



MURRAY
CITY COUNCIL

Committee of the Whole Meeting January 2, 2024



Murray City Municipal Council Committee of the Whole Meeting Notice January 2, 2024

PUBLIC NOTICE IS HEREBY GIVEN that the Murray City Municipal Council will hold a Committee of the Whole meeting beginning at 4:30 p.m. on Tuesday, January 2, 2024 in the Poplar Meeting Room #151 located at Murray City Hall, 10 East 4800 South, Murray, Utah.

The public may view the Committee of the Whole Meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/Murraycityutah/>.

Meeting Agenda

4:30 p.m. **Committee of the Whole** – Poplar Meeting Room #151
Rosalba Dominguez conducting.

Approval of Minutes

Committee of the Whole – December 6, 2023

Discussion Items

1. Power Department Report. Greg Bellon presenting. (20 minutes)
2. Discussion on an ordinance amending Title 16 of the Murray City Municipal Code regarding subdivision approval procedures. Zac Smallwood presenting. (30 minutes)
3. Reports from Interlocal Boards and Committees. (5 minutes per report)
 - a. Central Valley Water – Ben Ford
 - b. Utah Infrastructure Agency – Brenda Moore
 - c. Valley Emergency Communications Center, Metro Fire and Utah Telecommunications Open Infrastructure Agency – Doug Hill
 - d. Council of Governments and Wasatch Front Waste and Recycling District – Mayor Hales

Adjournment

NOTICE

Supporting materials are available for inspection on the Murray City website at www.murray.utah.gov.

Special accommodations for the hearing or visually impaired will be made upon a request to the office of the Murray City Recorder (801-264-2663). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speaker phone. The speaker phone will be amplified so that the other Council Members and all other persons present in the Poplar Meeting Room will be able to hear all discussions.

On Friday, December 29, 2023, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Hall, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov and the state noticing website at <http://pmn.utah.gov>.

Jennifer Kennedy

Jennifer Kennedy
Council Executive Director
Murray City Municipal Council



MURRAY
CITY COUNCIL

Committee of the Whole Minutes

**MURRAY CITY MUNICIPAL COUNCIL
COMMITTEE OF THE WHOLE**

Work Session Minutes of Wednesday, December 6, 2023
Murray City Hall, 10 East 4800 South, Poplar Meeting Room, Murray, Utah 84107

Attendance:

Council Members:

David Rodgers	District #1
Pam Cotter	District #2
Rosalba Dominguez	District #3 – Vice-Chair – Excused
Diane Turner	District #4
Garry Hrechkosy	District #5 – Chair

Others:

Brett Hales	Mayor	Jennifer Kennedy	City Council Executive Director
Doug Hill	Chief Administrative Officer	Pattie Johnson	Council Administration
G.L. Critchfield	City Attorney	Brenda Moore	Finance Director
Phil Markham	CED Director	Brooke Smith	City Recorder
Ben Ford	Wastewater	Joey Mittelman	Fire Chief
Jeff Puls	Fire Marshal	Ella Olsen	City Journals
Phil Markham	CED Director	Russ Kakala	Public Works Director
Ben Gray	IT	Priscilla Kowalski	CED
Citizens			

Conducting: Council Member Hrechkosy called the meeting to order at 5:30 pm.

Approval of Minutes: Committee of the Whole – November 14, 2023.

Council Member Rodgers moved to approve, and Council Member Cotter seconded the motion.
All in favor 4-0.

Discussion Items:

- **Updated multi-jurisdictional automatic aid, mutual aid, fire, training, emergency medical, and other services agreement.**

Chief Mittelman reported that the MFD (Murray Fire Department) Auto-Aid Agreement was last updated in 2018. Proposed changes include adding a few outliner cities, bringing the total of participant cities to 17. It also updates how first responders are dispatched and adds a new IMT (Instant Management Team). He said Murray attorneys were involved in helping to restructure the agreement, make corrections and implement positive legal changes.

Chief Mittelman reviewed in detail three types of aid provided within the agreement that are Automatic-aid, Mutual-aid, and aid from the IMT. The IMT is the one major change within the Salt Lake Valley which is a group of chief officers that serve as an expert group of qualified individuals to assist with emergency operations on large scale disasters.

He explained that MFD participates in monthly trainings, utilizing specific equipment, so the proposed agreement also includes liability insurance for MFD to host some of the training events. The contract

for the Auto-Aid Agreement is for five years and will automatically renew. He displayed a heat map reflecting scene locations of computer-aided dispatch incident areas and discussed MFD call and case volumes this year. The Council is slated to consider the updated Auto-Aid Agreement in January 2024.

- **An ordinance amending Sections 15.24.010 and 15.24.020 of the Murray City Municipal Code relating to the International Fire Code and collected permit fees.**

Chief Mittelman read the new International Fire Code adoption, discussed how textual changes were made and confirmed that the amendment was adopted by the State this year. He explained that to be in compliance the City would need to update Murray's Fire Code. The Council would consider the ordinance in a council meeting.

He explained a second part to the proposed ordinance that would bring clarity about the fire code and related to the Fee Structure Code. He said that in reviewing wages for Murray's fire prevention staff and all fire prevention and recovery costs, the current fee schedule did not come close to covering the total cost. He discussed cost related details about conducting plan reviews, construction inspections, new business inspections, false fire alarm calls, education programs and standby costs to confirm that the proposed fee structure would provide for all the related services and employee wages.

Adjournment: 6:10 p.m.

Pattie Johnson
Council Office Administrator III



Discussion Items



Discussion Item #1



MURRAY

Murray City Council

Power Department Quarterly Report

Council Action Request

Committee of the Whole

Meeting Date: January 2, 2024

Department Director Jennifer Kennedy Phone # 801-264-2622 Presenters Greg Bellon Required Time for Presentation 20 Minutes Is This Time Sensitive No Mayor's Approval Date December 18, 2023	Purpose of Proposal Quarterly Power Department Report Action Requested Information only. Attachments Budget Impact None Description of this Item The Power Department will provide an update on their department.
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Discussion Item #2



MURRAY

Community and Economic Development

Title 16, Subdivision Code - Text Amendments

Council Action Request

Committee of the Whole

Meeting Date: January 2, 2024

Department Director Phil Markham Phone # 801-270-2427 Presenters Zachary Smallwood Phil Markham Required Time for Presentation 45 Minutes Is This Time Sensitive Yes Mayor's Approval  Date January 1, 2024	Purpose of Proposal Review state mandated changes to subdivision approvals Action Requested Text Amendment Adoption Attachments Proposed changes to Title 16, Presentation Budget Impact None Anticipated Description of this Item The Utah State Legislature passed Senate Bill 174 (HB 462) in 2023, requiring that municipalities update the process for approving subdivisions. In many communities across Utah there is a complex process to get a subdivision approved. Many cities require a Concept Review which is conducted at the staff level to address broad issues. Afterwards, a preliminary plat is prepared & reviewed by the Planning Commission, which is where the similarities between Murray and other cities end. In many other communities the City/Town Council would then review the Preliminary Plat and approve or deny. The Plat then would go through the final plat process and again be reviewed by the Planning Commission and City/Town Councils. Between each of those reviews could be many reviews between the applicant and the city with regards to standards that needed to be completed. Continued below;
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Continued from Page 1:

The state has since mandated that municipalities streamline the process to better process these types of applications. As a result, Murray needs to update some language and do some cleanup to meet the standards outlined by the state.

Staff has been working on these changes in earnest since the legislation passed and are prepared to move this forward to be reviewed by the Planning Commission and the City Council before the required deadline date of February 1, 2024.

MURRAY CITY CORPORATION

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 16th day of January, 2024, at the hour of 6:30 p.m., in the City Council Chambers of the Murray City Hall, 10 East 4800 South, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing on and pertaining to various text amendments to Title 16 of the Murray City Municipal Code relating to the process required for subdivision approval to comply with State Law.

The purpose of this hearing is to receive public comment concerning the proposed text amendments as described above.

DATED this _____ day of _____, 20____.

MURRAY CITY CORPORATION

Brooke Smith
City Recorder

DATES OF POSTING: JANUARY 5, 2024

LOCATIONS OF POSTINGS – AT LEAST 10 CALENDAR DAYS BEFORE THE PUBLIC HEARING:

1. Utah Public Notice Website
2. Murray City Website
3. Posted at Murray City Hall
4. Mailed to Affected Entities

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 16.04.020, 16.04.040, 16.04.050, 16.04.060, 16.04.070, 16.04.080, 16.04.090, 16.04.100, 16.04.110, 16.04.120, 16.08.020, 16.08.030, 16.08.040, 16.12.010, 16.12.020, 16.12.030, 16.12.040, 16.12.050, 16.12.060, 16.12.070, 16.12.080, 16.12.090, 16.12.100, AND 16.12.110 OF THE MURRAY CITY MUNICIPAL CODE REGARDING SUBDIVISION APPROVAL PROCEDURES.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to amend Sections 16.04.020, 16.04.040, 16.04.050, 16.04.060, 16.04.070, 16.04.080, 16.04.090, 16.04.100, 16.04.110, 16.04.120, 16.08.020, 16.08.030, 16.08.040, 16.12.010, 16.12.020, 16.12.030, 16.12.040, 16.12.050, 16.12.060, 16.12.070, 16.12.080, 16.12.090, 16.12.100, and 16.12.110 of the Murray City Municipal Code regarding Subdivision approval procedures.

Section 2. Amend Sections 16.04.020, 16.04.040, 16.04.050, 16.04.060, 16.04.070, 16.04.080, 16.04.090, 16.04.100, 16.04.110, 16.04.120, 16.08.020, 16.08.030, 16.08.040, 16.12.010, 16.12.020, 16.12.030, 16.12.040, 16.12.050, 16.12.060, 16.12.070, 16.12.080, 16.12.090, 16.12.100, and 16.12.110 of the Murray City Municipal Code. Sections 16.04.020, 16.04.040, 16.04.050, 16.04.060, 16.04.070, 16.04.080, 16.04.090, 16.04.100, 16.04.110, 16.04.120, 16.08.020, 16.08.030, 16.08.040, 16.12.010, 16.12.020, 16.12.030, 16.12.040, 16.12.050, 16.12.060, 16.12.070, 16.12.080, 16.12.090, 16.12.100, and 16.12.110 of the Murray City Municipal Code shall be amended to read as follows:

16.04.020: DEFINITIONS:

~~ARTERIAL OR MAJOR STREET: A street which functions or is intended to function as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.~~

AVERAGE PERCENT OF SLOPE: The rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a lot. A vertical rise of one hundred feet (100') between two (2) points one hundred feet (100') apart measured on a horizontal plane is a one hundred percent (100%) grade or a one to one (1:1) slope.

~~COLLECTOR STREET: A street which is of considerable continuity which functions or is intended to function as the principal trafficway between large and separated areas or districts, and which is the means of access to the major or arterial street system.~~

COMPLETE APPLICATION: An application that clearly demonstrates that the applicant has met all objective ordinance-based application criteria and has paid the application fees.

~~CUL-DE-SAC: A street closed at one end by an enlarged, circular turnaround area.~~

CUT: Either excavated material, or the void resulting from the excavation of earth material. The reference for a cut is the distance from a survey elevation stake to a required lower adjacent elevation.

DEPARTMENT: The Community and Economic Development Department.

DEVELOPER: Any subdivider or any person or organization that develops, or intends to develop, property after it has been divided.

EXCAVATION: Either the removal of earth from its natural position, or the cavity resulting from the removal of earth.

FILL: Earth materials used either as a manmade deposit or to raise an existing grade, or shall mean the depth or the volume of such material. The reference for a fill is the distance from a survey elevation stake to a required higher adjacent elevation.

FINAL GRADING: The last stage of grading a soil or gravel material prior to landscaping or the installation of concrete or bituminous paving, or other required final surfacing material.

FINAL PLAT: A map and supporting documents, prepared in accordance with the provisions of this title and prepared for recording in the office of the county recorder.

GRADING: Either an excavation or fill, or the act of excavating or filling.

IMPROVEMENTS: Curbs, gutters, sidewalks, gradings, pavings, landscaping, water, sewer and power systems, drainage systems, fences, public facilities, amenities and other such requirements of this title.

LAND USE AUTHORITY: For purposes of Title 16, the Planning Commission is the land use authority for review and approval of a preliminary subdivision application and Planning staff is the land use authority for review and approval of a final subdivision application.

LAND USE AUTHORITY does not include the City Council or a member of the City Council.

~~LOT: Either a division of land platted and placed on record in accordance with the laws and ordinances of the city, or a division of land described by metes and bounds on the records of the county recorder.~~ A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

LOT, DOUBLE FRONTAGE: A subdivision lot which has access from an interior subdivision street and also abuts the right-of-way of a collector or arterial street along the rear lot line.

MONUMENT: A permanent survey marker established by the county surveyor and shown on a final plat with state plane coordinates, and/or a survey marker set in accordance with the City Engineer's specifications and referenced to county survey monuments.

NATURAL STATE: The condition of land which has not been graded, disturbed, or built upon.

PARCEL: Any real property that is not a lot.

~~RESIDENTIAL STREET: A local street which is supplementary to a collector street and of limited continuity which functions as or is intended to serve the local needs of a neighborhood and which is the means of access to the collector street system.~~

REVIEW CYCLE: Means the occurrence of:

a. the applicant's submittal of a complete subdivision land use application including the City's written determination of completeness;

b. the City's review of that subdivision land use application;

c. the City's response to that subdivision land use application, in accordance with this section; and

d. the applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.

SENSITIVE AREA: An area of land which contains environmental or geological elements which, if altered, may cause damage to the environment or the improvements thereon.

STREET: A right of way for the purpose of vehicular and pedestrian traffic.

STREET, ARTERIAL: a street that functions or intended to function as a major traffic way and is designated on the master transportation plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of a street plan.

STREET, COLLECTOR: A street that is of considerable continuity that functions or is intended to function as the principal traffic way between large and separated areas or districts, and that is the means of access to the major or arterial street system.

STREET, CULD-DE-SAC: a street closed at one end by an enlarged, circular turnaround area.

STREET, LOCAL: A street which is supplementary to a collector street and of limited continuity which functions as or is intended to serve the local needs of a neighborhood, and which is the means of access to the collector street system. Local streets primarily serve land-access functions. Local street design and control facilitates the movement of vehicles onto and off the street system from land parcels. Through-movement is difficult and discouraged by both the design and control of this type of facility. This level of street network is likely to provide the highest level of comfort to bicyclists and pedestrians. Local streets will have the lowest speeds and be mostly absent of large vehicles. Existing local streets are identified in the Master Transportation Plan.

~~RESIDENTIAL STREET: A street which is supplementary to a collector street and of limited continuity which functions as or is intended to serve the local needs of a neighborhood, and which is the means of access to the collector street system.~~

SUBDIVIDER: Any person who: a) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who b) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision; or who c) engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale, lease, or development a subdivision; or who d) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

SUBDIVISION: Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions. "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 instrument; and b) divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

SUBDIVISION IMPROVEMENT PLANS: the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

SUBDIVISION ORDINANCE REVIEW: review by the City to verify that a subdivision land use application meets the criteria of the City's subdivision ordinances.

SUBDIVISION PLAN REVIEW: a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications

UTILITIES: Natural gas, electric power, cable television, telephone, storm system, sewer, culinary water and other services deemed to be of a public utility nature by the City.

UTILITY EASEMENT: The area designated for access to construct or maintain utilities on privately or publicly owned land.

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16.04.040: GENERAL RESPONSIBILITIES:

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B. ~~The Community and Economic Development Director or designee~~ City shall review the plans and plats for design; for conformity to the general plan and to title 17 of this code; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title.

....

F. The Planning Commission shall act as the final Land Use Authority to approve (1) preliminary subdivision plats; and (2) the establishment of requirements and design standards for public improvements. It shall make investigations, reports and recommendations on proposed subdivisions as to their conformance to the general plan and title 17 of this code, and other pertinent documents as it deems necessary. After completing its review of the final plat, the Planning Commission shall approve or disapprove the final plat in accordance with section 16.12.070 of the Code.

G. The Planning staff shall act as the final Land Use Authority to approve final subdivision plats. After completing its review of the final plat, the Planning staff shall approve or disapprove the final plat in accordance with section 16.12.070 and 16.04.045 of this chapter.

GH. The City Attorney shall verify that the bond provided by the subdivider is acceptable, that the subdivider dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the subdivider, and may review other matters which may affect the City's interests.

H. The Mayor may sign, as a non-discretionary and ministerial act, final subdivision plats for the acceptance of lands and public improvements that may be proposed for dedication to the city.

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16.04.050: REVIEW CYCLES

In reviewing a completed subdivision land use application, the review cycles set forth in Utah Code sections 10-9a-604.1 and 10-9a-604.2, or successor provisions, shall apply.

A. In reviewing a completed subdivision land use application, the City may require:

1. additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements; and

2. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

B. The City's request for additional information or modifications to plans under Subsection (A)(1) or (2) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

C. The City will not require more than four complete review cycles.

D. _____

1. Subject to Subsection (D)(2), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the City's plan review is waived.

2. A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

3. If an applicant makes a material change to a plan set, the City has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.

E. If an applicant does not submit a revised plan within 20 business days after the City requires a modification or correction, the City shall have an additional 20 business days to respond to the plans.

F. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the City's previous review cycle, the City may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

G. _____

1. In addition to revised plans, an applicant shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

2. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

3. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

H. If, on the fourth or final review, the City fails to respond within 20 business days, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

1. for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

2. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the hearing officer.

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16.04.050060: COMPLIANCE REQUIRED:

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2. Plat Must Not Conflict With Plans, Ordinances Or Laws: A plat shall not be approved if the Planning Commission-City determines such plat to be in conflict with any provision or portion of the general plan, the transportation master plan, title 17 of this code, this chapter, and any other state law or City ordinance.

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16.04.060070: CONCEPT REVIEW:

A. A concept review is required may be requested by the subdivider for all proposed subdivisions ~~unless the Community and Economic Development Director or designee determines that a concept plan is not necessary.~~ A concept review provides the subdivider with an opportunity to consult with and receive information from the City regarding the regulations and design requirements applicable to the proposed subdivision. The concept review procedure may be informal and may consist of one or more meetings with affected departments, all as determined by the Community and Economic Development Director.

B. If a concept review is requested, the City shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.

C. At the concept review, City staff shall provide or have available on the City website:

- 1. copies of applicable land use regulations;
- 2. a complete list of standards required for the project;
- 3. preliminary and final application checklists; and
- 4. feedback on the concept plan

D. The subdivider shall provide the following items:

- 1. The proposed name of the subdivision;
- 2. A vicinity plan showing significant natural and manmade features or existing structures on the site and within five hundred feet (500') of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than two feet (2'); north arrow; and scale of the drawing;
- 3. A proposed lot and street layout;
- 4. Availability of utilities as evidenced by letters from the utility companies;

5. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA;

6. The total acreage of the entire tract proposed for subdivision;

7. Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any.

E. After the concept review has been completed the subdivider may apply for preliminary plat review consistent with the concept review. If preliminary plat review is not requested within twelve (12) months after a concept review is completed, the Community and Economic Development Director may require a new concept review before the preliminary plat review may proceed.

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16.04.070: STAFF AUTHORITY:

~~The City's planning staff and all other officers and employees of the City act in advisory capacity to the Planning Commission and have no authority to make binding decisions or to make authoritative representations, approvals or determinations other than in a purely advisory and recommending capacity.~~

16.04.080: SUBMISSION:

~~If the Community and Economic Development Director or designee requires a subdivision concept review, the subdivider shall provide the following items:~~

- ~~—A. The proposed name of the subdivision;~~
- ~~—B. A vicinity plan showing significant natural and manmade features or existing structures on the site and within five hundred feet (500') of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than two feet (2'); north arrow; and scale of the drawing;~~
- ~~—C. A proposed lot and street layout;~~
- ~~—D. Availability of utilities as evidenced by letters from the utility companies;~~
- ~~—E. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA;~~
- ~~—F. The total acreage of the entire tract proposed for subdivision;~~
- ~~—G. Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any.~~

16.04.090: SUBMISSION FOR PRELIMINARY REVIEW:

~~After the concept review, if required, has been completed, as determined by the Community and Economic Development Director or designee, the subdivider may apply~~

~~for preliminary plat review consistent with the concept review. If preliminary plat review is not requested within twelve (12) months after a concept review is completed, the Community and Economic Development Director may require a new concept review before the preliminary plat review may proceed.~~

16.04.100080: EXEMPTION FROM PLAT REQUIREMENT (LOT SPLIT SUBDIVISIONS):

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1. A plat is required if the proposed subdivision requires a dedication of real property for public street, utility easements, or other similar public purposes, as determined by the Community and Economic Development Department after consultation with affected City departments. If a plat is required by this subsection, the plat must be (1) reviewed and approved by the ~~Planning Commission;~~ Planning staff; and (2) dedications accepted by the Mayor before recording.

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~~E. Referral For Review: The subdivision may be approved, approved with conditions, or disapproved by the Community and Economic Development Department. The proposed subdivision may be referred to the Planning Commission for review if the Community and Economic Development Director or designee determines it is in the City's best interest.~~

~~—F.~~ F. Final Approval: If the survey and proposed division are in compliance with all City ordinances and conditions imposed, the lot split subdivision shall be approved by the Community and Economic Development Director or designee, and no further approval from the City is required.

~~—G.~~ G. Subdivision: After final approval, the property may be subdivided as approved and conveyed by metes and bounds legal descriptions.

~~H.~~ H. Fee: The City charges a fee for applications for lot split subdivisions, which must be paid at the time the application is submitted. The fee will be established by the Mayor in a written fee schedule in an amount reasonably necessary to defray costs of processing an application. The written fee schedule will be made available for public inspection in the ~~City's Public Works~~ Department.

~~I.~~ I. Appeal: A final decision of the Community and Economic Development Director or the ~~Planning Commission~~ designee may be appealed to the Appeal Authority by any aggrieved person or by any officer, department, board or agency of the City affected by the decision or action. Appeals must be filed, in writing, with the ~~City's Community and Economic~~ Department within ten (10) days after the decision is made. The appeal will then be heard according to the rules and bylaws of the Appeal Authority. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Appeal Authority. Appeal of the decision of the Appeal Authority is governed by title 10 chapter 9a of the Utah Code.

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16.04.110090: MODIFICATIONS; PERMITTED WHEN; PETITION FROM SUBDIVIDER:

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16.04.120100: PENALTIES:

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16.08.020: APPLICATION:

A. The City shall maintain and publish a list of items comprising the complete preliminary subdivision land use application. Compliance with the application is mandatory. The application for preliminary subdivision applications and materials can be found on the City's website and at the Department Office. These materials include, among other requirements, provisions for:

1. the owner's affidavit;

2. an electronic copy of all plans in PDF format;

3. the preliminary subdivision plat drawings; and

4. a breakdown of fees due upon application.

B. The subdivider of a subdivision, after completing a concept review, if required requested, shall file an application for preliminary plat approval with the Community and Economic Development Department on a form prescribed by the City, together with five (5) at least two (2) copies of the preliminary plat, one of which shall be electronic. An application may not be forwarded to or scheduled for hearing before the Planning Commission until all required information has been received by the City demonstrating that the applicant has met all objective ordinance-based criteria and the fees have been paid for the submission of a preliminary subdivision application. The City shall review and determine whether the application is complete within fifteen (15) business days after receipt of an application.

16.08.030: PRELIMINARY PLAT SUBMITTAL:

The preliminary plat shall be prepared, stamped and signed by a professional engineer licensed by the state of Utah. The preliminary plat shall include, at a minimum, the following information: required by the preliminary subdivision application. Additional information may be required by the Staff or Planning Commission.

~~A. Vicinity map:~~

~~1. Drawn at a scale of one thousand feet (1,000') to the inch or other appropriate scale to adequately depict surrounding development, streets, and property;~~

~~2. Show all existing and proposed roadways in the vicinity of the proposed development;~~

~~3. A north arrow;~~

- ~~—4. The nearest section corner tie;~~
- ~~—5. Subdivision name.~~
- ~~—B. Preliminary plat (all facilities within 100 feet of the plat shall be shown):~~
 - ~~—1. Drawn at a scale not smaller than one hundred feet (100') to the inch;~~
 - ~~—2. A north arrow;~~
 - ~~—3. Subdivision name;~~
 - ~~—4. The layout and names and widths of existing and future road right of ways;~~
 - ~~—5. A tie to a permanent survey monument at a section corner;~~
 - ~~—6. The boundary lines of the subdivision with bearings and distances;~~
 - ~~—7. The layout and dimensions of proposed lots with lot areas in square feet;~~
 - ~~—8. The location and dimensions and labeling of other spaces including, open spaces, parks, or public spaces;~~
 - ~~—9. The location of manmade features including bridges, railroad tracks, and buildings;~~
 - ~~—10. Topography at two foot (2') intervals;~~
 - ~~—11. Location and ownership of all adjoining tracts of land.~~

~~—C. Grading and drainage plan:~~

- ~~—1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout;~~
- ~~—2. Topography at two foot (2') contour intervals;~~
- ~~—3. North arrow;~~
- ~~—4. Subdivision name;~~
- ~~—5. Areas of substantial earth moving with an erosion control plan;~~
- ~~—6. Location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains;~~
- ~~7. Location of any 100-year floodplain as designated by the federal emergency management agency (FEMA);~~
- ~~—8. A storm drainage plan showing water flow directions, inlets, outlets, catch basins, waterways, culverts, detention basins, orifice plates, outlets to off site facilities, and off site drainage facilities planned to accommodate the project drainage. Drainage plans are to facilitate the 10-year storm event. An off site discharge rate of 0.1 cubic feet per second is permitted;~~

- ~~— 9. Show any existing wetlands;~~
- ~~— 10. Dust and mud tracking control plan (see subsection 16.16.150B of this title).~~
- ~~— D. Utility plan:~~
 - ~~— 1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout;~~
 - ~~— 2. North arrow;~~
 - ~~— 3. Subdivision name;~~
 - ~~— 4. Show all existing and proposed utilities including: sewer, culinary water, secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines (existing only), and streetlights;~~
 - ~~— 5. Show location and dimensions of all utility easements.~~
- ~~— E. The subdivider shall provide the following documents with the application:~~
 - ~~— 1. Hydraulic and hydrologic storm drainage calculations;~~
 - ~~— 2. A traffic study when required by the Planning Commission or City Engineer;~~
 - ~~— 3. Preliminary title report, or other evidence of title satisfactory to the City Attorney;~~
 - ~~— 4. Any necessary agreements with adjacent property owners regarding storm drainage or other matters pertinent to subdivision approval;~~
 - ~~— 5. Maintenance agreements for subsurface drains serving the subdivision.~~
- ~~— F. The subdivider shall comply with all applicable federal, state, and local laws and regulations, and shall provide evidence of such compliance if requested by the City.~~

16.08.040: PLANNING COMMISSION REVIEW:

A. No later than 15 business days after the day on which an applicant submits a complete preliminary subdivision application, ~~the~~ Planning Commission shall review the submitted preliminary plat and determine compliance with the standards, specifications, and criteria set forth in this title and all other applicable ordinances of the City, including, but not limited to, title 17 of this code, general plan and the transportation master plan. The subdivision plan review shall include receiving public comment in no more than one public hearing. ~~The planning commission may approve, approve subject to modification, or disapprove the submitted preliminary plat, and shall make findings specifying any inadequacy in the application, such as noncompliance with City regulations, questionable or undesirable design and/or engineering. The subdivider shall be notified in writing of the action taken by the findings of the planning commission regarding the submitted preliminary plat.~~

B. In reviewing the preliminary subdivision land use application, the Planning Commission may require:

1. additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements; and

2. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

The City's request for additional information or modifications to plans under Subsection (B)(1) or (2) shall be specific and include citations to all City ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

C. The planning commission may approve, approve subject to modification, or disapprove the submitted preliminary plat, and shall make findings specifying any inadequacy in the application, such as noncompliance with City regulations, questionable or undesirable design and/or engineering. The subdivider shall be notified in writing of the action taken by the findings of the planning commission regarding the submitted preliminary plat.

~~BD.~~ Completion of preliminary plat review by the planning commission does not constitute a final acceptance of the subdivision by the ~~planning commission~~ City, and ~~does not create any vested rights for the subdivider.~~

~~—CE.~~ Preliminary and ~~F~~final ~~S~~subdivision ~~R~~rview for a ~~standard subdivision of ten (10) lots or less may be done concurrently with the Planning Commission.~~

....

16.12.010: FINAL PLAT REVIEW AND APPROVAL

A. Final Subdivision Application.

The City shall publish a list of items that comprise a complete and final subdivision land use application. Compliance with the application is mandatory. The application for final subdivision applications and materials can be found on the City's website and at the Department ~~City~~ Office.

B. Review Process and Timing

No later than 20 business days after the day on which an applicant submits a complete final application, the Planning staff shall complete a review of the applicant's final subdivision land use application including all subdivision plan reviews. In reviewing the final subdivision land use application, the Planning staff may require:

(i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and

(ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

The Planning staff's request for additional information or modifications to plans under Subsection (B)(i) or (ii) shall be specific and include citations to all City ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

16.12.01~~20~~: FILING DATA FOR FINAL PLAT:

At the time a final plat of a subdivision is submitted to the City Engineer, the subdivider shall submit therewith the following information and documents: required by the final subdivision application. Additional information may be required by the Staff.

~~A. Calculation and traverse sheets, in a form approved by the City Engineer, giving bearings, distance and coordinates of the boundary of the subdivision, and blocks and lots as shown on the final plat;~~

~~— B. A no access rights certificate, if required, shall be shown on the final plat;~~

~~— C. Design data, assumptions and computations for proper analysis in accordance with sound engineering practice;~~

~~— D. A current report naming the persons whose consent is necessary for the preparation and recordation of such plat and for dedication of the streets, alleys and other public places shown on the plat, and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to such subdivision;~~

~~— E. A soils report based upon adequate test borings and excavations, prepared by a civil engineer specializing in soil mechanics and registered by the state of Utah, shall be required prior to preliminary approval of any subdivision plat. If the soil report indicates the presence of critically expansive soils, high water table or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the buildings from the water or premature deterioration of the public improvements, a soil investigation of each lot in the subdivision may be required by the Public Works Department. The soil investigation shall recommend corrective action intended to prevent damage to the proposed structure or public improvements. The fact that a soil report has been prepared shall be noted on the final plat and a copy attached to the preliminary plat application. The City Engineer may determine that a soils report is not necessary and may waive this requirement;~~

~~— F. An affidavit, in a form as directed by the City Attorney, from the developer and the owner of the subdivision property, describing:~~

~~— 1. The use history of the property for the previous fifty (50) years, including the type of business activities which have been conducted on the property;~~

~~— 2. Whether the property is at natural grade or has been filled; and~~

~~—3. Whether the developer or owner of the property is aware of the presence of any tailings, hazardous waste, or petroleum products in or on the property.~~

~~—If the City Engineer has reason to believe the property may constitute a health hazard, the developer or owner of the property shall provide written evidence of an environmental assessment and, if applicable, written certification of abatement from all regulatory agencies having jurisdiction over the property and the related contamination.~~

~~—G. Evidence of title in form of a commitment for title insurance or other documentation as approved by the City Attorney.~~

~~—H. The agreement and bonds specified in sections 16.12.030 and 16.12.040 of this chapter, or successor sections;~~

~~—I. Proposed deed restrictions if required by City Attorney.~~

16.12.02~~30~~³⁰: PREPARATION AND MATERIALS OF FINAL PLAT:

....

16.12.03~~40~~⁴⁰: PUBLIC IMPROVEMENT AGREEMENT:

A. Prior to the approval by the Planning Commission staff of the final plat, the subdivider shall execute and file an agreement between the subdivider and the City specifying the period within which the subdivider shall complete all public improvement work to the satisfaction of affected City departments, and providing that if the subdivider shall fail to complete the work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider or the subdivider's surety. The agreement shall also provide for inspection of all public improvements by the City Engineer and that the cost of such inspections shall be reimbursed to the City by the subdivider.

....

16.12.04~~50~~⁵⁰: BOND AND SECURITY REQUIREMENTS:

....

16.12.05~~60~~⁶⁰: NO PUBLIC RIGHT OF ACTION:

The provisions of sections 16.12.03~~40~~⁴⁰ and 16.12.04~~50~~⁵⁰ of this chapter, or successor sections, shall not be construed to provide any private right of action on either tort, contract, third party contract or any other basis on behalf of any property holder in the subdivision as against the City or on the cash bond, corporate surety bond or letter of credit required under section 16.12.04~~50~~⁵⁰ of this chapter or its successor in the event that the improvements are not constructed as required.

16.12.06~~70~~⁷⁰: CITY ENGINEER REVIEW AND CERTIFICATION:

....

16.12.07~~80~~⁸⁰: APPROVAL BY PLANNING COMMISSION STAFF:

Upon receipt of the final plat, the Planning ~~Commission~~ staff shall examine the same to determine whether the plat conforms with the preliminary plat. If in conformity with the preliminary plat and City ordinances, the Planning ~~Commission~~ staff shall approve the plat. If the plat is not in conformity with (1) the preliminary plat; or (2) the requirements of the ordinances of the City, the Planning ~~Commission~~ staff shall disapprove the plat, specifying the reasons for such disapproval. Within thirty (30) days after the Planning ~~Commission~~ staff has disapproved any plat, the subdivider may file with the City Engineer a plat altered to meet the requirements of the Planning ~~Commission~~ staff. No final plat shall have any force or effect until the same has been approved by the Planning ~~Commission~~ staff.

....

16.12.08~~90~~90: ACCEPTANCE OF OFFERS OF DEDICATION BY MAYOR:

....

16.12.09~~0~~100: RECORDATION WITH COUNTY:

A. When the Planning ~~Commission~~ staff has approved the final plat, all required fees have been paid, and the subdivider has filed the approved agreement and bond required in this chapter, the plat may be presented to the County Recorder for recordation.

B. The subdivision plat shall be recorded within one year of the final approval by the Planning ~~Commission~~ staff or the final plat shall be null and void. The applicant may request a one-time extension of up to twelve (12) months for special circumstances. The extension must be requested prior to final plat expiration.

16.12.10~~10~~10: AMENDMENTS TO FINAL PLAT:

....

Section 3. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on
this _____ day of _____, 2024.

MURRAY CITY MUNICIPAL COUNCIL

_____, Chair

ATTEST:

Brooke Smith, City Recorder

MAYOR'S ACTION:

DATED this ____ day of _____, 2024.

Brett A. Hales, Mayor

ATTEST:

Brooke Smith, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance, or a summary hereof, was published according to law on the ____ day of _____, 2024.

Brooke Smith, City Recorder

~DRAFT~

Minutes of the Planning Commission meeting held on Thursday, December 7, 2023, at 6:30 p.m. in the Murray City Council Chambers, 10 East 4800 South, Council Chambers, Murray, Utah.

The public was able to view the meeting via the live stream at <http://www.murraycitylive.com> or <https://www.facebook.com/Murraycityutah/>. Anyone who wanted to make a comment on an agenda item may submit comments via email at planningcommission@murray.utah.gov.

Present: Jake Pehrson, Chair
Lisa Milkavich, Vice Chair
Ned Hacker
Travis Nay
Michael Henrie
Maren Patterson
Jeremy Lowry
Susan Nixon, Senior Planner
Zachary Smallwood, Senior Planner
Mustafa Al Janabi, Planner I
Mark Richardson, Deputy City Attorney
Members of the public per sign-in sheet

LAND USE TEXT ORDINANCE AMENDMENT(S)

Title 16 Subdivision Ordinance Text Amendment - Updating Subdivision Ordinance to comply with State regulated changes - Project #23-114

Mr. Smallwood presented a text amendment drafted by the planning staff and city attorney's office. The amendment was to Title 16, Subdivision Ordinance to bring it into compliance with Senate Bill 174, which changed many elements of subdivision regulations. He provided some background, explaining that many cities along the Wasatch Front and throughout Utah had previously required subdivision applications to go through up to four public hearings - two at the Planning Commission (one for preliminary and one for final approval) and then two at the City Council (also preliminary and final). Murray's subdivision code designates the Planning Commission as the land use authority for the city with responsibility for approving subdivisions outright, without the extra step of City Council approval. Murray's process moves more quickly than other cities. The state was concerned about delays in housing construction and approval, which SB 174 was intended to address. It mandates that subdivisions be reviewed by an administrative land use body rather than city councils. It also sets out specific timeframes - once planning staff accepts a subdivision application as complete, they have 15 business days to bring it before the Planning Commission for review and approval. Additionally, only a maximum of four reviews are allowed between the city and the applicant. Mr. Smallwood noted that while the intention was to speed up subdivision approvals for many cities, it may slow Murray's process somewhat. Previously, they could accept an application and bring it straight to the next scheduled Planning Commission meeting. Now, in order to meet the 15-day timeline, planning staff has to implement a new application acceptance process. This involves taking up to 15 days to review the application for completeness before officially accepting it. Only then would they schedule it for the next available Planning Commission meeting. This could lead to longer lag times upfront. He reiterated that the 15-day countdown would only begin once planning staff

deemed an application complete and all necessary information was in order. The goal was to avoid any issues or delays once an application reached the Planning Commission review stage. Finally, Mr. Smallwood confirmed that state code did allow the Planning Commission to have one public hearing for preliminary subdivision approval, citing Section 10-9a-604.1, subsection 7. This states that "with respect to a preliminary subdivision application, an administrative land use authority may: (a) receive public comment; and (b) hold no more than one public hearing."

Vice Chair Milkavich asked if the four reviews are only for preliminary and if they want to have four additional reviews for the final, they could. Mr. Smallwood clarified that under the new state regulations from Senate Bill 174, final subdivision applications would no longer be reviewed and approved by the Planning Commission, but instead would now be handled as a staff level approval by the city staff.

Mr. Smallwood continued by reviewing the current process for subdivision applications and stated that Murray requires a concept review by staff as an initial internal step for most subdivision applications, though the Community and Economic Development (CED) Director can waive this requirement if deemed unnecessary. The concept review involves circulating the proposal to all relevant city departments for feedback, which is then compiled into a letter back to the applicant. The applicant can then amend their plans based on the feedback before submitting for preliminary subdivision approval. He continued, that once an application for preliminary is received, state law requires public notice to be mailed out within 10 business days of the Planning Commission meeting. The application is reviewed by staff, a staff report is prepared, and the Planning Commission holds a public hearing before taking action to approve, deny or provide additional feedback on the preliminary plat. After addressing any Planning Commission feedback, the applicant works with city engineering staff to prepare a final subdivision plat for approval. This process of back-and-forth edits and reviews internally can take some time before it is deemed ready for the final Planning Commission approval. Once ready, staff prepare an updated report, the Planning Commission reviews the final plat and holds another public hearing, before granting final approval. Additional minor edits may still occur before the final mylar plat is signed and recorded with the county.

Mr. Smallwood stated that under the new SB 174 regulations, the preliminary review is able to come before the Planning Commission however the final subdivision review step would now be handled by city staff only rather than going to the Planning Commission. The concept review could still be suggested by staff but could no longer be a requirement per state law. Mr. Smallwood said he already began making this step optional over recent months and found that most applicants opted to go through it since it provided helpful clarity upfront, resulting in fewer comments in subsequent reviews.

Commissioner Nay stated that this change is quite substantial, especially when it comes to the MCCD, and asked if they could talk more about the impact.

Mr. Smallwood said that this only applies to a subdivision project. It doesn't affect things like design reviews or conditional use permits.

Commissioner Nay asked if he were to do a condominium, he would be doing a subdivision in the MCCD, and in that instance he would be impacted.

Mr. Smallwood said that is correct. He would be impacted at the point of subdivision. He said a concept review would not be required. They could just move forward to a preliminary subdivision. Often times projects are very complex and require multiple applications. Design reviews are taken to the MCCD review committee. They review the building, the aesthetics and the site, to make sure it will be a good fit in the MCCD. They're not necessarily looking at the same level of detail that the Planning Commission is looking at with regards to utilities and property lines that is typically required during a subdivision review.

Vice Chair Milkavich said if there isn't a concept review required, then the Planning Commission will be leaning on their knowledge base to catch those details. Because this will be the first look. In the past, the planning staff has cleaned those things up prior to bringing it to the Planning Commission.

Mr. Smallwood said that staff reports might become more substantial and bit messier. They will get reviewed by the city departments still, but they will probably have more comments that haven't been addressed ahead of time.

Commissioner Hacker asked if the process has also been modified for City Council.

Mr. Smallwood said, no, because City Council doesn't review subdivisions and they will not be allowed to review subdivisions.

Mr. Lowry asked if this will be a faster process than before.

Mr. Smallwood said, no, most likely not, purely because the city must extend the review processing period.

Chair Pehrson asked to talk more about Commissioner Nay's question. He said if someone's building in the MCCD zone, it still will go before the MCCD committee. That step isn't being skipped if they're subdividing.

Mr. Smallwood said that is correct. He said an applicant could have one project with multiple applications. He used The Wyatt as an example to illustrate his point. This was a condominium project that the Planning Commission heard in June 2022. There were about 26 condominiums units. It is technically two applications. It had a design review application and a subdivision application. What the MCCD Review Committee reviewed was the design review application. They did not review the subdivision application. Then, the Planning Commission reviewed both. If the proposal for The Wyatt was all multifamily, and they weren't subdividing, then it would have only gone to the MCCD Review Committee, and then to the Planning Commission just like a conditional use permit or a site plan review.

Commissioner Patterson asked for clarification. Because the concept review is now optional, it feels like if applicants skip that, they are going to come to the preliminary and it's going to be a much more intensive process between preliminary and final for them, because they might be coming and getting brand new information.

Commissioner Henrie asked if that's where the process will slow down.

Mr. Smallwood said that applicants must start by submitting a complete application. Planning staff have to be very detailed in the application for what's required. Then staff will review the submittal against that application. Staff will have to be very clear on what is required, and hopefully catch the missing items during the submittal process.

Vice Chair Milkavich said that's assuming that they're missing items with application. If they're missing something from the ordinance, like they give you an application that's 70 feet tall in a zone that's only allowed 35 feet or something like that, technically, the application is complete.

Mr. Smallwood said that would not be considered a complete application because it doesn't meet the ordinance. The applicant would be told their application won't be accepted.

Chair Pehrson asked that if an application doesn't meet an ordinance, and the application has to be sent back to the applicant, does that count as part of their 15-day window and then does it restart once a new submittal is received.

Mr. Smallwood said that's correct and that he doesn't anticipate that will happen very often. He said Ms. Nixon arranges a meeting every Wednesday to review applications on the calendar to use the time, if needed. This should provide them with time to review applications for adequate completeness.

Vice Chair Milkavich said this sounds great and it makes sense. She stated that it makes her a little uncomfortable that they're leaning on an application that doesn't exist yet, stating that if they have it in front of them, they can clearly see if everything is covered.

Commissioner Henrie said that is something that makes them uncomfortable, that they won't get to review it beforehand.

Mr. Smallwood stated the reason is that once it is listed in the ordinance, staff can't ask for anything other than what is listed in the ordinance. For example, if staff said if they missed asking for a traffic study during the application process, they can't require it because it wasn't in the ordinance.

Chair Pehrson asked why can't staff say, for example, that a traffic study is required for a given application. He doesn't understand why the application can't just say there are other requirements as needed. He said that at one point, the Planning Commission wrote the application and codified it, because they felt it was important. He doesn't like that now they are turning it over to a group of four staff members, who may or may not live in Murray, and may and may not care, or at least that someday there may be new staff who may not care. He doesn't like that they may have the authority to change the application as they wish.

Mr. Smallwood said it would take more than that to change the application. An entire department would have to sign off on that.

Chair Pehrson said you would only have to have a department head make the changes.

Mr. Smallwood said that's not necessarily true. The application would need to go through reviewing departments. For example, they'd need to be reviewed by the engineering department to make sure everything is covered for engineering.

Chair Pehrson said there's nothing in the Murray code that says the application for a subdivision approval cannot be changed by the department head.

Mr. Smallwood said that's correct, however, there's a flipside of that. The city's conditional uses don't reference applications. The city's site plans don't reference applications. The city's design reviews don't reference applications.

Chair Pehrson said that's true, but they also have requirements and code.

Mr. Smallwood said they do not. It doesn't state for a conditional use that an applicant must supply a site plan or a landscape plan, or a parking plan.

Chair Pehrson says he's fine with how the application is written. He does think the Planning Commission has recourse to make changes as needed.

Mr. Smallwood said that the Planning Commission can request information from staff about the application and question details of the application.

Vice Chair Milkavich says she understands that the Planning Commission won't have the authority to approve the application but feels it's putting a lot of weight on whoever has to create this application because they have to make sure they don't forget anything. She feels it's strange that the city is putting all this weight on one person.

Mr. Smallwood said he agrees it's a lot, but it certainly isn't on one person alone. He said the League of Cities and Towns recommended using Lehi's subdivision application. They indicated it is a complete and thorough application. It is a team effort to make sure that everything is addressed in applications. There are multiple departments reviewing the applications.

Commissioner Hacker asked when they approve a preliminary subdivision, can they require the applicant to do a traffic study.

Vice Chair Milkavich said that if something is forgotten on the application, they could probably cover it in conditions.

Chair Pehrson says they could, but they'll never see it again.

Commissioner Hacker said they are not done with this issue yet. He asked, through this whole process, the Planning Commission gets to see an application one time, in the preliminary subdivision approval.

Mr. Smallwood said that is correct.

Commissioner Hacker then asked why they can't see it again, in the process of approval by the staff. Instead of the staff approving, why cannot the Planning Commission approve without a public hearing.

Ms. Nixon said that Mr. Smallwood would look that up. She wanted to go back to the topic of the concept review, as some of the commissioners were questioning why they can't require it. She said that when staff explain it to applicants, most are willing to do the concept review. She said it's the biggest bang for their buck they'll ever get because it's only \$75. It is a wealth of information that they get back that really helps them then modify or fine tune their project. She says that whenever they've suggested it, they've never had an applicant turn it down.

Commissioner Hacker said his concern is still that they only get to see an application one time, and the public gets to see it one time. If the staff is approving it, I don't know why the Planning Commission can't see it again and approve it as well, for the sake of their constituents.

Vice Chair Milkavich says she doesn't feel as strongly as Mr. Hacker. It might be because she feels like the city and staff have done a wonderful job. She feels most of the applicants are very civil and very willing to produce good products. She does understand Mr. Hacker's concerns though, and possibly the concerns of constituents. She feels this is a time in which there's very little trust in government, and there's the large divide, and whenever something is taken away from the public, there's suspicion.

Mr. Smallwood found the verbiage in the Utah State code regarding section 10-9a-604.1 subsection 9. He put the text up on the screen. A discussion took place amongst staff and the commissioners as to how to interpret the text, with varying understanding of the text.

Deputy City Attorney, Mark Richardson, intervened with legal guidance. He agreed with the Commission's comments that the state code is poorly written. He interpreted section 10-9a-604.1, subsection 9, that the words "may not" could be read as "shall not" require Planning Commission or City Council approval.

Chair Pehrson said that it said "may" permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application. I read that as "you can." He said that it reads "you can" do those at the same time – it's not saying they "have to" do them at the same time. He interprets it to mean "may not require" Planning Commission or City Council approval to mean "you can" pass it without their approval.

Mr. Smallwood said that what this is referring to is the way some cities, Murray included, did preliminary and final subdivision together when they were less than 10 lots. This is how Murray currently does the process. If it's a subdivision that's less than 10 lots, they can do a preliminary and final as one meeting. This is taking an additional step out. This is taking the second review from the Planning Commission out of the process. If the process is for a 15-lot subdivision, the Planning Commission can approve the preliminary and final in one meeting, but that then prohibits staff from reviewing it at another level.

Commissioner Hacker said don't do them together.

Mr. Smallwood said they aren't planning to do them together.

Commissioner Lowry said he's wondering if section 9 (b) is present only when 9 (a) is present as a condition.

Mr. Smallwood said that's a good point. He noted that Mr. Richardson nodded his head, yes.

Mr. Lowry said he would make the point that he thinks 9 (b) may only be in effect when 9 (a) is in effect.

Chair Pehrson confirmed that the ordinance needs to be enacted by February 1, 2024.

Commissioner Henrie said it looks like there's more opportunity for oversight or for missing things in this flowchart than in the other one.

Commissioner Lowry said he thinks the onus on the developer.

Mr. Smallwood said that's the point. This is one of the benefits that came out of the league's legislation is that when staff does a review, they send comments to the applicant with issues that need to be addressed. There are times when staff will do rounds of comments and the applicant will not address any of the comments or issues. The language in the new ordinance states that those comments must be addressed. Every comment made by the city must now be addressed. If not, it's not considered a complete review and will be sent back to the developer to address everything. At this point, the clock stops on the 15 days.

Mr. Lowry predicts this ordinance will change within a couple of years, because developers will complain because they're not going to be able to get their applications through staff.

Chair Pehrson asked what they have looked for in the final subdivision approval process and were those items to verify they were complete.

Ms. Nixon said things like fencing or open space that was required at the preliminary review.

Chair Pehrson asked what they should do when an applicant comes before the planning commission with a central amenity that doesn't meet the requirements, would the planning commission have to vote "no" on the preliminary and have them come back, or would they just specify what they want them to be. It's hard to specify what they want to see in the final approval.

Mr. Smallwood said they continue it to the next meeting saying this does not meet the requirements.

Commissioner Nay asked if they could just take the application.

Chair Pehrson said If they feel they did not meet the requirements that are laid out in the code and made the finding, and voted "no," they'd have to specify why not.

Commissioner Nay said also they can't be arbitrary and capricious in making our decisions.

Chair Pehrson said he thinks going forward, if this is approved, they need staff to make sure it meets all the requirements. Because if it doesn't, the Planning Commission will either need to not approve it or to continue it. If they continue an item, then they need to tell the applicant this doesn't meet the requirements, so they'll have to go back and change the application.

Mr. Smallwood said that's precisely what the Planning Commission should be doing. Whenever an item is continued, the applicant needs clear direction as to why you're continuing it and what you expect to see back. Planning staff must sever certain things. For example, a planned unit development is, in essence, a conditional use permit attached to a subdivision. It's modifying the regulations of a subdivision with a conditional use permit. Staff need to do a better job in severing those, because the state law states that you can go back and put a hold on the conditional use permit and say this needs to be addressed as part of the conditional use permit.

He continued by stating that sometimes when we have a general plan amendment and a zone map amendment, we present them together, but they are two separate votes, we might have to start doing that. The Planning Commission would approve the planned unit development, then approve the subdivision.

Commissioner Patterson asked if they could make changes to the planned unit, like to the conditional use permits.

Mr. Smallwood said that's correct, pointing out that the process is more flexible than before.

Vice Chair Milkavich said she feels that sometimes, in the past, they'd get an application that won't have something finalized yet, and planning staff will say not to worry about it because the business has to get it before they get their license. She is assuming that will happen less, because from now on, they would have to turn it down because it doesn't meet the requirements.

Mr. Smallwood said that's correct. He anticipates getting higher quality applications in the future because of the new process.

Vice Chair Milkavich said it makes it more likely that the Planning Commission would simply reject an application than continue it, given that information.

Chair Pehrson agreed, feeling concerned about the timeline, because continuing an item would add two more weeks to the process, since they only meet every two weeks. He wondered if the Planning Commission is then out of compliance with the regulation.

Ms. Nixon said probably. Plus, the developer may not have time to turn around and redo their plans.

Vice Chair Milkavich added that they could be out of compliance if they have to cancel a meeting as well.

Ms. Nixon said planning staff will have to work with developers to ask if they can redo plans and be ready for a meeting by a certain date.

Mr. Smallwood said he's most concerned about the developers who are chronically difficult to deal with, who say they won't redo things. He acknowledges that they'll have to be really clear in communicating with them.

Mr. Lowry said they just need to be clear to communicate that this is working application, not a complete one, and the Planning Commission won't touch it.

Mr. Smallwood is hoping that because they'll have more time to review them in depth, they'll catch everything.

Commissioner Patterson asked if it's possible to add a final presentation to the Planning Commission.

Mr. Smallwood said he'd prefer not to codify it, but staff can start doing that.

Commissioner Patterson feels like subdivisions are more controversial, especially to their neighbors. She feels that offering for the public to see the final approval is important. She feels it's a way to be front facing to the public and allow them the opportunity to state their concerns.

Mr. Smallwood said he can see the merit in what she wants to do, but doesn't see the point because they would not be taking any action on it. He doesn't know that it's helpful.

Commissioner Hacker said it's helped constituents.

Ms. Nixon asked whether the commission thinks the public would have a certain expectation if they came to a meeting that they can provide public comment.

Commissioner Nay said the public will feel disappointed and that their public officials have let them down.

Vice Chair Milkavich responded that would be an opportunity for commissioners to say, as a city we respect constituents. Unfortunately, the state has tied our hands with this new process.

Commissioner Hacker said that still doesn't mean that we can't vote on it. He said they just went over the language. It said "may" which does not mean "you will."

Mr. Smallwood said if the commissioners want to make that change, they may request it.

Mr. Lowry asked a question if they as a city do several continuances, how much legal risk do we create, if the commission isn't specific or narrow enough.

Mr. Smallwood said that the commission will have to be more specific.

Commissioner Lowry said if they force a continuance with changes, what's to keep the developer from simply going to their attorney and cite the code and say they already did that. He feels it opens the Planning Commission up for bullying.

Commissioner Nay said they will be at the peril of the depths of developers' pockets.

Mr. Smallwood acknowledged that risk. Because the state is requiring that cities as a whole become less discretionary and less subjective in decision making.

Commissioner Lowry strongly agrees with the commissioners that they should actively pursue an understanding of the language. If there is an ability for a second go-around with the Planning Commission. He really wants more clarification on that.

Mr. Smallwood said he's attended every single training that the state has put on, and it was made clear by state land use attorneys this is a mandate and not a recommendation.

Mr. Lowry said it puts the Planning Commission in a really tough position.

Chair Pehrson said that most of the time, when they had a final subdivision approval, they were just quickly going through to make sure everything was done. He feels they could be more specific in the preliminary on what needs to be done. If the applicant is compliant, then the Planning Commission must approve it. If they aren't, then they should not approve it.

Mr. Smallwood said Chair Pehrson is making the exact point that the state legislature is making.

Commissioner Hacker asked if the Planning Commission is the land use authority.

Mr. Smallwood said it is for the preliminary reviews.

Commissioner Hacker maintains that the Planning Commission is relinquishing their land use authority to the staff.

Mr. Smallwood said that what the state is saying and that the commissioners may make an amendment if they wish to do so.

Commissioner Patterson feels that because the application process is going to be more thorough, that's almost like the preliminary review process. She feels like the same steps are happening -- it's just the preliminary review will now be happening through the entire application process. When it's coming to the Planning Commission at that point, it's already been vetted throughout the entire process.

Mr. Lowry asked to read sections 9 and 10 of the ordinances.

Mr. Smallwood stated he will read sections 8, 9 and 10, because section 8 is applicable. Section 8 said that if preliminary subdivision application complies with the applicable municipal ordinances and the requirements of the section the administrative land use authority shall approve the preliminary subdivision application.

Mr. Lowry recapped that if a preliminary subdivision complies, and there are no exceptions, you shall approve, meaning the administrative land use authority.

Mr. Smallwood continued on with section 9, stating a municipality shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section, and municipal ordinances which (a) may permit concurrent processing of the final Subdivision plat application; and (b) may not require Planning Commission or City Council approval. Number 10, if a final subdivision application complies with the requirements of this section, the applicable municipal ordinances and the preliminary subdivision approval granted under section 9 (a), a municipality shall approve the final subdivision application. He highlighted that it does not say the administrative land use authority.

Commissioner Lowry confirmed his understanding of section 8, stating that the preliminary subdivision, if it complies, the Planning Commission shall approve. A municipality shall review, and approve or deny, this final subdivision plat. It may or may not require Planning Commission or City Council approval. He views this as at their discretion. If it meets the ordinances, they shall approve, in number 10. Correct. He thinks that there's discretion in section 9.

Commissioner Hacker said that he just wants our constituents to know that they're looking out for them.

Vice Chair Milkavich said they can see what other cities are doing, too. They can talk to lawyers from other cities, who can tell them their opinion.

Commissioner Hacker said he thinks it gives them another opportunity to look at an item that our constituents might be concerned about and give them reassurance that we're looking at it again.

Chair Pehrson asked Commissioner Hacker if he reads the ordinance differently and that they can approve the final.

Commissioner Hacker says he reads it that way. He said "may" does not mean "you will."

Mr. Lowry said he agrees with having discretion. He thinks the city municipalities have discretion in Section 9 to define how that's done. He thinks the discretion could be staff or the Planning Commission. It could also be City Council, based on 9b. The point is, if the preliminary and final meet all the requirements, whoever is the approving body, must approve it.

Chair Pehrson asked Commissioner Hacker if he'd be comfortable if the Murray City legal counsel decided that's how it was written, then would he agree with that.

Commissioner Hacker is aware already that legal counsel will decide one way or another. He thinks they can give them a better recommendation than having the planning staff doing final approvals. He thinks that's relinquishing their land use authority, which he is not in favor of.

Commissioner Nay said it's a delegated authority, that is theirs to relinquish.

Mr. Pehrson said it's going to go to City Council for a vote and that someone could make a motion that they forward a recommendation, with the desired changes.

Commissioner Henrie said if they bring it back before a public forum, without the opportunity for public input, or for the commission approval, it's just going to be a lightning rod for trouble.

Chair Pehrson said he doesn't think anybody would show up, since they are just reviewing what already was approved, but he's not against them doing it.

Commissioner Lowry asked how the Planning Commission would feel about a recommendation that was subject to Murray City legal review, stating that they would prefer that the Murray City Planning Commission continues to do the final subdivision approval.

Mr. Smallwood stated they would need to specify in the redlined ordinance what you want amended.

Chair Pehrson said he's okay with how it's written because he thinks what it's saying is that they could vote to forward a recommendation for them not to approve this, and the reason why is that they don't agree with it, then we don't have to rewrite anything.

Mr. Smallwood said the Planning Commission could add what they want to change the ordinance to, but they have to change it in the motion, and then the commissioners can vote on it.

Chair Pehrson opened up the public comment period. Seeing no comments, he closed the period. He asked commissioners if they wanted to make a motion to approve it as it is or continue with the discussion to suggest changes to the ordinance.

Commissioner Hacker still felt that it's unclear in the ordinance who is responsible to approve final reviews.

Ms. Nixon asked if they could make a motion to send it to the City Council and in the meantime, work on getting a definite answer from legal counsel as to who performs final review approvals.

Chair Pehrson said they could change and make a motion in 16.12.080, 16.12.090 and 16.12.100 to strike planning staff and say Planning Commission and then you could present to City Council. He also said if they took a vote, and they didn't approve it as written, they could take another vote. Remember that once the vote is approved, then the item is done.

Commissioner Henrie asked if anyone felt this ordinance would pass as it is.

Chair Pehrson said he doesn't feel that it would. It's clear that it's poorly written.

Ms. Nixon said that legal will review it and see the suggested change, and they will let City Council know if the suggested changes are viable or not.

Mr. Smallwood reminded the Planning Commission that, as the presiding land use authority, City Council is relying on them to review these topics and make the appropriate decision, and they rely on the commissioners' recommendation.

Chair Pehrson said they should also communicate to the City Council that they think the wording of the ordinance is ambiguous.

Commissioner Lowry said that his interpretation of section 8 was that if a preliminary subdivision application complies with the municipal ordinances, the land use authority shall or must approve the preliminary subdivision. Section 9 states that the municipality shall review and approve or deny a final subdivision plat in accordance with this section and municipal ordinances, which may permit concurrent processing of preliminary and final plats. This means that the Planning Commission or City Council approval may not be required when a city chooses to combine preliminary and final subdivision approval. So, subsection 9 (b) only applies specifically to section 9 and does not apply to sections 8 or 10. Section 10 states that if a final subdivision application complies with the ordinances, then the municipality must or shall grant final subdivision approval, but it does not specify who within the municipality must do so. He believed the language was ambiguous as to whether staff, Planning Commission, City Council or another duly appointed authority within the city would be responsible for this final approval.

Mr. Richardson agreed the ambiguity is the problem with the ordinance. He said the redlined version that Mr. Smallwood presented is how they both interpreted the ordinance.

Vice Chair Milkavich asked what other cities are doing regarding the ordinance.

Mr. Smallwood said that all the cities are dealing with the same topic this week, so looking to them isn't something they can do right now.

Commissioner Hacker look up the use of the word "may" in legal terms. Stating that It's an expression of possibility, a permissive choice to act or not, which implies some degree of discretion.

Commissioner Lowry said it's not an issue of whether they're going to approve it. If it meets the ordinance, they're going to approve it. For him it's more of an issue of process. And, wanting the citizens to feel like there's transparency in the process.

Commissioner Patterson asked for clarification on the voting process. Stating that if someone made a motion to approve the redline copy as written, without adding in the Planning Commission changes to section 080, the Planning Commission could vote on it, and they would vote "no" if they wanted those changes.

Mr. Smallwood said they could vote "no."

Chair Pehrson said that voting "no " doesn't mean you want the changes, voting "no" means you don't want the ordinance as written. Then we could vote again after that.

Commissioner Lowry made a motion that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to Title 16 Subdivision Ordinances, as read in the staff report, with the change in section 16.12.080, the part of the section that has been changed to "staff" be changed back to "commission," and in 16.12.100, the same change be made that staff change the commission.

Chair Pehrson called for a second.

Commissioner Hacker seconded.

Chair Pehrson called for a vote:

<u>A</u>	Hacker
<u>N</u>	Henrie
<u>A</u>	Lowry
<u>A</u>	Milkavich
<u>N</u>	Nay
<u>A</u>	Patterson
<u>A</u>	Pehrson

Commissioner Nay explained his dissent by stating that he's willing to support changes without a wholesale review, based on the recommendations. He thinks they're taking bad language from the state and potentially make the situation worse with unintended consequences.

Vice Chair Milkavich stated she doesn't know what the legal ramifications are if they change, so that they are in compliance with the state.

Vice Chair Milkavich agrees with Commissioner Nay that the language is ambiguous. She said that because of that, she doesn't think you could win an argument in either direction.

Commissioner Nay says he thinks the state language is poorly written. He sees both sides of the argument. He feels the language is something the state will remedy in their next round of cleanup. He said the Planning Commission is making changes to the redline copy without really having a chance to really scrutinize it and see how all the different sections reference each other.

Commissioners Henrie, Pehrson and Nay felt that more discussion should have taken place before the motion. Specifically, Commissioner Henrie felt the Planning Commission did not correctly handle the amendment.

Chair Pehrson stated that he agreed. He did remind them that all they did was forward the recommendation.

ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on Thursday, January 4, 2024, at 6:30 p.m. in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

In honor of Commissioner Nay's service, the Planning Commission will have a dinner before the start of the meeting, at 5:30 p.m.

ADJOURNMENT

Commissioner Pehrson made a motion to adjourn the meeting at 8:36 pm. Seconded by Commissioner Nay. A voice vote was taken, with all in favor of adjournment.



Philip J. Markham, Director
Community & Economic Development Department

DRAFT



AGENDA ITEM # 06

Title 16, Subdivision Code Text Amendment

ITEM TYPE:	Text Amendment		
ADDRESS:	Citywide	MEETING DATE:	December 7, 2023
APPLICANT:	Community & Economic Development Department	STAFF:	Zachary Smallwood, Senior Planner
PARCEL ID:		PROJECT NUMBER:	23-116
REQUEST:	Planning Division Staff proposes amendments to Title 16, Subdivision Ordinance to comply with state requirements.		

I. STAFF REVIEW & ANALYSIS

Background

The Utah State Legislature passed Senate Bill 174 (SB 174) in March of 2023, requiring that municipalities speed up the process for approving subdivisions. In many other communities across Utah there was a complicated and cumbersome process to get a subdivision approved. Many cities required a Concept Review which is conducted at a staff level to address broad issues and get the city aware of the project. After that was complete, a preliminary plat was prepared and reviewed by the Planning Commission, which is where the similarities between Murray and other cities end. In many other communities the City/Town Council would then review the Preliminary Plat and approve or deny. The Plat then would go through the final plat process and again be reviewed by the Planning Commission and City/Town Councils. Between each of those reviews could be many reviews between the applicant and the city with regards to standards that needed to be completed.

The state has since mandated that municipalities streamline the process to better process these types of applications. As a result, Murray needs to update some language and do some cleanup to meet the standards outlined by the state.

Staff has been working on these changes in earnest since the legislation passed and are prepared to move this forward to be reviewed by the Planning Commission and the City Council before the required deadline date of February 1, 2024. The remainder of this report will review the major changes that have been made and how it affects the Planning

Commission's role in subdivision review.

Review of Required Changes

State Statute 10-9a-602 states that the Planning Commission shall review and provide a recommendation to the legislative body (City Council) on any proposed ordinance that regulates (or amends the regulations) the subdivision of land in the Municipality. Because the planning staff is requiring a text amendment, this will be reviewed by the Planning Commission and a recommendation forwarded onto the City Council for adoption.

Review Process

Planning staff has provided a diagram outlining the current process to subdivide property within Murray City below. The items in orange are requirements; but are reviewed at the staff level. The items in blue are reviews by the Planning Commission.

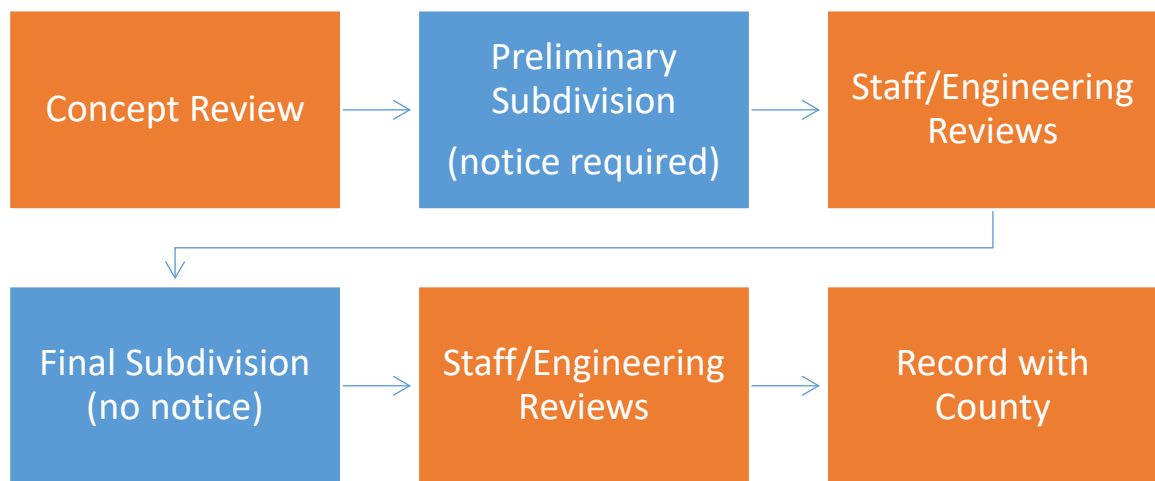


Figure 1: Current Subdivision Process

All things considered; Murray is not one of the “problem” cities when it comes to subdivisions. We have a fairly straight forward process and move fairly quickly in approving subdivisions. Most of the time, we are waiting on developers to resubmit plans that address concerns or standards that need to be adjusted.

Unfortunately, the state did make changes that affect Murray. As mentioned above, we require a concept review to be conducted internally prior to submitting an application for Preliminary Subdivision approval. We are no longer able to require this, we can encourage (which staff has already started to do) the Concept Review because it genuinely does make a big difference in the quality of Preliminary Subdivision applications we receive.

Preliminary Subdivision reviews are the main review moving forward. This will be the only opportunity for the Commission to review and make recommendations to the applicant. The state statute now reads that this is the only public hearing required. A point of discussion to have at the meeting is whether the commission feels that these are substantive, and

worthwhile public hearings. As a reminder, subdivisions items are considered an *administrative action*, meaning that if the application meets the standards in the ordinance, that they shall be approved. The state wrote into the language that the Planning Commission ‘may’ have a public hearing. This means that if the commission feels that these types of applications would benefit from not having the public hearing, it is within the purview of the commission to recommend changing the proposed text. The Planning and Attorney’s office wrote in the draft to require a public hearing , but it is by no means required to stay. Staff believes that this is a worthwhile conversation to have at the meeting to determine the merits of the public hearing.

Final Subdivision Reviews will now be conducted by Planning staff as dictated by the State. This means that after the Planning Commission has approved a preliminary subdivision application the applicant will work with the Planning Staff and Engineering Division to complete items that were addressed or needed to be cleaned up from the preliminary review and submit for a Final Subdivision approval. This will be verified against the preliminary approval and then approved or denied accordingly.

Below is an updated outline as in Figure 1, but with slightly different colors. A new color green was added to the Concept Review as this is now encouraged but NOT required. The blue still requires to come before the Planning Commission, and the orange is reviews at the staff level. Of note, is that staff and engineering reviews are limited to two (2) for each stage of the process. That is a significant change for the city and necessitates the need to review the quality of applications.

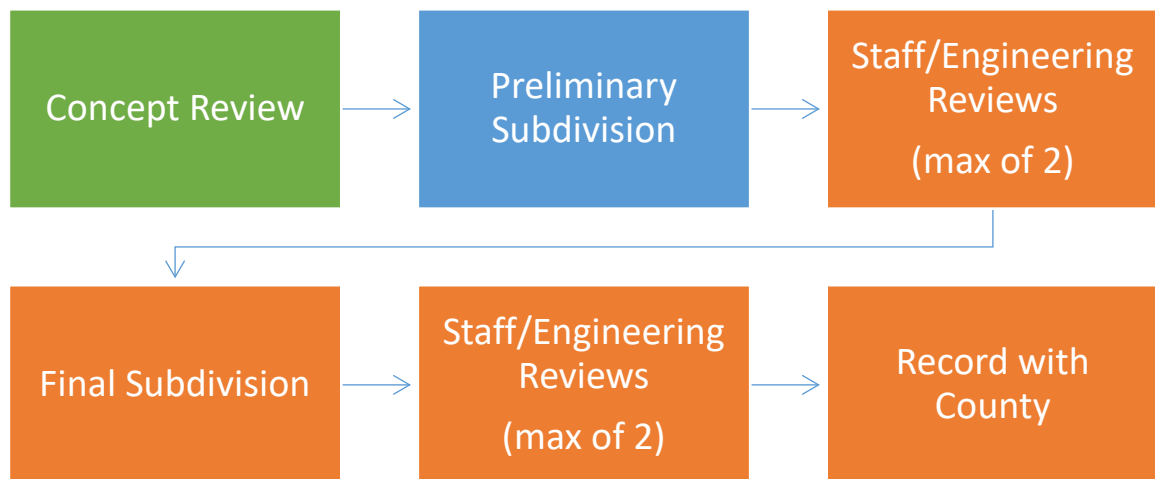


Figure 2: State Mandated Changes

Reviews and Timelines

Though this does not directly impact the Planning Commission, the state has instituted shot-clocks to review subdivision applications. In a nutshell, once the Planning staff accepts an application as complete, the preliminary review by the Planning Commission will need to occur within fifteen (15) business days of that date. This will have an impact on staff, as we

typically need to provide notice (for public hearings), get reviews by the individual departments, and prepare staff reports. We have written into the code a buffer to allow us time to review each application (up to fifteen (15) business days) for 'completeness'. Once Planning staff has determined an application as complete we can then go about doing our business as usual.

Definitions

Though not a significant change to the ordinance; a number of definition changes have occurred. Largely these are to be included as part of the state-mandated changes. There were a couple of minor updates to the definitions that were not required. Planning staff have outlined each below:

Required:

Complete Application: An application that clearly demonstrates that the applicant has met all objective ordinance-based application criteria and has paid the application fees.

This definition is required because once the Planning Staff accepts an application and determines that it is complete, a shot clock begins for timing for review. Usually, the preliminary review has to be completed within fifteen (15) business days from a completed application.

Land Use Authority: For purposes of Title 16, the Planning Commission is the land use authority for review and approval of a preliminary subdivision application and Planning Staff is the land use authority for review and approval of a final subdivision application. LAND USE AUTHORITY does not include the City Council or a member of the City Council.

This definition is to help define roles for each reviewing body. The legislature has mandated that City/Town Councils may no longer review subdivision applications. Additionally, the legislature has determined that the Planning Commission shall be the approver of the Preliminary Review and staff's responsibility is to ensure that during the final subdivision review that all the items that were addressed in the preliminary review have been addressed.

Review Cycle: Means the occurrence of:

- a. The applicant's submittal of a complete subdivision land use application including the City's written determination of completeness;*
- b. The City's review of that subdivision land use application;*
- c. The City's response to that subdivision land use application, in accordance with this section; and*
- d. The applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.*

This definition is required to determine what a review is. The city is allowed four (4) review cycles for the subdivision process.

Not Required:

Lot: A tract of land, regardless of any label, that is created by an shown on a subdivision plat that has been recorded in the office of the county recorder.

Parcel: Any real property that is not a lot.

Staff included both of these definitions together, there is often confusion on what to call properties. This clearly designates that any piece of property that is in a Subdivision is called a Lot and any property (typically a metes and bounds property) is called a parcel. This helps staff determine whether something will require a subdivision amendment, or simply a boundary line adjustment.

Planning Staff relabeled the “street” definitions so that they are all grouped together instead of looking for each individual street type. This was not required, but does streamline the language with the Transportation Masterplan and makes it easier to read.

Coming Soon

As stated earlier in this report, Planning Staff and the Attorney’s Staff have been working on the proposed changes for many months. To make sure we are compliant with state requirements, we are bringing these changes to the Commission now. In a follow-up meeting early next year, we will be bringing additional items that relate to the subdivision ordinance such as the process for subdivision appeals and specific design standards. It was most important to get the process information taken care of before the deadline and any “wants” that the city would like to make come after the “needs”. Planning staff encourages the commission to review any of the design standards and provide feedback to the planning staff so that we can evaluate them and make recommendations accordingly.

II. DEPARTMENT REVIEWS

The draft changes were provided to each department for their reviews the week of November 22nd. The Engineering division provided small modifications that were incorporated into the draft that is provided to the Planning Commission. Other departments did not have any additional information to add or change.

III. PUBLIC INPUT

Notices were sent to Affected Entities for this amendment. As of the date of this report, there was one request by Taylorsville City to see our redline draft. No public comment has been made.

IV. FINDINGS

Based on the analysis of the proposed amendments and review of the Murray City General Plan, staff concludes the following:

1. The proposed amendments have been carefully considered and provide direction for the city to work towards simplifying the subdivision process.
2. The proposed amendments support the goals and objectives of the General Plan by facilitating greater collaboration within the city and furthering the development and preservation of housing.
3. The proposed amendments are necessary to ensure compliance with current Utah State Code.

V. CONCLUSION/RECOMMENDATION

Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the proposed amendments to Title 16, Subdivisions Ordinance as reviewed in the Staff Report.**



NOTICE OF PUBLIC HEARING

December 7th, 2023, 6:30 PM

The Murray City Planning Commission will hold a public hearing in the Murray City Municipal Council Chambers, located at 10 East 4800 South, Murray, UT to receive public comment on the following application:

Amendments to Title 16; Subdivision Ordinance to comply with Utah State Code regarding timing, application, and review of subdivisions.

The meeting is open, and the public is welcome to attend in person or you may submit comments via email at planningcommission@murray.utah.gov. If you would like to view the meeting online, you may watch via livestream at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

Comments are limited to 3 minutes or less, written comments will be read into the meeting record.

If you have questions or comments concerning this proposal, please contact the Murray City Planning Division at 801-270-2430, or e-mail planning@murray.utah.gov.

**TITLE 16
SUBDIVISIONS**

**CHAPTER 16.04
GENERAL PROVISIONS**

SECTION:

16.04.010: Purposes

16.04.020: Definitions

16.04.030: Necessity Of Subdivision Plat Approval

16.04.040: General Responsibilities

~~16.04.050: Review Cycles~~

16.04.0~~56~~0: Compliance Required

16.04.0~~67~~0: Concept Review

~~16.04.070: Staff Authority~~

~~16.04.080: Submission~~

~~16.04.090: Submission For Preliminary Review~~

16.04.~~108~~0: Exemption From Plat Requirement (Lot Split Subdivisions)

16.04.~~110~~90: Modifications; Permitted When; Petition From Subdivider

16.04.1~~20~~0: Penalties

16.04.010: PURPOSES:

A. The purposes of this title are:

1. To promote the health, safety and general welfare of the residents of the City;
2. To ensure the efficient and orderly development of land within the City;
3. To prevent the uncontrolled division and development of real property, which may be done without considering the rights and best interests of adjoining property owners and the City as a whole;
4. To avoid poorly planned developments that:
 - a. Do not comply with the City general plan or ordinances,

REDLINE COPY

- b. Cannot be adequately served by existing utilities or public services,
- c. May prove to be dangerous or unsafe,
- d. May cause an undue burden on existing traffic or transportation services, or
- e. May require the future expenditure of public funds to correct problems caused by the development;

5. To provide design standards for public improvements, facilities and utilities, to provide for reasonable accesses to public rights of way, to provide for the dedication of land and streets deemed necessary for the proper development of the subdivision, and to provide for easements or rights of way that are necessary to service the property.

B. This title is designed to inform the subdivision developer and the public of the requirements for obtaining subdivision plat approval. Because each parcel of real property has unique site/situation characteristics, there may be some aspects of subdivision development that cannot easily be articulated. For this reason, it is not possible to cover every possible contingency. Therefore, the City Engineer, Planning Commission, and Community and Economic Development Director have the authority to impose reasonable conditions upon a subdivider in addition to those expressly required, provided that:

- 1. The conditions are not arbitrary or capricious;
- 2. The conditions do not conflict with any applicable law.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-01)

16.04.020: DEFINITIONS:

~~ARTERIAL OR MAJOR STREET: A street which functions or is intended to function as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.~~

AVERAGE PERCENT OF SLOPE: The rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a lot. A vertical rise of one hundred feet (100') between two (2) points one hundred feet (100') apart measured on a horizontal plane is a one hundred percent (100%) grade or a one to one (1:1) slope.

~~COLLECTOR STREET: A street which is of considerable continuity which functions or is intended to function as the principal trafficway between large and separated areas or districts, and which is the means of access to the major or arterial street system.~~

~~CUL-DE-SAC: A street closed at one end by an enlarged, circular turnaround area.~~

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COMPLETE APPLICATION: An application that clearly demonstrates that the applicant has met all objective ordinance-based application criteria and has paid the application fees.

CUT: Either excavated material, or the void resulting from the excavation of earth material. The reference for a cut is the distance from a survey elevation stake to a required lower adjacent elevation.

DEPARTMENT: The Community and Economic Development Department.

DEVELOPER: Any subdivider or any person or organization that develops, or intends to develop, property after it has been divided.

EXCAVATION: Either the removal of earth from its natural position, or the cavity resulting from the removal of earth.

FILL: Earth materials used either as a manmade deposit or to raise an existing grade, or shall mean the depth or the volume of such material. The reference for a fill is the distance from a survey elevation stake to a required higher adjacent elevation.

FINAL GRADING: The last stage of grading a soil or gravel material prior to landscaping or the installation of concrete or bituminous paving, or other required final surfacing material.

FINAL PLAT: A map and supporting documents, prepared in accordance with the provisions of this title and prepared for recording in the office of the county recorder.

GRADING: Either an excavation or fill, or the act of excavating or filling.

IMPROVEMENTS: Curbs, gutters, sidewalks, gradings, pavings, landscaping, water, sewer and power systems, drainage systems, fences, public facilities, amenities and other such requirements of this title.

LAND USE AUTHORITY: For purposes of Title 16, the Planning Commission is the land use authority for review and approval of a preliminary subdivision application and Planning staff is the land use authority for review and approval of a final subdivision application. LAND USE AUTHORITY does not include the City Council or a member of the City Council.

LOT: ~~Either a division of land platted and placed on record in accordance with the laws and ordinances of the city, or a division of land described by metes and bounds on the records of the county recorder.~~A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

LOT, DOUBLE FRONTAGE: A subdivision lot which has access from an interior subdivision street and also abuts the right-of-way of a collector or arterial street along the rear lot line.

MONUMENT: A permanent survey marker established by the county surveyor and shown on a final plat with state plane coordinates, and/or a survey marker set in accordance with the City Engineer's specifications and referenced to county survey monuments.

NATURAL STATE: The condition of land which has not been graded, disturbed, or built upon.

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PARCEL: Any real property that is not a lot.

RESIDENTIAL STREET: A local street which is supplementary to a collector street and of limited continuity which functions as or is intended to serve the local needs of a neighborhood and which is the means of access to the collector street system.

REVIEW CYCLE: Means the occurrence of:

- a. The applicant's submittal of a complete subdivision land use application including the City's written determination of completeness;
- b. The City's review of that subdivision land use application;
- c. The City's response to that subdivision land use application, in accordance with this section; and
- d. The applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.

SENSITIVE AREA: An area of land which contains environmental or geological elements which, if altered, may cause damage to the environment or the improvements thereon.

STREET: A right of way for the purpose of vehicular and pedestrian traffic.

STREET, ARTERIAL: a street that functions or intended to function as a major traffic way and is designated on the master transportation plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of a street plan.

STREET, COLLECTOR: a street that is of considerable continuity that functions or is intended to function as the principal traffic way between large or separated areas or districts, and that is the means of access to the major or arterial street system.

STREET, CUL-DE-SAC: a street closed at one end by an enlarged, circular turnaround area.

STREET, LOCAL: a street which is supplementary to a collector street and of limited continuity which functions as or is intended to serve the local needs of a neighborhood, and which is the means of access to the collector street system. Local streets primarily serve land-access functions. Local street design and control facilitates the movement of vehicles onto and off the street system from land parcels. Through-movement is difficult and discouraged by both the design and control of this type of facility. This level of street network is likely to provide the highest level of comfort to bicyclists and pedestrians. Local streets will have the lowest speeds and be mostly absent of large vehicles. Existing local streets are identified in the Master Transportation Plan.

SUBDIVIDER: Any person who: a) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who b) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision; or who c) engages directly, or through an agent, in the

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business of selling, leasing, developing or offering for sale, lease, or development a subdivision; or who d) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

SUBDIVISION: Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions. "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 instrument; and b) divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

SUBDIVISION IMPROVEMENT PLANS: the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

SUBDIVISION ORDINANCE REVIEW: review by the City to verify that a subdivision land use application meets the criteria of the City's subdivision ordinances.

SUBDIVISION PLAN REVIEW: review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

UTILITIES: Natural gas, electric power, cable television, telephone, storm system, sewer, culinary water and other services deemed to be of a public utility nature by the City.

UTILITY EASEMENT: The area designated for access to construct or maintain utilities on privately or publicly owned land.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-02)

16.04.030: NECESSITY OF SUBDIVISION PLAT APPROVAL:

A. Terms: Any division of real property located within the City is subject to the terms of this title. The division of real property includes any sale, gift, transfer, conveyances, split or other division that results in changing the boundaries or legal description of a given parcel of real property.

B. Unlawful Subdivision: It is unlawful to transfer, sell, convey, give or assign any subdivided property before a final subdivision plat for the property to be transferred, sold, conveyed, gifted or assigned is approved and recorded pursuant to the requirements of this title and applicable state law.

1. A parcel of real property is subdivided when it is divided into two (2) or more parts for the purpose, whether immediate or future, of sale or building development;

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2. Any developer desiring to develop property that has been subdivided illegally must comply with the requirements of this title before developing the property, regardless of whether the developer was the illegal subdivider.

C. City Approval Of Modifications: It is unlawful to amend, vacate, alter or modify any plat which has already been approved and/or recorded, without first receiving city approval of the amended, vacated, altered or modified plat.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-03)

16.04.040: GENERAL RESPONSIBILITIES:

A. The subdivider shall prepare concept plans and plats consistent with the standards contained herein and shall pay for the design, construction and inspection of the public improvements required. The city shall process said plans and plats in accordance with the regulations set forth herein. The subdivider may not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until subdivider has obtained the necessary approvals as outlined herein. The subdivider is responsible to obtain and be familiar with all applicable subdivision ordinances, rules and standards of the City.

B. The ~~Community and Economic Development Director or designee~~ City shall review the plans and plats for design; for conformity to the general plan and to title 17 of this code; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title.

C. Plats and/or plans of proposed subdivisions may be referred by the Community and Economic Development Director or designee to any City departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment.

D. The City Engineer shall review the engineering plans and specifications for the subdivision to determine if the proposed City required improvements are consistent with this title and other applicable ordinances and shall be responsible for inspecting the City requirement improvements. Review of street layout and lot design shall be coordinated between the City Engineer and the Community and Economic Development Department.

E. The City Engineer shall review the engineering plans and specifications for the public improvements.

F. The Planning Commission shall act as the ~~final~~ Land Use Authority to approve (1) preliminary subdivision plats; and (2) the establishment of requirements and design standards for public improvements. It shall make investigations, reports and recommendations on proposed subdivisions as to their conformance to the general plan and title 17 of this code, and other pertinent documents as it deems necessary. ~~After completing its review of the final plat,~~

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~~the Planning Commission shall approve or disapprove the final plat in accordance with section 16.12.070 of the Code.~~

~~G. The Planning staff shall act as the final Land Use Authority to approve final subdivision plats. After completing its review of the final plat, the Planning staff shall approve or disapprove the final plat in accordance with section 16.12.070 and 16.04.045 of this chapter.~~

~~GH. The City Attorney shall verify that the bond provided by the subdivider is acceptable, that the subdivider dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the subdivider, and may review other matters which may affect the City's interests.~~

~~H. The Mayor may sign, as a non-discretionary and ministerial act, final subdivision plats for the acceptance of lands and public improvements that may be proposed for dedication to the city.~~

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-04)

16.04.050: REVIEW CYCLES

~~In reviewing a completed subdivision land use application, the review cycles set forth in Utah Code sections 10-9a-604.1 and 10-9a-604.2, or successor provisions, shall apply.~~

~~A. In reviewing a completed subdivision land use application, the City may require:~~

~~1. additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements; and~~

~~2. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.~~

~~B. The City's request for additional information or modifications to plans under Subsection (A)(1) or (2) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.~~

~~C. The City will not require more than four complete review cycles.~~

~~D.~~

~~1. Subject to Subsection (D)(2), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the City's plan review is waived.~~

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2. A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

3. If an applicant makes a material change to a plan set, the City has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.

E. If an applicant does not submit a revised plan within 20 business days after the City requires a modification or correction, the City shall have an additional 20 business days to respond to the plans.

F. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the City's previous review cycle, the City may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

G.

1. In addition to revised plans, an applicant shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

2. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

3. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

H. If, on the fourth or final review, the City fails to respond within 20 business days, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

1. for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

2. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the hearing officer.

16.04.0560: COMPLIANCE REQUIRED:

A. It is unlawful for a person to subdivide a tract or parcel of land which is located wholly or in part in the City except in compliance with this title.

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1. Plat Approval Required: A plat of any subdivision may not be recorded until it has been submitted and approved as herein.

2. Plat Must Not Conflict With Plans, Ordinances Or Laws: A plat shall not be approved if the ~~Planning Commission~~City determines such plat to be in conflict with any provision or portion of the general plan, the transportation master plan, title 17 of this code, this chapter, and any other state law or City ordinance.

3. Adequate And Available Public Utilities: The City may deny or delay approval of a development project if there is not adequate capacity or availability of public utilities for a proposed development.

B. Land may not be transferred or sold nor shall a building permit be issued for a structure thereon, until a final plat of a subdivision shall have been recorded in accordance with this title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein.

C. All lots, plots or tracts of land located within a subdivision are subject to this title whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee, or contract purchaser of the land.

(Ord. 19-24 § 2: Ord. 15-26: Ord. 94-40 § 1: prior code § 30-05)

16.04.0670: CONCEPT REVIEW:

A. A concept review ~~is required~~ may be requested by the subdivider for all proposed subdivisions ~~unless the Community and Economic Development Director or designee determines that a concept plan is not necessary~~. A concept review provides the subdivider with an opportunity to consult with and receive information from the City regarding the regulations and design requirements applicable to the proposed subdivision. The concept review procedure may be informal and may consist of one or more meetings with affected departments, all as determined by the Community and Economic Development Director.

B. If a concept review is requested, the City shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.

C. At the concept review, City staff shall provide or have available on the City website:

1. copies of applicable land use regulations;

2. a complete list of standards required for the project;

3. preliminary and final application checklists; and

4. feedback on the concept plan

D. The subdivider shall provide the following items:

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1. The proposed name of the subdivision;
2. A vicinity plan showing significant natural and manmade features or existing structures on the site and within five hundred feet (500') of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than two feet (2'); north arrow; and scale of the drawing;
3. A proposed lot and street layout;
4. Availability of utilities as evidenced by letters from the utility companies;
5. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA;
6. The total acreage of the entire tract proposed for subdivision;
7. Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any.

E. After the concept review has been completed the subdivider may apply for preliminary plat review consistent with the concept review. If preliminary plat review is not requested within twelve (12) months after a concept review is completed, the Community and Economic Development Director may require a new concept review before the preliminary plat review may proceed.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-06)

~~16.04.070: STAFF AUTHORITY:~~

~~The City's planning staff and all other officers and employees of the City act in advisory capacity to the Planning Commission and have no authority to make binding decisions or to make authoritative representations, approvals or determinations other than in a purely advisory and recommending capacity.~~

~~(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-07)~~

~~16.04.080: SUBMISSION:~~

~~If the Community and Economic Development Director or designee requires a subdivision concept review, the subdivider shall provide the following items:~~

- ~~—A. The proposed name of the subdivision;~~
- ~~—B. A vicinity plan showing significant natural and manmade features or existing structures on the site and within five hundred feet (500') of any portion of it; the property boundaries of the~~

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~~proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than two feet (2'); north arrow; and scale of the drawing;~~

~~—C. A proposed lot and street layout;~~

~~—D. Availability of utilities as evidenced by letters from the utility companies;~~

~~—E. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA;~~

~~—F. The total acreage of the entire tract proposed for subdivision;~~

~~—G. Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any.~~

~~(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-08)~~

~~16.04.090: SUBMISSION FOR PRELIMINARY REVIEW:~~

~~After the concept review, if required, has been completed, as determined by the Community and Economic Development Director or designee, the subdivider may apply for preliminary plat review consistent with the concept review. If preliminary plat review is not requested within twelve (12) months after a concept review is completed, the Community and Economic Development Director may require a new concept review before the preliminary plat review may proceed.~~

~~(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-09)~~

16.04.1080: EXEMPTION FROM PLAT REQUIREMENT (LOT SPLIT SUBDIVISIONS):

A. Purpose: It is the intent of this section to allow the owner of property, which may be divisible into not more than two (2) legal size lots, to divide the property while minimizing delay and expense.

B. Approval Required: Prior to dividing any parcel or tract of land which may be divisible into not more than two (2) legal size lots, the division must first be approved by the Community and Economic Development Director or designee. The approval shall be based on the compliance of the proposed lot split with all ordinances of the City regarding street and other off site improvements, zoning, lot size and configuration, etc.

1. A plat is required if the proposed subdivision requires a dedication of real property for public street, utility easements, or other similar public purposes, as determined by the Community and Economic Development Department after consultation with affected City departments. If a plat is required by this subsection, the plat must be ~~(1)~~ reviewed and

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approved by the Planning ~~staff~~Commission; and ~~(2)~~ dedications accepted by the Mayor before recording.

C. Application: The subdivider shall submit a complete application which shall include one reproducible copy and two (2) prints of the property survey and legal description certified by a licensed land surveyor, together with any necessary improvement plans and bond agreements. The property survey shall show all existing improvements on the property being divided.

D. Review: The Community and Economic Development Department shall review the proposed subdivision and shall request recommendations from the Public Works Department and other appropriate City departments.

~~E. Referral For Review: The subdivision may be approved, approved with conditions, or disapproved by the Community and Economic Development Department. The proposed subdivision may be referred to the Planning Commission for review if the Community and Economic Development Director or designee determines it is in the City's best interest.~~

FE. Final Approval: If the survey and proposed division are in compliance with all City ordinances and conditions imposed, the lot split subdivision shall be approved by the Community and Economic Development Director or designee, and no further approval from the City is required.

GF. Subdivision: After final approval, the property may be subdivided as approved and conveyed by metes and bounds legal descriptions.

HG. Fee: The City charges a fee for applications for lot split subdivisions, which must be paid at the time the application is submitted. The fee will be established by the Mayor in a written fee schedule in an amount reasonably necessary to defray costs of processing an application. The written fee schedule will be made available for public inspection in the ~~City's Public Works~~ Department.

IH. Appeal: A final decision of the Community and Economic Development Director or ~~designee~~the Planning Commission may be appealed to the Appeal Authority by any aggrieved person or by any officer, department, board or agency of the City affected by the decision or action. Appeals must be filed, in writing, with the ~~City's Community and Economic~~ Department within ten (10) days after the decision is made. The appeal will then be heard according to the rules and bylaws of the Appeal Authority. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Appeal Authority. Appeal of the decision of the Appeal Authority is governed by title 10 chapter 9a of the Utah Code.

(Ord. 19-24 § 2: Ord. 18-06: Ord. 14-10: Ord. 11-22: Ord. 94-40 § 1: Prior Code § 30-27)

16.04.11090: MODIFICATIONS; PERMITTED WHEN; PETITION FROM SUBDIVIDER:

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Whenever the land involved in any proposed subdivision is of such size or shape, or is subject to such title limitations of record, or is affected by such topographical location or conditions, or is to be devoted to such use that it is impossible, impractical or undesirable in a particular case for the subdivider fully to conform to the regulations contained in this title, the Planning Staff and City Engineer may recommend that the Planning Commission permit such modifications as may be reasonably necessary if such modifications are in conformity with the spirit and purpose of this chapter, and will not be detrimental to the public welfare or safety, or injurious to other property in the territory in which the property is situated.

(Ord. 19-24 § 2: Ord. 94-40 § 1: Prior Code § 30-28)

16.04.1200: PENALTIES:

A person who fails to comply with the provisions of this title is guilty of a class C misdemeanor. In addition to any criminal prosecution, the City may pursue any other legal remedy available according to law.

(Ord. 19-24 § 2: Ord. 94-40 § 1: Prior Code § 30-26)

**CHAPTER 16.08
PRELIMINARY PLATS**

SECTION:

16.08.010: Purpose

16.08.020: Application

16.08.030: Preliminary Plat Submittal

16.08.040: Planning Commission Review

16.08.050: Preliminary Plat Remains Effective

16.08.010: PURPOSE:

The purpose of the preliminary plat is to require formal preliminary review of a subdivision as provided herein in order to minimize changes and revisions on the final plat. The preliminary plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this title and any other applicable City ordinances.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-10)

16.08.020: APPLICATION:

A. The City shall maintain and publish a list of items comprising the complete preliminary subdivision land use application. Compliance with the application is mandatory. The application for preliminary subdivision applications and materials can be found on the City's website and at the Department Office. These materials include, among other requirements, provisions for:

1. the owner's affidavit;

2. an electronic copy of all plans in PDF format;

3. the preliminary subdivision plat drawings; and

4. a breakdown of fees due upon application.

B. The subdivider of a subdivision, after completing a concept review, if ~~required~~ requested, shall file an application for preliminary plat approval with the Community and Economic Development Department on a form prescribed by the City, together with at least two (2) five (5) copies of the preliminary plat, one of which shall be electronic. An application may not be forwarded to or scheduled for hearing before the Planning Commission until all required information has been received by the City demonstrating that the applicant has met all objective ordinance-based criteria and the fees have been paid for the submission of a

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preliminary subdivision application. The City shall review and determine whether the application is complete within fifteen (15) business days after receipt of an application.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-11)

16.08.030: PRELIMINARY PLAT SUBMITTAL:

The preliminary plat shall be prepared, stamped and signed by a professional engineer licensed by the state of Utah. The preliminary plat shall include, at a minimum, the ~~following~~ information: required by the preliminary subdivision application. Additional information may be required by the Staff or Planning Commission.

~~—A. Vicinity map:~~

~~—1. Drawn at a scale of one thousand feet (1,000') to the inch or other appropriate scale to adequately depict surrounding development, streets, and property;~~

~~—2. Show all existing and proposed roadways in the vicinity of the proposed development;~~

~~—3. A north arrow;~~

~~—4. The nearest section corner tie;~~

~~—5. Subdivision name.~~

~~—B. Preliminary plat (all facilities within 100 feet of the plat shall be shown):~~

~~—1. Drawn at a scale not smaller than one hundred feet (100') to the inch;~~

~~—2. A north arrow;~~

~~—3. Subdivision name;~~

~~—4. The layout and names and widths of existing and future road right of ways;~~

~~—5. A tie to a permanent survey monument at a section corner;~~

~~—6. The boundary lines of the subdivision with bearings and distances;~~

~~—7. The layout and dimensions of proposed lots with lot areas in square feet;~~

~~—8. The location and dimensions and labeling of other spaces including, open spaces, parks, or public spaces;~~

~~—9. The location of manmade features including bridges, railroad tracks, and buildings;~~

~~—10. Topography at two foot (2') intervals;~~

~~—11. Location and ownership of all adjoining tracts of land.~~

~~—C. Grading and drainage plan:~~

- ~~—1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout;~~
- ~~—2. Topography at two foot (2') contour intervals;~~
- ~~—3. North arrow;~~
- ~~—4. Subdivision name;~~
- ~~—5. Areas of substantial earth moving with an erosion control plan;~~
- ~~—6. Location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains;~~
- ~~—7. Location of any 100-year floodplain as designated by the federal emergency management agency (FEMA);~~
- ~~—8. A storm drainage plan showing water flow directions, inlets, outlets, catch basins, waterways, culverts, detention basins, orifice plates, outlets to off site facilities, and off site drainage facilities planned to accommodate the project drainage. Drainage plans are to facilitate the 10-year storm event. An off site discharge rate of 0.1 cubic feet per second is permitted;~~
- ~~—9. Show any existing wetlands;~~
- ~~—10. Dust and mud tracking control plan (see subsection 16.16.150B of this title).~~

~~—D. Utility plan:~~

- ~~—1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout;~~
- ~~—2. North arrow;~~
- ~~—3. Subdivision name;~~
- ~~—4. Show all existing and proposed utilities including: sewer, culinary water, secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines (existing only), and streetlights;~~
- ~~—5. Show location and dimensions of all utility easements.~~

~~—E. The subdivider shall provide the following documents with the application:~~

- ~~—1. Hydraulic and hydrologic storm drainage calculations;~~
- ~~—2. A traffic study when required by the Planning Commission or City Engineer;~~
- ~~—3. Preliminary title report, or other evidence of title satisfactory to the City Attorney;~~

~~—4. Any necessary agreements with adjacent property owners regarding storm drainage or other matters pertinent to subdivision approval;~~

~~—5. Maintenance agreements for subsurface drains serving the subdivision.~~

~~—F. The subdivider shall comply with all applicable federal, state, and local laws and regulations, and shall provide evidence of such compliance if requested by the City.~~

~~(Ord. 19-24 § 2; Ord. 94-40 § 1; prior code § 30-12)~~

16.08.040: PLANNING COMMISSION REVIEW:

A. No later than fifteen (15) business days after the day on which an applicant submits a complete preliminary subdivision application, ~~the~~ the Planning Commission shall review the submitted preliminary plat and determine compliance with the standards, specifications, and criteria set forth in this title and all other applicable ordinances of the City, including, but not limited to, title 17 of this code, general plan and the transportation master plan. The subdivision plan review shall include receiving public comment in no more than one (1) public hearing. ~~The planning commission may approve, approve subject to modification, or disapprove the submitted preliminary plat, and shall make findings specifying any inadequacy in the application, such as noncompliance with City regulations, questionable or undesirable design and/or engineering. The subdivider shall be notified in writing of the action taken by the findings of the planning commission regarding the submitted preliminary plat.~~

B. In reviewing the preliminary subdivision land use application, the Planning Commission may require:

1. additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements; and

2. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

The City's request for additional information or modifications to plans under Subsection (B)(1) or (2) shall be specific and include citations to all City ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

C. The planning commission may approve, approve subject to modification, or disapprove the submitted preliminary plat, and shall make findings specifying any inadequacy in the application, such as noncompliance with City regulations, questionable or undesirable design and/or engineering. The subdivider shall be notified in writing of the action taken by the findings of the planning commission regarding the submitted preliminary plat.

~~BD.~~ Completion of preliminary plat review by the planning commission does not constitute a final acceptance of the subdivision by the ~~City planning commission, and does not create any vested rights for the subdivider.~~

~~CE.~~ Preliminary and ~~F~~final ~~S~~subdivision ~~R~~review ~~for a standard subdivision of ten (10) lots or less~~ may be done concurrently ~~with the Planning Commission.~~

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-13)

16.08.050: PRELIMINARY PLAT REMAINS EFFECTIVE:

A. A completed preliminary plat must be submitted for final approval within one year. The planning commission may grant a one year extension if the plat complies with all applicable ordinances at the time the extension is sought. The extension must be requested prior to preliminary plat expiration.

B. If a final plat which covers only a portion of the approved preliminary plat is recorded within the one year time limit or extension thereof, the validity of the unrecorded portion of the preliminary plat shall be extended for one year from the date of recording the final plat.

C. The preliminary plat must be amended if the developer desires to increase the number of lots in the subdivision, or change the grade or location of streets within the subdivision.

D. The preliminary plat need not be amended to decrease the number of lots in the subdivision, to make minor lot boundary changes, or to make other minor changes if the community development director or designee and the city engineer find that amending the preliminary plat is not necessary to protect the interest of the City or adjoining property owners.

E. If a subdivision is proposed to be developed in phases, preliminary plat approval for the remaining portions of the subdivision shall not be voided if final plat for the first phase is approved and recorded within one year of the date of preliminary plat approval.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-14)

**CHAPTER 16.12
FINAL PLATS**

SECTION:

16.12.010: Final Plat Review and Approval

16.12.0~~1~~20: Filing Data For Final Plat

16.12.0~~2~~30: Preparation And Materials Of Final Plat

16.12.0~~3~~40: Public Improvement Agreement

16.12.0~~4~~50: Bond And Security Requirements

16.12.0~~5~~60: No Public Right Of Action

16.12.0~~6~~70: City Engineer Review And Certification

16.12.0~~7~~80: Approval By Planning Commission

16.12.0~~8~~90: Acceptance Of Offers Of Dedication By Mayor

16.12.~~10~~90: Recordation With County

16.12.1~~10~~90: Amendments To Final Plat

16.12.010: FINAL PLAT REVIEW AND APPROVAL

A. Final Subdivision Application.

The City shall publish a list of items that comprise a complete and final subdivision land use application. Compliance with the application is mandatory. The application for final subdivision applications and materials can be found on the City's website and at the Department City Office.

B. Review Process and Timing

No later than 20 business days after the day on which an applicant submits a complete final application, the Planning staff shall complete a review of the applicant's final subdivision land use application including all subdivision plan reviews. In reviewing the final subdivision land use application, the Planning staff may require:

(i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and

(ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

The Planning staff's request for additional information or modifications to plans under Subsection (B)(i) or (ii) shall be specific and include citations to all City ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

16.12.0120: FILING DATA FOR FINAL PLAT:

At the time a final plat of a subdivision is submitted to the City Engineer, the subdivider shall submit therewith the ~~following information and documents:~~ required by the final subdivision application. Additional information may be required by Staff.

~~—A. Calculation and traverse sheets, in a form approved by the City Engineer, giving bearings, distance and coordinates of the boundary of the subdivision, and blocks and lots as shown on the final plat;~~

~~—B. A no-access rights certificate, if required, shall be shown on the final plat;~~

~~—C. Design data, assumptions and computations for proper analysis in accordance with sound engineering practice;~~

~~—D. A current report naming the persons whose consent is necessary for the preparation and recordation of such plat and for dedication of the streets, alleys and other public places shown on the plat, and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to such subdivision;~~

~~—E. A soils report based upon adequate test borings and excavations, prepared by a civil engineer specializing in soil mechanics and registered by the state of Utah, shall be required prior to preliminary approval of any subdivision plat. If the soil report indicates the presence of critically expansive soils, high water table or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the buildings from the water or premature deterioration of the public improvements, a soil investigation of each lot in the subdivision may be required by the Public Works Department. The soil investigation shall recommend corrective action intended to prevent damage to the proposed structure or public improvements. The fact that a soil report has been prepared shall be noted on the final plat and a copy attached to the preliminary plat application. The City Engineer may determine that a soils report is not necessary and may waive this requirement;~~

~~—F. An affidavit, in a form as directed by the City Attorney, from the developer and the owner of the subdivision property, describing:~~

~~—1. The use history of the property for the previous fifty (50) years, including the type of business activities which have been conducted on the property;~~

~~—2. Whether the property is at natural grade or has been filled; and~~

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~~—3. Whether the developer or owner of the property is aware of the presence of any tailings, hazardous waste, or petroleum products in or on the property.~~

~~—If the City Engineer has reason to believe the property may constitute a health hazard, the developer or owner of the property shall provide written evidence of an environmental assessment and, if applicable, written certification of abatement from all regulatory agencies having jurisdiction over the property and the related contamination.~~

~~—G. Evidence of title in form of a commitment for title insurance or other documentation as approved by the City Attorney.~~

~~—H. The agreement and bonds specified in sections 16.12.030 and 16.12.040 of this chapter, or successor sections;~~

~~—I. Proposed deed restrictions if required by City Attorney.~~

~~{Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-15}~~

16.12.0230: PREPARATION AND MATERIALS OF FINAL PLAT:

A. 1. The requirements for the final plat, or drawing to be submitted, as above provided, shall consist of a sheet of approved industrial grade tracing linen or Mylar to the outside, or trim line dimensions of twenty two by thirty four inches (22 x 34") and the borderline of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (1 1/2") on the left hand margin of the sheet for binding, and not less than a one-half inch (1/2") margin, in from the outside or trim line, around the other three (3) edges of the sheet. The plat shall be so drawn that the top of the sheet either faces north or west, whichever accommodates the drawing best. All lines, dimension and markings shall be made on the tracing linen with approved ink;

2. The actual plat drawing shall be made on a scale large enough to clearly show all details, and the workmanship on the finished drawing shall be neat, clear cut and readable. The subdivider must also furnish, in addition to the original plat or drawing, an approved and acceptable reproduction of the original plat or drawing made on tracing linen, and to the same dimension and size as the original, or shall furnish two (2) original tracings, as above provided, whichever is preferred;

3. The printing or reproduction process used shall not incur any shrinkage or distortions, and the reproduced tracing furnished shall be of good quality, to true dimension, clear and readable, and in all respects comparable to the original plat or drawing so that the lines, dimensions and markings will not rub off or smear. Both of the tracings, whether originals or one original and a reproduction, shall be signed separately by all required and authorized parties, and the final drawings or plats shall contain the information set forth in this chapter. The location of the subdivision within the City shall be shown by a small scale map on the first sheet.

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B. The title of each sheet of such final plat shall consist of the approved name and unit number of the subdivision (if any) at the lower right hand corner of the sheet, followed by the words "Murray City".

C. Wherever the City Engineer has established a system of coordinates, the survey shall use such system. The adjoining corners of all adjoining subdivisions shall be identified by lot and block numbers, subdivision named and place of record, or other proper designation.

D. An accurate and complete boundary survey to second order accuracy shall be made of land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground, shall close within a tolerance of one foot (1') to ten thousand feet (10,000') of perimeter.

E. The final plat shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angles, radius, and arc length of curves, and such information as may be necessary to determine the location of the centers of curves.

F. All lots and blocks and all parcels offered for dedication for any purpose shall be delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication other than for streets or easements shall be designated by letter. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two (2) or more sheets and, whenever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with the numeral "1" and continue consecutively throughout the subdivision with no omissions or duplications.

G. The map shall show the right-of-way lines of each street and the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within one hundred feet (100') of the subdivision shall be shown. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown. Whenever the centerline of a street has been established or recorded, the date shall be shown on the final map.

H. The plat shall indicate buildable areas and square footage for each lot. The side lines of all easements shall be shown by fine dashed lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified. All lots must have a ten foot (10') rear yard utility easement, a ten foot (10') front yard utility easement. All lots must have side yard utility and drainage easements as follows: In the R-1-6 Zone, lots must have a five foot (5') utility and drainage easement in one side yard. Each side yard easement must line up with the side yard easement on an adjacent lot. For developments with an odd number of lots, on one lot the required side yard easement may be located in either side yard, as determined by City staff.

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Lots within the R-1-8 Zone must have a five foot (5') easement in each side yard. Lots within the R-1-10 and R-1-12 Zones must have a seven foot six inch (7'6") easement in each side yard. The plat shall provide a signature line to indicate approval of utility easements by the City Power Department and any other affected City department as determined by the City Engineer.

I. If the subdivision is adjacent to a waterway, the map shall show the location of any 100-year floodplain as designated by the Army Corps of Engineers or other Federal authority.

J. The plat shall show fully and clearly stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider under the direction of the City Engineer. The following required monuments shall be shown on the final plat:

1. The location of all monuments placed in marking the survey, including a statement as to what, if any, points were reset by ties;
2. All rear lot corner pipes and front lot corner pipes or offset cross marks in the concrete surface of the public sidewalk.

K. The title sheet of the map, below the title, shall show the name of the engineer or surveyor, together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of the final maps, and such certificates may be combined where appropriate:

1. Registered, professional engineer's and/or land surveyor's "certificate of survey";
2. Owner's dedication certificate;
3. Notary public's acknowledgment;
4. A description of all property being subdivided, with reference to maps or deeds of the property as shall have been previously recorded or filed. Each reference in such description shall show a complete reference to the book and page of records of the County. The description shall also include reference to any vacated area with the vacation ordinance number indicated;
5. Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law and by this title. (Ord. 17-34: Ord. 94-40 § 1: Prior Code § 30-16)

16.12.0340: PUBLIC IMPROVEMENT AGREEMENT:

A. Prior to the approval by the Planning ~~Commission~~ staff of the final plat, the subdivider shall execute and file an agreement between the subdivider and the City specifying the period within which the subdivider shall complete all public improvement work to the satisfaction of affected City departments, and providing that if the subdivider shall fail to complete the work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider or the subdivider's surety. The agreement shall also provide for

inspection of all public improvements by the City Engineer and that the cost of such inspections shall be reimbursed to the City by the subdivider.

B. Such agreement may also provide the following:

1. Construction of the improvements in phases;
2. An extension of time under conditions therein specified.

(Ord. 19-24 § 2: Ord. 94-40 § 1: Prior Code § 30-17)

16.12.0450: BOND AND SECURITY REQUIREMENTS:

A. The subdivider shall file with the agreement required by section 16.12.030 of this chapter, or its successor, a performance bond in an amount equal to one hundred twenty five percent (125%) of the estimated cost of the public improvements for which the subdivider is responsible, as determined by the City Engineer. These bonds may be either cash bonds, corporate surety bonds or letters of credit. The guarantees shall extend for a one year period beyond the date the improvements are completed, as certified by the City Engineer to guarantee the replacement of defective improvements.

B. In the case of a corporate surety bond, in the event a subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the improvement agreement, the City may require the subdivider's surety to complete the work, or the City may complete the work and, in the case of a corporate surety, call upon the surety for reimbursement; in the case of a cash bond, the subdivider shall forfeit to the City the money to pay for the cost of completion. If the amount of the bond exceeds all costs and expenses incurred by the City, the City shall release the remainder of the bond, and if the amount of the bond shall be less than the costs and expenses incurred by the City, the subdivider(s) shall be personally liable to the City for the difference.

C. In the case of a letter of credit, the terms shall be that the letter of credit shall be irrevocable without the express written consent of the City.

D. In the case of corporate surety bonds, copies of the partial releases from the City Engineer's Office shall be sent to the Recorder's Office for inclusion with the bond for attachment to the bond.

(Ord. 19-24 § 2: Ord. 94-40 § 1: Prior Code § 30-18)

16.12.0560: NO PUBLIC RIGHT OF ACTION:

The provisions of sections 16.12.030 and 16.12.040 of this chapter, or successor sections, shall not be construed to provide any private right of action on either tort, contract, third party contract or any other basis on behalf of any property holder in the subdivision as against the

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City or on the cash bond, corporate surety bond or letter of credit required under section 16.12.040 of this chapter or its successor in the event that the improvements are not constructed as required. (Ord. 94-40 § 1: Prior Code § 30-19)

16.12.0670: CITY ENGINEER REVIEW AND CERTIFICATION:

Upon receipt of the final plat and other data submitted therewith, the City Engineer shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the preliminary plat and any approved alterations thereof. (Ord. 94-40 § 1: Prior Code § 30-20)

16.12.0780: APPROVAL BY PLANNING COMMISSIONSTAFF:

Upon receipt of the final plat, the Planning Commission-staff shall examine the same to determine whether the plat conforms with the preliminary plat. If in conformity with the preliminary plat and City ordinances, the Planning Commission-staff shall approve the plat. If the plat is not in conformity with (1) the preliminary plat; or (2) the requirements of the ordinances of the City, the Planning Commission-staff shall disapprove the plat, specifying the reasons for such disapproval. Within thirty (30) days after the Planning Commission-staff has disapproved any plat, the subdivider may file with the City Engineer a plat altered to meet the requirements of the Planning Commissionstaff. No final plat shall have any force or effect until the same has been approved by the Planning Commissionstaff.

(Ord. 19-24 § 2: Ord. 94-40 § 1: Prior Code § 30-21)

16.12.0890: ACCEPTANCE OF OFFERS OF DEDICATION BY MAYOR:

Before a plat may be recorded with the County Recorder, the Mayor shall perform the non-discretionary and ministerial act of signing the plat solely to accept offers of dedication.

(Ord. 19-24 § 2: Ord. 94-40 § 1: Prior Code § 30-22)

16.12.1090: RECORDATION WITH COUNTY:

A. When the Planning Commission-staff has approved the final plat, all required fees have been paid, and the subdivider has filed the approved agreement and bond required in this chapter, the plat may be presented to the County Recorder for recordation.

B. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission-staff or the final plat shall be null and void. The applicant may request a one-time

extension of up to twelve (12) months for special circumstances. The extension must be requested prior to final plat expiration.

(Ord. 19-24 § 2: Ord. 15-25)

16.12.1~~100~~: AMENDMENTS TO FINAL PLAT:

The Community and Economic Development and Public Works Directors may approve minor amendments to approved final plats before the plat is recorded, if they find that a proposed amendment does not jeopardize the interests of the City or adjoining property owners. The types of minor amendments contemplated by this section include legal description mistakes, minor boundary changes, and items that should have been included on the original final plats. Major amendments to unrecorded approved final plats shall go back through the approval process. Amendments to recorded final plats shall be in accordance with State law and any policies or procedures adopted by the City.

(Ord. 19-24 § 2: Ord. 94-40 § 1: Prior Code § 30-25)

**TITLE 16
SUBDIVISIONS**

**CHAPTER 16.04
GENERAL PROVISIONS**

SECTION:

16.04.010: Purposes

16.04.020: Definitions

16.04.030: Necessity Of Subdivision Plat Approval

16.04.040: General Responsibilities

16.04.050: Review Cycles

16.04.060: Compliance Required

16.04.070: Concept Review

16.04.080: Exemption From Plat Requirement (Lot Split Subdivisions)

16.04.090: Modifications; Permitted When; Petition From Subdivider

16.04.100: Penalties

16.04.010: PURPOSES:

A. The purposes of this title are:

1. To promote the health, safety and general welfare of the residents of the City;
2. To ensure the efficient and orderly development of land within the City;
3. To prevent the uncontrolled division and development of real property, which may be done without considering the rights and best interests of adjoining property owners and the City as a whole;
4. To avoid poorly planned developments that:
 - a. Do not comply with the City general plan or ordinances,
 - b. Cannot be adequately served by existing utilities or public services,
 - c. May prove to be dangerous or unsafe,
 - d. May cause an undue burden on existing traffic or transportation services, or

e. May require the future expenditure of public funds to correct problems caused by the development;

5. To provide design standards for public improvements, facilities and utilities, to provide for reasonable accesses to public rights of way, to provide for the dedication of land and streets deemed necessary for the proper development of the subdivision, and to provide for easements or rights of way that are necessary to service the property.

B. This title is designed to inform the subdivision developer and the public of the requirements for obtaining subdivision plat approval. Because each parcel of real property has unique site/situation characteristics, there may be some aspects of subdivision development that cannot easily be articulated. For this reason, it is not possible to cover every possible contingency. Therefore, the City Engineer, Planning Commission, and Community and Economic Development Director have the authority to impose reasonable conditions upon a subdivider in addition to those expressly required, provided that:

1. The conditions are not arbitrary or capricious;
2. The conditions do not conflict with any applicable law.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-01)

16.04.020: DEFINITIONS:

AVERAGE PERCENT OF SLOPE: The rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a lot. A vertical rise of one hundred feet (100') between two (2) points one hundred feet (100') apart measured on a horizontal plane is a one hundred percent (100%) grade or a one to one (1:1) slope.

COMPLETE APPLICATION: An application that clearly demonstrates that the applicant has met all objective ordinance-based application criteria and has paid the application fees.

CUT: Either excavated material, or the void resulting from the excavation of earth material. The reference for a cut is the distance from a survey elevation stake to a required lower adjacent elevation.

DEPARTMENT: The Community and Economic Development Department.

DEVELOPER: Any subdivider or any person or organization that develops, or intends to develop, property after it has been divided.

EXCAVATION: Either the removal of earth from its natural position, or the cavity resulting from the removal of earth.

FILL: Earth materials used either as a manmade deposit or to raise an existing grade, or shall mean the depth or the volume of such material. The reference for a fill is the distance from a survey elevation stake to a required higher adjacent elevation.

FINAL GRADING: The last stage of grading a soil or gravel material prior to landscaping or the installation of concrete or bituminous paving, or other required final surfacing material.

FINAL PLAT: A map and supporting documents, prepared in accordance with the provisions of this title and prepared for recording in the office of the county recorder.

GRADING: Either an excavation or fill, or the act of excavating or filling.

IMPROVEMENTS: Curbs, gutters, sidewalks, gradings, pavings, landscaping, water, sewer and power systems, drainage systems, fences, public facilities, amenities and other such requirements of this title.

LAND USE AUTHORITY: For purposes of Title 16, the Planning Commission is the land use authority for review and approval of a preliminary subdivision application and Planning staff is the land use authority for review and approval of a final subdivision application. LAND USE AUTHORITY does not include the City Council or a member of the City Council.

LOT: A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

LOT, DOUBLE FRONTAGE: A subdivision lot which has access from an interior subdivision street and also abuts the right-of-way of a collector or arterial street along the rear lot line.

MONUMENT: A permanent survey marker established by the county surveyor and shown on a final plat with state plane coordinates, and/or a survey marker set in accordance with the City Engineer's specifications and referenced to county survey monuments.

NATURAL STATE: The condition of land which has not been graded, disturbed, or built upon.

PARCEL: Any real property that is not a lot.

REVIEW CYCLE: Means the occurrence of:

- a. The applicant's submittal of a complete subdivision land use application including the City's written determination of completeness;
- b. The City's review of that subdivision land use application;
- c. The City's response to that subdivision land use application, in accordance with this section; and
- d. The applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.

SENSITIVE AREA: An area of land which contains environmental or geological elements which, if altered, may cause damage to the environment or the improvements thereon.

STREET: A right of way for the purpose of vehicular and pedestrian traffic.

STREET, ARTERIAL: a street that functions or intended to function as a major traffic way and is designated on the master transportation plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of a street plan.

STREET, COLLECTOR: a street that is of considerable continuity that functions or is intended to function as the principal traffic way between large or separated areas or districts, and that is the means of access to the major or arterial street system.

STREET, CUL-DE-SAC: a street closed at one end by an enlarged, circular turnaround area.

STREET, LOCAL: a street which is supplementary to a collector street and of limited continuity which functions as or is intended to serve the local needs of a neighborhood, and which is the means of access to the collector street system. Local streets primarily serve land-access functions. Local street design and control facilitates the movement of vehicles onto and off the street system from land parcels. Through-movement is difficult and discouraged by both the design and control of this type of facility. This level of street network is likely to provide the highest level of comfort to bicyclists and pedestrians. Local streets will have the lowest speeds and be mostly absent of large vehicles. Existing local streets are identified in the Master Transportation Plan.

SUBDIVIDER: Any person who: a) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who b) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision; or who c) engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale, lease, or development a subdivision; or who d) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

SUBDIVISION: Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions. "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 instrument; and b) divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

SUBDIVISION IMPROVEMENT PLANS: the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

SUBDIVISION ORDINANCE REVIEW: review by the City to verify that a subdivision land use application meets the criteria of the City's subdivision ordinances.

SUBDIVISION PLAN REVIEW: review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

UTILITIES: Natural gas, electric power, cable television, telephone, storm system, sewer, culinary water and other services deemed to be of a public utility nature by the City.

UTILITY EASEMENT: The area designated for access to construct or maintain utilities on privately or publicly owned land.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-02)

16.04.030: NECESSITY OF SUBDIVISION PLAT APPROVAL:

A. **Terms:** Any division of real property located within the City is subject to the terms of this title. The division of real property includes any sale, gift, transfer, conveyances, split or other division that results in changing the boundaries or legal description of a given parcel of real property.

B. **Unlawful Subdivision:** It is unlawful to transfer, sell, convey, give or assign any subdivided property before a final subdivision plat for the property to be transferred, sold, conveyed, gifted or assigned is approved and recorded pursuant to the requirements of this title and applicable state law.

1. A parcel of real property is subdivided when it is divided into two (2) or more parts for the purpose, whether immediate or future, of sale or building development;

2. Any developer desiring to develop property that has been subdivided illegally must comply with the requirements of this title before developing the property, regardless of whether the developer was the illegal subdivider.

C. **City Approval Of Modifications:** It is unlawful to amend, vacate, alter or modify any plat which has already been approved and/or recorded, without first receiving city approval of the amended, vacated, altered or modified plat.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-03)

16.04.040: GENERAL RESPONSIBILITIES:

A. The subdivider shall prepare concept plans and plats consistent with the standards contained herein and shall pay for the design, construction and inspection of the public improvements required. The city shall process said plans and plats in accordance with the

regulations set forth herein. The subdivider may not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until subdivider has obtained the necessary approvals as outlined herein. The subdivider is responsible to obtain and be familiar with all applicable subdivision ordinances, rules and standards of the City.

B. The City shall review the plans and plats for design; for conformity to the general plan and to title 17 of this code; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title.

C. Plats and/or plans of proposed subdivisions may be referred by the Community and Economic Development Director or designee to any City departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment.

D. The City Engineer shall review the engineering plans and specifications for the subdivision to determine if the proposed City required improvements are consistent with this title and other applicable ordinances and shall be responsible for inspecting the City requirement improvements. Review of street layout and lot design shall be coordinated between the City Engineer and the Community and Economic Development Department.

E. The City Engineer shall review the engineering plans and specifications for the public improvements.

F. The Planning Commission shall act as the Land Use Authority to approve (1) preliminary subdivision plats; and (2) the establishment of requirements and design standards for public improvements. It shall make investigations, reports and recommendations on proposed subdivisions as to their conformance to the general plan and title 17 of this code, and other pertinent documents as it deems necessary.

G. The Planning staff shall act as the final Land Use Authority to approve final subdivision plats. After completing its review of the final plat, the Planning staff shall approve or disapprove the final plat in accordance with section 16.12.070 and 16.04.045 of this chapter.

H. The City Attorney shall verify that the bond provided by the subdivider is acceptable, that the subdivider dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the subdivider, and may review other matters which may affect the City's interests.

I. The Mayor may sign, as a non-discretionary and ministerial act, final subdivision plats for the acceptance of lands and public improvements that may be proposed for dedication to the city.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-04)

16.04.050: REVIEW CYCLES

In reviewing a completed subdivision land use application, the review cycles set forth in Utah Code sections 10-9a-604.1 and 10-9a-604.2, or successor provisions, shall apply.

A. In reviewing a completed subdivision land use application, the City may require:

1. additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements; and

2. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

B. The City's request for additional information or modifications to plans under Subsection (A)(1) or (2) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

C. The City will not require more than four complete review cycles.

D.

1. Subject to Subsection (D)(2), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the City's plan review is waived.

2. A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

3. If an applicant makes a material change to a plan set, the City has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.

E. If an applicant does not submit a revised plan within 20 business days after the City requires a modification or correction, the City shall have an additional 20 business days to respond to the plans.

F. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the City's previous review cycle, the City may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

G.

1. In addition to revised plans, an applicant shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

2. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

3. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

H. If, on the fourth or final review, the City fails to respond within 20 business days, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

1. for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

2. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the hearing officer.

16.04.060: COMPLIANCE REQUIRED:

A. It is unlawful for a person to subdivide a tract or parcel of land which is located wholly or in part in the City except in compliance with this title.

1. Plat Approval Required: A plat of any subdivision may not be recorded until it has been submitted and approved as herein.

2. Plat Must Not Conflict With Plans, Ordinances Or Laws: A plat shall not be approved if the City determines such plat to be in conflict with any provision or portion of the general plan, the transportation master plan, title 17 of this code, this chapter, and any other state law or City ordinance.

3. Adequate And Available Public Utilities: The City may deny or delay approval of a development project if there is not adequate capacity or availability of public utilities for a proposed development.

B. Land may not be transferred or sold nor shall a building permit be issued for a structure thereon, until a final plat of a subdivision shall have been recorded in accordance with this title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein.

C. All lots, plots or tracts of land located within a subdivision are subject to this title whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee, or contract purchaser of the land.

(Ord. 19-24 § 2: Ord. 15-26: Ord. 94-40 § 1: prior code § 30-05)

16.04.070: CONCEPT REVIEW:

A. A concept review may be requested by the subdivider for all proposed subdivisions. A concept review provides the subdivider with an opportunity to consult with and receive information from the City regarding the regulations and design requirements applicable to the proposed subdivision. The concept review procedure may be informal and may consist of one or more meetings with affected departments, all as determined by the Community and Economic Development Director.

B. If a concept review is requested, the City shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.

C. At the concept review, City staff shall provide or have available on the City website:

1. copies of applicable land use regulations;
2. a complete list of standards required for the project;
3. preliminary and final application checklists; and
4. feedback on the concept plan

D. The subdivider shall provide the following items:

1. The proposed name of the subdivision;
2. A vicinity plan showing significant natural and manmade features or existing structures on the site and within five hundred feet (500') of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than two feet (2'); north arrow; and scale of the drawing;
3. A proposed lot and street layout;
4. Availability of utilities as evidenced by letters from the utility companies;
5. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA;
6. The total acreage of the entire tract proposed for subdivision;
7. Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any.

E. After the concept review has been completed the subdivider may apply for preliminary plat review consistent with the concept review. If preliminary plat review is not requested within twelve (12) months after a concept review is completed, the Community and Economic Development Director may require a new concept review before the preliminary plat review may proceed.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-06)

16.04.080: EXEMPTION FROM PLAT REQUIREMENT (LOT SPLIT SUBDIVISIONS):

A. Purpose: It is the intent of this section to allow the owner of property, which may be divisible into not more than two (2) legal size lots, to divide the property while minimizing delay and expense.

B. Approval Required: Prior to dividing any parcel or tract of land which may be divisible into not more than two (2) legal size lots, the division must first be approved by the Community and Economic Development Director or designee. The approval shall be based on the compliance of the proposed lot split with all ordinances of the City regarding street and other off site improvements, zoning, lot size and configuration, etc.

1. A plat is required if the proposed subdivision requires a dedication of real property for public street, utility easements, or other similar public purposes, as determined by the Community and Economic Development Department after consultation with affected City departments. If a plat is required by this subsection, the plat must be reviewed and approved by the Planning staff and dedications accepted by the Mayor before recording.

C. Application: The subdivider shall submit a complete application which shall include one reproducible copy and two (2) prints of the property survey and legal description certified by a licensed land surveyor, together with any necessary improvement plans and bond agreements. The property survey shall show all existing improvements on the property being divided.

D. Review: The Community and Economic Development Department shall review the proposed subdivision and shall request recommendations from the Public Works Department and other appropriate City departments.

E. Final Approval: If the survey and proposed division are in compliance with all City ordinances and conditions imposed, the lot split subdivision shall be approved by the Community and Economic Development Director or designee, and no further approval from the City is required.

F. Subdivision: After final approval, the property may be subdivided as approved and conveyed by metes and bounds legal descriptions.

G. Fee: The City charges a fee for applications for lot split subdivisions, which must be paid at the time the application is submitted. The fee will be established by the Mayor in a written fee schedule in an amount reasonably necessary to defray costs of processing an application. The written fee schedule will be made available for public inspection in the Department.

H. Appeal: A final decision of the Community and Economic Development Director or designee may be appealed to the Appeal Authority by any aggrieved person or by any officer,

department, board or agency of the City affected by the decision or action. Appeals must be filed, in writing, with the Department within ten (10) days after the decision is made. The appeal will then be heard according to the rules and bylaws of the Appeal Authority. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Appeal Authority. Appeal of the decision of the Appeal Authority is governed by title 10 chapter 9a of the Utah Code.

(Ord. 19-24 § 2: Ord. 18-06: Ord. 14-10: Ord. 11-22: Ord. 94-40 § 1: Prior Code § 30-27)

16.04.090: MODIFICATIONS; PERMITTED WHEN; PETITION FROM SUBDIVIDER:

Whenever the land involved in any proposed subdivision is of such size or shape, or is subject to such title limitations of record, or is affected by such topographical location or conditions, or is to be devoted to such use that it is impossible, impractical or undesirable in a particular case for the subdivider fully to conform to the regulations contained in this title, the Planning Staff and City Engineer may recommend that the Planning Commission permit such modifications as may be reasonably necessary if such modifications are in conformity with the spirit and purpose of this chapter, and will not be detrimental to the public welfare or safety, or injurious to other property in the territory in which the property is situated.

(Ord. 19-24 § 2: Ord. 94-40 § 1: Prior Code § 30-28)

16.04.100: PENALTIES:

A person who fails to comply with the provisions of this title is guilty of a class C misdemeanor. In addition to any criminal prosecution, the City may pursue any other legal remedy available according to law.

(Ord. 19-24 § 2: Ord. 94-40 § 1: Prior Code § 30-26)

**CHAPTER 16.08
PRELIMINARY PLATS**

SECTION:

16.08.010: Purpose

16.08.020: Application

16.08.030: Preliminary Plat Submittal

16.08.040: Planning Commission Review

16.08.050: Preliminary Plat Remains Effective

16.08.010: PURPOSE:

The purpose of the preliminary plat is to require formal preliminary review of a subdivision as provided herein in order to minimize changes and revisions on the final plat. The preliminary plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this title and any other applicable City ordinances.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-10)

16.08.020: APPLICATION:

A. The City shall maintain and publish a list of items comprising the complete preliminary subdivision land use application. Compliance with the application is mandatory. The application for preliminary subdivision applications and materials can be found on the City's website and at the Department Office. These materials include, among other requirements, provisions for:

1. the owner's affidavit;
2. an electronic copy of all plans in PDF format;
3. the preliminary subdivision plat drawings; and
4. a breakdown of fees due upon application.

B. The subdivider of a subdivision, after completing a concept review, if requested, shall file an application for preliminary plat approval with the Community and Economic Development Department on a form prescribed by the City, together with at least two (2) copies of the preliminary plat, one of which shall be electronic. An application may not be forwarded to or scheduled for hearing before the Planning Commission until all required information has been received by the City demonstrating that the applicant has met all objective ordinance-based criteria and the fees have been paid for the submission of a preliminary subdivision application.

The City shall review and determine whether the application is complete within fifteen (15) business days after receipt of an application.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-11)

16.08.030: PRELIMINARY PLAT SUBMITTAL:

The preliminary plat shall be prepared, stamped and signed by a professional engineer licensed by the state of Utah. The preliminary plat shall include, at a minimum, the information required by the preliminary subdivision application. Additional information may be required by the Staff or Planning Commission.

16.08.040: PLANNING COMMISSION REVIEW:

A. No later than fifteen (15) business days after the day on which an applicant submits a complete preliminary subdivision application, the Planning Commission shall review the submitted preliminary plat and determine compliance with the standards, specifications, and criteria set forth in this title and all other applicable ordinances of the City, including, but not limited to, title 17 of this code, general plan and the transportation master plan. The subdivision plan review shall include receiving public comment in no more than one (1) public hearing.

B. In reviewing the preliminary subdivision land use application, the Planning Commission may require:

1. additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements; and
2. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

The City's request for additional information or modifications to plans under Subsection (B)(1) or (2) shall be specific and include citations to all City ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

C. The planning commission may approve, approve subject to modification, or disapprove the submitted preliminary plat, and shall make findings specifying any inadequacy in the application, such as noncompliance with City regulations, questionable or undesirable design and/or engineering. The subdivider shall be notified in writing of the action taken by the findings of the planning commission regarding the submitted preliminary plat.

D. Completion of preliminary plat review by the planning commission does not constitute a final acceptance of the subdivision by the City.

E. Preliminary and final subdivision review may be done concurrently.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-13)

16.08.050: PRELIMINARY PLAT REMAINS EFFECTIVE:

A. A completed preliminary plat must be submitted for final approval within one year. The planning commission may grant a one year extension if the plat complies with all applicable ordinances at the time the extension is sought. The extension must be requested prior to preliminary plat expiration.

B. If a final plat which covers only a portion of the approved preliminary plat is recorded within the one year time limit or extension thereof, the validity of the unrecorded portion of the preliminary plat shall be extended for one year from the date of recording the final plat.

C. The preliminary plat must be amended if the developer desires to increase the number of lots in the subdivision, or change the grade or location of streets within the subdivision.

D. The preliminary plat need not be amended to decrease the number of lots in the subdivision, to make minor lot boundary changes, or to make other minor changes if the community development director or designee and the city engineer find that amending the preliminary plat is not necessary to protect the interest of the City or adjoining property owners.

E. If a subdivision is proposed to be developed in phases, preliminary plat approval for the remaining portions of the subdivision shall not be voided if final plat for the first phase is approved and recorded within one year of the date of preliminary plat approval.

(Ord. 19-24 § 2: Ord. 94-40 § 1: prior code § 30-14)

CHAPTER 16.12
FINAL PLATS

SECTION:

- 16.12.010: Final Plat Review and Approval
- 16.12.020: Filing Data For Final Plat
- 16.12.030: Preparation And Materials Of Final Plat
- 16.12.040: Public Improvement Agreement
- 16.12.050: Bond And Security Requirements
- 16.12.060: No Public Right Of Action
- 16.12.070: City Engineer Review And Certification
- 16.12.080: Approval By Planning Commission
- 16.12.090: Acceptance Of Offers Of Dedication By Mayor
- 16.12.100: Recordation With County
- 16.12.110: Amendments To Final Plat

16.12.010: FINAL PLAT REVIEW AND APPROVAL

A. Final Subdivision Application.

The City shall publish a list of items that comprise a complete and final subdivision land use application. Compliance with the application is mandatory. The application for final subdivision applications and materials can be found on the City's website and at the Department City Office.

B. Review Process and Timing

No later than 20 business days after the day on which an applicant submits a complete final application, the Planning staff shall complete a review of the applicant's final subdivision land use application including all subdivision plan reviews. In reviewing the final subdivision land use application, the Planning staff may require:

- (i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and
- (ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

The Planning staff's request for additional information or modifications to plans under Subsection (B)(i) or (ii) shall be specific and include citations to all City ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

16.12.020: FILING DATA FOR FINAL PLAT:

At the time a final plat of a subdivision is submitted to the City Engineer, the subdivider shall submit therewith the information and documents required by the final subdivision application. Additional information may be required by Staff.

16.12.030: PREPARATION AND MATERIALS OF FINAL PLAT:

A. 1. The requirements for the final plat, or drawing to be submitted, as above provided, shall consist of a sheet of approved industrial grade tracing linen or Mylar to the outside, or trim line dimensions of twenty two by thirty four inches (22 x 34") and the borderline of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (1 1/2") on the left hand margin of the sheet for binding, and not less than a one-half inch (1/2") margin, in from the outside or trim line, around the other three (3) edges of the sheet. The plat shall be so drawn that the top of the sheet either faces north or west, whichever accommodates the drawing best. All lines, dimension and markings shall be made on the tracing linen with approved ink;

2. The actual plat drawing shall be made on a scale large enough to clearly show all details, and the workmanship on the finished drawing shall be neat, clear cut and readable. The subdivider must also furnish, in addition to the original plat or drawing, an approved and acceptable reproduction of the original plat or drawing made on tracing linen, and to the same dimension and size as the original, or shall furnish two (2) original tracings, as above provided, whichever is preferred;

3. The printing or reproduction process used shall not incur any shrinkage or distortions, and the reproduced tracing furnished shall be of good quality, to true dimension, clear and readable, and in all respects comparable to the original plat or drawing so that the lines, dimensions and markings will not rub off or smear. Both of the tracings, whether originals or one original and a reproduction, shall be signed separately by all required and authorized parties, and the final drawings or plats shall contain the information set forth in this chapter. The location of the subdivision within the City shall be shown by a small scale map on the first sheet.

B. The title of each sheet of such final plat shall consist of the approved name and unit number of the subdivision (if any) at the lower right hand corner of the sheet, followed by the words "Murray City".

C. Wherever the City Engineer has established a system of coordinates, the survey shall use such system. The adjoining corners of all adjoining subdivisions shall be identified by lot and block numbers, subdivision named and place of record, or other proper designation.

D. An accurate and complete boundary survey to second order accuracy shall be made of land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground, shall close within a tolerance of one foot (1') to ten thousand feet (10,000') of perimeter.

E. The final plat shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angles, radius, and arc length of curves, and such information as may be necessary to determine the location of the centers of curves.

F. All lots and blocks and all parcels offered for dedication for any purpose shall be delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication other than for streets or easements shall be designated by letter. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two (2) or more sheets and, whenever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with the numeral "1" and continue consecutively throughout the subdivision with no omissions or duplications.

G. The map shall show the right-of-way lines of each street and the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within one hundred feet (100') of the subdivision shall be shown. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown. Whenever the centerline of a street has been established or recorded, the date shall be shown on the final map.

H. The plat shall indicate buildable areas and square footage for each lot. The side lines of all easements shall be shown by fine dashed lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified. All lots must have a ten foot (10') rear yard utility easement, a ten foot (10') front yard utility easement. All lots must have side yard utility and drainage easements as follows: In the R-1-6 Zone, lots must have a five foot (5') utility and drainage easement in one side yard. Each side yard easement must line up with the side yard easement on an adjacent lot. For developments with an odd number of lots, on one lot the required side yard easement may be located in either side yard, as determined by City staff. Lots within the R-1-8 Zone must have a five foot (5') easement in each side yard. Lots within the R-1-10 and R-1-12 Zones must have a seven foot six inch (7'6") easement in each side yard. The plat shall provide a signature line to indicate approval of utility easements by the City Power Department and any other affected City department as determined by the City Engineer.

I. If the subdivision is adjacent to a waterway, the map shall show the location of any 100-year floodplain as designated by the Army Corps of Engineers or other Federal authority.

J. The plat shall show fully and clearly stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider under the direction of the City Engineer. The following required monuments shall be shown on the final plat:

1. The location of all monuments placed in marking the survey, including a statement as to what, if any, points were reset by ties;

2. All rear lot corner pipes and front lot corner pipes or offset cross marks in the concrete surface of the public sidewalk.

K. The title sheet of the map, below the title, shall show the name of the engineer or surveyor, together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of the final maps, and such certificates may be combined where appropriate:

1. Registered, professional engineer's and/or land surveyor's "certificate of survey";

2. Owner's dedication certificate;

3. Notary public's acknowledgment;

4. A description of all property being subdivided, with reference to maps or deeds of the property as shall have been previously recorded or filed. Each reference in such description shall show a complete reference to the book and page of records of the County. The description shall also include reference to any vacated area with the vacation ordinance number indicated;

5. Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law and by this title. (Ord. 17-34: Ord. 94-40 § 1: Prior Code § 30-16)

16.12.040: PUBLIC IMPROVEMENT AGREEMENT:

A. Prior to the approval by the Planning staff of the final plat, the subdivider shall execute and file an agreement between the subdivider and the City specifying the period within which the subdivider shall complete all public improvement work to the satisfaction of affected City departments, and providing that if the subdivider shall fail to complete the work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider or the subdivider's surety. The agreement shall also provide for inspection of all public improvements by the City Engineer and that the cost of such inspections shall be reimbursed to the City by the subdivider.

B. Such agreement may also provide the following:

1. Construction of the improvements in phases;
2. An extension of time under conditions therein specified.

(Ord. 19-24 § 2: Ord. 94-40 § 1: Prior Code § 30-17)

16.12.050: BOND AND SECURITY REQUIREMENTS:

A. The subdivider shall file with the agreement required by section 16.12.030 of this chapter, or its successor, a performance bond in an amount equal to one hundred twenty five percent (125%) of the estimated cost of the public improvements for which the subdivider is responsible, as determined by the City Engineer. These bonds may be either cash bonds, corporate surety bonds or letters of credit. The guarantees shall extend for a one year period beyond the date the improvements are completed, as certified by the City Engineer to guarantee the replacement of defective improvements.

B. In the case of a corporate surety bond, in the event a subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the improvement agreement, the City may require the subdivider's surety to complete the work, or the City may complete the work and, in the case of a corporate surety, call upon the surety for reimbursement; in the case of a cash bond, the subdivider shall forfeit to the City the money to pay for the cost of completion. If the amount of the bond exceeds all costs and expenses incurred by the City, the City shall release the remainder of the bond, and if the amount of the bond shall be less than the costs and expenses incurred by the City, the subdivider(s) shall be personally liable to the City for the difference.

C. In the case of a letter of credit, the terms shall be that the letter of credit shall be irrevocable without the express written consent of the City.

D. In the case of corporate surety bonds, copies of the partial releases from the City Engineer's Office shall be sent to the Recorder's Office for inclusion with the bond for attachment to the bond.

(Ord. 19-24 § 2: Ord. 94-40 § 1: Prior Code § 30-18)

16.12.060: NO PUBLIC RIGHT OF ACTION:

The provisions of sections 16.12.030 and 16.12.040 of this chapter, or successor sections, shall not be construed to provide any private right of action on either tort, contract, third party contract or any other basis on behalf of any property holder in the subdivision as against the City or on the cash bond, corporate surety bond or letter of credit required under section 16.12.040 of this chapter or its successor in the event that the improvements are not constructed as required. (Ord. 94-40 § 1: Prior Code § 30-19)

16.12.070: CITY ENGINEER REVIEW AND CERTIFICATION:

Upon receipt of the final plat and other data submitted therewith, the City Engineer shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the preliminary plat and any approved alterations thereof. (Ord. 94-40 § 1: Prior Code § 30-20)

16.12.080: APPROVAL BY PLANNING STAFF:

Upon receipt of the final plat, the Planning staff shall examine the same to determine whether the plat conforms with the preliminary plat. If in conformity with the preliminary plat and City ordinances, the Planning staff shall approve the plat. If the plat is not in conformity with (1) the preliminary plat; or (2) the requirements of the ordinances of the City, the Planning staff shall disapprove the plat, specifying the reasons for such disapproval. Within thirty (30) days after the Planning staff has disapproved any plat, the subdivider may file with the City Engineer a plat altered to meet the requirements of the Planning staff. No final plat shall have any force or effect until the same has been approved by the Planning staff.

(Ord. 19-24 § 2: Ord. 94-40 § 1: Prior Code § 30-21)

16.12.090: ACCEPTANCE OF OFFERS OF DEDICATION BY MAYOR:

Before a plat may be recorded with the County Recorder, the Mayor shall perform the non-discretionary and ministerial act of signing the plat solely to accept offers of dedication.

(Ord. 19-24 § 2: Ord. 94-40 § 1: Prior Code § 30-22)

16.12.100: RECORDATION WITH COUNTY:

A. When the Planning staff has approved the final plat, all required fees have been paid, and the subdivider has filed the approved agreement and bond required in this chapter, the plat may be presented to the County Recorder for recordation.

B. The subdivision plat shall be recorded within one year of the final approval by the Planning staff or the final plat shall be null and void. The applicant may request a one-time extension of up to twelve (12) months for special circumstances. The extension must be requested prior to final plat expiration.

(Ord. 19-24 § 2: Ord. 15-25)

16.12.110: AMENDMENTS TO FINAL PLAT:

The Community and Economic Development and Public Works Directors may approve minor amendments to approved final plats before the plat is recorded, if they find that a proposed amendment does not jeopardize the interests of the City or adjoining property owners. The types of minor amendments contemplated by this section include legal description mistakes, minor boundary changes, and items that should have been included on the original final plats. Major amendments to unrecorded approved final plats shall go back through the approval process. Amendments to recorded final plats shall be in accordance with State law and any policies or procedures adopted by the City.

(Ord. 19-24 § 2: Ord. 94-40 § 1: Prior Code § 30-25)

Subdivision Text Amendment

Amending Sections 16.04, 16.08, and 16.12
of the Subdivision Ordinance to comply with
state requirements





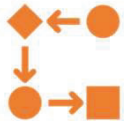
History & Background

- Many cities require application for subdivision to have up to four public hearings
 - 2 at Planning Commission.
 - 1 for Preliminary
 - 1 for Final
 - 2 at City Council.
 - 1 for Preliminary
 - 1 for Final
 - Murray has not been guilty of this.
- State has been concerned with the delay in housing construction/approval.
 - This is a step to “remedy” that problem.

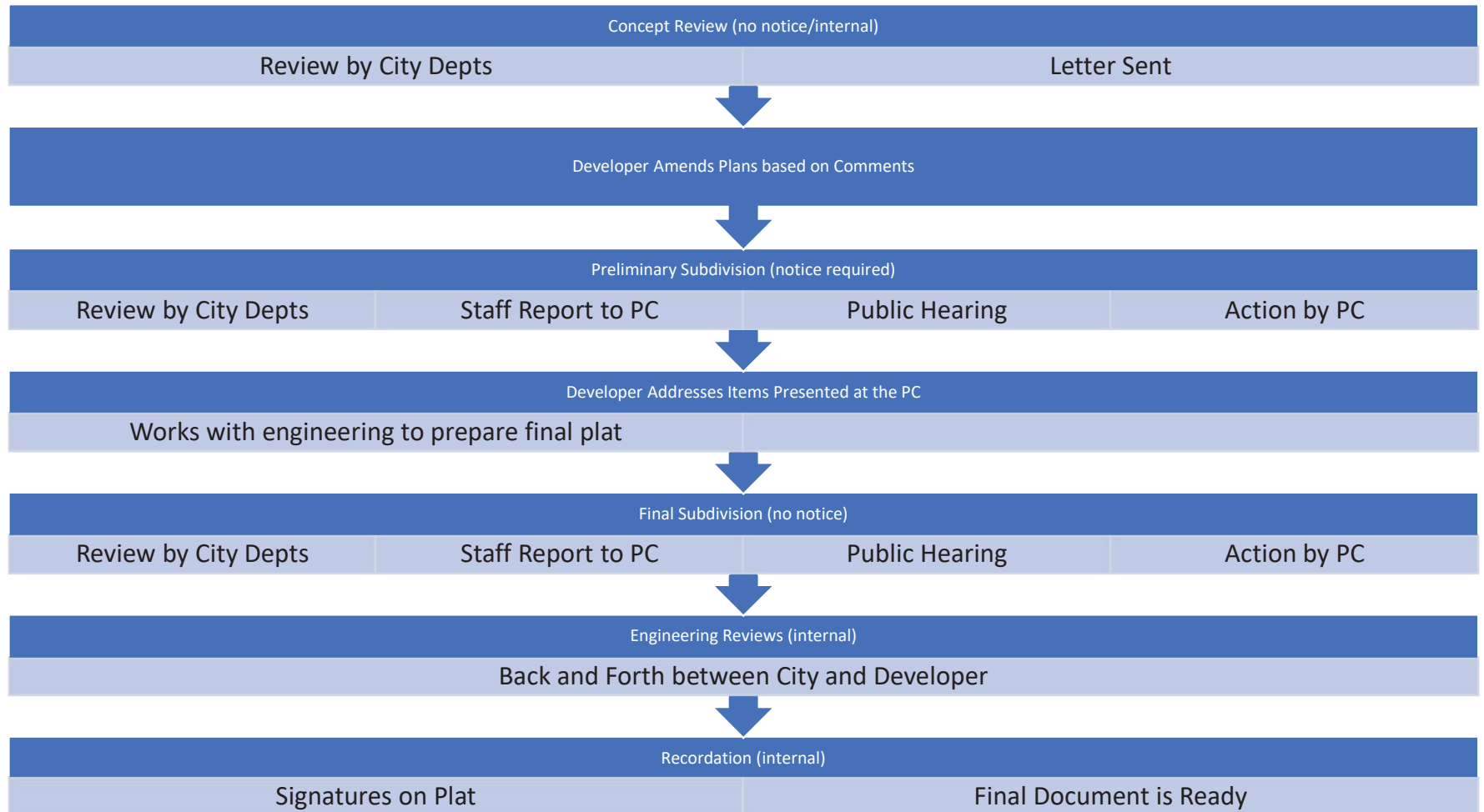


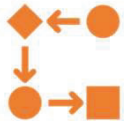
History & Background

- SB174 was their answer
 - Requires subdivision to be reviewed by an administrative land use body (no city/town councils).
 - Mandates certain shot-clocks for submission (15-days after complete application)
 - Maximum of four engineering reviews.
 - Preliminary Subdivision
 - 15 business days from complete application to PC review
 - MAY have one public hearing.
 - Final Subdivision
 - 20 business days from complete application to review letter/approval.
 - Reviewed by City Staff; no public body.



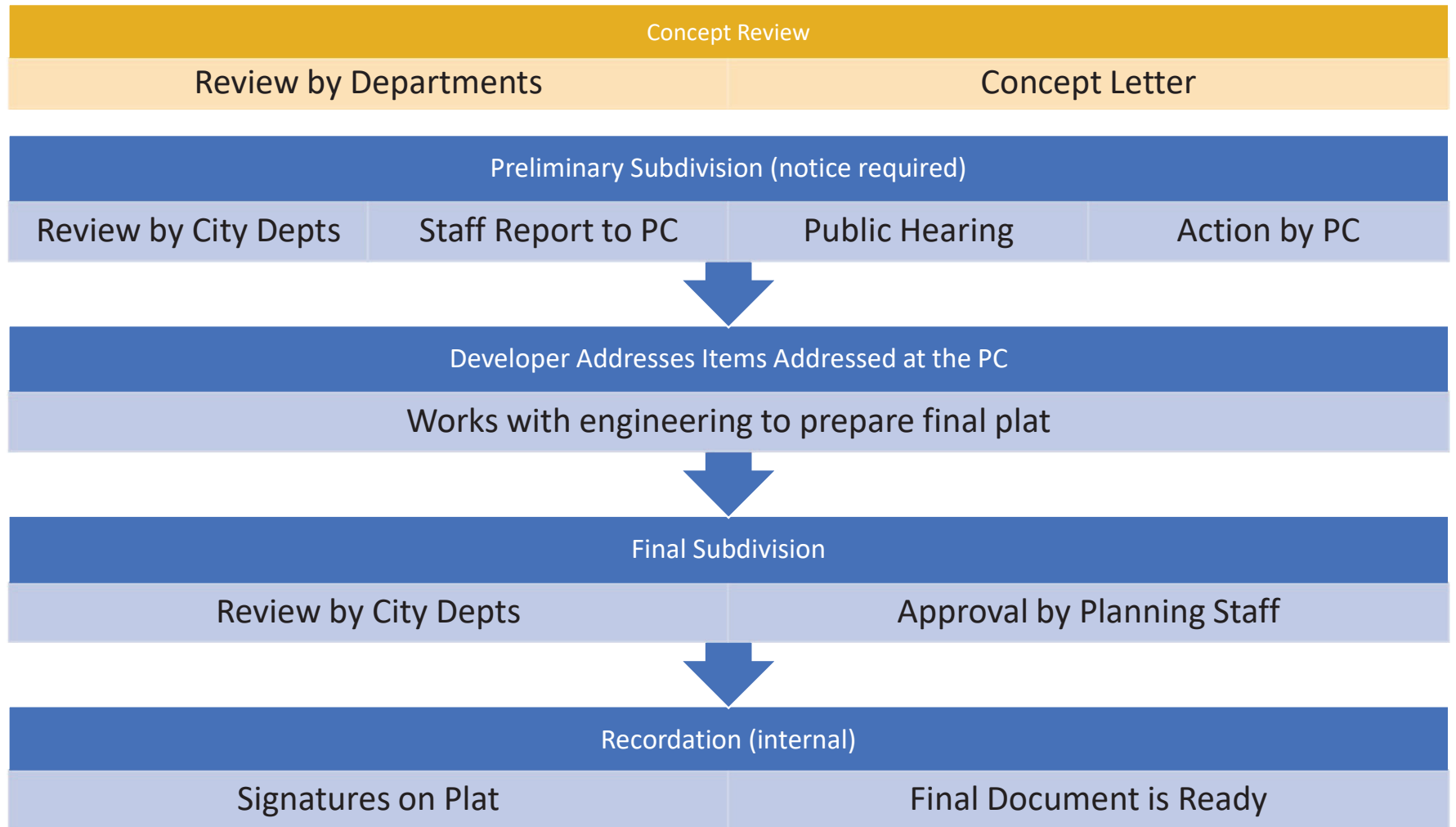
Current Process (all required)





New Process (blue is required)

Total of Four City Reviews





Findings

1. The proposed amendments have been carefully considered and provide direction for the city to work towards simplifying the subdivision process.
2. The proposed amendments support the goals and objectives of the General Plan by facilitating greater collaboration within the city and furthering the development and preservation of housing.
3. The proposed amendments are necessary to ensure compliance with current Utah State Code.



Planning Commission Action

The Planning Commission voted 5-2 to make a recommendation of approval.

The Planning Commission amended staff's recommended changes to the text to allow the Planning Commission to review the Final Plat application.

Based on Planning and Attorney's Office's review, we do not believe the Planning Commission has the authority to see Final Subdivision Applications.



Staff Recommendation

Based on the background, analysis, and the findings within this report, Staff recommends that the City Council **APPROVE** the proposed amendments to Title 16, Subdivisions Ordinance as reviewed in the Staff Report.



Discussion Item #3



MURRAY

City Council and Administration

Interlocal Boards and Committee Reports

Council Action Request

Committee of the Whole

Meeting Date: January 2, 2024

Department Director Jennifer Kennedy Phone # 801-264-2622 Presenters As Listed	Purpose of Proposal Reports from Murray City representatives who serve on interlocal boards, committees and commissions. Action Requested Informational only. Attachments None Budget Impact N/A Description of this Item Biannual reports from City representatives who serve on Interlocal Boards and Commissions (5 minutes each) a. Utah Infrastructure Agency - Brenda Moore b. Valley Emergency Communications Center, Metro Fire and Utah Telecommunications Open Infrastructure Agency - Doug Hill (15 minutes) c. Council of Governments and Wasatch Front Waste and Recycling District - Mayor Hales (10 minutes) d. Central Valley Water - Ben Ford
Required Time for Presentation 35 Minutes Is This Time Sensitive No Mayor's Approval Date December 8, 2023	



MURRAY
CITY COUNCIL

Adjournment