

Planning Commission Staff Report

January 10, 2018

Item 3

Applicant: Mapleton City

Location: City Wide

Prepared by: Brian Tucker,
Planner

Public Hearing: Y

Zone: NA

Attachments:

1. Proposed
amendments.

REQUEST

Consideration of an ordinance amending Mapleton City Code, Chapter 17, creating an exemption to subdivision improvement requirements for lot divisions in existing subdivisions.

BACKGROUND AND PROPOSAL

When a property is developed into one or more additional lots the owner/developer is required to install improvements, including culinary and pressurized water mains and service laterals, sewer mains and service laterals, a paved road of a width determined by the class of the road and curb, gutter and sidewalk in accordance with the adopted street cross sections. This general requirement is essential in ensuring that the persons or entities developing the property pay the infrastructure costs associated with providing future residents the required services, access and drainage.

Over the years the requirements for what constitutes a minimum level of improvements have become more robust as the expectations of citizens to have a minimal level of services and improvements have increased. In 1900 having access to the property and a source of water nearby may have been sufficient. In 1975 a paved road, sewer and water may have been the norm. Currently the standards include curb, gutter and sidewalk, along with pressurized irrigation lines. When smaller properties are developed within an area that was developed in an earlier era or to a different standard, the conversation among the City Staff always includes questions as to the desirability of retrofitting a current level of improvements to a small portion of an existing neighborhood that does not meet current standards. Does it make sense to place curb, gutter and sidewalk in front of one or two houses in a neighborhood where most homes do not have those improvements and are unlikely to have them in the foreseeable future? In some areas, unless the City undertakes a large-scale infrastructure redevelopment program these improvements may never be built. It is desirable that developers install improvements at their cost, but if the benefit is a mismatched and piecemeal roadway, is the result really a benefit?

With this conundrum in mind, Staff is proposing an ordinance intended to provide an exemption to the curb, gutter and sidewalk requirement in existing subdivisions where those are not the norm and for developments in areas where curb, gutter and sidewalk are non-existent within 1/8 of a mile on an existing local street.

EVALUATION

Mapleton City Code, Section 17.16.010 requires that improvements be constructed according to City standards and specifications in addition to addressing the timing of construction and bonding relative to the recordation of a final plat. The proposed amendment would create an exemption to the requirement for improvements:

1. When a lot within an existing subdivision that does not include the required improvement is subdivided into no more than one additional lot. The City Engineer may waive the requirements for curb, gutter, sidewalks and pressurized irrigation lines.
2. Where multiple lots are proposed on an existing street that does not include curb, gutter and sidewalk within 660 feet (1/8 mile). This waiver is for curb, gutter and sidewalk, only on existing local streets. New streets within the project area must include the required improvements. The body making the final decision on the preliminary plat approval can grant the waiver.

The proposed ordinance stipulates that the granting of a waiver be based on a determination that the granting of the waiver more effectively achieves the policies, goals and objectives of the City and appropriate public safety measures. The ordinance makes clear that no waiver of sewer, water or paved road requirements is granted by the proposed ordinance.

This proposed ordinance is not intended to change the policy that development “pay its own way” by installing required improvements, nor is it intended to undermine policies, goals and objectives for infrastructure development set out by the City’s Master Transportation Plan and other adopted plans. The proposed ordinance is intended to allow a waiver for improvements where they are not the norm in existing subdivisions and neighborhoods where the construction of small patches of improvements would serve to create a less uniform and inviting streetscape.

RECOMMENDATION

Recommend approval of the proposed amendments to the City Council.

CHANGES SHOWN UNDERLINED

17.16.010: IMPROVEMENTS REQUIRED:

A. The improvements hereinafter set forth shall be required to be constructed for all areas shown on the final plat and at all off site locations designated at the time of final approval. All subdivision improvements shall meet minimum city standards and specifications as directed by the city engineer.

B. The following two (2) options are available to an applicant regarding the installation of the improvements required by this chapter:

1. The improvements shall be completed prior to the plat being recorded in the office of the county recorder. The following requirements apply to this option:

a. No construction activity shall begin until:

(1) Final construction drawings have been approved by the city engineer that address any and all outstanding issues as identified by the development review committee and any and all conditions of approval as adopted by the land use authority;

(2) A preconstruction meeting to include the city engineer and the applicant has been held. During the preconstruction meeting the city engineer shall outline the city standards that will be used during the inspection of the improvements;

(3) The applicant has submitted the following bonds:

(A) A site restoration bond shall be in cash equal to the amount of the durability bond. This bond shall be released upon plat recording.

(B) A right of way (ROW) excavation bond for any work that may be required in an existing city ROW. The amount shall be based on the city engineer's estimate for the work to be done in the ROW. This bond shall be released upon acceptance of the work by the city;

(4) All engineering inspection fees have been paid;

(5) The applicant has obtained approval of a stormwater pollution prevention plan and a land disturbance permit; and

(6) The applicant has submitted a utility notification form signed by all applicable utility companies.

b. If the improvements do not comply with city standards, the plat shall not be recorded in the office of the county recorder until such time as all deficiencies are corrected.

c. A durability bond in accordance with the provisions of section [17.20.050](#) of this title shall be established prior to plat recording.

CHANGES SHOWN UNDERLINED

d. Prior to plat recording, the applicant has submitted a lien waiver release for each contractor, subcontractor and supplier.

2. A performance guarantee and a durability bond securing the installation of any required improvements shall be submitted to the city in accordance with the provisions of [chapter 17.20](#) of this title prior to recording of the final plat at the office of the county recorder. The following requirements apply to this option:

a. No construction activity shall begin until:

(1) Final construction drawings have been approved by the city engineer that address any and all outstanding issues as identified by the DRC and any and all conditions of approval as adopted by the decision making body;

(2) A preconstruction meeting to include the city engineer and the applicant has been held. During the preconstruction meeting the city engineer shall outline the city standards that will be used during the inspection of the improvements;

(3) All project fees have been paid; and

(4) The applicant has obtained approval of a stormwater pollution prevention plan and a land disturbance permit. (Ord. 2016-01, 5-18-2016, eff. 6-16-2016)

C. Exemption to the requirement for improvements:

1. Lots within an existing subdivision lacking required street improvements.

a. When a lot within an existing subdivision that does not include the required improvements is subdivided, and the subdivision creates no more than one additional lot, the City Engineer may waive the requirement for curb, gutter, sidewalks and/or pressurized irrigation lines.

b. If multiple lots are proposed on an existing street that does not include curb, gutter and sidewalk within 660 feet of the proposed lots, the applicant may request a waiver from the installation of these improvements. The waiver may be granted for only existing streets designated "Minor Local" according to the current Mapleton Transportation Plan. New streets to be constructed within the project area are not eligible for a waiver. The waiver must be approved by the final decision-making body reviewing the preliminary plat. In granting the waiver, the decision-making body should consider the development potential of other properties within 660 feet.

c. Any waiver or modification of the requirements must be based on a determination that the waiver more effectively achieves the policies, goals, and objectives of Mapleton City. The modifications shall be consistent with appropriate engineering measures to protect public safety.

CHANGES SHOWN UNDERLINED

d. No other waiver of any of the minimum level of improvements required by section 18.84.390 is authorized under this part.