



HOOPER CITY
JOINT WORK SESSION AGENDA
OCTOBER 30, 2024 @ 6:30PM
COUNCIL CHAMBERS
5580 W. 4600 S.
Hooper, UT 84315

Notice is hereby given that the Hooper City Council and the Hooper City Planning Commission will hold a joint work session on Wednesday October 30, 2024, starting at 6:30pm at the Hooper Municipal Building located at 5580 W 4600 S Hooper, UT 84315.

Work Session – 6:30pm

1. Review updated Hooper Subdivision Draft

Morghan Yeoman

Morghan Yeoman, City Recorder

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

CERTIFICATE OF POSTING

The undersigned, duly appointed city recorder, does hereby certify that the above notice has been posted at the Hooper City Civic Center, the Hooper City Post Office, and the Hooper City Sinclair Gas Station; the Utah Public Meeting Notice website; and hoopercity.com on or before October 30, 2024.

CHAPTER 5: ADMINISTRATION

10-5-1 PURPOSE

10-5-2 PERMITS

10-5-3 JURISDICTION AND AUTHORITY

10-5-4 ZONING ORDINANCE AMENDMENTS

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10-5-7 APPEALS

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Article A APPLICATION PROCEDURES

Article B PLANNING AND ZONING COMMISSION

Article C BOARD OF ADJUSTMENT

10-5-1: PURPOSE:

To provide for the efficient and fair administration and enforcement of this Title.

10-5-2: PERMITS

- A. No construction or alteration of any building over 200 square feet shall commence until the City has issued a permit. A land use review or sketch review shall be obtained prior to the construction of any accessory building or structure for which a building permit is not required as set forth in HCC 10-2B-6. No excavation shall commence in the City right of way without the prior issuance of an excavation permit.
- B. No permit shall be issued for any use on a property in violation of this Title or on a property that contains structures or uses in violation of this Title. Any permit secured in violation of a State or Federal law shall be invalid.
- C. The permit shall be invalid upon violation of any regulations of this Title on the subject property.
- D. Permits issued in conjunction with a proposed use shall expire if said use has not commenced within 1 year of the date of issuance of the permit.
- E. Permits issued in conjunction with construction or alteration of a structure shall expire if said construction or alteration has not commenced within 1 year of the date of issuance of the permit.
- F. The permit may require inspections and approvals specified in the approval of the application.
- G. If the City determines the conditions of the permit have been violated, the City may require that all further work stop on a project until the violation has been remedied.

10-5-3: JURISDICTION AND AUTHORITY

- A. Planning and Zoning Commission:
 1. The Commission shall have jurisdiction and authority as set out in HCC 10-5B and shall:
 - i) Provide for citizen meetings, hearings, surveys, or other methods to obtain advice on the planning process, General Plan, and implementation;
 - ii) Conduct informational meetings and consult with public officials and agencies, public utility companies, and civic, educational, professional, or other organizations;
 - iii) Promote a public interest in and understanding of the Commission's activities;
 - iv) Make recommendations to the City Council concerning the General Plan, planning process, or implementation of the General Plan; and
 - v) Enter upon any property at reasonable times to make examinations and surveys.

2. The Commission shall have the authority to act on the following applications, which may require transmittals to agencies, notice to the public, and a public hearing before the Commission:
 - i) Conditional Use
 - ii) Subdivision Applications for 1-2 Family Residential Use
 3. The Commission shall have the authority to make a recommendation to the City Council on the following applications or petitions, all of which shall require transmittals to agencies and cities, notice to the public, and a public hearing before the Commission:
 - i) Annexation
 - ii) Amendment to the General Plan (Text or Map)
 - iii) Amendment to the Zoning Ordinance (Text or Map)
- B. Board of Adjustment:
1. The Board of Adjustment shall have jurisdiction and authority to hear and decide the following, as further set out in HCC 10-5C, all of which shall be decided at a public meeting of the Board:
 - i) appeals from zoning decisions applying the zoning and subdivision ordinance;
 - ii) special exceptions to the terms of the zoning ordinance;
 - iii) variances from the terms of the zoning ordinance;
- C. City Council:
1. The City Council shall have the authority to act on the following applications and petitions, all of which shall require a recommendation from the Commission, transmittals to agencies and cities, notice to the public, and public hearing:
 - i) Annexation
 - ii) Amendment to the General Plan (Text or Map)
 - iii) Amendment to the Zoning Ordinance (Text or Map)

10-5-4 ZONING ORDINANCE AMENDMENTS

- A. Process:
1. Zoning Ordinance Amendment Initiated by City Council. The City Council may propose to amend this Title following the notice and public hearing procedures in HCC 10-5A.
 2. Zoning Ordinance Amendment Initiated by Property Owner. An application and fees, as set forth in HCC 10-5A, shall be submitted to the City on forms provided by the City.
 3. The City Council shall apply the standards listed in paragraph B and the required findings listed in paragraph C to review the zoning ordinance amendment.
 4. If the City Council approves a zoning ordinance map amendment pursuant to a request from a property owner, the City Council shall not subsequently reverse its action or otherwise change the zoning classification for a period of at least three years.
- B. *Standards:* For zoning ordinance map amendments, the subject property shall meet the minimum dimensional standards of the proposed base zone.
- C. *Required Findings:* Upon recommendation from the Commission, the City Council shall make a full investigation and shall, at the public hearing, review the application. In order to grant a map or text amendment to the zoning ordinance, the City Council shall make the following findings:
1. The zoning ordinance amendment complies with the General Plan;
 2. The zoning ordinance amendment complies with the regulations outlined for the proposed base zone, specifically the purpose statement;
 3. The zoning ordinance amendment shall not be materially detrimental to the public health, safety, and welfare; and
 4. The zoning ordinance amendment shall not result in an adverse impact upon the delivery of services by any service provider providing public services within the city including, but not limited to, school districts, fire districts, water or sewer districts, or utilities.

10-5-5 VARIANCES

A. Process:

1. The applicant for a variance shall submit a fee and an application in writing to the Board of Adjustment. Such application shall be submitted to the City on forms provided by the City and shall describe the variance requested, and present all applicable information regarding measurements and uses and, in particular, shall state how each of the requirements for a variance are met.
2. The Board of Adjustment shall apply the standard listed in paragraph B and the required findings listed in paragraph C to review the variance.

B. *Standard:* The variance shall comply with HCC 10-5C-4 paragraph D.

C. *Required Findings:* In order to grant a variance, the Board of Adjustment shall make the following findings consistent with HCC 10-5C-4 paragraph D:

1. The variance will not be contrary to the public interest.
2. Owing special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardships and difficulties.
3. The spirit of the ordinance shall be observed.
4. Substantial justice shall be done.
5. The variance will not substantially affect the General Plan of zoning in the city.
6. Special circumstances are attached to the property covered by the application which does not generally apply to the other property in the same zone.
7. Because of special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same zone, and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone. Variances shall not be used to circumvent the provisions of the ordinance, or to grant benefits and advantages generally denied by the ordinance.

10-5-5.5 CONDITIONAL USE PERMITS

A. Purpose

1. The purpose of this ordinance is to outline the standards the Planning Commission will follow when considering a conditional use application, as allowed under HCC 10-2, and to outline the circumstances that will cause a conditional use permit to expire.

B. Standard for Granting or Denying a Conditional Use Permit:

1. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable city standards, including but not limited to, the health, safety, and general welfare of the population of Hooper City.
2. The Planning Commission may establish lists of standard conditions that will apply universally to certain land uses.
3. If the reasonably anticipated detrimental effect of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable city standards, the conditional use may be denied.

C. Expiration of a Conditional Use Permit

1. A conditional use permit granted by the City of Hooper shall expire as follows:
 - i) If there is no substantial action to carry out the purpose of the conditional use permit as determined by the planning commission within one year of its issuance. The planning commission may grant a maximum extension, upon request, of up to twelve (12) months under exceptional circumstances; or
 - ii) If a permitted use or a different conditional use replaces the use allowed under the permit; or
 - iii) If the conditional use is discontinued for a continuous period of one year. The Planning Commission may grant an extension, upon request, of up to five (5) years

under exceptional circumstances.

2. New Permit Required:
 - i) Once the conditional use permit has expired, a new conditional use permit shall be required in order to occupy the site for that use.

10-5-6 TIME EXTENSION

An application for a time extension shall be reviewed by the City. The time extension shall commence from the date of expiration of the previous approval, except in the case of an appeal of a City Council approval, when the time extension shall commence from the final resolution of such appeal.

A. Process:

1. An application and fees, as set forth in HCC 10-5A, shall be submitted to the City on forms provided by the City.
 - i) The application shall include a written request indicating the need for a time extension.
 - ii) The application shall be filed at least 30 days prior to expiration date of the original approval.
2. At the discretion of the City, other agencies may be notified of the time extension request in order to solicit their comments and recommendations for consideration.
3. The City shall apply the standards listed in paragraph B and the findings listed in paragraph C to review the time extension. The City may impose additional conditions in an approval of a time extension for an approved development (excluding final plats).

B. Standards:

1. The applicant or owner for an approved development (excluding final plats) may apply for one (and only one) time extension for a period not to exceed one year.
2. The applicant or owner for an approved final plat may apply for one (and only one) time extension for each phase of the final plat. The time extension shall be for a period not to exceed one year.

C. *Required Findings:* In order to grant a time extension, the City shall make the following findings:

1. The time extension meets the standards listed in paragraph B; and
2. The applicant and/or owner have adequately justified the need for a time extension.

10-5-7 APPEALS

A. Any decision or action may be appealed as set forth in this Chapter. The appellant shall be an adversely affected person as defined in Utah Code § 10-9-1001.

1. A person aggrieved by a final decision or action within the jurisdiction and authority of the City may appeal to the Commission.
2. A person aggrieved by a final decision or action within the jurisdiction and authority of the Commission may appeal to the City Council or Board of Adjustment.
3. A person aggrieved by a final decision or action of the City Council or Board of Adjustment may seek judicial review as provided by Utah Code.

B. Appeal procedures from decisions of the City.

1. Appeals of written decisions shall be filed with the City within 15 days after the date of the written decision of the City, or it shall not be accepted. An application and fees, as set forth in HCC 10-5A, shall be submitted to the City on forms provided by the City.
2. Upon notice of application for appeal, the City shall, within 10 days, transmit to the Commission the original or certified copy of the order, requirement, permit, decision, or determination of the City and any attached conditions thereto.
3. The City shall schedule and the Commission shall consider the appeal at a public meeting.
4. At the public meeting, the Commission shall consider the order, requirement, permit,

decision, or determination of the City, and any attached conditions thereto. The Commission shall also consider any additional evidence that may be offered by the public, applicant, and/or City.

5. The Commission may affirm, reverse, modify, in whole or in part the order, requirement, permit, decision, or determination appealed from, or make or substitute any additional conditions that in its deliberations it may find warranted.

C. Appeal procedures from decisions of the Commission.

1. Appeals of written decisions shall be filed with the City within 15 days after the date of the written decision of the Commission, or it shall not be accepted. An application and fees, as set forth in HCC 10-5A, shall be submitted to the City on forms provided by the City.
2. Upon notice of application for appeal, the Commission shall, within 10 days, transmit to the City Council or Board of Adjustment the original or certified copy of the order, requirement, permit, decision, or determination of the Commission and any attached conditions thereto.
3. The City shall schedule and the City Council or Board of Adjustment shall consider the appeal at a public meeting.
4. At the public meeting, the City Council or Board of Adjustment shall consider the order, requirement, permit, decision, or determination of the Commission, and any attached conditions thereto. The City Council or Board of Adjustment shall also consider any additional evidence that may be offered by the public, applicant, City, and/or Commission.
5. The City Council or Board of Adjustment may affirm, reverse, modify, in whole or in part the order, requirement, permit, decision, or determination appealed from, or make or substitute any additional conditions that in its deliberations it may find warranted.
6. Further appeals of a City Council decision may be taken pursuant to the provisions of Utah Code § 10-9-704.

D. Appeals from a decision of the Board of Adjustment.

1. Appeals shall be made as set forth in Utah Code § 10-9-708.

10-5-8 PENALTIES

- A. *Violation a Misdemeanor:* Each violation of these regulations shall be a misdemeanor. Each day that work continues after notification of violation shall constitute a separate offense, and each violation shall be punishable as a Class C Misdemeanor by imprisonment in the County jail not exceeding 90 days, or by a fine not exceeding \$750.00, or both, as provided in Utah Code § 10-9-1003.
- B. *Procedure on Violations:* Whenever the City determines that a violation of this Title has occurred, the City shall notify the City Council of such violation and recommend action that should be taken.
- C. In the event any action is taken or any construction commenced in violation of the regulations of this Title, the proper authorities of the City, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful action or construction to restrain, correct, or abate such violation, or to prevent any illegal act, conduct, business, or use in or about such premises

ARTICLE A APPLICATION PROCEDURES

10-5a-1 PURPOSE

10-5a-2 APPLICATION REQUIREMENTS AND FEES

10-5a-3 NOTICE REQUIREMENTS

10-5a-4 CONDITIONAL USE NOTICE

10-5a-5 DECISION BY THE CITY
10-5a-6 DECISION BY THE COMMISSION
10-5a-7 DECISION BY THE CITY COUNCIL

10-5A-1 PURPOSE

The purpose of this Article is to provide procedures for all zoning applications covered by this Title and petitions to amend the General Plan.

10-5A-2 APPLICATION REQUIREMENTS AND FEES

- A. *Application Requirements:* All persons making application for permits and other matters herein referred to shall be required to submit to the City an application on forms provided by the City and accompanied by an application fee as set forth in HCC 10-5A-2 paragraph D. No application shall be considered as accepted by the City unless it is complete with all required information.
- B. *Date of Application Acceptance:* The date of acceptance of an application shall be the date of the letter sent by the City notifying the applicant that the City has received payment of the required fee and all of the required submittal information pursuant to this Title.
- C. *Hearings:* A public hearing, if required, shall be held no later than 60 days after the date of acceptance of an application.
- D. *Fees:* The City Council shall, by resolution, establish fees for all zoning applications or petitions authorized by this Title, permits, and General Plan amendments.
- E. *Resubmittal:* No application that has been denied by the City, the Commission, or the City Council shall be resubmitted, in the same form for the same use, within one year from the date of denial. The City may waive the one-year requirement and accept a new application, where the subject property is affected by amendments to the applicable General Plan or to this Title.

10-5A-3 NOTICE REQUIREMENTS

- A. The City adopts the notice provisions of Utah Code 10-9a § 201-212, as amended, as it applies to Hooper City.

10-5A-4 CONDITIONAL USE NOTICE

Notice of public meetings before the Planning Commission to consider conditional use applications and permits listed in paragraph B shall be posted in three public places in the city and on the premise of the application seven days before the meeting. Radius notice shall be given as set out in paragraph A.

- A. *Radius Notice:* At least 7 days prior to the public meeting, the City shall send a notice of the time and place, and a summary of the application to property owners or purchasers of record (as listed in the current records of the Weber County Recorder) owning property within 600 feet of the property being considered. The City may determine, or other applications provided for in this Title may require, that notices be sent to property owners or purchasers of record whose properties are further than 600 feet from the external boundaries of the property upon which the application is located. Radius notice, as an alternative to mailing, may be given by posting a 4X4 foot or greater sign on the property that is the subject matter of the notice, facing the roadway, 14 calendar days before the public hearing, in a visible location, and printed in a print quality that is reasonably calculated to give notice to people passing by, and which is visible from roadways adjoining the subject property.
- B. The following uses shall require notice to property owners within 600 feet of the property being considered:
 - 1. aircraft landing field (private ownership);
 - 2. airport (public ownership) bar, brewpub, or nightclub explosive;
 - 3. manufacturing or storage flammable;
 - 4. substance storage foundry;
 - 5. junkyard or automobile wrecking yard;
 - 6. manufacture or processing of hazardous chemicals or gases;

7. meat packing facility;
8. pit, mine, or quarry requiring administrative or conditional use approval;
9. power plant;
10. processing plant for agricultural and dairy products;
11. public or quasi public use-public or private correctional facility;
12. racetrack, vehicle or animal;
13. sanitary landfill, restricted;
14. sawmill or planing mill;
15. slaughterhouse;
16. soil or water remediation;
17. tannery;
18. tower or antenna structure, commercial;
19. vehicle impound yard;
20. dog kennel;
21. day care/pre-school;
22. oversized buildings.

10-5A-5 DECISION BY THE CITY

- A. Following the acceptance of an application, the City shall act upon the application within 60 days.
- B. The City may require conditions of approval that are deemed necessary to protect the public health, safety, and welfare and prevent undue adverse impacts on surrounding properties.
- C. The City shall provide the applicant with a written decision stating the reasons for the decision reached. All conditions of approval shall be attached to the written decision.

10-5a-6 DECISION BY THE COMMISSION

- A. The City shall schedule the application for consideration before the Commission within 60 days after the City accepts an application.
- B. The Commission may require or recommend conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties.
- C. The Commission shall provide the applicant with a written decision stating the reasons for the decision or recommendation reached. Conditions of approval shall be attached to the written decision or recommendation. For applications where the Commission is acting as a recommending body, the Commission shall forward their recommendation to the City Council.
- D. For applications where a decision or recommendation is required by this Title, the Commission shall file a written report with the Clerk of the City Council stating the findings and action taken by the Commission. Such report shall be filed not later than 10 days after the written decision or recommendation.

10-5A-7 DECISION BY THE CITY COUNCIL

- A. The City shall schedule a hearing before the City Council within 60 days after the City accepts an application or after the Commission makes a recommendation (if applicable). Prior to the public hearing, public notice shall be provided as set forth in HCC 10-5A-4.
- B. The City Council may require conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties. This regulation shall not apply to applications for General Plan amendments or zoning ordinance amendments.
- C. The City Council shall provide the applicant with written findings stating the reasons for the decision. Conditions of approval, if any, shall be attached to the written decision.

- D. Following the approval of a General Plan amendment, the City Council shall adopt a resolution adopting the amendment to the General Plan.
- E. Following the approval of a zoning ordinance amendment, the City Council shall adopt the amended ordinance.

ARTICLE B PLANNING AND ZONING COMMISSION

10-5B-1 ESTABLISHMENT OF THE PLANNING COMMISSION

10-5B-2 APPOINTMENT AND TERMS OF OFFICE

10-5B-3 ORGANIZATION AND PROCEDURES

10-5B-4 POWERS AND DUTIES

10-5B-1 ESTABLISHMENT OF THE PLANNING COMMISSION

Pursuant to the provisions and requirements of the Utah Code § 10-9a-301, Municipal Land Use Development and Management Act, the Hooper City Planning Commission is hereby reestablished

10-5B-2 APPOINTMENT AND TERMS OF OFFICE

- A. The Mayor shall appoint the members of the Commission subject to the approval of the City Council.
- B. The Commission shall consist of 5 members.
- C. Vacancies shall be filled in the same manner as the original appointments.
- D. The term of the members shall be for a four (4) year terms.
- E. A member may be removed from the commission by the City Council for good cause, after a hearing, if a hearing is requested by the member.

HISTORY

Amended by Ord. O-2018-04 ON 10/22/2018

10-5B-2 ORGANIZATION AND PROCEDURES

- A. The Planning Commission shall elect a chairperson and vice chairperson from its members each year.
- B. The Planning Commission may adopt policies and procedures and bylaws consistent with this ordinance, for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the planning commission.
- C. The Planning Commission will meet on the second Thursday of each month at a time and place to be scheduled by staff. Special meetings may be scheduled as needed.
- D. Three (3) members of the Commission shall constitute a quorum for the transaction of business.
- E. The City Council shall provide funding, including per diem compensation, for the reasonable and necessary expenses of the Planning Commission and will provide support staff for the Commission as required.

HISTORY

Amended by Ord. O-2018-04 on 10/22/2018

10-5B-4 POWERS AND DUTIES

- A. The Planning Commissions shall:

Hooper Subdivision Amendment – Draft 3.2 (Oct 28)

1. Prepare and recommend a general plan and amendments to the general plan to the City Council as provided by Utah law.
2. Recommend land use and zoning ordinances and maps, and amendments to zoning ordinances and maps, to the City Council as provided by Utah law.
3. Administer the provisions of the zoning ordinance as set out in HCC 10-5-3 paragraph A and elsewhere in the Zoning and Subdivision Ordinance.
4. Recommend subdivision regulations and amendments to those regulations to the City Council as provided by this Title and by Utah law.
5. Recommend approval or denial of subdivision applications as provided by this Title and by Utah law.
6. Approve or deny subdivision applications for 1-2 family residential use as provided by this Title.
7. Advise the City Council on matters as the City Council directs and make recommendations to the Council as provided for by Utah Code § 10-9a-302 and other applicable provisions of the Utah State Code.
8. Hear or decide any matters that the City Council designates, including the approval or denial of conditional use permits as provided by the Utah Code.
9. Exercise any other powers:
 - i) that are necessary to enable it to perform its function;
 - ii) delegated to it by the City Council.

ARTICLE C BOARD OF ADJUSTMENT

10-5C-1 ESTABLISHMENT OF THE BOARD OF ADJUSTMENT

10-5C-2 APPOINTMENT, TERMS OF OFFICE AND VACANCIES

10-5C-3 ORGANIZATION AND PROCEDURES

10-5C-4 BOARD OF ADJUSTMENT, PROCESS, POWERS AND DUTIES

10-5C-5 COURT REVIEW

10-5C-1 ESTABLISHMENT OF THE BOARD OF ADJUSTMENT

Pursuant to the provisions and requirements of the Utah Code § 10-9-701, Municipal and Use Development and Management Act, the Hooper City Board of Adjustment is hereby established.

10-5C-2 APPOINTMENT, TERMS OF OFFICE AND VACANCIES

- A. The board of adjustment shall consist of five members and whatever alternate members the Mayor considers appropriate.
- B. The Mayor shall appoint the members and alternate members with the approval of the City Council for a term of five years.
- C. The Mayor shall appoint members of the first board of adjustment to terms so that the term of one member expires each year.
- D. No more than two alternate members may sit at any meeting of the board of adjustment at one time.
- E. The City Council shall make rules establishing a procedure for alternate members to serve in the absence of members of the board.
- F. The Mayor may remove any member of the board of adjustment for cause if written charges are filed against the member and provided to the Mayor. The Mayor shall provide the member with a public hearing if requested by the member.
- G. The Mayor, with the approval of the City Council, shall fill any vacancy. The person appointed shall serve for the unexpired term of the member or alternate member whose office is vacant.

10-5C-3 ORGANIZATION AND PROCEDURES

A. The Board of Adjustment shall:

1. Organize and elect a chairperson from its members.
2. Adopt rules or by-laws that comply with ordinances adopted by the City Council.
3. Meet at the call of the chairperson and at any other times that the board of adjustment determines.
4. Comply with the requirements of Utah Code 52-4, Open and Public Meetings at all board meetings.
5. Keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact and keep records of its examinations and other official actions.
6. File its records in the office of the board of adjustment. All records in the office of the board of adjustment are public records.
7. The chairperson, or in the absence of the chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses.
8. The concurring vote of three members of the board of adjustment is necessary to reverse any order, requirement, decision, or determination of any administrative official or agency or to decide in favor of the appellant.
9. Decisions of the board of adjustment become effective at the meeting in which the decision is made unless a different time is designated in the board's rules or at the time the decision is made.
10. The City Council may fix per diem compensation for the members of the board of adjustment based on necessary and reasonable expenses and on meetings actually attended.

10-5C-4 BOARD OF ADJUSTMENT, PROCESS, POWERS AND DUTIES

A. Appeals:

1. The board of adjustment shall hear and decide appeals from decisions applying the zoning and subdivision ordinance as set out in HCC 10-5-3 paragraph B.
 - i) The applicant or any other person or entity adversely affected by a decision administering or interpreting a zoning ordinance may appeal that decision applying the zoning ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration or in the interpretation of the zoning ordinance.
 - ii) Any officer, department, board, or bureau of the City affected by the grant or refusal of a building permit or by any other decision of an administrative officer in the administration or interpretation of the zoning ordinance may appeal any decision to the board of adjustment.
 - iii) The board of adjustment shall hear and decide appeals from planning commission decisions regarding conditional use permits.
2. The person or entity making the appeal has the burden of proving that an error has been made.
3. Only decisions applying the zoning and subdivision ordinance may be appealed to the board of adjustment.
4. A person may not appeal, and the board of adjustment may not consider, any zoning ordinance amendments.
5. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.

B. Routine and uncontested matters:

1. The Mayor may appoint an administrative officer to decide routine and uncontested matters brought before the board of adjustment.
2. The board of adjustment shall designate which matters may be decided by the

administrative officer; and establish guidelines for the administrative officer to comply with in making decisions.

3. Any person affected by a decision of the administrative officer may appeal the decision to the board of adjustment as provided in this part.

C. Special Exceptions: The board of adjustment shall hear and decide special exceptions as set out in HCC 10-5-3B

D. Variances:

1. The board of adjustment shall hear and decide from the terms of the zoning ordinance as set out in HCC 10-5-3B.
2. Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the board of adjustment for a variance from the terms of the zoning ordinance.
3. Factors to be considered in granting a variance:
 - i) literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;
 - ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - v) the spirit of the zoning ordinance is observed and substantial justice done.
 - vi) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under paragraph D,3,a, the board of adjustment must find that the alleged hardship:
 - (a) is located on or associated with the property for which the variance is sought; and
 - (b) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood
 - vii) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under paragraph D,3,a, the board of adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
 - (a) relate to the hardship complained of; and
 - (b) deprive the property of privileges granted to other properties in the same zone.
 - viii) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

E. Variances run with the land.

F. The board of adjustment nor any other body may grant use variances.

G. In granting a variance, the board of adjustment may impose additional requirements on the applicant that will:

1. mitigate any harmful affects of the variance; or
2. serve the purpose of the standard or requirement that is waived or modified.

10-5C-5 COURT REVIEW

- A. Any person adversely affected by any decision of a board of adjustment may petition the district court for a review of the decision as set out in Utah Code § 10-9-708.
- B. The board of adjustment shall provide information to the court as provided for in the Utah Code.

CHAPTER 6: GENERAL SUBDIVISION REGULATIONS

10-6-1 PURPOSE

The purpose of this Chapter is to provide uniform standards for the subdivision of property, to protect property, and to protect the health, safety, and general welfare of the people of Hooper City.

10-6-2 APPLICABILITY

- A. This Chapter shall apply to the subdivision of all property within the incorporated area of Hooper City, except for subdivision applications where the intended use is one- or two-family residential dwellings, including townhomes and duplexes. Applications for one- or two-family residential use are governed by Chapter 8.
- B. It shall be unlawful to make a subdivision of property until the requirements of this Chapter are satisfied, unless the requirements of Chapter 8 are met.
- C. *Exceptions:* The following divisions of property shall not constitute a subdivision:
 - 1. A property boundary adjustment in accord with HCC 10-4B and as defined in HCC 10-1A-1.
 - 2. A court decree dividing a lot or parcel of land into separate, distinct ownership in the distribution of property as allowed by Utah law. Also see HCC 10-4A-20.
 - 3. The division of property as a result of condemnation, as defined and allowed in the Utah Code.
 - 4. The expansion or acquisition of street rights-of-way by a public highway agency.
 - 5. Abutting parcels that qualify as an exception to the contiguous parcel regulation as set forth in HCC 10-4A-9.

10-6-3 PROCESS

- A. *Concept Conference:*
 - 1. The applicant may request an optional Concept Conference with the City. The Concept Conference is designed to provide the applicant with a means of understanding regulations, policies, and procedures prior to any formal submission of a project, and to review the applicant's proposal.
 - 2. The Concept Conference will be scheduled only at the request of the applicant and following the receipt by the City of the applicable fees. The Conference is intended as a means of discussing the feasibility of the project and to assist the applicant in learning the City's subdivision and site plan review process.
- B. All applications and fees, as set forth in HCC 10-5, shall be submitted to the City on forms provided by the City.
 - 1. A digital format of the plat may be required by the City Engineer.
 - 2. The preliminary plat application for subdivisions in an overlay zone shall contain any additional reports or materials required by HCC 10-3.
 - 3. If an applicant or owner intends to or is required to complete the final platting of the subdivision in phases, the proposed phasing shall be submitted with the application as set forth in HCC 10-6-4.2 paragraph B.
- C. The Planning Commission and City Council shall apply the design standards listed in HCC 10-6A, the required improvements listed in HCC 10-6B, standard regulations applying to all subdivisions listed in HCC 10-4A, the Hooper City Development Standards and Specification, and the findings listed in HCC 10-6-5 to review the proposed plat.
 - 1. For preliminary and final plats, the Commission shall forward a recommendation to the

City Council as set forth in HCC 10-5-3.

- D. A decision of the City Council on a plat shall be final as to all matters set forth in said plat. This decision may be appealed under the regulations of this Title and the Utah State Code.
- E. Following City Council approval of a preliminary plat, the owner may cause the subdivision, or any phase thereof, to be surveyed and a final plat prepared for submittal to the Planning Commission and the City Council. The City Council shall approve a final plat within 24 months of the City Council's approval of the preliminary plat or the preliminary plat approval shall become null and void.
- F. The applicant or owner may apply for a time extension, as set forth in HCC 10-5-6, if needed to extend the time allowed to approve the final plat or phase of a final plat, if applicable.
- G. Any lot created through an approved subdivision application and duly recorded plat shall thereafter be considered a platted lot.
 - 1. No subdivision plat or dedication, or any instrument passing title to any portion thereof, shall be offered for recording unless approved in accord with the regulations of this Title, unless approved under Chapter 8.
 - 2. No building permit shall be issued on property being considered in the subdivision process, under this Title, until 1) the final plat has been recorded, 2) sufficient funds have been deposited for all required public improvements, 3) Assessor's parcel numbers have been assigned, and 4) all public improvements have been constructed and approved by the City per HCC 10-6B-5.

10-6-4 PLAT SPECIFICATIONS (RESERVED)

10-6-4.1 MINOR SUBDIVISION OF PROPERTY

- A. A minor subdivision is a subdivision of up to three (3) lots where no new roadways are created. Further, the proposed subdivision must already be serviced by an improved and dedicated public street such that no new public improvements are required to be constructed. To qualify for a minor subdivision, the property must be located in a residential zone and the parcel shall have been lawfully created and qualified for further subdivision. An application for a minor subdivision approval shall follow the application requirements of a standard subdivision except that the applicant will not be required to separately prepare a preliminary plat. A minor subdivision may receive recommendation for plat approval during a Planning Commission meeting and plat approval during a City Council meeting if all of the subdivision requirements of this Title have been satisfied. The Plat and drawing specifications for minor subdivisions are the same as those for a standard subdivision as provided in this section.
- B. The City Council and Planning Commission may approve a subdivision of one lot without a plat, by certifying in writing that:
 - 1. The city has provided notice as required by ordinance; and
 - 2. The proposed subdivision:
 - i) is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;
 - ii) has had a record of survey completed;
 - iii) has been approved by the culinary water authority and the sanitary sewer authority;
 - iv) is located in a zoned area that allows the lot;
 - v) conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance; and
 - vi) creates a lot with a previously existing home on the lot.
 - 3. The City's Certificate of Approval must accompany the documents recorded with the

county recorder

10-6-4.2 PRELIMINARY PLAT SPECIFICATIONS

A. Submission Requirements:

1. Copies of all documents shown in the Preliminary Plat Checklist below shall be officially submitted to the City Planning Department by the Subdivider or authorized representative at least 30 days prior to the date of the Planning Commission Meeting during which the Subdivision may be considered for Preliminary Plat approval. If the City Planning Department deems that any required document listed in the Preliminary Plat Checklist has not been submitted, the subdivision will not be noticed on the Planning Commission agenda.

B. Phase Development:

1. The platting of subdivisions containing more than twenty-five (25) lots shall be done in phases, except as provided in paragraph B,5. Each phase shall consist of the number of lots which can be completely developed with both off-site and on-site improvements within a two (2) year period, or twenty-five (25) lots, whichever is larger. Off-site improvements are construed to be those improvements required by this section. On-site improvements shall be construed to mean the full or partial construction, to include footings, or placement of the dwelling and its appurtenant improvements on each lot. The development of the subdivision shall be in an orderly manner and in such a way that the phases will be contiguous, the required improvements will be continuous, and all of the said off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinafter specified.
2. A Phasing Plan shall be submitted that will include the number of units or parcels to be developed in each phase and the approximate timing of each phase, the timing on construction of public improvements and subdivision amenities to serve each phase whether on or off site, and the relationship between the public improvements in the current subdivision and contiguous land previously subdivided and yet to be subdivided. A developer may request a revision of the phasing plan, which may be necessary due to such conditions as changing market conditions, inclement weather or other factors.
3. For phased development, submit Utility Master Plan drawings for culinary water, secondary water, sanitary sewer, land drainage and storm drainage showing how the entire development will be served. Submit written evidence of preliminary review and approval from utility companies regarding proposed Utility Master Plan drawings. Submit existing site topography and preliminary lot and street grading and drainage plan.
4. When the off-site improvements have been one hundred (100) percent completed, or funds deposited for completion, within the boundaries of the recorded plat and approved by the City engineer, and the on-site improvements as defined in paragraph B,1, are sixty (60) percent completed, the subdivider may receive final approval for the next phase of the proposed development in accordance with the rules and regulations of this subdivision ordinance.
5. A plat including more than twenty-five (25) lots will be accepted only upon the submission of qualified evidence indicating that the market absorption rate is such, and the financial ability of the subdivider is such that the off-site improvements for all lots in such plat will be completed within two (2) years.

C. Plat Requirements and Preliminary Plat Checklist Items:

1. One (1) copy of a Subdivision Application for Approval, application fees, and all required supporting documents defined in paragraphs D and E.
2. Three (3) 24" x 36" black on white or blue on white prints of the preliminary plat and

construction drawings and two (2) 11” x 17” copies of the preliminary plat of such quality and resolution that all detail in the drawing is readily discernable.

D. Drawing Specifications:

1. All mapped information shall be prepared in a neat and legible manner and drawn to a scale of not more than 100 feet to the inch. A smaller scale or different size may be used for large developments with prior written approval from the City Planning Department. Limits of the drawing shall include an area not less than 100 feet beyond boundaries of the proposed development. The accuracy of location of alignments, boundaries and monuments shall be certified by a registered land surveyor licensed to do such work in the State of Utah. Boundary problems shall be resolved and non-buildable remnant properties are prohibited. A workmanlike execution of the Plat shall be made in every detail. A poorly drawn or illegible Plat is sufficient cause for rejection.
2. Preliminary Plat: The following data shall be submitted as part of the Preliminary Plat submission:
 - i) Name of development.
 - ii) Name, address, and telephone number of owner, developer, and engineer.
 - iii) True north arrow, name of municipality, section, township and range, and date.
 - iv) Vicinity map showing the proposed subdivision’s location in the City, and a list of names of neighboring subdivisions, owners of abutting properties, and City streets. This should include an area not less than 100 feet beyond the boundaries of the proposed development.
 - v) Tie to all controlling survey corners or monumentation.
 - vi) Dimensions of property and all lots (including area in square feet), drawn accurately to scale and total acreage of entire proposed subdivision.
 - vii) Lots numbered consecutively.
 - viii) The minimum setbacks from the front, the side and the rear property lines.
 - ix) Existing buildings, parks, cemeteries, bridges and other manmade features, drawn accurately to scale and showing uses and type of construction.
 - x) Adjoining buildings and uses.
 - xi) Proposed layout of public and private street system, including designations and street right-of-way lines, street centerlines and street names (all new names cleared through the City Engineer). Show right-of-way width from centerline for each street or other right-of-way.
 - xii) Easements and rights-of-way.
 - xiii) Location of percolation test pits and test logs, if septic tanks are proposed for the lots.
 - xiv) Sites, if any, to be reserved or dedicated for parks, schools, churches, or other public or private uses.
 - xv) 100 foot no-build setback from the centerline of the Hooper and Howard Sloughs. Where required by the City Planning Department and approved by the City Council, the “no-build” area shall be designated as “public open space” and dedicated to the City for future parks and trails.
3. Grading and Drainage Study and Plan:
 - i) Provide a Drainage Study and a Grading and Drainage Plan as required by HCC 10-4A. No preliminary plat will be accepted which does not specifically address grading and drainage issues including street and lot grading and drainage, potential impacts to the development from upstream and adjacent properties, and impact on and adequacy of downstream facilities and properties.
4. Preliminary Roadway and Utility Plan and Profile construction drawings for new and existing streets showing the following:
 - i) North arrow, road and lot layout, and subdivision name.

- ii) Location of existing and proposed curb, gutter and sidewalk.
 - iii) Location of existing edge of asphalt surfacing.
 - iv) Location of proposed paved areas, including entrances and exits, and walkways.
 - v) All existing and proposed utilities and improvements pertaining to streets, culinary water, secondary water, sanitary sewer, storm water, subsurface drains, fire protection, lighting, signage, and other proposed utilities. Include plan and profile drawings for roads and applicable utilities. (Note: Detailed design of structures is not required for a preliminary plat.)
 - (a) The culinary water system is operated and maintained by either the Hooper Water Improvement District or the Taylor-West Weber Water Improvement District. Culinary water system approval shall be through the applicable entity.
 - (b) The secondary water system is operated and maintained by either the Hooper Irrigation Company or the Roy Water Conservancy Sub-district. Secondary water system approval shall be through the applicable entity.
 - (c) The sewer system is operated and maintained by Hooper City. Unless specifically exempted by ordinance, all subdivisions shall be required to tie to the existing City sewer system. Vacuum sewer shall be provided in the subdivision unless the City’s Sanitary Sewer Master Plan allows for an alternative.
 - (d) All new subdivisions shall be required to install a land drain system if basements (lowest floor slab of the structure lower than existing ground level) are to be constructed. Structures with basements shall be required to have a sump pump that ties to a footing drain and the footing drain shall tie to the land drain system.
 - (e) For subdivisions being proposed in flood-prone areas or areas along the sloughs or other waterways, the City Council may impose a “lowest slab” elevation, below which no structure will be permitted to install a floor slab.
 - vi) Location and dimensions of all utility easements.
 - vii) 6-foot chain link or other non-climbable separation fences between land uses. The City Council may waive this requirement in a minor subdivision or where the same entity owns the adjoining properties that have different land uses.
 - viii) 6-foot high chain link fence along canals or ditches carrying more than 5 cfs.
5. Preliminary Slough Parkway Development Plan:
- i) If the subdivision includes a portion of the Hooper or Howard Slough to be dedicated as Slough Parkway, submit a slough parkway development plan in accordance with the City’s slough development standards.
- E. Required Supporting Documents:
1. Stamped, addressed envelopes for all residents within 600 feet of the proposed subdivision for the purpose of public notification by the City, or a 4’x4’ or greater sign clearly addressing the proposed action, in a print quality that will give notice to people passing by, as defined in HCC 10-5A-4 paragraph B.
 2. Proposed phasing plan, if multiple phases are planned.
 3. Soils report for all proposed development except in the case of a minor subdivision. Soils reports for minor subdivisions shall be submitted when required by the City Planning Department or City Engineer.
 4. Any required agreements with adjacent property owners regarding boundaries, ditches, drainage, shared utilities, access, or other matters pertinent to subdivision approval.
 5. Copy of proposed codes, covenants and restrictions, if applicable.
 6. For subdivisions proposing on-site wastewater treatment systems, final Letter of

- Approval for septic systems from Weber-Morgan County Health Department.
7. Letter of Preliminary Approval for culinary water from Hooper Water Improvement District (or applicable culinary water district).
 8. Letter of Preliminary Approval for secondary water from Hooper Irrigation Company (or applicable secondary water purveyor).
 9. Letter of Approval from Weber County Fire Marshall for fire hydrant placement, fire flows, emergency vehicle access and turn-around, and other issues.
 10. Letter from each other utility company involved stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easements.
 11. Letter of Preliminary Approval from Roy City, West Haven City, or other municipality sharing a boundary with the proposed development.
 12. For subdivisions with any boundary shared with a Utah Department of Transportation (UDOT) road, submit written evidence that UDOT has reviewed the subdivision plans and is in agreement with the proposed plan. Approval of the State Right-of-Way Engineer must be obtained for items such as location of curb, gutter and sidewalk, location and number of curb entrances, turning and deceleration lanes, lane striping, etc. On City streets, the approval for location and number of curb entrances must be received from the City Engineer.
 13. Any other information as may be useful or necessary for the meaningful review of the project. Additional information may be requested based upon the nature of the project or the site.
- F. Outside Entity Preliminary Plat Approval: All outside entities described above must be contacted directly by the applicant. Written approval must be received by the Department before the Preliminary Plat will be considered complete. The City Planning Department may require that the applicant contact other entities if, in the opinion of the Department, the entity may be affected by the application and comments by the entity will ensure a thorough analysis of the application. It shall be the applicant's responsibility to ensure that written approval from these other entities are received in a timely manner. Written approval must be received by the City Planning Department before the Preliminary Plat will be considered complete.
- G. Review Procedure – Preliminary Plat:
1. Once all items on the Preliminary Plat Checklist have been completed and the subdivision is submitted for Preliminary Plat approval and associated fees have been received, the proposal will be placed on the Planning Commission's list of unscheduled items. Items are placed on the list in order of the date a complete application is received by the City Planning Department. The Planning Commission may choose, at its discretion, to limit the number of applications reviewed at each Planning Commission meeting.
 2. The City Planning Department, including City Engineer, shall have ten (10) days to review the application and respond in writing with a list of missing or incomplete items.
 3. After receiving corrections from the applicant, if necessary, the City Staff shall notice the application on an upcoming Planning Commission agenda as an agenda item. The applicant's corrections must be received at least 10 days prior to the upcoming Planning Commission meeting for the applicant to be noticed on the agenda.
 4. Each comment, question or correction on the City Planning Department's memorandum must be responded to in writing, either on revised plans or in other type-written correspondence from the applicant. Any Department comment not addressed in this manner will render the submittal incomplete and the application will not be included on the Planning Commission agenda.
 5. At a public meeting, the Planning Commission shall evaluate the submittal, comments and Staff Report, and recommend approval, recommend approval with conditions, or

deny the Preliminary Plat. The Planning Commission may also continue the application for further study. The Planning Commission's decision shall be based on evidence presented by Staff, the applicant, conditions, if any, placed on the subdivision during Concept Conference and/or public comments, compliance with City ordinances, regulations, policies, master plans and other guidelines. If the Planning Commission denies the Preliminary Plat, no further review of the proposed subdivision shall be made by the City and a new Preliminary Plat submittal shall be required to re-initiate the subdivision process.

6. The City Staff shall prepare a report of the Planning Commission findings and recommendations and forward the report on to the City Council. The applicant must make any additions and/or corrections to the Preliminary Plat required by the Planning Commission and submit new and/or revised documents to the City Planning Department at least ten (10) days prior to the upcoming City Council meeting in order to be noticed on the agenda.
7. At a public hearing, the City Council shall evaluate the Planning Commission's recommendations, other comments, and Staff Report, and approve, approve with conditions, or deny the Preliminary Plat. The City Council may also continue the application for further study and/or send comments back to the Planning Commission for consideration. The City Council's decision shall be based on evidence presented by Staff, the applicant, conditions, if any, placed on the subdivision during Concept Conference and/or public comments, Planning Commission comments and recommendations, compliance with City ordinances, regulations, policies, master plans and other guidelines. If the City Council denies the Preliminary Plat, no further review of the proposed subdivision shall be made by the City and a new Preliminary Plat submittal shall be required to re-initiate the subdivision process.

10-6-4.3 FINAL PLAT SPECIFICATIONS

- A. The final plat shall be prepared as provided by, and include the items required by, Utah Code 10-9 Part 8 and related State law, and the following additional requirements:
 1. Submission Requirements
 - i) Copies of all documents shown in the Final Plat Checklist below shall be officially submitted to the City Planning Department by the subdivider or his authorized representative at least 30 days prior to the date of the Planning Commission Meeting during which the Subdivision may be considered for Final Plat approval. If the City Planning Department deems that any required document listed in the Final Plat Checklist has not been submitted, the subdivision will not be noticed on the Planning Commission agenda.
 - ii) Final Plats shall be submitted for approval within twenty-four (24) months of the date a Preliminary Plat has been approved by the City Council. No Final Plat submission can be accepted which has exceeded this time lapse period, unless an extension of time has been granted by the City Council upon written request of the subdivider. Any plat submitted for which Preliminary Plat approval has been given in excess of twenty-four (24) months previous and for which no time extension has been granted shall be considered by the Planning Commission as a new Preliminary Plat.
 - iii) For phased development, Final Plat approval shall be considered phase-by-phase based upon the Phasing Plan approved during the Preliminary Plat process and the timing for submittal defined in HCC 10-6-4.2 paragraph B. The Final Plat requirements and Checklist described below shall be followed for each phase of the subdivision submitted for Final Plat approval.
 2. Plat Requirements and Final Plat Checklist:

- i) The Final Plat submission shall conform in all major respects to the Preliminary Plat as previously reviewed and approved by the City Council and shall incorporate all modifications required in its review. The City Council may, however, approve a Final Plat which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the Preliminary Plat review and approval.
 - ii) Final Plat shall be submitted in phases, except as provided in HCC 10-6-4.1 paragraph B.
 - iii) One (1) copy of all required supporting documents and application fees shall be submitted.
 - iv) The original Final Plat drawing and three (3) 24"x36" of black on white or blue on white prints and two (2) 11"x17" copies of the final plat along with three (3) 24"x36" of black on white or blue on white prints of the construction drawings, of such quality and resolution that all detail in the drawing is readily discernible, shall be submitted at the time of submittal of the final plat.
 - v) One digital copy on CD of final plat and final construction drawings in AutoCAD .dwg format.
3. Drawing Requirements:
- i) The Final Plat drawing shall have the following standards:
 - (a) The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work in the state of Utah. A workmanlike execution of the plat shall be made in every detail. A poorly-drawn or illegible plat is sufficient cause for its rejection.
 - (b) The original Final Plat shall be delineated in permanent ink on original Mylar. Sepia copies of original mylars are not acceptable.
 - (c) The drawing page(s) shall show exterior boundary and property lines, right-of-way lines, streets, street islands, existing and new easements, all accurately dimensioned with bearings to the nearest one second and distances to the nearest one-hundredth (1/100) of a foot. The dimensions shall provide a minimum lot and boundary survey closure of 1:10,000.
 - (d) Permanent monuments, magnetically detectable, marked in accordance with Utah Code § 17-23-17(5), shall be set for all the following:
 - 1. All lot corners and exterior boundary corners.
 - 2. Street centerline angle points, point of curvatures (PCs), point of tangencys (PTs), intersecting street centerlines, and radius points for cul-de-sacs.
 - (e) In such cases where the placement of a required monument at its proper location is impractical, it is permissible to set a reference monument close by the point, and if such monument is set its location shall be properly shown on the plat of survey. When conditions warrant setting a monument on an offset, the location shall be selected so the monument lies on a line of the survey or on the prolongation of such line. Offsets should not be in fractional feet unless a physical obstruction affects their location. (Utah Council of Land Surveyors Model Standard of Practice for Boundary Surveys Section 6).
4. The plat shall show:
- i) At least 2 primary control points, officially recognized by the County Surveyor and ties to such control points. Primary control points must be public land survey corners or officially recognized corners. Corner Perpetuation and Filing recording instrument numbers shall be shown.
 - ii) The approved street names.

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- iii) Location, dimensions, and purpose of any easements.
- iv) Location, description, and size of monuments that are found.
- v) Name of subdivision, astronomic north arrow and basis thereof, and date.
- vi) Name and address of owner or owners of record.
- vii) Total acreage of subdivision; total number of lots.
- viii) Ownership, range, section (and quarter section if portion).
- ix) Graphic scale
 - x) All blocks and all lots within each block shall be consecutively numbered.
 - xi) Owner's certificate containing a statement of reservation of easements and private roads. Private roads may be shown as a lot or an easement.
 - xii) The right-of-way width from centerline of each street or other right-of-way.
 - xiii) Name and location of abutting subdivisions and parcels.
 - xiv) Excepted parcels shall be marked "Not included in this subdivision" and the boundary completely indicated by bearings and distances.
 - xv) The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.
 - xvi) On curved boundaries and all curves in the plat, sufficient data shall be given to enable the reestablishment of the curves on the ground. This curve data shall include the following for circular curves:
 - (a) Radius of curve
 - (b) Central angle
 - (c) Tangent
 - (d) Arc length
 - xvii) All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys, or as excepted parcels.
 - xviii) All dimensions of irregularly-shaped lots shall be indicated in each lot.
 - xix) All bearings and lengths shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.
 - xx) Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgment.
 - xxi) Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc.
 - xxii) The following certificates and approvals shall appear on the final plat:
 - (a) Owner's Certificate
 - (b) Licensed Land Surveyor's Certificate. The surveyor making a plat shall certify on the plat that it conforms to these survey regulations and to all applicable state laws and that the monuments described in it have been placed as described. He shall affix his name and seal.
 - (c) Weber-Morgan Counties Health Department, if applicable.
 - (d) Applicable Culinary Water District
 - (e) Applicable Secondary Water Company or District
 - (f) City Attorney
 - (g) City Engineer
 - 1. Include the following exact language below the City Engineer's Signature on the final plat:

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- a. “I hereby certify that this office has examined this plat and it is correct in accordance with information on file in this office.”
 - (h) Mayor
 - 1. Include a place below the Mayor’s signature for the City Recorder to attest.
 - (i) City Council Chairman
5. Supporting Documents
- i) The following documents shall be submitted with the Final Plat drawing and be considered a part of the submission:
 - (a) Final construction drawings including the lot grading and drainage plan and roadway drainage and utility plan showing layout, profile and detailed design of roads, bridges, culverts, sewers, detention basins with landscaping plans and other drainage structures. Construction drawings must be stamped by a professional civil engineer licensed to practice in the State of Utah.
 - (b) An exact copy of a certificate of a title insurance company or attorney which shall set forth the names of all property owners included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the County which shall affect the property covered by such plats. If the opinion of title discloses any of the above, then at the option of the City Council the holders or owners of such mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the Plat shall be acted upon by the Planning Commission.
 - (c) Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the Planning Commission must be submitted.
 - (d) Where the subdivider is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent is required from the public agency receiving the dedication, agreeing to such dedication and stating how applicable improvement standards will be met. When land within a subdivision is to be purchased by a public agency for public use, a letter of intention to purchase shall be required.
 - (e) Signed easements and/or agreements with adjacent property owners for necessary off-site facilities or other matters pertinent to the subdivision, if not already submitted.
 - (f) Signed codes, restrictions and covenants.
 - (g) Letter of Final Approval for culinary water from Hooper Water Improvement District (or applicable culinary water district).
 - (h) Letter of Final Approval for secondary water from Hooper Irrigation Company (or applicable secondary water purveyor). Note: A letter of “conditional” final approval may be submitted at this stage of the process. However, the Final Plat shall not be signed by the City Engineer until a Letter of Final Approval is received.
 - (i) If the subdivision layout has changed since Preliminary Plat approval was granted, obtain a final Letter of Approval from Weber County Fire Marshall for fire hydrant placement, fire flows, emergency vehicle access, and other issues.
 - (j) Letter of Final Approval from Roy City, West Haven City, or other

- municipality sharing a boundary with the proposed subdivision.
 - (k) Letter of Final Approval from UDOT for subdivisions with any boundary shared with a Utah Department of Transportation (UDOT) road.
 - (l) Letter of Final Approval from all outside entities requiring approval as directed by the Planning Commission.
 - (m) Storm Water Pollution Prevention Plan
 - 1. As required by laws of the State of Utah, submit a Storm Water Pollution Prevention Plan for each project (subdivision or subdivision phase, if phasing is required), and copies of State permits received.
 - (n) Final Slough Parkway Development Plan (where applicable)
 - (o) Any other information as may be useful or necessary for the meaningful review of the project. Additional information may be requested based on the nature of the project or the site.
 - (p) The Final Plat shall include the following notation:
 - 1. Important Notice
 - a. Many areas in Hooper have ground water problems due to a seasonally high (fluctuating) water table. There are also areas where soil conditions may warrant additional construction measures. Approval of this plat does not constitute representation by Hooper City that buildings at any specified elevation will solve ground water problems or that soils are suitable for construction. Solution of water or soil problems is the sole responsibility of the permit applicant and property owner
6. Signing the Final Mylar Plat:
- i) Before the Final Mylar Plat is signed by the City Engineer and others, the following items shall be completed:
 - (a) Submit Itemized construction cost estimate for use by the City Engineer in creating the Escrow Estimate.
 - (b) Sign a Development Agreement outlining the proposed agreements made between the City and the subdivider during both the Preliminary and Final Plat phases and itemizing any costs or reimbursements discussed. The Development Agreement shall be signed before the Final Plat is signed.
 - (c) Pay applicable sign fees and inspection fees.
7. Review Procedures – Final Plat:
- i) Once all items on the Final Plat Checklist have been completed and the subdivision is submitted for Final Plat Approval, and associated review fees paid, the proposal will be placed on the Planning Commission’s list of unscheduled items. Items are placed on the list in order of the date that a complete application is received by the City Planning Department. The Planning Commission may choose, at its discretion, to limit the number of applications reviewed at each Planning Commission meeting.
 - ii) The City Planning Department, including City Engineer, City Attorney and Staff shall have ten (10) days to review the application and respond to the applicant with a list of missing or incomplete items.
 - iii) After receiving corrections from the applicant, if necessary, the City Planning Department shall notice the application on an upcoming Planning Commission agenda as an agenda item. The applicant’s corrections must be received at least 10 days prior to the upcoming Planning Commission meeting for the applicant to

be noticed on the agenda. Each item on the City Planning Department’s memorandum must be responded to in writing, either on revised plans or in other type-written correspondence from the applicant. Any Department comment not addressed in this manner will deem the submittal incomplete and the application will not be included on the Planning Commission agenda.

- iv) The City Staff shall prepare and forward to the Planning Commission members a staff report on the submittal at least five (5) days prior to the Planning Commission meeting, which includes all agency and City Staff comments and recommendations.
 - v) At a public meeting, the Planning Commission shall evaluate the submittal, comments and Staff Report, and recommend approval, recommend approval with conditions, or deny the Final Plat. The Planning Commission may also continue the application for further study. The Planning Commission’s decision shall be based on evidence presented by Staff, the applicant, conditions, if any, placed on the subdivision during Concept Conference and/or public comments, Preliminary Plat approval, compliance with City ordinances, regulations, policies, master plans and other guidelines. If the Planning Commission denies the Final Plat, no further review of the proposed subdivision shall be made by the City and a new Final Plat submittal shall be required to re-initiate the subdivision process.
 - vi) The City Staff shall prepare a report of the Planning Commission findings and recommendations and forward the report on to the City Council. The applicant must make any additions and/or corrections to the Final Plat required by the Planning Commission and submit new and/or revised documents to the City Staff at least ten (10) days prior to the upcoming City Council meeting in order to be noticed on the agenda.
 - vii) At a public meeting, the City Council shall evaluate the Planning Commission’s recommendations, comments and Staff Report, and approve, approve with conditions, or deny the Final Plat. The City Council may also continue the application for further study and/or send comments back to the Planning Commission for consideration. The City Council’s decision shall be based on evidence presented by Staff, the applicant, conditions, if any, placed on the subdivision during Concept Conference and/or public comments, Preliminary Plat approval, Planning Commission comments and recommendations, compliance with City ordinances, regulations, policies, master plans and other guidelines. If the City Council denies the Final Plat, no further review of the proposed subdivision shall be made by the City and a new Final Plat submittal shall be required to re-initiate the subdivision process.
 - viii) Once a Final Plat has been reviewed, but prior to signing of the Final Mylar Plat, the subdivider shall enter into an Escrow Agreement acceptable to the City as security to ensure completion of all improvements required to be installed in the subdivision. The amount of the Escrow Agreement shall be based upon the City Engineer’s review and approval of the subdivider’s construction estimate.
 - ix) The Plat shall then be reviewed and signed by the City Engineer, City Attorney, Mayor and others as indicated in the ordinances. The subdivider shall be responsible to obtain signatures, if so directed by the City staff.
8. Recording Final Plat:
- i) The subdivider shall pay the expenses of plat recording and shall provide the city with a copy of the recorded plat for the city’s records.
 - ii) The County Clerk and Recorder shall furnish the subdivider with a receipt, upon filing for the Final Plat.

10-6-4.4 REMAINING PARCEL

When a division of property leaves a remaining area of 5.00 acres or greater, that is not to be included as part of the subdivision, then the remaining property will be described by metes and bounds description on the subdivision plat with the note; “Remaining Agricultural Parcel, Not Approved for Development.” This description can be made from survey or prepared from existing records. If the description is prepared from records, then this shall be so stated.

10-6-4.5 SITE PLAT SPECIFICATIONS

A. Submittal Requirements:

1. Copies of all documents shown in the Non-Residential Site Plan Checklist below shall be officially submitted to the City Planning Department by the developer or authorized representative at least 30 days prior to the date of the Planning Commission Meeting during which the development may be considered for Site Plan approval. If the City Planning Department deems that any required document listed in the Site Plan Checklist has not been submitted, the subdivision will not be noticed on the Planning Commission agenda.
2. The site plan shall be professionally designed and drafted, and stamped by a professional civil engineer licensed to practice in the State of Utah.

B. Site Plan and Drawing Specifications and Non-Residential Site Plan Checklist:

1. One (1) copy of all required supporting documents and application fees shall be submitted.
2. An exact copy of a certificate of a title insurance company or attorney which shall set forth the names of all property owners included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the County which shall affect the property covered by such plats. If the opinion of title discloses any of the above, then at the option of the City Council the holders or owners of such mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the Site Plan shall be acted upon by the Planning Commission.
3. Traffic Impact Analysis, when required by City Engineer.
4. Soils report for all proposed development.
5. Stamped, addressed envelopes for all residents within 600 feet of the proposed subdivision for the purpose of public notification by the City.
6. The original Site Plan drawing and three (3) 24”x36” of black on white or blue on white prints and one (1) 11”x17” copy of the site plan along with three (3) 24”x36” of black on white or blue on white prints and one (1) 11”x17” copy of any other applicable construction drawings, of such quality and resolution that all detail in the drawing is readily discernible, shall be submitted at the time of submittal of the final plat.
7. One digital copy on CD of preliminary plat in AutoCAD.dwg format.
8. Site Plan Drawing Requirements:
 - i) Name of development.
 - ii) Name, address, and telephone number of owner, developer, and engineer.
 - iii) True north arrow, name of municipality, section, township and range, and date.
 - iv) Vicinity map showing the proposed site’s location in the City.
 - v) Names of neighboring subdivisions, owners of abutting properties, and City streets. This should include an area not less than 100 feet beyond the boundaries of the proposed development.
 - vi) Tie to all controlling survey corners or monumentation.
 - vii) Lot Line Dimensions.

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viii) Tabulation Table in the following format:

	Square Footage	Acreage	Percent of Total
Total Area			100
Total Building Area			
Total Impervious Area			
Total Landscaped Area			
Total Number of Parking Spaces:			

- ix) *Streets*: Names and locations of fronting streets and dimensions of public streets, private streets, and driveways.
 - x) *Buildings*: Footprints of existing and proposed buildings and structures including a notation of each building’s main finished floor height above grade.
 - xi) *Building elevation*: show height dimension & types of materials proposed.
 - xii) *Sewer & Water*: Location and size of existing and proposed sewer lines and manholes, storm drains and manholes, water supply main valves, water lines, culverts, etc.
 - xiii) *Fire Protection*: existing and proposed fire protection devices within the tract and within two 200 feet of the boundaries of the proposed development. Identify required fire department apparatus access roads and proposed fire hydrant locations, as well as UBC specified construction type.
 - xiv) *Other Utilities*: Location of existing and proposed power, natural gas, telephone and other applicable utility services.
 - xv) *Drive accesses*: location & dimensions & distances to property lines of existing & proposed.
 - xvi) *Curbs, gutters and sidewalks*: location, dimension of existing and proposed.
 - xvii) Location and number of parking stalls, loading areas, and docks, if applicable.
 - (a) Parking spaces: 9' x 18' minimum; locations, dimensions & number of spaces. Include parking stalls for Americans with Disabilities I.A.W. ANSI A117.1-1992. Minimum Van size: 16 feet wide by 18 feet long, one required. Minimum for all other ADA stalls: 13' X 18'.
 - xviii) *Fences*: locations, heights, & types of materials of existing and proposed.
 - xix) *Signs*: location and description (dimensions, distance to property lines, and type of lighting (direct or indirect)) of existing and proposed signs.
 - xx) Loading areas.
 - xxi) Solid waste disposal: show location and enclose with sight obscuring fence.
 - xxii) Exterior display areas.
 - xxiii) Exterior storage areas.
 - xxiv) Exterior lighting: Location and Type
9. Grading and Drainage Plan in accordance with HCC 10-4 including contour map drawn at 1-foot intervals and enough elevation data to show existing and proposed grades & the location & type of inlet boxes, etc. To be approved by the City Engineer prior to Planning Commission review.
10. Storm Water Pollution Prevention Plan:
 - i) As required by the laws of the State of Utah and in accordance with the City’s Storm Water Ordinance, submit a Sediment and Erosion Control Plan for each project (subdivision or subdivision phase, if phasing is required).
11. *Landscape plan*: detailed with specific types & locations of plants; underground, automatic sprinkling system required; required trees.

12. Traffic Circulation Plan.
 13. Any necessary agreements with adjacent property owners regarding boundaries, storm drainage, shared utilities, access, or other matters pertinent to subdivision approval.
 14. Letter of Approval for culinary water from Hooper Water Improvement District (or applicable culinary water district).
 15. Letter of Approval for secondary water from Hooper Irrigation Company (or applicable secondary water purveyor).
 16. Letter of Approval from Weber County Fire Marshall for fire hydrant placement, fire flows, emergency vehicle access and other issues.
 17. Letter from each other utility company involved stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easements.
 18. Letter of Approval from Roy City, West Haven City, or other municipality sharing a boundary with the proposed development.
 19. For developments with any boundary shared with a Utah Department of Transportation (UDOT) road, submit written evidence that UDOT has reviewed the subdivision plans and is in agreement with the proposed plan. Approval of the State Right-of-Way Engineer must be obtained for items such as location of curb, gutter and sidewalk, location and number of curb entrances, turning and deceleration lanes, etc. On City streets, the approval of the location and number of curb entrances must be received from the City Engineer.
- C. Outside Entity Site Plan Approval:
1. All outside entities described above must be contacted directly by the applicant. Written approval must be received by the Department before the Site Plan will be considered complete. The City Planning Department may require that the applicant contact other entities if, in the opinion of the Department, the entity may be affected by the application and comments by the entity will ensure a thorough analysis of the application. It shall be the applicant's responsibility to ensure that written approval from these other entities are received in a timely manner. Written approval must be received by the City Planning Department before the Site Plan will be considered complete.
- D. Review Procedure:
1. Once all items on the Site Plan Checklist have been completed and the development is submitted for Site Plan Approval, and associated review fees paid, the proposal will be placed on the Planning Commission's list of unscheduled items. Items are placed on the list in order of the date that a complete application is received by the City Planning Department. The Planning Commission may choose, at its discretion, to limit the number of applications reviewed at each Planning Commission meeting.
 2. The City Planning Department, including City Engineer, shall have ten (10) days to review the application and respond to the applicant with a list of missing or incomplete items.
 3. After receiving corrections from the applicant, if necessary, the City Staff shall notice the application on an upcoming Planning Commission agenda as an agenda item. The corrections must be received at least 10 days prior to the upcoming Planning Commission meeting for the applicant to be noticed on the agenda. Each comment, question or correction on the City Planning Department's memorandum must be responded to in writing, either on revised plans or in other type-written correspondence from the applicant. Any Department comment not addressed in this manner will render the submittal incomplete and the application will not be included on the Planning Commission agenda.
 4. At a public meeting, the Planning Commission shall evaluate the submittal, comments and Staff Report, and recommend approval, recommend approval with conditions, or

deny the Site Plan. The Planning Commission may also continue the application for further study. The Planning Commission's decision shall be based on evidence presented by Staff, the applicant, conditions, if any, placed on the site during Concept Conference and/or public comments, compliance with City ordinances, regulations, policies, master plans and other guidelines. If the Planning Commission denies the Site Plan, no further review of the proposed site shall be made by the City and a new Site Plan submittal shall be required to re-initiate the site plan process.

5. The City Staff shall prepare a report of the Planning Commission findings and recommendations and forward the report on to the City Council. The applicant must make any additions and/or corrections to the Site Plan required by the Planning Commission and submit new and/or revised documents to the city Staff at least ten (10) days prior to the upcoming City Council meeting in order to be noticed on the agenda.
6. At a public hearing, the City Council shall evaluate the Planning Commission's recommendations, public comments, comments and Staff Report, and approve, approve with conditions, or deny the Site Plan. The City Council may also continue the application for further study and/or send comments back to the Planning Commission for consideration. The City Council's decision shall be based on evidence presented by Staff, the applicant, conditions, if any, placed on the site during Concept Conference and/or public comments, Planning Commission comments and recommendations, compliance with City ordinances, regulations, policies, master plans and other guidelines. If the City Council denies the Site Plan, no further review of the proposed site shall be made by the City and a new Site Plan submittal shall be required to re-initiate the site plan process.

10-6-5 REQUIRED FINDINGS

A. Preliminary Plat:

1. The design conforms to the standards established in HCC 10-6A and other applicable sections of this Title;
2. The design complies with the required improvements established in HCC 10-6B and other applicable sections of this Title;
3. If applicable, the proposed subdivision complies with the standards of an applicable overlay zone as set forth in HCC 10-3;
4. The design conforms to the topography and natural landscape features and shows consideration for the location and function of land uses and structures to achieve this purpose;
5. The development would not cause undue damage, hazard, or nuisance to persons or property in the vicinity;
6. The internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive influence upon the activities and functions contained within the proposed subdivision, nor placing an undue burden upon existing transportation and other public services in the surrounding area;
7. Community facilities such as parks, recreational, and dedicated open space areas are functionally related to all dwelling units and are easily accessible via pedestrian and/or bicycle pathways;
8. The proposal complies with the dimension standards set forth in this Title for the applicable zone; and
9. The overall plan is in conformance with the applicable General and Master Plan(s), Future Acquisition Maps, Area of City Impact ordinances including applicable subdivision regulations, and other pertinent ordinances.

B. Final Plat:

1. The final plat is in substantial conformance with the preliminary plat; and
2. All conditions of the approved preliminary plat have been met.

10-6-6 VACATION, TOTAL OR PARTIAL, OF A RECORDED SUBDIVISION PLAT

An applicant or owner may petition the City Council for a total or partial vacation of a recorded subdivision plat, including easements. Vacation shall be processed in accord with the regulations set forth in Utah Code § 10-9-808 and recorded in accord with the regulations set forth in Utah Code § 10-9-804

ARTICLE A DESIGN STANDARDS

10-6A-1 GENERAL

10-6A-2 BLOCKS

10-6A-3 LOTS

10-6A-4 LOT GRADING AND DRAINAGE

10-6A-5 ACCESS

10-6A-6 ALLEYS

10-6A-7 EASEMENTS

10-6A-8 WATERCOURSES

10-6A-9 FLOOD HAZARD OVERLAY ZONE

10-6A-10 OTHER UTILITIES

10-6A-11 ROADS, STREETS AND DRIVEWAYS

10-6A-1 GENERAL

- A. These standards shall be followed in all subdivisions regulated by this Title. In addition to these standards, all subdivisions shall meet the design standards of the applicable zone.
- B. Adequate means for eliminating unsuitable conditions must be approved by the City Engineer in order to develop property that has been designated in the applicable General or master plan, in the natural features analysis, or elsewhere, as being unsuitable for development because of flood threat, poorly drained areas, high ground water, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered.
- C. The limits of the subdivision shall encompass the full extent of the owner's lot or contiguous parcels, as herein defined. If platting in phases, no reserved parcels shall be allowed; all remainder areas shall be platted as lots that meet the minimum dimensional standards for the zone in which they are located.
- D. The decision-making body may require modifications where, in its opinion, site planning has not sufficiently addressed the existing natural features.

10-6A-2 BLOCKS

- A. The length, widths, and shapes of blocks shall be determined with due regard to:
 - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated including the base zone requirements as to property sizes and dimensions.
 - 2. Needs for convenient access, circulation, control, and safety of street traffic. The number of intersecting streets with arterials of all classes shall be held to a minimum.
 - 3. The limitations and opportunities of topography.
- B. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, or waterways. The lengths, widths and shapes of blocks shall be appropriate for the locality and the type of development contemplated. Block lengths in residential areas should not exceed one thousand two hundred (1,200) feet or twelve (12) times the minimum lot width required in the zone, whichever is greater, nor be less than four hundred (400) feet in length. When practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length. In long blocks the City may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
- C. Pedestrian access rights-of-way not less than 10 feet wide, may be required for walkways

through or across a block when deemed desirable to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities. Said access right-of-way shall be a separate platted lot.

10-6A-3 LOTS

- A. The property size, width, depth, shape, and orientation, and the minimum structure setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- B. *Lot Improvements and Arrangements:*
 - 1. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Uniform Building Code, this Title, and in providing reasonable driveway access to buildings on such lots from a dedicated public street.
 - 2. If deemed necessary by the City Planning Department, building sites shall be designed which minimize disturbance of existing vegetation.
- C. *Lot Dimensions:*
 - 1. Lot dimensions shall comply with the minimum standards found in HCC 10-2. Where lots are more than double the minimum required area for the zone, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets that would be necessary to serve such potential lots, all in compliance with this Title and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this requirement would result in a better street or lot plan. Dimensions of corner lots shall be large enough to allow for construction of buildings, observing the minimum setbacks from both streets.
- D. *Double Frontage Lots and Access to Lots:*
 - 1. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
- E. Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial or collector streets.
- F. Through lots shall be avoided except to separate developments from arterial streets or to overcome topographic restrictions. A screening easement or common area lot having a minimum width of 10 feet shall be provided along the arterial streets. If unavoidable, one of the frontages shall be restricted from access.
- G. Frontage for lots on a cul-de-sac turnaround shall be measured at the front setback line of the lot.
- H. Frontage for lots on a knuckle with a landscaped street island separating the through traffic, shall be measured 50 feet back from the front property line along the arc parallel to the right of way of the knuckle.

106A-4 LOT GRADING AND DRAINAGE

- A. *Final Grading:* No certificate of occupancy shall be issued until final grading has been completed in accordance with the subdivision or building permit approval. Unless approved by the Public Works Director, topsoil should not be removed from the site or used as spoil, but will be redistributed to provide suitable soils for vegetation. Slope stabilization and erosion control, as determined necessary by the City Engineer, will also be required to be installed according to the approved specification.
- B. *Lot Drainage:* Lots shall be laid out to provide positive drainage away from all buildings in

accordance with the Uniform Building Code and individual lot drainage shall be coordinated with the general storm drainage pattern of the area. Drainage shall be designed to avoid concentration of storm water drainage from any lot to adjacent lots.

10-6A-5 ACCESS

- A. All lots shall have access that complies with the regulations of HCC 10-4A-3. The arrangement, character, extent, and location of all streets shall conform to the comprehensive plan or portions thereof, and shall be considered in their relation to existing and planned streets, topographic conditions, and in their appropriate relation to the proposed uses of the property to be served by such streets.
- B. Where a subdivision borders a railroad right-of-way or limited access highway right-of-way, a street approximately parallel to such right-of-way, at a distance suitable for appropriate use of the intervening property may be required.
- C. Street layout shall be planned to facilitate future development of abutting areas and the entire neighborhood, and shall provide for adequate access to abutting lands.

10-6A-6 ALLEYS

- A. Alleys may be provided in residential, commercial, and industrial zones as recommended by the Commission and approved by the City Council.
- B. The width of an alley shall be not less than 20 feet and shall be paved its entire width.
- C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- D. Dead-end alleys shall be prohibited.

10-6A-7 EASEMENTS

- A. There shall be easements provided for utilities, drainage, and irrigation abutting to all public street right-of-way and subdivision boundaries, and where considered necessary, centered on the interior property lines. Said easements shall have a minimum width of 10 feet.
- B. Where a subdivision is transversed by a watercourse, appropriate easements shall be provided.
- C. Where topographical or other conditions make it impractical to include utilities these easements, perpetual unobstructed easements at least twenty (20) feet in width shall be provided with satisfactory access to the road. All easements shall be indicated on the plat.
- D. Where necessary to ensure proper access and maintenance, easement widths shall be increased as required by the City Engineer.

10-6A-8 WATERCOURSES

- A. There shall be a minimum structural setback of 100 feet from the centerline of all natural watercourses.
- B. Fences shall be a minimum of 30 feet from the outer edge of any natural watercourse.

10-6A-9 FLOOD HAZARD OVERLAY ZONE

- A. All proposed subdivisions in a flood hazard overlay zone shall comply with the requirements of HCC 10-3.

10-6A-10 OTHER UTILITIES

- A. Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new subdivisions when underground location does not violate safety standards of the particular utility and underground location does not impose any potential additional maintenance burden on the City as determined by the City Council. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the subdivider and shall be marked on the surface, as shall casings or

conduits for all other underground utilities as determined by the City Engineer.

10-6A-11 ROADS, STREETS AND DRIVEWAYS

- A. All road, street and driveway layout and design is subject to approval of the City. All roads, streets and driveways in subdivisions shall meet the applicable requirements of the Engineering Standards available from the City. All subdivisions shall have frontage on and access to an existing public road or street.
1. *Grading and Improvement Plan:* Roads, streets and driveways shall be graded and improved in conformance with the Hooper City Development Standards and Specifications as adopted and shall be approved as to design by the City. All Construction Drawings are required to be submitted prior to Final Plat approval. Prior to Final Plat approval the City shall make the determination as to whether each road, street or driveway is to be public or private. Such status shall be shown on the plat.
 - i) At present it is the intention of the City for all subdivision streets to be dedicated public streets. However, if private streets are approved, they must be constructed to meet all requirements of public streets in the event the City is required to maintain the streets in the future.
 2. *Topography and Arrangement:* Roads, streets or driveways shall be related appropriately to the topography. All streets shall be designed to access as many building sites at, or above, the grade of the roads and streets whenever possible. Grades of roads, streets and driveways shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and revegetated. Large cut and fill sections shall be avoided.
 - i) All roads and streets shall be properly integrated with the proposed system of thoroughfares and dedicated rights-of-way as established in the General Plan and Zoning Map. Streets shall be laid out to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
 - ii) A rectangular gridiron street pattern should generally be adhered to, but the use of curvilinear streets and cul-de-sacs, shall be encouraged where such use will result in a more desirable layout.
 - iii) Proposed streets shall be extended to the boundary lines of the property to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission and City Council such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing development or future development of adjacent property.
 - iv) The arrangement of roads and streets shall provide for the continuation of principal access between adjacent properties when such continuation is necessary for convenient movement of traffic, effective safety protection, efficient provision of utilities, and where such continuation is in accordance with the General Plan. If the adjacent property is undeveloped and the road or street is proposed as a temporary dead-end road or street, the right-of-way shall be extended to the property line. A temporary turnaround shall be provided on all temporary dead-end roads or streets, with the notation on the Final Plat that land outside the normal road or street right-of-way shall revert to adjacent owners when the road or street is continued. The Planning Commission or City Council may limit the length of temporary dead-end roads in accordance with the design standards of these regulations.
 - v) Where a road or street does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission or the City Council for access to adjoining property, its terminus shall normally not be nearer than fifty

- (50) feet to such boundary. However, the Planning Commission or City Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, snow removal/ storage or utilities.
- vi) A cul-de-sac turnaround shall be provided at the end of a permanent dead-end road or street in accordance with Hooper City Development Standards and Specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end roads or streets shall, in general, be limited in length to six hundred (600) feet. Cul-de-sac length may be extended for unique circumstances upon obtaining a variance from the Board of Adjustment.
3. *Ingress and Egress:* In order to provide adequate emergency access to and from the development and proper circulation, two points of ingress and egress will be required in all subdivisions with the following exceptions:
- i) Any subdivision where two points of ingress and egress are not reasonable and with no more than thirty (30) dwelling units.
 - ii) Subdivisions, which will be served by more than one point of ingress and egress in the future, may receive approval for more than thirty (30) dwelling units provided that no more than thirty (30) dwelling units are constructed until a second point of ingress and egress is provided, and so indicated on the Final Plat.
 - iii) One point of ingress to serve more than thirty (30) dwelling units may be allowed when there is no feasible or practical way to provide two points of access and the single access is approved by all applicable public and emergency service agencies.
 - iv) In no case will ingress and egress requirements be less than those recommended by applicable public and emergency service agencies.
4. *Access to Highway, Arterial or Collector Streets:* Where a subdivision borders on or contains an existing or proposed highway, arterial or collector, the Planning Commission may require that access to such streets be limited by one of the following means:
- i) The subdivision lots back onto the highway, arterial or collector and front onto a parallel local street with no direct access to the primary arterial or collector, and screening provided by a strip of land along the rear property line of such lots.
 - ii) A cul-de-sac or short loop road entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the highway, arterial or collector roadway.
5. *Road and Street Regulatory Signs:* The applicant shall erect or post acceptable guarantees ensuring placement of road and street signs required by the City Engineer. All signs shall be installed before issuance of certificates of occupancy for any residence on the streets approved. Road and street name signs are to be placed at all intersections within and abutting the subdivision, the type, design and location of which to be approved by the City Engineer. Street signs shall be designed according to City Specifications and Standards.
6. *General Design Standards:* In order to provide for roads, streets and driveways in suitable locations, with proper width, and improvements to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, and to compose a convenient circulation system and avoid undue hardships to adjoining properties, the design standards for roads, streets and driveways are hereby required to be in compliance with the Hooper City Development Standards and Specifications, and the General Plan, as adopted, or determined by the City Engineer, or Planning Commission. Generally, road, street and driveway standards are as follows:
7. *Intersections:* Streets shall be laid out to intersect as near as possible at right angles. A proposed intersection of two (2) new streets at an angle within ten (10) degrees of

perpendicular is required. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet. Not more than two (2) street shall intersect at any one point unless specifically approved by the Planning Commission and City Engineer.

- i) Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any intersections on the opposite side of the street. Street jogs with center-line offsets of less than one hundred and fifty (150) feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous. Intersections of major roads or streets shall be at least eight hundred (800) feet apart.
 - ii) The cross-slopes on all streets, including intersections, shall be three (3) percent or less.
8. *Variance:* When circumstances peculiar to the property exist, or if it is in the best interest of preserving the natural environment and when approved by the applicable public agencies, a variance to these road, street or driveway standards may be granted by the Board of Adjustment.

ARTICLE B REQUIRED IMPROVEMENTS

10-6B-1 OWNER’S RESPONSIBILITY

10-6B-2 MONUMENT REQUIREMENTS

10-6B-3 STREETS AND OTHER IMPROVEMENTS

10-6B-4 SURETIES, BONDS, ESCROW AGREEMENTS AND ACCOUNTS

10-6B-5 ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

10-6B-1 OWNER’S RESPONSIBILITY

The owner is responsible to complete the improvements required by this Article and any additional improvements that may be required as a condition of approval

10-6B-2 MONUMENT REQUIREMENTS

The owner shall comply with the requirements of Utah Code and any work required shall be verified by the County Surveyor prior to certification of the plat. Monuments in the field shall agree with those shown on the plat at the time of inspection. The regulations of such sections as to monuments, stakes, and other markings shall be considered minimum requirements, and the County Surveyor may establish higher standards.

10-6B-3 STREETS AND OTHER IMPROVEMENTS

- A. Prior to acceptance and signing of any final plat, completion of the following requirements shall be financially provided for as set out in HCC 10-6B-4 paragraph A:
 1. Public streets shall be acceptable to the City of Hooper or appropriate state or county jurisdiction.
 2. All new developments shall have adequate sewage facilities as provided for in HCC 10-4A-26 or the plat shall have a sanitary restriction as approved by the appropriate health authority.
 3. Storm water facilities and drainage improvements shall be approved by the City Engineer.
 4. Street lights shall be designed to comply with the lighting regulations set forth in HCC 10-4E.

10-6B-4 SURETIES, BONDS, ESCROW AGREEMENTS AND ACCOUNTS

- A. In order to guarantee completion of the required minimum street and other improvements required by HCC 10-6B-3, or any portion thereof, the owner shall deposit the funds necessary

for completion of such improvements with the City in escrow.

- B. The owner shall deposit with the City in escrow an amount as determined by the City Engineer based partially upon owner-furnished cost estimates, necessary to cover the total costs associated with the proposed development, plus a 10% contingency.
 - 1. The escrow shall be held in an interest-bearing escrow account in a qualified financial institution. The escrow account shall be credited to the said subdivider, owner, or developer. The interest shall be available to the City in the case of default or breach of the development agreement. If the improvements are successfully completed, the principal and interest shall be refunded to the developer, provided, however, that the City is entitled to retain up to one percent of the account to cover the cost of administering the escrow
- C. Escrow funds shall be released at the end of each month based upon a detailed draw request from the owner submitted by the 15th day of the month. Funds will only be released when an entire pay item in the escrow estimate is completed, tested, inspected and conditionally accepted by the City. The Public Works Director shall have authority to approve or reject items in the submitted draw requests on the basis of the construction status in the development. Payment to the owner for approved pay items in the submitted draw request shall be made by the last day of the month during which the approval is given.
- D. Upon completion of all required improvements in the subdivision, the owner shall notify the City in writing of such completion and shall submit as-built plans, stamped by a licensed engineer. The City shall have all final improvements inspected and shall respond to the owner in writing indicating approval or rejection of such final improvements setting forth the reasons for any rejections. Upon final acceptance of said improvements, the City shall release any remaining escrow or other security within 15 days, with the exception of the contingency, which is released following the completion of the warranty period. For the purpose of the final release, the term “acceptance” is deemed to mean when said improvements are accepted by and taken over for operation and maintenance by the City or other governing body which is responsible for maintaining and operating such improvements.
- E. The City shall accept public improvements installed by the owner or developer which meet the following conditions:
 - 1. The completed improvements comply with the City’s design standards and have been constructed in accordance with the development specifications and per the approved plans.
 - 2. All final inspections required by this article and by the City’s development standards and specification have been completed and the improvements were found to be acceptable.
 - 3. The owner or developer has prepared and submitted three (3) stamped sets of plans that accurately depict the improvements as actually built (as-builts).
 - 4. The owner or developer, by appropriate instrument, has conveyed to the appropriate governmental entity good title, free of liens, to all public improvements for which the governmental entity is responsible for operation and maintenance. Any required easement shall be deeded to the appropriate governmental entity by instrument approved in form by the City Attorney and bearing acceptance on behalf of the appropriate entity. The owner or developer shall furnish a copy of the recorded receipt prior to the final escrow or other security release.
- F. Bonds for wastewater collection, wastewater treatment systems, and/or community water systems shall be deposited with the appropriate health authority in accord with Utah Code.

10-6B-5 ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

- A. The following requirements shall be met prior to issuance of any building permit within a subdivision:
 - 1. All required fencing installed as a condition of subdivision approval in compliance with

- this Ordinance;
2. The water system installed, with fire protection, inspected, tested and fully operational (no combustible materials shall be delivered to a site until this is completed);
 3. All sewer and drainage systems installed, inspected, tested and fully operational;
 4. The secondary water system installed, inspected and tested;
 5. All required curb and gutter installed;
 6. A minimum of 8 inches of roadbase in place, graded and compacted;
 7. All lots within the subdivision rough graded so that weeds and other vegetation can be maintained by the contractor.
- B. The developer shall, at the time of street dedication, escrow a sum determined by the City Engineer for the necessary improvements to be installed in accordance with all approvals of the City Council, Planning Commission, City Engineer, all affected government agencies, City departments and public utilities.
- C. The following requirements shall be met prior to the issuance of a certificate of occupancy for any building in the subdivision:
1. All underground off-site improvements properly installed and operational as approved by Hooper City, an affected government agency and all affected utility companies.
 2. All required asphalt or concrete hard surface roadway installed and completed throughout the entire phase in which the dwelling is located in accordance with Hooper City design standards. In the event that hard surface cannot be properly installed due to weather related circumstances, the developer or owner may petition the City Council for conditional occupancy providing the following guidelines are met:
 - i) Curb and gutter, sidewalk and roadbase installed in accordance with Hooper City design standards.
 - ii) Developer must maintain all roadbase surfaces providing for adequate vehicular accessibility and that the developers provide for services which will not be available due to the absence of paving.
 - iii) Required asphalt or concrete hard surface roadway shall be installed and completed as soon as weather related circumstances change or as directed by Hooper City.
 - iv) Developer or Owner shall not sell any portion of an approved development without informing, in writing, the prospective buyer or builder that a building and occupancy permit may not be obtained until the above requirements are met.
- D. At the time a building permit is requested on any new construction, the individual requesting the permit will place \$1,000.00 for a single family residence, or \$10.00 per linear foot of frontage for all other new building construction, in escrow with the City to be held in an escrow account to ensure that during the construction and landscaping process no damage is caused to any of the frontage improvements on the building lot. Frontage improvements include, but are not limited to, curb, gutter, sidewalk, driveway, water, sewer and utility connections. The amount of the required escrow may be adjusted by the City Council by resolution. Prior to the City issuing an occupancy permit or issuing a certification of completion of landscaping (whichever is later) for the property for which the escrow is being held or one year after actual occupancy, the City will make an inspection of the frontage improvements and in the event any of the improvements have been damaged, the owner will be given thirty (30) days to make the necessary repairs. If the improvements are not repaired within the thirty-day period, the City will utilize the escrow money to make the repairs. If, upon inspection, all improvements are intact and no damage has occurred, the City will release the escrowed amount within thirty (30) days of certification from the City Inspector that the improvements have not been damaged.

CHAPTER 7: SUBDIVISION REGULATIONS FOR OPEN

SPACE OVERLAY ZONE [REPEALED]

Repealed (placed as exhibit B to this title for the benefit of any previously qualifying approvals utilizing this chapter.)

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

10-8-1: PURPOSE:

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

10-8-2: SCOPE OF APPLICABILITY:

This Chapter applies to all subdivision-related applications or petitions where the intended use is one- or two-family residential dwellings, including townhomes and duplexes. This Chapter does not apply to applications or petitions for other uses. This Chapter applies to minor subdivisions, but minor subdivisions are exempted from the plat public improvement-related requirements of 10-8-9.

10-8-3: APPROVED AND RECORDED DOCUMENTS REQUIRED

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

10-8-4: PENALTY FOR NONCOMPLIANCE

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

10-8-5: INTERPRETATION AND CONFLICT OF LAWS:

Where any provision in this Subdivision Chapter conflicts with state law, state law shall prevail. Where any provision in this Subdivision Chapter conflicts with other ordinances enacted by the City, the provisions in this Subdivision Chapter shall prevail unless the City intended such conflicting ordinances not in this Chapter to amend this Chapter.

10-8-6: DEFINITIONS:

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

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

- B. **PLAT:** An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).
- C. **IMPROVEMENT PLAN:** a plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety or that is required for human occupation and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.
- D. **LAND USE APPLICATION:** an application required by the City and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.
- E. **SINGLE-FAMILY:** A type of housing configuration designed for one family or household. This typically means a detached house with its own separate living spaces, including kitchen, bedrooms, and bathrooms, without sharing these facilities with other families or units. It typically stands on its own parcel of land and is characterized by having direct access to the street and a private entrance. The use of the word “family” in this phrase does not mean that the inhabitants must be family members; it is only meant to indicate that the structure is of the kind that is typically considered to only hold one family.
- F. **SUBDIVISION:** Any land that is divided, subdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
 - 1. Subdivision includes:
 - i) The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
 - ii) Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
 - 2. Subdivision does not include:
 - i) A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
 - ii) A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;
 - iii) A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
 - iv) A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-608 of Utah State Code (as amended) if no new dwelling lot or housing unit

will result from the adjustment and the adjustment will not violate any applicable land use ordinance;

- v) A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels does not confer any land use approvals, and has not been approved by the land use authority;
 - vi) A parcel boundary adjustment;
 - vii) A lot line adjustment;
 - viii) A joining of one or more lots to a parcel;
 - ix) A road, street, or highway dedication plat;
 - x) A deed or easement for a road, street, or highway purpose; or
 - xi) Any other division of land authorized by law.
- G. TWO-FAMILY: Sometimes referred to as a duplex, this phrase describes a building that is designed to accommodate two separate families or households living independently of each other within the same structure. Each unit typically has its own kitchen, bedrooms, and bathrooms. The building might be divided vertically (side by side) or horizontally (one unit above the other), with each unit having its own entrance. This setup allows for two households to live independently while sharing a common wall or floor/ceiling structure.

10-8-7: SUBDIVISION LAND USE AUTHORITY:

- A. The Land Use Authority under this Chapter, except where otherwise noted, is the Planning Commission.
- B. The Land Use Authority is responsible for the following, but may delegate any task to the Technical Review Committee or other City staff:
 - 1. Rendering a land use decision on all subdivision applications and petitions under this Chapter.
 - 2. Reviewing all applications under this Chapter in an impartial manner and according to the standards and deadlines described in this Chapter.
 - 3. Providing feedback to applicants in the manner required by this Chapter.
 - 4. Scheduling and holding a pre-application meeting with potential applicants as requested.
 - 5. Keeping subdivision application forms and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants.
 - 6. Providing notice to entities and parties as required in this Chapter.
 - 7. Signing application and petition approvals as required in this Chapter.
 - 8. Ensuring that documents are properly recorded with the County as required in this Chapter.
- C. As Subdivision application decisions are administrative, not legislative, the Land Use Authority is authorized to make any land use decision described by this Chapter without City Council approval.
- D. Except when operating as the Appeal Authority, the City Council shall not require the Land Use Authority to approve or deny an application under this Chapter.

10-8-8: SUBDIVISION APPEAL AUTHORITY:

Commented [1]: We put this appeal process in here because it is a bit more specific to the new subdivision process than what the City currently has in 10-5-7. If you prefer the old process, that's totally fine. Just let us know and we'll make appeals under this new chapter follow the process in 10-5-7.

- A. The Appeal Authority for City decisions relating to this Chapter, except where otherwise noted, is the City Council.
- B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authority and shall hear complaints about the conduct of the Land Use Authority in administering the provisions of this Chapter.
- C. A party appealing or complaining of a Land Use Authority decision under this Chapter must exhaust its remedies under this section (by appealing or complaining to the Appeal Authority) before bringing an action against the City in a court of law.
- D. A party who has submitted a subdivision application or petition may appeal or complain to the Appeal Authority under this Chapter. In such an appeal or complaint, the party may appeal or complain only regarding the Land Use Authority’s treatment of that party’s own application; a third party may not appeal or complain of Land Use Authority decisions or conduct.
- E. A party desiring to appeal or complain of a Land Use Authority decision shall submit to the Appeal Authority the following in writing:
 - 1. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the Land Use Authority’s decision and treatment of the application or petition, and why the applicant believes the Land Use Authority misapplied the provisions of this Chapter or abused the discretion given it by this Chapter.
 - 2. The most recent version of the application or petition the party submitted.
 - 3. Any supplemental documentation or information that the Appeal Authority requests.
 - 4. All appeals and complaints must be emailed or mailed to the City Recorder using the Recorder’s official City address and/or email account listed on the City website.
- F. After receiving a complete appeal or complaint in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 30 calendar days after the Appeal Authority receives the appeal or complaint.

10-8-9: APPLICATION REQUIREMENTS:

- A. The City shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Title and received an official approval from the Land Use Authority.
- B. *Resubmittal*: No application that has been denied by the Land Use Authority shall be resubmitted, in the same form for the same use, within one year from the date of denial. The Land Use Authority may waive the one-year requirement and accept a new application, where the subject property is affected by amendments to the applicable General Plan or to this Title.
- C. *Application Content*: To be considered complete, a subdivision application under this chapter must include at least the following elements:
 - 1. An approved land use application that describes how the property will be used after it is subdivided.
 - i) If the intended use is permitted by right under City ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.

- ii) If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an *approved*, City-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
 - iii) If the intended use is prohibited under City ordinances and requires a variance, the land use application must include an *approved*, City-issued variance authorizing the intended use. Should an applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.
2. A plat. The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder’s office. The plat must also comply with the *Drawing Requirements* in HCC 10-6-4.2. The plat must include:
- i) The proposed name and general location of the subdivision, in bold letters at the top of the plat. The proposed subdivision name must be distinct from any subdivision name on a plat recorded in the County Recorder's office.
 - ii) True north arrow, name of City, section, range, and date.
 - iii) The boundaries, course, numbering, and dimensions of all proposed parcels. All lots should be consecutively numbered.
 - iv) The lot or unit reference numbered consecutively; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.
 - v) Tie to all controlling survey corners or monumentation.
 - vi) The address and phone number of the land surveyor and/or engineer who prepared the plat.
 - vii) Sufficient data acceptable to the City Engineer to readily determine the location, bearing and length of all lines on the plat, and to reproduce such lines upon the ground, and the location of all proposed monuments, including contours at appropriate intervals.
 - viii) Whether any parcel is intended by the owner to be used as a street or for any other public use, or whether any parcel is reserved or proposed for dedication for a public purpose.
 - ix) The location of existing streets, easements, water bodies, streams, and other pertinent features such as wetlands, buildings, parks, cemeteries, drainage ditches, irrigation ditches, fences, and bridges.
 - x) The location and width of existing and proposed streets, curbs, gutters, sidewalks, easements, alleys, other public ways and easements and proposed street rights-of-way and building setback lines.
 - xi) 100 foot no-build setback from the centerline of the Hooper and Howard Sloughs. Where required by the City Planning Department and approved by the City Council, the “no-build” area shall be designated as “public open space” and dedicated to the City for future parks and trails.

Commented [2]: We took application requirements from your existing code (10-6-4.2) and added in requirements in state law and that we've seen in similar municipalities.

Hooper Subdivision Amendment – Draft 3.2 (Oct 28)

- xii) Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.
 - xiii) Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.
 - xiv) Location and size of all proposed water, secondary water, sanitary sewer, storm sewer, irrigation or drainage ditch piping or other subsurface improvements, including detailed provisions for collecting and discharging surface water drainage.
 - xv) Location of percolation test pits and test logs, if septic tanks are proposed for the lots.
 - xvi) The minimum setbacks from the front, the side and the rear property lines.
 - xvii) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
 - xviii) If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).
 - xix) If any portion of the proposed subdivision is within 1,000 feet of an Industrial Protection Area, the notice language found in Utah Code §17-41-403(4).
 - xx) If any portion of the proposed subdivision is within 1,000 feet of a Critical Infrastructure Materials Protection Area, the notice language found in Utah Code §17-41-403(4).
 - xxi) If any portion of the proposed subdivision is within 1,000 feet of a Mining Protection Area, the notice language found in Utah Code §17-41-403(4).
 - xxii) If any portion of the proposed subdivision is within 1,000 feet of a Vested Critical Infrastructure Materials Operation (extracting, excavating, processing, or reprocessing sand, gravel, or rock aggregate where that use is not permitted by City ordinances), the notice language found in Utah Code §10-9a-904.
 - xxiii) If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.
 - xxiv) A space for the City Engineer to sign the plat, accompanied by the following exact language: "I hereby certify that this office has examined this plat and it is correct in accordance with information on file in this office."
 - xxv) A space for a member of the Land Use Authority to sign, approving the plat, and a place for the City Recorder to attest.
3. An improvement plan, created in accordance with applicable portions of §10-2E-5, §10-2F-6, §10-4A-18 and §10-6A-11 of this Title, for all public improvements proposed by the applicant or required by City ordinances.
- i) In addition to the requirements in the aforementioned sections, the improvement plan must contain:
 - (a) An engineer's estimate of the cost of completing the required improvements.
 - (b) The names, numbers, widths, lengths, bearings, and curve data on centerlines for all proposed streets, alleys, and easements (if applicable). All proposed streets shall be numbered and named in accordance with the City's adopted addressing system.

Commented [3]: If you don't have any of these "sensitive areas" in or near the city, we can take these requirements out. Otherwise, they are state mandated.

- ii) *A traffic study.* For subdivisions with any boundary shared with a Utah Department of Transportation (UDOT) road, submit written evidence that UDOT has reviewed the subdivision plans and is in agreement with the proposed plan. Approval of the State Right-of-Way Engineer must be obtained for items such as location of curb, gutter and sidewalk, location and number of curb entrances, turning and deceleration lanes, lane striping, etc. On City streets, the approval for location and number of curb entrances must be received from the City Engineer.
- iii) *Grading and Drainage Study and Plan:*
 - (a) Provide a Drainage Study and a Grading and Drainage Plan as required by HCC 10-4A. The plan must specifically address grading and drainage issues including street and lot grading and drainage, potential impacts to the development from upstream and adjacent properties, and impact on and adequacy of downstream facilities and properties.
- iv) *A Soils Report* for the proposed development, except in the case of a minor subdivision. Soils reports for minor subdivisions shall be submitted when required by the City Planning Department or City Engineer.
- v) *Roadway and Utility Plan and Profile construction drawings* for new and existing streets showing the following:
 - (a) North arrow, road and lot layout, and subdivision name.
 - (b) Location of existing and proposed curb, gutter and sidewalk.
 - (c) Location of existing edge of asphalt surfacing.
 - (d) Location of proposed paved areas, including entrances and exits, and walkways.
 - (e) All existing and proposed utilities and improvements pertaining to streets, culinary water, secondary water, sanitary sewer, storm water, subsurface drains, fire protection, lighting, signage, and other proposed utilities. Include plan and profile drawings for roads and applicable utilities. (Note: Detailed design of structures is not required for a preliminary plat.)
 - 1. The culinary water system is operated and maintained by either the Hooper Water Improvement District or the Taylor-West Weber Water Improvement District. Culinary water system approval shall be through the applicable entity.
 - 2. The secondary water system is operated and maintained by either the Hooper Irrigation Company or the Roy Water Conservancy Sub-district. Secondary water system approval shall be through the applicable entity.
 - 3. The sewer system is operated and maintained by Hooper City. Unless specifically exempted by ordinance, all subdivisions shall be required to tie to the existing City sewer system. Vacuum sewer shall be provided in the subdivision unless the City's Sanitary Sewer Master Plan allows for an alternative.
 - (f) All new subdivisions shall be required to install a land drain system if basements (lowest floor slab of the structure lower than existing ground level) are to be constructed. Structures with basements shall be required to have a sump pump that ties to a footing drain and the footing drain shall tie to the land drain system.
 - (g) For subdivisions being proposed in flood-prone areas or areas along the sloughs or other waterways, the City Council may impose a "lowest slab" elevation, below which no structure will be permitted to install a floor slab.

- (h) Location and dimensions of all utility easements.
 - vi) **Fences:**
 - (a) 6-foot chain link or other non-climbable separation fences between land uses. The City Council may waive this requirement in a minor subdivision or where the same entity owns the adjoining properties that have different land uses.
 - (b) 6-foot high chain link fence along canals or ditches carrying more than 5 cfs.
 - vii) **Slough Parkway Development Plan:**
 - (a) If the subdivision includes a portion of the Hooper or Howard Slough to be dedicated as Slough Parkway, submit a slough parkway development plan in accordance with the City’s slough development standards.
 - viii) *Proposed phasing plan*, if multiple development phases are planned.
4. Certifications, including:
- i) An affidavit from the applicant certifying that the submitted information is true and accurate.
 - ii) The signature of each owner of record of land described on the plat, signifying their dedication and approval of the plat.
 - iii) Certification that the surveyor who prepared the plat:
 - Holds a license in accordance with Utah Code 58-22;
 - Either
 - 1. Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 - 2. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - Has placed monuments as represented on the plat.
 - iv) Letters of approval from:
 - (a) The Hooper Water Improvement District (or applicable culinary water district);
 - (b) The Weber-Morgan County Health Department (for subdivisions proposing on-site septic or other wastewater treatment systems);
 - (c) The Hooper Irrigation Company (or applicable secondary water purveyor);
 - (d) The Weber County Fire Marshall (for fire hydrant placement, fire flows, emergency vehicle access and turn-around, and other issues);
 - (e) Each other utility company involved, stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easements;
 - (f) Roy City, West Haven City, or other municipality sharing a boundary with the proposed development.
5. Dedication documents:

Commented [4]: These requirements are found in HCC 10-6-4.2. If you prefer, we could reference those sections.

- i) As applicable, formal, irrevocable offers for dedication to the public of streets, City uses, utilities, parks, easements, or other spaces.
 - ii) If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
 - iii) Any required agreements with adjacent property owners regarding boundaries, ditches, drainage, shared utilities, access, or other matters pertinent to subdivision approval.
 - iv) Copy of proposed codes, covenants and restrictions, if applicable.
6. Supplemental Information:
- i) The names and addresses, and telephone numbers of all adjoining property owners of record, or the names of adjoining developments and the names of adjoining streets.
 - ii) Stamped, addressed envelopes for all residents within 600 feet of the proposed subdivision for the purpose of public notification by the City, or a 4'x4' or greater sign clearly addressing the proposed action, in a print quality that will give notice to people passing by, as defined in HCC 10-5A-4 paragraph B.
 - iii) Any other information that may be necessary for the meaningful review of the project. Additional information may be requested based upon the nature of the project or the site.
7. Copies:
- i) One copy of the plat drawn on Mylar for signing and recording. The applicant may wait to produce this recording-form copy until the Land Use Authority has completed two review cycles, but in such case, the Land Use Authority need not approve the application until this copy has been produced and reviewed.
 - ii) Three 24" x 36" black on white or blue on white prints of the plat for review.
 - iii) Three 24" x 36" of black on white or blue on white prints of improvement plan (including construction drawings) for review.
 - iv) One digital copy of the final plat and final construction drawings in AutoCAD .dwg format.
 - v) An electronic copy of all documents required by this application in PDF format.
8. Payment of any application-processing fees required by the City.
- D. The Land Use Authority shall produce, maintain, and make available to the public an application form listing the specific items that comprise a complete application and a breakdown of any fees due upon submission or approval of the application.
- E. The Land Use Authority may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the Land Use Authority relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements.

Commented [5]: We will produce these application forms once this amendment is adopted.

10-8-10: CONCEPT CONFERENCE:

- A. A party intending to submit a subdivision application under this Chapter may request a Concept Conference with the Land Use Authority for the purpose of reviewing any element of the party's proposed subdivision application. The proposed application need not be complete for purposes of this meeting and may—if the party desires—be limited to a concept plan.

1. If a party requests a Concept Conference, the Concept Conference will be scheduled only at the request of the applicant and following the receipt by the City of the applicable fees. The Land Use Authority shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur within 45 business days after scheduling.
2. The Land Use Authority, the Technical Review Committee, or other City staff shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the City website the following at the time of the meeting:
 - i) Copies of applicable land use regulations,
 - ii) A complete list of standards required for the project, and
 - iii) Relevant application checklists.

Commented [6]: imported from 10-6-3.

10-8-11: NOTICE TO AFFECTED ENTITIES:

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

10-8-12: REVIEW:

- A. The Land Use Authority shall review all subdivision applications under this Chapter in accordance with the requirements of this Section before approving or denying a subdivision application.
- B. The review process begins when an applicant submits a complete application.
 1. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.

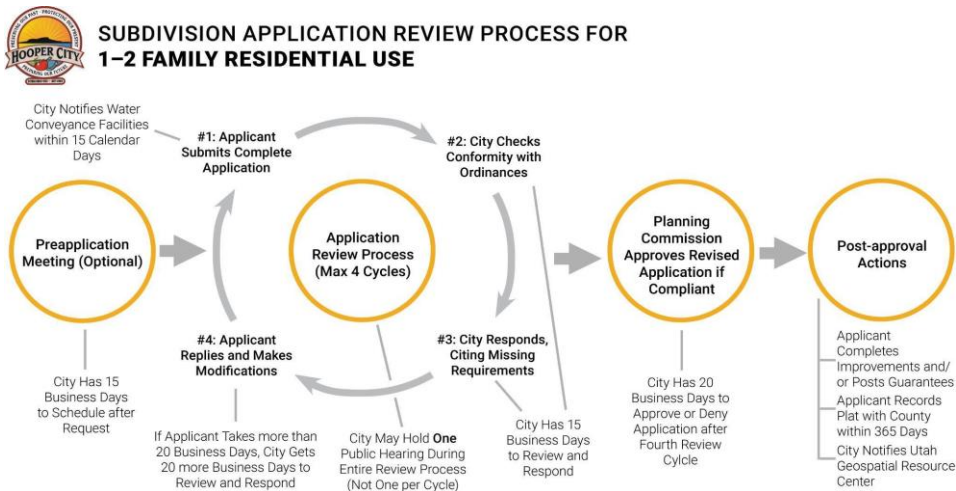
- i) City staff will first review the application for completeness. If staff find the application to be complete, they will forward it to the Land Use Authority and the Technical Review Committee.
 - ii) During its own review, the Land Use Authority may reconsider whether the application is complete, and may reject an application based on incompleteness even if city staff found the application to be complete.
 - 2. If the Land Use Authority determines that an application is not complete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until completed.
 - i) An applicant may appeal a finding of incompleteness by following the appeals process in 10-5-7.
 - ii) The appeal authority in this context is the City Council.
- C. After the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in up to four “review cycles.”
 - 1. A review cycle consists of the following phases:
 - i) Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
 - ii) Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances.
 - iii) Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant, within **15 business days** after the applicant submitted the complete application. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification and shall provide the applicant with an index of all requested modifications or additions.
 - iv) Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the City’s review comments, identifying and explaining the applicant’s revisions and reasons for declining to make revisions, if any. This written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances and an index of requested revisions or additions for each required correction. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.
- D. The Land Use Authority shall not (nor shall any other representative of the City) require more than **four review cycles** for a subdivision application under this Chapter. If no further revisions are needed, the Land Use Authority may end the review period early and approve or deny the application.
 - 1. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the City is exempt from limits on the number

Commented [7]: This is the deadline required by state law. Will the Planning Commission be able to meet it? If not, it may be a good idea to designate staff or the TRC as the LUA.

I should point out that technically the City itself needs to review and respond to the applicant with any revisions within this timeframe. So the first review cycle doesn't have to be the LUA unless the application is perfect and your engineer, attorney, and other staff can't find any adjustments that need to be made (unlikely).

- of permitted review cycles and the City’s deadlines for reviewing and responding (Phases #2 and #3).
2. If the applicant makes a material change to the application not requested by the City at any point in the review process, the review process may, at the option of the Land Use Authority, restart from the beginning of the first review cycle but only with respect to the portion of the application that the material change substantively effects.
 3. If an applicant takes longer than 40 business days to submit a revised application and respond to the City’s requests for modifications and additions (Phases #1 and #4), the City shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
 4. If an applicant takes longer than 180 calendar days to submit a revised application and respond to the City’s requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.
- E. After the fourth or final review cycle is complete, the Land Use Authority shall approve or deny the application within 20 business days.
1. If the Land Use Authority has not approved or denied the application within 20 business days after the fourth or final review, the applicant may request a final decision. After such a request, the City shall, within 10 business days:
 - i) For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
 - ii) For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.
- F. After the Land Use Authority provides comments in the fourth or final review cycle, the City shall not require further modifications or corrections unless those modifications or corrections are needed to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.
1. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle bring reset, the City waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
 2. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.
- G. The City may conduct one (but no more than one) public hearing for the purpose of asking questions of the applicant and receiving commentary on the technical aspects of the application from affected entities, interested parties, and the public. If the City elects to hold this public hearing, the hearing must occur before the end of the Land Use Authority’s review period in the fourth or final review cycle. Scheduling issues shall not extend the review and approval deadlines in this Chapter.

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



10-8-13: APPROVAL:

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

10-8-14: POST-APPROVAL ACTIONS:

- A. The applicant shall record the approved subdivision plat with the County Recorder’s Office within 365 calendar days after the City approves the subdivision application, provided that the applicant has completed any improvements or posted any completion assurance required by City ordinances or described in the approved improvement plan. The applicant shall not record the approved final plat until such improvements are completed or assured in compliance with City ordinances and the approved improvement plan.

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- B. An approved plat not properly recorded within the timeline specified in 10-8-14(A) is void, unless the Land Use Authority approves an extension.