

RESOLUTION NO. _____

**A RESOLUTION OF THE EMERY COUNTY COMMISSION ADOPTING ORDINANCE
AMENDMENTS TO BRING EMERY COUNTY SUBDIVISION REGULATIONS INTO
COMPLIANCE WITH SB 174 (2023) AND HB 476 (2024)**

WHEREAS, the Emery County Commission (the "Commission") is responsible for the administration and oversight of subdivision regulations to ensure orderly growth and development within Emery County; and

WHEREAS, the Utah Legislature, during its 2023 General Session, passed Senate Bill 174 (SB 174), which amended subdivision review and approval processes to streamline administrative actions and establish limits on review cycles and public hearings; and

WHEREAS, during its 2024 General Session, the Utah Legislature passed House Bill 476 (HB 476), further amending the statutory requirements established by SB 174 to clarify the review and application processes for subdivision approvals; and

WHEREAS, the Commission recognizes the importance of aligning Emery County's subdivision regulations with the updated statutory requirements to provide an efficient and transparent process for subdivision applicants; and

WHEREAS, the proposed amendments to Article XIII, Section 13-4 of the Emery County Code are intended to bring the County's subdivision regulations into compliance with the statutory requirements of SB 174 and HB 476, and to establish the Administrative Land Use Authority responsible for reviewing subdivision applications; and

WHEREAS, the Commission desires to adopt these amendments to ensure compliance with state law, improve administrative efficiency, and provide clear guidance to applicants seeking subdivision approvals;

NOW, THEREFORE, BE IT RESOLVED BY THE EMERY COUNTY COMMISSION AS FOLLOWS:

1. Adoption of Amendments: The Commission hereby adopts the amendments to Article XIII, Section 13-4 of the Emery County Code, as set forth in the attached Exhibit A, which is incorporated herein by reference.
2. Administrative Land Use Authority: The amendments designate the Planning Director or their designee as the Administrative Land Use Authority for subdivision applications covered under the new regulations. If desired, the Commission may designate a different official or department to serve as the Administrative Land Use Authority in the future by adopting further amendments.
3. Compliance with State Law: The amendments are intended to bring Emery County's subdivision regulations into full compliance with SB 174 (2023) and HB 476 (2024), ensuring that subdivision approvals are handled in a manner that is efficient, fair, and consistent with the statutory requirements.
4. Streamlined Review Process: The amendments establish clear timelines for preliminary and final subdivision reviews, limit the number of review cycles to four, and ensure that no additional public hearings are required beyond the single public hearing permitted during the preliminary review phase, unless an appeal is filed.

5. Effective Date: This Resolution shall become effective immediately upon its passage and approval by the Emery County Commission.

APPROVED AND ADOPTED this _____ day of December, 2024.

Emery County Commission

Keven Jensen, Chairperson

Jordan Leonard, Commissioner

Lynn Sitterud, Commissioner

ATTEST:

Brenda Tuttle, Clerk/Auditor