



Briefing Memorandum

To: Salt Lake County Council

From: Lisa Hartman, Zach Shaw

Subject: Title 18 Subdivision Ordinance Update

Date: 10/25/2023

Due Date: 11/7/2023

Jennifer Wilson

Mayor

Erin Litvack

Deputy Mayor

Chief Administrative Officer

Darrin Casper

Deputy Mayor

Chief Financial Officer

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Chief Regional Officer

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Summary

An overhaul of Title 18 Subdivisions is long overdue. Very few changes have been made to Title 18 since Salt Lake County changed its form of government at the turn of the century, and much has taken place since then, including a major change of government and service provider for what at that time was the unincorporated county. 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.

All that is required of the Council at this time is approval to begin the review and recommendation process. The complete draft ordinance, together with planning commission recommendations of the same, will come back to the Council for

consideration and possible adoption, likely in January 2024.

The District Attorney's Office and Mayor's Office have identified a number of material policy changes to the draft ordinance Title 18, as compared with the current Title 18. The purpose of this Briefing is to summarize these proposed changes in policy to provide the Council some context about the proposed update at the outset of its review and recommendation by the planning commissions and others.

Proposed Policy Changes

1. Development Agreements (section 18.04.040). These changes largely reflect recent revisions to CLUDMA in HB406 (2023 session), namely that the county must disclose clearly restricted CLUDMA rights that are negotiated in a development agreement (this provision was a response to a situation in Washington County in which that county allegedly insisted on provisions in a development agreement that were contrary to CLUDMA) The section codifies in ordinance the County's ability to enter into development agreements and outlines how those are processed.
2. Staff approval of single-lot subdivisions (18.08.010). Under this section, the Planning Director is able to approve single-lot subdivisions, rather than the planning commission. These subdivisions would not require a public meeting or hearing. The intent of this section is to streamline the process for small subdivisions, which have less impact on surrounding properties and create less need for public involvement. Public involvement is less relevant with such small subdivisions, where the sole inquiry is whether applicable ordinances have been satisfied. Recent changes in state law explicitly permit this approach. See Utah Code section 17-27a-604.1(6).

3. Concept Plan (section 18.08.050). This is another outgrowth of recent legislation (SB 174, (2023 session)). Although the County already allows an informal process to consider concept plans before a subdivision application is filed, this section codifies MSD Planning practices and also ensures that those practices comply with SB174.
4. Review of Final Plat and Associated Documents (section 18.08.090). Yet another outgrowth of recent legislation (SB174 again). This section codifies the 20 business-day shot clocks for review of final plats and associated documents, along with the other final plat review processes in SB174.
5. Concept Plan Meeting (Section 18.10.020). SB174 requires that an applicant's request for a pre-application concept plan meeting be held within 15 business days of the request. This section codifies that requirement and also details expectations for both MSD Planning and the applicant for such meeting. This largely codifies current practice.
6. Subdivision Design Standards (18.12). MSD Planning has recommended the adoption of a number of subdivision design standards and/or changes to existing design standards as follows:
 - a. 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.
 - b. 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. It does require developers to install more streets, which reduces the amount of acreage for building housing and other development.
 - c. Lot standards (18.12.050). Irregular elongations to achieve minimum lot size are prohibited. Additional standards added to provide greater guidance regarding private street widths, corner lots, and double frontage lots.
7. Flag lots. The draft ordinance (18.12.070) codifies Salt Lake County's flag lot policy that has existed for many years, but recent legislative changes have required such changes 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 (the access looking like a flag pole and the rear lot looking like a flag, hence the term flag 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.
8. Trails (18.14.120). These changes are focused on bringing trail exactions (requirements that developers provide public trails associated with their developments) into compliance with federal and state law.
9. Fencing (18.14.170). Where lots rear on a public street, the MSD proposed that the fencing requirement be changed from any solid visual fence to a decorative masonry wall. This would increase costs to developers (which will be passed on to the consumer) but will be more aesthetically pleasing to the community. After vetting with the Mayor's Office, the draft ordinance does not require masonry wall, but less costly materials must have quality design.
10. Performance Bonds (18.16.020). Some changes in this section are in response to legislation passed a few years ago limiting the warranty portion of these bonds that can be withheld and the time they can be withheld (state law changed from 20% to 10% that can be withheld and changed from 2 years to 1

year that they can be withheld for). Another proposed change was eliminating surety bonds as an option for developers (but retaining cash bonds, letters of credit, and escrow agreements as options). Surety bonds can be challenging to enforce/call on, but they are a common form of security used by developers. It is rare that the county has to enforce the bonds. Because these bonds are so prevalent in the industry, are rarely enforced, and free up capital for construction of more housing, the surety bond option was retained in the draft ordinance.

11. Approval of subdivision amendments (18.18.030(D) and 18.18.060). Under current ordinance, the Mayor or designee holds a hearing and approves subdivision amendments when consent from all property owners within the subdivision is not possible. The draft ordinance provides for the planning commission to do this.
12. Vacating public streets (18.18.050). This draft ordinance significantly revises the county's existing ordinance. However, the proposed change is helpful because it adopts the process that currently exists in state law. By pivoting to state law, the draft ordinance removes 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.
13. Maintenance of public walkways (18.12.040). The proposed ordinance requires developers to build walkways between streets and other streets or improvements (such as parks) when necessary to provide connectibility/walkability. However, someone must provide maintenance of such walkways after they are constructed. The reasonable candidate is the entity that owns the streets and/or improvements that are connected by the walkways. For streets/improvements dedicated to/owned by the County, the County would be responsible for such maintenance.