

**Midway City Council
5 December 2023
Work Meeting**

Senate Bill 174

Memo



Date: December 5, 2023
To: Midway City Council
From: Planning Staff
Re: SB 174 (Land Use) and SB 295 (Dedicated Infrastructure Act)

1. SB 174 and HB 406 LOCAL LAND USE & DEVELOPMENT REVISIONS

Sponsors: Senator Lincoln Fillmore, Rep. Stephen Whyte

Effective date: May 3, 2023

The bill:

- ▶ amends the penalties for noncompliance with the requirements applicable to a political subdivision's moderate income housing report;
- ▶ defines the circumstances under which a garage may be included in the definition of an internal accessory dwelling unit;
- ▶ amends a political subdivision's authority with respect to restrictions and requirements for internal accessory dwelling units;
- ▶ **enacts a new process for subdivision review and approval;** and
- ▶ makes technical changes.

Attached is a summary of SB 174 prepared by the Utah League of Cities and Towns (focusing upon the new subdivision approval process), along with frequently asked questions.

Also attached is a Subdivision Ordinance Update Audit Checklist prepared by the Utah League of Cities and Towns and sample checklist.

Compliance date is December 31, 2024, for Midway and February 1, 2024, for Heber City and Wasatch County.

2. SB 295 DEDICATED INFRASTRUCTURE DISTRICT ACT

Chief Sponsor: Daniel McCay. No house sponsor listed.

The proposed bill amends 17B-1-102 as follows:

- ▶ enacts the Dedicated Infrastructure District Act;
 - ▶ defines terms;
 - ▶ establishes objectives and requirements for the creation of a dedicated infrastructure district to finance the costs of certain infrastructure and improvements;
 - ▶ provides for the membership of the board of trustees of a dedicated infrastructure district;
 - ▶ establishes requirements for the charter governing a dedicated infrastructure district;
 - ▶ requires a dedicated infrastructure district to engage certain professional support;
 - ▶ allows a dedicated infrastructure district to issue bonds and levy taxes with certain limitations;
 - ▶ allows an individual to contest a tax or fee imposed by a dedicated infrastructure district.
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- The bill as proposed allows for creation of dedicated infrastructure districts to finance the costs of infrastructure or to maintain infrastructure if not dedicated to a municipality.
 - Stated rationale is to increase availability of building lots to encourage economic development.
 - Requires:
 1. Petition of 100% of surface owners,
 2. Estimated costs of improvement must be greater than or equal to \$2,000,000,
 3. Infrastructure district includes:
 - (i) a minimum proposed development of 50,000 or more square feet of non-residential development;
 - (ii) a minimum proposed development of 100 equivalent residential units or more;
 - or
 - (iii) a minimum estimated appraised valuation of the proposed development upon completion of \$50,000,000 or more.
 - Created by state with certification of incorporation from Lt. Governor.
 - Once created, district may issue bonds or other debt instruments (payable from and secured by ad valorem property taxes levied on properties within the dedicated infrastructure district).
 - Can apply to facilities, lines, or systems that harness geothermal energy or private water, chilled water, steam, sewer, storm drainage, natural gas, electricity or telecommunications, streets, roads, curbs, gutters, sidewalks, walkways, tunnels, solid waste facilities, parking facilities, public transportation facilities, rail and transit improvements, and parks, trails, community centers, courts, fields, and other recreational facilities.

- A dedicated infrastructure district is a separate and distinct political subdivision, separate and distinct from the municipality and county within which it is located.

The proposed SB 295 is opposed by the Utah League of Cities and Towns and listed on their website as a “Hot” item.



SB174 Summary & Frequently asked Questions Fact Sheet on Subdivisions

June 2023

SB 174 Local Land Use and Development Revisions (Fillmore)

[SB 174](#) changes three areas of the Land Use, Development, and Management Act:

1. It creates a new process that all municipalities and counties must follow for subdividing residential lots.
2. It modifies the Internal Accessory Dwelling Unit (IADU) provisions enacted in HB 82 (2021).
3. Lastly, the bill creates a penalty for cities and counties who fail to comply with MIHP reporting requirements beginning with the 2024 reporting cycle. Note: HB 364 modified the MIHP reporting timeline.

The focus of this document is on the Subdivision piece. See ULCT.org for a complete bill summary.

Action Necessary: SB 174 requires local governments to update their subdivision ordinances. Deadlines vary based on municipal population. They are specified in the details section below. ULCT secured additional technical assistance resources from the state for ordinance updates. We expect the funding program to be created this summer. Some municipalities may need to update their Internal IADU ordinances as well. The IADU provisions take effect on May 3, 2023.

Detailed Summary Subdivisions

Two-step Administrative Subdivision Process

- SB 174 requires local governments to each designate an Administrative Land Use Authority (ALUA) to review subdivision applications. These authorities may not be members of a town/city council.
- SB 174 establishes a two-step process for approving subdivisions. You may also do a combined process for application review. **Municipalities who are required to comply with MIHP reporting** (all cities with populations > 10,000 and cities with populations >

5,000 located in a county of the 1st, 2nd, or 3rd class) must revise their subdivisions ordinances to comply with this process by **Feb. 1, 2024**.

- **All other municipalities** must revise their subdivision ordinances to comply with this process by **Dec. 31, 2024**.
 - Step 1) **preliminary subdivision application review** - the administrative land use authority (municipal staff or planning commissioners) must review the subdivision application within **15 business days** of receiving a **complete application**. The complete application should be the basis of the checklist that you must develop and post for both preliminary and final review application review. The administrative land use authority may receive public comment and conduct one public hearing. If the application complies with applicable local regulations, it shall be approved and proceed to the second step.
 - Step 2) **final subdivision application review** - municipalities must complete a review of applications at this stage within **20 business days**. Municipalities may **perform up to four review cycles** on a given application. A review cycle is not considered complete until the applicant has adequately addressed all of the redlines identified by the municipality. Municipalities may only add new redlines after the first review cycle in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law.
 - If the application falls into a codified geological hazard area in your community (e.g. adopted and designated areas in your code) those applications are exempt from the review cycle.
- SB 174 creates two distinct appeal processes after the four review cycles have been exhausted and 20 days have passed.
 - For disputes relating to public improvement or engineering standards, the municipality shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant.
 - For all other disputes, the municipality shall refer the question to the designated appeal authority at the applicant's request.
- The panel of experts includes:
 - One licensed engineer designated by the municipality.
 - One licensed engineer designated by the land use applicant.
 - One licensed engineer, agreed upon, and designated by the two designated engineers.

Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.

Frequently asked Questions & Answers by Todd Godfrey Esq. & League Staff

Question: Can local communities still retain an informal concept plan step?

Answer: If it is requested or agreed to by the applicant you can but you can't require it.

Question: A Planned Unit Development (PUD) is typically processed with a subdivision. As such, can a PUD still allow a concept plan?

Answer: A concept plan for the PUD portions of a land use approval, yes. It will be important now to distinguish and separate your processes. It is recommend the legislative process run its course first.

Question: If the City Council cannot approve a final plat what happens in small towns where the City Council is the only staff for reviewing applications?

Answer: We need to train and educate a Planning Commissioner to fill that role or you can subcontract to an engineer and include it in your fee resolution as part of the application fee.

Question: Should we assume that a "1-family dwelling" is a single-family detached dwelling, a "2-family dwelling" is a duplex, and a "townhouse" is an attached single-family dwelling (or zero-lot-line single-family dwelling)?

Answer: Yes. That is how Todd is advising his clients.

Question: How does a City Council accept a right of way street dedication if they don't approve the final plat?

Answer: There is no legal requirement for the City or Town Council to accept a right of way dedication in the law. A City's acceptance of dedicated streets is demonstrated on a recorded plat, bearing the approval of the City or Town by the Mayor.

Question: Is it four review cycles for both preliminary and final (total of 8) or four total?

Answer: Four total. We read that as in between the preliminary and the final plat.

Question: What happens after 4 cycles are complete? Does the city then issue a formal approval or denial?

Answer: The City should issue an approval or denial. If they do not timely decide, then the applicant can call for the appeal panel to be convened as called for in the new legislation.

Question: If the same subdivision includes several housing types, how does that change the review process? For example, a mixed-use project that includes single-family, townhouse, apartment, retail, commercial.

Answer: If an applicant insists on a subdivision that mixes uses in a single plat, then it is my opinion the provisions of section 10-9a-604.1 do not restrict the process for review.

Question: In our City there is a 3 step process preliminary, Design and engineering and then final plat. Design and engineering is reviewed by a development review committee meeting (utility providers ect.) Can we still have that middle phase?

Answer: I would recommend you not identify the design and engineering as a separate approval process, and merge that with your preliminary or final review phase.

Question: Can a small city hire a consultant or engineering firm to review and comment on the subdivision and bill the developer for the reviews.

Answer: If your fee schedule supports that and if the charges are reasonable, yes.

Question: Will the administrative land use authority be subject to OPMA requirements? Or can we just have them review the plat and sign if it is done?

Answer: The administrative land use authority is subject to OPMA requirements if it is more than one person.

Question: Is there a requirement for an application checklist?

Answer: Yes, section 604.2(3)(b). This helps you determine a complete application, and the review cycles can begin.

Question: Todd, Do you advise your clients to NOT hold a public hearing for subdivisions because they are administrative NOT legislative?

Answer: Yes, I have advised some clients that way.

Question: The legislation requires us to designate an “administrative land use authority” for preliminary plats and allows it to be staff or the Planning Commission (PC), but can it be both? Meaning, can we designate staff to be the administrative LAU with a caveat that staff can refer it to PC? Can we have it be staff for minor subdivisions (9 lots or less) and PC for major subdivisions? We would like to have the option of referring to PC if we feel that the subdivision may have a great deal of interest with the community or some other similar circumstance but for the most part, be able to have them handled with staff.

Answer: The administrative land use authority for subdivisions may be a group of people of which one could be a planning commission member. That said, you are now approving the application against your complete application checklist and whatever you may define as the review parameters for preliminary review. You need to spell out those referral standards in ordinance instead of having staff exercise discretion about when and what to refer. Since subdivisions should be approved or rejected based on the complete application checklist and standards, the potential public interest in the subdivision should not be considered. This is a purely administrative action and the statute reflects that. The small subdivision standard for staff and larger subdivisions at PC at the preliminary stage is fine.

Question: We currently have a pre-ap meeting that we highly recommend and then, what we refer to as the concept plan, is submitted with the application and goes through our Design Review Committee (DRC), which is mandatory, and then through this process we end up with the final plan which goes to the Planning Commission. Is it this DRC process that we can no longer mandate? It seems to me that if we get 4 opportunities for review, that this would be our DRC process. I have attached our subdivision approval and process checklist, which I hope will make my questions more coherent. I think I am getting caught up with terminology rather than the actions/process and that is what is confusing me.

Answer: You can continue to use a DRC review process, but you should clarify on your checklist that the city recommends a pre-application meeting to review requirements for subdivisions with city staff. We recommend the meeting even though the meeting is not mandatory. When the **complete** application comes in officially, you have 15 days to convene the DRC and complete the staff review and make recommendations to the Administrative Land Use Authority for review and decision.

Question: In regards to HB406 10-9a-604.5(3)(d)(iv) states, “landscaping improvements that are not public landscaping improvements, as defined in section 10-9a-103, unless the landscaping improvements and completion assurance are required under the terms of a development agreement”. There isn’t a definition of public landscaping improvements in 10-9a-103. We are trying, wherever possible to use the same verbiage as the code but there isn’t anything. I am assuming that we can use the language from 10-9a-604.5 which actually has a definition, correct?

Answer: You are correct about the missing definition so use 604.5. We highlighted that missing definition during the session but legislative research was comfortable with using 604.5. We will try to fix this in the next session.

Question: For those landscape bonds that we have previously required and collected, if the landscape improvements aren’t made, are we still able to enforce them? They are all vested, is that correct? Or do we have to release all the landscape bonds that we currently have and then incorporate them in to a development agreement?

Answer: We recommend stopping the enforcement of bonds and requirements that are for private landscaping only. I am advising my clients (and my advice was the same before the statutory revisions this year) that landscaping requirements on private property should be limited to development agreement situations. There are exceptions to this, but not many. When a city does require landscaping on private property in a development agreement, I also include a bonding provision in the agreement.



SB174 Compliance Subdivision Ordinance Update Audit Checklist April 2023

Do we have to update our Subdivision Ordinance?

Yes, State Law changes effective May 4, 2023 but, in a sense, not a lot. Subdivisions are administrative in nature (e.g. there is no discretion – if they meet your ordinances, they get approved). Most of the changes simply reinforced the administrative nature of subdivisions. See new LUDMA [Section 604.1](#). This new law only applies to subdivisions for 1 or 2 family dwellings and townhomes, but it could be useful to generalize this for all subdivisions. All these changes need to be accomplished by **February 1, 2024**, for cities over 5,000 in population and smaller communities will have until **December 1, 2024**. Here is a link to the [bill summary](#) and FAQ's.

Step One: Check your current ordinance to see what you may need to modify or update. Look for these items.

1. Review and Update your process. Designate an administrative land use authority.

Make sure you have designated in your subdivision ordinance an “administrative land use authority” for preliminary plats. This can be staff or planning commission or a subset of the Planning Commission. This is a local policy decision to make.

Some options to consider: a) preliminary plat can be reviewed by staff, b) the planning commission can review in a public meeting, or a public hearing. If you choose to hold a public hearing please consider what the hearing will add to this administrative fact based process.

Reminder: The Final plat **cannot** be reviewed by Council or Planning Commission (for small towns it could be a subset of the PC). Staff, if you have staff, could manage (and be designated in the ordinance) to be the administrative land use authority to take the process of final subdivision review through the recording process. Then the Mayor signs the final plat, which also dedicates any potential streets.

2. **Remove any mandates for a concept plan review.** In the new law concept plan review cannot be mandated. It can be optional, strongly encouraged and agreed to by the applicant. Since these are administrative approvals, they have no regulatory value. It can be incorporated into the preliminary plat as part of that process but call it something else. Again an applicant may request a pre-application meeting but it **cannot** be mandated.
3. **Define a Complete Application.** Make sure you have clearly defined what a “complete” application is with checklists for both planning and engineering. Here is one example from [Lehi, Utah](#).

Step Two. Review process timing issues.

Reminder: Under the new law, Preliminary and final plats review are the only “steps” allowed within the new subdivision process. Here are the steps to make sure your updated ordinance reflect.

1. **Initial review of preliminary plat.** To be completed within **15 business days** of receiving a **Complete Application**. As mentioned above it is important to assure you have everything required for review before it moves forward in the process.
2. **Review of final plat.** To be completed within **20 days** of receiving the complete application,
3. **Capped Review Cycle.** There is now a maximum of 4 review cycles permitted for final review only. So in between the Preliminary approval and final approval only four revisions are permitted.
4. **Agreed upon changes.** The Applicant must respond to required changes. If he/she disagrees with those issues, those must be committed in writing.
5. **Lot line adjustments.** Changes were made in HB406 and SB174. The lot line adjustment changes removed the requirement to record an amendment plat.

Step Three. Review engineering standards

1. **Codified Engineering standards.** As a reminder from prior law, every municipality needs to provide clear engineering standards and these need to be adopted by the City, Town or County with a public hearing at the Planning Commission and final adoption by the legislative body.

2. **Bonding for Private Landscaping.** In another companion bill HB406 [Section 10-9a-604.5](#) new provisions were added in regards to bonding. As of May 2023 Bonding for landscaping on private property is **not** allowed. Update your enforcement processes to include any fines, liens, and when you go to court for any unmet obligations. Update the bonding language. Under assurances can only be accomplished for public infrastructure .
3. **New road standards.** In HB406 [Section 10-9a-508. Exactions](#) new residential roadway standards were adopted. Municipalities that require road widths greater than 32' for residential roads (defined as residential use and 25 mph roads) should review those ordinances for compliance with these new standards. Wider can be allowed under certain conditions.

Step Three. Add the new appeal process

Reminder: SB 174 creates two distinct appeal processes after the four review cycles have been exhausted and 20 days have passed. You will need to add this appeal process to your subdivision ordinance.

1. For disputes relating to public improvement or engineering standards, the municipality shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant.
2. For all other disputes, the municipality shall refer the question to the designated appeal authority at the applicant's request.
 - The panel of experts includes:
 - One licensed engineer designated by the municipality.
 - One licensed engineer designated by the land use applicant.
 - One licensed engineer, agreed upon, and designated by the two designated engineers.

Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.



APPLICATION FOR PRELIMINARY SUBDIVISION PLAT APPROVAL
(Sections 11.070 – 11.110 Lehi City Development Code)

For Office Use Only

File #: _____ Application Date: _____ Receipt #: _____ Planner: _____

Fee: Residential - Single family detached lots \$250 + \$60 per lot; Multi-Family/Attached units - \$250 + \$50 per unit
Commercial - \$250 + \$75 per lot ***** Concept Fee Credit**

Name of Proposed Subdivision: _____ Total # of Lots: _____

Address of Proposed Subdivision: _____

Name of Applicant or Authorized Agent(s): _____
 Address: _____ City: _____ State: _____ Zip: _____
 Phone#: _____ Cell#: _____ Fax#: _____ Email: _____

Name of Owner(s) (if other than applicant): _____
(if more than one owner, attach additional information for each owner to this application)
 Address: _____ City: _____ State: _____ Zip: _____
 Phone#: _____ Cell#: _____ Fax#: _____ Email: _____

Owner's Signature of Authorization to file: _____
(if more than one owner, attach the signature of each owner to this application)

Name of Licensed Engineer: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Phone#: _____ Cell#: _____ Fax#: _____ Email: _____

APPLICATION SUBMITTAL PROCEDURES

- (1) _____ The applicant shall contact a member of the Planning Staff before submitting plans electronically.
- (2) _____ The applicant shall create an account and submit all required information electronically through the following link <https://www.lehi-ut.gov/government/public-meetings/planning/applications/> (Agency Code Leh02), including:
 - (a) _____ the completed application, all other required information including a narrative;
 - (b) _____ a preliminary or draft copy of any restrictive covenants (CC&Rs), Bylaws, environmental studies;
 - (c) _____ a copy of the drainage study with narrative (must be stamped and signed by a licensed engineer);
 - (d) _____ copy of the CBR test results and geotechnical report.
- (3) _____ **Staff will then review the submittal and send out an email with a link for the payment of fees.**
- (4) _____ The applicant shall provide stamped, addressed #10 business envelopes for all property owners within 300 feet, including a mailing list.
 The names and addresses for the most recently available Utah County tax assessment records can be found by using the following link <https://maps.utahcounty.gov/PropertyNotification/PropertyNotification.htm>. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate.
- (5) _____ Applicant has satisfied the water dedication requirements.

The deadline for submittal for the meeting of the Reviewing Departments is 5:00 pm on Tuesday for review the following week on Wednesday. All fees need to be paid by noon on Wednesday (a week before the meeting). ***It is the applicant's responsibility to call and confirm their scheduled DRC time.***

APPLICATION REQUIREMENTS

Please read the applicable sections of the Lehi City Development Code and Lehi City Design Standards and Public Improvements Specifications Manual in detail before submitting an application. A land surveyor licensed to practice in the State of Utah shall prepare the Preliminary Plat. All engineering and/or surveying documents submitted for City review shall be stamped by said engineer or land surveyor in accordance with the procedures of the Utah State Board for Professional Registration. If the plat contains more than one sheet, the sheets shall be numbered in sequence and clearly indicated on each sheet. The following information, at a minimum, shall be included with the application for Preliminary Subdivision Plat Approval (*additional information may be required by the Staff, Planning Commission or City Council*). The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of an incomplete application and disapproval of a Preliminary Plat.

Follow carefully the Checklist below and **initial each item** as being completed, or put N/A if waived by staff or not applicable to approval process:

Format and General Items

- (1) _____ All engineering and/or surveying documents stamped by engineer or land surveyor in accordance with the procedures of the Utah State Board for Professional Registration.
- (2) _____ A title block showing:
 - (a) _____ Name of the subdivision.
 - (b) _____ Type of development (residential, commercial, PUD, PRD, etc.).
 - (c) _____ Name and address of owner of record, developer and designer.
 - (d) _____ Name and address of engineer or land surveyor.
 - (e) _____ Date of preparation.
 - (f) _____ Tabulation of acres, lots, open space and units per acre.
- (3) _____ Graphic and written scale at no more than one (1) inch equals one hundred (100) feet or as recommended by City Engineer.
- (4) _____ North arrow.
- (5) _____ Township and Range, section lines, and other monuments.
- (6) _____ Vicinity map at a scale of one (1) inch equals one thousand (1,000) feet.
- (7) _____ Topographic contour intervals of no greater than two (2) feet, unless otherwise stipulated by City Engineer.
- (8) _____ Surveyed boundary of the subdivision.
- (9) _____ Location and names of adjacent properties/property owners and platted subdivisions.
- (10) _____ Location of zoning boundary lines within and adjacent to the proposed subdivision.
- (11) _____ Location, *height and type* of existing fence lines within and contiguous to the subdivision.
- (12) _____ Location, use, and dimensions of all existing buildings within the proposed subdivision. Indicate which buildings are to remain and which are to be removed.
- (13) _____ Location of all proposed lots including:
 - (a) _____ Lot dimensions.
 - (b) _____ Lot frontage.
 - (c) _____ Lot area (square feet).
 - (d) _____ Building setback lines (building envelopes).
- (14) _____ Lots consecutively numbered or lettered in alphabetical order.
- (15) _____ Location of existing features within and contiguous to the proposed subdivision including:
 - (a) _____ Existing public utility easements.
 - (b) _____ Existing utilities including power lines/poles (must identify ownership of lines as Lehi City or Rocky Mtn. Power), telephone, cable, gas, fiber optic, etc. Indicate whether they are to remain or be re-located. If they are to be relocated, show the proposed new location.
 - (c) _____ Irrigation ditches.
 - (d) _____ Drain pipes, drainage channels, and culverts.
 - (e) _____ Railroads.
 - (f) _____ Bridges.
 - (g) _____ Water bodies, springs or water sources within twenty-five hundred (2,500) feet.
 - (h) _____ Wells (show and label whether the well is to remain or be abandoned - if the well is to be abandoned, add a note on the plans stating "existing well to be abandoned and capped by a certified well driller and documentation provided to Lehi City").

- (i) _____ Equestrian, pedestrian and bicycle trails.
- (16) _____ Location and dimensions of any common space or open space areas including property to be set aside for parks, playgrounds, trails, or other public or private uses, with a designation of the purpose of those areas, and conditions, if any, of the dedication or reservation.
- (17) _____ Location and extent of all cuts and fills exceeding (3) three feet anywhere on the project site and any associated retaining walls.

Roads

- (18) _____ The location and width of all existing and proposed roads, rights-of-way, alleys, and other public ways (all main roads must comply with the Lehi City Master Transportation Plan).
- (19) _____ Cross sections of all existing and proposed roads (include road dimensions and location of utilities within the road.)
- (20) _____ Proposed names of all new roads.
- (21) _____ Location of all existing and proposed curb, gutter and sidewalk within the subdivision including:
- (a) _____ An indication of the grades.
- (b) _____ Flow arrows showing direction of storm water surface flows.
- (22) _____ Location of any necessary temporary turnaround easements for emergency access on dead end roads.
- (23) _____ Provide a circulation plan that includes information on cul-de-sac lengths, block lengths, and connectivity index (see section 37.070).
- (24) _____ Not more than 50 units off of a single point of access and provision for future access to adjacent vacant parcels.
- (25) _____ Street intersection offsets of not less than 150 feet.
- (26) _____ If adjacent to a state road specify UDOT access size and location (UDOT approval will be required at final plat).

Water/Sewer

- (27) _____ Location and size of existing and proposed culinary and pressure irrigation water lines (including existing lines adjacent to and/or affected by the proposed subdivision). Show main lines only. Do not show proposed valves, blowoffs, hydrants, pipe types or other related details. These items will be reviewed with the final plat.
- (28) _____ Location of existing and proposed sewer main lines including size, depth, and slope (show any sewer lines adjacent to or affected by the proposed subdivision).
- (29) _____ Letter(s) of intent for any necessary offsite water or sewer easements across privately owned land.

Drainage

- (30) _____ Drainage system calculations and an explanatory narrative stamped and signed by a licensed engineer.
- (a) _____ Use Lehi City rainfall curves in the drainage study and calculate 10- and 100-year floods (attach Lehi City rainfall curves to drainage calculations).
- (b) _____ For detention basins, submit calculations to justify sizing based on 100-year design storm.
- (31) _____ Existing and proposed storm drainage improvements including:
- (a) _____ Major drainage facilities, outfalls, and discharge.
- (b) _____ Drainage pipe locations, sizes and depths.
- (32) _____ Location of detention/retention basins with an indication that the basin(s) will include the following:
- (a) _____ Minimum 1-foot freeboard.
- (b) _____ 3:1 slopes or flatter.
- (c) _____ Grass covering and underground sprinkler system.
- (d) _____ Designation of the purpose and conditions, if any, of the dedication or reservation.
- (33) _____ A written statement from the appropriate agency accepting responsibility for all surface and subsurface drainage, which is directed into channels owned, by the agency (such as irrigation companies, private land owners, etc.).
- (34) _____ Letter(s) of intent for any necessary offsite drainage easements across privately owned land.
- (35) _____ Drainage Report section describing how Low Impact Development (LID) is being incorporated into the site and how storm water quality will be improved.

Irrigation Ditches

- (36) _____ A written statement from the appropriate agency (such as irrigation companies, private land owners, etc.) regarding the effect of the proposed subdivision on any irrigation channels or ditches and any piping or other mitigation required.
- (37) _____ The location, size and grade of any required piping for irrigation ditches as per the irrigation company letter.

Sensitive Lands

- (38) _____ Identification of natural features or sensitive lands including, but not limited to:
- (a) _____ Wetlands.
- (b) _____ Floodplains, floodways and areas that would be covered in water in a 100-year storm event.
- (c) _____ Areas where ground water rises periodically to within two (2) feet of the surface of the ground.
- (d) _____ Slopes exceeding thirty (30) percent.
- (e) _____ Vegetation areas (including name and size of all existing trees and shrubs which could be incorporated into the subdivision).
- (f) _____ Threatened or endangered species habitat areas.
- (39) _____ A letter from the Army Corp of Engineers regarding any wetland areas within boundaries of the proposed plat.

Buffering

- (40) _____ The proposed treatment of the perimeter of the development, including materials and techniques used (may be required to comply with Section 18-010 - Right to Farm), such as:

- (a) _____ Fences.
- (b) _____ Berms.
- (c) _____ Walls.

Required Notes

- (41) _____ Provide a note on the preliminary plat which states that the following items will be reviewed at the time of Final Plat review (because these items will be reviewed with the final plat, please do not show them on the Preliminary Plat):
- (a) _____ Plan & profiles/construction drawings of public improvements.
 - (b) _____ All pipe types, specific locations & details (bends, detector tape etc.).
 - (c) _____ Valves.
 - (d) _____ Blowoffs including size type & protection.
 - (e) _____ Manholes, boxes and related details.
 - (f) _____ Water & sewer service details.
 - (g) _____ Fire hydrants.
 - (h) _____ Lot line utility easements.
 - (i) _____ Street lights/street signs/traffic signs.
 - (j) _____ Power line extensions & dome/transformer locations.
 - (k) _____ Lot addresses
 - (l) _____ CBR values and road sub-base.
 - (m) _____ Subdivision monumentation and lot corner markers.

Other Required documents

- (42) _____ A surveyor's plat showing existing fence lines, existing deed lines, existing road rights-of-way and ROW widths, and proposed subdivision boundary lines shall be *included with each set* of the preliminary subdivision plans.
- (43) _____ If the subdivision is proposed as a PRD or PUD, the applicant must complete an application for PRD or PUD and provide detailed information regarding proposed features including building elevations, materials, and amenities.
- (44) _____ If the subdivision is in a Planned Community Zone, the applicant must include detailed information regarding proposed features including building elevations, materials, amenities, and any other provision of the Planned Community.
- (45) _____ If the proposed subdivision is adjacent to or in close proximity to an existing agricultural area or activity, an agricultural or irrigation right-of-way or easement, or an agricultural open space or agricultural preservation area, a Right to Farm Analysis must be submitted in accordance with Chapter 18 of the Lehi City Development Code.
- (46) _____ Landscaping plan for all park, open space, and common ownership areas including:
- (a) _____ Location, name and size of all proposed trees, shrubs, and plants.
 - (b) _____ Indication of proposed seed mix for grass areas (previously accepted seed mixes have included: 18% "Bluestar" Kentucky Bluegrass, 19% "Marquis" Kentucky Bluegrass, 17% "Newport" Kentucky Bluegrass, 17% "Touchdown" Kentucky Bluegrass, 16% "APM" Perennial Ryegrass, 13% "Accent" Perennial Ryegrass).
 - (c) _____ Indication of proposed irrigation facilities (underground sprinkler system).
 - (d) _____ Location of the clear view area at all street intersections (a triangular area formed by a line connecting the property lines at points 35 feet in each direction from the intersection) and an indication that no landscaping or other obstruction in excess of 3 feet above finished grade shall be allowed in the clear view area.
- (47) _____ A development phasing schedule (if applicable) including the sequence for each phase; approximate size in area of each phase; and, proposed phasing of construction of public improvements, recreation and common open space areas.
- (48) _____ Applicant and/or Applicant's engineer/surveyor has purchased the latest Lehi City Design Standards and Public Improvements Specifications Manual.
- (49) _____ Applicant and/or Applicant's engineer/surveyor has reviewed Lehi City's existing and master plan utility maps (available for review or purchase at the Planning Department Office).

EFFECTIVE PERIOD OF PRELIMINARY SUBDIVISION PLAT APPROVAL

A Preliminary Subdivision Plat shall not authorize the development of land. After a Preliminary Subdivision Plat has been approved by the City Council, the applicant may file an application for Final Subdivision Plat approval. The approval of a Preliminary Plat shall be effective for a period of two (2) years from the date the preliminary plat is approved by the City Council, at the end of which time the applicant must have submitted a final subdivision plat for approval for the entire preliminary plat or portion thereof. If a final subdivision plat is not submitted within the two year period, or as extended according to the provisions of Section 10.120, the preliminary approval shall be void.

APPLICANT(S) CERTIFICATION

I (we) certify under penalty of perjury that this application and all information submitted as a part of this application is true, complete and accurate to the best of my knowledge. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I (we) understand that Lehi City may rescind any approval or take any other legal or appropriate action. I (we) also acknowledge that I (we) have reviewed the applicable sections of the Lehi City Development Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. I (we) also agree to allow the Staff, Planning Commission, or City Council or appointed agent(s) of the City to enter the subject property to make any necessary inspections thereof.

Applicant's Signature _____ Title _____ Date _____

PLEASE NOTE: Attendance at Planning Commission and City Council meetings is required by the applicant or a representative. It is the applicant's responsibility to call for meeting dates and times.

PRELIMINARY SUBDIVISION PLAT APPROVAL PROCESS

