

MEMO



To: Planning Commission

From: Ryan Harris, Senior Planner

Date: September 5, 2024

Re: **Updating the Subdivision Review Process in Santaquin City Code to Meet State Code Requirements and House Bill 476.**

It is proposed that the Planning Commission and City Council consider amending language related to the subdivision review process. In the past legislative session, House Bill 476 was passed, updating the standard subdivision review process that all cities must follow. The bill requires all cities to update their subdivision review process to match State Code requirements by November 1, 2024. The proposed code amendment will change our subdivision review process. Some of the major changes are listed below.

The proposed code amendment will change our subdivision review process. Some of the major changes are listed below.

- The state updated several definitions related to the subdivision review process. The proposed amendment will update the definition in Santaquin City Code to match State Code.
- The State requires all subdivision improvement plans at either preliminary or final plans. Subdivision improvement plans are defined as follows: “The civil engineering plans associated with required infrastructure improvements and municipally controlled utilities required for a subdivision.”

Currently, the city requires most engineering to be done during the preliminary review, but it requires some engineering with the final plan. To meet the State Code, staff proposes that all subdivision improvement plans be submitted at the preliminary stage.

- The review times for preliminary and final plans have changed. The State Code requires a review of the subdivision improvement plans to be completed in 20 business days. The proposed code amendment changes the review time for preliminary plans from 15 to 20 business days and the review time for final plans from 20 to 15 business days.

Additional changes have been made, but the ones above are the major ones. The draft ordinance attached meets the requirements of House Bill 476.

Motion: “Motion to recommend approval of the proposed code amendment which amends the subdivision review process to meet state requirements.”

ATTACHMENT:

1. Draft Ordinance

ORDINANCE NO. **DRAFT**

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO UPDATE THE SUBDIVISION REVIEW PROCESS TO MEET STATE CODE REQUIREMENTS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City of Santaquin is a fourth-class city of the state of Utah; and

WHEREAS, the State Legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

WHEREAS, the State Legislature passed House Bill 476 that updated requirements for the standard subdivision review process of all municipalities; and

WHEREAS, the City Council desires to amend Santaquin City Code to meet the requirements of House Bill 174; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on September 10, 2024, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City; and

WHEREAS, after the noted public hearing, the Santaquin City Planning Commission forwarded a recommendation to the City Council;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Santaquin City, State of Utah, as follows:

Section I. Amendments

Title 11 Chapter 08 Section 020 is amended as follows: (underlined text is added, stricken text is deleted)

11.08.020 TERMS DEFINED - SUBDIVISION REGULATIONS

LOT: ~~A parcel or tract of land within a subdivision which is or may be occupied by a building or structure and the accessory buildings, structures, or uses customarily incidental thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.~~ A tract of land that is created by and shown on a subdivision plat that has been recorded in the office of the County Recorder.

PARCEL: ~~An area of land in the possession or ownership of one person, group, or organization and as depicted on the official records of the County Recorder, as applicable.~~ Any real property that is not a lot.

PLANNING COMMISSION: The Planning Commission of Santaquin City as established in SCC ~~10.2.04~~

REVIEW CYCLE: The occurrence of:

1. The applicant's submittal of a complete subdivision ~~land use~~ application;
2. The City's review of that subdivision ~~land use~~ application;
3. The City's response to that subdivision ~~land use~~ application, in accordance with this section; and
4. The applicant's reply to the City's response that addresses each of the municipality's required modifications or requests for additional information.

SUBDIVISION APPLICATION: A land use application for the subdivision of land.

SUBDIVISION IMPROVEMENT PLANS: The civil engineering plans associated with required infrastructure improvements and municipally controlled utilities required for a subdivision.

SUBDIVISION ORDINANCE REVIEW: Review by the City to verify that a subdivision ~~land use~~ application meets the criteria of the City's ~~subdivision~~ ordinances.

Title 11 Chapter 20 Section 020 is amended as follows: (underlined text is added, stricken text is deleted)

11.20.020 SUBDIVISION REVIEW PROCESS

A. Applicability:

1. Any division of real property located within the City of Santaquin which conforms to the definition of a "subdivision", as set forth SCC 11.08.020, is subject to the terms of this Section and the applicant therefore must obtain the approval of the City before said division may be recorded at the County Recorder's Office.
2. This ~~chapter~~ section does not apply to land use regulations adopted, approved, or agreed upon by the City Council exercising land use authority in the review of land use applications for zoning or other land use regulations approvals.
3. The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard area.

B. Process for a Pre-Applications Meeting:

1. If an applicant requests a pre-application meeting, Santaquin City shall, within fifteen (15) days after the request, schedule the meeting to review the concept plan and give initial feedback.
2. At the pre-application meeting, the municipal staff shall provide or have available on the municipal website the following:
 - a. Copies of applicable land use regulations;
 - b. A complete list of standards required for the project;
 - c. Preliminary and final applications checklists; and
 - d. Feedback on the concept plan.

C. Approval Process and Administrative Land Use Authority for Preliminary and Final Subdivision Applications.

1. Preliminary Subdivision Applications
 - a. Preliminary Subdivision Applications will be reviewed by the Development Review Committee. The Development Review Committee can forward a recommendation to the Planning Commission or table the

application. Once a recommendation is forwarded, the Planning Commission will review the application. Santaquin City hereby designates the Planning Commission as the land use authority for preliminary subdivision applications.

2. Final Subdivision Applications

- a. Final Subdivision Applications will be reviewed by the Development Review Committee. Santaquin City hereby designates the Development Review Committee as the land use authority for final subdivision applications.

D. Preliminary and Final Subdivision Application Requirements

1. Preliminary subdivision applications shall follow the requirement in SCC 11.20.040. Subdivision improvement plans shall be submitted with the preliminary subdivision application.

2. Final subdivision applications shall follow the requirements in SCC 11.20.050.

E. Review Time for Preliminary and Final Subdivision Applications.

a. Preliminary Subdivision Application Review Time.

- (1) No later than twenty (20) business days after the day on which an applicant submits a complete application, the City shall complete a review of the applicant's preliminary subdivision application.

b. Final Subdivision Application Review Time.

- (1) No later than fifteen (15) business days after the day on which an applicant submits a complete application, the City shall complete a review of the applicant's final subdivision land use application.

~~E.F. Specific Review Cycle Process for Review Process of for Preliminary Subdivision Plans and Final Applications.~~

1. Santaquin City shall not require more than four (4) review cycles for a preliminary subdivision application. ~~and a final subdivision application.~~

- a. Subject to Subsection (E)(1)(b) unless the change or correction is necessitated by the applicant's adjustment to the subdivision improvement plan ~~set~~ 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.

- b. A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

- c. If an applicant makes a material change to a subdivision improvement plan, the City 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.

~~2. Submittal Review Time for Preliminary and Final Subdivision Applications.~~

~~a. Preliminary Subdivision Application Review Time.~~

- ~~(1) No later than 15 twenty (20) business days after the day on which an applicant submits a complete application, the City shall complete a review of the applicant's final preliminary subdivision land use application.~~

~~b. Final Subdivision Application Review Time.~~

~~(1) No later than fifteen (15) 20 business days after the day on which an applicant submits a complete application, the City shall complete a review of the applicant's final subdivision land use application.~~

~~3.~~ 2. In reviewing the preliminary ~~and final~~ subdivision applications, the City may require:

- a. 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
- b. Modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

~~4.~~ 3. The City's request for additional information or modifications to plans shall be specific and include citations to all City ordinances, standards, or specifications that require the modifications to subdivision improvement plans, and shall be logged in an index of requested modifications or additions.

~~5.~~ 4. In addition to revised plans, an applicant shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

- a. 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.
- b. If an applicant fails to address a review comment in the response, the review cycles in not complete and the subsequent review cycle by the city may not begin until all comments are addressed.

~~6.~~ ~~If an applicant makes a material change to a plan set, the City has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.~~

~~7.~~ 5. If an applicant does not submit a revised subdivision improvement plan within 20 business days after the City requires a modification or correction, the City shall have an additional 20 business days to respond to the subdivision improvement plans.

~~8.~~ 6. 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.

~~9.~~ 7. If, on the fourth or final review, the City fails to respond within 20 business days, the City 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 and appeal panel in accordance with Utah Code 10-9a-508(5)(d) et seq. to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the municipality, the panel shall consist of the following three experts:

- (1) One licensed engineer, designated by the City;
- (2) One licensed engineer, designated by the land use applicant; and

- (3) One licensed engineer, agreed upon and designated by the two designated engineers as appointed in subsection (E(11)(a)(1) and (2)
- b. A member of the panel assembled by the City may not have an interest in the application that is the subject of the appeal.
- c. The land use applicant shall pay:
 - (1) 50% of the cost of the panel; and
 - (2) The City's published appeal fee; or
- d. 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.

Title 11 Chapter 20 Section 040 is amended as follows: (underlined text is added, stricken text is deleted)

11.20.040 APPLICATION REQUIREMENTS FOR PRELIMINARY PLANS

A. Preliminary Subdivision Application.

- 1. For the applicant to have a complete preliminary subdivision application application, all required items in the preliminary subdivision application checklist shall be submitted. The preliminary subdivision application checklist can be found on the City's website or at the Community Development Office.
- 2. The Zoning Administrator and the City Engineer will review the submittal to determine if a complete subdivision application has been submitted. This review shall be completed within five (5) business days. If items are missing, the City shall let the applicant know about the required items that are missing. If it is determined that a complete application was submitted, the review cycle will start the day the plans were submitted.

~~B. In addition, the following documents and approvals will be required prior to preliminary subdivision submittal when applicable:~~

- ~~1. Zone Change: All required or anticipated changes to existing zoning district boundaries or zoning classifications shall have been approved or be pending;~~
- ~~2. Agreements with Adjacent Owners: Copies of any and all agreements, as requested by the City, with the owners of any property adjacent to a proposed subdivision; and~~
- ~~3. Traffic Impact Studies (TIS): An adequate number of copies of a completed TIS, as request by the Community Development Department, prepared in compliance with SCC 11.16.080.~~

Title 11 Chapter 20 Section 050 is amended as follows: (underlined text is added, stricken text is deleted)

11.20.050 APPLICATION REQUIREMENTS FOR FINAL PLANS

1. Final Subdivision Application.

- 1. For the applicant to have a complete final subdivision application application, all required items in the final subdivision application checklist shall be submitted. The ~~preliminary~~ final subdivision application checklist can be found on the City's website or at the Community Development Office.

2. The Zoning Administrator and the City Engineer will review the submittal to determine if a complete [subdivision](#) application has been submitted. This review shall be completed within five (5) business days. If items are missing, the City shall let the applicant know about the required items that are missing. If it is determined that a complete application was submitted, the review cycle will start the day the plans were submitted.

~~2. Agriculture Protection Areas: Any new subdivision development located in whole or in part within three hundred feet (300') of the boundary of an agriculture protection area shall provide on any final plat the following notice:~~

~~**"Agriculture Protection Area"**~~

~~*"This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."*~~

Section II. Severability

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section III. Contrary Provisions Repealed

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

Section IV. Codification, Inclusion in the Code, and Scrivener's Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

Section V. Posting and Effective Date

This ordinance shall become effective at 5:00 p.m. on Wednesday, September 18, 2024. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 17th day of September 2024.

Daniel M. Olson, Mayor

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|---------------------------------|-------|-----|
| Councilmember Art Adcock | Voted | ___ |
| Councilmember Brian Del Rosario | Voted | ___ |
| Councilmember Lynn Mecham | Voted | ___ |
| Councilmember Jeff Siddoway | Voted | ___ |
| Councilmember Travis Keel | Voted | ___ |

ATTEST:

Amalie R. Ottley, City Recorder

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, AMALIE R. OTTLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 17th day of September 2024, entitled

“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO UPDATE THE SUBDIVISION REVIEW PROCESS TO MEET STATE CODE REQUIREMENTS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 17th day of September 2024.

Amalie R. Ottley
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, AMALIE R. OTTLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that prior to the ordinance taking effect, I posted a short summary of the ordinance on the Utah Public Notice Website as required by Utah State Code 10-3-711(1)(b) as a Class A Notice and Santaquin City Code 1-2-050(D)

I further certify that copies of the ordinance were posted online at www.santaquin.org, at the City Hall Building at 110 S. Center Street and on the State of Utah's Public Notice Website, <https://www.utah.gov/pmn/index.html>. A copy of the notice may also be requested by calling (801)754-1904.

AMALIE R. OTTLEY
Santaquin City Recorder

The foregoing instrument was acknowledged before me on this ___ day of ___ 2024,
by AMALIE R. OTTLEY.
My Commission Expires:

Notary Public