

(Draft Emery County Ordinance Updates for SB 174 and HB 476 Compliance)

After reviewing the proposed ordinance updates, I have a few suggestions regarding how best to incorporate these changes into Emery County's existing code:

1. **New Section 13-4:** The proposed changes are drafted to create a new Section 13-4, which will streamline the subdivision application process for single-family homes, duplexes, and townhomes. I recommend replacing the current Section 13-4 entirely with the new content, as it is specifically designed to comply with SB 174 and HB 476, ensuring consistency and removing outdated requirements.
2. **Applicability Clarification:** The new Section 13-4 clearly defines that it applies only to specific types of subdivisions (single-family, duplexes, or townhomes). If the current Section 13-8 or other related sections apply to broader subdivision applications, I suggest retaining those sections but clearly cross-referencing them with the new Section 13-4 to avoid confusion.
3. **Streamlined Process:** The proposed amendments focus on administrative efficiency and limit the need for multiple public hearings. To better align with these objectives, the suggested Section 13-4 is designed to replace the more cumbersome elements of the existing process. If desired, we can create a new, separate section specifically for compliance with SB 174, but I believe an updated Section 13-4 will best serve the county by reducing redundancy and confusion.

ARTICLE XIII: SUBDIVISIONS

SECTION 13-4: PROCEDURE FOR APPROVAL OF A SUBDIVISION

13-4-1 Applicability

(a) The following sections (13-4-2 through 13-4-7) apply only to subdivision applications for single-family homes, duplexes, or townhomes. All other subdivision applications are subject to the general provisions outlined elsewhere in this ordinance.

13-4-2 Pre-Submission Conference

(a) Any person wishing to subdivide land within the County shall consult with the Zoning Administrator to secure information regarding subdivision requirements, including the County's plan of streets, parks, drainage, zoning, and other General Plan requirements affecting the land to be subdivided.

13-4-3 Prepare Concept Plan

(a) The applicant shall prepare a concept plan to outline the basic concept and feasibility of the proposed subdivision. The concept plan shall be submitted to the Administrative Land Use Authority for review.

(i) Approval of the concept plan does not constitute approval of the subdivision but acts as an expression of acceptance of the basic concept and feasibility of the proposed subdivision.

13-4-4 Preliminary Subdivision Application and Review Process

(a) The Administrative Land Use Authority, as designated in Section 13-4-9, shall complete the initial review of a complete preliminary subdivision application within 15 business days of submission.

(b) The applicant shall prepare a preliminary subdivision application, including the following:

(i) A preliminary layout plan.

(ii) Preliminary drawings showing the location and type of proposed public improvements.

(iii) Copies of proposed documents.

(iv) Evidence of payment of preliminary review fees.

(v) Evidence of ability to meet water requirements.

(c) The Administrative Land Use Authority, as designated in Section 13-4-9, shall conduct an initial review of the preliminary complete application.

(d) The Administrative Land Use Authority may, at its discretion, hold a single public hearing during the preliminary review stage. Only one public hearing shall be held throughout the subdivision approval process unless appealed.

(e) Upon approval of the preliminary plan, the administrative land use authority shall move the subdivision into the final approval stage.

13-4-5 Final Subdivision Application and Administrative Approval

(a) The final subdivision application shall be submitted following preliminary approval. This shall include:

(i) Final plat drawings.

(ii) Evidence of compliance with water and sewer requirements.

(iii) A title report to identify all interests in the property.

(iv) An itemized estimate of construction costs for all required improvements, to set the performance guarantee amount.

(b) Subdivision Improvement Plans: The subdivision improvement plan shall be submitted with the final subdivision application and shall include all civil engineering plans associated with required infrastructure improvements and county-controlled utilities.

(c) The final subdivision application shall be reviewed administratively by the Administrative Land Use Authority. No additional public hearings shall be required unless under appeal.

(d) The Administrative Land Use Authority shall complete the final review within 20 business days of submission subject to the following Section 13-4-6.

13-4-6 Review Cycles and Limitations

(a) A maximum of four review cycles shall be allowed for each subdivision application, with the preliminary review counting as one of these four cycles.

(i) The Administrative Land Use Authority may request additional information or modifications to plans during the review cycles, which shall be specific and include citations to County ordinances, standards, or specifications that require the modifications.

(ii) After the applicant has responded to the final review cycle and complied with each requested modification, no further revisions shall be required unless there is a material change by the applicant.

(iii) If an applicant makes a material change to a subdivision improvement plan, the County 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 substantially affects.

13-4-7 Approval and Recordation

(a) Upon administrative approval of the final plat, the applicant shall post a performance guarantee in accordance with Article XII of this Ordinance.

(b) The final plat shall be signed by the appropriate authority and submitted for recording in the office of the County Recorder.

(c) The applicant must submit the final plat for recording within three (3) months following approval. Failure to do so shall render the plat voidable.

Comment [KC1]: I assume this is still applicable to subdivision application processes.

13-4-8 Appeals After Final Review Cycle

(a) If, on the fourth or final review, the County fails to respond within twenty (20) business days, the County shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:

(i) For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code 17-27a-507(5)(d) to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the County, the panel shall consist of the following three experts: (i) one licensed engineer designated by the County; (ii) one licensed engineer designated by the land use applicant; and (iii) one licensed engineer agreed upon and designated by the two designated engineers as appointed in subsections (i) and (ii).

(ii) A member of the panel assembled by the County under this subsection may not have an interest in the application that is the subject of the appeal.

(iii) The land use applicant shall pay: (A) 50% of the cost of the panel; and (B) the County's published appeal fee.

(iv) 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.

13-4-9 Administrative Land Use Authority

(a) Designation of Authority

The Planning Director or their designee shall serve as the Administrative Land Use Authority responsible for reviewing and approving subdivision applications in compliance with this Section and Utah State law.

(b) Duties and Responsibilities

Conduct the initial review of preliminary subdivision applications and hold a single public hearing, if deemed necessary. (b) Ensure that final subdivision applications are reviewed administratively without additional public meetings. (c) Maintain compliance with state-mandated timelines and maximum review cycles.

