

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355

Chairman
Denis Hopkinson

Commissioners
Laura Charchenko
Mike Cottle
Alan Malan
Corey Sweat
Dennis Vest, Alternate

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD A REGULAR MEETING BEGINNING AT 7:30 PM ON TUESDAY, DECEMBER 11, 2018 AT THE CITY OFFICES

Prayer/Thought by Invitation

1. Accept Agenda.
2. Public Hearing Regarding Proposed Modifications to WBMC Title 16 - Subdivisions, to Address Conflicts with State Law, Clarify Process, and Make Housekeeping Changes.
3. Consider Final Plat Approval for Ferlin Subdivision at 918 Porter Lane.
4. Discuss Rear Yard Setbacks.
5. Consider Proposed Modifications to WBMC Title 16 – Subdivisions.
6. Staff report.
7. Consider Approval of Minutes from November 27, 2018 Meeting.
8. Adjourn.

Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.

This notice has been sent to the Clipper Publishing Company and was posted on the State Public Notice website and the City's website on December 7, 2018 by Cathy Brightwell, City Recorder.

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NOTICE OF PUBLIC HEARING

The West Bountiful Planning Commission will hold a Public Hearing on Tuesday, December 11, 2018 at 7:30 p.m., or as soon thereafter as possible, at 550 North 800 West, West Bountiful, Utah, 84087.

The purpose of the hearing is to receive public comment regarding proposed modifications to WBMC Title 16, Subdivisions to address conflicts with state law, clarify process, and make housekeeping changes

A copy of the proposal may be viewed on the City website: www.wbcity.org. All interested parties are invited to participate. Written comments may be submitted to the City Offices prior to the meeting.

Cathy Brightwell
City Recorder

MEMORANDUM



TO: Planning Commission
DATE: December 7, 2018
FROM: Ben White
RE: Ferlin Subdivision – Final Plat

Rick and Lori Ferlin have applied for a 2-lot subdivision at approximately 918 West on the north side of Porter Lane. The property is within the A-1 zone. One of the two lots is a flag lot which received a Condition Use Permit from the Planning Commission in August of this year.

Due to existing utility easements, the two homes will be placed in the same general area whether the subdivision was constructed with a flag lot or not.

Below is summary of points of interest. The items in bold text need to be addressed.

1. The proposed lots meet the minimum requirements for a subdivision. But while not a requirement for the subdivision, the houses must comply with the fire code for access and fire protection at the time of building permit application.
2. The property is encumbered by multiple overhead and underground utility easements.
3. Two street lights were installed at the street corners of the Birnam Woods subdivision and three street lights have been installed with the Kinross subdivision. **There is approximately 700 feet between the street lights in the two subdivisions.** If a new street light is recommended, staff suggests it be located near the flag lot driveway.
4. Weber Basin secondary water is not immediately available to the property. **Service from Weber Basin needs to be finalized prior to recording the plat.**
5. **Staff is recommending that curb and sidewalk be installed as part of this application.**

Items to be completed prior to recording the plat include:

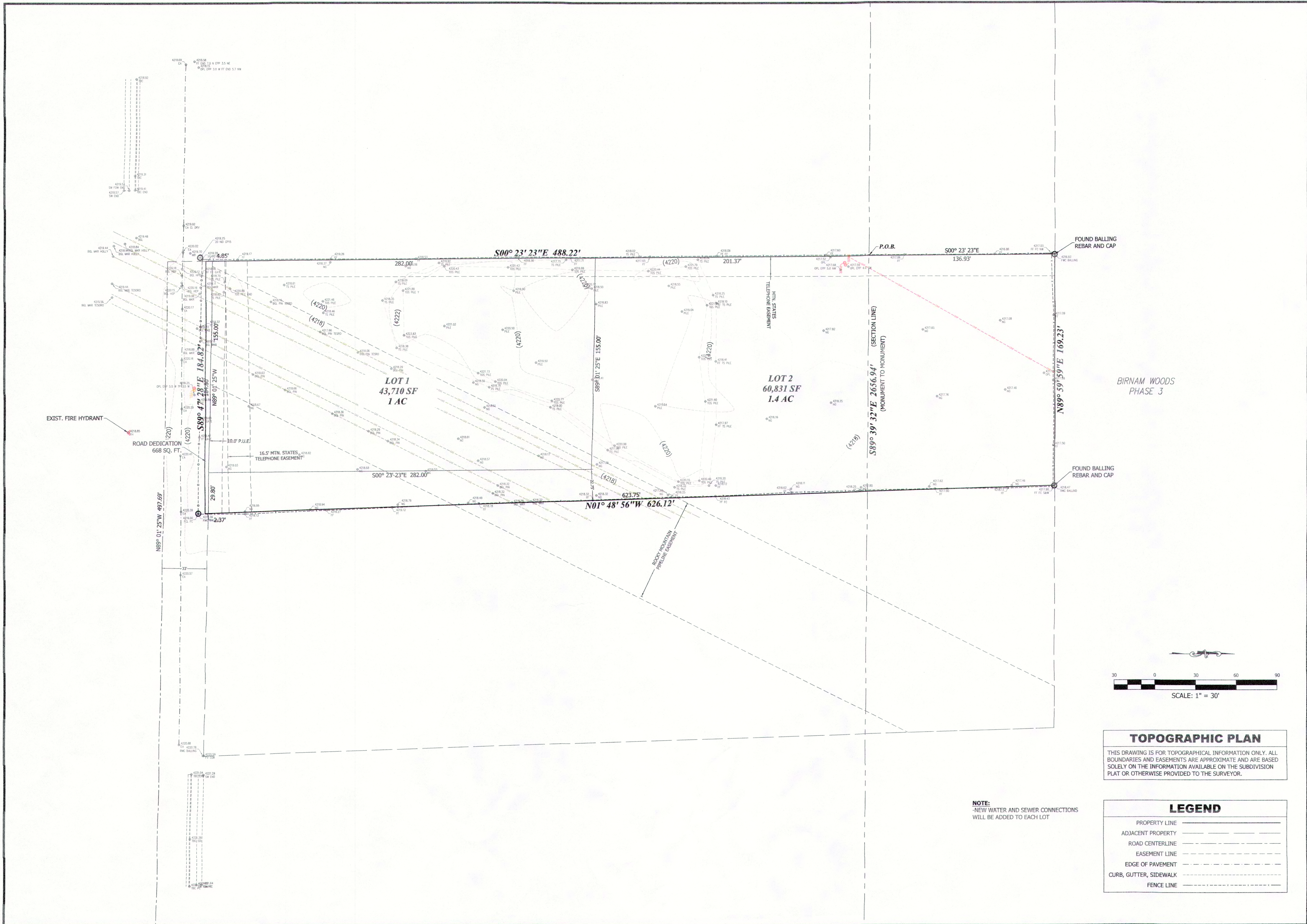
6. **Water rights will need to be deeded to the city or payment of water right fee.**
7. **Title report review by the city attorney with no objectional entries.**
8. **Payment of impact and inspection fees.**
9. **Post appropriate improvement bonds**

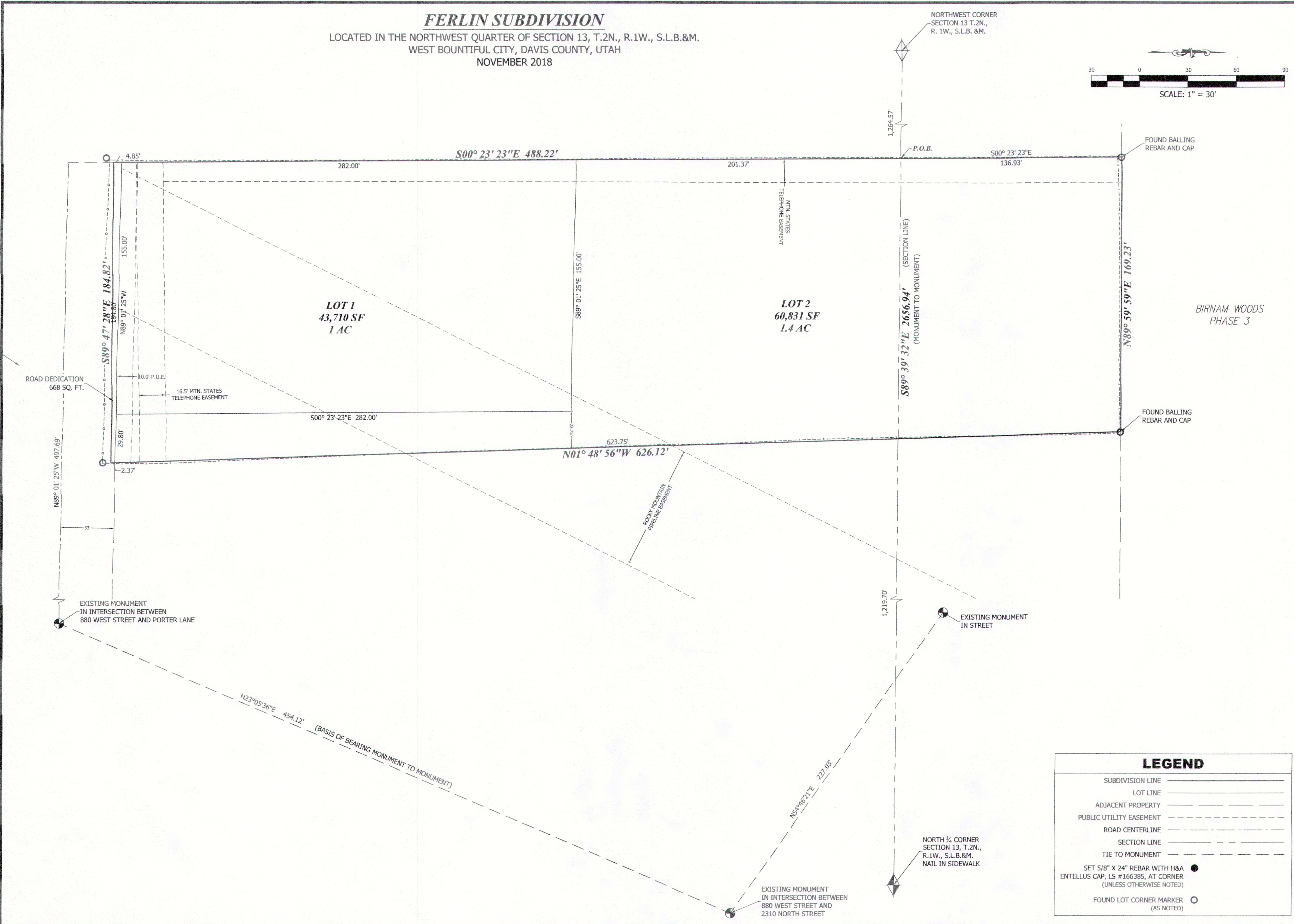
Items 6 through 9 listed above are typically not completed until after city council approves the final plat.

Staff is requesting the Planning Commission direct the applicant regarding a new street light. Also, three options exist for the curb and sidewalk recommendation:

- A. Make a recommendation to City Council that curb and sidewalk not be installed.
- B. Recommend that curb be installed and that a design be submitted to the city for review prior to final plat consideration by the City Council.
- C. Table the application until a curb and sidewalk design can be reviewed by the Planning Commission.

Where this is a small lot subdivision application and if the subdivision is approved tonight, it will be the only time the Planning Commission sees it.





SURVEYOR'S CERTIFICATE

I, VON R. HILL, A PROFESSIONAL LAND SURVEYOR HOLDING CERTIFICATE NO. 166385 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS I HAVE MADE AN ACCURATE SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREWITH AND PURSUANT TO SAID TRACT OF LAND HEREAFTER TO BE KNOWN AS TINGEY SUBDIVISION, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AS SHOWN ON THIS PLAT.

VON R. HILL
DATE: 26 Nov 2018

DESCRIPTION

BEGINNING AT A POINT ON AN EXISTING WIRE FENCE WHICH IS SOUTH 89°39'32" EAST 1264.57 FEET ALONG THE SECTION LINE FROM THE NORTHWEST CORNER OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 00°23'23" EAST 488.22 FEET ALONG SAID WIRE FENCE; THENCE SOUTH 89°47'28" EAST 184.82 FEET ALONG AN EXISTING WIRE FENCE ON THE NORTH SIDE OF PORTER LANE; THENCE NORTH 01°48'56" WEST 626.12 FEET TO A POINT ON THE SOUTH BOUNDARY OF THE BIRNAM WOODS PHASE 3 SUBDIVISION; THENCE SOUTH 89°59'59" WEST 169.23 FEET ALONG SAID SOUTH BOUNDARY OF PHASE 3; THENCE SOUTH 00°23'23" EAST 136.93 FEET ALONG AN EXISTING WIRE FENCE TO THE POINT OF BEGINNING.

CONTAINS 2.40 ACRES.

OWNER'S DEDICATION

KNOWN ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SUBDIVIDED INTO PRIVATE LOTS, HEREAFTER TO BE KNOWN AS TINGEY SUBDIVISION, DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND AND PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE AND DO WARRANT, DEFEND, AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON THE DEDICATED STREET, PARCELS, AND PUBLIC UTILITY EASEMENTS WHICH WILL INTERFERE WITH DEDICATED PUBLIC USE.

SIGNED THIS ____ DAY OF ____, 20__.

RICK FERLIN
LORI FERLIN

ACKNOWLEDGMENT

ON THE ____ DAY OF ____, 20__ THERE PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, RICK AND LORI FERLIN, WHO BEING BY ME DULY SWORN DID SAY THAT HE/SHE ARE THE SIGNERS OF THE OWNERS DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE SIGNED IT FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES MENTIONED.

NOTARY PUBLIC: _____
RESIDENCE: _____
MY COMMISSION EXPIRES: _____

181 North 200 West, Suite #4 Bountiful, UT 84010 Phone 801.298.2236 www.Entellus.com PROJECT #1714001 11/14/2018 SJT	CITY ENGINEER RECOMMENDED FOR APPROVAL THIS ____ DAY OF ____, 20__. WEST BOUNTIFUL CITY ENGINEER	PLANNING COMMISSION RECOMMENDED FOR APPROVAL THIS ____ DAY OF ____, 20__, BY THE PLANNING COMMISSION OF WEST BOUNTIFUL CITY. CHAIRMAN	CITY ATTORNEY RECOMMENDED FOR APPROVAL THIS ____ DAY OF ____, 20__. WEST BOUNTIFUL CITY ATTORNEY	WEST BOUNTIFUL CITY COUNCIL PRESENTED TO THE CITY COUNCIL OF WEST BOUNTIFUL CITY, UTAH, THIS ____ DAY OF ____, 20__, AT WHICH TIME THIS PROJECT WAS APPROVED AND ACCEPTED. CITY RECORDER ATTEST: _____ MAYOR: _____	DAVIS COUNTY RECORDER ENTRY NO. _____ FEE PAID _____ FILED FOR RECORD AND RECORDED THIS ____ DAY OF ____, 20__. AT _____ IN BOOK _____ OF _____ COUNTY RECORDER: _____ BY: _____ DEPUTY
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MEMORANDUM



TO: Planning Commission

DATE: December 7, 2018

FROM: Duane Huffman

RE: **Rear Yard Setbacks and Covered Patios**

The opinion (letter) the Planning Commission forwarded to the City Council regarding covered patios within the rear setback was discussed during a November council meeting. The City Council discussed the topic again in the December 4th meeting. In that meeting they directed staff to take the matter back to Planning Commission for further evaluation. The general line of questions City Council struggled with is, how is a deck encroaching into the setback different than a covered patio? Is there a place for both?

History and Purpose of Rear Yard Setbacks

A rear yard setback is the distance between a structure and the rear property line, and we generally discuss it in terms of the main structure. The reasoning behind rear yard setbacks appears to have morphed over time:

- Required rear yard setbacks were likely first related to sanitation and waste disposal.
- With the development of better public sewers and waste collection and the growth of land use planning, setbacks were justified as follows:
"In general, the purpose of setbacks is to ensure that the use of a property does not infringe on the rights of neighbors, to allow room for lawns and trees, for light and sunshine in the home, for space for recreation outside the home, and to serve as filtration areas for storm water run-off." Calvert County, MD.
- There is also evidence to suggest that some setbacks are required to try to create an open or rural aesthetic.
- I cannot find any technical basis for when different setback lengths should be employed. Cities and neighborhoods decide on the lengths based on their own goals related to privacy, open space, neighborhood characteristics, etc.

The following table displays research on rear yard setbacks of neighboring cities.

REAR	Bountiful	WX	NSL	Cent.	Layton	W. Point	West Bountiful
House	20'	30'	25'	20'	30'	25-30' ¹	30'
Decks	10' ²				20'		20' CUP

1. If front setback is 25 rear must be 30, or if front is 30 rear can be 25.

2. Decks with permanent roof or canopy, open on 3 sides, not longer than 1/2 the width of main dwelling.

West Bountiful Code on Setbacks

The city's code on rear yard setbacks requires 30' for main structures and 6' for accessory structures (3' if the structure is fire rated). Accessory structures must also be 10' away from the main structure unless granted a conditional use permit, but even with a conditional use permit they must be 5' away unless they are fire rated.

Therefore, under current code, an attached covered patio must be 30' away from the rear property line, and an un-attached covered patio could be 5' away from the house and 6' away from the rear property line.

Decks are one exception to main structure setbacks in the city's code. A deck may encroach into a rear yard setback with a conditional use permit meeting the following criteria:

- 1) The entire deck is at least twenty (20) feet from the rear property line;
- 2) The deck is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
- 3) The deck does not encroach more than 200 square feet into the setback area;
- 4) The floor of the deck is no higher than the highest finished floor of the main structure;
- 5) The portion of the deck that extends into the rear yard setback is not covered;
- 6) The railing is no more than forty-eight (48) inches high and is less than twenty-five percent (25%) transparent; and
- 7) The deck satisfies other conditions required by the planning commission.

West Bountiful City has allowed a deviation from the rear yard setback requirements through a planned unit development. The rear setback for all lots in the Cottages at Havenwood is 15'. Now that most homes are built in this development, it is a good opportunity for the city to review how these setbacks impact the neighboring homes to the east and west. A recent conditional use permit for an accessory structure in Olsen Farm has generated a lot of negative comments from the neighborhood.

Covered Patio Options

Working on the premise that a setback change might be desirable, the City Council discussion centered on the following options with a modified option A as probably the most desirable:

- A. Provide covered patios the same allowances currently codified for decks, with the addition of height limitation of something like 10'-15'.
- B. Allow any portion of a main structure to follow the deck model, but with an additional height restriction. Under this scenario, the language specific to decks could be removed.
- C. Consider amending all rear yard setbacks to 25' or 20'.

16 Subdivisions

- 16.04 Introductory Provisions
- 16.08 Administration And Enforcement
- 16.12 Design Requirements
- 16.16 Maps Or Plans
- 16.20 Improvements
- 16.24 Variances And Appeals
- 16.28 Drainage And Subsurface Water Control

16.04 Introductory Provisions

- 16.04.010 Purpose
- 16.04.020 Definitions

16.04.010 Purpose

The purpose of this title, including any rules, regulations, standards and specifications is:

- A. To promote and protect the public health, safety and general welfare;
- B. To regulate future growth and development within the city in accordance with the general plan and to promote the efficient and orderly growth of the city;
- C. To provide procedures and standards for the physical development of subdivisions of land and construction of buildings and improvements within the city;
- D. To provide for adequate light, air, and privacy; to secure safety from fire, flood and other dangers; and to prevent overcrowding of land and undue congestion of population; and
- E. To provide for harmonious and coordinated development of the city and to assure sites suitable for building purposes.

Adopted by Ord. 374-15 on 11/18/2015

16.04.020 Definitions

The following words and phrases, as used in this title, shall have the respective meanings set forth hereafter, unless a different meaning clearly appears from the context. Whenever any words or phrases used herein are not defined but are defined in related sections of the Utah Code or in the zoning ordinances of the city, such definitions are incorporated herein and shall apply as though set forth herein in full.

“**Advisory body**” means a body of selected members that:

1. Provides advice and makes recommendations to another person or entity who makes policy for the benefit of the general public;
2. Is created by and whose duties are provided by statute or by executive order; and
3. Performs its duties only under the supervision of another person or entity as provided by statute.
(Definition derived from Utah Code Ann. § 68-3-12.

“**Affected entity**” means a county, municipality, special service district, local district, school district, interlocal cooperation entity, specified public utility, property owner, property owner’s association, or the Utah Department of Transportation, if:

1. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
2. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
3. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

"**Alley**" means a public way which is not intended for general traffic circulation and which generally affords a secondary means of vehicular access to abutting properties.

"**Appeal authority**" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision on a land use application or a variance.

"**Block**" means an area of land within a subdivision entirely bounded by streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision, or designated as a block on any recorded subdivision plat.

"**Chief executive officer**" means the Mayor.

"**City engineer**" means any civil engineer duly registered in the state of Utah, appointed by the city council to accomplish the objectives of this title.

"**Collector street**" means a street, existing or proposed, of considerable continuity which serves or is intended to serve as the principal traffic way between large and separated areas or districts and which is the main means of access to the major street system.

"**Constitutional taking**" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the Fifth or Fourteenth Amendment of the Constitution of the United States; or Utah Constitution Article I, Section 22.

"**Cul-de-sac**" means a street which is designed to remain permanently closed at one end, with the closed end terminated by a vehicular turnaround.

"**Culinary water authority**" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

"**Exaction**" means a condition, often in the form of impact fees, restrictive covenants or land dedication, imposed at the time of obtaining a building or other development permit used to aid the city in providing public services. Conditional requirements should comply with the standards established in Section 17.44.230 of this code.

"**General plan**" means a document that the city adopts that sets forth general guidelines for proposed future development of the land within the municipality.

"**Land Use applicant**" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

"**Land use application:**" (a) means an application that is required by the city; and submitted by a land use applicant to obtain a land use decision; and (b) does not mean an application to enact, amend, or repeal a land use regulation.

"**Land use authority**" means a person, board, commission, agency, or other body designated by the city council to act upon a land use application.

"**Land use permit**" means a permit issued by a land use authority.

“Land use regulation” means (a) an ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land; and (b) does not include: a general plan; a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or a temporary revision to an engineering specification.

“Legislative body” means the city council.

“Lot” means a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, or separated from other lands by description on a subdivision map and/or parcel map, and having frontage upon a street.

Lot, Corner. **“Corner Lot”** means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such as streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Interior. **“Interior Lot”** means a lot other than a corner lot.

“Lot line adjustment” means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

“Minor street” means a street, existing or proposed, of limited continuity which serves or is intended to serve the needs of a local area.

“Minor arterial street” means a street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master plan as a controlled-access highway, major street, parkway or other equivalent term.

“Minor collector street” means a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

“Minor” or **“small subdivision”** means any real property, including condominiums, planned-unit developments, or re-subdivisions, improved or unimproved, divided into three or fewer lots, all having frontage on an existing dedicated street, either by establishing new lot lines or changing existing lot lines, for the purpose of sale, lease, transfer of title, division of interest, financing or separate use. The minor subdivision shall not require the dedication of any streets or public rights-of-way. Any such division made solely for street widening purposes shall not be considered a minor subdivision.

“Official map” means a map drawn by municipal authorities and recorded in a county recorder’s office that (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities; (b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and (c) has been adopted as an element of the municipality’s general plan.

“Person” means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

“Planning commission” means the West Bountiful planning commission.

“Planning director” means the director of or consultant to the city planning commission, or any city official or other person appointed by the city council to accomplish the objectives of this title.

“Plat” means a map or other geographical representation of lands being laid out and prepared in accordance with Utah Code Ann. § 10-9a-603.

"Preliminary design map" or "concept plan" means a map to be submitted to the zoning administrator prior to the filing of a preliminary plat to show the general characteristics of the proposed subdivision.

"Preliminary plat" means a plat showing the design of a proposed subdivision and the existing conditions in and around the subdivision. The plat need not be based upon a detailed final survey of the property, except as provided herein. However, the plat shall be graphically accurate to a reasonable tolerance.

"Property" means any tract, lot, parcel or several of the same collected together for purposes of subdividing.

"Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

"Public improvement" means street work, utilities and other facilities proposed or required to be installed within the subdivision for the general use of the subdivision lot owners and for local neighborhood or community needs.

"Public meeting" means a meeting that is required to be open to the public under Utah Code Annotated, Title 52, Chapter 4, Open and Public Meetings Act.

"Public works department" means the city's public works department, acting through its authorized representatives.

"Record of survey map" means a map of a survey of land prepared in accordance with Utah Code Ann. § 17-23-17.

"Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

"Special district" means an entity established under the authority of Utah Code Annotated, Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

"Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined by Utah Code Ann. § 54-2-1.

"Standards and specifications" means all the minimum construction standards and specifications prepared by the responsible city departments and the city engineer that have been approved by the city council.

"Street" means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way as located within the city.

"Subdivider" means any landowner or authorized person, firm, trust, corporation, partnership or association who causes land to be divided into a subdivision.

"Subdivision" means any land that is divided, resubdivided or proposed to be divided into two 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.

(a) "Subdivision" includes:

- i. the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
 - ii. except as provided in subsection b., divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
- (b) "Subdivision" does not include:
- i. a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
 - ii. a recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if no new lot is created; and the adjustment does not violate applicable land use ordinances;
 - iii. a recorded document, executed by the owner of record: revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;
 - iv. a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if: no new dwelling lot or housing unit will result from the adjustment; and the adjustment will not violate any applicable land use ordinance;
 - v. a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels; or
 - vi. a parcel boundary adjustment.
- (c) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this definition as to the unsubdivided parcel of property or attributed to the unsubdivided parcel to the municipality's subdivision ordinance. It may however be subject to the subdivision plat amendment requirements.

"**Subdivision design**" means the overall layout of the proposed subdivision, including, but not limited to, the arrangement of streets and intersections, the layout and size of lots, the widths and location of easements and rights-of-way for utilities, drainage structures, sewers, the nature and location of public or semi-public facilities, programs for the preservation of natural features, and the installation of public improvements.

"**Unincorporated**" means the area outside of the incorporated area of a city or town.

"**Zoning administrator**" means the person designated by the city council to enforce the regulations of this title.

"**Zoning map**" means a map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts.

Adopted by Ord. 374-15 on 11/18/2015

16.08 Administration And Enforcement

- 16.08.010 Scope Of Compliance Required
- 16.08.020 Interpretation
- 16.08.030 Administrative Body
- 16.08.040 Violations; Penalties

- 16.08.050 Fees
- 16.08.060 File Of Recorded Subdivisions

16.08.010 Scope Of Compliance Required

- A. It is unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the city except in compliance with this title. No plat of any subdivision shall be recorded until it has been submitted and approved. A plat shall not be approved if such plat is in conflict with any provision or portion of the general plan, official map, zoning ordinance, this title, or any other state law or city ordinance.
- B. Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure 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. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.
- C. All lots, plots or tracts of land located within a subdivision shall be subject to this title whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee or contract purchaser of the land or any other person.
- D. It is unlawful for any person to receive a building permit on a parcel or tract of land in a subdivision until water and sewer utilities and all underground utilities located under the street surface are installed and all streets in the subdivision are constructed to finish grade. It shall be the responsibility of the subdivider to allow no human occupancy until all necessary utilities are installed and basic improvements are adequate to render the subdivision habitable, which improvements shall include an all-weather surface as defined by Utah State Code. It is unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy will not be permitted until all required improvements are completed.

Adopted by Ord. 374-15 on 11/18/2015

16.08.020 Interpretation

In their interpretation and application, the provisions of this title shall be considered as minimum requirements for the purposes set forth. When the provisions of this title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this title shall prevail. When the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this title, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

Adopted by Ord. 374-15 on 11/18/2015

16.08.030 Administrative Body

The city council shall be the land use authority for applications under this title. The city planning commission shall review and make recommendations to the land use authority concerning applications under this title.

Adopted by Ord. 374-15 on 11/18/2015

16.08.040 Violations; Penalties

It shall be a Class B misdemeanor for any person to fail to comply with the provisions of this title. In addition to any criminal prosecution, the city may pursue any other legal remedy to ensure compliance with this title including, but not limited to, injunctive relief.

16.08.50 Process/Fees

- A. Preliminary Plat Subdivision Application. All persons desiring to develop a subdivision within the city shall file with the city a Preliminary Plat Subdivision Application and pay the Preliminary Plat Review Fee.
- B. Final Plat Subdivision Application. At the time a final plat is submitted following preliminary plat approval, subdividers shall file with the city a Final Plat Subdivision Application and pay the Final Plan Review Fee.
- C. Upon presentation of the final mylar plat for city signatures, the subdivider shall remit to the city an Improvements Bond, Public Improvements Inspection Fee equal to two percent (2%) of the total improvements bond, but no less than \$1800,

Storm Water Impact fee, and Warranty Bond

- D. Water Right Allocation Fee. For the protection of future water rights of the city and to alleviate the necessity of the perpetual conveyance of irrigation water in favor of long-term provision for drainage facilities, any water rights adequate to meet the proposed demand, surface and subsurface water rights and necessary use easements for access will, at the city's option, be transferred to the city at the time of subdivision or development. In exchange, the city will furnish culinary water to residences or other buildings used for human occupancy within the subdivision or development at the city's standard prevailing rate, not to include improvements for such connection. Such improvements will be provided by the subdivider or developer, both on and off-site. If at the time of development, the city determines there are excess city held water rights available and the developer has not provided adequate water rights, the city, upon written application, may grant a water right allocation equal to 0.45 acre-feet per year per residential dwelling equivalent for domestic use. This fee, if applicable, is due upon presentation of the final mylar plat for city signatures.
- E. County Recording Fees. Subdivider is responsible to pay all county recording fees associated with the subdivision at the time of recording.
- F. Fees. All fees shall be in an amount established periodically by resolution of the city council and reflected in the city's fee schedule

Adopted by Ord. 374-15 on 11/18/2015

Amended by Ord. 382-16 on 10/3/2016

16.08.060 File Of Recorded Subdivisions

The city shall maintain a filing system of all subdivisions, which includes copies of all maps, data and official subdivision actions.

Adopted by Ord. 374-15 on 11/18/2015

16.12 Design Requirements

- 16.12.010 General Considerations
- 16.12.020 Streets
- 16.12.030 Blocks

- 16.12.040 Lots
- 16.12.050 Nonresidential Subdivisions

16.12.010 General Considerations

- A. The general plan shall guide the use and future development of all land within the corporate boundaries of the city. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the zoning ordinance, and other applicable ordinances.
- B. Trees, native land cover, natural watercourses, and topography shall be preserved when possible. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.
- C. In subdividing property, the Planning Commission shall give consideration to suitable sites for parks, playgrounds, and other areas for similar public use.

Adopted by Ord. 374-15 on 11/18/2015

16.12.020 Streets

- A. Arrangement of Streets. Streets in proposed subdivisions shall be arranged to continue existing streets in adjoining areas or to properly protect those streets when adjoining lands are not subdivided. All such streets shall be planned and built at the same or greater width, unless the city grants a variance to this requirement. Such street arrangements shall be made so as not to cause unnecessary hardship to owners of adjoining property when they seek to provide access to those lands.
- B. Proposed streets shall be extended by dedication and/or fully improved as the city council may determine, to the boundary of such property. Half streets along the boundary of land proposed for subdivision will not be permitted. Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees.
- C. Alleys. Alleys may be required in the rear of business lots but will not be allowed in residential blocks except under unusual conditions when such alleys are considered necessary by the planning commission.
- D. Street Width. The minimum width of proposed streets, measured from lot line to lot line, shall be as shown on the official map, or if not shown, shall be:
 1. Minor arterial streets, not less than eighty (80) feet;
 2. Major collector streets, not less than sixty-six (66) feet;
 3. Minor collector streets, not less than sixty (60) feet;
 4. Local service streets or minor streets, not less than fifty (50) feet; and
 5. Alleys, if permitted, not less than twenty (20) feet.
- E. Cul-de-sacs. Minor terminal streets (cul-de-sacs) shall not be longer than four hundred (400) feet, measured from the centerline of the intersecting street to the center of the cul-de-sac. Each cul-de-sac must be terminated by a turnaround of not less than one hundred (100) feet diameter. If surface water drains into the turnaround, due to the grade of the street, necessary catch basins and drainage easements shall be provided.
- F. The planning commission may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than ten (10) feet in width for water, sewer, drainage, power lines and other utilities shall be provided in the subdivision unless otherwise required by the planning commission.

- G. Proposed streets which are obviously in alignment with other already existing streets shall bear the number/name of the existing street.

Adopted by Ord. 374-15 on 11/18/2015

16.12.030 Blocks

The maximum length of blocks generally shall be one thousand two hundred (1,200) feet and the minimum length of blocks shall be five hundred (500) feet. In blocks over eight hundred (800) feet in length a dedicated walkway through the block at approximately the center of the block is required if the connection will connect to another right of way public or quasi-public property. The easement for such a walkway shall be not less than ten (10) feet in width. The width of blocks generally shall be sufficient to allow two tiers of lots. Blocks intended for business or industrial use shall be designated specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

Adopted by Ord. 374-15 on 11/18/2015

16.12.0040 Lots

- A. The lot arrangement, design, and shape will provide satisfactory and desirable sites for buildings, be properly related to topography and to existing and probable future utilities, rights of way, and other requirements.
- B. The area within a lot that has peculiarly shaped elongations which would be unusable for normal purposes will not be counted when it applies to the minimum lot width or area requirement.

Or: (Alan Malan) Lots shall not contain peculiarly shaped elongations of normally unusable area to provide necessary square footage of area, lot width, or frontage.

- C. All lots shown on the subdivision plat must conform to the minimum requirements of the zoning ordinance then in effect for the zone in which the subdivision is located, and to the minimum requirements of the county health department for water supply and sewage disposal. The minimum width for any residential building lot shall be as required by the zoning ordinance then in effect for zoned areas.
- D. Each lot shall abut on a street dedicated for public use by the subdivision plat or an existing public street which is more than twenty-six (26) feet wide, except that when such existing street right of way is less than fifty (50) feet wide or less than the width requirement of the official map, additional land shall be dedicated to widen the street for that portion of the street upon which the subdivision has frontage. The amount of land to be dedicated shall be as necessary to satisfy the required width along the road alignment.
- E. Flag lots will only be allowed where traditional lot development is not feasible. Such lots shall meet the following criteria:
1. The staff of the lot shall not be less than twenty feet (20') and shall not exceed the design length requirements for a cul-de-sac.
 2. The staff of the lot shall serve one lot only and shall have direct access to a dedicated and improved public street.
 3. The staff of the lot shall be owned, fee simple, as part of the lot.
 4. The staff of the lot shall approach the public street at an angle of not less than eighty degrees (80°).
 5. The staff of the Flag lot cannot extend from intersections, street corners, cul-de-sacs, or dead-end streets.
 6. The body of the lot shall meet the lot size and dimensional requirements of the applicable zone. The staff area shall not be used in computing lot size. Proposed buildings shall comply with the minimum setbacks required for the zone. Determinations as to which are

- the front, side, and rear setbacks shall be made at the time of the subdivision application and shall be designated on the plat.
7. Flag lot must comply with fire code requirements including access width, driving surface, parking and fire hydrant placement.
 8. Flag lots cannot be used where traditional methods of development could occur.
 9. Subdivisions which contain more than four (4) lots cannot contain a flag lot.
 10. The lot shall be graded so storm water runoff does not negatively impact neighboring properties.
 11. All flag lots shall have the street address displayed on private property in a prominent location where the street abuts the public street.
 12. A flag lot may not be created which would negatively impact the future continuation of existing stub streets.
 13. Other requirements imposed by a Conditional Use Permit to mitigate the potential negative impacts caused by the proposed use; a Conditional Use Permit and plat review cannot waive requirements 1 through 12 of this Section.
- F. Interior lots, less than 200 feet in length, having frontage on two streets shall be prohibited except when unusual conditions make any other design undesirable. In all instances when such lots are permitted, the subdivider shall record deed restrictions in perpetuity for those lots, limiting access from those lots to one street only so that all lots have access to the same street. Such deed restrictions shall also prohibit construction (except for fencing as allowed under Title 17) within that space adjacent to the street, from which access is prohibited, to a depth of thirty (30) feet.
- G. Corner lots shall have extra width sufficient to account for larger setbacks.
- H. Side lines of lots shall be approximately at right angles, or radial to the street line.
- I. All remnants of land below minimum size for the zone left over after the subdivision of a large tract must be added to adjacent lots rather than allowed to remain as unusable parcels.
- J. When the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat. Such transfer shall be certified to the planning commission by the county recorder.

Adopted by Ord. 374-15 on 11/18/2015

16.12.050 Nonresidential Subdivisions

- A. The street and lot layout of a nonresidential subdivision shall be appropriate to the land for which the subdivision is proposed and shall conform to the proposed land use and standards established in the city's official map and zoning ordinances.
- B. Nonresidential subdivisions shall include industrial and/or commercial tracts.
- C. In addition to the principles and standards in this title which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the planning commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed before allowing such subdivisions:
 1. Proposed industrial parcels shall be suitable in area and dimensions to the zone and types of industrial development anticipated;
 2. Street rights-of-way and pavements shall be designed to accommodate the anticipated type and volume of traffic to be generated;
 - 3.
 4. Effort shall be made to protect adjacent residential areas from potential nuisance from the proposed nonresidential subdivision, including the provision of extra depth in parcels

- backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip or other suitable screening such as berms or walls;
5. Streets carrying nonresidential traffic, especially truck traffic, shall be connected to city collector or arterial streets; and
 6. Subdivisions for proposed commercial development shall take into account and specifically designate all areas for vehicular circulation and parking, for pedestrian circulation, and for buffer strips and other landscaping.

Adopted by Ord. 374-15 on 11/18/2015

16.16 Maps Or Plans

- 16.16.010 Preliminary Conference And Concept Plan
- 16.16.020 Preliminary Plat
- 16.16.030 Final Plat
- 16.16.040 Vacating Or Changing A Recorded Subdivision Plat

16.16.010 Preliminary Conference And Concept Plan

- A. Purpose. The purpose of the preliminary conference and concept plan is to provide the subdivider with an opportunity, before filing a preliminary plat, to consult with and receive assistance from the city regarding the regulations and design requirements applicable to his or her proposed subdivision.
- B. Prior to filing a preliminary subdivision plat, each person who proposes to subdivide land in the city shall meet with and submit to the zoning administrator three copies of a preliminary design map or concept plan of the proposed subdivision which shall contain such information as is necessary to properly locate the subdivision.

The plan shall include the following information:

1. The proposed name of the subdivision;
2. A vicinity plan showing significant natural and manmade features on the site and within five hundred (500) feet 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 five feet; and north arrow;
3. Proposed lot and street layouts, showing the number, size and design of each lot and the location and width of each street;
4. Locations of any important reservations or easements;
5. The general nature and extent of grading;
6. Descriptions of the type of culinary and irrigation water systems proposed as well as documentation of water rights and secondary water shares;
7. A description of the size and location of sanitary sewer and storm water drain lines and subsurface drainage;
8. A map of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA;
9. The total acreage of the entire tract proposed for subdivision;
10. The ownership of all lands within the proposed subdivision;
11. The mailing address of each owner of land within the subdivision as well as of those lands contiguous with the subdivision; and
12. Proposed changes to existing zoning district boundaries or zoning classifications, if any, and/or the necessity of obtaining conditional use permits.

- C. The zoning administrator shall return such plan or map to the subdivider with suggestions within twenty (20) days of receipt.
- D. A conceptual site plan is not intended to permit actual development of property pursuant to such plan but shall be prepared merely to represent how the property could be developed. Submittal, review, and approval of an application for a conceptual site plan shall not create any vested rights to development.

Adopted by Ord. 374-15 on 11/18/2015

16.16.020 Preliminary Plat

Purpose. The purpose of the preliminary plat is to require formal preliminary approval of a subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat. It shall be the responsibility of the planning commission to determine whether the proposed subdivision complies with all regulations and requirements imposed by this title and the zoning ordinance.

- A. Preliminary Plat Preparation and Required Information. Each person who proposes to subdivide land in the city shall prepare a preliminary plat of such proposed subdivision and submit to the zoning administrator, two (2) full size copies, one (1) 11x17 inch copy, and one (1) electronic copy.

The preliminary plat shall be drawn to a scale not smaller than one hundred (100) feet to the inch and shall include the following information:

1. The proposed name of the subdivision;
2. The location of the subdivision as it forms part of a larger tract or parcel, including a sketch of the future street system of the unplatted portion of the property;
3. A vicinity map of the proposed subdivision, drawn at a scale of five hundred (500) feet to the inch, showing all lots and streets in the project, and all abutting streets, with names of the streets;
4. The names, addresses, phone numbers, and e-mails of the subdivider; the engineer or surveyor of the subdivision; and the owners of the land immediately adjoining the land to be subdivided;
5. A contour map drawn at intervals of at least one foot, showing all topographic features with verification by a qualified engineer or land surveyor;
6. Certification of the accuracy of the preliminary plat of the subdivision and any traverse to permanent survey monuments by a land surveyor, registered to practice in the state of Utah;
7. The boundary lines of the tract to be subdivided, with all dimensions shown;
8. Existing sanitary sewers, storm drains, subdrains, culinary and secondary water supply mains and culverts and other utilities within the tract or within one hundred (100) feet;
9. The location, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces and lots showing the size of each lot in square footage and properly labeling spaces to be dedicated to the public;
10. The location, principal dimension, and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within one hundred (100) feet of the boundary, showing whether recorded or claimed by usage; the location and dimensions to the nearest existing bench mark or monument, and section line; the location and principal dimensions of all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, power lines, and exceptional topography;
11. The existing use or uses of the property and the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines drawn to scale;

12. The location of existing bridges, culverts, surface or subsurface drainage ways, utilities, buildings or other structures, pumping stations, or appurtenances, within the subdivision or within two hundred (200) feet, and all known wells or springs as well as the location of any one hundred (100) year flood plains as determined by the Federal Emergency Management Agency (FEMA);
13. Proposed off-site and on-site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants;
14. Boundary lines of adjacent tracts of unsubdivided land within one hundred (100) feet of the tract proposed for subdivision, showing ownership and property monuments;

B. In addition to the foregoing plat, the subdivider shall provide the following documents:

1. A storm water plan in accordance with 16.28.060 Hydrology Report;
2. A plan for providing street lighting in the subdivision in compliance with the city's design standards which includes LED fixtures at approximately three hundred fifty foot (350') spacing. Street lights should be located at intersections, group mailboxes, and other prominent features;
3. Copies of any agreements with adjacent property owners relevant to the proposed subdivision;
4. A comprehensive geotechnical and soils report prepared by a qualified engineer based upon adequate test borings or excavations in accordance with the city's design standards which includes ground water levels, bearing capacities and pavement design recommendations;
5. A copy of a preliminary title report evidencing satisfactory proof of ownership;
6. Satisfactory evidence that all utilities and services will be available for the subdivision and that the utilities and easements have been reviewed by the utility companies;
7. A Davis County development and construction permit, if the proposed project is located within one hundred (100) feet of a critical flood area as defined by Davis County;
8. When subsurface drains are to be located within the subdivision easements and maintenance responsibilities for such drains shall be identified on the plat;
9. Locate group mailboxes off arterial or collector streets, a minimum of one hundred feet (100') from intersections, **and within one block of the residence**, whenever possible;
10. When the subdivider is not an individual corporation or registered partnership, a notarized statement bearing the signatures of all owners of record of the property to be subdivided which designates a single individual who shall act for and on behalf of the group in all appearances before public bodies, agencies or representatives necessary to execute the purpose of subdividing the property;
11. When a subdivision contains land which is reserved in private ownership for community use, including common areas, the subdivider shall submit with the preliminary plat a preliminary copy of the proposed articles of incorporation, homeowner's agreements and bylaws of the owner(s) or organization empowered to own, maintain and pay taxes on such lands and common areas.
12. The subdivider shall also comply with all other applicable federal, state and local laws and regulations and shall provide evidence of such compliance if requested by the city.

C. Preliminary Plat Review and Approval by the Planning Commission. Upon receipt of the preliminary plat, the city will distribute copies of the plat to the city engineer and such other governmental departments and agencies for review and comment as appropriate. Within thirty (30) days after the filing of a preliminary plat of a subdivision and any other information required, the planning commission will consider the preliminary plat, or grant approval on conditions stated.

Approval of the preliminary plat by the planning commission shall not constitute final acceptance

of the subdivision by the planning commission. The city shall notify the subdivider of the action taken by the planning commission. If the preliminary plat has been approved, the subdivider may proceed with the preparation of plans and specifications for the minimum improvements required in this title and with the preparation of the final plat. If the preliminary plat is not approved, the city will specify in writing any inadequacy in the application including noncompliance with city regulations, questionable or undesirable design and/or engineering, or the need for any additional information.

- D. Waiver for Minor or Small Subdivisions. Provided the conditions listed in Utah Code Ann. § 10-9a-605, as amended, are met and the planning commission has recommended for approval the record of survey map, a subdivider may present his or her survey map directly to the city council for final approval of said subdivision. If the survey map meets with the council's approval, the requirement of preparing a final plat for the subdivision may be waived. Upon this waiver, the subdivider may sell land by metes and bounds, without the necessity of recording a plat. In the development of the subdivision, however, the subdivider must provide such public infrastructure improvements and easements as required by the city and must comply with all the requirements and specifications set forth by the planning commission and city council as the basis for granting subdivision approval.

Following approval by the city council and receipt of all necessary approvals and signatures, city council must submit a certificate of written approval along with the metes and bounds description for the subdivision, as outlined in Utah Code Ann. § 10-9a-605, if a plat is not recorded for such subdivision.

Adopted by Ord. 374-15 on 11/18/2015

Amended by Ord. 382-16 on 10/3/2016

16.16.030 Final Plat

Purpose. The purpose of the final plat is to require formal approval by the planning commission and city council before a subdivision plat is recorded in the office of the Davis County recorder. The final plat and all information and procedures relating to it shall in all respects be in compliance with the provisions of this section. The final plat and construction plans shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure.

- A. Filing Deadline, Application and Fees. A complete application for final plat approval shall be made within twelve (12) months after approval or approval with conditions of the preliminary plat by the planning commission. This time period may be extended one time for up to six (6) months for good cause shown if subdivider petitions the planning commission for an extension prior to the original twelve (12) month expiration date. The subdivider shall file an application for final plat approval with the city on a form prescribed by the city, together with three copies of the proposed final plat and three copies of the construction drawings and an electronic copy of the construction drawings. At the same time, the subdivider shall pay to the city an application fee as set periodically by the city council.
- B. Preparation and Required Information. The following provisions set forth the manner in which a final plat must be prepared and the information it must contain.
1. The final plat shall consist of a sheet of approved mylar or comparable material at a size consistent with the recording requirements of the Davis County Recorder's Office. The border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches on the left side and at least one-half inch margin on the other sides. The plat shall be drawn so that the top of the drawing faces either north or west, whichever accommodates

the drawing best. All lines, dimensions and markings shall be made with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case not smaller than one hundred (100) feet to the inch, and workmanship on the finished drawing shall be neat, **clear and legible**.

2. The plat shall show the subdivision name and the general location of the subdivision in bold letters at the top of the sheet.
3. The plat shall contain a north arrow and scale of the drawing and the date.
4. The plat shall be signed by all required and authorized parties with appropriate notarial acknowledgements.
5. An accurate and complete survey to second order accuracy shall be made of the 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 to twenty thousand (20,000) feet.
6. The plat shall show accurately drawn boundaries and shall note the proper bearings and dimensions of all boundary lines of the subdivision. These lines shall be properly tied to public survey monuments and should be slightly heavier than street and lot lines.
7. The 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 angle, radius and arc length of curves. The plat shall also contain such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall show the calculated Davis County coordinates. Lot and boundary closure shall be calculated to the nearest one-hundredth of a foot.
8. All lots, blocks and parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined. The square footage of each lot shall also be shown. Parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown so as to be able to readily determine the bearing and length of the boundary lines of every block, lot and parcel. No ditto marks shall be used for lot dimensions.
9. The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated as well as the widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty (50) feet of the subdivision shall be shown with dotted lines. 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 existing streets shall be accurately shown.
10. All lots and blocks are to be numbered consecutively under a definite system approved by the planning commission. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.
11. All streets, including named streets, within the subdivision shall be numbered in accordance with and in conformity with the adopted street numbering system adopted by the city. Each lot shall show the assigned street addresses and shall be according to the standard addressing methods approved by the city. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.
12. The side lines of all easements shall be shown by fine dashed lines. The plat shall also show the width of all easements and ties sufficient to definitely locate the same with respect to the subdivision. All easements shall be clearly labeled and identified.
13. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or benchmark 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:
 - a. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; and

- b. All right-of-way monuments at angle points and intersections as approved by the city engineer.
- 14. The final plat shall contain the name of the surveyor, together with the date of the survey, the scale of the map and notations as to the number of sheets comprising the plat. The following certificates, acknowledgements and descriptions shall appear on the title sheet of the final plat and may be combined when appropriate:
 - a. A registered land surveyor's certificate of survey;
 - b. An owner's dedication certificate;
 - c. A notary public's acknowledgement for each signature on the plat;
 - d. That all new subdivision plats submitted for approval in West Bountiful City, tie by metes and bounds description in both the written boundary description and the graphic (drawn) portion of the plat to a section or one-quarter section monument of the Salt Lake Base and Meridian;
 - e. Signature blocks for the planning commission, city engineer, city attorney and city council (which shall consist of a signature line for the mayor and an attestation by the city recorder). A block for the Davis County recorder shall be provided in the lower right corner of the final plat; and
 - f. Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, or by the city attorney.
- 15. Before recording of the plat, the subdivider shall submit a current title report to be reviewed by the city attorney. A "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.
- 16. The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the city's subdivision standards and specifications, a copy of which shall be available for reference at the city offices.
- 17. When a subdivision contains land which is reserved in private ownership for community use, including common areas, the subdivider shall submit with the final plat a final copy of the proposed articles of incorporation, homeowner's agreements and bylaws of the owner(s) or organization empowered to own, maintain and pay taxes on such lands and common areas.
- C. Construction Plans; Preparation and Required Information. The subdivider shall prepare and submit construction plans in accordance with the requirements and standards set forth under public improvements in this title.
- D. Review by the City Engineer. The city engineer will review the final plat and construction plans and determine compliance with the engineering and surveying standards and criteria set forth in this ordinance and all other applicable ordinances of the city and the state of Utah. The public works department will be allowed to review the final plat and construction plans to check for accuracy and appropriate connectivity to current city infrastructure. The public works department shall provide written comments to the city engineer and subdivider when deemed necessary and appropriate. The city engineer will complete review of the plat within thirty (30) days after the plat is submitted for review to the engineer. If the final plat complies with the improvement standards and all necessary requirements of this title, the city engineer will sign the plat in the appropriate signature block after confirming the survey description is correct and all easements are correctly described and located and forward it to the planning commission. If the final plat or the construction plans do not comply with all necessary requirements, the city engineer shall return the plans and plat to the subdivider with comment.
- E. Planning Commission Action. Upon receipt of the comments by the city engineer, the planning commission shall review the plat to determine whether it conforms with the preliminary plat, with all changes requested, and with all requirements imposed as conditions of acceptance. If the submitted plat is not acceptable, the planning commission shall notify the subdivider and specify the respects in which it is deficient. If the planning commission determines that the final plat is in

conformity with all requirements and the ordinances of the city, it shall recommend the approval of the plat.

- F. Review by the City Attorney. The city attorney shall review the final plat, the signed subdivision improvements agreement, the current title report and the security for insuring completion of the improvements to verify compliance with the city's dedication and bonding requirements. The city attorney may also review public easements, protective covenants and other documents when applicable. Upon approval of the items specified in this section, the city attorney will sign the plat in the appropriate signature block.
- G. Review by the City Council. Within a reasonable time following the approval of the final plat by the planning commission, the final plat shall be submitted to the city council for its review and consideration. The city council shall not be bound by the recommendations of the city staff or the planning commission and may set its own conditions and requirements consistent with this title. The city council will approve the final plat if it determines that the plat is in conformity with the requirements of this title, other applicable ordinances, and any reasonable conditions either recommended by the city's staff and/or planning commission or initiated by the city council; that all fees have been paid as required; and the council is satisfied with the plat as presented. If the city council determines that the final plat is not in conformity with this title or other applicable ordinances, or any reasonable conditions imposed, it may disapprove the final plat. The council shall specify the reasons for not approving in writing to the subdivider.
- H. Amended Plat. Within one year after the city council has approved any plat, the subdivider may file with the planning commission a plat altered to meet the requirements of the city council. Upon approval and recommendation of the planning commission, this revised plat shall be submitted to the city council for final approval.
- I. Approval. No final plat shall have any force or effect unless the same has been approved by the city council and has been signed by the mayor and city recorder and recorded in the Davis County Recorder's office.
- J. Security for Public Improvements.
 - 1. Prior to a final plat's approval by the city council and its recordation with the county recorder, the subdivider shall enter into a bond agreement acceptable to the city as security to insure completion of all improvements required in the subdivision. The bond agreement shall be in a form approved by the city council and may contain specific provisions approved by the city attorney. The agreement shall include but not be limited to the following requirements:
 - a. The subdivider agrees to complete all improvements within eighteen (18) months from the date the agreement is executed.
 - b. The improvements will be completed to the satisfaction of the city and in accordance with the city's subdivision standards and specifications (as established by the city engineer and adopted by the city council).
 - c. The improvements bond will be equal to one hundred (100) percent of the city engineer's estimated cost of the improvements, including landscaping costs.
 - d. The city shall have immediate access to the bond proceeds.
 - e. The bond proceeds may be reduced at intervals determined by the city upon the request of the subdivider as improvements are installed. The amount of all such reductions shall be determined by the city. Such requests may be made only once every thirty (30) days and no reduction shall be authorized until such time as the city has inspected the improvements and found them to be in compliance with the city's standards and specifications. All reductions shall be by written authorization of the city engineer and no bond shall be reduced below ten (10) percent of its face value plus the estimated cost of asphalt seal coat either before or after city's final acceptance.
 - f. If the bond proceeds are inadequate to pay the cost of completing the improvements according to the city's standards and specifications for whatever reason, including previous reductions, the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed; or, with city council approval, a new satisfactory bond has been executed

- and delivered to the city; or other satisfactory arrangements have been made to insure completion of the remaining improvements.
- g. The city's costs of administration and cost of obtaining the bond proceeds, including attorney's fees and court costs, shall be deducted from any bond proceeds.
 - h. Upon receipt of the bond proceeds, after expiration of the time period for completion of the improvements, the cost of completion shall include reimbursement to the city for the costs of administration to complete the improvements.
 - i. The subdivider agrees to hold the city harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the city certifies the improvements are complete and accepts the improvements at the end of the one-year warranty period.
- 2. The improvements bond agreement shall be one of the following forms as prescribed by the City:
 - a. A cash bond agreement accompanied by a cashier's check payable only to the City; or
 - b. An escrow agreement and account with a federally insured bank for one hundred percent (100%) of the city engineer's estimated cost of the improvements.
 - 3. A warranty bond equal to ten (10) percent of the improvements bond shall be held as a cash bond by the city. After the one-year warranty period, the remaining proceeds plus interest shall be refunded to the subdivider. The amount of this interest will be calculated at a rate equal to that received on the city's other investments in the State Treasurer's Fund and shall be paid on the declining balance of the bond.
- K. Payment of Fees. All required and unpaid fees shall be paid by the subdivider to the city by cashier's check prior to the mayor signing the final plat for recording.
 - L. Recording of Final Plat. After filing the bond agreements described above, payment of all required fees and signing of the plat by the mayor, city recorder, and city attorney, the final plat shall be presented to the Davis County recorder for recordation.
 - M. Warranty Period. The warranty period referred to above shall commence upon receipt of complete and accurate recording drawings, and upon the date that all improvements required by the city to be installed within the subdivision have been completed to the satisfaction of the city and a final on-site review thereof has been made approving the same. The warranty period shall commence at that date and shall continue for a period of one year thereafter. If any deficiencies are found by the city during the warranty period in materials or workmanship, the subdivider shall promptly resolve such defects or deficiencies and request the city engineer to review once more the improvements. At the end of the one-year warranty period the subdivider shall request the city engineer to make a final warranty period on-site review of all improvements. If the city engineer verifies that the improvements are acceptable, the city engineer shall notify the city administrator who shall refer the matter to the city council. The city council shall then review the matter and upon approval of the same shall release the balance of the security posted by the subdivider under the bond agreement.
 - N. Expiration of Final Approval. If the final plat is not recorded within twelve (12) months from the date of city council approval, such approval shall be null and void. This time period may be extended by the city council for up to an additional twelve (12) month period for good cause shown. The subdivider must petition in writing for this extension prior to the expiration of the original six months. No extension will be granted if it is determined that it will be detrimental to the city. If any of the fees charged as a condition of subdivision approval have increased, the city may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.

Adopted by Ord. 374-15 on 11/18/2015

Amended by Ord. 388-17 on 3/1/2017

16.16.040 Vacating Or Changing A Recorded Subdivision Plat

A subdivision plat shall only be vacated or changed in accordance with state law as set forth in Section 10-9a-608, Utah Code Annotated, as amended.

Adopted by Ord. 374-15 on 11/18/2015

16.20 Improvements

- 16.20.010 Parks, School Sites And Other Public Spaces
- 16.20.020 Public Improvements

16.20.010 Parks, School Sites And Other Public Spaces

- A. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other areas for public use. Any provision for such open spaces should be indicated on the preliminary plat in order that it may be determined by the planning commission when and in what manner such areas will be dedicated to, or acquired by, the appropriate agency.
- B. The planning commission may, in the public interest, require that the subdivider set aside land for parks, playgrounds, schools, churches and other public structures, within the boundaries of a subdivision.
 1. Subdividers may not be required to hold land set aside for churches, schools, parks exceeding ten thousand (10,000) square feet, and other public structures for more than one year without payment being made for the same on the basis of land and improvement costs.
 2. Parks and neighborhood playgrounds of less than ten thousand (10,000) square feet, when required, shall be maintained by the neighborhood homeowners' association (HOA).
 3. In subdivisions of less than forty (40) lots, the subdivider may not be required to dedicate more than one twenty-fifth as much land as there is in lots, not streets, for parks or playgrounds without payment.
 4. For subdivisions greater than forty (40) lots, each group of forty (40) lots, or fraction thereof, may require additional dedicated park and playground area at the same ratio as for less than forty (40) lots.

Adopted by Ord. 374-15 on 11/18/2015

16.20.020 Public Improvements

- A. Design Standards. The city engineer shall prepare standards and specifications for design, construction and on-site review of all public improvements including streets, curbs, gutters, sidewalks, water distribution systems, sewage disposal facilities and storm drainage and flood control facilities. Standards for fire hydrants shall meet the requirements of any federal, state and local governmental entities having jurisdiction over such hydrants.
- B. All construction standards and specifications shall be approved by the city council before becoming effective. All public improvements shall be installed in accordance with the city's construction standards and specifications, the requirements of the city engineer and public works department, the subdivision improvements agreement between the subdivider and the city, and all other applicable city ordinances and regulations.
- C. The approval of all subdivisions, including minor or small subdivisions, will require the installation of all public improvements including asphalt, curb and gutter, sidewalk, street lights and utilities which are required to complete the standard street design included in the City's design standards regardless of whether the required improvements are on a new or existing street. The city council may waive, modify or delay the construction of all or part of the required public improvements upon making specific findings supporting its decision consistent with the following standards.

1. Curb, gutter and sidewalk improvements in the R-1-10, R-1-22, and A-1 zoning district are eligible for deferred construction under a deferred improvements agreement when the city council finds compelling reasons why the city's interests are better served by deferring the construction.
 2. The city council may waive, modify, or defer the requirement to pipe an open ditch that has been previously designated by the city to remain open upon a finding that the waiver, modification, or deferral is in the public interest. All other open ditches in the subdivision are required to be piped according to the size requirements of the city drainage master plan as a condition of the subdivision approval.
 3. The construction of any public improvements deferred under this section shall be subject to a deferred improvements agreement that allows the City to determine when, if ever, such construction will be required.
- D. Construction Plans. Complete and detailed construction plans and drawings of all improvements shall be prepared in conformance with the design standards of the city. These plans and drawings shall address all proposed street utilities and shall be submitted to the city engineer for review with the final plan. Final approval of the project shall not be granted until these plans have been reviewed and recommended for approval by the city engineer. No construction shall be started until these plans have received final approval of the city engineer.
- E. Standards for Construction Plans. The city has established standards with respect to construction plans for the purpose of achieving consistency in drawings and uniformity in plan appearance, clarity, size and reproduction. These standards and specifications shall serve as minimum requirements for all aspects of proposed developments and subdivisions.
- F. Three copies of initial construction plans shall be submitted for all proposed subdivisions and developments. Of these copies, one set shall be used by the city engineer and the public works department, one set shall be retained by the city, and one set shall be returned to the subdivider for corrections and revisions consistent with the recommendations of the city and the city engineer. After these corrections and revisions have been made by the subdivider, three revised sets shall be submitted to the city for final review by the city engineer.

All drawings and/or prints shall be clear and legible and conform to good engineering and drafting practice. All drawings shall be twenty-four (24) inches by thirty-six (36) inches (trim line) or twenty-two (22) inches by thirty-four (34) inches (trim line) with a one-half inch border on the top, bottom and right side of the plan and a one and one-half inch border on the left side.

The plans shall include the following, and separate sheets may be used as needed to detail the required information.

1. A north arrow;
2. Stationing and elevations for profiles;
3. U.S.G.S. datum for all elevations;
4. A title block located in the lower right corner of the sheet which shall include:
 - a. Project title (subdivision, etc.),
 - b. Specific type and location of work, and
 - c. Name of engineer or firm preparing drawings with license number and a Utah Engineers stamp imprint;
5. Scale information at 1 inch = 20 feet, or larger horizontally; and 1 inch = 2 feet or 1 inch = 4 feet vertically;
6. For curb and gutter plans, plan view and profiles for each side of the street including curve data for top of curb elevations but excluding street center line profile data at a 1 inch = 20 feet horizontal scale, or larger;
7. Size and location of all culinary water lateral mains, meters, valves and hydrants which sizes and locations shall be subject to the specifications of the city engineer;
8. Data regarding types of pipe proposed;

9. Size and location of irrigation lateral mains, valves, fittings and other features of the irrigation system; and
 10. Size and location of drains and subdrains to the sewer and storm drain systems as well as for their manhole clean-outs.
- G. **Preconstruction Meetings.** Prior to excavating or starting construction, the subdivider shall arrange a preconstruction meeting with the city engineer and the public works department. The subdivider shall bring to the meeting all contractors responsible for building the improvements associated with the project. The purpose of this meeting shall be to:
1. Verify the final approval of all plans;
 2. Determine the construction schedule;
 3. Determine the names, addresses and phone numbers of all persons involved in the construction of the project, including contractors and inspectors;
 4. Review all plans and any city imposed special conditions or requirements;
 5. Review any bond reduction requests;
 6. Coordinate on-site review and testing times; and
 7. Discuss the city standards and specifications.
- H. **On-Site Construction Review.** All construction requiring the installation of public improvements in a subdivision shall be subject to on-site review by the city engineer or the public works department under direction from the city engineer.

Daily on-site review shall be required on the following types of work:

1. Placement of street surfacing;
2. Placement of concrete for curbs, gutters, sidewalks and other structures; and
3. Placement and testing of drainage and water pipes, valves, hydrants.

Periodic on-site reviews shall be required on the following:

1. Street grading and placement of gravel base;
2. Excavations for curbs, gutters and sidewalks; and
3. Excavations for all structures.

- I. **Requests for On-Site Review.** Requests for on-site review shall be made to the city engineer by the person responsible for project construction. Such requests shall be made at least one working day prior to the commencement of construction.
- J. **Correcting Defective Work.** Periodic on-site reviews shall be made by the city engineer, or public works department under direction of the city engineer, at various phases of construction. Any faulty or defective work shall be corrected by the subdivider or subdivider's contractor within a period of thirty (30) days from the date of the on-site review wherein the faulty or defective work is noted and written notice is given to the subdivider and/or contractor.

Adopted by Ord. 374-15 on 11/18/2015

16.24 Variances And Appeals

- 16.24.010 Appeal Authority
- 16.24.020 Variances
- 16.24.030 Appeals

16.24.010 Appeal Authority

- A. For purposes of requests for a variance under Section 16.24.020, appeals under Section 16.24.030 or appeals from a fee charged under this title in accordance with Utah Code Ann. § 10-9a-510, as amended, the appeal authority shall be the city council. Notwithstanding the foregoing, in appeals under Section 16.24.030 or from a fee charged under this title, the city council will act as appeal authority concerning any issue on which the city council has not acted as land use authority. To the extent of any issue on which the city council acted as land use authority, any appeal shall be made to district court in the manner provided by law.
- B. The appeal authority shall act in a quasi-judicial manner, shall serve as the final arbiter of issues involving the interpretation or application of land use ordinances under this title, and shall respect the due process rights of each of the participants in the appeal or request for variance. Except as otherwise specifically provided in this chapter, the procedures for appeal, including time for appeal, burden of proof, and standard of review, shall be those set forth in Chapter 17.08.

Adopted by Ord. 374-15 on 11/18/2015

16.24.020 Variances

- A. Any subdivider desiring a waiver or modification of the requirements of this title as applied to the property to be subdivided may apply to the city council, acting as the appeal authority, for a variance from the terms of this title.
- B. The city council may grant a variance only if:
 - 1. Literal enforcement of the provisions of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the city's land use ordinances;
 - 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;
 - 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;
 - 4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - 5. The spirit of the land use ordinance is observed and substantial justice is done.
- C. In determining whether or not enforcement of the provisions of this title would cause unreasonable hardship under Subsection B(1), the city council may not find an unreasonable hardship unless the alleged hardship:
 - 1. Is located on or associated with the property for which the variance is sought; and
 - 2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- D. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection B(1), the city council may not find an unreasonable hardship if the hardship is self-imposed or economic.
- E. In determining whether or not there are special circumstances attached to the property under Subsection B(2), the city council may find that special circumstances exist only if the special circumstances:
 - 1. Relate to the hardship complained of; and
 - 2. Deprive the property of privileges granted to other properties in the same zone.
- F. The applicant shall bear the burden of proving that all of the criteria justifying a variance have been met.
- G. Variances run with the land.
- H. The city council may not grant a use variance.
- I. In granting a variance, the city council may impose additional requirements on the applicant that will:
 - 1. Mitigate any harmful effects of the variance; or
 - 2. Serve the purpose of the standard or requirement that is waived or modified.

- J. The city council shall issue a written decision, including findings, with respect to the request for variance. Such written decision will be final when issued and may thereafter be appealed to district court in accordance with applicable law.

Adopted by Ord. 374-15 on 11/18/2015

16.24.030 Appeals

Any person aggrieved by any decision, determination, or requirement of the planning commission, zoning administrator, or city engineer, under this title, or by a fee charged under this title in accordance with Utah Code Ann. § 10-9a-510, as amended, may appeal such decision, determination, requirement or fee to the city council under this chapter in accordance with the appeal procedures set forth in Chapter 17.08. Any person aggrieved by any decision, determination, or requirement of the city council under this title may appeal such decision to district court in the manner provided by law.

Adopted by Ord. 374-15 on 11/18/2015

16.28 Drainage And Subsurface Water Control

- 16.28.010 Purpose
- 16.28.020 Applicability
- 16.28.030 Interpretation
- 16.28.040 Conflicts
- 16.28.050 Definitions
- 16.28.060 Hydrology Report
- 16.28.070 Drainage Plan
- 16.28.080 Off-Site Improvements
- 16.28.090 Drainage Onto Other Properties
- 16.28.100 Drainage Of Impervious Surfaces
- 16.28.110 Catch Basins
- 16.28.120 Existing Natural Drainage
- 16.28.130 Drainage Fee
- 16.28.140 Development Restrictions
- 16.28.150 Appeals
- 16.28.160 Violations; Penalties

16.28.010 Purpose

The purpose of this chapter is to provide for the positive and adequate abatement and handling of all surface and subsurface water, including storm runoff from all new subdivisions and developments in the city, and to impose certain building restrictions to control problems due to subsurface water conditions.

Adopted by Ord. 374-15 on 11/18/2015

16.28.020 Applicability

The provisions of this chapter shall apply to all subdivisions and developments to be constructed within the city.

Adopted by Ord. 374-15 on 11/18/2015

16.28.030 Interpretation

In interpreting and applying the provisions of this chapter, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.

Adopted by Ord. 374-15 on 11/18/2015

16.28.040 Conflicts

This chapter shall not nullify the more restrictive provisions of any private covenants, agreements or other ordinances or laws, including the provisions of Chapter 13.30, but shall prevail over any such provisions that are less restrictive.

Adopted by Ord. 374-15 on 11/18/2015

Amended by Ord. 382-16 on 10/3/2016

16.28.050 Definitions

For the purposes of this chapter, the following words shall have the meanings herein prescribed:

"**Catch basin**" means an opening into a storm drain system for the entrance of surface storm runoff.

"**Civil engineer**" means an engineer registered under the provisions of the state of Utah.

"**Developer**" means any person, firm or corporation engaged in creating a development as defined herein.

"**Development**" means any commercial, industrial, residential, public or recreational project and any single lot residential development or any commercial, industrial, residential, public or recreational redevelopment or remodeling which will cause changes in the existing drainage pattern or system.

"**Discharge of drainage**" means the emptying of collected waters from a drainage system into a manmade drainage way or natural channel.

"**Drainage**" means the interception and removal of surface and subsurface water by artificial or natural means. It also refers to the water collected by such interception and removal.

"**Drainage facilities**" means all pipes, catch basins, pumps, man-made drainage ways, natural channels, etc., designed to collect and carry drainage.

"**Drainage plan**" means a plan showing all drainage facilities, both on and off-site, designed to carry all surface and subsurface waters from a subdivision or development.

"**Drainage way**" means any natural channel, stream, manmade channel, canal or other such structure designed to carry water flows.

"**Engineer/geologist**" means a person with an accredited degree in geology or geological engineering, with at least five years' experience in the field or geological studies relating to hydrological problems.

"**Erosive**" refers directly to the point in time when the stream bed of a natural channel begins to be scoured, worn or deteriorated due to the water flow in said channel.

"**Estuary**," for purposes of this chapter, is defined as Mill Creek, Stone Creek, Barton Creek and such other natural drainage ways or manmade canals and ditches as may be approved periodically by the designated city official.

"**Excavation**" means any disruption of the soil mantle and/or manmade surfacing of the same. Excavations may be either in the nature of a process or a use. Excavations undertaken for the purpose of preparing a site for an ultimate land use or for repairing or constructing urban service facilities are processes, whereas excavations such as gravel pits, quarries or mines are uses which require specific use authorization in the zoning district where located in addition to a conditional use permit if such is required.

"**Existing natural grade**" means the actual elevation of the ground surface before excavation or filling takes place.

"**Finished grade**" means the actual elevation of the ground surface after excavation or filling has taken place.

"**Flooding**" means an unusual abundance of water which overflows land not normally covered with water.

"**Geologist**" means a person with an accredited degree in the field of geology and at least five years' experience with specific application in hydrological studies.

"**Geologist/hydrologist**" means a person with an accredited degree in geology or hydrology with at least five years' experience in the field of geohydrology.

"**Grading plan**" means a plan outlining the excavation or fill proposed for the subdivision or development, including a description of the conditions resulting from such excavation or fill.

"**Groundwater**" means water beneath the surface of the ground which is in the saturated zone below the water table.

"**Hydrology**" means the study of the processes involved in the transfer of moisture from one body of water to the land and back to another body of water.

"**Hydrology report**" means an analysis of the hydrologic processes involved on a parcel of ground in relation to a subdivision or development.

"**Manmade drainage way**" means any open or enclosed channel or structure constructed by man for the purpose of conveying drainage water.

"**Natural channels**" means drainage ways which have been created by nature.

"**Off-site improvements**" means any drainage facilities which are necessary for the conveyance of the drainage from the subdivision or development to a major drainage way and which occur on land other than that of the proposed site.

"**One hundred (100) year storm**" means a statistical storm event that has the chance of occurring once in one hundred (100) years, or one percent chance of happening in any given year.

"**Perpetual conveyance of irrigation water**" means the continued flow of irrigation water to the respective users of such water.

"**Standard project flood**" means the flood which could occur from the most severe combination of meteorological conditions characteristic of the area, excluding extremely rare combinations.

"**Storm drain system**" means the system of drainage facilities designed to carry storm water runoff.

"**Storm runoff**" means storm water which drains off surface due to flow exceeding infiltration capacity.

"**Subsurface drain**" means an underground conduit designed to permit infiltration for the purpose of collecting subsurface water.

"**Subsurface water**" means water beneath the surface of the ground.

"**Surface water**" means water which rests on the surface of the ground or is not covered by any earth or rock: for example, rivers, ponds and lakes.

"**Sump condition**" means water restricted to an inlet area because the inlet is located at a low point.

"**Upward leakage**" means vertical seepage in an upward direction through an aquifer caused by hydrostatic pressure.

"**Water rights**" means legal rights to use of water held by individuals and corporations referring directly to parcels of land on which such water is used.

"**Water table**" means the level below which the ground is saturated with water.

"**Wells**" means any pipe, excavation or access below the surface of the ground having been used or currently being used as a source of water.

Adopted by Ord. 374-15 on 11/18/201

Amended by Ord. 382-16 on 10/3/2016

16.28.060 Hydrology Report

A hydrology report shall be prepared and submitted to the City at the expense of the subdivider or developer by a qualified person or firm in the field of hydrological studies (i.e., civil engineer, engineer/geologist, geologist, hydrologist) in which a minimum of the following shall be done:

- A. Flooding. Analyze the flood or inundation potential of the proposed subdivision or development site. This analysis shall include:
 - 1. A storm water plan and design calculations in accordance with Section 13.30.080 and the city's design standards. Runoff calculations should be based on a saturated soil mantle;
 - 2. A standard analysis of any meandering streams which are either on, near, or pass through the proposed site;
 - 3. A history of prior flooding; and
 - 4. An evaluation of the effects of short duration, high intensity rainstorms and rapid snow melt on the proposed subdivision or development and downstream properties for ten, twenty-five, and one hundred-year storms.
- B. Other Surface Hydrology.
 - 1. Define the capability of existing natural channels and other man-made drainage ways to accommodate the estimated increase in storm drainage flow due to the proposed subdivision or development;
 - 2. If a natural stream channel is to be used for the discharge of drainage waters, define at what point the water flow and velocity is erosive. If the stream channel or banks will erode, specify what measures will be taken to minimize such erosion;
 - 3. Make an estimate or measurement of minimum and maximum flows in manmade and natural drainage ways; and
 - 4. Describe all existing drainage ways, both natural and manmade, including any irrigation, well discharge and subsurface drains which presently are on, near or pass through the proposed site and evaluate how such existing drainage flow patterns will be maintained by the proposed subdivision or development.
- C. Subsurface Hydrology.
 - 1. Identify existing or potential subsurface water problems (i.e., flooded basements, ponding, etc.) due to high water table, areas of upward leakage, existing subsurface drains (including locations of any known old, wooded subsurface drains common in the city) and describe how the proposed drainage system will help solve the problems; and
 - 2. Identify any existing or potential wells on the site and describe the steps to be taken to protect such wells from pollution.
- D. Geology.
 - 1. Investigate exposed and subsurface earth materials, including elements, geologic composition, limitations and geologic hazards;
 - 2. Specify existing geologic and soil conditions, including physical properties and engineering behavior (i.e., shrink-swell capacity), of unconsolidated geologic formations; and
 - 3. Analyze the impact of any geologic or hydrologic hazards upon present or potential uses.

Adopted by Ord. 374-15 on 11/18/2015

Amended by Ord. 382-16 on 10/3/2016

16.28.070 Drainage Plan

- A. Drainage Delivery. All subdividers and developers shall submit a plan of drainage facilities consistent with Section 13.30.080 designed to carry all surface and subsurface waters, which are or could become either a hazard or a public nuisance, to the nearest practicable drainage way as approved by the public works director or city engineer as an acceptable place to deposit such waters.
- B. Design Standards. The plan must specify for approval by the public works director or city engineer all facilities design, pipe sizes, materials and appurtenances.
- C. Time of Submission. The drainage plan shall be submitted along with the preliminary subdivision plat or preliminary site plan for development. This plan will include a computation of the drainage fee as specified in this chapter.
- D. Approval. Final approval of the drainage plan will be given at the time of the subdivision final plat approval. No subdivision plat or development plan will receive final approval without acceptance of the drainage plan.
- E. If the final plat is not recorded within twelve (12) months from the date of city council approval, the drainage plan approval will be null and void. This time period may be extended by the city council for up to an additional six (6) month period for good cause shown. The subdivider must petition in writing for this extension prior to the expiration of the original six (6) months. No extension will be granted if it is determined that it will be detrimental to the city. If any of the fees charged as a condition of subdivision approval have increased, the city may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension

Adopted by Ord. 374-15 on 11/18/2015

Amended by Ord. 382-16 on 10/3/2016

Amended by Ord. 388-17 on 3/1/2017

16.28.080 Off-Site Improvements

It is the responsibility of the subdivider or developer to make all off-site improvements necessary to convey any drainage for a one-hundred-year storm event from the subdivision or development to the accepted and designated drainage way as specified in Section 16.28.070(A) of this chapter.

- A. Costs. All costs for such improvements shall be paid by the subdivider or developer.
- B. Provision for Further Development. Should it be determined by the designated city official that further development may necessitate larger than normal size drainage facilities, the subdivider or developer shall be required to make such improvements; provided, however, that the proportional cost for such additional improvements will be reimbursed as funds are available through a storm drain impact fee account.
- C. Storm Drain Impact Fee Account. A fund to be known as the storm drain impact fee account shall be established to provide for the upgrading of the city's drainage system. The fund shall consist of the fees collected under Section 16.28.130 of this chapter.

Adopted by Ord. 374-15 on 11/18/2015

Amended by Ord. 382-16 on 10/3/2016

16.28.090 Drainage Onto Other Properties

Waters shall not be drained onto other properties not in the same ownership without written permission from the owner of the adjacent property. When a ditch or drainage channel under private ownership is to be used, written permission from either the president of the ditch company when an incorporated ownership, or from all property owners using the ditch must be obtained.

Adopted by Ord. 374-15 on 11/18/2015

16.28.100 Drainage Of Impervious Surfaces

Whenever any surface of a lot, plot, parcel or portion thereof is excavated, filled, graded or hard-surfaced with impervious material (i.e., streets, driveways, sidewalks, parking lots, etc.), adequate surface drainage shall be provided. Such drainage will connect directly into the overall site drainage system for the subdivision or development as approved by the designated city official.

Adopted by Ord. 374-15 on 11/18/2015

16.28.110 Catch Basins

Catch basins shall be placed in the gutter at all sump locations and elsewhere at the direction of the city council. In no case shall surface water be allowed to be carried in a gutter for more than eight hundred (800) feet without the installation of a catch basin or other approved device or as required by the hydrology report for depositing the surface water into an acceptable storm drain system.

Adopted by Ord. 374-15 on 11/18/2015

16.28.120 Existing Natural Drainage

Existing natural surface and subsurface drainage of the ground surrounding the proposed lot or plot shall not be impeded by any off or on-site construction and improvements.

Adopted by Ord. 374-15 on 11/18/2015

16.28.130 Drainage Fee

- A. Intent. For the purpose of upgrading the storm drainage system, a storm drainage impact fee shall be assessed for all new subdivisions and developments in the city. This fee shall be paid at the time of final drainage plan approval and prior to the issuance of any building permits. Approval shall not be given if such fee is not paid.
- B. Determination of Fee. The subdivider or developer, or anyone seeking a building permit, shall pay a fee which shall be determined by a formula that shall be established periodically by resolution of the city council.

Adopted by Ord. 374-15 on 11/18/2015

16.28.140 Development Restrictions

Upon review of the hydrology report and drainage plan, additional restrictions may be placed on the construction of all residential dwellings, buildings, or other edifices within the subdivision or development to include, but not be limited to the following:

- A. No residences, buildings or structures shall be constructed below existing natural grade;
- B. Foundations for any residence, building or structure shall be placed on existing natural grade;
- C. The site shall be filled to finish grade in accordance with a previously submitted and approved grading plan; and/or
- D. All finished floor elevations on buildings constructed shall be at least twelve (12) inches above the curb, or street, or proposed street, level adjacent to the building except when otherwise approved by the city engineer and city council. Below floor or crawl space area shall not exceed 48 inches in height as measured from the bottom of the supporting floor member to the top of the finished ground surface. Below floor or crawl space area shall not exceed 60 inches in height as measured from the bottom of the supporting floor structure to the top of a finish floor where the finish floor is one foot or above the curb or street elevation. Below floor or crawl space area which is located below the street or curb elevation is not considered to be finished floor area and is not approved for domestic use including storage.

- E. No residential development shall be allowed that places streets below elevation 4216.00 or finish floors below 4218.00.
- F. No commercial or industrial development shall be allowed that places the streets below elevation 4216.00 or the finish floor below elevation 4217.00.

Adopted by Ord. 374-15 on 11/18/2015

Renumbered by Ord. 382-16 on 10/3/2016

16.28.150 Appeals

See WBMC Chapter 2.64.

Adopted by Ord. 374-15 on 11/18/2015

Renumbered by Ord. 382-16 on 10/3/2016

16.28.160 Violations; Penalties

- A. Any person, firm or corporation who shall create, or cause to be created, a development as defined herein, or construct a building within the limits of the city, without complying with the provisions of this chapter, or who shall violate any provisions hereof shall be deemed guilty of a Class B misdemeanor. Each day in which any such violation shall continue, or be permitted, shall be deemed a separate offense.
- B. The city shall authorize the necessary public officials and/or officers to investigate and make reports to the planning commission of any such violations. The planning commission, if it finds that such a violation does exist, may recommend that legal action be taken by the city council.

Adopted by Ord. 374-15 on 11/18/2015

1 **West Bountiful City**
2 **Planning Commission Meeting**

November 27, 2018

3
4 **PENDING- Not Yet Approved**

5 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice website
6 and on the West Bountiful City website on November 26, 2018 per state statutory requirement.

7 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, November 27,
8 2018 at West Bountiful City Hall, Davis County, Utah.

9 **Those in Attendance:**

10 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Alan Malan, Corey Sweat, Laura Charchenko, Dee Vest
11 (alternate) and Council member Kelly Enquist

12 **STAFF PRESENT:** Ben White (City Engineer), Cathy Brightwell (Recorder) and Debbie McKean (Secretary)

13 **MEMBERS EXCUSED:** Mike Cottle

14 **VISITORS:** Gary Jacketta, Michael and Teresa Stout, Justin Atwater

15 The Planning Commission Meeting was called to order at 7:30 pm by Chairman Hopkinson. Laura
16 Charchenko offered a prayer.

17 **1. Accept Agenda**

18 Chairman Hopkinson reviewed the agenda. Corey Sweat moved to accept the agenda as presented and
19 Dee Vest seconded the motion. Voting was unanimous in favor among all members present.

20
21 **2. Consider Conditional Use Application for a Deck at 831 West 1320 North for Michael**
22 **Stout.**

23 Commission packets included a memorandum dated November 26, 2018 from Ben White regarding
24 Conditional Use Application – Rear Deck for Michael Stout at 831 West 1320 North with an application
25 and site plans.

26 **The memorandum addressed the following:**

- 27
 - Staff received plans for a new home in Wasatch Meadows that included a rear deck on the back
 - 28 of the home that would encroach into the rear setback. Home owner submitted a Conditional
 - 29 Use Permit Application on November 20, 2018 that requested a five-foot wide x 20 foot long
 - 30 deck to encroach into the thirty-foot rear yard setback. The deck will be four to five feet above
 - 31 the ground.
 - 32 • A list of requirements from WBMC, Residential R1-10 Zone, Section 17.24.050(4)(c).
 - 33 • Staff's recommendation of approval for the permit with Affirmative Findings.

34
35 Ben White introduced the applicant and explained his desire to build a home in Wasatch Meadows in
36 the R1-10 zone with plans to add a rear deck. Mr. Stout intends to build a 5-foot-deep deck to be used

as a walkway to the side of the home with stairs that lead to a ground level patio. Because our code allows 200 square feet encroachment into the rear setback with a conditional use permit, Mr. White recommended granting approval for a deck that could be up to ten feet deep as long as it does not exceed the maximum of 200 square feet, in case the owner desires to make changes while building his home or in the future.

Commissioners had no questions.

ACTION TAKEN:

Corey Sweat moved to approve the conditional use permit for Michael Stout at 831 West 1320 North to build a deck encroaching into a rear setback subject to the requirements listed in WBMC Section 17.24.050 (4)(c). Alan Malan seconded the motion and voting was unanimous in favor.

3. Consider Final Plat for Atwater Estates at 181 North 800 West

Commission packets included a memorandum dated November 21, 2018 from Ben White regarding Atwater Estates Subdivision-Final Plat with attached site plan.

Ben White described the 12-lot subdivision currently known as the Grover Family Property. The property is within the R-1-10 zone and consists of 12 lots that all meet the minimum size and width for the zone. The following highlighted items need to be addressed for final plat approval.

1. There are two existing street lights with one additional proposed street light at the Grover Court corner.
2. Drainage for the subdivision will discharge into the DSB canal without detention. **This requires a flood control permit issued by Davis County Public Works.**
3. The best location for the mail box due to utilities, street intersections and lighting is the Lot 7/8 corner. **Drawings should reflect this location.**
4. **The development is required to reimburse the city for the service laterals used which were previously installed with the hope of minimizing 800 West street cuts when the property developed.**
5. Staff has a geotechnical report for the development.
6. The street intersections do not drain properly. **Revise the construction drawings to reflect proper drainage.**

Items to be completed prior to recording the plat include:

7. **Water rights will need to be deeded to the city.**
8. **Title report review by the city attorney with no objectional entries.**
9. **Other minor corrections to the improvement drawings.**
10. **Payment of impact and inspection fees.**
11. **Post appropriate improvement bonds**
12. **Approval by Weber Basin, South Davis Sewer and Davis County Public Works**

Alan Malan asked Mr. White how deep the cul-de-sacs will be, and Mr. White responded approximately 297 feet.

Mr. White introduced Mr. Atwater and invited the commission to ask him questions. Commissioners had no questions.

ACTION TAKEN:

Laura Charchenko moved to approve the final plat for the Atwater Estates Subdivision subject to the conditions listed in numbers 1 – 12 above. Corey Sweat seconded the motion and voting was unanimous in favor.

4. Discuss Proposed Changes to Title 16- Subdivision

Ben White informed the Commissioners that all items that were asked to be addressed have been corrected and included in this new document. The following commissioner questions were discussed.

Commissioner Malan wanted language regarding the postal receptacles changed to require their location to be within a block area of the residents. He researched the regulations for the post office and language in their requirements say, “normally the receptacle will be within one block of residents.” This may require larger subdivisions to have more than one receptacle. Mr. Malan wants language added to match the post office regulations.

Commissioner Vest inquired about the definition of “appeal authority” on page 2. He said his land use training recommended best practices that elected officials not be appeal authorities. He also wondered why this definition was left vague while city council is specifically listed in other parts of the document. Ben White stated that the City Council decided they wanted to be our appeal authority. The definition was left vague so it applies even if there is a change in the future. He also asked why some typed lines were spread across the page. Cathy Brightwell explained it is due to the right-justification format of the document but it will be fixed in the final document.

Mr. Vest asked how minor or small subdivisions are defined (Page 14, D.). Ben White responded that it is defined in state code as 10 lots or less without the need to dedicate street right of way. Mr. Vest also asked to have the language at the bottom of page 14 (B.1.) changed from “clean cut and readable to clear and legible to be consistent with other language in the document.

Chairman Hopkinson pointed out the highlighted section B on page 9 B. He said the new language is better but still may not be clear to the lay person. He asked commissioners to review it and try to come up with an alternative.

Mr. Hopkinson instructed Staff to freshen up the suggestions from this evening.

5. Staff Report

Ben White:

- Reported that the letter to city council regarding the covered patio/rear set-back issue was reviewed at their last meeting and they will have more discussion at their next meeting to decide how to proceed.
- The Atwater subdivision will be on the next city council agenda for final plat approval.

Cathy Brightwell:

- She reminded the Commissioners that there will only one meeting in December due to Christmas being on the fourth Thursday of the month.

Dee Vest stated he will be out of town for the next meeting.

6. Consider Approval of Modifications to October 9, 2018 meeting minutes.

Cathy Brightwell explained that a portion of the Motion for preliminary plat approval for Atwater Estates at the October 9 meeting had been omitted from the minutes. This modification fixes it.

ACTION TAKEN:

Corey Sweat moved to approve of the modifications of meeting minutes of the October 9, 2018 meeting as modified. Alan Malan seconded the motion and voting was unanimous in favor.

7. Consider Approval of Minutes from November 13, 2018 meeting.

ACTION TAKEN:

Laura Charchenko moved to approve of the minutes of the November 13, 2018 meeting as presented. Corey Sweat seconded the motion and voting was unanimous in favor.

8. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:10 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on October 23, 2018 by unanimous vote of all members present.

Cathy Brightwell – City Recorder