



SECTION 300: PRELIMINARY SUBDIVISION APPLICATIONS

Section 301—Intent:

It is the intent of this Ordinance that a Preliminary Subdivision Application approval is a discretionary action of the Council, accompanied with findings of fact, following the receipt of a Planning Commission (hereinafter “Commission”) recommendation.

It is the intent of this Ordinance that all items applicable to a Preliminary Subdivision Application be fully addressed by the Applicant(s), the DRC, and all other applicable reviewing agencies prior to any action by the Commission or Council.

For the purposes of this Ordinance, the procedures and requirements for the consideration of Preliminary Subdivision Applications are provided to allow for the consideration of all items in relation to the subdivision of land. The Commission shall identify and address all items applicable to a Preliminary Subdivision Application prior to providing a recommendation to the Council.

The Council shall identify and address all items applicable to a Preliminary Subdivision Application prior to approving, approving with requirements, or denying the Preliminary Subdivision Application.

Section 302—Requirements for Preliminary Subdivision Applications:

All Preliminary Subdivision Applications, filed with the City, are required to provide the following application information.

1. **Application.**

A Preliminary Subdivision Application shall be completed and signed by the owner(s) as identified on the property assessment rolls of Sevier County, or authorized agent of the owner(s), of the lands proposed to be subdivided. The Preliminary Subdivision Application shall be accompanied by the Preliminary Subdivision Application fee, as established by a Resolution of the Council.

2. **Preliminary Subdivision Plat shall be Provided.**

A preliminary plat shall be prepared by a licensed land surveyor, as required by the Act. The preliminary subdivision plat shall be prepared in pen and all sheets shall be numbered. A minimum of fifteen (15) 11x17 size and two (2) 24x36 size paper copies shall be presented to the Zoning Administrator, as submission requirements of the Preliminary Subdivision Application.

The preliminary subdivision plat shall be provided and show the following:

- a. A layout plan of the proposed subdivision, at a scale of no more than 1" = 100', or as recommended by the Zoning Administrator and/or City Engineer.
- b. Located at the top and center of the preliminary plat, the proposed name or designation of the subdivision that is distinct from any plat already recorded in the Sevier County Recorder's Office.
- c. The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose.
- d. The lot or unit reference, block or building reference, street or site address, the 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.
- e. Every existing right-of-way and easement grant of record for underground utility facilities.
- f. A title block, placed on the lower right hand corner of the plat showing:
 - i. Name and address of owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
 - ii. Date of preparation of the preliminary subdivision plat, and all revision dates.
 - iii. Signature blocks for the dated signatures of the Commission Chair, Mayor, City Engineer, City Attorney, and required private or public utility/service providers.
- g. North arrow, graphic and written scale, and basis of bearings used.
- h. A vicinity map of the site at a minimum scale of 1" = 1000'.
 - i. Surveyed boundary of the proposed subdivision; accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. The location of the property with respect to surrounding property and roads, and the names of all adjoining property owners of record shall be shown.
- j. The legal description of the entire subdivision site boundary,
- k. The location of any common space or open space areas including the location of all property proposed to be set aside for public or private reservation, with the

designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation.

3. Required Subdivision Site Information.

The following subdivision site information is required and shall be provided at the same scale as the preliminary subdivision plat, or on separate sheets, if necessary:

- a. The identification of known natural features including, but not limited to, jurisdictional wetlands as identified by the U.S. Army Corps of Engineers, areas of slope exceeding 30% grade, flood channels as identified by a Federal or State Agency, all water bodies and drainage ways, and any other natural features as required by the Commission or Council for the entire subdivision site, including the total acres in each.
- b. Existing site contours, at intervals of no greater than two (2) feet, unless otherwise approved by the Commission, overlaid with the proposed subdivision layout.
- c. The location of any known man-made features on, or contiguous to the subdivision site, including existing platted lots, all utility easements, railroads, power lines and power poles, bridges, culverts, drainage channels, road rights-of-way and easements, field drains, and well or spring protection areas.
- d. The location and dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout.
- e. The layout of existing power lines including the source and connection to the existing power supply.
- f. All existing and proposed roadway locations and dimensions, with cross sections of all new roads, proposed to be dedicated to the City, showing the grades of all proposed streets and roads and all proposed cuts and fills exceeding three (3) feet. The proposed radius of all center line curves shall be shown.
- g. The location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells and springs, and the location of all secondary water locations, as required by the City's Public Works Department, as applicable, overlaid with the proposed subdivision layout plan.
- h. Proposed storm drainage system including proposed pipe sizes, inlets, detention areas, and drainage arrows.
- i. The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving fire hydrants.

- j. Each proposed lot shall identify required setback lines including front, side, and rear as required by the Zoning District in which the proposed subdivision is located.
- k. The location of all existing and proposed street lights identifying the location, type, and light output of all street lights.
- l. The location of all existing and proposed street trees and other landscape plantings identifying the location and type of all street trees, shrubs and other landscape materials and plantings.

4. Title Report.

A Title Report for the property proposed to be subdivided, provided by a Title Company within 30 days of the date of the Preliminary Subdivision Application.

5. Tax Clearance.

A tax clearance from the Sevier County Treasurer indicating that all taxes, interest, and penalties owing for the property have been paid.

6. Evidence of Availability of Necessary Services.

The following information is required to be presented in writing as part of the Preliminary Subdivision Application, necessary to establish the availability of basic services to the proposed subdivision.

- a. **Culinary Water Requirements.**

The City Public Works Department, designated as the Culinary Water Authority, shall evaluate the proposed culinary water system and provide a written recommendation to the Commission and Council. It shall be the responsibility of the Applicant(s) to provide information and materials as required by the City Public Works Department to evaluate the proposed culinary water system.

- b. **Sanitary Sewer Requirements.**

The City Public Works Department, designated as the Sanitary Sewer Authority, as applicable, shall evaluate the proposed sanitary sewer system and provide a written recommendation to the Commission and Council. It shall be the responsibility of the Applicant(s) to provide information and materials as required by the City Public Works Department to evaluate the proposed sanitary sewer system.

- c. **Subdivision Roads and Streets.**

The preliminary subdivision plat, and other application materials, shall identify the proposed road and street layout. Proposed subdivision streets shall make provision for the continuation of existing streets, as required by the Council. All subdivision streets shall be designed as required by the City. The City Engineer and Public Works Director shall review the proposed street and road design for compliance with the requirements of the City and provide a written recommendation to the Commission and Council. The proposed street and road layout shall provide adequate and safe

access to all proposed lots and proposed and existing roads and streets. If the subdivision will be accessed from a State Highway, an appropriate access permit approval, as required by the State of Utah Department of Transportation, shall be provided in writing with the application materials. If the subdivision will be accessed from a County Road, authorization from Sevier County to allow subdivision access from a County Road shall be provided in writing with the application materials.

d. Storm Drainage.

The Public Works Department shall evaluate the proposed storm drainage system and provide a written recommendation to the Commission and Council. It shall be the responsibility of the Applicant(s) to provide information and materials as required by the Public Works Department, necessary to evaluate the proposed storm drainage system.

e. Special Service District or Special Service Area.

If the proposed subdivision is located within the boundaries of a Special Service District or a Special Service Area, a written recommendation to the Commission and Council shall be provided with the Preliminary Subdivision Application materials, from the governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.

f. Additional Information and Materials when Necessary.

When the City Staff, Commission, or Council deem necessary, the Applicant(s) may be required to provide other information or letters of feasibility, conduct studies, and provide evidence indicating the suitability of the area for the proposed subdivision, including, but not limited to, adequacy of public safety and fire protection, ground water protection, plant cover maintenance, geologic or flood hazard, erosion control, wildlife habitat, and any other physical or environmental matters.

Section 303—Preliminary Subdivision Application—Engineering Review Fees:

The Applicant(s) for preliminary subdivision approval shall pay all costs that may be incurred by the City for the provision of engineering services, provided by a licensed engineer, and necessary to review the Preliminary Subdivision Application materials, for conformity to the requirements of this Ordinance, other applicable City Ordinances, other applicable Local, State, and Federal requirements, and accepted civil engineering practice.

Section 304—Zoning Administrator to Determine a Complete Application:

Prior to considering a Preliminary Subdivision Application, the Zoning Administrator shall determine and find that the Preliminary Subdivision Application is complete and contains all the Preliminary Subdivision Application materials as required by Section 302.

Section 305—Lack of Preliminary Subdivision Application Information-Determination of Incomplete Application:

The lack of any information required for a Preliminary Subdivision Application, as required by Section 302, shall be cause for the Zoning Administrator to find the Preliminary Subdivision Application incomplete.

A Zoning Administrator determination of an incomplete Preliminary Subdivision Application shall prohibit the Commission from considering any material, items or other information related to the proposed subdivision. The Zoning Administrator shall notify the Applicant(s), in writing, of the required information lacking from the Preliminary Subdivision Application. The Zoning Administrator shall thirty (30) calendar days, from the date of notification of an incomplete Preliminary Subdivision Application, for the Applicant(s) to provide the required information to the City. If the Preliminary Subdivision Application remains incomplete after thirty (30) calendar days from date of notification, as required herein, the Zoning Administrator shall return the entire incomplete application to the Applicant(s), accompanied by any Preliminary Subdivision Application fees paid.

Section 306—Appeal of a Decision by the Zoning Administrator:

Any person(s) aggrieved by a decision of the Zoning Administrator of a Determination of Application Completeness may appeal the Zoning Administrator's decision to the Commission.

Section 307—Preliminary Subdivision Application Review Procedures:

The Council is identified and authorized as the approval authority for Preliminary Subdivision Applications, following a recommendation by the Commission, assuring compliance with all applicable requirements of this Ordinance. The review procedures for the consideration of a Preliminary Subdivision Application are identified in Figure 3.

1. **Concept Plan Conference.**

Following the required Concept Plan Conference, the Applicant may complete the necessary information to submit a Preliminary Subdivision Application to the City.

2. **Determination of a Complete Application and DRC Review.**

A determination of a complete Preliminary Subdivision Application shall be made by the Zoning Administrator as identified in Figure 1 and Section 304 and 305. The Zoning Administrator shall schedule a meeting with the DRC to review the complete application. Following the DRC review, the Zoning Administrator shall provide the DRC comments to the Commission as the Commission considers the application.

3. Commission Public Hearing and Review.

The Commission shall conduct a public hearing for the Preliminary Subdivision Application. Notice shall be provided for the public hearing as required by Section 500, herein. Following the close of the public hearing, the Commission shall consider all information and input received. The review procedures for the consideration of a Preliminary Subdivision Application are identified in Figure 3. The City Department or Employee, or any State and County Agency, as applicable, any affected Special Service District, Special Service Area, may present information and materials to the Commission for review in considering the Preliminary Subdivision Application.

4. Commission Recommendation.

Following the consideration of the Preliminary Subdivision Application, and all information and materials presented, the Commission may recommend approval of the Preliminary Subdivision Application, as presented, recommend approval of the Preliminary Subdivision Application with requirements, or recommend denial of the Preliminary Subdivision Application to the Council, with findings of compliance or non-compliance with this Ordinance and all other applicable City, County, and State requirements.

The Commission may recommend onsite and offsite improvements, facilities and amenities, provided one hundred percent (100%) by the Applicant(s) for preliminary subdivision approval, and determined necessary by the Commission to protect the health, safety, and welfare of anticipated residents of the subdivision, or the existing residents or businesses of the City, including but not limited to:

- a. Road and street improvements, including layout, design, grading and surfacing.
- b. Flood control facilities.
- c. Culinary Water facilities.
- d. Sanitary Sewer facilities.
- e. Storm Drainage facilities.
- f. Lot and/or Site drainage.
- g. Park and open space areas and facilities.
- h. Fire protection facilities, including fire hydrants and water storage facilities.
- i. Electrical power and telephone facilities.
- j. Fencing and buffering treatments, and
- k. Street lighting and streetscape enhancements including street trees and park strip improvements.

5. Council Review.

Following the receipt of the Commission recommendation, the Council shall consider the Preliminary Subdivision Application at a regularly scheduled meeting.

The review procedures for the consideration of a Preliminary Subdivision Application are identified in Figure 3. The City Department or Employee, any affected State and County Agency, Special Service District, Special Service Area, or any other affected public agency

may present information and materials to the Commission for review in considering the Preliminary Subdivision Application.

6. Council Approval, Approval with Requirements, or Denial of the Preliminary Subdivision Application.

Following the consideration of the Preliminary Subdivision Application, and all information and materials presented, including the recommendation of the Commission, the Council may approve the Preliminary Subdivision Application, as presented, approve the Preliminary Subdivision Application with requirements, or deny the Preliminary Subdivision Application with findings of compliance or non-compliance with this Ordinance and all other applicable City, County, and State requirements.

The Council may recommend onsite and offsite improvements, facilities and amenities, provided one hundred percent (100%) by the Applicant(s) for Preliminary Subdivision Approval, and determined necessary by the Commission or the Council to protect the health, safety, and welfare of anticipated residents of the subdivision, or the existing residents or businesses of the City, including but not limited to:

- a. Road and street improvements, including layout, design, grading and surfacing.
- b. Flood control facilities.
- c. Culinary Water facilities.
- d. Sanitary Sewer facilities.
- e. Storm Drainage facilities.
- f. Lot and/or Site drainage.
- g. Park and open space areas and facilities.
- h. Fire protection facilities, including fire hydrants and water storage facilities.
- i. Electrical power and telephone facilities.
- j. Fencing and buffering treatments, and
- k. Street lighting and streetscape enhancements including street trees and park strip improvements.

Section 308—Effect of Council Preliminary Subdivision Application Approval and Effective Period:

For all proposed subdivisions, the approval of a Preliminary Subdivision Application by the Council shall not constitute final approval of the subdivision by the City, but permits the Applicant(s) to proceed with the preparation of the Final Subdivision Application and all required documents. For such subdivisions, a Preliminary Subdivision Application approval shall not authorize the division or development of land, but shall allow the presentation to the City of a Final Subdivision Application.

The approval of a Preliminary Subdivision Application shall be effective for a period of one (1) year from the date of approval by the Council, at the end of which time the Applicant(s) shall have submitted a Final Subdivision Application for approval. If a Final Subdivision Application is not received by the Zoning Administrator within the one (1) year period, the

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preliminary subdivision approval shall be void, and the Applicant(s) shall be required to submit a new Preliminary Subdivision Application, subject to the then existing application and approval requirements in effect, and all other applicable City, State and Federal requirements.

Section 309—Site Preparation Work Prohibited:

No excavation, grading or regrading shall take place on any subdivision site, and no building permits shall be issued by the City, until a final subdivision plat has been recorded in the Office of the Sevier County Recorder.

Section 310—Appeal of Preliminary Subdivision Application Decisions:

Any person(s) aggrieved by a decision of the Council for a Preliminary Subdivision Application may appeal the Council decision to District Court, as provided in the Act.



FIGURE 3

Preliminary Subdivision Application Review Procedures

