

PLANNING COMMISSION

2267 North 1500 West
Clinton City, UT 84015

Phone: (801) 614-0740

Fax: (801) 614-0752

Web Site: www.clintoncity.net

Clinton City Planning Commission

Chairman
Jacob Briggs

Vice Chairman
Bob Buckles

Members
David Coombes
Jolene Crossall
Andy Hale
Jeff Ritchie
Anthony O. Thompson

City Staff
Will Wright

AGENDA

June 21, 2016

7:00 pm

There will be a work session meeting of the Clinton City Planning Commission held on the date mentioned above in the **Council Chambers** of Clinton City; **City Hall located at 2267 North 1500 West.**

	Pledge	Appointed
	Invocation or Thought	Appointed
	Roll Call	Chair
	City Council Report	Staff
	Planning Commission Minutes for June 7, 2016	Chair
	Declaration of Conflicts	Chair
1.	PUBLIC HEARING: 7:05 p.m. – Site Plan Review and action upon a request to modify a Site Plan Review of the Veterinary Hospital at 868 North 2000 West, Clinton, UT to allow a solar carport to serve the hospital.	
2.	WORK SESSION: Consider Chapter 3 of the City’s Subdivision Ordinance as well as any subsequent chapters or sections of this ordinance. Should start at Section 26-3-5.	
3.	COMMISSION COMMENTS	
4.	ADJOURN	

CLINTON CITY PLANNING COMMISSION AGENDA ITEM

SUBJECT: 7:05 p.m. Public Hearing – Site Plan Review and action upon a request to modify a Site Plan Review of the Veterinary Hospital at 868 North 2000 West, Clinton, UT to allow a solar carport to serve the hospital.	AGENDA ITEM: 1
PETITIONER: Kathy Ford, owner of the hospital and residence, is represented by Franz Johansson of Auric Solar	MEETING DATE: June 21, 2016
ORDINANCE REFERENCES: <ol style="list-style-type: none"> 1. Chapter 28-19-5 of the Zoning Ordinance 2. Section 28-3-10 Site Plan and Architectural Approval 	ROLL CALL VOTE: X YES NO
BACKGROUND: <ol style="list-style-type: none"> 1. The veterinary hospital and residential structures are in the PZ Zone. 2. Section 28-19-5 states, “For all non-residential uses proposed in this zone, a site plan review by the Planning Commission is required. 3. The Veterinary Hospital was approved in a Site Plan on June 17, 2003. 4. Staff determined that modifying the approved Site Plan is also subject to Commission review and action. 5. There are not really any minimum size requirements for parcels in the PZ zone, though there is a reference to residential being a minimum of 6,000 square feet and discussions on density. 	
RECOMMENDATION AND ALTERNATIVE ACTIONS: Staff recommends approval of the modified Site Plan for the Veterinary Hospital to allow for a solar carport. The new hospital parcel would be 56,342 square feet or 1.29 acres, while the residential parcel would be reduced in size to 20,388 square feet or .46 of an acre, thereby exceeding any minimum allowances for parcel sizes.	
ATTACHMENTS: <ol style="list-style-type: none"> 1. Application 2. Map 3. Aerial 	
SEPARATE DOCUMENTS:	

Respectfully submitted,
 Will Wright, Com. Dev. Dir.



Site Plan Review Application
Community Development
2267 North 1500 West
Clinton City, UT 84015
Phone: (801) 614-0740
Fax: (801) 614-0752
Web-site: clintoncity.net

Staff Use Only Date: _____ Zone: P2 PC Date: 6/21/16

PROJECT NAME: QUAIL POINTE VETERINARY HOSPITAL SOLAR PROJECT
PROJECT ADDRESS: _____
(ADDRESS MUST BE ASSIGNED BY THE PLANNING PRIOR TO SUBMITTAL, IF APPLICABLE)

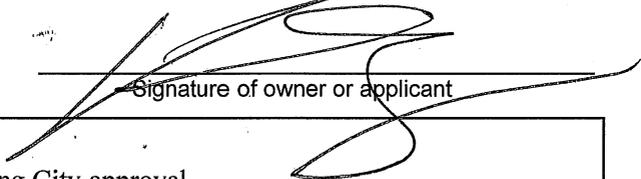
PROPOSED USE / DESCRIPTION: Joining A PORTION OF OWNERS RESIDENTIAL PROPERTY TO HER COMMERCIAL PROPERTY.

CONTACT NAME: KATHY FORD : OWNER / *FRANZ JOHANSSON : AURIC SOLAR *
ADDRESS: 868 N. 2000 W. CLINTON UT , 84015
PHONE# 801-825-9191 FAX # _____ E-MAIL: KFORD@QPVH.COM
435-671-2449 E-MAIL: FRANZ.JOHANSSON@AURICSOLAR.COM

Engineer and/or Surveyor: DAVE HUNT
PHONE# 801-319-5441 FAX # _____ E-MAIL: LEVELOFFOCUS@GMAIL.COM

OWNER'S NAME: (if different from contact person) KATHY FORD

I HAVE READ THE APPLICATION AND HEREBY CERTIFY THAT THE INFORMATION IS CORRECT TO THE BEST OF MY KNOWLEDGE.


Signature of owner or applicant

- SUBMITTAL CHECK LIST:**
- The following checklist can be used as a guide to assist you in obtaining City approval.
- Seven (7) site plans; Six (6) copies at 24" x 36" and one (1) copy at 11" x 17" (see check list 1-24 on back of page);
 - Copy of county ownership plat
 - One (1) copy of the Storm Water Pollution Prevention Plan (SWPPP)
 - Payment of appropriate fees. (Check with the Community Development Department)
 - Plans also need to be submitted to the following agencies: (approval letters from each agency is needed before construction can begin)
 - Davis Weber Canal Company (secondary water)
 - Rocky Mountain Power
 - Questar
 - For new construction, building additions, or when the site does not meet present site development requirements, the following are also required.
 - A. Building elevations of all four sides one (1) copy on 24" x 36" and one (1) on 8.5" x 11", including a 3-D model, preferably using "Google Sketch-up" or similar, in digital format.
 - B. "Material/Color board" of the types of materials proposed to be used on the building,
 - C. Preliminary utility plan showing the manner in which water, sewer and storm sewer services will be provided
 - D. A landscaping plan, which shows areas to be landscaped, specific types of landscaping to be used (i.e. trees, shrubs and grass), and areas to be preserved in their existing conditions, and an irrigation plan.

SITE PLAN REVIEW APPROVAL PROCESS:

1. Submit petition to Clinton City Planning Department for review. Planning Staff is located in the City Hall Building, within the Community Development Department located at 2267 North 1500 West.
2. One Copy of the Site Plan will be submitted to: Fire, Engineering, Public Works (Sewer, Water, etc.) and Planning.
3. The applicant will also need to provide additional copies to: Davis / Weber Canal Company, Questar, Qwest, Rocky Mountain Power, US Postal Service, North Davis Sewer District (if applicable) and Utah Department of Transportation (if applicable)
4. The applicant is to provide copies of all comments given them by any of the above mentioned companies.
5. Petitions are placed on the next available Planning Commission Agenda and the petitioner is notified of the time and date of the Public Hearing.
6. The applicant or a representative must be present during each meeting in order for the Planning Commission to act upon the petition. If the applicant is not present, the item will be tabled to the next available meeting. Failure to show will require a re-advertising of the item, which must be paid for by the applicant prior to its placement on the next agenda.
7. Additional questions regarding the above process may be directed to the Clinton City Planning Staff at 614-0740

SIGNAGE:

Before you put up a sign you need to check with the Planning Department and Building Services for regulations. A separate permit is required for signage.

FINANCIAL GUARANTEE FOR LANDSCAPING:

Prior to building permits being issued, the development is required to provide a financial guarantee for required improvements. The financial guarantee MUST be an escrow with a financial institution. The financial guarantee requires:

1. The establishment of the escrow for 115% of the established materials and labor costs for installing the improvements.
2. Upon completion and inspection of the improvements, Clinton City will release the escrow amount. However, 15% of the original escrow must be retained with the City for a period of two (2) years as a warranty for the improvements. Upon completion of the two (2) year warranty period, the remaining amount will be released.
 - a. A financial guarantee shall be established for all landscaping of public or private property (plants, irrigation system, grass, fencing, etc..)

RE-ASSESSMENT OF PROCESSING FEES:

Failure on the part of the developer, the developer's engineer / surveyor or other representative of the developer, to submit corrected drawings that have incorporated city staff comments, or appropriate comments of other agencies, may be subject to re-assessment of the processing fees.

FAILURE TO APPEAR AT ADVERTISED PUBLIC HEARINGS:

Unless previously cleared, in writing, by the Community Development Department, failure to appear at an advertised Public Hearing will result in the Re-Processing and Re-Advertising of another hearing causing significant delays to the processing of an application.

PROPERTY IDENTIFICATION:

Total Area (acres or square feet):

COMMERCIAL: 41,400'
RESI: 33,450'
AREA TO JOIN: 12,600'

Tax ID Number: COMMERCIAL: 14-062-0013
HOME: 14-062-00200

RIGHT OF ENTRY:

By signing this application I authorize City staff, with proper credentials, access to my property, during normal working hours, for the purpose of verifying the location of infrastructure, buildings, fences, and other features of or on the property here addressed. If City staff can not gain access to my property due to locked gates, animals within the area needing inspection, or if access to a structure is needed, I understand that I will be contacted and it will be my responsibility to schedule a time, during normal working hours, with the City staff member.



KEY:

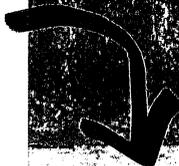
Commercial Property 868 N 2000 W, Clinton,
UT 84015

Property Line: _____

Residential Property 1938 W 800 N, Clinton,
UT 84015

Property Line: _____

Proposed addition to commercial Property:



Google Earth

1002297°N -1120148°W - 617 4387 ft - 5157 ft

Quail Pointe Veterinary Hospital Solar Project

Customer Kathy Ford owns both Quail Pointe Veterinary Hospital located at 868 N 2000 W, Clinton, UT 84015 (will be referred to as N. Property) and the residential property located at 1938 W. 800 N, Clinton, UT 84015 (will be referred to as S. Property).

Kathy would like to put an open carport (no walls) on the north end of the S. Property to hold solar panels to feed the hospital located on the N. Property. She would also like to put solar panels on the existing shed which is located on the S. Property, again, feeding the hospital on the N. Property.

We are proposing to redraw the property line to join the north end of the S. Property to the N. property, as shown in the concept drawing and site plan. The existing fence line is a natural division for the properties. We would like to do this as you are not allowed to cross property lines with utility. By redrawing the property lines, making the N. Property larger, we will then be able to use that space to install solar to feed the hospital with power. In the future the customer will use the area in question as a parking area for the hospital.

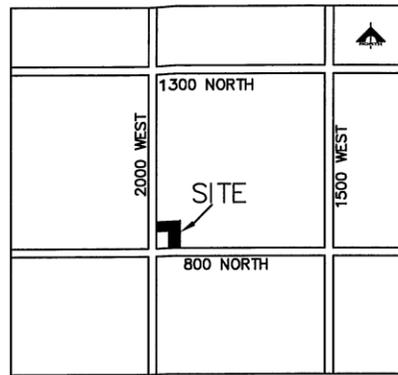
The existing shed on the S. Property is just a storage area being used by the hospital and the residence. The owner, Kathy, would like that to be included as part of the commercial property.

If you have any questions, please contact me at 435-671-2449

Franz Johansson

Franz.johansson@auricsolar.com

435-671-2449



VICINITY MAP
NOT TO SCALE



CERTIFICATION

I, DAVID F. HUNT, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH; THAT THIS MAP CORRECTLY REPRESENTS THAT A SURVEY WAS MADE UNDER MY SUPERVISION DURING THE MONTH OF MAY, 2016; THAT THE SURVEY IS TRUE AND CORRECT AS SHOWN; THAT THE PARCEL BOUNDARIES DESCRIBED AND THE INFORMATION SHOWN HEREON IS SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

PARCEL 1 DESCRIPTION

COMMENCING AT A POINT LOCATED NORTH 00°13'05" EAST ALONG THE SECTION LINE 250.000 FEET AND SOUTH 89°54'35" EAST 55.000 FEET FROM THE WEST QUARTER CORNER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN; THENCE NORTH 00°13'05" EAST 128.310 FEET; THENCE SOUTH 89°54'35" EAST 345.000 FEET; THENCE SOUTH 00°13'05" WEST 128.310 FEET; THENCE NORTH 89°54'35" WEST 345.000 FEET TO THE POINT OF BEGINNING.

AREA = 1.0162 ACRES

PARCEL 2 DESCRIPTION

COMMENCING AT A POINT LOCATED NORTH 00°13'05" EAST ALONG THE SECTION LINE 168.905 FEET AND SOUTH 89°54'35" EAST 250.000 FEET FROM THE WEST QUARTER CORNER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN; THENCE NORTH 00°13'05" EAST 81.095 FEET; THENCE SOUTH 89°54'35" EAST 145.000 FEET; THENCE SOUTH 00°13'05" WEST 80.045 FEET; THENCE SOUTH 89°21'41" WEST 150.006 FEET TO THE POINT OF BEGINNING.

AREA = 0.2774 ACRES

PARCEL 3 DESCRIPTION

COMMENCING AT A POINT LOCATED NORTH 00°13'05" EAST ALONG THE SECTION LINE 168.905 FEET AND SOUTH 89°54'35" EAST 250.000 FEET FROM THE WEST QUARTER CORNER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN; THENCE NORTH 89°21'41" EAST 150.006 FEET; THENCE SOUTH 00°13'05" WEST 136.325 FEET; THENCE WEST 150.000 FEET; THENCE NORTH 00°13'05" EAST 135.511 FEET TO THE POINT OF BEGINNING.

AREA = 0.4680 ACRES

DEVELOPER

AURIC SOLAR
2310 SOUTH 1300 WEST
SALT LAKE CITY, UT 84119
CONTACT - FRANZ JOHANSSON
435-871-2449

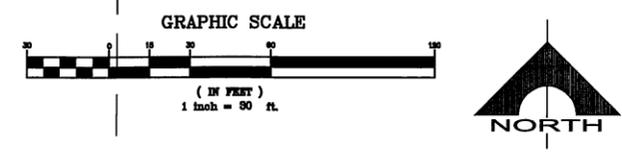
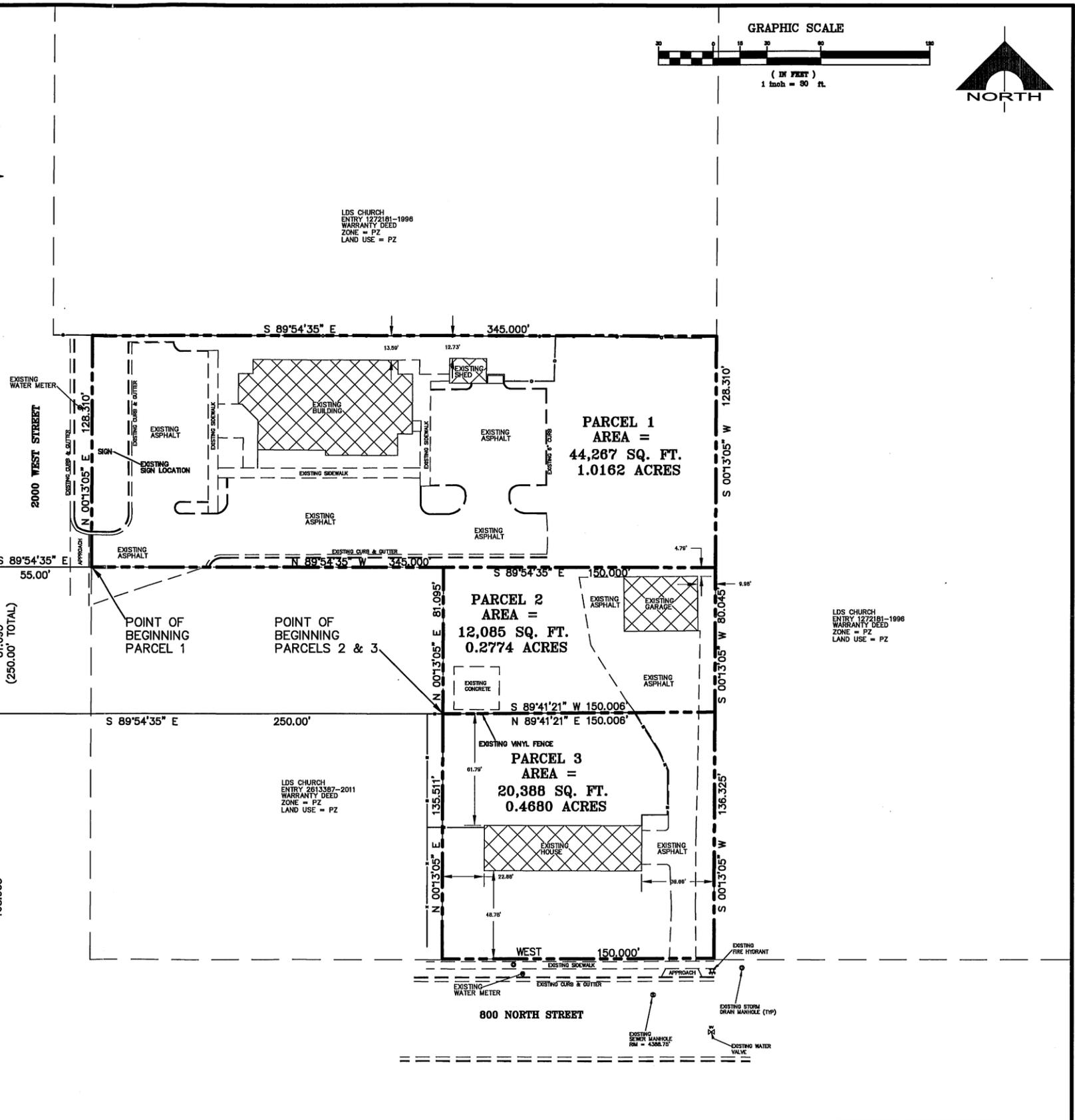
GENERAL NOTES:

1. THIS PURPOSE OF THIS PROJECT IS TO SPLIT THE EXISTING SOUTH PARCEL INTO 2 NEW PARCELS. PARCEL 1 IS ALREADY A RECORDED PARCEL. AT A FUTURE DATE, PARCEL 1 & PARCEL 2 WILL BE COMBINED.
2. ALL EXISTING BUILDINGS AND IMPROVEMENTS WILL REMAIN.
3. THE ONLY CHANGE WILL BE THE INSTALLATION OF NEW POWER LINES AND BOXES THAT WILL ACCOMMODATE THE NEW SOLAR PANEL DESIGN.

NORTHWEST CORNER
SECTION 34, TOWNSHIP 5 NORTH,
RANGE 2 WEST, SLM (FOUND PK NAIL)

WEST QUARTER CORNER
SECTION 34, TOWNSHIP 5 NORTH,
RANGE 2 WEST, SLM (FOUND SURVEY SPICE)

SECTION LINE - BASIS OF BEARING
N 00°13'05" E 2649.06'
168.905'



LEVEL OF FOCUS, INC.

DAVID F. HUNT, P.L.S.
1334 EAST 1150 SOUTH
SPANISH FORK, UTAH 84660
(801) 319-5441

AURIC SOLAR
NEW PARCEL/AS-BUILT PLAN

DESIGNER DFH	DRAWN BY DFH	CHECKED BY DFH	SHEET
DATE 05-20-16	SCALE 1" = 20'	PROJECT NO.	1 OF 1
PROPERTY ADDRESS 1938 WEST 800 NORTH CLINTON, UT			

CLINTON

UTAH



868 N 2000 W

Google earth

Imagery Date: 6/16/2015 41°07'34.67" N 112°03'49.73" W elev 4391 ft eye alt 5483 ft

1997



**CLINTON CITY PLANNING COMMISSON
CITY HALL
2267 North 1500 W Clinton UT 84015**

Planning Commission Members

Chair – Jacob Briggs

Vice Chair – Bob Buckles

Tony Thompson

Dave Coombs

Jolene Cressall

Jeff Ritchie

Andy Hale

Date of Meeting	June 7, 2016	Call to Order	7:00 p.m.
Staff Present	Community Development Director Will Wright and Lisa Titensor recorded the minutes.		
Citizens Present	Theron Watson, Monica Sellers, Scott Hall		
Pledge of Allegiance	Commissioner Ritchie		
Prayer or Thought	Commissioner Buckles gave a thought acknowledging the sacrifices of all our Veterans both past and present in honor of Memorial Day and D Day.		
Roll Call & Attendance	Present were: Commissioners’ Bob Buckles, Dave Coombs, Jolene Cressall, Jeff Ritchie, Tony Thompson and Andy Hale Excused were: Commissioner Jacob Briggs		
City Council Report	Mr. Wright reported on the May 24, 2016 City Council meeting as recorded in the minutes.		
Declaration of Conflicts	There were none.		
Approval of Minutes	Commissioner Cressall moved to approve the May 17, 2016 Planning Commission Work Session minutes. Councilmember Coombs seconded the motion. Commissioners’ Buckles, Coombs, Ritchie, Thompson, Cressall & Hale voted in favor of the motion.		
1. CONDITIONAL USE PERMIT - REVIEW AND ACTION UPON A REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A TEMPORARY MOBILE STORE, FIREWORKS STAND, AT 1101 WEST 1800 NORTH, CLINTON, UT IN THE NORTH EASTERN AREA OF THE PARKING LOT OF THE CLINTON ELEMENTARY SCHOOL.			
Petitioner	Theron Watson owner of Olympus Fireworks represented by Monica Sellers		
Discussion	<p>Theron Watson explained this request is to run a temporary fundraising program to benefit the Davis County School District.</p> <p>Mr. Wright reviewed the following information included in the staff report:</p> <ol style="list-style-type: none"> 1. Olympus Fireworks is requesting to operate a fireworks stand in the parking lot of Clinton Elementary School from June 29 through July 4th and July 22nd through 24th. 2. Location of the stand is on the north east corner of the school’s eastern parking lot on the corner of 1800 N 1000 W 3. There is plenty of parking in this area of the schools parking lot for patrons to access and make their purchases. 4. Applicant has a Permit and Use Agreement from Davis School District for the use of this space. 5. The City requires separation between fire work stands of 500 feet, which is not an issue at this location. <p>The set up and take down of this stand will occur within seven days before and after the dates listed above.</p>		

	<p>The location of the stand will comply with State Fire Code requirements.</p> <p>A generator is available to provide approved lighting in the tent.</p> <p>The hours will be approximately 9 a.m. to 10 p.m. The booth will have someone on site 24 hours a day.</p> <p>Staff recommends approval of the Conditional Use Permit for a Temporary Mobile store with the following stipulations:</p> <ol style="list-style-type: none"> 1. Applicant obtains a business license as required to operate a business in Clinton City. 2. Both the Building Official and Fire Department staff will inspect this stand for health and safety purposes. 3. Additionally, per 10-13-6 of the City Code, the Fire Department issues a permit to Sell Fireworks. 4. All signage will comply with the City’s sign ordinance regulations. 5. Parking or standing vehicles are prohibited on 1800 North as it is a major arterial street and State highway. <p>The CUP may be reviewed by staff upon complaint and forwarded to the Commission for hearing upon recommendation from staff.</p> <p>Commissioner Buckles opened the public hearing at 7:19 p.m. With no public comment, he closed the public hearing at 7:20 p.m.</p>
<p>CONCLUSION</p>	<p>Commissioner Cressall moved to approve the Conditional Use Permit to operate a Temporary Mobile Fireworks Stand at 1101 West 1800 North, Clinton, UT in the north eastern area of the parking lot of the Clinton Elementary School with compliance of items 1 – 5 listed above for a five year period. Commissioner Coombs seconded the motion. Voting by roll call is as follows: Commissioner’s Ritchie, Hale, Thompson, Cressall, Coombs and Buckles voted in favor of the motion.</p>
<p>2. WORK SESSION – REVIEW OF CHAPTER 3 OF THE CLINTON CITY SUBDIVISION ORDINANCE:</p>	
<p>Discussion</p>	<p>26-3-3 <u>Sketch Plat</u></p> <p>(1) Application Procedure and Requirements: Prior to subdividing land and after meeting with the Community Development Director, the owner of the land, or his authorized agent, shall file an application for approval of a sketch plat with the Community Development Department. The Community Development Director shall prepare the application for presentation to the Planning Commission. The application shall:</p> <ol style="list-style-type: none"> (a) Be made on forms available at the Community Development Department; (b) Include all contiguous holdings of the owner including land in “common ownership” as defined in these regulations, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership. The affidavit shall advise as to the legal owner of the property, the contract owner of the property (if any), the date the contract of sale was executed, and, if any corporations are involved, a complete list of all directors, officers, and stockholders of each corporation owning more than five percent (5%) of any class of stock; (c) Be accompanied by minimum of seven (7) copies of the sketch plat as described in these regulations and complying in all respects with these regulations; (d) Be accompanied by a preliminary title report; (e) Be presented to the Community Development Director; (f) Be accompanied by a fee that is set from time to time and passed in resolution by the City Council; (g) The application shall include an address and telephone number of an agent located within the local area who shall be authorized to receive all notices and correspondences required by these regulations.

(2) ~~**Classification and Approval Procedure:**~~ The Community Development Director shall determine whether the sketch plat constitutes a simple, minor or major subdivision and notify the applicant of the classification within thirty (30) working days from the date that the sketch plat is submitted to the Community Development Director.

(a) ~~**Simple Subdivision:**~~ If the sketch plat constitutes a simple subdivision, the Community Development Director shall review the application for compliance with the criteria for a simple subdivision and either approve, disapprove or conditionally approve the sketch plat as provided in these regulations. Subsequent to the review by the Community Development Director, the applicant may proceed directly to the filing of an application for approval of a final plat as provided in these regulations. If the sketch plat of a simple subdivision is disapproved by the Community Development Director the applicant may request the simple subdivision be processed as a minor subdivision as provided in these regulations.

(b) ~~**Minor Subdivision:**~~ A sketch plat is not a requirement for a minor subdivision, however the development of a sketch plat by an applicant will greatly assist with the discussion of requirements outlined in section 3.03.

(3) ~~**Major Subdivision:**~~

(a) ~~**Planning Commission Review:**~~ If the sketch plat constitutes a major subdivision, the Community Development Director shall place the matter on the next available regular meeting agenda of the Planning Commission for the review and recommendations of the Commission.

(b) ~~**Notice to Proceed:**~~ Subsequent to the Planning Commission review of the sketch plat, the Community Development Director shall issue a Notice to Proceed, only if the sketch plat complies with all applicable laws governing the subdivision of land. The Notice to Proceed shall include, as appropriate, review comments of the Planning Commission and recommended changes in the sketch plat to be incorporated into the preliminary plat to assist the applicant in obtaining preliminary plat approval from the Planning Commission. If the Community Development Director determines that the sketch plat does not comply with all applicable laws governing the subdivision of land and the applicant refuses to modify the sketch plat, the Community Development Director shall issue a Notice of Noncompliance. The Community Development Director shall issue either the Notice to Proceed or the Notice of Noncompliance not later than thirty (30) working days from the date of the meeting of the Planning Commission at which the sketch plat was reviewed, including any adjourned date thereof, is closed. After receipt of a Notice to Proceed, the applicant must first file an application for approval of a preliminary plat, as provided in these regulations, before filing for final subdivision plat approval.

(c) ~~**Referral of Sketch Plat:**~~ If the Community Development Director issues a Notice to Proceed, the Community Development Director shall transmit the sketch plat for review to appropriate officials or agencies of Clinton City, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. The Community Development Director shall request that all officials and agencies to whom a request for review has been made, submit their report to the Community Development Director within thirty (30) days after receipt of the request. The Community Development Director will consider all the reports submitted by the officials and agencies concerning the sketch plat and shall submit a report to the Planning Commission upon the applicant's submission of a preliminary plat.

26-3-4 Preliminary Plat:

(1) ~~**General:**~~ If the preliminary plat constitutes a ~~minor~~ major subdivision, the Community Development Director shall place the matter on the next available regular meeting agenda of the Planning Commission for formal approval, disapproval or conditional approval of the preliminary plat following a public hearing. The Commission shall provide notice and hold public hearing on the preliminary plat as established in section 3.02. The Planning Commission shall, within thirty (30) days approve,

conditionally approve, or disapprove the preliminary plat from the date of the public hearing including any adjourned date thereof, is closed. Subsequent to an approval or conditional approval by the Planning Commission, the applicant may proceed directly to the filing of an application for approval of a final subdivision plat as provided in these regulations. If the preliminary plat of a minor subdivision is disapproved by the Planning Commission, the applicant may appeal to the City Council as provided in Section 3.09. The applicant shall have 120 days from the date that the preliminary plat is approved by the Planning Commission (or City Council upon appeal) to submit a final subdivision plat, after which time a new preliminary plat must be submitted for approval.

~~(2) **Major Subdivision:** No sooner than thirty (30) days and no later than 120 days after the date of the Notice to Proceed, the applicant may apply for preliminary plat approval. If the applicant fails to apply for preliminary plat approval, with a complete application within the 120 day period, a new sketch plat must be submitted.~~

~~(3) **Application Procedure and Requirements:** Based on the Notice to Proceed, the applicant shall file in duplicate with the Community Development Director an application for approval of a preliminary plat if he elects to proceed. The preliminary plat shall conform substantially with the sketch plat submitted and approved or conditionally approved by the Planning Commission and which formed the basis for the Notice to Proceed. The application shall:~~

~~(a) Be made on forms available at the office of the Community Development Director together with a fee that is set, from time to time and passed in resolution by the City Council;~~

~~(b) Include all land which the applicant proposes to subdivide and all land immediately adjacent extending one hundred (100) feet from the subject property, or of that directly opposite the subject property, extending one hundred (100) feet from the street frontage of opposite land, with the names of owners as shown in the County Assessor's files. This information may be shown on a separate current Tax Map reproduction from the County Recorder's Office showing the subdivision superimposed on the Tax Map.~~

~~(c) Be accompanied by a minimum of ~~ten (10)~~ six (6) copies of the existing condition drawings as described in these regulations.~~

~~(d) Be accompanied by a minimum of ~~ten (10)~~ six (6) copies of the complete preliminary plat as described in these regulations.~~

~~(e) Be accompanied by a minimum of ~~ten (10)~~ six (6) copies of construction plans for the preliminary plat as described in these regulations.~~

~~(f) Additional copies of the preliminary plans may be required when dealing with services, districts, or roadways that are not under the control of the City.~~

~~(g) Comply in all respects with the sketch plat.~~

~~(h) Be presented to the Community Development Director a minimum of four (4) weeks prior to a regular meeting of the Commission.~~

(4) **Public Hearing:** Upon receipt of a formal application for preliminary plat approval and all accompanying material, the Community Development Director shall call a public hearing before the Planning Commission to be held a minimum of four (4) weeks after the date of receipt of the complete application. The Community Development Director shall submit a notice for publication in accordance with Section 3.02.

(5) **Preliminary Approval:** After the Planning Commission has reviewed the preliminary plat and construction plans, the report of the Community Development Director, any municipal recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Commission shall approve, conditionally approve, or disapprove the preliminary plat within thirty (30) days from the Official Submission Date. One (1) copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. Before the Commission approves a preliminary plat showing park reservation or land for use by other government or district agency that is proposed to be dedicated to Clinton City, the Commission shall

obtain approval of the park or land reservation from the Clinton City Council. If the Planning Commission disapproves the proposed subdivision, the applicant may execute an appeal in the manner prescribed in Section 3.09.

(6) **Standards for Approval of Preliminary Plats:** No preliminary plat of a proposed subdivision shall be approved by the Planning Commission unless the applicant proves by clear and convincing evidence that:

(a) Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;

(b) If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;

(c) All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;

(d) The subdivider has the financial ability to complete the proposed subdivision in accordance with all applicable federal, state, and local laws and regulations;

(e) The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;

(f) The subdivider has taken every effort to mitigate the impact of the proposed subdivision of public health, safety, and welfare.

(7) The Planning Commission is authorized to disapprove the preliminary plat based on findings even though the land proposed for subdivision is zoned for the use to which the proposed subdivision will be put and the proposed use is consistent with the General Plan. If the Planning Commission disapproves the proposed subdivision, the applicant may execute an appeal in the manner prescribed in Section 3.09.

(8) **Public Improvements:** The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat (see 26-3-8). ~~by the Chairman of the Planning Commission,~~ the Planning Commission shall require that the applicant execute a subdivision improvement agreement and provide security for the agreement as provided in Section 4.01.3. The Planning Commission shall require the applicant to indicate on the plat all roads and public utility improvements which shall be required to be established or extended, and any other special requirements deemed necessary by the Official Map and the General Plan of Clinton City.

(9) **Effective Period of Preliminary Plat Approval:** All approvals, conditions, and agreements regarding a preliminary plat shall expire one (1) year from the date of preliminary plat approval, by either the Planning Commission or City Council, if required, whichever is later, unless:

(a) The respective final plat, or a phase thereof, has been approved; or

(b) The respective final plat, or a phase thereof, has been submitted to the City, is scheduled for review, and it complies with the City Codes and the preliminary plat approval and requirements.

(c) If done by phases, the developer must continually file for the approval of at least one phase within one year of the most recent plat or phase approval. Said filing must comply with the City Code and the preliminary plat approval and requirements.

(10) **Zoning and Subdivision Regulations:** Every preliminary plat shall conform to existing zoning regulations and subdivision regulations applicable at the time that the proposed preliminary is submitted for the approval of the Planning Commission unless the Planning Commission or City Council has taken official action toward amending the applicable zoning and subdivision regulations and the applicant has reason to know of that action.

(11) **Grading of Site Prior to Final Approval:** Subsequent to preliminary approval the

	<p>developer may apply for a topsoil and excavation permit from the Planning Commission City or such other agency or person as the City Council shall direct, and upon receipt of the permit may commence construction to the grades and elevations required by the approved preliminary plat. RESEARCH</p> <p>(12) Model Homes: For the purpose of allowing the early construction of model homes in a subdivision, the Planning Commission at its sole discretion may permit a portion of a major subdivision involving no more than two (2) lots to be created in accordance with the procedures for minor subdivisions, provided the portion derives access from an existing city, county, or state roadway, and provided no future road or other improvement is anticipated where the lots are proposed. The subdivision plat for the “minor” portion shall be submitted to the Planning Commission simultaneously with the preliminary plat for the entire major subdivision. Subsequent to preliminary approval, the model homes may be constructed, subject to such additional requirements as the Planning Commission may require.</p>
Future Work Session	Continue with Chapter 3 discussion beginning with 26-3-5.
Issues & Concerns	There were none.
ADJOURNMENT	Commissioner Cressall moved to adjourn. Commissioner Ritchie seconded the motion. All those present voted in favor, the meeting adjourned at 8:59 p.m.