

BULLET POINTS FOR NEW SUBDIVISION REGULATIONS

10-1 General Provisions (chapter)

10-1-4(D) Improved lots: it shall be unlawful to build any residential unit on any lot less than five (5) acres or any commercial building, except on an improved lot.

[This section was eliminated from the code]

10-2 Enforcement And Permits (chapter)

10-2-1: Enforcement Officials:

[The words “city engineer” and “building official” were replaced with “public works director or his/her assigned designee” and “community development director or his/her assigned designee”]

10-2-3: Inspections:

[The words “building inspector” was replaced with “public works inspector”]

10-2-4 Form Of Agreement:

A. Required; Form: Prior to any final approval of a subdivision, the subdivider shall enter into an agreement with the city which shall be in substantially the following form:

Agreement

This agreement is made by and between _____
(hereafter “subdivider”) and _____, a municipal
Corporation (hereafter “Washington City”).

Subdivider here acknowledges receipt of a copy of the municipality’s subdivision ordinance. Subdivider hereby acknowledges that he or she has read the subdivision ordinance (or that an agent of subdivider has), and that he or she understands the provisions of the subdivision ordinance and

that he or she will fully and completely comply with the provisions and requirements therein contained to the best of his or her ability.

Dated this _____ day of _____, year _____.

Subdivider

B. Attorney Fees: In the event the city is required to employ an attorney to enforce any provisions of this title or defend any action brought by subdivider under this title, if the city prevails, it shall be entitled to any and all reasonable attorney fees from the subdivider.

C. Corporations Or Partnerships: The form of a corporate or partnership signature shall include a provision for a notary in which the subdivider represents that the person signing for the corporation has the authority to execute the agreement for the corporation or partnership

[This “Form Of Agreement” is being eliminated from this chapter in the code due to lack of necessity]

[subsequently, 10-2-5: Penalty, has been bumped up to 10-2-4]

10-3 Plats (chapter)

10-3-1: Concept Plan Review:

[The words “planning commission” was replaced with “community development department”]

10-3-2: Overview Of Subdivision Approval Process:

[This is a new subsection being added to the Subdivision Regulations to help bring clarity to the process applicants will be going through applying for subdivision approvals]

10-3-3(B): Submission Of Preliminary Plat:

[The phrase “submit five (5) copies of the proposed preliminary to

the planning commission” has been changed to say “a complete application of the proposed preliminary plat to the community development department”]

[The words The “planning commission” shall circulate, have been replaced by The “community development department” shall circulate,]

10-3-3(C)(2): Erosion Controls:

[The title of this subsection currently reads “Soil Controls” and will not read as “Erosion Controls”, this is the only change here]

10-3-3(C)(6): Notification Of Adjacent Property Owners:

[The two phrases “along with stamped envelopes addressed to those property owners and listing the city’s return address.” and “Subdivisions within PUDs and PCDs are exempt from this notification requirement because the surrounding property owners were notified during the rezoning hearings where the land use plans were shown.”, are being deleted due to current policies]

10-3-3(D): Minor Subdivision Approval Process:

[This subsection of 10-3-3 has been moved and made a section of its own, now found as 10-3-6]

The new title for subsection 10-3-3(D) is now called “Form And Contents”, which used be found under 10-3-3(F). This subsection is in reality a checklist to be completed by the applicant or his/her engineering firm.

Updates to this subsection are as follows:

10-3-3(D)(1): Scale Of Plat:

[The phrasing “The preliminary plat shall be drawn to a scale not smaller than one inch equals one hundred feet (1” = 100’) and Shall on standard twenty four inch by thirty six inch (24” X 36”) paper.”, has been replaced with “The preliminary plat shall be drawn to a scale that is legible and adequately shows the design And dimensions of the proposed subdivision.”

10-3-3(D)(2): Content Of Preliminary Plat:

The following is the current content (checklist) list. Then please refer to the newly worded and reorganized content list as part of the new ordinance. Currently appearing:

- a. The proposed name of the subdivision.
- b. Where the plan submitted covers only a part of the subdivider's tract, or is part of a larger vacant area, the plan shall show the location of the subdivision as it forms part of the larger tract or parcel of land. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted, and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
- c. Sufficient information to locate accurately the property shown on the plan.
- d. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided as shown in the records of the county recorder.
- e. Contour map at two foot (2') intervals where required by the planning commission.
- f. The boundary lines of the tract to be subdivided.
- g. Existing sanitary sewers, storm drains, water supply mains and culverts within the tract and within three hundred feet (300') of the boundaries of the proposed subdivision. If water and sewer mains are farther than three hundred feet (300') from the tract, the source of water and sewer services must be shown.
- h. The location, widths and other dimensions of proposed streets, easements, parks and other open spaces and lots, with proper labeling of spaces to be dedicated to the city.

i. Each subdivision shall have two (2) accesses, unless a single proposed access is less than six hundred feet (600') in length measured from the center of an existing cross street to the center of the proposed cul-de-sac.

j. The location, principal dimensions, and names of all existing or recorded streets and easements, both within the proposed subdivision and within six hundred feet (600') of the boundary thereof, whether recorded or claimed by usage; the location of and dimensions to the nearest existing bench mark or monument, and section line; the location and principal dimensions for all watercourses, public utilities and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, exceptional topography, airports and air approaches to the airport.

k. The location of existing bridges, culverts, surface or subsurface drainageways, utilities, public buildings, pumping stations or appurtenances within the subdivision or within three hundred feet (300') thereof.

l. Proposed off site and on site water facilities, sanitary sewers, storm drainage facilities and the fire hydrants.

m. A tentative plan by which the subdivider proposes to handle a 10-year stormwater drainage for the subdivision unless otherwise directed.

n. Each street of the preliminary plan shall contain the name of the project, scale (not less than 100 feet to the north), sheet number and north arrow.

o. Boundary lines of adjacent tracts of unsubdivided land, showing ownership and property monuments.

[Staff feels the new proposed/updated content (checklist) list is better suited for the minimum required information to be included on the preliminary plat.]

10-3-4: Documents Required:

[The phrase “**planning commission**” is being replaced by
“**community development department**”]

10-3-4(A) titled “Zone Changes”, **is being eliminated** due to
being unnecessary verbiage in these regulations.

10-3-5(A): **This is a new subsection is being added to the regulations,
requiring construction drawings approval prior to submission
of a final plat. This is currently the city’s policy, but not part
of the current ordinance.**

10-3-5(B): Required:

[In the second to last sentence of this subsection, the phrase
“**planning commission**” is being replaced with the phrase
“**community development director or city council**”. As it relates to
time extensions on plats]

10-3-5(C): Contents, Procedure And Form of Final Plat:

**[The lead paragraph was drastically changed, the current code
reads as follows (then compare to new and improved version of
the proposed new regulations):]**
currently:

“Contents, Procedure And Form of Final Plat:

1. The final plat shall be a sheet of approved tracing linen having
outside or trim line dimensions of twenty six inches by thirty inches (26” X
30”) and the borderline of the plat shall be drawn in heavy lines leaving a
space of at least one and one-half inches (1 ½”) on the left side and at
least one-half inch (½”) margin on the other sides. The plat shall be so
drawn that the top of the drawing faces either north or west, whichever
better accommodates the drawing. All lines, dimensions and markings
shall be made on the tracing linen with approved waterproof black India
drawing ink. The plat shall be made to a scale large enough to clearly
show all details, in any case not smaller than one inch equals one hundred
feet (1” = 100’), and workmanship on the finished drawing shall be neat,
clean cut and readable. The plat shall be signed by all persons required

to sign the final plat pursuant to subsections B1f and B1m of this section and the final plat shall contain the following information:"

New language to replace:

1. The final plat shall be so drawn that the top of the drawing faces either north or west, whichever better accommodates the drawing. The plat shall be drawn to a scale that legible and adequately shows the design and dimensions of the proposed subdivision. The plat shall be signed by all persons required to sign the final plat pursuant to subsection 10-3-5(C)(k) of this section and the final plat shall contain the following information:

Also, the contents (checklist) list in 10-3-5(C)(1) has been updated and changed, the following is the current list of items required:

[please compare it to the new proposal in your packet]

a. The subdivision name and the general location of the subdivision in bold letters at the top of the sheet.

b. A north point and scale of the drawing and the date.

c. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.

d. The names, widths, length, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision intended to be dedicated to the use of the public; and the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street naming and numbering system.

e. The description of the boundaries of the subdivision, together with a certification by the subdivider's engineer stating that the lots described comply with the requirements of the zoning ordinance.

f. The registered professional engineer and/or land surveyor's certificate of survey.

g. The owner certificate of dedication.

h. A notary public acknowledgement.

i. The city engineer approval.

j. The planning commission approval.

k. The city attorney approval.

l. The city council approval, shown by the signature of the mayor and attested by the city recorder.

m. An occupancy restriction.

10-3-5(C)(2): the current code reads as follows:

2. The final plat shall be submitted to the planning commission for final approval. The planning commission shall circulate for comment and review copies of the final plat to all affected city departments and special service districts. The city engineer shall approve or disapprove the plat within thirty (30) days after the plat is submitted to the planning commission. If the city engineer disapproves, he shall state to the planning commission the reasons for the disapproval. The planning commission shall have forty-five (45) days after the plat is submitted to approve or disapprove the plat. If no action is taken within forty-five (45) days, the plat shall be deemed to have been approved by the planning commission, except that such approval shall not operate to waive any requirement of this or any other ordinance of this city. At the time of submission of the final plat, the subdivider shall furnish a complete set of construction plans and profiles, prepared by a licensed professional engineer not employed by the city, of all existing and proposed streets within the subdivision to the city engineer with the final plat.

[The new 10-3-5(C)(2) is proposed to read as:]

2. The final plat shall be submitted to the community development department. The community development department will circulate the final plat application for comment and review to all affected city departments and special service districts. Following the completion of all reviews, the community development department will move forward the final plat application onto the planning commission for review at their next scheduled public meeting.

10-3-5(C)(3) the current code reads as follows:

3. If the planning commission disapproves the final plat, it shall so notify the subdivider in writing stating that the final plat has been disapproved and the reasons therefor based on the ordinances of the city or the laws of the state. The written notice shall be personally delivered or mailed to the subdivider within ten (10) days after the action by the planning commission.

[The new 10-3-5(C)(3)&(4) are proposed to read as:]

3. After planning commission review and consideration of the final plat at a public meeting, the planning commission will recommend approval, approval with modification, or denial of the final plat to the city council. If the planning commission recommends denial, they shall state the reasons for such recommendation.

4. The city council will then review and consider the recommendation of the planning commission for the final plat and may approve, conditionally approve or deny the final plat. In the event the city council denies the final plat, it shall state to the subdivider each reason for the denial.

10-3-5(C)(4),(5)&(6) These three subsections are being eliminated from the code, but for your reference currently read as follows:

4. The planning commission may approve a final plat subject to written conditions; provided, that the subdivider agrees in writing to the conditions.

5. Following approval by the planning commission and the city engineer,

the subdivider shall secure the approval of the city attorney. The final plat shall be taken before the city council, which shall approve the plat if it finds that the plat fully complies with the ordinances of the city and the laws of the state, or that the plat together with the conditions to which the subdivider has agreed, fully complies.

6. After all improvements have been completed or adequate guarantee has been provided as outlined in section 10-5-4 of this title, the final plat, bearing all official approvals as above required, shall be deposited in the office of the county recorder for recording as the expense of the subdivider. No lot included in a subdivision shall be sold or exchanged until the plat is so approved and recorded.

10-3-5(D): Required Language: [This sections is being eliminated from the code altogether, but for reference, reads as follows:]

1. The form of the owner’s dedication shall be substantially as follows:

Owner’s Dedication

Know all by these presents that we the undersigned owners of the described tract of land below, having caused the same to be subdivided into lots and streets to hereafter be known as _____, do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use, and do warrant, defend and save the municipality harmless against any easements or other encumbrances on the dedicated streets which will interfere with the municipality’s use, operation and maintenance of the streets and do further dedicate the easements as shown.

In witness whereof, we have hereunto set our hands this _____ day of _____, 20____.

Signed

Signed

Acknowledgement

State of Utah)
)ss
County of)

On the ____ day of _____ A.D. 20____, personally
appeared before me, the undersigned notary public, in and for
the county of _____, in the state of Utah, the
signer(s) of the above owner's dedication, _____ in
number, who duly acknowledged to me that _____
signed it freely and voluntarily and for the uses and purposes
therein mentioned.

Notary Public

Residing at _____

My commission expires:

Corporate Acknowledgement

State Of Utah)
)ss
County of)

On this the ____ day of _____ A.D. 20____, personally
Appeared before me, the undersigned notary public, in and for
the state of Utah and county of _____, who
After being duly sworn, acknowledged to me that _____,
A _____ corporation, that _____
signed the owner's dedication freely and voluntarily for and in
Behalf of the corporation for the purposes therein mentioned
And that the corporation executed the same.

Notary Public

Residing at _____

My commission expires:

2. The form of the professional surveyor's or engineer's certificate shall be substantially as follows:

Surveyor's Certificate

*I, _____, a registered professional engineer
And land surveyor, hold certificate no. _____, as
Prescribed by the state of Utah, and do hereby certify that by
Authority of the owners, I have made a survey of the tract of land
Shown on this plan which is accurately described herewith, and
Have subdivided the tract of land into lots and streets to be here
After known as _____, and that the same has
Been surveyed and staked on the ground as shown on this plat.*

Signed on this ____ day of _____, 20____.

Registered Land Surveyor

3. The form of the occupancy restriction shall be substantially as follows:

Occupancy Restriction

_____ *has an ordinance which restricts the
Occupancy of buildings within this subdivision. Accordingly, it
Is unlawful to occupy a building located within this subdivision
Without first having obtained a certificate of occupancy issued
By the building inspector.*

- 10-3-5(E): Guidelines For Approval By City: [These sections are being eliminated from the code altogether, but for reference, reads as follows:]

1. Planning Commission: The planning commission shall recommend approval of the subdivision if it finds that the subdivision complies with the physical development standards of this title, the zoning ordinance, the laws of the state and the rules and regulations promulgated pursuant thereto, and that the subdivision will have adequate fire protection; that there is a sufficient supply of culinary water to the proposed subdivision and that the addition of the subdivision will not decrease the pressure in the culinary water system at any point within the city to less than thirty (30) pounds per square inch; that the subdivision will not cause the sewer district to exceed its capacity to treat sewage; that the traffic created thereby will not unduly congest traffic; and that it will not create unreasonable potential for flooding.

2. City Engineer: The city engineer shall approve the final plat if he finds that the subdivision fully complies with the improvements required by this title, that the survey description is correct and that the easements are appropriately located.

3. City Attorney: The city attorney shall approve the final plat if he finds that:

- a. There is a current title opinion from a licensed title company showing that the person dedicating the property described on the final plat is the title owner as shown on the record of the county recorder of the county in which the subdivision is located.
- b. The bond, escrow, letter of credit, trust deed or deposit with the city is in appropriate form and signed by the necessary parties to the bond, escrow, letter of credit or trust deed.
- c. The subdivider has executed the subdivision agreement required by this title.
- d. The subdivision does not, in his or her opinion, violate any ordinance of the city or the laws of the state, or the rules and regulations promulgated pursuant thereto.

4. City Council: The city council shall approve the final plat if it finds that all other persons required to approve the plat have given their approval and that the final plat meets all of the requirements of city ordinances and

that it does not violate any state laws or rules and regulations promulgated pursuant thereto, and that all fees and assessments have been fully paid.

10-3-6: Modifications Of Requirements: [This section is being eliminated from the code altogether, but for reference, reads as follows:]

Where, because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions, strict compliance with the provisions of this title would cause an unusual and unnecessary hardship on the subdivider, the planning commission and the governing body may waive, modify or adjust the requirements of this title. In granting the change, the planning commission may impose such additional conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so waived, adjusted or modified. Any changes authorized shall be entered in the minutes of the planning commission and the governing body, together with the circumstances that justified the changes granted. The decision of the city council shall prevail when in conflict with the planning commission.

10-4 ACCEPTANCE OF DEDICATED STREETS AND PUBLIC IMPROVEMENTS [There are no changes at all to this chapter]

10-5 IMPROVEMENTS REQUIRED

10-5-2, 10-5-3, 10-5-4(A)&(B) [In each of these four sections, the change is simply substituting the phrase "public works director or his/her assigned designee" for the phrase "city engineer". This is the change on these four sections.]

10-5-8(A)(1): Retaining Walls: [The height mentioned in this subsection is being changed from three feet to three and one-half feet, and the last sentence in this paragraph is being changed to read: "All designs shall be approved by a city designated official"]

10-5-8(B): Permit Required: [The reference to “section 105 of the international building code” is being eliminated from the sentence.]

10-5-9: ROCKERY WALLS: [This is a new section being added to the subdivision code.]

THAT IS ALL !!!!