

**GRANTSVILLE
ORDINANCE 2024-28**

ORDINANCE 2024-28 AMENDING CHAPTER 21.2.11

**AMENDING CHAPTER 21.2.11 (SUBDIVISION REGULATIONS-
DETERMINATION OF APPROPRIATE PROCESS) OF THE GRANTSVILLE
LAND USE MANAGEMENT AND DEVELOPMENT CODE.**

WHEREAS, the Grantsville City Land Use and Management Code (the "Code") sets forth regulations governing land use, subdivision, and development within the City; and

WHEREAS, Section 21.2.11 of the Code, titled "Subdivision Regulations – Determination of Appropriate Process," provides guidelines for the determination of the appropriate process for subdivision applications; and

WHEREAS, it has come to the attention of the Grantsville City Planning Commission that Section 21.2.11 contains references to an outdated or incorrect section of the Utah State Code; and

WHEREAS, the correct reference to the Utah State Code is necessary to ensure the proper application and enforcement of subdivision regulations in accordance with state law; and

WHEREAS, the Planning Commission of Grantsville City held a duly noticed public hearing on July 18, 2024, to consider the proposed amendment to Section 21.2.11 of the Code, and after considering the staff report, public comments, and other relevant information, recommended approval of the proposed amendment; and

WHEREAS, the Grantsville City Council finds that the proposed amendment is in the best interest of the City and its residents and that it is necessary to update the Code to reflect the correct reference to the Utah State Code;

NOW THEREFORE, be it ordained by the Council of the Grantsville, in the State of Utah, as follows: Section 1. Amendment of Section 21.2.11: Section 21.2.11 of the Grantsville City Land Use and Management Code is hereby amended to reference the correct Utah State Code as shown in Exhibit "A". Section 2. Effective Date: This Ordinance shall take effect immediately upon its passage and approval as provided by law. Section 3. Severability clause: If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

SECTION 1: **AMENDMENT** "21.2.11 Determination Of Appropriate Process" of the Grantsville Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

21.2.11 Determination Of Appropriate Process

In recognition that not all land use actions are of the same magnitude and therefore may not require the same level of detail for consideration, Grantsville City has provided multiple application processes. For this purpose, the application processes have been organized as level with each level requiring greater detail and additional steps for consideration and approval. The applicant shall choose the application process that best fits their proposed land use action:

Development process Levels 1 through 4 are only applicable for use with single use residential development applications as defined in GLUDMC Chapter 2, Definitions, and shall meet all requirements of Utah Code Ann. 10-9a-604.1 (2023) and Utah Code Ann. 10-9a-604.2 (2023).

1. Level 1 - Single Lot Development: The purpose of this process is to convert an undeveloped parcel into a legal zoning lot. The applicant shall submit an application meeting the requirements for the Single Lot Development as described in Chapter 24 of the Grantsville Land Use Development and Management Code. The City staff is authorized by the City Council to approve the application.
2. Level 2 - Minor Subdivision: The purpose of this process is to divide property into up to 4 lots with all lots fronting an existing street containing the necessary utilities to serve the proposed lots. By utilizing this process, the applicant agrees to make the required improvements to bring the street frontage up to code and is not asking for any waivers or exceptions.
 - a. The applicant will not be required to complete improvements that are greater than the greatest level of improvements found on an adjacent parcel or lot unless:
 - i. There is a compelling reason affecting the Health, Safety or Welfare of the public; or
 - ii. An adjacent property is currently in an application process which will increase the level of improvement to the street, or
 - iii. The City has a current project that is increasing the level of improvement to the street.
 - b. Level 2: Minor Subdivisions shall not be required to provide open space or fee in lieu for open space but shall be assessed the applicable park impact fee with each building permit.
 - c. The Application for a Level 2 Minor Subdivision shall include the information and documents found on the Minor Subdivision Checklist that is attached to the Minor Subdivision Application that shall be provided by the City upon request. The Minor Subdivision requirements found on the Minor Subdivisions Checklist and subsequent amendments to the checklist have been approved by the Grantsville City Council by resolution.
 - d. If no street improvements are required beyond additional utility service laterals, the only engineered drawings required will be:
 - i. A record of survey, and
 - ii. A plat. Depicting the lots, together with individual metes and bounds legal descriptions for each lot, and the overall boundary description

for the subdivision, and

- iii. A site drawing showing the proposed locations of proposed utility service laterals and any required surface improvements, with finish grade elevations as appropriate and specifically referencing each of the appropriate City standard details that are necessary for the work.
 - e. If upon review, the City staff finds:
 - i. That application to be complete, and
 - ii. Meets the intent of the General Plan, and
 - iii. Fully complies with the City zoning and land use ordinances, and
 - iv. The existing public infrastructure along with the proposed improvements are adequate to serve the project and protect the health, safety and welfare of the public.
 - f. Then, the City staff is authorized by the City Council to approve the application.
 - g. If the application is found deficient in meeting the requirements in clause 5 (a-d), the City staff shall inform the applicant of the discrepancies; and allows the applicant to choose to modify the application to bring the application into compliance, or to withdraw the application and submit a new application under the applicable level of process.
 - h. If the applicant chooses to withdraw the application due to an incorrect fit with the requirements of the Level 2 Minor Subdivision and submit a new application under the appropriate process level, the fees paid for the original application shall be credited toward the new application fees.
 - i. The Level 2 Minor Subdivision process may only be used once to divide a parcel. Subsequent applications to divide the property shall utilize the Level 3 or Level 4 process. If the lot to be divided is part of a platted subdivision, the subdivision amendment process found in Section 21.8 of this Chapter is the appropriate application.
 - j. The Minor Subdivision property owner may construct the required utility service connections with each building permit unless the required improvements include extension of pavement, curb and gutter, and/or sidewalk along the frontage of the properties. Where surface improvements are required and in order to keep the surface improvements consistent, all improvements to the property frontages of each lot shall be completed by the property owners under the first building permit issued for any lot in the Minor Subdivision.
 - k. After approval, and in accordance with Utah State Code 19-91-605(3)(a), documents dividing property by a metes and bounds description, including the required certificate of written approval from Grantsville City attached, shall be recorded in the County Recorder's.
3. Level 3 - Subdivision 4 lots or less: The purpose of this process is to divide property into 4 lots or less where dedication of additional utilities or public improvements are required to serve the property. The applicant shall submit an application which meets the requirements for a final plat subdivision process as described in Section 21.2.8, 21.2.9 and 21.4.7 of this Chapter. A public hearing shall be held in a public Planning Commission meeting to fulfill the State requirements. Approval of the Level 3

application shall occur with Planning Commission.

- a. Level 3 Subdivisions of four lots or less shall not be required to provide physical open space or fee in lieu for open space but shall be assessed the applicable park impact fee with each building permit.
4. Level 4 - Subdivision 5 lots or greater: The purpose of this process is to divide property into 5 or more lots or any division of property that requires dedication of offsite utilities or public improvements. The applicant shall submit an application meeting the requirements for a preliminary plan as described in Section 21.2.7 and 21.4.5 of this Chapter. Once the Preliminary Application has been approved by the Planning Commission, the applicant can then move forward with submittal of an application for a Final Plat process as described in Section 21.2.8, 21.2.9 and 21.4.7 of this Chapter. The Final Plat shall be approved by the Planning Commission. The Applicant may be required to submit an application for a Planned Unit Development prior to submission of a Preliminary Application if the proposed project meets any of the criteria found in Section 21.5.
 5. Level 5 - Subdivisions: The purpose of this process is to allow for the division of property as necessary for land uses other than those residential uses defined as single use residential development. These uses may include but are not limited to commercial, industrial, institutional, multifamily residential, residential projects with a mix of types of residential uses, and mixed use projects. The applicant shall submit an application which meets the requirements for a preliminary plan as described in Section 21.2.7 and 21.4.5 of this Chapter. Once the Preliminary Application has been approved by staff, Planning Commission and the City Council, in that order, the applicant can then move forward with submittal of an application for a final plat process as described in Section 21.2.8, 21.2.9 and 21.4.7 of this Chapter. The Final Plat shall be considered for recommendation by the Planning Commission and approved by the City Council.
 - a. Specific phases of a Level 5 Final Plat may qualify as, and be subject to Level 4 Final Plat requirements, if the specific phase application contains only residential uses that meet the definition of single use residential development as defined in GLUDMC Chapter 2 Definitions.

AFTER AMENDMENT

21.2.11 Determination Of Appropriate Process

In recognition that not all land use actions are of the same magnitude and therefore may not require the same level of detail for consideration, Grantsville City has provided multiple application processes. For this purpose, the application processes have been organized as level with each level requiring greater detail and additional steps for consideration and approval. The applicant shall choose the application process that best fits their proposed land use action:

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 - i. There is a compelling reason affecting the Health, Safety or Welfare of the public; or
 - ii. An adjacent property is currently in an application process which will increase the level of improvement to the street, or
 - iii. The City has a current project that is increasing the level of improvement to the street.
 - b. Level 2: Minor Subdivisions shall not be required to provide open space or fee in lieu for open space but shall be assessed the applicable park impact fee with each building permit.
 - c. The Application for a Level 2 Minor Subdivision shall include the information and documents found on the Minor Subdivision Checklist that is attached to the Minor Subdivision Application that shall be provided by the City upon request. The Minor Subdivision requirements found on the Minor Subdivisions Checklist and subsequent amendments to the checklist have been approved by the Grantsville City Council by resolution.
 - d. If no street improvements are required beyond additional utility service laterals, the only engineered drawings required will be:
 - i. A record of survey, and
 - ii. A plat. Depicting the lots, together with individual metes and bounds legal descriptions for each lot, and the overall boundary description for the subdivision, and
 - iii. A site drawing showing the proposed locations of proposed utility service laterals and any required surface improvements, with finish grade elevations as appropriate and specifically referencing each of the appropriate City standard details that are necessary for the work.
 - e. If upon review, the City staff finds:
 - i. That application to be complete, and
 - ii. Meets the intent of the General Plan, and
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 - iv. The existing public infrastructure along with the proposed improvements are adequate to serve the project and protect the health, safety and welfare of the public.
 - f. Then, the City staff is authorized by the City Council to approve the

application.

- g. If the application is found deficient in meeting the requirements in clause 5 (a-d), the City staff shall inform the applicant of the discrepancies; and allows the applicant to choose to modify the application to bring the application into compliance, or to withdraw the application and submit a new application under the applicable level of process.
 - h. If the applicant chooses to withdraw the application due to an incorrect fit with the requirements of the Level 2 Minor Subdivision and submit a new application under the appropriate process level, the fees paid for the original application shall be credited toward the new application fees.
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 - k. After approval, and in accordance with Utah State Code 19-9a~~91~~-605(3)(a), documents shall be recorded in the County Recorder's office that divide property by a metes and bounds description with the required certificate of written approval from Grantsville City attached. ~~documents dividing property by a metes and bounds description, including the required certificate of written approval from Grantsville City attached, shall be recorded in the County Recorder's.~~
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Planning Commission, the applicant can then move forward with submittal of an application for a Final Plat process as described in Section 21.2.8, 21.2.9 and 21.4.7 of this Chapter. The Final Plat shall be approved by the Planning Commission. The Applicant may be required to submit an application for a Planned Unit Development prior to submission of a Preliminary Application if the proposed project meets any of the criteria found in Section 21.5.

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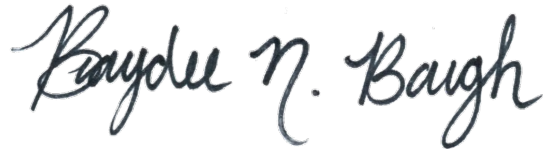
PASSED AND ADOPTED BY THE GRANTSVILLE COUNCIL AUGUST 21, 2024.

	AYE	NAY	ABSENT	ABSTAIN
Heidi Hammond	<u>X</u>	_____	_____	_____
Jolene Jenkins	<u>X</u>	_____	_____	_____
Jeff Williams	<u>X</u>	_____	_____	_____
Rhett Butler	<u>X</u>	_____	_____	_____
Scott Bevan	<u>X</u>	_____	_____	_____

Attest

Presiding Officer

Neil Critchlow, Mayor, Grantsville



Braydee Baugh, City Recorder,
Grantsville

