NOTICE AND AGENDA
SANTA CLARA CITY COUNCIL MEETING
Wednesday, March 8, 2023
Time: 5:00 p.m.
AGENDA

Public Notice is hereby given that the Santa Clara City Council will hold a Regular Meeting in the City Council Chambers, located at 2603 Santa Clara Drive, Santa Clara, Utah on Wednesday March 8, 2023, commencing at 5:00 PM. The meeting will be broadcast via You Tube linked on our website at https://sccity.org/meetings.

1. **Call to Order**

2. **Opening Ceremony:**
   - Pledge of Allegiance: Denny Drake
   - Opening Comments: Tahirih Aetonu, Baha'i Community of St. George, St. George Interfaith Council.

3. **General Citizen Public Comment:**

4. **Conflicts and Disclosures**

5. **Working Agenda:**

A1. Public Hearing(s) 5:00 pm: Public Hearing(s) to receive public input regarding amending the Santa Clara City Consolidated Fee Schedule.

Consent Agenda

1. Approval of Claims and Minutes:
   - Feb. 22, 2023 Regular City Council Meeting Minutes
   - Claims through Mar. 8, 2023

2. Calendar of Events:
   - Mar 15, 2023 City Council Work Meeting
   - Mar. 22, 2023 Regular City Council Meeting

B. General Business:

1. Discussion and action to consider amending the Consolidated Fee Schedule by adding the fines associated with administrative violations and approve Resolution 2023-06R. Presented by Cody Mitchell, Building Official.

2. Discussion and action to consider a proposed PDC Zone Amendment and Site Plan Application for the undeveloped property on the corner of Lava Flow Drive and Santa Clara Drive adjacent to Heritage Point Townhomes. The applicant Keith Reber , proposes to Develop the site to include a 5,000 square foot office building. The subject property (Parcel #SC-6-2-15-326) is 0.64 acres in size. Presented by Jim McNulty, City Planner.

3. Discussion and action to consider a proposed General Plan Amendment Application for property Located at approximately 2276 Arrowhead Trail (Parcels # SC-6-2-22-4148, # SC -9-A-12, and #SC-9-A-18, described as 1.48 acres). Split Rock Construction is proposing a General Plan Amendment from Low Density Residential, LDR and Main Street Commercial, MSC to Medium Density Residential, MDR for the property. The proposed General Plan Amendment is part of the process for a single-family residential subdivision and approve Ordinance 2023-08. Presented by Jim McNulty, City Planner.

4. Discussion and action to consider a proposed Code Amendment to Title 16, "Subdivisions", Chapter 16.04 "General Provisions" and Title 17, Chapter 17.04, General Provisions of city code. This includes updates to the subdivision, zoning ordinance, and general clean-up and approve Ordinances 2023-04 and 2023-05. Santa Clara City, Applicant, Presented by Jim McNulty, City Planner.

5. Discussion and action to consider approval of the Service Agreement between Teri Forbes and Santa Clara City to transcribe City Council, Planning Commission, Heritage, Hillside and TRC Minutes for Santa Clara City. Presented by Brock Jacobsen, City Manager.

6. Discussion and action to consider approval of the Dammeron Valley Vehicle Lease Agreement. Presented by Andrew Parker, Fire Chief.

6. **Reports:**
   a. Mayor / Council Reports:

7. **Executive Session:**

8. **Adjournment:**

Note: In compliance with the Americans with Disabilities Act, individuals needing special accommodation during this meeting should notify the city no later than 24 hours in advance of the meeting by calling 435-673-6712. In accordance with State Statute and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting.

Zoom Meeting Participants: Participants on the Zoom call are limited to City Staff, Council Members, and applicants on the agenda. Email calendar invitations will be sent out in advance of the meeting. Instructions for each meeting will include the meeting ID, and password to join. When joining the meeting your screen name must show your full name. Each applicant will be accepted into the meeting when their item is up for discussion. Please contact Chris Shelley at (435)673-6712 Ext. 203 with any questions regarding public meetings.

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Santa Clara City limits on this 2nd day of March 2023 at Santa Clara City Hall, on the City Hall Notice Board, at the Santa Clara Post Office, on the Utah State Public Notice Website, and on the City Website at http://www.sccity.org. The 2022 meeting schedule was also provided to the Spectrum on January 3, 2023.

_____

Chris Shelley – City Recorder

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen

CITY OF
SANTA CLARA
FOUNDED 1854

City Council
Denny Drake
Leina Mathis
Ben Shakespeare
Jarett Waite
Christa Hinton

CITY COUNCIL

Meeting Date: March 8, 2023 **Agenda Item: 1**

Applicant: Santa Clara City **Requested by:** Cody Mitchell

Subject: Amend Consolidated Fee Schedule

Description:
The recently adopted Administrative Code Enforcement Ordinance is lacking the support of the fee schedule to initiate applicable fines associated with administrative violations. The proposed amendment to the consolidated fee schedule recommends fees be assessed with Administrative Citations and Administrative Code Enforcement actions.

Recommendation: Approval

Attachments:

Cost: N/A

Legal Approval: Yes

Finance Approval: N/A

Budget Approval: N/A

2603 Santa Clara Drive, Santa Clara, Utah 84765
Phone (435) 673-6712 Fax (435) 628-7338

Consolidated Fee Schedule Amendment

Administrative Citation

Warning: No Fine
1st Citation: $100
2nd Citation $200
All Subsequent Citations $500

Administrative Code Enforcement Fees

$25 per day per violation, plus court costs if found guilty of infraction by Administrative Law Judge. Daily fees will continue to accrue until the code infractions are deemed compliant.

CITY OF SANTA CLARA
RESOLUTION NO. 2023-06R

A RESOLUTION AMENDING THE ADMINISTRATIVE CODE ENFORCEMENT FEES AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Santa Clara City finds it necessary from time to time to amend/adjust fee schedules to cover the true cost of services rendered; and

WHEREAS, the recently adopted Administrative Code Enforcement Ordinance is lacking the support of the fee schedule to initiate applicable fines associated with administrative violations; and

WHEREAS, the proposed amendment to the consolidated fee schedule recommends fees be assessed with the Administrative Citations and Administrative Code Enforcement actions.

WHEREAS, staff has reviewed and revised the fee schedule and has been reviewed by the City Attorney; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Clara, Utah, that the Amended Consolidated Fee Schedule is hereby implemented as shown in the attached Exhibit "A".

Effective Date:
This Resolution shall become effective immediately upon adoption by the City Council, recording, and posting in the manner prescribed by law.

ADOPTED by a duly constituted quorum of the Santa Clara City Council this 8th day of March 2023.

IN WITNESS THERETO:

_____
RICK ROSENBERG, Mayor

ATTEST:

_____
Chris Shelley, City Recorder

Exhibit "A"

Consolidated Fee Schedule Amendment

Administrative Citation

Warning: No Fine
1st Citation: $100
2nd Citation $200
All Subsequent Citations $500

Administrative Code Enforcement Fees

$25 per day per violation, plus court costs if found guilty of infraction by Administrative Law Judge. Daily fees will continue to accrue until the code infractions are deemed compliant.

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen

CITY OF
SANTA CLARA
FOUNDED 1854

City Council
Denny Drake
Leina Mathis
Ben Shakespeare
Jarett Waite
Christa Hinton

CITY COUNCIL

Meeting Date: March 8, 2023 **Agenda Item:** 2

Applicant: Santa Clara City

Requested by: Jim McNulty

Subject: PDC Zone Amendment & Site Plan Review

Description:
The applicant, Keith Reber, is requesting a PDC Zone Amendment, and Site Plan Review for a medical office building. The proposed plan includes a 4,979 square foot office building which will include two (2) office spaces of 2,490 square feet. The subject property is approximately 0.64 acres (27,878 sq. ft.) in size. A staff report with attachments has been included.

Recommendation: Approval

Attachments: **Yes**

Cost: N/A

Legal Approval: Yes

Finance Approval: N/A

Budget Approval: N/A

2603 Santa Clara Drive, Santa Clara, Utah 84765
Phone (435) 673-6712 Fax (435) 628-7338

City of Santa Clara
2603 Santa Clara Drive
(435) 656-4690, Ext. 225
jmcnulty@sccity.org

Staff Report

PDC Zone Amendment & Site Plan Review Summary and Recommendation

Public Body: Santa Clara City Council
Meeting Date: March 8, 2023
Current Zone: PDC Zone
General Plan Designation: Main Street Commercial
Property Size: 0.64 acres
Property Location: Northeast corner of Santa Clara Drive and Lava Flow
Request: PDC Zone Amendment & Site Plan Review
Applicant Name: Keith Reber
Staff Planner: Jim McNulty
Planning Staff Recommendation: Approve with conditions
Meeting Type: Public Hearing

PROJECT DESCRIPTION

The applicant, Keith Reber, is requesting a PDC Zone Amendment, and Site Plan Review for a Medical Office Building. The proposed plan includes a 4,979 square foot office building which would include two (2) office spaces. Each office space is proposed at 2,490 square feet in size. The property is approximately 0.64 acres (27,878 sq. ft.) in size.

The subject property is one of two commercial properties that were included in the property rezoning for the overall Heritage Point Project. The two (2) commercial properties are zoned PDC, with the Heritage Point Townhome Project being zoned PDR. This project is under construction (90% complete) and includes 55-units. A project plan for this area is attached.

Chapter 17.68, Planned Development Zones, requires a review of the site plan layout, building design and materials, landscaping, outdoor lighting, parking, fencing, signage, as well as other necessary items for a commercial project. Staff will further discuss the proposed project and requirements in the report.

SITE & VICINITY DESCRIPTION

The subject property is located on the northeast corner of Santa Clara Drive and Lava Flow Drive. Major cross streets in the vicinity include Santa Clara Drive, Lava Flow Drive, and Warrior Way.

SITE PLAN REVIEW ITEMS

City staff has identified the following items that need to be addressed with Site Plan Review:

1. **Site Plan Layout:** Access to the site is proposed off Santa Clara Drive. The primary access will be gained from the road (Heritage Drive) that goes into the Heritage Point townhomes off Santa Clara Drive. A secondary access can be gained off of Lava Flow Drive to Heritage Drive; however, the building does not have frontage at this location. A 4,979 square foot building is proposed on the site which meets all setback requirements. A 5' walkway has been provided from the front of the building to the existing sidewalk along Santa Clara Drive, as well as a connection to the sidewalk for Heritage Point. A dumpster enclosure has been shown on the site and will be required to comply with Chapter 17.36.110 of city code. A copy of the Site Plan is attached.

2. **Building Design & Materials:** The proposed building includes a "timeless design" with a light grey and dark grey stucco, brick veneer (Coronado used brick), metal awnings and window treatments (black), and cable supports. Architectural metal panels (Dusty Grey) have been added above the brick in the middle sections of the building to provide visual interest. A parapet wall (off white stucco) has also been provided at the top of the building. The building height is approximately 24' to the top of the parapet wall. If any roof top mechanical equipment is proposed, it needs to be located behind the parapet wall to allow for appropriate screening. City staff believes that this building will be a nice addition to the community. A copy of the building elevations is attached.

3. **Project Landscaping:** The final landscape and irrigation plans will be required to comply with Ordinance #22-05 (Water Efficient Landscaping & Conservation Standards). The applicant has hired a landscape architect to do this work. It appears that the submitted landscape and irrigation plan meets the code requirements; however, city staff will do a more thorough review at building permit submittal. The total landscaped area is 11,020 square feet (approximately 39% of overall site). Additionally, all street frontages will be landscaped as per code requirements (minimum 10' landscape buffer). A copy of the landscape plan is attached.

4. **Outdoor Lighting:** Chapter 17.32.070 allows for parking lot light standards with a maximum height of 16 feet (16') using indirect, hooded light sources. Additionally, Chapter 17.68.040 indicates that all outdoor lighting shall not adversely impact surrounding residential uses. All lighting shall be shielded and directed downward to avoid light spill.

5. **Required Parking:** The project is required to have a minimum of 20 parking spaces for the proposed medical office uses as per Chapter 17.32. The Site Plan indicates a total of 31 parking spaces including two (2) ADA parking spaces near the building entrance.

6. **Fencing:** Project fencing is not proposed. The Heritage Point Townhomes to the south and east, includes a solid wall around the perimeter of the project (along Santa Clara Drive, Lava Flow Drive, and commercial site to the east). This site has frontage on Santa Clara Drive and Lava Flow Drive.

7. **Project Signage:** Chapter 17.44 allows for wall signs, entry signs, and monument signs. The applicant is proposing walls signs for both offices spaces on the east side of the building. This is allowed by code; however, the wall sign area shall be no greater than 10% of the total wall square footage of the wall on which the sign is placed. A monument sign is also proposed on the corner of Santa Clara Drive and Lava Flow Drive. City staff will review each sign for code compliance prior to bringing the final sign package back to the Planning Commission for approval at a later date as required in the PDC Zone.

8. **Water Availability:** The applicant is required to obtain a will-serve letter or other verified documentation from the Washington County Water Conservancy District, WCWCD prior to obtaining a building permit.

9. **Dust Control:** The applicant will be required to submit a dust control plan for the site prior to obtaining a building permit. The project is adjacent to a residential neighborhood and precautionary measures are needed to protect the general health, safety, and welfare of residents and visitors in the vicinity.

NEIGHBORHOOD RESPONSE

Notices were sent to the property owners within 300' of the subject property. The subject property was also posted as per State Code. No responses were received by city staff prior to the public hearing on February 23, 2023.

GENERAL PLAN CONSIDERATION

The Santa Clara City General Plan indicates a Main Street Commercial, MSC Land Use for the subject property. The existing Planned Development Commercial, PDC Zone complies with the intent of the General Plan. The description and character objectives for the MSC Land Use states the following:

> "Predominately commercial uses on the ground level, including uses such as stores, restaurants, and offices with residences and/or offices on the second floor. Projects should be pedestrian friendly as well as accessible by automobile".

The proposed application does not include a mixed-use development. However, it does include office uses as encouraged by the General Plan.

STATE CODE CONSIDERATIONS

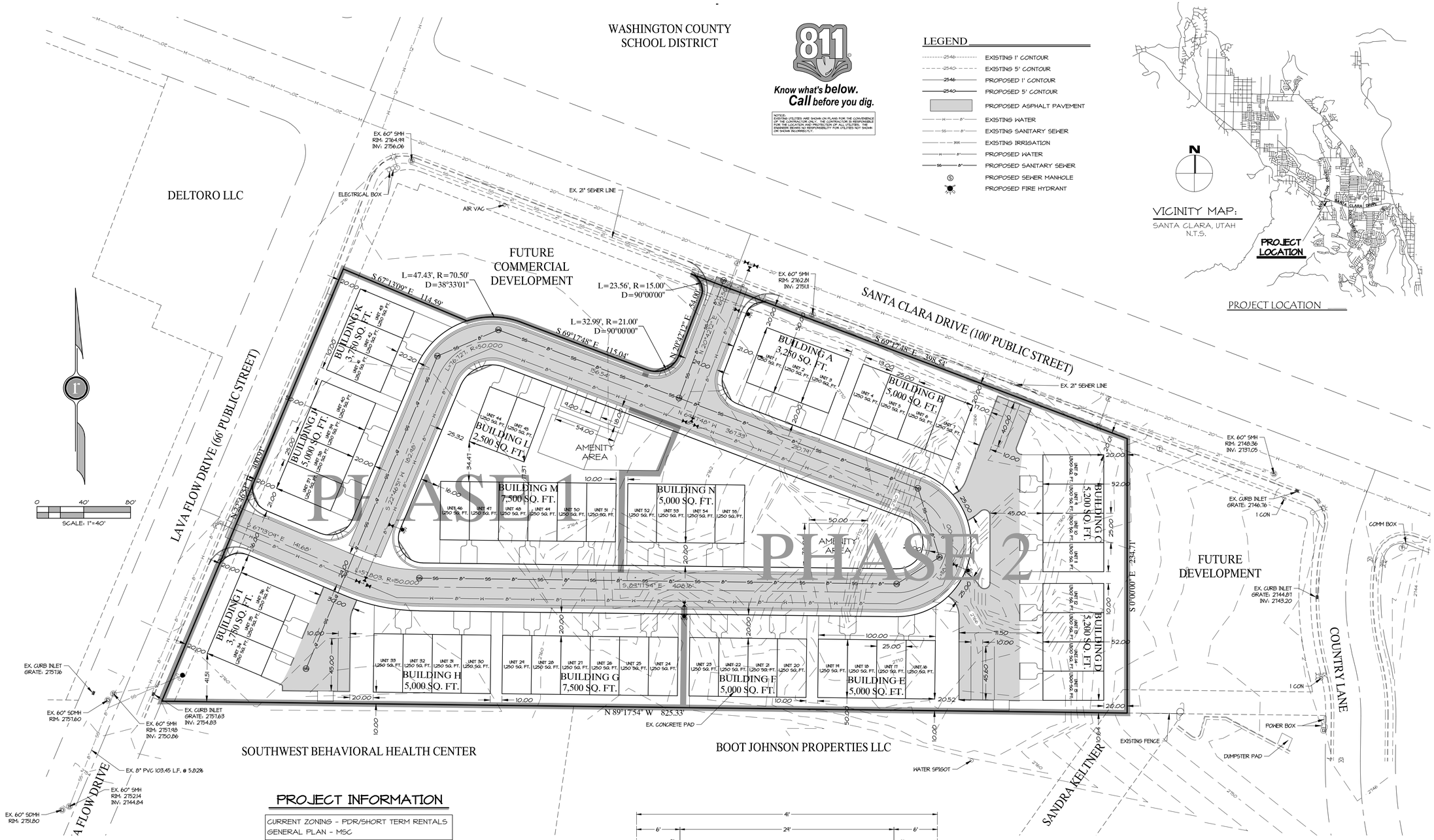
Utah Code, Section 10-9a-205 includes requirements for a zoning map amendment. To amend the PDC Zone, the city must hold at least one public hearing. Additionally, a public hearing to consider a PDC Zone Amendment requires 10 days' notice rather than 24 hours' notice. A notice must be sent to all property owners within 300' of the subject property, with a notice in a visible location, with a sign of sufficient size and durability. The city is also required to post on the State Public Notice website. Planning staff has determined that all State Code requirements have been met with this application.

PLANNING STAFF RECOMMENDATION

The Planning Commission held a public hearing on February 23, 2023, and forwarded a recommendation of ***APPROVAL*** to the City Council. City staff recommends that the City Council ***APPROVE*** the PDC Zone Amendment, and Site Plan for the Keith Reber Medical Office Building subject to the following conditions:

1. That the applicant be required to comply with the recommendations from all city reviewing departments.
2. That the applicant be required to install site improvements which meet city standards.
3. That the project be built according to the approved Site Plan. That this includes but is not limited to all item listed in the staff report.
4. That the building design & materials include light grey and dark grey stucco, brick veneer (Coronado used brick), metal awnings, window treatments, and cable supports (black). That architectural metal panels (Dusty Grey) be included above the brick sections of the building. That a parapet wall (off white stucco) be provided and used to screen rooftop mechanical equipment if proposed. That the building height be allowed at 24 feet.
5. That the final landscape and irrigation plans be required to comply with Ordinance #22-05 (Water Efficient Landscaping & Conservation Standards). That all street frontages be landscaped as per city code requirements. That the total landscaped area be approved at approximately 39% of the site.
6. That parking light lighting be limited to light standards with a maximum height of 16 feet (includes base of light standard) as per city code requirements. That all lighting use indirect, hooded light sources, and be shielded and directed downward to avoid light spill.
7. That 31 parking spaces including two (2) ADA spaces be provided for the site as per city code requirements.
8. That the dumpster enclosure for this site be required to comply with city code.
9. That all project signage be required to comply with the Sign Code. That the wall signs and monument sign go back to Planning Commission for approval (PDC Zone) at a later date prior to building permit issuance.
10. That the applicant be required to obtain a will-serve letter or other verified documentation from the Washington County Water Conservancy District, WCWCD prior to obtaining a building permit.
11. That the applicant submits a dust control plan for the site prior to obtaining a building permit.
12. That the applicant be required to obtain a building permit before site construction begins.

HERITAGE POINT TOWNHOMES



VICINITY MAP:
SANTA CLARA, UTAH
N.T.S.

PROJECT LOCATION

Know what's **below.** **Call** before you dig.

NOTICE:
EXISTING UTILITIES ARE SHOWN ON PLANS FOR THE CONVENIENCE OF THE CONTRACTOR AND THE CONTRACTOR IS RESPONSIBLE FOR THE LOCATION AND PROTECTION OF ALL UTILITIES. THE ENGINEER BEARS NO RESPONSIBILITY FOR UTILITIES NOT SHOWN OR SHOWN INCORRECTLY.

LEGEND

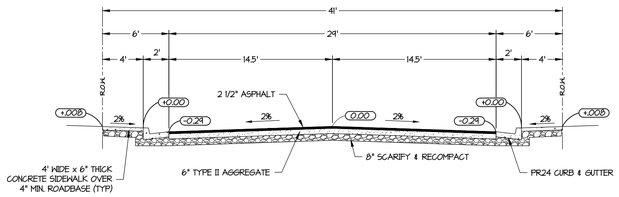
- EXISTING 1' CONTOUR
- EXISTING 5' CONTOUR
- PROPOSED 1' CONTOUR
- PROPOSED 5' CONTOUR
- PROPOSED ASPHALT PAVEMENT
- EXISTING WATER
- EXISTING SANITARY SEWER
- EXISTING IRRIGATION
- PROPOSED WATER
- PROPOSED SANITARY SEWER
- PROPOSED SEWER MANHOLE
- PROPOSED FIRE HYDRANT

PROJECT INFORMATION

CURRENT ZONING - PDR/SHORT TERM RENTALS GENERAL PLAN - MSC	
TOTAL AREA	5.47 ACRES 238,157 SQ. FT.
PROJECT DENSITY	10.05 UNITS PER ACRE

PROJECT TOTALS

TOTAL PARCEL AREA - 238,157 SQ. FT.	100%
TOTAL BUILDING AREA - 68,650 SQ. FT.	29%
TOTAL PUBLIC STREET - 57,718 SQ. FT.	24%
TOTAL COMMON AREA - 111,789 SQ. FT.	47%
LANDSCAPED COMMON AREA - 68,112 SQ. FT.	
AMENITY AREA - 5,590 SQ. FT.	



PROPOSED RESIDENTIAL STANDARD - 41' R.O.W.
SCALE: N.T.S.

PROJECT ENGINEER

ROSENBERG ASSOCIATES
352 EAST RIVERSIDE DRIVE, SUITE A2
ST. GEORGE, UT 84790
CONTACT: ALLEN HALL
(435) 673-8586

GEOTECHNICAL ENGINEER

APPLIED GEOTECHNICAL ENGINEERING CONSULTANTS, INC. (AGEC)
1420 SOUTH 270 EAST
ST. GEORGE, UT 84790
CONTACT: WAYNE ROGERS
(435) 673-6850

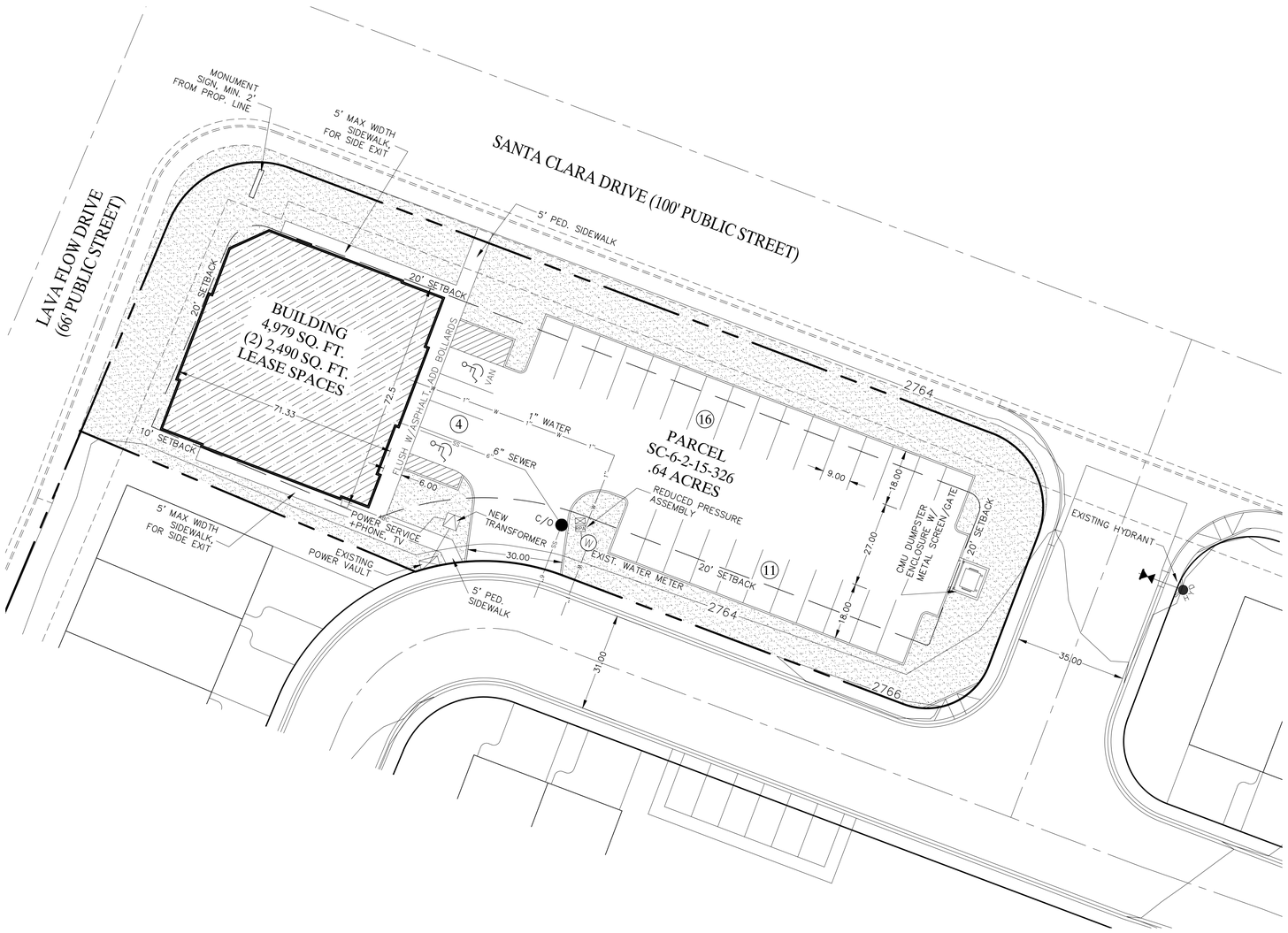
DATE:	2/25/20
JOB NO.:	10565-20-001
DESIGNED BY:	AMH/DMH
CHECKED BY:	JAB
DWG:	PRE. PLAT

DATE
REVISIONS

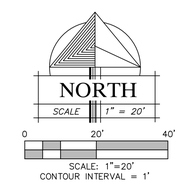
ROSENBERG ASSOCIATES
CIVIL ENGINEERS • LAND SURVEYORS
352 East Riverside Drive, Suite A-2
St. George, Utah 84790
Ph (435) 673-8586 Fx (435) 673-8397
www.racivil.com

PRELIMINARY PLAT
FOR
HERITAGE POINT TOWNHOMES
SANTA CLARA
UTAH

SHEET
1
1 OF 1 SHEETS



SITE PLAN
SCALE: 1" = 20'



SITE DATA TABLES

ZONING – PDC, PLANNED DEVELOPMENT COMMERCIAL	
NEW BUILDING HEIGHT: 24'–0"	
OCCUPANCY TYPE: B	
CONSTRUCTION TYPE: V–B	
BUILDING USE: OFFICE	
TOTAL PARCEL AREA:	.64 ACRES, 27,878 sq. ft.
NEW BUILDING AREA (FOOTPRINT):	4,979 SQ. FT. 18% OF PARCEL
PARKING/IMPERVIOUS AREA:	11,879 SQ. FT. 43% OF PARCEL
LANDSCAPE AREA:	11,020 SQ. FT. 39% OF PARCEL
REQUIRED PARKING @ 1 PER 250 = 20	
PARKING DATA	SPACES REQUIRED – 20 SPACES PROVIDED – 31

NOTE: ALL UTILITIES ARE UNDERGROUND

© COPYRIGHT 2023, MRW DESIGN ASSOCIATES INC.

DATE: 1-18-23
JOB NUMBER: 22009
SCALE: 1"=20'
DRAWN:
CHECKED:

MRW DESIGN ASSOCIATES INC.
ARCHITECTURE & CONSULTING ENGINEERS
73 EAST 100 SOUTH
ST. GEORGE UTAH 84770
(435) 628-2377 (435) 673-3580 fax
www.mrwdesign.com

SITE PLAN
OFFICE BUILDING
for KEITH REBER
SANTA CLARA CITY, UTAH

C2.1
OF SHEETS

EAST(PARKING) ELEVATION

Scale: 1/8" : 1'-0"

NORTH (SANTA CLARA DR.) ELEVATION

Scale: 1/8" : 1'-0"

WEST (LAVA FLOW)ELEVATION

Scale: 1/8" : 1'-0"

SOUTH ELEVATION

Scale: 1/8" : 1'-0"

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DATE: 1/24/23

JOB NUMBER:

SCALE: 1/8"=1'

DRAWN:

CHECKED:

MRW DESIGN ASSOCIATES INC.
ARCHITECTURE & CONSULTING ENGINEERS

73 EAST 100 SOUTH
P.O. BOX 2775
ST. GEORGE UTAH 84770
(435) 628-2377 (435) 673-3580 fax
www.mrwdesign.com

COLORED EXTERIOR ELEVATIONS

OFFICE BUILDING
for KEITH REBER
SANTA CLARA CITY, UTAH

OF SHEETS

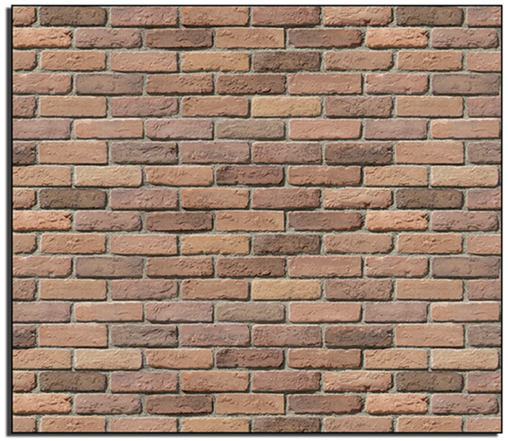
MRW DESIGN ASSOCIATES INC.

New Office Building
for Keith Reber
Santa Clara Dr. and Lava Flow Dr.

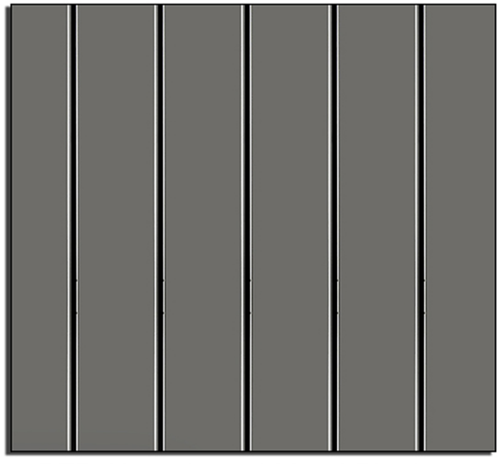
New Office Building for Keith Reber

Santa Clara Dr. and Lava Flow Dr.

6. Pre-finished aluminum awnings



5. Coronado thin brick,
Special Used Brick, Tribecca



1. RFB Alumaboard Metal Planks,
10”, Dusty Grey

2. Medium Stucco, similar to
SW 6072, Versatile Grey

3. Light Stucco, similar to
SW 7570, Egret White

4. Dark Stucco, similar to
SW 7018, Dovetail

LANDSCAPE PLAN
SCALE: 1" = 20'

CLEAR SIGHT DISTANCE CORRIDORS:
KEEP OUT ALL OBJECTS THAT MIGHT BLOCK SIGHT DISTANCE CORRIDORS AT INTERSECTIONS AND DRIVEWAYS.

IRRIGATION NOTES:
1. LANDSCAPE/IRRIGATION INSTALLER SHALL HAVE ALL REQUIRED STATE AND LOCAL LICENSES, INSURANCE, AND BONDING REQUIREMENTS.
2. PLANTS WITH SIMILAR WATER NEEDS SHALL BE GROUPED TOGETHER IN "HYDRO ZONES'. SPRAY HEADS AND DRIP EMITTERS SHALL NOT BE CONNECTED TO THE SAME IRRIGATION VALVE.
3. RIGHT OF WAY AREAS SHALL BE MAINTAINED WITH PROPERTY.
4. LANDSCAPE/IRRIGATION INSTALLER SHALL INSTALL ALL PLANTS AND IRRIGATION EQUIPMENT TO SUPPLIER AND MANUFACTURER RECOMMENDATIONS.
5. INSTALL SLEEVES AND PIPE IN RETAINING WALLS AND UNDER PAVING PRIOR TO PAVING INSTALLATION. SLEEVE MAINLINES AND LATERALS SEPARATELY WHEN POSSIBLE.

WATER PERFORMANCE AUDIT:
A WATER PERFORMANCE AUDIT SHALL BE CONDUCTED BY A CERTIFIED WATER AUDITOR WITHIN 30 DAYS FOLLOWING THE INSTALLATION OF THE IRRIGATION SYSTEM. A MINIMUM OF 10% OF THE IRRIGATION ZONES SHALL BE AUDITED AT THE DISCRETION OF THE AUDITOR.

TREES AND SHRUBS – USE DRIP SYSTEM, DRIP EMITTER, RAINBIRD TUBE SYSTEM, TREE RING DRIP SYSTEM, OR SIMILAR.

DRIP SYSTEM TO BE DESIGN BY LANDSCAPE CONTRACTOR ONSITE TO VERIFY ADEQUATE FLOW TO EACH PLANT. FLOWS WILL BE ADJUSTED TO THE REQUIREMENTS OF EACH SPECIES.

NON-HARDSCAPE AREA (PERVIOUS)
11,020 SQUARE FEET (NON-HARDSCAPE AREA, WHICH IS IRRIGATED)

PLANTING NOTES:
1. THE CONTRACTOR SHALL LOCATE AND VERIFY THE EXISTENCE OF ALL UTILITIES PRIOR TO STARTING WORK.
2. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN THE QUANTITIES AND SIZES SUFFICIENT TO COMPLETE THE PLANTING SHOWN ON ALL DRAWINGS.
3. ALL MATERIAL SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY THE CURRENT AMERICAN STANDARD FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION (ANLA).
4. NO PLANT SHALL BE PUT INTO THE GROUND BEFORE ROUGH GRADING HAS BEEN FINISHED AND APPROVED BY PROJECT MANAGER OR LANDSCAPE ARCHITECT.
5. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE IN ITS CONTAINER.
6. ALL PLANTS SHALL BE BALLED AND WRAPPED OR CONTAINER GROWN AS SPECIFIED. NO CONTAINER GROWN STOCK WILL BE ACCEPTED IF IT IS ROOT BOUND. ALL ROOT WRAPPING MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT TIME OF PLANTING AND WITH CONTAINER GROWN STOCK, THE CONTAINER SHALL BE REMOVED AND THE CONTAINER BALL SHALL BE CUT THROUGH THE SURFACE IN TWO VERTICAL LOCATIONS.
7. ALL PLANTS SHALL BE INSTALLED AS PER DETAILS AND THE CONTRACT SPECIFICATIONS.
8. ALL PLANTS AND STAKES SHALL BE SET PLUMB UNLESS OTHERWISE SPECIFIED.
9. ALL PLANTS SHALL BE INSTALLED AT LEAST 24" FROM BACK OF CURB OR SIDEWALK EXCEPT FOR SMALLER PLANTS THAT MAY BE INSTALLED AT LEAST 18" FROM BACK OF CURB OR SIDEWALK.
10. THE CONTRACTOR SHALL PROVIDE BACKFILL MIX AS PER THE CONTRACT SPECIFICATIONS.
11. ALL PLANTS SHALL BE WATERED THOROUGHLY TWICE DURING THE FIRST 24 HOUR PERIOD AFTER PLANTING. ALL PLANTS SHALL THEN BE WATERED ON A REGULAR SCHEDULE DURING THE FIRST GROWING SEASON.
12. ALL QUANTITIES SHOWN ON THE DRAWINGS ARE FOR CONVENIENCE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THESE QUANTITIES.
13. THE CONTRACTOR SHALL WARRANTY ALL PLANT MATERIAL FOR ONE-YEAR AFTER INSTALLATION.
14. THE TOP 24" OF BACKFILL MATERIAL SHALL HAVE A MINIMUM OF 20% ORGANIC MATERIAL.
15. FINISH GRADE OF ROCK MULCH WILL BE 1" BELOW TOP OF CURB.
16. COORDINATE WITH OWNER FOR LOW-VOLTAGE LANDSCAPE LIGHTING.

LANDSCAPE IRRIGATION LEGEND
- (W) WATER METER–COORDINATE WITH CIVIL UTILITY PLAN
- MAIN IRRIGATION DISTRIBUTION LINE, SIZE AS NOTED
- RPA REDUCED PRESSURE ASSEMBLY/BACK FLOW PREVENTER
- IRRIGATION CONTROL BOX, NUMBER OF VALVES AS NOTED
- (TC) EXTERIOR, WEATHER PROOF, 6 ZONE, COMMERCIAL GRADE, PROGRAMMABLE IRRIGATION CLOCK
- 3" SLEEVE BETWEEN PLANTERS AS SHOWN. PROVIDE SLEEVE UNDER ALL SIDEWALKS AS REQUIRED

LANDSCAPE MATERIALS LEGEND

TREES

CERCIS OCCIDENTALIS	WESTERN REDBUD	15" box per plan
VITEX AGNUS-CASTUS	CHASTE TREE	15" box per plan
QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	24" box per plan
PLATANUS OCCIDENTALIS	LONDON PLAINTREE OR SYCAMORE	36" box per plan

FOR TREES ALONG STREETS – TRIM AND MAINTAIN TREE CANOPY TO 8FT ABOVE GROUND TO INSURE SIGHT DISTANCE

SHRUBS

LEUCOPHYLLUM X	TEXAS SAGE	5 gal. per plan
FORSYTHIA GOLD	FORSYTHIA	5 gal. per plan
or CHOISYA TERNATA or LIGUSTRUM 'TEXANUM'	or MOCK ORANGE or TEXAS PRIVET	5 gal. per plan
LIRIOPE MUSCARI	PURPLE LILY TURF	5 gal. per plan
HESPEROLAE PARVIFLORA	RED-TIPPED YUCCA	5 gal. per plan
SALVIA GREGGII	RED AUTUMN SAGE	5 gal. per plan

ROCK/BOULDERS

- BOULDERS 3"-6" Diameter, QTY: 32 — Desert Varnish, Color to be approved by Owner
- LANDSCAPE ROCK 1"-2" Star Nursery CHERRY MIST, or equal, 3 INCHES THICK OVER FELT WEED BARRIER
- LANDSCAPE ROCK – STEEP SLOPE COVER 4"-6" Star Nursery SANDSTONE, or equal, COMPLETE COVER OVER FELT WEED BARRIER
- ASPHALT PAVING AREA

© COPYRIGHT 2020, MRW DESIGN ASSOCIATES INC.

1/15/23 DATE:
22009 JOB NUMBER:
1" = 20' SCALE:
STS DRAWN:
JJM CHECKED:

MRW DESIGN ASSOCIATES INC.
ARCHITECTURE & CONSULTING ENGINEERS
73 EAST 100 SOUTH
P.O. BOX 2775
ST. GEORGE UTAH 84770
(435) 628-2377 (435) 673-3580 fax
www.mrwdesign.com

LANDSCAPE PLAN
OFFICE BUILDING
FOR KEITH REBER
SANTA CLARA CITY, UTAH 84765

L2.1
OF SHEETS

73 East 100 South, ST. GEORGE UTAH 84770
(435) 628-2377 ph. (435) 673-3580 fax

January 18, 2023

City of Santa Clara Zoning Department

Subject: **Office Building for Keith Reber**
Located at Lava Flow Drive and Santa Clara Drive
Santa Clara City, Utah

ZONE CHANGE AMENDMENT PROJECT DESCRIPTION:

Keith Reber's office building will be a professional office development consisting of one building. The building has a footprint of 5,000 square feet. The building is planned to accommodate 2 tenants. See the Conceptual Site Plan submitted with this letter for more information on site design and parking.

The occupancy of the proposed building will be a 'B' occupancy as defined by the 2018 International Building Code. Uses could include any type of professional/medical/office business use. The building will be developed as a shell building; to be further improved and used by future tenants. For building footprint versus site area percentages please see the Site Data table provided on the Conceptual Site Plan submitted with this letter.

The exterior of the building is designed with a flat, parapet-style roof. Finishes include stucco, brick veneer, metal planks, and metal awnings. Windows are storefront with black frames.

Thank you for working with us to get this project moving forward.

Jeff J. Mathis
Architect
MRW Design Associates

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen

CITY OF
SANTA CLARA
FOUNDED 1854

City Council
Denny Drake
Leina Mathis
Ben Shakespeare
Jarett Waite
Christa Hinton

CITY COUNCIL

Meeting Date: March 8, 2023 **Agenda Item:** 3

Applicant: Santa Clara City **Requested by:** Jim McNulty

Subject: General Plan Amendment (Split Rock Construction)

Description:
Split Rock Construction is requesting a General Plan Amendment for property located at 2276 Arrowhead Trail (Parcels #SC-6-2-22-4148, #SC-9-A-12, and #SC-9-A-18, described as 1.48 acres). The applicant is proposing a General Plan Amendment from Low Density Residential, LDR and Main Street Commercial, MSC to Medium Density Residential, MDR for the subject property. A staff report and Concept Plan have been attached.

Recommendation: Approval **Attachments:** **Yes**

Cost: N/A

Legal Approval: Yes

Finance Approval: N/A

Budget Approval: N/A

2603 Santa Clara Drive, Santa Clara, Utah 84765
Phone (435) 673-6712 Fax (435) 628-7338

City of Santa Clara
2603 Santa Clara Drive
(435) 656-4690, Ext. 225
jmcnulty@sccity.org

Staff Report

General Plan Amendment
Summary and Recommendation

Public Body: Santa Clara City Council
Meeting Date: March 8, 2023
Current Zone: R-1-10 and PDC
General Plan Designation: Low Density Residential, LDR and Main Street Commercial, MSC
Property Location: Approximately 2276 Arrowhead Trail (Parcels #SC-6-2-22-4148, #SC-9-A-12, and #SC-9-A-18, described as 1.48 acres)
Request: General Plan Amendment
Applicant Name: Split Rock Construction *(Adam Glover, Bart Smith)*
Staff Planner: Jim McNulty
City Staff Recommendation: Approval
Meeting Type: Public Hearing

PROJECT DESCRIPTION

The applicant, Split Rock Construction, is requesting a General Plan Amendment for property located at approximately 2276 Arrowhead Trail (Parcels #SC-6-2-22-4148, #SC-9-A-12, and #SC-9-A-18, described as 1.48 acres). The applicant is proposing a General Plan Amendment from Low Density Residential, LDR and Main Street Commercial, MSC to Medium Density Residential, MDR for the subject property.

The applicant has submitted a Concept Plan (attached) that includes a 7-lot single-family subdivision design with lots ranging from approximately 6,000 square feet to 12,000 square feet in size. The Concept Plan has been provided to give the Planning Commission an idea of what's intended to be developed on the property.

The proposed General Plan Amendment to MDR would allow for a range of 3 – 12 dwelling units/acre according to the General Plan. However, the applicant intends to develop a single-family subdivision with 7-lots which equates to a density of 4.76 units/acre. The applicant intends to apply for a Property Rezoning to the R-1-6 Zone if the General Plan Amendment is approved.

NEIGHBORHOOD RESPONSE

Notices were sent to the property owners within 300' of the subject property. The subject property was also posted as per State Code. No responses were received by city staff prior to the public hearing on February 23, 2023.

GENERAL PLAN CONSIDERATION

The Santa Clara City General Plan Map includes **two (2) land use designations for the property**. This includes Low Density Residential, LDR (along the frontage of Arrowhead Trail) and Main Street Commercial, MSC (northern portion of property without Arrowhead Trail frontage).

The description for LDR **(Section 3.4, Land Uses)** states the following:

> *"A suburban type of density allowing primarily single-family detached homes with a density range of 2 – 4 dwelling units per acre".*

The description for MSC **(Section 3.4.2 Mixed-Use Land Uses)** states the following:

> *"Predominantly commercial uses on the ground level, including uses such as stores, restaurants, and offices with residences and/or offices on the 2nd and 3rd floors".*

The description for MDR **(Section 3.4, Land Uses)** states the following:

> *"Single-family structures, and townhomes on small lots with a density range of 3 – 12 dwelling units per acre".*

Section 2.5 of the General Plan includes "Appropriate Land Use Transitions" and states the following:

> *"The General Plan encourages gradual transitions in housing types and densities, especially near mixed-use, commercial developments, along arterials, and at major intersections, to ensure compatibility with adjacent existing development".*

Section 3.3 of the General Plan includes Residential Density Ranges and Average Density and states the following:

> *"The city will consider granting higher density in the range relative to demonstrated significant public benefits to be achieved by the project. In most areas, the density designation may be considered an overall average to be achieved by using a mix of unit types and/or lot sizes within the range. For example, in the MDR, the average of 5 units per acre could be achieved by mixing single-family homes with townhomes".*

Section 3.3.1 of the General Plan includes "Density Transitions" and states the following:

> *"To ensure that the new development is compatible with existing neighborhoods, gradual transitions between different densities should occur. For example, if a new development with a medium-density designation were placed next to an existing low-density neighborhood, single-family homes should be placed along the common boundary, with duplexes and townhomes further away from the existing neighborhood."*
>
> **In general, gradual higher densities are encouraged near mixed-use, commercial developments, along arterials, and at major intersections.** Land uses and building types on both sides of a street should be similar; transitions between land use (size and type of buildings) should occur in the middle of the block rather than in the middle of a street.

Request: General Plan Amendment

Section 8.1.1 of the General Plan includes "Santa Clara Street Classification" and states the following:

> *"The Santa Clara Street system is made up of four street types based on function and capacity. The four street types include: Arterial, Major Collector, Collector, and Local".*
>
> Both Arrowhead Trail and a portion of Lava Flow Drive are identified as "Local" streets. Table 7 within the General Plan indicates that the use of a local street includes access to neighborhoods and low traffic demand land uses.

NEW APPLICATION/PREVIOUS DECISION

City staff and legal counsel have discussed the proposed General Plan Amendment application. We believe that the proposed GPA application is in harmony with the existing single-family neighborhood. Previously, we recommended that the applicant consider developing the site as a small lot single-family subdivision per the recently adopted R-1-6 Zone.

On January 12, 2023, the Planning Commission recommended Denial of the previous General Plan Amendment and Rezoning application as per city staff's recommendation. On January 25, 2023, the City Council denied the General Plan Amendment & Rezoning application.

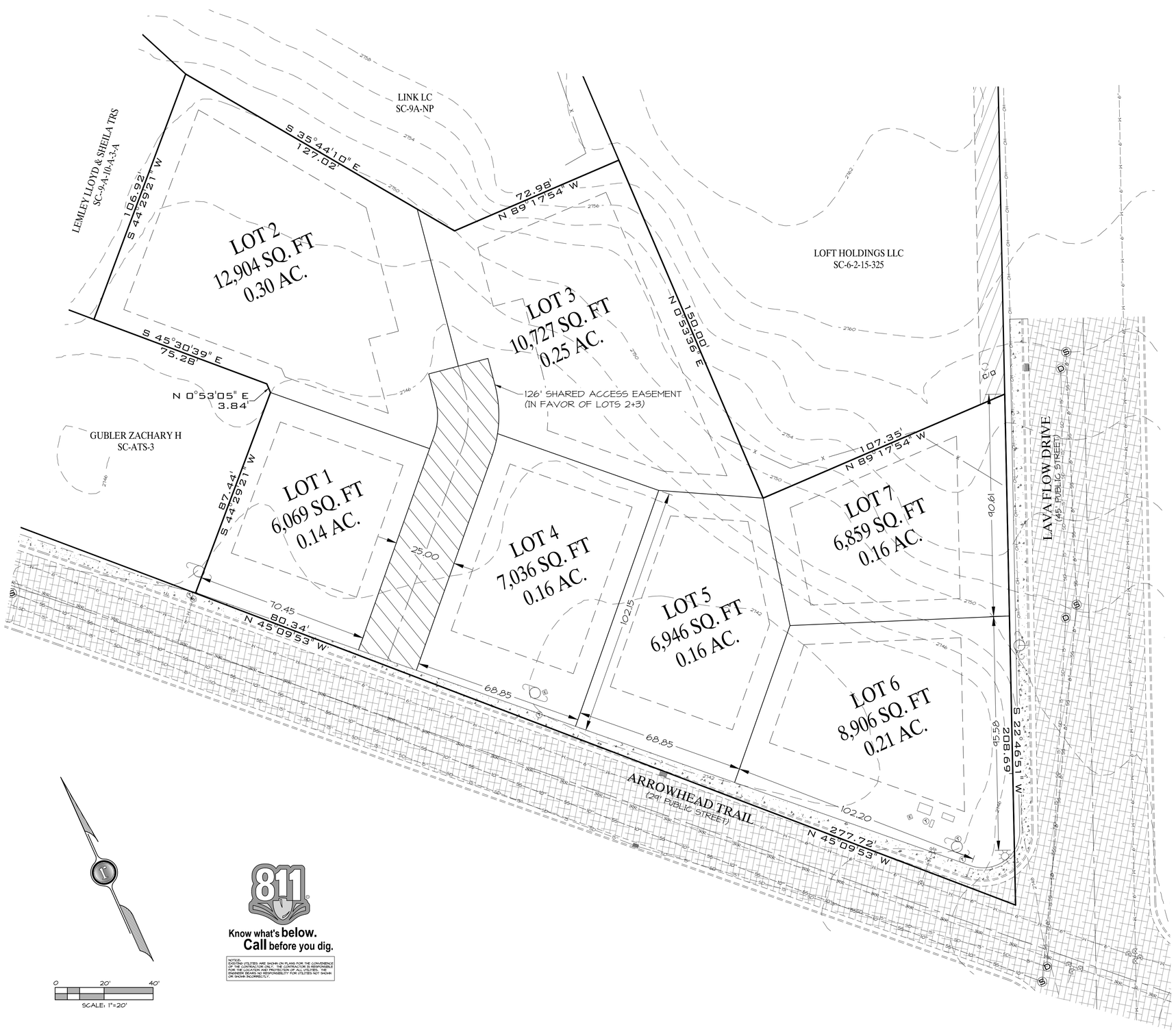
STATE CODE CONSIDERATIONS

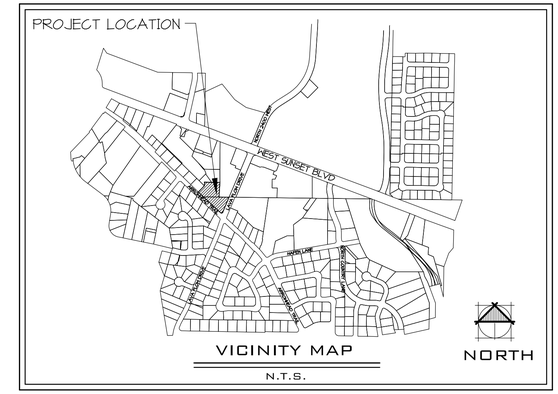
Utah Code, Section 10-9a-404 includes requirements for a general plan amendment. To consider a general plan amendment and rezoning, a city must hold at least one public hearing. Additionally, a public hearing to consider the item requires 10 days' notice rather than 24 hours' notice. A notice must also be sent to all property owners within 300' of the subject property, with a notice in a visible location, with a sign of sufficient size and durability. The city is also required to post on the State Public Notice website. Planning Staff has determined that all State Code requirements have been met with this application.

PLANNING STAFF RECOMMENDATION

The Planning Commission held a public hearing on February 23, 2023, and forwarded a recommendation of ***APPROVAL*** to the City Council. City staff recommends that the City Council ***APPROVE*** the proposed General Plan Amendment for property located at approximately 2276 Arrowhead Trail (Parcels #SC-6-2-22-4148, #SC -9-A-12, and #SC-9-A-18, described as 1.48 acres), subject to the following findings:

1. That the proposed General Plan Amendment complies with Section 2.5 of the General Plan **(Appropriate Land Use Transitions)**.
2. That the proposed General Plan Amendment complies with Section 3.3 of the General Plan **(Residential Density Ranges & Average Density).**
3. That the proposed General Plan Amendment complies with Section 3.3.1 of the General Plan **(Density Transitions)**.
4. That the proposed General Plan Amendment complies with Section 8.1.1, Table 7 of the General Plan **(Santa Clara Street Classification System)**.
5. That the proposed General Plan Amendment **(MDR land use designation)** is in harmony with the existing single-family neighborhood.





SITE DEVELOPMENT DATA

PARCEL NUMBER: SC-6-2-22-4148
ACRES: 1.47
NUMBER OF LOTS: 7
DENSITY: 4.76 UNITS PER ACRE
ZONING: PDC
PROPOSED ZONING: R-1-6
GENERAL PLAN: MSC/LDR
SETBACKS: 20' FRONT
6' - 8' SIDES
10' REAR

DATE:	2/15/23
JOB NO.:	13185-22
DESIGNED BY:	DMH
CHECKED BY:	JWB
DWG:	CONCEPT 2/2/23

DATE
REVISIONS

ROSENBERG
ASSOCIATES
CIVIL ENGINEERS • LAND SURVEYORS
352 East Riverside Drive, Suite A-2
St. George, Utah 84790
Ph (435) 673-8586 Fx (435) 673-8397
www.racivil.com

CONCEPT PLAN
FOR
ARROWHEAD TRAIL PARCEL
SANTA CLARA
UTAH

SHEET
1
1 OF 1 SHEETS

CITY OF SANTA CLARA
ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY OF SANTA CLARA, UTAH, AMENDING THE GENERAL PLAN & LAND USE MAP FROM LOW DENSITY RESIDENTIAL (LDR) AND MAIN STREET COMMERCIAL (MSC) TO MEDIUM DENSITY RESIDENTIAL (MDR), ON 1.47 ACRES, LOCATED AT APPROXIMATELY 2276 ARROWHEAD TRAIL, PARCEL NOS. SC-6-2-22-4148, SC-9-A-12 AND SC-9-A-18.

WHEREAS, the applicant, Split Rock Construction, is requesting an amendment of the General Plan and Land Use Map from Low Density Residential (LDR) and Main Street Commercial (MSC) to Medium Density Residential (MDR), on property located at approximately 2276 Arrowhead Trail, upon approximately 1.47 acres including Parcel Nos. SC-6-2-22-4148, SC-9-A-12 and SC-9-A-18; and

WHEREAS, the purpose for the amendment is to permit application for a zone change to R-1-6 zone, due to applicant's desire to develop a single-family subdivision with seven (7) lots at a density of approximately 4.76 units per acre; and

WHEREAS, pursuant to the requirements of the Santa Clara City Code, the Planning Commission conducted properly advertised a public hearing on the proposed General Plan and Land Use Map amendment on February 23, 2023; and

WHEREAS, the Planning Commission, during its regular meeting held on said date, voted to recommend approval of the proposed amendment to the City Council; and

WHEREAS, the City Council, during its regular meeting held on March 8, 2023, considered the applications for the proposed amendment, the public comments received, and the Planning Commission's recommendation of approval, and voted to approve the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED by the Santa Clara City Council, State of Utah, as follows:

Section 1. Classification

This ordinance amends the General Plan and Land Use Map of the City of Santa Clara, Utah.

Section 2. Amendment

The General Plan and Land Use Map of the City of Santa Clara, Utah, is hereby amended to change the following described property from Low Density Residential (LDR) and Main Street Commercial (MSC) to Medium Density Residential (MDR).

DESCRIPTION:

Property located at approximately 2276 Arrowhead Trail, identified as Parcel Nos. SC-6-2-22-4148, SC-9-A-12 and SC-9-A-18, and more particularly described as follows:

See Exhibit A attached and incorporated with this reference.

Section 3. Findings, Conditions

The amendment approved herein is subject to the following findings:

1. That the proposed General Plan Amendment complies with Section 2.5 of the General Plan (Appropriate Land Use Transitions).

2. That the proposed General Plan Amendment complies with Section 3.3 of the General Plan (Residential Density Ranges & Average Density).

3. That the proposed General Plan Amendment complies with Section 3.3.1 of the General Plan (Density Transitions).

4. That the proposed General Plan Amendment complies with Section 8.1.1, Table 7 of the General Plan (Santa Clara Street Classification System).

5. That the proposed General Plan Amendment (MDR land use designation) is in harmony with the existing single-family neighborhood.

The amendment approved herein is subject to the following conditions: (none)

Section 4. Effective Date

This ordinance shall become effective immediately upon adoption, recording and posting in the manner required by law.

ADOPTED by a duly constituted quorum of the Santa Clara City Council this 8th day of March, 2023.

IN WITNESS THERETO:

Attest:

_____ _____

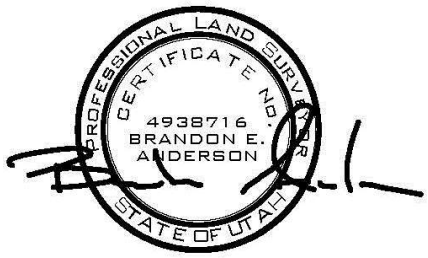
Rick Rosenberg, Mayor Chris Shelley, City Recorder

Exhibit
"A"

Beginning at a point on the 1/16th line, said point being South 89°17'54" East 1,341.84 feet along the section line and North 00°53'05" East 119.07 feet from the Southwest Corner of Section 15, Township 42 South, Range 16 West, Salt Lake Base & Meridian, and running;

thence North 00°53'05" East 3.84 feet along said 1/16th line;
thence North 45°30'39" West 75.28 feet;
thence North 44°29'21" East 106.92 feet;
thence South 35°44'10" East 127.02 feet;
thence South 89°17'54" East 72.98 feet to the 1/1024th line;
thence South 00°53'36" West 150.00 feet along said 1024th line to the section line;
thence South 89°17'54" East 107.35 feet along said section line to the westerly line of Lava Flow Drive;
thence South 22°46'51" West 208.69 feet along said westerly line of Lava Flow Drive to the northeasterly line of Arrowhead Trail;
thence North 45°09'53" West 358.06 feet along said northeasterly line of Arrowhead Trail;
thence North 44°29'21" East 87.44 feet to the Point of Beginning.

Containing 64,330 square feet or 1.48 acres



December 20, 2022

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen

CITY OF
SANTA CLARA
FOUNDED 1854

City Council
Denny Drake
Leina Mathis
Ben Shakespeare
Jarett Waite
Christa Hinton

CITY COUNCIL

Meeting Date: March 8, 2023 **Agenda Item: 4**

Applicant: Santa Clara City

Requested by: Jim McNulty

Subject: Title 16, Subdivisions, and Chapter 17.04, General Provisions

Description:
City staff and legal counsel have been working on Subdivision Ordinance updates. This includes Title 16, Subdivisions, and Chapter 17.04, General Provisions. On February 8, 2023, the Council approved the update to the City Construction Design Standards. As we discussed on February 1, 2023, (Council work meeting) we believe now is the time to do these updates as well. A staff memo with attachments has been included for your consideration.

Recommendation: Approval

Attachments: **Yes**

Cost: N/A

Legal Approval: Yes

Finance Approval: N/A

Budget Approval: N/A

2603 Santa Clara Drive, Santa Clara, Utah 84765

Phone (435) 673-6712 Fax (435) 628-7338

CITY OF SANTA CLARA
FOUNDED 1854

TO: Santa Clara City Council

FROM: Jim McNulty, Planning Manager

DATE: March 8, 2023

RE: Title 16, Subdivisions, and Chapter 17.04, General Provisions

City staff and legal counsel have been working on Subdivision Ordinance updates. This includes Title16, Subdivisions, and Chapter 17.04, General Provisions. On February 8, 2023, the updated City Construction Design Standards were approved, so we believe now is the time to do these updates as well. The draft ordinance updates for Title 16, Subdivisions include:

- Section 16.16.070, Preliminary Plat Approval Procedure
- Section 16.20.070, Final Plat Approval Procedure
- Section 16.28.020, Guarantee Form
- Section 16.28.030, Guarantee Amount
- Section 16.32.060, Building on Unsubdivided Parcel

The draft ordinance updates for Chapter 17.04, General Provisions include:

- Section 17.04.035, Land Use Decision and Water Acknowledgement
- Section 17.04.220, Vesting and Expiration

City staff had an opportunity to discuss this item with the City Council on February 1, 2023, during a Council work meeting. Additionally, this item was discussed with the Planning Commission on February 9, 2023. Both the CC and PC were in favor of proceeding with this item.

State Code Requirements:

Utah State Code, Section 10-9a-205 includes requirements for land use ordinance amendments. To amend an ordinance, a city Planning Commission must hold at least one public hearing. Additionally, a public hearing to consider an ordinance amendment requires a 10-day notice which requires the date, time, and place of the public hearing. Planning staff has determined that all State Code requirements have been met with this application.

Recommendation:

The Planning Commission held a public hearing on February 23, 2023, and forwarded a positive recommendation to the City Council, with one change to the proposed text. *This includes allowing for a "Letter of Credit" as a 3rd option in Section 16.28.020, Guarantee Form.* City staff recommends that the City Council ***APPROVE*** the proposed code amendments (Title 16, Subdivisions, and Chapter 17.04, General Provisions) with consideration of the change to Section 16.28.020 as presented.

TITLE 16
SUBDIVISIONS

CHAPTER 16.04
GENERAL PROVISIONS

SECTION:

16.04.010: Purpose

16.04.020: Scope ~~Of~~of Title

16.04.030: Effect ~~On~~on Previous Ordinance

16.04.040: Exceptions ~~To~~to This Title

16.04.050: Exemptions

16.04.060: Fees

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16.04.010: PURPOSE:

The purpose of this chapter is to promote the health, ~~safety~~safety, and general welfare of the residents of the city of Santa Clara, Utah, by:

A. Promoting the efficient and orderly development of land located within the city;

B. Establishing policies, procedures, requirements, and standards for ~~the~~ subdivision development;

C. Preserving and protecting the environmental quality and aesthetic character of hillside areas, other topographic features, and vegetative cover, and reducing the hazards to life and property from fire, flood, erosion, ~~sedimentation~~sedimentation, and soil slippage;

D. Providing lots of sufficient size and appropriate design for the purpose for which they are to be used;

E. Providing subdivision improvements of adequate capacity and design for traffic that will utilize them, and to ensure pedestrian and vehicle user safety. (Ord. 2009-02 § 1)

16.04.020: SCOPE OF TITLE:

This title shall apply to all subdivisions located wholly or in part within the city. To further define the scope of this title, but not in derogation of its purpose or scope, no person shall:

A. Subdivide a parcel of land except in compliance with this title;

DRAFT

B. Sell, exchange, offer to sell, or offer to exchange any land which is part of a subdivision or a tract of land, offer for recording in the office of the Washington County recorder any deed conveying a parcel of land, or any interest in it, unless that parcel of land is part of a subdivision created pursuant to this title;

C. Offer to sell or lease, to contract to sell or lease, or to sell or lease a subdivision in whole or part until a final plat, in full compliance with this title, has been recorded in the office of the county recorder;

D. Further divide, rearrange, or reduce the area of a lot within a subdivision without first obtaining the approval of the planning commission and the city council as provided in this title (a person may combine lots within a subdivision to create larger lots upon planning commission approval, and may vacate side and rear lot easements by action of the city council);

E. Receive a building permit on a lot within a subdivision until all subdivision improvements, including roads, pavements, and utilities are installed, unless waived by the planning commission and the city council;

F. Occupy a building or structure within a subdivision until the city accepts the subdivision improvements, any buildings and all lots fully complying with the city's subdivision and zoning ordinances;

G. Sell any portion of an approved subdivision until the prospective buyer or builder is advised that occupancy permits will not be issued until all subdivision improvements are completed. (Ord. 2009-02 § 1)

16.04.030: EFFECT ON PREVIOUS ORDINANCE:

The ordinance codified in this title shall amend and supersede the city's existing subdivision ordinance. It is not a new enactment but a continuation of the previous ordinance, whether in the same or in different language. The new ordinance shall read in its entirety as set out in this title. (Ord. 2009-02 § 1)

16.04.040: EXCEPTIONS TO THIS TITLE:

When the planning commission finds that unusual topographic or other conditions exist on a parcel of land subject to this title, the planning commission may recommend to the city council that an exception to this title be granted. Upon recommendation by the planning commission, the city council may change or except the lands from all or a part of the requirements of this title. However, the exception or changes authorized by the city council shall not substantially frustrate the intent of this title. (Ord. 2009-02 § 1)

DRAFT

16.04.050: EXEMPTIONS:

Those uses of land specifically exempted from subdivision by the Utah state code shall be exempt from the provisions of this title. (Ord. 2009-02 § 1)

16.04.060: FEES:

The city council shall from time to time establish and reestablish subdivision filing fees. (Ord. 2009-02 § 1)

CHAPTER 16.08
DEFINITIONS

SECTION:

~~16.08.010: Definitions Of Terms~~

16.08.010: DEFINITIONS OF TERMS:

As used in this title:

ADMINISTRATIVE OFFICER: The person or persons designated by the city council to receive information from an owner or owner's agent; send copies of plats, plans, maps, and other material, to city departments; prepare planning commission agendas; collect fees; and perform other work necessary to the planning commission.

AGRICULTURE: The tilling of the soil, the raising of crops, ~~horticulture~~horticulture, and gardening; breeding, ~~grazing~~grazing, and keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals, or similar uses.

BEGINNING OF CONSTRUCTION: Grading, excavation, or removal of vegetation or earth from a site for construction of access routes or preparation of building pads or footings.

CITY: The city of Santa Clara, Utah, and including any of its assigned staff.

CITY BUILDING OFFICIAL~~INSPECTOR~~: The city's building official~~inspector~~.

CITY COUNCIL: The city council of the city.

CITY ENGINEER: The city's engineer or the authorized representative if an engineer is under contract to do work for the city.

CITY SURVEYOR: The city's surveyor or the authorized representative if a surveyor is under contract to do work for the city.

EASEMENT: The right of the public, some part of the public, or an individual in the land of another person for the purpose of exercising a liberty, privilege, or advantage.

DRAFT

ELECTRONIC COPY: A computer generated copy of the plat information otherwise submitted to the city in hard copy. In the case of a final plat, containing ~~all of~~all the information required for a final plat.

FINAL PLAT: A final plat prepared in accordance with the provisions of this title to be recorded in the office of the Washington County recorder following planning commission and city council approval.

FINAL PLAT MYLAR: The reproducible copy of a final plat meeting ~~all of~~all the requirements of this title and properly prepared to record in the office of the Washington County recorder.

LOT WIDTH: The width of a lot measured along the minimum setback line.

OFFICIAL MAP: Any map adopted by the city council under the provisions of the Utah Code Annotated, 1953, as amended.

OWNER: A natural person, firm, association, partnership, corporation, or any combination that owns a parcel of land or any person designated by the owner in writing as the authorized person to represent the owner.

PARCEL OF LAND: A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same owner.

PLANNING COMMISSION: The planning commission of the city of Santa Clara, Utah.

PRELIMINARY PLAT: A map or plan of a proposed subdivision complying with the requirements of this title.

SUBDIVISION: The division, resubdivision, or proposal to divide a parcel of land into two (2) or more lots, parcels, or other units for the immediate or future sale, lease, division, ~~development~~development, or other disposition. Subdivision includes:

A. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded document; and

B. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

THROUGH LOT: A lot having frontage on two (2) dedicated streets and having the right of access to both of said streets, not including corner lots.

VICINITY MAP: A map or drawing showing the physical relationship of the proposed development to the existing or proposed streets, ~~buildings~~buildings, and utilities; other relevant information such as special terrain, or surface drainage; and existing zoning classification of land in the vicinity of the property proposed for development. (Ord. 2009-02 § 1)

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CHAPTER 16.12
APPROVAL OF SUBDIVISION PLATS

SECTION:

16.12.010: Procedure ~~For~~for Obtaining Approval ~~Of~~of Subdivision Plats

16.12.020: Step One, Basic Data ~~And~~and Information

16.12.030: Step Two, Concept~~Sketch~~ Plan

16.12.040: Step Three, Preliminary Plat ~~And Vicinity Plan~~

16.12.050: Step Four, Final Plat

16.12.060: Construction ~~Of~~of Improvements

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16.12.010: PROCEDURE FOR OBTAINING APPROVAL OF SUBDIVISION PLATS:

Development of any subdivision shall comply with the following procedures. (Ord. 2009-02 § 1)

16.12.020: STEP ONE, BASIC ~~DATA~~DATA, AND INFORMATION:

A. Before initiating the process for subdivision plat consideration, the owner, which may be the owner, or an agent designated by the owner and authorized to act for the owner, shall obtain and review the following:

1. The city's subdivision ordinance.

2. The city's general plan, land use ordinance, construction standards, and other applicable information.

3. Plat maps and record of survey maps of existing subdivisions and parcels of land adjacent to the proposed subdivision.

4. A copy of the city's ~~HP~~ hillside protection overlay, HP zone where applicable.

B. The owner shall visit with the city technical review committee (TRC) to discuss the proposed subdivision, gain a general understanding of the subdivision procedure, and to discuss any other information relative to the specific area being considered for development. (Ord. 2009-02 § 1)

16.12.030: STEP TWO, CONCEPT~~SKETCH~~ PLAN:

A. The owner initiates the subdivision plat consideration process by submitting a concept~~sketch~~ plan to the technical review committee (TRC).

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B. The concept~~sketch~~ plan need not be prepared by a design professional. However, ~~detailed~~detailed, and accurate information incorporated into the concept~~sketch~~ plan will enable the TRC to make more meaningful comments to the development process at an early stage of development.

C. Following TRC review, the concept~~sketch~~ plan may~~will~~ be placed on the next available planning commission agenda for their review and comments if required by city staff. The concept~~sketch~~ plan will be neither approved nor denied, but the comments and recommendations made will be helpful to the ~~owner, and~~owner and help the application to proceed in a timely fashion. Planning commission review of the concept~~sketch~~ plan is not a public ~~hearing, but~~hearing but is specifically for the purpose of the planning commission members to comment to the owner on the viability of the proposed project, and to offer comments and suggestions thereto. The public may or may not be invited to speak.

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D. If a zone change is required ~~previous to~~before the approval of a preliminary plat, the requirements for a zone change found in title 17, chapter 17.18 of this code shall be followed.

E. A preliminary plat should not be submitted to the planning commission for consideration until after the zone change shall have been favorably acted upon by the city council, unless the requested designation is for a planned development district, or historical district/mixed use district, in which case they may be considered at the same time. (Ord. 2009-02 § 1)

16.12.040: STEP THREE, PRELIMINARY PLAT ~~AND VICINITY PLAN~~:

The preliminary plat step is the point at which the owner and ~~the~~ city staff work closely together to resolve issues relative to the subdivision, and to determine its feasibility. All information required by this title as well as additional requirements of the ~~HP~~ hillside protection overlay, HP zone, floodplain ordinance, planned development zoning requirements, and any other information deemed to be appropriate to the proposed development, will all be reviewed at the preliminary plat phase. Reports from the hillside review board~~protection committee~~ shall be required by the TRC, where applicable, prior to submitting the plat to the planning commission.

A. Preparation: The owner will prepare a preliminary plat and ~~a~~ vicinity map~~plan~~. The preliminary plat shall contain all required information listed in this title, as applicable, and the vicinity map~~plan~~ will show the relationship of the proposed subdivision to adjacent subdivisions and to the city in general.

B. Submission: The preliminary plat should be submitted promptly after concept~~sketch~~ plan review. If city ordinances or regulations change between concept~~sketch~~ plan review, and before preliminary plat submission, the owner must comply with the new ordinances and regulations. A minimum of four (4) scale drawings shall be submitted along with twelve (12) reduced eleven inch by seventeen inch (11" x 17") drawings, and one copy in electronic format.

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C. Review By City Departments: The administrative officer shall deliver copies of the preliminary plat and vicinity plan to city departments affected by the proposed subdivision. City departments shall review the preliminary plat for compliance with city ordinances, policies, and regulations. Copies of their comments and suggestions will be reviewed with the owner as often as necessary at TRC meetings to resolve as many concerns as possible.

D. Completion: Upon completion of TRC and applicant review meetings, the owner shall submit the same number of copies of the completed preliminary subdivision plat with supporting documentation, pay the subdivision filing fee, and zone change application fee, as may be applicable, as found in the development fee schedule established by resolution of the city council from time to time. The preliminary plat shall be considered at the next available planning commission meeting. The administrative officer shall send all necessary notices, agendas, and other materials to members of the planning commission.

E. Planning Commission Review: In considering the preliminary plat, the planning commission shall approve only those preliminary plats that it finds to be in accordance with the standards and criteria set forth in this title, and all other city ordinances and policies including, but not limited to, the general plan, the standard specifications for design and construction, the land use ordinance, the historic preservation ordinance, the building codes, and the city's land use, street, utility and drainage master plans, the hillside protection overlay zone, and soils and floodplain ordinances. The planning commission may approve the plat fully or conditionally, may impose conditions or revisions that they feel may be necessary to bring the subdivision into full compliance with city requirements, it may table the plat for further information or study, or it may reject the plat. If rejected, the planning commission shall indicate reasons for the rejection. The owner may redesign the plat using recommendations from the planning ~~commission, and~~commission and reprocess it beginning with step three. If plat revisions are required, the owner shall complete the revisions, and the administrative officer shall resubmit the preliminary plat to the city staff for review, ~~comment~~comment, and compliance with city ordinances. The officer shall then place the plat on the next available planning commission agenda for further consideration.

F. Planning Commission Review ~~Activities~~: The planning commission may set special meetings to visit the site prior to considering the preliminary plat for approval. All special meetings shall be advertised in the same manner as regular planning commission meetings. The planning commission may also schedule work meetings to consider aspects of the proposed development under the same advertising conditions as indicated for special meetings. The planning commission, during their review, may require further information to be submitted in addition to information already provided to the TRC staff.

G. City Council Review: After the planning commission makes their recommendation to the city council, the administrative officer shall include the plat on the next available city council agenda for consideration by the city council. The city council shall then review the preliminary plat. After such review, the city council may approve, conditionally approve, request changes or corrections, request further planning commission review, or deny approval of the preliminary plat. If the city council denies approval or refers the preliminary plat back to the owner for changes, or to the planning commission for more

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study, the city council shall state the reasons for the denial or referral. After the TRC staff has reviewed the resubmitted preliminary plat, or further study has been done by the planning commission, the city council may again consider preliminary plat approval.

H. Additional Studies: In carrying out its responsibilities pursuant to this section, the TRC, planning commission or city council may require the applicant to submit such additional information, data, studies, plans, analyses, or maps as may be necessary to make the factual determinations set forth herein. Any of the above groups may also request a ~~third party~~third-party review at any time of the information submitted. If further study or information is required, the owner shall bear the full cost of meeting this requirement. In situations with severe limitations, actual construction drawings, as required in step four below, may be required for proper preliminary plan review and approval. (Ord. 2015-19: Ord. 2009-02 § 1)

16.12.050: STEP FOUR, FINAL PLAT:

A. Following city council approval of the preliminary plat, the owner shall meet with the technical review committee (TRC) for detailed project design information. The owner's engineer shall prepare complete construction drawings for street profiles, utility construction, drainage, soils reports, flood studies, and any other drawings or plans required by this ~~title~~title, or the hillside protection overlay zone. The owner shall submit four (4) sets of scale drawings, along with twelve (12) reduced scale sets of the drawings, and one copy in an electronic format to the administrative officer for distribution to required departments.

B. The city departments shall review the final plat and construction drawings. Staff will submit comments to the administrative officer. Based upon review and comments, the city shall advise the owner of any required engineering drawing revisions. The owner shall revise the drawings to comply with the required ~~revisions, and~~revisions and submit four (4) sets of final scale drawings along with twelve (12) reduced size drawings, and one copy in electronic format, to the city. The administrative officer~~authority~~ will then schedule the final plat for planning commission hearing and recommendation to the city council.

C. In considering the final plat for approval, the planning commission shall approve only those final plats that it finds to be in accordance with the requirements of preliminary and final plat approval, the standards and criteria set forth in this title, and all other city ordinances and policies. The planning commission may approve, conditionally approve, or reject the final plat. If rejected, the owner may make changes to the final plat and reprocess it beginning with step four. After TRC review, it may be placed back on the planning commission agenda.

D. After planning commission approval, but before city council approval, the city shall review the final plat and construction drawings, along with an estimate from the applicant's engineer of estimated construction costs for the project.

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E. The administrative officer will verify, using the subdivision ordinance check sheet, that all final plat requirements are submitted and reviewed before placing the final plat on the next regularly scheduled city council agenda. The city council, after review, may approve, conditionally approve, request further changes or corrections, request further planning commission review, or deny the final plat. If changes are requested, it may be brought back to the city council following TRC review. The city council will approve the final plat, and the construction drawings, which may then be stamped as "approved". If a final plat is denied by the city council, the applicant may make changes and submit a revised final subdivision plat for consideration.

F. Following council approval, the applicant shall post with the city, the required guarantees, inspection fees, impact fees, recording fees, approval from the city attorney that the title report is approved, and from the county treasurer that all taxes, fees, or other financial requirements have been paid in full.

G. Following completion of all steps listed above, the administrative officer shall obtain all required signatures on the plat and transmit the final signed plat to the county recorder. The recording fee shall be paid by the owner.

H. No development work of any type shall commence until city council approval of the final plat and the construction drawings.

I. All final plats and construction drawings shall be prepared and approved within one year of city council approval of the preliminary plat. Any final plat not submitted and approved within one year of preliminary plat approval is void. ~~In the event that~~If the owner, or any subsequent owner, later desires to submit this same or modified plat for approval, submittal shall begin with step three of this chapter.

J. A final plat must be recorded within eighteen (18) months of city council approval. Extensions may be granted by the city council for periods not to exceed eighteen (18) month intervals. Any plat, with or without posted guarantees, not recorded, nor extended, becomes void eighteen (18) months following city council approval. If the owner, or any subsequent owner later desires to develop the subdivision, the process shall start with step three of this chapter. Construction of any plat extended by the city council shall meet all requirements of the subdivision ordinance that may have been amended between the final approval and the actual construction of the subdivision. (Ord. 2009-02 § 1)

16.12.060: CONSTRUCTION OF IMPROVEMENTS:

The following chapters 16.16 through 16.32 of this title identify specific design and construction standards, guarantees, studies, reports, and other information by which the subdivision will be processed, reviewed, approved, and constructed. The owner is encouraged to study these chapters as well as the previous chapters very carefully when preparing to submit a subdivision plat to the city of Santa Clara. (Ord. 2009-02 § 1)

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CHAPTER 16.16
PRELIMINARY PLAT REQUIREMENTS

SECTION:

16.16.010: Preliminary Plats

16.16.020: Title Block

16.16.030: General Requirements

16.16.040: Existing Conditions

16.16.050: Proposed Plan

16.16.060: Special Conditions

16.16.070: Approval Procedure

16.16.010: PRELIMINARY PLATS:

A. Preparation of Preliminary Plat. It is anticipated that if the Preliminary Plat complies with all requirements under this title, upon final approval of the Preliminary Plat, the Preliminary Plat shall be the basis for the Construction Drawings and Final Plat. Prior to preparing the Preliminary Plat, the applicant shall meet with the Technical Review Committee, TRC to discuss the subdivision proposal and review the Preliminary Plat and the requirements for the required plans, Construction Drawings, studies, and reports. The general requirements as to the layout of streets, street improvements, traffic impact studies, drainage, sewerage, fire protection, availability of existing services, and similar matters will be discussed.

~~The preliminary~~B. Preliminary Plat~~plat~~. The Preliminary Plat shall be a clear and legible graphic representation of the subdivision, existing conditions, and proposed improvements. It shall be labeled and ~~dimensioned, and~~dimensioned and be of a suitable scale to graphically represent the proposed subdivision, existing and proposed improvements required by this title. The preliminary plat will comply with the following ~~requirements, and~~requirements and show the following information. (Ord. 2009-02 § 1)

16.16.020: TITLE BLOCK:

A. The proposed name of the subdivision.

B. The location of the subdivision, including the address, quarter section, ~~township~~township, and range.

C. The owner's name and address. (Ord. 2009-02 § 1)

16.16.030: GENERAL REQUIREMENTS:

A. North arrow and scale: ~~One inch~~One-inch equals one hundred feet (1" = 100') is preferred. ~~One inch~~One-inch equals two hundred feet (1" = 200') is acceptable for larger subdivisions. A minimum of four (4) scale drawings shall be submitted. At least twelve (12) other copies shall be submitted. These additional copies may be in a reduced form on eleven by ~~seventeen inch~~seventeen-inch (11 x 17") sheets along with an electronic copy.

B. The boundary line of the subdivision along with any proposed phasing plan.

C. All property under control of the owner showing phases being developed and an overall street system. The street system shall conform to the existing street master plan, and to local streets already approved adjacent to the proposed subdivision.

D. Existing and proposed contour lines at vertical intervals of not greater than two feet (2') unless otherwise approved by the city. Contours shall extend in all directions for a distance of one hundred feet (100') beyond the boundaries of the subdivision.

E. Any other information that the applicant or the city feels would be useful for proper identification and orientation of the proposed subdivision. (Ord. 2009-02 § 1)

F. At the time of filing an application, the applicant shall schedule an appointment with the city. The city shall review the application for completeness and shall require that the applicant and owner (if different) provide an acknowledgement that they are responsible for obtaining a culinary water "Will-Serve" letter, or the equivalent from the Washington County Water Conservancy District, WCWCD. This requirement is in Chapter 17.04, General Provisions. The city may request that the applicant also present additional information to assist in determining the adequacy, quality, and characteristics of the subdivision proposal.

G. Once the application has been considered and determined to be complete, the application shall be reviewed according to the procedures set forth by this chapter. If the city finds that the application is incomplete, the application shall be rejected, returned to the applicant, and the applicant shall submit a complete application.

16.16.040: EXISTING CONDITIONS:

A. Streets: Location, width, and names of all streets within two hundred feet (200') of the subdivision.

B. Adjacent Tracts: Boundaries of adjacent tracts of subdivided and unsubdivided land, showing ownership where possible.

C. Zones: Identification of the zone or zones in which the property is located.

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D. Public Objects: All public streets, utility rights of way, easements, parks, and other public open space within or adjacent to the proposed subdivision; all section and city boundary lines within and adjacent to the proposed subdivision.

E. Utilities: Sewer mains, sewer manholes, water mains, fire hydrants, power lines, power poles, culverts, or other facilities within one hundred feet (100') of the proposed subdivision.

F. Ditches And Drains: Ditches, drainage channels, waterways, storm drains, and major washes.

G. Floodplains: The location of the floodplain, floodway, and elevations designated by FEMA. No subdivision in the city shall be permitted in a floodplain.

H. Slopes: Any subdivision with hillside slopes must conform to the requirements of the hillside protection overlay zone as part of the preliminary plat approval.

I. Soils: A soils report is required on all lots in the city and on all lots in any subdivision. In addition, preliminary plat approval will require compliance with the requirements of the hillside protection overlay zone, as may be applicable.

J. Erosion Hazard Zones: The preliminary plat shall identify all potential erosion hazard zones, or lands that may be affected by the sensitive ~~lands~~land's ordinance to the best knowledge of the applicant.

K. Historic Preservation: Information may be required by the historic preservation ordinance if the proposed subdivision falls within the historic preservation overlay zone.

L. Vicinity Map: A vicinity map shall be submitted to orient staff and the planning commission as to the specific location of the subdivision.

~~M. Required Provision: The following provision shall be placed upon all recorded subdivision plats affecting lands within the city:~~

~~This property is subject to the findings, summary and conclusions of a Geotechnical Investigation Report prepared by Dated .~~.

~~A copy of said report has been placed within the Geotechnical Report File of the city, and~~city and ~~is available for inspection. The report may be inspected, or copies obtained, by contacting the City of Santa Clara, P.O. Box 2601 Santa Clara Drive, Santa Clara, Utah 84765. Purchasers should review this report and contact the city for additional updated information regarding the report. All purchasers of lots in this subdivision are strongly encouraged to obtain their own Geotechnical Investigation Report and to follow its recommendations.~~

(Ord. 2009-02 § 1)

16.16.050: PROPOSED PLAN:

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A. Streets And Utility Easements: The layout of streets and utility easements showing identification and dimensions. The proposed subdivision plat shall show how it will be served by existing or proposed streets, and a traffic impact study may be required to determine what impact the subdivision may have on other existing development.

B. Lots: The layout, ~~number~~number, and ~~typical~~ dimensions of lots.

C. Setback Lines: Building setback lines must be shown for all lots~~in any questionable lot area~~.

D. Parcels Set Aside: Parcels of land intended to be dedicated for public use or set aside for use of property owners in the subdivision as common or limited common areas.

E. Stormwater Drainage: A proposed plan to dispose of stormwater drainage for the subdivision including proposed realignment or regrading of existing drainageways upstream, within, and downstream of the subdivision. (Note that a stream alteration permit from the state of Utah may be required prior to the alteration of any stream or drainage channel.)

F. Wastewater Collection: Determine how the proposed subdivision can be served by the existing wastewater collection system without the ~~off site~~off-site extension of any trunk or outfall line.

G. Wastewater Treatment: Determine how wastewater estimated to be generated by the proposed subdivision can be accommodated and treated in accordance with city standards and without any treatment plan expansion.

H. Water Supply ~~And~~and Storage: Determine how both the culinary and secondary irrigation water needs of the proposed subdivision can be accommodated in accordance with legally authorized and physically available water rights, and the capacity, storage, design, and construction requirements of the city without additional supply, or storage improvements. Developer may also be required to transfer to the city such water rights and/or water shares to the city, or pay a special assessment in lieu of such transfer, as may be established by ordinance.

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I. Fire Flow: Show how the proposed development will be served by a central water system with appropriately located fire hydrants and adequate flows to meet insurance requirements (a minimum of 1,000 gallons per minute for a period of two (2) hours without additional capital improvements).

J. Fire Response Time: Determine if ~~Is~~ the proposed subdivision is within two (2) miles of a five (5) minute response time of an existing fire station.~~?~~

K. Solid Waste: Determine that the proposed subdivision be served by the existing solid waste collection and disposal system.

L. Electrical Supply: Determine ~~whether or not~~whether the electrical needs of the subdivision can be accommodated by the city power department, and under what conditions.

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M. Parks: Determine that the proposed development is within one mile of a city park, or recreational facility, and within one-half (1/2) mile of a community or neighborhood park, all of which meet city acreage and facility standards, and can accommodate the population projected to be generated by the proposed subdivision development.

N. Phasing Plan: A phasing plan for the subdivision if phases are proposed.

O. Agreements With Outside Agencies: Where public services are proposed by agencies outside those operated by the city, the owner shall provide signed agreements with those agencies approving proposed plans and agreeing to install their systems in accordance therewith.

P. Other Items ~~And~~and Additional Studies: Other items that may be required by the planning commission, and which may be site~~peculiar to the~~ specific for a subdivision and not to subdivisions in general. In carrying out its responsibilities pursuant to this section, the TRC, the planning commission, or the city council may require the applicant to submit such additional information, data, studies, plans, analyses, or maps, as may be necessary to make the factual determinations set forth herein. If so required, the owner shall bear the full cost of meeting this requirement. In situations with severe limitations, actual construction drawings, as required for final plat submission, may be required at the preliminary plat level. (Ord. 2019-10 § 2: Ord. 2009-02 § 1)

16.16.060: SPECIAL CONDITIONS:

The zoning laws of the city of Santa Clara shall confer no vested right to develop under the terms of the zone in which any proposed development is located if the development, due to access and/or other ~~on site~~on-site development conditions which cannot, in the judgment of the city, be developed safely under reasonably anticipated conditions. Safety shall include safety to the users, their invites, safety to the residents of Santa Clara City, and to the ~~general public~~public, and safety of the structural integrity of the improvements.

If the proposed subdivision presents a development condition that the city planning commission or the city council (hereinafter referred to as the "city") deems to be unsafe, the city shall require, prior to preliminary plat approval or building permit issuance (as the case may be), such engineering studies as may be reasonably required to render the site safe for the ~~long term~~long-term viability and safety of the proposed building site. Included in the consideration of unsafe conditions shall be sites which have any, or a combination, of the following conditions:

A. Unsafe or steep access.

B. Steep slopes.

C. Underground water/damage issues.

D. Flooding issues (sites in 100-year floodplain, or subject to flood erosion that may extend beyond the 100-year floodplain).

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E. Washes.

F. Adverse soils conditions.

G. Adverse rock or soils formations.

H. Slide hazards.

I. Liquefaction/earthquake hazard.

J. Such other hazards as may be considered unsafe by the city.

If an unsafe condition is found, then the city shall specify such studies as may be necessary to determine if safe mitigation is reasonably certain ~~in order to~~to allow the development to proceed. The city shall then consider the reports of the owner's experts/engineers, and the reports of any special consultants that the city may hire at the expense of the owner. The city shall also consider the effects of the development on adjacent properties where the site presents evidence of risk outside of the proposed development. The city may also conduct on site reviews of the possible unsafe condition. If, after review of these reports and the evidence presented, the city determines that the site may not be developed safely, then the project shall be denied ~~in order to~~to preserve the health, safety, and welfare of city residents. The city shall determine if a portion of the site can be developed, which ruling shall be given to the owner, and the owner shall be given the opportunity to submit an amended plan which can be developed safely. If an adverse ruling is given, the city shall issue written findings of the reasons why the site is not considered safe. (Ord. 2009-02 § 1)

16.16.070: APPROVAL PROCEDURE:

A. City planning staff shall transmit the Preliminary Plat, and Preliminary Plat review application, along with all accompanying plans, reports, and studies to appropriate city officials and other official agencies or bodies as deemed necessary or as required by law, to allow such persons to review the application.

B. After the Preliminary Plat review application is found to meet the requirements of this title, and all comments have been received from those to whom a request to review was made, the planning manager or designee shall cause the Preliminary Plat to be placed on the next available planning commission agenda, and shall notify the applicant of the date, time, and place of the meeting at which the application shall be reviewed.

C. The planning commission shall only recommend approval of a Preliminary Plat which it finds to be in accordance with the standards and criteria set forth by the city in this title and all other ordinance, plans, and policies of the city. The planning commission may conditionally approve a Preliminary Plat, imposing such conditions as it may require bringing the Preliminary Plat into compliance with the requirements of the city's ordinances, plans, and policies.

D. After reviewing the Preliminary Plat, the planning commission shall make a recommendation to the city council that the Preliminary Plat be approved, conditionally approved, or disapproved. The Preliminary Plat will then be placed on the next available city council agenda, after all legally required notification requirements have been complied

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with, and the city shall advise the applicant of the date, time, and place of the meeting at which the Preliminary Plat shall be reviewed. After review, the city council shall approve, conditionally approve, or disapprove of the Preliminary Plat.

E. Upon approval of the Preliminary Plat, and approval of the Construction Drawings, a permit may be issued which allows the applicant to begin construction at their own risk, of the infrastructure improvements required for the subdivision prior to the Final Plat approval. Issuance of a permit to construct infrastructure prior to Final Plat approval does not constitute a vesting of development rights.

F. If the final subdivision plat, or phase thereof, is not approved by the city within one (1) year after city council approval of the Preliminary Plat, all approvals shall be deemed expired and void. If eligible, the applicant may submit for approval a new Preliminary Plat in accordance with this section, if it is determined by the planning manager or designee that substantial progress toward completion of the final subdivision plat has been done, and the Final Plat cannot be submitted due to reasons beyond the control of the applicant, the item shall be placed on the next available city council agenda for consideration of a reasonable extension of time to complete the final plat, but no longer than one (1) year. A second extension not to exceed one (1) additional year may be granted in extraordinary circumstances demonstrated by the applicant.

G. No extension will be granted to any applicant unless the applicant first submits documentation evidencing that WCWCD has consented to the extension of applicants "Will-Serve" letter consistent with the extension sought from the city.

H. Approval of the Preliminary Plat does not constitute full approval of the development nor vest any development rights as additional requirements may be imposed that are a result of more detailed and thorough review of all plans, specifications, reports, and investigations.

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CHAPTER 16.20
FINAL PLAT REQUIREMENTS

SECTION:

16.20.010: Final Plat

16.20.020: Description ~~And~~and Delineation

16.20.030: Standard Forms

16.20.040: Additional Information Submitted ~~With~~with Final Plat

16.20.050: Conformance ~~To~~to Applicable Rules ~~And~~and Regulations

16.20.060: Other Restrictions

16.20.070: Approval Procedure

16.20.010: FINAL PLAT:

The final plat shall be prepared by a licensed land surveyor on a standard ~~twenty four~~twenty-four inch by ~~thirty six~~thirty-six inch (24" x 36") mylar sheet drawn with waterproof black ink. The plat shall contain all information required as set forth below. The final plat will also include an electronic copy. (Ord. 2009-02 § 1)

16.20.020: DESCRIPTION AND DELINEATION:

A. Name: The name of the subdivision approved by the planning commission.

B. Lots: An identification system shall be shown for all lots, ~~blocks~~blocks, and names of streets. Lot lines shall show dimensions in feet and hundredths. Lot sizes shall be shown to one square foot accuracy. ~~Front yard public utility and drainage easements shall be a minimum of fourteen feet (14') wide.~~ Other easements shall be of sufficient width and location necessary to provide the proper function and maintenance of utility and drainage facilities as determined by the public works ~~director, and~~director and shall be shown on the final plat.

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C. Easements; Street Names: Easements shall be a minimum of ten feet (10') wide along all front ~~and rear~~ property lines ~~and seven and one-half feet (71/2') wide along all side property lines~~ unless otherwise required by the city. In multi-family or PD projects, the city may require easements in common areas. All street names shall be approved by the city to avoid duplication of names within the city limits. As a courtesy, and as required by the Utah code 54-3-27(5), a copy of all final plats shall be provided to any utility company providing service to the subdivision in addition to city owned utilities already approved herein. This could include natural gas, cable television, telephone, high speed internet, or other providers of public services. Evidence shall be provided to the city from the utility companies that this requirement has been complied with.

D. Traverse Of Perimeter: A traverse of the perimeter of the subdivision.

E. Monumentation And Survey Control:

1. All United States, state, county, city, or other official monuments shall be identified on the plat. The location of these monuments shall be accurately tied to the subdivision by true bearing and distance. All existing monuments shall show the agency setting the monument and the date set, if known, and the type of monument (i.e., brass cap, rebar, and cap, etc.).

2. Street monuments shall be installed by the owner in accordance with the requirements of the city with locations indicated on the plat within thirty (30) days after street paving.

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F. Public Objects: The dedication to the public of all streets, easements, or other areas reserved for public use, with the purposes indicated thereon. Any area to be reserved by deed or covenant for common use of all property owners shall be indicated on the plat.

G. North Arrow ~~And~~and Scale: North arrow, scale, point of beginning, legal description, and basis of bearing shall be shown not only in narrative but also on the drawing. Surveys shall coincide with other surveys of record in the area. The basis of bearing shall be the one most predominantly of record in the ~~area, and~~area and shall be identified on the plat as well as in the survey narrative.

H. Boundary Closures: Subdivision boundary closures shall be 0.01 or less on exterior boundaries and 0.02 on interior lots. (Ord. 2013-09: Ord. 2009-02 § 1)

16.20.030: STANDARD FORMS:

The final plat shall require:

A. A registered professional land surveyor's signed stamp and certificate of survey.

B. All street centerline data and street widths shall be shown with ties to property lines, lot corners, etc. All radii, internal angles, points and curvatures, tangents, bearings, and the length of all arcs.

C. A notary public's acknowledgment of all signatures on the plat.

D. A notarized consent of all lienholders, unless a separate notarized consent to plat is provided for any lien holder, in a form acceptable to the city.

E. The planning commission's certificate of approval, signed by the chairman.

F. The city engineer's certificate of approval.

G. The city attorney's certificate of approval, after having reviewed a title report prepared~~submitted~~ or updated by a title company and dated within the past ninety (90) days. It shall be the applicant's responsibility to obtain releases or consents to plat from the holders of all liens or encumbrances which would otherwise prevent the subdivision of the property and the sale of good and marketable title to third party buyers of property in the subdivision.

H. The city council's certificate of approval signed by the mayor.

I. A one and one-half by ~~five inch~~five-inch (1 1/2 x 5") space in the lower ~~right hand~~right-hand corner of the plat for use by the county recorder.

J. ~~Matt to provide checklist language~~The final plat shall include the following notes:~~.~~

1. A note stating: "This property is subject to the findings, summary and conclusions of a Geotechnical Investigation Report prepared by _____ Dated _____.

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"A copy of said report has been placed within the Geotechnical Report File of the city and is available for inspection. The report may be inspected, or copies obtained, by contacting the City of Santa Clara, P.O. Box 2601 Santa Clara Drive, Santa Clara, Utah 84765. Purchasers should review this report and contact the city for additional updated information regarding the report. All purchasers of lots in this subdivision are strongly encouraged to obtain their own Geotechnical Investigation Report and to follow its recommendations."

2. A note indemnifying the City for soil or other sensitive conditions on the site.

3. If lot setbacks are not otherwise depicted on the plat, a note stating any front, side, and rear yard setbacks applicable to lots on the plat.

4. A note stating that notwithstanding the posting of any performance security, no building permit will be issued until all utilities are completed in the subdivision.

5. A note stating that all street landscaping must confirm to the City's landscaping ordinances and construction standards.

6. Any other notes or statements required by the City Council as a condition of final plat approval.

K~~J~~. The county treasurer's certificate of approval indicating at the time of signing that the property taxes, special assessments, and fees due and owing have been paid in full. (Ord. 2015-12: Ord. 2012-07: Ord. 2009-02 § 1)

16.20.040: ADDITIONAL INFORMATION SUBMITTED WITH FINAL PLAT:

A. An engineer's itemized estimate of the cost of all required improvements to be developed in the subdivision, which shall be subject to approval ~~in the amount of one hundred twenty percent (120%) of the estimated cost, and shall be approved~~ by the city engineer.

B. Final utility plans for culinary water, secondary irrigation water, sewer, power, and natural gas, if proposed, with approval from each utility department indicating that utility and easement plans have been reviewed and approved by them, and that services are available to each lot in the subdivision. This requirement may be met by receiving approval for these construction drawings during the preliminary plat approval phase of development 1 .

C. A final drainage plan, if not previously approved at the preliminary stage, indicating the following:

1. Complete drainage systems for the entire subdivision shall be designed by a professional engineer, licensed in the state of Utah, and qualified to perform such work. All existing drainage features which are to be incorporated into the design shall be so identified. If the final plat is to be presented in phases, general drainage plans for the entire area shall be presented with the first phase. Appropriate development plans shall be prepared for each subsequent phase and shall be submitted.

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2. The drainage plan shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands that are downstream.

D. Final plans and profiles for all streets to be constructed in the subdivision indicating that the plans have been reviewed and approved by the city engineer.

E. All plans and information required by the hillside protection overlay zone, or the FEMA flood maps have been complied with. Where such plans are not required, that a soils report, covering each lot in the subdivision has been submitted and approved by the city engineer. (Ord. 2019-10 § 3: Ord. 2012-07: Ord. 2009-02 § 1)

F. For any subdivision in a PD Zone a fully executed original copy of any Covenants, Conditions, and Restrictions anticipated to be recorded with the plat shall be submitted to the city for verification. The original will be returned to the applicant for recording when the final plat is released.

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G. Any other information reasonably required by City staff to assist in determining whether the requirements of this Chapter have been met with respect to the final plat for which approval is sought.

Notes

1 1. UCA §§ 10-9a-603(4)(c)(i), 10-9a-603(4)(c)(ii).

16.20.050: CONFORMANCE TO APPLICABLE RULES AND REGULATIONS:

In addition to the requirements established herein, all subdivision plats shall comply with all applicable laws, plans, and regulations including, but not limited to:

A. The city general plan, land use ordinance, zoning map, and all other applicable city ordinances.

B. The official city general plan, including general plans for streets, parks, drainage, trails, and utility systems.

C. Requirements of any departments of the state of Utah, as applicable.

D. The standards, regulations and policies adopted by the city including all boards, commissions, agencies, and officials of the city who may be authorized to adopt the same.

E. A copy of any development agreement that may have been agreed upon between the city and the owner of the project. (Ord. 2009-02 § 1)

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16.20.060: OTHER RESTRICTIONS:

If the applicant places restrictions on any of the land contained in the subdivision greater than those required by the land use ordinance, these covenants, ~~conditions~~conditions, and restrictions may be required to be indicated on the subdivision plat, or the planning commission may require that restrictive covenants be recorded with the county recorder in a form approved by the city attorney. Conditions, covenants, and restrictions shall be required in the case of a planned unit development in the planned development zone where common areas are proposed.

A. The city will not accept property as a bond to guarantee installation of improvements in a subdivision. An acceptable agreement may include a cash amount posted with the city, an escrow agreement with a local financial institution, a letter of credit from such an institution, or a corporate surety bond.

B. The city shall not create a special improvement district for the purpose of installing improvements in a subdivision proposed by an owner. If an improvement district is proposed by the city and, if the district proposed contains property owned by more than one property owner not involved with the ~~development, and~~development and said owners cannot agree on a method of financing the required improvements, then, and only then, shall the city consider the possible creation of a special improvement district.

C. Special improvement districts are not intended for the improvement of a subdivision owned by one person or a group of persons acting jointly together to create a subdivision development. (Ord. 2009-02 § 1)

16.20.070: APPROVAL PROCEDURE:

A. After the Preliminary Plat has been approved by the city council, and all conditions are complied with, a final subdivision plat shall be prepared and submitted to the planning department.

B. The Final Plat shall be required to go through the same approval process as the Preliminary Plat as per Section 16.16.070 of this title.

C. All applications to subdivide real property shall comply with the requirements of Utah Code Title 10, Chapter 9a, of the Utah Land Use and Development Management Act, as amended.

D.

~~D.~~ A Final Plat must be recorded with the office of the County Recorder within one (1) year of the date of city approval. This includes a final plat which is a phase of the project (this entitles the preliminary plat). A Final Plat which has not been recorded withing one year, shall be deemed void and all land use approvals associated with the Final Plat shall be considered void *ab initio*. Prior to expiration, an applicant may request a one-time six-month extension of approval to the planning department. The item shall be placed on the next available city council agenda for consideration.

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E. Following approval by the city council, the mylar copy of the final plat will be held for review by city staff and not released for recording until all the requirements of this Chapter have been met, including but not limited to the posting of adequate performance security, payment of all city fees, and all required signatures being obtained on the mylar copy.

CHAPTER 16.24
DESIGN STANDARDS

SECTION:

16.24.010: Compliance ~~With~~with Design Standards

16.24.020: Approved Engineering Drawings

16.24.030: Inspections

16.24.040: Utility Improvements

16.24.050: Storm Drainage ~~And~~and Nuisance Water Control

16.24.060: Street Improvements

16.24.070: Layout ~~Of~~of Lots

16.24.080: Lot Arrangement

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16.24.010: COMPLIANCE WITH DESIGN STANDARDS:

All subdivisions shall comply with the following design standards. (Ord. 2009-02 § 1)

16.24.020: APPROVED ENGINEERING DRAWINGS:

Prior to commencement of construction, engineering drawings prepared and stamped by the owner's engineer for improvements shall be approved by all required departments. These plans shall comply with the requirements as set forth in official city standards and specifications. No residential building permits shall be issued prior to approval of engineering drawings and completion and acceptance of all development improvements. (Ord. 2009-02 § 1)

16.24.030: INSPECTIONS:

Appropriate agencies and departments of the city shall inspect or cause to be inspected all buildings, street improvements, fire hydrants, water supply, electrical systems, and sewage disposal systems, etc., ~~in the course of~~during construction, installation, or repair. Excavations for fire hydrants and water and sewer mains and laterals, shall not be covered

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or backfilled until such installation shall have been approved and inspected by the city. If any installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector. (Ord. 2009-02 § 1)

16.24.040: UTILITY IMPROVEMENTS:

A. All subdivision lots shall be served by the city's culinary water, secondary irrigation water, sewer, and electrical systems unless otherwise approved by the city council. Provisions shall also be made for the installation of natural gas, telephone, ~~and~~ cable television, and fiber optic as a part of the subdivision development. For any of the above services not provided by the city, the owner shall submit will serve letters from each utility providing service as a condition of approval of the utility systems. No building permits shall be issued until full completion and approval of all required public improvements of the project.

B. All utility improvements shall comply with ~~all official~~ city construction ~~standards~~standards and will be completed to the boundaries of the subdivision.

C. All electrical, telephone, ~~and~~ television cable, and fiber optic shall be installed underground except as otherwise directed by the city council. All electrical systems shall conform to underground specifications and city construction standards~~the transformer ordinance~~.

D. All sewer, electrical, culinary water and secondary irrigation water plans and specifications shall be approved by the city before commencing public improvements.

E. The owner shall provide streetlights in conformance with city standards. (Ord. 2019-10 § 4: Ord. 2009-02 § 1)

16.24.050: STORM DRAINAGE AND NUISANCE WATER CONTROL:

A. A storm or nuisance water drainage system shall be provided and shall be separate and independent from the sanitary sewer system.

B. No ditch or canal shall be approved as suitable for the use of storm drainage without the written permission of the appropriate ditch or canal company or of the water users for such use, and the approval of the city. No ditch or canal shall be used for stormwater unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff water, and other water expected to reach the subdivision, ~~canal~~canal, or ditch. Where subdivision improvements affect existing canals or ditches, specific modifications shall be in accordance with the requirements of the irrigation company and the city. In situations where the city already has a drainage plan or system in place, the owner shall be expected to participate in the expansion, extension, or enlargement of such system to accommodate water from the subdivision. Retention basins developed as a part of the subdivision may also be required.

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C. Drainage and flood control shall be designed in conformance with the Washington County Flood Control Authority Storm Drainage Systems Design and Management Manual and the city Storm Water Master Plan~~city flood control master plan~~. Public drainage easements or dedications with a minimum width of fifteen feet (15') shall be provided along all drainageways as determined by the city. (Ord. 2009-02 § 1)

16.24.060: STREET IMPROVEMENTS:

A. Definitions: For purposes of this Section ~~16.24.060~~ ,16.24.060, each reference to a "subdivision" herein shall mean and refer to either (1) a "subdivision," as defined in Santa Clara City Code § 16.08.010 ; or (2) a "streets project area," as may be defined by the city council from time to time, on recommendation of the technical review committee (TRC) and planning commission.

B. Streets Project Areas: ~~The~~ The purpose of defining a "streets project area" is so that existing parcels not requiring further subdivision before development may still have the benefit of complete and well-maintained street improvements. A streets project area shall be created when at least eighty percent (80%) of the owners on the public street in the proposed streets project area, as measured by linear foot of frontage, have signed a document notifying the city of their agreement with the conditions of such designation. Such designation shall signify the intent of the signing owners to bear a share of costs to improve the public street to applicable city standards, as set forth in this section. The following areas of the city shall, for purposes of this section, each be considered a potential streets project area:

1. Vernon Street, North of Santa Clara Drive
2. Vernon Street, South of Santa Clara Drive
3. Victors Street, North of Santa Clara Drive
4. Victors Street, South of Santa Clara Drive
5. Quail Street, North of Santa Clara Drive
6. Quail Street, South of Santa Clara Drive
7. Hamblin Drive and Gates Lane, North of Santa Clara Drive
8. West Vineyard Drive, from Old Farm Road to Heights Drive
9. Central Vineyard Drive, from Heights Drive to River Front Drive
10. East Vineyard Drive, from River Front Drive to Lava Flow Drive
11. West Arrowhead Trail, from Arrowhead Circle to Santa Clara Parkway
12. South Arrowhead Trail, from Pearl Rose Drive to Concord Drive

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Any other combination of adjacent parcels, having direct access from the same public street, may also seek recognition as a "streets project area" by obtaining a recommendation from the technical review committee and planning commission and approval from the city council.

C. When multiple streets project areas are designated or eligible by designation, the city council shall have the right to determine the relative priority of the projects for application of available city resources. The city council will consider the following information when determining priority between any two (2) streets project areas:

1. Citizen input;

2. Whether the proposed streets project area will help to mitigate the anticipated impacts of growth or development;

3. Availability of utility services;

4. Relative size of streets project areas;

5. Availability and cost of contractor services;

6. Any other reasonable consideration related to the health, safety, and welfare of city residents and visitors.

D. The City Council shall ultimately have the right to make a final determination as to the feasibility and timing of any proposed streets project, and in doing so may consider the availability of funds or financing, the feasibility of constructing required improvements and the interfacing of new improvements with existing improvements, the feasibility of necessary land acquisition, or any other reasonable consideration.

E. All streets shall be designed in accordance with the city design standards, AASHTO, or other approved standards. All streets within the city shall be improved with ~~street lights~~streetlights and pavements bounded by integral concrete curbs, ~~gutters~~gutters, and sidewalks. All street improvements will be completed to the boundaries of the subdivision.

F. The arrangement of streets in new subdivisions and in designated streets project areas shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the general plan.

G. The owner(s) of the subdivision shall be responsible to bear all costs of required improvements as set forth in this chapter, shall provide a bond or other security to warranty the improvements for not less than one (1) year from the date of completion, and shall provide traffic control and street name signs conforming to the city's design specifications and approved by the city.

H. The owner(s) of parcels comprising a designated streets project area shall also be responsible to bear certain costs of required improvements; however, the city agrees to bear a portion of material and improvement costs, as set forth in the following table:

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Owner(s) pay for:	City pays for:
Asphalt and base exceeding 28' in width	Asphalt and base up to 28' in width
Curb, gutter & sidewalk	Civil engineering costs, including required surveys
Right of way and public utility easement dedication as needed	Utility replacement and upsizing (excluding new lateral connections to service individual properties)
Bond or other security for 1-year warranty, covering Owner(s)' pro rata portion of project costs	~~Street lights~~Streetlights
Own legal and professional fees	Own legal and professional fees

Where a corner lot is part of the streets project area, the owner(s) in the streets project area shall only be responsible for the above costs in relation to improvements along the side of the corner lot having the longest public street frontage; the city will pay all costs of improvements along the side having the shorter frontage. Owner(s) may negotiate among themselves to modify their respective obligations, provided that any such agreement shall not be enforceable against the city. The city shall have no obligation to proceed with improvements to a designated streets project area until having received from the owner(s) thereof one hundred percent (100%) of the funds anticipated to be required to complete the planned improvements. Impact fees designated for road improvements, or any funds or other security previously deposited with the city by owner(s) in lieu of impact fees, may be applied by the city to any designated streets project area in the city, regardless of location. Any unpaid obligation of individual owner(s) to the city shall be deemed a joint and several obligation of all the owner(s) in the same streets project area.

I. All subdivision lots shall have frontage on a dedicated public street improved to city standards unless the lot is approved as a flag lot under the city's flag lot ~~ordinance, or~~ordinance or is approved by the city council on some other basis. Streets project areas are assumed by definition to have such frontage. Private streets, alleys, or ways shall not be approved except as may be approved as a part of a planned development project under the city planned development ordinance or when, because of hazardous slopes, soils, floodplains, or other conditions, the city council determines that approval is not in the best interest of the city.

J. The technical review committee (TRC) or the planning commission may recommend to the city council that an exception for private roadways, utility improvements, or other improvements be approved for a specific subdivision or streets project area. In any event, private streets and utility construction will conform to the construction standards required for dedicated streets and utilities regarding quality of construction, whether dedicated or not.

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K. All off-site access roads providing the subdivision or streets project area with access to the nearest public street shall be improved as required by this section. Wherever feasible, local streets shall be laid out to provide connectivity to adjoining residential areas. If the adjacent property is undeveloped and the street must be a temporary ~~dead end~~dead-end street, the right of way shall be extended to the property line and a temporary turnaround shall be provided. All permanently dead-end streets shall end in an approved cul-de-sac or other improved turnaround, including appropriate signage, unless otherwise approved by the city council.

L. Intersections shall be designed in conformance with AASHTO standards to provide adequate sight distance and other performance and safety needs as approved by the city.

M. No subdivision shall be approved which does not have access to an improved and dedicated city street. Where a subdivision or existing streets project area obtains access from a street which does not meet minimum city standards, the access road shall be improved to a minimum width of ~~twenty five~~twenty-five feet (25'). Additionally, all utilities will be brought up to current city construction standards.

N. Where a subdivision or designated streets project area abuts a master planned road, utility, or drainage system, the owner(s) shall complete their portion of such improvements the full length of their project in conformance with the official city master plan unless otherwise approved by the city council. Any owner(s) of parcels which are part of a larger designated streets project area shall have the same obligation with respect to their own respective parcels.

O. Streets shall have the following minimum right of way widths:

1. ~~Arterial street~~Arterial Street: ~~Eighty foot~~Eighty-foot (80') minimum.~~;~~

2. ~~Collector street~~Collector Street: ~~Sixty six~~Sixty-six feet (66').~~;~~

3. ~~Local street~~Local Street: Fifty feet (50').~~;~~

4. In planned development areas, subdivisions, and designated streets project areas, the minimum street width is forty-five (45') feet as per City Construction Standards. ~~of streets may be modified with planning commission recommendation and city council approval.~~

P. Streets shall have the following paved roadway width (lip of curb to lip of curb):

1. ~~Arterial street~~Arterial Street: ~~Sixty five~~Fifty-five feet (55~~65~~').~~;~~

2. ~~Collector street~~Collector Street: ~~Fifty one~~Forty-nine feet (49~~51~~').~~;~~

3. ~~Local street~~Local Street: ~~Thirty four~~Thirty-five feet (35~~4~~').~~.~~

4. In planned development areas, subdivisions, and designated streets project areas, the width of streets may be modified with planning commission recommendation and city council approval.

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Q. Cul-de-sacs shall be no longer than eight hundred feet (800') in length without a recommendation for exception from the planning commission and approval by the city council.

R. The radius of the turnaround in a cul-de-sac shall be a minimum of fifty feet (50').

S. Streets should intersect as nearly as possible to ~~ninety degree~~ninety-degree (90°) angles and shall not be offset less than two hundred fifty feet (250') from the centerline of the nearest intersecting street.

T. Streets shall have the names or numbering system of all streets in city-approved sequence. Permanent street name or number signs shall be installed by the owner at their expense according to city requirements and standards at the time of development of the ~~subdivision, and~~subdivision and shall be provided for along with other elements of the subdivisions for which a guarantee is posted.

U. Traffic control signs required by the city shall also be installed to ensure a smooth flow of traffic through the subdivision.

V. Streetlights, of a type approved by the Power~~electrical d~~Department, shall be installed in every subdivision. Spacing of streetlights shall be within two hundred fifty feet (250'), except as approved by the Power Department~~not exceed five hundred feet (500')~~, and shall be installed at all intersections, or in other locations as determined by the city.

W. Curb, gutter, and sidewalk are required in all subdivisions and designated streets project areas, in accordance with the city's design and construction standards. Additionally, all existing utilities in these areas will be brought up to current city construction standards.

X. The minimum centerline radii for local streets shall be one hundred fifty feet (150'). For collector streets the minimum shall be three hundred feet (300'). For arterial streets the minimum shall be five hundred feet (500'), unless otherwise approved by the city council upon recommendation of the city~~ir~~ engineer.

Y. The grade of streets shall not exceed eight percent (8%) for arterial or collector streets and fifteen percent (15%) for local streets.

Z. Blocks shall not be longer than one thousand feet (1,000') and shall be at least two (2) building lots in depth, unless otherwise approved by the city council upon recommendation of the planning commission.

AA. All arterial streets are classified as limited access streets, and no individual lot shall front on an arterial street.

BB. All street widths shall conform to the width requirements unless otherwise recommended by the TRC, and the planning commission, for approval by the city council. Such recommendation and approval shall normally apply only to developments in the planned development zone. (Ord. 2019-07 § 3: Ord. 2016-12: Ord. 2013-09: Ord. 2012-13: Ord. 2009-02 § 1)

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16.24.070: LAYOUT OF LOTS:

A. The design and development of the subdivision shall preserve, insofar as possible, the natural terrain, drainage, existing topsoil, and vegetation.

B. In general, side lot lines shall be at right angles to street lines, or radial curving street lines, unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow erection of buildings, observing the minimum front yard setbacks unless other provisions are approved by the city council upon recommendation from the planning commission. (Ord. 2009-02 § 1)

16.24.080: LOT ARRANGEMENT:

A. Lot Arrangement Considerations: The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in the subdivision in compliance with the zoning ordinance and in providing driveway access to buildings on all lots from an approved street unless otherwise approved by the city council for reasons listed elsewhere in this title.

B. Lot Dimensions: Lot dimensions shall comply with the minimum standards of the zoning ordinance. Where lots are more than double the minimum required area for the zoning district, the planning commission may require that the lots be arranged to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the zoning ordinance and these regulations.

C. Double Frontage Lots: Double frontage lots are lots which have the rear property line adjacent to a public street. Double frontage lots shall not be permitted except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. All double frontage lots must be approved by the City Council. A solid block or masonry wall shall be provided on all double frontage lots as a part of the required development of improvements, unless waived or modified by the City Council. Where a privacy wall is constructed, there shall be a landscape strip provided between the sidewalk and privacy wall with a minimum average width of ten feet (10'). The wall may be of serpentine design so that the distance between the wall and sidewalk varies, but the wall shall not be closer to the sidewalk at any point than four feet (4'). The minimum ten foot (10') wide planter strip may include landscape area on both sides of the sidewalk where the sidewalk is separated from the curb by a landscape area.

Where the privacy wall on the adjoining property has a curvilinear or serpentine design, the City Council may require the continuation of such wall design ~~in order to~~to provide for a uniform appearance along the public street.

Where the city determines that a turning lane is needed at an intersection, the City Council may reduce the landscape strip ~~in order to~~to accommodate the turning lane. There shall be a minimum separation of one foot (1') between the sidewalk and privacy wall. The subdivision developer shall make provisions for the long-term maintenance of the planter

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strip either through a ~~home owners~~homeowners association (HOA), or other approved maintenance plan, or where the City agrees to provide long term maintenance for the planter area, in which case the developer shall on the final subdivision plat grant to the City a landscape maintenance easement upon all private property which may be on the street side of the privacy wall.

D. Access From Major Arterials ~~And~~and Collector Streets: Residential lots shall not derive access from major arterial streets, and access shall be limited on collector streets, except where approved by the City. In cases where driveway access from such streets may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive ~~in order to~~to limit possible traffic hazards on these streets. In these cases, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic.

E. Flag Lots: After determination by the Planning Commission that standard lots are not feasible, the Planning Commission, may, ~~in order to~~to encourage more efficient use of the land, allow flag lots to be developed subject to the following conditions:

1. The property cannot be subdivided with public street and standard sized lots, either at the present time or in the foreseeable future.

2. The staff portion of the lot shall front on a dedicated public street. The minimum width of the staff portion of the lot shall be ~~twenty five~~twenty-five feet (25') and the maximum length shall be two hundred feet (200').

3. No building or construction, except driveways, shall be allowed on the staff portion of the lot.

4. The front side of the flag lot shall be deemed to be the side nearest the dedicated public street upon which the staff portion fronts.

5. All lot size and setback requirements shall be the same as required by the zone in which the lot is located. The staff portion of the lot shall not be included in these calculations.

6. No more than two (2) flag lots or four (4) dwelling units may be served by one staff portion of the lots.

7. Each flag lot shall be specifically approved by the Planning Commission.

8. The staff portion of the lot shall be owned by the owner of the flag lot, or jointly in the case of two (2) lots served by one staff portion. (Ord. 2020-14 § 1: Ord. 2018-05: Ord. 2009-02 § 1)

CHAPTER 16.28
PERFORMANCE GUARANTEE

SECTION:

16.28.010: Performance Guarantee Required

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16.28.020: Guarantee Form

16.28.030: Guarantee Amount

16.28.040: Release ~~Of~~of Guarantee/Posting ~~Of~~of Maintenance Warranty

~~16.28.050: Guarantee Formats~~

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16.28.010: PERFORMANCE GUARANTEE REQUIRED:

The owner shall guarantee the installation and construction of the required subdivision improvements free from defective material or workmanship and in compliance with all city standards. Even though the owner provides a guarantee for the completion of the improvements, building permits will not be issued until all ~~off site~~off-site improvements are completed. The improvements shall have been installed and completed within one year of final city council approval unless extended for cause by the city council. (Ord. 2009-02 § 1)

16.28.020: GUARANTEE FORM:

The guarantee shall be in the form of an improvement agreement approved by the city council from time to time, plus ~~an irrevocable letter of credit, a corporate surety bond~~, an escrow bond, or cash guarantee for the~~an~~ amount required by this chapter. ~~recommended by the city's engineer and approved by the city council. (Ord. 2009-02 § 1)~~

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16.28.030: GUARANTEE AMOUNT:

The guarantee amount shall be ~~within the range of~~ one hundred ~~twenty five~~ percent (100~~25~~%) ~~to one hundred fifty percent (150%)~~ of the cost of improvements as set forth in the project engineers estimate. ~~In the event that~~that the estimate shall be required to include (a) Five percent administrative costs, (b) ten percent contingency, and (c) engineering and quality assurance testing costs. If the city council authorizes an extension of time beyond one year to complete the improvements, the extended guarantee shall be equal to one hundred percent~~fifty percent~~ (100~~50~~%) of the cost of the remaining improvements. (Ord. 2009-02 § 1)

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16.28.040: RELEASE OF GUARANTEE/POSTING OF MAINTENANCE WARRANTY:

A. After completion of all subdivision improvements the owner shall make a written request to the city for a final inspection. Upon receipt of the inspection reports from affected departments the city shall notify the owner in writing specifying the acceptability

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of all subdivision improvements and itemizing those improvements not acceptable along with the actions necessary to render those improvements acceptable.

B. After acceptance of all improvements by the city, the city may release up to eighty percent (80%) of the guarantee amount. The city shall continue to hold the security covering the remaining twenty percent (20%) guarantee to ensure that all improvements shall be free from defective material and workmanship and in compliance with all city standards for a period of one (1) or two (2) years as may be determined by the city engineer or public works director~~required by the Utah code~~. This period is marked from the date of final approval of all improvements until the performance guarantee is replaced by a maintenance guarantee in the same twenty percent (20%) amount. At the end of the performance period, the city shall perform a second inspection of all improvements. The city shall notify the owner in writing of any corrective measures that are required. If the defects are identified as a part of the inspection, the owner shall have the option of correcting the defects to the satisfaction of the ~~city, or~~city or shall forfeit the maintenance guarantee to the city as damages for the defective work.

C. The improvement guarantee may be released in part as progress payment for improvements, subject to the following conditions:

1. The owner shall submit to the city a request for payment against the guarantee showing to whom and for what amount the release is requested. The request shall include an updated engineers estimate for completion of the remaining improvements. Upon inspection by the city, and approval of the requested amount, the city will authorize the holder of the guarantee amount to disperse the approved payments, less any amount required to secure completion of remaining improvements. Payments may be made upon completion of the various phases of development as follows:

a. The complete water system including mains, outfall lines, valves, hydrants, or any other part of the required water system.

b. The complete road construction, including all survey monuments, traffic control and street name signs. Road construction shall also include storm drainage systems.

c. The complete waste disposal system.

d. The staking of lot corners and any other required survey field work.

e. The completion of each required utility system, including power, telephone, natural gas, cable TV, internet connections, or any other utility service that may have been bonded for by the owner. Each required utility may be released independent of other utility installation.

2. Requests shall not be submitted more frequently than ~~on a monthly basis~~monthly. A minimum of twenty percent (20%) of each element shall be retained as required for the guarantee required in subsection B of this section. A guarantee of the same type used to guarantee installation of all improvements shall be posted prior to final release of the improvement guarantee amount. The city reserves the right to require updated engineers

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estimates of the remaining improvements, and additional security if required, every six (6) months in the event that no partial releases are requested.

3. For an owner who proposes to install all improvements prior to final recording of a final plat, a cost estimate of improvements shall be submitted to the city and approved by the city engineer or public works director~~council~~ prior to the start of construction, as the basis for determining the amount of the twenty percent (20%) guarantee that shall be posted upon final approval of the improvements by the city, and prior to the recording of the final plat. (Ord. 2009-02 § 1)

~~16.28.050: GUARANTEE FORMATS:~~

~~A. Improvement Agreement: The owner and city shall sign an improvement agreement containing the following or substantially similar language~~:

~~IMPROVEMENT AGREEMENT~~

~~To the City of Santa Clara, a Utah municipal corporation:~~

~~The undersigned owner (s) submitted to you a plat of a proposed subdivision involving the development of public improvements to be known as _____, and comprising an area within the city of Santa Clara described as follows:~~

~~The undersigned owner (s) is responsible for the installation and maintenance of public improvements in this subdivision and agrees, in consideration of the city's approval of the final plat of this subdivision, to construct and install, at the owner's expense, and according to the city standards and specifications, all the public improvements described on the plat and approved engineering drawings, including any written conditions or approval. The improvements will be constructed in accordance with the requirements of the city of Santa Clara. The city is entitled to collect the reasonable cost of completing the public improvements if the owner defaults under this agreement.~~

~~Work shall commence on the public improvements within _____ days after the effective date of this agreement, and it shall be completed on or before _____. These dates of commencement and completion are not conditioned upon commencement of work in the subdivision, or upon the sale of lots.~~

~~The undersigned owner(s) agree to indemnify the city for all expenses and liability in connection with defects in the improvements for a period of one (1) to two (2) years, depending upon the requirements of the Utah State Code, after acceptance by the city of the last completed improvement. The city shall notify the owner in writing of defects within this period when the city becomes aware of them. Unless the owner satisfactorily remedies them within thirty (30) days after notice, the city itself may remedy them and either be reimbursed by the owner or draw upon the security provided.~~

~~Dated at Santa Clara, Utah this ____ Day of ____ 20___.~~

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~~Owner(s)~~

~~B. Escrow: The escrow agreement shall be signed by the owner (s), the city and the escrow holder, and shall contain the language set forth herein. The escrow must be with the city directly, or in a financial institution regulated and licensed by the department of financial institutions of the state of Utah, and an organization insured by the Federal Deposit Insurance Corporation (FDIC), the Federal Savings and Loan Insurance Corporation (FSLIC), or the National Credit Union Association (NCUA).~~

~~ESCROW DEPOSIT~~

~~To: The city of Santa Clara~~

~~Date of Making~~

~~Name of Development~~

~~We the undersigned owner(s) hereinafter called "Owner" and _____, a state or federally chartered financial institution insured by the FDIC, FSLIC, or NCUA, doing business in the state of Utah, represent and certify that the institution has deposited in an account known as _____ (Account name or number), the total sum of _____, which sum is delivered for the express purpose of assuring and guaranteeing the completion, by Owner, of public improvements for _____ subdivision located _____, as set forth in the Improvement Agreement entered into by Owner on the _____ day of _____, ____, and other conditions of approval set forth in the plat or in documents held by the City of Santa Clara or required by the city ordinances. The improvements to be completed hereunder (hereinafter called "Improvements") are the following:~~

~~Together with any and all other improvements as set forth in the Improvement Agreement, conditions of approval set forth on the plat, requirements set forth on the construction drawings or in any documents held by the City of Santa Clara or required by city ordinance.~~

~~We and each of us, in consideration of the approval by the City of Santa Clara ("City") of the aforesaid subdivision and the payment by Owner of an appropriate fee to the financial institution, agree and voluntarily bind itself to perform the specific obligations required of each herein, as follows:~~

~~1. The Owner shall deposit the above-stated sum at the branch/office of financial institution in aforesaid account. No funds shall be withdrawn or released from this account without the written authorization of the City, except as set out in this Escrow Agreement.~~

~~2. The Owner may withdraw money from the financial institution provided it has completed one or more of the Improvements as set out below, and provided that the City authorizes the withdrawal and the amount thereof. However, no more than 80% of the amount allocated to each improvement shall be withdrawn prior to final acceptance of all the improvements. Upon acceptance of the public improvements, but prior to the one-year guarantee period, up to 80% of the escrow funds may be withdrawn.~~

~~3. Upon Owner's completion of the improvements and upon written approval of them by the City, the City shall release up to 80% of the money under this bond to the Owner. The~~

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~~remaining 20% of the total amount of this deposit shall be retained to assure the integrity of the public improvements for a period of one year from the date of completion and acceptance by the City. In the event the Owner shall fail to repair or reestablish the integrity of the improvements within the said year, if reasonably requested to do so by the City, then the financial institution shall be obligated to pay over to the City the remaining balance of such monies, including retention amounts, if any, held by it in escrow upon expiration of the year provided herein.~~

~~4. The financial institution shall certify to the City upon demand, the balance remaining in the deposit and, if the sum in the account is divided or segregated and held in sub amounts allocated to specific portions of the Improvements, it shall state an itemized accounting of the amount held for each improvement and the amount released with respect to each improvement together with the date of release. It is however, acknowledged that any money held under this bond may be used by the City to complete or repair any of the Improvements and that the sole purpose of allocating sub amounts to specific portions of the Improvements is for withdrawal purposes only.~~

~~5. Upon written demand and certification by the City to the financial institution that the Owner has failed to satisfactorily complete the improvements or any portion thereof in a timely manner, or that Owner has otherwise defaulted under the terms of its Agreements with the City, then the financial institution shall promptly pay to the City the amount of this deposit still held by the Financial Institution. Any funds held in this escrow account shall be used by the City to complete or repair any part of the Improvements needing completion or repair and the balance of the unexpended money returned to the Financial Institution, deducting a reasonable amount there from to cover the City's overhead and costs.~~

~~6. Until such time as completion has been effected and any warranty periods have elapsed, no funds held by the Financial Institution pursuant hereto shall be considered property of the Owner, but rather shall be considered to have been deposited solely for the purposes herein set out. Payment of such funds into the escrow for such purposes, however, shall not relieve Owner of the obligation to install and fully pay for the improvements, in the event the amount paid hereunder is insufficient.~~

~~WHEREUPON, the parties hereto have set their hands this day of , .~~

~~Owner:~~

~~By:~~

~~Title:~~

~~Mailing Address:~~

~~Financial Institution:~~

~~By:~~

DRAFT

~~Title:~~

~~Mailing Address:~~

~~APPROVED AS TO AMOUNT:~~

~~City~~

~~APPROVED AS TO FORM:~~

~~City Attorney~~

~~OWNER~~

~~STATE OF UTAH)~~

~~: SS (Complete if a Corporation)~~

~~County of Washington)~~

~~On this Day of , 20 , personally appeared before me , who being by me duly sworn, did say that he/she/they, are the owner(s) of , a Corporation, and that the foregoing instrument was signed in behalf of said corporation, by authority of its Board of Directors, and he/she/they, acknowledged to me that said corporation executed the same.~~

~~NOTARY PUBLIC~~

~~Residing in Washington County, Utah~~

~~My Commission Expires~~

~~STATE OF UTAH)~~

~~: SS (Complete if a Corporation)~~

~~COUNTY OF WASHINGTON)~~

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~~On this Day of , 20 , personally appeared before me , who being by me duly sworn, did say that he/she, is the of , a Corporation, and that the foregoing instrument was signed in behalf of said corporation, by authority of its Board of Directors, and he/she acknowledged to me that said corporation executed the same.~~

~~NOTARY PUBLIC~~

~~Residing in Washington County, Utah~~

~~My Commission Expires~~

~~PERSONAL ACKNOWLEDGMENT~~

~~STATE OF UTAH)~~

~~: SS~~

~~COUNTY OF WASHINGTON)~~

~~On this Day of , 20 , personally appeared before me who being by me duly sworn, acknowledged to me that he/she executed the foregoing agreement.~~

~~NOTARY PUBLIC~~

~~Residing in Washington County, Utah~~

~~My Commission Expires~~

~~FINANCIAL INSTITUTION~~

~~STATE OF UTAH)~~

~~: SS~~

~~COUNTY OF WASHINGTON)~~

~~On this day of , 20 , personally appeared before me , who being by me duly sworn, did say that she/he is the , of , a corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its Board of Directors, and she/he acknowledged to me that said corporation executed the same.~~

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NOTARY PUBLIC

Residing in Washington County, Utah

My Commission Expires

Any modifications to the above escrow form shall be accomplished by adding an additional paragraph #7 entitled, "modifications of this escrow are as follows:". No other modifications will be accepted.

C. Irrevocable Letter Of Credit: The owner shall file with the municipality an irrevocable letter of credit from a duly chartered state or national financial institution. The letter of credit shall contain provisions substantially similar to those required in the escrow agreement. The form of the irrevocable letter of credit shall be substantially as follows:

(Financial Institution name and address)

IRREVOCABLE LETTER OF CREDIT

To: The City of Santa Clara, Utah _____, 20__

Letter of Credit

Dear City Council:

We hereby establish our Irrevocable Letter of Credit in your favor for the account of _____ (Owner and address) up to the aggregate amount of _____ ($____) available at sight from _____ (financial institution name) when accompanied by a certificate signed by the City of Santa Clara stating that the public improvements including _____ and any other improvements of a public nature as required by the design and construction specifications of the City and approved plans for _____ (subdivision) have not been fully completed in a manner acceptable to the City of Santa Clara on or before _____, 20__. The above-named Owner of the credit engages with you that the terms hereof will be duly honored on delivery of such certificate to this office.

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~~This letter of credit shall be in force until formally released in writing by the City.~~

~~Very truly yours,~~

~~Authorized Financial Institution Officer~~

~~(Ord. 2009-02 § 1: Ord. 94-42 § 3-5)~~

CHAPTER 16.32
FEES, ENFORCEMENT, PERMITS, AND PENALTIES

SECTION:

16.32.010: Fees

16.32.015: Subdivision Water Modeling Fee

16.32.016: Subdivision Water Model Approval Procedure

16.32.020: Enforcement

16.32.030: Permits

16.32.040: Violation

16.32.050: Penalty

16.32.060: Building on Unsubdivided Parcel~~Owner/Builder/Developer~~

16.32.010: FEES:

~~Any and all~~All persons filing subdivision plats with the city shall pay fees as adopted through resolution by the city council. (Ord. 2009-02 § 1)

16.32.015: SUBDIVISION WATER MODELING FEE:

There is hereby established a subdivision water modeling fee applicable to all subdivisions for which application is made after the effective date hereof that add at least five (5) equivalent residential units ("ERUs") to the water system, and/or involving adding five hundred feet (500') or more of main water line. This fee shall be deemed a part of the subdivision application fee. The fee shall be as set forth at exhibit A attached to the ordinance codified herein, which fee may be changed by resolution of the city council. (Ord. 2012-20)

16.32.016: SUBDIVISION WATER MODEL APPROVAL PROCEDURE:

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Upon payment of the fee, the city staff shall cause the engineer currently in charge of the city water model, to determine ~~whether or not~~whether that subdivision's water requirements will be reasonably met after proper installation. If the engineer opines that the city's water system will not accommodate the proposed subdivision under Utah administrative code ("UAC") rule R-309-510 regarding minimum requirements, available water rights, and storage and source capacity to serve said subdivision, the subdivision approval shall be suspended pending a determination of necessary upgrades done and/or water rights required at the subdivision developer's expense, that will allow the subdivision to be serviced by the city water system. Any of such upgrades shall be completed and/or bonded as a condition of filing the final plat of said subdivision. (Ord. 2012-20)

16.32.020: ENFORCEMENT:

It is unlawful for any person to contract to sell or lease, or to sell or lease any subdivision, or any part thereof, which ~~is located in~~is in the city until a final plat thereof, in full compliance with the provisions of this title, has been duly recorded or filed in the office of the county recorder. The Santa Clara City administrator shall be charged with the enforcement powers of this title. Failure of city departments or individuals to pursue appropriate legal remedies shall not legalize any violation of this title. (Ord. 2009-02 § 1)

16.32.030: PERMITS:

From the time of the effective date hereof, the Building Official~~building inspector~~ shall not grant a permit, nor shall 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 until a subdivision plat therefor has been recorded. Any license or permit issued in conflict with such provisions shall be void. (Ord. 2009-02 § 1)

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16.32.040: VIOLATION:

No person shall subdivide any tract or parcel of land located wholly or in part in the city except in compliance with the provisions of this title. No person shall purchase, sell or exchange any parcel of land which is any part of a ~~subdivision~~subdivision, or a proposed subdivision submitted to the planning commission, nor offer for recording in the office of the county recorder, any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title. Each day that a violation of the provisions of any chapter of this title is committed or permitted to continue shall constitute a separate and independent violation. (Ord. 2009-02 § 1)

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16.32.050: PENALTY:

Whoever shall violate any of the provisions of this title shall be guilty of a misdemeanor and, upon conviction of such violation, shall be punishable by a fine of not more than five hundred dollars ($500.00) and/or six (6) months in jail, or by both such fine and imprisonment. This penalty may be imposed for each separate violation found to exist as provided in section 16.32.040 of this chapter. (Ord. 2009-02 § 1)

16.32.060: BUILDING ON UNSUBDIVIDED PARCEL~~OWNER/BUILDER/DEVELOPER~~:

~~This would give an exception to the recording requirements to allow the owner/builder/developer to build a model home before they are recorded as long as they have fire protection and fire access to the home. (Ord. 2013-03)~~One (1) unit can be built on an unsubdivided parcel prior to subdivision plat recordation. However, all utilities and improvements must be completed, or performance guarantee given prior to building permit issuance. If performance guarantee is given for improvements, then a certificate of occupancy will only be issued upon completion.

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TITLE 17
ZONING

CHAPTER 17.04
GENERAL PROVISIONS

SECTION:

17.04.010: Short Title

17.04.020: Purpose

17.04.030: Interpretation

17.04.035: Land Use Decision and Water Acknowledgement Required

17.04.040: Conflict

17.04.050: Effect ~~On~~on Previous Ordinances ~~And~~and Maps

17.04.060: Building Permit Required

17.04.070: Occupancy Permit Required

17.04.080: Site Plan Required

17.04.090: Inspection

17.04.100: Permits ~~To~~to Comply ~~With~~with This Title

17.04.110: Nuisance ~~And~~and Abatement

17.04.120: Enforcement

17.04.125: Notice ~~Of~~of Noncompliance

17.04.130: Responsibility ~~For~~for Violations

17.04.140: Penalties

17.04.150: Changes ~~And~~and Amendments

17.04.160: Conflicting Provisions Repealed

17.04.170: Fees

17.04.180: Licensing

17.04.190: Annexations

17.04.200: Completion ~~Of~~of Improvements

17.04.210: Denied Amendments; Reconsideration

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17.04.220: Vesting and Expiration

17.04.010: SHORT TITLE:

This title shall be known as the ZONING ORDINANCE OF SANTA CLARA, UTAH, and may be so cited and pleaded. (Ord. 97-06 § 1-1)

17.04.020: PURPOSE:

This title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the city of Santa Clara, Utah, including, among other things, the lessening of congestion in the streets and roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the city's commercial and industrial growth, and protecting both residential and nonresidential development. (Ord. 97-06 § 1-2)

17.04.030: INTERPRETATION:

In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. (Ord. 97-06 § 1-3)

17.04.035: LAND USE DECISION AND WATER ACKNOWLEDGEMENT REQUIRED:

A. Interpretation of Zoning Ordinance. Any use of land that is not plainly designated as a permitted use or conditional use shall be reviewed and decided on by the City Council following a recommendation by the planning commission.

B. Land Use Decision Required. No development may commence, or land use changed or expanded, without a final Land Use Decision, which determines that the development, or the change or expansion, is allowed in the zone and complies with all Land Use Regulations.

C. Water Acknowledgement Required. All new Land Use Applications must submit with the application, an acknowledgement signed by both the applicant/developer and the owner(s) of all real property which are part of the application that:

1. The applicant is responsible for ensuring that the Project or application has sufficient culinary water service, and;

2. Approval of any development application by the city does not guarantee that sufficient water will be available to serve the zone, project, or permit for which the application is submitted.

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17.04.040: CONFLICT:

This title shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances of laws, but shall prevail notwithstanding such provisions which are less restrictive. (Ord. 2004-19 § 1: Ord. 97-06 § 1-4)

17.04.050: EFFECT ON PREVIOUS ORDINANCES AND MAPS:

The existing ordinances covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinance are hereby superseded and amended to read as set forth herein. (Ord. 97-06 § 1-5)

17.04.060: BUILDING PERMIT REQUIRED:

The construction, alteration, repair, removal or moving of any building or structure or any part thereof, as provided or as restricted in this title shall not be commenced or proceeded with, except after the issuance of a written permit for the same by the city. In addition to buildings or structures, other improvements on any lot such as fences, pools, tennis courts, etc., shall be constructed only after receiving a written permit from the city.

All building permits shall be issued in accordance with the general plan of the city of Santa Clara, the road master plan, the ~~standards~~standards, and regulations approved by the city, and all boards, commissions, agencies, and officials of the city, and all other applicable ordinances of the city of Santa Clara.

Every permit issued under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permits is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee thereafter shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. ~~In order to~~To renew action on a permit one year after original application, the permittee shall pay a new full permit fee. (Ord. 2004-19 § 1: Ord. 97-06 § 1-6)

17.04.070: OCCUPANCY PERMIT REQUIRED:

No land shall be used or ~~occupied~~occupied, and no building hereinafter structurally altered or erected shall be changed in use, until a final inspection shall have been completed, and a

certificate of occupancy shall have been issued by the city, stating that the building or the proposed use thereof, or the use of the land, complies with the provisions of this title for the renewing, changing, or extending of a nonconforming use.

Such a permit shall also be issued whenever the character or use of any building or land is proposed to be changed from one use to another use. (Ord. 97-06 § 1-7)

17.04.080: SITE PLAN REQUIRED:

A detailed site plan, drawn to scale, shall be filed as a part of any application prior to consideration for any building permit. The site plan shall show, where pertinent:

A. Scale used and direction or north point;

B. Lot lines, adjacent streets, or right of way, and easements;

C. Location of all existing structures on the property, including driveway entrances, utility poles, etc.;

D. Location of the proposed construction and improvements, including setbacks, location, dimensions of signs, garbage receptacles in commercial areas, etc.;

E. Motor vehicle access, including individual parking stalls, circulation patterns, curb and gutter and sidewalk locations, etc.;

F. Any necessary explanatory notes;

G. Name, address, and telephone number of building contractor, and owner;

H. All other information that may be determined by the city.

I. A plot plan to include the floor elevation(s) of the building in relation to the elevation of the sidewalk and/or curb in front of the proposed building. (Ord. 2004-19 § 1: Ord. 97-06 § 1-8)

17.04.090: INSPECTION:

The city is authorized to inspect or to cause to be inspected all buildings and structures ~~in the course of~~during construction, modification, moving, or repair, and to inspect land uses to determine compliance with the provisions of the zoning ordinance, the international building code, and the subdivision ordinance. The city, including any authorized employee of the city, shall have the right to enter any building premises for the purpose of determining the use thereof, or to enter the premises for the purpose of determining compliance with the provisions of this title; provided that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof, without written permission of the

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owner, or the written order of a court of competent jurisdiction. (Ord. 2004-19 § 1: Ord. 97-06 § 1-9)

17.04.100: PERMITS TO COMPLY WITH THIS TITLE:

From the time of the effective date hereof, the city shall not grant a permit for the construction or alteration of any building or structure, on any lot, or the moving of or structure onto a lot, if such building or structure would be in violation of any of the provisions of this title nor shall the city grant a permit or license for the use of any building or land if such use would be in violation of this title. Any permit so issued shall be null and void.

The city shall certify that all building permits conform to the zoning ordinance, subdivision ordinance or other city ordinances. (Ord. 97-06 § 1-10)

17.04.110: NUISANCE AND ABATEMENT:

Any building or structure erected, constructed, altered, enlarged, converted, ~~moved~~moved, or maintained contrary to the provisions of this title, and any use of land, building premises established, conducted, or maintained contrary to the provisions of this title, shall be, and the same is, declared to be unlawful and a public nuisance. The city attorney shall, upon request of the city council, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the matter provided by ~~law, and~~law and shall take other steps and relief as well as abate and remove such building or structure or use of property contrary to the provisions of this title. The remedies provided herein shall be cumulative and not exclusive. (Ord. 97-06 § 1-11)

17.04.120: ENFORCEMENT:

The city, including any authorized officer of the city, is ~~designated~~designated, and authorized with the enforcement of this title. The city council may entrust such administration, in whole or in part, to any officer of the city without amendment to this title. (Ord. 97-06 § 1-12)

17.04.125: NOTICE OF NONCOMPLIANCE:

A. Purpose: To enforce compliance with the international building code, the zoning and subdivision ordinances, and all other ordinances dealing with building and land use in the city of Santa Clara. The building official, or other city representative, may issue a "stop work order" and may record, or cause to be recorded, a notice of noncompliance to be filed

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with the county recorder's office against the property where the violation has been committed.

B. Permanent File: Prior to notice and processing of the certificate of noncompliance with the county, a permanent file will be developed which will include:

1. A statement of the failure to comply with the building regulations.

2. Attempts to obtain compliance.

3. A corrections list to bring the construction into compliance.

4. Copies of all attempts to contact the permit holder/owner.

5. A review of the file to determine the proper course of action.

C. First Notice: The builder/owner shall be notified in writing of the failure to comply with the building regulations. The owner/builder will be given ten (10) to thirty (30) days to comply, depending upon the circumstances. If the matter is one of public safety immediate compliance will be required.

D. Second Notice: If the owner/builder fails to comply with the first notice, the building official will prepare a second notice. The second notice shall be mailed by certified mail to the owner who will be given ten (10) days to comply. The second notice will contain a copy of the certificate of noncompliance that will be recorded against the property at the county recorder's office if the owner/builder fails to comply with the building violations.

1. If the owner fails to comply with the second notice within the required ~~period of time~~period, or if the notice is returned as being undeliverable at the owner/builder's last known address, the certificate of noncompliance will be recorded. Any returned mail will be kept in the file as evidence of an attempt to serve notice at the last known address.

2. No work may be done on the property until the noncompliance notice has been released and a new building permit has been issued.

3. To release the certificate, a new building permit shall be obtained, and the plans will be reviewed according to the building regulations currently in place. If issued within one year, the permit fee shall be one-half (1/2) of a regular permit. If more than one year has expired, the permit fee will be the complete amount of a new building permit.

4. After the construction work shall have been completed and approved, the city will record a notice to remove the certificate of noncompliance with the county recorder, and a copy of the release notice will be mailed to the owner/builder.

5. If all other efforts to correct the violation fail, the city may commence steps to have the building removed as a public nuisance. (Ord. 2013-05)

17.04.130: RESPONSIBILITY FOR VIOLATIONS:

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It shall be the duty of all contractors, subcontractors, builders, and other persons having to do with the establishment of any use of land, or the erection, altering, ~~changing~~changing, or remodeling of any building or structure to see that a proper permit has been granted before such work is begun. Any such person doing or performing any such work without a permit having been issued ~~is in conflict with~~conflicts with the requirements of this title and shall be deemed to be guilty of a violation of this title in the same manner and to the same extent that the owner of the premises or the persons for whom the use is established, and shall be subject to the penalties, prescribed for violation in this chapter. (Ord. 2004-19 § 1: Ord. 97-06 § 1-13)

17.04.140: PENALTIES:

Any firm, corporation, person or persons, or any action ~~in~~on behalf of such person, persons, firms, or corporations, violating any of the provisions of this title shall be guilty of a class B misdemeanor, or lesser offense at the discretion of the city.

Each person, persons, firm, or corporation found guilty of violation shall be deemed guilty of a separate offense for every day during which any violation of any provision of this title is committed, ~~continued~~continued, or permitted by such person, persons, firm or corporation and shall be punishable as provided in this title. (Ord. 97-06 § 1-14)

17.04.150: CHANGES AND AMENDMENTS:

This title, including the zoning map, may be amended from time to time by the city council. All proposed amendments shall be recommended by the planning ~~commission, and~~commission and shall be heard by the planning commission at a public hearing with an advertised ten (10) day public notice prior to the public hearing. In addition, the subject property shall be posted with a posting notice that can be seen by passersby during the advertising period, and property owners owning property within three hundred feet (300'), as measured by public street, shall receive a ~~first class~~first-class mail notification of the upcoming public hearing with notice of the date, time, and place of the advertised public hearing mailed at least five (5) working days prior to the public hearing. The applicant shall provide the city with first class addressed and stamped envelopes of all such property owners.

The city council, as an agenda item at a regularly scheduled council meeting shall consider the recommendation of the planning commission and may either approve the planning commission recommendation and approve the zone change, reject the zone change, table the zone change request for further study and consideration, or send the zone change request back to the planning commission for further study and recommendation for consideration by the city council at a later city council meeting. (Ord. 2012-19)

17.04.160: CONFLICTING PROVISIONS REPEALED:

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Where any ordinance, resolution, or part thereof, is found to ~~be in conflict with~~conflict with the provisions of this title, the most restrictive provision shall apply. (Ord. 97-06 § 1-16)

17.04.170: FEES:

Fees may be charged to applicants for building, occupancy and conditional use permits, design review and planned unit development approval, land use authority hearings, and such other services as are required by this title to be performed by public representatives or agencies. Such fees shall be established and amended from time to time by the city council and shall be in amounts reasonably necessary to defray costs to the public. (Ord. 2006-02: Ord. 2004-19 § 1: Ord. 97-06 § 1-17)

17.04.180: LICENSING:

All departments, ~~officials~~officials, and public employees of the city of Santa Clara who are vested with authority to issue the permits or licenses provided for herein shall conform to the provisions of this title and shall issue no permit or license for uses, buildings, or purposes where the same would ~~be in conflict with~~conflict with any provision of this title. Any permit or license issued that ~~is in conflict with~~conflicts with any part of this title, or any other ordinance of the city of Santa Clara, shall be null and void. (Ord. 97-06 § 1-18)

17.04.190: ANNEXATIONS:

New areas to be annexed to the city shall be classified in the open space (OS) zone until such classification shall have been changed by an amendment to the zoning ordinance as provided by law.

Notwithstanding the above requirement, the planning commission shall have authority to prezone properties lying outside of the city limits to determine, in advance of the annexation, the zone or zones into which the property should be zoned upon annexation. Upon the recommendation of the planning commission, and subject to approval of the city council, such areas may come into the city in other zoning classifications than outlined in the previous paragraph.

All annexations to the city shall comply with all laws and requirements of the city and to all laws and requirements of Washington County and the state of Utah, relative to the annexation of land. (Ord. 2010-06: Ord. 2004-19 § 1: Ord. 97-06 § 1-19)

17.04.200: COMPLETION OF IMPROVEMENTS:

Required site improvements such as pavement for parking areas, curb and gutter, privacy walls, landscaping, storm drainage facilities, utilities, and all other improvements required under city ordinance, shall be completed prior to the issuance of a certificate of occupancy.

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~~In the event that~~If such improvements cannot be completed prior to receiving a certificate of occupancy, due to weather conditions, or other unusual circumstances, or at the decision of the city, a guarantee in the form of a cashier's check, cash bond, letter of credit or other means acceptable to the city, shall be provided to the city's guarantee that such required improvement will be fully completed as required. (Ord. 2004-19 § 1: Ord. 97-06 § 1-20)

17.04.210: DENIED AMENDMENTS; RECONSIDERATION:

In the event that a petition for a zone change or an ordinance amendment is denied by the city council, or is withdrawn after the planning commission hearing, the planning commission shall not consider the petition, or any other petition for the same zone change or amendment of this title as it applies to the same property described in the original petition, or any part thereof, within a period of one year from the date of such denial action, unless the conditions upon which the original denial was based have substantially changed.

~~For the purpose of~~For this section, a "substantial change" in a request shall mean a substantial reduction in density, and/or land area involved, a change in the proposed use, such as residential rather than commercial, or other factors which, in the opinion of the planning commission, clearly constitute a significant change in a zone change request. (Ord. 97-06 § 1-22)

17.04.220: VESTING AND EXPIRATION:

A. Vesting:

1. Process. A completed Land Use Application shall be entitled to substantive review and process under the Land Use Regulations in effect at the time the application is complete. A Completed Application requires that all information necessary for a final decision has been provided to the Land Use Authority and all fees have been paid.

2. Uses and Density. A Land Use Application shall not be considered formally approved or vested in that approval until the Land Use Authority has approved the final site plan, final Construction Drawings, or Final Plat

B. Expiration: Recognizing that the length of the planning, building, and engineering review process will vary with the size and complexity of each proposal, applicants must move their applications either to approval or denial in a reasonably expeditious manner. The city may formally close applications which remain inactive for one (1) year or longer due to acts or omissions of the applicant.

1. An application is deemed inactive and subject to closure based on inactivity if, through the act or omission of the applicant and not the city, one of the following occurs:

a. More than one (1) year has passed since the last substantive contact between staff and the applicant. Sporadic non-substantive contact shall not be sufficient to move an application forward or prevent closure.

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b. More than one (1) year has passed since a request for additional information was made by staff, which request has:

i. not been complied with; or

ii. Was incomplete or insufficient.

c. The applicant is more than thirty (30) days in default of the payment of any fee assessed or required by ordinance.

d. The applicant has informed the city of intent to abandon the application.

2. When the designated planning, building, or engineering staff member determines an application is inactive, the application file may be closed.

a. No application may be closed based on inaction without giving thirty (30) calendar days' written notice to the applicant. Written notice may be delivered in person, by mail or by email. Such notice must state the intent of the respective department to have the Project closed because of inaction and what the applicant must submit in a timely manner to maintain an active file.

b. Applicants who fail to provide a full and complete response shall not prevent closure if the requested information or submissions are insufficient, untimely, or incomplete.

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TITLE 16
SUBDIVISIONS

CHAPTER 16.04
GENERAL PROVISIONS

SECTION:

16.04.010: Purpose

16.04.020: Scope of Title

16.04.030: Effect on Previous Ordinance

16.04.040: Exceptions to This Title

16.04.050: Exemptions

16.04.060: Fees

16.04.010: PURPOSE:

The purpose of this chapter is to promote the health, safety, and general welfare of the residents of the city of Santa Clara, Utah, by:

A. Promoting the efficient and orderly development of land located within the city;

B. Establishing policies, procedures, requirements, and standards for subdivision development;

C. Preserving and protecting the environmental quality and aesthetic character of hillside areas, other topographic features, and vegetative cover, and reducing the hazards to life and property from fire, flood, erosion, sedimentation, and soil slippage;

D. Providing lots of sufficient size and appropriate design for the purpose for which they are to be used;

E. Providing subdivision improvements of adequate capacity and design for traffic that will utilize them, and to ensure pedestrian and vehicle user safety. (Ord. 2009-02 § 1)

16.04.020: SCOPE OF TITLE:

This title shall apply to all subdivisions located wholly or in part within the city. To further define the scope of this title, but not in derogation of its purpose or scope, no person shall:

A. Subdivide a parcel of land except in compliance with this title;

B. Sell, exchange, offer to sell, or offer to exchange any land which is part of a subdivision or a tract of land, offer for recording in the office of the Washington County recorder any deed conveying a parcel of land, or any interest in it, unless that parcel of land is part of a subdivision created pursuant to this title;

C. Offer to sell or lease, to contract to sell or lease, or to sell or lease a subdivision in whole or part until a final plat, in full compliance with this title, has been recorded in the office of the county recorder;

D. Further divide, rearrange, or reduce the area of a lot within a subdivision without first obtaining the approval of the planning commission and the city council as provided in this title (a person may combine lots within a subdivision to create larger lots upon planning commission approval, and may vacate side and rear lot easements by action of the city council);

E. Receive a building permit on a lot within a subdivision until all subdivision improvements, including roads, pavements, and utilities are installed, unless waived by the planning commission and the city council;

F. Occupy a building or structure within a subdivision until the city accepts the subdivision improvements, any buildings and all lots fully complying with the city's subdivision and zoning ordinances;

G. Sell any portion of an approved subdivision until the prospective buyer or builder is advised that occupancy permits will not be issued until all subdivision improvements are completed. (Ord. 2009-02 § 1)

16.04.030: EFFECT ON PREVIOUS ORDINANCE:

The ordinance codified in this title shall amend and supersede the city's existing subdivision ordinance. It is not a new enactment but a continuation of the previous ordinance, whether in the same or in different language. The new ordinance shall read in its entirety as set out in this title. (Ord. 2009-02 § 1)

16.04.040: EXCEPTIONS TO THIS TITLE:

When the planning commission finds that unusual topographic or other conditions exist on a parcel of land subject to this title, the planning commission may recommend to the city council that an exception to this title be granted. Upon recommendation by the planning commission, the city council may change or except the lands from all or a part of the requirements of this title. However, the exception or changes authorized by the city council shall not substantially frustrate the intent of this title. (Ord. 2009-02 § 1)

16.04.050: EXEMPTIONS:

Those uses of land specifically exempted from subdivision by the Utah state code shall be exempt from the provisions of this title. (Ord. 2009-02 § 1)

16.04.060: FEES:

The city council shall from time to time establish and reestablish subdivision filing fees. (Ord. 2009-02 § 1)

CHAPTER 16.08
DEFINITIONS

SECTION:

16.08.010: DEFINITIONS OF TERMS:

As used in this title:

ADMINISTRATIVE OFFICER: The person or persons designated by the city council to receive information from an owner or owner's agent; send copies of plats, plans, maps, and other material, to city departments; prepare planning commission agendas; collect fees; and perform other work necessary to the planning commission.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture, and gardening; breeding, grazing, and keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals, or similar uses.

BEGINNING OF CONSTRUCTION: Grading, excavation, or removal of vegetation or earth from a site for construction of access routes or preparation of building pads or footings.

CITY: The city of Santa Clara, Utah, and including any of its assigned staff.

CITY BUILDING OFFICIAL: The city's building official.

CITY COUNCIL: The city council of the city.

CITY ENGINEER: The city's engineer or the authorized representative if an engineer is under contract to do work for the city.

CITY SURVEYOR: The city's surveyor or the authorized representative if a surveyor is under contract to do work for the city.

EASEMENT: The right of the public, some part of the public, or an individual in the land of another person for the purpose of exercising a liberty, privilege, or advantage.

ELECTRONIC COPY: A computer generated copy of the plat information otherwise submitted to the city in hard copy. In the case of a final plat, containing all the information required for a final plat.

FINAL PLAT: A final plat prepared in accordance with the provisions of this title to be recorded in the office of the Washington County recorder following planning commission and city council approval.

FINAL PLAT MYLAR: The reproducible copy of a final plat meeting all the requirements of this title and properly prepared to record in the office of the Washington County recorder.

LOT WIDTH: The width of a lot measured along the minimum setback line.

OFFICIAL MAP: Any map adopted by the city council under the provisions of the Utah Code Annotated, 1953, as amended.

OWNER: A natural person, firm, association, partnership, corporation, or any combination that owns a parcel of land or any person designated by the owner in writing as the authorized person to represent the owner.

PARCEL OF LAND: A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same owner.

PLANNING COMMISSION: The planning commission of the city of Santa Clara, Utah.

PRELIMINARY PLAT: A map or plan of a proposed subdivision complying with the requirements of this title.

SUBDIVISION: The division, resubdivision, or proposal to divide a parcel of land into two (2) or more lots, parcels, or other units for the immediate or future sale, lease, division, development, or other disposition. Subdivision includes:

A. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded document; and

B. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

THROUGH LOT: A lot having frontage on two (2) dedicated streets and having the right of access to both of said streets, not including corner lots.

VICINITY MAP: A map or drawing showing the physical relationship of the proposed development to the existing or proposed streets, buildings, and utilities; other relevant information such as special terrain, or surface drainage; and existing zoning classification of land in the vicinity of the property proposed for development. (Ord. 2009-02 § 1)

CHAPTER 16.12
APPROVAL OF SUBDIVISION PLATS

SECTION:

16.12.010: Procedure for Obtaining Approval of Subdivision Plats

16.12.020: Step One, Basic Data and Information

16.12.030: Step Two, Concept Plan

16.12.040: Step Three, Preliminary Plat

16.12.050: Step Four, Final Plat

16.12.060: Construction of Improvements

16.12.010: PROCEDURE FOR OBTAINING APPROVAL OF SUBDIVISION PLATS:

Development of any subdivision shall comply with the following procedures. (Ord. 2009-02 § 1)

16.12.020: STEP ONE, BASIC DATA, AND INFORMATION:

A. Before initiating the process for subdivision plat consideration, the owner, which may be the owner, or an agent designated by the owner and authorized to act for the owner, shall obtain and review the following:

1. The city's subdivision ordinance.

2. The city's general plan, land use ordinance, construction standards, and other applicable information.

3. Plat maps and record of survey maps of existing subdivisions and parcels of land adjacent to the proposed subdivision.

4. A copy of the city's hillside protection overlay, HP zone where applicable.

B. The owner shall visit with the city technical review committee (TRC) to discuss the proposed subdivision, gain a general understanding of the subdivision procedure, and to discuss any other information relative to the specific area being considered for development. (Ord. 2009-02 § 1)

16.12.030: STEP TWO, CONCEPT PLAN:

A. The owner initiates the subdivision plat consideration process by submitting a concept plan to the technical review committee (TRC).

B. The concept plan need not be prepared by a design professional. However, detailed, and accurate information incorporated into the concept plan will enable the TRC to make more meaningful comments to the development process at an early stage of development.

C. Following TRC review, the concept plan may be placed on the next available planning commission agenda for their review and comments if required by city staff. The concept plan will be neither approved nor denied, but the comments and recommendations made will be helpful to the owner and help the application to proceed in a timely fashion. Planning commission review of the concept plan is not a public hearing but is specifically for the purpose of the planning commission members to comment to the owner on the viability of the proposed project, and to offer comments and suggestions thereto. The public may or may not be invited to speak.

D. If a zone change is required before the approval of a preliminary plat, the requirements for a zone change found in title 17, chapter 17.18 of this code shall be followed.

E. A preliminary plat should not be submitted to the planning commission for consideration until after the zone change shall have been favorably acted upon by the city council, unless the requested designation is for a planned development district, or historical district/mixed use district, in which case they may be considered at the same time. (Ord. 2009-02 § 1)

16.12.040: STEP THREE, PRELIMINARY PLAT:

The preliminary plat step is the point at which the owner and city staff work closely together to resolve issues relative to the subdivision, and to determine its feasibility. All information required by this title as well as additional requirements of the hillside protection overlay, HP zone, floodplain ordinance, planned development zoning requirements, and any other information deemed to be appropriate to the proposed development, will all be reviewed at the preliminary plat phase. Reports from the hillside review board shall be required by the TRC, where applicable, prior to submitting the plat to the planning commission.

A. Preparation: The owner will prepare a preliminary plat and vicinity map. The preliminary plat shall contain all required information listed in this title, as applicable, and the vicinity map will show the relationship of the proposed subdivision to adjacent subdivisions and to the city in general.

B. Submission: The preliminary plat should be submitted promptly after concept plan review. If city ordinances or regulations change between concept plan review, and before preliminary plat submission, the owner must comply with the new ordinances and regulations. A minimum of four (4) scale drawings shall be submitted along with twelve (12) reduced eleven inch by seventeen inch (11" x 17") drawings, and one copy in electronic format.

C. Review By City Departments: The administrative officer shall deliver copies of the preliminary plat and vicinity plan to city departments affected by the proposed subdivision.

City departments shall review the preliminary plat for compliance with city ordinances, policies, and regulations. Copies of their comments and suggestions will be reviewed with the owner as often as necessary at TRC meetings to resolve as many concerns as possible.

D. Completion: Upon completion of TRC and applicant review meetings, the owner shall submit the same number of copies of the completed preliminary subdivision plat with supporting documentation, pay the subdivision filing fee, and zone change application fee, as may be applicable, as found in the development fee schedule established by resolution of the city council from time to time. The preliminary plat shall be considered at the next available planning commission meeting. The administrative officer shall send all necessary notices, agendas, and other materials to members of the planning commission.

E. Planning Commission Review: In considering the preliminary plat, the planning commission shall approve only those preliminary plats that it finds to be in accordance with the standards and criteria set forth in this title, and all other city ordinances and policies including, but not limited to, the general plan, the standard specifications for design and construction, the land use ordinance, the historic preservation ordinance, the building codes, and the city's land use, street, utility and drainage master plans, the hillside protection overlay zone, and soils and floodplain ordinances. The planning commission may approve the plat fully or conditionally, may impose conditions or revisions that they feel may be necessary to bring the subdivision into full compliance with city requirements, it may table the plat for further information or study, or it may reject the plat. If rejected, the planning commission shall indicate reasons for the rejection. The owner may redesign the plat using recommendations from the planning commission and reprocess it beginning with step three. If plat revisions are required, the owner shall complete the revisions, and the administrative officer shall resubmit the preliminary plat to the city staff for review, comment, and compliance with city ordinances. The officer shall then place the plat on the next available planning commission agenda for further consideration.

F. Planning Commission Review: The planning commission may set special meetings to visit the site prior to considering the preliminary plat for approval. All special meetings shall be advertised in the same manner as regular planning commission meetings. The planning commission may also schedule work meetings to consider aspects of the proposed development under the same advertising conditions as indicated for special meetings. The planning commission, during their review, may require further information to be submitted in addition to information already provided to the TRC staff.

G. City Council Review: After the planning commission makes their recommendation to the city council, the administrative officer shall include the plat on the next available city council agenda for consideration by the city council. The city council shall then review the preliminary plat. After such review, the city council may approve, conditionally approve, request changes or corrections, request further planning commission review, or deny approval of the preliminary plat. If the city council denies approval or refers the preliminary plat back to the owner for changes, or to the planning commission for more study, the city council shall state the reasons for the denial or referral. After the TRC staff has reviewed the resubmitted preliminary plat, or further study has been done by the planning commission, the city council may again consider preliminary plat approval.

H. Additional Studies: In carrying out its responsibilities pursuant to this section, the TRC, planning commission or city council may require the applicant to submit such additional information, data, studies, plans, analyses, or maps as may be necessary to make the factual determinations set forth herein. Any of the above groups may also request a third-party review at any time of the information submitted. If further study or information is required, the owner shall bear the full cost of meeting this requirement. In situations with severe limitations, actual construction drawings, as required in step four below, may be required for proper preliminary plan review and approval. (Ord. 2015-19: Ord. 2009-02 § 1)

16.12.050: STEP FOUR, FINAL PLAT:

A. Following city council approval of the preliminary plat, the owner shall meet with the technical review committee (TRC) for detailed project design information. The owner's engineer shall prepare complete construction drawings for street profiles, utility construction, drainage, soils reports, flood studies, and any other drawings or plans required by this title, or the hillside protection overlay zone. The owner shall submit four (4) sets of scale drawings, along with twelve (12) reduced scale sets of the drawings, and one copy in an electronic format to the administrative officer for distribution to required departments.

B. The city departments shall review the final plat and construction drawings. Staff will submit comments to the administrative officer. Based upon review and comments, the city shall advise the owner of any required engineering drawing revisions. The owner shall revise the drawings to comply with the required revisions and submit four (4) sets of final scale drawings along with twelve (12) reduced size drawings, and one copy in electronic format, to the city. The administrative officer will then schedule the final plat for planning commission hearing and recommendation to the city council.

C. In considering the final plat for approval, the planning commission shall approve only those final plats that it finds to be in accordance with the requirements of preliminary and final plat approval, the standards and criteria set forth in this title, and all other city ordinances and policies. The planning commission may approve, conditionally approve, or reject the final plat. If rejected, the owner may make changes to the final plat and reprocess it beginning with step four. After TRC review, it may be placed back on the planning commission agenda.

D. After planning commission approval, but before city council approval, the city shall review the final plat and construction drawings, along with an estimate from the applicant's engineer of estimated construction costs for the project.

E. The administrative officer will verify, using the subdivision ordinance check sheet, that all final plat requirements are submitted and reviewed before placing the final plat on the next regularly scheduled city council agenda. The city council, after review, may approve, conditionally approve, request further changes or corrections, request further planning commission review, or deny the final plat. If changes are requested, it may be

brought back to the city council following TRC review. The city council will approve the final plat, and the construction drawings, which may then be stamped as "approved". If a final plat is denied by the city council, the applicant may make changes and submit a revised final subdivision plat for consideration.

F. Following council approval, the applicant shall post with the city, the required guarantees, inspection fees, impact fees, recording fees, approval from the city attorney that the title report is approved, and from the county treasurer that all taxes, fees, or other financial requirements have been paid in full.

G. Following completion of all steps listed above, the administrative officer shall obtain all required signatures on the plat and transmit the final signed plat to the county recorder. The recording fee shall be paid by the owner.

H. No development work of any type shall commence until city council approval of the final plat and the construction drawings.

I. All final plats and construction drawings shall be prepared and approved within one year of city council approval of the preliminary plat. Any final plat not submitted and approved within one year of preliminary plat approval is void. If the owner, or any subsequent owner, later desires to submit this same or modified plat for approval, submittal shall begin with step three of this chapter.

J. A final plat must be recorded within eighteen (18) months of city council approval. Extensions may be granted by the city council for periods not to exceed eighteen (18) month intervals. Any plat, with or without posted guarantees, not recorded, nor extended, becomes void eighteen (18) months following city council approval. If the owner, or any subsequent owner later desires to develop the subdivision, the process shall start with step three of this chapter. Construction of any plat extended by the city council shall meet all requirements of the subdivision ordinance that may have been amended between the final approval and the actual construction of the subdivision. (Ord. 2009-02 § 1)

16.12.060: CONSTRUCTION OF IMPROVEMENTS:

The following chapters 16.16 through 16.32 of this title identify specific design and construction standards, guarantees, studies, reports, and other information by which the subdivision will be processed, reviewed, approved, and constructed. The owner is encouraged to study these chapters as well as the previous chapters very carefully when preparing to submit a subdivision plat to the city of Santa Clara. (Ord. 2009-02 § 1)

CHAPTER 16.16
PRELIMINARY PLAT REQUIREMENTS

SECTION:

16.16.010: Preliminary Plats

16.16.020: Title Block

16.16.030: General Requirements

16.16.040: Existing Conditions

16.16.050: Proposed Plan

16.16.060: Special Conditions

16.16.070: Approval Procedure

16.16.010: PRELIMINARY PLATS:

A. Preparation of Preliminary Plat. It is anticipated that if the Preliminary Plat complies with all requirements under this title, upon final approval of the Preliminary Plat, the Preliminary Plat shall be the basis for the Construction Drawings and Final Plat. Prior to preparing the Preliminary Plat, the applicant shall meet with the Technical Review Committee, TRC to discuss the subdivision proposal and review the Preliminary Plat and the requirements for the required plans, Construction Drawings, studies, and reports. The general requirements as to the layout of streets, street improvements, traffic impact studies, drainage, sewerage, fire protection, availability of existing services, and similar matters will be discussed.

B. Preliminary Plat. The Preliminary Plat shall be a clear and legible graphic representation of the subdivision, existing conditions, and proposed improvements. It shall be labeled and dimensioned and be of a suitable scale to graphically represent the proposed subdivision, existing and proposed improvements required by this title. The preliminary plat will comply with the following requirements and show the following information. (Ord. 2009-02 § 1)

16.16.020: TITLE BLOCK:

A. The proposed name of the subdivision.

B. The location of the subdivision, including the address, quarter section, township, and range.

C. The owner's name and address. (Ord. 2009-02 § 1)

16.16.030: GENERAL REQUIREMENTS:

A. North arrow and scale: One-inch equals one hundred feet (1" = 100') is preferred. One-inch equals two hundred feet (1" = 200') is acceptable for larger subdivisions. A minimum of four (4) scale drawings shall be submitted. At least twelve (12) other copies shall be submitted. These additional copies may be in a reduced form on eleven by seventeen-inch (11 x 17") sheets along with an electronic copy.

B. The boundary line of the subdivision along with any proposed phasing plan.

C. All property under control of the owner showing phases being developed and an overall street system. The street system shall conform to the existing street master plan, and to local streets already approved adjacent to the proposed subdivision.

D. Existing and proposed contour lines at vertical intervals of not greater than two feet (2') unless otherwise approved by the city. Contours shall extend in all directions for a distance of one hundred feet (100') beyond the boundaries of the subdivision.

E. Any other information that the applicant or the city feels would be useful for proper identification and orientation of the proposed subdivision. (Ord. 2009-02 § 1)

F. At the time of filing an application, the applicant shall schedule an appointment with the city. The city shall review the application for completeness and shall require that the applicant and owner (if different) provide an acknowledgement that they are responsible for obtaining a culinary water "Will-Serve" letter, or the equivalent from the Washington County Water Conservancy District, WCWCD. This requirement is in Chapter 17.04, General Provisions. The city may request that the applicant also present additional information to assist in determining the adequacy, quality, and characteristics of the subdivision proposal.

G. Once the application has been considered and determined to be complete, the application shall be reviewed according to the procedures set forth by this chapter. If the city finds that the application is incomplete, the application shall be rejected, returned to the applicant, and the applicant shall submit a complete application.

16.16.040: EXISTING CONDITIONS:

A. Streets: Location, width, and names of all streets within two hundred feet (200') of the subdivision.

B. Adjacent Tracts: Boundaries of adjacent tracts of subdivided and unsubdivided land, showing ownership where possible.

C. Zones: Identification of the zone or zones in which the property is located.

D. Public Objects: All public streets, utility rights of way, easements, parks, and other public open space within or adjacent to the proposed subdivision; all section and city boundary lines within and adjacent to the proposed subdivision.

E. Utilities: Sewer mains, sewer manholes, water mains, fire hydrants, power lines, power poles, culverts, or other facilities within one hundred feet (100') of the proposed subdivision.

F. Ditches And Drains: Ditches, drainage channels, waterways, storm drains, and major washes.

G. Floodplains: The location of the floodplain, floodway, and elevations designated by FEMA. No subdivision in the city shall be permitted in a floodplain.

H. Slopes: Any subdivision with hillside slopes must conform to the requirements of the hillside protection overlay zone as part of the preliminary plat approval.

I. Soils: A soils report is required on all lots in the city and on all lots in any subdivision. In addition, preliminary plat approval will require compliance with the requirements of the hillside protection overlay zone, as may be applicable.

J. Erosion Hazard Zones: The preliminary plat shall identify all potential erosion hazard zones, or lands that may be affected by the sensitive land's ordinance to the best knowledge of the applicant.

K. Historic Preservation: Information may be required by the historic preservation ordinance if the proposed subdivision falls within the historic preservation overlay zone.

L. Vicinity Map: A vicinity map shall be submitted to orient staff and the planning commission as to the specific location of the subdivision.

(Ord. 2009-02 § 1)

16.16.050: PROPOSED PLAN:

A. Streets And Utility Easements: The layout of streets and utility easements showing identification and dimensions. The proposed subdivision plat shall show how it will be served by existing or proposed streets, and a traffic impact study may be required to determine what impact the subdivision may have on other existing development.

B. Lots: The layout, number, and dimensions of lots.

C. Setback Lines: Building setback lines must be shown for all lots.

D. Parcels Set Aside: Parcels of land intended to be dedicated for public use or set aside for use of property owners in the subdivision as common or limited common areas.

E. Stormwater Drainage: A proposed plan to dispose of stormwater drainage for the subdivision including proposed realignment or regrading of existing drainageways upstream, within, and downstream of the subdivision. (Note that a stream alteration permit from the state of Utah may be required prior to the alteration of any stream or drainage channel.)

F. Wastewater Collection: Determine how the proposed subdivision can be served by the existing wastewater collection system without the off-site extension of any trunk or outfall line.

G. Wastewater Treatment: Determine how wastewater estimated to be generated by the proposed subdivision can be accommodated and treated in accordance with city standards and without any treatment plan expansion.

H. Water Supply and Storage: Determine how both the culinary and secondary irrigation water needs of the proposed subdivision can be accommodated in accordance with legally authorized and physically available water rights, and the capacity, storage, design, and construction requirements of the city without additional supply, or storage improvements. Developer may also be required to transfer to the city such water rights and/or water shares to the city, or pay a special assessment in lieu of such transfer, as may be established by ordinance.

I. Fire Flow: Show how the proposed development will be served by a central water system with appropriately located fire hydrants and adequate flows to meet insurance requirements (a minimum of 1,000 gallons per minute for a period of two (2) hours without additional capital improvements).

J. Fire Response Time: Determine if the proposed subdivision is within two (2) miles of a five (5) minute response time of an existing fire station.

K. Solid Waste: Determine that the proposed subdivision be served by the existing solid waste collection and disposal system.

L. Electrical Supply: Determine whether the electrical needs of the subdivision can be accommodated by the city power department, and under what conditions.

M. Parks: Determine that the proposed development is within one mile of a city park, or recreational facility, and within one-half (1/2) mile of a community or neighborhood park, all of which meet city acreage and facility standards, and can accommodate the population projected to be generated by the proposed subdivision development.

N. Phasing Plan: A phasing plan for the subdivision if phases are proposed.

O. Agreements With Outside Agencies: Where public services are proposed by agencies outside those operated by the city, the owner shall provide signed agreements with those agencies approving proposed plans and agreeing to install their systems in accordance therewith.

P. Other Items and Additional Studies: Other items that may be required by the planning commission, and which may be site specific for a subdivision and not to subdivisions in general. In carrying out its responsibilities pursuant to this section, the TRC, the planning commission, or the city council may require the applicant to submit such additional information, data, studies, plans, analyses, or maps, as may be necessary to make the factual determinations set forth herein. If so required, the owner shall bear the full cost of meeting this requirement. In situations with severe limitations, actual construction

drawings, as required for final plat submission, may be required at the preliminary plat level. (Ord. 2019-10 § 2: Ord. 2009-02 § 1)

16.16.060: SPECIAL CONDITIONS:

The zoning laws of the city of Santa Clara shall confer no vested right to develop under the terms of the zone in which any proposed development is located if the development, due to access and/or other on-site development conditions which cannot, in the judgment of the city, be developed safely under reasonably anticipated conditions. Safety shall include safety to the users, their invites, safety to the residents of Santa Clara City, and to the public, and safety of the structural integrity of the improvements.

If the proposed subdivision presents a development condition that the city planning commission or the city council (hereinafter referred to as the "city") deems to be unsafe, the city shall require, prior to preliminary plat approval or building permit issuance (as the case may be), such engineering studies as may be reasonably required to render the site safe for the long-term viability and safety of the proposed building site. Included in the consideration of unsafe conditions shall be sites which have any, or a combination, of the following conditions:

A. Unsafe or steep access.

B. Steep slopes.

C. Underground water/damage issues.

D. Flooding issues (sites in 100-year floodplain, or subject to flood erosion that may extend beyond the 100-year floodplain).

E. Washes.

F. Adverse soils conditions.

G. Adverse rock or soils formations.

H. Slide hazards.

I. Liquefaction/earthquake hazard.

J. Such other hazards as may be considered unsafe by the city.

If an unsafe condition is found, then the city shall specify such studies as may be necessary to determine if safe mitigation is reasonably certain to allow the development to proceed. The city shall then consider the reports of the owner's experts/engineers, and the reports of any special consultants that the city may hire at the expense of the owner. The city shall also consider the effects of the development on adjacent properties where the site presents evidence of risk outside of the proposed development. The city may also conduct on site reviews of the possible unsafe condition. If, after review of these reports and the evidence presented, the city determines that the site may not be developed safely, then the project

shall be denied to preserve the health, safety, and welfare of city residents. The city shall determine if a portion of the site can be developed, which ruling shall be given to the owner, and the owner shall be given the opportunity to submit an amended plan which can be developed safely. If an adverse ruling is given, the city shall issue written findings of the reasons why the site is not considered safe. (Ord. 2009-02 § 1)

16.16.070: APPROVAL PROCEDURE:

A. City planning staff shall transmit the Preliminary Plat, and Preliminary Plat review application, along with all accompanying plans, reports, and studies to appropriate city officials and other official agencies or bodies as deemed necessary or as required by law, to allow such persons to review the application.

B. After the Preliminary Plat review application is found to meet the requirements of this title, and all comments have been received from those to whom a request to review was made, the planning manager or designee shall cause the Preliminary Plat to be placed on the next available planning commission agenda, and shall notify the applicant of the date, time, and place of the meeting at which the application shall be reviewed.

C. The planning commission shall only recommend approval of a Preliminary Plat which it finds to be in accordance with the standards and criteria set forth by the city in this title and all other ordinance, plans, and policies of the city. The planning commission may conditionally approve a Preliminary Plat, imposing such conditions as it may require bringing the Preliminary Plat into compliance with the requirements of the city's ordinances, plans, and policies.

D. After reviewing the Preliminary Plat, the planning commission shall make a recommendation to the city council that the Preliminary Plat be approved, conditionally approved, or disapproved. The Preliminary Plat will then be placed on the next available city council agenda, after all legally required notification requirements have been complied with, and the city shall advise the applicant of the date, time, and place of the meeting at which the Preliminary Plat shall be reviewed. After review, the city council shall approve, conditionally approve, or disapprove of the Preliminary Plat.

E. Upon approval of the Preliminary Plat, and approval of the Construction Drawings, a permit may be issued which allows the applicant to begin construction at their own risk, of the infrastructure improvements required for the subdivision prior to the Final Plat approval. Issuance of a permit to construct infrastructure prior to Final Plat approval does not constitute a vesting of development rights.

F. If the final subdivision plat, or phase thereof, is not approved by the city within one (1) year after city council approval of the Preliminary Plat, all approvals shall be deemed expired and void. If eligible, the applicant may submit for approval a new Preliminary Plat in accordance with this section, if it is determined by the planning manager or designee that substantial progress toward completion of the final subdivision plat has been done, and the Final Plat cannot be submitted due to reasons beyond the control of the applicant, the item shall be placed on the next available city council agenda for consideration of a reasonable extension of time to complete the final plat, but no longer than one (1) year. A

second extension not to exceed one (1) additional year may be granted in extraordinary circumstances demonstrated by the applicant.

G. No extension will be granted to any applicant unless the applicant first submits documentation evidencing that WCWCD has consented to the extension of applicants "Will-Serve" letter consistent with the extension sought from the city.

H. Approval of the Preliminary Plat does not constitute full approval of the development nor vest any development rights as additional requirements may be imposed that are a result of more detailed and thorough review of all plans, specifications, reports, and investigations.

CHAPTER 16.20
FINAL PLAT REQUIREMENTS

SECTION:

16.20.010: Final Plat

16.20.020: Description and Delineation

16.20.030: Standard Forms

16.20.040: Additional Information Submitted with Final Plat

16.20.050: Conformance to Applicable Rules and Regulations

16.20.060: Other Restrictions

16.20.070: Approval Procedure

16.20.010: FINAL PLAT:

The final plat shall be prepared by a licensed land surveyor on a standard twenty-four inch by thirty-six inch (24" x 36") mylar sheet drawn with waterproof black ink. The plat shall contain all information required as set forth below. The final plat will also include an electronic copy. (Ord. 2009-02 § 1)

16.20.020: DESCRIPTION AND DELINEATION:

A. Name: The name of the subdivision approved by the planning commission.

B. Lots: An identification system shall be shown for all lots, blocks, and names of streets. Lot lines shall show dimensions in feet and hundredths. Lot sizes shall be shown to one square foot accuracy. Other easements shall be of sufficient width and location necessary to

provide the proper function and maintenance of utility and drainage facilities as determined by the public works director and shall be shown on the final plat.

C. Easements; Street Names: Easements shall be a minimum of ten feet (10') wide along all front property lines unless otherwise required by the city. In multi-family or PD projects, the city may require easements in common areas. All street names shall be approved by the city to avoid duplication of names within the city limits. As a courtesy, and as required by the Utah code 54-3-27(5), a copy of all final plats shall be provided to any utility company providing service to the subdivision in addition to city owned utilities already approved herein. This could include natural gas, cable television, telephone, high speed internet, or other providers of public services. Evidence shall be provided to the city from the utility companies that this requirement has been complied with.

D. Traverse Of Perimeter: A traverse of the perimeter of the subdivision.

E. Monumentation And Survey Control:

1. All United States, state, county, city, or other official monuments shall be identified on the plat. The location of these monuments shall be accurately tied to the subdivision by true bearing and distance. All existing monuments shall show the agency setting the monument and the date set, if known, and the type of monument (i.e., brass cap, rebar, and cap, etc.).

2. Street monuments shall be installed by the owner in accordance with the requirements of the city with locations indicated on the plat within thirty (30) days after street paving.

F. Public Objects: The dedication to the public of all streets, easements, or other areas reserved for public use, with the purposes indicated thereon. Any area to be reserved by deed or covenant for common use of all property owners shall be indicated on the plat.

G. North Arrow and Scale: North arrow, scale, point of beginning, legal description, and basis of bearing shall be shown not only in narrative but also on the drawing. Surveys shall coincide with other surveys of record in the area. The basis of bearing shall be the one most predominantly of record in the area and shall be identified on the plat as well as in the survey narrative.

H. Boundary Closures: Subdivision boundary closures shall be 0.01 or less on exterior boundaries and 0.02 on interior lots. (Ord. 2013-09: Ord. 2009-02 § 1)

16.20.030: STANDARD FORMS:

The final plat shall require:

A. A registered professional land surveyor's signed stamp and certificate of survey.

B. All street centerline data and street widths shall be shown with ties to property lines, lot corners, etc. All radii, internal angles, points and curvatures, tangents, bearings, and the length of all arcs.

C. A notary public's acknowledgment of all signatures on the plat.

D. A notarized consent of all lienholders, unless a separate notarized consent to plat is provided for any lien holder, in a form acceptable to the city.

E. The planning commission's certificate of approval, signed by the chairman.

F. The city engineer's certificate of approval.

G. The city attorney's certificate of approval, after having reviewed a title report prepared or updated by a title company and dated within the past ninety (90) days. It shall be the applicant's responsibility to obtain releases or consents to plat from the holders of all liens or encumbrances which would otherwise prevent the subdivision of the property and the sale of good and marketable title to third party buyers of property in the subdivision.

H. The city council's certificate of approval signed by the mayor.

I. A one and one-half by five-inch (1 1/2 x 5") space in the lower right-hand corner of the plat for use by the county recorder.

J. The final plat shall include the following notes:

1. A note stating: "This property is subject to the findings, summary and conclusions of a Geotechnical Investigation Report prepared by Dated .

"A copy of said report has been placed within the Geotechnical Report File of the city and is available for inspection. The report may be inspected, or copies obtained, by contacting the City of Santa Clara, P.O. Box 2601 Santa Clara Drive, Santa Clara, Utah 84765. Purchasers should review this report and contact the city for additional updated information regarding the report. All purchasers of lots in this subdivision are strongly encouraged to obtain their own Geotechnical Investigation Report and to follow its recommendations."

2. A note indemnifying the City for soil or other sensitive conditions on the site.

3. If lot setbacks are not otherwise depicted on the plat, a note stating any front, side, and rear yard setbacks applicable to lots on the plat.

4. A note stating that notwithstanding the posting of any performance security, no building permit will be issued until all utilities are completed in the subdivision.

5. A note stating that all street landscaping must confirm to the City's landscaping ordinances and construction standards.

6. Any other notes or statements required by the City Council as a condition of final plat approval.

K. The county treasurer's certificate of approval indicating at the time of signing that the property taxes, special assessments, and fees due and owing have been paid in full. (Ord. 2015-12: Ord. 2012-07: Ord. 2009-02 § 1)

16.20.040: ADDITIONAL INFORMATION SUBMITTED WITH FINAL PLAT:

A. An engineer's itemized estimate of the cost of all required improvements to be developed in the subdivision, which shall be subject to approval by the city engineer.

B. Final utility plans for culinary water, secondary irrigation water, sewer, power, and natural gas, if proposed, with approval from each utility department indicating that utility and easement plans have been reviewed and approved by them, and that services are available to each lot in the subdivision. This requirement may be met by receiving approval for these construction drawings during the preliminary plat approval phase of development 1 .

C. A final drainage plan, if not previously approved at the preliminary stage, indicating the following:

1. Complete drainage systems for the entire subdivision shall be designed by a professional engineer, licensed in the state of Utah, and qualified to perform such work. All existing drainage features which are to be incorporated into the design shall be so identified. If the final plat is to be presented in phases, general drainage plans for the entire area shall be presented with the first phase. Appropriate development plans shall be prepared for each subsequent phase and shall be submitted.

2. The drainage plan shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands that are downstream.

D. Final plans and profiles for all streets to be constructed in the subdivision indicating that the plans have been reviewed and approved by the city engineer.

E. All plans and information required by the hillside protection overlay zone, or the FEMA flood maps have been complied with. Where such plans are not required, that a soils report, covering each lot in the subdivision has been submitted and approved by the city engineer. (Ord. 2019-10 § 3: Ord. 2012-07: Ord. 2009-02 § 1)

F. For any subdivision in a PD Zone a fully executed original copy of any Covenants, Conditions, and Restrictions anticipated to be recorded with the plat shall be submitted to the city for verification. The original will be returned to the applicant for recording when the final plat is released.

G. Any other information reasonably required by City staff to assist in determining whether the requirements of this Chapter have been met with respect to the final plat for which approval is sought.

Notes

1 1. UCA §§ 10-9a-603(4)(c)(i), 10-9a-603(4)(c)(ii).

16.20.050: CONFORMANCE TO APPLICABLE RULES AND REGULATIONS:

In addition to the requirements established herein, all subdivision plats shall comply with all applicable laws, plans, and regulations including, but not limited to:

A. The city general plan, land use ordinance, zoning map, and all other applicable city ordinances.

B. The official city general plan, including general plans for streets, parks, drainage, trails, and utility systems.

C. Requirements of any departments of the state of Utah, as applicable.

D. The standards, regulations and policies adopted by the city including all boards, commissions, agencies, and officials of the city who may be authorized to adopt the same.

E. A copy of any development agreement that may have been agreed upon between the city and the owner of the project. (Ord. 2009-02 § 1)

16.20.060: OTHER RESTRICTIONS:

If the applicant places restrictions on any of the land contained in the subdivision greater than those required by the land use ordinance, these covenants, conditions, and restrictions may be required to be indicated on the subdivision plat, or the planning commission may require that restrictive covenants be recorded with the county recorder in a form approved by the city attorney. Conditions, covenants, and restrictions shall be required in the case of a planned unit development in the planned development zone where common areas are proposed.

A. The city will not accept property as a bond to guarantee installation of improvements in a subdivision. An acceptable agreement may include a cash amount posted with the city, an escrow agreement with a local financial institution, a letter of credit from such an institution, or a corporate surety bond.

B. The city shall not create a special improvement district for the purpose of installing improvements in a subdivision proposed by an owner. If an improvement district is proposed by the city and, if the district proposed contains property owned by more than one property owner not involved with the development and said owners cannot agree on a

method of financing the required improvements, then, and only then, shall the city consider the possible creation of a special improvement district.

C. Special improvement districts are not intended for the improvement of a subdivision owned by one person or a group of persons acting jointly together to create a subdivision development. (Ord. 2009-02 § 1)

16.20.070: APPROVAL PROCEDURE:

A. After the Preliminary Plat has been approved by the city council, and all conditions are complied with, a final subdivision plat shall be prepared and submitted to the planning department.

B. The Final Plat shall be required to go through the same approval process as the Preliminary Plat as per Section 16.16.070 of this title.

C. All applications to subdivide real property shall comply with the requirements of Utah Code Title 10, Chapter 9a, of the Utah Land Use and Development Management Act, as amended.

D. A Final Plat must be recorded with the office of the County Recorder within one (1) year of the date of city approval. This includes a final plat which is a phase of the project (this entitles the preliminary plat). A Final Plat which has not been recorded withing one year, shall be deemed void and all land use approvals associated with the Final Plat shall be considered void *ab initio.* Prior to expiration, an applicant may request a one-time six-month extension of approval to the planning department. The item shall be placed on the next available city council agenda for consideration.

E. Following approval by the city council, the mylar copy of the final plat will be held for review by city staff and not released for recording until all the requirements of this Chapter have been met, including but not limited to the posting of adequate performance security, payment of all city fees, and all required signatures being obtained on the mylar copy.

CHAPTER 16.24
DESIGN STANDARDS

SECTION:

16.24.010: Compliance with Design Standards

16.24.020: Approved Engineering Drawings

16.24.030: Inspections

16.24.040: Utility Improvements

16.24.050: Storm Drainage and Nuisance Water Control

16.24.060: Street Improvements

16.24.070: Layout of Lots

16.24.080: Lot Arrangement

16.24.010: COMPLIANCE WITH DESIGN STANDARDS:

All subdivisions shall comply with the following design standards. (Ord. 2009-02 § 1)

16.24.020: APPROVED ENGINEERING DRAWINGS:

Prior to commencement of construction, engineering drawings prepared and stamped by the owner's engineer for improvements shall be approved by all required departments. These plans shall comply with the requirements as set forth in official city standards and specifications. No residential building permits shall be issued prior to approval of engineering drawings and completion and acceptance of all development improvements. (Ord. 2009-02 § 1)

16.24.030: INSPECTIONS:

Appropriate agencies and departments of the city shall inspect or cause to be inspected all buildings, street improvements, fire hydrants, water supply, electrical systems, and sewage disposal systems, etc., during construction, installation, or repair. Excavations for fire hydrants and water and sewer mains and laterals, shall not be covered or backfilled until such installation shall have been approved and inspected by the city. If any installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector. (Ord. 2009-02 § 1)

16.24.040: UTILITY IMPROVEMENTS:

A. All subdivision lots shall be served by the city's culinary water, secondary irrigation water, sewer, and electrical systems unless otherwise approved by the city council. Provisions shall also be made for the installation of natural gas, telephone, cable television, and fiber optic as a part of the subdivision development. For any of the above services not provided by the city, the owner shall submit will serve letters from each utility providing service as a condition of approval of the utility systems. No building permits shall be issued until full completion and approval of all required public improvements of the project.

B. All utility improvements shall comply with city construction standards and will be completed to the boundaries of the subdivision.

C. All electrical, telephone, television cable, and fiber optic shall be installed underground except as otherwise directed by the city council. All electrical systems shall conform to underground specifications and city construction standards.

D. All sewer, electrical, culinary water and secondary irrigation water plans and specifications shall be approved by the city before commencing public improvements.

E. The owner shall provide streetlights in conformance with city standards. (Ord. 2019-10 § 4: Ord. 2009-02 § 1)

16.24.050: STORM DRAINAGE AND NUISANCE WATER CONTROL:

A. A storm or nuisance water drainage system shall be provided and shall be separate and independent from the sanitary sewer system.

B. No ditch or canal shall be approved as suitable for the use of storm drainage without the written permission of the appropriate ditch or canal company or of the water users for such use, and the approval of the city. No ditch or canal shall be used for stormwater unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff water, and other water expected to reach the subdivision, canal, or ditch. Where subdivision improvements affect existing canals or ditches, specific modifications shall be in accordance with the requirements of the irrigation company and the city. In situations where the city already has a drainage plan or system in place, the owner shall be expected to participate in the expansion, extension, or enlargement of such system to accommodate water from the subdivision. Retention basins developed as a part of the subdivision may also be required.

C. Drainage and flood control shall be designed in conformance with the Washington County Flood Control Authority Storm Drainage Systems Design and Management Manual and the city Storm Water Master Plan. Public drainage easements or dedications with a minimum width of fifteen feet (15') shall be provided along all drainageways as determined by the city. (Ord. 2009-02 § 1)

16.24.060: STREET IMPROVEMENTS:

A. Definitions: For purposes of this Section 16.24.060, each reference to a "subdivision" herein shall mean and refer to either (1) a "subdivision," as defined in Santa Clara City Code § 16.08.010 ; or (2) a "streets project area," as may be defined by the city council from time to time, on recommendation of the technical review committee (TRC) and planning commission.

B. Streets Project Areas: The purpose of defining a "streets project area" is so that existing parcels not requiring further subdivision before development may still have the benefit of complete and well-maintained street improvements. A streets project area shall be created when at least eighty percent (80%) of the owners on the public street in the proposed streets project area, as measured by linear foot of frontage, have signed a document notifying the city of their agreement with the conditions of such designation. Such designation shall signify the intent of the signing owners to bear a share of costs to improve the public street to applicable city standards, as set forth in this section. The

following areas of the city shall, for purposes of this section, each be considered a potential streets project area:

1. Vernon Street, North of Santa Clara Drive
2. Vernon Street, South of Santa Clara Drive
3. Victors Street, North of Santa Clara Drive
4. Victors Street, South of Santa Clara Drive
5. Quail Street, North of Santa Clara Drive
6. Quail Street, South of Santa Clara Drive
7. Hamblin Drive and Gates Lane, North of Santa Clara Drive
8. West Vineyard Drive, from Old Farm Road to Heights Drive
9. Central Vineyard Drive, from Heights Drive to River Front Drive
10. East Vineyard Drive, from River Front Drive to Lava Flow Drive
11. West Arrowhead Trail, from Arrowhead Circle to Santa Clara Parkway
12. South Arrowhead Trail, from Pearl Rose Drive to Concord Drive

Any other combination of adjacent parcels, having direct access from the same public street, may also seek recognition as a "streets project area" by obtaining a recommendation from the technical review committee and planning commission and approval from the city council.

C. When multiple streets project areas are designated or eligible by designation, the city council shall have the right to determine the relative priority of the projects for application of available city resources. The city council will consider the following information when determining priority between any two (2) streets project areas:

1. Citizen input;

2. Whether the proposed streets project area will help to mitigate the anticipated impacts of growth or development;

3. Availability of utility services;

4. Relative size of streets project areas;

5. Availability and cost of contractor services;

6. Any other reasonable consideration related to the health, safety, and welfare of city residents and visitors.

D. The City Council shall ultimately have the right to make a final determination as to the feasibility and timing of any proposed streets project, and in doing so may consider the

availability of funds or financing, the feasibility of constructing required improvements and the interfacing of new improvements with existing improvements, the feasibility of necessary land acquisition, or any other reasonable consideration.

E. All streets shall be designed in accordance with the city design standards, AASHTO, or other approved standards. All streets within the city shall be improved with streetlights and pavements bounded by integral concrete curbs, gutters, and sidewalks. All street improvements will be completed to the boundaries of the subdivision.

F. The arrangement of streets in new subdivisions and in designated streets project areas shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the general plan.

G. The owner(s) of the subdivision shall be responsible to bear all costs of required improvements as set forth in this chapter, shall provide a bond or other security to warranty the improvements for not less than one (1) year from the date of completion, and shall provide traffic control and street name signs conforming to the city's design specifications and approved by the city.

H. The owner(s) of parcels comprising a designated streets project area shall also be responsible to bear certain costs of required improvements; however, the city agrees to bear a portion of material and improvement costs, as set forth in the following table:

Owner(s) pay for:	City pays for:
Asphalt and base exceeding 28' in width	Asphalt and base up to 28' in width
Curb, gutter & sidewalk	Civil engineering costs, including required surveys
Right of way and public utility easement dedication as needed	Utility replacement and upsizing (excluding new lateral connections to service individual properties)
Bond or other security for 1-year warranty, covering Owner(s)' pro rata portion of project costs	Streetlights
Own legal and professional fees	Own legal and professional fees

Where a corner lot is part of the streets project area, the owner(s) in the streets project area shall only be responsible for the above costs in relation to improvements along the side of the corner lot having the longest public street frontage; the city will pay all costs of improvements along the side having the shorter frontage. Owner(s) may negotiate among themselves to modify their respective obligations, provided that any such agreement shall not be enforceable against the city. The city shall have no obligation to proceed with

improvements to a designated streets project area until having received from the owner(s) thereof one hundred percent (100%) of the funds anticipated to be required to complete the planned improvements. Impact fees designated for road improvements, or any funds or other security previously deposited with the city by owner(s) in lieu of impact fees, may be applied by the city to any designated streets project area in the city, regardless of location. Any unpaid obligation of individual owner(s) to the city shall be deemed a joint and several obligation of all the owner(s) in the same streets project area.

I. All subdivision lots shall have frontage on a dedicated public street improved to city standards unless the lot is approved as a flag lot under the city's flag lot ordinance or is approved by the city council on some other basis. Streets project areas are assumed by definition to have such frontage. Private streets, alleys, or ways shall not be approved except as may be approved as a part of a planned development project under the city planned development ordinance or when, because of hazardous slopes, soils, floodplains, or other conditions, the city council determines that approval is not in the best interest of the city.

J. The technical review committee (TRC) or the planning commission may recommend to the city council that an exception for private roadways, utility improvements, or other improvements be approved for a specific subdivision or streets project area. In any event, private streets and utility construction will conform to the construction standards required for dedicated streets and utilities regarding quality of construction, whether dedicated or not.

K. All off-site access roads providing the subdivision or streets project area with access to the nearest public street shall be improved as required by this section. Wherever feasible, local streets shall be laid out to provide connectivity to adjoining residential areas. If the adjacent property is undeveloped and the street must be a temporary dead-end street, the right of way shall be extended to the property line and a temporary turnaround shall be provided. All permanently dead-end streets shall end in an approved cul-de-sac or other improved turnaround, including appropriate signage, unless otherwise approved by the city council.

L. Intersections shall be designed in conformance with AASHTO standards to provide adequate sight distance and other performance and safety needs as approved by the city.

M. No subdivision shall be approved which does not have access to an improved and dedicated city street. Where a subdivision or existing streets project area obtains access from a street which does not meet minimum city standards, the access road shall be improved to a minimum width of twenty-five feet (25'). Additionally, all utilities will be brought up to current city construction standards.

N. Where a subdivision or designated streets project area abuts a master planned road, utility, or drainage system, the owner(s) shall complete their portion of such improvements the full length of their project in conformance with the official city master plan unless otherwise approved by the city council. Any owner(s) of parcels which are part of a larger designated streets project area shall have the same obligation with respect to their own respective parcels.

O. Streets shall have the following minimum right of way widths:

1. Arterial Street: Eighty-foot (80') minimum.

2. Collector Street: Sixty-six feet (66').

3. Local Street: Fifty feet (50').

4. In planned development areas, subdivisions, and designated streets project areas, the minimum street width is forty-five (45’) feet as per City Construction Standards.

P. Streets shall have the following paved roadway width (lip of curb to lip of curb):

1. Arterial Street: Fifty-five feet (55').

2. Collector Street: Forty-nine feet (49').

3. Local Street: Thirty-five feet (35').

4. In planned development areas, subdivisions, and designated streets project areas, the width of streets may be modified with planning commission recommendation and city council approval.

Q. Cul-de-sacs shall be no longer than eight hundred feet (800') in length without a recommendation for exception from the planning commission and approval by the city council.

R. The radius of the turnaround in a cul-de-sac shall be a minimum of fifty feet (50').

S. Streets should intersect as nearly as possible to ninety-degree (90°) angles and shall not be offset less than two hundred fifty feet (250') from the centerline of the nearest intersecting street.

T. Streets shall have the names or numbering system of all streets in city-approved sequence. Permanent street name or number signs shall be installed by the owner at their expense according to city requirements and standards at the time of development of the subdivision and shall be provided for along with other elements of the subdivisions for which a guarantee is posted.

U. Traffic control signs required by the city shall also be installed to ensure a smooth flow of traffic through the subdivision.

V. Streetlights, of a type approved by the Power Department, shall be installed in every subdivision. Spacing of streetlights shall be within two hundred fifty feet (250’), except as approved by the Power Department, and shall be installed at all intersections, or in other locations as determined by the city.

W. Curb, gutter, and sidewalk are required in all subdivisions and designated streets project areas, in accordance with the city's design and construction standards. Additionally, all existing utilities in these areas will be brought up to current city construction standards.

X. The minimum centerline radii for local streets shall be one hundred fifty feet (150'). For collector streets the minimum shall be three hundred feet (300'). For arterial streets the minimum shall be five hundred feet (500'), unless otherwise approved by the city council upon recommendation of the city engineer.

Y. The grade of streets shall not exceed eight percent (8%) for arterial or collector streets and fifteen percent (15%) for local streets.

Z. Blocks shall not be longer than one thousand feet (1,000') and shall be at least two (2) building lots in depth, unless otherwise approved by the city council upon recommendation of the planning commission.

AA. All arterial streets are classified as limited access streets, and no individual lot shall front on an arterial street.

BB. All street widths shall conform to the width requirements unless otherwise recommended by the TRC, and the planning commission, for approval by the city council. Such recommendation and approval shall normally apply only to developments in the planned development zone. (Ord. 2019-07 § 3: Ord. 2016-12: Ord. 2013-09: Ord. 2012-13: Ord. 2009-02 § 1)

16.24.070: LAYOUT OF LOTS:

A. The design and development of the subdivision shall preserve, insofar as possible, the natural terrain, drainage, existing topsoil, and vegetation.

B. In general, side lot lines shall be at right angles to street lines, or radial curving street lines, unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow erection of buildings, observing the minimum front yard setbacks unless other provisions are approved by the city council upon recommendation from the planning commission. (Ord. 2009-02 § 1)

16.24.080: LOT ARRANGEMENT:

A. Lot Arrangement Considerations: The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in the subdivision in compliance with the zoning ordinance and in providing driveway access to buildings on all lots from an approved street unless otherwise approved by the city council for reasons listed elsewhere in this title.

B. Lot Dimensions: Lot dimensions shall comply with the minimum standards of the zoning ordinance. Where lots are more than double the minimum required area for the zoning district, the planning commission may require that the lots be arranged to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the zoning ordinance and these regulations.

C. Double Frontage Lots: Double frontage lots are lots which have the rear property line adjacent to a public street. Double frontage lots shall not be permitted except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. All double frontage lots must be approved by the City Council. A solid block or masonry wall shall be provided on all double frontage lots as a part of the required development of improvements, unless waived or modified by the City Council. Where a privacy wall is constructed, there shall be a landscape strip provided between the sidewalk and privacy wall with a minimum average width of ten feet (10'). The wall may be of serpentine design so that the distance between the wall and sidewalk varies, but the wall shall not be closer to the sidewalk at any point than four feet (4'). The minimum ten foot (10') wide planter strip may include landscape area on both sides of the sidewalk where the sidewalk is separated from the curb by a landscape area.

Where the privacy wall on the adjoining property has a curvilinear or serpentine design, the City Council may require the continuation of such wall design to provide for a uniform appearance along the public street.

Where the city determines that a turning lane is needed at an intersection, the City Council may reduce the landscape strip to accommodate the turning lane. There shall be a minimum separation of one foot (1') between the sidewalk and privacy wall. The subdivision developer shall make provisions for the long-term maintenance of the planter strip either through a homeowners association (HOA), or other approved maintenance plan, or where the City agrees to provide long term maintenance for the planter area, in which case the developer shall on the final subdivision plat grant to the City a landscape maintenance easement upon all private property which may be on the street side of the privacy wall.

D. Access From Major Arterials and Collector Streets: Residential lots shall not derive access from major arterial streets, and access shall be limited on collector streets, except where approved by the City. In cases where driveway access from such streets may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive to limit possible traffic hazards on these streets. In these cases, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic.

E. Flag Lots: After determination by the Planning Commission that standard lots are not feasible, the Planning Commission, may, to encourage more efficient use of the land, allow flag lots to be developed subject to the following conditions:

1. The property cannot be subdivided with public street and standard sized lots, either at the present time or in the foreseeable future.

2. The staff portion of the lot shall front on a dedicated public street. The minimum width of the staff portion of the lot shall be twenty-five feet (25') and the maximum length shall be two hundred feet (200').

3. No building or construction, except driveways, shall be allowed on the staff portion of the lot.

4. The front side of the flag lot shall be deemed to be the side nearest the dedicated public street upon which the staff portion fronts.

5. All lot size and setback requirements shall be the same as required by the zone in which the lot is located. The staff portion of the lot shall not be included in these calculations.

6. No more than two (2) flag lots or four (4) dwelling units may be served by one staff portion of the lots.

7. Each flag lot shall be specifically approved by the Planning Commission.

8. The staff portion of the lot shall be owned by the owner of the flag lot, or jointly in the case of two (2) lots served by one staff portion. (Ord. 2020-14 § 1: Ord. 2018-05: Ord. 2009-02 § 1)

CHAPTER 16.28
PERFORMANCE GUARANTEE

SECTION:

16.28.010: Performance Guarantee Required

16.28.020: Guarantee Form

16.28.030: Guarantee Amount

16.28.040: Release of Guarantee/Posting of Maintenance Warranty

16.28.010: PERFORMANCE GUARANTEE REQUIRED:

The owner shall guarantee the installation and construction of the required subdivision improvements free from defective material or workmanship and in compliance with all city standards. Even though the owner provides a guarantee for the completion of the improvements, building permits will not be issued until all off-site improvements are completed. The improvements shall have been installed and completed within one year of final city council approval unless extended for cause by the city council. (Ord. 2009-02 § 1)

16.28.020: GUARANTEE FORM:

The guarantee shall be in the form of an improvement agreement approved by the city council from time to time, plus , an escrow bond, or cash guarantee for the amount required by this chapter.

16.28.030: GUARANTEE AMOUNT:

The guarantee amount shall be one hundred percent (100%) of the cost of improvements as set forth in the project engineers estimate. that the estimate shall be required to include (a) Five percent administrative costs, (b) ten percent contingency, and (c) engineering and quality assurance testing costs. If the city council authorizes an extension of time beyond one year to complete the improvements, the extended guarantee shall be equal to one hundred percent (100%) of the cost of the remaining improvements. (Ord. 2009-02 § 1)

16.28.040: RELEASE OF GUARANTEE/POSTING OF MAINTENANCE WARRANTY:

A. After completion of all subdivision improvements the owner shall make a written request to the city for a final inspection. Upon receipt of the inspection reports from affected departments the city shall notify the owner in writing specifying the acceptability of all subdivision improvements and itemizing those improvements not acceptable along with the actions necessary to render those improvements acceptable.

B. After acceptance of all improvements by the city, the city may release up to eighty percent (80%) of the guarantee amount. The city shall continue to hold the security covering the remaining twenty percent (20%) guarantee to ensure that all improvements shall be free from defective material and workmanship and in compliance with all city standards for a period of one (1) or two (2) years as may be determined by the city engineer or public works director. This period is marked from the date of final approval of all improvements until the performance guarantee is replaced by a maintenance guarantee in the same twenty percent (20%) amount. At the end of the performance period, the city shall perform a second inspection of all improvements. The city shall notify the owner in writing of any corrective measures that are required. If the defects are identified as a part of the inspection, the owner shall have the option of correcting the defects to the satisfaction of the city or shall forfeit the maintenance guarantee to the city as damages for the defective work.

C. The improvement guarantee may be released in part as progress payment for improvements, subject to the following conditions:

1. The owner shall submit to the city a request for payment against the guarantee showing to whom and for what amount the release is requested. The request shall include an updated engineers estimate for completion of the remaining improvements. Upon inspection by the city, and approval of the requested amount, the city will authorize the holder of the guarantee amount to disperse the approved payments, less any amount required to secure completion of remaining improvements. Payments may be made upon completion of the various phases of development as follows:

a. The complete water system including mains, outfall lines, valves, hydrants, or any other part of the required water system.

b. The complete road construction, including all survey monuments, traffic control and street name signs. Road construction shall also include storm drainage systems.

c. The complete waste disposal system.

d. The staking of lot corners and any other required survey field work.

e. The completion of each required utility system, including power, telephone, natural gas, cable TV, internet connections, or any other utility service that may have been bonded for by the owner. Each required utility may be released independent of other utility installation.

2. Requests shall not be submitted more frequently than monthly. A minimum of twenty percent (20%) of each element shall be retained as required for the guarantee required in subsection B of this section. A guarantee of the same type used to guarantee installation of all improvements shall be posted prior to final release of the improvement guarantee amount. The city reserves the right to require updated engineers estimates of the remaining improvements, and additional security if required, every six (6) months in the event that no partial releases are requested.

3. For an owner who proposes to install all improvements prior to final recording of a final plat, a cost estimate of improvements shall be submitted to the city and approved by the city engineer or public works director prior to the start of construction, as the basis for determining the amount of the twenty percent (20%) guarantee that shall be posted upon final approval of the improvements by the city, and prior to the recording of the final plat. (Ord. 2009-02 § 1)

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CHAPTER 16.32
FEES, ENFORCEMENT, PERMITS, AND PENALTIES

SECTION:

16.32.010: Fees

16.32.015: Subdivision Water Modeling Fee

16.32.016: Subdivision Water Model Approval Procedure

16.32.020: Enforcement

16.32.030: Permits

16.32.040: Violation

16.32.050: Penalty

16.32.060: Building on Unsubdivided Parcel

16.32.010: FEES:

All persons filing subdivision plats with the city shall pay fees as adopted through resolution by the city council. (Ord. 2009-02 § 1)

16.32.015: SUBDIVISION WATER MODELING FEE:

There is hereby established a subdivision water modeling fee applicable to all subdivisions for which application is made after the effective date hereof that add at least five (5) equivalent residential units ("ERUs") to the water system, and/or involving adding five hundred feet (500') or more of main water line. This fee shall be deemed a part of the subdivision application fee. The fee shall be as set forth at exhibit A attached to the ordinance codified herein, which fee may be changed by resolution of the city council. (Ord. 2012-20)

16.32.016: SUBDIVISION WATER MODEL APPROVAL PROCEDURE:

Upon payment of the fee, the city staff shall cause the engineer currently in charge of the city water model, to determine whether that subdivision's water requirements will be reasonably met after proper installation. If the engineer opines that the city's water system will not accommodate the proposed subdivision under Utah administrative code ("UAC") rule R-309-510 regarding minimum requirements, available water rights, and storage and source capacity to serve said subdivision, the subdivision approval shall be suspended pending a determination of necessary upgrades done and/or water rights required at the subdivision developer's expense, that will allow the subdivision to be serviced by the city water system. Any of such upgrades shall be completed and/or bonded as a condition of filing the final plat of said subdivision. (Ord. 2012-20)

16.32.020: ENFORCEMENT:

It is unlawful for any person to contract to sell or lease, or to sell or lease any subdivision, or any part thereof, which is in the city until a final plat thereof, in full compliance with the

provisions of this title, has been duly recorded or filed in the office of the county recorder. The Santa Clara City administrator shall be charged with the enforcement powers of this title. Failure of city departments or individuals to pursue appropriate legal remedies shall not legalize any violation of this title. (Ord. 2009-02 § 1)

16.32.030: PERMITS:

From the time of the effective date hereof, the Building Official shall not grant a permit, nor shall 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 until a subdivision plat therefor has been recorded. Any license or permit issued in conflict with such provisions shall be void. (Ord. 2009-02 § 1)

16.32.040: VIOLATION:

No person shall subdivide any tract or parcel of land located wholly or in part in the city except in compliance with the provisions of this title. No person shall purchase, sell or exchange any parcel of land which is any part of a subdivision, or a proposed subdivision submitted to the planning commission, nor offer for recording in the office of the county recorder, any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title. Each day that a violation of the provisions of any chapter of this title is committed or permitted to continue shall constitute a separate and independent violation. (Ord. 2009-02 § 1)

16.32.050: PENALTY:

Whoever shall violate any of the provisions of this title shall be guilty of a misdemeanor and, upon conviction of such violation, shall be punishable by a fine of not more than five hundred dollars ($500.00) and/or six (6) months in jail, or by both such fine and imprisonment. This penalty may be imposed for each separate violation found to exist as provided in section 16.32.040 of this chapter. (Ord. 2009-02 § 1)

16.32.060: BUILDING ON UNSUBDIVIDED PARCEL:

One (1) unit can be built on an unsubdivided parcel prior to subdivision plat recordation. However, all utilities and improvements must be completed, or performance guarantee given prior to building permit issuance. If performance guarantee is given for improvements, then a certificate of occupancy will only be issued upon completion.

TITLE 17
ZONING

CHAPTER 17.04
GENERAL PROVISIONS

SECTION:

17.04.010: Short Title

17.04.020: Purpose

17.04.030: Interpretation

17.04.035: Land Use Decision and Water Acknowledgement Required

17.04.040: Conflict

17.04.050: Effect on Previous Ordinances and Maps

17.04.060: Building Permit Required

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17.04.110: Nuisance and Abatement

17.04.120: Enforcement

17.04.125: Notice of Noncompliance

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17.04.150: Changes and Amendments

17.04.160: Conflicting Provisions Repealed

17.04.170: Fees

17.04.180: Licensing

17.04.190: Annexations

17.04.200: Completion of Improvements

17.04.210: Denied Amendments; Reconsideration

17.04.220: Vesting and Expiration

17.04.010: SHORT TITLE:

This title shall be known as the ZONING ORDINANCE OF SANTA CLARA, UTAH, and may be so cited and pleaded. (Ord. 97-06 § 1-1)

17.04.020: PURPOSE:

This title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the city of Santa Clara, Utah, including, among other things, the lessening of congestion in the streets and roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the city's commercial and industrial growth, and protecting both residential and nonresidential development. (Ord. 97-06 § 1-2)

17.04.030: INTERPRETATION:

In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. (Ord. 97-06 § 1-3)

17.04.035: LAND USE DECISION AND WATER ACKNOWLEDGEMENT REQUIRED:

A. Interpretation of Zoning Ordinance. Any use of land that is not plainly designated as a permitted use or conditional use shall be reviewed and decided on by the City Council following a recommendation by the planning commission.

B. Land Use Decision Required. No development may commence, or land use changed or expanded, without a final Land Use Decision, which determines that the development, or the change or expansion, is allowed in the zone and complies with all Land Use Regulations.

C. Water Acknowledgement Required. All new Land Use Applications must submit with the application, an acknowledgement signed by both the applicant/developer and the owner(s) of all real property which are part of the application that:

1. The applicant is responsible for ensuring that the Project or application has sufficient culinary water service, and;

2. Approval of any development application by the city does not guarantee that sufficient water will be available to serve the zone, project, or permit for which the application is submitted.

17.04.040: CONFLICT:

This title shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances of laws, but shall prevail notwithstanding such provisions which are less restrictive. (Ord. 2004-19 § 1: Ord. 97-06 § 1-4)

17.04.050: EFFECT ON PREVIOUS ORDINANCES AND MAPS:

The existing ordinances covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinance are hereby superseded and amended to read as set forth herein. (Ord. 97-06 § 1-5)

17.04.060: BUILDING PERMIT REQUIRED:

The construction, alteration, repair, removal or moving of any building or structure or any part thereof, as provided or as restricted in this title shall not be commenced or proceeded with, except after the issuance of a written permit for the same by the city. In addition to buildings or structures, other improvements on any lot such as fences, pools, tennis courts, etc., shall be constructed only after receiving a written permit from the city.

All building permits shall be issued in accordance with the general plan of the city of Santa Clara, the road master plan, the standards, and regulations approved by the city, and all boards, commissions, agencies, and officials of the city, and all other applicable ordinances of the city of Santa Clara.

Every permit issued under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permits is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee thereafter shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. To renew action on a permit one year after original application, the permittee shall pay a new full permit fee. (Ord. 2004-19 § 1: Ord. 97-06 § 1-6)

17.04.070: OCCUPANCY PERMIT REQUIRED:

No land shall be used or occupied, and no building hereinafter structurally altered or erected shall be changed in use, until a final inspection shall have been completed, and a certificate of occupancy shall have been issued by the city, stating that the building or the

proposed use thereof, or the use of the land, complies with the provisions of this title for the renewing, changing, or extending of a nonconforming use.

Such a permit shall also be issued whenever the character or use of any building or land is proposed to be changed from one use to another use. (Ord. 97-06 § 1-7)

17.04.080: SITE PLAN REQUIRED:

A detailed site plan, drawn to scale, shall be filed as a part of any application prior to consideration for any building permit. The site plan shall show, where pertinent:

A. Scale used and direction or north point;

B. Lot lines, adjacent streets, or right of way, and easements;

C. Location of all existing structures on the property, including driveway entrances, utility poles, etc.;

D. Location of the proposed construction and improvements, including setbacks, location, dimensions of signs, garbage receptacles in commercial areas, etc.;

E. Motor vehicle access, including individual parking stalls, circulation patterns, curb and gutter and sidewalk locations, etc.;

F. Any necessary explanatory notes;

G. Name, address, and telephone number of building contractor, and owner;

H. All other information that may be determined by the city.

I. A plot plan to include the floor elevation(s) of the building in relation to the elevation of the sidewalk and/or curb in front of the proposed building. (Ord. 2004-19 § 1: Ord. 97-06 § 1-8)

17.04.090: INSPECTION:

The city is authorized to inspect or to cause to be inspected all buildings and structures during construction, modification, moving, or repair, and to inspect land uses to determine compliance with the provisions of the zoning ordinance, the international building code, and the subdivision ordinance. The city, including any authorized employee of the city, shall have the right to enter any building premises for the purpose of determining the use thereof, or to enter the premises for the purpose of determining compliance with the provisions of this title; provided that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof, without written permission of the owner, or the written order of a court of competent jurisdiction. (Ord. 2004-19 § 1: Ord. 97-06 § 1-9)

17.04.100: PERMITS TO COMPLY WITH THIS TITLE:

From the time of the effective date hereof, the city shall not grant a permit for the construction or alteration of any building or structure, on any lot, or the moving of or structure onto a lot, if such building or structure would be in violation of any of the provisions of this title nor shall the city grant a permit or license for the use of any building or land if such use would be in violation of this title. Any permit so issued shall be null and void.

The city shall certify that all building permits conform to the zoning ordinance, subdivision ordinance or other city ordinances. (Ord. 97-06 § 1-10)

17.04.110: NUISANCE AND ABATEMENT:

Any building or structure erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title, and any use of land, building premises established, conducted, or maintained contrary to the provisions of this title, shall be, and the same is, declared to be unlawful and a public nuisance. The city attorney shall, upon request of the city council, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the matter provided by law and shall take other steps and relief as well as abate and remove such building or structure or use of property contrary to the provisions of this title. The remedies provided herein shall be cumulative and not exclusive. (Ord. 97-06 § 1-11)

17.04.120: ENFORCEMENT:

The city, including any authorized officer of the city, is designated, and authorized with the enforcement of this title. The city council may entrust such administration, in whole or in part, to any officer of the city without amendment to this title. (Ord. 97-06 § 1-12)

17.04.125: NOTICE OF NONCOMPLIANCE:

A. Purpose: To enforce compliance with the international building code, the zoning and subdivision ordinances, and all other ordinances dealing with building and land use in the city of Santa Clara. The building official, or other city representative, may issue a "stop work order" and may record, or cause to be recorded, a notice of noncompliance to be filed with the county recorder's office against the property where the violation has been committed.

B. Permanent File: Prior to notice and processing of the certificate of noncompliance with the county, a permanent file will be developed which will include:

1. A statement of the failure to comply with the building regulations.

2. Attempts to obtain compliance.

3. A corrections list to bring the construction into compliance.

4. Copies of all attempts to contact the permit holder/owner.

5. A review of the file to determine the proper course of action.

C. First Notice: The builder/owner shall be notified in writing of the failure to comply with the building regulations. The owner/builder will be given ten (10) to thirty (30) days to comply, depending upon the circumstances. If the matter is one of public safety immediate compliance will be required.

D. Second Notice: If the owner/builder fails to comply with the first notice, the building official will prepare a second notice. The second notice shall be mailed by certified mail to the owner who will be given ten (10) days to comply. The second notice will contain a copy of the certificate of noncompliance that will be recorded against the property at the county recorder's office if the owner/builder fails to comply with the building violations.

1. If the owner fails to comply with the second notice within the required period, or if the notice is returned as being undeliverable at the owner/builder's last known address, the certificate of noncompliance will be recorded. Any returned mail will be kept in the file as evidence of an attempt to serve notice at the last known address.

2. No work may be done on the property until the noncompliance notice has been released and a new building permit has been issued.

3. To release the certificate, a new building permit shall be obtained, and the plans will be reviewed according to the building regulations currently in place. If issued within one year, the permit fee shall be one-half (1/2) of a regular permit. If more than one year has expired, the permit fee will be the complete amount of a new building permit.

4. After the construction work shall have been completed and approved, the city will record a notice to remove the certificate of noncompliance with the county recorder, and a copy of the release notice will be mailed to the owner/builder.

5. If all other efforts to correct the violation fail, the city may commence steps to have the building removed as a public nuisance. (Ord. 2013-05)

17.04.130: RESPONSIBILITY FOR VIOLATIONS:

It shall be the duty of all contractors, subcontractors, builders, and other persons having to do with the establishment of any use of land, or the erection, altering, changing, or remodeling of any building or structure to see that a proper permit has been granted before such work is begun. Any such person doing or performing any such work without a permit having been issued conflicts with the requirements of this title and shall be deemed to be guilty of a violation of this title in the same manner and to the same extent that the owner of the premises or the persons for whom the use is established, and shall be subject

to the penalties, prescribed for violation in this chapter. (Ord. 2004-19 § 1: Ord. 97-06 § 1-13)

17.04.140: PENALTIES:

Any firm, corporation, person or persons, or any action on behalf of such person, persons, firms, or corporations, violating any of the provisions of this title shall be guilty of a class B misdemeanor, or lesser offense at the discretion of the city.

Each person, persons, firm, or corporation found guilty of violation shall be deemed guilty of a separate offense for every day during which any violation of any provision of this title is committed, continued, or permitted by such person, persons, firm or corporation and shall be punishable as provided in this title. (Ord. 97-06 § 1-14)

17.04.150: CHANGES AND AMENDMENTS:

This title, including the zoning map, may be amended from time to time by the city council. All proposed amendments shall be recommended by the planning commission and shall be heard by the planning commission at a public hearing with an advertised ten (10) day public notice prior to the public hearing. In addition, the subject property shall be posted with a posting notice that can be seen by passersby during the advertising period, and property owners owning property within three hundred feet (300'), as measured by public street, shall receive a first-class mail notification of the upcoming public hearing with notice of the date, time, and place of the advertised public hearing mailed at least five (5) working days prior to the public hearing. The applicant shall provide the city with first class addressed and stamped envelopes of all such property owners.

The city council, as an agenda item at a regularly scheduled council meeting shall consider the recommendation of the planning commission and may either approve the planning commission recommendation and approve the zone change, reject the zone change, table the zone change request for further study and consideration, or send the zone change request back to the planning commission for further study and recommendation for consideration by the city council at a later city council meeting. (Ord. 2012-19)

17.04.160: CONFLICTING PROVISIONS REPEALED:

Where any ordinance, resolution, or part thereof, is found to conflict with the provisions of this title, the most restrictive provision shall apply. (Ord. 97-06 § 1-16)

17.04.170: FEES:

Fees may be charged to applicants for building, occupancy and conditional use permits, design review and planned unit development approval, land use authority hearings, and

such other services as are required by this title to be performed by public representatives or agencies. Such fees shall be established and amended from time to time by the city council and shall be in amounts reasonably necessary to defray costs to the public. (Ord. 2006-02: Ord. 2004-19 § 1: Ord. 97-06 § 1-17)

17.04.180: LICENSING:

All departments, officials, and public employees of the city of Santa Clara who are vested with authority to issue the permits or licenses provided for herein shall conform to the provisions of this title and shall issue no permit or license for uses, buildings, or purposes where the same would conflict with any provision of this title. Any permit or license issued that conflicts with any part of this title, or any other ordinance of the city of Santa Clara, shall be null and void. (Ord. 97-06 § 1-18)

17.04.190: ANNEXATIONS:

New areas to be annexed to the city shall be classified in the open space (OS) zone until such classification shall have been changed by an amendment to the zoning ordinance as provided by law.

Notwithstanding the above requirement, the planning commission shall have authority to prezone properties lying outside of the city limits to determine, in advance of the annexation, the zone or zones into which the property should be zoned upon annexation. Upon the recommendation of the planning commission, and subject to approval of the city council, such areas may come into the city in other zoning classifications than outlined in the previous paragraph.

All annexations to the city shall comply with all laws and requirements of the city and to all laws and requirements of Washington County and the state of Utah, relative to the annexation of land. (Ord. 2010-06: Ord. 2004-19 § 1: Ord. 97-06 § 1-19)

17.04.200: COMPLETION OF IMPROVEMENTS:

Required site improvements such as pavement for parking areas, curb and gutter, privacy walls, landscaping, storm drainage facilities, utilities, and all other improvements required under city ordinance, shall be completed prior to the issuance of a certificate of occupancy. If such improvements cannot be completed prior to receiving a certificate of occupancy, due to weather conditions, or other unusual circumstances, or at the decision of the city, a guarantee in the form of a cashier's check, cash bond, letter of credit or other means acceptable to the city, shall be provided to the city's guarantee that such required improvement will be fully completed as required. (Ord. 2004-19 § 1: Ord. 97-06 § 1-20)

17.04.210: DENIED AMENDMENTS; RECONSIDERATION:

In the event that a petition for a zone change or an ordinance amendment is denied by the city council, or is withdrawn after the planning commission hearing, the planning commission shall not consider the petition, or any other petition for the same zone change or amendment of this title as it applies to the same property described in the original petition, or any part thereof, within a period of one year from the date of such denial action, unless the conditions upon which the original denial was based have substantially changed.

For this section, a "substantial change" in a request shall mean a substantial reduction in density, and/or land area involved, a change in the proposed use, such as residential rather than commercial, or other factors which, in the opinion of the planning commission, clearly constitute a significant change in a zone change request. (Ord. 97-06 § 1-22)

17.04.220: VESTING AND EXPIRATION:

A. Vesting:

1. Process. A completed Land Use Application shall be entitled to substantive review and process under the Land Use Regulations in effect at the time the application is complete. A Completed Application requires that all information necessary for a final decision has been provided to the Land Use Authority and all fees have been paid.

2. Uses and Density. A Land Use Application shall not be considered formally approved or vested in that approval until the Land Use Authority has approved the final site plan, final Construction Drawings, or Final Plat

B. Expiration: Recognizing that the length of the planning, building, and engineering review process will vary with the size and complexity of each proposal, applicants must move their applications either to approval or denial in a reasonably expeditious manner. The city may formally close applications which remain inactive for one (1) year or longer due to acts or omissions of the applicant.

1. An application is deemed inactive and subject to closure based on inactivity if, through the act or omission of the applicant and not the city, one of the following occurs:

a. More than one (1) year has passed since the last substantive contact between staff and the applicant. Sporadic non-substantive contact shall not be sufficient to move an application forward or prevent closure.

b. More than one (1) year has passed since a request for additional information was made by staff, which request has:

i. not been complied with; or

ii. Was incomplete or insufficient.

c. The applicant is more than thirty (30) days in default of the payment of any fee assessed or required by ordinance.

d. The applicant has informed the city of intent to abandon the application.

2. When the designated planning, building, or engineering staff member determines an application is inactive, the application file may be closed.

a. No application may be closed based on inaction without giving thirty (30) calendar days' written notice to the applicant. Written notice may be delivered in person, by mail or by email. Such notice must state the intent of the respective department to have the Project closed because of inaction and what the applicant must submit in a timely manner to maintain an active file.

b. Applicants who fail to provide a full and complete response shall not prevent closure if the requested information or submissions are insufficient, untimely, or incomplete.

CITY OF SANTA CLARA, UTAH
ORDINANCE NO. 2023-04

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF SANTA CLARA UTAH BY AMENDING TITLE 16, "SUBDIVISIONS" SECTION 16.04 GENERAL PROVISIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is important to update the City's code from time to time to remain relevant and reflective of the ever-changing operating environment of the city; and

WHEREAS, staff would like to update Title 16, Section 16.04 General Provisions, and

WHEREAS, this item was discussed in City Council on February 1, 2023 during a Work Meeting, and

WHEREAS, staff has reviewed and revised the Ordinance and has been reviewed by the City Attorney, and

WHEREAS, the legislative body of the City of Santa Clara reviewed the recommendations of the Staff and City Attorney and acted on the proposed amendment to Title 16, "Subdivisions" Sections 16.04 General Provisions, Sections 16.04.010 "Purpose", 16.04.020 "Scope of Title",16.04.030 "Effect on Previous Ordinance, 16.04.040 "Exceptions to this Title", 16.04.050 "Exemptions", 16.04.060 "Fees" on March 8th 2023, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Santa Clara, Utah, that Title 16, Subdivisions Section 16.04 General Provisions be amended as follows.:

Section 1. Amendment to Section:

Title 16, Subdivisions

Section 16.04 General Provisions

16.04.010 "Purpose"
16.04.020 "Scope of Title"
16.04.030 "Effect on Previous Ordinance
16.04.040 "Exceptions to this Title"
16.04.050 "Exemptions"
16.04.060 "Fees"

16.04.010: PURPOSE:

The purpose of this chapter is to promote the health, safety, and general welfare of the residents of the city of Santa Clara, Utah, by:

A. Promoting the efficient and orderly development of land located within the city.

B. Establishing policies, procedures, requirements, and standards for subdivision development.

C. Preserving and protecting the environmental quality and aesthetic character of hillside areas, other topographic features, and vegetative cover, and reducing the hazards to life and property from fire, flood, erosion, sedimentation, and soil slippage.

D. Providing lots of sufficient size and appropriate design for the purpose for which they are to be used.

E. Providing subdivision improvements of adequate capacity and design for traffic that will utilize them, and to ensure pedestrian and vehicle user safety. (Ord. 2009-02 § 1)

16.04.020: SCOPE OF TITLE:

This title shall apply to all subdivisions located wholly or in part within the city. To further define the scope of this title, but not in derogation of its purpose or scope, no person shall:

A. Subdivide a parcel of land except in compliance with this title.

B. Sell, exchange, offer to sell, or offer to exchange any land which is part of a subdivision or a tract of land, offer for recording in the office of the Washington County recorder any deed conveying a parcel of land, or any interest in it, unless that parcel of land is part of a subdivision created pursuant to this title.

C. Offer to sell or lease, to contract to sell or lease, or to sell or lease a subdivision in whole or part until a final plat, in full compliance with this title, has been recorded in the office of the county recorder.

D. Further divide, rearrange, or reduce the area of a lot within a subdivision without first obtaining the approval of the planning commission and the city council as provided in this title (a person may combine lots within a subdivision to create larger lots upon planning commission approval, and may vacate side and rear lot easements by action of the city council).

E. Receive a building permit on a lot within a subdivision until all subdivision improvements, including roads, pavements, and utilities are installed, unless waived by the planning commission and the city council.

F. Occupy a building or structure within a subdivision until the city accepts the subdivision improvements, any buildings and all lots fully complying with the city's subdivision and zoning ordinances.

G. Sell any portion of an approved subdivision until the prospective buyer or builder is advised that occupancy permits will not be issued until all subdivision improvements are completed. (Ord. 2009-02 § 1)

16.04.030: EFFECT ON PREVIOUS ORDINANCE:

The ordinance codified in this title shall amend and supersede the city's existing subdivision ordinance. It is not a new enactment but a continuation of the previous ordinance, whether in the same or in different language. The new ordinance shall read in its entirety as set out in this title. (Ord. 2009-02 § 1)

16.04.040: EXCEPTIONS TO THIS TITLE:

When the planning commission finds that unusual topographic or other conditions exist on a parcel of land subject to this title, the planning commission may recommend to the city council that an exception to this title be granted. Upon recommendation by the planning commission, the city council may change or except the lands from all or a part of the requirements of this title. However, the exception or changes authorized by the city council shall not substantially frustrate the intent of this title. (Ord. 2009-02 § 1)

16.04.050: EXEMPTIONS:
Those uses of land specifically exempted from subdivision by the Utah state code shall be exempt from the provisions of this title. (Ord. 2009-02 § 1)

16.04.060: FEES:
The city council shall from time to time establish and reestablish subdivision filing fees. (Ord. 2009-02 § 1)
CHAPTER 16.08
DEFINITIONS
SECTION:

16.08.010: DEFINITIONS OF TERMS:
As used in this title:
ADMINISTRATIVE OFFICER: The person or persons designated by the city council to receive information from an owner or owner's agent; send copies of plats, plans, maps, and other material, to city departments; prepare planning commission agendas; collect fees; and perform other work necessary to the planning commission.
AGRICULTURE: The tilling of the soil, the raising of crops, horticulture, and gardening; breeding, grazing, and keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms,

animal hospitals, or similar uses.

BEGINNING OF CONSTRUCTION: Grading, excavation, or removal of vegetation or earth from a site for construction of access routes or preparation of building pads or footings.

CITY: The city of Santa Clara, Utah, and including any of its assigned staff.

CITY BUILDING OFFICIAL: The city's building official.

CITY COUNCIL: The city council of the city.

CITY ENGINEER: The city's engineer or the authorized representative if an engineer is under contract to do work for the city.

CITY SURVEYOR: The city's surveyor or the authorized representative if a surveyor is under contract to do work for the city.

EASEMENT: The right of the public, some part of the public, or an individual in the land of another person for the purpose of exercising a liberty, privilege, or advantage.

ELECTRONIC COPY: A computer generated copy of the plat information otherwise submitted to the city in hard copy. In the case of a final plat, containing all the information required for a final plat.

FINAL PLAT: A final plat prepared in accordance with the provisions of this title to be recorded in the office of the Washington County recorder following planning commission and city council approval.

FINAL PLAT MYLAR: The reproducible copy of a final plat meeting all the requirements of this title and properly prepared to record in the office of the Washington County recorder.

LOT WIDTH: The width of a lot measured along the minimum setback line.

OFFICIAL MAP: Any map adopted by the city council under the provisions of the Utah Code Annotated, 1953, as amended.

OWNER: A natural person, firm, association, partnership, corporation, or any combination that owns a parcel of land or any person designated by the owner in writing as the authorized person to represent the owner.

PARCEL OF LAND: A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same owner.

PLANNING COMMISSION: The planning commission of the city of Santa Clara, Utah.

PRELIMINARY PLAT: A map or plan of a proposed subdivision complying with the requirements of this title.

SUBDIVISION: The division, re-subdivision, or proposal to divide a parcel of land into two (2) or more lots, parcels, or other units for the immediate or future sale, lease, division, development, or other disposition. Subdivision includes:

A. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or another recorded document; and

B. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

THROUGH LOT: A lot having frontage on two (2) dedicated streets and having the right of access to both of said streets, not including corner lots.

VICINITY MAP: A map or drawing showing the physical relationship of the proposed development to the existing or proposed streets, buildings, and utilities; other relevant information such as special terrain, or surface drainage; and existing zoning classification of land in the vicinity of the property proposed for development. (Ord. 2009-02 § 1)

CHAPTER 16.12
APPROVAL OF SUBDIVISION PLATS

SECTION:

16.12.010: Procedure for Obtaining Approval of Subdivision Plats

16.12.020: Step One, Basic Data, and Information

16.12.030: Step Two, Concept Plan

16.12.040: Step Three, Preliminary Plat

16.12.050: Step Four, Final Plat

16.12.060: Construction of Improvements

16.12.010: PROCEDURE FOR OBTAINING APPROVAL OF SUBDIVISION PLATS:

Development of any subdivision shall comply with the following procedures. (Ord. 2009-02 § 1)

16.12.020: STEP ONE, BASIC DATA, AND INFORMATION:

A. Before initiating the process for subdivision plat consideration, the owner, which may be the owner, or an agent designated by the owner and authorized to act for the owner, shall obtain and review the following:

1. The city's subdivision ordinance.

2. The city's general plan, land use ordinance, construction standards, and other applicable information.

3. Plat maps and record of survey maps of existing subdivisions and parcels of land adjacent to the proposed subdivision.

4. A copy of the city's hillside protection overlay, HP zone where applicable

B. The owner shall visit with the city technical review committee (TRC) to discuss the proposed subdivision, gain a general understanding of the subdivision procedure, and to discuss any other information relative to the specific area being considered for development. (Ord. 2009-02 § 1)

16.12.030: STEP TWO, CONCEPT PLAN:

A. The owner initiates the subdivision plat consideration process by submitting a concept plan to the technical review committee (TRC).

B. The owner shall visit with the city technical review committee (TRC) to discuss the proposed subdivision, gain a general understanding of the subdivision procedure, and to discuss any other information relative to the specific area being considered for development. (Ord. 2009-02 § 1)

16.12.030: STEP TWO, CONCEPT PLAN:

A. The owner initiates the subdivision plat consideration process by submitting a concept plan to the technical review committee (TRC).

B. The concept plan need not be prepared by a design professional. However, detailed, and accurate information incorporated into the concept plan will enable the TRC to make more meaningful comments to the development process at an early stage of development.

C. Following TRC review, the concept plan may be placed on the next available planning commission agenda for their review and comments if required by city staff. The concept plan will be neither approved nor denied, but the comments and recommendations made will be helpful to the owner and help the application to proceed in a timely fashion. Planning commission review of the concept plan is not a public hearing but is specifically for the purpose of the planning commission members to comment to the owner on the viability of the proposed project, and to offer comments and suggestions thereto. The public may or may not be invited to speak.

D. If a zone change is required before the approval of a preliminary plat, the requirements for a zone change found in title 17, chapter 17.18 of this code shall be followed.

E. A preliminary plat should not be submitted to the planning commission for consideration until after the zone change shall have been favorably acted upon by the city council, unless the requested designation is for a planned development district, or historical district/mixed use district, in which case they may be considered at the same time. (Ord. 2009-02 § 1)

16.12.040: STEP THREE, PRELIMINARY PLAT:

The preliminary plat step is the point at which the owner and city staff work closely together to resolve issues relative to the subdivision, and to determine its feasibility. All information required by this title as well as additional requirements of the hillside protection overlay, HP zone, floodplain ordinance, planned development zoning requirements, and any other information deemed to be appropriate to the proposed development, will all be reviewed at the preliminary plat phase. Reports from the hillside review board shall be required by the TRC, where applicable, prior to submitting the plat to the planning commission.

A. Preparation: The owner will prepare a preliminary plat and vicinity map. The preliminary plat shall contain all required information listed in this title, as applicable, and the vicinity map will show the relationship of the proposed subdivision to adjacent subdivisions and to the city in general.

B. Submission: The preliminary plat should be submitted promptly after concept plan review. If city ordinances or regulations change between concept plan review, and before preliminary plat submission, the owner must comply with the new ordinances and regulations. A minimum of four (4) scale drawings shall be submitted along with twelve

(12) reduced eleven inch by seventeen-inch (11" x 17") drawings, and one copy in electronic format.

C. Review By City Departments: The administrative officer shall deliver copies of the preliminary plat and vicinity plan to city departments affected by the proposed subdivision.

City departments shall review the preliminary plat for compliance with city ordinances, policies, and regulations. Copies of their comments and suggestions will be reviewed with the owner as often as necessary at TRC meetings to resolve as many concerns as possible.

D. Completion: Upon completion of TRC and applicant review meetings, the owner shall submit the same number of copies of the completed preliminary subdivision plat with supporting documentation, pay the subdivision filing fee, and zone change application fee, as may be applicable, as found in the development fee schedule established by resolution of the city council from time to time. The preliminary plat shall be considered at the next available planning commission meeting. The administrative officer shall send all necessary notices, agendas, and other materials to members of the planning commission.

E. Planning Commission Review: In considering the preliminary plat, the planning commission shall approve only those preliminary plats that it finds to be in accordance with the standards and criteria set forth in this title, and all other city ordinances and policies including, but not limited to, the general plan, the standard specifications for design and construction, the land use ordinance, the historic preservation ordinance, the building codes, and the city's land use, street, utility and drainage master plans, the hillside protection overlay zone, and soils and floodplain ordinances. The planning commission may approve the plat fully or conditionally, may impose conditions or revisions that they feel may be necessary to bring the subdivision into full compliance with city requirements, it may table the plat for further information or study, or it may reject the plat. If rejected, the planning commission shall indicate reasons for the rejection. The owner may redesign the plat using recommendations from the planning commission and reprocess it beginning with step three. If plat revisions are required, the owner shall complete the revisions, and the administrative officer shall resubmit the preliminary plat to the city staff for review, comment, and compliance with city ordinances. The officer shall then place the plat on the next available planning commission agenda for further consideration.

F. Planning Commission Review: The planning commission may set special meetings to visit the site prior to considering the preliminary plat for approval. All special meetings shall be advertised in the same manner as regular planning commission meetings. The planning commission may also schedule work meetings to consider aspects of the proposed development under the same advertising conditions as indicated for special meetings. The planning commission, during their review, may require further information to be submitted in addition to information already provided to the TRC staff.

G. City Council Review: After the planning commission makes their recommendation to the city council, the administrative officer shall include the plat on the next available city council agenda for consideration by the city council. The city council shall then review the preliminary plat. After such review, the city council may approve, conditionally approve, request changes or corrections, request further planning commission review, or deny approval of the preliminary plat. If the city council denies approval or refers the preliminary plat back to the owner for changes, or to the planning commission for more study, the city council shall state the reasons for the denial or referral. After the TRC staff has reviewed the resubmitted preliminary plat, or further study has been done by the planning commission, the city council may again consider preliminary plat approval.

H. Additional Studies: In carrying out its responsibilities pursuant to this section, the TRC, planning commission or city council may require the applicant to submit such additional information, data, studies, plans, analyses, or maps as may be necessary to make the factual determinations set forth herein. Any of the above groups may also request a third-party review at any time of the information submitted. If further study or information is required, the owner shall bear the full cost of meeting this requirement. In situations with severe limitations, actual construction drawings, as required in step four below, may be required for proper preliminary plan review and approval. (Ord. 2015-19: Ord. 2009-02 § 1)

16.12.050: STEP FOUR, FINAL PLAT:

A. Following city council approval of the preliminary plat, the owner shall meet with the technical review committee (TRC) for detailed project design information. The owner's engineer shall prepare complete construction drawings for street profiles, utility construction, drainage, soils reports, flood studies, and any other drawings or plans required by this title, or the hillside protection overlay zone. The owner shall submit four (4) sets of scale drawings, along with twelve (12) reduced scale sets of the drawings, and one copy in an electronic format to the administrative officer for distribution to required departments.

B. The city departments shall review the final plat and construction drawings. Staff will submit comments to the administrative officer. Based upon review and comments, the city shall advise the owner of any required engineering drawing revisions. The owner shall revise the drawings to comply with the required revisions and submit four (4) sets of final scale drawings along with twelve (12) reduced size drawings, and one copy in electronic format, to the city. The administrative officer will then schedule the final plat for planning commission hearing and recommendation to the city council.

C. In considering the final plat for approval, the planning commission shall approve only those final plats that it finds to be in accordance with the requirements of preliminary and final plat approval, the standards and criteria set forth in this title, and all other city ordinances and policies. The planning commission may approve, conditionally approve, or

reject the final plat. If rejected, the owner may make changes to the final plat and reprocess it beginning with step four. After TRC review, it may be placed back on the planning commission agenda.

D. After planning commission approval, but before city council approval, the city shall review the final plat and construction drawings, along with an estimate from the applicant's engineer of estimated construction costs for the project.

E. The administrative officer will verify, using the subdivision ordinance check sheet, that all final plat requirements are submitted and reviewed before placing the final plat on the next regularly scheduled city council agenda. The city council, after review, may approve, conditionally approve, request further changes or corrections, request further planning commission review, or deny the final plat. If changes are requested, it may be

brought back to the city council following TRC review. The city council will approve the final plat, and the construction drawings, which may then be stamped as "approved". If a final plat is denied by the city council, the applicant may make changes and submit a revised final subdivision plat for consideration.

F. Following council approval, the applicant shall post with the city, the required guarantees, inspection fees, impact fees, recording fees, approval from the city attorney that the title report is approved, and from the county treasurer that all taxes, fees, or other financial requirements have been paid in full.

G. Following completion of all steps listed above, the administrative officer shall obtain all required signatures on the plat and transmit the final signed plat to the county recorder. The recording fee shall be paid by the owner.

H. No development work of any type shall commence until city council approval of the final plat and the construction drawings.

I. All final plats and construction drawings shall be prepared and approved within one year of city council approval of the preliminary plat. Any final plat not submitted and approved within one year of preliminary plat approval is void. If the owner, or any subsequent owner, later desires to submit this same or modified plat for approval, submittal shall begin with step three of this chapter.

J. A final plat must be recorded within eighteen (18) months of city council approval. Extensions may be granted by the city council for periods not to exceed eighteen (18) month intervals. Any plat, with or without posted guarantees, not recorded, nor extended, becomes void eighteen (18) months following city council approval. If the owner, or any subsequent owner later desires to develop the subdivision, the process shall start with step three of this chapter. Construction of any plat extended by the city council shall meet all requirements of the subdivision ordinance that may have been amended between the final approval and the actual construction of the subdivision. (Ord. 2009-02 § 1)

16.12.060: CONSTRUCTION OF IMPROVEMENTS:

The following chapters 16.16 through 16.32 of this title identify specific design and construction standards, guarantees, studies, reports, and other information by which the subdivision will be processed, reviewed, approved, and constructed. The owner is encouraged to study these chapters as well as the previous chapters very carefully when preparing to submit a subdivision plat to the city of Santa Clara. (Ord. 2009-02 § 1)

CHAPTER 16.16
PRELIMINARY PLAT REQUIREMENTS

SECTION:

16.16.010: Preliminary Plats

16.16.020: Title Block

16.16.030: General Requirements

16.16.040: Existing Conditions

16.16.050: Proposed Plan

16.16.060: Special Conditions

16.16.070: Approval Procedure

16.16.010: PRELIMINARY PLATS:

A. Preparation of Preliminary Plat. It is anticipated that if the Preliminary Plat complies with all requirements under this title, upon final approval of the Preliminary Plat, the Preliminary Plat shall be the basis for the Construction Drawings and Final Plat. Prior to preparing the Preliminary Plat, the applicant shall meet with the Technical Review Committee, TRC to discuss the subdivision proposal and review the Preliminary Plat and the requirements for the required plans, Construction Drawings, studies, and reports. The general requirements as to the layout of streets, street improvements, traffic impact studies, drainage, sewerage, fire protection, availability of existing services, and similar matters will be discussed.

B. Preliminary Plat. The Preliminary Plat shall be a clear and legible graphic representation of the subdivision, existing conditions, and proposed improvements. It shall be labeled and dimensioned and be of a suitable scale to graphically represent the proposed subdivision, existing and proposed improvements required by this title. The preliminary plat will comply with the following requirements and show the following information. (Ord. 2009-02 § 1)

16.16.020: TITLE BLOCK:

A. The proposed name of the subdivision.

B. The location of the subdivision, including the address, quarter section, township, and range.

C. The owner's name and address. (Ord. 2009-02 § 1)

16.16.030: GENERAL REQUIREMENTS:

A. North arrow and scale: One-inch equals one hundred feet (1" = 100') is preferred. One-inch equals two hundred feet (1" = 200') is acceptable for larger subdivisions. A minimum of four (4) scale drawings shall be submitted. At least twelve (12) other copies shall be submitted. These additional copies may be in a reduced form on eleven by seventeen-inch (11 x 17") sheets along with an electronic copy.

B. The boundary line of the subdivision along with any proposed phasing plan.

C. All property under control of the owner showing phases being developed and an overall street system. The street system shall conform to the existing street master plan, and to local streets already approved adjacent to the proposed subdivision.

D. Existing and proposed contour lines at vertical intervals of not greater than two feet (2') unless otherwise approved by the city. Contours shall extend in all directions for a distance of one hundred feet (100') beyond the boundaries of the subdivision.

E. Any other information that the applicant or the city feels would be useful for proper identification and orientation of the proposed subdivision. (Ord. 2009-02 § 1)

F. At the time of filing an application, the applicant shall schedule an appointment with the city. The city shall review the application for completeness and shall require that the applicant and owner (if different) provide an acknowledgement that they are responsible

for obtaining a culinary water “Will-Serve” letter, or the equivalent from the Washington County Water Conservancy District, WCWCD. This requirement is in Chapter 17.04, General Provisions. The city may request that the applicant also present additional information to assist in determining the adequacy, quality, and characteristics of the subdivision proposal.

G. Once the application has been considered and determined to be complete, the application shall be reviewed according to the procedures set forth by this chapter. If the city finds that the application is incomplete, the application shall be rejected, returned to the applicant, and the applicant shall submit a complete application.

16.16.040: EXISTING CONDITIONS:

A. Streets: Location, width, and names of all streets within two hundred feet (200') of the subdivision.

B. Adjacent Tracts: Boundaries of adjacent tracts of subdivided and unsubdivided land, showing ownership where possible.

C. Zones: Identification of the zone or zones in which the property is located.

D. Public Objects: All public streets, utility rights of way, easements, parks, and other public open space within or adjacent to the proposed subdivision; all section and city boundary lines within and adjacent to the proposed subdivision.

E. Utilities: Sewer mains, sewer manholes, water mains, fire hydrants, power lines, power poles, culverts, or other facilities within one hundred feet (100') of the proposed subdivision.

F. Ditches And Drains: Ditches, drainage channels, waterways, storm drains, and major washes.

G. Floodplains: The location of the floodplain, floodway, and elevations designated by FEMA. No subdivision in the city shall be permitted in a floodplain.

H. Slopes: Any subdivision with hillside slopes must conform to the requirements of the hillside protection overlay zone as part of the preliminary plat approval.

I. Soils: A soils report is required on all lots in the city and on all lots in any subdivision. In addition, preliminary plat approval will require compliance with the requirements of the hillside protection overlay zone, as may be applicable.

J. Erosion Hazard Zones: The preliminary plat shall identify all potential erosion hazard zones, or lands that may be affected by the sensitive land's ordinance to the best knowledge of the applicant.

K. Historic Preservation: Information may be required by the historic preservation ordinance if the proposed subdivision falls within the historic preservation overlay zone.

L. Vicinity Map: A vicinity map shall be submitted to orient staff and the planning commission as to the specific location of the subdivision.

(Ord. 2009-02 § 1)

16.16.050: PROPOSED PLAN:

A. Streets And Utility Easements: The layout of streets and utility easements showing identification and dimensions. The proposed subdivision plat shall show how it will be served by existing or proposed streets, and a traffic impact study may be required to determine what impact the subdivision may have on other existing development.

B. Lots: The layout, number, and dimensions of lots.

C. Setback Lines: Building setback lines must be shown for all lots.

D. Parcels Set Aside: Parcels of land intended to be dedicated for public use or set aside for use of property owners in the subdivision as common or limited common areas.

E. Stormwater Drainage: A proposed plan to dispose of stormwater drainage for the subdivision including proposed realignment or regrading of existing drainageways upstream, within, and downstream of the subdivision. (Note that a stream alteration permit from the state of Utah may be required prior to the alteration of any stream or drainage channel.)

F. Wastewater Collection: Determine how the proposed subdivision can be served by the existing wastewater collection system without the off-site extension of any trunk or outfall line.

G. Wastewater Treatment: Determine how wastewater estimated to be generated by the proposed subdivision can be accommodated and treated in accordance with city standards and without any treatment plan expansion.

H. Water Supply and Storage: Determine how both the culinary and secondary irrigation water needs of the proposed subdivision can be accommodated in accordance with legally

authorized and physically available water rights, and the capacity, storage, design, and construction requirements of the city without additional supply, or storage improvements. Developer may also be required to transfer to the city such water rights and/or water shares to the city, or pay a special assessment in lieu of such transfer, as may be established by ordinance.

I. Fire Flow: Show how the proposed development will be served by a central water system with appropriately located fire hydrants and adequate flows to meet insurance requirements (a minimum of 1,000 gallons per minute for a period of two (2) hours without additional capital improvements).

J. Fire Response Time: Determine if the proposed subdivision is within two (2) miles of a five (5) minute response time of an existing fire station.

K. Solid Waste: Determine that the proposed subdivision be served by the existing solid waste collection and disposal system.

L. Electrical Supply: Determine whether the electrical needs of the subdivision can be accommodated by the city power department, and under what conditions.

M. Parks: Determine that the proposed development is within one mile of a city park, or recreational facility, and within one-half (1/2) mile of a community or neighborhood park, all of which meet city acreage and facility standards, and can accommodate the population projected to be generated by the proposed subdivision development.

N. Phasing Plan: A phasing plan for the subdivision if phases are proposed.

O. Agreements With Outside Agencies: Where public services are proposed by agencies outside those operated by the city, the owner shall provide signed agreements with those agencies approving proposed plans and agreeing to install their systems in accordance therewith.

P. Other Items and Additional Studies: Other items that may be required by the planning commission, and which may be site specific for a subdivision and not to subdivisions in general. In carrying out its responsibilities pursuant to this section, the TRC, the planning commission, or the city council may require the applicant to submit such additional information, data, studies, plans, analyses, or maps, as may be necessary to make the factual determinations set forth herein. If so required, the owner shall bear the full cost of meeting this requirement. In situations with severe limitations, actual construction

drawings, as required for final plat submission, may be required at the preliminary plat level. (Ord. 2019-10 § 2: Ord. 2009-02 § 1)

16.16.060: SPECIAL CONDITIONS:

The zoning laws of the city of Santa Clara shall confer no vested right to develop under the terms of the zone in which any proposed development is located if the development, due to access and/or other on-site development conditions which cannot, in the judgment of the city, be developed safely under reasonably anticipated conditions. Safety shall include safety to the users, their invites, safety to the residents of Santa Clara City, and to the public, and safety of the structural integrity of the improvements.

If the proposed subdivision presents a development condition that the city planning commission or the city council (hereinafter referred to as the "city") deems to be unsafe, the city shall require, prior to preliminary plat approval or building permit issuance (as the case may be), such engineering studies as may be reasonably required to render the site safe for the long-term viability and safety of the proposed building site. Included in the consideration of unsafe conditions shall be sites which have any, or a combination, of the following conditions:

A. Unsafe or steep access.

B. Steep slopes.

C. Underground water/damage issues.

D. Flooding issues (sites in 100-year floodplain, or subject to flood erosion that may extend beyond the 100-year floodplain).

E. Washes.

F. Adverse soils conditions.

G. Adverse rock or soils formations.

H. Slide hazards.

I. Liquefaction/earthquake hazard.

J. Such other hazards as may be considered unsafe by the city.

If an unsafe condition is found, then the city shall specify such studies as may be necessary to determine if safe mitigation is reasonably certain to allow the development to proceed. The city shall then consider the reports of the owner's experts/engineers, and the reports of any special consultants that the city may hire at the expense of the owner. The city shall also consider the effects of the development on adjacent properties where the site presents

evidence of risk outside of the proposed development. The city may also conduct on site reviews of the possible unsafe condition. If, after review of these reports and the evidence presented, the city determines that the site may not be developed safely, then the project

shall be denied preserving the health, safety, and welfare of city residents. The city shall determine if a portion of the site can be developed, which ruling shall be given to the owner, and the owner shall be given the opportunity to submit an amended plan which can be developed safely. If an adverse ruling is given, the city shall issue written findings of the reasons why the site is not considered safe. (Ord. 2009-02 § 1)

16.16.070: APPROVAL PROCEDURE:

A. City planning staff shall transmit the Preliminary Plat, and Preliminary Plat review application, along with all accompanying plans, reports, and studies to appropriate city officials and other official agencies or bodies as deemed necessary or as required by law, to allow such persons to review the application.

B. After the Preliminary Plat review application is found to meet the requirements of this title, and all comments have been received from those to whom a request to review was made, the planning manager or designee shall cause the Preliminary Plat to be placed on the next available planning commission agenda, and shall notify the applicant of the date, time, and place of the meeting at which the application shall be reviewed.

C. The planning commission shall only recommend approval of a Preliminary Plat which it finds to be in accordance with the standards and criteria set forth by the city in this title and all other ordinance, plans, and policies of the city. The planning commission may conditionally approve a Preliminary Plat, imposing such conditions as it may require bringing the Preliminary Plat into compliance with the requirements of the city's ordinances, plans, and policies.

D. After reviewing the Preliminary Plat, the planning commission shall make a recommendation to the city council that the Preliminary Plat be approved, conditionally approved, or disapproved. The Preliminary Plat will then be placed on the next available city council agenda, after all legally required notification requirements have been complied with, and the city shall advise the applicant of the date, time, and place of the meeting at which the Preliminary Plat shall be reviewed. After review, the city council shall approve, conditionally approve, or disapprove of the Preliminary Plat.

E. Upon approval of the Preliminary Plat, and approval of the Construction Drawings, a permit may be issued which allows the applicant to begin construction at their own risk, of the infrastructure improvements required for the subdivision prior to the Final Plat approval. Issuance of a permit to construct infrastructure prior to Final Plat approval does not constitute a vesting of development rights.

F. If the final subdivision plat, or phase thereof, is not approved by the city within one (1) year after city council approval of the Preliminary Plat, all approvals shall be deemed expired and void. If eligible, the applicant may submit for approval a new Preliminary Plat in accordance with this section, if it is determined by the planning manager or designee that substantial progress toward completion of the final subdivision plat has been done, and the Final Plat cannot be submitted due to reasons beyond the control of the applicant, the item shall be placed on the next available city council agenda for consideration of a reasonable extension of time to complete the final plat, but no longer than one (1) year. A second extension not to exceed one (1) additional year may be granted in extraordinary circumstances demonstrated by the applicant.

G. No extension will be granted to any applicant unless the applicant first submits documentation evidencing that WCWCD has consented to the extension of applicants "Will-Serve" letter consistent with the extension sought from the city.

H. Approval of the Preliminary Plat does not constitute full approval of the development nor vest any development rights as additional requirements may be imposed that are a result of more detailed and thorough review of all plans, specifications, reports, and investigations.

CHAPTER 16.20
FINAL PLAT REQUIREMENTS

SECTION:

16.20.010: Final Plat

16.20.020: Description and Delineation

16.20.030: Standard Forms

16.20.040: Additional Information Submitted with Final Plat

16.20.050: Conformance to Applicable Rules and Regulations

16.20.060: Other Restrictions

16.20.070: Approval Procedure

16.20.010: FINAL PLAT:

The final plat shall be prepared by a licensed land surveyor on a standard twenty-four inch by thirty-six-inch (24" x 36") mylar sheet drawn with waterproof black ink. The plat shall contain all information required as set forth below. The final plat will also include an electronic copy. (Ord. 2009-02 § 1)

16.20.020: DESCRIPTION AND DELINEATION:

A. Name: The name of the subdivision approved by the planning commission.

B. Lots: An identification system shall be shown for all lots, blocks, and names of streets. Lot lines shall show dimensions in feet and hundredths. Lot sizes shall be shown to one square foot accuracy. Other easements shall be of sufficient width and location necessary to provide the proper function and maintenance of utility and drainage facilities as determined by the public works director and shall be shown on the final plat.

C. Easements; Street Names: Easements shall be a minimum of ten feet (10') wide along all front property lines unless otherwise required by the city. In multi-family or PD projects, the city may require easements in common areas. All street names shall be approved by the city to avoid duplication of names within the city limits. As a courtesy, and as required by the Utah code 54-3-27(5), a copy of all final plats shall be provided to any utility company providing service to the subdivision in addition to city owned utilities already approved herein. This could include natural gas, cable television, telephone, high speed internet, or other providers of public services. Evidence shall be provided to the city from the utility companies that this requirement has been complied with.

D. Traverse Of Perimeter: A traverse of the perimeter of the subdivision.

E. Monumentation And Survey Control:

1. All United States, state, county, city, or other official monuments shall be identified on the plat. The location of these monuments shall be accurately tied to the subdivision by true bearing and distance. All existing monuments shall show the agency setting the monument and the date set, if known, and the type of monument (i.e., brass cap, rebar, and cap, etc.).

2. Street monuments shall be installed by the owner in accordance with the requirements of the city with locations indicated on the plat within thirty (30) days after street paving.

F. Public Objects: The dedication to the public of all streets, easements, or other areas reserved for public use, with the purposes indicated thereon. Any area to be reserved by deed or covenant for common use of all property owners shall be indicated on the plat.

G. North Arrow and Scale: North arrow, scale, point of beginning, legal description, and basis of bearing shall be shown not only in narrative but also on the drawing. Surveys shall coincide with other surveys of record in the area. The basis of bearing shall be the one most predominantly of record in the area and shall be identified on the plat as well as in the survey narrative.

H. Boundary Closures: Subdivision boundary closures shall be 0.01 or less on exterior boundaries and 0.02 on interior lots. (Ord. 2013-09: Ord. 2009-02 § 1)

16.20.030: STANDARD FORMS:

The final plat shall require:

A. A registered professional land surveyor's signed stamp and certificate of survey

B. All street centerline data and street widths shall be shown with ties to property lines, lot corners, etc. All radii, internal angles, points and curvatures, tangents, bearings, and the length of all arcs.

C. A notary public's acknowledgment of all signatures on the plat.

D. A notarized consent of all lienholders, unless a separate notarized consent to plat is provided for any lien holder, in a form acceptable to the city.

E. The planning commission's certificate of approval, signed by the chairman.

F. The city engineer's certificate of approval.

G. The city attorney's certificate of approval, after having reviewed a title report prepared or updated by a title company and dated within the past ninety (90) days. It shall be the applicant’s responsibility to obtain releases or consents to plat from the holders of all liens or encumbrances which would otherwise prevent the subdivision of the property and the sale of good and marketable title to third party buyers of property in the subdivision.

H. The city council's certificate of approval signed by the mayor.

I. A one and one-half by five-inch (1 1/2 x 5") space in the lower right-hand corner of the plat for use by the county recorder.

J. The final plat shall include the following notes:

1. A note stating: "This property is subject to the findings, summary and conclusions of a Geotechnical Investigation Report prepared by Dated .

"A copy of said report has been placed within the Geotechnical Report File of the city and is available for inspection. The report may be inspected, or copies obtained, by contacting the City of Santa Clara, P.O. Box 2601 Santa Clara Drive, Santa Clara, Utah 84765. Purchasers should review this report and contact the city for additional updated information regarding the report. All purchasers of lots in this subdivision are strongly encouraged to obtain their own Geotechnical Investigation Report and to follow its recommendations."

2. A note indemnifying the City for soil or other sensitive conditions on the site.

3. If lot setbacks are not otherwise depicted on the plat, a note stating any front, side, and rear yard setbacks applicable to lots on the plat.

4. A note stating that notwithstanding the posting of any performance security, no building permit will be issued until all utilities are completed in the subdivision.

5. A note stating that all street landscaping must confirm to the City's landscaping ordinances and construction standards.

6. Any other notes or statements required by the City Council as a condition of final plat approval.

K. The county treasurer's certificate of approval indicating at the time of signing that the property taxes, special assessments, and fees due and owing have been paid in full. (Ord. 2015-12: Ord. 2012-07: Ord. 2009-02 § 1)

16.20.040: ADDITIONAL INFORMATION SUBMITTED WITH FINAL PLAT:

A. An engineer's itemized estimate of the cost of all required improvements to be developed in the subdivision, which shall be subject to approval by the city engineer.

B. Final utility plans for culinary water, secondary irrigation water, sewer, power, and natural gas, if proposed, with approval from each utility department indicating that utility and easement plans have been reviewed and approved by them, and that services are available to each lot in the subdivision. This requirement may be met by receiving approval

for these construction drawings during the preliminary plat approval phase of development 1 .

C. A final drainage plan, if not previously approved at the preliminary stage, indicating the following:

1. Complete drainage systems for the entire subdivision shall be designed by a professional engineer, licensed in the state of Utah, and qualified to perform such work. All existing drainage features which are to be incorporated into the design shall be so identified. If the final plat is to be presented in phases, general drainage plans for the entire area shall be presented with the first phase. Appropriate development plans shall be prepared for each subsequent phase and shall be submitted.

2. The drainage plan shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands that are downstream.

D. Final plans and profiles for all streets to be constructed in the subdivision indicating that the plans have been reviewed and approved by the city engineer.

E. All plans and information required by the hillside protection overlay zone, or the FEMA flood maps have been complied with. Where such plans are not required, that a soils report, covering each lot in the subdivision has been submitted and approved by the city engineer. (Ord. 2019-10 § 3: Ord. 2012-07: Ord. 2009-02 § 1)

F. For any subdivision in a PD Zone a fully executed original copy of any Covenants, Conditions, and Restrictions anticipated to be recorded with the plat shall be submitted to the city for verification. The original will be returned to the applicant for recording when the final plat is released.

G. Any other information reasonably required by City staff to assist in determining whether the requirements of this Chapter have been met with respect to the final plat for which approval is sought.

Notes

1 1. UCA §§ 10-9a-603(4)(c)(i), 10-9a-603(4)(c)(ii).

16.20.050: CONFORMANCE TO APPLICABLE RULES AND REGULATIONS:

In addition to the requirements established herein, all subdivision plats shall comply with all applicable laws, plans, and regulations including, but not limited to:

A. The city general plan, land use ordinance, zoning map, and all other applicable city ordinances.

B. The official city general plan, including general plans for streets, parks, drainage, trails, and utility systems.

C. Requirements of any departments of the state of Utah, as applicable.

D. The standards, regulations and policies adopted by the city including all boards, commissions, agencies, and officials of the city who may be authorized to adopt the same.

E. A copy of any development agreement that may have been agreed upon between the city and the owner of the project. (Ord. 2009-02 § 1)

16.20.060: OTHER RESTRICTIONS:

If the applicant places restrictions on any of the land contained in the subdivision greater than those required by the land use ordinance, these covenants, conditions, and restrictions may be required to be indicated on the subdivision plat, or the planning commission may require that restrictive covenants be recorded with the county recorder in a form approved by the city attorney. Conditions, covenants, and restrictions shall be required in the case of a planned unit development in the planned development zone where common areas are proposed.

A. The city will not accept property as a bond to guarantee installation of improvements in a subdivision. An acceptable agreement may include a cash amount posted with the city, an escrow agreement with a local financial institution, a letter of credit from such an institution, or a corporate surety bond.

B. The city shall not create a special improvement district for the purpose of installing improvements in a subdivision proposed by an owner. If an improvement district is proposed by the city and, if the district proposed contains property owned by more than one property owner not involved with the development and said owners cannot agree on a method of financing the required improvements, then, and only then, shall the city consider the possible creation of a special improvement district.

C. Special improvement districts are not intended for the improvement of a subdivision owned by one person or a group of persons acting jointly together to create a subdivision development. (Ord. 2009-02 § 1)

16.20.070: APPROVAL PROCEDURE:

A. After the Preliminary Plat has been approved by the city council, and all conditions are complied with, a final subdivision plat shall be prepared and submitted to the planning department.

B. The Final Plat shall be required to go through the same approval process as the Preliminary Plat as per Section 16.16.070 of this title.

C. All applications to subdivide real property shall comply with the requirements of Utah Code Title 10, Chapter 9a, of the Utah Land Use and Development Management Act, as amended.

D. A Final Plat must be recorded with the office of the County Recorder within one (1) year of the date of city approval. This includes a final plat which is a phase of the project (this entitles the preliminary plat). A Final Plat which has not been recorded withing one year, shall be deemed void and all land use approvals associated with the Final Plat shall be considered void *ab initio.* Prior to expiration, an applicant may request a one-time six-month extension of approval to the planning department. The item shall be placed on the next available city council agenda for consideration.

E. Following approval by the city council, the mylar copy of the final plat will be held for review by city staff and not released for recording until all the requirements of this Chapter have been met, including but not limited to the posting of adequate performance security, payment of all city fees, and all required signatures being obtained on the mylar copy.

CHAPTER 16.24
DESIGN STANDARDS

SECTION:

16.24.010: Compliance with Design Standards

16.24.020: Approved Engineering Drawings

16.24.030: Inspections

16.24.040: Utility Improvements

16.24.050: Storm Drainage and Nuisance Water Control

16.24.060: Street Improvements

16.24.070: Layout of Lots

16.24.080: Lot Arrangement

16.24.010: COMPLIANCE WITH DESIGN STANDARDS:

All subdivisions shall comply with the following design standards. (Ord. 2009-02 § 1)

16.24.020: APPROVED ENGINEERING DRAWINGS:

Prior to commencement of construction, engineering drawings prepared and stamped by the owner's engineer for improvements shall be approved by all required departments. These plans shall comply with the requirements as set forth in official city standards and specifications. No residential building permits shall be issued prior to approval of engineering drawings and completion and acceptance of all development improvements. (Ord. 2009-02 § 1)

16.24.030: INSPECTIONS:

Appropriate agencies and departments of the city shall inspect or cause to be inspected all buildings, street improvements, fire hydrants, water supply, electrical systems, and sewage disposal systems, etc., during construction, installation, or repair. Excavations for fire hydrants and water and sewer mains and laterals, shall not be covered or backfilled until such installation shall have been approved and inspected by the city. If any installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector. (Ord. 2009-02 § 1)

16.24.040: UTILITY IMPROVEMENTS:

A. All subdivision lots shall be served by the city's culinary water, secondary irrigation water, sewer, and electrical systems unless otherwise approved by the city council. Provisions shall also be made for the installation of natural gas, telephone, cable television, and fiber optic as a part of the subdivision development. For any of the above services not provided by the city, the owner shall submit will serve letters from each utility providing service as a condition of approval of the utility systems. No building permits shall be issued until full completion and approval of all required public improvements of the project.

B. All utility improvements shall comply with city construction standards and will be completed to the boundaries of the subdivision.

C. All electrical, telephone, television cable, and fiber optic shall be installed underground except as otherwise directed by the city council. All electrical systems shall conform to underground specifications and city construction standards.

D. All sewer, electrical, culinary water and secondary irrigation water plans and specifications shall be approved by the city before commencing public improvements.

E. The owner shall provide streetlights in conformance with city standards. (Ord. 2019-10 § 4: Ord. 2009-02 § 1)

16.24.050: STORM DRAINAGE AND NUISANCE WATER CONTROL:

A. A storm or nuisance water drainage system shall be provided and shall be separate and independent from the sanitary sewer system.

B. No ditch or canal shall be approved as suitable for the use of storm drainage without the written permission of the appropriate ditch or canal company or of the water users for such use, and the approval of the city. No ditch or canal shall be used for stormwater unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff water, and other water expected to reach the subdivision, canal, or ditch. Where subdivision improvements affect existing canals or ditches, specific modifications shall be in accordance with the requirements of the irrigation company and the city. In situations where the city already has a drainage plan or system in place, the owner shall be expected to participate in the expansion, extension, or enlargement of such system to accommodate water from the subdivision. Retention basins developed as a part of the subdivision may also be required.

C. Drainage and flood control shall be designed in conformance with the Washington County Flood Control Authority Storm Drainage Systems Design and Management Manual and the city Storm Water Master Plan. Public drainage easements or dedications with a minimum width of fifteen feet (15') shall be provided along all drainageways as determined by the city. (Ord. 2009-02 § 1)

16.24.060: STREET IMPROVEMENTS:

A. Definitions: For purposes of this Section 16.24.060, each reference to a "subdivision" herein shall mean and refer to either (1) a "subdivision," as defined in Santa Clara City Code § 16.08.010 ; or (2) a "streets project area," as may be defined by the city council from time to time, on recommendation of the technical review committee (TRC) and planning commission.

B. Streets Project Areas: The purpose of defining a "streets project area" is so that existing parcels not requiring further subdivision before development may still have the

benefit of complete and well-maintained street improvements. A streets project area shall be created when at least eighty percent (80%) of the owners on the public street in the proposed streets project area, as measured by linear foot of frontage, have signed a document notifying the city of their agreement with the conditions of such designation. Such designation shall signify the intent of the signing owners to bear a share of costs to improve the public street to applicable city standards, as set forth in this section. The following areas of the city shall, for purposes of this section, each be considered a potential streets project area:

1. Vernon Street, North of Santa Clara Drive

2. Vernon Street, South of Santa Clara Drive

3. Victors Street, North of Santa Clara Drive

4. Victors Street, South of Santa Clara Drive

5. Quail Street, North of Santa Clara Drive

6. Quail Street, South of Santa Clara Drive

7. Hamblin Drive and Gates Lane, North of Santa Clara Drive

8. West Vineyard Drive, from Old Farm Road to Heights Drive

9. Central Vineyard Drive, from Heights Drive to River Front Drive

10. East Vineyard Drive, from River Front Drive to Lava Flow Drive

11. West Arrowhead Trail, from Arrowhead Circle to Santa Clara Parkway

12. South Arrowhead Trail, from Pearl Rose Drive to Concord Drive

Any other combination of adjacent parcels, having direct access from the same public street, may also seek recognition as a "streets project area" by obtaining a recommendation from the technical review committee and planning commission and approval from the city council.

C. When multiple streets project areas are designated or eligible by designation, the city council shall have the right to determine the relative priority of the projects for application of available city resources. The city council will consider the following information when determining priority between any two (2) streets project areas:

1. Citizen input.

2. Whether the proposed streets project area will help to mitigate the anticipated impacts of growth or development;

3. Availability of utility services;

4. Relative size of streets project areas;

5. Availability and cost of contractor services;

6. Any other reasonable consideration related to the health, safety, and welfare of city residents and visitors.

D. The City Council shall ultimately have the right to make a final determination as to the feasibility and timing of any proposed streets project, and in doing so may consider the availability of funds or financing, the feasibility of constructing required improvements and the interfacing of new improvements with existing improvements, the feasibility of necessary land acquisition, or any other reasonable consideration.

E. All streets shall be designed in accordance with the city design standards, AASHTO, or other approved standards. All streets within the city shall be improved with streetlights and pavements bounded by integral concrete curbs, gutters, and sidewalks. All street improvements will be completed to the boundaries of the subdivision.

F. The arrangement of streets in new subdivisions and in designated streets project areas shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the general plan.

G. The owner(s) of the subdivision shall be responsible to bear all costs of required improvements as set forth in this chapter, shall provide a bond or other security to warranty the improvements for not less than one (1) year from the date of completion, and shall provide traffic control and street name signs conforming to the city's design specifications and approved by the city.

H. The owner(s) of parcels comprising a designated streets project area shall also be responsible to bear certain costs of required improvements; however, the city agrees to bear a portion of material and improvement costs, as set forth in the following table:

Owner(s) pay for:	City pays for:

Asphalt and base exceeding 28' in width	Asphalt and base up to 28' in width
Curb, gutter & sidewalk	Civil engineering costs, including required surveys
Right of way and public utility easement dedication as needed	Utility replacement and upsizing (excluding new lateral connections to service individual properties)
Bond or other security for 1-year warranty, covering Owner(s)' pro rata portion of project costs	Streetlights
Own legal and professional fees	Own legal and professional fees

Where a corner lot is part of the streets project area, the owner(s) in the streets project area shall only be responsible for the above costs in relation to improvements along the side of the corner lot having the longest public street frontage; the city will pay all costs of improvements along the side having the shorter frontage. Owner(s) may negotiate among themselves to modify their respective obligations, provided that any such agreement shall not be enforceable against the city. The city shall have no obligation to proceed with

improvements to a designated streets project area until having received from the owner(s) thereof one hundred percent (100%) of the funds anticipated to be required to complete the planned improvements. Impact fees designated for road improvements, or any funds or other security previously deposited with the city by owner(s) in lieu of impact fees, may be applied by the city to any designated streets project area in the city, regardless of location. Any unpaid obligation of individual owner(s) to the city shall be deemed a joint and several obligations of all the owner(s) in the same streets project area.

I. All subdivision lots shall have frontage on a dedicated public street improved to city standards unless the lot is approved as a flag lot under the city's flag lot ordinance or is approved by the city council on some other basis. Streets project areas are assumed by definition to have such frontage. Private streets, alleys, or ways shall not be approved except as may be approved as a part of a planned development project under the city planned development ordinance or when, because of hazardous slopes, soils, floodplains, or other conditions, the city council determines that approval is not in the best interest of the city.

J. The technical review committee (TRC) or the planning commission may recommend to the city council that an exception for private roadways, utility improvements, or other improvements be approved for a specific subdivision or streets project area. In any event, private streets and utility construction will conform to the construction standards required for dedicated streets and utilities regarding quality of construction, whether dedicated or not.

K. All off-site access roads providing the subdivision or streets project area with access to the nearest public street shall be improved as required by this section. Wherever feasible, local streets shall be laid out to provide connectivity to adjoining residential areas. If the adjacent property is undeveloped and the street must be a temporary dead-end street, the right of way shall be extended to the property line and a temporary turnaround shall be provided. All permanently dead-end streets shall end in an approved cul-de-sac or other improved turnaround, including appropriate signage, unless otherwise approved by the city council.

L. Intersections shall be designed in conformance with AASHTO standards to provide adequate sight distance and other performance and safety needs as approved by the city.

M. No subdivision shall be approved which does not have access to an improved and dedicated city street. Where a subdivision or existing streets project area obtains access from a street which does not meet minimum city standards, the access road shall be improved to a minimum width of twenty-five feet (25'). Additionally, all utilities will be brought up to current city construction standards.

N. Where a subdivision or designated streets project area abuts a master planned road, utility, or drainage system, the owner(s) shall complete their portion of such improvements the full length of their project in conformance with the official city master plan unless otherwise approved by the city council. Any owner(s) of parcels which are part of a larger designated streets project area shall have the same obligation with respect to their own respective parcels.

O. Streets shall have the following minimum right of way widths:

1. Arterial Street: Eighty-foot (80') minimum.

2. Collector Street: Sixty-six feet (66').

3. Local Street: Fifty feet (50').

4. In planned development areas, subdivisions, and designated streets project areas, the minimum street width is forty-five (45’) feet as per City Construction Standards.

P. Streets shall have the following paved roadway width (lip of curb to lip of curb):

1. Arterial Street: Fifty-five feet (55').

2. Collector Street: Forty-nine feet (49').

3. Local Street: Thirty-five feet (35').

4. In planned development areas, subdivisions, and designated streets project areas, the width of streets may be modified with planning commission recommendation and city council approval.

Q. Cul-de-sacs shall be no longer than eight hundred feet (800') in length without a recommendation for exception from the planning commission and approval by the city council.

R. The radius of the turnaround in a cul-de-sac shall be a minimum of fifty feet (50').

S. Streets should intersect as nearly as possible to ninety-degree (90°) angles and shall not be offset less than two hundred fifty feet (250') from the centerline of the nearest intersecting street.

T. Streets shall have the names or numbering system of all streets in city-approved sequence. Permanent street name or number signs shall be installed by the owner at their expense according to city requirements and standards at the time of development of the subdivision and shall be provided for along with other elements of the subdivisions for which a guarantee is posted.

U. Traffic control signs required by the city shall also be installed to ensure a smooth flow of traffic through the subdivision.

V. Streetlights, of a type approved by the Power Department, shall be installed in every subdivision. Spacing of streetlights shall be within two hundred fifty feet (250’), except as approved by the Power Department, and shall be installed at all intersections, or in other locations as determined by the city.

W. Curb, gutter, and sidewalk are required in all subdivisions and designated streets project areas, in accordance with the city's design and construction standards. Additionally, all existing utilities in these areas will be brought up to current city construction standards.

X. The minimum centerline radii for local streets shall be one hundred fifty feet (150'). For collector streets the minimum shall be three hundred feet (300'). For arterial streets the minimum shall be five hundred feet (500'), unless otherwise approved by the city council upon recommendation of the city engineer.

Y. The grade of streets shall not exceed eight percent (8%) for arterial or collector streets and fifteen percent (15%) for local streets.

Z. Blocks shall not be longer than one thousand feet (1,000') and shall be at least two (2) building lots in depth, unless otherwise approved by the city council upon recommendation of the planning commission.

AA. All arterial streets are classified as limited access streets, and no individual lot shall front on an arterial street.

BB. All street widths shall conform to the width requirements unless otherwise recommended by the TRC, and the planning commission, for approval by the city council. Such recommendation and approval shall normally apply only to developments in the planned development zone. (Ord. 2019-07 § 3: Ord. 2016-12: Ord. 2013-09: Ord. 2012-13: Ord. 2009-02 § 1)

16.24.070: LAYOUT OF LOTS:

A. The design and development of the subdivision shall preserve, insofar as possible, the natural terrain, drainage, existing topsoil, and vegetation.

B. In general, side lot lines shall be at right angles to street lines, or radial curving street lines, unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow erection of buildings, observing the minimum front yard setbacks unless other provisions are approved by the city council upon recommendation from the planning commission. (Ord. 2009-02 § 1)

16.24.080: LOT ARRANGEMENT:

A. Lot Arrangement Considerations: The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in the subdivision in compliance with the zoning ordinance and in providing driveway access to buildings on all lots from an approved street unless otherwise approved by the city council for reasons listed elsewhere in this title.

B. Lot Dimensions: Lot dimensions shall comply with the minimum standards of the zoning ordinance. Where lots are more than double the minimum required area for the zoning district, the planning commission may require that the lots be arranged to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the zoning ordinance and these regulations.

C. Double Frontage Lots: Double frontage lots are lots which have the rear property line adjacent to a public street. Double frontage lots shall not be permitted except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. All double frontage lots must be approved by the City Council. A solid block or masonry wall shall be provided on

all double frontage lots as a part of the required development of improvements, unless waived or modified by the City Council. Where a privacy wall is constructed, there shall be a landscape strip provided between the sidewalk and privacy wall with a minimum average width of ten feet (10'). The wall may be of serpentine design so that the distance between the wall and sidewalk varies, but the wall shall not be closer to the sidewalk at any point than four feet (4'). The minimum ten foot (10') wide planter strip may include landscape area on both sides of the sidewalk where the sidewalk is separated from the curb by a landscape area.

Where the privacy wall on the adjoining property has a curvilinear or serpentine design, the City Council may require the continuation of such wall design to provide for a uniform appearance along the public street.

Where the city determines that a turning lane is needed at an intersection, the City Council may reduce the landscape strip to accommodate the turning lane. There shall be a minimum separation of one foot (1') between the sidewalk and privacy wall. The subdivision developer shall make provisions for the long-term maintenance of the planter strip either through a homeowners association (HOA), or other approved maintenance plan, or where the City agrees to provide long term maintenance for the planter area, in which case the developer shall on the final subdivision plat grant to the City a landscape maintenance easement upon all private property which may be on the street side of the privacy wall.

D. Access From Major Arterials and Collector Streets: Residential lots shall not derive access from major arterial streets, and access shall be limited on collector streets, except where approved by the City. In cases where driveway access from such streets may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive to limit possible traffic hazards on these streets. In these cases, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic.

E. Flag Lots: After determination by the Planning Commission that standard lots are not feasible, the Planning Commission, may, to encourage more efficient use of the land, allow flag lots to be developed subject to the following conditions:

1. The property cannot be subdivided with public street and standard sized lots, either at the present time or in the foreseeable future.

2. The staff portion of the lot shall front on a dedicated public street. The minimum width of the staff portion of the lot shall be twenty-five feet (25') and the maximum length shall be two hundred feet (200').

3. No building or construction, except driveways, shall be allowed on the staff portion of the lot.

4. The front side of the flag lot shall be deemed to be the side nearest the dedicated public street upon which the staff portion fronts.

5. All lot size and setback requirements shall be the same as required by the zone in which the lot is located. The staff portion of the lot shall not be included in these calculations.

6. No more than two (2) flag lots or four (4) dwelling units may be served by one staff portion of the lots.

7. Each flag lot shall be specifically approved by the Planning Commission.

8. The staff portion of the lot shall be owned by the owner of the flag lot, or jointly in the case of two (2) lots served by one staff portion. (Ord. 2020-14 § 1: Ord. 2018-05: Ord. 2009-02 § 1)

CHAPTER 16.28
PERFORMANCE GUARANTEE

SECTION:

16.28.010: Performance Guarantee Required

16.28.020: Guarantee Form

16.28.030: Guarantee Amount

16.28.040: Release of Guarantee/Posting of Maintenance Warrant

16.28.010: PERFORMANCE GUARANTEE REQUIRED:

The owner shall guarantee the installation and construction of the required subdivision improvements free from defective material or workmanship and in compliance with all city standards. Even though the owner provides a guarantee for the completion of the improvements, building permits will not be issued until all off-site improvements are completed. The improvements shall have been installed and completed within one year of final city council approval unless extended for cause by the city council. (Ord. 2009-02 § 1)

16.28.020: GUARANTEE FORM:

The guarantee shall be in the form of an improvement agreement approved by the city council from time to time, plus , an escrow bond, or cash guarantee for the amount required by this chapter.

16.28.030: GUARANTEE AMOUNT:

The guaranteed amount shall be one hundred percent (100%) of the cost of improvements as set forth in the project engineers estimate. that the estimate shall be required to include (a) Five percent administrative costs, (b) ten percent contingency, and (c) engineering and quality assurance testing costs. If the city council authorizes an extension of time beyond one year to complete the improvements, the extended guarantee shall be equal to one hundred percent (100%) of the cost of the remaining improvements. (Ord. 2009-02 § 1)

16.28.040: RELEASE OF GUARANTEE/POSTING OF MAINTENANCE WARRANTY:

A. After completion of all subdivision improvements the owner shall make a written request to the city for a final inspection. Upon receipt of the inspection reports from affected departments the city shall notify the owner in writing specifying the acceptability of all subdivision improvements and itemizing those improvements not acceptable along with the actions necessary to render those improvements acceptable.

B. After acceptance of all improvements by the city, the city may release up to eighty percent (80%) of the guaranteed amount. The city shall continue to hold the security covering the remaining twenty percent (20%) guarantee to ensure that all improvements shall be free from defective material and workmanship and in compliance with all city standards for a period of one (1) or two (2) years as may be determined by the city engineer or public works director. This period is marked from the date of final approval of all improvements until the performance guarantee is replaced by a maintenance guarantee in the same twenty percent (20%) amount. At the end of the performance period, the city shall perform a second inspection of all improvements. The city shall notify the owner in writing of any corrective measures that are required. If the defects are identified as a part of the inspection, the owner shall have the option of correcting the defects to the satisfaction of the city or shall forfeit the maintenance guarantee to the city as damages for the defective work.

C. The improvement guarantee may be released in part as progress payment for improvements, subject to the following conditions:

1. The owner shall submit to the city a request for payment against the guarantee showing to whom and for what amount the release is requested. The request shall include an updated engineers estimate for completion of the remaining improvements. Upon inspection by the city, and approval of the requested amount, the city will authorize the holder of the guaranteed amount to disperse the approved payments, less any amount

required to secure completion of remaining improvements. Payments may be made upon completion of the various phases of development as follows:

a. The complete water system including mains, outfall lines, valves, hydrants, or any other part of the required water system.

b. The complete road construction, including all survey monuments, traffic control and street name signs. Road construction shall also include storm drainage systems.

c. The complete waste disposal system.

d. The staking of lot corners and any other required survey field work.

e. The completion of each required utility system, including power, telephone, natural gas, cable TV, internet connections, or any other utility service that may have been bonded for by the owner. Each required utility may be released independent of other utility installation.

2. Requests shall not be submitted more frequently than monthly. A minimum of twenty percent (20%) of each element shall be retained as required for the guarantee required in subsection B of this section. A guarantee of the same type used to guarantee installation of all improvements shall be posted prior to final release of the improvement guarantee amount. The city reserves the right to require updated engineers estimates of the remaining improvements, and additional security if required, every six (6) months in the event that no partial releases are requested.

3. For an owner who proposes to install all improvements prior to final recording of a final plat, a cost estimate of improvements shall be submitted to the city and approved by the city engineer or public works director prior to the start of construction, as the basis for determining the amount of the twenty percent (20%) guarantee that shall be posted upon final approval of the improvements by the city, and prior to the recording of the final plat. (Ord. 2009-02 § 1)

CHAPTER 16.32
FEES, ENFORCEMENT, PERMITS, AND PENALTIES

SECTION:

16.32.010: Fees

16.32.015: Subdivision Water Modeling Fee

16.32.016: Subdivision Water Model Approval Procedure

16.32.020: Enforcement

16.32.030: Permits

16.32.040: Violation

16.32.050: Penalty

16.32.060: Building on Unsubdivided Parcel

16.32.010: FEES:

All persons filing subdivision plats with the city shall pay fees as adopted through resolution by the city council. (Ord. 2009-02 § 1)

16.32.015: SUBDIVISION WATER MODELING FEE:

There is hereby established a subdivision water modeling fee applicable to all subdivisions for which application is made after the effective date hereof that add at least five (5) equivalent residential units ("ERUs") to the water system, and/or involving adding five hundred feet (500') or more of main water line. This fee shall be deemed a part of the subdivision application fee. The fee shall be as set forth at exhibit A attached to the ordinance codified herein, which fee may be changed by resolution of the city council. (Ord. 2012-20)

16.32.016: SUBDIVISION WATER MODEL APPROVAL PROCEDURE:

Upon payment of the fee, the city staff shall cause the engineer currently in charge of the city water model, to determine whether that subdivision's water requirements will be reasonably met after proper installation. If the engineer opines that the city's water system will not accommodate the proposed subdivision under Utah administrative code ("UAC") rule R-309-510 regarding minimum requirements, available water rights, and storage and source capacity to serve said subdivision, the subdivision approval shall be suspended pending a determination of necessary upgrades done and/or water rights required at the subdivision developer's expense, that will allow the subdivision to be serviced by the city water system. Any of such upgrades shall be completed and/or bonded as a condition of filing the final plat of said subdivision. (Ord. 2012-20)

16.32.020: ENFORCEMENT:

It is unlawful for any person to contract to sell or lease, or to sell or lease any subdivision, or any part thereof, which is in the city until a final plat thereof, in full compliance with the

provisions of this title, has been duly recorded or filed in the office of the county recorder. The Santa Clara City administrator shall be charged with the enforcement powers of this title. Failure of city departments or individuals to pursue appropriate legal remedies shall not legalize any violation of this title. (Ord. 2009-02 § 1)

16.32.030: PERMITS:

From the time of the effective date hereof, the Building Official shall not grant a permit, nor shall 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 until a subdivision plat therefor has been recorded. Any license or permit issued in conflict with such provisions shall be void. (Ord. 2009-02 § 1)

16.32.040: VIOLATION:

No person shall subdivide any tract or parcel of land located wholly or in part in the city except in compliance with the provisions of this title. No person shall purchase, sell, or exchange any parcel of land which is any part of a subdivision, or a proposed subdivision submitted to the planning commission, nor offer for recording in the office of the county recorder, any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title. Each day that a violation of the provisions of any chapter of this title is committed or permitted to continue shall constitute a separate and independent violation. (Ord. 2009-02 § 1)

16.32.050: PENALTY:

Whoever shall violate any of the provisions of this title shall be guilty of a misdemeanor and, upon conviction of such violation, shall be punishable by a fine of not more than five hundred dollars ($500.00) and/or six (6) months in jail, or by both such fine and imprisonment. This penalty may be imposed for each separate violation found to exist as provided in section 16.32.040 of this chapter. (Ord. 2009-02 § 1)

16.32.060: BUILDING ON UNSUBDIVIDED PARCEL:

One (1) unit can be built on an unsubdivided parcel prior to subdivision plat recordation. However, all utilities and improvements must be completed, or performance guarantee given prior to building permit issuance. If performance guarantee is given for improvements, then a certificate of occupancy will only be issued upon completion.

Section 2. Effective Date:
This Ordinance shall become effective immediately upon adoption, recording and posting in the manner prescribed by law.

ADOPTED and approved by a duly constituted quorum of the City Council of the City of Santa Clara, Utah this 8th day of March 2023.

IN WITNESS, THERETO:

_____
RICK ROSENBERG, Mayor

ATTEST:

_____
CHRIS SHELLEY, City Recorder

CITY OF SANTA CLARA, UTAH
ORDINANCE NO. 2023-05

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF SANTA CLARA UTAH BY AMENDING TITLE 17, "ZONING" CHAPTER 17.04 "GENERAL PROVISIONS" AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is important to update the City's code from time to time to remain relevant and reflective of the ever-changing operating environment of the city; and

WHEREAS, staff would like to update Title 17, "Zoning" Chapter 17.04 General Provisions, and

WHEREAS, this item was discussed in City Council on February 1, 2023 during a Work Meeting, and

WHEREAS, staff has reviewed and revised the Ordinance and has been reviewed by the City Attorney, and

WHEREAS, the legislative body of the City of Santa Clara reviewed the recommendations of the Staff and City Attorney and acted on the proposed amendment to Title 17, "Zoning" Chapter 17.04 General Provisions on March 8th 2023, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Santa Clara, Utah, that Title 17, Zoning, Chapter 17.04 General Provisions be amended as follows.:

Section 1. Amendment to Section:

Title 17, "Zoning"
Chapter 17.04 General Provisions

Section:

17.04.010: Short Title
17.04.020: Purpose
17.04.030: Interpretation
17.04.035: Land Use Decision and Water Acknowledgement Required
17.04.040: Conflict
17.04.050: Effect on Previous Ordinances and Maps
17.04.060: Building Permit Requirement
17.04.070: Occupancy Permit Required
17.04.080: Site Plan Requirement
17.04.090: Inspection
17.04.100: Permits to Comply with This Title
17.04.110: Nuisance and Abatement
17.04.120: Enforcement

17.04.125: Notice of Noncompliance
17.04.130: Responsibility for Violations
17.04.140: Penalties
17.04.150: Changes and Amendments
17.04.160: Conflicting Provisions Repealed
17.04.170: Fees
17.04.180: Licensing
17.04.190: Annexations
17.04.200: Completion of Improvements
17.04.210: Denied Amendments; Reconsideration
17.04.220: Vesting and Expiration

17.04.010: SHORT TITLE:

This title shall be known as the ZONING ORDINANCE OF SANTA CLARA, UTAH, and may be so cited and pleaded. (Ord. 97-06 § 1-1)

17.04.020: PURPOSE:

This title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the city of Santa Clara, Utah, including, among other things, the lessening of congestion in the streets and roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the city's commercial and industrial growth, and protecting both residential and nonresidential development. (Ord. 97-06 § 1-2)

17.04.030: INTERPRETATION:

In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. (Ord. 97-06 § 1-3)

17.04.035: LAND USE DECISION AND WATER ACKNOWLEDGEMENT REQUIRED:

A. Interpretation of Zoning Ordinance. Any use of land that is not plainly designated as a permitted use or conditional use shall be reviewed and decided on by the City Council following a recommendation by the planning commission.

B. Land Use Decision Required. No development may commence, or land use changed or expanded, without a final Land Use Decision, which determines that the development, or the change or expansion, is allowed in the zone and complies with all Land Use Regulations.

C. Water Acknowledgement Required. All new Land Use Applications must submit with the application, an acknowledgement signed by both the applicant/developer and the owner(s) of all real property which are part of the application that:

1. The applicant is responsible for ensuring that the Project or application has sufficient culinary water service, and;

2. Approval of any development application by the city does not guarantee that sufficient water will be available to serve the zone, project, or permit for which the application is submitted.

17.04.040: CONFLICT:

This title shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances of laws, but shall prevail notwithstanding such provisions which are less restrictive. (Ord. 2004-19 § 1: Ord. 97-06 § 1-4)

17.04.050: EFFECT ON PREVIOUS ORDINANCES AND MAPS:

The existing ordinances covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinance are hereby superseded and amended to read as set forth herein. (Ord. 97-06 § 1-5)

17.04.060: BUILDING PERMIT REQUIRED:

The construction, alteration, repair, removal or moving of any building or structure or any part thereof, as provided or as restricted in this title shall not be commenced or proceeded with, except after the issuance of a written permit for the same by the city. In addition to buildings or structures, other improvements on any lot such as fences, pools, tennis courts, etc., shall be constructed only after receiving a written permit from the city.

All building permits shall be issued in accordance with the general plan of the city of Santa Clara, the road master plan, the standards, and regulations approved by the city, and all boards, commissions, agencies, and officials of the city, and all other applicable ordinances of the city of Santa Clara.

Every permit issued under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permits is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee thereafter shall be one-half (1/2) the amount required for a new permit for such work, provided no changes

have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. To renew action on a permit one year after original application, the permittee shall pay a new full permit fee. (Ord. 2004-19 § 1: Ord. 97-06 § 1-6)

17.04.070: OCCUPANCY PERMIT REQUIRED:

No land shall be used or occupied, and no building hereinafter structurally altered or erected shall be changed in use, until a final inspection shall have been completed, and a certificate of occupancy shall have been issued by the city, stating that the building or the proposed use thereof, or the use of the land, complies with the provisions of this title for the renewing, changing, or extending of a nonconforming use.

Such a permit shall also be issued whenever the character or use of any building or land is proposed to be changed from one use to another use. (Ord. 97-06 § 1-7)

17.04.080: SITE PLAN REQUIRED:

A detailed site plan, drawn to scale, shall be filed as a part of any application prior to consideration for any building permit. The site plan shall show, where pertinent:

A. Scale used and direction or north point;

B. Lot lines, adjacent streets, or right of way, and easements;

C. Location of all existing structures on the property, including driveway entrances, utility poles, etc.;

D. Location of the proposed construction and improvements, including setbacks, location, dimensions of signs, garbage receptacles in commercial areas, etc.;

E. Motor vehicle access, including individual parking stalls, circulation patterns, curb and gutter and sidewalk locations, etc.;

F. Any necessary explanatory notes;

G. Name, address, and telephone number of building contractor, and owner;

H. All other information that may be determined by the city.

I. A plot plan to include the floor elevation(s) of the building in relation to the elevation of the sidewalk and/or curb in front of the proposed building. (Ord. 2004-19 § 1: Ord. 97-06 § 1-8)

17.04.090: INSPECTION:

The city is authorized to inspect or to cause to be inspected all buildings and structures during construction, modification, moving, or repair, and to inspect land uses to determine compliance with the provisions of the zoning ordinance, the international building code, and the subdivision ordinance. The city, including any authorized employee of the city, shall have the right to enter any building premises for the purpose of determining the use thereof, or to enter the premises for the purpose of determining compliance with the provisions of this title; provided that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof, without written permission of the owner, or the written order of a court of competent jurisdiction. (Ord. 2004-19 § 1: Ord. 97-06 § 1-9)

17.04.100: PERMITS TO COMPLY WITH THIS TITLE:

From the time of the effective date hereof, the city shall not grant a permit for the construction or alteration of any building or structure, on any lot, or the moving of or structure onto a lot, if such building or structure would be in violation of any of the provisions of this title nor shall the city grant a permit or license for the use of any building or land if such use would be in violation of this title. Any permit so issued shall be null and void.

The city shall certify that all building permits conform to the zoning ordinance, subdivision ordinance or other city ordinances. (Ord. 97-06 § 1-10)

17.04.110: NUISANCE AND ABATEMENT:

Any building or structure erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title, and any use of land, building premises established, conducted, or maintained contrary to the provisions of this title, shall be, and the same is, declared to be unlawful and a public nuisance. The city attorney shall, upon

request of the city council, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the matter provided by law and shall take other steps and relief as well as abate and remove such building or structure or use of property contrary to the provisions of this title. The remedies provided herein shall be cumulative and not exclusive. (Ord. 97-06 § 1-11)

17.04.120: ENFORCEMENT:

The city, including any authorized officer of the city, is designated, and authorized with the enforcement of this title. The city council may entrust such administration, in whole or in part, to any officer of the city without amendment to this title. (Ord. 97-06 § 1-12)

17.04.125: NOTICE OF NONCOMPLIANCE:

A. Purpose: To enforce compliance with the international building code, the zoning and subdivision ordinances, and all other ordinances dealing with building and land use in the city of Santa Clara. The building official, or other city representative, may issue a "stop work order" and may record, or cause to be recorded, a notice of noncompliance to be filed with the county recorder's office against the property where the violation has been committed.

B. Permanent File: Prior to notice and processing of the certificate of noncompliance with the county, a permanent file will be developed which will include:

1. A statement of the failure to comply with the building regulations.

2. Attempts to obtain compliance.

3. A corrections list to bring the construction into compliance.

4. Copies of all attempts to contact the permit holder/owner.

5. A review of the file to determine the proper course of action.

C. First Notice: The builder/owner shall be notified in writing of the failure to comply with the building regulations. The owner/builder will be given ten (10) to thirty (30) days to comply, depending upon the circumstances. If the matter is one of public safety immediate compliance will be required.

D. Second Notice: If the owner/builder fails to comply with the first notice, the building official will prepare a second notice. The second notice shall be mailed by certified mail to the owner who will be given ten (10) days to comply. The second notice will contain a copy of the certificate of noncompliance that will be recorded against the property at the county recorder's office if the owner/builder fails to comply with the building violations.

1. If the owner fails to comply with the second notice within the required period, or if the notice is returned as being undeliverable at the owner/builder's last known address, the certificate of noncompliance will be recorded. Any returned mail will be kept in the file as evidence of an attempt to serve notice at the last known address.

2. No work may be done on the property until the noncompliance notice has been released and a new building permit has been issued.

3. To release the certificate, a new building permit shall be obtained, and the plans will be reviewed according to the building regulations currently in place. If issued within one year, the permit fee shall be one-half (1/2) of a regular permit. If more than one year has expired, the permit fee will be the complete amount of a new building permit.

4. After the construction work shall have been completed and approved, the city will record a notice to remove the certificate of noncompliance with the county recorder, and a copy of the release notice will be mailed to the owner/builder.

5. If all other efforts to correct the violation fail, the city may commence steps to have the building removed as a public nuisance. (Ord. 2013-05)

17.04.130: RESPONSIBILITY FOR VIOLATIONS:

It shall be the duty of all contractors, subcontractors, builders, and other persons having to do with the establishment of any use of land, or the erection, altering, changing, or remodeling of any building or structure to see that a proper permit has been granted before such work is begun. Any such person doing or performing any such work without a permit having been issued conflicts with the requirements of this title and shall be deemed to be guilty of a violation of this title in the same manner and to the same extent that the owner of the premises or the persons for whom the use is established, and shall be subject to the penalties, prescribed for violation in this chapter. (Ord. 2004-19 § 1: Ord. 97-06 § 1-13)

17.04.140: PENALTIES:

Any firm, corporation, person or persons, or any action on behalf of such person, persons, firms, or corporations, violating any of the provisions of this title shall be guilty of a class B misdemeanor, or lesser offense at the discretion of the city.

Each person, persons, firm, or corporation found guilty of violation shall be deemed guilty of a separate offense for every day during which any violation of any provision of this title is committed, continued, or permitted by such person, persons, firm, or corporation and shall be punishable as provided in this title. (Ord. 97-06 § 1-14)

17.04.150: CHANGES AND AMENDMENTS:

This title, including the zoning map, may be amended from time to time by the city council. All proposed amendments shall be recommended by the planning commission and shall be heard by the planning commission at a public hearing with an advertised ten (10) day

public notice prior to the public hearing. In addition, the subject property shall be posted with a posting notice that can be seen by passersby during the advertising period, and property owners owning property within three hundred feet (300'), as measured by public street, shall receive a first-class mail notification of the upcoming public hearing with notice of the date, time, and place of the advertised public hearing mailed at least five (5)

working days prior to the public hearing. The applicant shall provide the city with first class addressed and stamped envelopes of all such property owners.

The city council, as an agenda item at a regularly scheduled council meeting shall consider the recommendation of the planning commission and may either approve the planning commission recommendation and approve the zone change, reject the zone change, table the zone change request for further study and consideration, or send the zone change request back to the planning commission for further study and recommendation for consideration by the city council at a later city council meeting. (Ord. 2012-19)

17.04.160: CONFLICTING PROVISIONS REPEALED:

Where any ordinance, resolution, or part thereof, is found to conflict with the provisions of this title, the most restrictive provision shall apply. (Ord. 97-06 § 1-16)

17.04.170: FEES:

Fees may be charged to applicants for building, occupancy and conditional use permits, design review and planned unit development approval, land use authority hearings, and such other services as are required by this title to be performed by public representatives or agencies. Such fees shall be established and amended from time to time by the city council and shall be in amounts reasonably necessary to defray costs to the public. (Ord. 2006-02: Ord. 2004-19 § 1: Ord. 97-06 § 1-17)

17.04.180: LICENSING:

All departments, officials, and public employees of the city of Santa Clara who are vested with authority to issue the permits or licenses provided for herein shall conform to the provisions of this title and shall issue no permit or license for uses, buildings, or purposes where the same would conflict with any provision of this title. Any permit or license issued that conflicts with any part of this title, or any other ordinance of the city of Santa Clara, shall be null and void. (Ord. 97-06 § 1-18)

17.04.190: ANNEXATION:

New areas to be annexed to the city shall be classified in the open space (OS) zone until such classification shall have been changed by an amendment to the zoning ordinance as provided by law.

Notwithstanding the above requirement, the planning commission shall have authority to prezone properties lying outside of the city limits to determine, in advance of the annexation, the zone or zones into which the property should be zoned upon annexation. Upon the recommendation of the planning commission, and subject to approval of the city council, such areas may come into the city in other zoning classifications than outlined in the previous paragraph.

All annexations to the city shall comply with all laws and requirements of the city and to all laws and requirements of Washington County and the state of Utah, relative to the annexation of land. (Ord. 2010-06: Ord. 2004-19 § 1: Ord. 97-06 § 1-19)

17.04.200: COMPLETION OF IMPROVEMENTS:

Required site improvements such as pavement for parking areas, curb and gutter, privacy walls, landscaping, storm drainage facilities, utilities, and all other improvements required under city ordinance, shall be completed prior to the issuance of a certificate of occupancy. If such improvements cannot be completed prior to receiving a certificate of occupancy, due to weather conditions, or other unusual circumstances, or at the decision of the city, a guarantee in the form of a cashier's check, cash bond, letter of credit or other means acceptable to the city, shall be provided to the city's guarantee that such required improvement will be fully completed as required. (Ord. 2004-19 § 1: Ord. 97-06 § 1-20)

17.04.210: DENIED AMENDMENTS; RECONSIDERATION:

In the event that a petition for a zone change or an ordinance amendment is denied by the city council, or is withdrawn after the planning commission hearing, the planning commission shall not consider the petition, or any other petition for the same zone change or amendment of this title as it applies to the same property described in the original petition, or any part thereof, within a period of one year from the date of such denial action, unless the conditions upon which the original denial was based have substantially changed.

For this section, a "substantial change" in a request shall mean a substantial reduction in density, and/or land area involved, a change in the proposed use, such as residential rather than commercial, or other factors which, in the opinion of the planning commission, clearly constitute a significant change in a zone change request. (Ord. 97-06 § 1-22)

17.04.220: VESTING AND EXPIRATION:

A. Vesting:

1. Process. A completed Land Use Application shall be entitled to substantive review and process under the Land Use Regulations in effect at the time the application is complete. A Completed Application requires that all information necessary for a final decision has been provided to the Land Use Authority and all fees have been paid.

2. Uses and Density. A Land Use Application shall not be considered formally approved or vested in that approval until the Land Use Authority has approved the final site plan, final Construction Drawings, or Final Plat

B. Expiration: Recognizing that the length of the planning, building, and engineering review process will vary with the size and complexity of each proposal, applicants must move their applications either to approval or denial in a reasonably expeditious manner. The city may formally close applications which remain inactive for one (1) year or longer due to acts or omissions of the applicant.

1. An application is deemed inactive and subject to closure based on inactivity if, through the act or omission of the applicant and not the city, one of the following occurs:

a. More than one (1) year has passed since the last substantive contact between staff and the applicant. Sporadic non-substantive contact shall not be sufficient to move an application forward or prevent closure.

b. More than one (1) year has passed since a request for additional information was made by staff, which request has:

i. not been complied with; or

ii. Was incomplete or insufficient.

c. The applicant is more than thirty (30) days in default of the payment of any fee assessed or required by ordinance.

d. The applicant has informed the city of intent to abandon the application.

2. When the designated planning, building, or engineering staff member determines an application is inactive, the application file may be closed.

a. No application may be closed based on inaction without giving thirty (30) calendar days' written notice to the applicant. Written notice may be delivered in person, by mail or by email. Such notice must state the intent of the respective department to have

the Project closed because of inaction and what the applicant must submit in a timely manner to maintain an active file.

b. Applicants who fail to provide a full and complete response shall not prevent closure if the requested information or submissions are insufficient, untimely, or incomplete.

Section 2. Effective Date:
This Ordinance shall become effective immediately upon adoption, recording and posting in the manner prescribed by law.

ADOPTED and approved by a duly constituted quorum of the City Council of the City of Santa Clara, Utah this 8th day of March 2023.

IN WITNESS, THERETO:

_____
RICK ROSENBERG, Mayor

ATTEST:

_____
CHRIS SHELLEY, City Recorder

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen

CITY OF
SANTA CLARA
FOUNDED 1854

City Council
Denny Drake
Leina Mathis
Ben Shakespeare
Jarett Waite
Christa Hinton

CITY COUNCIL

Meeting Date: March 8, 2023 **Agenda Item: 5**

Applicant: Santa Clara City

Requested by: Chris shelley

Subject: Service Agreement between Teri Forbes & Santa Clara City- Transcribe Minutes

Description:

City staff is asking for a new agreement with Teri Forbes to transcribe Minutes for Santa Clara City. Our previous transcriber had surgery Mar. 1, 2023 and will no longer be able to do the minutes for us. We reached out to Teri, she has been doing the PC, Hillside, and Heritage and Parks Minutes and has done a great job. She has agreed to do all the Council meeting minutes for the city. Staff is asking for your consideration and approval of the Service Agreement with Teri Forbes.

Recommendation: Approval

Attachments: **Yes**

Cost: $37.50 Hr.

Legal Approval: N/A

Finance Approval: Yes

Budget Approval: Yes

2603 Santa Clara Drive, Santa Clara, Utah 84765

Phone (435) 673-6712 Fax (435) 628-7338

Amended 3-1-2023

SERVICE AGREEMENT

SANTA CLARA CITY, a municipality duly organized and existing under the laws of the State of Utah, with its principal place of business located at 2603 Santa Clara Dr., Santa Clara, UT 84765 (hereinafter referred to as "Municipality") and Teri Forbes (hereinafter referred to as "Service Provider") herewith enter into this Service Agreement, effective as of March 1, 2023.

R E C I T A L S:

The parties recite and declare:

1. Service Provider is transcribing City Council Work Meeting, Regular City Council Meeting, Special Meetings, Planning Commission Meetings, Heritage Meetings, Hillside and TRC (If TRC meeting is over ***3*** hours) and Municipality is willing to receive said services, pursuant to the terms, covenants and conditions set forth in this agreement.

2. In order to properly transcribe minutes, Service Provider understands she will be required to submit transcribed minutes the Monday prior to the next City Council Meeting.

3. For the reasons set forth above, and in consideration of the mutual promises and agreements set forth in this agreement, which the parties agree are sufficient to support the promises contained in this agreement, the Municipality and Service Provider agree as follows:

SECTION ONE
SERVICES

1. Service Provider herewith agrees to perform, for and to the benefit of the Municipality, the following services:

   a. Prepare transcribed minutes and submit same to Municipality the Monday prior to the next City Council Meeting and Wednesday prior to the next Planning Commission Meeting.

   b. Submit recorded copy of meeting and copy of transcribed minutes in a format acceptable to Municipality.

Service Provider accepts and agrees to provide such service subject to the general need, requirements, and objectives of the Municipality.

SECTION TWO
INDEPENDENT CONTRACTOR

Service Provider shall be an independent contractor and not an employee of the City. The services performed shall not be subject to the supervision or requirements of the Municipality or its employees, as Service Provider is providing a service to the City as an independent business. Service Provider shall obtain a business license for this business. The City agrees to waive any business license fee.

SECTION THREE
TERM OF AGREEMENT

This Agreement shall terminate upon thirty (30) days written advance notice provided by either party, unless terminated sooner pursuant to the terms of this agreement.

SECTION FOUR
COMPENSATION

The Municipality shall pay Service provider and Service Provider shall accept from the Municipality, in full payment for all services provided to the Municipality. Compensation to Service Provider shall be established as follows: $37.50 hourly rate.

Municipality will make payment on invoice(s) for services, provided work is properly documented. Municipality requests that invoices be submitted in monthly intervals. under this Agreement.

SECTION FIVE
TERMINATION OF AGREEMENT

1. This agreement may be terminated for cause by either party with thirty (30) days written notice to the other party.
2. Cause justifying termination of this agreement shall be limited to the following:
    a. Service Provider fails to provide services or make reasonable progress on providing services required under this agreement.
    b. The Municipality fails to compensate Service Provider as required under this agreement.

3. In the event this agreement is terminated for cause, the Municipality shall pay Service Provider for work performed prior to termination of the contract pursuant to the compensation schedule set forth above, and the Municipality shall have no further obligation to make payments to Service Provider for any additional compensation which may have been due under this agreement, including, but not limited to monthly payments and payment of the contract balance.

4. Service Provider does not have any property interest in a continuation of this agreement and said agreement may be terminated without any form or due process or right to appeal.

5. Upon termination, Municipality shall pay Service Provider for unpaid services, which shall be the sole financial remedy of either party upon termination.

SECTION SIX
RETURN OF EQUIPMENT OF TERMINATION OF AGREEMENT

On termination of this agreement by either party, Service Provider shall give or return to Municipality all Municipality property. Information, files, client lists, and/or any other information generated pursuant to or in furtherance of this agreement, whether generated by the Municipality, Service Provider, or any other person.

SECTION SEVEN
BENEFITS

Service Provider shall have no right to and shall not be provided with any type of employment benefits including, but not limited to, sick leave, vacation leave, retirement, health insurance, workers compensation, disability insurance, etc.

SECTION EIGHT
HOLD HARMLESS/INDEMNIFICATION

1. Service Provider herewith agrees to indemnify and hold the Municipality, its officers, agents, officers and employees harmless from any action, cause of action, claims for relief, demands, damages, expenses, costs, fees, or compensation, whether or not said actions, causes of action, claims for relief, demands, damages, costs, fees, expenses and/or compensation are known or unknown, are in law or equity, and without limitation, all claims of relief which can be set forth through a complaint or otherwise that may arise out of the acts or omissions, negligent or otherwise of Service Provider and/or Service Provider's officers, official agents, or employees.

2. Service Provider warrants that Service Provider was informed that Municipality is not responsible for acquiring and maintaining Worker's Compensation insurance as well as liability insurance sufficient to support the promises, releases and waivers contained in this agreement, but such is the responsibility of the Service Provider.

SECTION NINE
AGREEMENT OUTSIDE OF CONTRACT

This agreement contains the complete agreement concerning the arrangement between the parties and shall, as of the effective date hereof, supersede all other agreements between the parties. The parties stipulate that neither of them has made any representation with respect to the subject matter of this agreement or any representations including the execution and delivery of this agreement except such representations as are specifically set forth in this agreement and each of the parties acknowledges that he or it has relied on its own judgment in entering into this agreement. The parties further acknowledge that any payments or representations that may have been made by either of them to the other prior to the date of executing this agreement are of no effect and that neither of them has relied thereon in connection with his or its dealings with the other.

SECTION TEN
MODIFICATION OF AGREEMENT

Any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if evidenced by writing signed by each party or any authorized representative of each party.

SECTION ELEVEN
CHOICE OF LAW

It is the intention of the parties to this agreement that this agreement and the performance under this agreement, and all suits and special proceedings under this agreement, be construed in accordance with and under and pursuant to the laws of the State of Utah and that, in any action, administrative action, special proceeding or other proceeding that may be brought arising out of, in connection with, or by reason of this agreement, the laws of the State of Utah shall be applicable and shall govern to the exclusion of the law of any other forum, without regard to the jurisdiction

in which any action or special proceeding may be instituted, with the exception that any action arising out of federal law shall be construed in accordance with and under and pursuant to the federal laws at issue.

SECTION TWELVE
NO WAIVER

The failure of either party to this agreement to insist upon the performance of any of the terms and conditions of this agreement, or the waiver of any breach of any of the terms and conditions of this agreement shall not be construed as thereafter waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.

SECTION THIRTEEN
EFFECT OF PARTIAL INVALIDITY

The invalidity of any portion of this agreement for any reason will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of this agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement of the invalid provision.

SECTION FOURTEEN
PARAGRAPH HEADINGS

The titles to the paragraphs of this agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this agreement.

IN WITNESS WHEREOF, each party to this agreement has caused it to be executed on the date indicated below.

SERVICE PROVIDER: _____

Teri Forbes Date

Amended 3-1-2023

MUNICIPALITY: SANTA CLARA CITY

By:_____

Its:_____

Date:_____

ATTEST:

_____

Chris Shelley

From: Santa Clara City <no-reply@email.sccity.org>
Sent: Thursday, March 2, 2023 4:10 PM
To: Katie Casselman; Chris Shelley; Brock Jacobsen; Selena Nez
Subject: City Council Action Application Form submitted on Santa Clara City by [990]
Attachments: 230302231019_city-council-action-application_formidable_entries_prvgl.csv

Meeting Type	CITY COUNCIL Item 6
Date Submitted	March 2, 2023
Requested Meeting Date	March 8, 2023
Applicant	Andrew Parker, Fire Chef
Subject	2003 Ford E-One Type Lease Agreement with Dammeron Valley Fire & Rescue
Background Description	The City is the sole owner of a 2003 Ford E-One Type 6 fire apparatus, VIN1FDAF57P33EB58970, odometer reading of 47,892.5 miles, and associated equipment would like to lease the Apparatus to the Dammeron Valley Fire & Rescue for its use in providing wildland fire suppression in Dammeron Valley and surrounding Washington County communities, subject to the terms and conditions of this Lease. This vehicle was set for capital liquidation in part due to its age and lack of implementation. Dammeron Valley Fire & Rescue solicited input on developing a partnership for the upcoming wildland season and agreed to staff the resource, provided they could use our pumper set within the terms of the agreement. The request is that the agreement is approved.
Proposed Recommendation (drop-down select	Approval
Cost	$0
File Upload	https://s3.us-west-004.backblazeb2.com/sccity/formidable/21/DVFSSD-Santa-Clara-Fire-Truck-Lease-Type-6-3_8_23.pdf

Approved by Legal Department (drop-down select)	Yes
Approved in Budget? (drop-down select)	Yes
Approved by City Finance Department? (drop-down select)	Yes
Amount	$1
Requested By	Andrew Parker

PUMPER TRUCK LEASE

This Lease Agreement (the "Lease") dated as of March 8th, 2023, is entered into by and between the City of Santa Clara, a municipality of the State of Utah (the "City"), as lessor hereunder, and Dammeron Valley Special Service District (the "Department"), as lessee hereunder.

Recitals

A. The City is the sole owner of a 2003 Ford E-One Type 6 fire apparatus, VIN1FDAF57P33EB58970, odometer reading 47,892.5 miles and associated equipment (hereafter together the "Apparatus");

B. The City would like to lease the Apparatus to the Department for its use in providing wildland fire suppression in Dammeron Valley and surrounding Washington County communities, subject to the terms and conditions of this Lease; and

NOW THEREFORE, for in and in consideration of the mutual promises and covenants herein contained, the parties hereto agree as follows:

Lease Provisions

1. **Lease**. The City hereby leases the Apparatus to the Department, and the Department leases the Apparatus from the City, to have and to hold under this Lease unless sooner terminated as expressly provided herein.

2. **Term**. The Lease term shall start as of the date of delivery of the Apparatus to the Department and shall end at midnight on December 31, 2023, unless earlier terminated or renewed as provided herein (hereafter the "Lease Term"). Unless either party delivers a written notice of non-renewal at least 30 days before the end of the initial Lease Term, the Lease Term will automatically be renewed, for successive one-year terms (each a "Renewal Term") for so long as neither party delivers a written notice of non-renewal to the other party at least 30 days before the termination of the then-current term.

3. **Use**. During the Lease Term, the Apparatus will at all times be used only to provide wildland fire suppression in Washington County and surrounding communities for mutual wildland fire suppression with the City at the discretion of the Department. The Apparatus is not to be used outside of Washington County as a State or Federal Resource for reimbursable wildland fire suppression.

4. Staffing Liability: The Department agrees to staff the vehicle during the lease agreement term at their discretion and will be responsible for all monetary compensation, worker's compensation, and health insurance, and assumes all liability of their employees, releasing the City of any obligations associated with staffing or accidental death or dismemberment as a result of operating the Apparatus.

5. **Compliance with Laws**. The Department shall, in the use of the Apparatus, comply with all applicable laws, rules, regulations, orders, directions and requirements of all governmental departments, bodies, bureaus, agencies, and officers.

6. **Termination of Lease Term**. The Lease Term shall terminate upon the first to occur of the following events:

a. The conclusion of the Lease Term and any valid Renewal Term;

b. Immediately upon the Department's return of the Apparatus to the City with the Department's written Notice of Termination based on the Department's statement that it no longer has a need for the Apparatus; or

c. 120 days from the date the City issues a written Notice of Termination to the Department based on the City's need to use the Apparatus.

7. **Use of Apparatus**. The City hereby covenants to provide to the Department during the Lease Term with the exclusive use of the Apparatus, and the Department shall during the Lease Term have the exclusive use of the Apparatus, without trouble or hindrance from the City, except as expressly set forth herein. The City shall always have the right at all reasonable times during business hours (and in emergencies) to inspect the Apparatus.

8. **Lease Payments**. The Department shall pay to the City, as Base Rent, $1.00 per year during the initial Lease Term and during any Renewal Term. In addition to Base Rent, the Department shall pay, as Additional Rent, for all of the following:

a. All costs necessary to operate the Apparatus;
b. All costs necessary to keep the Apparatus equipped with necessary supplies;
c. The costs of maintenance and repair as required under this Lease; and
d. The costs of insurance on the Apparatus.

9. **No Setoff**. Notwithstanding any dispute between the City and the Department, the Department shall pay all payments of Base Rentals and Additional Rent when due and shall not withhold any Base Rent or Additional Rent pending final resolution of such dispute. The obligation of the Department to pay Base Rentals and Additional Rentals during the initial Lease Term and any Renewal Term shall be absolute and unconditional in all events, and payment of the Base Rent and Additional Rent shall not be abated through accident or unforeseen circumstances.

10. **Title**. Title to the Apparatus shall remain in the City. The Department shall not have any right, title or interest in the Apparatus or any additions, repairs, replacements, modifications or fixtures thereto.

11. **Maintenance**. The Department shall, at its own expense, and as if the Department were the absolute owner of the Apparatus, operate, manage, keep and maintain the Apparatus in good working order, condition, and repair, including major repairs or replacements of a capital nature when necessary, including periodic painting as reasonably determined by the City, and in accordance with all applicable operating and maintenance manuals and all applicable laws, rules, ordinances, orders, and regulations as shall be in effect from time to time of (1) any federal, state, county, municipal, or other governmental or quasi-governmental agencies and bodies having or claiming jurisdiction thereof and all their respective departments, bureaus, and officials; (2) the insurance underwriting board or insurance inspection bureau having or claiming jurisdiction thereof; and (3) all insurance companies insuring all or any part of the Apparatus. The Department shall provide maintenance records at least annually or, upon the City's request, more frequently.

12. **Modifications**. The Department shall have the privilege of making substitutions, additions, modifications, or improvements at its own cost and expense, and the same shall be subject to this Lease; provided, however, that such substitution, addition, modification, or improvement shall not in any way damage the Apparatus or cause it to be used for any purpose other than those authorized under this Lease. The Department shall not allow any mechanic's or other lien to be established or remain against the Apparatus for labor or materials furnished in connection with any substitution, addition, modification, repairs, or improvement.

13. **Apparatus Insurance**. The Department agrees to insure or cause to be insured the Apparatus against loss or damage of the kinds usually insured against by public bodies similarly situated, including, without limitation, policies of casualty and property damage insurance, by means of policies issued by reputable insurance companies duly qualified to do such business in the State with a uniform standard coverage endorsement limited only as may be provided in the standard form of extended coverage endorsement at that time in use in Utah, in amounts that are not less than the full insurable value of the Apparatus. The term "full insurable value" as used herein shall mean the actual replacement value. Evidence of such insurance shall be provided to the City upon request.

14. **Liability Insurance**. The Department agrees that it will, during the Lease Term and any Renewal Term, maintain public liability coverage to the satisfaction of the City attorney or other general liability insurance at coverage limits of at least $1 million per occurrence for any one incident or accident, and at least $2 million in aggregate.

15. **Advances**. If the Department fails to maintain the insurance required under this Lease or to maintain and keep the Apparatus in good repair and operating condition, the City may (but shall be under no obligation to do so) obtain the required insurance and pay the premium on the same or make such repairs or replacements as are necessary and provide payment thereof. Amounts paid by the City under this Section shall be reimbursed by the Department upon request.

16. **Damage**. If the Apparatus is damaged at any time during the Lease Period, the Department shall repair the damage at its sole cost. If the Department fails to do so, the City may cause the Apparatus to be repaired and send the invoice for such repair to the Department, which shall pay the invoice amount to the City. If the Apparatus is damaged to a degree that it is considered a total loss, the Department shall pay the City the actual replacement value of the Apparatus.

17. **Disclaimer of Warranties**. The City makes no warranty or representation, either express or implied, as to the value, design, condition, merchantability or fitness for a particular purpose or fitness for use of the Apparatus or any of the equipment or fixtures therein or any other representation or warranty. In no event may the City be liable for any incidental, indirect, special, or consequential damage in connection with or arising out of this Lease or the existence, furnishing, functioning, or the use by the Department of any item, product, or service provided for herein.

18. **Assignment and Subleasing**. Except as provided otherwise in this Section, this Lease may not be assigned by the Department for any reason. Any attempted assignment is void. The Department shall not sublease the Apparatus for any reason.

19. **Events of Default**. Any one of the following shall be an "Event of Default" under this Lease:

a. Failure of the Department to pay any Base Rent or Additional Rental within 15 days of the date it is due;

b. Failure of the Department to observe and perform any covenant, condition, or agreement on its part to be observed or performed (other than as referred to in (a) above) for a period of 30 days after written notice, specifying such failure and requesting that it be remedied, given to the Department by the City, unless the City shall agree in writing to the extension of such time prior to its expiration; provided, however, that if the failure stated in the notice cannot be corrected within the applicable period, the City shall not unreasonably withhold its consent to an extension of such time if corrective action shall be instituted by the Department within the applicable period and diligently pursued until the default is corrected; or

c. The Department abandons the Apparatus or discontinues its use.

20. **Remedies on Default**. Whenever an Event of Default has happened, the City shall have the right, at its option, without further demand or notice, to take one or any combination of the following remedial steps:

a. Immediately take possession of the Apparatus, including all associated equipment and supplies;

b. File an action to enforce any payment or other obligation under this Lease;

c. Terminate the lease; and

d. Take whatever action at law or in equity may appear necessary or desirable to enforce the City's rights in the Apparatus.

21. **No Remedy Exclusive**. No remedy herein conferred upon or reserved to the City is intended to be exclusive, and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon an Event of Default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.

22. **Indemnification**. The Department shall indemnify, defend (which is defined to mean the reimbursement of costs and attorney's fees incurred by legal counsel of the City's choosing), and hold harmless the City from any claim or litigation arising from or related to the Department's use of the Apparatus.

23. **Attorney's Fees and Costs**. In the event that either Party files an action on this Lease, the prevailing party shall be entitled to an award of costs and attorney's fees from the non-prevailing party.

24. **No Additional Waiver**. In the event that any agreement contained herein should be breached by either party and thereafter waived by the other party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach hereunder.

25. **Severability**. In the event any provision of this Lease shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

26. **Apparatus at End of Lease Term**. At the end of the Lease Term or any applicable Renewal Period, or upon any earlier termination, the Department shall return the Apparatus to the City in

the same condition in which it was delivered to the Department, not exceeding an odometer reading of 58,900 miles (10,000 miles), including reasonable wear and tear excepted.

27. **Modification**. This Lease may not be amended, changed, modified, or altered except by a signed writing of the parties.

28. **Execution in Counterparts**. This Lease may be executed in counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

29. **Applicable Law**. This Lease shall be governed by and construed in accordance with the laws of the State of Utah.

30. **Captions**. The captions or headings of this Lease are for convenience only and in no way define, limit, or describe the scope or intent of any provision or Sections of this Lease.

IN WITNESS WHEREOF, the City and the Department have executed this Lease as of the day and year specified above.

SANTA CLARA CITY	**DAMMERON VALLEY FIRE SPECIAL SERVICE DISTRICT**
_____	_____
Rick Rosenberg, Mayor	By:
Date:	Its:
	Date:
Attest:	Attest:
_____	_____
Chris Shelley, Recorder	