



## TOWN OF PORTAGE - LAND USE ORDINANCES

### 117.0 SUBDIVISION APPLICATION REQUIREMENTS

#### 117.1 Conformity

The Town shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Ordinance and received approval from the Planning Commission.

#### 117.2 Process and Requirements

1. To be considered complete, a subdivision application must include at least the following elements:
  - a. An approved land use application that describes how the property will be used after it is subdivided.
    - (1) If the intended use is permitted by right under Town ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
    - (2) If the intended use requires a conditional use permit or is otherwise conditioned on Town approval, the land use application must include an *approved*, Town-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
    - (3) If the intended use is prohibited under Town ordinances and requires a variance, the land use application must include an approved, Town-issued variance authorizing the intended use. Should an applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.
  - b. A plat, unless exempted under Section 117.3. The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder's Office. The plat must include:
    - (1) The proposed subdivision name, which must be distinct from any subdivision name on a plat recorded in the County Recorder's office.
    - (2) The boundaries, course, and dimensions of all proposed parcels. All parcels on the plat must comply with the lot size requirements of Section 115.4
    - (3) The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.



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- (4)** Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.
  - (5)** Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.
  - (6)** Whether any parcel is intended to be used as a street or for any other public use.
  - (7)** Whether any parcel is reserved or proposed for dedication for a public purpose.
  - (8)** If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).
  - (9)** If any portion of the proposed subdivision is within 1,000 feet of an Industrial Protection Area, the notice language found in Utah Code §17-41-403(4).
  - (10)** If any portion of the proposed subdivision is within 1,000 feet of a Critical Infrastructure Materials Protection Area, the notice language found in Utah Code §17-41-403(4).
  - (11)** If any portion of the proposed subdivision is within 1,000 feet of a Mining Protection Area, the notice language found in Utah Code §17-41-403(4).
  - (12)** If any portion of the proposed subdivision is within 1,000 feet of a Vested Critical Infrastructure Materials Operation (extracting, excavating, processing, or reprocessing sand, gravel, or rock aggregate where that use is not permitted by Town ordinances), the notice language found in Utah Code §10-9a-904.
- c.** Reports and Studies, including:
- (1)** A traffic study, if one is required by an applicable UDOT Access Management Plan or requested by the Land Use Authority.
  - (2)** Any other study or report reasonably necessary to ensure compliance with Town design standards and improvement requirements.
- d.** An Improvement Plan, created in accordance with applicable portions of Section 120.0, for all public improvements proposed by the applicant or required by Town Ordinance.
- (1)** In addition to the requirements in Section 120.0, the improvement plan must contain an engineer's estimate of the cost of completing the required improvements.
- e.** Certifications, including:
- (1)** An affidavit from the applicant certifying that the submitted information is true and accurate.



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- (2)** The signature of each owner of record of land described on the plat, signifying their consent to the subdivision application and their intent to dedicate portions of the plat to the public as described in the application.
- (3)** Certification that the surveyor who prepared the plat:
  - (a)** Holds a license in accordance with Utah Code 58-22; and
  - (b)** Either
    - 1.** Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
    - 2.** Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
  - (c)** Has placed monuments as represented on the plat.
- (4)** A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership
- (5)** A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
- (6)** Owner's Certificate of Dedication.
- (7)** Proof of approval from the following:
  - (a)** Culinary Water Authority;
  - (b)** Sanitary Sewer Authority;
  - (c)** Bear River Health Department;
  - (d)** The Local Fire Department; and
  - (e)** Local Public Safety Entity.
- f.** A completion assurance for all public improvements required by the approved improvement plan, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the applicant records the plat, as required by Section 118.3 of this title.
- g.** Binding Dedication Documents, including:
  - (1)** As applicable, formal, irrevocable offers for dedication to the public of streets, Town uses, utilities, parks, easements, or other spaces.



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**(2)** If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.

**(a)** When a conveyance or modification of a common area or common area and facility is approved, the person who presents the instrument of conveyance to a county recorder shall:

- 1.** Attach a notice of the approval as an exhibit to the document of conveyance; or
- 2.** Record a notice of the approval concurrently with the conveyance as a separate document.

**h.** Copies, including:

**(1)** One electronic copy of the final plat in AutoCAD format, with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to.

**(2)** A PDF document of the complete application (including the plat and all other plans and supporting documents required by this Section).

**(3)** Three 11" x 17" printed copies of the complete application, delivered to the Town office, for review;

**(4)** A copy of the plat drawn on Mylar for signing and recording. The applicant may wait to produce this recording-form copy until the Land Use Authority has completed two review cycles, but in such case, the Land Use Authority need not approve the application until this copy has been produced and reviewed.

**i.** Payment of any application-processing fees required by the Town. In addition to any fees listed on the Town's Fee Schedule, the applicant shall be liable for any reasonable costs the Town incurs in obtaining engineering and legal review of the application.

- 2.** The Planning Commission (or Town staff, as delegated) shall produce, maintain, and make available to the public a list of the specific items that comprise a complete subdivision applications and a breakdown of any fees due upon submission or approval of the applications.
- 3.** The Planning Commission may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the Town relating to an applicant's plans to ensure compliance with Town Ordinances and approved standards and specifications for construction of public improvements and to project the health and safety of Town residents.
- 4.** The Planning Commission may, in its sole discretion, waive any of the specific requirements found in this Subsection.



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### 117.3 Exceptions to Specific Application Requirements

1. Agricultural Land:
  - a. Applications to subdivide agricultural land are exempt from the plat requirements (but not the other application requirements) of Section 117 if the resulting parcels:
    - (1) Qualify as land in agricultural use under Utah Code §59-2-502;
    - (2) Meet the minimum size requirement of applicable Town land use ordinances; and
    - (3) Are not used and will not be used for any nonagricultural purpose.
  - b. For subdivision applications for which this exception applies, an applicant may submit to the Town—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.
  - c. If the Town approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the Town, with the County Recorder's Office. This shall be done in the same manner as is done for a plat under Sections 118.2 and 118.3.
  - d. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The Town may, in its discretion, impose the penalty in Section 116.4 and/or require a subdivision amendment before issuing a building permit.
2. Development Agreements
  - a. Subdivisions platted in a valid development agreement are exempt from the application requirements (117) and approval requirements (118) of this Ordinance.
  - b. Clauses in a valid development agreement with the Town superseded all conflicting requirements in this Title, except where a clause in the development agreement poses a substantial danger to the health and safety of Town residents.
3. Minor Subdivision
  - a. To be considered as a minor subdivision and exempt from platting requirements outlined in this title, the proposed subdivision shall meet the following requirements:
    - (1) The proposed subdivision shall contain three (3) lots or less;
    - (2) The proposed subdivision shall be located in a zoned area;
    - (3) The proposed subdivision shall not be part of an existing, previously platted subdivision;
    - (4) The proposed subdivision shall not be traversed by the mapped lines of a proposed street as shown in the Town's General Plan or Master Transportation Plan, unless the Town has approved the location and dedication of any public



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street, municipal utility easement, any other easement, or any other land for public purposes that the Town's ordinances require;

- (5) Each of the lots in the proposed minor subdivision meet all applicable land use and zoning requirements including meeting the required frontage, width, and area requirements, or the applicant can demonstrate that a variance has been granted from such requirements.

#### 4. Lot Split

- a. A lot split subdivision is the subdivision of a single parcel of real property into separate lots. Lot splits creating three (3) lots or less will be treated as a minor subdivision. Lot splits creating four (4) or more lots need to go through the standard application and approval process for all subdivisions.

### 117.4 Pre-application Meeting

1. A party intending to submit a subdivision application under this Part may request a pre-application meeting with Town staff for the purpose of reviewing any element of the party's proposed subdivision application. The proposed application need not be complete for purposes of this meeting and may—if the party desires—be limited to a concept plan.
  - a. If a party requests a pre-application meeting, the Town shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur within 20 business days after scheduling. Members of the Planning Commission will be notified of and invited to the pre-application meeting, but their attendance is not mandatory.
  - b. Town staff shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the Town website the following at the time of the meeting:
    - (1) Copies of applicable land use regulations,
    - (2) A complete list of standards required for the project, and
    - (3) Relevant application checklists.

### 117.5 Notice to Affected Entities

1. Within 15 calendar days after receiving a complete subdivision application under this Part, Town staff shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
  - a. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, Town staff shall review information:
    - (1) From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;



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- (2) From the state engineer's inventory of canals; or
      - (3) From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
  2. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a subdivision application under this Section sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.
    - a. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.

### 118.0 REVIEW AND APPROVAL

#### 118.1 Review

1. The Land Use Authority shall review all subdivision applications in accordance with the requirements of this Section before approving or denying those applications.
2. The review process begins when an applicant submits a complete application.
  - a. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
    - (1) A complete application includes the Plat, the Land Use Application, and an Improvement Plan
    - b. If the Land Use Authority determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.
3. After the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of "review cycles."
  - a. A review cycle consists of the following phases:
    - (1)Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
    - (2)Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances.
    - (3)Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary