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City Council Agenda Information

To: Mayor Miller and City Council

From: Tony Ekins, City Planner

Date: May 12, 2026

Subject: Administrative Land Use Authority

Summary:

The Administrative Land Use Authority “ALUA” is a Board appointed or employed by Hyrum City to issue final plat approval for a land use application. The purpose and scope of the ALUA is to review the final plat subdivision application to ensure that such applications and plats meets all the requirements and conditions set forth in Title 16 the Subdivision Ordinance. The “ALUA” is composed of three members, all of whom shall be appointed by the Mayor with the advice and consent of the City Council. There are no terms or term limits for ALUA members.

At this time Hyrum City does not meet compliance with the requirements of 2.85 Administrative Land Use Authority to include three members. To fulfill the requirements of the ALUA, Hyrum City needs to appoint a third member. It is the recommendation of staff to fulfill this requirement during the May 21, 2026 City Council meeting. The recommendation candidate can be any person and/or firm to serve on the ALUA board. Staff recommends the Council appoint a member with knowledge of subdivision plats, construction drawings and public improvements; and an understanding of the requirements of Title 13 Public Services, Title 16 Subdivisions, Title 17 Zoning of the Hyrum City Municipal Code; and Utah Code 10-20-805 Process for subdivision review and approval of the Utah Code; and Utah Code 10-20-806 Review of subdivision applications and subdivision improvement plans of the Utah Code.

The current ALUA members include one (1) Professional Engineer and (1) Legal Counsel. At this time, Hyrum City is managing three (3) ALUA applications for single-family subdivisions. One application is in the final review cycle, one application is in the third review cycle, and the remaining application will be engaging into the first review cycle.

City Council Meeting:

- Meeting Date: May 21, 2026
- Council Role: Appointment

Attachments:

1. Hyrum City Code 2.85 Administrative Land Use Authority
2. Utah Code 10-20-805 Process for subdivision review and approval
3. Utah Code 10-20-806 Review of subdivision applications and subdivision improvement plans

2.85 Administrative Land Use Authority

2.85.010 Creation

2.85.020 Purpose And Scope

2.85.030 Administrative Land Use Authority - Created - Appointments

2.85.040 Administrative Land Use Authority - Members - Terms

HISTORY

Approved by Ord. [24-04](#) on 3/21/2024

2.85.010 Creation

The Administrative Land Use Authority “ALUA” is a Board appointed or employed by Hyrum City to issue final plat approval for a land use application. The land use authority may differ based on the application type.

HISTORY

Approved by Ord. [24-04](#) on 3/21/2024

2.85.020 Purpose And Scope

The purpose and scope of the ALUA is to review the final plat subdivision application to ensure that such applications and plats meets all the requirements and conditions set forth in Title 16 the Subdivision Ordinance.

HISTORY

Approved by Ord. [24-04](#) on 3/21/2024

2.85.030 Administrative Land Use Authority - Created - Appointments

There is hereby created and established a body to be designated as the Administrative Land Use Authority, hereinafter referred to as “ALUA”, which shall be composed of three members, all of whom shall be appointed by the Mayor with the advice and consent of the City Council.

HISTORY

Approved by Ord. [24-04](#) on 3/21/2024

2.85.040 Administrative Land Use Authority - Members - Terms

Persons and/or firms appointed to the ALUA will serve on the Board until appointee asks to be released from such Board and/or Mayor and City Council appoints a new member to replace the appointee. There are no terms or term limits for ALUA members.

HISTORY

Approved by Ord. [24-04](#) on 3/21/2024

10-20-805 Process for subdivision review and approval.

- (1)
 - (a) As used in this section, an "administrative land use authority" means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission.
 - (b) "Administrative land use authority" does not include a municipal legislative body or a member of a municipal legislative body.
- (2)
 - (a) This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.
 - (b) This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.
- (3) A municipal ordinance governing the subdivision of land shall:
 - (a) comply with this section, and establish a standard method and form of application for preliminary subdivision applications and final subdivision applications; and
 - (b)
 - (i) designate a single administrative land use authority for the review of preliminary applications to subdivide land; or
 - (ii) if the municipality has adopted an ordinance that establishes a separate procedure for the review and approval of subdivisions under Section 10-20-808, the municipality may designate a different and separate administrative land use authority for the approval of subdivisions under Section 10-20-808.
- (4)
 - (a) If an applicant requests a pre-application meeting, the municipality shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.

- (b) At the pre-application meeting, the municipal staff shall provide or have available on the municipal website the following:
 - (i) copies of applicable land use regulations;
 - (ii) a complete list of standards required for the project;
 - (iii) preliminary and final application checklists; and
 - (iv) feedback on the concept plan.
- (5) A preliminary subdivision application shall comply with all applicable municipal ordinances and requirements of this section.
- (6) An administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a municipal staff level.
- (7) With respect to a preliminary application to subdivide land, an administrative land use authority may:
 - (a) receive public comment; and
 - (b) hold no more than one public hearing.
- (8) If a preliminary subdivision application complies with the applicable municipal ordinances and the requirements of this section, the administrative land use authority shall approve the preliminary subdivision application.
- (9) A municipality shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and municipal ordinances, which:
 - (a) may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and
 - (b) may not require planning commission or city council approval.
- (10) If a final subdivision application complies with the requirements of this section, the applicable municipal ordinances, and the preliminary subdivision approval granted under Subsection (9)
 - (a), a municipality shall approve the final subdivision application.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-806 Review of subdivision applications and subdivision improvement plans.

- (1) As used in this section:
 - (a) "Review cycle" means the occurrence of:
 - (i) the applicant's submittal of a complete subdivision application;
 - (ii) the municipality's review of that subdivision application;
 - (iii) the municipality's response to that subdivision application, in accordance with this section; and
 - (iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.
 - (b) "Subdivision application" means a land use application for the subdivision of land.
 - (c) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure improvements and municipally controlled utilities required for a subdivision.
 - (d) "Subdivision ordinance review" means review by a municipality to verify that a subdivision application meets the criteria of the municipality's ordinances.
 - (e) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with municipal ordinances and applicable installation standards and inspection specifications for infrastructure improvements.
- (2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

- (3)
 - (a) A municipality may require a subdivision improvement plan to be submitted with a subdivision application.
 - (b) A municipality may not require a subdivision improvement plan to be submitted with both a preliminary subdivision application and a final subdivision application.
- (4)
 - (a) The review cycle requirements of this section apply:
 - (i) to the review of a preliminary subdivision application, if the municipality requires a subdivision improvement plan to be submitted with a preliminary subdivision application; or
 - (ii) to the review of a final subdivision application, if the municipality requires a subdivision improvement plan to be submitted with a final subdivision application.
 - (b) A municipality may not, outside the review cycle, engage in a substantive review of required infrastructure improvements or a municipally controlled utility.
- (5)
 - (a) A municipality shall complete the initial review of a complete subdivision application submitted for ordinance review for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:
 - (i) no later than 15 business days after the complete subdivision application is submitted, if the municipality has a population over 5,000; or
 - (ii) no later than 30 business days after the complete subdivision application is submitted, if the municipality has a population of 5,000 or less.
 - (b) A municipality shall maintain and publish a list of the items comprising the complete subdivision application, including:
 - (i) the application;
 - (ii) the owner's affidavit;
 - (iii) an electronic copy of all plans in PDF format;
 - (iv) the preliminary subdivision plat drawings; and
 - (v) a breakdown of fees due upon approval of the application.
- (6) A municipality shall publish a list of the items that comprise a complete subdivision land use application.
- (7) A municipality shall complete a subdivision plan review of a subdivision improvement plan that is submitted with a complete subdivision application for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:
 - (a) within 20 business days after the complete subdivision application is submitted, if the municipality has a population over 5,000; or
 - (b) within 40 business days after the complete subdivision application is submitted, if the municipality has a population of 5,000 or less.
- (8)
 - (a) In reviewing a subdivision application, a municipality may require:
 - (i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and
 - (ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
 - (b) A municipality's request for additional information or modifications to plans under Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to subdivision improvement plans, and shall be logged in an index of requested modifications or additions.

- (c) A municipality may not require more than four review cycles for a subdivision improvement plan review.
- (d)
 - (i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a municipality's subdivision improvement plan review is waived.
 - (ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
 - (iii) If an applicant makes a material change to a subdivision improvement plan, the municipality has the discretion to restart the review process at the first review of the subdivision improvement plan review, but only with respect to the portion of the subdivision improvement plan that the material change substantively affects.
- (e)
 - (i) This Subsection (8)(e) applies if an applicant does not submit a revised subdivision improvement plan within :
 - (A) 20 business days after the municipality requires a modification or correction, if the municipality has a population over 5,000; or
 - (B) 40 business days after the municipality requires a modification or correction, if the municipality has a population of 5,000 or less.
 - (ii) If an applicant does not submit a revised subdivision improvement plan within the time specified in Subsection (8)(e)(i), a municipality has an additional 20 business days after the time specified in Subsection (7) to respond to a revised subdivision improvement plan.
- (9) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the municipality's previous review cycle, the municipality may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
- (10)
 - (a) In addition to revised plans, an applicant shall provide a written explanation in response to the municipality's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
 - (b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
 - (c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.
- (11) If, on the fourth or final review, a municipality fails to respond within 20 business days, the municipality shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
 - (a) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 10-20-911(4)(d) to review and approve or deny the final revised set of plans; or
 - (b) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Amended by Chapter 166, 2026 General Session

a completion assurance bond for landscaped amenities and common area that are dedicated to and maintained by a homeowners association.

- (b) Any agreement regarding a completion assurance bond under Subsection (4)(a) between the applicant and the municipality shall be memorialized in a development agreement.
 - (c) A municipality may not require a completion assurance bond for or dictate who installs or is responsible for the cost of the landscaping of residential lots or the equivalent open space surrounding single-family attached homes, whether platted as lots or common area.
- (5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not exceed the sum of:
- (a) 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and
 - (b) 10% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.
- (6)
- (a) Upon an applicant's written request that the land use authority accept or reject the applicant's installation of required subdivision improvements or performance of warranty work as set forth in Section 10-20-905, and for the duration of each improvement warranty period, the municipality may require the applicant to:
 - (i) execute an improvement warranty for the improvement warranty period; and
 - (ii) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the municipality, in the amount of up to 10% of the lesser of the:
 - (A) municipal engineer's original estimated cost of completion; or
 - (B) applicant's reasonable proven cost of completion.
 - (b) A municipality may not require the payment of the deposit of the improvement warranty assurance described in Subsection (6)(a)(i) for an infrastructure improvement or public landscaping improvement before the applicant indicates through written request that the applicant has completed the infrastructure improvement or public landscaping improvement.
- (7) When a municipality accepts an improvement completion assurance for public landscaping improvements or infrastructure improvements for a development in accordance with Subsection (3)(c)(ii), the municipality may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the building code and fire code.
- (8) A municipality may not require the submission of a private landscaping plan as part of an application for a building permit.
- (9) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the State Construction Code.

Amended by Chapter 166, 2026 General Session