



2267 N 1500 W  
Clinton UT 84015

**Planning Commission Members**

*Jolene Cressall*

*J. Stark*

*Dan Evans*

*Mark Gregersen*

*Dave Jones*

*Chad Hansen*

<b>Date of Meeting</b>	<b>March 7, 2024</b>	<b>Call to Order</b>	<b>6:08 pm.</b>
<b>Staff Present</b>	Community Development Director Peter Matson and Lisa Titensor recorded the minutes.		
<b>Attendees</b>	Marie Dougherty		
<b>Prayer or Thought</b>	Commissioner Evans		
<b>Pledge</b>	There was not a flag present		
<b>Roll Call/Attendance</b>	Present were: Jolene Cressall, Dan Evans, Mark Gregersen was excused at 7:00 pm, Dave Jones, J. Stark, Chad Hansen		
<b>Declaration of Conflicts</b>	There were none.		
<b>1. DISCUSSION ITEM ONLY: REVIEW OF POSSIBLE AMENDMENTS TO THE SUBDIVISION ORDINANCE (TITLE 26) IN ACCORDANCE WITH UTAH STATE LAW REGARDING THE SUBDIVISION REVIEW AND APPROVAL PROCESS.</b>			
<b>Petitioner</b>	Peter Matson, Community Development		
<b>Discussion</b>	<p>SB 174 and HB 406 from the 2023 General Legislative Session require all local governments to, among other things, modify their subdivision ordinances to comply with the process described in the statute. More specifically, the proposed changes are intended to meet the requirements of Utah Code Annotated Title 10, Chapter 9a, Part 6 Section 508 and Section 604.</p> <p><b>PROPOSED CHANGES FOR CONSIDERATION:</b></p> <ul style="list-style-type: none"> <li>▪ Local governments must designate an administrative land use authority (<i>may be planning commission for preliminary review, cannot be planning commission for final review</i>).</li> <li>▪ All subdivision approval must conform to a two-step administrative process as outlined below. <ul style="list-style-type: none"> <li>• <b>Preliminary subdivision application review</b> <ul style="list-style-type: none"> <li>○ The administrative land use authority (<i>municipal staff or planning commissioners</i>) must review the subdivision application within 15 business days of receiving a complete application.</li> <li>○ The administrative land use authority may receive public comment and conduct one public hearing.</li> <li>○ If the application complies with applicable local regulations, it shall be approved and proceed to the second step.</li> </ul> </li> <li>• <b>Final subdivision application review</b> <ul style="list-style-type: none"> <li>○ Local governments must complete a review of applications at this stage within 20 days.</li> <li>○ Local governments may perform up to four review cycles on a given</li> </ul> </li> </ul> </li> </ul>		

	<p>application.</p> <ul style="list-style-type: none"> <li>○ A review cycle is not considered complete until the applicant has adequately addressed all redlines identified by the municipality.</li> <li>○ Local governments 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.</li> <li>○ If the subdivision application complies with the requirements of the Utah Land Use Development and Management Act (LUDMA), applicable local ordinances, and the preliminary subdivision approval granted, the local government shall approve the application.</li> </ul> <ul style="list-style-type: none"> <li>● Staff is working on the specific text modifications to the Subdivision ordinance, which will be the subject of an upcoming public hearing where the Commission will be tasked with preparing a recommendation to the City Council. The Subdivision Ordinance Update Audit Checklist is provided in the staff report as background information.</li> </ul> <p>The Planning Commission discussed the subdivision ordinance and potential amendments.</p>
<p><b>PLANNING COMMISSION TRAINING: A PRIMER ON PUBLIC MEETINGS FOR PLANNING COMMISSIONERS (VIDEO)</b></p>	
<p><b>Petitioner</b></p>	<p>Peter Matson, Community Development</p>
<p><b>Discussion</b></p>	<p>Mr. Matson provided a training video from a recent multi-city planning commissioner training session held in Utah County. The presenter is Wilf Sommerkorn. Wilf has 40+ years of experience with planning commissions from a variety of cities and counties across the Wasatch Front. This part of the session covers basic aspects of a planning commission meeting with specifics regarding the role of the commission and important guidelines and laws we need to follow.</p>
<p><i>Commissioner Stark moved to approve the minutes of January 16, 2024 Planning Commission Meeting. Commissioner Evans seconded the motion. Voting is as follows: Commissioners Cressall, Hansen, Jones, Evans and Stark voted in favor.</i></p>	
<p><b>OTHER ISSUES</b></p>	<ul style="list-style-type: none"> <li>● There were none.</li> </ul>
<p><b>DIRECTORS REPORT</b></p>	<ul style="list-style-type: none"> <li>● CD Director Matson gave an update on Ordinance 24-01Z and Resolution 20-23.</li> </ul>
<p><b>ADJOURNMENT</b></p>	<p><i>Commissioner Evans moved to adjourn. Commissioner Hansen seconded the motion. Commissioners Cressall, Evans, Olson and Stark voted in favor. The meeting adjourned at 9:00 pm.</i></p>

*Reviewed and Approved by the Clinton City Planning Commission on this 2<sup>nd</sup> day of April, 2024  
/s/Lisa Titensor, Clinton City Recorder*



## SB174 Compliance Subdivision Ordinance Update Audit Checklist

### ***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.

**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.

### **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.