

# MEMO



To: Mayor Olson and City Council

From: Ryan Harris, Senior Planner

Date: March 29, 2024

RE: **Amendment Related to the Subdivision Extension and the Land Use Authority for Plat Amendments**

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It is proposed that the City Council consider amending language related to subdivision extensions and plat amendments found in several sections in Santaquin City Code (SCC) 10.20.

In the past few months, staff have found some areas in the Code that need to be updated to follow recent changes to the subdivision review process. The proposed amendment will also clarify the subdivision extension process. Below are some of the proposed changes to the Santaquin City Code.

1. Make the Planning Commission the land use authority for extending a preliminary plat.
2. Make the Development Review Committee the land use authority for extending a final plat.
3. Make the Planning Commission the land use authority for subdivision amendments.
4. Clarify how Preliminary and Final Plans are extended when final plats (phases) are recorded.
5. Update the section of code related to vacating a street to match State Code requirements.

The Planning Commission reviewed the proposed ordinance on March 26, 2024, and made the following motion.

Motion: Commissioner Romero made a motion to recommend approval of the proposed code amendment which amends Santaquin City Code 10.48.050.E. Commissioner Nixon seconded the motion.

Commissioner Hoffman, Yes; Commissioner Nixon, Yes; Commissioner Romero, Yes; Commissioner Wood, Yes; The motion passed.

**Recommended Motion:** “Motion to approve Ordinance No. 04-02-2024, an Ordinance amending Santaquin City Code to amend the land use authority and process for an extension of preliminary plat and final plat approvals, providing for codification, correction of scrivener’s errors, severability, and an effective date for the Ordinance.”

# ORDINANCE NO. 04-02-2024

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO AMEND THE LAND USE AUTHORITY AND PROCESS FOR AN EXTENSION OF PRELIMINARY PLAT AND FINAL PLAT APPROVALS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.**

**WHEREAS**, the City of Santaquin is a fourth-class city of the state of Utah; and

**WHEREAS**, the State Legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, and welfare; and

**WHEREAS**, the City Council desires to amend Santaquin City Code Title 11 Chapter 20 to change the land use authority and the process for an extension of preliminary plat and final plat approvals.

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on March 26, 2024, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City; and

**WHEREAS**, after the noted public hearing, the Santaquin City Planning Commission forwarded a recommendation to the City Council;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Santaquin City, State of Utah, as follows:

## **Section I. Amendments**

**Title 11 Chapter 20 Section 070, Title 11 Chapter 20 Section 080, Title 11 Chapter 20 Section 090, Title 11 Chapter 20 Section 110 is amended as follows:** (underlined text is added, stricken text is deleted)

### **11.20.070 VALIDITY OF PRELIMINARY PLAT APPROVAL**

- A. ~~Any preliminary~~ plats approved after the adoption of this ~~section~~ chapter shall ~~be valid for~~ expire three (3) years from the date of such approval, ~~unless otherwise extended as provided in this chapter. and shall remain valid so long as there is a valid and unrecorded final plat within the preliminary plat area.~~
- B. If the developer desires to change an approved preliminary ~~approved~~ plat, ~~(e.g., the location of streets, or increase the number of lots, or substantially alters the original subdivision design from the Planning Commission approved preliminary plat)~~ the developer must submit new preliminary plans for review by the Development Review Committee and pay any associated fees. The Development Review Committee must provide a recommendation concerning the proposed changes before the proposal is forwarded to the Planning Commission for preliminary approval. All previous preliminary approvals shall become null and void upon the preliminary approval of the new submission.
- C. The ~~City Council~~ Planning Commission may grant extensions of the preliminary plat approval in not more than one year increments, provided the preliminary plat still complies with all

ordinances in place at the time of application for extension. ~~No person or entity has a vested right to an extension of a preliminary plat approval.~~ Petitions for extension must be received prior to the approval period lapsing and will be subject to fees as set forth by resolution of the City Council. (Ord. 05-02-2012, 5-16-2012, eff. 5-17-2012)

#### **11.20.080 VALIDITY OF FINAL PLAT APPROVAL**

- A. Any final plat approved after April 30, 2024, ~~the adoption of this section~~ shall expire and be void two (2) years after final approval is granted, unless otherwise extended as provided in this chapter.
- B. Developers may petition the ~~city council~~ Development Review Committee for extensions of the final plat approval in increments of not more than one year increments, provided the final plat still complies with all applicable ordinances in place on the date the petition for extension is submitted. Requests for extension must be received prior to the validity period lapsing and will be subject to fees as set forth by resolution of the City Council.
- C. If a final plat, which covers only a portion of the approved ~~final preliminary~~ plat area, is recorded within the validity time of a final plat approval or extension thereof, the validity of ~~the any~~ unrecorded portion phases of the approved ~~final preliminary~~ plat shall be extended for one year from the last date a phase in such preliminary plat area was granted final plat approval, bonded for and recorded. (Ord. 05-02-2012, 5-16-2012, eff. 5-17-2012)

#### **11.20.090 FINAL PLAT DESIGN AND APPROVAL**

- A. Changes From Approved Preliminary Plats: It is recognized that through the final review process the design of street grades, stormwater facilities, and utilities may necessitate changes from preliminary plats approved by the ~~City Council~~ Planning Commission.
  - 1. Minor Changes: The Development Review Committee may, in their discretion, approve minor changes from approved preliminary plats. The types of minor changes contemplated by this section include legal description mistakes, minor boundary changes, reduction of the number of parcels, modifications to road alignments and items that should have been included on the preliminary plat. In such a case, the Community Development Director shall provide written notice to the Planning Commission and City Council of such changes at each body's next meeting.
  - 2. Major Changes: Major changes from approved preliminary plats, including an increase in the total lots within the development, reduction of approved lot sizes, change of public open space locations, elimination or increase in the number of roads, shall be submitted for review by the ~~Planning Commission~~ Development Review Committee and ~~City Council~~ approved by the Planning Commission.
- B. Final Plat Approval: The Development Review Committee shall be the Land Use Authority for approval of final plat applications. The Development Review Committee may only grant final plat approvals in accordance with paragraph A, SCC 11.20.060 paragraph B, and any conditions or direction the Planning Commission ~~and/or City Council~~ has given relative to the final plat.
- C. Changes To Final Plats Before Recordation: The Development Review Committee shall review any request to modify an approved final plat before it is recorded. Review of such request shall be in accordance with Section 11.20.090, paragraph B. This may include rephrasing of the plat or minor plat boundary changes with adjacent unrecorded plats.
- D. Changes To Recorded Plats: Changes to recorded final plats shall be in accordance with State law. (Ord. 06-04-2010, 6-16-2010, eff. 6-17-2010)

#### **11.20.110 VACATING OR CHANGING A SUBDIVISION PLAT**

A fee owner of land, as shown on the last County assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition to have some or all of the plat vacated or amended.

- A. Petition Submittal Requirements: Except as provided in SCC 11.20.120, a petition to vacate, alter, or amend an entire plat, portion of a plat, or a street or lot contained in a plat shall be accompanied by the following:
1. The name and address of all owners of record of the land contained in the entire plat;
  2. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
  3. The signature of each of these owners who consents to the petition.
- B. Considering And Resolving Petitions: The ~~City Council~~ Planning Commission may consider and resolve any petition submitted under paragraph A in accordance with the following paragraphs:
1. The City shall provide notice of the petition by mail to the owners within the plat and each affected entity that provides a service to an owner of the record of the portion of the plat that is being vacated or amended at least ten (10) calendar days before the ~~City Council~~ Planning Commission may approve the vacation or amendment of the plat.
  2. The ~~City Council~~ Planning Commission shall hold a public hearing within forty-five (45) days after the day on which the petition is filed if:
    1. Any owner within the plat notifies the Municipality of the owner's objection in writing within ten (10) days of mailed notification; or
    2. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.
  3. The public hearing requirement does not apply and the ~~City Council~~ Planning Commission may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if the petition seeks only to:
    1. Join two (2) or more of the petitioning fee owner's contiguous lots;
    2. Subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
    3. On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the City; or
    4. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
      1. Owned by the petitioner; or
      2. Designed as a common area.
- C. Petition To Vacate, Or Alter A Street Or Alley: If a petition is submitted containing a request to vacate or alter any portion of a street or alley within a subdivision the following shall apply:
1. The Planning Commission shall review the request and make a recommendation to the City Council.
  2. The City Council shall hold a public hearing, after providing notice to property owners within three hundred feet (300') of the area being petitioned for vacation or alteration, and to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated. After the public hearing, the City Council may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if it finds that good cause exists for the vacation or alteration and neither the public interest nor any person will be materially injured by the vacation. If the City Council vacates or alters any portion of a street or alley, the City Recorder shall ensure that the plat, and a legal description of the public street to be vacated are ~~is~~ recorded in the Office of the Recorder of the County in which the land is located.
  3. The action of the City Council vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating plat, as a revocation of the acceptance thereof, and the relinquishment of the City's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the franchise rights of any public utility may not be impaired thereby. (Ord. 12-01-2017, 3-7-2018, eff. 3-8-2018)

**Section II. Severability**

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

**Section III. Contrary Provisions Repealed**

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

**Section IV. Codification, Inclusion in the Code, and Scrivener’s Errors**

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

**Section V. Posting and Effective Date**

This ordinance shall become effective at 5:00 p.m. on Wednesday, April 3, 2024. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 2<sup>nd</sup> day of April 2024.

\_\_\_\_\_  
Daniel M. Olson, Mayor

|                                 |       |     |
|---------------------------------|-------|-----|
| Councilmember Art Adcock        | Voted | ___ |
| Councilmember Brian Del Rosario | Voted | ___ |
| Councilmember Lynn Mecham       | Voted | ___ |
| Councilmember Jeff Siddoway     | Voted | ___ |
| Councilmember Travis Keel       | Voted | ___ |

ATTEST:

\_\_\_\_\_  
Amalie R. Ottley, City Recorder

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, AMALIE R. OTTLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 2<sup>nd</sup> day of April 2024, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO AMEND THE LAND USE AUTHORITY AND PROCESS FOR AN EXTENSION OF PRELIMINARY PLAT AND FINAL PLAT APPROVALS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 2<sup>nd</sup> day of April 2024.

\_\_\_\_\_  
Amalie R. Ottley  
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, AMALIE R. OTTLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that prior to the ordinance taking effect, I posted a short summary of the ordinance on the Utah Public Notice Website as required by Utah State Code 10-3-711(1)(b) as a Class A Notice and Santaquin City Code 1-2-050(D)

I further certify that copies of the ordinance were posted online at [www.santaquin.org](http://www.santaquin.org), at the City Hall Building at 110 S. Center Street and on the State of Utah’s Public Notice Website, <https://www.utah.gov/pmn/index.html>. A copy of the notice may also be requested by calling (801)754-1904.

\_\_\_\_\_  
AMALIE R. OTTLEY  
Santaquin City Recorder

The foregoing instrument was acknowledged before me on this \_\_\_ day of \_\_\_ 2024,  
by AMALIE R. OTTLEY.  
My Commission Expires:

\_\_\_\_\_  
Notary Public