

TITLE 11

CHAPTER 54

REVIEW AND PLAT REQUIREMENTS -

ARTICLE A. MINOR SUBDIVISIONS

SECTION:

11-5-1: Applicability

11-5-2:11-5-1: Definitions

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11-5-3: Submittal Process

11-5-4: Required Improvements

11-5-5: Conditions, Covenants and Restrictions

11-5-5: Protective Covenants

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**11-5-1: APPLICABILITY**

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The provisions of this article shall apply only to minor subdivisions, where a parcel of land is subdivided into three (3) or fewer lots that either front a dedicated city street or are located to the rear of a lot and are accessed by a dedicated or non-dedicated street (private lane).

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All other provisions of this title, including specifically the requirements for preparing and drawing site plans, final plats and covenants, as well as the standards for improvements within a subdivision, shall apply to minor subdivisions and all other provisions of this title shall remain in full force and effect as to regular subdivisions. (Ord. 16-3-96, 10-22-1996)

**11-5-2: DEFINITIONS**

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The following words and phrases used in this chapter shall have the following meaning unless a different meaning clearly appears from the context:

**11-5-2: PROCEDURE FOR APPROVAL PROCEDURE FOR APPROVAL**

**11-5-3:**

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The procedure for obtaining approval of a minor subdivision is a simplified subdivision plat review and approval process. shall be as follows:

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A. The Applicant shall submit a Minor Subdivision application to the Development Review Committee (DRC), which must review, approve, or reject the final plat.

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B. The Review Cycle is Capped. A maximum of three review cycles is permitted for determination of Final Approval. The DRC must complete each review cycle within

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20 business days following submittal and acceptance of the original application, and 20 days for each subsequent review cycle as applicable.

C. A review cycle is not considered complete until the applicant has adequately addressed any redlines identified by the municipality. The City may only add new redlines after the first review cycle in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law.

D. With fully engineered construction drawings approved by the city, an approved final plat is recorded in the office of the county recorder.

### 11-5-3: SUBMITTAL PROCESS

A. Qualification Conference:

1. The owner or agent of the owner of a parcel of land proposed to be divided into a minor subdivision (3 or less lots total) shall first meet with the commission to determine if the proposal meets with the definition of a "minor subdivision."
2. Upon determination that the proposed development does qualify as a minor subdivision, the owner or agent may prepare and submit an application for approval of the minor subdivision.

B.A. Application to Administrative Land Use Authority (Planning Commission:ALUA)Development Review Committee

1. The applicant subdivider must complete and file an application with the planning commission DRC at least two (2) weeks prior to the commission meeting at which the application would be considered.
2. The following items shall be included or accompany the application:
  - a. Legal description of the proposed lots.
  - b. Site plan drawn to scale showing the layout of the proposed lots in relation to the existing roads, buildings, fences, topographical features of the property, utilities and utility easements, distances and dimensions of the proposed lots and other features, and any proposed improvements.
  - c. A nonrefundable application fee in such amount as established by resolution of the city council. (Ord. 16-3-96, 10-22-1996; amd. 2005 Code)

(3-2020-5-19-20)

B. Public HearingMinor Subdivision Review and Approval Process: The ALUA shall review the Minor Subdivision Application. The ALUA must review the subdivision application within 15 business days from the date a complete application has been received. The ALUA may conduct a single public hearing and receive public comment as part of this process, although a public hearing is

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~~not required and is not recommended.~~

1. ~~Eight (8) copies of the application site plan as described herein drawn to scale shall be submitted to the DRC for consideration. (4-2010, 7-13-10) (3-2020, 5-19-20)~~
2. ~~The Development Review Committee shall review the application and determine compliance with all standards and criteria set forth in this Ordinance and all other applicable ordinances of the City and the State of Utah.~~
3. ~~If the Development Review Committee determines that the minor subdivision application is in conformity with the requirements of this Title, other applicable ordinances, and any reasonable conditions, that all fees have been paid as required, and that the City is satisfied with the final plat of the subdivision, it may approve the final plat.~~
4. ~~If the Development Review Committee determines that the final plat is not in conformity with this Title or other applicable ordinances, it may disapprove the final plat specifying the reasons for such disapproval. No final plat shall have any force or effect unless the same has been approved by the Development Review Committee, City Engineer, City Attorney, and signed by the Mayor and City Recorder.~~

~~C. A public hearing will be held in accordance with section 10-3-9 of Title 10. In order to meet the requirements of state law, it is necessary for the subdivider to provide notice to the city at least two (2) weeks prior to the planning commission meeting in which the public hearing will be held. Eight (8) copies of the application site plan as described herein drawn to scale shall be submitted to the planning commission chairperson for consideration at the public hearing. (4-2010, 7-13-10) (3-2020, 5-19-20)~~

~~D. Initial Approval: The commission ALUA may approve, disapprove or modify the application and the requests contained therein based upon the planning policies of the city.~~

~~E. Final Plat:~~

~~Final Plat: If the preliminary application complies with applicable local regulations, it shall be approved and proceed to Final Subdivision review. If the preliminary plat is approved, the ALUA shall return one signed copy of the plat to the applicant with any conditions attached. Other signed copies shall be forwarded to each of the interested city departments. The ALUA shall retain one signed copy of the plat for its files.~~

~~C. The receipt of a signed copy of the approved preliminary plat shall authorize the applicant to proceed with the preparation of the final plat and construction documents.~~

~~The receipt of a signed copy of the approved preliminary plat shall authorize the applicant to proceed with the preparation of the final plat and construction documents.~~

1. ~~In lieu of a preliminary plat as required with a subdivision and upon the approval by the commission of the application for the minor subdivision, with or~~

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~~without modifications, the subdivider shall submit a final plat prepared by a registered land surveyor or certified engineer, which, upon the approval of the city engineer, shall be examined for approval by the commission.~~

~~2. Upon the recommendation of the planning commission, the final plat, together with any required modifications, shall be submitted to the city council for its approval or nonapproval.~~

~~3.1.~~ Upon the approval of the ~~city council~~ ALUADRC, with or without modification, the final plat may then be recorded in the office of the county recorder.

4. The plat shall be recorded no more than one year after the date of approval unless an extension is granted by the city council.

~~2.~~

5. Any waivers as to the requirements for improvements or any postponement of the obligation to complete such improvements must be specifically approved by the city council as a prerequisite to the approval and recording of the final plat.

~~3.~~

#### F.D. Improvements:

1. Construction plans for the required improvements shall meet the standards of this title and shall be submitted to the city engineer for approval prior to the recording of the final plat.

2. No final plat shall be approved by the ~~commission~~ DRC until the city engineer has signed the final contract in which the developer agrees to construct the required improvements as shown in the plat, construction plans and supporting documents. The improvements in said contract must be completed and approved before any building permit shall be issued for the construction of buildings upon the lots, unless waived or postponed by the ~~commission and~~ city council, with the conditions of waiver or postponement being specified in a written agreement between the developer and the city. (Ord. 16-3-96, 10-22-1996)

~~2.~~

~~G.~~

Appeal

#### Process Appeals:

E.

1. ~~Two distinct appeal may be requested by the applicant once the four review cycles have been exhausted and the 20-day Final review period has passed. The appeals process described in Title 11-3-9 shall apply.~~

~~For disputes regarding public improvements or engineering standards, the city will assemble a three person panel that will meet within 10~~

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days of receiving a request from the applicant. This panel of experts shall include:

- One licensed engineer designated by the municipality.
- One licensed engineer designated by the land use applicant.
- One licensed engineer, agreed upon, and designated by the two designated engineers.
- Members appointed to the panel may not have an interest in the application. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee, and the municipality pays the other 50%.
- The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days once the final written appeal decision has been issued.
- For all other disputes, the municipality shall refer to the designated appeal authority upon request by the applicant (see 10-3-2 Appeal Authority).

3. \_\_\_\_\_

#### 11-5-4:11-4-2: REQUIRED IMPROVEMENTS

The following improvements shall be required for minor subdivisions:

A. Water Supply:

1. Culinary water rights and well drilling permits must be secured to accommodate the culinary needs of the proposed development, or approved arrangements made for the hookup of the minor subdivision to the city water system.
2. In addition to the culinary water supply, a plan for an adequate amount of water, and distribution thereof (fire hydrants) to fulfill fire protection requirements shall also be approved and developed. Where no domestic water source is proposed by the subdivider the words "no proposed domestic water source" shall appear on the final plat.

- B. Sewage Disposal: The developer must provide for sewage disposal, including the possibility of a dry line sewer by connection with the city sewer system unless the city engineer deems it unreasonable, not feasible, or unnecessary. and the planning commission-DRC and city council must approve the waiver or postponement of the requirement for a wet or dry line sewer, with the conditions of such waiver or postponement being set forth in written agreement between the developer and the city. In cases where connections to the city sewer lines are not made, the developer must obtain a permit for each lot according to its capacity to support an individual septic tank and drain field system from the county health department.

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A. Storm Water Drainage: The developer must obtain an approval from the city engineer for the storm water drainage system impact to assure that any increase in storm water drainage will not flow from the minor subdivision to adjacent properties or irrigation ditches unless drainage easements have been first obtained from such property owners or relevant irrigation companies.

C.

C.D. ~~Read~~Street —Improvements: Streets which are interior and/or act as ingress/egress to minor subdivisions shall have a minimum width of ~~twenty~~ ~~two~~ ~~twenty-two~~ feet (22') paved with six and one-half foot (6 1/2') graveled shoulders on each side, and a thirty five foot (35') right of way. On inner block developments (perpendicular to a dedicated city street), there must be adequate turnaround capacity on the dedicated streets to accommodate public safety and garbage collection vehicles. The standards for such roads shall be set forth in the other chapters of this title, unless specifically waived by the ~~commission~~DRC and upon the approval of the city engineer. The ~~commission~~DRC may waive any requirements as to the construction of roads which are not dedicated and are interior; provided, that all roads shall be shown on the plat and specifically that the words "this road is not dedicated" and "no public maintenance of this road" must appear on these streets as they appear on the final plat. The ~~commission~~DRC may waive any requirements. for curb, gutter and sidewalk. Construction of streets for minor subdivisions, unless waived, shall be governed by the same standards as apply to regular subdivisions.

D.E. Fire Protection: The subdivider must provide and obtain approval of a fire protection system. The system must be based upon the recommendations of the fire marshal and approved by the city engineer, and may consist of either fire hydrants, water storage or such systems as would be approved by the fire marshal and city engineer. (Ord. 16-3-96, 10-22-1996)

#### ~~11-5-5;11-4-2:~~ CONDITIONS, COVENANTS AND RESTRICTIONS (CCRs)

CCRs shall be approved by the ~~Administrative Land Use Authority (planning commissionALUA) DRC,~~ together with the final plat, ~~and approved thereafter by the city council.~~ The CCRs shall thereupon be recorded with the final plat. (5-2019, 9-10-19)

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