

Preliminary Plat Approval State Requirements

Utah State Code 10-9a-604.1

- A city or planning commission **cannot legally deny** a compliant preliminary plat for subjective reasons, neighborhood opposition, or policy preferences not found in adopted code.
- Any denial should be based on **specific ordinance violations or unmet standards**.
- The denial should include findings identifying the exact code sections or requirements not met.

Under current Utah land use law, subdivision review is intended to be largely **administrative/objective**, not discretionary.

Typical lawful reasons for denial include:

- Noncompliance with zoning standards (lot size, frontage, density, setbacks)
- Failure to meet subdivision ordinance requirements
- Incomplete infrastructure plans
- Utility, drainage, or access deficiencies required by ordinance
- Failure to provide required improvements or studies

A failed motion to approve is not always automatically a legally sufficient denial unless the body also makes findings or takes formal action consistent with local ordinance and Utah code. In Utah, land use decisions generally need:

1. A motion/action,
2. Findings tied to ordinance standards, and
3. A final written decision or recorded action.

This becomes important for appeals because courts and the Utah Office of the Property Rights Ombudsman often look for objective findings supporting the decision. Advisory opinions from the Ombudsman have repeatedly stated that compliant applications generally must be approved