

City of  
**WASHINGTON TERRACE**  
*Utah*

Planning Commission Meeting  
Thursday, March 28, 2024  
City Hall Council Chambers  
5249 S. South Pointe Dr. Washington Terrace City  
801-393-8681

1. **ROLL CALL** 6:00 p.m.
  
2. **PLEDGE OF ALLEGIANCE**
  
3. **WELCOME**
  
4. **RECURRING BUSINESS**
  - 4.1 **MOTION: APPROVAL OF AGENDA**  
Any point of order or issue regarding items on the Agenda or the order of the agenda need to be addressed here prior to the approval of the agenda.
  
  - 4.2 **MOTION: APPROVAL OF MINUTES FOR FEBRUARY 29, 2024**
  
5. **SPECIAL ORDER**  
Special orders will proceed as follows: Chair introduction of item, staff/applicant presentation, questions by commission, Chair opens public hearing, citizen input; Chair closes public hearing, then commission final discussion.
  - 5.1 **PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND OPPOSITION TO PROPOSED ORDINANCE AMENDING THE TITLE 16 “SUBDIVISIONS” FOR COMPLIANCE WITH UTAH SB174 “LOCAL LAND USE AND DEVELOPMENT REVISIONS”**
  
6. **NEW BUSINESS**
  - 6.1 **MOTION/ORDINANCE 24-03: RECOMMENDATION TO APPROVE ORDINANCE REPEALING AND RE-ENACTING TITLE 16 “SUBDIVISIONS REGULATIONS” OF THE MUNICIPAL CODE**
  
7. **UPCOMING BUSINESS**
  
8. **MOTION: ADJOURN THE MEETING**

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 395-8283

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the City of Washington Terrace City limits and faxed to the *Standard Examiner* at least 24 hours prior to the meeting.  
Amy Rodriguez, Washington Terrace City Recorder

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3 **City of Washington Terrace**  
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6 **Minutes of the Planning Commission Meeting held on**  
7 **Thursday, February 29, 2024**  
8 **City Hall, 5249 South 400 East, Washington Terrace City,**  
9 **County of Weber, State of Utah**

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11  
12 **PLANNING COMMISSION AND STAFF MEMBERS PRESENT**

13 Chairman Steve Jacobson  
14 Vice- Chair Dwight Henderson  
15 Commissioner Jethro Dee Watson  
16 Commissioner Amy Morgan  
17 Commissioner Dan Johnson  
18 Commissioner Morgan Wilkins - excused  
19 Commissioner Matthew Roper  
20 City Recorder Amy Rodriguez  
21 General Planner Tyler Seaman  
22

23 **Others Present**

24 Fred Turner (via zoom), Val Claussen, Mike Lawrence. Parker Mecham  
25

26 **1. ROLL CALL**

**6:00 p.m.**

27  
28 **2. PLEDGE OF ALLEGIANCE**

29  
30 **3. WELCOME**

31  
32 **4. OATH OF OFFICE**

33 Rodriguez administered the oath of office to Commissioners Steve Jacobson, Matt  
34 Roper, and Jethro Dee Watson  
35

36 **5. RECURRING BUSINESS**

37 **5.1 MOTION: APPROVAL OF AGENDA**

38 **5.2 MOTION: APPROVAL OF MINUTES FOR JANUARY 25, 2024**

39 Items 5.1 and 5.2 were approved by general consent.  
40

41 **6. SPECIAL ORDER**

42  
43 **6.1 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND**  
44 **OPPOSITION TO PROPOSED ORDINANCE AMENDING THE**  
45 **TITLE 16 “SUBDIVISIONS” FOR COMPLIANCE WITH UTAH**  
46 **SB174 “LOCAL LAND USE AND DEVELOPMENT REVISIONS”**  
47

48 Seaman explained that we need to change our ordinance on our subdivisions process, per  
49 state law. He stated that this process will be state wide so that there is consistency.  
50 Seaman introduced Valerie Claussen and Fred Turner (via zoom), who are the  
51 consultants with Planning Outpost , and retained by the State to help with the ordinance  
52 change. They presented on the proposed ordinance.  
53

54 She explained the policy decisions that were proposed by the State. She stated that one of  
55 the decisions is a compliance checklist as part of the review process. She stated that a  
56 time frame for cities is a new process. She stated that review cycles are a new addition as  
57 well, noting that between preliminary and final plat, there are a total of four reviews.  
58 She also stated that the cost of the fee for any appeals of the final map is split between the  
59 city and the applicant. Seaman stated that this would be an administrative fee.  
60

61 Chairman Jacobson stated that he is not comfortable with the way the timeframes are  
62 written, noting that the Commission meetings are held at the end of the month. He is  
63 concerned that the city may be in violation if a meeting is not held within the 15  
64 window. Claussen stated that practicality would supersede the code. She stated that the  
65 wording is straight out of state code. Chairman Jacobson referred to section 16.04.040 (F)  
66 which reads “scheduled **and** act within 15 days”. He would like it to read “scheduled **to**  
67 **act**”.

68 Seaman stated that our attorney stated that it is state law and could be litigated very  
69 easily. He stated that because it is a brand new law, it is not black and white, and we do  
70 not know what will happen if the deadline is not met. Claussen stated that most cities  
71 hold meetings once a month and are in the same situation.  
72

73 Claussen stated that the zoning will remain a separate item not tied to the timeframe.  
74

75 Commissioner Morgan stated that we are landlocked and there is not much build out. She  
76 asked if the applicants need to make the surrounding neighbors aware of what they are  
77 doing, and asked if we could make public notices part of the check list for the applicant.  
78 Seaman stated that it is mostly an administrative policy established by the City Manager  
79 on the process for subdivisions. It would typically not be codified in ordinance.

80 Claussen stated that plat approval is an administrative technical function. She stated that  
81 we cannot hold more than one public hearing, and that it must be done at the preliminary  
82 plat. She stated that final plats cannot have a public hearing.  
83

84 Commissioner Henderson stated that section 16.05.010(13) regarding streetlights should  
85 be cleaned up to correspond with current processes. He stated that it is no longer Utah  
86 Power and should be updated to Rocky Mountain Power.  
87

88 **Chairman Jacobson opened the public hearing at 6:34 p.m.**  
89

90 Mike Lawrence stated that he is finding it very important that the city zoning codes be  
91 updated, as some areas that are designated residential have commercial property. He feels  
92 that it is important that the developers can know what they can and cannot build. He  
93 stated that the zoning maps must be updated. He stated that it is key that the documents  
94 are up to date so that everyone is playing on a fair shot. Seaman stated that our website

95 changed over the year and old documents are being removed. He showed that the zoning  
96 map is on the website. He stated that the current zoning map is on the website. Chairman  
97 Jacobson stated that the new infill zoning map should be added to the website.  
98

99 Parker Mecham stated that he owns a few properties that have been recently added to the  
100 infill map.  
101

102 **Chairman Jacobson closed the public hearing at 6:40 p.m.**  
103

104  
105 **7. NEW BUSINESS**  
106

107 **6.2 MOTION/ORDINANCE 24-03: RECOMMENDATION TO APPROVE**  
108 **ORDINANCE REPEALING AND RE-ENACTING TITLE 16 “SUBDIVISIONS**  
109 **REGULATIONS” OF THE MUNICIPAL CODE**  
110

111 **Motion by Commissioner Johnson**  
112 **Seconded by Commissioner Morgan**  
113 **To recommend approving ordinance 24-03**  
114 **Repealing and Re-enacting Title 16 “Subdivisions Regulations”**  
115 **With the condition of the update to 16.05.010 A (13)**  
116 **Regarding the corrections to the street light component**  
117 **And also with the understanding that the Commission**  
118 **understands that the wording on in section 16.04.040 (F) is state law and cannot be**  
119 **changed even if they would like it to read “scheduled to act”**  
120 **Approved unanimously (6-0)**  
121  
122  
123

124 **8. UPCOMING BUSINESS**

125 Seaman stated that the subdivision discussed at the last meeting changed from 63 units proposed  
126 to around 15-20.

127 Seaman stated that the Library Board must approve what is being proposed with the parking lot  
128 situation on the City owned property in which we are trying to sell.

129 Seaman stated that the property that wanted to run a hotel on 300 West is now for lease and may  
130 be for sale.  
131

132 **9. MOTION: ADJOURN THE MEETING**

133 **Motion by Commissioner Johnson**  
134 **Seconded by Commissioner Henderson**  
135 **To adjourn the meeting**  
136 **Approved unanimously (6-0)**  
137 **Time: 6:47 p.m.**  
138

139 \_\_\_\_\_  
140 **Date Approved**

139 \_\_\_\_\_  
140 **City Recorder**

# Planning Commission Staff Report



**Author:** Planning Dept.  
**Subject:** SB 174 Subdivision Revision  
**Date:** 03-28-24  
**Type of Item:** Discussion and Action

**Summary Recommendation: Review and recommend approval of the updated Subdivision Revision Ordinance regarding state mandated changes by SB 174.**

## Description:

- A. **Topic:** Repealing and re-enacting the City Subdivision Ordinance to be in compliance with SB 174, passed in 2024.
  
  - B. **Background:** The Council held a joint work session with the Planning Commission to discuss changes to the City's Subdivision ordinance.  
A Public Hearing was held on February 29, 2024, to hear comment on the proposed ordinance. The proposed ordinance was recommended to go to Council for final approval. At the close of the legislative session, the city received word that we needed to update the ordinance to include language required by the revised Senate Bill.  
A new Public Hearing will be held at the Planning Commission meeting on March 28, 2024, to hear comment on the newly updated ordinance.
- **Analysis:** The contracted firm of Planning Outpost drafted and new revision to add in new applicable parts of SB 174 and HB 476. The updated version was drafted into ordinance form and revised by City Attorney Bill Morris. In addition to the SB174 required language, Morris added format and procedure updates that are an update/refreshers to Title 16. The main updates for the ordinance from the previously submitted ordinance are as follows:
    - As drafted by PO, the ordinance is **consistent with SB 174 and HB 476 requirements.**
    - Per the City Attorney, the city cannot codify the development review team but administratively you can still have it. **The Planning Commission** is still the designated approver or Administrative Land Use Authority for the **preliminary plat.**
    - **Preliminary plat reviews are 15 business days** but have no cap on the amount of review cycles.
    - Per the City Attorney, the city cannot codify the development review team but administratively you can still have it. The **City engineer** is the designated approver or Administrative Land Use Authority for the **final plat.**
    - Based on what the city attorney sent to the City, the overall format of title 16 looks to be refreshed, reformatted and streamlined.

- **Final plat reviews are 20 business days** and have a **four (4) review cycle cap.**  
Construction plans are anticipated to be submitted with the final plat application.
  
- C. **Fiscal Impact:** There are no fiscal impacts with this ordinance, as it is an ordinance revising procedures and policies.
  
- D. **Department Review:** City Manager, General Planner, Legal, Consulting firm Planning Outpost.

## Senate Bill (SB) 174 and House Bill (HB) 476 Overview

SB 174 from the 2023 General Legislative Session requires all local governments to, among other things, modify their subdivision ordinances to comply with the process described in the statute. There is a February 1, 2024, deadline which applies to cities such as Washington Terrace City. Subsequently, the most recent legislative session (2024) produced HB 476 which clarified previous ambiguous language especially with the review cycle times. The following is an updated summary of the two legislative items. The **bold** and *italicized* items are the updates.

### Land Use/Zoning Process Requirements:

Land use and zoning are not impacted by this change. A subdivision presented to the city must already comply with the underlying land use and zoning.

### New Administrative Subdivision Process Requirements

- ***The total of 4-review cycles has been clarified to be applicable to the final plat/improvement plans only.***
- Local governments must designate an administrative land use authority (may be planning commission for the preliminary/tentative but cannot be planning commission for final review).
- All subdivision approval must conform to a two-step administrative process.
  - **Step-1: Preliminary/Tentative subdivision application review.**
    - The administrative land use authority (municipal staff and/or planning commissioners) must review the ***subdivision application process within 15-business days. The review process may take multiple 15-business day review cycles.***
    - The administrative land use authority may receive public comment and may conduct one public hearing.
    - If the application complies with applicable local regulations, it shall be approved and proceed to the second step.
  - **Step-2: Final subdivision application review.**
    - Local governments must complete a review of applications at this stage within 20-business days per review cycle. ***There is a total of four-cycle reviews for this application type.***
    - A review cycle is not considered complete until the applicant has adequately addressed all of the redlines identified by the municipality.
    - Local governments may only add new redlines after the first review cycle in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law.
    - If the subdivision application complies with City requirements and the preliminary subdivision, the local government shall approve the application administratively.

**CITY OF WASHINGTON TERRACE  
ORDINANCE NO 24-03**

**SUBDIVISION REGULATIONS UPDATED**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE CITY, UTAH, REPEALING AND RE-ENACTING TITLE 16 ENTITLED “SUBDIVISION REGULATIONS” TO COMPLY WITH STATE LAW; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Washington Terrace (“City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

**WHEREAS**, the state legislature has required the City to update its Subdivision Regulations;

**WHEREAS**, after publication of the required notice the Planning Commission held its public hearing on \_\_\_\_\_, to take public comment on this proposed Ordinance, and subsequently gave its recommendation to \_\_\_\_\_ this Ordinance;

**WHEREAS**, the City Council received the recommendation from the Planning Commission and held its public meeting on \_\_\_\_\_, and desires to act on this Ordinance;

**NOW, THEREFORE**, be it ordained by the City Council of the City of Washington Terrace as follows:

**Section 1. Repealer.** Title 16 is hereby repealed. Any Ordinance that conflict with this Ordinance is repealed.

**Section 2. Re-enactment.** Title 16 is hereby re-enacted to read as follows:

**Title 16**  
**Subdivision Regulations**

**Chapter**

**16.01 General Requirements**

**16.03 Preliminary Plat**

**16.05 Final Plat**

**16.07 Subdivision Standards and Requirements.**

**16.09 Permits.**

**16.11 Enforcement and Penalties.**

**Chapter 16.01**  
**General Requirements**



**Sections:**

**16.01.010      General.**

**16.01.020      Subdivision Required.**

**16.01.030      Definitions.**

**16.01.010      General**

1. Purpose The purpose of this Title is to comply with state law and to promote the health, safety, convenience and general welfare of the inhabitants of the City relating to the development and subdivision of land in the City.
2. Generally. Each subdivision shall comply with the requirements of this Title in order to properly divide and title land, install the required improvements, protect the public and consumers from deficient products, and regulate subdivisions.
3. Application. Application of this Chapter may be modified as determined by the City in cases where there exists unusual topography or geography, a municipal capital project, or similar exceptional conditions exist.

**16.01.020      Subdivision Required.**

A lawful subdivision is required for any division of land, and it is unlawful for:

1. Any property owner, person, or entity to subdivide any tract of land which is located wholly or in part in the city, except in compliance with this Title.
2. Any property owner, person, or entity to sell or exchange or offer to sell or exchange any parcel of land which is now a part of a lawful subdivision; or to offer for recording in the Office of the County Recorder any deed, document, or plat dividing a parcel of land, or interest there, without approval of the City in accordance with this Title.

**16.01.030      Definitions.**

In addition to the definitions set forth in Utah Code 10-9a-103, the following definitions apply, unless a different meaning clearly appears from the context:

1. "Administrative Land Use Authority" means:
  - a. The Planning Commission shall act as the approval authority for the Preliminary Plat.
  - b. The City Engineer shall act as the approval authority for the Final Plat.
2. "Block" means the land surrounded by public streets and rights-of-way, or land which is designated as a block on any recorded subdivision plat.
3. "City" means Washington Terrace, Utah.
4. "City Engineer" means the City Engineer of Washington Terrace, Utah, or a consulting engineering firm designated as the City Engineer by the City Council.
5. "County" means Weber County, Utah.
6. "Development Review" means the process by which the City Engineer, acting as the administrative land use authority, receives comment and reviews documentation related to the subdivision, and, once all requirements and standards are met, issues final plat approval. The City Engineer receives comment from city and county officials who provide technical expertise, policy requirements, and application of

appropriate standards regarding development applications under the applicable codes.

7. "Easement" means that portion of a lot or lots reserved for present or future use by a person or entity other than the legal owner or owners of said property or properties. An easement may be for use under, on, or above said lots or lots.
8. "Planning Commission" means the Washington Terrace Planning Commission, unless another planning commission is specifically named.
9. "Review Cycle" means the process for review of a complete subdivision application. There may be multiple fifteen (15) business day reviews for the preliminary plat review cycle. There shall be no more than four (4) total review cycles of twenty (20) business days for a final plat.
  - a. A single review cycle shall be considered complete when:
    - i. Complete Application is submitted to the Administrative Land Use Authority;
    - ii. The Administrative Land Use Authority Review is complete;
    - iii. The Applicant Response to Review is complete; and
    - iv. The Administrative Land Use Authority provides a written statement to the Applicant stating completion of the review cycle and next required steps for approval.
  - b. Review Cycle, exceptions as follows:
    - i. Additional Review Cycle(s). May be required when a modification or correction is necessary to protect public health and safety or to enforce state or federal law when a change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phase plan that adjusts infrastructure needed for the specific development.
    - ii. Additional Time for Review. If the Applicant does not submit a revised plat within twenty (20) business days after the Administrative Land Use Authority requires a modification or correction, the Administrative Land Use Authority shall have an additional twenty (20) business days to respond.
10. "Security" means the cash escrow or irrevocable letter of credit used by the applicant or developer to guarantee the proper installation of the total cost of public improvements determined by the City Engineer, plus ten (10) percent of the total cost as contingency, and naming the City as a party eligible to draw upon said security.
11. "Streets" means various types of transportation corridors defined as follows:
  - a. "Street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare with a solid asphalt or concrete surface not less than twenty-six feet (26') wide which has been made public by right of use, and which affords the principal access to the abutting property, excepted where limited.
  - b. "Collector street" means a street, existing or proposed, of considerable continuity which is the main means of access to the major street system.
  - c. "Cul-de-sac" means a minor terminal street provided with an adequate turnaround.
  - d. "Major Street" means a street, existing or proposed, which serves or is intended to serve as a

major trafficway, and is designated on the Transportation Plan as a limited or controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the Transportation Plan.

- e. "Minor 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.
  - f. "Private Street" means a thoroughfare within a development which has been reserved by dedication unto the subdivider or lot owners to be used as a private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the City and maintained by the subdivider or other private entity.
12. "Transportation Plan" means a transportation and traffic circulation element of the General Plan adopted in accordance with Utah Code 10-9a-403(2)(a)(ii), or similar transportation plan adopted by the City or any other agency that serves any transportation needs of any kind.
13. "Zoning or Land Use" refers to the zoning and land use regulations in the Washington Terrace Municipal Code.

### **Chapter 16.03** **Preliminary Plat**

**Sections:**

**16.03.010 Complete Application.**

**16.03.020 Preliminary Plat.**

**16.03.030 Preliminary Approval.**

**16.03.010 Complete Application.**

A complete application is required to be filed with the City before the Review Cycle commences. The determination of whether an application is complete is made by the Director of Community Development or designee. An application shall not be considered complete, and the first review cycle shall not begin unless and until the Applicant has submitted the following items:

1. A completed application as provided by the City.
2. Additional studies and information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.
3. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
4. Current Weber County ownership plat depicting property proposed for subdivision and all contiguous property around land proposed to be subdivided.
5. A recent Title Report covering the proposed subdivided property identifying ownership, easements of record, liens or other encumbrances and verifies payment of taxes and assessments.
6. Will serve letters from all affected entities.
7. A digital copy of the preliminary plat as outlined in the Public Works Standards.
8. A digital copy of the preliminary improvement plans to include at a minimum the following:

- a. Grading and drainage plan.
  - b. Storm Drain calculations.
  - c. Low Impact Design (LID) analysis and Water Quality Report
  - d. Utility plan.
9. Payment of all applicable fees.

**16.03.20 Preliminary Plat.**

Applicant or subdivider shall provide an engineered preliminary plat prepared by a qualified licensed engineer which conforms with all applicable City standards, zoning, and land use regulations. The preliminary plat shall generally be drawn to a scale not smaller than one hundred (100) feet to the inch, and show:

1. The proposed name of the subdivision;
2. Its location as part of a larger tract or parcel, where the plat submitted covers only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system shall be submitted. The proposed street system submitted shall be considered in the conjunction with the Transportation Plan and connections with the future streets in the larger area.
3. Sufficient information to locate accurately the property shown on the plat.
4. Contact information related to the subdivider, engineer, and/or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
5. Contour map at intervals of two feet, five, feet, or ten feet as determined by the City Engineer.
6. The boundary lines of the tract to be subdivided.
7. The location, widths, and other dimensions of all existing or platted streets and other important features such as railroad lines, watercourses, exceptional topography, and buildings within or immediately adjacent to the tract to be subdivided.
8. Existing sanitary sewers, storm drains, water supply mains, water wells, and culverts within the tract and immediately adjacent thereto.
9. The location, widths and other dimensions of proposed public streets, private streets or private access rights-of-way, alleys, utility easements, parks, other open spaces and lots, with proper labeling of spaces to be dedicated to the public, or designated as private streets or private access rights-of-way.
10. North point, scale and date.
11. Hazard areas, sensitive lands, and public facilities.
12. Plans or written statements regarding the width and type of proposed pavement, location, size and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed utilities, proposed stormwater drainage facilities and other proposed improvements, such as sidewalks, planting and parks, and any grading of individual lots.

**16.03.030 Preliminary Approval.**

The Planning Commission shall meet and act on the complete application and preliminary plat as submitted or modified after the completion of the Review Cycle and subject to the recommendations from Development Review. A notice of action shall be provided by the City to the applicant or subdivider of the decision of the

Planning Commission along with the requirements for approval or reasons for denial. Notice of action on the preliminary plan shall be authorization for the applicant or subdivider to proceed with the preparation of the final plat and specifications for the minimum improvements required in this Title. Preliminary approval is subject to the following:

1. Valid for six (6) months from the date of the Planning Commission approval. If the final plat has not been submitted to the City within six (6) months, the plat must again be updated to meet any new requirements of zoning and land use regulations, or otherwise, and be submitted to the Planning Commission for reapproval.
2. No excavation, fill, grading, regrading, or site improvements shall take place on any parcel until after preliminary approval is granted by the Planning Commission.

### **Chapter 16.05** **Final Plat**

#### **Sections:**

**16.05.010 Final Plat.**

**16.05.020 Final Plat Requirements.**

**16.05.030 Construction Drawings and Supporting Documents.**

**16.05.040 Final Plat Approval.**

**16.05.050 Security and Warranty.**

#### **16.05.010 Final Plat.**

After compliance with the governing code requirements, the applicant or subdivider shall file a complete final plat application and pay the associated fees. The final plat shall contain all the modifications made during Development Review and the applicable review cycles.

1. The final plat, construction drawings, and accompanying documentation shall be submitted for Development Review.
2. Development Review shall complete a review of the plat within twenty (20) business days per review cycle after it is submitted for review. Development Review shall review the final plat, construction drawings, and other documentation to determine compliance with all applicable codes.
3. If Development Review determines that the final plat conforms to all applicable codes, the City Engineer may approve the final plat by signing the same.
4. If Development Review determines that the final plat, construction drawings, and other documentations do not conform with the applicable code requirements, written comment shall be provided to the applicant to be addressed in the subsequent review and submittal.
5. No final plat shall have any force or effect unless the same has been approved by the City Engineer.

#### **16.05.020 Final Plat Requirements.**

The final plat shall consist of a sheet of approved mylar or material of sufficient size, quality, and specifications of the County. The plat shall be signed by all parties designated on the final plat who are duly authorized and/or required to sign, and shall contain the following information:

1. A subdivision name, approved by the County and the general location of the subdivision, in bold letters at the top of the sheet.
2. A north point and scale of the drawing, and the date.
3. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.
4. The names, widths, lengths, bearings and curve data on centerlines of proposed streets and easements.
5. The boundaries, bearings, and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision.
6. All lots are to be numbered and addressed consecutively under a definite system approved during Development Review.
7. All proposed streets shall be numbered consecutively under a definite system and conform to the Transportation Plan and street numbering system of the City.
8. Parcels of land to be dedicated as public property or permanently reserved for common open space shall be labeled as such.
9. The final plat should contain the standard approval information and certifications as follows:
  - a. Description of land to be included in the subdivision.
  - b. Registered land surveyor's certificate of survey.
  - c. Owner's dedication certificate.
  - d. Notary public acknowledgement.
  - e. City engineer's certificate of approval.
  - f. Other certificates of approval, as may be shown on the final plat.
  - g. Space for County to record.

**16.05.030 Construction Drawings and Supporting Documentation.**

The applicant or subdivider shall furnish a complete set of reproducible construction drawings of profiles, construction, and design data of all streets, existing and proposed, and all utilities to be constructed within the subdivision to the city engineer prior to the submission of the final plat. Supporting documentation includes:

1. Traffic studies, geological studies, feasibility studies, other studies of any kind related to the development.
2. Covenants, conditions, and restrictions.
3. Any development agreement between the applicant and City.
4. Easement documents.
5. Other information and documentation relevant to the development.

**16.05.040 Final Plat Approval.**

1. The City Engineer shall make final plat approval based upon compliance with the applicable codes and standards.
2. During final plat approval, City Engineer, provide a cost estimate for improvements which amount shall be held by the City as security for the proper development of the subdivision and its improvements in accordance with the approval requirements and applicable codes and standards.
3. Applicant or subdivider shall reimburse the City for any expenses the City or an affected entity incurred related to the review, approval, and inspection of the subdivision improvements.
4. No street improvements or utilities shall be installed until after approval of the final plat. No lots included in the final plat shall be purchased, sold, exchanged, nor offered for sale or exchange and no construction of buildings upon such lots shall begin until the final plat is approved and recorded at the County.

**16.05.050 Security.**

At the time the final plat is approved by the City Engineer, the applicant or subdivider shall deposit with the City the applicable security and security contingency, which contingency shall representing a minimum ten (10) percent of the total security.

**Chapter 16.07**  
**Subdivision Standards and Regulations**

**Sections:**

**16.07.010 Subdivision Standards.**

**16.07.020 Required Improvements.**

**16.07.030 Improvement Guarantee.**

**16.07.010 Subdivision Standards.**

1. Standards. The City's Public Works Standards and Technical Specifications as promulgated by the City Engineer apply to all subdivision improvements.
2. Public Works Street Systems. The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the City Engineer or the Transportation Plan.
3. Streets Generally.
  - a. Minor streets shall approach major or collector streets at an angle of not less than eighty degrees.
  - b. All streets in subdivisions in the City shall be publicly dedicated to the City, except that private streets may be approved under special circumstances as determined by the Administrative Land Use Authority.
  - c. Major and collector streets shall conform to the width designated on the major street plan wherever a subdivision falls as specified on the Transportation Plan. For areas not specified on the Transportation Plan at the time the preliminary plat application, major or collector streets

shall be provided as required by the Administrative Land Use Authority, with the appropriate widths for major streets and collector streets.

- d. Minor streets shall have a minimum width of sixty (60) feet.
  - e. Cul-de-sacs shall not be longer than four hundred (400) feet to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred (100) feet in diameter. If surface water drainage is into the turnaround, due to the grade of the street, necessary catch basins and drainage easements shall be provided. Where a street is designed to remain only temporarily as a dead-end street, an adequate temporary turning area shall be provided at the dead-end thereof to remain and be available for public use so long as the dead-end condition exists.
  - f. All proposed streets shall be public and conform to the street cross-section standards promulgated by the City Engineer. Private streets may continue under an existing development approved prior to this Title, as part of an approved in-fill development, or as may be provided under a development agreement.
4. Street Grade. Except where due to special circumstances, street grades shall not exceed the following percentages:
- a. On major public streets: 08 percent.
  - b. On collector streets: 10 percent.
  - c. On minor public streets and any cul-de-sac: 10 percent.
  - d. Other streets: 15 percent.
5. No Access. Where subdivision streets parallel contiguous property of other owners, or where limited street access is needed for public safety, the City may require a no access line on the plat between said street and adjacent property.
6. Blocks:
- a. The maximum length of blocks generally shall be one thousand three hundred (1,300) feet and the minimum length of blocks shall be five hundred (500) feet. Blocks over eight hundred (800) feet in length may, at the discretion of the Administrative Land Use Authority, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall not be less than eight (8) feet in width.
  - b. The width of blocks shall be sufficient to allow two (2) tiers of lots or as otherwise approved by the Administrative Land Use Authority because of design, terrain or other unusual conditions.
  - c. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.
7. Lots:
- a. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and to existing and probably future requirements.
  - b. All lots shown on the subdivision plat must conform to the minimum area and width requirements of the applicable zoning and land use regulations where the subdivision is located,



unless otherwise required by law.

- c. Each lot shall abut on a public street dedicated by the subdivision plat or an existing publicly dedicated street, or on a street which has become public by the right of use and the proper width, if not the proper width the proper width must be dedicated as part of the subdivision. Interior lots having frontage on two (2) streets are prohibited, except where unusual conditions make other designs undesirable.
  - d. Corner lots shall have extra width sufficient for maintenance of required structure setbacks on both streets.
  - e. Sidelines of lots shall be approximately straight at right angles, or radial to the street line.
  - f. All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.
  - g. Where the land covered by a subdivision included two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer ids prior to recording of the final plat.
  - h. The Administrative Land Use Authority may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than ten feet (10') in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision as required by the City Engineer.
8. Public Safety. The fire marshal shall review each subdivision along with any public safety officer in order to comply with the applicable codes.
  9. Affected Entities. Comments from any affected entities shall be incorporated into the final plat approval. Utilities shall be adequately provided and sized with any necessary easements granted.
  10. Public Facilities.
    - a. The Administrative Land Use Authority may require the dedication to an affected entity or the City of not more than ten (10) percent of the gross area of the subdivision for utilities, schools, parks, open spaces, storm water and flood control, or other public facilities.
    - b. Where it is determined that a greater amount of land is required for public facilities in accordance with the General Plan or a Capital Facilities Plan for that area, the Administrative Land Use Authority, after so coordinating appropriate affected entity, shall so indicate the public facilities site requirements to the subdivider on the approved preliminary plan.
    - c. The subdivider, at the time of filing the final plat with the Administrative Land Use Authority, must offer to sell at a fair market price to the affected entity or City, within one (1) year immediately following the recording of the final plat.
    - d. If any such proposed public facilities is not purchased by the appropriate affected entity within one (1) year after the recording of the final plat, such areas may be subdivided into lots and blocks in accordance with the requirements of this Title.

#### **16.07.020 Required Improvements.**

1. Required Improvements. The applicant or subdivider shall, at their own expense, install the subdivision improvements in this Section prior to recording the final plat or guarantee the installation of such

improvements by providing security.

2. Water Supply.
  - a. The subdivider shall install all fire hydrants and related apparatus, culinary water lines, including laterals, valves, meters, boxes and lids, and related facilities, to the property line of each lot.
  - b. The subdivider shall furnish all drawings showing the location and size of proposed water lines and fire hydrants and also existing water lines to which a connection is to be made. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished.
  - c. The City Engineer shall determine the adequacy of the existing water system to provide culinary water and fire protection subject to the recommendation of the fire marshal.
  - d. The applicant or subdivider shall provide adequate secondary water to each subdivision.
3. Sewage Disposal. Where a public sanitary sewer is within three (300) hundred feet, the applicant or subdivider shall connect with such sanitary sewer and construct an adequate sewer system, lines, and facilities that connect to the property line of each lot in the subdivision and any other parcel required by the City Engineer. The sewer system and connections shall comply with applicable health department regulations and City standards.
4. Stormwater. The applicant or subdivider is required to comply with the applicable storm water regulations, low-impact development standards, and other standards of the City. Each subdivision shall retain and meter measurable storm water discharges as calculated by the City Engineer in order to properly manage stormwater and surface drainage. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the applicant or subdivider to acquire such easements.
5. Grading. All streets and lots shall be graded and surfaced in accordance with the City standards and applicable codes.
6. Curbs and Gutters. Curbs and gutters shall be installed on existing and proposed streets by the applicant or subdivider to remove surface water, to promote public safety, and accommodate traffic.
7. Street Drainage. Drainage structures may be required by the city engineer where necessary.
8. Sidewalks. Sidewalks are required in all subdivisions in the width specified by the Administrative Land Use Authority and constructed in accordance with the applicable City standards.
9. Monuments. Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type approved by the City Engineer or County. All subdivision plats shall be tied to a corner or monument of record.
10. Street Trees. The Administrative Land Use Authority shall specify the location and variety of approved street trees in the subdivision.
11. Fire Hydrants. Fire hydrants shall be of the type, size, number, and installed in such locations as determined by the City Engineer after recommendation by the fire marshal and in accordance with City standards and codes. Fire hydrants blowoffs shall be provided at all dead-end lines or as otherwise specified by the City Engineer.
12. Signs. All street signs shall be furnished and installed by the applicant or subdivider in accordance with the applicable standards and codes as approved by the City Engineer.
13. Fencing. A solid board, chain-link, or other non-climbable fence not less than six (6) feet in height shall be installed by the applicant or subdivider at locations specified by the Administrative Land Use Authority necessary to protect public safety such as along or around limited access streets, railroads, open reservoirs, open fields, nuisance or hazard areas, or similar area on adjoining property.
14. Piping. Open irrigation ditches or canals shall be piped to the size and specification of the affected entity operating the facilities upon written permission for the same.
15. Street Lights. The applicant or subdivider is required to install all street lights as determined by the City

Engineer in accordance with the City standard.

16. Staking of Lots. Survey stakes shall be placed at all lot corners so as to completely identify the lot boundaries on the ground.

### **16.07.30 Improvement Guarantee.**

1. Security. The required security is estimated by the City Engineer and made by the applicant or subdivider to guarantee the installation of subdivision improvements within a one (1) year period immediately following the approval of the final plat. Any excess security and/or contingency shall be released to the applicant or subdivider upon written request after the expiration of the warranty period as part of final acceptance by the City Engineer of a subdivision improvement.
2. Damages. Notwithstanding the security and required contingency provided by the applicant or subdivider, the measure of damages for a failing improvement is the actual cost of the replacement and the applicant and subdivider shall pay the costs for the same. Nothing in this Title shall be interpreted to as create liability or obligate the City or an affected entity to pay for the costs of any subdivision improvements unless the City or affected entity expressly agrees to the same. All costs and obligations for subdivision development and improvements are the sole liability of the applicant or subdivider.
3. Agreement. The City and applicant or subdivider may enter a subdivision improvement agreement or similar agreement outlining the terms and conditions of the development of the subdivision and its security.
4. Phases. If the applicant or subdivider develops a subdivision in phases or a portion at a time, such development shall be in an orderly manner and in such a way that the required improvements will be continuous, and all of the improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time specified in this section.
5. Inspection. The City Engineer or designee shall inspect or cause to be inspected all subdivision improvements, including, but not limited to: structures, streets, fire hydrants, water systems, utilities, and sewage disposal systems in the course of construction, installation, or repair, or otherwise. Excavations for facilities and lines shall not be covered over or backfilled until such installation shall have been inspected and approved by the City Engineer or designee. If any such installation is covered before being inspected and approved, it shall be uncovered prior to inspection.
6. Warranty. The applicant or subdivider shall warrant and guarantee that the subdivision improvements, and every part thereof, remain in good condition for a period of one (1) year, after the City Engineer has initially accepted the improvements, after written request by the applicant or subdivider. The applicant or subdivider also is responsible for all repairs and maintenance of all subdivision improvements, and every part thereof, in good working condition during the one (1) year warranty period with no cost to the City, affected entity, or other party.

## **Chapter 16.09** **Permits**

### **Sections:**

**16.09.010**      **Permits.**

**16.09.010**      **Permits.**

This Title shall not be interpreted to exempt or approve any other permit that may be required by code. The Building Official shall not issue any building permit unless the application for a permit conforms to the applicable code and subdivision approval. No City Officer shall issue any permit or license until the approved subdivision is duly recorded by the County, and all other provisions of law have been complied with. Any license or permit issued in conflict with this Title shall be null and void.

**Chapter 16.11**  
**Enforcement and Penalties**

**Sections:**

**16.11.010 Enforcement.**

**16.11.020 Penalties.**

**16.11.010 Enforcement.**

Any subdivision created in violation of this Title is null and void. Among other remedies provided by law, the City may record a Certificate of Non-compliance providing notice of any violation and impose a daily fine in accordance with Utah Code §10-3-703 until the violation is cured.

**16.11.020 Penalties.**

In accordance with Utah Code §10-3-703, the City imposes the following penalties for a violation of this Title:

1. Civil. In addition to other remedies as provided by law or equity, any subdivider, subdivider's agent, employee, purchaser, or assign (in whole or part) in violation of this Title is subject to a civil fine not to exceed \$750.00 per violation, per day, that a violation continues.
2. Criminal. Any subdivider, subdivider's agent or employee, purchaser, or assign (in whole or part) who violates the provisions of this Title guilty of a Class C misdemeanor with a fine not to exceed \$750 and/or a term of imprisonment up to ninety (90) days. Each violation constitutes a separate offense.

**Section 3: Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

**Section 4: Effective date.** This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the City Council on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

PUBLISHED OR POSTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the City Recorder of Washington Terrace City, hereby certify that foregoing ordinance was duly passed and published, or posted at: 1) \_\_\_\_\_, 2) \_\_\_\_\_, and 3) \_\_\_\_\_ on the above referenced dates.

\_\_\_\_\_  
City Recorder

DATE: \_\_\_\_\_