

Chapter 3
ADMINISTRATIVE PROCEDURES

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3.1. PROCEDURES FOR AMENDMENTS TO ZONING AND CITY BOUNDARIES

- 1. The City Council may amend this code pursuant to this chapter.
- 2. Any resident or other person having an equitable and bona fide interest in East Carbon City may petition East Carbon City for an amendment to this Code.
- 3. Any person seeking to amend this code, zoning map or city boundary shall make application for such amendment by taking required actions and filing the following information and documents with the Planning Commission:
 - 1. A written application describing the change desired and the reasons therefore.
 - 2. A non returnable amendment application fee.
- 4. Any applicant seeking to amend the zoning map or city boundary shall mail by certified mail, and submit copies thereof, a notice of the proposed action to all owners of real property within 400 feet of the proposed zone change.
- 5. Zoning or City Boundary (Annexation) Amendment requirements:

- 1. A vicinity plan, drawing of the area, and boundary description.
- 2. Names of all property owners in the subject area.
- 3. Names of all owners within 400 feet of the subject area boundary.
- 4. A sufficient number of plain white legal-size envelopes, addressed to the property owners, with East Carbon City as the return address, and with proper postage.
- 6. All plans, plats and information shall be submitted in a neat, organized manner, prepared by individuals competent to do such work, to include licensed professional engineers, architects and land surveyors.
- 7. East Carbon City shall prepare and give notice of public hearings to consider the proposed amendment as provided by law for zoning amendments.
 - 1. At least 10 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in East Carbon City.
- 8. The Planning Commission shall review the application and make its recommendations concerning the proposed amendment to the City Council within 30 days from receipt of the amendment application in a regularly scheduled meeting. The Planning Commission shall recommend adoption of a proposed amendment only when the following findings are made:
 - 1. The proposed amendment is in accord with the comprehensive general plan, goals and policies of East Carbon City.
 - 2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the

purposes stated in the chapters of this code.

9. When the Planning Commission recommends the amendment the East Carbon City Council may:
 1. Adopt the amendment by majority vote.
 2. Reject the amendment.
 3. Modify the proposed amendment and refer back to the Planning Commission for its recommendation to be returned to the City Council within 30 days.
10. When the Planning Commission recommends denial of the amendment the City Council may:
 1. Reject the amendment
 2. Modify the proposed amendment and refer back to the Planning Commission for its recommendation to be returned to the City Council within 30 days.
 3. If the City Council determines that the proposed amendment may have merit in spite of the Planning Commission's negative recommendation, the City Council may adopt the amendment by an affirmative majority vote.
11. Where an application for a zoning or city boundary amendment has been denied, the Planning Commission and the City Council shall not review the same zoning amendment application within 2 years unless there is substantial change of conditions since the earlier application. A new application and fee will be required.

3.2. DOCUMENT SUBMISSION AND REVIEW PROCEDURES

1. **PRE-SUBMISSION PROCEDURES.**
To facilitate the handling of applications, the Planning Commission may adopt pre-submission procedures to allow for adequate investigations and staff review and may require compliance with such pre-submission review procedures as a prerequisite to formal receipt and action by the Planning Commission. Pre-submission review shall in no way be interpreted to mean review by the Planning Commission.
2. **SUBMISSION AND DOCKETING FOR REVIEW.** Upon receipt of application, all required fees and information for any specific step of the review procedure, the Zoning Administrator and other members of the Technical Review Committee (TRC), shall review the application for completeness and compliance with the provisions of this code and other pertinent municipal regulations. When the Zoning Administrator determines that the application is ready for Planning Commission review, the chairman of the Planning Commission will docket the application review at the next regular public meeting of the Planning Commission. Incomplete or late applications shall not be docketed for Planning Commission review.
 1. All submissions to East Carbon City must be received a minimum of ten (10) calendar days in advance of any scheduled meeting unless otherwise approved by the Zoning Administrator.
3. **APPLICABILITY OF APPLICATION AND DOCUMENT REQUIREMENTS TO TYPES OF USES.**
 1. Applications and concept plans are required for all land uses and development as indicated.

2. Applications, concept plans, preliminary design plans, and final design plans and plats may be required for all conditional uses (CU) and as deemed necessary for all other uses:

1. Planned unit developments (PUD)
2. Subdivisions (SUB) / Residential
3. Recreational vehicle parks (RVP)
4. Commercial (COM)
5. Industrial sites (IND)
6. Amendments
7. Schools
8. Churches
9. Utilities.

4. APPLICATIONS TO BE SUBMITTED AND REVIEWED IN STEPS.

Applications shall be submitted and reviewed in steps. Each step shall be reviewed by the Zoning Administrator and as appropriate, the Technical Review Committee (TRC), before an application and recommendations are forwarded to and reviewed by the Planning Commission. The necessity of submitting revised and additional information, documents, and/or drawings shall be determined by the Planning Commission and/or Zoning Administrator. The steps in the approval process are as follows:

Step 1: Concept Plan

Step 2: Preliminary design plan

Step 3: Final design, plan, and/or plat

The above steps may be combined or reviewed concurrently if all submissions and reviews are complete and approved by the Zoning Administrator prior to submission to the Planning Commission.

3.3. STEP 1 – CONCEPT PLAN:

1. SUBMIT CONCEPT PLAN TO ZONING ADMINISTRATOR.

Applicants shall submit a concept plan which will enable a review of a proposed project for general scope and conditions which might impact the proposed project and East Carbon City. The Planning Commission shall either approve or reject the concept plan.

2. DOCUMENT REQUIREMENTS. The following items shall be submitted to the Zoning Administrator for concept plan review:

1. An application and all applicable fees for concept plan approval explaining the proposed project.
2. All development activity occurring within 100 feet of a canal must notify the owner and/or operator of the canal of the development prior to commencement of the development (HB 298, 2010).
3. An environmental review of the subject development is required.
 1. For minor size developments / subdivisions (under 10 lots per project or phase) a review of the following minimum environmental impacts shall be required:
 1. Erosion, dust, soils and top soil loss
 2. Grades, slope stability and geologic hazards
 3. Ground water, drainage, water courses, flood hazards
 4. Vegetative types and landscaping
 5. Wildlife and habitat

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| <ol style="list-style-type: none">6. Essential urban services presently available.7. Fire potential; Police enforcement8. Accumulation of solid and liquid wastes, water quality, discharge of smoke, noxious odors, air quality.9. Water quality.10. Discharge of smoke, noxious smells.11. Air quality.12. Potential area-wide economic impact of the development.13. Noise, lighting, sound, vibrations, visual impacts, etc.14. Traffic congestion. <ol style="list-style-type: none">2. For moderate size developments / subdivisions (10 to 30 lots or more per project or phase) a review of the following minimum environmental impacts shall be required:<ol style="list-style-type: none">1. Erosion, dust, soils and top soil loss2. Grades, slope stability and geologic hazards3. Ground water, drainage, water courses, flood hazards4. Vegetative types and landscaping5. Wildlife and habitat6. Essential urban services presently available.7. Fire potential; Police enforcement8. Accumulation of solid and liquid wastes, water quality, | <ol style="list-style-type: none">discharge of smoke, noxious odors, air quality9. Water quality.10. Discharge of smoke, noxious smells.11. Air quality.12. Potential area-wide economic impact of the development.13. Noise, lighting, sound, vibrations, visual impacts, etc.14. Traffic congestion. <ol style="list-style-type: none">3. For major size developments / subdivisions (30+ lots per project or phase) an environmental impact assessment performed by a licensed professional engineer is required.4. The applicant will address identified conflicts and propose mitigation of all adverse aspects of the plan.5. VICINITY MAP: A map showing where the project is located in the city (on a sheet 8"x 11").6. A SITE PLAN: A simple neatly drawn plan (on a sheet 8"x 11") representative of the project site and proposed development that is to scale, clearly legible and includes:<ol style="list-style-type: none">1. Applicant name, address and phone number, date of submittal2. Property boundaries with dimensions.3. Street and street number and/or name.4. Zoning designation. |
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5. Water courses
6. General topography of the land.
7. Proposed use, buildings and site improvements.

3. CONCEPT PLAN REVIEW

1. Upon receipt of the complete concept plan application, the Zoning Administrator shall distribute copies as necessary to the Technical Review Committee and other agencies for review and comment.
2. The Zoning Administrator shall review the concept plan application for compliance with all applicable regulations. The Zoning Administrator shall notify the property owner or developer of approval, denial noncompliance the need for other information, which may assist staff and the Planning and Zoning Commission to evaluate the proposed development.
3. Where it is determined by the Planning and Zoning Commission or Zoning Administrator, after review of the concept plan, that one or more of the application requirements and procedural steps are not applicable to the project under consideration, such requirements may be waived in writing.

4. CONCEPT PLAN APPROVAL

1. A denied concept plan shall not constitute an absolute disapproval of the proposed development, but rather shall operate in a manner as to give the developer guidance to the requirements and constraints for development within East Carbon City.

2. The applicant and/or developer for concept approval, may, upon concurrence by the Zoning Administrator, request review of a proposed development by the East Carbon City Design Review Committee (DRC). Application for DRC review shall be made as directed by the Zoning Administrator and all approved application fees must be paid prior to DRC consideration. The DRC shall consist of the Zoning Administrator or designee, Pubic Works Director or designee, current Mayor Pro-Tempore and a citizen at large, from those residing within East Carbon City, not affiliated with the development. Upon consideration and review by the DRC, the applicant may be provided with a recommendation of a density bonus, not to exceed, twenty percent (20%). Procedures for accommodating any recommended density bonus shall be made by the DRC. Any such recommendations must be approved by both the East Carbon City Planning and Zoning Commission and the East Carbon City Council subsequent to the recommendation and the applicant must comply with all design element recommendations stemming from the DRC review.
3. The developer may apply for preliminary design plan approval after concept plan approval is granted. Concept plan approval shall be valid for 1 year from the date on which the concept plan was approved. Resubmission of the concept plan may be required by the Planning and Zoning Commission prior to filing an application for preliminary design approval.

3.4. STEP 2 – PRELIMINARY DESIGN PLAN

1. **SUBMIT PRELIMINARY DESIGN PLAN TO THE ZONING ADMINISTRATOR.** Following concept plan approval, the applicant shall submit a preliminary design plan application to the Zoning Administrator. The preliminary design plan shall provide design solutions to problems identified in the approved concept plan. The Planning Commission shall either approve or disapprove the preliminary design plan.
 1. **Document Requirements.** The following items shall be submitted in an application to the Zoning Administrator for preliminary design review.
 2. An application and fee together with an updated and approved concept plan to include corrected or revised maps and drawings.
 3. Evidence that the applicant has sufficient control and financial capability over the land to effectuate the proposed use.
 4. Evidence that the appropriate agencies have reviewed the development plan and will be able provide water, sewer and electrical, natural gas, communication service to the proposed development. This does not preclude the necessity of the applicant having to upgrade the service.
 5. Statement of the estimated starting and completion dates for each phase of the development, identifying what work will take place.
 6. Copy of proposed protective covenants, articles of incorporation, association or condominium.

7. Tabulations showing the square footage and percent of total area of proposed development:
 1. Total Area
 2. Private right-of-ways
 3. Public right-of-ways
 4. On-site parking
 5. Private buildings parking lots and hard-surfaced areas
 6. Landscaping
 7. Water courses
 8. Undevelopable area
 8. Appropriate supporting documents showing compliance with regulations of the State of Utah dealing with air emissions, water discharge standards, wetland mitigation and hazardous material mitigation.
 9. Detailed estimate of the cost to complete the off-site (street or public right of way) improvements.
- 2. PROJECTS DESIGN INFORMATION AND PLANS**
1. **A SITE PLAN:** A neatly drawn plan (on a sheet 8x11, 11x17 or 22x34) representative of the project site that is to scale, with dimensions, clearly legible and includes important information for both pre-existing and post development conditions, demolition, fill, grading, existing improvements and proposed improvements, such as:
 1. Streets.
 2. Buildings (plan view and/or elevation view), not entire building design, that will be submitted later for a building permit).

3. Utilities (water, sewer, storm drain, electrical).
4. Zoning designation.
5. Drainage ways, rivers, washes, canals, ditches, springs, wells, flood plain.
6. Vegetation.
7. Geologic conditions seismic zone, earthquake faults, cliffs, alluvial fans, rock falls, land slides, wet lands, subsidence, ground water, radiological, hazardous waste.
8. The name, telephone number, and business address of the applicant, developer and owner, engineer, architect, surveyor.
9. The dimensions of the site and total acreage
10. North point and scale of drawing
11. Locations, numbering and names of streets (include traffic control)
12. Right of ways and easements; widths, curves, intersections, driveways.
13. Survey monuments
14. Storm flood control and detention ponds including submission of a preliminary drainage report in compliance with the East Carbon City Drainage Design Criteria, when required.
15. Location and description of landscaping.
16. Parking.
17. Location and size of utility mains, service lines and connections for: water, sewer,

- power, gas, telephone, cable, fiber optics.
 2. Demand for water, sewer and electrical, storm drainage (quantify in terms of gals/min, velocity, materials, peak demand, total yearly gallons, kwh, etc.)
 3. Condition of existing facilities and ability to tolerate demand created by development.
 4. Preliminary Geotechnical Review (see evaluation criteria under final plan submittal).
 5. Mitigation of adverse conditions created by development.
- 3. REVIEW PROCEDURE FOR A PRELIMINARY DESIGN PLAN**
1. The Zoning Administrator shall upon receipt of the complete preliminary design plan submission, distribute as necessary copies of the plan to the Planning and Zoning Commission, members and to such other governmental departments and agencies for review and comment. The Zoning Administrator shall allow a reasonable time period for review.
 2. Failure of any of the recipients to respond to the Zoning Administrator or Planning and Zoning Commission with comments concerning the development, within a reasonable time period, shall be construed as indicating the individual, agency or department has no adverse concern with the proposed development.
 3. The Planning and Zoning Commission shall consider the application for preliminary design plan approval at its next regularly scheduled public meeting following a 30-day review and processing period, except as may be limited by

Planning and Zoning Commission agenda or the Zoning Administrator. This review and processing period shall be measured from the date on which the preliminary design plan application is determined by the Zoning Administrator to be substantially complete.

4. The Planning and Zoning Commission shall approve only those preliminary design plans which the Commission finds:
 1. To be developed in accordance with the intent, standards, and criteria specified in this code and other applicable regulations.
 2. To conform to an approved concept plan.
 3. To create no substantial financial hardship to East Carbon City.
 4. To create no substantial environmental consequences which will adversely impact upon adjacent properties and the health, safety or welfare of the inhabitants of East Carbon City when weighed against the positive impacts of such development.
 5. To mitigate known and possible adverse impacts from the proposed development.
 6. When in the opinion of the Planning and Zoning Commission public facilities should be constructed within the boundaries of a proposed development for the benefit of the community as established in the comprehensive General Plan of East Carbon City, the developer shall reserve a site appropriate in area and location

for such public facilities and services (street, pathway, park, school, community building, etc.).

5. After review of the preliminary design plan at a public meeting, the Planning Commission shall approve, disapprove or approve with conditions, the preliminary design plan and land use, notifying the developer in writing of such action, or may postpone action to allow the developer time to provide materials or additional information needed by the Planning Commission, to then determine appropriate action.
6. Preliminary plan approval constitutes acceptance of a project or development by East Carbon City and vesting in the proposed development or project. For a vested right to be established the applicant must make substantial financial expenditures in good faith reliance on final zoning approval and must further perfect a vested right by purchasing a building permit and make substantial financial expenditures in connection with the building permit. Substantial financial expenditures are generally estimated to be twenty percent (20%) or more of the total project cost. A vested right may arise in the absence of zoning or other East Carbon City approval if, at the time of the substantial financial expenditures, no prior approval was required.

3.5. STEP 3 – FINAL PLAN REQUIREMENTS

Following preliminary design plan approval, the applicant shall submit a final plan for review by the Zoning Administrator. The final plan shall contain all the information required by this

section and shall provide technical and engineering solutions to all previously identified problems.

1. DOCUMENTS FOR ZONING ADMINISTRATOR:

1. Application for final approval.
2. Required fee.
3. Drawings: Plat, Site plan, Plan & Profiles, Details, Estimated quantities.
4. Geotechnical Study.
5. Grading Plan.
6. Storm Water Management Plan.
7. Mitigation of Adverse Conditions Plan.
8. Development Agreement.

2. DRAWING REQUIREMENTS FOR ZONING ADMINISTRATOR

1. Approved preliminary plans and details shall be included in the final plans.
2. Dedication Plat
 1. Description of project boundaries, public streets, and easements (utility, drainage access, etc.) as well as other design elements.
 2. Names and addresses of the project or development, the owner or owners of record, the developers, the engineers, the surveyors and/or the architects.
 3. Astronomic north arrow and basis of bearing.
 4. Total acreage of development project including number of lots and the acreage of each.

5. Township, range, section and quarter section (if portion) information.
 6. Graphical scale.
 7. City Engineer's review certificate unless waived on plat.
 8. City Attorney's review certificate unless waived on plat.
 9. Planning Commission approval certificate on plat.
 10. City Council approval certificate.
 11. Recording procedure by the County Recorder on plat.
 12. Owner's dedication of property to the City or the Public.
 13. Any additional information required by City Ordinance, City Council or Utah State law on plat.
3. Plat/Plan Format: The dimensions and format of the plan shall conform to City requirements. Plans may be submitted on 11" x 17" sheets provided the scale does not exceed 1" = 40' the plan is legible. Plans may also be submitted on 24" x 36" sheets provided the scale does not exceed 1" = 100'. Subdivision plats shall be submitted on 24" x 36" velum, mylar or equivalent approved by the City Engineer. In addition, all the above shall be submitted on electronic disc in AutoCAD.
4. Typical Plans: All lands within the boundaries of the development shall be accounted for in the plans as lots, sidewalks, pathways, streets, alleys, excluded parcels, common areas, building areas, parking areas, drainage facilities, detention basins, bridges, landscape areas, permanent

open space, etc., and shall contain the following:

1. Lot lines, site grading, street improvements, drainage, water lines, sewer lines, electricity, natural gas, telephone, fiber optics, cable television, secondary water lines and any other public utility locations.
2. In subdivisions all blocks and lots within each block shall be consecutively numbered. Excepted parcels shall be marked “not included in this development”.
3. Streets, sidewalks and alleys shall be designated as such and streets shall be numbered with bearings and dimensions given. Street names may be submitted for City approval and shall not duplicate or be similar to existing names of City or County streets. All streets shall include numerical designations. They shall not be included on the same sign blade as street names.
4. All easements shall be designated as such with bearings and dimensions given.
5. Parcels not contiguous shall not be included in one plan, nor shall more than one plan be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plan, provided all owners join in dedication and acknowledgment.
5. Cross Sections: Provide detailed design street cross section information at 100-foot intervals along all street alignments associated with the development. Refer to the City’s acceptable design for typical

street cross sections. Show pavement and sub-grade design calculations (based on geotechnical study). Provide detailed cross sections for water and sewer line connections, complex valve and fitting arrangements, detention basins and catch basins, with supporting calculations and details.

6. Profiles: Provide profiles for all existing and designed streets and utilities with elevations at 50-foot intervals for: street centerline, top back of curb, water lines, sewer lines and drainage lines. The profiles shall indicate all vertical curves, grade changes, sewer manholes, water valves, clean outs and catch basins. Include sewer design, demand and capacity calculations.
7. Geotechnical: A geotechnical study shall be prepared and submitted by a qualified engineer on all developments, subdivisions, main structures, and buildings that will be occupied; exceptions: single lots in approved residential, commercial, manufacturing or industrial subdivisions and garages or carports, minor additions or remodels, and site accessory improvements or as otherwise recommended by the Zoning Administrator, City Engineer or Building Inspector and approved by the City Council.

The geotechnical study shall be derived from exploratory test pits or boring. At a minimum, one test pit from each quadrant of the proposed site and one or more from the area directly under the proposed structures shall be completed. The geotechnical study shall include the following:

1. Cover sheet and Introduction.

2. Conclusions.
 3. Proposed Construction.
 4. General Site Construction.
 5. Subsurface Investigation.
 6. Laboratory Testing.
 7. Subsurface Conditions.
 8. Site Grading.
 9. Geological Conditions and Mitigation: seismic zone, earthquake faults, cliffs, alluvial fans, rock falls, land slides, wet lands, subsidence, ground water, radiological.
 10. Foundations.
 11. Subsurface Drainage; foundation drainage; sumps.
 12. Floor Slabs.
 13. Moisture Control and Surface drainage.
 14. Pavement design.
 1. Street.
 2. Parking Lot.
 15. Mass Grading, Backfill and Compaction.
 16. Utility trenching, backfill and compaction.
 17. General Conditions.
 18. Table.
 19. Laboratory Test Results.
 20. Figures.
 21. Vicinity Map.
 22. Site Plan and location of test pits.
 23. Legend.
 24. Consolidation Swell Tests.
8. Storm Water Management Plan: A final drainage report shall be

prepared and submitted in accordance with the East Carbon City Drainage Design Criteria for all developments, or as otherwise required by the City Engineer. The Final Drainage Report shall include the following:

1. Topographic survey of the proposed site that shows the existing drainage and irrigation systems including all rivers, creeks, streams, washes and flood plains. Show pre-development and post-development contours at 2-foot intervals. Show locations and elevations of proposed structures. Establish and show the finished floor elevations (first and basement floors) of proposed buildings. Show elevations of all adjacent and adjoining properties. Show grades of all impervious surfaces.
2. Plan, profile and detail drawings and run-off calculations for new, temporary or modified drainage systems. This includes all detention basins, structures, catch basins, piping, open channels, bridges and other specific drainage features.
3. Drainage analysis that shows the peak flow rate and peak volume calculations for the pre-development and post-development conditions.
4. Analysis and Design Criteria.

The rational method is to be employed for watersheds less than or equal to 10 acres. Peak rate and volume calculations are to be based on the 50-year 1 hour storm for the storm drainage network. Use an intensity of 1.10

inches per hour for 1 hour or other local reliable precipitation data.

The Natural Resource Conservation Service (NRCS) method is to be used on watersheds larger than 10 acres. Peak rate and volume calculations are to be based on the 100-year 24-hour storm event with a type 2 distribution for the storm drainage network.

Post development conditions shall not exceed predevelopment conditions. Check for the 5-, 10-, 25-, 50- and 100-year storms and related flood routing. Delineate the watersheds for each catch basin and inlet. Design the storm sewer pipe network for the 50-year 1 hour storm. Evaluate the effects of the 100-year storm. Runoff and flooding shall be contained within the streets and storm sewer pipeline network.

Storm water detention basins, inlets and outlets shall be designed for the 100-year storm event.

5. Each lot will be developed and built so that there is a positive grade away from all structures. Property owners shall be responsible for controlling drainage runoff that is generated onsite. Onsite detention shall be developed as necessary. Discharge of runoff from the site shall be directed towards approved street and natural drainage ways.
6. Structures on lots shall not be built with basement garage driveways or basement stair

accesses that directly connect to the street.

7. Evaluation of potential pollution, contamination and construction site discharge through storm water runoff from the facilities or features of the development. The results of the evaluation may require source control, pre-treatment and pollution prevention practices to be implemented to control polluted storm water runoff.
9. Survey Information: Plans for land surveying shall be prepared and certification made as to plan accuracy by a registered professional land surveyor properly licensed to do such work in the State of Utah. A workmanlike execution of the plan shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for final plan rejection. Engineering plans and details shall be calculated, designed, prepared or reviewed by a qualified and licensed engineer. Plans shall provide the following survey information:
 1. Bearings, distances and curve data for all perimeter boundary lines with ties to 2 existing legal survey monuments unless otherwise required by the City Engineer). A traverse of the perimeter boundary lines from the existing legal survey monuments shall have an error of closure of not greater than 3 in 100. Bearings, distances and curve data shall also be given for all interior lot lines and dimensions including irregularly shaped lots. Distances shall be given in hundredths of a foot,

angles in decimal degrees to hundredths of a degree, and bearings in degrees-minutes-seconds of an arc.

2. Sufficient curve data shall be given to enable the reestablishment of the curves on the ground. Include a table of curve data. This curve data shall include the following information:
 1. Radius of curve.
 2. Central angle.
 3. Tangent.
 4. Arc length.
 5. Chord (bearing and distance).
3. Parcels bounded by a body of water shall have the bearings and distances of a closing meander traverse given and notation made that the parcel includes all land to the water's edge or high-water mark or 100-year flood elevation.
4. Legal descriptions and labels of major parcels, road dedications and parcels to be dedicated to the public.
5. Parcels shall include area in acres.
6. All survey work, property descriptions, parcel closure and plan/plat preparation shall be double checked by the East Carbon City Engineer.

3. AS-BUILT CONSTRUCTION DRAWINGS:

1. As-built construction drawings shall be submitted for all required public improvements once constructed. Submission of as-built construction drawings will be required prior to the issuance of an occupancy permit or release of the development

agreement. Include any common facilities that could ever apply for public acceptance or maintenance.

2. As-built construction drawings shall be submitted in a paper copy and in an electronic format contained on a compact disc. The format shall be AutoCAD, Adobe Acrobat or another format approved by the City Engineer.
4. **FINAL PLAN REVIEW AND APPROVAL:**
 1. When a final plan/plat has been received, it shall be acted upon at a Planning and Zoning Commission meeting scheduled for development review within 30 days of receipt of final plan application by the Zoning Administrator. The Planning and Zoning Commission shall not approve any final plat unless it is reviewed and approved by the City Attorney and City Engineer in the spaces provided.
 2. The Zoning Administrator will distribute copies of the final plan and/or plat for review by the Technical Review Committee (TRC) before docketing the application for final approval on the Planning and Zoning Commission agenda.
 3. The Planning and Zoning Commission shall review the final plan/plat at a regularly scheduled public meeting. If the final plan/plat and all supplementary data comply with the applicable requirements of these regulations and the requirements of the approved preliminary design plan, the Planning and Zoning Commission shall certify approval of the plan on the space provided.

4. After review of the final plan/plat at the public meeting, the Planning and Zoning Commission shall send written notification of its review and official action taken to the City Council. This notification shall specify any modifications to the final plan/plat, if any, which were made incidental to final approval of such plan/plat by the Planning and Zoning Commission.
5. The City Council shall review the final plan within 45 days of receipt of transmittal from the Planning Commission, at a regularly scheduled public meeting, or as otherwise scheduled by the City Council.
6. The only basis for rejection of a final plan/plat shall be its non conformance to adopted rules, regulations and ordinances currently in force and affecting the land and its development, its lack of conformance with the approved preliminary design plan/plat, technical inaccuracies or insufficiencies, and poor workmanship in preparation of the plans/plat and documents.
7. The City Council shall review and execute a development agreement and establish the kind, amount and method of financial security to be provided by the developer to guarantee completion of the required public improvements.
8. If the City Council determines that the final plan/plan submission complies with the applicable requirements of this code, they shall certify approval of the plan; provided

however, that the City Council shall approve no final plan/plat unless accompanied by a plat (if a subdivision), certified by the City Engineer and City Attorney.

5. **SUBMIT APPROVED FINAL PLAN TO CITY COUNCIL:**
 1. Following final plan/plat approval by the Planning and Zoning Commission, the Zoning Administrator shall forward the approved final plan/plat to the City Council for review. The applicant shall appear before the City Council to answer questions, to negotiate any required bond or financial security, and to negotiate any proposed dedications. The City Council shall either approve or reject the final plan/plat. Upon approval, the applicant/owner shall submit the plan to the County Recorder to record the plat. The costs of recording shall be paid by the applicant/owner.

3.6. SUPPLEMENTAL REQUIREMENTS

1. **APPLICATIONS TO BE REVISED AT PLANNING COMMISSION MEETING.** Whenever applications to the Planning and Zoning Commission for formal action are required by this code, submission to the Planning Commission is hereby defined as submission of such application at a regularly scheduled public meeting of the Planning Commission.
2. **TIME PERIODS FOR PLANNING COMMISSION ACTION.** Time periods for Planning and Zoning Commission action shall not begin to run until after complete applications are officially received by the Planning Commission at a regularly scheduled public meeting.

3. **FEES.** Fees may be charged applicants for excavation permits, development permits, zoning permits, zoning amendments, building permits, occupancy permits, conditional use permits, design review, plan/plat review, annexation amendments, Planning and Zoning Commission and Board of Adjustment hearings, and such other services as are required by this code to be performed by public officers, City staff or agencies. Such fees shall be established by resolution of the City Council and shall be in the amounts reasonably needed to defray costs to the public.
4. **APPROVAL OR DISAPPROVAL.** At each step of the review procedure, the Planning Commission shall approve or disapprove of the plans, plats, drawings, details, writings and materials submitted to it, and where applicable, shall approve or disapprove the entire application or any portion thereof. Any approval or disapproval made by the Planning Commission shall be in the form or written findings of fact and conclusions, which findings and conclusions shall be made available to the applicant and all parties concerned by the Planning Commission within 45 calendar days of the Planning and Zoning Commission meeting at which the application was reviewed.
5. **COPIES.** A minimum of 3 copies of all required application materials shall be submitted to the Planning and Zoning Commission at each step of the review process. Additional copies may be required by the Zoning Administrator as may be needed for proper review.
6. **FORMAL ACTION.** Formal action on any application, i.e., action approving or denying an application, shall be taken only at regularly scheduled or officially called meetings of the Planning and Zoning Commission or City Council.
7. **PUBLIC HEARING.** Unless specifically required by this code or other applicable law, no public hearing need be held. However, a hearing may be held when the Planning and Zoning Commission shall deem such a hearing to be necessary and in the public interest. Whenever a public hearing is held, notice thereof shall be given as required by applicable law or if there is no otherwise applicable law, then by a method reasonably calculated to give notice to interested parties. Such notice shall be given a minimum of 10 calendar days prior to the public hearing or as required by Utah State law, whichever period of time is greater. Failure of interested parties to receive actual notice of said hearing shall in no way affect the validity of the action taken.
8. **DEDICATION OF LAND TO PUBLIC.** Acceptance of dedication of proposed public lands, utility, alleys, pathways, easements or street rights-of-way in an approved final plan/plat can be made only by the City Council. Final plan/plat approval by the City Council will be deemed an acceptance of dedication, unless streets, utilities, alleys, pathways, easements and other public spaces are shown as “not intended for dedication” or marked “private” or unless the City Council expressly rejects the proposed dedication.
9. **APPLICATION FORMS.** Application for any required Planning and Zoning Commission action shall be submitted on forms prepared for that purpose and approved by the Planning and Zoning Commission
10. **RETENTION OF PLANS.** Plans, specifications and reports for all applications submitted to East Carbon

City shall become the property of the City and shall be retained permanently.

11. **VALIDITY.** Approval of concept plans and preliminary design plans shall remain valid for 12 months and following expiration of this time periods, said approval shall expire. Once final approvals are given, projects must be started within 12 months or said approvals shall expire and a new permit application must be submitted.

12. **PHASE DEVELOPMENT.**

1. Final plan/plat approval may be granted on less than the entire project covered by preliminary plan approval and final plan/plat approval on projects containing more than 10 lots shall be done in phases, except as provided below. Each phase shall consist of the number of lots which can be completely developed with off-site improvements within a one-year period, or as approved by conditional use permit. The development of the project shall be in an orderly manner and in such a way that the phases will be contiguous, the required improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or the grantees of any of the lands developed within the time hereinafter specified.

2 When the off-site improvements have been 100 percent completed within the boundaries of the approved final plan/plat of any phase and reviewed by the City Engineer, and on-site improvements are 70 percent completed, the developer may submit the next phase of the proposed development in accordance with the rules and regulations of this code. On-site improvements shall be

construed to mean the construction or placement of the dwelling or other main building and its appurtenant improvements on each lot.

3 A final plan/plat including more than 25 lots will be accepted only upon the submission of qualified evidence indicating that the market absorption rate and the financial ability of the developer are such that the off-site improvements for all lots in such final plan/plat will be completed within 1 year, and that on-site improvements will be completed on at least 70 percent of the lots within 2 years of such approval.

18. **APPEALS PROCEDURE.** Appeals from any final administrative or Planning and Zoning Commission decision may be made to the Board of Adjustment or other appeal authority, as designated or appropriate, such as the Variance Committee or the Hearing Officer.

19. **CHANGES.** Any significant changes, as determined by the Zoning Administrator, City Engineer or Building Inspector, that affect an approved final conditional use /drawing/plan/plat, will require resubmission of the conditional use/drawing/plan/plat for approval by the Planning and Zoning Commission and City Council.

20. **ADDITIONAL REQUIRED INFORMATION.** The Planning and Zoning Commission, City Council, Zoning Administrator, City Planner, City Engineer, Building Official / Inspector, or City Attorney may require the developer / applicant to provide such additional information as may be necessary to complete a proposal for the written record, demonstrate capability, solve anticipated problems, mitigate adverse conditions or show geotechnical

solutions to site development, problems
or concerns.