Plat Amendment Goldman Subdivision

Dylan Rose Geerlings + Elena Hughes

03/27/2022

Boulder Planning Commission

**Introduction**

This petition is for a plat amendment in the Goldman Subdivision. This plat is being amended by the mutual consent of the property owners Dylan Rose Geerlings + Elena Hughes, Matt Cochran + Constance Lynn, and Elizabeth + Troy Julian, as indicated in the attached revised plat titled “Meadlowlark Subdivision Plat “A”” and dated 12/20/2021. First, we seek a lot line adjustment between neighbors, which is not subject to public hearing. Second, we request a name change of the subdivision and the easement that runs through it, which does require public hearing.

Let it be clear that this process is simply a lot line adjustment and name change for the existing Goldman Subdivision. It is not a subdivision application or creation of any new lots.

**Specific Relevant Ordinances**

*Boulder Town 152.006,* which gives exclusions from subdivision rules

“A subdivion not to include: (B). A recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if: (1) No new lot is created; and (2) The adjustment does not violate applicable land use ordinances.

The application does not create a new lot. It complies with Chapter 153 as discussed below.

*Boulder Town 153.119* Table of Development Standards regarding lot size and lot shape.

The table specifies lot size and width to depth.

The lots being affected by the lot line adjustment are in the GMU zone. All lots will exceed the minimum 5 acres after the proposed adjustment. All lots will meet the width greater than 1/3 of lot depth requirement.

*Utah Municipal Code 10-9a-103 Definitions*

“(38) (a) "Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608: (i) whether or not the lots are located in the same subdivision; and (ii) with the consent of the owners of record.

(b) "Lot line adjustment" does not mean a new boundary line that: (i) creates an additional lot; or (ii) constitutes a subdivision.

The proposed adjustment and plat meet the definition of a lot line adjustment.

*Utah Municipal Code 10-9a-608*

(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.

Elena Hughes and Dylan Geerlings are the current owners of record of the affected lots and are submitting this petition. See documentation attached.

(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.

The attached amended plat meets these requirements.

(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.

Notices of public hearing were sent by Peg Smith, town clerk, by mail to all adjoining land owners, both in the subdivision and not:

Matt Cochran and Constance Lynn

Elizabeth and Troy Julian
Jay and Susan Kelly

Shawn Owen

Annette Avery

Elena Hughes also notified them via email.

(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.

A hearing is not applicable to lot adjustment because the lot adjustment meets the requirements of 10-9a-608(2). No written objections have been received. All owners in the subdivision have signed the amended 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.

All known easements are shown on the amended plat and will be preserved.

*Utah Municipal Code 10-9a-608(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: (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;

The amended plat alters boundaries between three lots and all affected owners have signed the petition and amended plat.

*Utah Municipal Code 10-9a-608 (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) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; 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 recorders office.

The plat title has been changed from Goldman Subdivision to Meadowlark Subdivision. The amended plat was prepared by Rod Torgersen, Utah License #161712. He surveyed the property and certifies that all above requirements have been met. Monuments will be placed after the plat has been approved by the Planning Commission and prior to recording. We have spoken to the county recorders office and neither Meadowlark Subdivision nor Meadowlark Lane are recorded elsewhere in the county.

We request that this process go through in two separate steps. Step 1, lot line adjustment, considered by the Planning Commission is not subject to public hearing due to 10-9a-608(2). Step 2, public hearing for the name change.