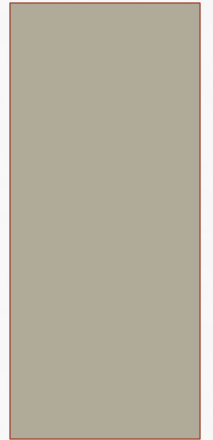


CODE TEXT CHANGES TO COMPLY WITH SB 174

2024



SB 174 (2023) EFFECTIVE 12/31/24

- Requires local governments like Midway to update their subdivision review processes for single-family dwellings, two-family dwellings, and townhomes.
- Under UCA 10-9a-604.1 (3)(b), Midway must “designate a single administrative land use authority” and the land use authority may not be the City Council or any member of City Council.

TWO-STEP ADMINISTRATIVE SUBDIVISION REVIEW PROCESS

Step 1: Preliminary Application Review

- The Administrative Land Use Authority (ALU) must review the subdivision application within **15 business days** of receiving a complete application.
- The ALU may receive public comment and conduct **one** public hearing.
- If the application complies with code, it shall be approved and proceed to the second step.

TWO-STEP ADMINISTRATIVE SUBDIVISION REVIEW PROCESS

Step 2: Final Application Review

- Midway must complete review of final applications within **20 business days**. May perform up to **four review cycles** on a given application. A review cycle is not considered complete until the applicant has addressed all redlines identified by Midway.
- Planning Commission may not be part of the final review process.

APPEALS

1. Appeals relating to public improvements or engineering standards go to a three-person panel which shall meet within 10 days of the City receiving the request for appeal.

- Panel consists of 3 experts: one licensed engineer designated by the City, one licensed engineer designated by the applicant, and one licensed engineer agreed upon by the two designated engineers.

APPEALS

- Applicant pays appeal fee and 50% of cost of experts and City pays remaining 50%.
- Panel's decision is final unless either party petitions for district court review within 30 days of the written panel decision.

2. All other appeals will proceed through the City's usual appeal process as designated in the City Code.

PRELIMINARY REVIEW OPTIONS

- Name the Planning Commission the land use authority for preliminary review. May have to increase meeting frequency to comply with the 15 day turnaround time for review of preliminary applications.
- Have Planning Commission continue to be a recommending authority for preliminary review and conduct any public meetings/hearings. Name City Staff (consisting of Planners, Engineer, and Building Inspector) as the land use authority for preliminary review.

FINAL REVIEW OPTIONS

1. Staff (City Planners, City Engineer, and Building Inspector/Fire Marshall), having received Planning Commission input on preliminary review, to serve as the designated land use authority for final review.
2. Add up to three members of the Planning Commission (to be taken from a rotating roll of Planning Commission members based upon availability and willingness to serve in such capacity), to work with City Staff as the designated land use authority for final review. Given that up to 4 review cycles may occur on final review, this may be a significant time commitment, reviews will likely take place during work hours rather than at night, and coordinated reviews among staff and planning commission members may not always be possible because of time and scheduling constraints.
3. Add members of the public for final review, as suggested by an attendee at the October Planning Commission meeting. May be logistical difficulties and time involved in coordinating disparate groups in the short timelines imposed by statute, and general public may lack training in land use review and/or not understand the limitations on review under the new law if the application meets code.

CITY COUNCIL AUTHORITY

- City Council will remain the final authority for commercial and mixed-use subdivisions.
- City Council will remain the final authority for legislative actions.
- City Council will remain the reviewing authority for appeals from staff decisions, except those relating to engineering standards as covered by SB 174.
- City Council will remain the review authority for extensions of development agreements.

PROPOSED CODE TEXT ADDITIONS

1. 16.16.340 Appeals in Disputes involving public improvements/engineering standards (in PUD and Standard Subdivisions);
2. 16.17.220 Appeals in Disputes involving public improvements/engineering standards (in Small Subdivisions);
3. 16.18.330 Appeals in Disputes involving public improvements/engineering standards (in Rural Preservation Subdivisions);
4. 16.30.380 Appeals in Disputes involving public improvements/engineering standards (in Density Reduction Subdivisions).

PROPOSED CODE TEXT ADDITIONS

Each of these new appeal provisions will contain the following language:

- “The appeal process and procedures for disputes regarding public improvements/engineering standards will be in accordance with Utah State Law.”

PROPOSED CODE TEXT AMENDMENTS

- The Code will be amended to replace “City Council” as the land use authority in reviews of subdivision applications for single-family & two-family dwellings and townhomes, to be replaced by the entities the City Council decides to name as the land use authority for preliminary and final reviews of these subdivisions.

PROPOSED FINDINGS

- The proposed code text amendments comply with the State mandates codified under SB 174 (2023)

PLANNING COMMISSION RECOMMENDATION

Motion 10/8/24:

I make a motion that we recommend approval a Code Text Amendment that will amend Sections of Title 16 of the Land Use Code. The amendments will change the approval process and requirements for land use applications that include single-family dwellings, two-family dwellings, and townhomes. The proposed changes are required because of amendments that have been adopted in the Utah State Code from Senate Bill 174 that was approved in 2023. Planning Commission is appointed to the Municipal Land Use Authority for Preliminary. That city council may also appoint the planning commission members (less than a quorum), staff and/or members of the public become the Land Use Authority for final approval. (unanimously approved)