

How to Plat,
How not to Plat that is the
Question...
& Development Standards

*Updated
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#CitiesWork



**For Transportation:
WASATCH FRONT REGIONAL COUNCIL 2023
LEGISLATIVE SESSION WRAP-UP @ [wfrc.org](https://www.wfrc.org)**

So Many Bills!

Local Land Use Planning & Administration

- 35 bills introduced, 19 passed
- 388 lines of code added to LUDMA (400 in County LUDMA)

For all Land Use Bills:



Hot takes:

SB 174 subdivision provisions apply only to subdivisions for 1- or 2-family dwellings & townhomes

No more City Council approvals for these subdivision applications.

Administrative!

&

Planning Commission out of final plat approval process

Need to Designate “administrative land use authority” for these actions

Capped Review Cycle. Maximum of 4 review cycles permitted for final review only. So in between the Preliminary approval and final approval only four revisions are permitted.

Define a Complete Application-triggers timeclock of review

Concept Plan cannot be mandated

New Appeal Process is created

You have until to make updates by Feb 1, 2024 or Dec 1, 2024 (based on size)



Subdivision Approval Process (SB174)

New LUDMA Section 604.1 – Process for subdivision review and approval

- Designate “administrative land use authority”
- Can be Planning or staff for preliminary review
- Applicant may request pre-application meeting. Can not be mandated. eg no mandate
- A Land Use Authority may complete preliminary plat review by staff, or in public meeting; may hold one public hearing
- Final application **cannot** be reviewed by Council or Planning Commission

Subdivision Review Process (SB174)

Maximum of 4 review cycles permitted for final review only. So, in between the Preliminary approval and final approval only four revisions are permitted. Check with your attorney for this provision.

- **Initial review** of preliminary plat to be completed within **15 business days** of receiving complete application for that stage.
- Review of final plat to be completed within **20 business days** of receiving complete application for final application.
- Applicant must respond to required changes he/she disagrees with in writing.

Appeal Process Changes

SB174 creates two distinct appeal processes after the four review cycles have been exhausted & 20 days have passed.

- ❖ For disputes relating to public improvement or engineering standards, the city shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant.
- ❖ For all other disputes refer to the regular Appeal Authority process



Action Item- When Do I need to do this by?

Municipalities who are required to comply with Moderate Income Housing Provision (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**.



Other Resources

FAQ Sheet

ULCT Land Use
Summary

Coming soon - July 2023 Statewide
Technical Support for ordinance
assistance under DWS grant fund
appropriated with the bill



www.ulct.org/land-use

Development Standards (HB406)

- “Residential roadway” limited to 32 ft. pavement width, with *exceptions*
- A municipality may still require or allow a residential roadway that is less than 32 feet
- HB 406 defines a “residential roadway”

Action Item:

- Municipalities that require residential road widths greater than 32’ for residential cross sections should review those ordinances for compliance.





HB 406 set a
new appeal
process for
this provision.
(Like SB174)

The applicant can appeal the municipality's requirement under the statutory criteria for residential roadway width in excess of 32' to a panel of technical experts. Those experts include:

- 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.

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.

Other Land Use Provisions

Development Agreements (HB406)

- HB 406 creates a new requirement for development agreements. If a development agreement restricts an applicant's rights under clearly established state law, the municipality must disclose the rights being waived in the agreement.
- **Reminder:** Don't forget last year's provisions re holding public hearing if land use regulations are modified in the Development Agreement.

Temporary Land Use Regulations/Pending Ordinance Provision (aka "Moratoriums") (HB406)

- HB 406 prohibits municipalities from "stacking" temporary land use regulations. Specifically, it restricts the application of a temporary land use regulation if the application was subject to a prior-temporary land use regulation.





Other Land Use Provisions

Public Landscaping Improvements (HB406)

Bonding for landscaping only for that on public property or to be dedicated, adjacent to trails, or to be maintained by HOA.

So how do you enforce now?

Fines?

- **Lot line adjustment changes (HB406, SB174)** "Subdivision amendment" does not include a lot line adjustment, between a single lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.