



City of Green River
City Council Meeting
Agenda Documentation

Preparation Date: March 10, 2023	Department: Development Services
Meeting Date: March 21, 2023	Department Head: Mark Westenskow
	Presenter: Amy Cox

Subject:

Consideration of approval on the 1st Reading for the proposed Language Amendment to a portion of Section 5. (specifically, 5.e. “Final Plat”) and Section 9. of Appendix C (Subdivisions) of the City of Green River Code of Ordinances, to establish an alternative method for approving subdivisions and the recording of the Final Plat, and to clarify when building permits can be issued.

Background/Alternatives:

While it would be ideal to integrate the proposed language into a complete rewrite of the subdivision ordinance, more time and resources are needed than are currently available. Based on the staff’s review of language used by nearby communities, staff believes that rather than waiting for a complete rewrite, we can add the proposed language to our existing ordinance and accomplish the flexibility and clarity the City currently seeks. Attached, you will find the proposed additional language to Section 5.e. & the proposed minor amendments to Section 9. of Appendix C. Deletions are shown in ~~red-strikethrough~~ and additions are shown in blue underline (see attached).

The proposed addition of paragraph (13) to Section 5.e. is to establish an alternative method for approving subdivisions and the recording of the plat. This will provide developers an alternative method to obtain approval and move forward with construction prior to the recording of the final plat and would be at the developers risk rather than the City’s. It will also provide an alternative for other landowner’s thinking of subdividing, but who are hesitate due to the costs and complexities of bonding.

The proposed addition of paragraph (12) to Section 5.e. is to clarify when building permits and occupancy certificates can be issued. The proposed language will define when a building permit can be issued, relative to the completion of improvements under our current platting regulations. Our current ordinance is silent on the issue and can be misinterpreted to mean that houses may be started before public improvements are complete.

Unlike amendments to the Zoning Ordinance, the Subdivision Ordinance does not provide a procedure for processing & reviewing amendments to the Subdivision Ordinance. The legal procedure is to have only three ordinance readings before the Governing Body. Since the Planning and Zoning Commission has the primary review responsibility for subdivision applications, staff feels it is important to have the Commission’s input & formal recommendation

to forward the ordinance to the Governing Body for public hearing and three ordinance readings.

On March 8, 2023, the Planning and Zoning Commission considered this Language Amendment at a Public Hearing. While there were no comments from the public, the Planning and Zoning Commission unanimously recommended approval of the proposed Language Amendment with the recommendation of changing the word “appeal” to “petition” in the new proposed paragraph (12) of Section 5.e. Legal had no objections with proposed word change.

Language Amendments are acted on by Ordinance (three readings). This is the first reading.

Attachments:

Ordinance for 1st Reading

Fiscal Impact:

None

Staff Impact:

None

Legal Review:

Approved 1/30/23

Suggested Motion:

I move to approve the 1st Reading the proposed Language Amendment to a portion of Section 5. (specifically 5.e. “Final Plat”) and Section 9. of Appendix C (Subdivisions) of the City of Green River Code of Ordinances, to establish an alternative method for approving subdivisions and the recording of the Final Plat, and to clarify when building permits can be issued.

ORDINANCE 23-_____

AN ORDINANCE AMENDING A PORTION OF SECTION 5. (SPECIFICALLY, 5.e. "FINAL PLAT") AND SECTION 9. OF APPENDIX C (SUBDIVISIONS) OF THE GREEN RIVER CODE OF ORDINANCES, CITY OF GREEN RIVER, STATE OF WYOMING, TO ESTABLISH AN ALTERNATIVE METHOD FOR APPROVING SUBDIVISIONS AND THE RECORDING OF THE FINAL PLAT; CLARIFY WHEN BUILDING PERMITS CAN BE ISSUED.

WHEREAS, the proposal was brought forward by staff and considered by the City of Green River Planning and Zoning Commission to amend a portion of Section 5.e. and Section 9. of Appendix C; and

WHEREAS, the Planning and Zoning Commission of the City of Green River, Wyoming, held a public hearing on March 8, 2023 and recommended approval of the proposed amendments to Section 5.e. and Section 9. of Appendix C; and

WHEREAS, after notice given as prescribed by law, the Governing Body of the City of Green River, Wyoming, held a public hearing on March 21, 2023, and the Governing Body determined to adopt said amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GREEN RIVER, SWEETWATER COUNTY, STATE OF WYOMING:

Section 1. That Section 5.e. "Final Plat" of Appendix C of the City of Green River Code of Ordinances, is hereby amended to include additional paragraphs (12) and (13) as follows (additions shown in blue underline):

Section 5. Procedures and requirements for platting.

e. Final Plat:

(12) Building permits shall not be issued until all public improvements have been installed, approved by the Public Works Director/City Engineer and accepted by the City Council. However, the developer may petition to the City Administrator to allow the issuance of building permits only if the developer can demonstrate that he is proceeding in good faith and has, at a minimum, installed sewer and water lines inspected and approved by the Public Works Director/City Engineer as well as has a suitable temporary street surface as determined by the Public Works Director/City Engineer. Certificates of occupancy shall not be issued until all public improvements have been installed, approved by the Public Works Director/City Engineer and, if proposed for City maintenance, accepted by the City Council.

(13) As an alternate procedure and at the request of the developer, the City Council may approve a Final Plat and instruct the City Administrator to withhold the approved Final Plat from recording for a period of time to allow the developer to install all of the required public improvements according to the plans and specifications approved by the Public Works Director/City Engineer. This procedure, when approved by the Council, shall be in lieu of the guarantees for installation of improvements as set forth in Section 5.e(6)(j) of these regulations. An executed Subdivision Improvement Agreement as approved by the City Attorney regarding installation of improvements shall be submitted with the Final Plat. The Subdivision Improvement Agreement shall require that all improvements be completed no later than twenty-four (24) months from the date the Final Plat was approved by the City Council. If required by the Public Works Director/City Engineer, the developer shall also submit with the Final Plat a signed and acknowledged instrument in recordable form dedicating to the City those easements shown on the plat which may be needed in advance of the plat being recorded. The developer shall also agree to cooperate with the Public Works Director/City Engineer in the necessary inspections of the construction of subdivision improvements, as described and outlined in Section 9 of these regulations. When the completed improvements are inspected and approved by the Public Works Director/City Engineer, and, if proposed for City maintenance, accepted by the City Council, the plat shall be recorded and the sale of lots may proceed according to the approved and recorded plat. Sale or development of lots, either single or combined, shall not occur prior to the recording of the Final Plat. The City Council may repeal the approval of the plat should the developer fail to meet the terms of the Subdivision Improvement Agreement.

Section 2. That Section 9. "Improvements" of Appendix C of the City of Green River Code of Ordinances, is hereby amended to read as follows (deleted shown in ~~red strikethrough~~ and additions shown in blue underline):

Section 9. Improvements.

- a. Prior to the approval of any Final Plat the subdivider shall ~~either: guarantee the installation of the necessary improvements in accordance with the "Standard Specifications for the Construction of Public Works~~

~~Improvements" as adopted and from time to time amended by the City Council, and, where applicable, the requirements of the Wyoming Department of Environmental Quality, by complying with the provisions of Section 5.c(6)(j) regarding financial commitments. The type of commitment or guarantee or the amount of any bond required by this section shall be determined by the City Engineer.~~

- (1) Submit a Subdivision Improvements Agreement to guarantee the installation of the necessary improvements in accordance with the "Standard Specifications for the Construction of Public Works Improvements" as adopted and from time to time amended by the City Council, and, where applicable, the requirements of the Wyoming Department of Environmental Quality, by complying with the provisions of Section 5.e(6)(j) regarding financial commitments. The type of commitment or guarantee or the amount of any bond required by this section shall be determined by the Public Works Director/City Engineer or;
 - (2) Request that the Council proceed according to the provisions of 5.e.(13) of these regulations regarding delaying the recording of the Final Plat until improvements are installed and approved.
- b. All improvements required by this section shall be completed within twenty-four (24) months from the date of the guarantee or commitment accepted by the City. A request for an extension of this time period may be submitted to and approved by the City Council. As improvements are completed, finally inspected and approved, the subdivider may apply to the City Council for a release of a proportionate part of any collateral deposited with the Council, if applicable. Requests for final inspection shall be made by the subdivider to the Public Works Director/City Engineer in writing.
- c. The subdivider shall cause to be installed the following improvements in a timely manner and in accordance with plans, specifications and data as approved by the Public Works Director/City Engineer. The ~~Director~~ Public Works Director/City Engineer shall be notified of any construction activity related to the improvements at least twenty-four (24) hours in advance.
- (1) Monuments at the corners of all tracts, blocks and lots and at all subdivision boundary corners.
 - (2) Grading, drainage and drainage structures for streets and highways and for areas within the subdivision. Valley gutters may be required in certain drainage situations.
 - (3) Road improvements including base, surfacing, gutters and curbs and sidewalks. Sidewalks shall be not less than four (4) feet wide on local streets nor less than five (5) feet wide on collector and arterial streets.
 - (4) Streetlights in all subdivisions as required by the "Standard Specifications for the Construction of Public Works Improvements."
 - (5) Fire hydrants of a size, type and at locations designated by the Public Works Director and the responsible utility company.
 - (6) Sanitary sewer mains, laterals, and facilities.
 - (7) Storm sewer mains and laterals.
 - (8) Water distribution lines and facilities.
 - (9) Utilities such as gas, telephone, and electric.
 - (10) Other facilities or improvements as may be specified by the City and agreed to by the subdivider.
 - (11) If applicable, At any time after the satisfactory completion of construction of all or any City Council approved phase of public improvements, their final inspection and approval by the Public Works Director/City Engineer and the submittal of as-built drawings on reproducible mylars for all improvements, the subdivider may request release of all or part of his bond and request that the City accept maintenance of the appropriate public improvements. In no event shall a guarantee be reduced below 25% of the original amount. The Council shall, upon the final approval of the Public Works Director/City Engineer, the subdivider may request release of all or part of his bond and request that the City accept maintenance of the appropriate public improvements. The Council shall, upon the final approval of the ~~Director of Public Works~~ Public Works Director/City Engineer, accept the maintenance of the appropriate public improvements. The developer shall provide a one year warranty on the construction from the time of acceptance by the City in the form of a maintenance bond.
- d. Inspection/Certification of Construction. It shall be the responsibility of the subdivider to provide continuous, independent, and qualified on-site construction inspection during installation of water system improvements, storm sewer improvements, sanitary sewer improvements and complete street construction. Compliance with all requirements of the Joint Waters Power Board are required.
- (1) The inspector shall be pre-approved by the Departments of Community Development and Public Works as well as the governing body and shall have experience with, and a working knowledge of proper utility installation practices and street construction, and shall be under the direction of a Wyoming licensed civil engineer.
 - (2) The cost of all inspection and certification services shall be borne by the subdivider.
 - (3) The primary responsibilities of the inspector shall be:
 - a. Verification that all materials supplied, and installation practices utilized throughout the project meet the requirements of the rules, regulations and standards.

- b. Verification that Joint Powers Water Board Standard Specifications for disinfection, pressure testing, and bacteria testing procedures are utilized before the new components are placed into service.
 - c. Development, verification and recording of accurate dimensional "As-Builts" of all installed system components to be provided in digital form DXF (AutoCAD Drawing Exchange File) or DWG (AutoCAD Drawing File).
 - d. Immediately reporting to the contractor, owner and Public Works Department any variation, deviation, violation or instance of non-compliance with the plans, specifications and all other rules, regulations or standards governing the project.
 - e. Transmittal to the Public Works Department of all project notes and records, including but not limited to the inspector's daily notes, trench compaction test reports, and documentation of required testing which shall comply with the City of Green River and DEQ Standards, certified by a Wyoming Certified Professional Engineer.
- (4) The printed Mylar copies of the "As-Builts" no smaller than 24" x 36" in size shall be delivered to the Public Works Department prior to Final Acceptance. In addition, information is to be provided in electronic form, DXF or DWG format to the Community Development Department.
- (5) Upon project completion, a copy of the "Certificate of Completion" as required by the Wyoming DEQ shall be submitted to the Community Development Department.

Section 3. This ordinance shall be in full force and effect upon its passage and publication.

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2023.

Pete Rust, Mayor

ATTEST:

Chris Meats, City Clerk

1st Reading:

2nd Reading:

3rd Reading: