

River Heights City

**** AMENDED ****

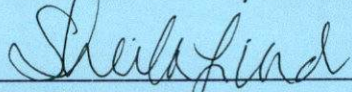
River Heights City PLANNING COMMISSION AGENDA

Tuesday, October 24, 2023

Notice is hereby given that the River Heights Planning Commission will hold its regular meeting beginning at **6:30 p.m.**, anchored from the River Heights City Office Building at 520 S 500 E. Attendance can be in person or through Zoom.

- 6:30 p.m. Pledge of Allegiance
- 6:32 p.m. Adoption of Previous Minutes and Agenda
- 6:35 p.m. Public Comment on Land Use
- 6:40 p.m. Discuss Possible Changes to the Boundary Adjustment Section of the City Code
- 7:15 p.m. Adjourn

Posted this 23rd day of October 2023



Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/89142226675>

Attachments for this meeting and previous meeting minutes can be found on the State's Public Notice Website (pmn.utah.gov)

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

River Heights City

River Heights City Planning Commission
Minutes of the Meeting
October 24, 2023

Present: Commission members: Noel Cooley, Chairman
Heather Lehnig, also tech staff
Lance Pitcher
Cindy Schaub, electronic
Troy Wakefield

Councilmember Blake Wright
Recorder Sheila Lind

Excused Tech Staff Councilmember Chris Milbank

Others Present: None

Motion Made During the Meeting

Motion #1

Commissioner Lehnig moved to “approve the minutes of the September 26, 2023, Commission Meeting with corrections, as well as the evening’s agenda.” Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.

Proceedings of the Meeting

The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers on October 24, 2023.

Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Commissioner Cooley pointed out that the Conditional Use Permit Public Hearing had been removed from the agenda at the request of the applicant. Minutes for the September 26, 2023, Planning Commission Meeting were reviewed. Commissioner Schaub had one minor change.

Commissioner Lehnig moved to “approve the minutes of the September 26, 2023, Commission Meeting with corrections, as well as the evening’s agenda.” Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.

Public Comment on Land Use: There was none.

Discuss Possible Changes to the Boundary Adjustment Section of the City Code:

Commissioner Cooley said he had reviewed State Code 10-9a-608, Subdivision Amendments, and found it difficult to understand. He tried adjusting the city’s code but wasn’t sure it read how they

45 wanted it to. The main thing he got out of the state code was that property owners could make their
46 own changes unless there was a house on the property that might be affected by the boundary
47 adjustment, which would require a public hearing. State Code 10-9a-524(2) lists the procedure for a
48 property owner to follow. It does not say the city is involved.

49 Councilmember Wright said he'd read the first paragraph a few times and couldn't ever
50 understand what it was saying. He recommended asking the city attorney to interpret and re-write it
51 in more understandable terms.

52 Commissioner Schaub made some observations. She suggested that paragraph 10-21-6 of Mr.
53 Cooley's draft, needed to designate who would record the boundary adjustment. She agreed the city
54 attorney should look at the full section.

55 Commissioner Cooley stated that it was difficult to incorporate the state code into the city's
56 code. He asked if the city would want to know of any boundary adjustment that was happening.
57 Council member Wright pointed out that sometimes the city wouldn't care. Mr. Cooley felt the city
58 cared if a substandard lot was being created, but not if the adjustment was compliant. He suggested
59 the city should know about adjustments in a subdivision so plats could be updated.

60 Councilmember Wright suggested the city should set the criteria for approval. Commissioner
61 Wakefield agreed they should have the attorney advise them.

62 Councilmember Wright noted the state code said that if the city doesn't respond quick
63 enough, the property owner can go ahead. He stated that the city's current code required a public
64 hearing in every instance, which he didn't think was necessary. He would like the attorney to state
65 which instances trigger the city being involved.

66 Commissioner Cooley felt lot setbacks and the creation of sub-standard lots within the zone
67 should require city involvement. He suggested letting the attorney know they wanted these
68 requirements in the city's code.

69 Commissioner Cooley pointed out, in the state code there was a requirement for property
70 owners of a parcel being adjusted in a subdivision to apply for a subdivision amendment.

71 Commissioner Cooley said he would get an appointment with the city attorney to request help
72 with interpreting the state code.

73 Commissioner Cooley informed that the city had received an application for a R-PUD. A
74 meeting had been set up with the Land Use Authority for a pre-application meeting. He asked the
75 commission members to read up on the subdivision code, as well as the R-PUD code, to become
76 familiar with what was required by the city.

77 The meeting adjourned at 7:20 p.m.

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Noel Cooley, Commission Chair



Sheila Lind, Recorder

TITLE 10
CHAPTER 21
BOUNDARY LINE ADJUSTMENTS

- 10-21-1: Scope
- 10-21-2: Intent
- 10-21-3: Authority
- 10-21-4: Review
- 10-21-5: Public Hearing Required
- 10-21-6: Recording Required

10-21-1: SCOPE

If properly executed and acknowledged as required by law, an agreement between owners of adjoining property that designates the boundary line between the adjoining properties acts, upon recording in the office of the recorder of the county in which each property is located, as a quitclaim deed to convey all of each party's right, title, interest, and estate in property outside the agreed boundary line that had been the subject of the boundary line agreement or dispute that led to the boundary line agreement. (Utah State Code 10-9a-524-1)

(2) Adjoining property owners executing a boundary line agreement described in Subsection (1) shall follow the procedure as annotated in Utah code 10-9a-524-2a

Applications for boundary line adjustments and subdivision amendments may be authorized by the planning commission pursuant to this chapter. (Ord., 1-22-2002)

10-21-2: INTENT

No boundary line adjustment shall result in the creation of a new lot or parcel. Lots within a subdivision may be combined; provided that no increase in the number of lots results. (Ord., 1-22-2002)

10-21-3: AUTHORITY

Pursuant to Utah Code Annotated 10-9a-524, as amended, this title designates and grants the zoning administrator authority, with or without a petition, to consider any proposed vacation, alteration to a subdivision plat, any portion of a subdivision plat, or any street, lot or alley contained in a subdivision plat, or boundary line adjustment, at a public hearing.

(4-2010, 7-13-10)

10-21-4: REVIEW

The petition to change the boundaries shall include signatures from the representatives of each lot or parcel affected by the boundary line adjustment, and any necessary signatures from holders of liens, mortgages or easements affected by the boundary line adjustment. After reviewing said application, the zoning administrator shall circulate a

map of the proposed adjustment to all affected city departments, planning commission, and to the affected parties. If the zoning administrator determines that the application does not include signatures from at least one record owner representing each parcel or lot, said administrator shall follow the procedures prescribed in Utah Code Annotated, as amended and this title as amended. (4-2010, 7-13-10)

10-21-5: PUBLIC HEARING REQUIRED

~~The planning commission shall hold a duly noticed public hearing in accordance with section 10-3-9 of this title. (Ord. 04-12-14, 1-11-2005, eff. retroactive to 12-14-2004) (3-2020, 5-19-20)~~

If a parcel that is the subject of a boundary line agreement contains a dwelling unit, the municipality may require a review of the boundary line agreement and may require a public hearing. (see Utah code 10-9a-524-5)

10-21-6: RECORDING REQUIRED

Following the final approval of the planning commission, the property owners shall submit the executed deeds, any required maps and other documentation to the city, along with the appropriate cost of recording the legal descriptions with the county recorder. ~~The city attorney shall record the deeds.~~ In accordance with state law, if a boundary line adjustment results in the need for dedication of a public right of way or other public dedication, a plat shall be required at the expense of the applicant. Any approved adjustment that has not been presented for recording to the City County within ninety (90) days of the date of approval shall be deemed to have expired. (Ord., 1-22-2002) (8-2017, 11-28-17)

Effective 5/5/2021

10-9a-524 Boundary line agreement.

- (1) If properly executed and acknowledged as required by law, an agreement between owners of adjoining property that designates the boundary line between the adjoining properties acts, upon recording in the office of the recorder of the county in which each property is located, as a quitclaim deed to convey all of each party's right, title, interest, and estate in property outside the agreed boundary line that had been the subject of the boundary line agreement or dispute that led to the boundary line agreement.
- (2) Adjoining property owners executing a boundary line agreement described in Subsection (1) shall:
 - (a) ensure that the agreement includes:
 - (i) a legal description of the agreed upon boundary line and of each parcel or lot after the boundary line is changed;
 - (ii) the name and signature of each grantor that is party to the agreement;
 - (iii) a sufficient acknowledgment for each grantor's signature;
 - (iv) the address of each grantee for assessment purposes;
 - (v) a legal description of the parcel or lot each grantor owns before the boundary line is changed; and
 - (vi) the date of the agreement if the date is not included in the acknowledgment in a form substantially similar to a quitclaim deed as described in Section 57-1-13;
 - (b) if any of the property subject to the boundary line agreement is a lot, prepare an amended plat in accordance with Section 10-9a-608 before executing the boundary line agreement; and
 - (c) if none of the property subject to the boundary line agreement is a lot, ensure that the boundary line agreement includes a statement citing the file number of a record of a survey map in accordance with Section 17-23-17, unless the statement is exempted by the municipality.
- (3) A boundary line agreement described in Subsection (1) that complies with Subsection (2) presumptively:
 - (a) has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed unless the owner of the property benefitting from the easement specifically modifies the easement within the boundary line agreement or a separate recorded easement modification or relinquishment document; and
 - (b) relocates the parties' common boundary line for an exchange of consideration.
- (4) Notwithstanding Part 6, Subdivisions, or a municipality's ordinances or policies, a boundary line agreement that only affects parcels is not subject to:
 - (a) any public notice, public hearing, or preliminary platting requirement;
 - (b) the review of a land use authority; or
 - (c) an engineering review or approval of the municipality, except as provided in Subsection (5).
- (5)
 - (a) If a parcel that is the subject of a boundary line agreement contains a dwelling unit, the municipality may require a review of the boundary line agreement if the municipality:
 - (i) adopts an ordinance that:
 - (A) requires review and approval for a boundary line agreement containing a dwelling unit; and
 - (B) includes specific criteria for approval; and
 - (ii) completes the review within 14 days after the day on which the property owner submits the boundary line agreement for review.
 - (b)

- (i) If a municipality, upon a review under Subsection (5)(a), determines that the boundary line agreement is deficient or if the municipality requires additional information to approve the boundary line agreement, the municipality shall send, within the time period described in Subsection (5)(a)(ii), written notice to the property owner that:
 - (A) describes the specific deficiency or additional information that the municipality requires to approve the boundary line agreement; and
 - (B) states that the municipality shall approve the boundary line agreement upon the property owner's correction of the deficiency or submission of the additional information described in Subsection (5)(b)(i)(A).
- (ii) If a municipality, upon a review under Subsection (5)(a), approves the boundary line agreement, the municipality shall send written notice of the boundary line agreement's approval to the property owner within the time period described in Subsection (5)(a)(ii).
- (c) If a municipality fails to send a written notice under Subsection (5)(b) within the time period described in Subsection (5)(a)(ii), the property owner may record the boundary line agreement as if no review under this Subsection (5) was required.

Amended by Chapter 385, 2021 General Session

Effective 5/3/2023

10-9a-608 Subdivision amendments.

- (1)
- (a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to request a subdivision amendment.
 - (b) Upon filing a written petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section 10-9a-603 that:
 - (i) depicts only the portion of the subdivision that is proposed to be amended;
 - (ii) includes a plat name distinguishing the amended plat from the original plat;
 - (iii) describes the differences between the amended plat and the original plat; and
 - (iv) includes references to the original plat.
 - (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the land use authority may approve the petition for a subdivision amendment.
 - (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a public hearing within 45 days after the day on which the petition is filed if:
 - (i) any owner within the plat notifies the municipality of the owner's objection in writing within 10 days of mailed notification; or
 - (ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.
 - (e) A land use authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.
- (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting an owner's petition for a subdivision amendment if:
- (a) the petition seeks to:
 - (i) join two or more of the petitioner fee owner's contiguous lots;
 - (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
 - (iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
 - (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
 - (v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - (A) owned by the petitioner; or
 - (B) designated as a common area; and
 - (b) notice has been given to adjoining property owners in accordance with any applicable local ordinance.
- (3) A petition under Subsection (1)(a) that contains a request to amend a public street or municipal utility easement is also subject to Section 10-9a-609.5.

- (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a portion of a plat shall include:
- (a) the name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and
 - (b) the signature of each owner described in Subsection (4)(a) who consents to the petition.
- (5)
- (a) The owners of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those properties if the exchange of title is approved by the land use authority as a lot line adjustment in accordance with Subsection (5)(b).
 - (b) The land use authority shall approve a lot line adjustment under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.
 - (c) If a lot line adjustment is approved under Subsection (5)(b):
 - (i) a notice of lot line adjustment approval shall be recorded in the office of the county recorder which:
 - (A) is approved by the land use authority; and
 - (B) recites the legal descriptions of both the original properties and the properties resulting from the exchange of title; and
 - (ii) a document of conveyance shall be recorded in the office of the county recorder.
 - (d) A notice of approval recorded under this Subsection (5) does not act as a conveyance of title to real property and is not required in order to record a document conveying title to real property.
- (6)
- (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (6)(c).
 - (b) The surveyor preparing the amended plat shall certify that the surveyor:
 - (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - (ii)
 - (A) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; or
 - (B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - (iii) has placed monuments as represented on the plat.
 - (c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office.
 - (d) Except as provided in Subsection (6)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

Amended by Chapter 501, 2023 General Session