



Planning Commission Meeting

Tuesday, August 2, 2022 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Robert Christensen, Commissioner Mary Cokenour, Commissioner Julie Bailey, Assistant City Manager Kaeden Kulow, City Recorder Melissa Gill

Meeting Location: 648 S Hideout Way

- 1. Call to Order**
- 2. Minutes Review/Approval (action)**

Attachments:

- **2022-07-05 Minutes** (2022-07-05_Minutes_for_approval.pdf)

- 3. Public Comment**
- 4. Review Title 11 Chapter 1 Subdivision Code (discussion)**

Attachments:

- **11 Ch 1 v2 General** (11_Ch_1_v2_General.docx)

- 5. Review Title 11 Chapter 2 Subdivision Code (discussion)**

Attachments:

- **Title 11 Chapter 2 Current Code** (Title_11_Chapter_2_Current_Code.pdf)

- 6. Administrative Communications**
- 7. Next Meeting Agenda**
- 8. Adjournment (action)**

Audio File

Notice of Special Accommodations

THE PUBLIC IS INVITED TO ATTEND ALL CITY MEETINGS In accordance with the Americans with Disabilities Act, anyone needing special accommodations to attend a meeting may contact the City Office, 587-2271, at least three working days prior to the meeting. City Council may adjourn to closed session by majority vote, pursuant to Utah Code §52-4-4 & 5

at 9:45 AM



Planning Commission Meeting Minutes

Tuesday, July 5, 2022 at 6:00 pm

Attendees: Chairperson Lee Bennett, Commissioner Robert Christensen, Commissioner Mary Cokenour, Commissioner George Matocha (Not Present), Commissioner Julie Bailey, Assistant City Manager Kaeden Kulow, City Recorder Melissa Gill

Meeting Location: 648 S Main

1. Call to Order

Minutes:

Chairperson Bennett opened the regularly scheduled Planning Commission Meeting at 6:32 p.m. The following visitors were present: Megan Gallegos, City Councilmember Kevin Dunn

2. Minutes Review/Approval (action)

03/03/20 Minutes - Quorum was not present on May 5, 2020 to approve minutes. They were never approved.

Minutes:

MOTION was made by Commissioner Cokenour to approve the minutes of March 3, 2020 with the correction of three new building permits instead of 4. The motion was seconded by Commissioner Christensen and passed unanimously. MOTION was made by Commissioner Cokenour to approve the minutes of June 7, 2022, as presented. The motion was seconded by Commissioner Bailey and passed unanimously.

Vote results:

Ayes: 4 / Nays: 0

3. Public Comment

Minutes:

There was no public comment.

4. Review Title 11 Chapters 1 and 2 Subdivision Code (discussion)

Minutes:

The review and discussion regarding the current and necessary changes for the Subdivision Code continued. There is still a need for more definitions to make the updated code clear. 11-1-7 states: All subdivisions shall be recorded in the county within six months of final approval. City Recorder Gill was tasked with finding out if there is indeed a timeframe for subdivisions to be recorded within the county. Chairperson Bennett tasked the Commission with reviewing Chapter 2 and presenting a working draft at the next meeting for discussion.

5. Administrative Communications

Minutes:

Assistant City Manager Kulow asked the Planning Commission what they felt his role as Planning and Zoning Administrator should entail. Chairperson Bennett stated she would like to review the more confusing parts of the city code and try to make it easier to read. She would also like him to meet with contractors and builders to collect the necessary data so the Planning Commission will have what is needed to make a proper recommendation to the City Council regarding any new builds within the city. She also explained to ACM Kulow that the PC does not have a budget so any information they wish to discuss with the City Attorney must go through him. Assistant City Manager Kulow reported the City Council will be moving forward with reviewing and approving two zoning ordinances at a time for adoption.

6. Next Meeting Agenda

Minutes:

Review Title 11 Chapter 2 Subdivision Code

7. Adjournment (action)

Minutes:

MOTION was made by Commissioner Christensen to adjourn the meeting at 7:31 p.m. and seconded by Commissioner Cokenour. The motion passed unanimously.

Vote results:

Ayes: 4 / Nays: 0

Audio File

https://soundcloud.com/user-250815044/2022-07-05-pc?utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing

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DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 11 SUBDIVISION REGULATIONS

Red = Changes required by Utah law
Blue = Changes to be discussed by Planning Commission

CHAPTER 1 GENERAL PROVISIONS

SECTION:

- 11-1-1: Authority
- 11-1-2: ~~Purpose Intent~~
- 11-1-3: Definitions
- ~~11-1-4: Considerations~~
- 11-1-5: Amendments
- ~~11-1-6: Sales Prior To Approval And Recording Prohibited~~
- ~~11-1-7: Approvals Required For Subdivisions~~
- 11-1-8: Subdivision Not To Endanger Health Or Property
- 11-1-9: Residential Infilling
- 11-1-10: Common Wall Subdivision

11-1-1: AUTHORITY:

- A. This title is enacted pursuant to title 10, Utah Code Annotated.
- B. Compliance with Title 11 of city code is required before:
 - 1. The subdivision plat may be filed and recorded with the county recorder, and
 - 2. Lots within the subdivision may be sold; and
 - 3. The city extends the services of its public facilities to any subdivision. ~~until the requirements of this title have been satisfied. Any such subdivision should have been reviewed by and had the approval of the city engineer, the planning commission and the city council.~~ >>Moved from 11-1-4<<
- C. The joining of a lot or lots to a parcel does not constitute a subdivision as to the parcel or subject the parcel to the city's subdivision ordinance.
- D. Combining lots does not require an amendment to a subdivision plat.
- E. The role of the planning commission with respect to ordinances regulating subdivisions shall be to:
 - 1. Review and provide a recommendation to the city on any proposed ordinances that regulate the subdivision of land within the city;
 - 2. Review and make recommendation to the city on any proposed ordinance that amends the regulation of the subdivision of land within the city;

3. Provide notice consistent with Utah public notice requirements; and
 4. Hold a public hearing on the proposed ordinance before making a recommendation to the city.
- F. The role of the city council with respect to ordinances regulating subdivisions shall be to:
1. Adopt, modify, reverse, or reject an ordinance described in subsection 11-1-1E of this title;
 2. Consider a planning commission's failure to make a timely recommendation on ordinances that regulate subdivisions as a negative recommendation. >>>Option in new UT code but City needs to decide if this is what they want and pass an ordinance so stating if they desire this clause. This applies only to ordinances and not to recommendations for approval of a proposed subdivision or amendment. <<<

11-1-2: PURPOSE INTENT:

- A. The purpose intent of this title shall be to:
1. Promote the health, safety, convenience and general welfare of the present and future inhabitants of the city;
 2. Simplify orderly growth and development of the city; and
 3. Ease the transfer of land by means of accurate legal descriptions.
- ~~B. This causes the development of a more attractive and wholesome environment within and around the city and establishes the rights, duties and responsibilities of the subdivider with respect to land subdivision.~~
- C. Preservation Of Land: Trees, native land cover, natural watercourses, and topography shall be preserved when possible, and the subdivision shall be so designed as to prevent excessive grading and scarring of the landscape in concordance with the provision of this title.
- D. Streets: The design of new subdivisions shall consider and relate to present street widths and alignments, and names and future road locations identified by the city.
- E. Names and Numbers of Streets and Lots: Names of streets and numbering of lots shall comply with Tile 7-4 of city code.
- F. Coordination Of Development: This title establishes procedures for the review of proposed subdivisions by affected boards, bureaus, other governmental agencies and utility companies, private and public so that the extension of community facilities and utilities may be accomplished in an orderly manner and in coordination with the development of the subdivision. In order to ease the acquisition of land areas required to carry out this policy, the planning commission may require the subdivider to dedicate, grant easements over, or otherwise reserve land for parks, playgrounds, thoroughfares, utility easements, and other public purposes as specified. (Ord. 2012-01, 7-10-2012) >> Is this too broad?<<

11-1-3: DEFINITIONS:

~~For the purpose of this title, the following definitions shall apply:~~ It is the intent of the city council to define certain words and phrases as a means of facilitating understanding of terms which may not be universally understood in the sense that the city council intends that they should be understood.

BUILDABLE AREA: That portion of a lot which will fit the construction of a structure under the provisions of the building codes adopted by the city and this title, either without grading and excavation or with grading and excavation, as specified in this title.

CITY ENGINEER: Until such time as the city hires a permanent registered engineer, the city engineer shall be a licensed surveyor, a registered engineer, or an engineering firm as designated by the city council on either a retainer or per job basis.

CIVIL ENGINEER: A professional engineer registered in the state of Utah to practice in the field of civil engineering work.

COMMON AREA: An area designed to serve two (2) or more dwelling units which have convenient access to the area.

CUT: A process of excavation. See definition of Excavation.

DENSITY: Density of population, measured by the number of dwelling units per acre of land.

DETACHED STRUCTURE: Any structure being secondary to the primary use of the parcel (i.e., a garage, storage sheds, barns, coops, etc.).

EASEMENT: A land use right offered for a specific purpose or use over, upon, or beneath the land; its location and extent being accurately described in the letting process or by separate document using metes and bounds; distinct from land ownership and granted to the public, a particular party or public utility.

EXCAVATION: Any act by which vegetation matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed, and shall include the conditions resulting from it.

FACILITY: A public service developed, owned, maintained, or authorized by the city (i.e., water, sewer, etc.) ..Some of the items listed in C10 of this definition are not owned or authorized by the city; how to change this paragraph?<<.

A. Facility, Water Conveyance:

1. Ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other water course.

2. Water conveyance facility does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.
- B. Facility, Water Conveyance Owner: An individual, entity, mutual water company, or unincorporated organization that:
 1. Operates a water conveyance facility; or
 2. Owns any interest in a water conveyance facility; or
 3. Has a property interest in real property based on the presence of the water conveyance facility located and operating on the real property.
- C. Facility, Underground: Personal property that is buried or placed below ground level for use in the storage of conveyance of any of the following.
 1. Water;
 2. Sewage, including sewer laterals;
 3. Communications, including electronic, photonic, telephonic, or telegraphic communications;
 4. Television, cable television, or other telecommunication signals, including transmission to subscribers of video or other programming;
 5. Electric power;
 6. Oil, gas, or other fluid and gaseous substances;
 7. Steam;
 8. Slurry; or
 9. Dangerous materials or products.

FILL: A deposit of earth material by artificial means.

FINAL PLAT: A permanent map or chart, accurately describing a division of land which has been surveyed and marked on the ground so that streets, blocks, lots and other divisions may be identified and located.

GRADING: Any excavating or filling, or combination thereof, and shall include the conditions resulting from any excavation or fill.

HILLSIDE AREA: Any lot or parcel with an average slope greater than eight percent (8%).

INTERVENING PROPERTY: Property located between an existing service facility and the property under development.

LOCAL HEALTH DEPARTMENT: Serves San Juan County and municipalities within the county; or a multicounty health department that serves San Juan County; or a united local health department as defined in Utah Code 26A-1-102.

LOT: A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder. <<In a proposed subdivision there are no lots because the plat has not been approved or recorded, do we need to adjust this definition as applied to proposed subdivisions?<<

- A. Lot, Area: The total area measured on a horizontal plane included within the lot lines of the lot.
- B. Lot, Width: The distance across a lot of property, measured along a line parallel to the front lot line, or parallel to a straight line, connecting the ends of an arc which makes up the front lot line.

LOT LINE ADJUSTMENT: A relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with state Section 10-9a-608:

- A. Whether or not the lots are located in the same subdivision; and
- B. With the consent of the owners of record.

Lot Line Adjustment does not mean a new boundary line that

- A. Creates an additional lot; or
- B. Constitutes a subdivision.

Lot Line Adjustment does not include a boundary line adjustment made by the Department of Transportation.

METES AND BOUNDS: The description of a lot or parcel of land by courses and distances.

MODERATE INCOME HOUSING: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

NATURAL STATE: The description of a lot or parcel of land by courses and distances.

OFF SITE IMPROVEMENTS: Improvements, as required by this title, installed outside the perimeter of the subdivision which are designed and located to serve the needs of the subdivision or adjacent properties, lying between the subdivision and existing improvements.

ON SITE IMPROVEMENTS: Improvements, as required by this title, installed within or on the perimeter of the subdivision ~~or development site~~.

OVERSIZED IMPROVEMENTS: Improvements with added capacity designed to serve other property in addition to the land within the boundaries of the subdivision ~~or development~~.

PARCEL: Any real property that is not a lot.

PERSON: An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

PERSONAL PROPERTY: Assets owned, controlled, or managed by a person.

PLAT: ~~A map or plan of a proposed land division, prepared in accordance with the regulations of this title.~~ An instrument subdividing property into lots as depicted on a map or other graphical representation of land that a licensed professional land surveyor makes and prepares in accordance with Section 10-9a-603 or 57-8-13 of Utah code.

POTENTIAL GEOLOGIC HAZARD AREA: An area that

- A. Is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or
- B. Has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

PRIVATE DRIVE: An accessway from a city street or highway to private land that does not front a city street or highway. A private drive is owned and maintained by the landowner.

PUBLIC STREET: A public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public land, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

REMOVAL: The killing of vegetation by spraying, complete extraction or cutting of such vegetation to the ground, or down to trunks or stumps.

RESUBDIVISION: The changing or amending of any existing lot or lots of any subdivision plat previously recorded in the records of the county recorder as provided in section 11-2-6 of this title.

RETENTION BASIN: An area recessed or designed to receive and retain stormwater discharge or runoff.

RIPRAP: A loose assemblage of broken stone placed on the surface of the ground to prevent erosion.

ROUGH GRADE: The state of excavation at which grading is within four inches (4") of the final grade as shown on the approved grading plan.

SANITARY SEWER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems.

SITE: Any lot or parcel of land.

SKETCH PLAN: A preliminary map or preapplication plat, showing the concept of the proposed development or subdivision, having sufficient detail to illustrate on site characteristics of the proposed subdivision and adjacent parcels.

SPECIFIED PUBLIC UTILITY: An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1 of Utah Code.

STATE: Any department, division, or agency of the state.

STREET: Any public street, avenue, boulevard, road, lane, parkway, viaduct or other way, for the movement of vehicular traffic which is an existing state, county, or city roadway, or a street or way shown upon a plat, formerly approved, pursuant to law, or approved by official action; and includes the land between street lanes, whether improved or unimproved and may comprise pavement, shoulders, gutter, sidewalks, parking areas, and other areas within the right of way. For the purpose of this title, streets shall be classified as follows:

- A. City Street: Any street within the city's incorporated boundary that is recognized and maintained by the city.
- B. Cul-De-Sac: A street open at one end with a designated vehicular turnaround area at the closed end.
- C. Dead End: A street open at one end with no turnaround.
- D. Major Highway: A major regional highway, including an expressway, freeway or interstate highway designed to carry vehicular traffic:
 - 1. Into, out of, or throughout the regional area (interregion); and
 - 2. From one political subdivision of the region to another, or from an interregional highway.
- E. Service Road: A street or road paralleling and abutting major streets to provide access to adjacent property so that each adjacent lot or parcel will not have direct access to the major street.
- F. Stub: A street or road extending from within a subdivision and which terminates at the subdivision boundary with no provision for a vehicular turnaround. Stub streets are normally required to connect to street systems of adjacent developments.

STREET RIGHT OF WAY: That portion of land dedicated to public use for street and utility purposes.

SUBDIVIDER: Any person or legal entity laying out or making a land division or resubdivision for the purpose of sale, offering for sale or selling for himself or others, any subdivision or any part of it.

SUBDIVISION: Any land that is divided, resubdivided, or proposed to be divided into two (2) or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

A. Subdivision includes

1. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
2. Except as provided in subsection 65(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

B. Subdivision does not include

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance.
2. A boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with 10-9a-524 if no new parcel is created;
3. A recorded document, executed by the owner of record:
 - a. Revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or
 - b. Joining a lot to a parcel.
4. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with sections 10-9a-524 and 10-9a-608 if:
 - a. No new dwelling lot or housing unit will result from the adjustment; and
 - b. The adjustment will not violate any applicable land use ordinance;
5. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
 - a. Is in anticipation of future land use approvals on the parcel or parcels;
 - b. Does not confer any land use approvals; and
 - c. Has not been approved by the land use authority.
6. A parcel boundary adjustment;
7. A lot line adjustment'
8. A road, street, or highway dedication plat;
9. A Deed or easement for a road, street, or highway purpose; or
10. Any other division of land authorized by law.

SUBDIVISION AMENDMENT: An amendment to a recorded subdivision in accordance with **section 10-9a-608** that:

- A. Vacates all or a portion of the subdivision;
- B. Alters the outside boundary of the subdivision;
- C. Changes the number of lots within the subdivision;
- D. Alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
- E. Alters a common area or other common amenity within the subdivision.

SUSPECT SOIL: Soil that has

- A. A High susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
- B. Bedrock units with high shrink or swell susceptibility; or
- C. Gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

VICINITY PLAN: A map or chart, showing the relationship of streets and land within a proposed subdivision to the streets and lands in the surrounding area. (Ord. 2012-01, 7-10-2012)

ZONING MAP: A map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

~~**11-1-4: CONSIDERATIONS:**~~ **>>Moved to 11-1-1 and 11-1-2**

~~**11-1-4:AMENDMENTS:**~~

Amendments to this title may be made from time to time as it is deemed necessary **and shall comply with section 11-1 of this title.** ~~Following a public hearing on proposed amendments to this subdivision title, the planning commission shall make a recommendation to the city council. The city council shall then hold another public hearing prior to approval or rejection of the recommended amendments. (Ord. 2012-01, 7-10-2012)~~

~~**11-1-6: SALES PRIOR TO APPROVAL AND RECORDING PROHIBITED:**~~ **Moved to 11-1-1**

- ~~A. Until there shall first be recorded a plat of such land which has been prepared and recorded in compliance with the requirements of this title:~~

1. ~~No person shall subdivide any tract of land that is located wholly, or in part, within the corporate limits of the city that is any part of a subdivision of a larger tract of land;~~
2. ~~No persons shall sell, exchange, offer for sale, purchase, or offer to purchase, any parcel of land that is any part of a subdivision of a larger tract of land;~~
3. ~~No person shall offer for recording any deed conveying such parcel of land, or any interest therein.~~

11-1-7: APPROVALS REQUIRED FOR SUBDIVISIONS: Moved to 11-1-1

- A. ~~No plat of a subdivision of land lying within the city shall be filed or recorded in the county recorder's office until~~
1. ~~It has been submitted and approved by the planning commission and the city council, and~~
 2. ~~Such approval entered, in writing, on the plat by the city recorder/clerk.~~
- B. ~~The filing or recording of a plat of a subdivision without such approval shall be void.~~

11-1-8: SUBDIVISION NOT TO ENDANGER HEALTH OR PROPERTY:

No subdivision shall be developed in the city which, in the opinion of the city council, shall be detrimental to the health or well being of the residents of the city when the subdivision is completed. >>>Is this too arbitrary? Should we omit or add reference to some other part of city code?<<<

11-1-9: RESIDENTIAL INFILLING:

All subdivision codes must be adhered to and followed whenever a property owner splits one parcel of property into two (2) or more parcels.

- A. Exception to subdivision requirements, all requirements must be met in order to be considered residential infilling.
1. All created parcels must front an existing city street, and have at least eighty feet (80') of frontage on said street.
 2. All created parcels must meet the minimum square footage requirements of ten thousand (10,000) square feet.
- B. If the creation of multiple parcels requires the creation of a new street or private drive to access any of the parcels, residential infilling will not be allowed and the subdivision code must be followed.
- C. If no utilities are present on the existing city street on which the proposed infill would occur then the residential infilling will not be allowed and the subdivision code must be followed. (Ord. 2012-01, 7-10-2012)

11-1-10: COMMON WALL SUBDIVISION:

- A. Purpose: The purpose of this title shall be to allow a business owner to purchase a portion of a building, causing a subdivision within an existing property/structure.
- B. Requirements:
 - 1. The purchase shall include the portion of the building and the property on which it sits.
 - 2. The Planning Commission shall review a subdivision application submitted by the subdivision requestor along with a plat map showing legal ownership, legal description and survey of proposed subdivision, townsite block, and surrounding streets.
 - 3. Common Wall Agreement: A signed agreement shall be presented to the Planning Commission as follows:
 - a. Definition of properties to include legal survey and legal description of proposed subdivision;
 - b. Establishment of Common Facilities;
 - c. Repair and Maintenance;
 - d. Maintenance of Non-Common Areas;
 - e. No Right of Modification/Alteration;
 - f. Covenant Running with the Land;
 - g. Restriction on Amendment to this Agreement;
 - h. Lien Rights;
 - i. Maintenance and Repair of Individual Conjoining Property;
 - j. Insurance;
 - k. Cross-Easement;
 - l. Common Wall;
 - m. Power of Attorney;
 - n. Limitations of Use; and
 - o. Attorney Fees.
 - 4. The Planning Commission shall consider recommendation of the requested subdivision to the Monticello City Council for final approval.

CHAPTER 2

SUBDIVISION APPROVAL AND PLATTING PROCESS

SECTION:

11-2-1: Procedure For Approval

11-2-2: Prior Platted Parcels, Lots Or Blocks

11-2-3: Sketch Plan

11-2-4: Preliminary Plat

11-2-5: Final Plat

11-2-6: Amended Plats

11-2-1: PROCEDURE FOR APPROVAL:

Before recording any subdivision creating one or more lots of five (5) acres or less in size, a subdivider shall:

A Meet With Planning Commission: Meet with the planning commission to discuss a sketch plan of the proposed subdivision and file a subdivision information form as required in section 11-2-3 of this chapter.

B File Six Copies Of Preliminary Plat: File six (6) copies of the preliminary plot plan with the planning commission for approval or disapproval. The preliminary plat shall be prepared in conformance with the provisions of section 11-2-4 of this chapter.

C Submit Final Plat: Not more than one year after receiving approval of the preliminary plot plan, submit the original and three (3) copies of the final plot plan to the planning commission for action. The planning commission may extend the one year time limit for just cause.

D Post Bond: Post a bond guaranteeing that all subdivision improvements will be completed.

E Method Of Domestic Waste Disposal: Show to the satisfaction of the city engineer that the proposed method of domestic waste disposal will adequately serve the area to be subdivided without detrimental effect on adjacent property, wells, or watercourses, and that the minimum requirements of the Utah state board of health will be met.

F Adequate Surface Drainage: Show to the satisfaction of the city engineer that proposed subdivision improvements include adequate measures to control surface drainage without damage to natural terrain features or adjacent property.

G File Final Plat: File three (3) copies of the final plat according to the provisions of section 11-2-5 of this chapter.

H Submit Approved Plat To City Council: Upon receiving approval of the final plat, submit the approved plat to the city council.

I Record Final Plat: Following city council approval of the final plat, the subdivider shall present the final plat, bearing all required signatures, to the county recorder and pay all recording fees. The city council approval of the final plat shall be void if not recorded within one year after the date of approval, unless application for an extension of time is made in writing to the planning commission and granted during the one year period.

J Completion Of Infrastructure Required: Sale of any lot or occupancy of any home shall not be permitted until infrastructure has been completed and approved by the city engineer. (Ord. 2012-01, 7-10-2012)

11-2-2: PRIOR PLATTED PARCELS, LOTS OR BLOCKS:

A Conditions For Approval: The division of prior platted parcels, lots or blocks into not more than four (4) lots may be approved by the city council upon recommendation of the planning commission under the following conditions:

1 Each lot created meets the frontage, width, and area requirements of section 11-3-5 of this title, or has been granted a variance from such requirements by the board of adjustment.

2 The division of land does not require the dedication of land for a street or other public purpose, nor is it traversed by any proposed streets shown on the official map.

3 The division of land does not require the extension and/or addition of street, sewage disposal, water, curb, gutter, sidewalk or storm drainage improvements, as specified in chapter 4 of this title.

B Application: Applications made to the planning commission for the subdivision of prior platted parcels, lots or blocks, shall contain the following:

1 An accurate plat prepared by a licensed land surveyor on a sheet of mylar, with waterproof ink. The top edge of the plat shall be either north or east, whichever fits the drawing best. The plat shall show:

a Lot lines, including arcs and tangents with dimensions in feet and hundredths.

b Easements for water, sewer, drainage, utility lines and other purposes.

2 A nonrefundable filing fee, of such amount as the city council may from time to time establish by resolution.

C Procedure:

1 The applicant shall submit the application for the subdivision of a prior platted parcel, lot, or block, to the planning commission.

2 The application, together with all pertinent information, shall be sent to the city engineer and any other pertinent city departments for their approval. Such approvals, together with any comments and/or recommendations, shall be returned to the planning commission.

3 After receiving all recommendations, the planning commission shall review the subdivision and make recommendation to the city council for approval, modification and approval, or denial.

4 The planning commission shall submit their recommendation on the subdivision to the city council for its consideration within thirty (30) days after receipt of all recommendations unless an agreement is reached by the applicant and the planning commission to table the matter until the next regular decision making meeting of the planning commission. Failure of the planning commission to submit its recommendation within thirty (30) days or to table the matter shall be deemed a recommended approval by such commission of the proposed subdivision.

5 The city council, after fifteen (15) days' notice and at a public meeting, may approve, modify and approve, or deny the subdivision.

6 Upon acceptance of the subdivision by the city council, the final plat bearing official signatures of the city engineer, city council, city planning commission, city attorney, and signed by a licensed land surveyor, shall be deposited in the office of the county recorder for recording at the expense of the subdivider. (Ord. 2012-01, 7-10-2012)

11-2-3: SKETCH PLAN:

The sketch plan shall comply with the following requirements:

A Information: A sketch plan shall be prepared showing the concept of the proposed subdivision. The sketch plan shall consist of a general site plan with sufficient detail to illustrate on site characteristics of the proposed subdivision and adjacent parcels. The sketch plan should include such information as:

- 1 Existing vegetation.
- 2 Topography.
- 3 Structures.
- 4 Easements.
- 5 Streets.
- 6 Drainage channels.
- 7 Utility lines.
- 8 Existing land uses.
- 9 Proposed subdivision plot layout.

B Preapplication Meeting With Planning Commission: The sketch plan will be reviewed by the developer and planning commission at a preapplication meeting. At this preliminary meeting, the city will be notified of the developer's intent to subdivide; and the developer will be notified of various city ordinances, standards, special requirements and any other matters of concern to be considered in proceeding with preparation of the preliminary plat. No binding commitments should be made and no formal action by the planning commission or city council is required at this time. The intent of this preapplication meeting is to provide a mutual exchange of information that will help avoid future problems and misunderstandings. The preliminary plat should be prepared in accordance with information discussed at this preapplication meeting, in addition to complying with other sections of this title. (Ord. 2012-01, 7-10-2012)

11-2-4: PRELIMINARY PLAT:

A Filing: Whenever a subdivision is to be filed, six (6) copies of the preliminary or tentative plat shall be prepared and presented to the planning commission for their review.

1 Title Report Required: At the time the preliminary or tentative plat is presented to the planning commission, a title report shall also be submitted.

B Form And Content: The preliminary plat shall comply with the following requirements:

1 Description: In a title block located in the lower right hand corner of the sheet, the following shall appear:

- a The proposed name of the subdivision.
- b The location of the subdivision, including the address, section, township and range.
- c The names and addresses of the owner, or subdivider if other than the owner, and the surveyor of the subdivision.

d Date of preparation, scale (not greater than 50 feet to the inch), and north point.

2 Existing Conditions: The plat shall show:

a The location of the nearest bench mark or monument.

b The boundary of the proposed subdivision and the acreage included.

c All property under the control of the subdivider, even though only a portion is being subdivided, where the plat submitted covers only a part of the subdivider's tract, a sketch of the subdivider's land shall be submitted and the street system of the part submitted shall be considered in the light of existing official street maps or other planning commission studies.

d The location, width, and names of all existing streets within four hundred fifty feet (450') of the subdivision. Also, all prior platted streets or other public open spaces, permanent easements and sections, and corporation lines, within and next to the tract.

e The location of all wells proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least two hundred feet (200') beyond the tract boundaries.

f Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least two hundred feet (200') beyond the tract boundaries showing pipe sizes and grades, manholes and exact locations.

g Existing ditches, canals, natural drainage channels, open waterways and proposed realignments.

h Boundary lines of adjacent tracts of unsubdivided land, showing ownership where possible.

i Contour at vertical intervals of not more than two feet (2'). High water levels of all watercourses, if any, shall be shown in the same datum for contour elevations.

3 Proposed Plan: The subdivision plan shall show:

a The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements, designated by actual or proposed names and numbers.

b The layout, numbers and typical dimensions of lots.

c Parcels of land intended to be dedicated or temporarily reserved for public use, or set aside for use of property owners in the subdivision.

d Building setback lines as required by section 11-3-5 of this title.

e Easements for water, sewer, drainage, utility lines and other purposes.

4 Copies Of Agreements: Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning commission.

5 Engineering Drawings: Preliminary engineering drawings, including typical cross sections and plans, and/or written statements regarding width and type of proposed off site and on site water mains, sanitary sewers, drainage facilities and other proposed improvements, such as sidewalks, curbs, gutters, parks, and fire hydrants.

6 Grading And Drainage Plan: Preliminary grading and drainage plans, as required by the city engineer, showing existing grades with solid line contours and proposed grades superimposed with dashed line contours. However, plans in all hillside area subdivision shall also show:

a Areas with twenty percent (20%) or greater natural slope by cross hatching.

b The location of proposed cuts and fills.

7 Environmental Impact Statement: Environmental impact statement, when required by the city engineer, shall be prepared indicating or describing the measures that will be taken with respect to:

a Control of erosion within the subdivided area.

b Reseeding of cuts and fills.

c Disposition of any geologic hazard and/or soil conditions which may cause injury or damage to improvements which may be constructed on the subdivision such as buildings, water and sewer lines and streets.

d Prevention of fire and control of dust.

e Prevention of accumulation of weeds and debris.

f Disposal of surface water and disposition of flood hazards.

g Preservation of natural drainage channels.

C Amendments May Be Required:

1 Prior To Approval: Before approving a preliminary plat or a final plat of a subdivision, the planning commission may

require amendments or modification of the plan if it finds that:

- a The layout of the subdivision does not conform to acceptable standards of design as set forth in this title.
- b The subdivision is not provided with adequate ingress or egress.
- c The subdivision contains geologic, soil, water, or other hazards, which would be detrimental to the subdivision surrounding area, or to the city.
- d The subdivision does not provide the required improvements or quality of improvements or does not comply with other requirements as set forth in this title.
- e The dimensions of the subdivision or any lot do not mathematically close.

2 Conform To Requirements: The subdivider shall make such amendments or modifications to the satisfaction of the planning commission and sufficient in all cases to correct the inadequacies so that the subdivision will conform to the requirements of this title.

D Approval Of Preliminary Plat:

1 Review: The planning commission, city engineer, and other interested city departments shall review the preliminary plat and visit the site of the proposed subdivision. Following this investigation, the planning commission shall recommend approval of the preliminary plat as submitted or modified, or disapprove the plat. The planning commission shall not recommend approval or disapproval of the plat until signature acceptance is received from each of the interested city departments.

2 Copies Of Plat Forwarded: If the preliminary plat is recommended for approval, the planning commission shall return one copy of the plat signed by the planning commission chairman to the subdivider with any conditions attached. Other signed copies shall be forwarded to each of the interested city departments. The planning commission shall retain one signed copy of the plat for its files. If the preliminary plat is recommended for disapproval, the planning commission shall indicate its disapproval by distributing signed copies of the plat bearing the reasons for disapproval.

3 Copy Of Plat Retained: One copy of the approved preliminary plat signed by the chairman of the planning commission shall be retained in the office of the city recorder/clerk. One signed copy shall be given to the subdivider.

4 Receipt: Receipt of this signed copy shall be authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements hereinafter required by this title and with the preparation of the final plat.

E Duration Of Preliminary Approval:

1 Maximum Period Valid: Approval of the preliminary plat by the planning commission shall be valid for a maximum period of twelve (12) months. After approval and upon application from the developer, the planning commission may grant an extension. If the final plat has not been recorded within the twelve (12) month period, or granted extension, the preliminary plat must again be submitted to the city council or planning commission for reapproval.

2 Large Tract Extension: Preliminary approval of a large tract shall not be voided if the final plat of the first section is submitted for final approval within one year and an extension of time is granted as to the remainder thereof. (Ord. 2012-01, 7-10-2012)

11-2-5: FINAL PLAT:

A Filing: Within one year after the approval of the preliminary plat, or within the time for which an extension to make such filing has been granted, the original plat and three (3) copies of a final plat of such subdivision shall be submitted to the planning commission for final recommendation for approval, or disapproval, by the city council.

B Approval Prior To Recording: No plat shall be recorded or offered for record, nor shall any land be offered for sale with reference to such a plat until said plat has been so approved in writing and recorded. Submittal of an up to date abstract of this title or policy of title insurance shall precede said final plat approval.

C Time Limit For Action: The final plat will be reviewed by the planning commission at its next regularly scheduled meeting following submittal. After receiving recommendations from the planning commission, the city council must act upon the final plat within sixty (60) days, unless an extension of time is agreed upon by the parties concerned. Failure by the city council to act upon the final plat in that time period will be considered approval to the final plat.

D Form And Contents: A final plat shall be prepared by a duly licensed land surveyor on all subdivisions. Said plat shall consist of a sheet of mylar, having outside or trim line dimensions of twenty four inches by thirty six inches (24" x 36"). The border line of the plat shall be drawn in heavy lines, leaving a margin of at least one and one-half inches (1½") on the left hand side of the sheet. The plat shall be so drawn that the top of the sheet either faces north or east, whichever accommodates the drawings best. All lines, dimensions and markings shall be made on the mylar, with approved waterproof drawing ink or equivalent. Details and workmanship on finished drawings shall be neat, clean cut, and readable. A poorly drawn or illegible plat is sufficient cause for rejection.

1 The final plat shall show:

- a The name of the subdivision, which name must be approved by the planning commission.
- b Accurate angular and linear dimensions for all lines, angles and curves used to describe boundaries, streets,

easements, areas to be reserved for public use and other important features. All dimensions shall be determined by an accurate field survey which shall balance and close within a limit of one in ten thousand (1 in 10,000).

c An identification system for all lots, blocks and names of streets. Lot lines shall show dimensions in feet and hundredths.

d True angles and distances to the nearest established street lines or official monuments, which shall be accurately described in the plat and shown by appropriate symbol. Basis for bearings used shall be clearly stated.

e Total dimensions of all lines, whether curved or straight, including lengths, bearings, radii, chords, internal angles, and location of points of curvature.

f The accurate location of all monuments to be installed shown by the appropriate symbol. All United States, state, county, or other official bench marks, monuments or triangulation stations, in or adjacent to the property, shall be preserved in precise position.

g The dedication to the public of all streets and highways included in the proposed subdivision. Street monuments shall be installed by the subdivider's land surveyor at such points designated on the final plat as required by the city engineer. Standard precast monuments will be furnished by the subdivider and must be placed prior to the release of the improvement bond.

h Pipes or iron rod markers shall be placed at each lot corner.

i Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners.

j Where it is proposed that streets be constructed on property controlled by a public agent or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the city attorney.

2 The final plat shall require:

a A licensed land surveyor's "certificate of survey".

b The owner's "certificate of dedication".

c A notary public's "acknowledgment".

d The city planning commission's "certification of approval".

e The city engineer's "certificate of approval".

f The city attorney's "certificate of approval".

g The city council's "certificate of approval".

h A one and one-half inch by five inch ($1\frac{1}{2}$ " x 5") space in the lower right hand corner of the drawing for the county recorder's use.

3 The following information shall be submitted:

a A statement that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure such payment.

b An itemized estimate of the cost of all proposed or required improvements, including labor and material.

c One copy of any proposed restrictive covenants in final form and signed by all of the owners of any interest in the subdivision who signed the final subdivision map. This copy shall be acknowledged by a notary public and shall be recorded in the office of the county recorder along with the final plat.

d Two (2) mylar originals of the final plat shall be submitted; one of which will be retained for the city files, the other will be sent to the county recorder for recordation.

E Filing Fee: There shall be a filing fee and inspection fee for the filing of a final plat of a subdivision, which shall be borne by the subdivider, and paid to the city in accordance with the provisions of section 11-5-3 of this title.

F Recordation; Copy To City Recorder/Clerk:

1 Following acceptance by the city council, the final plat bearing all official approvals shall be presented to the office of the county recorder for recordation.

2 A copy of said final plat shall be filed in the office of the city recorder/clerk for use by the city engineer or such other personnel as the city council may designate. (Ord. 2012-01, 7-10-2012)

11-2-6: AMENDED PLATS:

In all subdivisions which have been recorded and in which major changes need to be made, which shall change the subdivision substantially, the subdivision may be vacated or amended upon recommendation of the city engineer and approval of the city council. An amended plat shall be filed and recorded in accordance with the provisions of this title. (Ord.

