

SB 174 – Local Land Use and Development Revisions

- Amends provisions to define the circumstances under which a garage may be included in the definition of an internal accessory dwelling unit.

(“Primary dwelling” includes a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall.)

- Amends the penalties for noncompliance with requirements applicable to county/city/town moderate income housing report.
- Amends the county/city/town’s authority with respect to restrictions and requirements for internal accessory dwelling units.
- Enacts a new process for county/city/town subdivision review and approval on land use decisions arising from subdivision applications for single-family, two-family, or townhomes. Not applicable to zoning or other land use regulation approvals. Defines administrative land use authority (ALUA) as “does not include a municipal legislative body or a member of the municipal legislative body” so city council and mayor excluded.

Requires City to adopt a municipal ordinance governing the subdivision of land that complies with this section, establishes a standard form of application for preliminary subdivision and final subdivision applications and designates a single land use authority for the review of preliminary applications to subdivide land. Requires city to designate a single administrative land use authority for the review of preliminary applications to subdivide land.

If an applicant requests a pre-application meeting, requires City to schedule such within 15 days. At the pre-application meeting the City must provide or make available on city’s website the following: (i) copies of applicable land use regulations; (ii) complete list of standards required for the project; (iii) preliminary and final application checklists; and (iv) feedback on concept plan.

Administrative Land Use Authority (ALUA) may complete a preliminary subdivision application review in a public meeting or at a municipal staff level. ALUA may receive public comment and hold no more than one

public hearing. ALUA must approve if the application complies with the applicable city ordinances and standards.

City staff may review and approve/deny a final plat. City may not require city council or planning commission approval of a final plat. City staff must approve a final subdivision application if it complies with the applicable city ordinances and standards.

Implements a “review cycle” of applicant submittals for subdivision land use. Not applicable to property that is identified within a geological hazard area. For completed applications for residential single-family, two-family, or townhome projects, City has not less than 15 business days to complete the initial review of the application.

City must maintain and publish a list of the items comprising the preliminary application requirements. City must publish a list of all the items comprising the final subdivision application requirements. City has not less than 20 business days after submission of a plat to complete a review of the final subdivision land use application. In reviewing land use applications, City may require additional information relating to an applicant’s plans to ensure compliance and modifications to plans that do not meet compliance standards. Such requirements must be specific and include citations to ordinances, standards, or specifications and shall be logged in an index of requested modifications or additions. City may not require more than four review cycles. If on the fourth or final review the city fails to respond within 20 days, the property owner may request an appeal panel for a dispute arising from the review.

New rules do not apply until February 1, 2024.

