

**ULCT Suggested Guidelines¹ to
comply with Senate Bill 174 (2023)
Subdivision Process for Single Family, Two Family and Townhome
Dwellings only**

See Utah League Legislative [summary](#) for SB 174 2023 legislation key highlights.

Statutory Compliance Dates:

- 1. February 1, 2024.** [See list of cities with this deadline here](#)
 - (i) a city of the first, second, third, or fourth class;
 - (ii) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class; or
 - (iii) a metro township with a population of 5,000 or more.

- 2. December 31, 2024**
 - (i) All others not specified above.

These guidelines are intended to meet UCA Title 10, Chapter 9a, [Part 6 Sections 604.1, 604.2](#) and [Part 5 Section 508 \(5\)\(d\)](#).

Section 1. Applicability.

Meets 10-9a-604.1 2(a)(b) and 10-9a-604.2 (2)

1. This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes².
2. This section does not apply to land use regulations adopted, approved, or agreed upon by the City³ Council exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.
3. The review cycle restrictions and requirements of this section do not apply to the review of single-family dwellings, two-family dwellings, or townhomes subdivision applications affecting property within identified geological hazard areas under the City Code.

¹ "The information provided on this website does not, and is not intended to, constitute legal advice. All information provided herein, including materials obtained through embedded links, are for general informational purposes only. All individuals or entities should not rely on or act upon information on this site without first seeking legal advice from counsel in the relevant jurisdiction. Use of and access to this information does not create an attorney-client relationship between ULCT, its board, officers, and employees and any other persons or entities. All liability or loss arising from or relating to actions taken or not taken based on the contents of this information are hereby disclaimed."

² Note: Policy choice here to decide at local level to broaden the scope and process to other types of subdivision applications.

³ Note: Please replace City with Town, Metro Township, or County as applicable throughout the document.

Section 2. Defined Terms⁴.

Meets 10-9a-604.1 1(a)(b) and 10-9a-604.2 (1)

1. "Administrative land use authority" means an individual, board, or commission, appointed or employed by municipality⁵, including the staff or the planning commission.
2. "Administrative land use authority" does not include the municipal⁶ City Council or a member of the City Council.
3. "Review cycle" means the occurrence of:
 - (i) the applicant's submittal of a complete subdivision land use application;
 - (ii) the City's review of that subdivision land use application;
 - (iii) the City's response to that subdivision land use application, in accordance with this section; and
 - (iv) the applicant's reply to the City's response that addresses each of the municipality's required modifications or requests for additional information.
4. "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.
5. "Subdivision ordinance review" means review by the City to verify that a subdivision land use application meets the criteria of the City's subdivision ordinances.
6. "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.⁷

Section 3. Designation of a Single Administrative Land Use Authority for Review and Approval of Preliminary and Final Subdivision Applications.

Meets 10-9a-604.1, 3(a)(b)

1. Preliminary Subdivision Applications.
 - a) (Add municipality name here) hereby designates (insert policy choice here) to review and approve preliminary subdivision applications.
2. Final Subdivision Applications.
 - b) (Add municipality name here) hereby designates (insert policy choice here) to review and approve final subdivision applications.

⁴ Note: We advise that you define a complete application and the notification process for that determination process in this section. We recommend 48 hours to determine a complete application in this section.

⁵ Note: Add your jurisdiction's name here

⁶ Note: Add your jurisdiction's name here

⁷ Note: Policy choice here on designation within the statutory limitation cited in Section 2. Defined Terms 1 and 2

Section 4. Process for a Pre-Application meeting prior to Application Submission.

Meets 10-9a-604.1, 4(a)(b)

1. If an applicant requests a pre-application meeting, the municipality⁸ shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
2. At the pre-application meeting, the staff shall provide or have available on the city website the following:
 - (i) copies of applicable land use regulations;
 - (ii) a complete list of standards required for the project;
 - (iii) preliminary and final application checklists; and
 - (iv) feedback on the concept plan.

Section 5. Establishment of Process and application for Preliminary Subdivision Application.

Meets 10-9a-604.1 4(a)(b), 6 and 7 and 10-9a-604.2. 3 (a)(b) and 5

1. Preliminary Subdivision Application.

The application for preliminary subdivision applications and materials can be found on the City's website and at the City Office. These materials include provisions for:

 - (ii) the owner's affidavit;
 - (iii) an electronic copy of all plans in PDF format;
 - (iv) the preliminary subdivision plat drawings; and
 - (v) a breakdown of fees due upon application.
2. Review Process and Timing
 - A. The administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a municipal staff level.⁹
 - B. The administrative land use authority may¹⁰:
 - (a) receive public comment; and
 - (b) hold no more than one public hearing.

⁸ Note: add your jurisdiction's name here.

⁹ Note: Policy choice here to decide the process for your community

¹⁰ Note: Policy choice here to decide how you want to process the input. Please select and insert your choice here so the process is clear and objective.

C. No later than 15 business days after the day on which an applicant submits a complete application, the municipality 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.¹¹

D. In reviewing the preliminary subdivision land use application, the City may require:

- A. (i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and
- (ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
- B. The City's request for additional information or modifications to plans under Subsection (D)(a)(i) or (ii) shall be specific and include citations to all City ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

Section 6. Establishment of Process and application for Final Subdivision Application.

Meets 10-9a-604.2. 4 (a)(b) and 5

1. Final Subdivision Application.

The application for final subdivision applications and materials can be found on the City's website and at the City Office.

2. Review Process and Timing

- A. No later than 20 business days after the day on which an applicant submits a complete application, the municipality shall complete a review of the applicant's final subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes including all subdivision plan reviews.¹²

¹¹ Note: This may be new to many communities so please be advised and concurrently make sure your engineering standards and specification documents are updated and codified to assist you in developing a checklist of submittals required for a complete application.

¹² Note: This means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

- B. In reviewing the final subdivision land use application, the City may require:
 - (i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and
 - (ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
- C. The City's request for additional information or modifications to plans under Subsection (2)(B)(i) or (ii) shall be specific and include citations to all City ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

Section 7. Specific Review Cycle Process for Review of Preliminary and Final applications.¹³

Meets 10-9a-604.2. 5(c)(d)

- A. Municipality¹⁴ requires the following review cycles with no more than four in total permitted:
 - A. (i) Detail your policy selection here.
 - B. (i) Subject to Subsection (B)(ii), 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 a municipality's plan review is waived.
 - (ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
- C. If an applicant makes a material change to a plan set, the City has the discretion to restart 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 substantively effects.
- D. If an applicant does not submit a revised plan within 20 business days after the municipality requires a modification or correction, the municipality shall have an additional 20 business days to respond to the plans.

¹³ Note: Policy decision required here. You may have no more than a total of 4 review cycles for both preliminary and final application review. Decide here how many in each review period. For example, 2 reviews at preliminary and 2 reviews at final or all 4 reviews after preliminary. The choice is yours but in this section, you must designate when those cycles occur.

¹⁴ Note: Insert your jurisdiction's name here.

E. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the municipality's previous review cycle, the municipality 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.

F. (i) In addition to revised plans, an applicant shall provide a written explanation in response to the City' review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(ii) 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.

(iii) 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 City may not begin until all comments are addressed.

G. 1. If, on the fourth or final review, the City fails to respond within 20 business days, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

(i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with [Subsection 10-9a-508\(5\)\(d\)](#) et seq. to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the municipality, the panel shall consist of the following three experts:

- a. one licensed engineer, designated by the City;
- b. one licensed engineer, designated by the land use applicant; and
- c. one licensed engineer, agreed upon and designated by the two designated engineers as appointed in subsection (i) a and b.

(ii) A member of the panel assembled by the City under Subsection (i) may not have an interest in the application that is the subject of the appeal.

(iii) The land use applicant shall pay:

- a. 50% of the cost of the panel; and
- b. the City's published appeal fee.; 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 a designated appeal authority.



Section 8. Concurrent Processing of the Final Subdivision application with the Preliminary Subdivision application.¹⁵

Meets 10-9a-604.1 (9)

The City shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and municipal ordinances, which provides for or permits concurrent processing of the final subdivision plat application with the preliminary subdivision plat application. Final subdivision review cycle restrictions will apply to concurrent processing applications.

1. Application (include items required in combined application)
2. Review Process:
 - may not require planning commission or city council approval; and
 - Must concur with Section 7 A-G

¹⁵ Note: The option to combine review and approval of a preliminary and final plat is allowed and is optional. If you choose to utilize this option then you must make policy decisions on the type it applies to, the application details and adhere to the review cycles. See highlighted areas in yellow that need to be completed based on your local policy choices.