



## TOWN OF PORTAGE - LAND USE ORDINANCES

- (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



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revisions to the applicant. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.

**(4)Phase #4:** The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the Town’s review comments, identifying and explaining the applicant’s revisions and reasons for declining to make revisions, if any. This written explanation must be comprehensive and specific, including citations to applicable standards and ordinances and an index of requested revisions or additions for each required correction. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

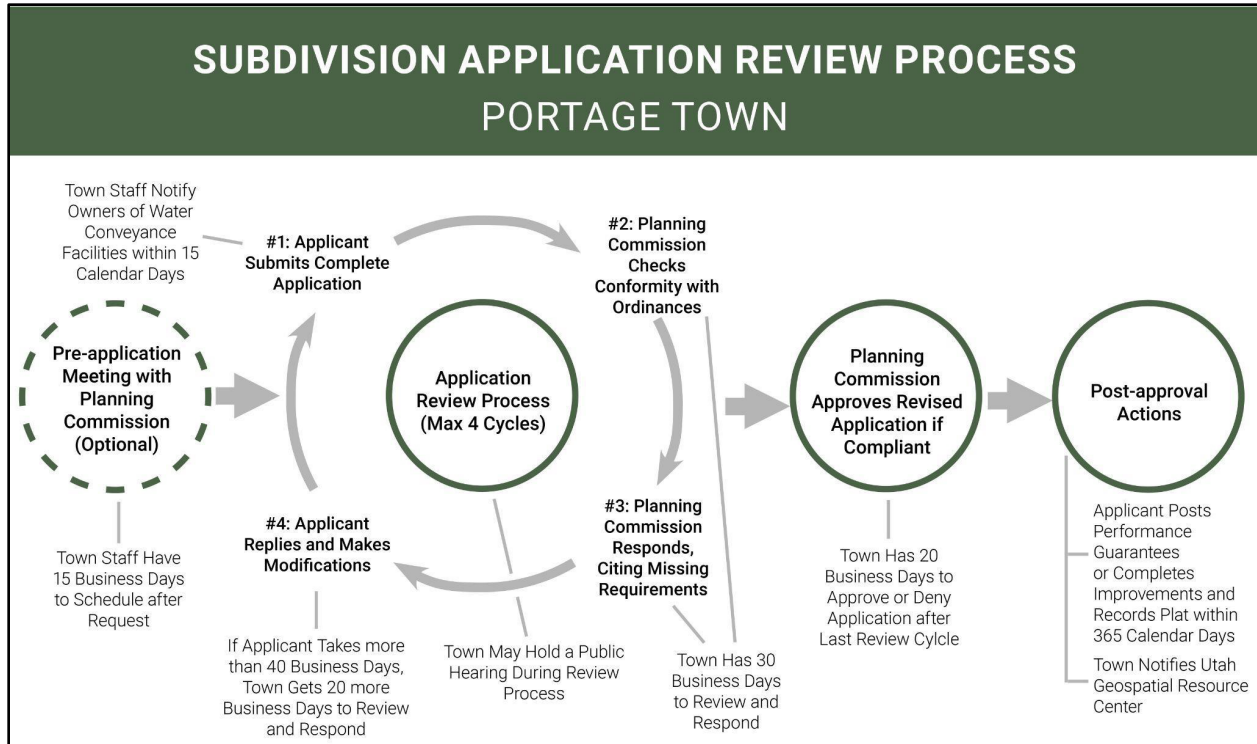
**Table A – Review Cycles, Hearings, and Timelines by Subdivision Use Type**

<i>Use Type</i>	<i>Max Review Phases</i>	<i>Max Public Hearings</i>	<i>Town Turnaround Deadline*</i>
All Uses	4	1	30 Business Days

*\*Describes the total time (per review cycle) the Town may take to complete both Phase #2 and Phase #3.*



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- 4.** A Land Use Authority (and other Town representatives or agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table A, except as described below. If no further revisions are needed, the Land Use Authority may end the review process early and approve or deny the application.
- a.** This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the Town is exempt from limits on the number of permitted review cycles and the Town’s deadlines for reviewing and responding (Phases #2 and #3).
  - b.** If the applicant makes a material change to the application not requested by the Town at any point in the review process, the Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
  - c.** If an applicant takes longer than 40 business days to submit a revised subdivision improvement plan responding to the Town’s requests for modifications and additions (in Phases #1 and #4), the Town shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
  - d.** If an applicant takes longer than 180 calendar days to submit a revised application and respond to the Town’s requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.



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5. After the fourth or final review cycle is complete, the Land Use Authority shall approve or deny the application within 20 business days.
  - a. If the Land Use Authority has not approved or denied the application within 20 business days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the Town shall, within 10 business days:
    - (1) For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the revised set of plans; or
    - (2) For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.
6. After the Land Use Authority provides comments in the fourth or final review cycle, the Town shall not require further modifications or corrections to the application unless those modifications or corrections are necessary to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.
  - a. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the municipality waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
  - b. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.
7. The Land Use Authority may conduct one or more public hearings (up to the number described in Table A) during the review period for a subdivision application.
  - a. The purpose of these public hearings is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.
  - b. If the Land Use Authority elects to hold a public hearing, the hearing must occur before the end of the Land Use Authority's review period in the fourth or final review cycle. Scheduling issues shall not extend the review and approval deadlines in this Section.
8. Other Sections of this Title notwithstanding, the Land Use Authority shall approve or deny a subdivision application under this Part after reviewing a complete subdivision application as described in this Section. This singular application and review process includes the combined elements of traditional "preliminary" and "final" applications, as those terms are used in Utah Code §10-9a-604.2. For purposes of applying Utah Code §10-91-604.1(3)(a) and §10-91-



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604.1(9)(b), this Chapter describes a “preliminary” review and approval, with “final” approval happening automatically when the plat is recorded.

### 118.2 Approval

1. The Land Use Authority shall approve any complete subdivision applications made under this Part that comply with applicable municipal ordinances.
2. A subdivision application is approved when the Land Use Authority certifies the approved plat, either by signing the plat directly or by attaching a signed certification to the plat.

### 118.3 Post-Approval Actions

1. The applicant shall record the approved subdivision plat with the County Recorder’s Office within 365 calendar days after the Land Use Authority approves the subdivision application, provided that the applicant has completed any improvements or posted any performance guarantee required by Town ordinances or described in the approved improvement plan. The applicant shall not record the approved subdivision plat until such improvements are completed or guaranteed in compliance with Town ordinances and the approved improvement plan.
  - a. An approved plat not properly recorded within the timeline specified in this provision is void, unless the Planning Commission approves an extension.
2. Town staff shall work with the County Recorder’s Office to submit to the Utah Geospatial Resource Center (so the subdivision can be included in the 911 database), within 30 calendar days after the application is approved, either:
  - a. An electronic copy of the approved plat; or
  - b. Preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.
  - c. If requested by the Utah Geospatial Resource Center the Town must:
    - i. Coordinate with the Utah Geospatial Resource Center to validate the information the municipality submitted about the final plat; and
    - ii. Assist the Utah Geospatial Resource Center in creating electronic files that contain the information described in the final plat for inclusion in the unified statewide 911 emergency service database.

## 119.0 AMENDMENTS AND LOT LINE ADJUSTMENTS

### 119.1 Amending A Subdivision

1. The Town Council may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that describes the subdivision or the portion being vacated and recording