

Alta Town Council Staff

Report



To: Town Council

From: Chris Cawley, Town Manager

Re: Proposed Amendments to Town of Alta Code Section 10-11 Subdivisions

Date: September 4th 2024

Attachments: Draft Amended Subdivision Ordinance

Background

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 for subdivision application, review, and approval. As a municipality with fewer than 5000 residents, Alta has until December 31, 2024 to bring our subdivision ordinance into compliance with this legislation. Key details of the municipal process required by this legislation include:

- Municipalities must use a 2-step process for application review including preliminary and final review and approval
- Either planning commissions or staff can approve preliminary applications, but only staff can approve final applications; legislative bodies may not review or approve subdivision applications

The 2023 legislation also authorized state funding for municipalities to hire consultants to draft subdivision ordinance amendments. The funding was administered by the State of Utah, and the State held contracts with consultants on behalf of municipalities, which meant that cities and towns did not disburse or receive any funding. The Town of Alta hired Todd Godfrey, attorney with Hayes Godfrey Bell, from a list of consultants authorized to receive these contracts and Mr. Godfrey has been working with staff and the planning commission on updates to our subdivision ordinance.

Alta Planning Commission Process to Develop Amended Subdivision Ordinance

The planning commission discussed amendments to the Town of Alta Subdivision Ordinance over the course of three separate meetings in 2024. At their August 28th meeting, the commission held a public hearing and voted to recommend the amended ordinance included in the September 11th, 2024 Alta Town Council meeting packet. The commission settled on recommending the following substantive changes:

- The commission felt that given the unique environmental and regulatory components of development in Alta, and that it is unlikely there will be numerous applications to subdivide land in Alta in the future, it is appropriate for there to be some component of public process in the event the Town does receive a subdivision application. To address these concerns, the Alta Planning Commission is proposed to be the preliminary subdivision

- application review authority, and it will conduct one public hearing prior to approving preliminary subdivision applications that meet applicable local and state requirements.
- The commission recommends requiring a preliminary title report as part of a preliminary subdivision application and an updated preliminary title report as part of a final subdivision application.
 - Consistent with state law, the Town Manager (staff) has authority to review final subdivision applications.

The commission included in its motion a recommendation for the Town to update Alta Code section 10-5 APPEAL AUTHORITY to specify an administrative appeal authority for subdivision approvals, based on advice from Mr. Godfrey. Currently, section 10-5 establishes the town council as the appeal authority for all Town of Alta land use decisions with no specific provision for subdivision approvals. State law does not expressly require municipalities to designate administrative appeal authorities for subdivisions. However, since the legislature does expressly require municipalities to designate an administrative land use authority for subdivision applications and defines administrative land use authority to exclude a municipal legislative body (Utah Code Annotated 10-9a-603.1 (1)), the law can be construed to mean that city or town councils cannot hear subdivision approval appeals. In the present day, it is most common for Utah municipalities to designate a law-trained individual such as an administrative law judge or lawyer to serve as a land use appeal authority including for subdivision approvals. The commission may consider such an update as a stand-alone ordinance project or as part of a larger package of Town of Alta code updates in the future.

September 11, 2024 Town Council Meeting

The agenda for the September 11th Town Council Meeting includes a presentation on the draft amended subdivision ordinance developed and recommended to the council by the Alta Planning Commission. Todd Godfrey will join the meeting to help introduce the draft ordinance and the background to the project. Because members of the council may be absent from the September meeting, we are not asking the council to consider approving the amended ordinance in the meeting, and hopefully any issues that arise in the council's discussion can be addressed in time to approve the ordinance before the end of 2024.