



PLANNING COMMISSION

2267 North 1500 West
Clinton City, UT 84015

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*Clinton City
Planning Commission*

*Chairman
Jacob Briggs*

*Vice Chairman
Gary Taylor*

*Members
Dereck Bauer
Solene Cressall
Dan J. Evans
Andy Hale
Anthony 'Tony' Thompson*

*City Staff
Will Wright
Lisa Titensor*

August 7, 2018

7:00 pm

There will be a regular 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 July 17, 2018	Chair
	Declaration of Conflicts	Chair
1.	WORK SESSION: Continue review and update effort on the City's Subdivision Ordinance reviewing Chapters 6 and 7.	
2.	COMMISSION COMMENTS	
3.	ADJOURN	
	<p>THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY MEETINGS If you attend this meeting and, due to a disability, will need assistance in understanding or participating, then please notify the City at (801) 614-0740 at least three days prior to the meeting and we will seek to provide assistance. The order of agenda items may be changed or times accelerated.</p>	



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

Planning Commission Members

*Chair – Jacob Briggs
Vice Chair – Gary Tyler
Tony Thompson
Jolene Cressall
Andy Hale
Dereck Bauer
Dan Evans*

Date of Meeting	July 17, 2018	Call to Order	7:02 p.m.
Staff Present	Community Development Director Will Wright and Lisa Titensor recorded the minutes.		
Citizens Present	Chase Freebairn, Russell Arave		
Pledge of Allegiance	Commissioner Tyler		
Prayer or Thought	Commissioner Cressall gave a patriotic thought.		
Roll Call & Attendance	Present were: Commissioner’s Jacob Briggs, Tony Thompson, Jolene Cressall, Dereck Bauer, Gary Tyler, Andy Hale and Dan Evans		
City Council Report	Mr. Wright reported on the July 10, 2018 City Council Meeting as recorded in the minutes.		
Declaration of Conflicts	There were none.		
Approval of Minutes	<p>Commissioner Cressall moved to approve the June 19, 2018 Planning Commission minutes with a clarification on the first paragraph of page 5 identifying that UDOT was contacted. Commissioner Bauer seconded the motion. Commissioners’ Cressall, Bauer, Evans, Thompson and Briggs voted in favor.</p> <p>Commissioner Hale and Tyler abstained because they were not present at the meeting.</p>		
7:05 P.M. – RESOLUTION 21-18 REVIEW AND RECOMMEND ACTION FOR THE CITY COUNCIL TO APPROVE FINAL PLAT FOR PHASE 1 OF THE MONARCH MEADOWS SUBDIVISION LOCATED AT ABOUT 2560 W 1300 N.			
Petitioner	Chase Freebairn, representing Ivory Development		
Discussion	<p>Chase Freebairn stated this development has been in the process for over a year. A Development Agreement has been established with Clinton City to allow them to acquire a four acre park; allowing Ivory Development to average the lots including the acreage for the park for a total of 66 lots. In addition, the agreement allows for some side yard setbacks and a payback for road frontage improvements south of the park.</p> <p>There will be three phases. Phases 1 and 2 will be developed simultaneously to get the model homes up quickly with a total of 39 lots. Phase 3 will not be far behind with 37 lots.</p> <p>Mr. Wright reviewed the information included in the staff report:</p> <ol style="list-style-type: none"> 1. The Preliminary Plat for the Monarch Meadows Subdivision was approved by the Planning Commission on May 15, 2018. 2. City management negotiated with the developer and the City Council approved a development agreement that provides for the City to acquire 4 acres for a park on 2/13/18. Additionally, the park area can be used in averaging the size of lots which will be within the development standards for the R-1-15 zone. And, the side setbacks are reduced to 8/10 feet from the 10/10 feet on lots less than 13,000 sq. ft. in size. The lots must be a minimum of 11,000 sq. ft. and a max of 22,100 sq. ft. with corner lots to be 15,000 sq. ft. All 15 corner lots meet the 15,000 sq. ft. requirement and the remaining 51 lots range in size from 11,122 sq. ft. to 19,777 sq. ft. with an overall average for the 66 lots of 15,515 sq. ft. and about 15,600 sq. ft. for the 51 lots. All lots have a width of at least 80’, except for lot 50 which is just over 75’ & lot 63 being just over 80’ wide at the front setback line. 		

	<p>3. The Parcel contains about 26 acres and is designated as Single Family Residential (R-1-15 Zone) on which 66 lots are proposed with the Final Plat for Phase 1 consisting of 5 lots on which Ivory plans to build model homes.</p> <p>4. The City Council approved the rezoning of this property from Agricultural (A-1) to Residential Single Family (R-1-15) on September 5, 2017 by Ordinance 17-05Z.</p> <p>Comments and/or questions related to changes needed in the drawings have been provided to the developer as staff takes into account the few changes provided for in the development agreement.</p> <p>Commissioner Thompson asked if the Public Utility Easements stays the same.</p> <p>Mr. Freebairn responded that Ivory would not impact a PUE.</p> <p>Mr. Wright stated that a process has been developed by staff that allows home owners to obtain authorization to put a shed on certain PUEs.</p> <p>The Planning Commission asked how the change in elevation will be handled based on public concern presented in a previous meeting.</p> <p>Mr. Freebairn replied the roads have been designed by professionals to match the elevation of the existing property to the south of Fenway Subdivision.</p> <p>Mr. Wright added there will be some improvement plans for the storm drain system along the hill between the two developments for easier maintenance. The City does not intend to add curbing to 2600.</p> <p>Commissioner Briggs opened the public hearing at 7:34 p.m.</p> <p>Russell Arave commented he would like the park to be unique.</p> <p>With no further public comment, Commissioner Briggs closed the public hearing at 7:38 p.m.</p> <p>Commissioner Thompson recommended “Lots marked with an R shall restrict access to 1300 N and have access off of the interior road of the subdivision, which restrictions shall be noted on the final plat.” be added as item #2.</p> <p>Mr. Freebairn requested a change to Item #5 to read “to remove The City shall schedule a preconstruction meeting once all engineering drawings have been corrected and approved by the City Engineer.”</p> <p>Commissioner Thompson suggested the reduction of the side yard on lots 13,000 sq. ft. and less are 8/10 be recorded on the plat as well.</p> <p>Mr. Freebairn clarified the Development Agreement will be recorded with the plat.</p>
<p>CONCLUSION</p>	<p>Commissioner Thompson moved to forward a recommendation for adoption of Resolution 21-18 on to the City Council for approval of Phase 1 of the Final Plat for Monarch Meadows located at approximately 2560 W 1300 N. Commissioner Tyler seconded the motion. Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Thompson, aye; Commissioner Cressall, aye; Commissioner Evans, aye, Commissioner Hale, aye; Commissioner Briggs, aye.</p>
<p>7:10 P.M. – RESOLUTION 22-18 REVIEW AND RECOMMEND ACTION FOR THE CITY COUNCIL TO APPROVE THE FINAL PLAT FOR PHASE 2 OF THE MONARCH MEADOWS SUBDIVISION LOCATED AT ABOUT 2630 W 1300 N.</p>	
<p>Petitioner</p>	<p>Chase Freebairn, representing Ivory Development</p>
<p>Discussion</p>	<ol style="list-style-type: none"> 1. The Preliminary Plat for the Monarch Meadows Subdivision was approved by the Planning Commission on May 15, 2018. 2. City management negotiated with the developer and the City Council approved a development

	<p>agreement that provides for the City to acquire 4 acres for a park on 2/13/18. Additionally, the park area can be used in averaging the size of lots which will be within the development standards for the R-1-15 zone. And, the side setbacks are reduced to 8/10 feet from the 10/10 feet on lots less than 13,000 sq. ft. in size. The lots must be a minimum of 11,000 sq. ft. and a max of 22,100 sq. ft. with corner lots to be 15,000 sq. ft. All 15 corner lots meet the 15,000 sq. ft. requirement and the remaining 51 lots range in size from 11,122 sq. ft. to 19,777 sq. ft. with and overall average for the 66 lots of 15,515 sq. ft. and about 15,600 sq. ft. for the 51 lots when combined with the park area. All lots have a width of at least 80', except for lot 50 being over 75' in width & lot 63 being just over 80' wide at the front setback line.</p> <ol style="list-style-type: none"> 3. The Parcel contains approximately 26 acres and is designated as Single Family Residential (R-1-15 Zone) on which 66 lots are proposed with the Final Plat for Phase 2 containing 34 lots. 4. The City Council approved the rezoning of this property from Agricultural (A-1) to Residential Single Family (R-1-15) Zone on September 5, 2017 by Ordinance 17-05Z. <p>Comments and/or questions related to changes needed in the drawings have been provided to the developer as staff takes into account the few changes provided for in the development agreement.</p> <p>Commissioner Briggs opened the public hearing at 7:57 p.m. With no public comment, he closed the public hearing at 7:58 p.m.</p> <p>Commissioner Thompson questioned if dedication of the deed to the City for parcel A would be separate.</p> <p>Mr. Freebairn confirmed it would be a separate transaction with the Title Company.</p> <p>Commissioner Briggs requested a change to Item #5 to read <i>“to remove The City shall schedule a preconstruction meeting once all engineering drawings have been corrected and approved by the City Engineer”</i>.</p>
<p>CONCLUSION</p>	<p>Commissioner Tyler moved to forward a recommendation for adoption of Resolution 22-18 on to the City Council for approval of Phase 2 of the Final Plat for Monarch Meadows Subdivision located at approximately 2630 W 1300 N. Commissioner Bauer seconded the motion. Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Thompson, aye; Commissioner Cressall, aye; Commissioner Evans, aye, Commissioner Hale, aye; Commissioner Tyler, aye; and Commissioner Briggs, aye.</p>
<p>7:15 P.M. – RESOLUTION 23-18 REVIEW AND RECOMMEND ACTION FOR THE CITY COUNCIL TO APPROVE THE FINAL PLAT FOR PHASE 3 OF THE MONARCH MEADOWS SUBDIVISION LOCATED AT ABOUT 2535 W 1300 N.</p>	
<p>Petitioner</p>	<p>Chase Freebairn, representing Ivory Development</p>
<p>Discussion</p>	<ol style="list-style-type: none"> 1. The Preliminary Plat for the Monarch Meadows Subdivision was approved by the Planning Commission on May 15, 2018. 2. City management negotiated with the developer and the City Council approved a development agreement that provides for the City to acquire 4 acres for a park on 2/13/18. Additionally, the park area can be used in averaging the size of lots which will be within the development standards for the R-1-15 zone. Additionally, the side setbacks are reduced to 8/10 feet from the 10/10 feet on lots less than 13,000 sq. ft. in size. The lots must be a minimum of 11,000 sq. ft. and a max of 22,100 sq. ft. with corner lots to be 15,000 sq. ft. All 15 corner lots meet the 15,000 sq. ft. requirement and the remaining 51 lots range in size from 11,122 sq. ft. to 19,777 sq. ft. with and overall average for the 66 lots of 15,515 sq. ft. and just over 15,600 sq. ft. for the 51 lots when combined with the park area. All lots have a width of at least 80', except for lot 50 is just over 75' & lot 63 is just over 80' wide at the front setback line. 3. The Parcel contains about 26 acres and is designated as Single Family Residential (R-1-15 Zone) on which 66 lots are proposed with the Final Plat for Phase 3 having 27 lots. 4. The City Council approved the rezoning of this property from Agricultural (A-1) to Residential Single Family (R-1-15) Zone on September 5, 2017 by Ordinance 17-05Z. <p>Comments and/or questions related to changes needed in the drawings have been provided to the developer as staff takes into account the few changes provided for in the development agreement.</p>

	<p>Commissioner Briggs opened the public hearing at 8:16 p.m. with no public comment; he closed the public hearing at 8:18 p.m.</p> <p>Commissioner Briggs identified that item #2 and #5 have been added to Resolution 23-18 based on the discussions during items 1 and item 2.</p> <p>The Planning Commission discussed if an R should be recorded on lot 303.</p> <p>Mr. Freebairn said this is a difficult lot, allowing access for a drive would help with the appeal of the lot.</p> <p>Mr. Wright responded 28-4-16(f) of the City Ordinance states: <i>Access points from Arterials and Sub-Arterials, as outlined in the Clinton City Transportation Master Plan, shall be designed as street entrances rather than a curb cut.</i></p> <p>The Planning Commission discussed the access issue.</p> <p>Commissioner Briggs read 28-4-15(6) <i>Double Frontage Lots: Lots that are double fronted with one frontage on an arterial, minor arterial or collector street, or corner lots with frontage on an arterial, minor arterial or collector street, shall not be allowed to have a drive approach on the higher classification street. Upon approval by the Community Development Director, corner lots with frontages on two local streets may have a total of two drive approaches; one on each frontage of the street with a maximum width indicated in (7) below. Drive approaches shall comply with the criteria in 28-4-1 (5) (a) – (c). above, and shall not create a traffic hazard.</i></p> <p>The Planning Commission directed staff to add item #2 to Resolution 23-18 to read: <i>“Lots marked with an R (lots 301, 302 and 303) shall restrict access to 1300 N and have access off of the interior road of the subdivision, which restrictions shall be noted on the final plat”.</i></p>
<p>CONCLUSION</p>	<p>Commissioner Bauer moved to forward a recommendation for adoption of Resolution 23-18 on to the City Council for approval of Phase 3 of the Final Plat for Monarch Meadows Subdivision located at approximately 2600 W 1300 N. Commissioner Evans seconded the motion. Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Thompson, aye; Commissioner Cressall, aye; Commissioner Evans, aye, Commissioner Hale, aye; Commissioner Tyler, aye; Commissioner Briggs, aye.</p>
<p>WORK SESSION: CONTINUE REVIEW AND UPDATE EFFORT OF THE CITY’S SUBDIVISION ORDINANCE AS TIME PERMITS.</p>	
<p>Petitioner</p>	<p>Community Development</p>
<p>Discussion</p>	<p>The Planning Commission decided to begin review of Chapter 6 of the Subdivision Ordinance at the next PC Work Session.</p>
<p>OTHER ISSUES</p>	<p>Commissioner Hale thanked the City staff for an excellent Heritage Days.</p>
<p>ADJOURNMENT</p>	<p>Commissioner Tyler moved to adjourn. Commissioner Bauer seconded the motion. Commissioners’ Cressall, Evans, Bauer, Thompson, Tyler, Hale and Briggs voted in favor. The meeting adjourned at 8:47 p.m.</p>

**Chapter 6. Impact Fees Related to
Development**

- 26-6-1. Purpose
- 26-6-2. Definitions
- 26-6-3. Applicability
- 26-6-4. Payment of Impact Fees
- 26-6-5. Service Areas
- 26-6-6. Calculation of Impact Fees Based on Fee Schedule
- 26-6-7. Exemptions
- 26-6-8. Offsets to Impact Fees
- 26-6-9. Developer Payback Agreements for Impact Fees
- 26-6-10. Challenges and Appeals
- 26-6-11. Fund Accounting for Impact Fees
- 26-6-12. Refunds
- 26-6-13. Use of Funds
- 26-6-14. Impact Fee as Supplemental Regulation to Other Financing Methods
- 26-6-15. Adjustments
- 26-6-16. Independent Impact Fee Analysis
- 26-6-17. Penalty Provision

26-6-1 Purpose:

(1) The Council of Clinton City (the "Council") finds and determines that growth and development activity in the City will create additional demand and need for culinary water facilities, waste water (sanitary sewer) facilities, storm drain facilities, roadway facilities, publicly owned parks, open space and recreational facilities and trails, and police and fire facilities in the City.

(2) The Council has directed that Master Plans be developed for the areas listed in 1. above that are impacted and that these Plans outline future improvements needed due to growth. Except for the Parks Master Plan, the City Engineer, under contract developed the Plans, city staff developed the Parks Plan.

(3) The Council has obtained, through contract with a consultant specializing in the development of impact fees an Impact Fee and Capital Facilities Plan based upon the Master Plans adopted by the City.

(4) The Council finds that persons responsible for growth and development activity should pay a proportionate share of the cost of such planned facilities needed to serve the growth and development activity. The Council further finds

that impact fees are necessary to provide public facilities. Therefore, pursuant to Utah Code Title 11, Chapter 36, the Council adopts this Section to assess impact fees for planned public facilities as outlined in the capital facilities and master plans. The provisions of this Section shall be liberally construed in order to carry out the purposes of the Council in establishing the impact fee program.

26-6-2 Definitions:

The following definitions shall apply for purposes of this Section unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined by their usual and customary meaning or as defined in Utah Code §11-36-102.

"Accessory structure" means a subordinate building or structure, located on the same lot with the main building, occupied by or devoted to an accessory use. When an accessory structure is attached to the main building in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main building.

"Accessory use" means a use that:

- (1) Is subordinate in area, extent and purpose to, and supports a principal use;
- (2) Is customarily found as incidental to such principal use;
- (3) Contributes to the comfort, convenience or necessity of those occupying, working at or being serviced by such principal use;
- (4) Is located on the same zoning lot as such principal use; and
- (5) Is under the same ownership or control as the principal use.

"Building permit" means an official document or certification which is issued by the building officials of the City and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

"Capital facilities" means the facilities or improvements included in a capital budget.

"Capital facilities plan" or the "plan" means the capital facilities plan of the City, as amended from time to time, and supporting documents,

and as adopted pursuant to Utah Code Section 11-36-201, as amended.

"Change in use" means: a change from the existing occupancy classification to a new classification as outlined in the Building Codes adopted by the State and this City.

"City" means Clinton City, Utah.

"City Engineer" means the duly appointed and acting City Engineer for the City.

"Council" means the Municipal Council of the City.

"Department" means the Department of Community and Economic Development of the City.

"Developer" means an individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency, or other person undertaking development activity, and their successors and assigns.

"Development activity" means any construction or expansion of a building, structure or use; any change in use of a building or structure; the subdivision of land; the seeking of plat approval, planned development approval, site plan approval, lot line adjustment, or conditional use permit approval; or any other change in use of land that creates additional demand and need for public streets and roads, publicly owned parks, open space recreational facilities and trails, police or fire facilities.

"Development approval" means any written authorization from the City, other than a building permit, which authorizes the commencement of a development activity, including, but not limited to, plat approval, planned development approval, site plan approval, lot line adjustment, and a conditional use permit.

"Encumbered" means to reserve, set aside, or otherwise earmark impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for planned facilities.

"Fee payer" means a person, corporation, partnership, incorporated association, or any other similar entity, or a department or bureau of any governmental entity or municipal corporation paying the impact fee.

"Fire/EMS facilities impact fee" means the impact fee designated to pay for fire/EMS facilities.

"Impact fee" means a payment of money imposed by the City on development activity pursuant to this Section as a condition of granting a building permit in order to pay for the planned facilities needed to serve new growth and development activity. "Impact fee" does not include a tax, a special assessment, a hook-up fee, a fee for project improvements, a reasonable permit or application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent impact fee analysis, or the administrative fee required for an appeal.

"Independent impact fee calculation" means the impact calculation or economic documentation prepared by a fee payer to support the assessment of an impact fee other than by the use of the schedules attached in Appendix "A" to this Section.

"Net positive fiscal impact" means new revenue to the City in excess of the cost of the necessary infrastructure and municipal services attributable to a development activity.

"Offset" means to balance or compensate through comparison of the value of qualifying improvements constructed as part of a development activity and impact fees due as a result of the development activity.

"Owner" means the owner of record of real property, or a person with an unrestricted written option to purchase property; provided that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

"Parks and recreation impact fee" means the impact fee designated to pay for publicly owned parks, open space, recreational facilities and trails.

"Planned facilities" means public facilities such as storm water facilities, water facilities, wastewater collection facilities, transportation facilities, parks, open space and recreational facilities and trails, police and fire/EMS facilities included in the capital improvements plan of the City.

"Police facilities impact fee" means the impact fee designated to pay for police facilities.

"Qualifying improvement" means any portion of the infrastructure listed in the Capital Facilities Plan.

"Residential unit" means any building or portion thereof which contains living facilities including provisions for sleeping, cooking, eating, and sanitation, as required by the City, for not more than one family, and including site-built buildings, manufactured homes and modular homes. This does not include a tent, a recreational coach or trailer, hotel, motel, hospital, nursing home, or assisted living facility.

"Standard of service" means the quantity and quality of service that the Council has determined to be appropriate and desirable for the City. A measure of the standard of service may include, but is in no way limited to, maximum levels of congestion on City streets and roads, maximum commute times, maximum wait at stops, minimum police service capabilities, minimum fire suppression capabilities, minimum park space of per capita for a variety of types of parks, minimum distance from residences to parks, and any other factors the Community Development Director may deem appropriate.

"State" means the State of Utah.

"Storm water facilities impact fee" means the impact fee designated to pay for storm water facilities.

"Transportation facilities impact fee" means the impact fee designated to pay for streets and transportation facilities.

"Water systems impact fee" means the impact fee designated to pay for the culinary water systems.

26-6-3 Applicability:

- (1) Impact fees shall apply to all new development activity in the City unless otherwise provided herein.
- (2) Park impact fees shall apply only to new residential development activity.
- (3) The movement of a structure onto a lot shall be considered development activity and shall be subject to the impact fee provisions, unless otherwise provided herein.

26-6-4 Payment of Impact Fees:

- (1) The impact fees for all new development activity shall be calculated and collected in

conjunction with the application for the building permit for such development activity.

(2) Until any impact fee required by this ordinance has been paid in full, no building permit for any development activity shall be issued.

(3) A stop work order shall be issued on any development activity for which the applicable impact fee has not been paid in full.

(4) The Council may, during the development approval process create a contractual fee payment schedule not specifically related to the issuance of building permits.

26-6-5 Service Areas:

(1) The City shall constitute a single service area and all real property located within the corporate boundaries of the City shall be included within such service area.

(2) The appropriateness of the designation and boundaries of the service areas shall be reviewed periodically by the City as part of the impact fee revision process. Following such review and a public hearing, the service areas may be amended.

26-6-6 Calculation of Impact Fees Based on Fee Schedule: Impact fees shall be calculated as follows:

(1) Independent Impact Fee Calculation: Unless an applicant requests an independent impact fee calculation as set forth in Section 6.16, the impact fees shall be calculated for the proposed development activity based on the permit allowing the use, according to the Clinton City Consolidated Fee Schedule adopted, from time to time by resolution of the Council less any applicable offsets under Section 6.7.

(2) Adopted Fees: The impact fee schedule attached as Appendix "A" and published annually in the Clinton City Consolidated Fee Schedule.

(3) Units of Development: The units of development activity specified in the Clinton City Consolidated Fee Schedule shall be interpreted as follows:

(a) Residential, single family detached impact fees shall be collected by unit. For the purposes of this Section, modular or manufactured homes are considered residential.

(b) Residential, all other fees shall be collected by unit.

(c) Building square footage shall be measured in terms of gross floor area, which is the area included within the exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

(d) Per acre shall be measured in terms of gross acreage of the site being developed.

(4) Unspecified Categories: For categories of uses not specified in the applicable impact fee schedule, the Community Development Director shall apply the category of use set forth in the applicable fee schedule that is deemed to be most similar to the proposed use.

(5) Mixed Uses: If the development plan approval or permit for the proposed development activity indicates a mix of uses in the development, the impact fees shall be calculated separately for each use according to the fee schedule, and the results aggregated.

(6) Remodeling or Changes of Use: For an addition to or remodeling or replacement of existing structures, or for a change in use of an existing structure, the impact fee to be paid shall be the difference, if any, between:

(7) The fee, that would be payable for existing development activity on the site or, in the case of demolition or removal of a structure, the previous development activity on the site; provided that the demolition or removal has occurred within twelve (12) months after the date of submittal of the application for which impact fees are assessed; and

(b) The fee, that would be payable for the total development activity on the site for the new development.

(8) Estimate of Fees:

(a) Upon written request of an applicant, the Community Development Director shall provide an estimate of the current fee based on the data provided by the applicant. However, the Community Development Director shall not be responsible for determining, at such preliminary date, the accuracy of the information provided, nor shall such estimate provide any vested rights.

26-6-7 Exemptions:

(1) Categories: The following shall be exempted from the payment of all impact fees:

(a) Replacement of a structure with a new structure of the same size and use at the same site or lot when a building permit for such replacement is obtained within twelve (12) months after the demolition or destruction of the prior structure or mobile home and the replacement is completed within twenty-four (24) months after the granting of the building permit.

(b) Alterations, expansion, enlargement, remodeling, rehabilitation, or conversion of an existing unit where no additional units are created and the use is not materially changed.

(c) Construction of accessory structures that will not create significant impacts on the planned facilities.

(d) Miscellaneous accessory improvements to use, including but not limited to fences, walls, swimming pools, and signs.

(e) Demolition or moving of a structure.

(f) Placing on a lot in the City a temporary construction trailer or office, but only for the life of the building permit issued for the construction served by the trailer or office.

(g) Any development activity not involving the construction or placement of a structure or building, including but not limited to the mere subdivision of land, installation of utilities, or the use of land for limited recreational, agricultural, filling or dredging purposes, which, as demonstrated by the developer in writing to the Community Development Director, will not result in a net increase in demand on facilities covered by impact fees.

(2) Nonresidential Construction: Nonresidential construction shall be exempted from the payment of the park impact fees.

(3) Determination of Exemption: The Community Development Director shall determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. Determinations of the Community Development Director shall be in writing and shall be subject to the appeals procedures set forth in this Section.

(4) City Subsidy of Fees: Upon the determination of the Council, after review and recommendation by the Community Development Director, following the filing with the Community Development Director of a petition of the developer, if any portion of a development activity is funded or subsidized in whole or in part with City funds or funds of the City's Redevelopment Agency, the impact fee allocable to such funded or subsidized portion of the development activity shall be reduced by the amount of such funding or subsidy. The City or Redevelopment Agency shall use moneys in its general fund to pay for any planned facilities necessitated by the exempted development activity.

26-6-8 Offsets to Impact Fees:

(1) The Council upon recommendation of the Community Development Director, may approve offsets against the impact fee that would otherwise be due for a development activity in accordance with the following provisions.

(a) Qualified Improvements: An offset shall be granted for qualifying improvements that are required to be made by a developer as a condition of development approval.

(b) Offsets for Like Improvements: Offsets shall be allowable and payable only to offset impact fees otherwise due for the same category of improvements. Unless otherwise expressly agreed to in writing by the City, offsets shall not result in reimbursement from the City or constitute a credit against future fees, and shall not constitute a liability of the City for any deficiency in the offset.

(c) Equal Value: Offsets shall be given only for the value of any construction of improvements or contribution or dedication of land or money by a developer or his predecessor in title or interest for qualifying improvements of the same category for which an impact fee was imposed.

(d) Appraisals:

(i) The person applying for an offset shall be responsible for providing and paying for appraisals of land and improvements, construction cost figures, and documentation of all contributions and dedications necessary to the computation of the offset claimed. The Council shall not grant offsets to any person who cannot provide such documentation in such form as the

Community Development Director may reasonably require.

(ii) The value of land dedicated or donated shall be based on the appraised land value of the parent parcel on the date of transfer of ownership to the City, as determined by a MAI-certified appraiser approved by the City and paid for by the applicant, who used generally accepted appraisal techniques. The City maintains the right to challenge any appraisal based upon an appraisal of its own.

(e) Expiration of Claim: Offsets provided for qualifying improvements meeting the requirements of this section shall be valid from the date of approval until six (6) years after the date of approval or until the last date of construction of the project, whichever occurs first.

(f) Claim Shall Run With the Land: The right to claim offsets shall run with the land and may be claimed only by owners of property within the development area for which the qualifying improvement was required.

(g) Time of Application: Any claim for offsets must be made in writing, not later than the time of submittal of a building permit application or an application for another permit subsequent to development approval that is subject to impact fees. Any claim not so made shall be deemed waived.

26-6-9 Developer Payback Agreements for Impact Fees: Where a development activity includes or requires a qualifying improvement, the City and the developer may agree in writing to have the developer participate in the financing or construction of part or all of the qualifying improvements. Such agreement may provide for cash reimbursements, for the developer's participation in the financing or construction of the qualifying improvements. The agreement shall include:

(1) Estimated Costs: The estimated cost of the qualifying improvements, using the lowest responsive bid by a qualified bidder, which bid is approved by the Community Development Director; or, if no bid is available, the estimated cost certified by a licensed Utah engineer and approved by the Community Development Director, Community Development Director approval will be based upon recommendations from the City Engineer;

(2) Schedule: A schedule for initiation and completion of the qualifying improvement;

(3) Standards: A requirement that the qualifying improvement be designed and completed in compliance with any applicable City and State laws and regulations;

(4) Method of Payment: The method of payment is to be set by the Council and may be either up-front lump sum, partial lump sum and payments, or payments but is not to be in lieu of payment of impact fees; and

(5) Other Requirements: Such other terms and conditions as deemed necessary by the City.

26-6-10 Challenges and Appeals:

(1) Procedure: A challenge to an impact fee may be made as outlined in Utah Code §11-36-401 and 402.

(2) Payment Under Protest: Any fee payer may pay the impact fees imposed by this Section under protest in order to obtain a building permit, and thereafter may appeal the validity or amount of such payment to the Council as outlined in 6.16 below. Appeals regarding the impact fees imposed on any development activity may only be taken from the fee payer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fees at issue have been paid.

(3) Arbitration: If, pursuant to Utah Code Section 11-36-402, as amended, a person submits an impact fee challenge to arbitration, the City shall not agree to participate in binding arbitration.

26-6-11 Fund Accounting for Impact Fees:

(1) Separate Accounts: The City shall establish a separate interest bearing accounting fund for each type of planned facility for which an impact fee is collected. Such fees shall be invested by the City and the yield on such fees, at the actual rate of return to the City, shall be credited to such accounting fund periodically in accordance with the accounting policies of the City, subject to a deduction by the City of a reasonable cash management fee. Cash management fees shall be as adopted, by resolution, from time to time by the Council.

(2) Yield on Funds: Any yield on such accounting fund into which the fees are deposited shall accrue to that fund and shall be used for the purposes specified for such fund.

(3) Record Keeping: The City shall maintain and keep financial records for each such accounting fund, showing the source and amount of all monies collected, earned and received by the fund, and each expenditure from such fund, in accordance with normal City accounting practices, and at the end of each fiscal year shall prepare a report on each such fund showing such information. The records of such fund shall be open to public inspection in the same manner as other financial records of the City.

(4) Expenditure: Impact fees shall be expended or encumbered within six (6) years after their receipt, unless the Council identifies, in writing, an extraordinary and compelling reason to hold the impact fees longer than six (6) years. Under such circumstances, the Council shall establish an absolute date by which the impact fees shall be expended.

26-6-12 Refunds:

(1) Failure to Expend Funds: If the City fails to expend or encumber the impact fees as required by Section 6.11.4, all current owners of the property on which impact fees have been paid shall receive a pro rata refund of such impact fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

(2) Notification of Property Owners: The City shall notify the owner or owners of property for which such a refund may be made, by first class mail deposited with the United States Postal Service, at the last known address of such property owners.

(3) Application for Funds: In order to receive such a refund, the owner or owners of the subject property must, within twelve (12) months after the mailing of such notice by the City, make a written request for a refund to the Community Development Director, including a certification that such person is a record owner of the property and that he or she is entitled to the refund. The Community Development Director may rely on such certification, in the absence of a written certification by another person asserting that the proposed payee is not the proper payee. If in doubt as to whom to pay such funds, the Community Development Director may deposit the funds with an appropriate court for disposition as the court may determine. In that event, the City may deduct from the funds

deposited an amount equal to the reasonable costs, including attorney's fees, of causing the funds to be deposited with the court.

(4) Unclaimed Funds: Any impact fees for which no application for a refund has been made within such one-year period shall be retained by the City and expended on appropriate planned facilities.

(5) Yield on Returned Funds: Refunds of impact fees under this section shall include any interest earned on the impact fees by the City.

(6) Terminated Fees: When the City seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered impact fees from any terminated component or components, including interest earned, shall be refunded pursuant to this section. The City shall publish notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all owners of property for which a refund may be made by first class mail at the last known address of such property owners. All funds available for refund shall be retained for a period of twelve (12) months following the second publication. At the end of that period, any remaining funds shall be retained by the City, but must be expended for appropriate planned facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the impact fee account(s) being terminated.

(7) Refunds to Developers: The City shall refund to a developer any impact fees paid by that developer, plus interest earned on the impact fees, if:

- (a) The developer does not proceed with the development activity for which the impact fees were imposed;
- (b) The developer files with the Community Development Director a written request for the refund not later than thirty (30) calendar days after the expiration of the building permit (or any extension thereof) in connection with which the impact fees were assessed;
- (c) The fees have not been spent or encumbered; and
- (d) The Community Development Director determines that no impact has resulted from the contemplated development activity.

(8) Administrative Fee for Refunds: The City shall charge an administrative fee for verifying and computing the refund equal to the lesser of three percent (3%) of the amount of the refund or the City's actual cost of such verification and computing.

26-6-13 Use of Funds:

(1) Intent and Purpose: Within the following guidelines impact fees shall be used solely for the purposes for which they were received.

(a) Except as provided in Section 6.12.4 or 6.12.6, impact fees shall not be imposed to make up for deficiencies in existing facilities serving existing developments.

(b) Impact fees shall not be used for maintenance or operation.

(c) Impact fees may be spent for planned facilities, including but not limited to planning, land acquisition, construction, engineering, architectural, permitting, financing, administrative expenses, mitigation costs, capital equipment pertaining to planned facilities, and any other similar expenses which can be capitalized pursuant to generally accepted accounting principles.

(d) Impact fees may also be used to recoup improvement costs previously incurred by the City to the extent that new growth and development activity will be served by the previously constructed improvements or incurred costs.

(e) Impact fees may be used to recoup the cost of studying, analyzing, and preparing the impact fees.

(f) Impact fees may be used to pay debt service on bonds or similar debt instruments issued to finance planned facilities to the extent such planned facilities serve the development activity for which the impact fees were imposed.

(g) Impact fees may be used to reimburse the city for public facility costs previously incurred by a local political subdivision to the extent that new growth and development will be served by the previously constructed improvement. Reimbursement funds will be returned to the account from which it was utilized for payment of the previously constructed improvements.

26-6-14 Impact Fee as Supplemental Regulations to Other Financing Methods:

(1) Except as otherwise provided herein, impact fees are in addition to any other requirements, taxes, fees, or assessments imposed by the City on development activity or the issuance of building permits or certificates of occupancy. Impact fees are intended to be consistent with the City's General Plan, Capital Facilities Plan, land development ordinances, and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of capital facilities in conjunction with development activity.

(2) In addition to the use of impact fees, the City may finance qualifying capital improvements through the issuance of bonds, the formation of assessment districts, or any other authorized mechanism, in such manner and subject to such limitations as may be provided by law.

26-6-15 Adjustments:

(1) Reevaluation of Study: The Community Development Director may propose, to the Council adjustments to the impact fees or service areas periodically, after a study and proper notice as provided in Utah Code Title 11, Chapter 36, as amended.

(2) Annual Adjustments: The Community Development Director may propose, to the Council annual adjustments to the impact fees designed to adjust the fees due to inflation and changes in the construction cost calculations. These recommendations may be based upon the Engineering News Record (www.enr.com), Construction Cost Index.

(3) Review Specific to Development: The Community Development Director may propose, to the Council an adjustment to the standard impact fee in the schedule of impact fees at the time of review and approval of the development activity by the Council, to:

- (a) Respond to unusual circumstances in specific areas.
- (b) Ensure that the impact fees are imposed fairly.
- (c) Adjustments to impact fees will only be reviewed during the review and approval process for a development activity. Once a development is approved impact fees will not be adjusted.

26-6-16 Independent Impact Fee Analysis:

(1) Notice of Appeal: If a fee payer desires not to have the impact fees determined according to the schedule set forth in Appendix "A," then the fee payer shall prepare and submit to the City an independent impact fee analysis. This analysis shall be equal, in scope to that analysis, accomplished by the City to establish the fees outlined in Attachment "A". Independent impact fee analysis shall be made by filing a written notice of appeal with the City Recorder. Appeals shall specify the grounds thereof. The appellant shall also submit, in writing, stating whether or not information, relative to the impact fee is requested. The lack of said request will indicate the appellant does not request such information.

(2) Documentation and Scope of Appeal: The documentation submitted shall include the procedural and information requirements established for the City in Utah code §11-36-201 et seq. The Community Development Director shall review the independent impact fee analysis and provide a report to the Council concerning whether the independent impact fee analysis should be accepted, rejected, or accepted in part. The Community Development Director may require the appellant to submit additional or different documentation for consideration, if needed for a fair and just comparison with the City study. The official date of filing of an appeal shall not be set until all documentation requested by the Community Development Director has been received and accepted.

(3) Council Hearing: The Council shall hold a hearing to consider the evidence and arguments of the appellant and shall record the hearing and retain such evidence. The hearing date and time may be set at the time the application is filed, however, unless established at the filing the hearing will not be later than the second regularly scheduled meeting after the application is filed. The Council shall issue a written decision on the appeal within thirty (30) calendar days after the date the official date that the appeal was filed.

(4) Council Action: The Council may adopt, reject, or adopt in part the independent impact fee analysis based on the Community Development Director's report and based on the specific characteristics of the development activity. The impact fees or alternative impact fees and the analysis shall be set forth in writing and shall be mailed to the fee payer.

(5) Application Fees: Any fee payer submitting an independent impact fee analysis must pay to the City a fee to cover the cost of reviewing the independent impact fee analysis. The fee shall an amount equal to the actual review costs incurred by the City, including the cost of any consultant services deemed necessary by the City. The City shall require the fee payer to post a cash deposit in the amount established by resolution of the Council prior to initiating the review, subject to refunding to the fee payer any portion of such deposit that exceeds actual costs of review. Application is not complete until such cash deposit has been submitted to the City.

(6) Applicability of Fees: Any independent impact fee analysis reviewed and approved or amended and approved by the Council shall apply only to the planned activity submitted by the appellant.

26-6-17 Penalty Provision:

(1) A violation of this Ordinance is a Class C misdemeanor. Upon conviction, the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this Section.

Section 7. Specifications for Documents to be Submitted

- 26-7-1 SKETCH PLAT
- 26-7-2 PRELIMINARY PLAT
- 26-7-3 CONSTRUCTION PLANS
- 26-7-4 FINAL SUBDIVISION PLAT

26-7-1 Sketch Plat: Sketch plats submitted to the Planning Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information:

- (1) Name:
 - (a) Name of subdivision if property is within an existing subdivision;
 - (b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded; and
- (2) Ownership:
 - (a) Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference;
 - (b) Citation of any existing legal rights-of-way or easements affecting the property;
 - (c) Existing covenants on the property, if any
 - (d) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys
- (3) Description: Location of property by legal description, section, township, range, graphic scale, north arrow and date.
- (4) Features:
 - (a) Location of property lines, existing easements, irrigation ditches, railroad rights-of-way, watercourses, and existing and proposed fences; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest assessments rolls within five hundred (500) feet of any perimeter boundary of the subdivision.

- (b) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.

- (c) Approximate topography, at the same scale as the sketch plat

- (d) The approximate location and widths of proposed streets

- (e) Preliminary proposals for connection with existing water supply and sanitary sewage systems; preliminary provisions for collecting and discharging surface water drainage.

- (f) The approximate location, dimensions, and areas of all proposed or existing lots

- (g) The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision

- (h) The location of temporary stakes to enable the Planning Commission to find and appraise features of the sketch plat in the field

- (i) Whenever the sketch plat covers only part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.

- (j) A vicinity map showing streets and other general development of the surrounding area. The sketch plat shall show all school and improvement district lines with the zones properly designated.

26-7-2 Preliminary Plat.

- (1) General: The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale not more than one (1) inch equals one hundred (100) feet, may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the Recorder of Deeds, but shall not be thirty-four by forty-four (34 x 44) inches or larger. It should be noted that the map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible mylar.

(2) Features: The preliminary plat shall show the following:

(a) The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; the names of adjoining streets.

(b) The location and dimensions of all boundary lines of the property to be expressed in feet decimals of a foot.

(c) The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, fences, irrigations structures, buildings, parks, cemeteries, drainage ditches, irrigation ditches and bridges, as determined by the Planning Commission.

(d) The location and width of all existing and proposed streets and easements, alleys, and other public ways, and easement and proposed street rights-of-way and building setback lines.

(e) The locations, dimensions, and areas of all proposed or existing lots.

(f) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation.

(g) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.

(h) The date of the map, approximate true north point, scale, and title of the subdivision.

(i) Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments.

(j) Names of the subdivision and all new streets.

(k) Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the developer.

(l) Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several phases.

(m) All lots in each block shall be consecutively numbered.

(n) Proposals for connection with existing water supply and sanitary sewage systems. Location and size of all proposed water and sewer lines, indicating placement of manholes, water valves, and fire hydrants.

(o) Provisions for collecting and discharging surface water drainage.

(p) All information required on sketch plat should also be shown on the preliminary plat, and the following notations shall also be shown:

(i) Explanation of drainage easements, if any

(ii) Explanation of irrigation easements, if any

(iii) Explanation of site easements, if any

(iv) Explanation of reservations, if any

(v) Endorsement of owner, as follows:

Owner

Date

(q) Form for endorsements by Planning Commission Chairman as follows:

Approved by Resolution of the Clinton City
Planning Commission.

Chairman

Date

(r) The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

26-7-3 Construction Plans:

(1) General: Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

(a) Profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one hundred (100) feet of the intersection, shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.

(b) The Planning Commission may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred-foot (100 foot) stations be shown at five (5) points as follows: On a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line.

(c) Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, irrigation ditches, manholes, and catch basins; the locations of street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.

(d) Location, size, elevation, and other appropriate descriptions of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, features noted on the Official Map or Master Plan, at the point of connection to proposed facilities and utilities within the subdivision

(e) All specifications and references required by the City’s construction standards and specifications, including a site-grading plan for the entire subdivision.

(f) Notation of approval as follows:

Owner	Date
City Engineer	Date
Mayor	Date

(g) Title, name, address, and signature of professional engineer and surveyor, and revision dates.

26-7-4 Final Subdivision Plat:

(1) **General:** The final subdivision plat shall consist of a sheet of approved Mylar, size of drawings shall

be twenty two (22) by thirty four (34) inches with one-half (½) inch border on top, bottom and right sides, the left side shall have a border of one and one-half (1 ½) inches. The plat shall be so drawn that the top of the drawing faces either North or West, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the Mylar with approved waterproof black “India Drawing Ink”. The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred (100) feet to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable. The plat shall contain the following information.

(a) A subdivision name approved by the City Planning Commission, and the general location of the subdivision, in bold letters at the top of the sheet.

(b) A North point and scale of the drawing, and the date.

(c) Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to the public survey monuments. These lines should be slightly heavier than street lot lines.

(d) The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision, as intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots, blocks, and parts reserved for any reason within the subdivision. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street-naming and numbering system of Clinton City.

(e) The standard forms approved by the Planning Commission lettered for the following:

(i) Description of land to be included in subdivision.

(ii) Registered Professional Engineer and/or Land Surveyor’s “Certificate of Survey”.

(iii) Owner’s Dedication.

(iv) Notary Public’s Acknowledgement.

(v) Certificate of Approval by the City Planning Commission.

(vi) Certificate of Approval by the City’s Engineer.

(vii) Certificate of Acceptance by the City Council attested by the City Recorder.

(f) A three (3) inch by three (3) inch space in the lower right-hand corner of the drawing for recording information.

(g) **Preparation:** The final subdivision plat shall be prepared by a land surveyor licensed by the state.

Chapter 7. Specifications for Documents to be Submitted

- 26-7-1 Sketch Plat
- 26-7-2 Preliminary Plat
- ~~26-7-226-7-3~~ Construction Plans
- 26-7-4 Final Subdivision Plat

26-8-1 Sketch Plat: Sketch plats submitted to the Planning Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information:

(1) Name:

(a) Name of subdivision if property is within an existing subdivision;

~~(a)-(b)~~ Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded; and

~~(c)~~ Name of property if no subdivision name has been chosen

(2) Ownership:

(a) Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference;

~~(a)-(b)~~ Citation of any existing legal rights-of-way or easements affecting the property;

~~(a)-(c)~~ Existing covenants on the property, if any

~~(a)-(d)~~ Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys

~~(e)~~ Description: Location of property by legal description, section, township, range, graphic scale, north arrow and date.

~~(f)-(e)~~ Features:

~~(a)-(f)~~ Location of property lines, existing easements, ~~irrigation ditches~~ burial grounds, railroad rights-of-way, watercourses, and existing wooded areas or trees eight (8) inches or more in diameter, measured (4) feet above ground level; and proposed fences; location, width, and names of all existing or platted streets or other public ways within or

immediately adjacent to the tract; names of adjoining property owners from the latest assessments rolls within five hundred (500) feet of any perimeter boundary of the subdivision.

~~(b)-(g)~~ Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.

~~(b)-(h)~~ Approximate topography, at the same scale as the sketch plat

~~(b)-(i)~~ The approximate location and widths of proposed streets

~~(b)-(j)~~ Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.

~~(b)-(k)~~ The approximate location, dimensions, and areas of all proposed or existing lots

~~(b)-(l)~~ The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision

~~(n)-(m)~~ The location of temporary stakes to enable the Planning Commission to find and appraise features of the sketch plat in the field

~~(g)-(n)~~ Whenever the sketch plat covers only part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.

~~(g)-(o)~~ A vicinity map showing streets and other general development of the surrounding area. The sketch plat shall show all school and improvement district lines with the zones properly designated.

26-78-2 Preliminary Plat:

(1) **General:** The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale not more than one (1) inch equals one hundred (100) feet, may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for

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filing in the office of the Recorder of Deeds, but shall not be thirty-four by forty-four (34 x 44) inches or larger. ~~It should be noted that t~~The map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible mylar. Preparation in pencil will make required changes and additions easier.

(2) Features: The preliminary plat shall show the following:

(a) The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; the names of adjoining streets.

~~(a)-(b)~~ The location and dimensions of all boundary lines of the property to be expressed in feet decimals of a foot.

~~(a)-(c)~~ The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, fences, irrigations structures, buildings, parks, cemeteries, drainage ditches, ~~irrigation ditches and~~ bridges, as determined by the Planning Commission.

~~(a)-(d)~~ The location and width of all existing and proposed streets and easements, alleys, and other public ways, and easement and proposed street rights-of-way and building setback lines.

~~(a)-(e)~~ The locations, dimensions, and areas of all proposed or existing lots.

~~(a)-(f)~~ The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation.

~~(a)-(g)~~ The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.

~~(a)-(h)~~ The date of the map, approximate true north point, scale, and title of the subdivision.

~~(a)-(i)~~ Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments.

~~(a)-(j)~~ Names of the subdivision and all new streets as approved by the Planning Commission.

~~(a)-(k)~~ Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the ~~developer~~subdivider.

~~(a)-(l)~~ Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several ~~additions~~phases.

~~(a)-(m)~~ All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.

~~(a)~~ Proposals for connection with existing water supply and sanitary sewage systems. Location and size of all proposed water and sewer lines, indicating placement of manholes, water valves, and fire hydrants.

~~(a)~~ Provisions for collecting and discharging surface water drainage.

~~(a)-(n)~~ All information required on sketch plat should also be shown on the preliminary plat, and the following notations shall also be shown:

(i) Explanation of drainage easements, if any

~~(i)~~ Explanation of irrigation easements, if any

~~(i)-(ii)~~ Explanation of site easements, if any

~~(i)-(iii)~~ Explanation of reservations, if any

~~(i)-(iv)~~ Endorsement of owner, as follows:

_____	_____
Owner	Date

~~(o)~~ Form for endorsements by Planning Commission Chairman as follows:

Approved by Resolution of the Clinton City
Planning Commission.

_____	_____
Chairman	Date

~~(p)~~ The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

26-8-3 Construction Plans:

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(1) **General:** Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

(a) Profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one hundred (100) feet of the intersection, shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets shall be shown.

~~(a)-(b)~~ The Planning Commission may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred-foot (100 foot) stations be shown at five (5) points as follows: On a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line.

~~(a)-(c)~~ Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, irrigation ditches, manholes, and catch basins; the locations of street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.

(d) Location, size, elevation, and other appropriate descriptions of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, features noted on the Official Map or ~~Master-General~~ Plan, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight (8) inches or more, measured twelve (12) inches above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the USGS datum plane. If the subdivision borders a lake, river, or stream, the distances and bearing of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.

~~(a)-(e)~~ Topography at the same scale as the sketch plat with a contour interval of two (2) feet, referred to sea-level datum the datum provided shall be latest applicable US Coast and Geodetic Survey datum and should be so noted on the plat.

~~(e)-(f)~~ All specifications and references required by the City's construction standards and specifications, including a site-grading plan for the entire subdivision.

~~(e)-(g)~~ Notation of approval as follows:

Owner of Property:

Name Date

(ii) Form for endorsements by Planning Commission Chairman as follows:

Approved by Resolution of the Clinton City Planning Commission,

Name Date

(g) Title, name, address, and signature of professional engineer and surveyor, and revision dates.

26-8-4 Final Subdivision Plat:

(1) **General:** The final subdivision plat shall be presented in india ink on tracing cloth or reproducible mylar at the same scale and contain the same information, except for any changes or additions required by resolution of the Planning Commission, as shown on the preliminary plat The preliminary plat may be used as the final in accordance with the Planning Commission's resolution All revision dates must be shown as will as the following:

(a) Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Planning Commission in accordance with these regulations

(b) Endorsement of the Davis County Health Department

(c) Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property

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(d) Lots numbered as approved by the City Assessor

(e) All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

(2) **General:** The final subdivision plat shall consist of a sheet of approved Mylar, size of drawings shall be twenty two (22) by thirty four (34) inches with one-half (1/2) inch border on top, bottom and right sides, the left side shall have a border of one and one-half (1 1/2) inches. The plat shall be so drawn that the top of the drawing faces either North or West, whichever accommodates the drawing best. All lines, dimensions and makings shall be made on the Mylar with approved waterproof black "India Drawing Ink". The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred (100) feet to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable. The plat shall contain the following information:

(2) A subdivision name approved by the City Planning Commission, and the general location of the subdivision, in bold letters at the top of the sheet.

(2) A North point and scale of the drawing, and the date.

(2) Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to the public survey monuments. These lines should be slightly heavier than street lot lines.

(2) The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision, as intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots, blocks, and parts reserved for any reason within the subdivision. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street naming and numbering system of Clinton City.

(2) The standard forms approved by the Planning Commission lettered for the following:

(2) Description of land to be included in subdivision:

(2) Registered Professional Engineer and/or Land Surveyor's "Certificate of Survey";

(2) Owner's Dedication;

(2) Notary Public's Acknowledgement;

(2) Certificate of Approval by the City Planning Commission;

(2) Certificate of Approval by the City's Engineer;

(2) Certificate of Acceptance by the City Council attested by the City Recorder;

(2) A three (3) inch by three (3) inch space in the lower right hand corner of the drawing for recording information;

(15)(2) **Preparation:** The final subdivision plat shall be prepared by a land surveyor licensed by the state.

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