

Alta Planning Commission

Staff Report



To: Alta Planning Commission
From: Chris Cawley, Town Manager
Re: Town of Alta Subdivision Ordinance Update
Attachments:

Overview

This material was copied and pasted from a page on the Utah League of Cities and Towns website, which can be found here: <https://www.ulct.org/advocacy/subdivision-resources>

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. There are two different deadlines, depending on the size of municipality or county:

- February 1, 2024: all moderate income housing plan municipalities and counties ([see list here](#))
 - All municipalities with populations greater than 10,000
 - Municipalities with a population greater than 5,000 in a county with a total population greater than 40,000
 - Metro townships with populations greater than 5,000
 - Counties with populations greater than 40,000 with populations greater than 5,000 in unincorporated areas.
- December 31, 2024: all other municipalities and counties – **including Alta**

New Process Requirements

- Local governments must designate an administrative land use authority (may be planning commission for preliminary review, cannot be planning commission for final review).
- All subdivision approval must conform to a two-step administrative process.
 - **Preliminary subdivision application review**
 - The administrative land use authority (municipal staff or planning commissioners) must review the subdivision application within 15 business days of receiving a complete application.
 - The administrative land use authority may receive public comment and conduct one public hearing.
 - If the application complies with applicable local regulations, it shall be approved and proceed to the second step.
 - **Final subdivision application review**

- Local governments must complete a review of applications at this stage within 20 days.
- Local governments may perform up to four review cycles on a given application.
- A review cycle is not considered complete until the applicant has adequately addressed all of the redlines identified by the municipality.
- 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.
- If the subdivision application complies with the requirements of the Land Use Development and Management Act, applicable local ordinances, and the preliminary subdivision approval granted, the local government shall approve the application.

State Funding For Municipalities to Complete Ordinance Review and Update

Also in the 2023 session, the Utah Legislature appropriated \$4 million in one-time funds for use by local governments to hire consultants to review existing subdivision ordinances and propose updates to bring ordinances into compliance with the provisions of SB 174. Municipalities can use the funds to select from a pool of consultants. Municipalities then contract with a preferred consultant, but the State pays the consultant directly, so there is no budget or administrative impact on the municipality. The Town of Alta will be working with Todd Godfrey of HGB Law on our ordinance update and Mr. Godfrey will join the planning commission on March 27th to introduce the process.

Existing Town of Alta Subdivision Ordinance

The Town of Alta Subdivision Ordinance can be found in [Chapter 10, Title 11 of the Town of Alta Code](#). Upon initial review, it does appear that the ordinance will need to be updated to establish preliminary and final application review, and to specify that staff will review final applications. Obviously, there are very few opportunities to subdivide land in Alta, as most parcels large enough to be subdivided are developed, but the Town must comply with the provisions of SB 174 nonetheless.

Staff will be prepared to discuss the existing ordinance in more detail during the March 27th planning commission meeting.