

Enoch City is inviting you to a scheduled Zoom meeting.
Topic: Enoch City Planning Commission
Time: Oct 26, 2021 05:30 PM Mountain Time (US and Canada)

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Meeting ID: 870 7953 8177

AMENDED ENOCH CITY PLANNING COMMISSION
NOTICE AND AGENDA
October 26, 2021 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

- 1. CALL TO ORDER OF REGULAR MEETING**
 - a. Pledge of Allegiance –**
 - b. Invocation –Audience invited to participate.**
 - c. Inspirational thought-**
 - c. Approval of agenda for Oct. 26, 2021**
 - d. Approval of minutes for Oct. 12, 2021**
 - e. Conflict of Interest Declaration-**
- 2. CONSIDER ZONE CHANGE APPLICATION FOR PENNY PROPERTY NORTH OF 3800 AND WEST OF SR-130, INCLUDES 130.80 ACRES, AND SET A PUBLIC HEARING FOR Nov. 9, 2021**
- 3. CONSIDER MJB ENOCH, LLC MINOR SUBDIVISION AND MAKE A RECOMMENDATION TO THE CITY COUNCIL-Go Civil Eng.**
- 4. CONSIDER ORDINANCE NO. 2021-11-3, AN ORDINANCE AMENDING THE ENOCH SUBDIVISION ORDINANCE, MULTIPLE CHAPTERS, REGARDING DEFINITIONS PERTAINING TO COMPLETION ASSURANCE IN MINOR AND MAJOR SUBDIVISIONS**
- 5. PUBLIC COMMENTS**
- 6. COMMISSION/STAFF REPORTS**

7. ADJOURN

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should call the City Offices at 586-1119, giving at least 48 hours advance notice. Meetings of the Enoch City Planning Commission may be conducted by electronic means pursuant to Utah Code Annotated, Section 52-4-207. In such circumstances, contact will be established and maintained by telephone or other electronic means and the meeting will be conducted pursuant to the Enoch City Code of Revised Ordinances, Chapter 3-500, regarding meeting procedures including electronic meetings.

CERTIFICATE OF DELIVERY

I certify that a copy of the forgoing "Notice and Agenda" was delivered to each member of the Planning Commission, emailed to "Cedar City Daily News", posted on the Enoch City website, on the City Office door and published on the Utah Public Meeting Notice website on October 22, 2021.

 10-25-21
Julie Watson, Recorder **Date**

MINUTES
ENOCH CITY PLANNING COMMISSION
October 12, 2021 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

Commissioner Leonard Correa
Commissioner Andy Losee
Commissioner Andrew Meacham
Commissioner Debra Ley
Commissioner Bob Tingey

STAFF PRESENT:

Rob Dotson, City Manager
Council Member Katherine Ross
Julie Watson, City Recorder-Zoom
Lindsay Hildebrand-Deputy Rec.

PUBLIC PRESENT: Bob Platt, Ross Chatwin and Steve Johnson

1. **CALL TO ORDER OF REGULAR MEETING**-By Chairman Tingey at 5:30 pm.
 - a. **Pledge of Allegiance** –Led by Andy Losee
 - b. **Invocation** –Audience invited to participate. Given by Andrew Meacham
 - c. **Inspirational thought**-Given by Chairman Tingey
 - c. **Approval of agenda for October 12, 2021**-Commissioner Ley made a motion to approve the agenda with holding items 2 and 3 until the applicant can arrive. The motion was seconded by Commissioner Meacham and all voted in favor.
 - d. **Approval of minutes for September 28, 2021**-Council Member Ross said at the last meeting she was speaking as a resident for items 4 and 5 and not as a Council Member. She asked to have that clarified. Commissioner Ley made a motion to approve the minutes with that clarification. Motion was seconded by Commissioner Meacham and all voted in favor.
 - e. **Conflict of Interest Declaration**-none stated

2. **PUBLIC HEARING ON A ZONE CHANGE FOR THE PENNY PROPERTY, LOCATED NORTH OF 3800 NORTH AND WEST OF SR-130 FROM M-R-2 TO SINGLE FAMILY RESIDENTIAL R-1-11**
Commissioner Ley made a motion to close the regular meeting and go into the public hearing for a zone change for the Penny Property. The motion was seconded by Commissioner Correa and all voted in favor.
Chairman Tingey invited public comments. There were none.
Commissioner Ley made a motion to close the public hearing on the zone change for the Penny property. Motion was seconded by Commissioner Meacham and all voted in favor.

3. CONSIDER THE ZONE CHANGE APPLICATION ON THE PENNY PROPERTY AND MAKE A RECOMMENDATION TO THE CITY COUNCIL

Chairman Tingey asked if there were any thoughts on this from the Planning Commission or City Manager Dotson about this. City Manager Dotson said the property is owned by the Penny's and they authorized Mr. Chatwin to seek this zone change. Ross Chatwin and Steve Johnson were in the audience. Dallas Buckner of Go Civil Engineering was there to represent the owners. City Manager Dotson said the application is in order and nothing is out of the ordinary. The ownership has been clarified. This is residential going to the smaller lots of R-1-11 from R-1-18. Chairman Tingey asked for questions saying it is pretty straightforward. It was noted Gateway Prep Academy is the southernmost boundary. City Manager Dotson said for their information, the

PUD ordinance is being revised by a committee in the City Council and this could be a PUD. There was a brief discussion of the possibilities for open space that R-1-11 by itself does not have. When the PUD ordinance is revised it will be extensive. We are just considering the zone change tonight. Dallas Buckner said by changing this there is no change in density and it will be all single-family lots with common open space. Chairman Tingey asked for questions and there were none.

Commissioner Correa made a motion to send a favorable recommendation to the City Council to approve the zone change for the Penny property from R-1-18 to R-1-11. The motion was seconded by Commissioner Ley and all voted in favor.

4. PUBLIC HEARING ON AMENDING THE ENOCH SUBDIVISION ORDINANCE, CHAPTER 12.2500.2503, MAJOR SUBDIVISION, STEP 13, SECTION B, REGARDING SURFACE WATER SHARES

Commissioner Ley made a motion to close the regular meeting and go to the public hearing on amending Chapter 12.2500.2503, Major Subdivision, Step 13, Section B. regarding surface water shares. The motion was seconded by Commissioner Correa and all voted in favor.

Chairman Tingey invited public comments in person and on zoom. There were none.

Commissioner Ley made a motion to close the public hearing and go back to the regular meeting. The motion was seconded by Commissioner Correa and all voted in favor.

5. CONSIDER ORDINANCE NO. 2021-10-21, AN ORDINANCE AMENDING THE ENOCH SUBDIVISION ORDINANCE, CHAPTER 12. 2500.2503, MAJOR SUBDIVISION, STEP 13, SECTION B, REGARDING SURFACE WATER SHARES AND MAKE A RECOMMENDATION TO THE CITY COUNCIL

Chairman Tingey said this is the discussion of surface water shares. He asked if there were any new thoughts on this since the previous discussion. Commissioner Correa asked for a review. City Manager Dotson said in the past we allowed a developer to deed surface shares in lieu of underground water because that was what he had. We wanted to acquire some surface water for secondary irrigation at that time. Now the Groundwater Management Plan has changed the whole structure of how we do this. Also, as a City, we are not able to store or distribute this type of water. He explained how as a City we have to have the underground water rights in lieu on hand to be used by homes and that is not a good idea now. The Water Board gave a recommendation to the City Council to remove this as an option for developers. The City Council passed it to the Planning Commission for review and recommendation. In the future, we may be able to put this back into place if the situation warrants it. This is currently detrimental to the City in the long run if developers are allowed to do this. City Manager Dotson explained the difference between rights and shares and how irrigation companies function, noting water shares do have priority dates like water rights do. There was a brief discussion. We need to have a workable plan before we accept this type of water. Chairman Tingey asked for a motion.

Commissioner Ley made a motion to send a favorable recommendation to the City Council on amending the Subdivision Ordinance, Chapter 12.2500.2503, Major Subdivision, Step 13, Section B, regarding surface water shares to remove this as printed. The motion was seconded by Commissioner Meacham and all voted in favor.

6. PUBLIC HEARING ON THE ENOCH CITY ANNEXATION POLICY MAP ANNEXATION POLICY MAP

Commissioner Meacham made a motion to close the regular meeting and go to the public hearing on the Annexation Policy Map. The motion was seconded by Commissioner Ley and all voted in favor.

Chairman Tingey invited public comments. There were none.

Commissioner Meacham made a motion to close the public hearing and return to the regular meeting. The motion was seconded by Commissioner Correa and all voted in favor.

7. CONSIDER THE ENOCH CITY ANNEXATION POLICY MAP AND MAKE A RECOMMENDATION TO THE CITY COUNCIL

Chairman Tingey said we have talked about this for quite a while and we reviewed it last time and felt good about it. City Manager Dotson said there is nothing new from the City. Cedar City is fine with it, he noted. Chairman Tingey asked for a motion adding we had input from property owners who are adjacent to the southern boundary.

Commissioner Meacham made a motion to send a favorable recommendation to the City Council to approve the Annexation Policy Map as currently laid out on the new map. The motion was seconded by Commissioner Ley and all voted in favor

8. CONSIDER THE FINAL PLAT OF EAGLE VALLEY ESTATES, PH. 2 AND MAKE A RECOMMENDATION TO THE CITY COUNCIL

Chairman Tingey said Robert Platt is here to represent the owners. Mr. Platt came up to say that about three months ago Phase 1 was completed with nine (9) lots on 4600 North. This is Phase 2 and is the final phase with twenty (20) lots. It has been reviewed by Watson Engineering and now they want to move the Final Plat forward to the City Council for their approval. Commissioner Ley asked about the retention pond and drainage in this subdivision. There was a brief discussion and it was noted it was not affected at all in the recent storms. The detention basin is there for both phases and water flowed into it and held. City Manager Dotson said they have been very good to work with on their project. He mentioned the water lines that needed to be moved and all cooperated. There is a secondary system that is hooked up as the line was nearby and they agreed to provide that service for future residents. Chairman Tingey asked for questions. Mr. Platt said it is zoned R-1-11 although some lots are larger. Chairman Tingey asked City Manager Dotson if he had comments. City Manager Dotson said this meets all requirements and is good to go. He pointed out the location on the map noting the zone change done about a year ago.

Commissioner Correa made a motion to send a favorable recommendation to the City Council on the final plat of Eagle Valley Estates, Phase 2. The motion was seconded by Commissioner Meacham and all voted in favor.

ITEM INSERTED NOT ON AGENDA- COMPLETION ASSURANCE

City Manager Dotson said he wanted to have a preliminary discussion about this item as it will be on the next agenda. He explained that the State Code changed and we need to get into line with what they allow now. It has always been the City's policy to "not" give building permits until a subdivision is 100% completed and inspected at which time the performance bond is released. Now we have a big push by developers and builders coming and wanting building permits as they complete portions of their subdivisions. He gave details of things that can happen with building before the subdivision is completed. The State Code does not allow us to say no. In the past, we got a bond or other performance guarantee, now called a "completion assurance" in code. They give us something to guarantee they will finish it all. This is 125% of what the Engineer deems it will cost to build the subdivision out. When we receive that we can allow them to start construction. Before, we held the bond until it was all done. It is insurance for us. State Code changed in 2019 and once we get a "completion assurance" we have to let them get building permits. They still have to follow the Code on everything and we can't deny building permits per State Code. They can sell some lots to finish all the details of the subdivision if we have the "completion assurance". He explained more details of State law. We are changing the wording to call the bond a "completion assurance", we are required on what we can hold for completion and

we have to allow building permits to be given. We have to have some release of the "completion assurance" after a portion of the subdivision is completed. An example may be when the underground infrastructure is done we release 25%, roads done another 25%, and so on. That way we comply with State Code. He gave examples of what can happen in this case with this change in the law. The homeowner actually may get the detrimental end of it due to the change. A developer could still file bankruptcy and we are trying to mitigate this with this change to code. In most cases it should be okay, City Manager Dotson said. After the entire development is completed, that starts the year where we hold part of the "completion assurance" to guarantee nothing fails as the City has accepted it at the final plat. We take over the subdivision when it is all done and it is released after the inspection which we charge 1% for. It is very detailed. City Manager Dotson explained what is covered. Signs, lights, post boxes, etc. all built as designed and inspected by our City Engineer and Public Works Director. This saves the City from having to do anything. If not completed we call the bond and contact the bondholder because of non-completion. We hire someone to finish it and pay for it with the bond money. The "completion assurance" pays for completion. There was more discussion of details if there are disputes. Chairman Tingey said this could serve to lower costs to homeowners building in a subdivision perhaps. City Manager Dotson said since this is in State Code the Building Inspector is getting pressure so that is why this came up. Most municipalities do it this way also. Commissioner Meacham stated the builders have to comply and if not they don't get the C of O. City Manager Dotson said this allows someone to build a house before the subdivision is completed. There was more brief discussion of various scenarios. We will deal with this item to make a recommendation next time. No action was taken.

9. DISCUSS MODULE 5 OF LUDMA

Chairman Tingey asked City Manager Dotson to recap this module which covers rules and resources in State Code. This is ULCT training and is required training for four (4) hours per year by State Code. He said the Commissioners need to turn in their Certificates of Completion. This module teaches that we ensure that we take actions openly and publicly and we train on this each year. He explained the "Open and Public Meetings Act" and what should be discussed as a quorum outside of a meeting or not. Two talking is fine but not three. GRAMA was also discussed and City Manager Dotson told what is in it saying that it is a federal law. There is a constitutional right to get access to public business and a right to privacy. Safeguarding public information and safeguarding private information is hard to do. There has to be easy and reasonable access to unrestricted public records. Sometimes GRAMA requests are very onerous and time-consuming for staff. We can charge for the time it takes but the challenge is the press doesn't want to pay because they give information to the public and we can email everything now anyway. The "Ethics Act" is in this module and states standards of conduct for all of us. We regulate your ethics. That is very personal and there are standards. A public official can have no financial benefit from votes on things. The Conflict of Interest form is filled out periodically and says how you make a living that you don't do anything for money in the public's business. There was more discussion of conflicts of interest with examples given. Chairman Tingey said some state the conflict and leave the room when it is time to vote. That is a choice. Do you gain a fiscal benefit by your vote? The Ethics Act covers that. It is better to state it outright than have doubts from the public. Mayor Chesnut was present and stated his thoughts on the subject of fair rulers and gave examples from Plato. He said this is a fascinating debate and very important. We have an underlying fear that if a person votes for something and others were for it also it can appear they voted in favor even though it may have benefited one in particular. You don't want to appear to be biased so it is stated and you can vote when you state a conflict. We all have biases. The issue is, can you set that aside? This is an ancient problem and we just need to be mindful of it. You have to make the disclosure and if you can't make it what does that mean for other things.

This is about how we put people in charge and what it means. City Manager Dotson said as employees we have ethics codes too. Our associations have codes of ethics that we abide by as members. There are ethical and legal decisions to make. Legally you could be prosecuted if you cross a line. Another part of the module is the resources available to you and he gave the list of resources. We, as a City, have a lobbyist in the form of the ULCT. He talked about some issues we face in the Legislature. The Property Rights Ombudsman is in this section. He told them about their job in regard to land use disputes. All can be found online. He encouraged all to go to the City website and look at our online City Codes. Chairman Tingey thanked City Manager Dotson.

10. PUBLIC COMMENTS-none

11. COMMISSION/STAFF REPORTS

Council Member Ross said the Planning Commission is doing a great job and the City Council really appreciates your hard work and recommendations.

City Manager Dotson reported SR-130 is 89% completed. Lights will be installed, two on each corner, on the outside edge of sidewalks. Signs will be installed. The roundabout has been a good addition to the City. One accident occurred and they were texting. No one was hurt. Development is slowing a bit due to the economy and construction costs although they are going down a bit. We have been plowing snow all day long. We did not get the FEMA money as the State did not reach the required threshold. SBA loans are available to residents and can be applied for online. Residents can get up to \$200,000 and that can include repairs to the outside landscape to mitigate flooding and for furniture replacement and the like. Mayor Chesnut was in attendance and explained what is covered including personal property. This is an opportunity to replace things with a budgeted amount.

Commissioner Correa talked about the roundabout committee meeting and what different individuals are doing and have done. They have sped up the process and have been a good working committee. It will be a couple of weeks for the signs to be finished. We are waiting on the Paiute Tribe for their input. The signs will be on the outside of the cement circle. On the north and south, the Enoch City logo will be placed. The other signs will be metal silhouettes depicting various historical events. City Manager Dotson showed pictures of possible signs to be chosen.

Chairman Tingey assigned the inspirational thought to Commissioner Losee for the next meeting.

12. ADJOURN-Motion to adjourn by Commissioner Ley. The motion was seconded by Commissioner Meacham and all voted in favor. The meeting ended at 7:15 pm.

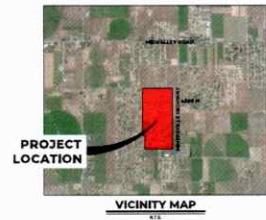
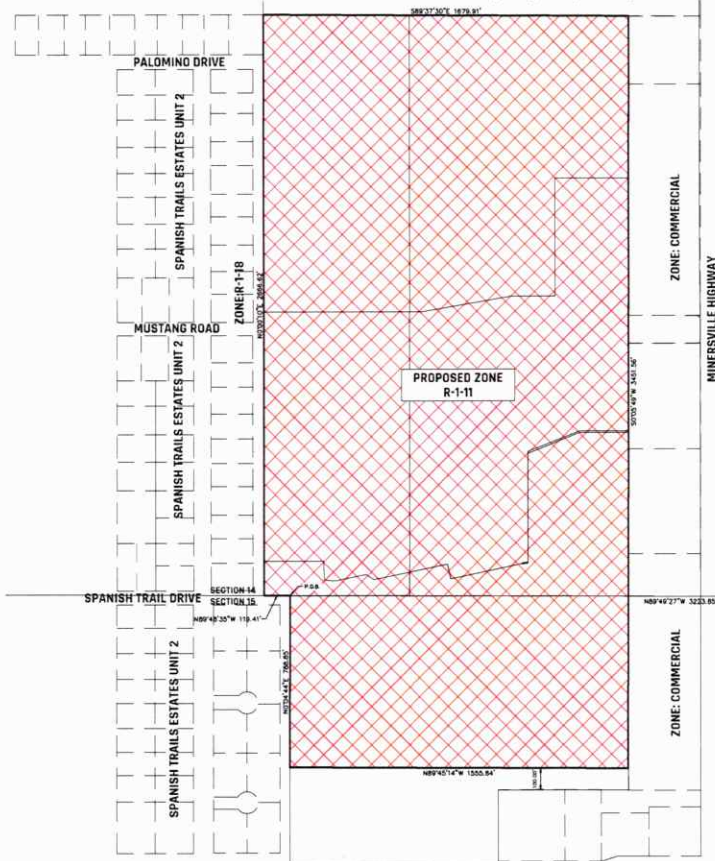
Julie Watson, Recorder

Date

Zoom ID#856-4632-2837



LOCATED IN SECTIONS 14 & 23, T35S, R11W, SLB&M, ENOCH CITY, UTAH



BOUNDARY DESCRIPTION **(130.80 AC)**

COMMENCING AT THE SE CORNER OF SECTION 14 THENCE N85°49'27"W 3223.85 FEET TO THE POINT OF BEGINNING; THENCE N85°49'25"W 1154.11 FEET; THENCE N0°40'10"E 2666.82 FEET; THENCE S89°37'20"E 1675.91 FEET; THENCE S2°05'00"W 3451.86 FEET; THENCE N85°45'14"W 1655.84 FEET; THENCE N0°44'44"E 798.85 FEET TO THE POINT OF BEGINNING.

CITY ATTORNEY'S APPROVAL

I, JUSTIN WARDEN, CITY ATTORNEY FOR ENGLISH CITY CORPORATION, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS ZONE CHARTER & GENERAL PLAN AMENDMENT AND THAT SAID PLAN MEETS THE REQUIREMENTS OF ENGLISH CITY CORPORATION PURSUANT TO ITS ORDINANCES AND IS HEREBY RECOMMENDED FOR APPROVAL ON THIS _____ DAY OF _____, 2020.

JUSTIN WARDEN - CITY ATTORNEY

PLANNING COMMISSION APPROVAL

I, BOB TINSLEY, PLANNING COMMISSION CHAIR, DO HEREBY CERTIFY THAT THIS ZONE CHANGE & GENERAL PLAN AMENDMENT WAS EXAMINED AND ACCEPTED BY ME THIS _____ DAY OF _____ 20____.

BOB TINSLEY - PLANNING COMMISSION CHAIR

CERTIFICATE OF ACCEPTANCE

I, GREGORY CHERNUT, MAYOR OF IRON CITY CORPORATION, DO HEREBY CERTIFY THAT THIS ZONE CHANGE & GENERAL PLAN AMENDMENT HAS BEEN APPROVED BY THE CITY COUNCIL, AND IS HEREBY ORDERED FILED FOR RECORD IN THE OFFICE OF THE IRON COUNTY RECORDER ON THIS DAY OF , 2020.

BY: _____ ATTEST: _____
GREGORY CHERNUT, MAYOR JILL WATSON, CITY RECORDER

LEGEND

→ → → → → EXISTING ZONE BOUNDARY
[Red Hatched Box] PROPOSED ZONE BOUNDARY

PRELIMINARY NOT FOR CONSTRUCTION

[illegible]

ENOCH CITY PLANNING COMMISSION APPLICATION

All applications for review must be turned in to the Enoch City Office by the Wednesday prior to the week of the meeting. Map requirements: 6 copies of an 11"x 17" and 1 Digital in .pdf format. These must be turned in with the application. All applicants are urged to confer with City Staff prior to submission of any application.

Applicant Go Civil Engineering

Mailing Address 590 W. 800 W., Cedar City, UT 84721

Daytime phone (435) 586-9592 Cell phone _____

Property Owner Brent Meguarrie

Subdivision Name MTB Enoch, LLC

Project Address Midvalley Road + Hwy 91

Signature of applicant [Signature] (GCE)

Date of Planning Commission Meeting _____

Reason for meeting with the Planning Commission _____

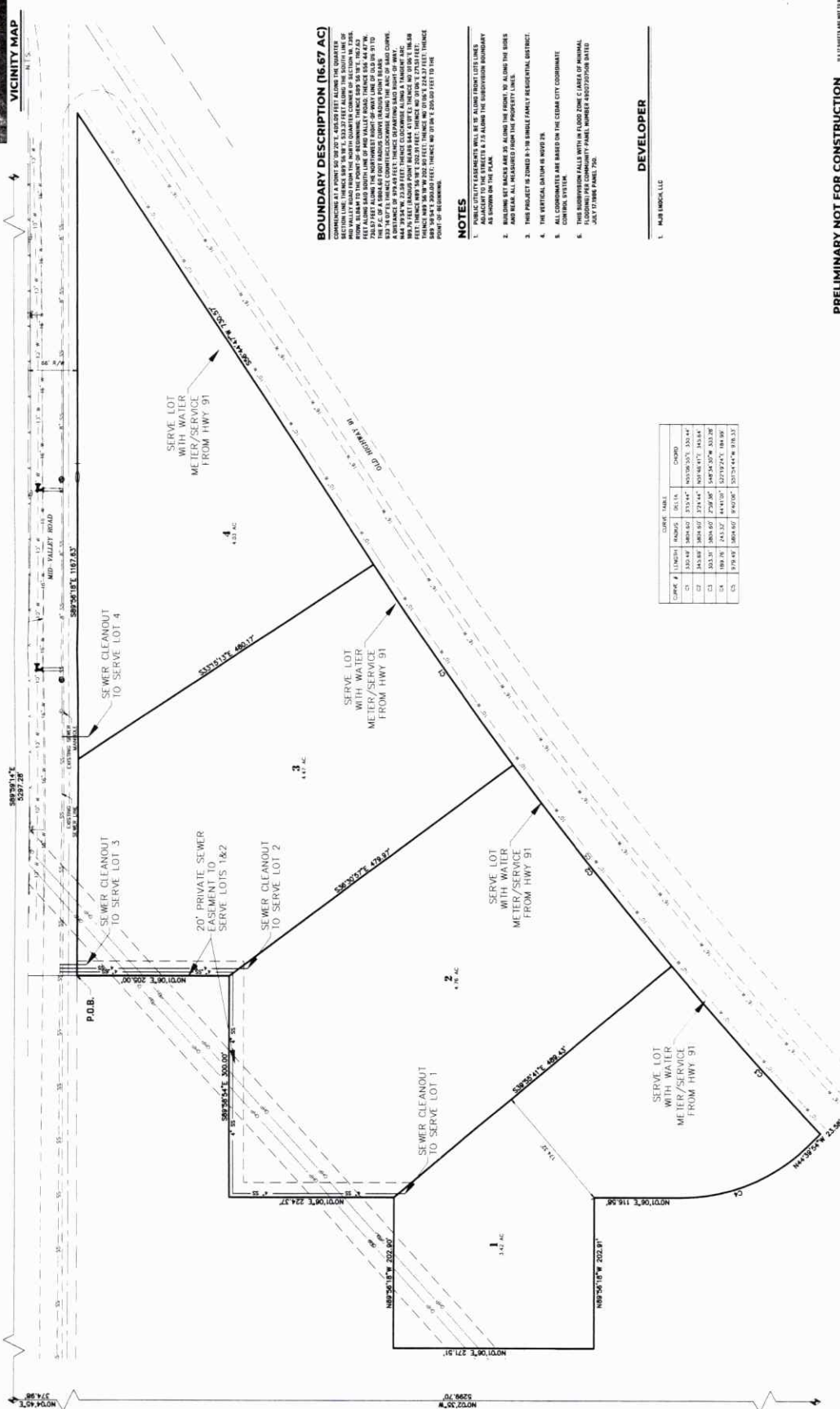
If applicable: Yes or No

Staff Approval _____ Public Works Dept. Approval _____

Soils Report on file _____

Prairie Dog Clearance Letter on file _____

VICINITY MAP



CLIQUE TABLE				
Clique #	LENGTH	RADIUS	DELTA	CHORD
C1	330.44°	308.60°	373.44°	405.06.55° 350.44°
C2	345.88°	308.60°	374.44°	403.48.91° 343.64°
C3	352.31°	308.60°	279.88°	548.54.50° 513.20°
C4	189.16°	245.32°	44.9130°	527.93.24° 188.99°

BOUNDARY DESCRIPTION (16.67 AC)

[illegible]

NOTES

1. PUBLIC UTILITY STRUCTURES WILL BE 10' ALONG FRONT LOT LINES ADJACENT TO THE STREETS & 5' ALONG THE SUBDIVISION BOUNDARY AS SHOWN ON THE PLAN.
2. BUILDING SET BACKS ARE 35' ALONG THE FRONT, 30' ALONG THE SIDES AND REAR, ALL MEASURED FROM THE PROPERTY LINE.
3. THIS PROJECT IS ZONED R-10 SINGLE FAMILY RESIDENTIAL DISTRICT.
4. THE VERTICAL DATUM IS NAVD 28.
5. ALL COORDINATES ARE BASED ON THE CEDAR CITY COORDINATE CONTROL SYSTEM.
6. THIS SUBDIVISION FALLS WITHIN A FLOOD ZONE C (AREA OF MINIMAL FLOODING) PER THE COMMUNITY FLOOD RISK MAP DATED JANUARY 17, 1995, PAGE 750.

DEVELOPER

- MATH 100-116

PRELIMINARY NOT FOR CONSTRUCTION

12.2400.2404 DEFINITIONS

5. Completion Assurance. Improvement completion assurance means an irrevocable letter of credit, escrow bond, cash bond, or combination bond posted by a developer to guarantee the proper completion of required improvements.

12.2600.2601 IMPROVEMENTS REQUIRED

Subdivision improvements shall be installed in accordance with Enoch City Engineering Standards. A ~~bond or other performance guarantee~~ completion assurance must be furnished to the City by the subdivider/developer before approval of final plat.

12.2700 ~~BONDS AND OTHER PERFORMANCE GUARANTEES~~ COMPLETION ASSURANCE

12.2700.2701 ~~GUARANTEE~~ Completion Assurance

The subdivider and/or developer shall deposit security with the City to guarantee proper installation of all required improvements in accordance with the plans, specifications, time limitations, and conditions relating thereto as meets with the approval of the City Council or such personnel as the City Council shall designate. The amount of the ~~security~~ completion assurance shall be 125% of the Engineer's estimated costs of the improvements. The ~~security~~ completion assurance shall be in the form of cash, an irrevocable letter of credit, or an escrow bond.

12.2700.2702 ~~TYPES OF GUARANTEES~~ Completion Assurance

~~Irrevocable letters of credit or escrow bonds~~ Completion Assurance shall be executed by financial institutions acceptable to the City, and must be in the form approved by the City. The ~~bond or letter of credit~~ completion assurance as required by this section must be posted prior to recording. As improvements are completed, inspected, approved and accepted the ~~guarantee~~ completion assurance may be reduced proportionately as stated:

<u>Improvement Completed</u>	<u>Reduction of Assurance</u>
Underground infrastructure	25%
Road base to final grade	25%
Final inspection for release	40%

Upon completion, inspection, approval, and acceptance of all the required improvements, the ~~security~~ completion assurance, less ~~fifteen ten~~ percent (~~15~~10%), shall be released to the subdivider/developer. ~~Fifteen Ten~~ percent (~~15~~10%) of the Engineer's costs of improvement shall be held from the ~~security~~ deposited completion assurance for a period of one (1) year following final inspection and acceptance to warrant improvements for this time period.

12.2500.2502 MINOR SUBDIVISION

Step 6. City Staff Review. The City Engineer and City Staff shall check the Preliminary Plat for accuracy and shall determine the amount of ~~bond or other performance guarantee~~ completion assurance, which shall be based upon an engineer's estimate of the cost of installing the required improvements.

Step 8. ~~Bond or Other Performance Guarantee~~ Completion Assurance Submitted to City. (Applies only if improvements are required). Prior to the approval of the Final Plat (if required) the subdivider/developer shall submit a ~~proposal bond or other performance guarantee completion assurance~~ to be approved by the City Attorney ~~and City Council~~. After approval the subdivider/developer shall post a ~~bond or other performance guarantee completion assurance~~ with the City, guaranteeing that the required improvements will be installed and paid for without cost to the City. The City will also collect an inspection fee of 1% of the total estimated improvements cost. Unexpended portion of the inspection fee will be refunded to subdivider/developer after final inspection approval.

12.2900.2901 CIVIL PLANS AND PROFILE DRAWINGS

E. Plans and Profiles shall also include details of:

10. A non-culinary (irrigation) water system, if any, indicating size, location, and kind of pipe, valves and turnouts.

On curb returns, at least one additional control point for elevation besides those at the P.C and P.T. shall be indicated on the plans and staked in the field to insure drainage at the intersections. Complete curve data must be shown for all horizontal and vertical curves. Minimum length of vertical curve is two hundred (200) feet, unless otherwise approved.

Elevations for the top of curbs and road center lines shall be shown on the plans for all 50-foot stations, all BVC's and EVC's. Street monuments shall be installed by the subdivider/developer's engineer or land surveyor at points designated on the final map. They must be placed prior to release of the improvement bond. Elevations for the top of curbs and road center lines shall be shown on the plans for all 50-foot stations, all BVC's and EVC's. Street monuments shall be installed by the subdivider/developer's engineer or land surveyor at points designated on the final map. They must be placed prior to release of the ~~improvement bond~~ completion assurance.

12.2500.2503 MAJOR SUBDIVISION

Step 7. City Staff Review. The subdivider/developer shall submit a ~~proposal bond or other performance guarantee completion assurance~~ to be approved by the City Attorney.

Step 11. ~~Guarantee of Improvement:~~ Completion Assurance. After approval, the subdivider/developer shall post a ~~bond or other performance guarantee completion assurance~~ with the City, as detailed in ~~Chapter 4~~ part 12.2700.2701 of this Ordinance, guaranteeing that the required improvements will be installed and paid for without cost to the City. The City will also collect an inspection fee of 1% of the total estimated improvements cost. Unexpended portion of the inspection fee will be refunded to subdivider/developer after final inspection approval.

Step 15. City Attorney Approval. A Preliminary Title Report or copy of a Title Insurance Policy indicating ownership of the property and Final Plat shall be presented to the City Attorney together with a copy of the approved ~~bond or other performance guarantee completion assurance~~ by the subdivider/developer for review regarding ownership of the property and zoning requirements.

**ENOCH CITY CORPORATION
ORDINANCE NO. 2021-11-03**

**AN ORDINANCE AMENDING THE ENOCH CITY SUBDIVISION ORDINANCE,
MULTIPLE CHAPTERS, REGARDING DEFINITIONS PERTAINING TO
COMPLETION ASSURANCE IN MINOR AND MAJOR SUBDIVISIONS**

WHEREAS, the Enoch City Planning Commission has determined the current ordinance regarding completion assurance does not comply with Utah Code 10-9a-604.5, effective 5/14/2019; and

WHEREAS, the Enoch City Planning Commission has reviewed the amended chapters of the Enoch Subdivision Ordinance referring to completion assurance in minor and major subdivisions; and

WHEREAS, the Enoch City Planning Commission held a public hearing on October 26, 2021 and sent a favorable recommendation to the City Council regarding amending the Enoch City Subdivision Ordinance; and

WHEREAS, the Enoch City Council reviewed the favorable recommendation from the Planning Commission to amend the language as follows;

12.2400.2404 DEFINITIONS

5. Completion Assurance. Improvement completion assurance means an irrevocable letter of credit, escrow bond, cash bond, or combination bond posted by a developer to guarantee the proper completion of required improvements.

12.2600.2601 IMPROVEMENTS REQUIRED

Subdivision improvements shall be installed in accordance with Enoch City Engineering Standards. A completion assurance must be furnished to the City by the subdivider/developer before approval of final plat.

12.2700 COMPLETION ASSURANCE

12.2700.2701 COMPLETION ASSURANCE

The subdivider and/or developer shall deposit security with the City to guarantee proper installation of all required improvements in accordance with the plans, specifications, time limitations, and conditions relating thereto as meets with the approval of the City Council or such personnel as the City Council shall designate. The amount of the completion assurance shall be 125% of the Engineer's estimated costs of the improvements. The completion assurance shall be in the form of cash, an irrevocable letter of credit, or an escrow bond.

12.2700.2702 TYPES OF COMPLETION ASSURANCE

Completion Assurance shall be executed by financial institutions acceptable to the City, and must be in the form approved by the City. The completion assurance as required by this section must be posted prior to recording. As improvements are completed, inspected, approved and accepted the completion assurance may be reduced proportionately:

Improvement Completed	Reduction of Assurance
Underground infrastructure	25%
Road base to final grade	25%
Final inspection for release	40%

Upon completion, inspection, approval, and acceptance of all the required improvements, the completion assurance, less ten percent (10%), shall be released to the subdivider/developer. Ten percent (10%) of the Engineer's costs of improvement shall be held from the completion assurance for a period of one (1) year following final inspection and acceptance to warrant improvements for this time period.

12.2500.2502 MINOR SUBDIVISION

Step 6. City Staff Review. The City Engineer and City Staff shall check the Preliminary Plat for accuracy and shall determine the amount of completion assurance, which shall be based upon an engineer's estimate of the cost of installing the required improvements.

Step 8. Completion Assurance Submitted to City. (Applies only if improvements are required). Prior to the approval of the Final Plat (if required) the subdivider/developer shall submit a completion assurance to be approved by the City Attorney. After approval the subdivider/developer shall post a completion assurance with the City, guaranteeing that the required improvements will be installed and paid for without cost to the City. The City will also collect an inspection fee of 1% of the total estimated improvements cost. Unexpended portion of the inspection fee will be refunded to subdivider/developer after final inspection approval.

12.2900.2901 CIVIL PLANS AND PROFILE DRAWINGS

E. Plans and Profiles shall also include details of:

10. A non-culinary (irrigation) water system, if any, indicating size, location, and kind of pipe, valves and turnouts.

On curb returns, at least one additional control point for elevation besides those at the P.C and P.T. shall be indicated on the plans and staked in the field to insure drainage at the intersections. Complete curve data must be shown for all horizontal and vertical curves. Minimum length of vertical curve is two hundred (200) feet, unless otherwise approved.

Elevations for the top of curbs and road center lines shall be shown on the plans for all 50-foot stations, all BVC's and EVC's. Street monuments shall be installed by the subdivider/developer's engineer or land surveyor at points designated on the final map. They must be placed prior to release of the improvement bond. Elevations for the top of curbs and road center lines shall be shown on the plans for all 50-foot stations, all BVC's and EVC's. Street monuments shall be installed by the subdivider/developer's engineer or land surveyor at points designated on the final map. They must be placed prior to release of the completion assurance.

12.2500.2503 MAJOR SUBDIVISION

Step 7. City Staff Review. The subdivider/developer shall submit a completion assurance to be approved by the City Attorney.

Step 11. Completion Assurance. After approval, the subdivider/developer shall post a completion assurance with the City, as detailed in part 12.2700.2701 of this Ordinance, guaranteeing that the required improvements will be installed and paid for without cost to the City. The City will also collect an inspection fee of 1% of the total estimated improvements cost. Unexpended portion of the inspection fee will be refunded to subdivider/developer after final inspection approval.

Step 15. City Attorney Approval. A Preliminary Title Report or copy of a Title Insurance Policy indicating ownership of the property and Final Plat shall be presented to the City Attorney together with a copy of the approved completion assurance by the subdivider/developer for review regarding ownership of the property and zoning requirements.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of Enoch City that the Enoch City Subdivision Ordinance is amended as recommended above. This Ordinance was voted upon and passed by the Enoch City Council at a regular City Council meeting held on the 3rd day of November, 2021. It shall take effect immediately after signing by the Mayor and City Recorder.

DATED this 3rd day of November 2021

ENOCH CITY CORPORATION

Geoffrey L. Chesnut, Mayor

ATTEST:

Julie Watson, City Recorder

VOTING:

David Harris
Jolene Lee
West Harris
Katherine Ross
Shawn Stoor

Yea____ Nay____
Yea____ Nay____
Yea____ Nay____
Yea____ Nay____
Yea____ Nay____

SEAL: