may be reasonably assumed that the weather will not preclude access to a structure. Prior to the Temporary Certificate of Occupancy being issued the developer shall provide a letter to the city signed by the occupants and stating that they are aware of limitations of service and that the city will not service the roadway until after the subdivision is accepted by the city.

26-2-7 Building Permit and Certificate of Occupancy. If at any time prior to acceptance of the subdivision by the City the off-site improvements are not completely installed, and the amount of security held to complete the off-site improvements pursuant to Section 18.36.130 of the Clinton City Code is insufficient to pay for completion of the off-site improvements, then the City Building Official is authorized to withhold the issuance of any Building Permit or Certificate of Occupancy. A Building Permit or Certificate of Occupancy may be issued once the off-site improvements are installed and paid for or sufficient security obtained to have the off-site improvements installed or paid for according to the provisions of the Subdivider's Agreement or by separate agreement.

CHAPTER 5 VACATING, ALTERING, OR AMENDING A SUBDIVISION PLAT

- 26-5-1 General Procedure
- 26-5-2 Classification of Amended Plat Application
- 26-5-3 Notification of Application for Amendment
- 26-5-4 Notice of Public Meeting or Hearing
- 26-5-5 Application
- 26-5-6 Vesting
- 26-5-7 Land Use Authority
- 26-5-8 Appeal Authority
- 26-5-9 Parcels under Single Ownership
- 26-5-10 Request to Amend or Vacate a Street or Easement in an Amended Plat
- 26-5-11 Disposition of Vacated Street, Right-of-Way or Easement
- 26-5-12 Mylar Required

26-5-1 General Procedure. Owners of land, as shown on the last county assessment roll or by other proof of ownership, in a subdivision that has been laid out, platted, approved by the City, and recorded with the Davis County Recorder's Office may file a written petition with the City to have some or all of the plat vacated, altered, or amended. For the purpose of this Title amending a plat is synonymous with vacating, altering and amending a plat.

26-5-2 Classification of Amended Plat Application. For the purposes of this chapter the processing of an amended plat, that does not include a request to vacate a street, right-of-way or easement, may be described as a protested or non-protested application.

(1) **Protested Application.** An application is considered to be a protested application when the application:

(a) Does not contain a letter signed by all property owners within the subdivision indicating their willingness to sign the amended plat; or

(b) Any owner within the plat notifies the Director of the owner's objection in writing within ten (10) days after notification of the application for amendment as established in § 26-5-3.

(2) **Non-protested Application.** A non-protested application:

(a) Contains contiguous parcels that the petitioner seeks to join; and,

(b) Notification of application for amendment has been given to adjacent property owners as established in this chapter; and,

(c) The Director has not received objections to the amendment within ten days of notification of application for amendment as established in § 26-5-3.

REF. USC § 10-9a-608

(3) Each request to vacate or amend a plat that contains a request to vacate or amend a public street, right-of-way, or easement is processed as established in § 26-5-10.

REF. USC § 10-9a-609.5

26-5-3 Notification of Application for Amendment. Notification as required by this Chapter shall be given in writing, mailed to the address of record on file with the County Recorder's Office, of applicable property owners within the subdivision being amended. Mailed notification shall be sent by U.S. Postage allowing three days, from the date it is mailed, for receipt of the notice. Notice shall include:

(1) A copy of the application for amending the subdivision plat;

(2) A description of the amendment;

(3) Notice that objections to the amendment are to be made in writing to the Director, with appropriate contact information;

(4) That any objections to the amendment are to be received by the Director within ten (10) days of receipt of the notification required by this section; and,

(5) An explanation that the date of receipt of mailed notification is considered to be three days from the date of postmark.

26-5-4 Notice of Public Meeting or Hearing.

(1) If a Public Hearing is required, notice shall be processed as established in § 26- .

(2) If a Public Meeting is required, notice shall be processed as established in § 26- .

26-5-5 Application. An application for amending a plat shall be accomplished on forms

provided by the City. At a minimum a complete application shall include:

- (1) The names, address, phone number, and e-mail address of the petitioner(s).
- (2) The name and address of each owner of record of land that is:
 - (a) Adjacent to any public street, right-of-way or easement that is being proposed to be vacated; or
 - (b) Accessed exclusively by or within 300 feet of the public street, right-of-way, or easement.
- (3) Verification that all amendments comply with the requirements of the Zoning Ordinance.
- (4) If a non-protested application, a letter signed by all property owners within the subdivision indicating their willingness to sign the revised plat.
- (5) Applications to vacate some or all of a public street, right-of-way or easement shall include the signature of each owner under § (2) above who consents to the vacation.

REF. USC § 10-9a-608(1)(b)(ii)

26-5-6 Vesting: Applications for an Amended Plat are vested upon filing of a complete application, corrected plat, and fees with the City. Whenever changes are required to an application or plat or if the final mylar is not presented with all property owners of a subdivision the vesting date is adjusted upon filing of a corrected application and plat.

26-5-7 Land Use Authority. Land Use Authority for amendments to recorded plats shall be:

- (1) **Protested Amendments:** The Planning Commission shall be considered the land use authority for any protested applications to amend the plat of a subdivision that does not contain a request to vacate a street, right-of-way or easement.
- (2) **Non-protested Amendments:** The Director shall be considered the land use authority for any non-protested applications to amend the plat of a subdivision that does not contain a request to vacate a street, right-of-way or easement.
- (3) **Vacation of a Street, Right-of-Way, or Easement:** Based upon a recommendation from the Planning Commission, the City Council shall be considered the land use authority for any application which includes the vacation of a street, right-of-way, or easement.

26-5-8 Appeal Authority: Appeal authority for denied applications for an amended plat are:

- (1) Applications that do not comply with the requirements of the Zoning Ordinance may not be appealed.
- (2) **Protested Amendments:** Appeals to the decision of the Planning Commission for a protested amendment shall be appealed to the Board of Zoning Adjustment as outlined in § 28-10-5.
- (3) **Non-protested Amendments:** Appeals to the decision of the Director shall be presented to the Planning Commission. The Planning Commission will hold a hearing as required for a protested amendment. The decision of the Planning Commission shall be final.

26-5-9 Parcels Under Single Ownership.

The land use authority may consider, at a public meeting, an owner's petition to vacate or amend a subdivision plat:

- (1) If the petition seeks to:
 - (a) Join two or more of the petitioner fee owner's contiguous lots:
 - (b) Subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition:
 - (c) Adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision:
 - (d) Adjust an internal lot restriction imposed by the City on a lot owned by the petitioning fee owner: or
 - (e) Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - (i) Owned by the petitioner; or
 - (ii) Designed as a common area; and
- (2) If Streets, rights-of-way, or easements are not affected: and
- (3) If notice has been given to adjacent property owners as outlined in § 26-5-3.

26-5-10 Request to Amend or Vacate a Street or Easement in an Amended Plat.

- (1) The City Council shall hold a public hearing in accordance with § [REDACTED] to review a

petition to vacate some or all of a street, right-of-way, or easement and determine findings outlining whether:

- (a) Good cause exists for the vacation; and
- (b) The public interest or any person will be materially injured by the proposed vacation.

(2) Adopt an ordinance granting or denying the petition outlining the findings. A copy of the adopted ordinance shall be recorded in the County Recorder's Office.

REF. USC § 10-9a-609.5

26-5-11 Disposition of Vacated Street, Right-of-Way or Easement.

(1) Action of the City Council vacating some or all of a street, right-of-way, or easement that has been dedicated to the public use:

(a) Operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of the municipality's fee in the vacated street, right-of-way, or easement; and

(b) May not be construed to impair:

(i) Any right-of-way or easement of any lot owner; or

(ii) The franchise rights of any public utility.

REF. USC § 10-9a-609.5(5)

(2) Upon recordation of an ordinance or plat, executed as established in this chapter, with the County Recorder's office, title to the vacated street shall vest to the adjoining record, with ½ of the width of the street to each of the adjoining owners.

REF. USC § 72-5-105

26-5-12 Mylar Required. Whenever any subdivision, approved by the city, has been approved to be amended as established in this chapter the petitioner shall provide an accurate plat that meets the requirements of Chapter

 .

CHAPTER 6

REQUIREMENTS FOR PREPARATION OF PLAT

26-6-1	General
26-6-2	Size
26-6-3	Material and Color
26-6-4	Name
26-6-5	Monuments
26-6-6	Road Numbers and Names
26-6-7	Railroads and Trail Systems
26-6-8	Easements
26-6-9	Parcel Identification
26-6-10	Expiration of a Plat
26-6-11	Minor Errors
26-6-12	Condominium Ownership
26-6-13	Contracts, Covenants, and Restrictions
26-6-14	Notes
26-6-15	Signature Blocks, City
26-6-16	Utility and Other Acknowledgement
26-6-17	Signature Blocks, Other
26-6-18	Notary Block
26-6-19	Size of Signature Blocks and Acknowledgements
26-6-20	Recordation Block

25-6-1 General. All plats prepared for recording of a subdivision shall meet the requirements of Utah Code Annotated, the Davis County Recorder's Office, and this Chapter.

25-6-2 Size. All plats prepared for recording of a subdivision shall be 21 inches by 30 inches or 24 inches by 36 inches in size unless alternate standards are established by the Davis County Recorder's Office.

25-6-3 Material and Color. All plats to be recorded in the Davis County Recorder's Office shall be presented drawn on mylar with black ink or other medium approved by the Davis County Recorder's Office.

25-6-4 Name. The proposed name of the subdivision shall not duplicate, nor too closely approximate phonetically, the name of any other subdivision on record with the Davis County Recorder's Office. The Land Use Authority shall have final authority to designate the name of the subdivision, which shall be determined at sketch plat approval. The Developer is responsible to ensure that the name is approved

by the Davis County Recorder's Office or to notify the Office of the pending name.

25-6-5 Monuments. All monuments, rebar and caps, and other permanent and semi-permanent survey markers required to be located within a development shall be annotated on the plat.

25-6-6 Road Numbers and Names. The final plat shall indicate all road numbers and names as established during the preliminary plat approval process.

25-6-7 Railroads and Trail Systems. All railroad rights-of-way, and trail systems shall be indicated on the plat.

25-6-8 Easements. All utility, public, private, association, and other recorded or to be recorded easements shall be indicated on the plat.

25-6-9 Lot and Parcel Identification. Lots and Parcels shall be identified and denoted as follows:

(1) Buildable lots shall be numbered sequentially throughout every phase without any numbers being duplicated or omitted;

(2) Parcels being dedicated to an entity such as the City, Home Owners Association, Utility, or District or as Common Area shall be called a "Parcel" and alphabetically noted throughout all phases without any letters being duplicated or omitted;

(3) Buildable parcels shall have addresses indicated;

(4) Lots and parcels shall have acreage or square footage annotated; and,

(5) Lots and parcels with restrictions shall have an "R" following the designation, if there is more than one type of restriction applied to the Plat the "R" will be followed by a numerical superscript "R¹". Restrictions shall be referenced on the plat.

25-6-10 Expiration of a Plat: Any Plat approved by the City not recorded with the Davis County Recorder's Office within 120 days of approval shall be considered null and void and ineligible to be recorded. Any plat recorded after the expiration date is void. A transfer of land pursuant to a void plat is voidable.

25-6-11 Minor Errors. Minor typographical or clerical errors in a recorded plat may be corrected by the recording of an affidavit or other appropriate instrument. The affidavit shall

be signed by the Surveyor, licensed in the State of Utah, approved by the Director and recorded with the County Recorder's Office.

25-6-12 Condominium Ownership.

Amendments to the plat of a condominium are to be managed as established in Utah State Code Annotated § 10-9a-609 and Title 57, Chapter 8, et. seq.

25-6-13 Contracts, Covenants, and

Restrictions. Any plat of a subdivision which has Contracts, Covenants, and Restrictions, (CC&Rs) recorded against the subdivision shall have a note placed on the plat indicating that CC&Rs will be recorded, in the Davis County Recorder's Office, in conjunction with the plat of the subdivision.

25-6-14 Notes. At a minimum, the following notes will be included on the plat. Additional notes or modifications to these notes may be directed by the Director.

(1) Many areas in Clinton city have water problems due to a seasonally high (fluctuating) water table. Approval of this plat does not constitute representation by the city that any building at any specified elevation will solve ground water problems. Solution of these problems is the sole responsibility of the permit applicant and property owner.

(2) The owners hereby waive the right to protest the creation of a Special Improvement District (SID) for the purpose of financing improvements to area roads or utilities which will specifically benefit this subdivision.

25-6-15 Signature Blocks, City. The City signature blocks will be included on the plat. Samples of signature blocks required shall be obtained from the Community Development Department. It is the plat preparer's responsibility to ensure that names are correct and spaces within a signature block are sized adequately to facilitate completion.

25-6-16 Utility and Other Acknowledgement.

The plat is to have space for clearances required by the utility companies serving the area of the development and any other agencies that may require space. It is the developer's responsibility to ensure that the required utilities sign off on the plat. Samples of utility and other acknowledgements are available from the Community Development Department. The following utilities are known to serve areas

within the City of Clinton however, this may not be a complete list:

- (1) Questar Gas Company;
- (2) Rocky Mountain Power;
- (3) Davis and Weber County Canal Company;
- (4) Private ditch and irrigation companies;
- (5) Century Link Communications;
- (6) Clinton City Sanitary Sewer Special Service District;
- (7) Jordan Valley Water Conservancy District; and,
- (8) Utah Department of Transportation.

25-6-17 Signature Blocks, Other. Other signature blocks required by State Code include, but may not be limited to:

- (1) Owner's dedication of all streets, easements, and other parcels intended for public use.
- (2) Surveyor's certification.

25-6-18 Notary Block. Adequate and proper space shall be provided for notary requirements related to signature blocks.

25-6-19 Size of Signature Blocks and Acknowledgements. It is the plat preparer's responsibility to ensure that spaces within a signature block are sized adequately to facilitate completion more than one page may be required to accommodate all necessary signature blocks and acknowledgements.

25-6-20 Recordation Block. A block for documenting the recordation of the plat shall be located on each page of the plat. The size and information to be contained in this block shall be obtained from the Davis County Recorder's Office.



**CLINTON CITY PLANNING COMMISSION MINUTES
CITY HALL
2267 North 1500 W Clinton UT 84015**

Planning Commission Members

*Chair – Jacob Briggs
Vice Chair – Bob Buckles
Tony Thompson
Dave Coombs
Allen Labrecque
Jolene Cressall
Jeff Ritchie*

Date of Meeting	January 19, 2016	Call to Order	7:04 p.m.
Staff Present	Community Development Director Will Wright and Lisa Titensor recorded the minutes.		
Citizens Present	Bruce Nilson, Dennis Draayer, Steve Hubbard, Tammy Hubbard, Tawney Droubay, Glen Phillips		
Pledge of Allegiance	Commissioner Labrecque		
Prayer or Thought	Commissioner Coombs		
Roll Call & Attendance	Present were: Commissioners Jacob Briggs, Bob Buckles, Tony Thompson, Dave Coombs, Allen Labrecque, Jolene Cressall and Jeff Ritchie		
City Council Report	Mr. Wright reported on the January 12, 2016 Planning Commission meeting as recorded in the minutes		
Declaration of Conflicts	There were none.		
Approval of Minutes	Commissioner Cressall moved to approve the December 15, 2015 Planning Commission minutes as amended: Commissioner Thompson declared for the record that his property borders the Harrisburg Phase 4 Subdivision. Commissioner Buckles seconded the motion. All voted in favor.		
	1. 7:05 P.M. – RESOLUTION 1-16 - REVIEW AND RECOMMEND TO THE CITY COUNCIL ACTION UPON A REQUEST FROM RANDY & ANNETTE HADLOCK FOR APPROVAL TO AMEND CLINTON NORTH PLAZA, A MINOR SUBDIVISION, BY COMBINING TWO LOTS LOCATED AT APPROXIMATELY 2093 W 2300 N		
Petitioner	Randy and Annette Hadlock		
Discussion	Commissioner Briggs identified that the petitioner has withdrawn this request.		
	2. 7:15 P.M. – ORD 15-12Z TABLED FROM 11/17/2015 – A REQUEST FOR A REZONE PROPERTY LOCATED AT APPROX 2382 W 1800 N FROM RESIDENTIAL (R-1-9) TO PATIO HOME (PH).		
Petitioner	Bruce Nilson representing He Flys, LLP		
Discussion	<p>Bruce Nilson stated a rezone for this property will not alter the integrity of the General Plan; rather it will fill the need identified in the General Plan for senior housing. He distributed a packet of information to the Planning Commission which included:</p> <p>Page 1, a report produced by the Governors Office of Planning and Budget which identifies the growth in Davis County;</p> <p>Page 2, the Clinton City Master Land Use Map;</p> <p>Page 3, the Clinton City Zoning Map identifying potential infill zones in pink and yellow;</p> <p>Page 4, Senior Housing Needs; he stated the Justification is that there is a lack of availability of senior housing. Clinton has less than 2% housing for seniors; seniors are growing at rate of 6%.</p> <p>This particular piece of property has housing on all three sides which provides a good transition for this development. Another patio home community is supported by the General Plan, it is just not outlined in the Master Land Use Map.</p>		

He went on to explain that in his opinion, the PH Zone gives the City more control over the design of the development. There will be fewer cars and traffic with this type of housing and the home buyers are financially stable. The location is convenient to commercial and medical needs for seniors.

As identified in previous meetings, the neighbors have no objection to a Patio Home Development in this area. The proposed patio home development consists of 65 homes. Generally 15 to 20 homes are built per year.

Commissioner Briggs clarified that at the last meeting the idea was that the Planning Commission would initiate opening the General Plan; they realized that according to Utah State Code, in order to consider a Comprehensive General Plan Amendment, the exact properties that will be affected must be identified; more thought and consideration of other areas in the General Plan would be needed. If a proposed amendment would affect just one parcel, the applicant should request an amendment to amend the Master Land Use Map for that specific property.

Commissioner Briggs opened the public hearing at 7:39 p.m.

Mr. Nilson asked for clarification if the rezone can be approved for this parcel before the Master Land Use Map is amended.

Commissioner Briggs replied that procedurally before approval of the rezone, the Master Land Use Map must first reflect that the zone is appropriate for the parcel.

Mr. Wright explained that the Council would like to maintain the integrity of the General Plan. A possible solution may be to change the infill requirement in the Zoning Ordinance regarding infill from a maximum of 5 acres to a maximum of 18 acres which would not impact the Master Land Use Map. The PH Zone applies to the R-1-6, R-1-8 & R-1-9 zones.

Commissioner Buckles said that the concept for the five acre requirement was based on allowing small parcels left over from larger developments to be developed as patio homes rather than being left undeveloped. The intent was not to allow property to be sectioned off to create more infill. He feels that it may be more appropriate to consider a change to the Master plan.

Mr. Wright explained that 18 acres is not significant; there are no other parcels other than this one that would be affected by increasing the maximum number of acres for infill to 18. He explained that Mr. Vinzant told him that the infill reference was left in the Zoning Code to prevent non-conforming areas. Changing the maximum number of acres from 5 to 18 for infill would have minimal impact because most of the larger pieces left are R-1-10, R-1-15 and Agricultural zones.

Mr. Wright clarified for the Planning Commission three potential options: to recommend to the Council to amend the Master Land Use Map; change the zoning ordinance to allow for a potential 18 acre infill development which will meet the characteristics of the conventional table or just say no to the request.

Commissioner Thompson stated that the five acre maximum was identified as ideal based on the density. The average of a 6300 sq. ft. lot size equals the size of the R-1-6, R-1-8 and R-1-9 zones allowing for approximately six lots per acre. Increasing it to an 18 acre parcel is a drawback because it increases the density from a potential of 90 homes to 108. The infill was designed to give an extra bonus lot to help the developer with the cost of the development.

At 8: 06 Commissioner Briggs asked again for public comment.

Art Ballif said he is privileged to live in a new patio home development in Clinton. The Planning Commission should be productive. It should not take this long to get a

development approved. He feels the Planning Commission should stop procrastinating and make a decision. These developments have quality homes and quality people which will benefit the community.

Glen Phillips said he is a neighbor of this parcel. He has had the opportunity to enjoy seeing horses out his kitchen window; but he realizes change is eminent. The City needs to take the best interest of the community into consideration. He is in favor of patio homes going into this development. He feels that the traffic will be impacted less with patio homes.

Steve Hubbard said he loves the aesthetic value of the existing fields but realizes change is inevitable. He has considered other possible communities but feels that patio homes are the best fit. The homes would add value and quality to the community. He said he would consider purchasing a patio home here. He knows Mr. Nilson to be a person of integrity who builds quality homes

Tammy Hubbard said she is confused about the zoning; however she realizes that change is necessary. She is in favor of the patio homes. She would like to look at these types of homes for herself. She feels frustrated with the bureaucratic red tape. She would like to see this development progress more rapidly.

Bruce Nilson addressed Commissioner Thompson's comments on density. He said two designs have been created for this parcel. In the current zoning there are 54 lots; in the proposed PH Zone there are 65 lots.

Mr. Thompson said his comments were based on applying the averaging identified in the Zoning Ordinance.

Commissioner Briggs closed the public hearing at 8:26 p.m.

Commissioner Briggs asked Mr. Nilson for clarification for what he is asking of the Planning Commission.

Mr. Nilson said he is confused by the process; he would like the City Council to have the opportunity to hear the presentation for this patio home development. It's about a lifestyle. He would like to see the Master Plan modified and advance the rezone request to the City Council. He feels this would be a valuable asset to the community.

Commissioner Thompson clarified for Mr. Nilson that he cannot have two development applications on the same parcel.

Mr. Nilson responded he has withdrawn the first application. The property owners prefer the patio home community for multiple reasons.

Commissioner Buckles stated he feels the request should move forward. He sees a potential for two motions:

- A. A motion recommending approval of an ordinance for a rezone as a minor deviation from the Master Land Use Map but still conforming to the intent of the General Plan based on the text paragraph on page 10 which identifies a need for retirement housing in the community even though it doesn't identify where. There is contradiction on the infill in the table and the text statement; 2) the development is complimentary to adjacent areas with only a small increase in density; 3) the only public comment has been in favor of the development.
- B. A motion to deny on the grounds that it does not conform to the Master Land Use Map and there are not sufficient grounds to deviate from the Master Land Use Map and General Plan infill strategy for patio homes.

Commissioner Labrecque said he would like to move forward with this request.

	<p>Commissioner Coombs said he feels this property meets the infill requirement other than the size. This type of development is a natural progression of the homes already in this area.</p> <p>Commissioner Thompson suggested that the findings include the specific reference to the chart on page 10 of the General Plan. An additional finding should identify that the current preliminary plat on this parcel should be withdrawn; there should not be two approvals on one property.</p> <p>Mr. Wright confirmed that the utilities are sufficient to serve either development.</p> <p>Commissioner Thompson clarified that the existing home on the property on 1 ½ acres is included in the legal description on the ordinance.</p> <p>Commissioner Briggs responded to some of the public comment on the red tape and delays involved in the process of this request by saying it is better to be governed by the rule of law rather than men and it is important to follow procedures, which unfortunately takes time.</p> <p>Commissioner Coombs commented that citizen input is valuable to the process.</p>
CONCLUSION	<p>Commissioner Buckles moved to forward a recommendation on to the City Council for approval of Ord 15-12Z , a request to rezone property located at approximately 2382 W 1800 N from R-1-9 to PH Zone with recognition that it is a minor deviation from the Master Land Use Map and as detailed in the findings of the ordinance:</p> <ol style="list-style-type: none"> 1. This is a minor deviation from the Master Land Use Map but still conforms to the intent of the General Plan as stated on page 10 of the General Plan. (need for patio homes); 2. There is no undeveloped PH Zone on the Master Land Use Map; 3. The site exceeds the infill criteria of five acres but conforms to conventional standards as identified in 28-22-5; 4. The Commission notes that the request would appear to meet an unmet demand for retirement housing and otherwise aligns favorably with the PH Zone as found and documented through the use of the chart found in the General Plan on page 10; 5. The Master Land Use Map indicates that the frontage of the property on 1800 N is to develop as PZ. The property is currently zoned R-1-9 and any development is not likely to rezone the frontaged PZ as called out in the Master Land Use Map. 6. After several public hearings all comments have been favorable for development of Patio Homes with no objections from the public. 7. The Petitioner has represented that the current approval of Town Point Subdivision will be withdrawn upon approval of this rezone. <p>Commissioner Thompson seconded the motion. Voting by roll call is as follows: Commissioner Ritchie, aye; Commissioner Buckles, aye; Commissioner Labrecque, aye; Commissioner Cressall, aye; Commissioner Coombs, aye; Commissioner Thompson, aye; Commissioner Briggs, aye.</p>
	<p>3. SELECTION OF PLANNING COMMISSION MEMBER TO SERVE A ONE YEAR TERM ON THE BOARD OF ADJUSTMENT – CITY CODE SECTION 28-10-2 STATES CHAIRMAN DESIGNATES REPRESENTATIVE WITH ADVICE AND CONSENT OF COMMISSION</p>
Petitioner	<p>Community Development</p>
Discussion	<p>Commissioner Cressall recommended that Commissioner Buckles continue to serve as the BZA representative for 2016.</p>
CONCLUSION	<p>Commissioner Coombs moved to approve Commissioner Briggs appointment of Bob Buckles to be the Planning Commission representative for the Board of Adjustments for 2016. Commissioner Cressall seconded the motion. All voted in favor of the motion.</p>
Commissioners Issues and Concerns	<p><i>Potential Work Session Discussions:</i></p> <ul style="list-style-type: none"> • <i>Subdivision Ordinance</i> • <i>PH Zone Ordinance clarification 22-28-5</i> • <i>Title 2 Chapter 8 Updates</i> • <i>Sign Ordinance</i>
ADJOURNMENT	<p>Commissioner Coombs moved to adjourn. Commissioner Buckles seconded the motion. All those present voted in favor, the meeting adjourned at 9:36 p.m.</p>

