



Planning Commission Meeting

Tuesday, February 7, 2023 at 6:30 pm

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

Meeting Location: 648 S Hideout Way

1. Call to Order

2. Minutes Review/Approval (action)

Attachments:

- **2023-01-03 PC Minutes** (2023-01-03_PC_Minutes.pdf)

3. Public Comment

4. Interviews For Planning Commission Vacancy

5. Subdivision Code Title 11 Chapter 1 Review

Attachments:

- **11 Ch 1 v5 General** (11_Ch_1_v5_General.docx)

6. Subdivision Code Title 11 Chapter 2 Review

Attachments:

- **Kaeden Title 11 Updates 2-7-2023** (Title_11_Updates_2-7-2023.docx)
- **11 Ch 2 V6 Process** (11_Ch_2_V6_Process.docx)

7. Subdivision Code Title 11 Chapter 3 Review

Attachments:

- **11 Ch 3 v5 Design Stds** (11_Ch_3_v5_Design_Stds.docx)

8. Subdivision Code Title 11 Chapter 4 Review

Attachments:

- **11 Ch 4 v4 Improvs** (11_Ch_4_v4_Improvs.docx)

9. Subdivision Code Title 11 Chapter 5 Review

Attachments:

- **11 Ch 5 v5 Amend-Vacate** (11_Ch_5_v5_Amend-Vacate.docx)

10. Subdivision Code Title 11 Chapter 6 Review

Attachments:

- **11 Ch 6 v2 Fees-Enforce** (11_Ch_6_v2_Fees-Enforce.docx)

- 11. Administrative Communications**
- 12. Next Meeting Agenda**
- 13. 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

Contact: Melissa Gill (melissa@monticelloutah.org 435-587-2271) | Agenda published on 02/03/2023 at 2:41 PM



Planning Commission Meeting

Minutes

Tuesday, January 3, 2023 at 6:30 pm

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

Meeting Location: 648 S Hideout Way

1. Call to Order

Minutes:

Chairperson Bennett opened the regularly scheduled Planning Commission Meeting at 6:40 p.m.

2. Minutes Review/Approval (action)

Minutes:

MOTION to approve the minutes was made by Commissioner Cokenour and seconded by Commissioner Christensen. The motion passed unanimously.

Vote results:

Ayes: 4 / Nays: 0

3. Public Comment

Minutes:

There was no public present.

4. Planning Commission Letters of Interest Review

Minutes:

The Planning Commission reviewed Jeremy Hoggard's letter of interest. They asked City Recorder Gill to invite him, along with any other interested parties, to attend the next Planning Commission meeting for an interview.

5. City Manager Kulow Reports

Minutes:

City Manager Kulow presented changes that have taken place within the City administration. He is now officially the City Manager and Megan Gallegos is Assistant City Manager. She will be taking over as Planning Commission liaison and will be assuming the role of Planning and Zoning Administrator. The City Council has invited the Planning Commission to join them at the Jan. 10th meeting to discuss possible rezoning within the City map. Commissioner Bennett inquired about the Council's priority list and building assessment project. She is concerned that these projects will require a rewrite of the General Plan. City Manager Kulow stated the State Legislature has made some changes that might affect the plan as well and left the responsibility of the rewrite with the Planning Commission. The necessary items that need to be done before a rewrite of the City's

General Plan were discussed.

6. Subdivision Code Title 11 Chapter 1 Review

Minutes:

This agenda item was tabled until the next meeting.

7. Subdivision Code Title 11 Chapter 2 Review

Minutes:

City Manager Kulow went over all sections of Title 11 Ch 2 with clarifications verified by Public Works Director Langston. There was a detailed discussion regarding water rights. He clarified to the Commission the reason for having “an itemized estimate...” in 11-2-4. It is because that is required in order to calculate the bond.

8. Subdivision Code Title 11 Chapter 3 Review

Minutes:

This chapter addresses Street Standards. There was extensive discussion regarding exactly where the standards would be addressed throughout the code.

9. Subdivision Code Title 11 Chapter 4 Review

Minutes:

This chapter addresses property bonds. It was discussed at length among all members of the Commission and the City Manager.

10. Subdivision Code Title 11 Chapter 5 Review

Minutes:

This entire chapter has been added due to State Legislature requirements. Chapter 5 is Amending And Vacating Recorded Plat and Vacating Streets

City Manager Kulow was given the task of verifying the 11-5-2 F-9 recommendation by Commissioner Bennett when he addresses minor typographical errors.

11. Subdivision Code Title 11 Chapter 6 Review

Minutes:

This chapter addresses fees and enforcement. The City is currently working on updating their consolidated fee schedule. This update will be done through a resolution.

12. Administrative Communications

Minutes:

The Commission Chair expressed positive feedback regarding Assistant City Manager Gallegos joining the Planning Commission team.

13. Next Meeting Agenda

Minutes:

Finalize Title 11 Code

14. Adjournment (action)

Minutes:

MOTION to adjourn was made by Commissioner Cokenour and seconded by Commissioner

Christensen at 8:14 pm. The motion passed unanimously.

Vote results:

Ayes: 4 / Nays: 0

Audio File

[https://soundcloud.com/user-250815044/2023-01-03-planning-commission?](https://soundcloud.com/user-250815044/2023-01-03-planning-commission?si=310d368682dd47d5bfc9c837d1065571&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing)

[si=310d368682dd47d5bfc9c837d1065571&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing](https://soundcloud.com/user-250815044/2023-01-03-planning-commission?si=310d368682dd47d5bfc9c837d1065571&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing)

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Contact: Melissa Gill (melissa@monticelloutah.org 435-587-2271)

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~~ Prohibited Acts

11-1-9: Residential Infilling

11-1-10: Common Wall Subdivision

11-1-11: Subdivision Of Agricultural Land:

11-1-1: AUTHORITY:

A. This title is enacted pursuant to title 10, Utah Code Annotated.

B. An approved subdivision plat as specified in this title is required whenever a land owner splits one lot or parcel of property into two (2) or more lots or parcels. Moved from 11-1-9

C. 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<<

D. 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.

E. Combining lots does not require an amendment to a subdivision plat.

- F. 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.
- G. 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.
>>>KAEDEN? 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. <<<
 3. If the city council fails to enact a subdivision ordinance, the city may regulate subdivisions only to the extent provided in ~~this part~~ 11-1-1.

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.~~
Moved to 11-2-3(A)2(a)
- ~~E. Names and Numbers of Streets and Lots: Names of streets and numbering of lots shall comply with Title 7-4 of city code.~~ Moved to 11-2-3(A)2(b)
- 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.

ASSOCIATION:

- A. Corporation or other legal entity, any member of which (Utah code 57-8a Community Association Act):
 - 1. Is an owner or a residential lot located within the jurisdiction of the association as described in the governing documents; and
 - 2. By virtue of membership or ownership of a residential lot is obligated to pay:
 - a. Real property taxes;
 - b. Insurance premiums;
 - c. Maintenance costs; or
 - d. For improvement of real property not owned by the member.
- B. All of the condominium unit owners (Utah code 57-8 Condominium Ownership Act)
 - 1. Acting as a group in accordance with the association declaration and bylaws; or
 - 2. Organized as a legal entity in accordance with the declaration

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 **civil** engineer, or an engineering firm as designated by the city council on either a retainer or per job basis.

~~comm~~

COMMON AREA: ~~An area designed to serve two (2) or more dwelling units which have convenient access to the area.~~ Property that an association owns, maintains, repairs, or administers (Utah code 57-8a Community Association Act)

COMMON AREAS AND FACILITIES: (Utah Code 57-8 Condominium Ownership Act)

- A. The land included within the condominium project, whether leasehold or fee simple;
- B. The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances, and exits of the building;
- C. The basements, yards, gardens, parking areas, and storage spaces;
- D. The premises for lodging of janitors or person in charge of the property;
- E. Installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, and incinerating;
- F. The elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use;
- G. Such community and commercial facilities as may be provided for; and
- H. All other parts of the property necessary or convenient to its existence, maintenance, and safety, or normally in common use.

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

DENSITY: Density of population, measured by the number of dwelling units per acre of land. (Not found in Title 11)

DETACHED STRUCTURE: Any structure being secondary to the primary use of the parcel (i.e., a garage, storage sheds, barns, coops, etc.). (Not found in Title 11)

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.).

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 or 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.~~ See PLAT

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. (Not found in Title 11)

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.

- 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.
- C. Lot Line Adjustment does not mean a new boundary line that
 - 1. Creates an additional lot; or
 - 2. Constitutes a subdivision.
- D. 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. (Not found in Title 11)

NATURAL STATE: The description of a lot or parcel of land by courses and distances. (Not found in Title 11)

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~~. (Not found in Title 11)

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 11-2-3 or 11-2-4 of city 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. Public street 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: (moved from Street)

- 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 (inter-region); and
 - 2. From one political subdivision of the region to another, or from an inter-regional highway.
- E. Service Road: A street or road paralleling and abutting major highway to provide access to adjacent property so that each adjacent lot or parcel will not have direct access to the major highway.
- 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.

REMOVAL: The killing of vegetation by spraying, complete extraction or cutting of such vegetation to the ground, or down to trunks or stumps. (Not found in Title 11)

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 11-5-1 of this title.

RETENTION BASIN: An area recessed or designed to receive and retain stormwater discharge or runoff. (Not found in Title 11)

RIPRAP: A loose assemblage of broken stone placed on the surface of the ground to prevent erosion. (Not found in Title 11)

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. (Not found in Title 11)

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

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, amending or resubdividing an existing subdivision 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) <what code does this reference?>, 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 10-2-* 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 10-2-* and 10-2-* 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 Title 11, Chapter 5 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)~~ See Sketch Plan

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-* 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: PROHIBITED ACTS:

~~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.~~

- ~~A. A person may not submit a subdivision plat to the county recorder's office for recording unless the plat has been prepared and approved according to Title 11, Chapter 2 Subdivision Approval and Platting Process.~~
- ~~1. A subdivision plat recorded without the signatures required under Title 11 of city code is void.~~
 - ~~2. Transfer of land pursuant to a void plat is voidable by the city.~~
- ~~B. Sale or transfer of land prior to approval of final plat:~~
- ~~1. If a subdivision requires a plat, an owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this part for each lot or parcel transferred or sold.~~
 - ~~2. A violation of Subsection B(1) is an infraction.~~
- ~~C. The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (B)(1) or from the penalties or remedies provided in this chapter. >>What remedies?<<~~
- ~~D. Notwithstanding any other provision of this Subsection (B), the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:~~

1. Does not affect the validity of the instrument or other document; and
 2. Does not affect whether the property that is the subject of the instrument or other document complies with applicable municipal ordinances on land use and development.
- E. The city may bring an action against an owner to require the property to conform to the provisions of this part or an ordinance enacted under the authority of this part.
1. An action under this Subsection (E) may include an injunction or any other appropriate action or proceeding to prevent or enjoin the violation.
 2. A municipality need only establish the violation to obtain the injunction.

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.~~ Moved to 11-1-1(B)

- A. All requirements must be met in order to be considered residential infilling.
1. All created **lots or** parcels must front an existing city street, and have at least eighty feet (80') of frontage on said street; **and**
 2. All created **lots or** 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.

11-1-11: SUBDIVISION OF AGRICULTURAL LAND:

- A. A lot or parcel resulting from a division of agricultural land is exempt from plat requirements of Title 11 Chapter 2 if the lot or parcel:
 - 1. Qualified as land in the A-1 Agricultural zone;
 - 2. Meets the minimum size requirement of applicable land use ordinances; and
 - 3. Is not used and will not be used for any non-agricultural purpose.
- B. The boundaries of each lot or parcel exempted under subsection A shall be graphically illustrated on a record of survey map that:
 - 1. Shall receive the same approvals as required for a plat under Title 11 Chapter 2; and
 - 2. Is or shall be recorded with the county recorder.
- C. If a lot or parcel exempted in subsection A is used for a non-agricultural purpose the city shall require the lot or parcel to comply with the requirements of Title 11 Chapter 2 of city code.
- D. Documents recorded in the county recorder's office that divide property by a metes and bounds description do not create an approved subdivision allowed by Title 11 unless the city's certificate or written approval as required in subsection A is attached to the document.
- E. The absence of the certificate or written approval required in subsection A does not:
 - 1. Prohibit the county recorder from recording a document; or

2. affect the validity of a recorded document.
- F. A document which does not meet the requirements of subsection A may be corrected by the recording of an affidavit to which the required certificate or written approval is attached.

Changes to Current Code In Progress:

11-2-3

4. 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, **streets**, and other proposed improvements, such as sidewalks, curbs, gutters, parks, and fire hydrants.
6. Environmental impact statement, ~~when required by the city engineer~~, shall be prepared indicating or describing the measures that will be taken for:

11-3-3 STREET STANDARDS:

- A. All designs shall conform to APWA manual of specification standards (as adopted in Title 7 __) and the following information is for reference only. Final street designs will be designed by core sampling, reviewed for an engineer's seal of approval, and final approval by Public Works Director.
- B. Leave remaining section as is.
 1. **Streets shall be constructed with city approved materials** according to APWA and approved by Public Works Director.
 2. Keep same but make D in to 3
 3. Specifications for the design of street subbase, curb, gutters, sidewalks, and the treatment of drainage courses shall comply with stand specifications as adopted by the city. (Title 7)

11-5-2

- F. A **plat** ~~record~~ may be corrected as provided in Section 57-3-106-9 of Utah State Code.

For your information on Title 7 Adoption Plans:

7-1-2: ENGINEERING REGULATIONS, DESIGN STANDARDS, CONSTRUCTION SPECIFICATIONS AND TRAFFIC CONTROL REGULATIONS, AND VARIANCES:

A. The city engineer shall propose for adoption by the city council regulations, design standards, construction specifications, and traffic control regulations for all work performed in the "public way".

1. The city engineer may adopt additional or different standards for work within the public way for construction projects undertaken by the city or by a contractor hired by the city.

2. The city engineer shall implement reasonable inspection and testing procedures to ensure compliance with the regulations, standards and specifications adopted by the city council.

B. All work performed in the public way shall conform to the requirements of the following codes:

1. The engineering regulations, design standards, construction specifications and traffic control regulations adopted pursuant to subsection A;

2. The current edition of the American Public Works Association (APWA) Manual of Standard Specifications and Plans;

3. The American Water Works Associations (AWWA) Manuals of Practice and Standards;

4. The 2011 Manual on Uniform Traffic Control Devices (MUTCD) with all items and addendums as adopted by the State of Utah.

C. When there are practical difficulties involved in carrying out the provisions of this title or of adopted engineering regulations, the city engineer may grant a variance to a standard adopted in this title or in the adopted engineering regulations and the permit file shall be updated to include the variance and the reason for the variance.

1. A variance may be granted only if the permittee demonstrates to the satisfaction of the city engineer, or the city engineer's designee, all of the following criteria:

a. The granting of such variance complies with the intent and purpose of this title or the adopted engineering regulations and will not be materially detrimental to the public welfare or injurious or create adverse impacts to adjoining property or other property and improvements in the vicinity;

b. The proposed method or procedure produces a compensating or comparable result which is in the public interest; and

c. The proposed method or procedure, based upon sound engineering judgment, meets the objectives of safety, function and maintainability as would be achieved under the regulations of this title or the adopted engineering regulations.

2. Any proposed variance from road standards which does not comply with the current fire code, or its successor provisions, may not be granted without the concurrence of the fire marshal.

3. Maintenance considerations shall be included in the design for a variance, and future costs shall not be excessive or shall be borne and reliably performed by the permittee or requesting property owner.

4. A variance granted under this section shall not constitute a grant of special privilege inconsistent with the limitation upon uses of, or standards associated with, other properties in the vicinity and in the zone in which the work is being done.

5. If a variance includes deferring any work associated with property outside of the public way or imposing maintenance obligations on the adjoining property, a deferral or other agreement shall be executed with the property owner and recorded against the property.

6. A permittee may appeal a decision allowing or denying a variance to the public services director within ten (10) days after the permittee is notified of the decision.

D. Whenever the following terms are used in the APWA Manual of Standard Specifications and Standard Plans, or in the provisions of this chapter, they shall have the following meanings:

CONTRACTOR: The person, firm, or corporation named as such in the permit or other agreement within the city.

ENGINEER: The duly appointed city engineer of the city, or the city engineer's duly authorized representative.

OWNER: The public body or authority, corporation, association or firm with whom the contractor has entered into an agreement or been permitted by to perform work within the area identified.

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 2 SUBDIVISION APPROVAL AND PLATTING PROCESS

SECTION:

11-2-1: Procedure For Approval

11-2-2: Sketch Plan

11-2-3: Preliminary Plat

11-2-4: Final Plat

~~11-2-5: Amended Subdivision Plats~~ Moved to Chapter 5

~~11-2-6: Prior Platted Parcels, Lots Or Blocks~~

~~11-2-6: Approval of Amendment or Vacation of Plat~~ Moved to Chapter 5

11-2-5: Exemption from Plat Requirement

11-2-1: PROCEDURE FOR APPROVAL:

- A. All subdivision codes must be adhered to and followed whenever a property owner splits one parcel **or lot** of property into two (2) or more parcels **or lots**.
- B. **Before beginning work on or recording** any subdivision ~~creating one or more lots of five (5) acres or less in size~~, a subdivider shall meet with the city zoning administrator to discuss the type of subdivision proposed, obtain a **subdivision plat land use application form** ~~information form~~, review existing zoning regulations **and zoning map** for the area in which the subdivision is proposed, and schedule a meeting with the city planning commission.
 1. If the proposed subdivision meets the requirements for residential infill the subdivider shall conform with the requirements at 11-1-9 Residential Infill of this title.
 2. If the proposed subdivision meets the requirements of a common wall subdivision the subdivider shall conform with the requirements at 11-1-10 Common Wall Subdivision of this title.
 3. If the proposed subdivision meets the requirements of a planned unit development (PUD), the subdivider shall conform with the requirements at Title 10 Chapter 14 Planned Unit Development.
 4. **If the proposed subdivision is a division of agricultural land, the subdivider shall conform with the requirements at 11-1-11 Subdivision of Agricultural Land.**
 5. If the proposed subdivision does not meet the requirements at **11-2-1(B)1 or 11-2-1(B)2 or 11-2(B)3 or 11-2(B)4**, the subdivider shall follow the process set forth below.

- C. Before beginning work on or recording any subdivision, a subdivider shall meet with the planning commission for a review and discussion of:
1. The subdivision plat land use application information form prepared in conformance with 11-2-1(B) of this title.
 2. A sketch plan of the proposed subdivision as required in section 11-2-3 of this title.
 3. The intent of this meeting is to provide a mutual exchange of information that will help avoid future problems and misunderstandings. ~~No formal action by the planning commission or city council is required at this time.~~ Moved from 11-2-2(D)
- D. City to Notify Water Conveyance Facility Owner
1. Within 20 days of receiving a completed plat land use application and sketch plan, the city shall provide written notice of the proposed subdivision to the facility owner of any water conveyance facility located entirely or partially within 100 feet of the subdivision, as determined using information made available to the city:
 - a. From the facility owner using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner; or
 - b. In the state engineer's inventory of canals; or
 - c. From a surveyor
 2. The city shall not approve the subdivision plat for at least twenty (20) days after the day on which the city mails to each facility owner the notice required in 11-2-1(B)(4), in order to receive any comments from each facility owner regarding:
 - a. Access to the water conveyance facility;
 - b. Maintenance of the water conveyance facility;
 - c. Protection of the water conveyance facility;
 - d. Safety of the water conveyance facility; or
 - e. Any other issue related to water conveyance facility operations.
 3. When applicable, the owner of the land seeking subdivision plat approval shall comply with Utah Code annotated 73-1-15.5, Relocation of easements for a water conveyance facility.
 4. The facility owner's failure to provide comments to the city in accordance with this section does not affect or impair the city's authority to approve the subdivision plat.
- E. Submit Preliminary Plat: The subdivider shall prepare a preliminary plat of the proposed subdivision following the requirements at 11-2-3(A) and submit the preliminary plat and documents required by 11-2-3(B) to the planning commission for review. ~~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~~ The planning commission may require changes as allowed in 11-2-3(C) of this title.
- F. Submit Final Plat: The subdivider shall prepare a final plat of the subdivision following the requirements at 11-2-4 Final Plat and submit the final plat to the planning commission.

- G. Post ~~an bond~~ **improvement completion assurance** as required by 11-4 Subdivision Improvements.
- H. ~~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.~~ **Redundant, see 11-3-9**
- I. ~~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.~~ **Redundant, see 11-3-7**
- A. ~~File Final Plat: File three (3) copies of the final plat according to the provisions of section 11-2-5 of this chapter.~~ **Redundant, see 11-2-4**
- B. ~~Submit Approved Plat To City Council: Upon receiving approval of the final plat, submit the approved plat to the city council.~~ **Redundant, see 11-2-4**
- C. ~~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.~~ **Moved to 11-2-4(F)**
- D. ~~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)~~ **Moved to 11-3-1**

11-2-2: SKETCH PLAN:

- A. **The subdivider shall prepare a sketch plan on 8-1/2 x 11 inch paper (multiple sheets accepted) with a bar scale and which displays the following characteristics of the proposed subdivision and abutting lots, parcels, or streets:**
- B. ~~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 **and north arrow**.
 3. **Existing Buildings and Structures**.
 4. **Recorded Road and Utility Easements**.
 5. Existing **Public Streets**.
 6. Drainage ~~channels~~ **corridors**.
 7. **Existing above ground and below ground** utility lines.
 8. Existing land uses.
 9. Proposed subdivision ~~plot~~ **layout**.

C. Where the sketch submitted covers only one phase of a subdivider's proposed subdivision, a separate sketch map shall show the proposed street system for the entire area to be subdivided and the intersections with existing city streets.

~~D. 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. 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)~~

11-2-3: PRELIMINARY PLAT:

A. ~~Form And Content:~~ The preliminary plat shall comply with the following requirements:

1. ~~Description:~~ In A title block shall be located in the lower right hand corner of the sheet, and contain the following information:
 - a. The proposed name of the subdivision, shall be distinct from any subdivision name on a plat recorded in the county recorder's office.
 - 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 preliminary plat shall show:
 - a. Existing Conditions:
 - 1) The location of the nearest bench mark or monument.
 - 2) The boundary, length, and width of the proposed subdivision and the acreage included.
 - 3) All property under the control of the subdivider within and abutting the proposed subdivision.
 - 4) The location, width, and names of all existing streets and future road corridors 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.
 - 5) 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.
 - 6) Rights-of-way and recorded easements within and to a distance of at least two hundred feet (200') beyond the tract boundaries showing pipe sizes and grades, manholes, and exact locations for existing
 - a) Water conveyance facilities.
 - b) Underground facilities.

- c) Any other utility facility.
- 7) Any water convenience facility located, entirely or partially, within the proposed subdivision that
 - a) Is not recorded; and
 - b) Of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land by the state engineer's inventory of canals or from a surveyor.
- 8) Boundary lines of adjacent tracts of unsubdivided land, showing ownership where possible.
- 9) 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.
- b. Proposed development:
 - 1) 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.
 - a) Street names shall comply with Title 7 Chapter 4 of city code.
 - b) Joining of proposed streets with existing streets shall serve as a continuation of existing streets from adjoining areas. From 11-3-3
 - c) Design, placement, and layout of streets shall meet minimum standards at 11-3-3 of this title.
 - 2) The layout, numbers and typical dimensions of lots, blocks, or buildings.
 - a) All lots shall front on a city street.
 - b) Lot numbers or addresses shall comply with Title 7 Chapter 4 of city code.
 - c) Dimensions shall include length, width, and acreage or square footage for each lot and block intended for sale.
 - d) Lot sizes and widths shall conform with the minimum requirements of the zone in which the subdivision is located. Lots below minimum size left from subdividing a larger tract shall be redrawn to be attached to an abutting lot and become part of the abutting lot.
 - e) Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat, and such transfer recorded in the county recorder's office before being certified to the planning commission by the subdivider. Moved from 11-3-5
 - 3) Size of blocks
 - a) Length: The maximum length of a block shall be one thousand two hundred feet (1,200') and the minimum length of a block shall be two hundred fifteen feet (215').
 - b) Width: The width of a block shall be sufficient to allow two (2) tiers of lots.
 - 4) Tracts of land intended to be dedicated or temporarily reserved for public use, or set aside for use of property owners in the subdivision.
 - 5) Building setback lines as required by section 11-3-5 of this title the zone in which the subdivision is located.

- 6) Easements for water, sewer, drainage, utility lines and other purposes shall be a minimum of ten feet (10') in width (see 11-3-3(D) of this title).
 - 7) If a proposed subdivision or lots within a proposed subdivision include a drainage corridor recognized in Title 10 Chapter 12 Overlay Zones, an engineering drawing shall be prepared to show how the function of the corridor will be protected.
- B. In addition to the preliminary plat requirements at 11-2-3(A), the subdivider shall provide:
1. Title Report documenting ownership of land included within the proposed subdivision.
 2. For residential development the subdivider shall provide proof of ownership of irrigation water shares for deeding to city: **Moved from 11-3-9(A)**
 - a. Any subdivider who owns water rights to ~~such~~ irrigation water shares not already vested in the city corporation, shall ~~be required to~~ deed to the city water shares equivalent to **forty-five hundredth (0.45) acre-foot** of water per year for each dwelling unit to be constructed. Such water shares shall be used for conversion to the culinary water system of the city as it is deemed necessary.
 - b. Any subdivider who owns water rights to ~~such~~ irrigation water shares not already vested in the city corporation, shall ~~be required to~~ deed to the city water shares as required by the **Utah Division of Water Rights** for the type of commercial or industrial development proposed. Such water shares shall be used for conversion to the culinary water system of the city as it is deemed necessary.
 - c. Any subdivider who does not own irrigation water shares must purchase the equivalent shares and deed them to the city.
 - d. If no water rights are immediately available for purchase, the subdivider shall pay to the city an amount equal to the market value of said water shares and, as such time as water stock becomes available, the city shall purchase the equivalent shares.
 3. For commercial development the proponent shall provide proof of ownership of irrigation water shares for deeding to city sufficient to comply with the Utah Division of Water Rights requirements.
 4. ~~Copies Of Agreements: Where necessary, copies~~ 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 **eight percent (8%)** 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 ~~for with respect to:~~
- Control of erosion within the subdivided area.
 - Reseeding of cuts and fills.
 - 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.
 - Prevention of fire and control of dust.
 - Prevention of accumulation of weeds and debris.
 - Disposal of surface water and disposition of flood hazards.
 - 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~~ city code.
 - 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:
 - a. The subdivider shall provide six (6) copies of the preliminary plat for use by the city in its review of the proposed subdivision.
 - b. The planning commission, city engineer, **culinary water authority, fire authority, and sanitary sewer authority**, shall review the preliminary plat and visit the site of the proposed subdivision. **As necessary the city may request review by the local health department, and/or the public safety authority.**
 - c. Following this investigation, the planning commission shall recommend approval of the preliminary plat as submitted or modified, or disapprove the plat.

- d. The planning commission shall not recommend approval or disapproval of the plat until signature acceptance is received from each of the interested ~~city departments~~ **authorities**.
2. Copies Of Plat Forwarded:
 - a. 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.
 - b. Other signed copies shall be forwarded to each of the interested **authorities** ~~city departments~~.
 - c. One signed copy shall be retained in the office of the city recorder/clerk.
 - d. The planning commission shall retain one signed copy of the plat for its files.
 - e. If the preliminary plat is recommended for disapproval, the planning commission shall indicate its disapproval by distributing signed copies of the plat **to the subdivider and interested authorities** bearing the reasons for disapproval.
3. **Limits on Signature Authority:** ~~The city shall not require that a plat be approved or signed by a person or entity who~~
 - a. ~~Is not an employee or agent of the city; or~~
 - b. ~~Does not have a legal or equitable interest in the property within the proposed subdivision; or~~
 - c. ~~Does not provide a utility or other service directly to a lot within the subdivision; or~~
 - d. ~~Does not own an easement or right-of-way adjacent to the proposed subdivision who signs for the purpose of confirming the accuracy of the location of the easement or right-of-way in relation to the plat; or~~
 - e. ~~Does not provide culinary public water service whose source protection zone is included, in whole or in part, within the proposed subdivision.~~
4. Receipt of a signed copy **of an approved preliminary plat** 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~~ in 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.
2. 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.
3. Large Tract Extension: Preliminary approval of a large tract shall not be voided if the final plat of the first ~~section~~ **phase** 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)

~~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.~~

~~Title Report Required: At the time the preliminary or tentative plat is presented to the planning commission, a title report shall also be submitted.~~ Moved to B1 and D1 of this section

11-2-4: FINAL PLAT:

- A. Approval **Required** 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.
- B. Form: A final plat shall be prepared by a duly licensed land surveyor on all subdivisions.
 - 1. 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").
 - 2. The border line of the plat shall be drawn in heavy lines, leaving a margin of at least one and one-half inches (1-1/2") on the left hand side of the sheet.
 - 3. The plat shall be so drawn that the top of the sheet either faces north or east, whichever accommodates the drawings best.
 - 4. 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.
 - 5. Certification blocks that include
 - 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 (1-1/2" x 5") space in the lower right hand corner of the drawing for the county recorder's use.
- C. Content: The final plat shall show:
 - 1. The name of the subdivision, which name must be approved by the planning commission.
 - 2. 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) feet.
 - 3. An identification system for all lots, blocks and names of streets. Lot lines shall show dimensions in feet and hundredths.
 - 4. 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.

5. Total dimensions of all lines, whether curved or straight, including lengths, bearings, radii, chords, internal angles, and location of points of curvature.
6. 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.
7. The dedication to the public of all streets and highways included in the proposed subdivision.
 - a. 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.
 - b. The city shall not accept or maintain streets or public ways unless said streets have been constructed in accordance with standards and specifications which have been adopted by the city council. **Moved from 11-3-9(C)**
8. Pipes or iron rod markers shall be placed at each lot corner.
9. 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.
10. 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.
 - a. ~~The final plat shall require:~~ **Moved to 11-2-4(B)**
 - b. ~~The following information shall be submitted:~~ **Moved to 11-2-4(D)**

D. Amendments May Be Required:

1. **Prior To Approval:** Before approving 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~~ city code.
 - 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.

E. Approval of Final Plat

1. Subdivider supplied documents

- a. 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 preliminary plat and two (2) mylar originals of the final plat shall be submitted **for review**; one of which will be retained for the city files, the other will be ~~sent to the county recorder~~ **returned to the subdivider**.
 - b. Submittal of an up to date abstract of this title or policy of title insurance **shall be submitted to the city prior to** ~~precede said~~ final plat approval.
 - c. 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.~~
 - d. An itemized estimate of the cost of all proposed or required improvements, including labor and material.
 - e. 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 **plat 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.
2. Filing Fee: There shall be a **city** 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 **Chapter 6 of this title and Title 1 Chapter 7 Consolidated Fee Schedule**.
3. **When the subdivider has supplied the required materials and paid the city filing fee**, the final plat will be reviewed by the planning commission, city engineer, **culinary water authority, fire authority, and sanitary sewer authority**, at the next regularly scheduled meeting of the planning commission. **As necessary the city may request review by the local health department, and/or the public safety authority**. After review the planning commission shall make a recommendation to the city council for approval or disapproval of the final plat.
4. After receiving recommendations from the planning commission **and approvals as required in subsection E(3)**, the city council ~~must act upon the final plat within sixty (60) days~~, **shall approve the final plat**, unless ~~an extension of time is agreed upon by the parties concerned~~; **the city choses to withhold approval of an otherwise valid plat until the owner of the land provides the city with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid**.
5. ~~Failure by the city council to act upon the final plat in that time period will be considered approval of the final plat.~~

F. Recordation of Final Plat:

1. Following city council approval of the final plat, the subdivider shall:
 - a. **Present to the county recorder the final mylar plat, bearing all required signatures, and pay all recording fees; or**
 - b. **Present to the county recorder the final plat in electronic format as required at Utah code Title 17 Chapter 21a Uniform Real Property Electronic Recording Act, and pay all recording fees.**

2. The subdivider shall file with the city recorder:
 - a. One paper copy of the signed final plat bearing the county recorder's stamp; and
 - b. A copy of the final plat in electronic format as required at Utah code Title 17 Chapter 21a Uniform Real Property Electronic Recording Act and city code 11-2-4(G).
3. 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.

G. City to Submit Data to Utah Geospatial Resource Center

1. Within thirty (30) days after approving the final plat under this section the city shall submit to the Utah Geospatial Resource Center:
 - a. An electronic copy of the approved plat; or
 - b. Preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.
2. If requested by the Utah Geospatial Resource Center, the city shall:
 - a. Coordinate with the Utah Geospatial Resource Center to validate the information described in 11-2-5(G)(1); and
 - b. Assist the Utah Geospatial Resource Center in creating electronic files that contain the information described in 11-2-5(G)(1) for inclusion in the unified statewide 911 emergency service database.

11-2-2: PRIOR PLATTED PARCELS, LOTS OR BLOCKS: Replaced by 11-1-9

- ~~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.~~
- ~~A. 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.~~

~~B. 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)~~

11-2-5: EXEMPTION FROM PLAT REQUIREMENT:

- A. A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of this chapter if:
 1. The parcel qualifies as land in the A-1 Agricultural-Residential Zone; and
 2. Meets the minimum size requirements of the A-1 Agricultural-Residential Zone; and
 3. The lot or parcel is not used and will not be used for any non-agricultural purpose.
- B. If a lot or parcel resulting from a division of agricultural land is or will be used for non-agricultural purpose, the subdivider will comply with all the requirements in [Title 11 of city code](#).
- C. The boundaries of each lot or parcel exempted under subsection 11-2-6(A) shall be graphically illustrated on a record of survey map that has been approved as required for a plat under Title 11, Chapter 2.
- D. The graphically illustrated record of survey map shall be recorded by the subdivider with the county recorder.

- E. Documents recorded in the county recorder's office that divide a property by a metes and bounds description do not create an approved subdivision allowed by this section unless the city's certificate or written approval is attached to the document.
 - 1. The absence of the certificate or written approval does not
 - 2. Prohibit the county recorder from recording the document; or
 - 3. Affect the validity of a recorded document.
- F. A document which does not meet the requirements of 11-2-6(E) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached.

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 3 SUBDIVISION DESIGN STANDARDS

SECTION:

- 11-3-1: General Standards
- ~~11-3-2: Standards Of Construction~~
- 11-3-3: Street Standards
- ~~11-3-4: Block Standards~~ **MOVED TO 11-2**
- 11-3-4: **Common Area Parcels on a Plat**
- ~~11-3-5: Lot Standards~~
- 11-3-6: Cuts In Pavement
- 11-3-7: Development Standards
- 11-3-8: Private Roads And Driveways
- 11-3-9: Water And Sewer

11-3-1: GENERAL STANDARDS:

- A. The design and development of subdivisions shall preserve, insofar as it is possible, trees, native land cover, natural watercourses, topography, existing topsoil, and vegetation.
- ~~B.~~ The standards of construction of all buildings, structures, utilities, streets, and sidewalks:
 - 1. ~~are to~~ Shall conform to the building codes and standards of street construction adopted by the city; and also to the heretofore adopted by the city council. (Ord. 2012-01, 7-10-2012) and
 - 2. Are subject to inspections and permits as authorized in 11-6-2 Enforcement of Title.
- C. Where the city engineer has determined that land is subject to hazardous conditions such as landslides, mudflows, rock falls, snow avalanches, **suspect soils**, ground subsidence, shallow water table, open quarries, floods, and polluted water supply, said lands shall not be subdivided **until the city engineer determines that**
 - 1. The hazards have been eliminated; or
 - 2. Evidence submitted that the said hazards will be eliminated by the subdivision and construction plans **as required by 11-2-3(B).**

- D. All cut and fill slopes shall be reseeded and/or planted with vegetation as required by the city council. >>planning commission? city engineer? or as stipulated in the environmental impact statement required by 11-2-3(B).
- E. Cost of improvements which are required under the provisions of this title, as well as the cost of other improvements which the developer may install, shall be at the expense of the developer. (Ord. 2012-01, 7-10-2012) Moved from 11-4-3
- F. Completion Of Infrastructure Required:
1. Sale of any lot or occupancy of any home shall not be permitted until infrastructure has been completed and the city engineer has signed a statement certifying that:
 - a. The improvements described in the subdivider's plans and specifications have been completed, including any required landscaping or infrastructure improvements; and
 - b. The improvements comply with the recommendations of the planning commission, and the City Fire Department culinary water authority, fire authority, and sanitary sewer authority and, if requested, the local health department, and/or the public safety authority; and
 - c. The improvements comply with the standards, rules and regulations for subdivisions approved by the City Council, which standards, rules and regulations are hereby incorporated in this title by reference. (Ord. 2012-01, 7-10-2012) Moved from 11-4-1
 2. If all improvements are not completed as scheduled and intended, the subdivider shall provide an improvement completion assurance and bond as required by 11-4 of this title before the sale of any lot or occupancy of any home will be authorized by the city.

11-3-2: STANDARDS OF CONSTRUCTION: Moved to 11-3-1(B)

11-3-3: STREET STANDARDS: >>City may decide to move all street specs to Title 7; Adoption of APWA standards?; Kaeden will advise<<

A. Minimum Design Standards:

1. Minimum right-of-way width for a two-way city street shall be thirty four feet (34'), and the minimum hard surface width shall be twenty four feet (24'); minimum standards do not allow on street parallel parking. To allow parallel on street parking the minimum right of way must be fifty feet (50') and the minimum hard surface must be forty feet (40').
2. Minimum right-of-way width for a one-way city street shall be thirty feet (30'), and the minimum hard surface width shall be twenty feet (20'); minimum standards do not allow on street parallel parking. To allow parallel on street parking the minimum right of way must be thirty eight feet (38') and the minimum hard surface must be twenty eight feet (28'). Parking is permitted only on the right hand side when viewed from the flow of traffic.
3. Sidewalk construction will be in accordance with Title 7 Chapter 2 of city code.

4. Private drives shall have a minimum width of twenty feet (20') and shall be finished with an all-weather surface.
 - a. Parking of vehicles and placement of public utilities in private drives is prohibited.
 - b. The city will not maintain private drives, and
 - c. The city will not collect trash from private drives.

B. Construction:

1. Streets shall be constructed with city approved materials.
2. Minimum requirements shall be as follows:
 - a. Base, six inches (6") compacted depth.
 - b. Gravel, three-quarter inch (3/4") or one inch (1") minus, to a compacted depth of three inches (3").
 - c. Asphalt, two and one-half inches (2-1/2") compacted depth.
 - d. Specifications for the design of street subbase, ~~base, hard surfacing,~~ curb and gutters, sidewalks, and the treatment of drainage courses shall comply with standard specifications ~~as adopted by the city~~ of the American Public Works Association?
 - e.

C. Cul-De-Sacs: Cul-de-sacs shall be used only where unusual drainage or land ownership configurations exist which make other designs undesirable.

1. Each cul-de-sac shall have a minimum hard surface width of twenty four feet (24') and a minimum right-of-way width of not less than thirty four feet (34').
2. Cul-De-Sacs shall have a maximum length of four hundred feet (400'), and must be terminated by a turnaround of not less than one hundred twenty feet (120') in diameter.
3. Surface water must drain away from the turnaround, except where due to the grade surface, water cannot be drained along the street away from the turnaround. In such cases necessary catch basins, drain lines and drainage easements shall be provided.

D. Utility Easements:

1. Utility corridor easements of not less than ten feet (10') shall be required where necessary for poles, wire, conduits, storm or sanitary sewers, gas and water mains and other public utilities'
2. Easements of greater width may be required along property lines where necessary for surface overflow or for the extension of main sewers or similar utilities.
3. The location of said easements ~~shall be as shown on the final plat. to be specified by the planning commission~~

E. Street Intersections: Streets shall intersect each other as nearly as possible at right angles. City streets shall approach other city streets at an angle of not less than eighty degrees (80°). Offsets in street alignment between ten feet (10') and one hundred twenty feet (120') shall be prohibited.

- F. Street Grades: Minimum street grades shall be four-tenths of one percent (0.4%) and maximum street grades shall be twelve percent (12%).
- G. Corner Returns: Curbs at all intersections shall be rounded with curves having minimum radius of twelve feet (12') measured to the back of curb and gutter.
- H. ~~Design Specifications: Specifications for the design of street subbase, base, hard surfacing, curb and gutters, sidewalks, and the treatment of drainage courses shall comply with standard specifications as adopted by the city.~~ Moved to 11-3-3(B)
- I. ~~Street Names: New street names or numbering shall not duplicate those already approved by the planning commission. A street, obviously a continuation of another already in existence, shall bear the same name and numbering sequence. The numerical system of street designations shall be maintained and extended where possible.~~ Redundant, see 11-1-2(E) and 11-2-3(A)
- J. Street Dedications: ~~All streets shall be dedicated for public use. The dedication of half streets in any subdivision is prohibited.~~
1. A plat that is signed, dedicated, and acknowledged by each owner of record, and approved according to the procedures specified in Title 11 of city code, operates when recorded as a dedication of all public streets and other public places, and vests the fee of those parcels of land in the city for the public for the uses named or intended in the plat.
 2. The dedication established by this section does not impose liability upon the city for public streets and other public places that are dedicated in this manner but are unimproved unless:
 - a. Adequate financial assurance has been provided in accordance with this chapter; and
 - b. The city has accepted the dedication.
- K. ~~Relations To Adjoining Street System: The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas, or their proper protection where adjoining land is not subdivided, but in no case less than the required minimum width.~~ Redundant, see 11-2-3
- L. Streetlights: Streetlights within subdivisions shall be required at all intersections, and at any point where there is a change in direction of the road, and at a distance of no more than four hundred feet (400') apart.
- M. Fire Hydrants: Fire hydrants shall be placed at a distance of no more than five hundred feet (500') apart. (Ord. 2012-01, 7-10-2012)

11-3-4: BLOCK STANDARDS: Moved to 11-2-A

11-3-4: COMMON AREA PARCELS ON A PLAT

- A. As used in this section:
1. "Declarant" means the same as that term is defined in: (i) regarding a common area, Section 57-8a-102; and (ii) regarding a common area and facility, Section 57-8-3 of state code.
 2. "Declaration," regarding a common area and facility, means the same as that term is defined in Section 57-8-3 of state code.
 3. "Period of administrative control" means the same as that term is defined in: (i) regarding a common area, Section 57-8a-102; and (ii) regarding a common area and facility, Section 57-8-3 of state code.
- B. A person may not separately own, convey, or modify a parcel designated as a common area or common area and facility, on a plat recorded in compliance with Title 11 of city code, independent of the other lots, units, or parcels created by the plat unless:
1. An association holds in trust the parcel designated as a common area for the owners of the other lots, units, or parcels created by the plat; or
 2. The conveyance or modification is approved under Subsection (E).
- C. If a conveyance or modification of a common area or common area and facility is approved in accordance with Subsection (E), the person who presents the instrument of conveyance to a county recorder shall:
1. Attach a notice of the approval described in Subsection (E) as an exhibit to the document of conveyance; or
 2. Record a notice of the approval described in Subsection (E) concurrently with the conveyance as a separate document.
- D. When a plat contains a common area or common area and facility:
1. For purposes of assessment, each parcel that the plat creates has an equal ownership interest in the common area or common area and facility within the plat, unless the plat or an accompanying recorded document indicates a different division of interest for assessment purposes; and
 2. Each instrument describing a parcel on the plat by the parcel's identifying plat number implicitly includes the ownership interest in the common area or common area and facility, even if that ownership interest is not explicitly stated in the instrument.
- E. Notwithstanding Subsection (B), a person may modify the size or location of or separately convey a common area or common area and facility if the following approve the conveyance or modification:
1. The city; and
 - a. for a common area that an association owns, 67% of the voting interests in the association; or
 - b. for a common area that an association does not own, or for a common area and facility, 67% of the owners of lots, units, and parcels designated on a plat that is subject to a declaration and on which the common area or common area and facility is included; and
 2. During the period of administrative control of the declarant.

11-3-5: LOT STANDARDS:

- ~~A. Building Sites: The lot arrangement, design and shape shall be such that lots will provide a compact body of land for buildings and be properly related to topography and conform to requirements set forth herein.~~
- ~~B. Building Setback Lines: Twenty foot (20') minimum front setback, thirty foot (30') minimum rear setback, and a minimum side setback of eight feet (8') for interior lots, and a twenty foot (20') for street side of corner lots, with the combined sum for the two (2) side yards not less than sixteen feet (16').~~
- ~~C. Lot Sizes: All lots shown on the subdivision plat must conform to the minimum requirements of ten thousand (10,000) square feet~~
- ~~D. Lot Width: Each lot shall have an average width of eighty feet (80') at the setback line in an R-1 zone and R-2 zone. All lots must abut on a city street.~~
- ~~E. Corner Lots: Corner lots shall have dimensions sufficient for the maintenance of required building setback lines twenty feet (20') on both streets, along with sufficient area to comply with area requirements of the zoning title 1. # B-G moved to 11-2-3(A)~~
- ~~F. Parts Of Lots: All remnants of lots below minimum size, left over after subdividing a larger tract, must be attached to adjacent lots, and evidence of such attachment submitted prior to the approval of the final plat. All lots designated within a subdivision must be the minimum standards set forth in this title.~~
- ~~G. Divided Lots: Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat, and such transfer recorded in the county recorder's office before being certified to the planning commission by the subdivider. (Ord. 2012-01, 7-10-2012)~~

11-3-6: CUTS IN PAVEMENT:

No cuts shall be made in street pavement after hard surfacing has been installed unless a permit is obtained and approved by the city. (Ord. 2012-01, 7-10-2012)

11-3-7: DEVELOPMENT STANDARDS:

- A. Grading:
 - 1. Land with twenty percent (20%) or greater slope shall have natural vegetation but may be supplemented by other plant material.
 - 2. Every lot or parcel shall have a buildable area equal to at least forty percent (40%) of the minimum lot size required in subsection 11-3-5C of this chapter.
 - 3. All rough street and site grading shall be completed prior to the installation of utilities.

4. Borrowing from on site for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the hillside area.
5. Cut slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible. The city will not accept the dedication and maintenance of cut and fill slopes except those within the required street right of way. Where a cut or fill slope occurs between two (2) lots, the slope shall normally be made a part of the downhill lot.
6. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping (i.e., cut and fill slopes).

B. Drainage:

1. Stormwater runoff collection facilities shall be designed so as to retain stormwater runoff on development sites for a sufficient length of time so as to prevent flooding and erosion during stormwater runoff flow periods as determined by the city engineer, or be designed to divert into the closest usable ~~irrigation ditch or channel~~ **water conveyance facility**.
2. No ~~ditch or canal~~ **water conveyance facility** shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ~~irrigation company, or of the water users for such use~~ **water conveyance facility owner**.
3. Stormwater runoff collection facilities shall be so designed as to divert surface water away from cut faces or sloping faces of a fill.
4. Curb, gutter and pavement designs shall be such that water on roadways is prevented from flowing off the roadway except into appropriate drainage facilities.
5. Natural drainage shall be riprapped or otherwise stabilized to the satisfaction of the city engineer below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
6. Waste material from construction, including soil and other solid materials, shall not be deposited within a natural or manmade drainage course within irrigation channels.
7. Sediment catchment ponds shall be constructed on the development site, unless sediment retention facilities are otherwise provided by the developer.

C. Fire Protection: ~~The city fire chief~~ **fire authority** ~~must approve the subdivision for adequate fire protection. (Ord. 2012-01, 7-10-2012)~~ **Redundant, see 11-2-3 and 11-2-4**

D. Restrictions for solar and other energy devices: ~~The city may refuse to approve or renew any plat, subdivision plan, or dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the plat or subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the plat or subdivision.~~

11-3-8: PRIVATE ROADS AND DRIVEWAYS:

- A. The city shall not open, grade, pave or perform any maintenance work on any private or undedicated streets.
- B. The city shall not lay utility lines in any street which has not:
 - 1. Been accepted by the city as a city street.
 - 2. Which has not received approval of the city council as part of a final plat of a subdivision, unless an easement is granted.
- C. ~~The city shall not accept or maintain streets or public ways unless said streets have been constructed in accordance with standards and specifications which have been adopted by the city council. (Ord. 2012-01, 7-10-2012)~~ **Moved to 11-2-4(C)**

11-3-9: WATER AND SEWER:

- A. ~~Any person, firm or corporation, who shall hereafter subdivide any land within the city limits share assure adequate water availability:~~ **Moved to 11-2-3(B)**
 - 1. ~~Any subdivider who owns water rights to such irrigation water **shares** not already vested in the city corporation, shall be required to deed to the city water shares equivalent to one acre foot of water per year for each dwelling unit to be constructed. Such water shares shall be used for conversion to the culinary water system of the city as it is deemed necessary.~~
 - 2. ~~Any subdivider who does not own **irrigation** water shares must purchase the equivalent shares and deed them to the city.~~
 - 3. ~~If no water rights are immediately available for purchase, the subdivider shall pay to the city an amount equal to the market value of said water shares and, as such time as water stock becomes available, the city shall purchase the equivalent shares.~~
- B. Water Installations: Water installations will be installed in accordance with the provisions of Title 8 of city code.
- C. Sewer Installations: Sewer installations will be installed in accordance with the provisions of Title 8 of **city** code. (Ord. 2012-01, 7-10-2012)

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 4 SUBDIVISION IMPROVEMENTS

SECTION:

- 11-4-1: Improvements Completed
- 11-4-2: Improvement Completion Assurance
- 11-4-3: Cost Of Improvements
- 11-4-4: Postponement Of Improvements

11-4-1: IMPROVEMENTS COMPLETED: Moved to 11-3-1

- A. ~~No final plat of a subdivision of land shall be recorded without receiving a statement signed by the city engineer certifying that:~~
- ~~1. The improvements described in the subdivider's plans and specifications have been completed, including any required landscaping or infrastructure improvements; and~~
 - ~~2. The improvements comply with the recommendations of the planning commission, and the City Fire Department culinary water authority, fire authority, and sanitary sewer authority and, if requested, the local health department, and/or the public safety authority; and~~
 - ~~3. The improvements comply with the standards, rules and regulations for subdivisions approved by the City Council, which standards, rules and regulations are hereby incorporated in this title by reference. (Ord. 2012-01, 7-10-2012)~~

11-4-2: PERFORMANCE BOND REQUIRED IMPROVEMENT COMPLETION ASSURANCE: >>Kaeden will rework<<

- A. Amount Equal To Value Of Improvements:
1. In lieu of the completion of the required improvements, the subdivider shall provide an ~~performance bond~~ improvement completion assurance in an amount equal to the ~~reasonable value~~ 100% of the value of the improvements required by this section as estimated by the city engineer.
 2. The ~~bond~~ improvement completion assurance shall be either in the form of:
 - a. A corporate or property bond, the conditions of which must be approved by the city attorney; or

- b. ~~Cash guarantee that improvements will be installed as shown on the final plat.~~
3. The purpose of the bond is to ensure construction of the required improvements within two (2) years from the date of final approval, without cost to the city, including any additional costs due to inflation.

B. Executed By Authorized Surety Company:

1. The bond shall be executed by a surety company duly authorized to do business in the State.
2. It shall be payable to the city; filed in the Office of the City Recorder/Clerk; and be available for public inspection during regular business hours.

C. Duration After Approval: The duration of a surety bond shall be

1. Two (2) years from the date of approval of the final plat of the subdivision by the city council; or
2. Such lesser time as is required to complete the said improvements.

D. Length Of Bond After Installation:

1. Each bond shall run for at least ninety (90) days after the installation of all improvements and after a final inspection certified by the city engineer.
2. In no event shall the city be deemed liable under this section on any claim asserted by any laborer, or supplier, or contractor.

E. Default; Forfeiture Of Bond: In the event the subdivider is in default, fails or neglects to satisfactorily install the required improvements within two (2) years from the date of approval of the final plat by the city council, or to pay all liens in connection therewith, the city council may declare the bond or other assurance forfeited and the city council may install or cause the required improvements to be installed, using the proceeds of the collection of the bond to defray the expense thereof.

F. Partial Release Permitted: Where the guarantee is required to ensure the timely installation of improvements, the city may authorize a partial release(s) of the performance assurance in accordance with the following schedule:

Percent of Work Completed	Percent of Total Assurance Amount Eligible for Release
25%	25%
50%	45%
75%	70%
100% upon final inspection	100%

G. Final Inspection And Release: (Reformatted)

1. The subdivider shall be responsible for the quality of all materials and workmanship at the completion of the work.

2. Not less than ten (10) days prior to the release date of the bond or other approved security, the city engineer shall make a preliminary inspection of the improvements and shall submit a report to the city council setting forth the conditions of such facilities.
 - a. If the city engineer determines that work has been completed to applicable standards and any liens have been fully paid, the city council shall release the bond.
 - b. If all liens are not paid, the city council may declare the subdivider in default and deny release of the bond.

11-4-3: COST OF IMPROVEMENTS: Moved to 11-3-1

~~Cost of improvements which are required under the provisions of this title, as well as the cost of other improvements which the developer may install, shall be at the expense of the developer. (Ord. 2012-01, 7-10-2012)~~

11-4-4: POSTPONEMENT OF IMPROVEMENTS:

The City authorizes the use of a Zoning Lot Postponement of Improvements Agreement (Lien Form) as follows:

CITY OF MONTICELLO
ZONING LOT POSTPONEMENT OF IMPROVEMENTS
AGREEMENT (LIEN)

>>Verify code citations in this form<<

<APPLICANT NAME> of The City of Monticello, County of San Juan, State of Utah, hereinafter referred to as APPLICANT, and MONTICELLO CITY CORPORATION, a municipal corporation of the State of Utah, hereinafter referred to as "the CITY," hereby agree as follows:

1. *PRELIMINARY:* APPLICANT has applied for a building permit for a new structure or an addition to or remodeling of an existing structure, on property located at <PHYSICAL ADDRESS>, more particularly described in Paragraph 2 hereof. There is in force an ordinance of the CITY, known as Title 11-4-1 of the Monticello City Code. This ordinance requires the installation of off-site improvements, including, but not limited to: construction/paving of curb, gutter, sidewalks, and streets adjacent to any property and connections for culinary water, secondary water, and sewer, where the same have not previously been installed. Said improvements are to be installed at such time as application is made for a building permit for any other improvement on such property.
2. *LEGAL DESCRIPTION:* Following is a legal description of the property to which this agreement pertains, to wit;
3. *AGREEMENT FOR POSTPONED INSTALLATION:* The parties agree that APPLICANT may postpone compliance with the terms of Title 11-4-1 of the Monticello City Code, until such time the City Council shall determine, in its considered discretion, that the improvements should be installed adjacent to the APPLICANT'S property. The City Council shall not make such determination until like improvements are required to be installed on adjacent properties.
4. *POSTPONED INSTALLATION:* Upon receipt of notice that the City Council has made the determination referred to in Paragraph 3, hereof, APPLICANT or its successor in interest

shall either proceed to install the said off-site improvements or reimburse the CITY if the CITY elects to install the improvements. In the event a special improvement district (SID) is organized for the purpose of installing the off-site improvements, APPLICANT agrees to make payment to SID for improvements. In any case, APPLICANT will refrain from objecting either formally or otherwise to the installation of the improvements, the establishment of such a district, or the assessment imposed by the district for construction of the improvements indicated above.

5. *COMPLIANCE WITH CITY ORDINANCES AND SPECIFICATIONS*: It is agreed that the installation of the off-site improvements shall be constructed in accordance with all applicable, specifications, and standards of the CITY, and with any administrative rules or regulations pertinent thereto. All work shall be subject to the inspection of the CITY Building Official or his agent, and any questions as to conformity with the CITY specifications or standards or as to the technical sufficiency of the work shall be decided by the CITY Building Official, and his decision shall be final and conclusive.
6. *LIEN TO BE RECORDED*: It is agreed that this Agreement shall be placed on record in the office of the San Juan County Recorder and shall be a lien against the property described in Paragraph 2 hereof. Upon satisfactory completion of the installation of said off-site improvements, the lien shall be discharged by the CITY. APPLICANT shall pay the expenses of recording and discharging the lien.
7. *SUCCESSORS, ENFORCEMENT*: This agreement shall be binding on the parties hereto, their successors or assigns. Should the services of an attorney be required to enforce this Agreement, the defaulting party agrees to pay a reasonable attorney's fee and court costs. (Ord. 2019-1, 1-8-2019, eff. 1-8-2019)
8. *SIGNATURES*: Print name, title, date. Signatures of authorized persons for each party to the agreement.
9. *NOTARY PUBLIC*: Signature and stamp of Notary who personally viewed and attests to the signing of the Zoning Lot Postponement of Improvements Agreement (Lien).

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 5 *AMENDING AND VACATING RECORDED PLAT AND VACATING STREETS*

SECTION:

- 11-5-1: Amend or Vacate Subdivision Plat
- 11-5-2: Approval of Amendment or Vacation of Plat
- 11-5-3: Petition to Vacate a Public Street

11-5-1: PETITION TO AMEND OR VACATE SUBDIVISION PLAT:

~~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.~~

A. As used in this section vacating a plat is considered to be a plat amendment.

B. Request to amend a subdivision plat

1. A fee owner of land as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in Title 11 of city code may file a written petition with the city to request a subdivision amendment (resubdivision).
2. Upon filing a written petition to request a subdivision amendment under Subsection (B)(1), the owner shall prepare and, if approved by the city, record a plat in accordance with 11-2-4 that:
 - a. Depicts only the portion of the subdivision that is proposed to be amended; and
 - b. Includes a plat name distinguishing the amended plat from the original plat; and
 - c. Describes the differences between the amended plat and the original plat; and
 - d. Includes references to the original plat.
3. If a petition is filed under Subsection (B)(1), the city shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the city may approve the petition for a subdivision amendment.
4. If a petition is filed under Subsection (B)(1), the city shall hold a public hearing within 45 days after the day on which the petition is filed if:
 - a. Any owner within the plat notifies the city of the owner's objection in writing within 10 days of mailed notification; or

- b. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.
 - 5. The city may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.
- C. The public hearing requirement of Subsection (A)(4) does not apply and the city may consider at a public meeting an owner's petition for a subdivision amendment if:
 - 1. The petition seeks to:
 - a. Join two or more of the petitioner fee owner's contiguous lots;
 - b. Subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
 - c. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
 - d. On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the city; or
 - e. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - i. Owned by the petitioner; or
 - ii. Designated as a common area; and
 - 2. Notice has been given to adjoining property owners in accordance with any applicable local ordinance.
- D. A petition under Subsection (B)(1) that contains a request to amend a public street or municipal utility easement is also subject to 11-5-3.
- E. A petition under Subsection (A)(1) that contains a request to amend an entire plat or a portion of a plat shall include:
 - 1. The name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and
 - 2. The signature of each owner described in Subsection (D)(1) who consents to the petition.
- F. Exchange of title
 - 1. The owners of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those parcels if the exchange of title is approved by the city in accordance with Subsection (F)(2).
 - 2. The city shall approve an exchange of title under Subsection (F)(1) if the exchange of title will not result in a violation of any land use ordinance.
 - 3. If an exchange of title is approved under Subsection (E)(2):
 - a. A notice of approval shall be recorded in the office of the county recorder which:
 - i. Is executed by each owner included in the exchange and by the city;

- ii. Contains an acknowledgment for each party executing the notice in accordance with the provisions of state code Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
 - iii. Recites the legal descriptions of both the original properties and the properties resulting from the exchange of title; and
- b. A document of conveyance shall be recorded in the office of the county recorder with an amended plat.
- 4. A notice of approval recorded under this Subsection (E) does not act as a conveyance of title to real property and is not required in order to record a document conveying title to real property.

G. Changing the name of a recorded subdivision

- 1. The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (F)(3).
- 2. The surveyor preparing the amended plat shall certify that the surveyor:
 - a. Holds a license in accordance with Utah code Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act; and
 - b. Has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; or
 - c. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - d. Has placed monuments as represented on the plat.
- 3. An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office.
- 4. Except as provided in Subsection (F)(1), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

11-5-2: APPROVAL OF AMENDMENT OR VACATION OF PLAT:

- A. The city may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:
 - 1. There is good cause for the vacation or amendment; and
 - 2. No public street or municipal utility easement has been vacated or amended.
- B. Recording of amended or vacated plat
 - 1. The petitioner of the amendment or vacation of a subdivision plat ~~for the city shall record ensure that the amended plat showing the vacation or amendment is recorded in the office of the county recorder in which the land is located:~~
 - a. The plat approved by the city and bearing the appropriate signatures; and
 - b. Return to the city a copy of the recorded plat bearing the county recorder's stamp; and
 - c. Complete B(1)(a and b) within 30 days of the city approval of the amendment or vacation of a subdivision plat.

2. If the amended plat is approved and recorded in accordance with this section, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.
- C. City may vacate a subdivision
1. The city may vacate a subdivision or a portion of a subdivision by recording in the county recorder's office an ordinance describing the subdivision or the portion being vacated.
 2. The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.
- D. An amended plat may not be submitted to the county recorder for recording unless it is:
1. Signed by the city; and
 2. Signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended.
- E. When applicable, a management committee may sign and dedicate an amended plat as provided in Title 57, Chapter 8, Condominium Ownership Act of Utah code.
- F. A plat may be corrected as provided in Section 57-3-106 of Utah code.

11-5-3: PETITION TO VACATE A PUBLIC STREET.

- A. In lieu of vacating some or all of a public street through a plat or amended plat in accordance with Sections 11-5-2 and 11-5-3, the city may approve a petition to vacate a public street in accordance with this section.
- B. A petition to vacate some or all of a public street or municipal utility easement shall include:
1. The name and address of each owner of record of land that is:
 - a. Adjacent to the public street or municipal utility easement between the two nearest public street intersections; or
 - b. Accessed exclusively by or within 300 feet of the public street or municipal utility easement;
 2. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated; and
 3. The signature of each owner under Subsection (B)(1) who consents to the vacation.
- C. If a petition is submitted containing a request to vacate some or all of a public street or municipal utility easement, the city shall hold a public hearing in accordance with Utah code 10-9a-208 Hearing and Notice for Petition to Vacate a Public Street, and determine whether:
1. Good cause exists for the vacation; and
 2. The public interest or any person will be materially injured by the proposed vacation.
- D. The city may adopt an ordinance granting a petition to vacate some or all of a public street or municipal utility easement if the city council finds that:
1. Good cause exists for the vacation; and

2. Neither the public interest nor any person will be materially injured by the vacation.
- E. If the city adopts an ordinance vacating some or all of a public street or municipal utility easement, the city council shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:
1. A plat reflecting the vacation; or
 2. In lieu of a plat the city shall provide
 - a. An ordinance described in Subsection (D); and
 - b. A legal description of the public street to be vacated.
- F. The action of the city council vacating some or all of a public street or municipal utility easement that has been dedicated to public use:
1. Operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of the municipality's fee in the vacated public street or municipal utility easement; and
 2. May not be construed to impair:
 - a. Any right-of-way or easement of any parcel or lot owner;
 - b. The rights of any public utility; or
 - c. The rights of a culinary water authority or sanitary sewer authority.
- G. City may submit a petition to vacate some or all of a public street:
1. If a municipality submits a petition and initiates a process under Subsection G:
 - a. The city council shall hold a public hearing;
 - b. The petition and process may not apply to or affect a public utility easement, except to the extent:
 - i. The easement is not a protected utility easement as defined in Utah code 54-3-27;
 - ii. The easement is included within the public street; and
 - iii. The notice to vacate the public street also contains a notice to vacate the easement; and
 - c. A recorded ordinance to vacate a public street has the same legal effect as vacating a public street through a recorded plat or amended plat.
- H. A legislative body may not approve a petition to vacate a public street under this section unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street.

DISCUSSION PAPER FOR PLANNING COMMISSION USE

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CHAPTER 6 *SUBDIVISION FEES AND ENFORCEMENT OF TITLE*

SECTION:

11-6-1: Fees

~~11-6-2: Plat Fees~~

~~11-6-3: Inspection Fees~~

~~11-6-4: Engineering Fees~~

11-6-2: Enforcement of Title

11-6-1: FEES: Moved from old 11-5

- A. Fees established by resolution of the city council in accord with [Title 1 Chapter 7](#) of city code shall be assessed as a condition of the submission and/or approval of any subdivision anticipated by a developer within the city. Fees paid will go to the general fund of the city and will defray a portion of the expense incurred in reviewing plats and inspection of subdivision improvements.
- B. Plat Fees
1. First Submission: The subdivider shall pay a basic fee, at the time of the first submission of a preliminary subdivision plat, plus an additional amount for each lot or parcel contained within the preliminary plat.
 2. Reapplication: A reapplication fee shall be paid by the subdivider at the time of a reapplication for approval of a preliminary plat which has been previously reviewed by the city. Such fee shall be based on the need for additional review of major changes to the original plat. (Ord. 2012-01, 7-10-2012)
- C. Inspection Fees:
- The subdivider shall post an inspection fee with the city to cover the cost of inspecting improvements in the subdivision. Upon completion of all the improvements, the city shall refund any amount not actually used or, if the fund is exhausted before completion of all improvements, the subdivider shall pay the city an amount estimated by the city council to be sufficient to cover completion. (Ord. 2012-01, 7-10-2012)
- D. Engineering Fees:

The subdivider shall pay all costs incurred from hiring a registered engineer or engineering firm to review, inspect, and approve the subdivision. (Ord. 2012-01, 7-10-2012)

11-6-2: ENFORCEMENT OF TITLE reformatted

A. Designation of city council:

The city council is hereby designated, authorized and charged with the enforcement of the provisions of this title and shall enter such actions in court as are necessary. Failure of the city council to pursue appropriate legal remedies shall not legalize any violation of such provisions. (Ord. 2012-01, 7-10-2012)

B. Inspection during construction:

1. Appropriate agencies and departments of the city and under direction of the city council shall inspect or cause to be inspected all buildings, fire hydrants, water supply, and sewage disposal systems during the course of construction, installation or repair.
2. Excavation for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled before being inspected and approved.
3. It shall be uncovered after notice to uncover has been issued to the responsible person by the building inspector. (Ord. 2012-01, 7-10-2012)

C. Permits issued:

1. From the time of the effective date of the ordinance codified as this title, the zoning administrator shall not grant a permit, or any city officer grant any license or permit for the use of any land, or the construction or alteration of any building or structure on a lot which could be in violation of any provisions of this title until a subdivision plat has been recorded or approved as herein required.
2. Any license or permit issued in conflict with such provisions shall be void. (Ord. 2012-01, 7-10-2012)

D. Penalty:

1. Any person, firm, or corporation who shall transfer or sell any lot or land in any subdivision, as defined in this title, which subdivision has not been approved by the planning commission and by the city council of the city and recorded in the office of the San Juan County recorder, shall be guilty of a class B misdemeanor for each lot or parcel so transferred or sold, and the description of such lot or parcel of land, by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties, or from the remedies herein provided.
2. Upon conviction thereof, the violator shall be subject to penalty as provided in section 1-4-6 of city code.
3. Each day that a violation is permitted to exist may constitute a separate offense.
4. The imposition of any sentence or fine shall not exempt the offender from compliance with the requirements of this title.

5. The city may enjoin such transfer, sale or agreement by action of injunction, or may recover the said penalty by civil action in any court of competent jurisdiction.
6. No building permit shall be issued for improvement or building on said property until all subdivisions requirements have been met. (Ord. 2012-01, 7-10-2012)