

SUBDIVISION ORDINANCE

An ordinance repealing and replacing Chapter 8 of the Bear River City Land Management and Development Code.

WHEREAS the Utah State Legislature has required municipalities to remove the City Council as the Land Use Authority to approve subdivisions and create a Land Use Authority to approve Subdivisions;

WHEREAS there were other minor changes or corrections needed in the Subdivision Ordinance which have been included in the new chapter 8 and are listed in the summary of the ordinance;

WHEREAS the Bear River City Planning Commission has held a public hearing on March 21, 2024 to receive public comment on the proposed changes to Chapter 8 of the Bear River City Land Management and Development Code;

WHEREAS the Bear River City Planning Commission has recommended Chapter 8 be replaced as proposed.


NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BEAR RIVER CITY, UTAH, as follows:

The BEAR RIVER CITY COUNCIL HEREBY Repeals current Chapter 8 (August 10, 2020 effective date) of the Bear River City Land Management and Development Code and replaces it with a new Chapter 8 as attached as appendix 1.

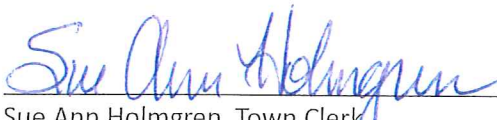
Effective Date 12 June, 2024.

Adoption of Ordinance: The City Council of Bear River City, Utah finds it in the best interests of the peace, health and safety of the inhabitants of Bear River City that this ordinance take effect as soon as lawfully possible. This ordinance, therefore, shall take effect immediately after its passage and posting. The City Recorder is directed forthwith to post a true and correct summary of this ordinance in three public places within the corporate limits of Bear River City.

Passed and adopted by the City Council of Bear River City, Utah in regular session, on the 12th day of June 2024.


Megan Armstrong, Mayor

ATTEST:


Sue Ann Holmgren, Town Clerk

CERTIFICATE OF POSTING ORDINANCE

I, THE DULY APPOINTED AND ACTING TOWN CLERK FOR THE City of Bear River, hereby certify that copies of the foregoing summary of Ordinance No. 2024-06-02 SUBDIVISION ORDINANCE were posted at three public places within the municipality this 13th day of June 2024 which public places are:

1. Bear River City Civic Center
2. Bear River City Post Office
3. Bear River City Website

Dated this 13th day of June 2024


Sue Ann Holmgren, Town Clerk

SUMMARY OF CHAPTER 8 SUBDIVISION ORDINANCE 2024-06-02

The Utah State Legislature has required municipalities to remove the City Council as the Land Use Authority to approve subdivisions and create a Subdivision Land Use Authority to approve Subdivisions.

The new Subdivision Land Use Authority will consist of the Mayor, Planning Commission Chairman, a City Council Member appointed by the Mayor, and another person or entity and a secretary appointed by the Mayor. Three members shall constitute a quorum. Three affirmative votes are required for approval of any actions. The Subdivision Land Use Authority shall establish an annual monthly meeting schedule each year and properly notice it.

This requirement (written by attorney) was added in several locations throughout the chapter. “A subdivision approval may be issued only upon the applicant’s and application’s compliance with all other ordinances and regulations of the City. A subdivision approval may not be granted for a subdivision which contains unresolved violations of a City ordinance or regulation. An application for a subdivision may not be considered complete prior to payment of all fees, assessments and other amounts owed to the City by the applicant and in relation to the property that is the subject of the application.”

Other minor changes:

Sketch plats or concept plans are no longer required but are optional (and encouraged).

The proposed Subdivision must be located in a residential zone and not be located in the “not buildable” areas of the Pre-Disaster Mitigation Plan.

Final **Minor** Subdivision Applications shall be submitted at least fifteen business days before a regularly scheduled Subdivision Land Use Authority meeting.

Reduced the number of paper copies of the Subdivision Plat required and added irrigation ditches to be shown on the Plat. The Final plat shall be signed by the surveyor, Subdivision Land Use Authority Chair and Mayor, Attest: City Recorder.

Proof from Bear River Canal Company that the required amount of irrigation shares has been or are in the process of being transferred to Bear River City. 1 share per acre.

Engineering and Attorney review fees must be paid within 10 business days of billing or a temporary hold will be placed on the application procedure process.

City has 15 days to determine if a Final Minor Subdivision application is complete. If it is determined incomplete the City Recorder notifies the Applicant, in writing, what is incomplete and allows 30 days to provide the needed information. If not provided within 30 days the entire application and any review fees paid but not expended are returned to the applicant.

Minor and Major Subdivision Appeals related to application completeness of documents are appealed to the Planning Commission. Plat and engineering appeals must be appealed to a board of the City Engineer, the applicants engineer and an engineer agreed to by the City’s and applicant’s engineers.

The Subdivision Land Use Authority shall approve or deny the Final Minor Residential Subdivision Application within 15 days of determining the application is complete.

The City Recorder is responsible to file the original Mylar plat with the Box Elder County Recorder for recording within 30 days.

Major Subdivision Preliminary Applications shall be submitted at least 20 business days before a meeting where the application will be considered. Six copies of the Preliminary Plat are required along with the digital copy.

Irrigation Ditches was added to the list of information required on the Preliminary Subdivision Improvement Plan.

All Engineering and Attorney review fees must be paid before the Subdivision Land Use Authority approval of the preliminary major subdivision application.

Preliminary Subdivision Applications shall be submitted at least 20 business days before a public meeting where the application is to be considered.

City has 20 business days to determine if a Major Subdivision Preliminary application is complete and all fees have been paid. If it is determined incomplete the City Recorder notifies the Applicant, in writing, what is incomplete and allows the applicant 30 days to provide the needed information. If not provided within 30 days the entire application and any review fees paid but not expended are returned to the applicant.

8B.3.3.7.3.2

Written approval of the feasibility of the proposed sanitary sewer system provided by the City Sewer System Operator and City Engineer. If it is not feasible to connect to the public sewer system such property shall obtain a written permit from the Bear River Health Department for a private wastewater disposal system for each lot in the subdivision. Both public sewer system or a private wastewater disposal system must meet the requirements of the Bea River City Sewer Ordinance contained in 3.30 of this Code.

8B.3.4.4.9.3

Subdivision Roads and Streets. The Final Subdivision Improvement Plan shall identify the proposed road and street layout. Proposed subdivision roads and streets shall make provision for the continuation of existing roads and streets. It shall be the responsibility of the Applicant(s) to provide all information and materials, as required by the City Public Works Standards, necessary to review the proposed road and street system and road and street designs. Roads and streets shall be asphalt paved to existing pavement if within 350 ft of pavement times number of lots.

8B.3.4.4.9.6

Electrical Power Facilities. The Final Subdivision Improvement plan shall identify the proposed electrical power facilities. Proposed subdivision electrical power facilities shall make provision for the continuation of existing facilities=s. All subdivision electrical power facilities shall be designed and approved as required by Rocky Mountain Power Standards as per franchise agreement. It shall be the responsibility of the Applicant(s) to provide all information and materials, as required by Rock Mountain Power, necessary to review the proposed electrical power facilities.

Drain fields shall be repaired if damaged.

Documents needed before final approval of Major Subdivision:

Plat approval by Box Elder County Recorder before printing Mylar.

Signed Development Agreement and Document of Financial Assurance for completion of project to City Standards

City has 20 days to determine if application is complete.

City Recorder records Final Plat of Major Subdivision within 90 days. Making sure applicant has paid all fees.

8C & D

Most changes are replacing the City Council or Planning Commission with the Subdivision Land Use Authority.

8C.1.7

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the City Council.

8D.2.11.3

A water wise landscaping plan may be approved by the Subdivision Land Use Authority.
Public use property (school, park) shall be incorporated into the preliminary and final plats.