

CITY OF LOGAN, UTAH
ORDINANCE NO. 16-26

AN ORDINANCE AMENDING TITLE 17 THE LAND DEVELOPMENT CODE OF
LOGAN CITY, UTAH

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, STATE
OF UTAH AS FOLLOWS:

SECTION 1: That certain code entitled "Land Development Code, City of Logan, Utah"
Chapter 17.46.020: "Permit Authority" is hereby amended as attached hereto as Exhibit A.

SECTION 2: That certain code entitled "Land Development Code, City of Logan, Utah"
Chapter 17.47: "Subdivisions", is hereby amended as attached hereto as Exhibit B.

SECTION 3: That certain code entitled "Land Development Code, City of Logan, Utah"
Chapter 17.62: "Definitions", is hereby amended as attached hereto as Exhibit C.

SECTION 4: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _____
THIS DAY OF _____, 2016.

AYES:
NAYS:
ABSENT:

Herm Olsen, Chair

ATTEST:

Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for
approval or disapproval on the ____ day of _____, 2016.

Herm Olsen, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____,
2016.

H. Craig Petersen, Mayor

EXHIBIT A

§17.46.020. Application Review Standards

Standards for approving, conditionally approving or denying a project are contained within the specific provisions of this Article. Table 17.46.020 identifies the decision-makers and appeals boards for all project and application types.

Table 17.46.020: Application Decision-Makers and Appeals Boards

Project Type	Chapter	Applications Heard By:
Certificate of Appropriateness	§17.27	Historic Preservation Commission
Subdivisions	§17.47	Minor Subdivision – Director Subdivision – Planning Commission
Boundary Line Adjustment	§17.48	City Engineer
Conditional Use Permit	§17.49	Planning Commission
Design Review, all other projects	§17.50	Track 1 – Director Track 2 – Planning Commission
Amendments to the Land Development Code	§17.51	Planning Commission Municipal Council
Amendments to the Official Zoning Map	§17.51	Planning Commission Municipal Council
Amendments to the General Plan	§17.52	Planning Commission Municipal Council
Variances	§17.53	Land Use Appeal Board
Appeals of Staff Decisions	§17.57	Land Use Appeal Board
Appeals of Staff's General Plan Interpretations	§17.57	Municipal Council
Appeals of Boundary line Adjustments	§17.57	Land Use Appeal Board
Appeals of Subdivisions, Design Review, Use Permits, or Planning Commission Decisions	§17.57	Land Use Appeal Board
Appeals of Amendments to the Land Development Code, Official Zoning Map, General Plan, Variances, or actions of the Land Use Appeal Board	§17.57	District Court

EXHIBIT B

Chapter 17.47: Subdivisions

§17.47.010 Purpose

The purpose of regulating subdivisions is to ensure the orderly development of the City of Logan in order to protect the public health, safety, and general welfare by ensuring new lots are adequate in size, shape, design, and topography to accommodate new development; road lay-outs adequately provide community linkages and conform to the block grid system; and the character of Logan's neighborhoods are protected in the development process.

§17.47.020 Standing To Apply

Any owner of real property proposing to create a subdivision of one or more lots shall follow the procedures in this chapter.

§17.47.030 Procedures, Reports and Hearings

Subdivisions are processed under the provisions of Chapter 17.55 and the requirements of this Chapter. -Applications for subdivisions are heard before the Planning Commission as required by State law and this Code. Minor subdivisions shall be processed according to Section 17.47.040 and the requirements of this Chapter.

A. Department of Community Development Standards and Procedures.

The Director shall prepare administrative procedures and requirements to ensure that the Planning Commission has adequate information from which it may make a decision about the proposed subdivision.

B. Public Works Standards and Procedures for Infrastructure.

The Director of Public Works shall prepare administrative procedures and requirements to regulate and monitor the construction of infrastructure required as part of subdivision design and development

C. Other Department Standards and Procedures.

The directors of other departments participating in the subdivision process shall prepare administrative procedures and requirements related to the departmental needs in reviewing subdivision design.

§17.47.040 Minor Subdivisions: The Director shall be the review authority for Minor Subdivisions and shall review applications according to Section 17.54.

A. Minor Subdivisions shall meet the following:

1. The total number of lots being created shall not exceed three (3);
2. A minor subdivision shall not involve a division of land requiring the construction of a new roadway;
3. The Director may refer minor subdivision applications to the Planning Commission (Track 2) at his or her discretion where the application does not clearly demonstrate compliance with the applicable standards and criteria of Title 17; and
4. The application for a minor subdivision shall meet the application and approval criteria in this Chapter.

B. Mailed Notice. Within ten (10) calendar days of receipt of a complete application, the Director shall send by first class mail a written notice to owners of real property as shown on the latest official County assessor's rolls within three hundred feet of the perimeter boundaries of the subject property. This notice shall be in addition to any other requirements as specified by Utah law. The notice shall include;

1. The case number and the project's title;
2. The project's address;

3. The name of the proponent;
 4. The type of project or projects, including an identification of all types of actions required;
 5. The project description;
 6. The anticipated decision date;
 7. A statement explaining when and where interested persons can obtain information;
 8. The name and direct phone number of the staff member assigned to review the application; and
 9. An explanation on how to file an appeal of the decision.
- C. Appeals shall be heard by the Land Use Appeal Board following the provisions of Chapter 17.57.
- D. The Administrative Record of Decision shall serve as the administrative record of proceedings.

§17.47.040050. Additional Application Requirements

A. **Preliminary Plat Map Required.**

In addition to the requirements in Chapter 17.55, a complete application for a subdivision shall include a preliminary plat map and the submittal of all applicable preliminary plat review fees as set forth in the current fee schedule as adopted by the City Council. The preliminary plat map shall depict the content required by the City's administrative procedures and the content specified by Utah Law. At a minimum, all preliminary plat maps shall be stamped and prepared by, or under the supervision of, a professional appropriately licensed to prepare plat maps in the State of Utah.

B. **Contents of Preliminary Plat Map.**

The preliminary plat map shall include all of the following items and other items as may be required by the Director or City Engineer:

1. The proposed name of the subdivision;
2. A title block that includes the following information:
 - a. Name, mailing address, daytime telephone number of the subdivider;
 - b. Name, mailing address, daytime telephone number of the owner of record if different from the subdivider;
 - c. Name, license type, license number, mailing address, daytime telephone number of the licensed professional preparing the plat map;
 - d. The tax identification number(s) of the subject property proposed for subdivision;
 - e. The official record number(s) of the current deed(s) for the property; and
 - f. The official stamp, signature, license number, and date of the person preparing the map.
3. A certificate with the signature of at least one owner of record consenting to the filing of the preliminary plat map that states substantially the following: *"I/we, the undersigned, do hereby affirm that I/we are record owners of the subject property proposed on this map for subdivision, and I/we consent to the filing of this preliminary plat map."* The signature(s) shall be notarized and the date signed shall be identified on the preliminary plat map.
4. The location of perimeter property lines, streets, railroads, easements, buildings, water courses or other important features within or adjacent to the area;
5. Adjoining properties and current owners of record and all tax identification numbers and official record number of the current deed or legal description;
6. The location of existing sanitary and storm sewers, water mains, culverts and other underground structures with the location and size of the nearest water main and sewer outlet indicated on the preliminary plat map;

7. The proposed name, location, and width of streets, alleys, lots, easements, building setback lines, utilities, parks, and other common spaces;
8. The location of all hydrants and known sewer and water lines within two hundred feet of the subject property;
9. Date, north arrow, and an accurate bar scale;
10. Contour lines at appropriate vertical intervals if the area has irregular topography or if the Public Works Director requires them;
11. Description and drawing of the typical template for streets, roads, and utilities;
12. A proposed phasing plan identifying the unit or phase boundaries on the preliminary plat and including a timeline for recording each subsequent final plat map. Failure to identify phases on the preliminary plat may require that the remaining unrecorded portion of the subdivision be reviewed by the Planning Commission when each subsequent final plat map is submitted for City review;
13. Location and extent of critical lands which are not buildable as required by this code; and
14. Land Set Asides, open space, or other land held in common.

| §17.47.050060. **Planning Commission Action**

A. **Required Findings.**

The Commission may approve a subdivision when it is able to substantiate the following findings:

1. The subdivision is consistent with the goals and policies of the Logan General Plan;
2. Each lot conforms to the requirements of Title 17 of the Logan Municipal Code in terms of lot size, width, and depth;
3. Each lot is physically suitable for development, has an adequate buildings site, and will not require variances due to physical constraints in order to be developed;
4. The subdivision lots maintain or enhance neighborhood character;
5. Each lot has access to a street or easements to provide for connection to sewer service, water service, and other public utilities;
6. The subdivision has been revised and amended by the conditions of project approval to respond to the issues raised by City Departments and public agencies, and to address legitimate concerns of the public;
7. The subdivision meets the approval of the City Engineer for technical specifications, standards, and conforms to the conditions imposed on the subdivision by the Commission;
8. The design and layout of lots and streets conforms to the city grid to greatest extent possible;
9. The design and layout of lots and their associated building area is configured to protect critical lands, existing trees, and other natural features;
10. Approval of the subdivision conforms to the requirements of Utah law;
11. If the subdivision is proposed to be completed in phases or units, the Commission shall find that the subdivision can be completed in phases. This finding shall be required in order to provide a record of the approved phasing. The Department of Public Works shall make a recommendation on the location of phasing lines to ensure construction of infrastructure and utilities meets the requirements of the Department;
12. Approval of the subdivision includes appropriate road rights-of-way, easements, and offers of dedication meeting the needs of the City; and
13. Where adjoining streets are regulated by the Utah Department of Transportation, access to street(s) shall conform to the requirements of the Cache Access Management Plan.

- B. Failure to Substantiate Findings.
The Commission may deny a proposed subdivision when it is not able to find facts in the record to substantiate the required findings in this section.
- C. Modification of Plat Maps.
The Commission may modify a preliminary plat map, including the elimination and resizing of lots, if it finds that the modifications or conditions imposed result in better design, layout, site development, or to satisfy development policies.

§17.47.060070. Final Plat Map or Final Plat Map Waiver

- A. Final Plat Map Required.
Following action to approve or conditionally approve the preliminary subdivision, the subdivider shall have a professional, appropriately licensed in the State of Utah, prepare a plat map for the subdivision.
- B. City Engineer May Waive the Final Plat Map Requirement for a Two-Lot Subdivision.
 - 1. The City Engineer may waive the final plat map requirement for a subdivision of two lots if the subdivision is comprised of two lots, the subdivider intends to create the lots by metes and bounds descriptions, and the deed includes a certificate signed by the Director as required by Utah Law and as listed in Explanation 17-20 stating: "The lot described in this instrument was reviewed and approved by the City of Logan Planning Commission as Docket # _____ at its meeting of <meeting date>." This certificate warrants that at the time of original signature, all subdivision requirements and conditions tied to the recordation of this deed have been satisfied. The Commission action may have included other development requirements, development agreements, or deferred actions that may be conditions prerequisite to the issuance of building permits, use or occupancy of any development for this lot."
 - 2. The City Engineer may require preparation of construction plans when appropriate.
 - 3. The Director shall not sign the instrument unless and until it has been verified that all appropriate conditions have been satisfied and the subdivision has been approved by the City Engineer.

§17.47.070080. Final Plat Preparation

- A. Final Plat Preparation.
Following action to approve or conditionally approve the subdivision, the subdivider shall comply with conditions imposed by the Commission shall prepare a final plat map for recordation, and shall submit the applicable final plat review fees as set forth in the current fee schedule as adopted by the City Council. The final plat map shall comply with this Title and Utah law. At a minimum, and in addition to any requirements established by the City, the map shall include the following:
 - 1. The surveyed subdivision boundary line shall include all elements defined by Utah Code §17-23-17, and including the following:
 - a. A measured distance and basis of bearing between two existing government accepted monuments. Accurate ties from the basis of bearing to the point of beginning of the surveyed subdivision boundary. Indication shall be given of the type, condition, markings, and nomenclature of monuments used for the basis of bearing.
 - b. A written survey narrative that identifies and explains the following:
 - i. Identify the book and page, entry number, or other such reference to the conveying legal document(s) which contain the legal description(s) of the parcel(s) being surveyed.

- ii. The date of measurement, method of measurement, distance measured, and basis of bearing used between two government accepted monuments.
 - iii. The written, parol, and demonstrative evidence held, found evidence not held, methods of calculation, and the applications of boundary law used to identify each established or reestablished boundary line.
 - iv. The written, parol, and demonstrative evidence held, found evidence not held, methods of calculation, and the applications of boundary law used to identify the location and width of all existing utilities, easements, right of ways, canals, etc... which adjoin, intersect, or transverse the subdivision.
2. — All lots, blocks, and parcels created or offered for any purpose other than streets or easements, shall be delineated and designated with all dimensions, boundaries, courses,, square footage, acreage, and ties to the surveyed subdivision boundary clearly shown and defined in every case. Parcels designated as lots for sale shall be identified by numbers starting with the numeral “1” and continuing consecutively throughout the subdivision and shall be assigned a temporary address. Parcels offered for dedication, other than for streets or easements, shall be identified by letter starting with “A” and continuing alphabetically throughout the subdivision;
 3. All lots shall be assigned and labeled with a temporary address;
 4. The identification of those specific portions of the subdivision plat that are to be used for streets, right of way, or reserved for other public purposes;
 5. The plat shall show the name and/or number of all existing or created streets and the street centerlines, right-of-way lines, widths, and half widths. Every centerline and right-of-way line shall be dimensioned and tied to the surveyed subdivision boundary with sufficient detail to definitively retrace and locate the same;
 6. The boundaries, course, dimensions, width, and ties to the surveyed subdivision boundary of all existing or created utilities, easements, right-of-ways, canals, etc. which adjoin, intersect, or transverse the subdivision with sufficient detail to definitively retrace and locate the same;
 7. Existing right-of-way and easement grants of record for underground facilities, as defined in Utah Code §54-8a-2, and for other utility facilities;
 8. The location of all subdivision boundary corner markers, lot corner markers, and monuments as defined in the Logan Municipal Code Chapter 15.28, or as directed by the City Engineer;
 9. Building setbacks shall not be recorded on the final plat. Setbacks shall be as specified in the Land Development Code at the time of the issuance of the building permit;
 10. The location and extent of open space and/or common areas;
 11. The location and extent of critical lands;
 12. If open space and/or common areas are involved in the subdivision, the final plat shall be accompanied by all common documents including covenants, conditions, restrictions, and articles of incorporation demonstrating perpetual ownership and maintenance of said open space and/or common areas;
 13. The final plat shall be accompanied by copies of any private covenants, conditions, and restrictions (CC&Rs) proposed or required to be recorded for the purpose of providing regulations governing the use of the land;

14. The final plat shall be accompanied by construction plans as approved by the City Engineer; and
 15. The construction drawings and specifications shall be prepared by, or under the supervision of, a professional licensed to perform such work in the State of Utah.
- B. Final Plat Map Certificates.
- The final plat map shall include the following information as required by the City of Logan and Utah law:
1. A notarized signature of the land owner on the face of the original plat;
 2. A certification by the surveyor preparing the map or plat. The surveyor making the plat shall certify that the surveyor:
 - a. holds a license in accordance with Utah Code Title 58, Chapter 22, Professional Engineers and Professional Surveyors Licensing Act;
 - b. has completed a survey of the property described on the plat in accordance with Utah Code Section 17-23-17 and has verified all measurements; and
 - c. has placed monuments as represented on the plat in accordance with Logan Municipal Code Chapter 15.28.
 3. If the final plat map identifies new locations for underground or utility facilities that are shown or described on the map in conformance with the requirements of Utah State law, the owner or operator of the underground and utility facilities shall approve the map or plat of its property interest. This is required only if the final plat specifies:
 - a. the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record;
 - b. the location of existing underground and utility facilities; and
 - c. any conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision.
 4. The following dedications, certificates and acknowledgments shall be shown on the map and shall empower the person responsible for signing the certificate to require the subdivider to submit any records, calculations, title reports, deeds, property tax records, or other documentation necessary to verify conformance with subdivision requirements:
 - a. Licensed land surveyor's certificate of survey;
 - b. Owner's dedication certificate;
 - c. Notary public's acknowledgment;
 - d. City Attorney's certificate of approval;
 - e. City Engineer's certificate of approval;
 - f. Director's certificate of approval;
 - g. The Mayor's certificate of approval; and
 - h. Certificate of the County Recorder.
- C. Phasing the Recordation or Completion of a Subdivision.
1. If a proposed phasing plan has been approved by the Planning Commission as part of the preliminary plat, the first phase of the final plat shall be filed and recorded within 12 months of the original Planning Commission approval, and each subsequent unit or phase shall be recorded within 12 months of the filing date of the prior unit or phase. If more than 12 months separates the recording of any one unit or phase from another, re-application for a new subdivision is required.
 2. If the preliminary plat map does not identify phases or units for the subdivision, each subsequent phase or unit shall be reviewed by the Planning Commission.

D. Recordation.

1. When the final plat has been prepared to City and State specifications, and when all conditions, requirements, and modifications have been satisfied, the City shall approve the plat map and cause it to be recorded. Before the City may approve the final plat, the owner of the land shall provide a Preliminary Title Report and tax clearance from Cache County demonstrating that all taxes, interest, and penalties owing on the land have been paid;
2. The City attorney shall be required to verify that the map meets the requirements of Utah law and this Title in terms of form, certificates, title, ownership, and release of liens;
3. The Director shall be required to review and ensure that the subdivider has complied with all conditions of this Title and as imposed as a result of the Planning Commission's action or the appeal, if any;
4. If required by the City Engineer, the final plat map shall be accompanied by a full and complete drawing on computer diskette readable in the current version of AutoCAD®, ArcInfo®, or as a "DXF" or similar file readable at scale by the City's engineering computer and geographic information system software. Such disks and computer files shall be considered proprietary information between the originating engineer or surveyor and the City and shall not be made available as public documents; and
5. After the map or plat has been acknowledged, certified, approved, and all development agreements executed, the owner shall provide the City with funds payable to Cache County for the recordation of the map and the City Engineer shall cause the final plat map to be filed and recorded in the county recorder's office. The final plat map or the final plat map for the first phase or unit shall be recorded within twelve months of the date of the Planning Commission approval as per Section 17.58.010. All applicable fees and taxes shall be paid prior to the filing of the final plat map. The subdivider shall execute a development agreement for completion of subdivision improvements prior to the recordation of the final plat map. The development agreement shall be recorded with the map and shall run with the land until the completion of all improvements. The City Engineer may require a notation on the final plat concerning assessments or completion of improvements that may occur more than twelve months after recordation of the plat.

§17.47.080090. Completion of Subdivision Improvements

No subdivision final plat map or deed shall be recorded until all required improvements have been completed to the standards and specifications established by the City or other codes, laws, or regulations. In addition, the following minimum requirements apply and may be added to by the City Engineer or the Planning Commission as applicable:

- A. Construction within the subdivision shall conform to all federal, state, and local regulations.
- B. Construction drawings and construction within the subdivision shall conform to the Department of Public Works Standards and Specifications. This document shall be available in the office of the City Engineer.
- C. A right of way construction permit shall be obtained for all work within existing right of ways.
- D. Permits must be obtained for construction of the infrastructure facilities within the subdivision.
- E. There shall be a schedule of fees in the office of the Public Works Director and approved by resolution of the City Council.
- F. Before obtaining any permits, each contractor must submit proof of the following:
 1. Utah State contractor's license;

2. Performance bond as required by this Title;
 3. A warranty bond guaranteeing the improvements for a minimum period as set forth in Utah Law;
 4. Liability insurance;
 5. Vehicle insurance; and
 6. Worker's compensation insurance.
- G. Any work which begins prior to the issuance of a permit may be assessed an administrative penalty equal to two hundred percent of the cost of any fees and permits plus one thousand dollars.
- H. A preconstruction conference with the City Engineer may be required not less than forty-eight hours prior to the commencement of construction activities.
- I. The contractor shall notify the Public Works Department not less than forty-eight hours prior to the commencement of construction.
- J. Within thirty days of the completion of improvements, the subdivider shall submit "as built" drawings of subdivision improvements prepared by or under the supervision of a professional licensed to prepare such work in the State of Utah. Failure to submit such drawings shall result in a hold being placed on issuance of any building permits.

EXHIBIT C

Chapter 17.62: Definitions

The definitions of words in this chapter are established as specific meanings for this Title only. Words with specific meaning in the Land Development Code are as follows:

“Subdivision” means any land that is divided, re-subdivided, or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purposes, whether immediately or future, for offer, sale, ground lease, or development either on the installment plan or upon any and all other plans, terms, and conditions, including for purposes of securing financing:

- A. Subdivision Includes:
 - 1. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; or
 - 2. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes, or
 - 3. The creation of condominiums, townhomes, planned developments, and any other project that results in individual ownership in fee title, airspace, or cooperatively; or
 - 4. Stock cooperatives.
- C. **“Simple Subdivision”** means “subdivision”.
- D. **“Major Subdivision”** means “subdivision”.
- E. **“Minor Subdivision”** means the division of land into three (3) or fewer lots not requiring the construction of a new roadway necessary to serve the proposed lots or development “subdivision”.
- F. **“Lot Split”** means subdivision.
- G. When counting lots in a subdivision, the lot that exists prior to subdivision counts as one lot.



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: August 2, 2016
FROM: Mike DeSimone, Director
SUBJECT: Ordinance 16-031 (LDC Amendment – Minor Subdivisions)

Summary of Planning Commission Proceedings

Project Name: Minor Subdivisions
Request: Code Amendment
Project Address: City-wide
Recommendation of the Planning Commission: Approval

On July 14, 2016, the Planning Commission recommended that the Municipal Council approve the amendments to the Land Development Code (LDC) Chapters 17.46, 17.47 and 17.62 creating a Minor Subdivision review process.

Planning Commissioners vote (6 - 0):

Motion for Recommendation: D. Newman

Second: T. Nielson

Yea: A. Davis, T. Nielson, D. Butterfield, D. Newman, E. Ortiz, R. Price Nay:

Attachments:

Staff Report (PC)

Ordinance 16-026

PC Meeting Minutes



**Project #16-031
Minor Subdivisions
Code Amendment**

REPORT SUMMARY...

<i>Project Name:</i>	Minor Subdivisions Code Amendment
<i>Proponent/Owner:</i>	Community Development Department
<i>Project Address:</i>	Citywide
<i>Request:</i>	Code Amendment
<i>Type of Action:</i>	Legislative
<i>Date of Hearing:</i>	July 14, 2016
<i>Submitted By:</i>	Mike DeSimone, Director

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendments to the Land Development Code (LDC): Sections 17.46 (Permit Authority), 17.47 (Subdivisions), and 17.62 (Definitions).

REQUEST

The proposal is to amend the Subdivision review process to provide an administrative review track for Minor Subdivisions involving three (3) or fewer lots without any new road construction. The intent is to review these types of minor actions administratively rather than sending them through the Planning Commission process.

This proposal is similar to the Track 1 versus Track 2 Design Review Permit process and would help streamline the smaller, less controversial types of activities while reducing the overall costs associated with this type of project review. The one difference is that the public notice component was not eliminated, so the City will still notify surrounding property owners of the pending subdivision. Finally, this proposal does not modify or eliminate any of the existing subdivision or access standards.

The proposed amendment to Section 17.47 includes the proposed language changes:

§17.47.040 Minor Subdivisions: *The Director shall be the review authority for Minor Subdivisions and shall review applications according to Section 17.54.*

- A. *Minor Subdivisions shall meet the following:*
 - 1. *The total number of lots being created shall not exceed three (3);*
 - 2. *A minor subdivision shall not involve a division of land requiring the construction of a new roadway;*
 - 3. *The Director may refer minor subdivision applications to the Planning Commission (Track 2) at his or her discretion where the application does not clearly demonstrate compliance with the applicable standards and criteria of Title 17; and*
 - 4. *The application for a minor subdivision shall meet the application and approval criteria in this Chapter.*
- B. *Mailed Notice. Within ten (10) calendar days of receipt of a complete application, the Director shall send by first class mail a written notice to owners of real property as shown on the latest official County assessor's rolls within three hundred feet of the perimeter boundaries of the subject property. This*

notice shall be in addition to any other requirements as specified by Utah law. The notice shall include:

- 1. The case number and the project's title;*
 - 2. The project's address;*
 - 3. The name of the proponent;*
 - 4. The type of project or projects, including an identification of all types of actions required;*
 - 5. The project description;*
 - 6. The anticipated decision date;*
 - 7. A statement explaining when and where interested persons can obtain information;*
 - 8. The name and direct phone number of the staff member assigned to review the application; and*
 - 9. An explanation on how to file an appeal of the decision.*
- C. Appeals shall be heard by the Land Use Appeal Board following the provisions of Chapter 17.57.*
- D. The Administrative Record of Decision shall serve as the administrative record of proceedings.*

The changes to 17.46 clarify who is responsible for which type of subdivision review while changes to 17.62 add a definition of Minor Subdivision.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. These proposed amendments are relatively minor in nature, are consistent with the General Plan, and furthers the goals of the Plan by encouraging the simplification of the subdivision review process for minor activities.

STAFF RECOMMENDATION AND SUMMARY

Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

PUBLIC COMMENTS

As of the time the staff report was prepared, no public comments had been received.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on June 23, 2016, posted on the City's website and the Utah Public Meeting website on July 7, 2016, and noticed in a quarter page ad on June 26, 2016.

AGENCY AND CITY DEPARTMENT COMMENTS

No comments have been received.

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.

3. The proposed Code Amendments provides an alternative method for reviewing minor subdivisions where the impact to adjoining private properties or public infrastructure is determined to be relatively minor.
4. The proposal would only apply to subdivisions involving three (3) or fewer lots involving no new road construction.
5. The provision of an alternative review process is consistent with the City's desire to streamline the regulatory review processes in order to help reduce the time and expenses associated with regulatory compliance.
6. The proposed minor subdivision review process does not eliminate or modify any existing subdivision or access standard, nor does it eliminate or reduce the level of public notification.
7. The provisions of these amendments are consistent with the overall goals and objectives of the Logan General Plan.
8. No public comment has been received regarding the proposed amendment.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.