

# MEMO



To: Planning Commission

From: Ryan Harris, Senior Planner

Date: October 20, 2023

Re: **Updating the Subdivision Review Process in Santaquin City Code to Meet State Code Requirements and Senate Bill 174.**

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It is proposed that the Planning Commission and City Council consider amending language related to the subdivision review process. In the past legislative session, Senate Bill 174 was passed. Part of this bill created a standard review process that all cities must follow. The bill requires all cities to update their subdivision review process to match State Code requirements.

There are several things that will be changing in the subdivision review process. Some of the major changes are listed below.

- Cities can no longer require a concept plan. An applicant can request a pre-application meeting where we can give feedback to the developer. The city must have the pre-application meeting within 15 days of the request.
- The City Council is no longer allowed to be part of the subdivision review process. Currently, the City Council is the land use authority for preliminary plans. This code amendment removes the Council from the standard subdivision review process. The City Council will still approve agreements, PUD's, special exceptions, etc., but will not be part of the subdivision approval process.
- Subdivision reviews will go through the following process. Preliminary plans will be reviewed by the Development Review Committee (DRC). DRC will forward a recommendation to the Planning Commission. The Planning Commission will be the land use authority for preliminary plans. Final plans will be reviewed by the DRC and the DRC will be the land use authority for final plans.
- There is no longer a streamlined process for subdivisions that have 3-lots or less. Senate Bill 174 has streamlined the subdivision process. All subdivisions will be required to follow the process above.
- The subdivision review process is explained in several parts of Santaquin City Code. The proposed ordinance deletes them and put the subdivision review process in one section.

There are additional changes that have been made but the ones above are the major changes. The draft ordinance attached meets the requirements of Senate Bill 174.

**Motion:** "Motion to recommend approval of the proposed code amendment which amends the subdivision review process to meet state requirements."

## **ATTACHMENT:**

1. Draft Ordinance

## ORDINANCE NO. **DRAFT**

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO UPDATE THE SUBDIVISION REVIEW PROCESS TO MEET STATE CODE REQUIREMENTS, 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, morals, and welfare; and

**WHEREAS**, the State Legislature passed Senate Bill 174 that requires a standard subdivision review process of all municipalities; and

**WHEREAS**, the City Council desires to amend Santaquin City Code to meet the requirements of Senate Bill 174; and

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on October 24, 2023, 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 2 Chapter 04 Section 080 is amended as follows:** (underlined text is added, stricken text is deleted)

#### **2.04.080 POWERS AND DUTIES**

The ~~p~~lanning ~~e~~Commission shall:

- A. Prepare and recommend a general plan and amendments to the general plan to the legislative body as provided in the Utah Code ~~§§ 10-9-301 to 10-9-307~~
- B. Recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the legislative body as provided by the Utah Code ~~§§ 10-9-401 to 10-9-409~~
- C. Administer provisions of the zoning ordinance, where specifically provided for in the zoning ordinance adopted by the legislative body.
- D. Recommend subdivision regulations and amendments to those regulations to the legislative body as provided for in the Utah Code ~~§§ 10-9-801 to 10-9-811~~
- E. ~~Recommend approval~~ Approve or ~~denial~~ deny of preliminary subdivision applications, ~~as provided for in the Utah Code §§ 10-9-801 to 10-9-811~~
- F. Advise the legislative body on matters as the legislative body directs.

- G. Hear or decide any matters that the legislative body designates, which may include the approval or denial of, or recommendations to approve or deny conditional use permits.
- H. Exercise any other powers that are necessary to enable it to perform its function or delegated to it by the legislative body.

**Title 2 Chapter 32 Section 050 is amended as follows:** (underlined text is added, stricken text is deleted)

### **2.32.050 POWERS AND DUTIES**

The Development Review Committee shall:

- B. Review preliminary plats to ensure compliance with City ordinances, laws, and regulations, and to make recommendations to the Planning Commission ~~and City Council~~ concerning the approval of the same.

**Title 10 Chapter 20 Section 140 is amended as follows:** (underlined text is added, stricken text is deleted)

### **10.20.140 PLANNED COMMUNITY ZONE**

- H. Submission And Approval Requirements: ~~Project approvals required by the city, according to SCC 10.68, to comply with this section shall be submitted and reviewed by city bodies in accordance with city subdivision and site plan review procedures. Any submittal requirements under this zone, which are above and beyond the city's typical application standards, shall still apply. The subdivision review process for this zone shall be in accordance with SCC 11.20.020 and the site plan review process shall be in accordance with SCC 10.68.060~~
- I. Preliminary Plans And Documents:
  - 1. Preliminary Plan: The developer shall prepare a preliminary plan and shall submit five (5) twenty four inch by thirty six inch (24" x 36") copies and ten (10) eleven inch by seventeen inch (11" x 17") copies of the plan to the ~~p~~Planning ~~e~~Commission for approval. The plan must be submitted at least forty five (45) days prior to the meeting of the ~~p~~Planning ~~e~~Commission at which the plan will be considered. The preliminary plan shall be drawn to a scale not smaller than one inch to one hundred feet (1":100'), or as recommended by the ~~p~~Planning ~~e~~Commission. The plan shall show the following information:
    - w. Any other information the ~~e~~City ~~e~~Engineer, ~~e~~City ~~p~~Planner, ~~d~~Development ~~r~~Review ~~e~~Committee, ~~or~~ ~~p~~Planning ~~e~~Commission, ~~or~~ ~~city~~ ~~council~~ may determine necessary relating to the particular site of the proposed project.
- K. ~~Planning Commission Action: Upon presentation of the preliminary plan and documents, the planning commission shall either recommend approval of them as submitted, recommend approval of them with conditions, or may refer them back to the developer for one or more of the following reasons:~~
  - 1. ~~If the project is determined to be inconsistent with this title or the general plan;~~
  - 2. ~~The planning commission requires that certain specific changes be made within the plans;~~
  - 3. ~~The plans or documents are not complete; and/or~~
  - 4. ~~The fees have not been paid in full by the applicant.~~

~~The planning commission may impose such conditions on preliminary development plans as it may deem appropriate to meet the goals and objectives of this section. The planning commission may disapprove plans which are found to be~~

~~deficient in meeting the intent of these provisions. Any such disapproval may be appealed to the city council within ten (10) days after the decision of the planning commission.~~

- ~~L. Recommendation Of The Preliminary Plan To The City Council: Upon approval of the preliminary plans, the planning commission shall recommend the plans to the city council and recommend that a public hearing be held.~~
- ~~M. Public Hearing: After receiving notice of planning commission approval of the preliminary plans, the city council shall set and hold a public hearing to consider approval of the project. The hearing shall be completed as set forth in the Utah state code.~~
- ~~N. Time Limit From Preliminary Plan Approval: Any failure to submit a final development plan within one year of receiving preliminary approval for the development plans by the city council shall terminate all proceedings and render the preliminary plan null and void.~~
- ~~O. Final Plat: Final plats shall be reviewed in accordance with city subdivision review procedures.~~

**Title 10 Chapter 20 Section 160 is amended as follows:** (underlined text is added, stricken text is deleted)

### **10.20.160      LARGE SCALE DEVELOPMENTS**

- J. Submission And Approval Requirements: ~~Development within this zone shall be in accordance with city subdivision and site plan review procedures. Any submittal requirements under this zone, which are above and beyond the city's typical application standards, shall still apply.~~ The subdivision review process in this zone shall be in accordance with SCC 11.20.020 and the site plan review process shall be in accordance with SCC 10.68.060
- C. Preliminary Plans And Documents:
  - 3. Preliminary Plan: Upon approval of the vicinity plan by the ~~p~~Planning ~~e~~Commission, the developer shall then prepare a preliminary plan and shall submit five (5) twenty four inch by thirty six inch (24" x 36") copies and ten (10) eleven inch by seventeen inch (11" x 17") copies of the plan to the ~~p~~Planning ~~e~~Commission for approval. The plan must be submitted at least forty five (45) days prior to the meeting of the ~~p~~Planning ~~e~~Commission at which the plan will be considered. The preliminary plan shall be drawn to a scale not smaller than one inch to one hundred feet (1":100'), or as recommended by the ~~p~~Planning ~~e~~Commission. The plan shall show the following information:
    - w. Any other information the ~~e~~City ~~e~~Engineer, ~~e~~City ~~p~~Planner, ~~d~~Development ~~r~~Review ~~e~~Committee, ~~or~~ ~~p~~Planning ~~e~~Commission, ~~or~~ ~~city council~~ may determine necessary relating to the particular site of the proposed project.
- G. ~~Planning Commission Action: Upon presentation of the preliminary plan and documents, the planning commission shall either recommend approval of the plan as submitted, recommend approval of the plan with conditions, or may refer them back to the developer for one or more of the following reasons:~~
  - ~~G. If the project is determined to be inconsistent with this title or the general plan.~~
  - ~~H. The planning commission requires that certain specific changes be made within the plans.~~
  - ~~I. The plans or documents are not complete.~~
  - ~~J. The fees have not been paid in full by the applicant.~~

~~The planning commission may impose conditions on preliminary development plans as it may deem appropriate to meet the goals and objectives of this section. The planning commission may disapprove a large scale development 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 (10) days after the decision of the planning commission.~~

- ~~H. Recommendation Of The Preliminary Plan To The City Council: Upon approval of the preliminary plan of a large scale development, with conditions if necessary, the planning commission shall recommend the plan to the city council and recommend that a public hearing be held.~~
- ~~I. Public Hearing: After receiving notice of planning commission approval of the preliminary plans, the city council shall set and hold a public hearing to consider approval of the project. The hearing shall be completed as set forth in the Utah state code.~~
- ~~J. Time Limit From Preliminary Plan Approval: Any failure to submit a final development plan within one year of receiving preliminary approval for the development plans by the city council shall terminate all proceedings and render the preliminary plan null and void.~~
- ~~K. Final Plat: Final plats shall be reviewed in accordance with city subdivision review procedures~~
- ~~L. Duration Of Bond Or Escrow: The duration of the bond or escrow account shall be for two (2) years from the date of final approval of the development by the city council. An extension of time may be granted by the city council for a period of six (6) months provided such application for extension is submitted at least thirty (30) days prior to the expiration of the bond or escrow account. Said bond or escrow account shall be for security only and shall not replace the responsibility, or liability, of the developer for the completion of subdivision improvements.~~

**Title 10 Chapter 20 Section 170 is amended as follows:** (underlined text is added, stricken text is deleted)

### **10.20.170 PLANNED UNIT DEVELOPMENT (PUD)**

- ~~E. Density Bonuses: An applicant for a PUD is eligible for a density bonus based on additional amenities provided in the project approval. Density in excess of the base density may be considered for projects which satisfy the requirements of one or more of the density bonus amenities listed below:~~
  - ~~1. Base Density: For purposes of this section, the base density for a development shall be based upon a yield plan prepared by the developer. Yield plans are to be reviewed by the ~~e~~Community ~~d~~Development ~~d~~Director and ~~p~~Planning ~~e~~Commission as part of ~~development concept review~~ the PUD designation proposal and be finalized prior to a recommendation on the development for PUD designation to the ~~e~~City ~~e~~Council. The resulting yield plan shall represent the total number of base units appropriate for the development site. Yield plans are to be prepared under the following requirements:~~
- ~~G. Coordination Of PUD Application With Subdivision Approval: ~~It is the intent of these regulations that subdivision review be carried out simultaneously with the review of the proposed PUD. The proposed PUD designation shall receive approval by the City Council before the subdivision review process can begin.~~ If approved by the ~~e~~City, a PUD with mixed uses will not be considered a spot zone.~~

**Title 10 Chapter 68 Section 110 is amended as follows:** (underlined text is added, stricken text is deleted)

**10.68.110 PUBLIC NOTIFICATION OF LAND USE APPLICATIONS**

1. State Requirements:

1. Land use applications requiring notice to the public according to state law<sup>1</sup> include the following:

<b>Land Use Application Type</b>	<b>Local Notice Period (Calendar Days)</b>
General plan adoption and amendments	10
Adoption or modification of land use ordinances	10
Rezoning or zoning map change	10
Code amendment of land use ordinance	10
<del>Subdivisions (preliminary plats)</del>	<del>10</del>
Plat amendments, vacation or alteration	10
<del>Subdivision of less than 10 lots</del>	<del>10</del>
<del>Amendment to a subdivision</del>	<del>10</del>
Street, right of way or easement vacations or closures	10
<del>Development of multi-unit residential, commercial or industrial projects</del>	<del>10</del>
Others as required by local authority	See paragraph B, "Local Requirements"

2. Local Requirements:

1. In addition to the state requirements listed above, the following land use applications are to be noticed to adjacent property owners prior to the first public hearing on the application:

<b>Land Use Application Type</b>	<b>Local Notice Period Before First Hearing (Calendar Days)</b>

Applications to be reviewed by the city's appeal authority	10
Conditional use permit or special exemption	10
Home occupation permit	10
Planned unit- <del>or multi-family</del> developments	10
<del>Subdivisions, including plat amendments, infill development or lot splits</del>	<del>10</del>
Variances	10
Others where the city determines that a compelling, countervailing public interest is present	10

**Title 10 Chapter 68 Section 050 is repealed:** (underlined text is added, stricken text is deleted)

**10.68.050 SUBDIVISION REVIEW PROCESS**

~~Proposed developments consisting of subdivisions, condominiums, PUDs, etc., shall have the appropriate recording documents (i.e., legal descriptions, plats, CC&Rs, etc.) reviewed under the process illustrated in SCC 10.68.130, exhibits B-1 and B-2 prior to such subdivision, condominium conversion, etc., being recorded and taking effect.~~

**Title 10 Chapter 68 Section 120 is amended as follows:** (underlined text is added, stricken text is deleted)

**10.68.120 DEVELOPMENT APPLICATION REQUIREMENTS**

All development proposals shall include the appropriate city approved application forms; required information listed on such forms, and required fees prior to city review of the proposal. These forms include the following:

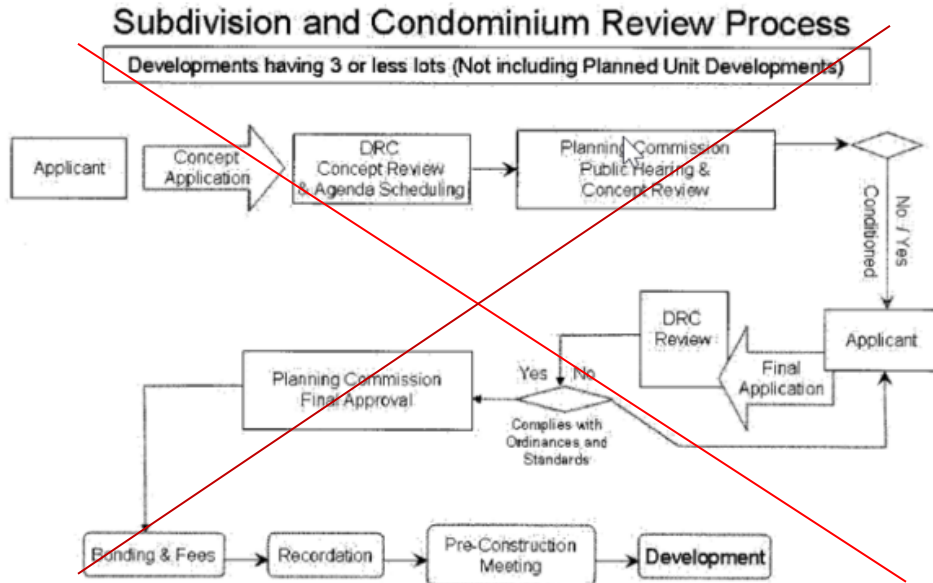
- Site development review application - concept.
- Site development review application.
- ~~Subdivision or condominium review application – concept.~~
- Subdivision or condominium review application - preliminary.
- Subdivision or condominium review application - final.

~~Complete applications or resubmittals for development proposals shall be submitted at least fourteen (14) days prior to the applicable public meeting. The Community Development Director and City Engineer may recommend that an application or resubmittal be on an agenda earlier than fourteen (14) days if they find that the submitted materials are ready for review by a public body. Applicants are encouraged to meet with city staff prior to submittal to discuss development concerns, required materials, review time frames and development options.~~

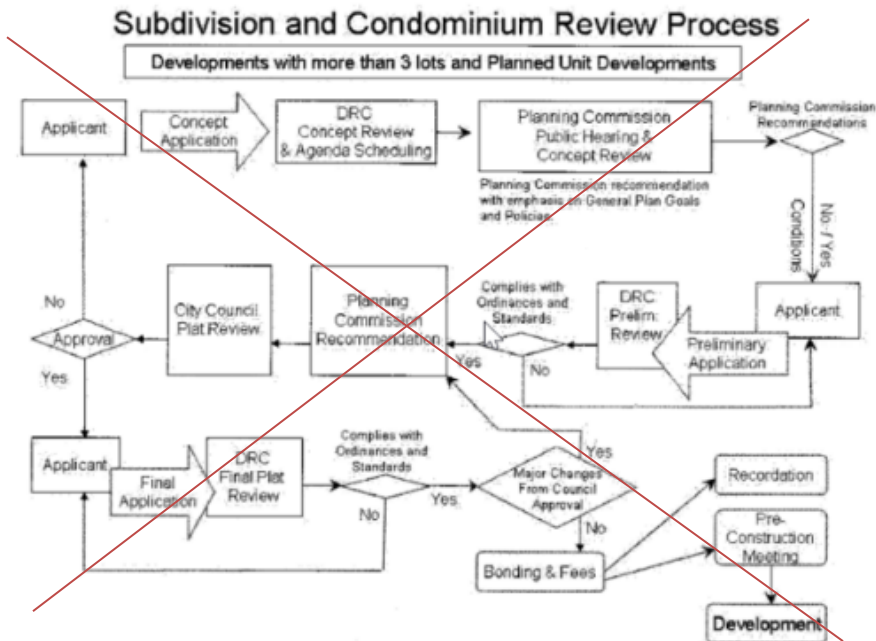
**Title 10 Chapter 68 Section 130 is amended as follows:** (underlined text is added, stricken text is deleted)

# 10.68.130 DEVELOPMENT PROCESS EXHIBITS

## EXHIBIT B-1



## EXHIBIT B-2





**Title 11 Chapter 04 Section 040 is repealed:** (underlined text is added, stricken text is deleted)

#### **11.04.040 EXEMPTIONS**

~~In subdivisions of three (3) lots or less, land may be subdivided as permitted under SCC 10.68.130. Such a subdivision shall be eligible for approval, if all zoning and other ordinance requirements and regulations are met, by decision of the planning commission.~~

**Title 11 Chapter 08 Section 020 is amended as follows:** (underlined text is added, stricken text is deleted)

#### **11.08.020 TERMS DEFINED - SUBDIVISION REGULATIONS**

ADMINISTRATIVE LAND USE AUTHORITY: An individual, board, or commission, appointed or employed by the City, including the staff or the planning commission.

REVIEW CYCLE: The occurrence of:

- A. The applicant's submittal of a complete subdivision land use application;
- B. The City's review of that subdivision land use application;
- C. The City's response to that subdivision land use application, in accordance with this section; and
- D. The applicant's reply to the City's response that addresses each of the municipality's required modifications or requests for additional information.

SUBDIVISION: ~~The act or the result of the division of any tract or parcel of land, by a person into three (3) or more lots, whether for immediate sale, future sale, or development. Any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.~~

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

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

**Title 11 Chapter 16 Section 120 is amended as follows:** (underlined text is added, stricken text is deleted)

#### **11.16.120 PHASING**

~~All residential subdivisions with more than ten (10) lots, parcels, or units shall include a phasing plan which specifies the timing of public improvements and residential construction. This plan must be submitted to the planning commission at concept review.~~ Phasing plans shall be submitted with the preliminary application. The phasing plan shall include the number of units or parcels to be developed in each phase, the approximate timing of each phase, the timing on construction of public improvements, and subdivision amenities to serve each phase whether on or off site and the relationship between the public improvements in the current subdivision and contiguous land previously subdivided. A developer may request a revision of the phasing plan which may be necessary due to conditions such as changing market conditions, inclement weather, or other factors.

**Title 11 Chapter 20 Section 020 is amended as follows:** (underlined text is added, stricken text is deleted)

**11.20.020 ~~NECESSITY OF SUBDIVISION PLAT APPROVAL~~ SUBDIVISION REVIEW PROCESS**

~~Any division of real property located within the City of Santaquin which conforms to the definition of a "subdivision", as set forth in this Code, is subject to the terms of this title and the applicant therefore must obtain the approval of the City before said division may be recorded at the County Recorder's Office.~~

~~Subdivisions which have a total of three (3) lots or less may be reviewed under a streamlined process and approved by the City's Land Use Authority without a plat under the following circumstances:~~

- ~~A. Proper notice of the subdivision was given in accordance with City noticing requirements.~~
- ~~B. The proposed subdivision is not traversed by the mapped lines of a proposed street as shown in the General Plan and does not require the dedication of any land for street or other public purposes.~~
- ~~C. The proposed subdivision does not exceed capacity of and complies with the water and sewer systems of the City.~~
- ~~D. The proposed subdivision conforms to all applicable land use ordinances or has properly received a variance, conditional use permit, and/or special exception where required by City ordinances.~~

A. Applicability.

- a. Any division of real property located within the City of Santaquin which conforms to the definition of a "subdivision", as set forth SCC 11.08.020, is subject to the terms of this Section and the applicant therefore must obtain the approval of the City before said division may be recorded at the County Recorder's Office.
- b. This chapter does not apply to land use regulations adopted, approved, or agreed upon by the City Council exercising land use authority in the review of land use applications for zoning or other land use regulations approvals.

B. Process for a Pre-Application Meeting.

- a. If an applicant requests a pre-application meeting, Santaquin City shall, within 15 days after the request, schedule the meeting to review the concept plan and give initial feedback.
- b. At the pre-application meeting, the municipal staff shall provide or have available on the municipal website the following:
  - a. Copies of applicable land use regulations;
  - b. A complete list of standards required for the project;
  - c. Preliminary and final applications checklists; and
  - d. Feedback on the concept plan.

C. Approval Process and Administrative Land Use Authority for Preliminary and Final Subdivision Applications.

1. Preliminary Subdivision Applications

- a. Preliminary Subdivision Applications will be reviewed by the Development Review Committee. The Development Review Committee can forward a recommendation to the Planning Commission or table the application. Once a recommendation is forwarded, the Planning Commission will review the application. Santaquin City hereby designates the Planning Commission as the land use authority for preliminary subdivision applications.

2. Final Subdivision Applications
  - a. Final Subdivision Applications will be reviewed by the Development Review Committee. Santaquin City hereby designates the Development Review Committee as the land use authority for final subdivision applications.
- D. Preliminary and Final Subdivision Application Requirements
  1. Preliminary subdivision applications shall follow the requirement in SCC 11.20.040.
  2. Final subdivision applications shall follow the requirements in SCC 11.20.050
- E. Specific Review Cycle Process for Review of Preliminary Plans and Final Applications
  1. Santaquin City shall not require more than 4 review cycles for a preliminary subdivision application and a final subdivision application.
    - a. Subject to Subsection (E)(1)(b), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a municipality's plan review is waived.
    - b. A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
  2. Submittal Review Time for Preliminary and Final Applications.
    - a. Preliminary Application Review Time.
      - (1) No later than 15 business days after the day on which an applicant submits a complete application, the City shall complete a review of the applicant's preliminary subdivision land use application.
    - b. Final Application Review Time.
      - (1) No later than 20 business days after the day on which an applicant submits a complete application, the City shall complete a review of the applicant's final subdivision land use application.
  3. In reviewing the preliminary and final subdivision applications, the City may require:
    - a. Additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and
    - b. Modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
  4. The City's request for additional information or modifications to plans shall be specific and include citations to all City ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.
  5. In addition to revised plans, an applicant shall provide a written explanation in response to the City' review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
    - a. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

- b. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle by the City may not begin until all comments are addressed.
- 6. If an applicant makes a material change to a plan set, the City has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.
- 7. If an applicant does not submit a revised plan within 20 business days after the City requires a modification or correction, the City shall have an additional 20 business days to respond to the plans.
- 8. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the municipality's previous review cycle, the municipality may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
- 9. If, on the fourth or final review, the City fails to respond within 20 business days, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
  - a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code § 10-9a-508(5)(d) et seq. to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the municipality, the panel shall consist of the following three experts:
    - (1) One licensed engineer, designated by the City;
    - (2) One licensed engineer, designated by the land use applicant; and
    - (3) One licensed engineer, agreed upon and designated by the two designated engineers as appointed in subsection (E)(11)(a)(1) and (2).
  - b. A member of the panel assembled by the City may not have an interest in the application that is the subject of the appeal.
  - c. The land use applicant shall pay:
    - (1) 50% of the cost of the panel; and
    - (2) The City's published appeal fee.; or
  - d. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

**Title 11 Chapter 20 Section 030 is repealed:** (underlined text is added, stricken text is deleted)

### **11.20.030 CONCEPT PLAN REVIEW**

- ~~A. Required: Prior to submitting a preliminary plat, a subdivider shall submit a concept plan of a proposed subdivision in which the proposed subdivision is sufficiently depicted to enable staff and the Planning Commission to determine whether the proposed subdivision complies with the basic intent of the City's zoning title, General Plan, Roads Master Plan, Parks, Recreation, and Open Space Master Plan, and services. Review and recommendation of a concept plan shall not constitute an approval of any kind. Concept plan submittals may be required by the City prior to the annexation of property if development is anticipated or planned thereon.~~

~~B. Documents And Information Required For Submittal: Prior to concept review, a subdivider shall provide to the Community Development Department the following documents and information:~~

- ~~1. Payment of all required concept application fees, which shall be in the amount listed in the fee schedule in effect at the time of the individual application submittal, as adopted by resolution of the City Council;~~
- ~~2. Completed development concept application forms and supporting information required therewith;~~
- ~~3. Completed application to appear before the planning commission for concept review; and~~
- ~~4. Public notification materials as outlined in the notification procedures of this code.~~

**Title 11 Chapter 20 Section 040 is amended as follows:** (underlined text is added, stricken text is deleted)

### 11.20.040 ~~PRELIMINARY DEVELOPMENT PLANS~~APPLICATION REQUIREMENTS FOR PRELIMINARY PLANS

~~A. Required: Preliminary approval of development plans shall be required of all subdivision applications prior to the submission of a plat and plans for said subdivision.~~

~~B. Documents And Information Required For Submittal: The subdivider shall provide to the community development department not later than the time a subdivision plat and plans are submitted for preliminary approval the following documents and information:~~

- ~~1. Payment of all required preliminary application fees, which shall be in the amount listed in the fee schedule in effect at the time of the individual application submittal, as adopted by resolution of the city council;~~
- ~~2. A report of determination of the ability of the city's water system to deliver one thousand (1,000) gallons per minute fire flow at each fire hydrant within the subdivision while maintaining the minimum water pressure standards as outlined in the Utah administrative code for public water systems;~~
- ~~3. Completed preliminary subdivision application forms and supporting information required therewith;~~
- ~~4. Completed application to appear before the development review committee for preliminary subdivision review. Similar application forms for planning commission or city council review may be submitted following development review committee final review and are required to be eligible for planning commission and city council final review and approval;~~
- ~~5. Where the land contained within a subdivision includes two (2) or more parcels in separate ownership, a signed, written agreement between the property owners shall be submitted to the community development department as a part of the subdivision's preliminary submittal. This agreement shall detail any arrangement, or lack thereof, between the property owners with regards to the proposed subdivision; and~~

A. Preliminary Subdivision Application.

1. For the applicant to have a complete application, all required items in the preliminary subdivision checklist shall be submitted. The preliminary subdivision checklist can be found on the City's website or at the Community Development Office.

2. The Zoning Administrator and the City Engineer will review the submittal to determine if a complete application has been submitted. This review shall be completed within five (5) business days. If items are missing, the City shall let the applicant know about the required items that are missing. If it is determined that a complete application was submitted, the review cycle will start the day the plans were submitted.

~~6.B.~~ In addition, the following documents and approvals will be required prior to preliminary subdivision submittal when applicable:

1. Zone Change: All required or anticipated changes to existing zoning district boundaries or zoning classifications shall have been approved or be pending;
2. Agreements With Adjacent Owners: Copies of any and all agreements, as requested by the city, with the owners of any property adjacent to a proposed subdivision; and
3. Traffic Impact Studies (TIS): An adequate number of copies of a completed TIS, as requested by the community development department, prepared in compliance with SCC 11.16.080.

**Title 11 Chapter 20 Section 050 is amended as follows:** (underlined text is added, stricken text is deleted)

**11.20.050 ~~FINAL PLAT AND PLANS~~ APPLICATION REQUIREMENTS FOR FINAL PLANS**

- ~~A. Required: After approval of the preliminary plans, a final plat and plans of the subdivision covering all or part of an approved preliminary plan area may be prepared and submitted to the community development department by the subdivider. The final plat and plans shall be prepared by a licensed surveyor and/or engineer, not in the employ of the city as the city engineer or any firm providing engineering services to the city by means of contract, in conformance with all applicable preparation standards. Final subdivision plats and plan approvals shall be required prior to the recording of any subdivision plat with the county recorder's office, as applicable.~~
- ~~B. Documents, Information And Fees Required For Submittal: The following documents and information shall be submitted for final approval of all subdivision plats and plans:~~
- ~~1. Payment of all required final application fees, including recording fees, in the amount listed in the fee schedule in effect at the time of the individual application submittal, as adopted by resolution of the city council and which may be changed from time to time as the city council deems necessary;~~
  - ~~2. Completed final subdivision application forms and all required supporting information required therewith;~~
  - ~~3. Completed applications to appear before the development review committee and subsequently before the planning commission and city council for final subdivision review if applicable.~~
- A. Final Subdivision Application.
1. For the applicant to have a complete application, all required items in the final subdivision checklist shall be submitted. The preliminary subdivision checklist can be found on the City's website or at the Community Development Office.
  2. The Zoning Administrator and the City Engineer will review the submittal to determine if a complete application has been submitted. This review shall be

completed within five (5) business days. If items are missing, the City shall let the applicant know about the required items that are missing. If it is determined that a complete application was submitted, the review cycle will start the day the plans were submitted.

~~C. B.~~ Agriculture Protection Areas: Any new subdivision development located in whole or in part within three hundred feet (300') of the boundary of an agriculture protection area shall provide on any final plat the following notice:

***"Agriculture Protection Area"***

*This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.*

**Title 11 Chapter 20 Section 060 is amended as follows:** (underlined text is added, stricken text is deleted)

**11.20.060 APPROVALS AND RECORDING**

A. Planning Commission: ~~The planning commission may recommend approval, approval with conditions, or denial.~~ Where the Planning Commission has approval authority for preliminary plans, the Planning Commission may approve, approve with conditions or deny preliminary plan application either conceptually or after the ~~d~~Development ~~r~~Review ~~e~~Committee's preliminary review, ~~for a~~ of the subdivision. ~~Where the planning commission has final approval authority for small subdivisions, the planning commission may approve, approve with conditions, or deny, either conceptually or after the development review committee's review, of any final subdivision plat.~~ The ~~p~~Planning ~~e~~Commission actions/~~recommendations~~ shall be based on the following:

1. The goals and policies of the city's general plan are being upheld and implemented with the development proposal, including the adopted land use, transportation, and parks and trails master plans.
2. The application is appropriate based on the established or proposed zoning and its stated objectives and characteristics. ~~(The planning commission may forward a proposal to the development review committee and/or city council with a concurrent recommendation for rezoning after appropriate public hearings and notice has been provided.)~~
3. All adopted standards of development are or can be complied with before final approval is granted.
4. If applicable, all conditional use standards have been or can be met.

The ~~p~~Planning ~~e~~Commission may ~~recommend approval~~ approve of a subdivision plat subject to conditions that are intended to mitigate any shortcoming related to the above items, or in order to foster the betterment of the health, safety, and general welfare of the citizens of Santaquin.

- B. Development Review Committee: The ~~d~~Development ~~r~~Review ~~e~~Committee may only approve a plat submittal or forward a positive recommendation of a development application to the ~~p~~Planning ~~e~~Commission ~~or city council~~ after finding the following:
1. The development standards of this title, the zoning title, the laws of the state of Utah, and any other applicable ordinances, rules, and regulations have been or can be met prior to recordation or construction beginning;
  2. The subdivision will have adequate fire protection;
  3. There is or will be a sufficient supply of water as required by ~~e~~City ordinance regulating the culinary and secondary water systems prior to issuance of a building permit;
  4. The addition of the subdivision will not decrease the pressure in the culinary water system at any point within the city to less than the minimum water pressure standards as outlined in the Utah ~~a~~Administrative ~~e~~Code for public water systems;
  5. The subdivision will not cause the city sewer system to exceed its capacity to treat sewage;
  6. The traffic created thereby will not exceed class C level of service, as defined within the general plan;
  7. It will not create an unreasonable potential for flooding within or outside of the subdivision; and
  8. Geologic hazards, which could affect future residents and property owners within the development, have been adequately addressed to provide reasonable protections from such hazards.
- ~~C. City Council Approval: Following a recommendation from the development review committee and the planning commission, the city council may do one of the following:~~
- ~~1. approve a preliminary plat application if it finds that the application fully complies with the ordinances of the city,~~
  - ~~2. approve a subdivision plat subject to conditions that are intended to mitigate any shortcoming as determined through the review process, or in order to foster the betterment of the health, safety, and general welfare of the citizens of Santaquin, or~~
  - ~~3. deny an application based on a compelling countervailing public interest.~~

**Title 11 Chapter 20 Section 070 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 shall be valid for three (3) years from the date of such approval 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 a preliminary approved plat (e.g., the location of streets, or increase the number of lots, or substantially alters the original subdivision design from the ~~city council~~ Planning Commission approved preliminary plat) the developer must submit new preliminary plans for review by the ~~d~~Development ~~r~~Review ~~e~~Committee and pay any associated fees. The ~~planning commission~~ Development Review Committee must provide a recommendation concerning the proposed changes before the proposal is forwarded to the ~~city council~~ Planning Commission for preliminary approval. All previous preliminary approvals shall become null and void upon the preliminary approval of the new submission.



**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, November 8, 2023. 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 7<sup>th</sup> day of November 2023.

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

Councilmember Art Adcock	Voted	___
Councilmember Elizabeth Montoya	Voted	___
Councilmember Lynn Mecham	Voted	___
Councilmember Jeff Siddoway	Voted	___
Councilmember David Hathaway	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 7<sup>th</sup> day of November 2023, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO UPDATE THE SUBDIVISION REVIEW PROCESS TO MEET STATE CODE REQUIREMENTS, 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 7<sup>th</sup> day of October 2023.

\_\_\_\_\_  
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 I posted in three (3) public places the ordinance, which is attached hereto on the 7<sup>th</sup> day of November 2023.

The three places are as follows:

1.     Zions Bank
2.     Post Office
3.     City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

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

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by Amalie R. Ottley.

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