

TITLE 18 REPEAL AND REPLACE



Planning and Development Services

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ORDINANCE AMENDMENT Title 18 Repeal and Replace

Public Body: Salt Lake County Council

Meeting Date: January 23, 2024

Request: Repeal and Replace Title 18 Subdivisions

Planner: Brian Tucker, Planning Manager

Legal Counsel: Zach Shaw

Planning Staff Recommendation: Approval

INTRODUCTION

- Title 18 overhaul long overdue
- Very few changes made since Salt Lake County changed form of government at turn of the century
- MSD Planning, with significant input from the District Attorney's Office and Mayor's office, has prepared a comprehensive update of Salt Lake County's subdivision ordinances
- Proposed ordinance:
 - Includes aspects of existing County Subdivision Ordinance,
 - Is reformatted for ease of use by the public and the staff,
 - Makes use of modern best practices in subdivision regulation,
 - Complies with state code mandates and limitations,
 - Is informed by subdivision ordinances from other jurisdictions along the Wasatch Front, and
 - By the over 60 years of planning experience on the MSD Planning Staff

INTRODUCTION

- District Attorney's Office has reviewed and revised the draft ordinance with input from the Mayor's Office
- Much of the subdivision ordinance is about the process of approving a subdivision and the technical engineering and surveying aspects of land development
- County Surveyor and Public Works Engineering were consulted during the writing of the proposed ordinance
- Presentation will focus on the material policy changes that would result from the adoption of the Title 18 draft ordinance.
- Planning Commissions and public are welcome to give feedback on the procedural and technical aspects of the draft ordinance as well

BACKGROUND

- Utah Code, Chapter 17-27a, County Land Use, Development, and Management Act
- CLUDMA authorizes counties to regulate land use and sets the parameters to which those land uses can be regulated
- CLUDMA authorizes the County to enact a subdivision ordinance
- State legislature tweaks CLUDMA every year
- As a result, the parameters surrounding subdivision regulations often change
- These changes lead to inconsistencies between the County's Subdivision Ordinance and CLUDMA

BACKGROUND

- County and MSD Staffs were working on updating Title 18 to account for legislative changes in earlier years when the 2023 legislative session began
- In 2023 SB 174 and HB 406 included some substantial changes including:
 - Introduction of subdivision review timeframes,
 - Limits on the number of review cycles,
 - Complications to implementing Development Agreements, and
 - Maximum residential road widths, among others
- SB 174 and HB 406 changes have an implementation deadline of February 2024

BACKGROUND

- Proposed ordinance intended to simplify the processes and application requirements and make them more accessible and understandable to the public
- Proposed ordinance formalizes the informal policies that have been developed over the years to make an outdated subdivision ordinance function

POLICY CHANGES

- **Development Agreements (section 18.04.040)**
- Changes reflect HB406 (2023 session)
- County must disclose clearly restricted CLUDMA rights that are negotiated in a development agreement
- Section codifies in ordinance the County's ability to enter into development agreements and outlines how those are processed

POLICY CHANGES

- **Staff Approval Single-Lot Subdivisions (section 18.08.010)**
- Planning Staff able to approve single-lot subdivisions administratively
- No public meeting or hearing required
- Streamlines process for small subdivisions, which have less impact on surrounding properties and create less need for public involvement.
- Public involvement less relevant with small subdivisions
- Sole inquiry is whether applicable ordinances have been satisfied
- Recent changes in state law explicitly permit this approach

POLICY CHANGES

- **Concept Plan (section 18.08.050)**
- County already allows an informal process to consider concept plans before a subdivision application is filed
- Section codifies MSD Planning practices and also ensures that those practices comply with SBI74

POLICY CHANGES

- **Review of Final Plat and Associated Documents (section 18.08.090)**
- Required by recent legislation (SBI74)
- Codifies the 20 business-day shot clocks for review of final plats and associated documents, along with the other final plat review processes in SBI74

POLICY CHANGES

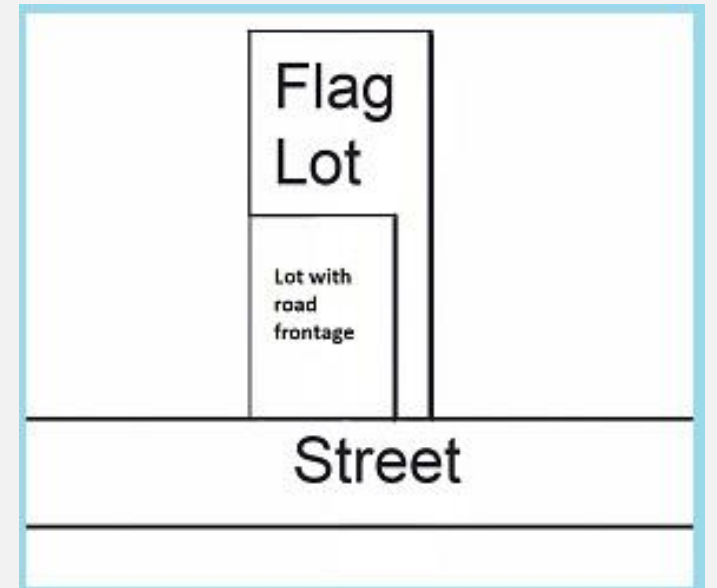
- **Concept Plan Meeting (Section 18.10.020)**
- SBI 74 requires concept plan meeting be held within 15 business days of an applicant's request
- Section codifies requirement and details expectations for both MSD Planning and the applicant for such meeting
- Largely codifies current practice

POLICY CHANGES

- **Subdivision Design Standards (18.12)**
- MSD Planning recommends adoption of a number of subdivision design standards and/or changes to existing design standards as follows:
 - **Street/road standards (18.12.030)**, including street cross-sections, street alignment, stub streets, cul-de-sac standards (generally discouraged to encourage walkability and traffic flow), points of access, etc.
 - **Block standards (18.12.040)**. Maximum length of block reduced from 1,600' to 660'. Shortening blocks makes for a more walkable community, more street connections, and better traffic flow. In some cases, it may require developers to install additional cross streets, which may result in a minimal reduction of the amount of net density, dwelling units or developable area.
 - **Lot standards (18.12.050)**. Irregular elongations to achieve minimum lot size are prohibited. Additional standards were added to provide greater guidance regarding private street widths, corner lots, and double frontage lots.

POLICY CHANGES

- **Flag lots (Section 18.12.070)**
- Codifies Salt Lake County's longtime flag lot policy
- Legislative changes have required such policies to be codified in ordinance
- Flag lots occur when a large lot is subdivided into two lots, with a new rear lot being created, which is accessed via an easement across the front lot
- Flag lots are useful tools for infill development, which increases the housing stock in the unincorporated county, an element of the affordable housing equation



POLICY CHANGES

- **Trails (18.14.120)**
- Changes focused on bringing trail exactions (requirements that developers provide public trails associated with their developments) into compliance with federal and state law

POLICY CHANGES

- **Fencing (18.14.160)**
- Where lots rear on a public street it is important to ensure a consistent and durable fence or wall frames the right of way
- MSD proposed a fencing requirement change from any solid visual fence to a decorative masonry wall
- More aesthetically pleasing to the community over a long period of time
- Increases costs to developers (which will be passed on to the consumer)
- After vetting with the Mayor's Office, the draft ordinance does not require masonry wall, but less costly materials must have quality design

POLICY CHANGES

- **Performance Bonds (18.16.020)**
- Legislation passed a few years ago:
- Limited the warranty portion of these bonds that can be withheld (state law changed from 20% to 10%)
- Limited time they can be withheld that can be withheld (changed from 2 years to 1 year)

POLICY CHANGES

- **Approval of subdivision amendments (18.18.030(D) and 18.18.060)**
- Current ordinance requires Mayor or designee to hold a hearing and approve subdivision amendments when consent from all property owners within the subdivision is not possible
- Draft ordinance provides for the planning commission to do this

POLICY CHANGES

- **Vacating public streets (18.18.050)**
- Draft ordinance significantly revises the county's existing ordinance
- Proposed change adopts process that currently exists in state law
- Eliminates much of the discussion and policy reasons for receiving or waiving compensation when a public street is vacated
- Some of the language from the current statute relative to the question of compensation for vacated streets is retained

POLICY CHANGES

- **Maintenance of public walkways (18.12.040)**
- Requires walkways between streets and other streets or improvements (such as parks) when necessary to provide connectivity/walkability
- Maintenance of such walkways is necessary
- Entity that owns the streets and/or improvements that are connected by the walkways must maintain walkway
- County responsible only when streets/improvements dedicated to/owned by the County

FINDINGS

The County and MSD Planning Staffs have developed a subdivision ordinance to for Salt Lake County. Staff find that the proposed ordinance:

1. Complies with applicable State Code;
2. Clarifies application requirements and the approval process for subdivisions in Salt Lake County;
3. Codifies certain County policies as required by state code;
4. Retains portions of the current County Code that are not outdated rather than change those portions for the sake of change. This will serve to preserve continuity where there is no need for change;
5. Codifies the subdivision plat and the survey requirements associated with subdivision plans in accordance with the County Surveyor's policies and procedures.
6. Has been vetted by the Salt Lake County Engineering staff to ensure that engineering best practices and the standards and specifications are codified;
7. Was developed by the MSD Planning Staff using planning best practices, experience with the subdivision regulations of other jurisdictions, and over 60 years of experience in writing, amending, administering, and enforcing land use regulations by the MSD Planning Staff;
8. Serves to protect the public health, safety, or welfare; and
9. Complies with Utah Code 17-27a, the County Land Use, Development and Management Act.

RECOMMENDATION

Given the findings, staff recommends the following action:

The MSD Staff recommend that Title 18 Subdivisions be repealed and replaced as described in Attachment #1 to the staff report

REVIEW PROCEDURE

- Salt Lake County Council is the land use authority for subdivision text amendments
- Planning Commission must hold public hearing
- Planning Commission may then recommend that the Council:
 - Adopt the text amendment,
 - Adopt with revisions, or
 - Reject the text amendment