



**Kaysville City Planning Commission
Meeting Notice and Agenda**

The Kaysville City Planning Commission will hold a regular meeting on May 22, 2025, at 7:00 PM in the Council Chambers of the Kaysville City Municipal Building located at 23 East Center Street. The public is encouraged to attend in person or may view the meeting online via www.Kaysvillelive.com.

1. Welcome and Meeting Order
2. Declaration of Conflict of Interest
3. Public Hearing for a text amendment to Title 18 Building Regulations and Title 19 Subdivisions
4. Approval of the minutes from the May 8, 2025 Planning Commission Meeting
5. Other matters that properly come before the Planning Commission
 - a. Reports
 - b. Correspondence
 - c. Calendar
6. Adjournment

On a Notice of Meeting was posted in accordance with Utah State Code Section 52-4-202 (3).

Kaysville City is dedicated to a policy of non-discrimination in admission to, access to, or operations of its programs, services, or activities. If you need special assistance due to a disability, please contact the Kaysville City Offices at (801) 546-1235 at least 24 hours in advance of the meeting to be held.

Mindi Edstrom
Community Development Department

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Josh Belnap, Public Works

Date: May 6, 2025

Agenda Item #3: Public Hearing for Consideration of Adding and Enacting Kaysville City Code Title 19 Chapter 5-3 and amending the chapters of Title's 18 and 19 as shown below:

Meeting Date	May 22, 2025
Application Type	Ordinance Text Amendment
Applicant	Kaysville City
Chapter Title Section	Title 18-3-8 Drainage Title 18-4-2 Site Plan Requirements Title 18-4-8 Storm Water Title 19-1-7 Definitions Title 19-2-1 Subdivision Development Process Title 19-2-7 Lot Line Adjustments and Lot Consolidations Title 19-5-1 Arrangement of Streets Title 19-5-3 Traffic Impact Studies Title 19-4-3 Final Plat Requirements Title 19-6-3 Improvements Required

1. BACKGROUND

Kaysville Public Works and Engineering is undertaking a regular update of construction standards and the applicable supporting ordinances.

The majority of these changes pertain to storm and runoff drainage. The City has worked the last 18 months on developing a Drainage Design and Evaluation Manual to provide specific guidance to development engineers on City requirements, and recommended best practices. The intent of this manual is to better safeguard City infrastructure and both private and public properties by helping establish more robust collection and conveyance systems in future developments. In compiling this manual and in coordinating with developers the last several years, we've also identified several ordinances regarding drainage that need to be modified to both incorporate the new manual, and to also incorporate lessons learned from previous years.

These modifications also seek to reduce the financial liability of the City by narrowing the focus of temporary street turnarounds to options that will either utilize these turnarounds in future development (future driveways) or that will place the costs associated with their future

removal on the developing parties (currently the City has to absorb the cost of their eventual removal).

In terms of standards, Public Works is also clarifying what it means for the City to review and approve plans for private developments. The City approval essentially means that the plans appear to meet the various requirements of City and State Code, and it does not mean that the City is verifying all calculations, nor peer reviewing the overall design. Staff will frequently ask questions or raise concerns when they are observed, but the responsibility for accurate evaluation and design efficacy belongs solely to the Engineer of Record.

Lastly, Community Development is amending the ordinance about boundary adjustments that stems from a recent change in State Code.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A public hearing notice for this item was posted on May 6, 2025. To date, no comments have been received.

3. GENERAL PLAN

The general plan does not speak in favor of or against the proposed amendments and is therefore considered neutral on this matter.

4. RECOMMENDATION

Staff recommends the Planning Commission send a recommendation of approval to the City Council for enacting the text amendments as provided in the attached draft ordinance.

Boundary Line Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin R. Musselman

House Sponsor: Paul A. Cutler

LONG TITLE

General Description:

This bill modifies provisions related to boundary changes.

Highlighted Provisions:

This bill:

- modifies definitions applicable to municipal and county land use and development;
- modifies the process for proposing a boundary adjustment;
- modifies the process for creating a boundary establishment;
- modifies the process for a municipality or county to review a proposed boundary adjustment;
- modifies exemptions from plat requirements;
- modifies the process for a subdivision amendment;
- clarifies and creates recording requirements for boundary adjustments and boundary establishments; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-103, as last amended by Laws of Utah 2024, Chapter 464

10-9a-523, as last amended by Laws of Utah 2021, Chapter 385

10-9a-524, as last amended by Laws of Utah 2021, Chapter 385

10-9a-529, as last amended by Laws of Utah 2024, Chapter 464

28 **10-9a-605**, as last amended by Laws of Utah 2020, Chapter 434
29 **10-9a-608**, as last amended by Laws of Utah 2023, Chapter 501
30 **17-27a-103**, as last amended by Laws of Utah 2024, Chapter 464
31 **17-27a-522**, as last amended by Laws of Utah 2021, Chapter 385
32 **17-27a-523**, as last amended by Laws of Utah 2021, Chapter 385
33 **17-27a-605**, as last amended by Laws of Utah 2020, Chapter 434
34 **17-27a-608**, as last amended by Laws of Utah 2023, Chapter 501
35 **57-1-13**, as last amended by Laws of Utah 2021, Chapter 385
36 **57-1-45**, as last amended by Laws of Utah 2022, Chapter 355
37 **57-8-32**, as last amended by Laws of Utah 2024, Chapter 519

38 ENACTS:

39 **57-1-45.5**, Utah Code Annotated 1953

41 *Be it enacted by the Legislature of the state of Utah:*

42 Section 1. Section **10-9a-103** is amended to read:

43 **10-9a-103 . Definitions.**

44 As used in this chapter:

- 45 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
46 detached from a primary single-family dwelling and contained on one lot.
- 47 (2) "Adversely affected party" means a person other than a land use applicant who:
48 (a) owns real property adjoining the property that is the subject of a land use application
49 or land use decision; or
50 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
51 general community as a result of the land use decision.
- 52 (3) "Affected entity" means a county, municipality, special district, special service district
53 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
54 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
55 specified public utility, property owner, property owners association, or the Department
56 of Transportation, if:
57 (a) the entity's services or facilities are likely to require expansion or significant
58 modification because of an intended use of land;
59 (b) the entity has filed with the municipality a copy of the entity's general or long-range
60 plan; or
61 (c) the entity has filed with the municipality a request for notice during the same

calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

(4) "Affected owner" means the owner of real property that is:

- (a) a single project;
- (b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601(6); and
- (c) determined to be legally referable under Section 20A-7-602.8.

(5) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

(6) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

(7)(a) "Boundary adjustment" means an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.

(b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:

- (i) creates an additional lot or parcel; or
- (ii) is made by the Department of Transportation.

(8)(a) "Boundary establishment" means an agreement between adjoining property owners to clarify the location of an ambiguous, uncertain, or disputed common boundary.

(b) "Boundary establishment" does not mean a modification of a lot or parcel boundary that:

- (i) creates an additional lot or parcel; or
- (ii) is made by the Department of Transportation.

[(7)] (9)(a) "Charter school" means:

- (i) an operating charter school;
- (ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
- (iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

(b) "Charter school" does not include a therapeutic school.

96 ~~[(8)]~~ (10) "Conditional use" means a land use that, because of the unique characteristics or
97 potential impact of the land use on the municipality, surrounding neighbors, or adjacent
98 land uses, may not be compatible in some areas or may be compatible only if certain
99 conditions are required that mitigate or eliminate the detrimental impacts.

100 ~~[(9)]~~ (11) "Constitutional taking" means a governmental action that results in a taking of
101 private property so that compensation to the owner of the property is required by the:

- 102 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
103 (b) Utah Constitution, Article I, Section 22.

104 ~~[(10)]~~ (12) "Conveyance document" means an instrument that:

- 105 (a) meets the definition of "document" in Section 57-1-1; and
106 (b) meets the requirements of Section 57-1-45.5.

107 (13) "Conveyance of property" means the transfer of ownership of any portion of real
108 property from one person to another person.

109 (14) "Culinary water authority" means the department, agency, or public entity with
110 responsibility to review and approve the feasibility of the culinary water system and
111 sources for the subject property.

112 (15) "Department of Transportation" means the entity created in Section 72-1-201.

113 ~~[(11)]~~ (16) "Development activity" means:

- 114 (a) any construction or expansion of a building, structure, or use that creates additional
115 demand and need for public facilities;
116 (b) any change in use of a building or structure that creates additional demand and need
117 for public facilities; or
118 (c) any change in the use of land that creates additional demand and need for public
119 facilities.

120 ~~[(12)]~~ (17)(a) "Development agreement" means a written agreement or amendment to a
121 written agreement between a municipality and one or more parties that regulates or
122 controls the use or development of a specific area of land.

123 (b) "Development agreement" does not include an improvement completion assurance.

124 ~~[(13)]~~ (18)(a) "Disability" means a physical or mental impairment that substantially
125 limits one or more of a person's major life activities, including a person having a
126 record of such an impairment or being regarded as having such an impairment.

127 (b) "Disability" does not include current illegal use of, or addiction to, any federally
128 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21
129 U.S.C. 802.

(19) "Document" means the same as that term is defined in Section 57-1-1.

[(14)] (20) "Educational facility":

(a) means:

(i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;

(ii) a structure or facility:

(A) located on the same property as a building described in Subsection [(14)(a)(i)]

(20)(a)(i); and

(B) used in support of the use of that building; and

(iii) a building to provide office and related space to a school district's administrative personnel; and

(b) does not include:

(i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

(A) not located on the same property as a building described in Subsection [

(14)(a)(i)] (20)(a)(i); and

(B) used in support of the purposes of a building described in Subsection [

(14)(a)(i)] (20)(a)(i); or

(ii) a therapeutic school.

(21) "Establishment document" means an instrument that:

(a) meets the definition of "document" in Section 57-1-1; and

(b) meets the requirements of Section 57-1-45.

(22) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.

[(15)] (23) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

[(16)] (24) "Flood plain" means land that:

(a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or

(b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood

event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

~~[(17)]~~ (25) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

~~[(18)]~~ (26) "Geologic hazard" means:

- (a) a surface fault rupture;
- (b) shallow groundwater;
- (c) liquefaction;
- (d) a landslide;
- (e) a debris flow;
- (f) unstable soil;
- (g) a rock fall; or
- (h) any other geologic condition that presents a risk:
 - (i) to life;
 - (ii) of substantial loss of real property; or
 - (iii) of substantial damage to real property.

~~[(19)]~~ (27) "Historic preservation authority" means a person, board, commission, or other body designated by a legislative body to:

- (a) recommend land use regulations to preserve local historic districts or areas; and
- (b) administer local historic preservation land use regulations within a local historic district or area.

~~[(20)]~~ (28) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.

~~[(21)]~~ (29) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.

~~[(22)]~~ (30) "Identical plans" means building plans submitted to a municipality that:

- (a) are clearly marked as "identical plans";
- (b) are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality; and
- (c) describe a building that:
 - (i) is located on land zoned the same as the land on which the building described in the previously approved plans is located;
 - (ii) is subject to the same geological and meteorological conditions and the same law

- 198 as the building described in the previously approved plans;
- 199 (iii) has a floor plan identical to the building plan previously submitted to and
- 200 reviewed and approved by the municipality; and
- 201 (iv) does not require any additional engineering or analysis.
- 202 [(23)] (31) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 203 Impact Fees Act.
- 204 [(24)] (32) "Improvement completion assurance" means a surety bond, letter of credit,
- 205 financial institution bond, cash, assignment of rights, lien, or other equivalent security
- 206 required by a municipality to guaranty the proper completion of landscaping or an
- 207 infrastructure improvement required as a condition precedent to:
- 208 (a) recording a subdivision plat; or
- 209 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 210 [(25)] (33) "Improvement warranty" means an applicant's unconditional warranty that the
- 211 applicant's installed and accepted landscaping or infrastructure improvement:
- 212 (a) complies with the municipality's written standards for design, materials, and
- 213 workmanship; and
- 214 (b) will not fail in any material respect, as a result of poor workmanship or materials,
- 215 within the improvement warranty period.
- 216 [(26)] (34) "Improvement warranty period" means a period:
- 217 (a) no later than one year after a municipality's acceptance of required landscaping; or
- 218 (b) no later than one year after a municipality's acceptance of required infrastructure,
- 219 unless the municipality:
- 220 (i) determines for good cause that a one-year period would be inadequate to protect
- 221 the public health, safety, and welfare; and
- 222 (ii) has substantial evidence, on record:
- 223 (A) of prior poor performance by the applicant; or
- 224 (B) that the area upon which the infrastructure will be constructed contains
- 225 suspect soil and the municipality has not otherwise required the applicant to
- 226 mitigate the suspect soil.
- 227 [(27)] (35) "Infrastructure improvement" means permanent infrastructure that is essential for
- 228 the public health and safety or that:
- 229 (a) is required for human occupation; and
- 230 (b) an applicant must install:
- 231 (i) in accordance with published installation and inspection specifications for public

- 232 improvements; and
- 233 (ii) whether the improvement is public or private, as a condition of:
- 234 (A) recording a subdivision plat;
- 235 (B) obtaining a building permit; or
- 236 (C) development of a commercial, industrial, mixed use, condominium, or
- 237 multifamily project.
- 238 ~~[(28)]~~ (36) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 239 designation that:
- 240 (a) runs with the land; and
- 241 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
- 242 the plat; or
- 243 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 244 described on the plat.
- 245 ~~[(29)]~~ (37) "Land use applicant" means a property owner, or the property owner's designee,
- 246 who submits a land use application regarding the property owner's land.
- 247 ~~[(30)]~~ (38) "Land use application":
- 248 (a) means an application that is:
- 249 (i) required by a municipality; and
- 250 (ii) submitted by a land use applicant to obtain a land use decision; and
- 251 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 252 ~~[(31)]~~ (39) "Land use authority" means:
- 253 (a) a person, board, commission, agency, or body, including the local legislative body,
- 254 designated by the local legislative body to act upon a land use application; or
- 255 (b) if the local legislative body has not designated a person, board, commission, agency,
- 256 or body, the local legislative body.
- 257 ~~[(32)]~~ (40) "Land use decision" means an administrative decision of a land use authority or
- 258 appeal authority regarding:
- 259 (a) a land use permit; or
- 260 (b) a land use application.
- 261 ~~[(33)]~~ (41) "Land use permit" means a permit issued by a land use authority.
- 262 ~~[(34)]~~ (42) "Land use regulation":
- 263 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
- 264 specification, fee, or rule that governs the use or development of land;
- 265 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;

and

(c) does not include:

(i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or

(ii) a temporary revision to an engineering specification that does not materially:

(A) increase a land use applicant's cost of development compared to the existing specification; or

(B) impact a land use applicant's use of land.

~~[(35)]~~ (43) "Legislative body" means the municipal council.

~~[(36)]~~ (44) "Local historic district or area" means a geographically definable area that:

(a) contains any combination of buildings, structures, sites, objects, landscape features, archeological sites, or works of art that contribute to the historic preservation goals of a legislative body; and

(b) is subject to land use regulations to preserve the historic significance of the local historic district or area.

~~[(37)]~~ (45) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

~~[(38)(a)]~~ "Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:]

~~[(i) whether or not the lots are located in the same subdivision; and]~~

~~[(ii) with the consent of the owners of record.]~~

~~[(b) "Lot line adjustment" does not mean a new boundary line that:]~~

~~[(i) creates an additional lot; or]~~

~~[(ii) constitutes a subdivision or a subdivision amendment.]~~

~~[(c) "Lot line adjustment" does not include a boundary line adjustment made by the Department of Transportation.]~~

~~[(39)]~~ (46) "Major transit investment corridor" means public transit service that uses or occupies:

(a) public transit rail right-of-way;

(b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or

(c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:

(i) a public transit district as defined in Section 17B-2a-802; or

(ii) an eligible political subdivision as defined in Section 59-12-2219.

~~[(40)]~~ (47) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.

~~[(41)]~~ (48) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

~~[(42)]~~ (49) "Municipal utility easement" means an easement that:

(a) is created or depicted on a plat recorded in a county recorder's office and is described as a municipal utility easement granted for public use;

(b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;

(c) the municipality or the municipality's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines;

(d) is used or occupied with the consent of the municipality in accordance with an authorized franchise or other agreement;

(e)(i) is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement; and

(ii) is located in a utility easement granted for public use; or

(f) is described in Section 10-9a-529 and is used by a specified public utility.

~~[(43)]~~ (50) "Nominal fee" means a fee that reasonably reimburses a municipality only for time spent and expenses incurred in:

(a) verifying that building plans are identical plans; and

(b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

~~[(44)]~~ (51) "Noncomplying structure" means a structure that:

(a) legally existed before the structure's current land use designation; and

(b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

~~[(45)]~~ (52) "Nonconforming use" means a use of land that:

(a) legally existed before its current land use designation;

(b) has been maintained continuously since the time the land use ordinance governing the land changed; and

(c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

~~[(46)]~~ (53) "Official map" means a map drawn by municipal authorities and recorded in a county recorder's office that:

(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

(c) has been adopted as an element of the municipality's general plan.

~~[(47)]~~ (54) "Parcel" means any real property that is not a lot.

~~[(48)(a) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with Section 10-9a-524, if no additional parcel is created and:]~~

~~[(i) none of the property identified in the agreement is a lot; or]~~

~~[(ii) the adjustment is to the boundaries of a single person's parcels.]~~

~~[(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line that:]~~

~~[(i) creates an additional parcel; or]~~

~~[(ii) constitutes a subdivision.]~~

~~[(c) "Parcel boundary adjustment" does not include a boundary line adjustment made by the Department of Transportation.]~~

~~[(49)]~~ (55) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

~~[(50)]~~ (56) "Plan for moderate income housing" means a written document adopted by a municipality's legislative body that includes:

(a) an estimate of the existing supply of moderate income housing located within the municipality;

(b) an estimate of the need for moderate income housing in the municipality for the next five years;

(c) a survey of total residential land use;

(d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and

(e) a description of the municipality's program to encourage an adequate supply of moderate income housing.

~~[(51)]~~ (57) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 10-9a-603 or 57-8-13.

~~[(52)]~~ (58) "Potential geologic hazard area" means an area that:

(a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or

(b) has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

~~[(53)]~~ (59) "Public agency" means:

(a) the federal government;

(b) the state;

(c) a county, municipality, school district, special district, special service district, or other political subdivision of the state; or

(d) a charter school.

~~[(54)]~~ (60) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

~~[(55)]~~ (61) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

~~[(56)]~~ (62) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

~~[(57)]~~ (63) "Receiving zone" means an area of a municipality that the municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

~~[(58)]~~ (64) "Record of survey map" means a map of a survey of land prepared in accordance with Section~~[10-9a-603,]~~ 17-23-17~~[, 17-27a-603, or 57-8-13]~~.

~~[(59)]~~ (65) "Residential facility for persons with a disability" means a residence:

(a) in which more than one person with a disability resides; and

(b) which is licensed or certified by the Department of Health and Human Services

under:

- (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
- (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

[(60)] (66) "Residential roadway" means a public local residential road that:

- (a) will serve primarily to provide access to adjacent primarily residential areas and property;
- (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
- (c) is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
- (d) has a posted speed limit of 25 miles per hour or less;
- (e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
- (f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
- (g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.

[(61)] (67) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:

- (a) parliamentary order and procedure;
- (b) ethical behavior; and
- (c) civil discourse.

[(62)] (68) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

[(63)] (69) "Sending zone" means an area of a municipality that the municipality designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

(70) "Simple boundary adjustment" means a boundary adjustment that does not:

- (a) affect a public right-of-way, municipal utility easement, or other public property;
- (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
- (c) result in a lot or parcel out of conformity with land use regulations.

[(64)] (71) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities - Special Districts, and any other governmental or

quasi-governmental entity that is not a county, municipality, school district, or the state.

[(65)] (72) "Specified public agency" means:

- (a) the state;
- (b) a school district; or
- (c) a charter school.

[(66)] (73) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

[(67)] (74) "State" includes any department, division, or agency of the state.

[(68)] (75)(a) "Subdivision" means 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.

(b) "Subdivision" includes:

- (i) 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
- (ii) except as provided in Subsection [(68)(c)] (75)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(c) "Subdivision" does not include:

- (i) 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]~~ land used for agricultural purposes as provided in Subsection 10-9a-605(2);

- ~~[(ii) a boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section 10-9a-524 if no new parcel is created;]~~

- ~~[(iii)]~~ (ii) a recorded ~~[document, executed by the owner of record]~~ conveyance document:

- (A) ~~[revising the legal descriptions of]~~ consolidating multiple lots or parcels into one legal description encompassing all [such] lots by reference to a recorded plat and all parcels by metes and bounds description; or
- (B) joining a lot to a parcel;

- 470 ~~[(iv) a boundary line agreement between owners of adjoining subdivided properties~~
471 ~~adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and~~
472 ~~10-9a-608 if:]~~
473 ~~[(A) no new dwelling lot or housing unit will result from the adjustment; and]~~
474 ~~[(B) the adjustment will not violate any applicable land use ordinance;]~~
475 ~~[(v)] (iii) a bona fide division of land by deed or other instrument if the deed or other~~
476 ~~instrument states in writing that the division:~~
477 ~~(A) is in anticipation of future land use approvals on the parcel or parcels;~~
478 ~~(B) does not confer any land use approvals; and~~
479 ~~(C) has not been approved by the land use authority;~~
480 ~~[(vi)] (iv) a [parcel-]boundary adjustment;~~
481 ~~[(vii)] (v) a [lot line adjustment] boundary establishment;~~
482 ~~[(viii)] (vi) a road, street, or highway dedication plat;~~
483 ~~[(ix)] (vii) a deed or easement for a road, street, or highway purpose; or~~
484 ~~[(x)] (viii) any other division of land authorized by law.~~
485 ~~[(69)] (76)(a) "Subdivision amendment" means an amendment to a recorded subdivision~~
486 ~~in accordance with Section 10-9a-608 that:~~
487 ~~(i) vacates all or a portion of the subdivision;~~
488 ~~[(ii) alters the outside boundary of the subdivision;]~~
489 ~~[(iii)] (ii) [changes-] increases the number of lots within the subdivision;~~
490 ~~[(iv)] (iii) alters a public right-of-way, a public easement, or public infrastructure~~
491 ~~within the subdivision; or~~
492 ~~[(v)] (iv) alters a common area or other common amenity within the subdivision.~~
493 ~~(b) "Subdivision amendment" does not include a [lot line] simple boundary adjustment[;~~
494 ~~between a single lot and an adjoining lot or parcel, that alters the outside boundary of~~
495 ~~the subdivision].~~
496 ~~[(70)] (77) "Substantial evidence" means evidence that:~~
497 ~~(a) is beyond a scintilla; and~~
498 ~~(b) a reasonable mind would accept as adequate to support a conclusion.~~
499 ~~[(71)] (78) "Suspect soil" means soil that has:~~
500 ~~(a) a high susceptibility for volumetric change, typically clay rich, having more than a~~
501 ~~3% swell potential;~~
502 ~~(b) bedrock units with high shrink or swell susceptibility; or~~
503 ~~(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum~~

commonly associated with dissolution and collapse features.

[(72)] (79) "Therapeutic school" means a residential group living facility:

(a) for four or more individuals who are not related to:

(i) the owner of the facility; or

(ii) the primary service provider of the facility;

(b) that serves students who have a history of failing to function:

(i) at home;

(ii) in a public school; or

(iii) in a nonresidential private school; and

(c) that offers:

(i) room and board; and

(ii) an academic education integrated with:

(A) specialized structure and supervision; or

(B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.

[(73)] (80) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

[(74)] (81) "Unincorporated" means the area outside of the incorporated area of a city or town.

[(75)] (82) "Water interest" means any right to the beneficial use of water, including:

(a) each of the rights listed in Section 73-1-11; and

(b) an ownership interest in the right to the beneficial use of water represented by:

(i) a contract; or

(ii) a share in a water company, as defined in Section 73-3-3.5.

[(76)] (83) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Section 2. Section **10-9a-523** is amended to read:

10-9a-523 . Simple boundary adjustment -- Full boundary adjustment -- Process -- Review by land use authority.

(1) A person may propose a simple boundary adjustment to a land use authority as described in this section.

(2) A proposal for a simple boundary adjustment shall:

(a) include a conveyance document that complies with Section 57-1-45.5; and

(b) describe all lots or parcels affected by the proposed boundary adjustment.

(3) A land use authority shall consent to a proposed simple boundary adjustment if the land use authority verifies that the proposed simple boundary adjustment:

(a) meets the requirements of Subsection (2); and

(b) does not:

(i) affect a public right-of-way, municipal utility easement, or other public property;

(ii) affect an existing easement, onsite wastewater system, or an internal lot restriction; or

(iii) result in a lot or parcel out of conformity with land use regulations.

(4) If the land use authority determines that a proposed simple boundary adjustment does not meet the requirements of Subsection (3), a full boundary adjustment is required.

(5) To [make] propose a [parcel] full boundary adjustment[, a property owner] , the adjoining property owners shall submit a proposal to the land use authority that includes:

[(a) execute a boundary adjustment through:]

[(i) a quitclaim deed; or]

[(ii) a boundary line agreement under Section 10-9a-524; and]

[(b) record the quitclaim deed or boundary line agreement described in Subsection (1)(a) in the office of the county recorder of the county in which each property is located.]

(a) a conveyance document that complies with Section 57-1-45.5;

(b) a survey that complies with Subsection 57-1-45.5(3)(b); and

(c) if required by municipal ordinance, a proposed plat amendment corresponding with the proposed full boundary adjustment, prepared in accordance with Section 10-9a-608.

(6) A land use authority shall consent to a proposed full boundary adjustment made under Subsection (5) if:

(a) the proposal submitted to the land use authority under Subsection (5) includes all necessary information;

(b) the survey described in Subsection (5)(b) shows no evidence of a violation of a land use regulation; and

(c) if required by municipal ordinance, the plat amendment corresponding with the proposed full boundary adjustment has been approved in accordance with Section 10-9a-608.

(7)(a) Consent under Subsection (3) or (6) is an administrative act.

(b) Notice of consent under Subsection (3) or (6) shall be provided to the person

proposing the boundary adjustment in a format that makes clear:

(i) the land use authority is not responsible for any error related to the boundary adjustment; and

(ii) a county recorder may record the boundary adjustment.

~~[(2) To make a lot line adjustment, a property owner shall:]~~

~~[(a) obtain approval of the boundary adjustment under Section 10-9a-608;]~~

~~[(b) execute a boundary adjustment through:]~~

~~[(i) a quitclaim deed; or]~~

~~[(ii) a boundary line agreement under Section 10-9a-524; and]~~

~~[(c) record the quitclaim deed or boundary line agreement described in Subsection (2)(b)~~

~~in the office of the county recorder of the county in which each property is located.]~~

(8) A boundary adjustment is effective from the day on which the boundary adjustment, as consented to by the land use authority, is recorded by a county recorder along with the relevant conveyance document.

~~[(3) A parcel boundary adjustment under Subsection (1) is not subject to review of a land use authority unless:]~~

~~[(a) the parcel includes a dwelling; and]~~

~~[(b) the land use authority's approval is required under Subsection 10-9a-524(5).]~~

~~[(4)]~~ (9) The recording of a boundary [line agreement or other document used to adjust a mutual boundary line that is not subject to review of a land use authority:] adjustment does not constitute a land use approval.

~~[(a) does not constitute a land use approval; and]~~

~~[(b) does not affect the validity of the boundary line agreement or other document used to adjust a mutual boundary line.]~~

~~[(5)]~~ (10) A municipality may enforce municipal ordinances against, or withhold approval of a land use application for, property that is subject to a [recorded boundary line agreement or other document used to adjust a mutual boundary line] boundary adjustment if the municipality determines that the resulting lots or parcels[, as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line,] are not in compliance with the municipality's land use regulations in effect on the day on which the boundary [line agreement or other document used to adjust the mutual boundary line] adjustment is recorded.

Section 3. Section **10-9a-524** is amended to read:

10-9a-524 . Boundary establishment -- Process -- Boundary agreement not

subject to review by land use authority -- Prohibitions.

(1) ~~[If properly executed and acknowledged as required by law, an agreement between-] The~~
owners of adjoining property ~~[that designates the boundary line between the adjoining~~
properties acts, upon recording in the office of the recorder of the county in which each
property is located, as a quitclaim deed to convey all of each party's right, title, interest,
and estate in property outside the agreed boundary line that had been the subject of the
boundary line agreement or dispute that led to the boundary line agreement] may initiate
a boundary establishment to:

- (a) resolve an ambiguous, uncertain, or disputed boundary between the adjoining
properties; and
- (b) agree upon the location of an existing common boundary between the adjoining
properties.

(2) Adjoining property owners executing a boundary ~~[line agreement]~~ establishment
described in Subsection (1) shall:

- (a) prepare an establishment document that complies with Section 57-1-45; and
- (b) record the boundary establishment with the county recorder for the county in which
the property exists, in accordance with Section 57-1-45.

~~[(a) ensure that the agreement includes:]~~

~~[(i) a legal description of the agreed-upon boundary line and of each parcel or lot after~~
~~the boundary line is changed;]~~

~~[(ii) the name and signature of each grantor that is party to the agreement;]~~

~~[(iii) a sufficient acknowledgment for each grantor's signature;]~~

~~[(iv) the address of each grantee for assessment purposes;]~~

~~[(v) a legal description of the parcel or lot each grantor owns before the boundary line~~
~~is changed; and]~~

~~[(vi) the date of the agreement if the date is not included in the acknowledgment in a~~
~~form substantially similar to a quitclaim deed as described in Section 57-1-13;]~~

~~[(b) if any of the property subject to the boundary line agreement is a lot, prepare an~~
~~amended plat in accordance with Section 10-9a-608 before executing the boundary~~
~~line agreement; and]~~

~~[(c) if none of the property subject to the boundary line agreement is a lot, ensure that~~
~~the boundary line agreement includes a statement citing the file number of a record of~~
~~a survey map in accordance with Section 17-23-17, unless the statement is exempted~~
~~by the municipality.]~~

- (3) A boundary establishment:
- (a) is not subject to review of a land use authority; and
 - (b) does not require consent or approval from a land use authority before it may be recorded.
- (4) A boundary establishment is effective from the day it is recorded by a county recorder.
- (5) A municipality may enforce municipal ordinances against property with a boundary establishment that violates a land use regulation.
- ~~[(3)] (6) A boundary [line agreement described in Subsection (1) that complies with Subsection (2)] establishment that complies with this section presumptively:~~
- ~~(a) has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed[unless the owner of the property benefitting from the easement specifically modifies the easement within the boundary line agreement or a separate recorded easement modification or relinquishment document];~~
 - ~~and~~
 - ~~(b) [relocates the parties' common boundary line for an exchange of consideration.]~~
~~conveys the ownership of the adjoining parties to the established common boundary.~~
- ~~[(4) Notwithstanding Part 6, Subdivisions, or a municipality's ordinances or policies, a boundary line agreement that only affects parcels is not subject to:]~~
- ~~[(a) any public notice, public hearing, or preliminary platting requirement;]~~
 - ~~[(b) the review of a land use authority; or]~~
 - ~~[(c) an engineering review or approval of the municipality, except as provided in Subsection (5).]~~
- ~~[(5)(a) If a parcel that is the subject of a boundary line agreement contains a dwelling unit, the municipality may require a review of the boundary line agreement if the municipality:]~~
- ~~[(i) adopts an ordinance that:]~~
 - ~~[(A) requires review and approval for a boundary line agreement containing a dwelling unit; and]~~
 - ~~[(B) includes specific criteria for approval; and]~~
 - ~~[(ii) completes the review within 14 days after the day on which the property owner submits the boundary line agreement for review.]~~
- ~~[(b)(i) If a municipality, upon a review under Subsection (5)(a), determines that the boundary line agreement is deficient or if the municipality requires additional information to approve the boundary line agreement, the municipality shall send;~~

within the time period described in Subsection (5)(a)(ii), written notice to the property owner that:]

[(A) describes the specific deficiency or additional information that the municipality requires to approve the boundary line agreement; and]

[(B) states that the municipality shall approve the boundary line agreement upon the property owner's correction of the deficiency or submission of the additional information described in Subsection (5)(b)(i)(A).]

[(ii) If a municipality, upon a review under Subsection (5)(a), approves the boundary line agreement, the municipality shall send written notice of the boundary line agreement's approval to the property owner within the time period described in Subsection (5)(a)(ii).]

[(c) If a municipality fails to send a written notice under Subsection (5)(b) within the time period described in Subsection (5)(a)(ii), the property owner may record the boundary line agreement as if no review under this Subsection (5) was required.]

Section 4. Section **10-9a-529** is amended to read:

10-9a-529 . Specified public utility located in a municipal utility easement.

A specified public utility may exercise each power of a public utility under Section 54-3-27 if the specified public utility uses an easement:

- (1) with the consent of a municipality; and
- (2) that is located within a municipal utility easement described in Subsections [10-9a-103 (42)(a) through (e)] 10-9a-103(49)(a) through (e).

Section 5. Section **10-9a-605** is amended to read:

10-9a-605 . Exemptions from plat requirement.

- (1) Notwithstanding any other provision of law, a plat is not required if:
 - (a) a municipality establishes a process to approve an administrative land use decision for a subdivision of 10 or fewer [lots] parcels without a plat; and
 - (b) the municipality provides in writing that:
 - (i) the municipality has provided [notice] a certificate or written approval as required by ordinance; and
 - (ii) the proposed subdivision:
 - (A) is not traversed by the mapped lines of a proposed street as shown in the general plan unless the municipality has approved the location and dedication of any public street, municipal utility easement, any other easement, or any other land for public purposes as the municipality's ordinance requires;

- 708 (B) has been approved by the culinary water authority and the sanitary sewer
709 authority;
- 710 (C) is located in a zoned area; and
- 711 (D) conforms to all applicable land use ordinances or has properly received a
712 variance from the requirements of an otherwise conflicting and applicable land
713 use ordinance.
- 714 (2)(a) Subject to Subsection (1), a ~~[lot or]~~ parcel resulting from a division of agricultural
715 land is exempt from the plat requirements of Section 10-9a-603 if the ~~[lot or]~~ parcel:
- 716 (i) qualifies as land in agricultural use under Section 59-2-502;
- 717 (ii) meets the minimum size requirement of applicable land use ordinances; and
- 718 (iii) is not used and will not be used for any nonagricultural purpose.
- 719 ~~[(b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be~~
720 ~~graphically illustrated on a record of survey map that, after receiving the same~~
721 ~~approvals as are required for a plat under Section 10-9a-604, shall be recorded with~~
722 ~~the county recorder.]~~
- 723 ~~[(e)]~~ (b) If a ~~[lot or]~~ parcel exempted under Subsection (2)(a) is used for a nonagricultural
724 purpose, the municipality may require the ~~[lot or]~~ parcel to comply with the
725 requirements of Section 10-9a-603.
- 726 (3)(a) Documents recorded in the county recorder's office that divide property by a
727 metes and bounds description do not create an approved subdivision allowed by this
728 part unless the land use authority's certificate of written approval required by
729 Subsection (1) is attached to the document.
- 730 (b) The absence of the certificate or written approval required by Subsection (1) does
731 not:
- 732 (i) prohibit the county recorder from recording a document; or
- 733 (ii) affect the validity of a recorded document.
- 734 (c) A document which does not meet the requirements of Subsection (1) may be
735 corrected by the recording of an affidavit to which the required certificate or written
736 approval is attached and that complies with Section 57-3-106.
- 737 (4)(a) The boundaries of any subdivision exempted from the plat requirement under this
738 section shall be graphically illustrated on a record of survey map that includes:
- 739 (i) a legal description of the parcel to be divided;
- 740 (ii) a legal description of each parcel created by the subdivision; and
- 741 (iii) a citation to the specific provision of this section for which an exemption to the

plat requirement is authorized.

(b) The record of survey map described in Subsection (4)(a) shall be filed with the county surveyor in accordance with Section 17-23-17.

Section 6. Section **10-9a-608** is amended to read:

10-9a-608 . Subdivision amendments.

(1)(a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a ~~[written]~~ petition with the land use authority to request a subdivision amendment.

(b) Upon filing a ~~[written]~~ petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section 10-9a-603 that:

- (i) depicts only the portion of the subdivision that is proposed to be amended;
- (ii) includes a plat name distinguishing the amended plat from the original plat;
- (iii) describes the differences between the amended plat and the original plat; and
- (iv) includes references to the original plat.

(c)(i) ~~[If a petition is filed under Subsection (1)(a), the]~~ The land use authority shall provide notice of [the] a petition filed under Subsection (1)(a) by mail[;] or email[; or other effective means] to[-] :

(A) each affected entity that provides a service to [an] a property owner of record of the portion of the plat that is being vacated or amended[at least 10 calendar days before the land use authority may approve the petition for a subdivision amendment.] ; and

(B) each property owner of record within the portion of the subdivision that is proposed to be amended.

(ii) The notice described in Subsection (1)(c)(i)(B) shall include a deadline by which written objections to the petition are due to the land use authority, but no earlier than 10 calendar days after the day on which the land use authority sends the notice.

(d) ~~[If a petition is filed under Subsection (1)(a), the]~~ The land use authority shall hold a public hearing within 45 days after the day on which [the] a petition is filed under Subsection (1)(a) if:

(i) any property owner within the [plat] subdivision that is proposed to be amended notifies the municipality of the owner's objection in writing [within 10 days of mailed notification] before the deadline for objections as described in Subsection

- 776 (1)(c)(ii); or
- 777 (ii) a municipal ordinance requires a public hearing [is required because] if all of the
- 778 property owners [in] within the portion of the subdivision proposed to be amended
- 779 have not signed the [revised] proposed amended plat.
- 780 (e) A land use authority may approve a petition for subdivision amendment no earlier
- 781 than:
- 782 (i) the day after the day on which written objections were due to the land use
- 783 authority, as described in Subsection (1)(c)(ii); or
- 784 (ii) if a public hearing is required as described in Subsection (1)(d), the day the public
- 785 hearing takes place.
- 786 (f) A land use authority may not approve a petition for a subdivision amendment under
- 787 this section unless the amendment identifies and preserves any easements owned by a
- 788 culinary water authority and sanitary sewer authority for existing facilities located
- 789 within the subdivision.
- 790 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use
- 791 authority may consider at a public meeting an owner's petition for a subdivision
- 792 amendment if:
- 793 (a) the petition seeks to:
- 794 (i) join two or more of the petitioner fee owner's contiguous lots;
- 795 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will
- 796 not result in a violation of a land use ordinance or a development condition;
- 797 [(iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if
- 798 the fee owners of each of the adjoining properties join in the petition, regardless of
- 799 whether the properties are located in the same subdivision;]
- 800 [(iv)] (iii) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
- 801 imposed by the local political subdivision; or
- 802 [(v)] (iv) alter the plat in a manner that does not change existing boundaries or other
- 803 attributes of lots within the subdivision that are not:
- 804 (A) owned by the petitioner; or
- 805 (B) designated as a common area; and
- 806 (b) notice has been given to adjoining property owners in accordance with any
- 807 applicable local ordinance.
- 808 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or
- 809 municipal utility easement is also subject to Section 10-9a-609.5.

(4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a portion of a plat shall include:

(a) the name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and

(b) the signature of each owner described in Subsection (4)(a) who consents to the petition.

~~[(5)(a) The owners of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those properties if the exchange of title is approved by the land use authority as a lot line adjustment in accordance with Subsection (5)(b).]~~

~~[(b) The land use authority shall approve a lot line adjustment under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.]~~

~~[(c) If a lot line adjustment is approved under Subsection (5)(b):]~~

~~[(i) a notice of lot line adjustment approval shall be recorded in the office of the county recorder which:]~~

~~[(A) is approved by the land use authority; and]~~

~~[(B) recites the legal descriptions of both the original properties and the properties resulting from the exchange of title; and]~~

~~[(ii) a document of conveyance shall be recorded in the office of the county recorder.]~~

~~[(d) A notice of approval recorded under this Subsection (5) does not act as a conveyance of title to real property and is not required in order to record a document conveying title to real property.]~~

~~[(6)(a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (6)(c).]~~

~~[(b) The surveyor preparing the amended plat shall certify that the surveyor:]~~

~~[(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;]~~

~~[(ii)(A) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; or]~~

~~[(B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and]~~

~~[(iii) has placed monuments as represented on the plat.]~~

~~[(c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat~~

already recorded in the county recorder's office.]

[(d) Except as provided in Subsection (6)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.]

(5) A surveyor preparing an amended plat under this section shall certify that the surveyor:

(a) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(b)(i) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements;

(ii) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; or

(iii) has referenced the original plat that created the lot boundaries being amended; and

(c) has placed monuments as represented on the plat.

Section 7. Section **17-27a-103** is amended to read:

17-27a-103 . Definitions.

As used in this chapter:

(1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

(2) "Adversely affected party" means a person other than a land use applicant who:

(a) owns real property adjoining the property that is the subject of a land use application or land use decision; or

(b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

(3) "Affected entity" means a county, municipality, special district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified property owner, property owner's association, public utility, or the Department of Transportation, if:

(a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;

(b) the entity has filed with the county a copy of the entity's general or long-range plan; or

(c) the entity has filed with the county a request for notice during the same calendar year and before the county provides notice to an affected entity in compliance with a

878 requirement imposed under this chapter.

879 (4) "Affected owner" means the owner of real property that is:

880 (a) a single project;

881 (b) the subject of a land use approval that sponsors of a referendum timely challenged in
882 accordance with Subsection 20A-7-601(6); and

883 (c) determined to be legally referable under Section 20A-7-602.8.

884 (5) "Appeal authority" means the person, board, commission, agency, or other body
885 designated by ordinance to decide an appeal of a decision of a land use application or a
886 variance.

887 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
888 residential property if the sign is designed or intended to direct attention to a business,
889 product, or service that is not sold, offered, or existing on the property where the sign is
890 located.

891 (7)(a) "Boundary adjustment" means an agreement between adjoining property owners
892 to relocate a common boundary that results in a conveyance of property between the
893 adjoining lots, adjoining parcels, or adjoining lots and parcels.

894 (b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:

895 (i) creates an additional lot or parcel; or

896 (ii) is made by the Department of Transportation.

897 (8)(a) "Boundary establishment" means an agreement between adjoining property
898 owners to clarify the location of an ambiguous, uncertain, or disputed common
899 boundary.

900 (b) "Boundary establishment" does not mean a modification of a lot or parcel boundary
901 that:

902 (i) creates an additional lot or parcel; or

903 (ii) is made by the Department of Transportation.

904 [(7)] (9)(a) "Charter school" means:

905 (i) an operating charter school;

906 (ii) a charter school applicant that a charter school authorizer approves in accordance
907 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

908 (iii) an entity that is working on behalf of a charter school or approved charter
909 applicant to develop or construct a charter school building.

910 (b) "Charter school" does not include a therapeutic school.

911 [(8)] (10) "Chief executive officer" means the person or body that exercises the executive

912 powers of the county.

913 [(9)] (11) "Conditional use" means a land use that, because of the unique characteristics or
914 potential impact of the land use on the county, surrounding neighbors, or adjacent land
915 uses, may not be compatible in some areas or may be compatible only if certain
916 conditions are required that mitigate or eliminate the detrimental impacts.

917 [(10)] (12) "Constitutional taking" means a governmental action that results in a taking of
918 private property so that compensation to the owner of the property is required by the:

919 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

920 (b) Utah Constitution, Article I, Section 22.

921 [(11)]

922 (13) "Conveyance document" means an instrument that:

923 (a) meets the definition of "document" in Section 57-1-1; and

924 (b) meets the requirements of Section 57-1-45.5.

925 (14) "Conveyance of property" means the transfer of ownership of any portion of real
926 property from one person to another person.

927 (15) "County utility easement" means an easement that:

928 (a) a plat recorded in a county recorder's office described as a county utility easement or
929 otherwise as a utility easement;

930 (b) is not a protected utility easement or a public utility easement as defined in Section
931 54-3-27;

932 (c) the county or the county's affiliated governmental entity owns or creates; and

933 (d)(i) either:

934 (A) no person uses or occupies; or

935 (B) the county or the county's affiliated governmental entity uses and occupies to
936 provide a utility service, including sanitary sewer, culinary water, electrical,
937 storm water, or communications or data lines; or

938 (ii) a person uses or occupies with or without an authorized franchise or other
939 agreement with the county.

940 [(12)] (16) "Culinary water authority" means the department, agency, or public entity with
941 responsibility to review and approve the feasibility of the culinary water system and
942 sources for the subject property.

943 (17) "Department of Transportation" means the entity created in Section 72-1-201.

944 [(13)] (18) "Development activity" means:

945 (a) any construction or expansion of a building, structure, or use that creates additional

946 demand and need for public facilities;

947 (b) any change in use of a building or structure that creates additional demand and need
948 for public facilities; or

949 (c) any change in the use of land that creates additional demand and need for public
950 facilities.

951 ~~[(14)]~~ (19)(a) "Development agreement" means a written agreement or amendment to a
952 written agreement between a county and one or more parties that regulates or controls
953 the use or development of a specific area of land.

954 (b) "Development agreement" does not include an improvement completion assurance.

955 ~~[(15)]~~ (20)(a) "Disability" means a physical or mental impairment that substantially
956 limits one or more of a person's major life activities, including a person having a
957 record of such an impairment or being regarded as having such an impairment.

958 (b) "Disability" does not include current illegal use of, or addiction to, any federally
959 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21
960 U.S.C. Sec. 802.

961 ~~[(16)]~~

962 (21) "Document" means the same as that term is defined in Section 57-1-1.

963 ~~(22)~~ "Educational facility":

964 (a) means:

965 (i) a school district's building at which pupils assemble to receive instruction in a
966 program for any combination of grades from preschool through grade 12,
967 including kindergarten and a program for children with disabilities;

968 (ii) a structure or facility:

969 (A) located on the same property as a building described in Subsection ~~[(16)(a)(i)]~~
970 ~~(22)(a)(i)~~; and

971 (B) used in support of the use of that building; and

972 (iii) a building to provide office and related space to a school district's administrative
973 personnel; and

974 (b) does not include:

975 (i) land or a structure, including land or a structure for inventory storage, equipment
976 storage, food processing or preparing, vehicle storage or maintenance, or similar
977 use that is:

978 (A) not located on the same property as a building described in Subsection [
979 ~~(16)(a)(i)]~~ ~~(22)(a)(i)~~; and

(B) used in support of the purposes of a building described in Subsection [

~~(16)(a)(i)~~ (22)(a)(i); or

(ii) a therapeutic school.

~~(23)~~ "Establishment document" means an instrument that:

(a) meets the definition of "document" in Section 57-1-1; and

(b) meets the requirements of Section 57-1-45.

~~(24)~~ "Full boundary adjustment" means a boundary adjustment that is not a simple

boundary adjustment.

~~[(17)]~~ (25) "Fire authority" means the department, agency, or public entity with

responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

~~[(18)]~~ (26) "Flood plain" means land that:

(a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or

(b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

~~[(19)]~~ (27) "Gas corporation" has the same meaning as defined in Section 54-2-1.

~~[(20)]~~ (28) "General plan" means a document that a county adopts that sets forth general guidelines for proposed future development of:

(a) the unincorporated land within the county; or

(b) for a mountainous planning district, the land within the mountainous planning district.

~~[(21)]~~ (29) "Geologic hazard" means:

(a) a surface fault rupture;

(b) shallow groundwater;

(c) liquefaction;

(d) a landslide;

(e) a debris flow;

(f) unstable soil;

(g) a rock fall; or

(h) any other geologic condition that presents a risk:

(i) to life;

- 1014 (ii) of substantial loss of real property; or
1015 (iii) of substantial damage to real property.
- 1016 [(22)] (30) "Home-based microschool" means the same as that term is defined in Section
1017 53G-6-201.
- 1018 [(23)] (31) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
1019 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
1020 utility system.
- 1021 [(24)] (32) "Identical plans" means building plans submitted to a county that:
1022 (a) are clearly marked as "identical plans";
1023 (b) are substantially identical building plans that were previously submitted to and
1024 reviewed and approved by the county; and
1025 (c) describe a building that:
1026 (i) is located on land zoned the same as the land on which the building described in
1027 the previously approved plans is located;
1028 (ii) is subject to the same geological and meteorological conditions and the same law
1029 as the building described in the previously approved plans;
1030 (iii) has a floor plan identical to the building plan previously submitted to and
1031 reviewed and approved by the county; and
1032 (iv) does not require any additional engineering or analysis.
- 1033 [(25)] (33) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
1034 Impact Fees Act.
- 1035 [(26)] (34) "Improvement completion assurance" means a surety bond, letter of credit,
1036 financial institution bond, cash, assignment of rights, lien, or other equivalent security
1037 required by a county to guaranty the proper completion of landscaping or an
1038 infrastructure improvement required as a condition precedent to:
1039 (a) recording a subdivision plat; or
1040 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 1041 [(27)] (35) "Improvement warranty" means an applicant's unconditional warranty that the
1042 applicant's installed and accepted landscaping or infrastructure improvement:
1043 (a) complies with the county's written standards for design, materials, and workmanship;
1044 and
1045 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1046 within the improvement warranty period.
- 1047 [(28)] (36) "Improvement warranty period" means a period:

- 1048 (a) no later than one year after a county's acceptance of required landscaping; or
1049 (b) no later than one year after a county's acceptance of required infrastructure, unless
1050 the county:
1051 (i) determines for good cause that a one-year period would be inadequate to protect
1052 the public health, safety, and welfare; and
1053 (ii) has substantial evidence, on record:
1054 (A) of prior poor performance by the applicant; or
1055 (B) that the area upon which the infrastructure will be constructed contains
1056 suspect soil and the county has not otherwise required the applicant to mitigate
1057 the suspect soil.

1058 [(29)] (37) "Infrastructure improvement" means permanent infrastructure that is essential for
1059 the public health and safety or that:

- 1060 (a) is required for human consumption; and
1061 (b) an applicant must install:
1062 (i) in accordance with published installation and inspection specifications for public
1063 improvements; and
1064 (ii) as a condition of:
1065 (A) recording a subdivision plat;
1066 (B) obtaining a building permit; or
1067 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
1068 project.

1069 [(30)] (38) "Internal lot restriction" means a platted note, platted demarcation, or platted
1070 designation that:

- 1071 (a) runs with the land; and
1072 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
1073 the plat; or
1074 (ii) designates a development condition that is enclosed within the perimeter of a lot
1075 described on the plat.

1076 [(31)] (39) "Interstate pipeline company" means a person or entity engaged in natural gas
1077 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
1078 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1079 [(32)] (40) "Intrastate pipeline company" means a person or entity engaged in natural gas
1080 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1081 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

- 1082 ~~[(33)]~~ (41) "Land use applicant" means a property owner, or the property owner's designee,
1083 who submits a land use application regarding the property owner's land.
- 1084 ~~[(34)]~~ (42) "Land use application":
1085 (a) means an application that is:
1086 (i) required by a county; and
1087 (ii) submitted by a land use applicant to obtain a land use decision; and
1088 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 1089 ~~[(35)]~~ (43) "Land use authority" means:
1090 (a) a person, board, commission, agency, or body, including the local legislative body,
1091 designated by the local legislative body to act upon a land use application; or
1092 (b) if the local legislative body has not designated a person, board, commission, agency,
1093 or body, the local legislative body.
- 1094 ~~[(36)]~~ (44) "Land use decision" means an administrative decision of a land use authority or
1095 appeal authority regarding:
1096 (a) a land use permit;
1097 (b) a land use application; or
1098 (c) the enforcement of a land use regulation, land use permit, or development agreement.
- 1099 ~~[(37)]~~ (45) "Land use permit" means a permit issued by a land use authority.
- 1100 ~~[(38)]~~ (46) "Land use regulation":
1101 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
1102 specification, fee, or rule that governs the use or development of land;
1103 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
1104 and
1105 (c) does not include:
1106 (i) a land use decision of the legislative body acting as the land use authority, even if
1107 the decision is expressed in a resolution or ordinance; or
1108 (ii) a temporary revision to an engineering specification that does not materially:
1109 (A) increase a land use applicant's cost of development compared to the existing
1110 specification; or
1111 (B) impact a land use applicant's use of land.
- 1112 ~~[(39)]~~ (47) "Legislative body" means the county legislative body, or for a county that has
1113 adopted an alternative form of government, the body exercising legislative powers.
- 1114 ~~[(40)]~~ (48) "Lot" means a tract of land, regardless of any label, that is created by and shown
1115 on a subdivision plat that has been recorded in the office of the county recorder.

- 1116 [(41)(a) "Lot line adjustment" means a relocation of a lot line boundary between
1117 adjoining lots or between a lot and adjoining parcels in accordance with Section
1118 17-27a-608:]
- 1119 [(i) whether or not the lots are located in the same subdivision; and]
1120 [(ii) with the consent of the owners of record.]
- 1121 [(b) "Lot line adjustment" does not mean a new boundary line that:]
1122 [(i) creates an additional lot; or]
1123 [(ii) constitutes a subdivision or a subdivision amendment.]
- 1124 [(c) "Lot line adjustment" does not include a boundary line adjustment made by the
1125 Department of Transportation.]
- 1126 [(42)] (49) "Major transit investment corridor" means public transit service that uses or
1127 occupies:
- 1128 (a) public transit rail right-of-way;
1129 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
1130 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
1131 municipality or county and:
- 1132 (i) a public transit district as defined in Section 17B-2a-802; or
1133 (ii) an eligible political subdivision as defined in Section 59-12-2219.
- 1134 [(43)] (50) "Micro-education entity" means the same as that term is defined in Section
1135 53G-6-201.
- 1136 [(44)] (51) "Moderate income housing" means housing occupied or reserved for occupancy
1137 by households with a gross household income equal to or less than 80% of the median
1138 gross income for households of the same size in the county in which the housing is
1139 located.
- 1140 [(45)] (52) "Mountainous planning district" means an area designated by a county legislative
1141 body in accordance with Section 17-27a-901.
- 1142 [(46)] (53) "Nominal fee" means a fee that reasonably reimburses a county only for time
1143 spent and expenses incurred in:
- 1144 (a) verifying that building plans are identical plans; and
1145 (b) reviewing and approving those minor aspects of identical plans that differ from the
1146 previously reviewed and approved building plans.
- 1147 [(47)] (54) "Noncomplying structure" means a structure that:
- 1148 (a) legally existed before the structure's current land use designation; and
1149 (b) because of one or more subsequent land use ordinance changes, does not conform to

1150 the setback, height restrictions, or other regulations, excluding those regulations that
1151 govern the use of land.

1152 [(48)] (55) "Nonconforming use" means a use of land that:

- 1153 (a) legally existed before the current land use designation;
1154 (b) has been maintained continuously since the time the land use ordinance regulation
1155 governing the land changed; and
1156 (c) because of one or more subsequent land use ordinance changes, does not conform to
1157 the regulations that now govern the use of the land.

1158 [(49)] (56) "Official map" means a map drawn by county authorities and recorded in the
1159 county recorder's office that:

- 1160 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1161 highways and other transportation facilities;
1162 (b) provides a basis for restricting development in designated rights-of-way or between
1163 designated setbacks to allow the government authorities time to purchase or
1164 otherwise reserve the land; and
1165 (c) has been adopted as an element of the county's general plan.

1166 [(50)] (57) "Parcel" means any real property that is not a lot.

1167 [(51)(a) "Parcel boundary adjustment" means a recorded agreement between owners of
1168 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
1169 agreement in accordance with Section 17-27a-523, if no additional parcel is created
1170 and:]

1171 [(i) none of the property identified in the agreement is a lot; or]

1172 [(ii) the adjustment is to the boundaries of a single person's parcels.]

1173 [(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1174 line that:]

1175 [(i) creates an additional parcel; or]

1176 [(ii) constitutes a subdivision.]

1177 [(c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
1178 the Department of Transportation.]

1179 [(52)] (58) "Person" means an individual, corporation, partnership, organization,
1180 association, trust, governmental agency, or any other legal entity.

1181 [(53)] (59) "Plan for moderate income housing" means a written document adopted by a
1182 county legislative body that includes:

- 1183 (a) an estimate of the existing supply of moderate income housing located within the

- 1184 county;
- 1185 (b) an estimate of the need for moderate income housing in the county for the next five
- 1186 years;
- 1187 (c) a survey of total residential land use;
- 1188 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
- 1189 income housing; and
- 1190 (e) a description of the county's program to encourage an adequate supply of moderate
- 1191 income housing.
- 1192 [(54)] (60) "Planning advisory area" means a contiguous, geographically defined portion of
- 1193 the unincorporated area of a county established under this part with planning and zoning
- 1194 functions as exercised through the planning advisory area planning commission, as
- 1195 provided in this chapter, but with no legal or political identity separate from the county
- 1196 and no taxing authority.
- 1197 [(55)] (61) "Plat" means an instrument subdividing property into lots as depicted on a map
- 1198 or other graphical representation of lands that a licensed professional land surveyor
- 1199 makes and prepares in accordance with Section 17-27a-603 or 57-8-13.
- 1200 [(56)] (62) "Potential geologic hazard area" means an area that:
- 1201 (a) is designated by a Utah Geological Survey map, county geologist map, or other
- 1202 relevant map or report as needing further study to determine the area's potential for
- 1203 geologic hazard; or
- 1204 (b) has not been studied by the Utah Geological Survey or a county geologist but
- 1205 presents the potential of geologic hazard because the area has characteristics similar
- 1206 to those of a designated geologic hazard area.
- 1207 [(57)] (63) "Public agency" means:
- 1208 (a) the federal government;
- 1209 (b) the state;
- 1210 (c) a county, municipality, school district, special district, special service district, or
- 1211 other political subdivision of the state; or
- 1212 (d) a charter school.
- 1213 [(58)] (64) "Public hearing" means a hearing at which members of the public are provided a
- 1214 reasonable opportunity to comment on the subject of the hearing.
- 1215 [(59)] (65) "Public meeting" means a meeting that is required to be open to the public under
- 1216 Title 52, Chapter 4, Open and Public Meetings Act.
- 1217 [(60)] (66) "Public street" means a public right-of-way, including a public highway, public

1218 avenue, public boulevard, public parkway, public road, public lane, public alley, public
1219 viaduct, public subway, public tunnel, public bridge, public byway, other public
1220 transportation easement, or other public way.

1221 [(61)] (67) "Receiving zone" means an unincorporated area of a county that the county
1222 designates, by ordinance, as an area in which an owner of land may receive a
1223 transferable development right.

1224 [(62)] (68) "Record of survey map" means a map of a survey of land prepared in accordance
1225 with Section[~~10-9a-603,~~ 17-23-17[, ~~17-27a-603, or 57-8-13~~].

1226 [(63)] (69) "Residential facility for persons with a disability" means a residence:

1227 (a) in which more than one person with a disability resides; and
1228 (b) which is licensed or certified by the Department of Health and Human Services
1229 under:

1230 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
1231 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

1232 [(64)] (70) "Residential roadway" means a public local residential road that:

1233 (a) will serve primarily to provide access to adjacent primarily residential areas and
1234 property;

1235 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;

1236 (c) is not identified as a supplementary to a collector or other higher system classified
1237 street in an approved municipal street or transportation master plan;

1238 (d) has a posted speed limit of 25 miles per hour or less;

1239 (e) does not have higher traffic volumes resulting from connecting previously separated
1240 areas of the municipal road network;

1241 (f) cannot have a primary access, but can have a secondary access, and does not abut lots
1242 intended for high volume traffic or community centers, including schools, recreation
1243 centers, sports complexes, or libraries; and

1244 (g) primarily serves traffic within a neighborhood or limited residential area and is not
1245 necessarily continuous through several residential areas.

1246 [(65)] (71) "Rules of order and procedure" means a set of rules that govern and prescribe in
1247 a public meeting:

1248 (a) parliamentary order and procedure;

1249 (b) ethical behavior; and

1250 (c) civil discourse.

1251 [(66)] (72) "Sanitary sewer authority" means the department, agency, or public entity with

responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

~~[(67)]~~ (73) "Sending zone" means an unincorporated area of a county that the county designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

(74) "Simple boundary adjustment" means a boundary adjustment that does not:

- (a) affect a public right-of-way, county utility easement, or other public property;
- (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
- (c) result in a lot or parcel out of conformity with land use regulations.

~~[(68)]~~ (75) "Site plan" means a document or map that may be required by a county during a preliminary review preceding the issuance of a building permit to demonstrate that an owner's or developer's proposed development activity meets a land use requirement.

~~[(69)]~~ (76)(a) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities - Special Districts.

(b) "Special district" includes a governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.

~~[(70)]~~ (77) "Specified public agency" means:

- (a) the state;
- (b) a school district; or
- (c) a charter school.

~~[(71)]~~ (78) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

~~[(72)]~~ (79) "State" includes any department, division, or agency of the state.

~~[(73)]~~ (80)(a) "Subdivision" means 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.

(b) "Subdivision" includes:

- (i) 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
- (ii) except as provided in Subsection ~~[(73)](e)]~~ (80)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(c) "Subdivision" does not include:

- (i) a bona fide division or partition of agricultural land for agricultural purposes;
- ~~[(ii) a boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section 17-27a-523 if no new lot is created;]~~
- ~~[(iii)]~~ (ii) a recorded conveyance document~~[, executed by the owner of record]:~~
 - (A) ~~[revising the legal descriptions of -]~~ consolidating multiple lots or parcels into one legal description encompassing all [such] lots by reference to a recorded plat and all parcels by metes and bounds description; or
 - (B) joining a lot to a parcel;
- ~~[(iv)]~~ (iii) a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:
 - (A) an electrical transmission line or a substation;
 - (B) a natural gas pipeline or a regulation station; or
 - (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;
- ~~[(v) a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Sections 17-27a-523 and 17-27a-608 if:]~~
 - ~~[(A) no new dwelling lot or housing unit will result from the adjustment; and]~~
 - ~~[(B) the adjustment will not violate any applicable land use ordinance;]~~
- ~~[(vi)]~~ (iv) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
 - (A) is in anticipation of future land use approvals on the parcel or parcels;
 - (B) does not confer any land use approvals; and
 - (C) has not been approved by the land use authority;
- ~~[(vii)]~~ (v) a ~~[parcel-]~~boundary adjustment;
- ~~[(viii)]~~ (vi) a ~~[lot line adjustment]~~ boundary establishment;
- ~~[(ix)]~~ (vii) a road, street, or highway dedication plat;
- ~~[(x)]~~ (viii) a deed or easement for a road, street, or highway purpose; or
- ~~[(xi)]~~ (ix) any other division of land authorized by law.

~~[(74)]~~ (81)(a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 17-27a-608 that:

- (i) vacates all or a portion of the subdivision;
- ~~[(ii) alters the outside boundary of the subdivision;]~~
- ~~[(iii)]~~ (ii) ~~[changes-]~~ increases the number of lots within the subdivision;
- ~~[(iv)]~~ (iii) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
- ~~[(v)]~~ (iv) alters a common area or other common amenity within the subdivision.

- (b) "Subdivision amendment" does not include a ~~[lot line]~~ simple boundary adjustment[, between a single lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision].

~~[(75)]~~ (82) "Substantial evidence" means evidence that:

- (a) is beyond a scintilla; and
- (b) a reasonable mind would accept as adequate to support a conclusion.

~~[(76)]~~ (83) "Suspect soil" means soil that has:

- (a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
- (b) bedrock units with high shrink or swell susceptibility; or
- (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

~~[(77)]~~ (84) "Therapeutic school" means a residential group living facility:

- (a) for four or more individuals who are not related to:
 - (i) the owner of the facility; or
 - (ii) the primary service provider of the facility;
- (b) that serves students who have a history of failing to function:
 - (i) at home;
 - (ii) in a public school; or
 - (iii) in a nonresidential private school; and
- (c) that offers:
 - (i) room and board; and
 - (ii) an academic education integrated with:
 - (A) specialized structure and supervision; or
 - (B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.

~~[(78)]~~ (85) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to

transfer land use rights from a designated sending zone to a designated receiving zone.

[(79)] (86) "Unincorporated" means the area outside of the incorporated area of a municipality.

[(80)] (87) "Water interest" means any right to the beneficial use of water, including:

(a) each of the rights listed in Section 73-1-11; and

(b) an ownership interest in the right to the beneficial use of water represented by:

(i) a contract; or

(ii) a share in a water company, as defined in Section 73-3-3.5.

[(81)] (88) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Section 8. Section 17-27a-522 is amended to read:

**17-27a-522 . Simple boundary adjustment -- Full boundary adjustment --
Process -- Review by land use authority.**

(1) A person may propose a simple boundary adjustment to a land use authority as described in this section.

(2) A proposal for a simple boundary adjustment shall:

(a) include a conveyance document that complies with Section 57-1-45.5; and

(b) describe all lots or parcels affected by the proposed boundary adjustment.

(3) A land use authority shall consent to a proposed simple boundary adjustment if the land use authority verifies that the proposed simple boundary adjustment:

(a) meets the requirements of Subsection (2); and

(b) does not:

(i) affect a public right-of-way, county utility easement, or other public property;

(ii) affect an existing easement, onsite wastewater system, or an internal lot

restriction; or

(iii) result in a lot or parcel out of conformity with land use regulations.

(4) If the land use authority determines that a proposed simple boundary adjustment does not meet the requirements of Subsection (3), a full boundary adjustment is required.

(5) To [make] propose a [parcel line] full boundary adjustment[, a property owner] , the adjoining property owners shall submit a proposal to the land use authority that includes:

[(a) execute a boundary adjustment through:]

[(i) a quitclaim deed; or]

[(ii) a boundary line agreement under Section 17-27a-523; and]

[(b) record the quitclaim deed or boundary line agreement described in Subsection (1)(a)]

- 1388 in the office of the county recorder of the county in which each property is located.]
- 1389 (a) a conveyance document that complies with Section 57-1-45.5;
- 1390 (b) a survey that complies with Subsection 57-1-4.5(3)(b); and
- 1391 (c) if required by county ordinance, a proposed plat amendment corresponding with the
- 1392 proposed full boundary adjustment, prepared in accordance with Section 17-27a-608.
- 1393 (6) The land use authority shall consent to a proposed full boundary adjustment made under
- 1394 Subsection (5) if:
- 1395 (a) the proposal submitted to the land use authority under Subsection (5) includes all
- 1396 necessary information;
- 1397 (b) the survey described in Subsection (5)(b) shows no evidence of a violation of a land
- 1398 use regulation; and
- 1399 (c) if required by county ordinance, the plat amendment corresponding with the
- 1400 proposed full boundary adjustment has been approved in accordance with Section
- 1401 17-27a-608.
- 1402 (7)(a) Consent under Subsection (3) or (6) is an administrative act.
- 1403 (b) Notice of consent under Subsection (3) or (6) shall be provided to the person
- 1404 proposing the boundary adjustment in a format that makes clear:
- 1405 (i) the land use authority is not responsible for any error related to the boundary
- 1406 adjustment; and
- 1407 (ii) a county recorder may record the boundary adjustment.
- 1408 (8) A boundary adjustment is effective from the day on which the boundary adjustment, as
- 1409 consented to by the land use authority, is recorded by the county recorder along with the
- 1410 relevant conveyance document.
- 1411 (9) The recording of a boundary adjustment does not constitute a land use approval.
- 1412 [(2) To make a lot line adjustment, a property owner shall:]
- 1413 [(a) obtain approval of the boundary adjustment under Section 17-27a-608;]
- 1414 [(b) execute a boundary adjustment through:]
- 1415 [(i) a quitclaim deed; or]
- 1416 [(ii) a boundary line agreement under Section 17-27a-523; and]
- 1417 [(c) record the quitclaim deed or boundary line agreement described in Subsection (2)(b)
- 1418 in the office of the county recorder of the county in which each property is located.]
- 1419 [(3) A parcel boundary adjustment under Subsection (1) is not subject to review of a land
- 1420 use authority unless:]
- 1421 [(a) the parcel includes a dwelling; and]

1422 ~~[(b) the land use authority's approval is required under Subsection 17-27a-523(5).]~~

1423 ~~[(4) The recording of a boundary line agreement or other document used to adjust a mutual~~
 1424 ~~boundary line that is not subject to review of a land use authority:]~~

1425 ~~[(a) does not constitute a land use approval; and]~~

1426 ~~[(b) does not affect the validity of the boundary line agreement or other document used~~
 1427 ~~to adjust a mutual boundary line.]~~

1428 ~~[(5)] (10) A county may enforce county ordinances against, or withhold approval of a land~~
 1429 ~~use application for, property that is subject to a [recorded boundary line agreement or~~
 1430 ~~other document used to adjust a mutual boundary line] boundary adjustment if the county~~
 1431 ~~determines that the resulting lots or parcels[, as adjusted by the boundary line agreement~~
 1432 ~~or other document used to adjust the mutual boundary line,] are not in compliance with~~
 1433 ~~the county's land use regulations in effect on the day on which the boundary [line~~
 1434 ~~agreement or other document used to adjust the mutual boundary line] adjustment is~~
 1435 ~~recorded.~~

1436 Section 9. Section **17-27a-523** is amended to read:

1437 **17-27a-523 . Boundary establishment -- Process -- Boundary agreement not**
 1438 **subject to review by land use authority -- Prohibitions.**

1439 (1) ~~[If properly executed and acknowledged as required by law, an agreement between] The~~
 1440 ~~owners of adjoining property [that designates the boundary line between the adjoining~~
 1441 ~~properties acts, upon recording in the office of the recorder of the county in which each~~
 1442 ~~property is located, as a quitclaim deed to convey all of each party's right, title, interest,~~
 1443 ~~and estate in property outside the agreed boundary line that had been the subject of the~~
 1444 ~~boundary line agreement or dispute that led to the boundary line agreement.] may initiate~~
 1445 ~~a boundary establishment to:~~

1446 ~~(a) resolve an ambiguous, uncertain, or disputed boundary between the adjoining~~
 1447 ~~properties; and~~

1448 ~~(b) agree upon the location of the boundary between the adjoining properties.~~

1449 (2) Adjoining property owners executing a boundary ~~[line agreement] establishment~~
 1450 ~~described in Subsection (1) shall:~~

1451 ~~[(a) ensure that the agreement includes:]~~

1452 ~~[(i) a legal description of the agreed upon boundary line and of each parcel or lot after~~
 1453 ~~the boundary line is changed;]~~

1454 ~~[(ii) the name and signature of each grantor that is party to the agreement;]~~

1455 ~~[(iii) a sufficient acknowledgment for each grantor's signature;]~~

- 1456 ~~[(iv) the address of each grantee for assessment purposes;]~~
1457 ~~[(v) a legal description of the parcel or lot each grantor owns before the boundary line~~
1458 ~~is changed; and]~~
1459 ~~[(vi) the date of the agreement if the date is not included in the acknowledgment in a~~
1460 ~~form substantially similar to a quitclaim deed as described in Section 57-1-13;]~~
1461 ~~[(b) if any of the property subject to the boundary line agreement is a lot, prepare an~~
1462 ~~amended plat in accordance with Section 17-27a-608 before executing the boundary~~
1463 ~~line agreement; and]~~
1464 ~~[(c) if none of the property subject to the boundary line agreement is a lot, ensure that~~
1465 ~~the boundary line agreement includes a statement citing the file number of a record of~~
1466 ~~a survey map in accordance with Section 17-23-17, unless the statement is exempted~~
1467 ~~by the county.]~~
1468 ~~(a) prepare an establishment document that complies with Section 57-1-45; and~~
1469 ~~(b) record the boundary establishment with the county recorder, in accordance with~~
1470 ~~Section 57-1-45.~~
1471 (3) A boundary establishment:
1472 ~~(a) is not subject to review of a land use authority; and~~
1473 ~~(b) does not require consent or approval from a land use authority before it may be~~
1474 ~~recorded.~~
1475 (4) A boundary establishment is effective from the day it is recorded by the county recorder.
1476 (5) A county may enforce county ordinances against property with a boundary
1477 establishment that violates a land use regulation.
1478 ~~[(3)] (6) A boundary [line agreement described in Subsection (1) that complies with~~
1479 ~~Subsection (2)] establishment that complies with this section presumptively:~~
1480 ~~(a) has no detrimental effect on any easement on the property that is recorded before the~~
1481 ~~day on which the agreement is executed[unless the owner of the property benefitting~~
1482 ~~from the easement specifically modifies the easement within the boundary line~~
1483 ~~agreement or a separate recorded easement modification or relinquishment document];~~
1484 ~~and~~
1485 ~~(b) [relocates the parties' common boundary line for an exchange of consideration.]~~
1486 ~~conveys the ownership of the adjoining parties to the established common boundary.~~
1487 ~~[(4) Notwithstanding Part 6, Subdivisions, or a county's ordinances or policies, a boundary~~
1488 ~~line agreement that only affects parcels is not subject to:]~~
1489 ~~[(a) any public notice, public hearing, or preliminary platting requirement;]~~

1490 ~~[(b) the review of a land use authority; or]~~

1491 ~~[(c) an engineering review or approval of the county, except as provided in Subsection~~
1492 ~~(5).]~~

1493 ~~[(5)(a) If a parcel that is the subject of a boundary line agreement contains a dwelling~~
1494 ~~unit, the county may require a review of the boundary line agreement if the county:]~~

1495 ~~[(i) adopts an ordinance that:]~~

1496 ~~[(A) requires review and approval for a boundary line agreement containing a~~
1497 ~~dwelling unit; and]~~

1498 ~~[(B) includes specific criteria for approval; and]~~

1499 ~~[(ii) completes the review within 14 days after the day on which the property owner~~
1500 ~~submits the boundary line agreement for review.]~~

1501 ~~[(b)(i) If a county, upon a review under Subsection (5)(a), determines that the~~

1502 ~~boundary line agreement is deficient or if the county requires additional~~
1503 ~~information to approve the boundary line agreement, the county shall send, within~~
1504 ~~the time period described in Subsection (5)(a)(ii), written notice to the property~~
1505 ~~owner that:]~~

1506 ~~[(A) describes the specific deficiency or additional information that the county~~
1507 ~~requires to approve the boundary line agreement; and]~~

1508 ~~[(B) states that the county shall approve the boundary line agreement upon the~~
1509 ~~property owner's correction of the deficiency or submission of the additional~~
1510 ~~information described in Subsection (5)(b)(i)(A).]~~

1511 ~~[(ii) If a county, upon a review under Subsection (5)(a), approves the boundary line~~
1512 ~~agreement, the county shall send written notice of the boundary line agreement's~~
1513 ~~approval to the property owner within the time period described in Subsection~~
1514 ~~(5)(a)(ii).]~~

1515 ~~[(c) If a county fails to send a written notice under Subsection (5)(b) within the time~~
1516 ~~period described in Subsection (5)(a)(ii), the property owner may record the~~
1517 ~~boundary line agreement as if no review under this Subsection (5) was required.]~~

1518 Section 10. Section **17-27a-605** is amended to read:

1519 **17-27a-605 . Exemptions from plat requirement.**

1520 (1) Notwithstanding any other provision of law, a plat is not required if:

1521 (a) a county establishes a process to approve an administrative land use decision for the
1522 subdivision of unincorporated land or mountainous planning district land into 10 or
1523 fewer [lots] parcels without a plat; and

(b) the county provides in writing that:

(i) the county has provided [~~notice~~] a certificate or written approval as required by ordinance; and

(ii) the proposed subdivision:

(A) is not traversed by the mapped lines of a proposed street as shown in the general plan unless the county has approved the location and dedication of any public street, county utility easement, any other easement, or any other land for public purposes as the county's ordinance requires;

(B) has been approved by the culinary water authority and the sanitary sewer authority;

(C) is located in a zoned area; and

(D) conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.

(2)(a) Subject to Subsection (1), a [~~lot or~~] parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 17-27a-603 if:

(i) the [~~lot or~~] parcel:

(A) qualifies as land in agricultural use under Section 59-2-502; and

(B) is not used and will not be used for any nonagricultural purpose; and

(ii) the new owner of record completes, signs, and records with the county recorder a notice:

(A) describing the parcel by legal description; and

(B) stating that the [~~lot or~~] parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.

(b) If a [~~lot or~~] parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the county shall require the [~~lot or~~] parcel to comply with the requirements of Section 17-27a-603 and all applicable land use ordinance requirements.

(3)(a) Except as provided in Subsection (4), a document recorded in the county recorder's office that divides property by a metes and bounds description does not create an approved subdivision allowed by this part unless the land use authority's certificate of written approval required by Subsection (1) is attached to the document.

(b) The absence of the certificate or written approval required by Subsection (1) does not:

- 1558 (i) prohibit the county recorder from recording a document; or
1559 (ii) affect the validity of a recorded document.
- 1560 (c) A document which does not meet the requirements of Subsection (1) may be
1561 corrected by the recording of an affidavit to which the required certificate or written
1562 approval is attached and that complies with Section 57-3-106.
- 1563 (4)(a) As used in this Subsection (4):
- 1564 (i) "Divided land" means land that:
- 1565 (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii);
1566 and
1567 (B) has been divided by a minor subdivision.
- 1568 (ii) "Land to be divided" means land that is proposed to be divided by a minor
1569 subdivision.
- 1570 (iii) "Minor subdivision" means a division of at least 100 contiguous acres of
1571 agricultural land in a county of the third, fourth, fifth, or sixth class to create one
1572 new ~~[lot]~~ parcel that, after the division, is separate from the remainder of the
1573 original 100 or more contiguous acres of agricultural land.
- 1574 (iv) "Minor subdivision ~~[lot]~~ parcel" means a ~~[lot]~~ parcel created by a minor
1575 subdivision.
- 1576 (b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least 100
1577 contiguous acres of agricultural land may make a minor subdivision by submitting
1578 for recording in the office of the recorder of the county in which the land to be
1579 divided is located:
- 1580 (i) a recordable deed containing the legal description of the minor subdivision ~~[lot]~~
1581 parcel; and
- 1582 (ii) a notice:
- 1583 (A) indicating that the owner of the land to be divided is making a minor
1584 subdivision;
- 1585 (B) referring specifically to this section as the authority for making the minor
1586 subdivision; and
- 1587 (C) containing the legal description of:
- 1588 (I) the land to be divided; and
1589 (II) the minor subdivision ~~[lot]~~ parcel.
- 1590 (c) A minor subdivision ~~[lot]~~ parcel:
- 1591 (i) may not be less than one acre in size;

- 1592 (ii) may not be within 1,000 feet of another minor subdivision [lot] parcel; and
1593 (iii) is not subject to the subdivision ordinance of the county in which the minor
1594 subdivision [lot] parcel is located.
- 1595 (d) Land to be divided by a minor subdivision may not include divided land.
- 1596 (e) A county:
- 1597 (i) may not deny a building permit to an owner of a minor subdivision [lot] parcel
1598 based on:
- 1599 (A) the [lot's] parcel's status as a minor subdivision [lot] parcel; or
1600 (B) the absence of standards described in Subsection (4)(e)(ii); and
- 1601 (ii) may, in connection with the issuance of a building permit, subject a minor
1602 subdivision [lot] parcel to reasonable health, safety, and access standards that the
1603 county has established and made public.
- 1604 (5)(a) Notwithstanding Sections 17-27a-603 and 17-27a-604, and subject to Subsection
1605 (1), the legislative body of a county may enact an ordinance allowing the subdivision
1606 of a parcel, without complying with the plat requirements of Section 17-27a-603, if:
- 1607 (i) the parcel contains an existing legal single family dwelling unit;
1608 (ii) the subdivision results in two parcels, one of which is agricultural land;
1609 (iii) the parcel of agricultural land:
- 1610 (A) qualifies as land in agricultural use under Section 59-2-502; and
1611 (B) is not used, and will not be used, for a nonagricultural purpose;
- 1612 (iv) both the parcel with an existing legal single family dwelling unit and the parcel
1613 of agricultural land meet the minimum area, width, frontage, and setback
1614 requirements of the applicable zoning designation in the applicable land use
1615 ordinance; and
- 1616 (v) the owner of record completes, signs, and records with the county recorder a
1617 notice:
- 1618 (A) describing the parcel of agricultural land by legal description; and
1619 (B) stating that the parcel of agricultural land is created as land in agricultural use,
1620 as defined in Section 59-2-502, and will remain as land in agricultural use until
1621 a future zoning change permits another use.
- 1622 (b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a) is
1623 later used for a nonagricultural purpose, the exemption provided in Subsection (5)(a)
1624 no longer applies, and the county shall require the owner of the parcel to:
- 1625 (i) retroactively comply with the subdivision plat requirements of Section 17-27a-603;

and

(ii) comply with all applicable land use ordinance requirements.

(6)(a) The boundaries of any subdivision exempted from the plat requirement under this

section shall be graphically illustrated on a record of survey map that includes:

(i) a legal description of the parcel to be divided;

(ii) a legal description of each parcel created by the subdivision; and

(iii) a citation to the specific provision of this section for which an exemption to the plat requirement is authorized.

(b) The record of survey map described in Subsection (6)(a) shall be filed with the county surveyor in accordance with Section 17-23-17.

Section 11. Section **17-27a-608** is amended to read:

17-27a-608 . Subdivision amendments.

(1)(a) A fee owner of a lot, as shown on the last county assessment roll, in a plat that has been laid out and platted as provided in this part may file a ~~[written]~~ petition with the land use authority to request a subdivision amendment.

(b) Upon filing a ~~[written]~~ petition to request a subdivision amendment under Subsection

(1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section 17-27a-603 that:

(i) depicts only the portion of the subdivision that is proposed to be amended;

(ii) includes a plat name distinguishing the amended plat from the original plat;

(iii) describes the differences between the amended plat and the original plat; and

(iv) includes references to the original plat.

(c)(i) ~~[If a petition is filed under Subsection (1)(a), the]~~ The land use authority shall provide notice of ~~[the]~~ a petition filed under Subsection (1)(a) by mail[;] or email[; or other effective means] to:

(A) each affected entity that provides a service to [an] a property owner of record of the portion of the plat that is being amended[at least 10 calendar days before the land use authority may approve the petition for a subdivision amendment] ; and

(B) each property owner of record within the portion of the subdivision that is proposed to be amended.

(ii) The notice described in Subsection (1)(c)(i)(B) shall include a deadline by which written objections to the petition are due to the land use authority, but no earlier than 10 calendar days after the day on which the land use authority sends the

notice.

(d) ~~[If a petition is filed under Subsection (1)(a), the]~~ The land use authority shall hold a public hearing within 45 days after the day on which ~~[the] a~~ petition is filed under Subsection (1)(a) if:

- (i) any property owner within the [plat] subdivision that is proposed to be amended notifies the county of the owner's objection in writing ~~[within 10 days of mailed notification]~~ by the deadline for objections, as described in Subsection (1)(c)(ii); or
- (ii) a county ordinance requires a public hearing [is required because] if all of the owners [in] within the portion of the subdivision proposed to be amended have not signed the [revised] proposed amended plat.

(e) A land use authority may approve a petition for subdivision amendment no earlier than:

- (i) the day after the day on which written objections were due to the land authority, as described in Subsection (1)(c)(ii); or
- (ii) if a public hearing is required as described in Subsection (1)(d), the day on which the public hearing takes place.

(f) A land use authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

(2) The public hearing requirement of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting an owner's petition for a subdivision amendment if:

(a) the petition seeks to:

- (i) join two or more of the petitioning fee owner's contiguous lots;
- (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
- ~~[(iii)]~~ (iii) ~~adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join the petition, regardless of whether the properties are located in the same subdivision;]~~
- ~~[(iv)]~~ (iii) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
- ~~[(v)]~~ (iv) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:

(A) owned by the petitioner; or

(B) designated as a common area; and

(b) notice has been given to adjoining property owners in accordance with any applicable local ordinance.

(3) A petition under Subsection (1)(a) that contains a request to amend a public street or county utility easement is also subject to Section 17-27a-609.5.

(4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a portion of a plat shall include:

(a) the name and address of each owner of record of the land contained in:

(i) the entire plat; or

(ii) that portion of the plan described in the petition; and

(b) the signature of each owner who consents to the petition.

~~[(5)(a) The owners of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those properties if the exchange of title is approved by the land use authority as a lot line adjustment in accordance with Subsection (5)(b).]~~

~~[(b) The land use authority shall approve a lot line adjustment under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.]~~

~~[(c) If a lot line adjustment is approved under Subsection (5)(b):]~~

~~[(i) a notice of lot line adjustment approval shall be recorded in the office of the county recorder which:]~~

~~[(A) is approved by the land use authority; and]~~

~~[(B) recites the legal descriptions of both the properties and the properties resulting from the exchange of title; and]~~

~~[(ii) a document of conveyance of title reflecting the approved change shall be recorded in the office of the county recorder.]~~

~~[(d) A notice of approval recorded under this Subsection (5) does not act as a conveyance of title to real property and is not required to record a document conveying title to real property.]~~

~~[(6)(a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (6)(c).]~~

~~[(b) The surveyor preparing the amended plat shall certify that the surveyor:]~~

~~[(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;]~~

[(ii)(A) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; or]
[(B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and]
[(iii) has placed monuments as represented on the plat.]

~~[(c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision recorded in the county recorder's office.]~~

[(d) Except as provided in Subsection (6)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.]

(5) A surveyor preparing an amended plat under this section shall certify that the surveyor:

(a) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(b)(i) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements;

(ii) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; or

(iii) has referenced the original plat that created the lot boundaries being amended;

and

(c) has placed monuments as represented on the plat.

Section 12. Section **57-1-13** is amended to read:

57-1-13 . Form of quitclaim deed.

[(1)] A conveyance of land may also be substantially in the following form:

"QUITCLAIM DEED

____ (here insert name), grantor, of ____ (insert place of residence), hereby quitclaims to ____ (insert name), grantee, of ____ (here insert place of residence), for the sum of ____ dollars, the following described tract ____ of land in ____ County, Utah, to wit: (here describe the premises).

Witness the hand of said grantor this _____(month\day\year).

A quitclaim deed when executed as required by law shall have the effect of a conveyance of all right, title, interest, and estate of the grantor in and to the premises therein described and all rights, privileges, and appurtenances thereunto belonging, at the date of the conveyance."

~~[(2) A boundary line agreement operating as a quitclaim deed shall meet the requirements~~

described in Section 10-9a-524 or 17-27a-523, as applicable.]

Section 13. Section 57-1-45 is amended to read:

57-1-45 . Boundary establishments -- Establishment documents -- Effect.

[(1) An agreement to adjust a known boundary between adjoining properties shall comply with Section 10-9a-524 or 17-27a-523, as applicable.]

[(2) A recorded boundary line agreement to establish the location of a boundary between adjoining properties where the location of the boundary is ambiguous, uncertain, or disputed shall comply with Subsections (3) and (4).]

[(3)] (1) A boundary establishment shall:

(a) be finalized by recording an establishment document, as defined in Sections 10-9a-103 and 17-27a-103; and

(b) comply with this section.

(2) [A boundary line agreement between adjoining property owners establishing the owners' existing common boundary for the purpose of settling an ambiguity, uncertainty, or dispute-] An establishment document shall include:

(a) the name and signature of each party to the [agreement and, if applicable, the name and signature of a party's predecessor in interest who agreed to the location of the boundary line] establishment document;

[(b)] the date of the boundary line agreement;

[(c)] (b) the address of each party to the [boundary line agreement] establishment document for assessment purposes;

[(d)] (c) a statement describing [why the owners of adjoining properties were unable to determine the true location of the boundary line between the adjoining properties] the ambiguity, uncertainty, or dispute being resolved with the boundary establishment;

[(e)] (d) a statement that the adjoining property owners [of the adjoining properties] agree on the established boundary [line] location described in the [boundary line agreement] establishment document;

[(f)] (e) a current legal description of each parcel or lot that is subject to the established boundary[-line agreement];

[(g)] (f) a new legal description of the [agreed] established boundary[-line];

[(h)] (g)(i) if the property owners have conducted a survey, a reference to a record of the survey map, as defined in Section 17-23-17[in conjunction with the boundary line agreement that shows] , showing information necessary to identify the established boundary that may include:

- 1796 (A) existing dwellings, outbuildings, improvements, and other physical features;
 1797 (B) existing easements, rights-of-way, conditions, or restrictions recorded or
 1798 apparent;
 1799 (C) the location of the agreed boundary~~[-line]~~; and
 1800 (D) an explanation in the survey narrative of the reason for the boundary ~~[line~~
 1801 ~~agreement]~~ establishment; or
 1802 (ii) if the parcels or lots are unimproved, or if the property owners have otherwise not
 1803 conducted a survey, an attached ~~[exhibit]~~ visual or graphic depicting a ~~[graphical-]~~
 1804 representation of the location of the ~~[agreed]~~ established boundary ~~[line-]~~relative to
 1805 physical objects marking the ~~[agreed]~~ established boundary;
 1806 ~~[(f)]~~ ~~(h)~~ if any of the property that is the subject of the ~~[agreement]~~ establishment
 1807 document is located in a recorded subdivision~~[-and the agreed boundary line is~~
 1808 ~~different from the boundary line recorded in the plat]~~, an acknowledgment that each
 1809 party to the agreement has been ~~[advised]~~ notified of the potential requirement of a
 1810 subdivision plat amendment; and
 1811 ~~[(f)]~~ (i) a sufficient acknowledgment for each party's signature.
 1812 ~~[(4)]~~ (3) ~~[A boundary line agreement-]~~ An establishment document described in Subsection [
 1813 ~~(3)]~~ (2) may not be~~[:]~~ used to create a new parcel or new lot.
 1814 ~~[(a) used to adjust a known boundary described in Subsection (1) between adjoining~~
 1815 ~~properties;]~~
 1816 ~~[(b) used to adjust a lot line in a recorded subdivision plat or create a new parcel or lot; or]~~
 1817 ~~[(c) used by or recorded by a successor in interest to a property owner who agreed to the~~
 1818 ~~boundary line unless the property owners who agreed to the boundary line treated the~~
 1819 ~~line as the actual boundary as demonstrated by:]~~
 1820 ~~[(i) actual possession by each owner up to the boundary line;]~~
 1821 ~~[(ii) a fence built and agreed to by each owner on the boundary line; or]~~
 1822 ~~[(iii) each owner cultivating or controlling the land up to the boundary line.]~~
 1823 (4) Property owners who agree to a boundary establishment shall treat the established
 1824 boundary as the common boundary, as demonstrated by:
 1825 (a) actual possession by each owner of the owner's property up to the common
 1826 boundary, as visibly marked by monuments, fences, buildings, or other physical
 1827 improvements; or
 1828 (b) each owner cultivating or controlling the owner's property up to the visibly marked
 1829 common boundary.

- 1830 (5)(a) Before recording an establishment document, a county recorder shall confirm that
1831 the establishment document and any accompanying exhibit is presented in a legible
1832 and recordable format.
- 1833 (b) Upon receipt of an establishment document that is not in a legible and recordable
1834 format, the county recorder shall provide the person submitting the establishment
1835 document with an explanation of corrections necessary to record the establishment
1836 document.
- 1837 (6)(a) An establishment document is effective on the day it is recorded.
- 1838 (b) A recorded establishment document creates a boundary establishment.
- 1839 (c) If a judgment made by a court that establishes the location of a disputed boundary is
1840 recorded in the county title record:
- 1841 (i) the judgment is considered an establishment document; and
1842 (ii) the recording of the judgment creates a boundary establishment.
- 1843 [(5)] (7) [A boundary line agreement] Once recorded, an establishment document described
1844 in Subsection [(3)] (2):
- 1845 (a) does not affect any previously recorded easement[unless the easement is expressly
1846 modified by the boundary line agreement];
- 1847 (b) establishes the location of the common boundary between the adjoining properties[
1848 in the originally intended location of the boundary line];
- 1849 (c) [affixes] conveys the ownership of the adjoining parties to the agreed boundary[line];
1850 and
- 1851 [(d)] is not subject to the review or approval of a municipal or county land use authority;
1852 and]
- 1853 [(e)] (d) shall be indexed by a county recorder in the title record against each property
1854 affected by the [agreed] established boundary[line].
- 1855 [(6)] (8) The recording of [a boundary line agreement described in Subsection (3)] an
1856 establishment document does not constitute a land use approval by a municipality or a
1857 county.
- 1858 [(7)] (9) A municipality or a county may enforce a municipal or county ordinance against, or
1859 withhold approval of a land use application for, property that is subject to a boundary [
1860 line agreement described in Subsection (3)] establishment if the municipality or the
1861 county determines that the [land, as established by the boundary line agreement,]
1862 established boundary was not in compliance with the municipality's or the county's land
1863 use regulations in effect on the day on which the boundary [line agreement] establishment

was recorded.

[(8) If a judgment made by a court that establishes the location of a disputed boundary is recorded in the county title record, the judgment shall act as a boundary line agreement recorded under this section.]

Section 14. Section 57-1-45.5 is enacted to read:

57-1-45.5 . Conveyance document for a boundary adjustment -- Form and effect.

- (1) A conveyance document, as defined in Sections 10-9a-103 and 17-27a-103, for a boundary adjustment shall comply with this section.
- (2) A conveyance document shall include:
 - (a) the name and signature of each party to the conveyance document;
 - (b) the address of each party to the conveyance document for assessment purposes;
 - (c) a legal description of the parcel or lot owned by each party before the boundary adjustment;
 - (d) a legal description of the parcel or lot owned by each party after the boundary adjustment; and
 - (e) sufficient language to convey title from one party to another party, in conformity with the proposed boundary adjustment.
- (3) In addition to the information required in Subsection (2), a conveyance document shall include as an exhibit, in a legible and recordable format:
 - (a) a visual or graphic of the proposed boundary adjustment and all properties affected by the proposed boundary adjustment, depicting:
 - (i) the former boundary location;
 - (ii) the new boundary location; and
 - (iii) the size, shape, and dimensions of each adjusted parcel or lot;
 - (b) if the property owners have conducted a survey, a reference to the record of the survey map, as defined in Section 17-23-17, showing:
 - (i) existing dwellings, outbuildings, improvements, and other physical features;
 - (ii) existing easements, rights-of-way, conditions, or restrictions recorded or apparent;
 - (iii) the former boundary location;
 - (iv) the new boundary location;
 - (v) the size, shape, and dimensions of each adjusted lot or adjusted parcel; and
 - (vi) other existing or proposed improvements that impact or are subject to land use regulations; and
 - (c) if the conveyance document addresses a boundary adjustment that requires an

- 1898 amendment to a subdivision plat under Section 10-9a-523 or 17-27a-522, the
1899 amendment to the subdivision plat.
- 1900 (4)(a) A conveyance document is effective on the day it is recorded as part of a
1901 boundary adjustment.
- 1902 (b) Before recording a conveyance document, a county recorder shall confirm that the
1903 conveyance document is:
- 1904 (i) in a legible and recordable format, including any exhibit to the conveyance
1905 document; and
- 1906 (ii) accompanied by a notice of consent to the boundary adjustment from a land use
1907 authority under Subsection 10-9a-523(3) or (6) or Subsection 17-27a-522(3) or (6).
- 1908 (c) Upon receipt of a conveyance document, or any exhibit to a conveyance document,
1909 that is not in a legible and recordable format, a county recorder shall provide the
1910 person submitting the conveyance document with an explanation of the corrections
1911 necessary to record the conveyance document.
- 1912 (5) The recording of a boundary adjustment presumptively:
- 1913 (a) relocates an existing boundary by creating a new boundary between the adjoining
1914 properties;
- 1915 (b) changes the size, shape, or configuration of two or more adjoining lots or parcels;
- 1916 (c) does not affect any previously recorded easement unless the easement is expressly
1917 and properly modified by the boundary adjustment; and
- 1918 (d) affixes the ownership of the adjoining parties to the adjusted boundary.
- 1919 Section 15. Section 57-8-32 is amended to read:
- 1920 **57-8-32 . Sale of property and common areas and facilities.**
- 1921 (1) Subject to Subsection [~~10-9a-605(5)~~] 10-9a-606(5) or 17-27a-606(5), unless otherwise
1922 provided in the declaration or bylaws, and notwithstanding the provisions of Sections
1923 57-8-30 and 57-8-31, the unit owners may by an affirmative vote of at least 67% of unit
1924 owners, elect to sell, convey, transfer, or otherwise dispose of the property or all or part
1925 of the common areas and facilities.
- 1926 (2) An affirmative vote described in Subsection (1) is binding upon all unit owners, and
1927 each unit owner shall execute and deliver the appropriate instruments and perform all
1928 acts as necessary to [~~effect~~] affect the sale, conveyance, transfer, or other disposition of
1929 the property or common areas and facilities.
- 1930 (3) The general easement of ingress, egress, and use of the common areas and facilities
1931 granted to an association and unit owners through recorded governing documents is

1932 extinguished in any portion of the common areas and facilities the unit owners sell,
1933 convey, transfer, or otherwise dispose of, if:
1934 (a) the unit owners, in selling, conveying, transferring, or otherwise disposing of the
1935 portion of the common areas and facilities, comply with:
1936 (i) the provisions of this section; and
1937 (ii) Section 10-9a-606 or 17-27a-606; and
1938 (b) the sale, conveyance, transfer, or other disposition of the portion of the common
1939 areas and facilities results in a person other than the association or a unit owner
1940 owning the portion of the common areas and facilities.
1941 (4) This section applies to an association of unit owners regardless of when the association
1942 of unit owners is created.
1943 Section 16. **Effective Date.**
1944 This bill takes effect on May 7, 2025.

Title 18 Proposed Changes

18-3-8 Drainage

Residential building sites shall be adequately drained.

1. The Owner shall make site improvements to protect the structures and provide adequate site drainage.
2. The Owner shall pay the sites proportional share of the cost of the regional detention facility and conveyance to the main channel. If the building site is within a subdivision that has fulfilled the controlled release requirements, this site participation is waived.
3. If ~~the a~~ building site is within one hundred feet (100') of a main channel for which Davis County has jurisdiction, the Owner shall comply with all Davis County Flood Control requirements as approved by Davis County.
4. Wherever it is feasible, the Owner shall evaluate options for constructing design and construct LID facilities that infiltrate, evapotranspire or naturally filter when required by State Code and the City's LID manual. The City's LID manual shall be used to guide this evaluation.
5. A Water Quality Volume (WQV) shall be calculated per requirements in the City's LID manual. If required, the WQV shall be retained as feasible, with any portion of the WQV that is not able to be retained being treated before leaving the site instead. Feasible is defined in the LID manual.
- ~~5.6.~~ The Owner shall comply with all requirements of Kaysville City subdivision code and the City's Drainage Evaluation and Design manual, which may be amended from time to time.

18-4-2 Site Plan Requirements

The following steps are required:

1. The Developer contacts the City Engineer for information concerning the City requirements and compatibility with the General Plan, and discusses with staff members the proposed plan of development.
2. The Developer submits the following to the City Engineer:
 1. Six (6) copies of the preliminary site plan. The preliminary site plan shall include the following minimum requirements.
 1. Title of development.
 2. Name, address, and telephone number of owner, developer, and engineer.
 3. North arrow, drawing scale of at least one inch equals fifty feet (1"=50') or larger, and date.
 4. Vicinity map showing abutting properties and owners uses of abutting properties, and City streets.
 5. Dimensions of property and all lots (including area in square feet), drawn accurately to scale.

6. Dimensions of existing and proposed buildings (including area in square feet), drawn accurately to scale and showing uses and type of construction.
 7. Adjoining buildings and uses.
 8. Layout of street system, including designations.
 9. Location of existing and proposed curb, gutter and sidewalk. If property abuts a State Highway, approval of the State Right-of-Way Engineer must be obtained for location of curb, gutter and sidewalk. Location and number of curb entrances must be approved by UDOT. On City streets the location and number of curb entrances must be approved by the City Engineer.
 10. Location of existing edge of asphalt surfacing.
 11. Location of proposed paved areas, including entrances and exists, and walkways.
 12. Location of proposed LID and/or water quality treatment facilities.
 13. Location and number of parking stalls, loading areas, and docks.
 14. Easements.
 15. The flood hazard zone(s) if the development is in an area of special flood hazard.
2. Conditional Use Permit application if the development includes a conditional use (see [KCC 17-30](#)).
3. The City staff will review the documents and approve, modify, or disapprove the preliminary site plan. Ten (10) working days are allowed for completion of the staff review for each submittal or resubmittal. If a conditional use is included, the preliminary site plan approval is contingent upon and in conformity to the preliminary conditional use approval by the Planning Commission.
 4. The Developer pays the site plan review fee at the City Office.
 5. The Developer submits the following to the City Engineer:
 1. Three (3) copies of the final site plan. The final site plan shall include the following minimum requirements.
 1. All items required for a preliminary site plan.
 2. Location and size of existing and proposed culinary water, sanitary sewer, storm sewers, and electric power utilities.
 3. Calculations for and location of storm water detention facilities.
 4. Calculations for and locations of storm water quality facilities.
 5. Location of nearest existing and proposed fire hydrants.
 6. Location of any existing irrigation systems including open ditches, pipe culverts, diversion boxes and clean outs.
 - 6-7. Location of any existing or proposed drainage facilities or channels, including streams, creeks, pipes, culverts, inlets, manholes, boxes, screens, clean outs.
 - 7-8. Landscaping plan.
 - 8-9. Location of all fences, lighting, signs, refuse collection areas and other items to be included on site.
 - 9-10. Drawings, sketches or perspectives of proposed buildings.
 - 10-11. The flood hazard zone(s) and the items listed in [KCC 8-5-18](#), if the development is in an area of special flood hazard.

2. Utility service (load) information.
 1. Electrical power.
 2. Culinary water and fire protection pressure and flow requirements.
 3. Sanitary sewer quantity and quality parameters.
3. Building plans sufficient to meet the requirements for building permits.
4. A copy of the site plan review fee receipt.
6. As applicable, the Utah State Department of Transportation, Sewer District, irrigation provider, Davis County Flood Control, or other agencies will review the submitted items for compliance.
7. The City staff will review the documents and approve, modify, or disapprove the final site plan. Ten (10) working days are allowed for completion of staff review for each submittal or resubmittal.
 - 7.1. Approval of preliminary and final site plans shall not be construed as an approval of any violation of City, County, State or Federal Code. Plans should be designed in accordance with the Standard of Care, and the City's review and approval of plans does not constitute a "peer review" of the plans. City approval of plans is strictly limited to mean that the plans appear to meet City code and standards
8. The Developer does the following at the City Office:
 1. Furnishes proof of compliance with all the requirements of the pressure irrigation provider.
 2. Applies for a building permit(s) and pays the required fees to include:
 1. Impact fees.
 2. Utility extension fees.
 3. Plan checking fee(s).
 4. Building permit fee(s).
9. The Developer and contractors and other representatives meet with City representatives in a preconstruction conference and then the Developer constructs the on-site and off-site improvements in accordance with the approved Plan and the City Subdivision Ordinance, Specifications, and Standard Drawings, with inspection by the City.
10. When the site improvements are completed, the Developer submits As-Built Drawings to the City Engineer who will then have the site inspected for Construction and certify completion.
11. The Developer provides the improvement warranty and cash deposit in an amount of ten percent (10%) of the actual cost of the improvements installed as in [KCC 19-2-4](#) of the Subdivision Ordinance.
12. When structures are completed, with required inspection, the Developer notifies the Building Official.
13. The Building Official will conduct a final inspection of the structure(s) and issue the Certificate(s) of Occupancy upon finding all in compliance.
14. Near the end of the Warranty Period, the City inspects the improvements and the developer corrects deficiencies.
15. When the improvements comply with City standards, the developer has a Slurry Seal Type III applied to all new asphalt pavement in streets, then the improvement warranty and cash deposit are released.

Commented [DF1]: Look to add somewhere in Title 19.

18-4-8 Storm Water

A storm drainage plan has been prepared and is maintained by Kaysville City and Davis County. The developer shall implement the portion of that plan, in accordance with the City's Drainage Evaluation and Design Manual, applicable to the development by:

- ~~1. Preparing a detailed drainage plan for the development which is acceptable to the City.~~
- ~~2. Making sufficient improvements, such as storm drains, cross gutters, catch basins, inlets, and other appurtenance structures, to adequately dispose of 10-year frequency storm runoff within the development and from adjacent properties. Said disposal system shall include the retention of treatment of the WQV, as detailed in the City's LID Manual. Storm drains shall be not less than fifteen inches (15") in diameter for inlets and eighteen inches (18") in diameter for mainlines and meet all other City standards and specifications.~~
- ~~3. Providing for restriction of the runoff from the development to 0.20 cubic feet per second per acre per 100-year frequency rainfall event through one or more of the following, at the direction of the City:
 - ~~1. Conveyance (including easements) of the runoff to a regional detention/retention/treatment site and paying the development's proportional share of the cost of the regional detention facility and conveyance to the main channel; or~~
 - ~~2. Dedicating land and constructing regional detention/retention/treatment within the development and conveyance to a main channel if said development contains a proposed detention/retention/treatment site. The developer may be compensated for the cost of the regional detention and conveyance to a main channel for that which is not the proportional share for the development; or~~
 - ~~3. If the development is within a subdivision that has fulfilled the controlled release requirements, complying with the storm drainage requirements of the subdivision.~~
 - ~~4. Conveyance of the runoff to a site within the development dedicated and constructed for detention/retention/ treatment.~~~~
- ~~4. If the development is within one hundred feet (100') of a main channel, complying with all Davis County Flood Control requirements and being approved by Davis County.~~
- ~~5. Unless otherwise directed or agreed to by the City Engineer, any infrastructure not located in a City right of way or on City owned property that is installed or used for the conveyance/treatment/detention/retention of storm water shall require a Storm Water Maintenance Agreement to be approved by the Storm Water Official and shall be recorded with the Davis County Recorder's Office, as per KCC 9-3d-8.~~

The developer shall install storm water infrastructure as outlined in Kaysville Subdivision Code and the City's Drainage Evaluation and Design Manual.

Title 19 changes

19-1-7 Definitions

The following words and phrases used in this Title shall have the respective meanings hereinafter set forth, unless a different meaning clearly appears from the context:

Adjacent Landowners - Any property owner of record, according to the records of the County Recorder, whose property adjoins or abuts property proposed for subdivision, or any portion thereof.

Administrative Land Use Authority - Kaysville City Staff

Alley - A public right-of-way less than 30 feet (30') wide.

Approval of site plans – Preliminary and Final site plans, subdivision plats and plat amendments are reviewed for overall design and compliance with City Code and Standards by the Administrative Land Use Authority. The City review shall not shift the liability, the Standard of Care responsibility, or the responsibility of a thorough peer review from the Engineer-of-Record to the City.

Block - The land surrounded by streets and other rights-of-way other than an alley, or land which is designated as a block on any recorded subdivision plat.

Boundary Adjustment – An agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels. A Boundary adjustment does not create an additional lot or parcel. It does not include an adjustment made by the Department of Transportation.

Boundary Establishment – An agreement between adjoining property owners to clarify the location of an ambiguous, uncertain, or disputed common boundary. A Boundary establishment does not create an additional lot or parcel. It does not include an adjustment made by the Department of Transportation.

City - Kaysville City.

City Council - The Kaysville City Council.

City Engineer - The Kaysville City Engineer.

Condominium Project - A real estate condominium project. A plan or project whereby two or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures or otherwise, are separately offered or proposed to be offered for sale. Condominium project shall also mean the property where the context so requires.

Dedication - Land set aside by an owner for any general and public uses, reserving for themselves no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat showing the dedication thereof.

Developer - Any person, including a corporate person, who undertakes to develop land, including Subdividers.

Development - The improvement of any tract, lot, or parcel of land by construction thereon.

Easement - That portion of a lot or lots reserved or granted for the present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on the surface, or above said lot or lots.

Final Plat - The final drawing of the subdivision and dedication prepared for filing for record with the County Recorder and in compliance with all the requirements set forth in this Title and adopted pursuant thereto.

General Plan - The Kaysville City General Plan.

Improvement Completion Assurance - A cash deposit furnished and filed with Kaysville City in an amount equal to one hundred fifteen percent (115%) of the current cost of a Slurry Seal Type III on all asphalt pavement in streets, as determined by licensed contractor quote.

Improvement Warranty - Applicant's unconditional warranty that the accepted improvements comply with Kaysville City's written Standards for Design, Materials, and Workmanship and will not fail in any material respect, as a result of poor workmanship or materials, during the Improvement Warranty Period, and a cash deposit furnished and filed with Kaysville City in an amount often percent (10%) of the actual costs of the improvements less the Slurry Seal Type III on all asphalt pavement in streets.

Improvement Warranty Period - A period of one (1) year after the Applicant provides the Improvement Warranty and the City accepts the improvements unless the City determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare and has substantial evidence, on record, of prior poor performance by the Applicant or that the area upon which the improvements were constructed contains suspect soil and the Applicant has not mitigated the suspect soil.

Lot - A parcel of land comprising a unit within a subdivision or a unit of land for building development or transfer of Ownership, together with such yards, open spaces, lot width, and area as required by this Title and the Zoning Ordinance of Kaysville City.

Lot-Line Adjustment - ~~The adjustment of a mutual boundary between either multiple subdivided lots or multiple established lots of record where the property line is modified in compliance with yard, lot size, and frontage requirements for the applicable zoning district and where no new lot is created.~~

Lot Consolidation - ~~The combination of two or more lots whether previously subdivided or established lots of record where the legal description of more than one contiguous parcel of property is revised into one legal description encompassing all such parcels of property and where no zoning violation is created.~~

Major Street Plan - A plan, labeled "Major Street Plan" approved by the City Council which identifies the major street network of Kaysville City and requirements thereof.

Off-site - Outside a specific parcel of land being developed or considered for development.

On-site - Within a parcel of land owned by a private citizen or by a private legal entity.

Parcel of Land - A contiguous quantity of land in the possession of, owned by, or recorded as the property of the same owner or person.

Person - An individual, corporation, partnership, organization, association, trust, governmental agency or any other legal entity.

Pioneer Developer - A Developer that acquires easements or rights-of-way or installs improvements that provide service for development of a site other than the Development of the pioneer developer and enters into a Pioneer Developer Agreement approved by the City.

Planned Residential Unit Development - A subdivision of land guided by an integrated design in which residential lots may have areas less than the minimum lot area of the zone in which the subdivision is located, and other regulations, except use regulations, may be waived or varied to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements.

Planning Commission - The Kaysville City Planning Commission.

Plat - A map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, and streets, or other divisions and dedications.

Protection Strip - A strip of land bordering both the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access of property owners abutting the subdivision to the street.

Simple Boundary adjustment – a boundary adjustment that does not affect a public Right of Way, municipal utility easement, other public property, an existing easement, onsite wastewater system, an internal lot restriction, or result in a lot or parcel out of conformity with land use regulations.

Streets:

1. Street - Public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements and other ways.
2. Street, Arterial - A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated in the Major Street Plan.
3. Street, Collector - A street, existing or proposed, which collects and distributes traffic and is designated in the Major Street Plan.
4. Street, Significant Local - A street, existing or proposed, which is supplementary to an arterial street or a collector street and is designated in the Major Street Plan.
5. Street, Local - A street which is not otherwise classified.
6. Street, Private - A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two (2) or more sites.
7. Street, Cul-de-sac - A terminal street provided with a turnaround with a 100-foot minimum diameter. Cul-de-sac streets shall not be any longer than six hundred feet (600') from the centerline of the adjoining street to the center of the turnaround.

Subdivider - Any person, including a corporate person, who undertakes to create a subdivision.

Subdivision - Any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, 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 includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

Subdivision Amendment – Means an amendment to a recorded subdivision that vacates all or a portion of the subdivision, increases the number of lots within the subdivision, alters a public right-of-way, a public easement, or public infrastructure, or alters a common area or other common amenity within the subdivision. A Subdivision amendment does not include a simple boundary adjustment.

Suspect Soil - Soil that has a high susceptibility for volumetric change, typically clay rich, having more than a three percent (3%) swell potential; bedrock units with high shrink or swell susceptibility; or gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

Zoning Ordinance - The Planning and Zoning Ordinance of Kaysville City, as adopted by the City Council and as amended.

Other definitions as used in the Municipal Land Use Development and Management Act, Section 10-9a-103, may be used in applying and interpreting this Chapter, if applicable and not in conflict herewith.

19-2-1 Subdivision Development Process

The following steps are required:

1. The Subdivider contacts the City for information concerning the City subdivision requirements and compatibility with the General Plan, and discusses the proposed plan of development prior to preparing any plats, plans or charts.
 1. If an applicant requests a pre-application meeting, Kaysville City shall, within 15 days after the request, schedule the meeting to review the concept plan and give initial feedback.
 2. At the pre-application meeting, the Staff shall provide or have available on the city website the following:
 1. Copies of applicable land use regulations;
 2. A complete list of standards required for the project;
 3. Preliminary and final application checklists; and
 4. Feedback on the concept plan.
2. The Subdivider pays the preliminary plat fee at the City Office.
3. The Subdivider submits the following to the City for preliminary plat:
 1. The preliminary plat prepared by a registered engineer or surveyor and supporting documents as specified in [KCC 19-3-3](#).
 2. A copy of the preliminary plat fee receipt.
 3. The Owner's affidavit.
 4. An electronic copy of all plans in PDF format.
4. The Subdivider submits copies of the preliminary plat and any applicable utility load information to agencies and service providers as needed. If a State highway is involved, the Subdivider provides evidence of approval of access, curbs, gutters, and sidewalks by the Utah Department of Transportation to the City.
5. City staff will review the documents and make recommendations. Fifteen (15) working days are allowed for completion of staff review for each submittal or re-submittal.
6. Upon completion of the staff review, the City will notify the Subdivider and provide comments on any necessary modifications or required additional information.
7. After a preliminary plat is submitted, the City shall provide a public comment opportunity, which shall:
 1. Include posting a notice at the proposed development site with instructions on how and when comments may be submitted.
 2. Encourage comments to identify specific sections of City code or standards which are applicable to the comment.
 3. Encourage a subdivider to meet with stakeholders prior to submitting a tentative final plat and solicit feedback regarding their proposed development.
8. The Subdivider pays the final plat fee at the City Office.
9. The Subdivider submits the tentative final plat to the City.
10. City Staff checks the tentative final plat for compliance with conditions and returns one copy to the Subdivider.
11. The Subdivider submits the final plat and irrigation system drawings to any irrigation providers involved and obtains approval.
12. The Subdivider submits the following to the City:
 1. The final plat prepared by a registered engineer or land surveyor in accordance with [KCC 19-4-3](#).

2. Cross sections and profiles of the streets and all other construction drawings related to all of the improvements to be constructed within the subdivision. All such drawings and materials must be signed and stamped by a registered professional engineer.
 3. Open space improvement drawings if applicable.
 4. Low Impact Development (LID) and/or storm water facility details. Depending on site conditions or complicating factors, the City may require a written geotechnical report supporting assumptions made when calculating the Water Quality Volume (WQV), as defined in the City's LID manual, and any subsequent calculations on infiltration and LID facility sizing.
 5. Title Report.
 6. Written results of a test for suspect soils in the area upon which public improvements will be constructed.
 7. Agreements, if applicable.
 8. Copy of final plat fee receipt.
13. City staff will review the documents and provide comments on any necessary modifications or require additional information. Twenty (20) working days are allowed for completion of staff review for each submittal or re-submittal. No more than four (4) review cycle are permitted. The City may only add new relines after the first review cycle in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law.
1. If, on the fourth or final review, the City fails to respond within twenty (20) business days, the City shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received;
 1. For a dispute arising from the subdivision improvements plans, assemble an appeal panel in accordance with Utah Code 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 by the City and applicant.
 2. A member of the panel assembled by the City may not have an interest in the application that is the subject of the appeal.
 3. The land use applicant shall pay:
 1. 50% of the cost of the panel; and
 2. The City's published appeal fee; or
 4. 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.
14. Upon completion of staff review, the City will notify the Subdivider.
15. The City Attorney will review the documents submitted to ensure adequacy and sign the plat when approved.
16. The Subdivider must then pay the following fees at the City Office:
1. Development fees.

2. Recording fees.
 3. Inspection fees.
 4. Utility extension fees.
17. The Subdivider submits the Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) for the subdivision to the Storm Water Manager or their designee.
 18. The Subdivider and contractors and other representatives meet with City representatives in a preconstruction conference.
 19. The Subdivider submits an Excavation Permit application for work within City streets and/or right of way ([KCC 9-2-9](#)) and pays the necessary cash deposit and fee amounts.
 20. The Subdivider constructs and installs all improvements, except the preventative maintenance surface treatment with inspection by the City. In the event the Subdivider desires to begin construction of ~~residential~~ buildings before improvements are installed in the subdivision phase, the City may accept building permit applications upon compliance with all other requirements, including recording the plat, plus the following:
 1. The Subdivider shall guarantee the proper installation of improvements in accordance with Kaysville City standards and specifications, by cash deposit furnished and filed with Kaysville City [or escrow account](#) in an amount equal to one hundred ten percent (110%) of the cost of the installation of the improvements as determined by licensed contractor quote.
 2. Meet all requirements for the issuance of a building permit under the building and fire code.
 3. In accordance with building code, any retaining walls, or similar structures, in excess of four (4) feet from the bottom of the footing to the top of the wall, shall be designed by a licensed engineer. A report from, and stamped by the licensed engineer of record (or an agency approved by the City) shall certify the installed structure is compliant with the design.
 4. No final building inspection will be scheduled nor conducted and no occupancy allowed until all subdivision phase improvements have been completed and certified.
 21. The Subdivider has as-built drawings prepared and submits them, the Improvement Completion Assurance and Improvement Warranty to the City.
 22. The Public Works Superintendent certifies that the improvements are completed.
 23. The City Engineer addresses the lots on the plat and has the final plat recorded at the office of the Davis County Recorder and then building permit applications will be accepted.
 24. The City accepts the improvements and the Improvement Warranty Period begins.
 25. Near the end of the warranty period, the Subdivider requests a City Inspection of the improvements and the Subdivider corrects all deficiencies identified in the punch list provided by the city inspector.
 - [26.](#) When the improvements comply with City standards as certified by the Public Works Superintendent, the Subdivider applies a preventative maintenance seal coat on all asphalt pavement in streets, then the Improvement Warranty Period ends and the Improvement Completion Assurance and Improvement Warranty are released.

19-2-7 Lot-Line Adjustments And Lot ConsolidationsBoundary Adjustments

Applications that meet the definition of a ~~lot line adjustment or lot consolidation~~ boundary adjustment shall be processed in the following manner.

1. Simple Boundary Adjustments:

- a. The applicant petitioning for a simple boundary adjustment contacts the City for information concerning the adjustment process.
- b. The applicant pays the simple boundary adjustment fee at the City Office.
- c. The applicant submits the following to the City:
 - i. A conveyance document that complies with Utah State Code.
 - ii. A description of all lots or parcels affected by the proposed boundary adjustment.
- d. The City staff will review the submitted documents. Fifteen (15) working days are allowed for completion of staff review for each submittal or re-submittal.
 - i. City staff will review documents to verify the following:
 1. The conveyance document complies with Utah State Code.
 2. Property descriptions are accurate
 3. Public Right of Way is not affected
 4. Municipal utility easements or other existing easements are not affected
 5. Public property is not affected
 6. Onsite wastewater systems are not affected.
 7. No internal lot restrictions are violated.
 8. No resulting lot or parcel will be out of conformity with land use regulations.
- e. Upon completion of the staff review, the City will notify the applicant of any necessary changes to comply with applicable standards and ordinances.
- f. Once it has been determined that the documents meet State and City requirements, the documents shall be recorded with Davis County.

2. Full boundary Adjustment

- a. The applicant petitioning for a full boundary adjustment contacts the City for information concerning the adjustment process
- b. The applicant pays the full boundary adjustment fee at the City Office.
- c. The applicant submits the following to the City:
 - i. A conveyance document that complies with Utah State Code.
 - ii. A survey that complies with Utah State Code.
 - iii. A proposed plat amendment corresponding with the proposed full boundary adjustment.
 1. The plat amendment shall include signature blocks for the following:
 - a. City Engineer Approval
 - b. City Attorney Approval
 - c. A signature block in the lower right hand corner of the drawing for the County recording information

- iv. Preliminary Title Report.
 - v. Agreements, if applicable.
 - vi. Any applicable utility load information to agencies and service providers as needed.
 - d. The City staff will review the submitted documents. Fifteen (15) working days are allowed for completion of staff review for each submittal or resubmittal.
 - i. City staff will review documents to verify the following.
 - 1. The proposal submitted to the City includes all necessary information.
 - 2. The survey does not violate any City Land Use regulation.
 - 3. The plat amendment meets State Code, City Land Use Code, City Subdivision Code, and any other applicable City Code.
 - e. Approval of the plat amendment shall be effective until the later of:
 - i. One (1) year after the date of approval by the City; or
 - ii. The last day of extension period approved by the City.
 - iii. If the plat amendment has not been offered for recording, with all approval steps completed, within the applicable period, the plat amendment shall not be recorded or received for recording and shall have no validity whatsoever.
 - f. Upon completion of the staff review, the City will notify the applicant of any necessary changes to comply with applicable standards and ordinances.
 - g. Once it has been determined that the documents meet State and City requirements, the documents shall be recorded with Davis County.

3. Boundary Establishment

- a. Is not subject to review by the City. Boundary Establishment shall meet State Code and all documents shall be recorded with Davis County.
- b. The City may enforce City Code against property with a boundary establishment that violates land use regulations.

19-2-9 Subdivision Amendments

Applications that meet the definition of a subdivision amendment shall be processed in the following manner.

- 1. The applicant petitioning for a subdivision amendment contacts the City for information concerning the amendment process
- 2. The applicant pays the subdivision amendment fee at the City Office.
- 3. The applicant submits the following to the City:
 - a. A proposed subdivision amendment plat corresponding with the proposed subdivision amendment that includes the following:
 - i. Signature blocks for the following:
 - 1. City Engineer Approval.
 - 2. City Attorney Approval.
 - 3. Mayor (as a non-discretionary and ministerial act for the acceptance of land and public improvements that may be proposed for dedication to the City) Approval attested by the City Recorder.
 - 4. Community Development Director Approval.

- v. Utility Approval as required.
 6. A signature block in the lower right hand corner of the drawing for the County recording information
 - ii. Description of land to be included in the subdivision amendment
 - iii. Registered professional engineer and/or land surveyors Certificate of Survey
 - iv. Owners dedication certificate
 - v. Notary publics acknowledgment
 - b. A copy of the protective covenants, if applicable
 - c. Preliminary Title Report.
 - d. Agreements, if applicable.
 - e. Any applicable utility load information to agencies and service providers as needed.
 - f. Construction drawings regarding any applicable storm water drainage facilities, storm water quality infrastructure, sidewalks, roads, curb and gutter, planting and parks, utilities, grading, and all required improvements as required by Title 19 Subdivision in City Code.
 - g. Storm water maintenance agreement for any proposed conveyance/retention/treatment/detention facilities.
4. The City shall provide notice of a petition by mail or email to:
 - a. Each affected entity that provides a service to a property owner of record of the portion of the plat that is being vacated or amended.
 - b. Each property owner of record within the portion of the subdivision that is proposed to be amended.
5. The notice of a petition shall include a deadline by which written objections to the petition are due to the City, but no earlier than 10 calendar days after the day on which the land use authority send the notice.
6. The City shall hold a public hearing within 45 days after the day on which a petition is filed if:
 - a. Any property owner within the subdivision that is proposed to be amended notifies the City of the owner's objection in writing before the deadline for objections.
7. The City may approve a petition for a subdivision amendment no earlier than:
 - a. The day after the day on which written objections were due to the City or
 - b. If a public hearing is required, the day the public hearing takes place.
8. The public hearing requirement does not apply but the City may require a public meeting for a subdivision amendment petition if:
 - a. The petition seeks to:
 - i. Join two or more of the petitioner fee owner's contiguous lots
 - ii. Subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of City Code or a development condition
 - iii. On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the City
 - iv. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not;
 1. Owned by the petitioner; or
 2. Designated as a common area; and

- b. Notice has been given to adjoining property owners in accordance with any applicable City Code.
9. Once it has been determined that the documents meet State and City requirements and petition requirements have been satisfied, the documents shall be recorded with Davis County.
1. ~~The applicant petitioning for approval of a lot line adjustment or lot consolidation contacts the City for information concerning the City's amended plat requirements and discusses the proposed plan prior to preparing any plats, plans or charts.~~
2. ~~The applicant pays the lot line adjustment/lot consolidation fee at the City Office.~~
3. ~~The applicant submits the following to the City:~~
1. ~~An amended plat prepared by a registered engineer or surveyor and supporting documents as specified in KCC 19-4-3 with the signature blocks for the following:~~
1. ~~City Engineer approval.~~
2. ~~City Attorney approval.~~
2. ~~A copy of the lot line adjustment/lot consolidation fee receipt.~~
3. ~~Preliminary Title Report.~~
4. ~~Agreements, if applicable.~~
4. ~~The applicant submits copies of the amended plat and any applicable utility load information to agencies and service providers as needed.~~
5. ~~The applicant submits the final plat and irrigation system drawings to any irrigation providers involved and obtains approval.~~
6. ~~The City staff will review the documents. Fifteen (15) working days are allowed for completion of staff review for each submittal or re-submittal.~~
7. ~~Upon completion of the staff review, the City will notify the applicant of any necessary changes to comply with applicable standards and ordinances. Once the amended plat meets all applicable standards and ordinances, the City assign addresses to each lot on the plat as needed and notify the applicant to submit a mylar copy of the approved plat.~~
8. ~~Approval of the final plat shall be effective until the later of:~~
1. ~~One (1) year after the date of approval by the City; or~~
2. ~~The last day of extension period approved by the City.~~
3. ~~If the final plat has not been offered for recording, with all approval steps completed, within the applicable period, the plat shall not be recorded or received for recording and shall have no validity whatsoever.~~
9. ~~The City Attorney will review the documents submitted to insure adequacy and sign the plat when approved.~~
10. ~~The City Engineer then signs the plat then has the final plat recorded at the office of the Davis County Recorder after which building permit applications will be accepted.~~

11. It shall be unlawful for any person to change the lines, drawings, lot sizes or shapes, or any other provision of a plat after it has received approval by any person whose approval is required. Any plat that is changed in violation of this paragraph is void. The City may compel the person recording the plat to withdraw the plat from the County Recorder's office or to file a notice, or the City may itself file a notice that the recordation of the plat is void. The City is responsible for recording all subdivision plats. The applicant shall be responsible for all recording and associated fees.

12.1. An amended plat is not required for adjusting a boundary line between a lot and a parcel located outside of a subdivision.

13.

19-4-3 Final Plat Requirements

The final plat shall comply with the requirements of the Davis County Recorder. The plat shall be signed by all parties (mentioned in Subsection (7) of this section) duly authorized and required to sign.

The final plat and attached documentation shall show:

1. A subdivision name approved by the County Recorder and the general location of the subdivision in bold letters at the top of the sheet.
2. Where a subdivision complies with the Planned Residential Unit Development (PRUD) provisions of the Zoning Ordinance and of the regulations, the final plat shall indicate underneath the subdivision name the words Planned Residential Unit Development. In addition, when a subdivision complies with the Condominium Project provisions of this Title, the Record of Survey Map shall indicate underneath the condominium name the words Condominium Project.
3. A north point, scale of the drawing, and the date.
4. Accurately drawn boundaries showing the proper bearings and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines.
5. The widths, lengths, bearings, and curve data on centerlines of proposed streets, and easements; the boundaries, bearing the dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, minimum floor and crawl space elevations, and numbers of all lots, blocks, and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively by numbering approved by the City Engineer. The City shall provide an address number to each residential or business structure.
6. Parcels of land to be dedicated as public parks or to be permanently reserved for private common open space shall also be titled Public Park or Private Common Open Space, whichever is applicable.
7. The Engineer-of-Record Certification Block shall be shown on the plans, as indicated below:

As the Engineer-of-Record (EOR), I hereby certify that these construction plans and supporting documentation (Plans) comply with Kaysville City Code and Standards (Standards). As the EOR, I acknowledge that:

1. The City's review or approval of these plans shall not be construed as an approval for any variance from any provision of City, County, State or Federal Codes or Standards.
2. The City's approval of these plans shall not be construed as a peer review, nor a confirmation of the efficacy or accuracy of the design.

3. I have considered the Engineering Standard of Care in the development of these plans.

Engineer-of-Record Signature

Date

6-

7-8. The standard forms for all subdivision plats lettered for the following:

1. Description of land to be included in the subdivision.
2. Registered professional engineer and/or land surveyors Certificate of Survey.
3. Owners Dedication Certificate.
4. Notary Publics acknowledgment.
5. Community Development Director approval.
6. Utility approval as required.
7. City Attorney approval.
8. City Engineer approval.
9. Mayor (as a non-discretionary and ministerial act for the acceptance of land and public improvements that may be proposed for dedication to the city) approval attested by the City Recorder.
10. A three inch (3") by three inch (3") signature block in the lower right hand corner of the drawing for County recording information.

8-9 Copy of the Protective Covenants for approval by the City Council and recording if applicable.

9-10. Storm water quality infrastructure and facilities, including LID facilities and/or storm water treatment facilities as described in the City's LID manual with associated calculations. Calculations shall include a Water Quality Report (WQR), as described in the City's LID Manual.

10-11. A storm water maintenance agreement for all conveyance/retention/treatment/detention facilities owned and maintained privately (outside of City right of way or City owned property) between the City and the facility owner(s). Said agreement shall be recorded with the plat and transfer to subsequent owners of said property and/or facilities.

11-12. Final construction drawings regarding the proposed storm water drainage facilities and other proposed special improvements such as sidewalks, planting and parks, utilities, any grading of individual lots and all required improvements as required by section KCC 19-6-3.

Chapter 5 Subdivision Standards

19-5-1 Arrangement Of Streets

The arrangement of streets shall provide for access to and circulation within the vicinity of the subdivision and the continuation of streets in lands adjoining the subdivision, as determined by the City Engineer. The street arrangement shall not cause unnecessary hardship for maintenance crews or

owners of adjoining property when they plat their own land and seek to provide for convenient access to it, and it shall enhance access and connectivity. Half streets along the boundary of land proposed for subdivision or within any part of a subdivision will not be permitted.

Temporary turnarounds (at phase or property boundaries) are required, in accordance with Appendix D of the IFC. Turnaround options are limited to a hammerhead configuration. he developer must execute an agreement with the City to cover any and all future costs associated with removing the temporary turnaround and installing permanent improvements within their development boundaries. Due to the unknown length of time that the temporary turnarounds may remain in place, the City will not accept a bond amount in lieu of this requirement.

Commented [DF1]: Get rid of cul-de-sac option.

When the developer elects to install a hammer head, they shall ~~may~~ use the hammerhead as driveways for future homes, which would not require future removal if the driveways meet City standards and meet the other requirements of D102.1 of the IFC.

In accordance with the City's Drainage Evaluation and Design Manual, downhill-sloping cul-de-sac's or dead end streets are not permitted. Cul-de-sacs are discouraged as much as possible by the City Engineer, but when approved, they shall provide adequate space for snow plow storage (as indicated in KCC 19-6-3 item 12).

19-5-2 Streets

1. **Major Streets.** Arterial, collector, and significant local streets shall conform to the width designated on the Major Street Plan wherever a subdivision falls in an area for which a Major Street Plan has been adopted. For areas where the street plan has not been completed at the time the preliminary plat is submitted to the City, arterial, collector, or significant local streets shall be provided as required by the City.
2. **Local Streets.** Local streets shall have a minimum width of fifty-five feet (55') with sixty-six feet (66') required for streets that will have greater use as determined by the City Engineer.
3. **Cul-de-sac Streets.** Cul-de-sacs shall not be longer than six hundred feet (600') from the centerline of the adjoining street to the center of the cul-de-sac. Each cul-de-sac must be terminated by a turnaround of not less than 100 feet in diameter. If surface water drains into the turnaround due to the grade of the street, necessary catch basins and drainage systems and easements shall be provided.
4. **Temporary dead-ends and turning Area.** Where a street longer than one lot is designed to remain only temporarily as a dead-end street, the following shall apply:
 1. Where the street dead-ends into a subsequent phase of the same subdivision, a temporary, graveled 80-foot diameter turnaround and a permanent easement of right-of-way on the subsequent phase property shall be provided. However, if the subsequent subdivision phase is not recorded at the time of roadway paving in the preceding phase, an 80-foot diameter asphalt-surfaced turnaround shall be placed on the subsequent phase property.
 2. Where the street dead-ends against property which is not part of a subsequent subdivision phase, either a bubble inside the subdivision as shown in the Standard Drawings, or an asphalted 80-foot diameter turnaroud, along with a permanent

easement of right-of-way from the adjacent property owner, shall be placed. If a bubble inside the subdivision is provided, the Subdivider shall pay to the City an amount equal to 115% of the cost of removing the bubble and installing standard street improvements and landscaping.

5. **Intersections.** The intersection of more than two streets at one point shall not be allowed. Streets shall intersect at a ninety degree (90°) angle. Street intersections shall be rounded with a minimum radius of twenty-five feet (25') measured at the back of curbs.
6. **Standard Street Sections.** All streets, whether existing or proposed, shall be made to conform to the City Street Cross Section Standards as adopted by the City. Existing streets shall be profiled and redesigned to full street width far enough beyond the subdivision boundaries to drain and function properly.
7. **Street Grades.** Street grades shall not exceed the following percentages: on arterial streets eight percent (8%); on local and collector streets ten percent (10%). Street grades near intersections shall be designed for adequate stopping and starting by adjusting grades on both sides of the intersection. Grades on all cul-de-sac streets shall be a minimum of 1.0% and on all other streets shall be a minimum of 0.5% unless specifically authorized by the City Engineer. The cross slope of the street cross section is defined on the standard drawings. The maximum difference in curb elevations shall not exceed one foot (1'), and then only with the approval of the City Engineer.
8. **Alleys.** Alleys shall have a minimum width of twenty-six feet (26'). Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the City.
9. **Bridges.** Design and construction of new bridges, whether essential for the overall circulation plan of the City or required only to serve a subdivision, shall be approved in advance by the City.
10. **Excavations and Fills.** Subdivision development adjacent to the Great Salt Lake or its natural drainage channels, or within any marsh or wetlands which will result in any discharge of excavated or fill materials, may require obtaining a permit from the U.S. Army Corps of Engineers prior to the issuance of local permits for the deposition of fill material into any wetland or stream channel. This determination shall be made a part of the preliminary plat staff review.
11. **Names and Numbers.** Names of new streets shall not duplicate existing or planned street names unless a new street is a continuation of, or in the alignment with, the existing or platted street. House numbers shall be assigned in accordance with the House Numbering System in effect in the City. All new streets shall be numbered if they are in alignment with the grid. They shall be named if not in alignment with the grid.

19-5-3 Traffic Impact Studies

1. A Traffic Impact Study (TIS) shall be required for all proposed developments or changes in land use that meet one or more of the following conditions:
 - a. Trip Generation:
 - i. Any development that generates 100 or more vehicle trips per day as determined using the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation

- ii. For residential developments, a TIS is required if the development includes 50 or more dwelling units.
- iii. For commercial or industrial developments, a TIS is required for any project exceeding 30,000 square feet of building area or any development type that is expected to generate significant peak hour trips (e.g., restaurants, gas stations)

b. Proximity to Sensitive Areas

- i. Any development located within 1,000 feet of a school, hospital, or emergency service facility shall be required to submit a TIS.
 - a) The study must evaluate pedestrian safety, school zone impacts, and the interaction of development traffic with existing public safety operations.

c. Location-Based Requirements

- i. A TIS is required for any development within:
 - a) 500 feet of an arterial or collector road, railroad crossing, or a highway interchange.
- ii. Developments in these areas must include an evaluation of intersection impacts, vehicular congestion, and access management to ensure safety and efficient flow of traffic.

2. Exemptions

a. Small-Scale Developments:

- i. Projects generating fewer than 50 vehicle trips per day, as determined by ITE standards, are exempt unless otherwise directed by the City Engineer.

b. Minor Modifications:

- i. Minor expansions or renovations to existing developments that do not significantly increase traffic volumes or alter access configurations may be exempt at the discretion of the City Engineer.

c. Developments in Well-Served Areas:

- i. Projects located in areas with existing infrastructure that can handle the additional traffic without substantial impact may be exempt, provided a preliminary review by the City Engineer supports this conclusion.

3. Scope of Traffic Impact Study

- a. Each Traffic Impact Study shall be prepared by a licensed professional engineer specializing in transportation planning and analysis. The scope of the TIS should include, but not be limited to, the following:

- i. Trip Generation Analysis:

- a) Use ITE Trip Generation rates to estimate the daily and peak hour trips generated by the proposed development.

- ii. Traffic Distribution and Assignment:

- a) Analyze how the generated trips will distribute across the transportation network, taking into account the likely routes used by vehicles accessing the site.

iii. Intersection Capacity Analysis:

- a) Conduct intersection-level analysis for all intersections within a 1,000-foot radius of the project boundary.
- b) Evaluate existing and future levels of service (LOS) and recommend mitigation measures where LOS falls below acceptable levels as defined by the City Engineer.

iv. Pedestrian and School Zone Impacts (if applicable):

- a) Evaluate the safety of pedestrians, especially near schools and hospitals, and determine if pedestrian crossings, signage, or school zone enhancements are necessary.

v. Safety Review:

- a) Review the accident history within the study area and identify any potential safety concerns. Recommend improvements to reduce crash potential, such as signal modifications, turn lane additions, or signage enhancements.

vi. Mitigation Measures:

- a) Provide specific mitigation measures to address any identified deficiencies or adverse impacts on traffic operations, safety, or pedestrian activity. Developers shall be responsible for implementing these improvements, which may include roadway widening, signalization, or turn lanes, as required by the TIS recommendations.

4. Required Items for a Traffic Study

a. Project Overview:

- i. A project description including the type of development (residential, commercial, industrial, etc.), site location, and the development's scope (number of units, square footage, etc.).
- ii. A site plan showing access points, proposed buildings, parking lots, internal roadways, and any relevant on-site transportation features.

b. Existing Conditions:

- i. A description of the current traffic conditions in the area, including existing roads, nearby intersections, and traffic control devices (signals, signs, etc.).
- ii. Existing traffic volume data for nearby streets and intersections, including daily and peak-hour volumes.
- iii. A description of nearby land uses, such as schools, hospitals, residential areas, or major employers that might influence traffic patterns

c. Trip Generation

- i. Trip generation estimates based on the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
- ii. Estimation of peak-hour trips for the AM and PM periods, as well as total daily trips

d. Trip Distribution and Assignment:

- i. A map or diagram showing the expected distribution of trips (inbound and outbound) across the transportation network, including which streets and intersections will be impacted.
 - ii. Assignment of trips to the roadway network, identifying which routes drivers are expected to use when accessing the development.
- e. Intersection and Roadway Analysis:
 - i. Capacity analysis of nearby intersections and roadways, both for existing conditions and future conditions (with and without the development). This analysis should include:
 - a) Levels of Service (LOS) for intersections.
 - b) Queue lengths for key movements.
 - c) Delays and volume-to-capacity ratios for each approach at major intersection
 - ii. Traffic signal warrant analysis (if applicable) based on anticipated traffic volumes and intersection conditions.
- f. Pedestrian and Bicycle Analysis (if applicable):
 - i. Evaluation of pedestrian and bicycle impacts, especially near schools, hospitals, parks, or areas with significant foot or bike traffic.
 - ii. Identification of existing pedestrian crossings, sidewalks, and bicycle lanes, along with any proposed improvements or modifications.
- g. Safety Analysis:
 - i. Crash data for nearby intersections and roads, including the number and types of crashes over the past three to five years.
 - ii. Identification of any existing safety concerns, such as poor sightlines, high speeds, or frequent accidents, and recommendations for mitigating those concerns.
- h. Parking and Access Analysis:
 - i. An evaluation of site access, including the number, location, and configuration of driveways, as well as any potential conflicts with existing traffic patterns.
 - ii. On-site parking analysis, including parking lot layout, circulation, and the adequacy of parking supply relative to city standards.
- i. Future Traffic Projections:
 - i. Future traffic volumes, taking into account projected growth in the area, background traffic increases, and the proposed development.
 - ii. A 20-year projection of traffic conditions, if applicable, for long-term planning and infrastructure needs.
- j. Mitigation Measures:
 - i. A list of proposed mitigation measures to address any adverse traffic impacts identified in the study. These measures could include:
 - a) Roadway improvements (e.g., additional lanes, turn lanes, road widening).
 - b) Traffic signal upgrades or installations.
 - c) Changes to access points (driveway consolidation, turn restrictions, etc.).
 - d) Pedestrian and bicycle safety improvements.
 - ii. Cost estimates and timelines for implementing the mitigation measures.
- k. Conclusions and Recommendations:

- i. A summary of the Traffic Impact Study's findings, including the overall impact of the development on the transportation network.
- ii. Specific recommendations for roadway or intersection improvements, safety enhancements, or other actions needed to maintain acceptable traffic conditions.
- I. Technical Appendices:
 - i. All supporting data, such as traffic counts, signal timing plans, and detailed calculations, should be included in an appendix for city review.

Intersection and Access Spacing

- 1. Intersections and Accesses (driveways) shall be spaced as specified in City Code 19-6-3. The City Engineer may require a traffic study, prepared by a professional engineer, to evaluate additional spacing requirements based on site conditions.

19-5-43 Blocks

- 1. The maximum length of blocks shall be 1300 feet and the minimum length of blocks shall be 300 feet.
- 2. The width of blocks shall be sufficient to allow at least two tiers of lots, or as otherwise approved by the City because of design, terrain, or other unusual conditions.
- 3. Blocks intended for business or industrial use shall be designed specifically for such purposes, with adequate space set aside for off-street parking and delivery facilities.

19-5-54 Lots

- 1. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be property related to topography and to existing and probable future utilities, rights-of-way, and other requirements.
- 2. All lots shown on the subdivision plat must conform to the minimum area and width requirements of the Zoning Ordinance for the zone in which the subdivision is located, unless:
 - 1. A variance is granted; or
 - 2. It conforms to the Planned Residential Unit Development (PRUD) or Condominium Project provisions.
- 3. Each residential lot shall abut a paved street or common area of a Condominium Project that abuts a paved street. Interior lots having frontage on two streets shall be prohibited, except where unusual conditions make any other design undesirable.
- 4. Buildings constructed on corner lots shall comply with the minimum setback for both streets, or the setbacks of a Planned Residential Unit Development (PRUD), as provided in the Zoning Ordinance.
- 5. Side lines of lots shall be at approximately right angles to the street line, or radial to the street line unless in a Condominium Project.
- 6. Remnants of lots less than the minimum size required by the zoning after the subdividing of a larger tract shall be added to adjacent lots rather than allowed to remain as unusable parcels. In no event shall the subdivision of land create a lot which does not conform to the Zoning Ordinance requirements.

7. Where the land included in a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer certified to the City by the County Recorder.
8. Lots deemed by the Commission to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, but such land within the plat shall be set aside for such uses as shall not produce unsatisfactory living conditions.

19-5-65 Easements

Easements for culinary water, sewer, power, irrigation water, drainage, telecommunications, cable television and other utilities shall be provided by the Subdivider and designated on the plat as required to accommodate the utility systems in the subdivision. Where natural drainage channels, interceptor systems, or flood hazard zones cross the subdivision, the Subdivider must obtain the necessary permits to modify such drainage facilities, and designate the channels, systems, or flood hazard zones, and any associated restrictions, on the plat.

19-5-76 Parks And Other Public Places

In subdividing property, the City shall give consideration to suitable sites for parks, playgrounds, and other areas for similar public use.

HISTORY

Amended by Ord. [24-01-03](#) on 1/18/2024

19-5-87 Technical Specifications And Drawings

[The following specifications shall apply to all development](#) [Click here](#) to view the published version of the [Technical Specifications and Drawings Standards](#).

Commented [DF2]: Should the language be different to say that technical specifications apply to development?

19-6-3 Improvements Required

The improvements shall include all street improvements in front of all lots and along all dedicated streets to a connection with existing improvements of the same kind or to the boundary of the development nearest existing improvements. Layout must provide for further extension to adjacent development and to be compatible with the contour of the ground for proper drainage. All water lines, sewer lines, and any other buried conduit shall be installed to the boundary lines of the development. The owner of any land located in or platted as a subdivision shall install the following improvements in compliance with the specifications contained in the Specifications and Standard Drawings:

1. Sewage Collection

- a. Unless the applicable sewer district deems it to be unfeasible, the Subdivider shall connect to the sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the regulations and specifications of, and shall be approved by the applicable Sewer District and Kaysville City. All sewer lines must be extended across the entire frontage of all

existing streets and to the boundary of the subdivision on all existing or proposed City streets.

2. **Groundwater.** The Subdivider shall protect the structures from groundwater by:
 - a. Digging at least one test hole per acre or part thereof, at locations approved by the City Engineer, and determining the depth of the groundwater table and the permeability and percolation rate of the soils. These tests shall be performed by a qualified soils engineer at the Subdivider's expense. If a groundwater drainage system is installed to City standards, with a lateral provided to each lot for a footing drain, this testing is not required.
 - b. Preparing a detailed groundwater plan for the subdivision, showing the minimum level of all floors and crawl spaces. If any floor or crawl space is to be installed within one foot or below the groundwater table or where the permeability and percolation rate of the soil is not adequate, the Subdivider shall install a groundwater drainage system to City standards, with a lateral provided to each lot for a footing drain.
 - c. Making improvements to adequately remove groundwater and prevent groundwater entry into buildings, including crawl spaces.
 - d. Preventing the discharge of surface water drainage into the groundwater drainage system.
3. **Storm Water.** A storm drainage plan has been prepared and is maintained by Kaysville City and Davis County. The Subdivider shall implement the portion of that plan, in accordance with the City's Drainage Evaluation and Design applicable to the subdivision by:
 - a. Preparing a detailed drainage plan for the subdivision which is acceptable to the City that has been prepared in accordance with the City's Drainage Evaluation and Design Manual, which may be amended from time to time.
 - b. Making sufficient improvements, such as storm drains, cross gutters, catch basins, inlets, detention basins, LID facilities and other appurtenant structures, to adequately address the WQV and dispose of ~~100-year~~ the appropriate frequency storm runoff within the subdivision and from adjacent properties. Said disposal system shall include the retention or treatment of the WQV, as detailed in the City's LID Manual. Storm drains shall be not less than fifteen inches (15") in diameter for inlets and eighteen inches (18") in diameter for mainlines and meet all other City standards and specifications.
 - ~~b.c.~~ Design storm frequencies are designated in the City's Drainage Evaluation and Design Manual.
 - ~~c.d.~~ Providing for restriction of the runoff from the subdivision to 0.20 cubic feet per second per acre per 100-year frequency rainfall. The post-construction release rate shall be equal to or less than the preconstruction discharge. Under no circumstances shall the post-development discharge be greater than 0.2 cfs per acre for a 100-year design storm. Runoff restrictions shall be provided event through one or more of the following, at the direction of the City:
 - i. Conveyance (including easements) of the runoff to a regional detention/retentions/treatment site and paying the subdivisions proportional share of the cost of the regional detention facility and conveyance to the main channel; or

- ii. Dedicating land and constructing regional detention/retention/treatment within the subdivision and conveyance to the main channel if said subdivision contains a proposed detention site. The Subdivider may be compensated for a portion of the cost of the regional detention and conveyance to the main channel for that which is not the proportional share for the subdivision.; or
 - iii. Conveyance of the runoff to a site within the subdivision dedicated and constructed for detention and/or retention.
- d.e. If the subdivision is within one hundred feet (100') of a natural drainage over which Davis County has jurisdiction, complying with all Davis County Flood Control standards and shall be approved by Davis County if the drainage is a recognized Davis County Flood Control channel.
- e.f. The storm drainage plan is not intended to and may not eliminate periodic accumulation of standing water on various lots in the subdivision during periods of heavy rainfall or runoff.
- f.g. Unless otherwise directed or agreed to by the City Engineer, and infrastructure not located in a City right of way that is installed or used for the conveyance/treatment/detention of storm water shall require a Storm Water Maintenance Agreement to be approved by the Storm Water Official and shall be recorded with the Davis County Recorder's Office, as per [KCC 9-3d-8](#).
- 4. **Culinary Water.** The Subdivider shall install water lines to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. The location and size of water mains shall be approved by the City Engineer. Unless otherwise directed by the City Engineer, subdivision water lines shall be a minimum of eight inches (8") in diameter and service laterals shall be a minimum of 3/4-inch in diameter. All water lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision on all existing or proposed City streets.
- 5. **Fire Hydrants.** Fire hydrants shall be installed as required. Such fire hydrants shall be of the type, size, and number as directed by the City Engineer, and installed in such locations as approved by the City. A fire hydrant shall also be placed at the end of every dead-end water line, including the end of cul-~~sacs~~~~de-ends~~~~de-sacs~~.
- 6. **Irrigation Water.** In accordance with KCC 18-3-7, pressure irrigation shall be provided to each lot in residential subdivisions.
 - a. All gravity flow ditches through which water will continue to flow within a subdivision after its completion, whether to serve as irrigation water and/or waste flow to go from any adjacent property, shall remain in use and be piped with a minimum pipe size of at least 15 inches and shall be approved by the City Engineer and irrigation provider. Irrigation ditches which will not carry irrigation water and/or waste flow shall be removed.
 - b. The Subdivider shall install pressure irrigation lines to make pressure irrigation available to each lot within the subdivision including laterals to the property line of each lot. All plans and specifications for pressure irrigation systems shall be submitted to the City Engineer and irrigation provider. Such system must be approved by the City and irrigation provider. In accordance with KCC 9-4-15, it shall be illegal for any person to connect together a culinary water system and a non-potable water system by any method.
 - c. The Subdivider shall comply with all the requirements of the provider and furnish proof thereof to the City.

- d. Unless otherwise directed by the City, irrigation water and infrastructure shall remain isolated from and independent of storm water and infrastructure.
7. **Street Grading and Surfacing.** All streets whether existing or proposed, shall be graded and surfaced, including a preventative maintenance surface treatment (as approved by the City) applied on all new asphalt pavement in streets, in accordance with the standards and specifications of Kaysville City and the design for each street. Existing streets shall be modified to drain and function properly.
 8. **Curbs and Gutters.** Curbs and gutters shall be installed by the Subdivider on existing and proposed streets in accordance with all the appropriate specifications of Kaysville City. Curb and gutter shall be thirty inches (30") wide standard high back style, and shall be placed in six inches (6") of compacted untreated base course as foundation materials.
 9. **Street Drainage.** Street drainage and drainage structures shall be required where deemed necessary by the City Engineer and/or as specified by the City's Drainage Evaluation and Design Manual. Drainage facilities and structures shall address storm water quality to comply with State and EPA regulations and requirements, as outlined in the City's LID Manual.
 10. **Sidewalks.** Sidewalks shall be installed according to the specifications of Kaysville City. Sidewalks shall be at least four feet (4') wide with four inches (4") of compacted untreated base course material as foundation materials. Depth of sidewalks shall be four inches (4"). except at driveways, which shall be six inches (6"). Sidewalks located less than five feet (5') from the top back of curb shall be six feet (6') wide.
 - 10.11. **ADA Ramps.** ADA ramps shall be constructed at legal pedestrian crossings or a marked crosswalk. Ramps shall meet the requirements of the ADA accessibility guidelines and City technical specifications. Running slopes shall not exceed 8.33% and cross slopes shall not exceed 2%. Ramps shall be four inches (4") thick over four inches (4") of compacted untreated base course as foundation material.
 - 11.12. **Active Transportation Improvements.** Subdivisions which include or are adjacent to an element of the Kaysville City Active Transportation Plan shall account for and install the applicable improvements including off street shared use paths and street improvements such as striping.
 - 12.13. **Driveway Approaches.** All driveway approaches shall meet the following specifications:

Specification	Residential	Type Commercial, Industrial, and Institutional
Minimum width	10 feet	10 feet
Maximum width	40 feet	40 feet
Minimum concrete thickness	6 inches	8 inches
Minimum base course thickness	6 inches	6 inches
Minimum distance between driveways	12 feet	12 feet

Minimum distance between driveways in a cul-de-sac	6 feet, 10 feet of clear space for snow storage from plowing required on either side of the center line (20 feet total) at the end of the cul-de-sac	
Minimum distance to the point of intersection of two property lines at any street intersection	20 feet	40 feet

13.14. Monuments. Permanent survey monuments shall be accurately set and established at the intersections of centerlines of streets within the subdivision and intersections with centerlines of existing streets and the beginning and ends of curves on centerlines or points of intersections or tangents. All permanent survey monuments shall remain in place, or be reset at the Subdivider's expense, after curbs, gutter, and sidewalks are installed. Monuments shall be of a type specified in City standards, and all subdivision plats shall be tied to a section corner or monument of record, as established by the Davis County Surveyor.

14.15. Electric Power System

- a. The Subdivider shall pay the cost of electric system extensions and street lights, installed by the City, to service the subdivision.
- b. The Subdivider shall be responsible to facilitate the extension of electrical distribution lines by:
 - i. Planning the installation of utilities to each lot or site to be served to preclude conflict between other utilities and the electrical distribution lines.
 - ii. Scheduling and coordinating the actual installation of improvements to allow adequate time for construction of electrical distribution lines.
 - iii. Notifying the Kaysville City Power Superintendent upon completion of adequate site preparation to allow installation of electrical distribution lines.
- c. The Subdivider shall prepare the site for electrical distribution line installation before notifying Kaysville City to install said lines. Site preparation shall include but not be limited to:
 - i. Installation of curb and gutter indicating permanent grade.
 - ii. Markers installed on curb indicating property lines.
 - iii. The area extending from property side of sidewalk away from the street for ten (10) feet leveled to final grade.
 - iv. Utilities installed less than four feet (4') below final grade not extending beyond the property line more than twelve inches (12").
- d. The Subdivider shall provide the trenching and excavations for installation of underground facilities unless waived by the City.
- e. The Subdivider shall back fill, compact, test, and guarantee the back fill of excavations for underground facilities installed.

15.16. Street Signs. The Subdivider shall pay the cost of traffic control, street identification, and other street signs, installed by the City, in accordance with City standards. The cost will be charged to the Subdivider and shall be paid before the plat is recorded. The improvement assurance in the subdivision will not be released until after payment of the costs incurred to install the necessary street signs has been made.

16.17. Fencing of Subdivision. A permanent solid board, metal chain link (with opaque slats if required), masonry, or other similar fence not less than six feet (6') in height shall be installed prior to the start of building construction along all boundaries with properties adjacent to the

subdivision where adjacent uses are found to be non-compatible by the City. In addition, temporary construction fencing shall be installed along appropriate boundaries or where required to contain blowing refuse prior to the start of building construction, as recommended by the City. The construction fence shall remain in place until 90% of the lots are built on. The construction fence shall be type "D" field fence as given in the specifications. Upon installation of the permanent fence by the Subdivider, and approval by Kaysville City, individual property owners shall assume full responsibility for maintenance of fences or portions of fences constructed upon their property and shall not hold Kaysville City responsible for any and all defects of workmanship, maintenance, repair, and liabilities of any nature arising from the construction or intended use of said fences. In situations where a temporary construction fence and a non-climbable permanent fence coincide, the non-climbable permanent fence shall take the place of the temporary construction fence and shall be constructed prior to the beginning of construction within the subdivision.

17.18. Marking of Lots. Survey markers shall be placed at all lot corners and at lot boundary locations to completely identify the lot boundaries on the ground. Lot corners shall be identified with permanent plugs in the sidewalk or back of the curb or with a metal pipe or rod driven into the ground if sidewalks or curbs are not next to the lot boundary. All lot corners and lot boundaries shall be marked prior to the issuance of building permits, after the completion of all subdivision improvements and during building construction and inspections. It shall be the responsibility of the lot owner to ensure that all lot corner and boundary markers are in place. The City is not responsible to replace survey stakes or markers.

18.19. Highway Noise Abatement. Highway noise abatement, as determined through environmental studies and engineering analysis and approved by the City, shall be provided in all residential subdivisions within three hundred feet (300') of a freeway or principal arterial. Noise abatement may include distance of noise sensitive uses from noise sources, landscaping, earth berms, and other mitigation. The Subdivider shall pay the entire cost of any noise abatement studies and noise abatement facilities.

Kaysville City Planning Commission Meeting Minutes
May 8, 2025

The Planning Commission meeting was held on Thursday, May 8, 2025, at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Mike Packer, Commissioners Erin Young, Wilf Sommerkorn, Paul Allred, and Paul Toller

Planning Commissioners Absent: Commissioners Megan Sevy and Katie Ellis

Staff Present: Melinda Greenwood, Anne McNamara and Mindi Edstrom

Public Attendees: City Councilmember Abbi Hunt, Drew Hill, Brent Hill, Andrea West, Aaron West, Steve Lyon, Jill Dredge, and Tom Kerr

1- WELCOME AND MEETING ORDER

Chair Packer welcomed all in attendance at the Kaysville City Planning Commission meeting.

2- DECLARATION OF CONFLICTS OF INTEREST

There were no conflicts of interest.

3- CONSIDERATION OF A REZONE APPLICATION FOR 13 WEST 950 NORTH (PARCEL# 08-065-0079) FROM R-A TO LI

Anne McNamara addressed the Commission regarding an item continued from the April 24 meeting concerning a proposed rezone. The continuation was requested to allow time for the applicant and city staff to collaborate on a development agreement and provide a conceptual site plan that would address concerns raised by the Commission at the April 24, 2025 meeting.

Ms. McNamara summarized the development agreement, explaining that its main objective was to restrict certain uses within the Light Industrial zoning district to avoid potential conflicts with nearby planned residential development. Specifically, several permitted and conditional uses were removed through mutual agreement with the applicant. From the list of permitted uses, utility substations, offices, small tools, and light metal products were eliminated. Conditional uses that were removed included furniture and fixture manufacturing, stone, clay, and glass products manufacturing, and fabricated metal product industries. These changes were made in direct response to compatibility concerns expressed by the Commission.

Additionally, a conceptual site plan was been submitted, reflecting ideas previously proposed by the applicant, Mr. Phil Holland. The plan was intended to provide the Commission with a clearer understanding of the potential site layout and proposed uses within the rezone area. With these adjustments in place—including the restricted use list and the conceptual layout—staff recommended approval of the rezone.

Ms. McNamara concluded by stating that the proposal was consistent with the city's General

Plan and that staff believed the submitted documents appropriately addressed the Commission's earlier concerns.

Commissioner Allred thanked the applicant and staff for their collaboration and specifically expressed appreciation for the inclusion of a conceptual site plan. He noted that the plan provided helpful context for understanding the layout of the proposed site and commented positively on the design, particularly how the more intense uses were placed farther from residential areas. He clarified that while there were no nearby homes immediately adjacent on one side of the property, it was still important to consider proximity to residential zones on the north side, where neighboring properties could be affected.

Commissioner Allred inquired about the rationale behind the specific uses that were removed from the permitted and conditional use lists in the development agreement. He asked whether the stricken uses reflected city staff's suggestions, potential tenant considerations, or some other guiding criteria.

In response, applicant Phil Holland explained that the intent was to remove uses classified as manufacturing-heavy to reduce the intensity of the proposed Light Industrial zoning. He noted that the feedback during the previous meeting indicated concern over more intense industrial uses, and they responded accordingly by eliminating those categories. Mr. Holland added that, in comparison to the General Commercial zone, the Light Industrial zone more clearly outlines permitted uses, which allowed for better refinement during the drafting of the development agreement.

Commissioner Allred continued by expressing support for the site's layout, especially the placement of retail at the front and warehousing toward the back. He emphasized that the retail component was the "crown jewel" of the project due to its value in attracting passing traffic. He added that the removal of small tools and light metal products was appropriate, as the goal was to minimize impacts such as vibration, noise, and smoke. Commissioner Allred noted that while the surrounding residential areas to the south and east were shielded, he remained particularly concerned about neighbors to the north and how they would be buffered from potential impacts.

Commissioner Allred's primary concern was regarding the inclusion of food manufacturing and processing under conditional uses. He clarified that his concerns were more general in nature and not aimed at discouraging the project but rather ensuring compatibility with nearby uses.

Mr. Holland responded that there were no plans for food manufacturing and reiterated that their objective was to avoid manufacturing altogether with the proposed uses.

Commissioner Toller addressed several technical and contextual questions to the applicant. First, Commissioner Toller inquired about the absence of curb cuts on the conceptual site plan and whether access from any point other than Devi Drive would be possible if required by a future tenant.

Mr. Holland clarified that the Utah Department of Transportation, the previous owner of the property, had denied any access except through Devi Drive, confirming that this would be the sole access point for the site.

Commissioner Toller then asked about the height of nearby buildings, specifically those adjacent to the Picklr and Gigi Pip locations, and whether they reached the maximum allowed height of 35 feet.

Mr. Holland responded that those buildings were likely slightly under that limit and indicated that while the zoning allows for structures up to 35 feet tall, he did not anticipate the proposed buildings would reach that height.

Commissioner Toller concluded by noting that while the layout did not appear to be designed for a large national retailer, he assumed that there were other interested tenants for the proposed office-flex and retail space.

Mr. Holland acknowledged this, implying that interest from potential users was guiding the site's proposed design and scale.

Mr. Holland clarified that the site plan provided was highly conceptual and intended primarily to illustrate potential layouts for parking and access rather than specific development commitments. He noted that several other concept plans had been drafted but not submitted, and the layout shown was one of many possibilities. He explained that certain commercial uses, such as convenience stores, sometimes require large parcels—up to two acres—meaning they could occupy the entire frontage. The conceptual layout illustrated approximately one acre of retail frontage, but all configurations were subject to change based on future tenant needs and were not definitive.

Commissioner Toller confirmed that the 4.8-acre portion under discussion represented the remainder of the property west of the planned residential development to the east.

Mr. Holland affirmed this.

Commissioner Young asked whether any restrictions existed on the size of buildings permitted within the Light Industrial zone. She referred to a provision limiting building coverage to no more than 70% of the total area and questioned whether that would prevent the development of a single large retail structure, such as Walmart.

Mr. Holland responded that both the zoning code and the development agreement contained the 70% coverage limitation. He added that he had no intention of constructing one large flex-use building to occupy the site. He explained the retail frontage was more economically valuable than the flex space, both to the developer and to the city, and he intended to prioritize retail uses on the site. The flex-use building at the back of the lot was shown at about 30,000 square feet, and he emphasized that the goal was to balance the property's use efficiently

without overbuilding.

Commissioner Young agreed that the proposed approach was appropriate for the lot, suggesting that multiple smaller buildings offering various uses would be more visually and functionally appealing.

Commissioner Allred added that the location of the proposed building along the south side of the lot was strategic. If built to the maximum allowable height, the structure would create a buffer between the residential area to the south and the retail space toward the front of the site. He pointed out that the existing creek provided a natural separation, and the building could help mitigate light pollution, especially if a 24-hour business such as a gas station were to occupy the site.

Commissioner Young concurred, stating that she liked the proposed layout, particularly the placement of the flex building in the rear as a visual and functional backdrop that would not overwhelm surrounding properties.

Chair Packer expressed his satisfaction with the revisions presented by the applicant and city staff. He noted that many of the Commission's previous concerns had been adequately addressed and thanked everyone involved for the additional work that had been done since the initial proposal.

Commissioner Allred made a motion to recommend approval of the rezone request based on staff's recommendations and Commissioner Toller seconded the motion and the vote was unanimous in favor of the motion (5-0).

Commissioner Packer: Yay
Commissioner Toller: Yay
Commissioner Young: Yay
Commissioner Sommerkorn: Yay
Commissioner Allred: Yay

4- PUBLIC HEARING FOR A REZONE FOR 388 NORTH ANGEL FROM R-1-14 SINGLE FAMILY RESIDENTIAL TO GC GENERAL COMMERCIAL

Melinda Greenwood presented a detailed report on a rezone application for the property located at 388 North Angel Street. The request seeks to change the zoning designation from R-1-14 (single-family residential) to General Commercial (GC).

Ms. Greenwood opened by noting that the property is currently surrounded by residential and agricultural uses, with the closest General Commercial zoning situated to the south at the intersection of 200 North and Angel Street. Ms. Greenwood emphasized that the city's General Plan does not support this rezone request. She walked the Planning Commission through key elements of the General Plan, particularly the Future Land Use Map, which identifies the subject property as intended for continued residential use. She explained that the future land

use map is the first benchmark used to evaluate zone change requests. Several chapters in the General Plan, particularly Chapter 1—the “Placemaking Plan”—contain goals and objectives that directly oppose the proposed zoning change. These include goals to preserve Kaysville’s small-town atmosphere, maintain existing single-family neighborhoods, and focus on land use decisions that align with the established residential character of the area.

Despite Ms. Greenwood expressing these concerns to the applicant in preliminary discussions, the applicant chose to proceed with the rezone request and offered a development agreement to limit commercial uses and help mitigate neighborhood impacts. Ms. Greenwood summarized key elements of that agreement:

- Specific use restrictions: Only two businesses, Hill Farm Swimming and Andrea West Design, would be permitted.
- Height limitations: Capped at 30 feet, consistent with residential zoning.
- Signage restrictions: No commercial signage allowed beyond a one-square-foot nameplate, consistent with existing home occupation allowances.
- Building code compliance: All structures used for business purposes, including the pool, would need to comply with commercial building standards before business licenses could be issued.
- Safety provisions: The pool must be covered when not in use, and the existing five-foot fence must be maintained.
- Off-street parking: Must be provided on-site.

Ms. Greenwood further clarified that both proposed business uses—swimming instruction and interior design—could be permitted under the city’s home occupation regulations if the property remained occupied and if the business owner was the resident. However, since the residence is now vacant, it no longer qualifies for a home occupation permit, which legally requires that someone reside on the premises. She explained that the swim school has been operating under a Major Home Occupation B permit since 2018, and with changes to city code, an Instructional Home Occupation permit might also apply, even if the business operator does not live on-site—as long as the home is still used as a residence.

Ms. Greenwood then addressed broader land use implications. She noted that while rezones are legislative and discretionary decisions made on a case-by-case basis, she had concerns about setting a precedent by rezoning this single parcel in a well-established residential neighborhood to GC. Such a change, she argued, could lead to “zone creep,” making future commercial rezone requests in adjacent residential look more logical and appealing. She also discussed spot zoning, a practice widely considered illegal and generally discouraged when a property is rezoned in a way that is incompatible with surrounding land uses. Although a development agreement could help limit incompatibility, the fact remains that the proposed GC zone would contrast sharply with the surrounding residential context.

Ms. Greenwood further pointed out that the rezone would remove a viable single-family home from Kaysville’s housing stock at a time when the State of Utah is actively encouraging cities to support housing opportunities and increase the housing supply. Ms. Greenwood concluded by

reiterating that these proposed business uses could remain viable under existing residential zoning if the home were occupied. Since the requested rezone is not aligned with the General Plan, does not offer significant commercial or fiscal benefit to the city, and removes a housing opportunity, she recommended denial of the application.

Ms. Greenwood opened the floor for questions from the Planning Commission and noted that the applicant was present to answer questions.

Applicant Drew Hill addressed the Planning Commission to explain the reasoning behind the rezone application for the property at 388 North Angel Street, which is owned by his father, Brent Hill. Drew began by acknowledging his personal connection to the home, having lived there most of his life. He explained that his current residence is just east of the property and that his sister—who operates the swim school—is also a close neighbor.

Mr. Hill described the house as a significant property to his family and referred to it as a historical landmark in Kaysville. He emphasized that the original structure dates back to 1889 and still retains its original brickwork. The house, he noted, was a collaborative effort between his late mother and his father, with many design elements reflecting his mother's influence. After her passing, Drew's father eventually remarried and moved out of the home, which has since remained vacant.

The Hill family's goal, Drew explained, is to preserve and maintain the home within the family, without selling it or significantly altering its character. They are not interested in renting it out, as they are concerned that outside tenants and children may not share the same level of respect for the home's legacy. As a solution, the family explored ways to repurpose the house in a manner that aligns with its current structure and aesthetics. This led to a conversation with Andrea and Aaron West, who live two doors down and operate Andrea West Design. Mr. Hill suggested that the home would serve well as a design studio, allowing Ms. West to showcase different interior design concepts while maintaining the property's original charm.

In addition to the design studio, the family also hoped to continue operating Hill Farm Swimming, a small swim school previously run as a home occupation on the site. Mr. Hill acknowledged that submitting the rezone application inadvertently triggered a revocation of the business license due to the home no longer being owner-occupied. He clarified that they had not intended to disrupt the operation of the swim school and hoped to restore it under the new zoning arrangement.

Mr. Hill emphasized that the proposed use would involve no structural modifications to the property, no expansion of buildings, and no new construction. The family was not proposing a typical commercial development. Instead, the site would remain as-is, and the only intended uses are Andrea West Design and Hill Farm Swimming. Mr. Hill also affirmed that if Andrea West Design were to ever leave the property, the family would be willing to revert the zoning back to residential (R-1-14) and re-evaluate future options at that time.

Mr. Hill described both businesses as low-traffic, low-impact, with minimal disruption to the neighborhood. Andrea West Design would operate by appointment only, and Hill Farm Swimming runs for a six-week period during the summer, with lessons held from 9:00 a.m. to 1:00 p.m. in 45-minute increments. Most swim lesson participants are dropped off and picked up, helping to minimize congestion. He stated that adequate off-street parking is already available on-site to accommodate both uses.

Mr. Hill concluded by reiterating that the intention behind the rezone is to preserve the family legacy, maintain the property's character, and support two small, neighborhood-friendly businesses. The family has no plans to alter the architecture or introduce incompatible commercial activity.

Chair Packer acknowledged Mr. Hill's comments and thanked him for sharing his perspective. Chair Packer then indicated that the Planning Commission would hold off on asking any questions of the applicant until after the public hearing portion of the meeting was completed.

He formally opened the public hearing for the rezone request concerning 388 North Angel Street and invited members of the public in attendance to come forward, state their name, and provide their comments regarding the application.

Steve Lyon, a Kaysville resident, voiced strong opposition to the proposed rezone of 388 North Angel Street from Residential to General Commercial. Mr. Lyon began by emphasizing the importance of zoning in maintaining compatible land uses, traffic patterns, and neighborhood integrity. He expressed concern that the city would even consider this rezone request without a formal site plan, traffic study, or detailed documentation of necessary changes.

Mr. Lyon criticized the applicant's casual mention of reverting the property back to residential zoning if the commercial use did not work out, calling that approach untenable and procedurally flawed. Drawing from his own experience working in city government—specifically referencing a city in Texas—he warned against the practice of spot zoning, which he described as detrimental to long-term land use planning and a potential precedent that could erode the consistency and reliability of zoning decisions across Kaysville.

Mr. Lyon further noted that the surrounding area is entirely residential, aside from a defined and appropriately located commercial corner at 200 North and Angel Street. In his view, inserting a commercial zone into the middle of a functioning residential neighborhood undermines the purpose of zoning protections, and creates incompatible land use conditions. Mr. Lyon also pointed out the absence of a traffic study and parking plan, both of which would be required for a legitimate commercial operation. He cautioned that converting the home to meet commercial building codes, including ADA compliance and safety upgrades, would likely incur significant costs—potentially between \$500,000 and \$750,000—which he believes had not been fully accounted for by the applicant. Mr. Lyon warned that increased traffic generated by commercial activity, particularly during daytime business hours, could pose a safety burden in a neighborhood with children walking to nearby schools.

Mr. Lyon concluded by acknowledging the applicants' desire to preserve the home but reiterated his belief that the proposed solution is not appropriate for the site or neighborhood. Instead, he suggested that if the applicants were serious about operating commercial businesses, they should consider selling the property and locating it in an existing commercial area. He stressed that approving this rezone could open the door to a pattern of rezoning homes for commercial uses based on financial convenience, thereby weakening zoning integrity citywide. He urged the Planning Commission to follow the staff recommendation and deny the rezone request.

Andrea West, a Kaysville resident and business owner, spoke in support of the rezone application during the public hearing. Andrea West lives in the Hill Farms neighborhood, just two doors south of the subject property at 388 North Angel Street, and noted her deep familiarity with the community, both as a resident and as the interior designer who helped develop the Hill Farms community in partnership with Destination Homes.

Ms. West emphasized that she understands and respects the concerns raised during the public hearing and appreciates that they are being thoughtfully considered. However, she also spoke to the historical and aesthetic value of the Hill family home, which she described as the architectural “anchor” for the surrounding neighborhood. Ms. West explained that the layout and design of Hill Farms were created in harmony with the look and feel of the Hill home, which played a central role in shaping the visual character of the area.

Ms. West shared her gratitude that the Hill family approached her with the opportunity to operate Andrea West Design from the property. Ms. West clarified that her business is a small, two-person design studio run by her and her husband, and they are committed to preserving and maintaining the home's historical integrity. She likened the vision to that of other established communities where historic homes have been repurposed for small businesses, adding walkability, charm, and a sense of place to the neighborhood.

Ms. West concluded by expressing her belief that allowing this limited and carefully managed commercial use could enhance the community's character rather than disrupt it.

Chair Packer then thanked her and formally closed the public hearing, noting no other commentors and moved the discussion back to the Planning Commission for discussion.

Commissioner Allred stated he did not support the proposed rezone of 388 North Angel Street from R-1-14 to General Commercial. While he acknowledged that the proposed uses—a swim school and interior design office—were generally compatible with the surrounding area in terms of their scale and function, he emphasized that the zoning mechanism being used to allow those uses was not appropriate.

Commissioner Allred explained that applying a General Commercial zone designation to a single residential lot in an otherwise residential neighborhood was not the correct approach and

amounted to spot zoning, a practice cities typically seek to avoid. He stated the rezone was not necessary to achieve the intended outcome and that there were better regulatory tools available that would avoid changing the zoning classification.

Commissioner Allred proposed that the city consider a text amendment to the zoning ordinance that would allow professional office uses in residential zones under specific conditions, such as requiring a conditional use permit, even if the home is not owner-occupied. He cited previous experience working in other municipalities where similar approaches were taken through ordinances such as a “Professional Office Zone” to accommodate older homes in residential areas that were no longer viable for residential occupancy but still suitable for low-impact commercial use.

Commissioner Allred concluded that the use of General Commercial zoning in this context was not warranted, and that the city should explore amending its code to support low-impact, professional uses in residential structures without needing to change the base zoning designation. He stated that, for these reasons, he would vote to deny the application.

Commissioner Young offered her perspective on the rezone request expressing that she had considered multiple factors and had mixed views. Initially, she noted that the idea of a General Commercial zone in the middle of a residential neighborhood was concerning and potentially incompatible. However, she stated that many of her concerns were alleviated by the inclusion of a development agreement, which limits the allowable uses and imposes restrictions to prevent broader commercial development in the future.

Commissioner Young emphasized that one of her primary considerations was the preservation of the historic home on the property. She acknowledged the Hill family's long-standing stewardship of the home and expressed confidence in their commitment to maintaining its character. She noted that preserving such a property can be challenging, particularly when family circumstances change, and residential occupancy is no longer desired.

While open to the suggestion made by Commissioner Allred about exploring a text amendment or alternative zoning mechanism, Commissioner Young indicated that she was unfamiliar with that process and would need additional information. She remained interested in the concept as a future discussion point but did not believe it should prevent consideration of the current application.

Commissioner Young also commented on the broader issue of the housing supply and density, noting that she is generally supportive of increasing housing availability. However, she pointed out that in this specific case, the Hill family had already contributed significantly to that objective through prior development of surrounding land that was once part of the family farm. Commissioner Young concluded by raising a technical concern about whether the applicant was prepared and able to bring the building into compliance with commercial code, which would be required if the rezone were approved. She expressed interest in hearing from the applicant on that point to ensure feasibility and code compliance if the rezone were to proceed.

Drew Hill responded to Commissioner Erin Young's question regarding the feasibility of bringing the property into compliance with commercial code requirements, particularly ADA accessibility. Mr. Hill stated that, based on his understanding, making the home accessible was reasonable and achievable. He noted that the front doors are double doors, wide enough to accommodate accessibility standards, and that a wrap-around porch and sidewalk infrastructure already exist, which would allow for the addition of a compliant ramp with minimal effort.

Mr. Hill walked through the onsite parking layout on the aerial map and pointed out that the property includes four dedicated parking stalls off Angel Street, along with additional parking on a large circular driveway. There are also other informal parking spots around the property, including one under a tree. Mr. Hill indicated that there is ample off-street parking for the proposed uses and added that he would not expect the parallel parking off Angel Street to be utilized frequently.

Regarding building code compliance, Mr. Hill acknowledged that there would need to be inspections and consultations with the Building Department and Fire Marshall, but said he was fully willing to go through that process. He expressed confidence that only minor adjustments would be required and mentioned that there are already three full bathrooms inside the home—two on the main floor and one on the upper level—with an additional exterior-accessible bathroom as well.

Mr. Hill also addressed the broader zoning context. He stated that the family's intention was not to pursue General Commercial zoning as a first option but to simply obtain a conditional use permit that would allow Andrea West Design to operate at the site. However, given the property's vacant residential status, that was not legally permissible under the current code. Mr. Hill argued that concerns over precedent were not as applicable in this case, stating that the home is unique in its age, design, and historical significance, and does not have a direct comparable in the surrounding neighborhood. He suggested that the uniqueness of the home differentiates it from others in the area, making this a distinct case rather than a precedent-setting action.

Commissioner Allred initiated a discussion about the potential for an alternative zoning solution by inquiring whether the Hill Farms subdivision was a Planned Unit Development (PUD) and whether it included a Homeowners Association (HOA).

Mr. Hill confirmed that the subdivision has an HOA but clarified that the property is not part of the HOA, despite being included in the original subdivision plat.

Commissioner Allred suggested that the property could potentially be incorporated into the PUD and HOA through a plat amendment or an amendment to the development agreement for Hill Farms. He proposed that doing so could allow the structure to be designated as an accessory use for the HOA, such as a small administrative office or community-related space,

thereby allowing for limited business activities such as a design office—without requiring a full rezone to General Commercial.

Mr. Hill responded by noting that while the property is included in the development's plat, it was specifically excluded from the HOA, due to pre-existing ownership.

Commissioner Allred insisted that the property could still potentially be brought into the HOA and subdivision governance through a formal amendment, which could then support a use such as a design studio or administrative office consistent with the broader subdivision's function.

Commissioner Young asked whether such a move would legally enable the proposed use of the home as a design office.

Commissioner Sommerkorn added that the concept could be implemented through a plat amendment, implying that this alternative approach might be feasible pending legal and procedural steps.

Commissioner Sommerkorn first acknowledged that he found Commissioner Allred's earlier proposal to pursue a text amendment (allowing professional office uses in residential zones without requiring owner occupancy) to be a compelling option. He expanded on the concept by introducing additional tools based on his experience with development agreements. Citing legal precedent and practices in other Utah communities, Commissioner Sommerkorn explained that cities now have significant latitude in structuring site-specific development agreements, which can serve as a form of custom zoning without modifying the broader zoning code. He noted that cities can technically create development agreements to regulate very specific uses and conditions for individual properties—provided those agreements are adopted through the proper legislative process.

However, Commissioner Sommerkorn expressed caution about relying too heavily on development-by-agreement, noting that it undermines the foundational purpose of zoning ordinances. He referenced Orem City as an example where site-specific zoning categories have been embedded into the zoning code to address one-off circumstances. While effective, this practice can lead to a fragmented and inconsistent zoning map.

Commissioner Sommerkorn reiterated that these strategies—development agreements, text amendments, or even creating a unique zoning classification—could be viable alternatives to a full General Commercial rezone. He acknowledged that this case presented several creative possibilities worth exploring.

Commissioner Allred agreed, stating again that rezoning to General Commercial was not the appropriate tool in this situation. He reiterated his preference for a solution that would preserve the property's current zoning while allowing for low-impact professional use, either by incorporating the property into a Planned Unit Development (PUD) with a designated office function, amending the zoning text, or using a tightly tailored development agreement.

Ms. Greenwood clarified that no existing development agreement is associated with the subdivision, to her knowledge.

Commissioner Allred concluded by referencing past planning practices where older “mother” properties—like historic homes—were either integrated into or subdivided away from newly planned developments. In those cases, cities sometimes allowed such homes to serve a secondary purpose, like a clubhouse, leasing office, or community meeting space, thereby preserving the property and providing a functional use without commercial zoning.

Commissioner Young raised a key concern about whether incorporating the property into the Hill Farms HOA would result in financial responsibility for the HOA or neighborhood residents.

Commissioner Allred clarified that while the property could become part of the HOA, the owners could still be solely responsible for its upkeep, as they are now. He emphasized that this approach would preserve the residential character of the subdivision while allowing a low-impact accessory use, such as a professional office, without needing a zoning change.

Commissioner Allred further suggested that the property—currently excluded from the HOA—could be reintegrated into the subdivision through a plat amendment, enabling it to serve a supportive function to the community, such as an administrative office or similar accessory use, without converting it into community property.

Mr. Hill clarified that while the property was part of the original development plat, it was intentionally excluded from the HOA due to its status as a pre-existing family home. Mr. Hill expressed concern that formally joining the HOA might unintentionally create expectations of broader community use of the home or the swimming pool, which the family does not want to turn into a shared facility or open up to the public.

Commissioner Allred responded that the terms of use could be clearly defined—through either HOA agreements or a development agreement with the city—to preserve the family's control while still allowing the desired office use. He reiterated that many communities have successfully integrated old or legacy properties as clubhouses, multipurpose rooms, or leasing offices without requiring full commercial zoning or ownership transfer.

Commissioner Sommerkorn echoed these comments and noted that while the subdivision may not have been governed by a PRUD (Planned Residential Unit Development) or existing development agreement, a new agreement could be created. He emphasized that cities now have significant flexibility under Utah law to tailor property-specific development agreements, either as standalone legislative tools or by integrating those agreements into zoning code amendments.

Mr. Hill clarified that his original intent was not to apply for General Commercial zoning but simply to gain conditional use approval for the proposed small businesses. However, the city's

current ordinance structure does not permit that on a vacant residential property, prompting the rezone application.

Commissioner Allred stated that he could not support a rezone to General Commercial under any circumstances, citing its long-term planning implications and the availability of better, more context-sensitive solutions and encouraged creative problem-solving, such as code amendments, subdivision reconfiguration, or narrowly written development agreements, to accommodate the proposed uses without undermining the zoning integrity of the surrounding neighborhood.

Commissioner Sommerkorn said that while the Planning Commission may not determine the precise path forward during the meeting, it was evident that several viable options exist to address the applicant's goals without altering the underlying zoning. He confirmed that he, like Commissioner Allred, would not support a rezone, and suggested that the conversation should shift toward exploring creative planning tools rather than proceeding with a zoning change.

Commissioner Allred agreed and expanded on a middle-ground solution: amending the existing zoning ordinance to allow for low-impact professional office uses in residential zones, under tightly defined conditions. He emphasized that such a change could be written very narrowly, for example, applying only to certain collector streets, lot sizes, or historically significant properties—ensuring it would not open the door to widespread commercial use in residential areas.

Mr. Hill responded by questioning whether this solution might also create precedent. He expressed concern that such a text amendment might broaden allowances for office uses across the city.

Commissioner's Sommerkorn and Allred clarified that a carefully drafted ordinance can limit eligibility to unique situations, thus avoiding generalized impacts.

Commissioner Toller thanked the applicant for bringing forward the proposal and acknowledged the efforts made to find a workable solution. He then sought clarification on a key point from the staff report regarding home occupation permits. Specifically, he asked whether a Major Home Occupation B permit would be allowed if the home were rented and occupied.

Ms. Greenwood responded that, under Kaysville's home occupation ordinance, certain business types—such as swim schools—may be permitted even if the business owner does not live on the property, provided the property is occupied by a resident. However, for other types of home occupations, such as professional office uses, the business owner must reside on the property to qualify. Therefore, if the home were rented and occupied by the business owner, the interior design studio could qualify through a conditional use permit under the home occupation code.

Commissioner Toller stated that while there appeared to be broad support among the commission for the current and proposed uses, he could not support the proposed rezone to General Commercial. Drawing on his own experience in city government, he reiterated his opposition to spot zoning, explaining that it sets a precedent that could compromise future planning decisions. He emphasized that his vote to deny would not be based on opposition to the current uses or the applicant, but rather on the inappropriate zoning mechanism being requested.

Chair Packer offered closing remarks on the rezone request for 388 North Angel Street, expressing his appreciation for the historic value of the property and support for the proposed low-impact business uses. He acknowledged the applicant's intention to preserve the home and maintain its viability and affirmed that, from a functional standpoint, the proposed design studio and swim school were appropriate for the site. Chair Packer also noted the positive contribution of the development agreement in addressing many initial concerns.

However, Chair Packer ultimately agreed with fellow commissioners that pursuing a General Commercial rezone was not the right solution. He stated that although the development agreement helped mitigate potential future issues, better alternatives were available to allow the desired uses without altering the zoning. He expressed support for exploring alternative legal and planning mechanisms and clarified that while he could not support the rezone, he hoped the applicant would still find a workable path forward to achieve their goals.

Commissioner Toller made a motion to recommend denial of the rezone request to the City Council. He noted that the Planning Commission held no objection to the current or proposed uses, nor to the care and appearance of the property, but opposed the rezone based on the broader planning implications. Commissioner Allred seconded the motion.

Commissioner Sommerkorn reiterated his support for the motion, stating that his vote against the rezone should not be interpreted as opposition to the applicant's intended use. He emphasized the Commission's consensus that the proposal was reasonable in context and that the city should explore other legal and regulatory pathways to support it.

Chair Packer concurred, stating his agreement with Commissioner Sommerkorn and expressing readiness to proceed with the vote.

The vote was 4-1 in favor of the motion.

Commissioner Packer: Yay
Commissioner Toller: Yay
Commissioner Young: Nay
Commissioner Sommerkorn: Yay
Commissioner Allred: Yay

5- APPROVAL OF MINUTES FROM MARCH 13, 2025 PLANNING COMMISSION MEETING

Commissioner Toller made a motion to approve the minutes from the March 13, 2025 meeting and Commissioner Allred seconded the motion. The vote was unanimous in favor of the motion (5-0).

Commissioner Packer: Yay
Commissioner Toller: Yay
Commissioner Young: Yay
Commissioner Sommerkorn: Yay
Commissioner Allred: Yay

6- APPROVAL OF THE MINUTES FROM MARCH 27, 2025 PLANNING COMMISSION MEETING

Commissioner Allred made a motion to approve the minutes from the March 27, 2025 meeting and Commissioner Toller seconded the motion. The vote was unanimous in favor of the motion and Commissioner Sommerkorn and Commissioner Young abstained from voting (3-0).

Commissioner Packer: Yay
Commissioner Toller: Yay
Commissioner Young: Abstained
Commissioner Sommerkorn: Abstained
Commissioner Allred: Yay

7- APPROVAL OF THE MINUTES FROM APRIL 24, 2025 PLANNING COMMISSION MEETING

Commissioner Toller made a motion to approve the minutes from the April 24, 2025 meeting and Commissioner Allred seconded the motion. The vote was unanimous in favor of the motion and Commissioner Sommerkorn and Commissioner Young abstained from voting (3-0).

Commissioner Packer: Yay
Commissioner Toller: Yay
Commissioner Young: Abstained
Commissioner Sommerkorn: Abstained
Commissioner Allred: Yay

8- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. Greenwood reminded the Commission that the public survey related to ongoing planning efforts remains open through May 12, and noted that the city would be posting another Facebook announcement to further promote participation. Ms. Greenwood also mentioned that a draft of the market analysis had been received, though she had not yet reviewed it. She reported that the planning team is making progress in identifying key stakeholders for upcoming interviews, which will include large property owners, businesses, and owners of properties that may be suitable for redevelopment or future development.

Ms. Greenwood confirmed that the next Planning Commission meeting is scheduled for May 22, and that a Public Hearing Notice has already been posted for proposed revisions to Titles 18 and 19, which cover the city's subdivision code. The revisions are in response to updates from

the Public Works Department, particularly related to stormwater regulations, and are intended to bring the subdivision ordinance into alignment with those changes.

Ms. Greenwood provided additional updates regarding the Planning Commission's upcoming schedule. She confirmed that on June 12, there will be a joint meeting between the City Council and Planning Commission to review the initial findings of the Small Area Plan. These findings will cover existing conditions, which may include market data, traffic evaluations, and results from the public survey and stakeholder meetings.

9- ADJOURNMENT

Commissioner Toller motioned to adjourn the meeting at 8:32 pm.