

**Midway City Planning Commission Regular Meeting
January 18, 2017**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., January 18, 2017, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance:

Mickey Oksner – Chairman
Steve Nichols – Co-Chairman
Stu Waldrip
Nancy O’Toole
Jim Kohler
Shauna Kohler
Jeff Nicholas
Bill Ream

Staff:

Michael Henke – City Planner
Lindy Rodabough – Admin Assistant
Wes Johnson – City Engineer

Excused

Natalie Streeter

6:50 P.M. Work/Briefing Meeting

- City Council Liaison Report, no action will be taken and the public is welcome to attend.

7:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
Opening Remarks or Invocation.
 - ❖ Invocation was given by Commissioner Nichols
 - ❖ Chairman Oksner led the Pledge of Allegiance.

Regular Business

ITEM: 1

Review and possibly approve the Planning Commission Agenda dates for 2017.

Motion: Commissioner Nichols: Mr. Chairman, I'll move to accept the meeting schedule for 2017 as proposed.

Seconded: Commissioner O'Toole

Ayes: Commissioners J. Kohler, Waldrip, Nichols, O'Toole and Ream

Nays: None

Motion: Passed

ITEM: 2

Review and possibly approve the Planning Commission Minutes of November 16, 2016.

Commissioner

Motion: Commissioner O'Toole: I move that we accept the minutes as proposed.

Seconded: Commissioner Nichols

Ayes: Commissioners J. Kohler, Waldrip, Nichols, O'Toole and Ream

Nays: None

Motion: Passed

ITEM: 3

Jim Ashton, agent for Ashton Robertson Enterprises, is requesting Preliminary approval for the Alder Meadows Subdivision. The proposal is a large-scale subdivision that is 5.16 acres in size and will contain 11 lots. The property is located at 250 East 200 South and is in the R-1-9 zone.

BACKGROUND:

This request is for preliminary approval of a large-scale subdivision on 5.16 acres and will contain 11 lots. The 11 lots proposed in the subdivision will obtain frontage along new roads built within the subdivision. The property is located in the R-1-9 zones which allows single-family dwellings and duplex dwellings (duplex lots require more frontage, acreage, and water than single-family lots). All 11 lots will comply with the requirement for duplex lots and the developer does plan to build duplexes on each lot. Because the property is less than six acres there is not an open space requirement. The parcel is located close to Main Street where many services are located. It is also close to the Midway Elementary School and an LDS chapel. The property has historically been used for agriculture.

A portion of the property was recently zoned R-1-9 where it had previously been zoned R-1-11. As part of that approval, the developer is required to build some offsite improvements. These include a sidewalk along 200 South that will extend from the proposed subdivision to Midway Elementary. Also, a sidewalk is required along the 100 South, on both sides of the road, from the proposed subdivision to 200 East.

The General plan describes the R-1-9 zone as the following:

The R-1-9 zone (9,000 sf lot) provides a residential environment within the City which is characterized by smaller lots and somewhat denser residential environment than is characteristic of the R-1-11 Zone. Nevertheless, this zone is characterized by spacious yards and other residential amenities adequate to maintain desirable residential conditions. The principal uses permitted in this zone shall be one and two family dwellings and certain other public facilities needed to promote and maintain stable residential neighborhoods. This zone should be planned with an emphasis on walkability.

LAND USE SUMMARY:

- 5.16-acre parcel
- R-1-9 zoning
- Proposal contains 11 lots
- Access from 100 South and 200 South
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

ANALYSIS:

Access – Access will be from 100 South and from 200 South. A stub road from the proposed subdivision will extend to the property on the east that will allow 100 South to continue in the future.

Water Connection – The lots will connect to water lines that will be built by the developer and connect to the City's water lines along 200 East and 200 South.

Sewer Connection – The lot will connect to Midway Sanitations District's sewer lines located in the area.

Secondary Water Connection – The lots will connect to Midway Irrigation Company's secondary which is already servicing the property. Laterals will be created for all 11 lots. Secondary water meters are required for each lateral.

WATER BOARD RECCOMDATION:

This item has yet to be reviewed by the Water Board.

POSSIBLE FINDINGS:

- The proposal does meet the intent of the General Plan for the R-1-9 zoning district
- The proposal does comply with the land use requirements of the R-1-9 zoning district
- The sidewalks crossing the property and connecting to neighboring roads and existing sidewalks will benefit the community by allowing safe pedestrian access.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.

Accept staff report

 - a. List accepted findings
 - b. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - c. Date when the item will be heard again
3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

- **Developer; Jim Ashton:** The plan is that we are going to put duplexes on the property. We are going to build them, own them and manage them on an ongoing basis. They will all be three (3) bedroom duplexes and two car garages with an open concept plan inside. We will maintain all the landscaping, all the exterior and we will rent the properties. This project is mine and my business partner's retirement. We do not have a plan of putting up any fencing, although the patio area might be fenced in.
- **Commissioner Ream:** Who is your target market?
- **Developer; Jim Ashton:** Families and long term leases, at least one year or longer.

- **Commissioner J. Kohler:** Question for you Michael. Will these be considered affordable housing?
- **Planner Henke:** We do not know the number yet on what the rent amount will be, so that cannot be determined at this point.

This is not a required public hearing, however Chairman Oksner opened the meeting to public comment

- **Nick Frost:** I think that this agenda item is contradictory to the previous agenda item and goes against what we are trying to do as a City based off the survey that was done. A couple things that I want to touch on, number one (1) I think that the staff report that is on the Midway City website is grossly deficient. Today is a preliminary approval it's nothing that has to happen. You guys have three (3) choices, approve it with some conditions, continue it or deny it all together. A property owner should be able to use his or her property to the highest and best use possible, that's not without restrictions. The findings that are found in the staff report that this complies with the General Plan and with the code I think are misleading, I don't think it does. I don't think especially that the General Plan was taken into consideration. Let me give you a couple of examples. Community Vision Statement on page five (5) of the General Plan, this should be brought to your attention as you consider making your approval tonight. Our vision for the City of Midway is to be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented. I'll stop there. As part of this preliminary plan it is my understanding that there can be and should be a citizen participation plan. Is that correct?
- **Planner Henke:** It is correct if there is a multi-phase subdivision, which this is not.
- **Nick Frost:** But, there could be the way the code is written, right?
- **Planner Henke:** Per code if it is multi-phase then there would be a public participation meeting requirement.
- **Nick Frost:** Then right below that it says it if the option of the City. The reason I bring this up I feel like a lot of this tonight could have been circumvented with a citizen participation plan. The objective with this plan is to get everybody together with the developer and the City and crank out any concerns that we have. Then be able to come to this meeting all in agreement of what we want or at least substantially in agreement with what we want. I think not having one not only disserves the citizens but also the developer who probably for the first-time tonight is seeing some resistance that he had not anticipated and that is unfair to him. My hope tonight is that before this goes any further at the very least that the Commission contemplates allowing this to go back to the drawing board with the citizens before pushing this forward. I think that the City Council would appreciate it, I think that the developer would appreciate it and I know that the citizens would appreciate it. It is there for a reason, lets not limit it to multi-phase, lets expand it. That way we can truly be partners as contemplated by the General Plan.
- **Chairman Oksner:** This is very close to downtown, it is walkable to downtown.

This proposal complies with zoning and this development looks really nice and will pass our architectural committee.

- **Ben Severson:** I want to echo what Mr. Frost has said. This has recently been brought to our attention and I feel that is being acknowledged and a lot of transparency and publicity would be appreciated. It seems like within a couple block radius of that area there are a lot of potential projects coming up and I think 75% of the people that are here tonight come from that area. We'd appreciate publicity and continued discussion on these issues.
- **Ellen Collette:** I mostly have questions. One comment, Planner Henke is wonderful he is very open to returning phone calls promptly. I dropped by his office a couple of months ago with questions that had to do with Fox Pointe's new neighbor. He is a good asset and I just want to say thank you Michael. If this is determined to be affordable housing development does the developer receive a waiver on some of his development fees?
- **Planner Henke:** No
- **Ellen Collette:** What if at some point he and or his partner decide to sell some of these units, how would that work with this so called HOA?
- **Planner Henke:** He (the developer) is voluntarily putting together an HOA. He could sell each lot/each duplex off individually in the future and the laws allow that. Once a lot is platted you can sell that lot. There really is no way that he would have to own all of these units. Now if there are CCRs recorded towards the entire subdivision those CCRs would remain intact and so if their HOA dues would require to maintain the open space then those would continue unless that HOA changes their CCRs. Usually it is a high threshold, it usually is 80% or 90% of the homeowners would have to agree to change the CCRs. That organization would be bound by those CCRs. The problem that we have with the CCRs sometimes is that once there is interest lost and people do not want to pay their dues sometimes they fall apart even though documents are recorded. So there is really no way to ensure that they will function in the long run as an association. The hope is that they would if it is recorded and it isn't required of him to do this. They could function as 11 individual lots. I like the plan, I think that there is a better chance of this property being better maintained as an association verses 11 individually owned lots. The zoning code allows what he is proposing so we are really bound as a City to allow him to develop the property based off of the zoning code.
- **Leah Harding:** It was my understanding when we bought the property 10 (ten) years ago, when we had it surveyed our property line went to the north of the stub road (100 S). I would like to know if this is my property, because you are talking about putting in sidewalks. There are no sidewalks on 200 S. The school has asked us to not use 200 S in the winter time because it is dangerous. My kids have to because we live here so there is no way around that. My other concern is high density living. It is already a hazardous road and to add that kind of high density living concerns me. Single family living would be good.
- **Planner Henke:** It would be good if we met and looked at your plat for your subdivision. What I recall is a 66 (sixty-six) foot wide right-of-way on the subdivision plat.

- **Justin Bowen:** My concerns are the high-density traffic and safety on those roads. The road north of my house is very busy during the school drop off and pick up times. Michie Lane is a terrible road, it has lots of pot holes and especially in the winter time. Bowden Fields and Fox Pointe uses the road that is north of my house, and now we are going to add 22 more families that will use this road. The road north of my house during school drop off and pick up and on Sundays is a parking lot.
- **Quinn Calder:** I would like to see different zoning. This is not popular. The developer is only following code. I want you to hear us, we want wide open spaces. There needs to be some rezoning and it needs to happen soon. Often times I feel like you guys are defending the developers. I would like to see change in Midway. I fear with what is happening for the future of Midway and it's in your hands. I would like bonding. I would be glad to pay extra money per month so the City can purchase and maintain open space. I'd like to go that direction so we can have cows downtown.

Chairman Oksner closed public comment

- **Project representative; Paul Berg:** We are proposing 11 lots and they do meet the code for the R-1-9 zone. If this were to be developed as single family residential it would have 15 lots. This proposal has fewer lots, but it does allow for duplexes. We do meet code, we went through the zone change. We agreed to build the sidewalk on the south end of the property to help the circulation of the school, there is currently no sidewalk there, and we are building an additional sidewalk as requested by staff. There will be CCRs, but not necessarily an HOA. The developer did agree to a development agreement and many conditions will be put in the CCRs. That way the City can have control over the architecture, landscaping and some of the provisions we put in there about parking on the street. People do have property rights. Midway has done some things that are progressive, Planned Unit Development where it requires 50% open space for larger projects it has left quite a bit of open space. It does allow a little bit more density, but the developers cluster that it saves some open space it has kept the rural feel. Other projects, they develop parks, the Hamlet Park the Valais Park other ones around the City those come from the City looking at open space. Bowden Fields was the first subdivision to have 15% open space put in it. I like the bond option, last year is the first time I heard the public say that they would consider to bond. We went through the proper procedure to adjust the zone line from where it bisected the property to the property line which is where typically zone boundaries are, hearings were held for that. This subdivision meets the code so we request that you grant us preliminary approval.
- **Commissioner Ream:** The stub road will go all the way east, correct?
- **Planner Henke:** Yes, it will continue as a block system.
- **Commissioner Waldrip:** What we are seeing here tonight is citizen participation and the process of government. It is sometimes a rough vociferous process that we have here in this country where people are allowed to participate in the governmental process, it doesn't always go smoothly. We have certain

mechanisms that are in place and far too many of us in the country are not familiar enough with the mechanisms that exist for public participation in government. When our back yard, when our street, when our children or something near to us becomes involved in the governmental process then we kind of wake up and take notice and start figuring out what we can do about it. I'm not being critical of anybody that is here, we thank you for coming out and wanting to have a voice and wanting to try to make a difference in what happens in the place where you live and are raising your family and in which you have an vested interest. I think that it is important for all of us to understand there is a tension between the rights of property owners to develop their property in a certain way under the laws that have been developed down through the ages with people participating like you folks in making those laws. The interest of neighbors to projects in trying to preserve what they have and have expected to have in their neighborhood. There is a natural tension between those two interests and that tension spills over into a meeting like this or into a City Council meeting. Another thing that everybody should understand is that once those laws are created and the processes are put into place for working under the laws, if the City Council or the Planning Commission makes a decision that is contrary to the law then we get wrapped up in litigation and the courts get involved and if you think this is a messy process just visit a court house some day. In my own personal case I've been involved in legal process like Mr. Frost that spoke to us. We deal in this stuff all the time. It's important for all of us to understand that we do not have the luxury on the Planning Commission or the City Council of doing what we want to do or what the people in the neighborhood want to do. We've got to operate within the confines of the statutes of the codes that have been developed down through the years for us to work with and so when we take an action here tonight we are all painfully aware of the fact that we have to stay within those guidelines. Whether we like it or not whether we prefer it with less density whether we'd like to see zoning change whether we'd like to see this property and the neighboring properties rezoned to R-1-43 or R-1-22, those are things that we might like to do, but we can't do it. We have a path way that's been developed for a long time. Down which we have to walk and if we go off that path and start doing things that are in derogation of people's legal rights we get in trouble. Sorry folks that you feel like you didn't get notice of what is going on here, but it is true that the City followed the noticing requirements. There is a website that everybody is probably a whole lot more tuned into now than you were before tonight and there is a way to find out about this stuff. I just feel like that we all need to understand that it is kind of a messy and difficult process sometimes, but it has rules and it has requirements for all of us to follow as we try to govern ourselves in this process.

Chairman Oksner: Does anyone else want to add to that, or have any other questions?

Commissioner J. Kohler: This item has yet to be reviewed by the water board, is there anything that is expected to come out of that should be addressed?

Planner Henke: The water board will address this and make a recommendation directly to the City Council.

Commissioner Nichols: Many of the concerns have to do with traffic. Is there a basis for a traffic study here before we proceed?

Planner Henke: That is something that could be a requirement by the Planning Commission as part of the motion. The traffic counts are relatively low for this type of a road. I know that it is busy during certain times of the day.

City Engineer; Wes Johnson: I am 99.999% confident it will show that road with the level of service can handle probably handle 4,000 trips per day under a normal traffic day. Yes, it is busy at certain times. I have been down there and evaluated it. I just want to say that I am not for or against this development. A traffic study will not be a deterrent to this development based on number of cars.

Commissioner Ream: I do not think that we can reject a development based off of a traffic study.

City Engineer; Wes Johnson: Correct.

Paul Berg: What we've found in this area is that if we stick with the plan things will work out. For instance, these streets need to continue to connect, Michie Lane which is a big one needs to be completed. From my experience a traffic study will tell us what projects need to be moved up or pushed back.

City Engineer; Wes Johnson: Next week the City will be allocating funds to construct Michie Lane from Fox Den Road to Center Street.

Commissioner Waldrip: What can we do to prioritize the north/south sidewalk on 200 East?

City Engineer; Wes Johnson: We currently do not have a sidewalk plan. The construction of a sidewalk I think is very necessary. It's simply talking to City Council looking at funds and allocating funds and making that a project.

Chairman Oksner closed the discussion

Commissioner Ream

Motion: Commissioner Ream: I propose that we approve the Ashton Robertson Enterprises LLC project. The project does meet the intent of the General Plan for the R-1-9 zoning district, the proposal does comply with the land use requirements in the R-1-9 zoning district and that the sidewalks crossing the property connecting to neighborhood roads will benefit the community by allowing safe pedestrian access.

Seconded: Commissioner O'Toole

Chairman Oksner: I'd like to recommend it to be called Alder Meadows Subdivision as opposed to Ashton Robertson Enterprises.

Ayes: Commissioners Nichols, Waldrip, O'Toole, J. Kohler and Ream

Nays: None

Motion: Passed

ITEM: 4

Midway City is proposing a Code Text Amendment for the Midway Rural Preservation Subdivision. The purpose of the subdivision is to promote five-acre lots to help preserve the rural atmosphere in Midway by reducing density and

preserving open space.

On the following pages, you find the proposed Rural Preservation Subdivision Code. This subdivision code is being proposed in response to the public input gathered through the 2016 General Plan review. Both the survey and the comments gathered from open house clearly indicated that open space, lower potential density, and preserving the rural atmosphere of Midway are popular sentiments from the residents of our community. The proposed subdivision code would accomplish all three of the aforementioned items.

Basically, the City would allow five acres lots to be created without requiring the construction of much of the cost prohibitive infrastructure but in return the lots would be deed restricted so that they could never be resubdivided. Any lot created using this code would have animal rights, regardless of the zone in which they are located. Access would be allowed from a hard surface private driveway that would connect to a City standard road. The ongoing maintenance cost to the City for this type of lot would be minimal since, most likely, no public roads would be constructed. There are many other details included in the code that should be reviewed and analyzed to determine if this proposal has value to the residents of Midway. The hope is that several rural preservation lots would be created and the lasting impact of those lots would benefit the entire community. The key is the lots could never be redeveloped at any point in the future and that would need to be assured through any means necessary.

Please review the following code and come prepared to discuss the details. We need to consider if there are any ways that we can improve it or if it is something the Planning commission would even want to consider.

Please contact me at 435-654-3223 ext. 105 if you have any questions.

Chapter 16.18 Rural Preservation Subdivision

Section 16.18.1 Purpose and Intent

The intent of the Rural Preservation Subdivision Code is to preserve Midway's rural character by reducing the number of homes allowed and roads required by current zoning. The initiative is designed to incentivize developers to voluntarily reduce the number of home sites per acre in exchange for simplified development infrastructure requirements. The initiative will reduce the maintenance burden for city taxpayers, preserve or enhance the value of current landowners' property, and preserve the rural quality of life in Midway.

Section 16.18.2 Pre-Application Conference with Staff Member

Any person wishing to construct a Rural Preservation subdivision shall meet with a staff member, check and review the zone information, obtain application and

review procedures, obtain information from the City regarding the City's plan of land use, streets, water, sewer, traffic, trails and parks, and public facilities; and have discussion about public participation meetings and other requirements affecting the land to be developed. The developer shall then prepare plans and seek approval based on the information received and the process outlined below.

Section 16.18.3 Preliminary/Final Plan

The developer shall prepare a preliminary/final plan and shall submit five copies of the plan on 11" x 17" size paper to the Planning Commission for its review. The purpose of this plan is to demonstrate how the proposed development plan will be able to meet the standards required under the zoning ordinance and other applicable laws or regulations. The Preliminary/Final Plan is expected to contain construction drawings, and it is also expected that it will demonstrate compliance with this code. The Preliminary/Final Plan shall contain the following information:

- A. Type of development.
- B. Name of development.
- C. Applicant entity name, primary contact name, civil engineer, architect, designer and attorney, with respective contact addresses, phone numbers, and email addresses for each.
- D. Legal description with section tie.
- E. Zone boundaries and designations.
- F. North point and a scale consistent with a scale that is on a standard engineering scale ruler.
- G. A site plan showing location and dimensions of all lot lines, along with building feasibility for each lot.
- H. Dimensioned side, rear and front yards.
- I. Topography shown by contours at no greater interval than two feet except that a greater interval may be permitted when the property is outside the survey boundary if specifically authorized by the Planning Commission.
- J. The outside boundary of the project.
- K. Tabulation of land use:
 - 1. Total area and building area.
 - 2. Number of units and project density.
- L. Adjacent property owners.
- M. Typical street, roadway and driveway cross sections.
- N. A detailed statement and illustration of how the project will meet sensitive lands requirements.
- O. Existing and proposed easements, waterways, utility lines, canals and ditches.

- P. A plan for accommodating waterways, ditches and canals.
- Q. Proposed and existing sewage disposal facilities.
- R. Existing and proposed storm drain system with the related run-off calculations for the development site including routing the runoff water that leaves the site to a City storm drain or natural drainage approved by the City to accept the water.
- S. Existing and proposed water system indicating size of water lines and fire hydrant locations. Indications as to the capacity of the water system as it relates to the project when required.
- T. Environmental Assessment Review Statement.
- U. Any other information Staff or the Planning Commission may determine necessary relating to the site of the proposed project.

Section 16.18.4 Permitted Zones

All property must be in a R zoning districts (R-1-7, R-1-9, R-1-11, R-1-15, R-1-22 or RA-1-43).

Section 16.18.5 Lot Size

Each lot must be at least five acres in size.

Section 16.18.6 Further Development

Lots cannot be further subdivided and must be deed restricted to ensure they are never reduced to less than five acres. Deed restrictions must be recorded towards each lot when the plat is recorded. A note must also be placed on the plat that restricts further development of any lots in a Rural Preservation subdivision.

Section 16.18.7 Open Space

A two-acre area of the lot may be developed with structures (300' x 300' area) The buildable area will be shown on each lot in the plat. Three acres will be left as open space and will contain no structures.

Section 16.18.8 Animal Rights

Lots in a Rural Preservation subdivision will have animal rights independent of the zone in which they are located.

- A. The keeping of animals and fowl in numbers per the following point system:
 - 1. Animals may total 50 points per ½ acre.

2. Animals shall be worth the following points each:
- a. Chickens, pigeons, pheasants, and other similar birds; 2 points.
 - b. Geese, ducks, peafowl, turkey and other similar birds; 10 points.
 - c. Sheep, llamas, calves, foals, and other similar sized animals; 25 points.
 - d. Horses, cattle, and other similar sized animals; 40 points.
 - e. For this point system, an animal and one offspring shall be one animal until six months after the birth of the offspring.

Section 16.18.9 Waste Disposal

Septic tanks will be allowed unless the lot is located within 300' of a sewer line.

Section 16.18.10 Frontage

Zone frontage requirements are not required for lots in a Rural Preservation subdivision.

Section 16.18.11 Trails

Any trails crossing a Rural Preservation subdivision will be built by the developer and an easement will be deeded to the public for public use.

Section 16.18.12 Water Requirements

All required water shares for culinary and secondary water will be tendered to the City before the recording of the subdivision plat.

Section 16.18.13 Sensitive Lands

A structure may not be built on a site of slope 25 percent or greater. If a lot is proposed on a parcel containing slopes of 25 percent or greater, a suitable building pad with a slope less than 25 percent is required. The building pad must be able to be reached by a road or driveway meeting the standards contained elsewhere in City adopted ordinances, and the building pad must have a home-and-garage footprint of at least 3,000 square feet. All other sensitive lands standards must be met as found in the Sensitive Lands Overlay Zone ordinance.

Section 16.18.14 Access

Each lot must have access from a private driveway that complies with the following standards:

- A. 20' wide paved surface
- B. 40' diameter paved turnaround located near the future dwelling
- C. Up to three homes can share one private driveway
- D. Each private driveway and shared private driveways must connect to a road built to City standards
- E. Private driveways must be located at least 200' from another private driveway where the driveway connects to the City standard road

Section 16.18.15 Setbacks

Independent of the zone in which the Rural Preservation subdivision is located, all building pads must be located at least 50' from any lot lines. All structures must be located within the building pad designated for each lot.

16.18.16 Permitted Uses

The principal use permitted in the Rural Preservation subdivision is one residential living unit. No living space (kitchen, bedrooms, and full bathrooms) is allowed in any accessory structures. Other uses are permitted as allowed by the zoning regulations governing the zone in which the subdivision is located.

Section 16.18.17 Standards and Requirements

The following standards, requirements and conditions shall apply to all Rural Preservation subdivisions:

- A. The project must be prepared by a design team composed of at least a civil engineer, land surveyor or landscape architect, all who must be licensed to practice in the State of Utah.
- B. All dwelling units shall be served by a city-approved water supply. All utilities within the Rural Preservation subdivision shall be placed underground, including telephone, power and television. All dwelling units shall have separate utility connections and metering.
- C. The area proposed for a Rural Preservation subdivision shall be in one ownership during development to provide for full supervision and control of said development and to insure conformance with these provisions.
- D. Dwellings and permitted structures shall be located to best comply with the intent of this Ordinance and shall meet the following standards:
- E. All parking spaces, parking areas and driveways shall be hard-surfaced asphalt or concrete, and properly drained with no drainage running across public or private

sidewalks.

F. The developer shall install all public improvements on-site and off-site as identified by the Planning Commission and City Council.

G. All street construction improvements in subdivisions and along public roads shall be constructed per public street construction widths and cross-section standards.

H. Provisions of the Sensitive Lands Section of this ordinance shall be adhered to within the Rural Preservation subdivision.

I. The subdivision shall connect any trails shown on the City Master Trails Plan for the area.

J. Gated communities shall not be permitted.

K. Final engineering drawings (plans and profiles) for all public and private improvements, final grading plan, and final drainage and run-off plan with run-off calculations.

L. All documents and legal material shall be ready for recording.

M. Deeds of dedication for all public lands as required by the City, when not shown on a final plat.

N. Provisions for bonding of all improvements in a form acceptable to the City. The bond amount is to be 110 percent of the engineer's estimated cost for improvements.

O. All required final plat fees.

P. Phasing plan for final plats.

Q. In the event the project will not be divided into separate ownership; the developer shall submit the same information as requested above except for the Record of Survey Map. A final site plan shall be submitted totally dimensioned conforming to the approved preliminary plan.

Section 16.18.18 Preliminary/Final Planning Commission Action

Upon presentation of the preliminary final plan and documents, the Planning Commission shall approve them as submitted, approve them with conditions or may refer them back to the developer for one or more of the following reasons:

A. Due to the type of buildings, layout of structures, design of plan, or other aspects of the preliminary/final submittal, the Planning Commission determines the project to be inconsistent with the intent of this Ordinance or the Community General Plan.

B. The Planning Commission requires that certain specific changes be made within the plans.

C. The plans or documents have not been completed.

D. The fees have not been paid by the developer.

E. That this project is in substantial compliance with the intent of this Section as stated previously. The Planning Commission may impose such conditions on preliminary development plans as it may deem appropriate to meet the goals and objectives of this Chapter. The Planning Commission may disapprove the Rural Preservation subdivision, which is found to be deficient in meeting the intent of these provisions. Any such disapproval may be appealed to the City Council within ten days after the decision of the Planning Commission.

Section 16.18.19 Recommendation of Preliminary/Final Plan to City Council

Upon the Planning Commission's approval of the preliminary/final plan of a Rural Preservation subdivision, the Planning Commission shall recommend this plan to the City Council for direction, with or without conditions.

Section 16.18.20 Public Hearing

After receiving notice of Planning Commission approval of the preliminary/final plan, or upon the City Council's reversing on appeal the Planning Commission's disapproval of a preliminary/final plan, the City Council shall set and hold a public hearing to consider preliminary/final approval of the project.

Section 16.18.21 Preliminary/Final Approval of City Council

After holding the public hearing, the City Council shall approve, approve with conditions, or deny the preliminary/final plan based on the same standards as required above for preliminary/final approval by the Planning Commission.

Section 16.18.22 Time Limit for Preliminary/Final Approval

A. Any failure to submit a proposed preliminary/final plan application within one year of the approval of the concept plan by the Planning Commission shall terminate all proceedings and render the preliminary/final plan null and void.

B. The duration of Preliminary/Final Approval shall be for one year from the date of approval of the development by the City Council. If the Final Plat is not recorded with the County Recorder within the one-year period, the development's approval shall be voided, and both Preliminary and Final Approvals must be re-obtained to reinstate the project, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions. Such conditions may include, but are

not limited to, provisions requiring that:

1. Construction must be conducted per any new City standards in effect at the time the plat is ultimately recorded;
2. The property must be maintained in a clean, dust-free, and weed-free condition always;
3. Each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or
4. No more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

Section 16.18.23 Final Plat

In addition to all other requirements, the proposed final plat shall show an address block containing addresses for each dwelling unit and for each main building within the plat, subject to approval by the Wasatch County Recorder's office.

Section 16.18.24 No Building Permits Issued Prior to Plat Recording

No building permit applications shall be submitted prior to the recording of the plat by the Wasatch County Recorder.

Section 16.18.25 Completion of Construction and Issuance of Permits

A. No building permits applications shall be submitted until the construction of the development is substantially complete; provided, however, that the developer in whose name the bond for the project is issued may submit a building permit application once the fire flow mechanisms are installed, operating and approved by the City Engineer. Once installed, operating and approved, fire flows must remain operating continuously thereafter.

B. No certificate of occupancy will be issued until construction on the development reaches final completion as determined by the City Engineer.

Section 16.18.26 Construction Bond

Prior to beginning construction of a development, the developer shall submit a bond to the City in the amount of 110 percent of the cost of all improvements and inspections as determined by the City Engineer.

Section 16.18.27 Default

In the event the developer defaults, fails or neglects to satisfactorily install the required improvements within one year from the date the plat is recorded, the City Council may declare the bond forfeited and the City may install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurances to defray the expense thereof.

Section 16.18.28 Final Disposition and Release

The developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten days prior to the release date of the bond or other assurance, the City Engineer shall make a preliminary inspection of the improvements and shall submit a letter to the City Council setting forth the conditions of such facilities. If conditions thereof are found to be satisfactory, the City Council shall release the bond or other assurance. If the condition of materials or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, the City Council may declare the developer in default.

Section 16.18.29 Record Drawing Submittal and Contents

A. Prior to final bond release, an electronic copy of the final drawings in the latest version of AutoCAD or DXF format shall be submitted to the City Engineer. This drawing file needs to include adequate information regarding position and basis of bearing tied to established control as approved by the City Engineer.

B. As-built information shall be overlaid on this final drawing. The as-built drawing must be based upon actual field survey of the items on the following list:

1. Established survey monuments, benchmark, and permanent horizontal and vertical control.
2. Water: valves, fire hydrants, blow-offs, flush valves, and water meters.
3. Sewer: laterals and manholes with rim and inverts elevations.
4. Storm drain: Catch basins, curb inlets, and manholes with rim and inverts elevations, size and type of pipe, storm outlets and detention / retention systems.
5. Miscellaneous light pole locations, street sign locations, and utility box/transformer locations.
6. Pressurized irrigation: valves, blow-offs, flush valves, drains and water lateral locations.

Section 16.18.30 Total Compliance with all Regulations

In case of failure or neglect to comply with all conditions as established during the approval process or regulations as identified in this Section, the City may refuse additional building permits and stop construction of all work at the site until such violations or noncompliance conditions have been eliminated.

Section 16.18.31 Warranty Bond

The City Council shall authorize the release of 100 percent of the bond amount upon verification by the City Engineer that all work is complete and acceptable. The remaining 10 percent of the bond amount shall be retained by the City for a period of one year to insure quality of improvements. If improvements are found to be unacceptable to the City at any time during the one-year period, the City may use the bonding funds to replace or repair any improvements not installed acceptably.

Chairman Oksner opened the meeting to the public

- **Quinn Calder:** This is a question not a comment. There are currently three codes and this is a fourth option?
- **Planner Henke:** Yes, that is correct.
- **Quinn Calder:** What is the motivation for this fourth option? Is it just that the property owner has more options this way?
- **Planner Henke:** Yes, this is another option. It is not limiting what that property owner can do. This option really reduces the cost and time that is put into creating a subdivision.
- **Chairman Oksner:** Are these lots meant for animal rights or agriculture, i.e. growing alfalfa.
- **Planner Henke:** The idea is to either grow something on the property or graze something on the property.
- **Commissioner Ream:** To keep things rural do not require a paved driveway. Reducing the home square footage lesser than 3,000 square feet.
- **Commissioner Waldrip:** Is this proposed code addition significant enough to warrant a work meeting? There are several things I think we should discuss such as, the square footage requirement, what material can be used for the driveway, access for emergency personnel.
- **Katie Noble:** This is very exciting for me to see this happening and I am glad to see the support. I just want to say that I am very supportive of the five (5) acres and hopefully the work meeting can happen quickly because I think that this is a critical item. Thank you!

Chairman Oksner closed to public

Motion: Commissioner Waldrip: I move that we table this matter and schedule a work meeting at a time to be determined as soon as reasonably possible to discuss the nuts and bolts of this proposal. I'll add that the Planning Commission is generally favorably inclined toward the concept of this proposal. The reason for the work meeting is to iron out the details so we can all agree on and have sufficient time to discuss and get input on.

Second: Commissioner O'Toole

Chairman Oksner asked if there were any further discussion: There was none

Ayes: Commissioners J. Kohler, Waldrip, Nichols, O'Toole and Ream

Nays: None

Motion: Passed

➤ **Discussion of the date and time for the work meeting.**

Date and time that was decided: February 15, 2017 at 5pm

ITEM: 5

Adjournment

Motion: Commissioner Waldrip: Mr. Chairman, I move that we adjourn.

Meeting end time: 9:05pm



Chairman – Mickey Oksner



Admin. Assistant – Lindy Rodabough