

CHAPTER 2.03 PRELIMINARY PLATS

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2.03.005 PURPOSE. The purpose of the Preliminary Plat is to plan for the overall development of the subdivision and review the development of the subdivision in context with the land and infrastructure surrounding the subdivision.

2.03.010 PRELIMINARY PLAT REQUIRED. A Preliminary Plat is a required process prior to approval of a Final Plat. A Preliminary Plat shall be approved for a parcel before a Final Plat can be approved for that parcel.

2.03.015 SUBMISSION OF APPLICATION.

A. Only property owners or their duly authorized agents shall make application for Preliminary Plat on forms approved by the Zoning Administrator.

B. No Preliminary Plat application shall be processed without the submission of the application, all the supporting materials as required by this Chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances. The time frame for when an application shall be submitted in order to be heard first at a Development Review Committee meeting shall be set by policy of the Zoning Administrator.

C. The application for Preliminary Plat approval shall include the following:

1. Three (3) full size (24" x 36") and one (1) small size (11" x 17") copies of each sheet of the Preliminary Plat.
2. All documents required in Section 2.03.020 below.
3. Payment of the applicable fee as set by Resolution of the City Council.

D. A Final Plat may be submitted for approval concurrently with the Preliminary Plat, provided the Final Plat meets the requirements of Chapter 2.04. If the developer chooses to submit the Preliminary and Final Plats concurrently, the City maintains the right to deny the request for approval of the plats, and the developer shall bear all risks associated with their preparation and submittal.

2.03.020 FORM AND CONTENTS OF REQUIRED DOCUMENTS.

A. An electronic copy in a pdf file format of each sheet of the Preliminary Plat. The scale shall be indicated on each sheet, but shall not be less than one (1) inch equals sixty (60) feet.

B. The Preliminary Plat shall contain the following:

1. An arrow indicating north, the stated scale and graphic scale, and date of drawing drawn on each sheet.

2. The proposed name of the subdivision. (The City may reject a proposed subdivision name if the proposed name is similar to or may be confused with an existing subdivision name.)
 3. A vicinity map accurately locating the property shown on the plat.
 4. The names and addresses of the property owner(s), the developer and the engineer or surveyor of the proposed subdivision.
 5. A summary tabulation table that includes the following information: total acreage for the proposed subdivision, number of lots, and dwelling units per acre. If the subdivision includes the following uses: commercial, institutional, industrial, or multi-family attached the total area to be landscaped shall be included in the tabulation table.
 6. The names of the current property owners and the parcel numbers or property immediately adjoining the proposed subdivision, and the boundary lines of such parcels.
 7. Existing and new contours drawn at one (1) or two (2) foot intervals, unless waived by the City Engineer.
 8. The boundary lines of the parcel to be subdivided and a description of the proposed outside boundary of the property contained within the Preliminary Plat that are referenced to two (2) section corner monuments and is prepared by a licensed land surveyor. The section corner monuments and the point of beginning shall indicate computed "State Plane Coordinates."
 9. The dimensions and square footage of each lot.
 10. The dimensions and locations of existing and proposed improvements, structures, easements, and topographical features within the parcel to be subdivided and within two hundred (200) feet of the proposed subdivision boundaries.
 11. For each lot, the location and dimensions of existing and proposed irrigation systems, easements and field drains.
 12. The layout and location of future public streets. Where the Preliminary Plat covers only a part of a larger unsubdivided or undeveloped area, the plat shall show the location of the subdivision as it forms part of the larger area, and shall include a sketch proposing a future street system of the unsubdivided or undeveloped area.
 13. A storm water drainage plan approved by the City Engineer, which is designed to accommodate the water generated by a "one hundred (100) year storm" and designed following Title III General Public Works Construction Standards and Specifications.
 14. The location of any areas of potential flood hazard within the subdivision boundaries or within two hundred (200) feet of the subdivision boundaries.
 15. The location of any known fault lines located within one thousand (1,000) feet of any part of the subdivision as determined from the Box Elder County Hazards Map and/or any other source.
 16. The location of existing structures within the Preliminary Plat boundaries, and a notation as to whether the existing structures will remain or be demolished.
- C. The following documents shall be included with the application:

1. A preliminary title report prepared by a title company licensed to practice in the State of Utah, which shows that the owner/applicant owns or represents the owner(s) of all of the property contained within the Preliminary Plat. The City may require that the owner/developer resolve any boundary overlaps, gaps or other title discrepancies before approval of the Preliminary Plat.
2. A special report that details all environmental, geological, and engineering concerns for Subdivisions as required by the Development Review Committee.
3. Any other documents related to the development that the City may reasonably require ensuring compliance with the terms and purposes of City Ordinances.

2.03.025 PARCELS PREVIOUSLY DIVIDED. The Zoning Administrator may require any parcel of property which was originally part of a parcel now being subdivided, and which was divided off from the parcel being subdivided to be included in the Preliminary Plat of the proposed subdivision unless it has already been recorded as part of another subdivision or unless it is owned by someone other than the developer.

2.03.030 PUBLIC NOTICE.

A. Public Meeting. Twenty-four (24) hour notice of public meeting posted in at least three (3) public places or the City website and Utah Public Notice website. No public hearing is required.

B. Notice to Applicant. Pursuant to Utah Code Annotated 10-9a-202 the Zoning Administrator shall: notify the Applicant of the date, time, and place of each public meeting to consider their Preliminary Plat application; provide to each Applicant a copy of each staff report, if a report is prepared, regarding their Preliminary Plat application at least three (3) business days before the public meeting; and notify the Applicant of any final action on their Preliminary Plat application.

2.03.035 REVIEW AND APPROVAL PROCEDURES.

A. Zoning Administrator Review for Submission of Complete Applications. The Zoning Administrator shall review each application submitted to determine the completeness of the application. The Zoning Administrator shall forward complete applications to the Development Review Committee (DRC).

B. DRC Review of Preliminary Plat. The DRC is the designated Land Use Authority (LUA) for Preliminary Plat applications. Neither a member of the Planning Commission, Mayor, or City Councilmember shall be involved in the review or approval of a Preliminary Plat. The DRC shall review all applications for the purpose of determining compliance with all applicable City Ordinances and the City General Plan. The approval of a Preliminary Plat application shall be an Administrative Decision.

1. Preliminary Plat review will be completed by the DRC within fifteen (15) business days after the Zoning Administrator has determined that the applicant has submitted a complete application. The DRC shall return a copy of the checked Preliminary Plat and construction drawings to the applicant, indicating thereon any changes required by staff and/or the City Engineer.

C. The DRC shall approve, conditionally approve or deny the application request based upon findings of fact.

The DRC is the final approving authority for Preliminary Plats. The DRC shall approve the Preliminary Plat if it finds that the Preliminary Plat complies with all applicable Ordinances. Approval of a Preliminary Plat is an Administrative Decision. The DRC may impose conditions upon its approval if it finds that such conditions are reasonably necessary to meet the objectives of this Title, Zoning Title, and General Plan.

1. The DRC may deny an application for Preliminary Plat approval for including but not limited to the following reasons:
 - a. There is insufficient evidence to demonstrate that the applicant either owns or represents the owner(s) of all of the property contained within the Preliminary Plat.

- b. The DRC may withhold approval of a Preliminary Plat if the owner/applicant has not resolved all boundary gaps, overlaps or other property disputes which affect the property contained within the Preliminary Plat; or
- c. The Preliminary Plat does not comply with all applicable City Ordinances or State Statutes.
- d. Other findings that are supported by laws.

2. If the DRC denies a Preliminary Plat application, it shall state the findings of fact for the denial.

D. Notification to Rocky Mountain Power. As per Section 18-130 Revised Ordinances of Tremonton City Corporation, the Zoning Administrator shall mail notification of such approval and a copy of the plat to Rocky Mountain Power at the address contained in the aforementioned section of the Revised Ordinances.

E. Preliminary Plat Amendments. The Preliminary Plat shall be amended and re-approved through the process if the developer desires to increase the number of lots in the subdivision, or change the grade or location of streets within the subdivision. The Preliminary Plat need not be amended and re-approved to decrease the number of lots in the subdivision, to make minor lot boundary changes, or to make other minor changes if the DRC finds that amending the Preliminary Plat is not necessary to protect the interest of the City or adjoining property owners.

2.03.040 ENTITLEMENTS. Entitlements of a Preliminary Plat approval allow a Developer to submit a Final Plat in accordance with the approved densities, streets, and lot configuration of the Preliminary Plat. In accordance with 2.01.025, any Preliminary Plat approved which is in conflict with this Title shall be null and void.

2.03.045 APPEALS.

A. Preliminary Plats. Any person aggrieved by the decision of any part of the Preliminary Plat or amending a Preliminary Plat approval process may appeal in accordance with Chapter 1.04 of Title I.

B. The Appeal Authority and deadline for filing an appeal of a Preliminary Plat shall be as follows:

- 1. For disputes relating to pavement widths in excess of 32 feet on residential road, public improvement or engineering standards, the City shall assemble an Engineering Appeal Panel as described in UCA 10-9a-508 (5) that will meet within 10 business days after receiving an appeal request from the applicant. The appeal panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision in issued.
- 2. For all other disputes, the municipality shall refer them to the designated appeal process as described below.
 - a. First Appeal. A person has ten (10) days to appeal the decision of the Development Review Committee to the Planning Commission.
 - b. Second Appeal. A person has thirty (30) days to appeal the decision of the Planning Commission to District Court. (See Utah Code 10-9a-801)

2.03.050 STUB STREETS, STREET OR EASEMENT DEDICATION, MAY BE REQUIRED.

A. The City may require streets and stub streets in the Preliminary Plat in such locations, sizes, and of such design as may be necessary to provide adequate traffic circulation and access to the property contained with the Preliminary Plat and to other parcels of property in surrounding areas and for streets that are identified on the City's Master Road Plan. See Section 2.06.045

B. The DRC may require that the owner dedicates to the City any or all of the street rights-of-way or easements designated on the Preliminary Plat as a condition of approval of the Preliminary Plat. The dedication shall also be made on the Final Plat. The City may require streets and stub streets in the Preliminary Plat in such locations, sizes and of such

design as may be necessary to provide adequate traffic circulation and access to the property contained within the Preliminary Plat and to other parcels of property in the surrounding area.

2.03.055 VALIDITY OF PRELIMINARY PLAT APPROVAL, PRIOR TO FINAL PLAT APPROVAL.

A. An approved Preliminary Plat is valid for one (1) year. The Development Review Committee (DRC) may grant a one (1) year extension of the Preliminary Plat, provided the plat still complies with all applicable ordinances or the DRC may approve the extension subject to compliance with new standards in the ordinances. The Applicant requesting a one (1) year extension shall submit a written request along with the payment of the applicable fee.

B. Appeal One (1) Year Extension of Preliminary Plat. Any person aggrieved by the decision of any part of the One Year Extension of Preliminary Plat may appeal in accordance with Chapter 1.04 of Title I.

C. The Appeal Authority and deadline for filing an appeal of One (1) Year Extension of Preliminary Plat shall be as follows:

1. First Appeal. A person has ten (10) days to appeal the decision of the Development Review Committee to the Planning Commission.

2. Second Appeal. A person has thirty (30) days to appeal the decision of the Planning Commission to District Court. (See Utah Code 10-9a-801)

D. If a Final Plat which covers only a portion of the approved Preliminary Plat is recorded within the one (1) year time limit or extension thereof, the validity of the unrecorded portion of the Preliminary Plat shall be extended for one (1) year from the date of recording the Final Plat.

REV 07/15
REV 10/15
REV 17.09
REV 17.15
ORD 18-15
ORD 19-02
ORD 19-11
ORD 20-05
ORD 21-06
ORD 24-01

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