

Single-Family, Two-Family and Townhome Subdivisions:

This section through section _____ applies to subdivisions for single-family dwellings, two-family dwelling, or townhomes. This section does not apply to land use regulations adopted, approved, or agreed upon by the County Council exercising land use authority in the review of land use applications for zoning or other land use regulation approvals. This review cycle restrictions and requirements of this section do not apply to review of subdivision applications affecting property within identified sensitive areas as defined in Section _____ and otherwise described in _____ of County Code.

Definitions

Reference applicable sections of the title for definitions.

Designation of an Administrative Authority

- A. _____ County hereby designates (insert policy choice) to review and approve preliminary subdivision applications.
- B. _____ County hereby designates (insert policy choice) to review and approve final subdivision applications.

Pre-Application Process

- A. If an applicant requests a pre-application meeting, the county shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
- B. At a pre-application meeting, the staff shall provide or make publicly available the following: (1) copies of applicable land use regulations; (2) a complete list of standards required for the project; (3) preliminary and final application checklists; and (4) feedback on the concept plan.

Preliminary Application Process

- A. The application for preliminary subdivision applications and materials can be found on the _____ County website and at the _____ County Planning and Development office. The application shall include: (1) an owner's affidavit; (2) an electronic copy of all plans in PDF format; (3) the preliminary subdivision plat drawings; and, (4) a breakdown of fees due upon application.
- B. The administrative authority may complete a preliminary subdivision application review in a public meeting or at a county staff level. If the administrative authority holds a public meeting for a preliminary subdivision application under this section, the administrative authority may receive public comment and may hold no more than one public hearing.

- C. No later than fifteen (15) business days after the day on which an applicant submits a complete application, the county shall complete a review of the applicant's preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, including subdivision improvement plans.¹
- D. In reviewing the preliminary subdivision land use application, the County may require: (1) additional information relating to an applicant's plans to ensure compliance with county ordinances and approved standards and specifications for construction of public improvements; and (2) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information. The County's request for additional information or modifications to plans under this section shall be specific and include citations to all County ordinances, standards or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

Final Application Process

- A. The application for final subdivision applications and materials can be found on the _____ County website and at the _____ County Planning and Development office.
- B. No later than twenty (20) business days after the day on which an applicant submits a complete application, the county shall complete a review of the applicant's final subdivision land use application for a residential subdivision for single-family dwelling, two-family dwellings, or townhomes including all subdivision plan reviews.
- C. In reviewing the final subdivision land use application, the County may require: (1) additional information relating to an applicant's plans to ensure compliance with county ordinances and approved standards and specifications for construction of public improvements; and, (2) modifications to plans that do not meet current ordinances, applicable standards, or specifications, or do not contain complete information.
- D. The County's request for additional information or modifications to plans under Subsection (C) of this Section shall be specific and include citations to all County ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

Review Cycle Process for Preliminary and Final Applications

- A. A "Review Cycle" of a preliminary or a final application shall consist of the applicant's submission of a complete subdivision land use application, the county's review of that subdivision land use application, the county's response to that subdivision land use application in accordance with Section _____, and the applicant's reply to the county's response that addresses each of the county's required modifications or requests for additional information.

¹ This process is new. So it is advised that the county concurrently make sure engineering standards and specification documents are updated and codified to assist in the development of a checklist of submittals required for a complete application under this section.

- B. A Review Cycle shall be completed within twenty (20) business days after the day on which an applicant submits a complete subdivision land use application. If an applicant does not submit a revised plan within twenty (20) business days after the county requires a modification or requests additional information then the county shall have an additional twenty (20) business days to respond to the plans.
- C. There shall be no more than a total of four (4) Review Cycles for any applicant whether such Review Cycles occur in the Preliminary Application or Final Application Process.
- D. Subject to Subsection (D)(1), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the county's plan review is waived.
 - (1) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
- E. If an applicant makes a material change to a plan set, the County has the discretion to start the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantially effects.
- F. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the County's previous Review Cycle, the County may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
- G.
 - (1) In addition to revised plans, an applicant shall provide a written explanation in response to the County's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
 - (2) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
 - (3) If an applicant fails to address a review comment in the response, the Review Cycle is not complete and the subsequent Review Cycle by the County may not begin until all comments are addressed.

Appeals After Final Review Cycle

- A..
 - (1) If on the fourth or final review, the County fails to respond within twenty (20) business days, the County shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
 - (a) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code 17-27a-507(5)(d) to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the County, the panel shall consist of the following three experts: (i) on licensed engineer, designated by the County; (ii) one licensed engineer, designated by the land use applicant; and, (iii) one licensed engineer agreed upon and designated by the two designated engineers as appointed in subsections (i) and (ii) above.

(b) a member of the panel assembled by the County under Subsection (a) may not have an interest in the application that is the subject of the appeal.

(c) the land use applicant shall pay: (i) 50% of the cost of the panel; and (ii) the County's published appeal fee.

(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 a designated appeal authority.

Approval of the Final Subdivision Application

- A. Approval shall not require planning commission or county commission approval. If a final subdivision application complies with the requirements of this section and applicable county ordinances, the County shall approve the final subdivision application.²

² Statute provides the option to combine review and approval of the preliminary and final plat. If the County wants to combine these steps then that policy decision needs to be made and we can re-work the above suggested ordinances to accommodate that. We will need to make determinations about what needs to be in the application for a combined process.