

ORDINANCE NO. 22-06

**AN ORDINANCE AMENDING THE CITY OF ELK RIDGE DEVELOPMENT CODE 10-12-37-D: APPROVAL PROCESSES AND REQUIREMENTS, SUBDIVISIONS: CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENOR'S ERRORS, SEVERABILITY, AND PROVIDING AS AFFECTIVE DATE.**

**WHEREAS**, the City of Elk Ridge has adopted the Elk Ridge City Development Code 10-12-37-D: Approval Processes and Requirements, Subdivisions to simplify Subdivisions with 1-2 lots with different parcel numbers,

**WHEREAS**, the Elk Ridge City held a public meeting on \_\_\_\_\_, 2022 at 7:00pm, for the purpose of the proposed amendment to Development Code 10-12-37-D: Approval Processes and Requirements, Subdivisions,; and

**WHEREAS**, the public meeting was preceded by the posting of a notice of public meeting in at least three places 1) Elk Ridge City website elkridgecity.org 2) Utah Public Notice Website <https://www.utah.gov/pmn/> 3) 80 E. Park Dr. Elk Ridge City, UT 84651 along with notification to the Daily Herald Newspaper, a newspaper of general circulation within the city, at least 24 hours prior to the Public Meeting: and

**WHEREAS**, the notice of the meeting, which was posted and published, by the City Council contains specific advance notice that the proposed ordinance amendment, as set forth herein, would be considered and that copies thereof were available for inspection in the city offices; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ELK RIDGE CITY, UTAH AS FOLLOWS:** (red text is added test, ~~strikeout~~ text is deleted text)

**10-12-37: APPROVAL PROCESSES AND REQUIREMENTS:**

**D. Subdivisions:**

1. Projects That Apply: All residential subdivision projects resulting in three (3) or more lots shall be required to conform to the provisions set forth herein. Developments ~~consisting of a division of a single, large lot~~ which results in a total of two (2) lots **or less** shall adhere to the provisions set forth in subsection D4 of this section.

2. Subdivision Approval Process: Proposed subdivision proposals shall conform to the review processes depicted in exhibits B and C located at the end of this section.

3. Notification To Public Utility Companies: At least fourteen (14) days prior to planning commission preliminary review of any proposed subdivision, the subdivider shall provide the city with a notification packet as proof that notice of the proposed subdivision has been issued to each public utility company. The city may, at its discretion, maintain the contact information of the necessary utility companies, although it shall remain the sole responsibility of the subdivider to ensure that all public utility

companies have been properly notified. The notification packet shall be in accordance with the following:

a. A copy of the signed notification letter sent to the utility companies including any and all maps and attachments and at least the following:

- (1) The date of the notice;
- (2) The exact time, location and place of the planning commission's preliminary review of the proposed subdivision, as determined and scheduled by the city;
- (3) That the utility company has the right to be present at each review of the proposal, or provide input by other means, in order to express any comments or concerns they may have regarding the proposed subdivision;
- (4) The approximate address of the property on which the proposed subdivision would occur;
- (5) A detailed description of the proposal including copies of maps, plans or graphics;
- (6) A description of the requirement for notification;
- (7) The zoning of the property on which the proposed subdivision would occur;
- (8) A statement declaring the planning commission's preliminary review is to be the first in a series of reviews of the proposed subdivision;
- (9) Contact information for the applicant and the city; and
- (10) The signature of the applicant;

b. A complete list of names and addresses of the utility companies to which the notices have been sent, including the individual of attention; and

c. Photocopy(ies) of all receipts from an office of the United States post office which clearly displays at least the following:

- (1) The stamped date of mailing through U.S. certified mail; and
- (2) The names and addresses of each intended recipient, as displayed on the notification list.

4. ~~Division Of Large Lots (Single Lot Splits)~~ **Minor Subdivisions:** Residential developments consisting solely of the division of a single, large lot which results in no more than two (2) total lots shall be determined to be a single lot split and shall be reviewed in accordance with the following:

a. Application Requirements: Submission materials and accompanying maps and drawings shall conform to the requirements of a final subdivision plat submittal. In addition, the applicant shall be responsible for the payment of fees for the submittal as established in the Elk Ridge City fee schedule.

b. Technical Review Committee Review: Prior to review by the planning commission, applications for a single lot split shall be subject to the review and approval of the technical review committee to ensure that the application materials and accompanying maps and drawings conform to the requirements of this title, construction standards, and any other applicable city or state requirements.

c. Planning Commission Review: After proper review by and recommendation from the technical review committee, the planning commission shall review all such submittals for compliance with this title, general plan, and all applicable master plans of Elk Ridge City. Following adequate and sufficient review, the planning commission shall recommend the application for approval, approval with conditions or denial to the city council.

d. City Council Review: Upon receipt of a recommendation from the planning commission, the city council shall review such applications for compliance with the general plan and the health, safety, and general welfare of the citizens of Elk Ridge. Following review of such applications, the city council shall render a decision of approval, approval with conditions or denial for the application within a reasonable time period. Any party aggrieved by the decision of the city council may file a written appeal of the decision with the appeal authority within thirty (30) days of the decision.

e. Recording: After receiving all required approvals, the applicant shall prepare a plat of the lot split with any and all conditions of approval to be recorded in the office of the Utah County recorder. Said plat shall first be submitted to the city office for the necessary stamps and signatures of city officials. Once completed and properly stamped and signed, it shall be the sole responsibility of the applicant to pick up the plat from the city office and submit said plat, including the payment of all required recording fees, to the office of the Utah County recorder.

Passed and duly adopted this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor Robert Haddock

|                              |            |
|------------------------------|------------|
| Councilmember Nelson Abbott  | Voted ____ |
| Councilmember Tricia Thomas  | Voted ____ |
| Councilmember Jared Peterson | Voted ____ |
| Councilmember Cory Thompson  | Voted ____ |
| Councilmember Tanya Willis   | Voted ____ |

ATTEST:

\_\_\_\_\_  
ROYCE SWENSEN  
Elk Ridge City Recorder

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, ROYCE SWENSEN, City Recorder of Elk Ridge City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of Ordinance #22-06, passed by the City Council of Elk Ridge City, Utah, on the \_\_\_\_ day of \_\_\_\_\_, 2022, entitled

**AN ORDINANCE AMENDING THE CITY OF ELK RIDGE DEVELOPMENT CODE  
DEVELOPMENT CODE 10-12-37-D: APPROVAL PROCESSES AND REQUIREMENTS,  
SUBDIVISIONS,**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Elk Ridge City Utah this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
ROYCE SWENSEN  
Elk Ridge City Recorder

**AFFIDAVIT OF POSTING**

STATE OF UTAH                                 )  
  ) ss.  
COUNTY OF UTAH                                 )

I, ROYCE SWENSEN, City Recorder of Elk Ridge City, Utah, do hereby certify and declare that I posted in three (3) public places Ordinance #22-06, which is attached hereto on the \_\_\_\_ day of \_\_\_\_\_, 2022.

The three places are as follows:

1. Elk Ridge City website elkridgecity.org
2. Utah Public Notice Website <https://www.utah.gov/pmn/>
3. 80 E Park Dr. Elk Ridge City, UT 84651

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

\_\_\_\_\_  
ROYCE SWENSEN  
Elk Ridge City Recorder

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022, by ROYCE SWENSEN.

My Commission Expires:

\_\_\_\_\_  
Notary Public

Residing at:                     Utah County