

HOOPER CITY
PLANNING COMMISSION AGENDA
NOVEMBER 13, 2025, 7:00PM
COUNCIL CHAMBERS
5580 W. 4600 S.
Hooper, UT 84315

Notice is hereby given that the Hooper City Planning Commission will hold a work meeting and their regularly scheduled meeting on Thursday, November 13, 2025, starting at 7:00pm at the Hooper Municipal Building located at 5580 W 4600 S Hooper, UT 84315.

Work Meeting – 6:00pm

1. Flag lots
2. Discussion on Agenda Items

Regular Meeting – 7:00pm

1. Meeting Called to Order
2. Opening Ceremony
 - a. Pledge of Allegiance
 - b. Reverence
3. Consent Items
 - a. Motion - Approval of minutes dated August 14, 2025
 - b. Motion – Approval of minutes dated October 9, 2025
4. Action Items
 - a. Discussion: Creating TRC Checklist
5. Citizen Comment (*Resident(s) attending this meeting will be allotted 3 minutes to express a concern about any issue that IS NOT ON THE AGENDA. No action can or will be taken on any issue presented.*)
6. Adjournment

Morghan Yeoman

Morghan Yeoman, City Recorder

**Please see notes regarding public comments and public hearings*

In compliance with the American with Disabilities Act, persons needing special accommodations, including auxiliary communicative aids and services, for this meeting should notify the city recorder at 801-732-1064 or admin@hoopercity.com at least 48 hours prior to the meeting.

CERTIFICATE OF POSTING

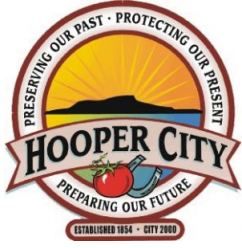
The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Hooper City limits on this 13th day of November, 2025 at Hooper City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at <https://www.hoopercity.com/meetings>.

***NOTES REGARDING PUBLIC COMMENT AND PUBLIC HEARINGS**

- A. Time is made available for anyone in the audience to address the City Council during public comment and through public hearings.
 - a. When a member of the audience addresses the council, they will come to the podium and state their name.
 - b. Each person will be allotted three (3) minutes for their remarks/questions.
 - c. The City Recorder will inform the speaker when their allotted time is up.

***CONFLICT OF INTEREST**

As per Utah State Code §67-16-9; Public officers and employees cannot have personal investments in a business entity that would create a substantial conflict between their private interests and public duties. This also applies to board members.



HOOPER CITY
PLANNING COMMISSION MEETING MINUTES
THURSDAY, AUGUST 14, 2025, 7:00PM
COUNCIL CHAMBERS
5580 W. 4600 S.
Hooper, UT 84315

The Hooper City Planning Commission held a work meeting at 6:00pm and their regular meeting at 7pm on July 10, 2025, at the Hooper City Civic Center located at 5580 W. 4600 S, Hooper, UT 84315.

PLANNING COMMISSION MEMBERS' PRESENT:

Jase McCormick
Bryce Widdison
Blake Cevering
Travis Bates
Sheldon Greener

COMMISSION MEMBERS EXCUSED:

Amanda Prince
Gene Larsen

CITY STAFF & CITY COUNCIL PRESENT:

Jamee Johnston – Deputy City Recorder
Malcolm Jenkins – City Planner

6:00PM WORK MEETING

1. Discussion on Agenda Items

The Planning Commission held a work session where agenda items were discussed, a conditional use permit for Sam Howard, Swasey Subdivision, moderate-income housing, and flag lots.

7:00PM REGULAR MEETING

1. Meeting Called to Order

At 7:00pm Commissioner McCormick called the meeting to order.

2. Opening Ceremony

a. Pledge of Allegiance

Commissioner Bates led in the Pledge of Allegiance.

b. Reverence

Commissioner McCormick offered reverence.

3. Consent Itemsa. Motion – Approval of Minutes dated July 10, 2025

With changes to remove interior ADU's.

**COMMISSIONER CEVERING MOTIONED TO
APPROVE THE MINUTES DATED JULY 10, 2025,
WITH CHANGES. COMMISSIONER GREENER
SECONDED THE MOTION. VOTING AS FOLLOWS:**

COMMISSIONER:**MCCORMICK****WIDDISON****BATES****CEVERING****GREENER****MOTION APPROVED.****VOTE:****AYE****AYE****AYE****AYE****AYE**4. Action Itemsa. Discussion/Motion- Conditional Use Permit request for Sam Howard for an oversized structure totaling 1,800 sq. ft. located at 5910 S 6300 W.

The City Planner, Malcolm Jenkins, presented Sam Howard's request for a conditional use permit for an oversized structure. The structure meets height requirements and is for hobby, woodworking, and storage use, with plumbing and electricity. The rear setback is 5 feet, requiring either adjustment or easement abandonment due to a 10-foot public utility easement. Staff recommends approval conditions on meeting one of two conditions: moving the structure 5 feet forward or completing the easement abandonment process.

Sam Howard – Applicant

Sam Howard addressed questions, indicating willingness to move the structure if needed but will apply to get the easement abandoned.

Public Comment:

None

COMMISSIONER CEVERING MOTIONED TO APPROVE A CONDITIONAL USE PERMIT REQUEST FOR SAM HOWARD FOR AN OVERSIZED STRUCTURE TOTALING 1,800 SQ FT LOCATED AT 5910 S 6300 W ON THE CONDITION THAT IF HE STAYS OVER THE PUBLIC UTILITY EASEMENT, HE GETS VACATED EASEMENT LETTERS FROM ALL UTILITIES OR HE MOVES THE BUILDING TO COMPLY WITH REQUIREMENTS SET FORTH BY CITY STAFF. COMMISSIONER WIDDISON SECONDED THE MOTION. VOTING AS FOLLOWS:

<u>COMMISSIONER:</u>	<u>VOTE:</u>
MCCORMICK	AYE
WIDDISON	AYE
BATES	AYE
CEVERING	AYE
GREENER	AYE

MOTION APPROVED.

- b. Discussion/Motion- Final approval for Swasey Subdivision located at Parcel # 08-042-0075 for Brayden Swasey.

The City Planner, Malcolm Jenkins presented the Swasey Subdivision, a single-lot, 1.81-acre subdivision in the R1 zone. It has undergone multiple reviews, with minor utility adjustments. Includes sidewalk continuation, land separation fence, and all utility approvals. Staff and TRC recommend approval.

Brayden Swasey – Applicant

The Planning Commissioners confirmed the sidewalk continuation, and the land separation fence.

COMMISSIONER BATES MOTIONED TO APPROVE THE SWASEY SUBDIVISION LOCATED AT PARCEL # 08-042-0075 FOR BRAYDEN SWASEY. COMMISSIONER GREENER SECONDED THE MOTION. VOTING AS FOLLOWS:

<u>COMMISSIONER:</u>	<u>VOTE:</u>
MCCORMICK	AYE
WIDDISON	AYE
BATES	AYE

CEVERING**AYE****GREENER****AYE****MOTION APPROVED.****5. Citizen Comment**

(Resident(s) attending this meeting will be allotted 3 minutes to express a concern about any issue that IS NOT ON THE AGENDA. No action can or will be taken on any issue presented.)

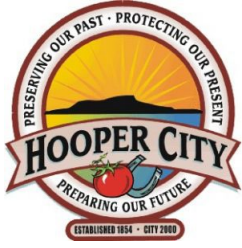
6. Adjournment

AT APPROXIMATELY 7:17 PM, COMMISSIONER WIDDISON MOTIONED TO ADJOURN THE MEETING. COMMISSIONER GREENER SECONDED THE MOTION. VOTING AS FOLLOWS:

COMMISSIONER:**VOTE:****MCCORMICK****AYE****WIDDISON****AYE****BATES****AYE****CEVERING****AYE****GREENER****AYE****MOTION PASSED.**

Date Approved: _____

Jamee Johnston, Deputy City Recorder



HOOPER CITY
PLANNING COMMISSION MEETING MINUTES
THURSDAY, OCTOBER 09, 2025, 7:00PM
COUNCIL CHAMBERS
5580 W. 4600 S.
Hooper, UT 84315

The Hooper City Planning Commission held a work meeting at 6:30pm and their regular meeting at 7pm on October 09, 2025, at the Hooper City Civic Center located at 5580 W. 4600 S, Hooper, UT 84315.

PLANNING COMMISSION MEMBERS' PRESENT:

Bryce Widdison
Travis Bates
Sheldon Greener
Amanda Prince

COMMISSION MEMBERS EXCUSED:

Gene Larsen
Jase McCormick
Blake Cevering

CITY STAFF & CITY COUNCIL PRESENT:

Jamee Johnston – Deputy City Recorder
Malcolm Jenkins – City Planner

6:00PM WORK MEETING

1. Discussion on Agenda Items

The Planning Commission held a work session where they discussed agenda items, including the Angus Farms Subdivision, and flag lots.

7:00PM REGULAR MEETING

1. Meeting Called to Order

At 7:00pm Commissioner Widdison called the meeting to order.

2. Opening Ceremony

a. Pledge of Allegiance

Commissioner Bates led in the Pledge of Allegiance.

b. Reverence

Commissioner Prince offered reverence.

3. Consent Items

None

4. Action Items

- a. Public Hearing for Angus Farms Subdivision located at 5688 South 5900 West Hooper, Utah 84315 for Nilson Homes.

Malcolm Jenkins, the City Planner, presented the Angus Farms Subdivision, a 22-lot subdivision at 5688 South 5900 West.

Steve Anderson with Nilson Homes spoke on the subdivision plans and the irrigation.

Planning Commission and Steve Anderson had a conversation regarding the roads to the subdivision meeting city code, Lot labeled 1, and UDOT and the City Road requirements.

**COMMISSIONER PRINCE MOTIONED TO ENTER A
PUBLIC HEARING FOR ANGUS FARMS
SUBDIVISION. COMMISSIONER GREENER
SECONDED THE MOTION. VOTING AS FOLLOWS:**

<u>COMMISSIONER:</u>	<u>VOTE:</u>
WIDDISON	AYE
BATES	AYE
PRINCE	AYE
GREENER	AYE

MOTION APPROVED.

Public Comment:

Danna Tracy-

Danna inquired about the subdivision's northern boundary.

There was clarification that the subdivision does not border their property.

Danna also questioned the irrigation ditch and if it would be piped.

Planning Commission and Steve Anderson discussed the irrigation ditch plans.

**COMMISSIONER GREENER MOTIONED TO
CLOSE THE PUBLIC HEARING AND RETURN TO**

**REGULAR MEETING. COMMISSIONER PRINCE
SECONDED THE MOTION. VOTING AS FOLLOWS:**

<u>COMMISSIONER:</u>	<u>VOTE:</u>
WIDDISON	AYE
BATES	AYE
PRINCE	AYE
GREENER	AYE
MOTION APPROVED.	

The Planning Commission had a discussion on lot 1 and its frontage, the road distance, and irrigation plans.

b. Discussion- Flag Lots

The City Planner, Malcolm Jenkins introduced a discussion on flag lots. The planning commission discussed other cities' flag lot ordinances and previous reasons why the city does not allow flag lots.

The Planning Commission proposed a future work meeting with Jared, the public work director, and possibly the fire department as well as some utilities to discuss flag lots.

5. Citizen Comment

(Resident(s) attending this meeting will be allotted 3 minutes to express a concern about any issue that IS NOT ON THE AGENDA. No action can or will be taken on any issue presented.)

None

6. Adjournment

**AT APPROXIMATELY 7:41 PM, COMMISSIONER GREENER
MOTIONED TO ADJOURN THE MEETING. COMMISSIONER
PRINCE SECONDED THE MOTION. VOTING AS FOLLOWS:**

<u>COMMISSIONER:</u>	<u>VOTE:</u>
WIDDISON	AYE
BATES	AYE
PRINCE	AYE

**GREENER
MOTION PASSED.**

AYE

Date Approved: _____

Jamee Johnston, Deputy City Recorder

DRAFT

Subdivision Application Checklist

This application checklist details the requirements for a complete application for subdivisions where the intended use is one or two-family residential dwellings, including townhomes and duplexes. The application process is governed by Chapter 8 of the City's municipal ordinances. This Chapter does not apply to applications or petitions for other uses.

1_____ **An approved land use application** that describes how the property will be used after it is subdivided.

- Include citations to the specific ordinance(s) for uses permitted by right.
- Include City-issued permit for conditional uses (if applicable)
- Include City-issued variance for prohibited uses (if applicable)

2_____ **A plat.** The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder's Office. The preliminary plat must include:

- a. The proposed name and general location of the subdivision, in bold letters at the top of the plat. The proposed subdivision name must be distinct from any subdivision name on a plat recorded in the County Recorder's office.
- b. True north arrow, name of City, section, range, and date.
- c. The boundaries, course, numbering, and dimensions of all proposed parcels. All lots should be consecutively numbered.
- d. The lot or unit reference numbered consecutively; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.
- e. Tie to all controlling survey corners or monumentation.
- f. Contact information of the land surveyor and/or engineer who prepared the plat.
- g. Sufficient data acceptable to the City Engineer to readily determine the location, bearing and length of all lines on the plat, and to reproduce such lines upon the ground, and the location of all proposed monuments, including contours at appropriate intervals.
- h. Whether any parcel is intended by the owner to be used as a street or for any other public use, or whether any parcel is reserved or proposed for dedication for a public purpose.

- i. The location of existing streets, easements, water bodies, streams, and other pertinent features such as wetlands, buildings, parks, cemeteries, drainage ditches, irrigation ditches, fences, and bridges.
- j. The location and width of existing and proposed streets, curbs, gutters, sidewalks, easements, alleys, other public ways and easements and proposed street rights-of-way and building setback lines.
- k. 100-foot no-build setback from the centerline of the Hooper and Howard Sloughs. Where required by Land Use Authority, the “no-build” area shall be designated as “public open space” and dedicated to the City for future parks and trails.
- l. Every existing right-of-way and recorded easement located within the plat.
- m. Any known and unrecorded water conveyance facility located, entirely or partially, within or adjacent to the plat.
- n. Location and size of all proposed water, secondary water, sanitary sewer, storm sewer, irrigation or drainage ditch piping or other subsurface improvements, including detailed provisions for collecting and discharging surface water drainage.
- o. Location of percolation test pits and test logs, if septic tanks are proposed for the lots.
- p. The minimum setbacks from the front, the side and the rear property lines.
- q. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
- r. Notice language found in Utah Code Utah Code §17-41-403(4) is required if any portion of the subdivision is within:
 - 300 feet of an Agriculture Protection Area Utah Code 17-41-403(4)
 - 1000 feet of an Industrial Protection Area Utah Code 17-41-403(4)
 - 1000 feet of a Critical Infrastructure Materials Protection Area Utah Code 17-41-403(4)
 - 1000 feet of a Mining Protection Area Utah Code 17-41-403(4)
 - 1000 feet of a Vested Critical Infrastructure Materials Operation Utah Code 10-9a-904
- s. If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.
- t. A space for the City Engineer to sign the plat, accompanied by the following exact language: “I hereby certify that this office has examined this plat, and it is correct in accordance with information on file in this office.”

- u. A space for a member of the Land Use Authority to sign, approving the plat, and a place for the City Recorder to attest.
- v. A space for Weber-Morgan Counties Health Department to sign, approving the plat, if applicable.
- w. A space for the applicable Culinary Water District to sign, approving the plat.
- x. A space for the applicable Secondary Water Company or District to sign, approving the plat.
- y. A space for the City Attorney to sign, approving the plat.
- z. A space for a Licensed land Surveyor's Certificate. The surveyor making a plat shall certify on the plat that it conforms to these survey regulations and to all applicable state laws and that the monuments described in it have been placed as described. He shall affix his name and seal.

3_____ **Improvement Plan.** Must comply with applicable portions of 10-2E-5, 10-2F-6, 10-4A-18, and 10-6A-11, and must include:

- a. An engineer's estimate of the cost of completing the required improvements.
- b. The names, numbers, widths, lengths, bearings, and curve data on centerlines for all proposed streets, alleys, and easements (if applicable). All proposed streets shall be numbered in accordance with the City's adopted addressing system.
- c. *A traffic study.* For subdivisions with any boundary shared with a Utah Department of Transportation (UDOT) road, submit written evidence that UDOT has reviewed the subdivision plans and is in agreement with the proposed plan. Approval of the State Right-of-Way Engineer must be obtained for items such as location of curb, gutter and sidewalk, location and number of curb entrances, turning and deceleration lanes, lane striping, etc. On City streets, the approval for location and number of curb entrances must be received from the City Engineer.
- d. Grading and Drainage Study and Plan (see HCC 10-4A)
- e. *A Soils Report* for the proposed development that complies with City Standards, except in the case of a minor subdivision. Soils reports for minor subdivisions shall be submitted when required by the City Engineer.
- f. Roadway and Utility Plan and Profile Drawings [see HCC 10-8-9 (3)(e)]
- g. Fences [see HCC 10-8-9 (3)(f)]
- h. Slough Parkway Development Plan (if applicable)
- i. Proposed Phasing Plan and Utility Master Plan (if applicable)

4_____ **Required Certifications**

- a. Applicant Affidavit
- b. Owner Signatures
- c. Certification that the surveyor who prepared the plat:

- Holds a license in accordance with Utah Code 58-22
 - Either
 - Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 - Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - Has placed monuments as represented on the plat.
- d. Final Letters of Approval from the following entities, as applicable:
- Hooper Water Improvement District or applicable culinary water district.
 - Weber-Morgan County Health Department (for subdivisions proposing on-site septic or other wastewater treatment systems)
 - Hooper Irrigation Company or applicable secondary water purveyor
 - Weber County Fire Marshall (for fire hydrant placement, fire flows, emergency vehicle access and turn around, etc)
 - Each involved utility company stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easements.
 - Neighboring municipalities sharing a boundary.
- e. Formal, irrevocable offers for dedication to the public of streets, city uses, utilities, parks, easements, and other spaces (as applicable)
- f. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
- g. Any required agreements with adjacent property owners regarding boundaries, ditches, drainage, shared utilities, access, or other matters pertinent to subdivision approval.
- h. Copy of proposed codes, covenants, and restrictions (if applicable)

5 _____ **Supplemental Information**

- i. The names and addresses, and telephone numbers of all adjoining property owners of record, or the names of adjoining developments and the names of adjoining streets.
- j. Any other information that may be necessary for the meaningful review of the project. Additional information may be requested based upon the nature of the project or the site.

6 _____ **Copies**

- k. One copy of the plat drawn on Mylar for signing and recording.
- l. One 24" x 36" black on white or blue on white print of the plat for review.
- m. One 24" x 36" of black on white or blue on white print of improvement plan (including construction drawings) for review.

- n. One digital copy of the final plat and final construction drawings in AutoCAD .dwg format.
- o. An electronic copy of all documents required by this application in PDF format.

7_____ Payment of any application-processing fees and other fees required by the City.

Subdivision Application

1-2 Family Residential

Name of Proposed Subdivision: _____

THIS BOX IS FOR OFFICIAL USE ONLY:

Date Received: _____

Receipt #: _____

County Tax Parcel Number: _____

Current Zoning of Property: _____

----- CONTACT INFORMATION -----

Applicant Information Name: _____ Phone: _____ Email: _____	Property Owner #1 Information Name: _____ Phone: _____ Email: _____
Property Owner #2 Information (If Applicable) Name: _____ Phone: _____ Email: _____	Property Owner #3 Information (If Applicable) Name: _____ Phone: _____ Email: _____

APPLICANT'S AFFIDAVIT – FINAL SUBDIVISION APPLICATION

Name of Proposed Subdivision:

County Tax Parcel Number of Property to Be Subdivided:

I, _____ (applicant/agent name), certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete, and accurate to the best of my knowledge. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Hooper City may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Hooper City Subdivision Ordinance and that items and checklists contained in this application are basic and to the minimum requirements only and that other requirements may be imposed to ensure compliance with municipal ordinances and approved standards and specifications. Additionally, I agree to pay all fees associated with this application, as set by the currently adopted Hooper City Consolidated Fee Schedule.

Signed:

Applicant/Agent

Date

Subscribed and sworn to before me:

Notary Public

Date

Notary Seal:

PROPERTY OWNER'S CONSENT & DEDICATION – FINAL SUBDIVISION APPLICATION

Name of Proposed Subdivision:

County Tax Parcel Number of Property to Be Subdivided:

We certify under penalty of perjury that we are the sole owners of the property proposed to be subdivided and that we have thoroughly reviewed the final subdivision application. We hereby consent to this final subdivision application and, contingent on City approval of the final application, we irrevocably dedicate all portions of the property to the public that are so indicated in this application (including streets, City uses, utilities, parks, easements, or other spaces). We further consent to agents of the City entering onto the subject property for the purpose of making any inspections required by this application or related improvements.

Signed:

Property Owner #1

Date

Property Owner #2 (if applicable)

Date

Property Owner #3 (if applicable)

Date

Subscribed and sworn to before me:

Notary Public

Date

Notary Seal:

CHAPTER 8: SUBDIVISION APPLICATIONS FOR 1–2 FAMILY RESIDENTIAL USE

10-8-1: Purpose:

The purpose of this Chapter is to comply with Utah Code §10-9a-604–604.9 and increase administrative efficiency in reviewing subdivision applications.

10-8-2: Scope of Applicability:

This Chapter applies to all subdivision-related applications or petitions where the intended use is one- or two-family residential dwellings, including townhomes and duplexes. This Chapter does not apply to applications or petitions for other uses.

10-8-3: Approved and Recorded Documents Required

- A. No land shall be subdivided which is located wholly or in part in the City, except in compliance with this Chapter and Utah Code as adopted and amended.
- B. A subdivision of land is not valid unless its governing document is approved by the Land Use Authority and properly recorded in the County Recorder's Office (Utah Code §10-9a-603(7)).

10-8-4: Penalty for Noncompliance

It is unlawful to transfer ownership of any parcel of land pursuant to an invalid subdivision. The City may, in its discretion, void such transfers and impose on the transferor a fine of up to \$10,000.

10-8-5: Interpretation And Conflict Of Laws

- A. Where any provision in this Chapter 10-8 conflicts with state law, state law shall prevail. Where any provision in this Chapter conflicts with other ordinances enacted by the City, the provisions in this Chapter shall prevail unless the City intended such conflicting ordinances not in this Chapter to amend this Chapter.
- B. Notwithstanding 10-8-5(A), the provisions of this Chapter 10-8 shall not override zoning requirements and approvals or the requirements of adopted City engineering and design standards.

10-8-6: Definitions

The following words and phrases, as used in this Chapter, shall have the following meanings. Words and phrases not defined here have the meaning expressed elsewhere in this Title or, if not defined in this Title, the meaning defined by state law:

- A. LAND USE AUTHORITY: an individual, board, or commission appointed or employed by a City to make land use decisions.

- B. **PLAT:** An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).
- C. **IMPROVEMENT PLAN:** a plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety or that is required for human occupation and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.
- D. **LAND USE APPLICATION:** an application required by the City and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.
- E. **SINGLE-FAMILY:** A type of housing configuration designed for one family or household. This typically means a detached house with its own separate living spaces, including kitchen, bedrooms, and bathrooms, without sharing these facilities with other families or units. It typically stands on its own parcel of land and is characterized by having direct access to the street and a private entrance. The use of the word “family” in this phrase does not mean that the inhabitants must be family members; it is only meant to indicate that the structure is of the kind that is typically considered to only hold one family.
- F. **SUBDIVISION:** Any land that is divided, subdivided, 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.
 - 1. Subdivision includes:
 - a. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
 - 2. Subdivision does not include:
 - a. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
 - b. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;
 - c. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
 - d. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-

608 of Utah State Code (as amended) if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;

- e. A parcel boundary adjustment;
 - f. A lot line adjustment;
 - g. A joining of one or more lots to a parcel;
 - h. A road, street, or highway dedication plat; or
 - i. A deed or easement for a road, street, or highway purpose.
- G. SUBDIVISION, MINOR: A subdivision that results in the creation of no more than three new parcels, not including the remainder parent parcel (which shall be subject to the subdivision process), where each new parcel and the remainder parcel:
- 1. Conform to applicable lot size requirements;
 - 2. Are not traversed by any future street, City easement, or any other land required for or intended to be dedicated for public purposes.
- H. TWO-FAMILY: Sometimes referred to as a duplex, this phrase describes a building that is designed to accommodate two separate families or households living independently of each other within the same structure. Each unit typically has its own kitchen, bedrooms, and bathrooms. The building might be divided vertically (side by side) or horizontally (one unit above the other), with each unit having its own entrance. This setup allows for two households to live independently while sharing a common wall or floor/ceiling structure.
- I. WATER CONVEYANCE FACILITY: An entity that oversees and administers the delivery of water to any ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. "Water conveyance facility" does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

10-8-7: Subdivision Land Use Authority

- A. The Land Use Authority under this Chapter, except where otherwise noted, is the Planning Commission.
- B. The Land Use Authority is responsible for the following, but may delegate any task to the Technical Review Committee or other City staff:
 - 1. Rendering a land use decision on all subdivision applications and petitions under this Chapter.
 - 2. Reviewing all applications under this Chapter in an impartial manner and according to the standards and deadlines described in this Chapter.

3. Providing feedback to applicants in the manner required by this Chapter.
 4. Scheduling and holding a pre-application meeting with potential applicants as requested.
 5. Keeping subdivision application forms and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants.
 6. Providing notice to entities and parties as required in this Chapter.
 7. Signing application and petition approvals as required in this Chapter.
 8. Ensuring that documents are properly recorded with the County as required in this Chapter.
- C. As Subdivision application decisions are administrative, not legislative, the Land Use Authority is authorized to make any land use decision described by this Chapter without City Council approval.
- D. Except when operating as the Appeal Authority, the City Council shall not require the Land Use Authority to approve or deny an application under this Chapter.

10-8-8: Subdivision Appeal Authority

- A. The Appeal Authority for City decisions relating to this Chapter, except where otherwise noted, is the City Council.
- B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authority and shall hear complaints about the conduct of the Land Use Authority in administering the provisions of this Chapter.
- C. A party appealing or complaining of a Land Use Authority decision under this Chapter must exhaust its remedies under this section (by appealing or complaining to the Appeal Authority) before bringing an action against the City in a court of law.
- D. Any of the following parties may appeal or complain to the Appeal Authority under this Chapter:
1. A party who has submitted a subdivision application or petition;
 2. A property owner of land adjacent to the subdivision proposed to be created or amended; and
 3. A party substantially damaged by the Land Use Authority's decision to approve or deny the subdivision application or petition.
- E. A party desiring to appeal or complain of a Land Use Authority decision shall submit to the Appeal Authority the following in writing:

1. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the Land Use Authority's decision and treatment of the application or petition, and why the applicant believes the Land Use Authority misapplied the provisions of this Chapter or abused the discretion given it by this Chapter.
 2. The most recent version of the application or petition the party submitted.
 3. All appeals and complaints must be emailed or mailed to the City Recorder using the Recorder's official City address and/or email account listed on the City website within 15 business days of a decision the date the Land Use Authority rendered the decision or performed the conduct that is the subject of the appeal.
- F. *No de novo review:* The Appeal Authority shall not review new or revised application materials not first reviewed and decided on by the Land Use Authority.
- G. After receiving a complete appeal or complaint in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 30 calendar days after the Appeal Authority receives the appeal or complaint.

10-8-9: Subdivision Application Requirements

- B. The City shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Title and received an official approval from the Land Use Authority.
- C. *Resubmittal:*
1. No complete application that has been denied by the Land Use Authority shall be resubmitted, in substantially the same form for the same use, within one year from the date of denial. The Land Use Authority may waive the one-year requirement and accept a new application, where the subject property is affected by amendments to the applicable General Plan or to this Title.
 2. *No vesting under prior ordinances:* Applications lose their vesting when fairly denied by the Land Use Authority. After such denial, a resubmission of the same or similar application must, like all other applications, comply with all applicable City ordinances in effect at the time of resubmission.
- D. *Phased Development:* Applications submitted under this Chapter may provide for a maximum of 25 subdivided lots. Projects that may produce more than 25 lots must be submitted in phases. Applicants shall submit a utility master plan for the entire development for approval prior to submitting any proposed phases. The applicant shall submit one complete application for each phase. To preserve quality review of all applications given limited City resources, the Land Use Authority may, in its discretion, refuse to accept a subdivision application if the Land Use Authority is currently reviewing a prior application either (a) from the same applicant or (b) for a prior phase of the same or a related larger project.

E. *Application Content*: To be considered complete, a subdivision application under this Chapter must include at least the following elements, except as modified under Section 10-8-9.1 (Minor Subdivisions):

1. An approved land use application that describes how the property will be used after it is subdivided.
 - a. If the intended use is permitted by right under City ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
 - b. If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an *approved*, City-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
 - c. If the intended use is prohibited under City ordinances and requires a variance, the land use application must include an *approved*, City-issued variance authorizing the intended use. Should an applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.
2. A plat. The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder's office. The plat must also comply with the *Drawing Requirements* in HCC 10-6-4.2. The plat must include:
 - a. The proposed name and general location of the subdivision, in bold letters at the top of the plat. The proposed subdivision name must be distinct from any subdivision name on a plat recorded in the County Recorder's office.
 - b. True north arrow, name of City, section, range, and date.
 - c. The boundaries, course, numbering, and dimensions of all proposed parcels. All lots should be consecutively numbered.
 - d. The lot or unit reference numbered consecutively; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.
 - e. Tie to all controlling survey corners or monumentation.
 - f. The address and phone number of the land surveyor and/or engineer who prepared the plat.
 - g. Sufficient data acceptable to the City Engineer to readily determine the location, bearing and length of all lines on the plat, and to reproduce such lines upon the

ground, and the location of all proposed monuments, including contours at appropriate intervals.

- h. Whether any parcel is intended by the owner to be used as a street or for any other public use, or whether any parcel is reserved or proposed for dedication for a public purpose.
- i. The location of existing streets, easements, water bodies, streams, and other pertinent features such as wetlands, buildings, parks, cemeteries, drainage ditches, irrigation ditches, fences, and bridges.
- j. The location and width of existing and proposed streets, curbs, gutters, sidewalks, easements, alleys, other public ways and easements and proposed street rights-of-way and building setback lines.
- k. 100-foot no-build setback from the centerline of the Hooper and Howard Sloughs. Where required by Land Use Authority, the “no-build” area shall be designated as “public open space” and dedicated to the City for future parks and trails.
- l. Every existing right-of-way and recorded easement located within the plat.
- m. Any known and unrecorded water conveyance facility located, entirely or partially, within or adjacent to the plat.
- n. Location and size of all proposed water, secondary water, sanitary sewer, storm sewer, irrigation or drainage ditch piping or other subsurface improvements, including detailed provisions for collecting and discharging surface water drainage.
- o. Location of percolation test pits and test logs, if septic tanks are proposed for the lots.
- p. The minimum setbacks from the front, the side and the rear property lines.
- q. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
- r. If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).
- s. If any portion of the proposed subdivision is within 1,000 feet of an Industrial Protection Area, the notice language found in Utah Code §17-41-403(4).
- t. If any portion of the proposed subdivision is within 1,000 feet of a Critical Infrastructure Materials Protection Area, the notice language found in Utah Code §17-41-403(4).
- u. If any portion of the proposed subdivision is within 1,000 feet of a Mining Protection Area, the notice language found in Utah Code §17-41-403(4).

- v. If any portion of the proposed subdivision is within 1,000 feet of a Vested Critical Infrastructure Materials Operation (extracting, excavating, processing, or reprocessing sand, gravel, or rock aggregate where that use is not permitted by City ordinances), the notice language found in Utah Code §10-9a-904.
 - w. If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.
 - x. A space for the City Engineer to sign the plat, accompanied by the following exact language: "I hereby certify that this office has examined this plat, and it is correct in accordance with information on file in this office."
 - y. A space for a member of the Land Use Authority to sign, approving the plat, and a place for the City Recorder to attest.
 - z. A space for Weber-Morgan Counties Health Department to sign, approving the plat, if applicable.
 - aa. A space for the applicable Culinary Water District to sign, approving the plat.
 - bb. A space for the applicable Secondary Water Company or District to sign, approving the plat.
 - cc. A space for the City Attorney to sign, approving the plat.
 - dd. A space for a Licensed land Surveyor's Certificate. The surveyor making a plat shall certify on the plat that it conforms to these survey regulations and to all applicable state laws and that the monuments described in it have been placed as described. He shall affix his name and seal.
3. An improvement plan, created in accordance with applicable portions of §10-2E-5, §10-2F-6, §10-4A-18 and §10-6A-11 of this Title, for all public improvements proposed by the applicant or required by City ordinances and in accordance with City standards.
- a. In addition to the requirements in the aforementioned sections, the improvement plan must contain:
 - 1. An engineer's estimate of the cost of completing the required improvements.
 - 2. The names, numbers, widths, lengths, bearings, and curve data on centerlines for all proposed streets, alleys, and easements (if applicable). All proposed streets shall be numbered in accordance with the City's adopted addressing system.
 - b. *A traffic study.* For subdivisions with any boundary shared with a Utah Department of Transportation (UDOT) road, submit written evidence that UDOT has reviewed the subdivision plans and is in agreement with the proposed plan. Approval of the

State Right-of-Way Engineer must be obtained for items such as location of curb, gutter and sidewalk, location and number of curb entrances, turning and deceleration lanes, lane striping, etc. On City streets, the approval for location and number of curb entrances must be received from the City Engineer.

c. *Grading and Drainage Study and Plan:*

1. Provide a Drainage Study and a Grading and Drainage Plan as required by HCC 10-4A. The plan must specifically address grading and drainage issues including street and lot grading and drainage, potential impacts to the development from upstream and adjacent properties, and impact on and adequacy of downstream facilities and properties.

d. *A Soils Report* for the proposed development that complies with City Standards, except in the case of a minor subdivision. Soils reports for minor subdivisions shall be submitted when required by the City Engineer.

e. *Roadway and Utility Plan and Profile construction drawings* for new and existing streets showing the following:

1. North arrow, road and lot layout, and subdivision name.
2. Location of existing and proposed curb, gutter and sidewalk.
3. Location of existing edge of asphalt surfacing.
4. Location of proposed paved areas, including entrances and exits, and walkways.
5. All existing and proposed utilities and improvements pertaining to streets, culinary water, secondary water, sanitary sewer, storm water, subsurface drains, fire protection, lighting, signage, and other proposed utilities. Include plan and profile drawings for roads and applicable utilities.
 - (A) The culinary water system is operated and maintained by either the Hooper Water Improvement District or the Taylor-West Weber Water Improvement District. Culinary water system approval shall be through the applicable entity.
 - (B) The secondary water system is operated and maintained by either the Hooper Irrigation Company or the Roy Water Conservancy Sub-district. Secondary water system approval shall be through the applicable entity.
 - (C) The sewer system is operated and maintained by Hooper City. Unless specifically exempted by ordinance or the Land Use Authority, all subdivisions shall be required to install and connect to the City sanitary sewer system as outlined in the City's Sanitary Sewer Masterplan and approved by the City Engineer.

- (1) Vacuum sewer may be available or may be able to be extended by the

applicant to serve areas within an existing vacuum sewer zone.

- (2) Gravity systems may be available or may be able to be extended by the applicant to serve areas within a gravity/lift station zone.
 - (3) A regional lift station and sewer force main may need to be constructed by the applicant as shown in the City's Sanitary Sewer Master Plan. (These types of projects may be eligible for reimbursement through a pioneering agreement.)
 - (4) All lots shall be required to connect to existing sewer if they are located within 300 feet of a City-operated eligible sewer facility. (Multiple lots will be calculated using 300 feet × the number of lots.)
 - (5) Minor subdivisions may be allowed to install individual wastewater treatment systems (Septic tanks), if approved by the Weber-Morgan Health Dept and the Land Use Authority. Subdivisions larger than a Minor Subdivision will not be eligible to install individual wastewater treatment systems (Septic tanks).
 - (6) All Sanitary Sewer facilities shall meet the City's standards and specifications and must be approved by the City Engineer. The ability to serve any sanitary sewer requests for future or existing facilities shall be at the discretion of the City Engineer, and their decision shall be final.
- (D) All new subdivisions shall be required to install a land drain system if basements (lowest floor slab of the structure lower than existing ground level) are to be constructed. Structures with basements shall be required to have a sump pump that ties to a footing drain and the footing drain shall tie to the land drain system.
- (E) For subdivisions being proposed in flood-prone areas or areas along the sloughs or other waterways, the Land Use Authority may impose a "lowest slab" elevation, below which no structure will be permitted to install a floor slab.

F. Location and dimensions of all utility easements.

f. *Fences:*

- 1. A plan for a City-standard, 6-foot high chain link (or approved equal) land use separation fence, or documentation that one is not required, in accordance with Section 10-4a-18.
- 2. A plan for a 6-foot high chain link fence along canals or ditches carrying more than 5 cfs.

g. *Slough Parkway Development Plan:*

1. If the subdivision includes a portion of the Hooper or Howard Slough to be dedicated as Slough Parkway, submit a slough parkway development plan in accordance with the City's slough development standards.
- h. *Proposed phasing plan*, if multiple development phases are required.
- i. *Utility Master Plan (phased development)*:
 1. If a subdivision is proposed as part of a larger project, the applicant must submit a utility master plan providing for adequate public improvements to service the entire larger project, including all contemplated development phases and potential subdivision applications.
 2. Subdivision applicants may be required to replace, reinstall, or expand existing public utility facilities to service the proposed subdivision.
4. Certifications, including:
 - a. An affidavit from the applicant certifying that the submitted information is true and accurate.
 - b. The signature of each owner of record of land described on the plat, signifying their dedication and approval of the plat.
 - c. An affidavit from the owner certifying any applicant, if different from the owner, to act on the owner's behalf.
 - d. Certification that the surveyor who prepared the plat:
 - (A) Holds a license in accordance with Utah Code 58-22;
 - (B) Either
 - (C) Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 - (D) Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - (E) Has placed monuments as represented on the plat.
 - e. Final letters of approval (not will-serve letters) from the following entities. Each submission of a revised application where the revisions alter the plat or improvement plans require an updated letter of approval from these entities based on the revised application:
 1. The Hooper Water Improvement District (or applicable culinary water district);
 2. The Weber-Morgan County Health Department (for subdivisions proposing on-site septic or other wastewater treatment systems);

3. The Central Weber Sewer Improvement District (or applicable sewer treatment district)
 4. The Hooper Irrigation Company (or applicable secondary water purveyor);
 5. The Weber County Fire Marshall (for fire hydrant placement, fire flows, emergency vehicle access and turn-around, and other issues);
 6. Each other utility company involved, stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easements;
 7. Roy City, West Haven City, or other municipality sharing a boundary with the proposed development.
5. Dedication documents:
- a. As applicable, formal, irrevocable offers for dedication to the public of streets, City uses, utilities, parks, easements, or other spaces.
 - b. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
 - c. Any required agreements with adjacent property owners regarding boundaries, ditches, drainage, shared utilities, access, or other matters pertinent to subdivision approval.
 - d. Copy of proposed codes, covenants and restrictions, if applicable.
6. Supplemental Information:
- a. The names and addresses, and telephone numbers of all adjoining property owners of record, or the names of adjoining developments and the names of adjoining streets.
 - b. Stamped, addressed envelopes for all residents within 600 feet of the proposed subdivision for the purpose of public notification by the City, or a 4'x4' or greater sign clearly addressing the proposed action, in a print quality that will give notice to people passing by, as defined in HCC 10-5A-4 paragraph B.
 - c. Any other information that may be necessary for the meaningful review of the project. Additional information may be requested based upon the nature of the project or the site.
7. Copies:
- a. One copy of the plat drawn on Mylar for signing and recording. The applicant may wait to produce this recording-form copy until the Land Use Authority has completed two review cycles, but in such case, the Land Use Authority need not approve the application until this copy has been produced and reviewed.

- b. One 24" x 36" black on white or blue on white print of the plat for review.
 - c. One 24" x 36" of black on white or blue on white print of improvement plan (including construction drawings) for review.
 - d. One digital copy of the final plat and final construction drawings in AutoCAD .dwg format.
 - e. An electronic copy of all documents required by this application in PDF format.
8. Payment of any application-processing fees and other fees required by the City.
- F. The Land Use Authority shall produce, maintain, and make available to the public an application form listing the specific items that comprise a complete application and a breakdown of any fees due upon submission or approval of the application.
- G. The Land Use Authority may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the Land Use Authority relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements.

10-8-9.1: Minor Subdivision (1-3 New Lots) Application Requirements

- A. An application for a Minor Subdivision must conform with all requirements of this Title, except as modified in this Section 10-8-9.1.
- B. The application requirements in Section 10-8-9 are modified for Minor Subdivisions as follows:
 - 1. **Improvement Plan Required:** Proposed lots on an existing street require a single page improvement plan that meet city requirements. Developments proposing a new street or extension of existing utilities will require a full set of improvement plans subject to city requirements.
 - 2. **Studies and Reports:** Unless required by the city engineer, an application for a Minor Subdivision need not contain the studies and reports required under Section 10-8-9.
 - 3. **Septic Permitted with Land Use Authority Approval:** development on a Minor Subdivision may use a septic tank system instead of connecting to the City sewer system if approved by the Land Use Authority and Weber Mogan Health Department.
- C. An application for a Minor Subdivision is subject to the following additional regulations:
 - 1. The remaining parcel shall not be used as a building lot without complying with the land use requirements of the City.
 - 2. No more than three new lots may be created from an original (parent) parcel.
 - a. Additional applications, dividing the parent parcel, will not be accepted until the originally applied for minor subdivision is complete including the required warranty period.

- D. The Land Use Authority at their discretion may accept escrowed funds in lieu of required frontage improvements as defined in 10-4A-28.

10-8-10: Concept Conference

- E. A party intending to submit a subdivision application under this Chapter may request a Concept Conference with the Land Use Authority for the purpose of reviewing any element of the party's proposed subdivision application. The proposed application need not be complete for purposes of this meeting and may—if the party desires—be limited to a concept plan.
 - 1. If a party requests a Concept Conference, the Concept Conference will be scheduled only at the request of the applicant and following the receipt by the City of the applicable fees. The Land Use Authority shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity.
 - 2. The Land Use Authority, the Technical Review Committee, or other City staff shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the City website the following at the time of the meeting:
 - a. Copies of applicable land use regulations,
 - b. A complete list of standards required for the project, and
 - c. Relevant application checklists.

10-8-11: Notice To Affected Entities

- A. Within 15 calendar days after receiving a complete subdivision application under this Chapter, City staff shall mail written notice of the proposed subdivision to the facility owner of any water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
 - 1. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, the Land Use Authority may review information:
 - a. From the facility owner under Utah Code § 10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
 - b. From the state engineer's inventory of canals; or
 - c. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
- B. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a subdivision application under this Chapter sooner than 20 calendar days after the applicant submits a complete application. This

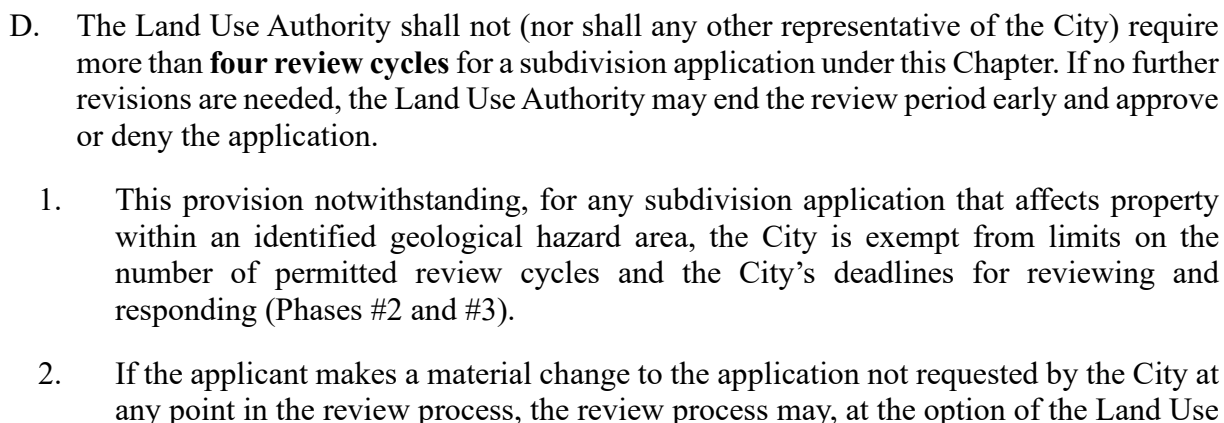
waiting period does not apply to revised applications the applicant may submit during the application review process.

1. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.

10-8-12: Review

- A. The Land Use Authority shall review all subdivision applications under this Chapter in accordance with the requirements of this Section before approving or denying a subdivision application.
- B. The review process begins when an applicant submits a complete application.
 1. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
 - a. City staff will first review the application for completeness. If staff find the application to be complete, they will forward it to the Land Use Authority and the Technical Review Committee.
 - b. During its own review, the Land Use Authority may reconsider whether the application is complete and may reject an application based on incompleteness even if City staff found the application to be complete.
 2. If the Land Use Authority determines that an application is not complete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until completed.
 - a. An applicant may appeal a finding of incompleteness by following the appeals process in 10-8-8.
 - b. The appeal authority in this context is the City Council.
- C. After the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in up to **four “review cycles.”**
 1. A review cycle consists of the following phases:
 - a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
 - b. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances. The TRC reviews the application and provides advisory comments to the Land Use Authority.
 - c. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant, within **15 business days** after the applicant submitted the complete application. For any required modification or addition to the

d. **Phase #4:** The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. This written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances and an index of requested revisions or additions for each required correction. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.



Authority, restart from the beginning of the first review cycle but only with respect to the portion of the application that the material change substantively effects.

3. If an applicant takes longer than 40 business days to submit a revised application and respond to the City's requests for modifications and additions (Phases #1 and #4), the City shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
 4. If an applicant takes longer than 180 calendar days to submit a revised application and respond to the City's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.
 - a. An expired application loses its vesting under prior ordinances of the City and must, if resubmitted, conform to all City ordinances in effect at the time of resubmission.
- E. After the fourth or final review cycle is complete, the Land Use Authority shall approve or deny the application within 20 business days.
1. If the Land Use Authority has not approved or denied the application within 20 business days after the fourth or final review, the applicant may request a final decision. After such a request, the City shall, within 10 business days:
 - a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
 - b. 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 the designated Appeal Authority.
- F. After the Land Use Authority provides comments in the fourth or final review cycle, the City shall not require further modifications or corrections unless those modifications or corrections are needed to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.
1. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle bring reset, the City waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
 2. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.
- G. The Land Use Authority may, in its discretion, conduct one public hearing for the purpose of asking questions of the applicant and receiving commentary on the technical aspects of

the application from affected entities, interested parties, and the public. If the Land Use Authority elects to hold this public hearing, the hearing must occur before the end of the Land Use Authority's review period in the fourth or final review cycle. Scheduling issues shall not extend the review and approval deadlines in this Chapter. The City shall not hold more than one public hearing on a subdivision application under this Chapter.

- H. Other chapters of this Title notwithstanding, the Land Use Authority shall approve or deny a subdivision application under this Chapter after reviewing a complete subdivision application as described in this Section. This singular application and review process includes the combined elements of traditional "preliminary" and "final" applications, as those terms are used in Utah Code §10-9a-604.2. For purposes of applying Utah Code §10-91-604.1(3)(a) and §10-91-604.1(9)(b), this Chapter describes a "preliminary" review and approval, with "final" approval happening automatically when the plat is recorded.

10-8-13: Approval

- A. The Land Use Authority shall approve any complete subdivision application made under this Chapter that complies with applicable municipal ordinances.
- B. A subdivision application is approved when:
 - 1. The Land Use Authority sends to the applicant a Notice of Decision, signed by the Land Use Authority; and
 - 2. The Land Use Authority certifies the approved plat, either by signing the plat directly or by attaching a signed certification to the plat.

10-8-14: Post-Approval Actions

- A. The applicant shall deliver the approved and signed subdivision plat to the City Recorder for recording with the County Recorder's Office within 365 calendar days after the City approves the subdivision application, provided that the applicant has completed any improvements or posted any financial completion assurance required by City ordinances or described in the approved improvement plan. No party shall record the approved final plat until the required public improvements are completed and approved, or financial completion assurance has been posted and accepted by the city.
- B. If the approved and signed plat is already in the City's possession, the applicant shall request recording and provide proof that the improvements have been completed and approved or guaranteed within the timeframe required in 10-8-14(A).
- C. An approved plat not properly delivered or requested for recording within the timeline specified in Paragraphs 10-8-14(A) and (B) is void, unless the Land Use Authority approves an extension prior to the original expiration date.
 - 1. An expired application loses its vesting under prior ordinances of the City and must, if resubmitted, conform to all City ordinances in effect at the time of resubmission.

