

Town of Leeds

Agenda Town of Leeds Planning Commission Wednesday, February 7, 2024

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission **PUBLIC MEETING** scheduled for Wednesday, February 7, 2024, at 7:00 P.M. This meeting will be held at Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

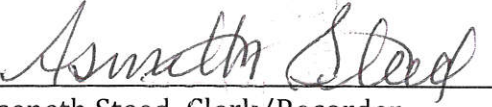
Regular Meeting 7:00 pm

1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda: (These items will be a single motion unless removed at the request of the chairman or board Members)
 - a. Tonight's Agenda of January 3, 2024
 - b. Meeting Minutes of December 6, 2023, Work Session
 - c. Meeting Minutes of January 3, 2023, Regular Session
6. Announcements:
 - a. Town of Leeds Princess Pageant is scheduled for February 15th at 7:00 pm, taking place at the LDS Church building.
 - b. Public meetings for the 2024 Washington County Fair Spotlight City Event will convene at the Town Hall every Monday at 5:00 pm until March 18th. All residents are welcome to participate.
7. Public Hearing: None
8. Action Items: None
9. Discussion Items:
 - a. Initial Review of Leeds Subdivision Code in accordance with SB 174 by Hansen Planning Group
 - b. Deliberation on Key Points Arising from Work Session, Short-Term Rental (STR) Draft Proposal by Commissioner Darton
10. Staff Reports
11. Adjournment

The Town of Leeds will provide reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at *least* 24 hours prior to the meeting. The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting.

The undersigned Clerk/Recorder does hereby certify that the above notice was posted January 5 2024, at these public places being Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmmutah.gov> and the Town of Leeds website www.leadstown.org.


Aseneth Steed, Clerk/Recorder

How to Plat,
How not to Plat that is the
Question...
& Development Standards

Updated

May 22, 2023

BT
#CitiesWork



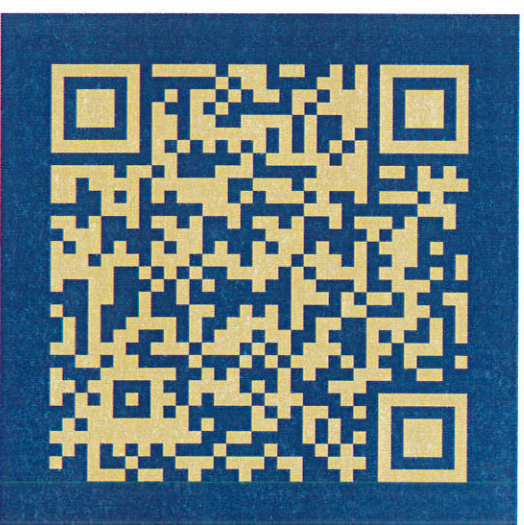


So Many Bills!

Local Land Use Planning & Administration

- 35 bills introduced, 19 passed
- 388 lines of code added to LUDMA (400 in County LUDMA)

For all Land Use Bills:



For Transportation:
WASATCH FRONT REGIONAL COUNCIL 2023
LEGISLATIVE SESSION WRAP-UP @ wffc.org

**SB 174 subdivision provisions apply
only to subdivisions for 1- or 2-
family dwellings & townhomes**

**No more City Council approvals for
these subdivision applications.
Administrative!
&**

**Planning Commission out of final
plat approval process**

Need to Designate “administrative land use authority” for these actions

Capped Review Cycle. Maximum of 4 review cycles permitted for final review only. So in between the Preliminary approval and final approval only four revisions are permitted.

Define a Complete Application- triggers timeclock of review

Concept Plan cannot be mandated

New Appeal Process is created

You have until to make updates by Feb 1, 2024 or Dec 1, 2024 (based on size)



Subdivision Approval Process (SB174)

New LUDMA Section 604.1 – Process for subdivision review and approval

- Designate “administrative land use authority”
- Can be Planning or staff for preliminary review
- Applicant may request pre-application meeting. Can not be mandated. eg no mandate
- A Land Use Authority may complete preliminary plat review by staff, or in public meeting; may hold one public hearing
- Final application **cannot** be reviewed by Council or Planning Commission

Subdivision Review Process (SB174)

Maximum of 4 review cycles permitted for final review only. So, in between the Preliminary approval and final approval only four revisions are permitted. Check with your attorney for this provision.

- **Initial review** of preliminary plat to be completed within **15 business days** of receiving complete application for that stage.
- Review of final plat to be completed within **20 business days** of receiving complete application for final application.
- Applicant must respond to required changes he/she disagrees with in writing.

Appeal Process Changes

SB174 creates two distinct appeal processes after the four review cycles have been exhausted & 20 days have passed.

- ❖ For disputes relating to public improvement or engineering standards, the city shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant.

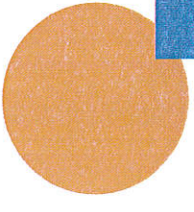
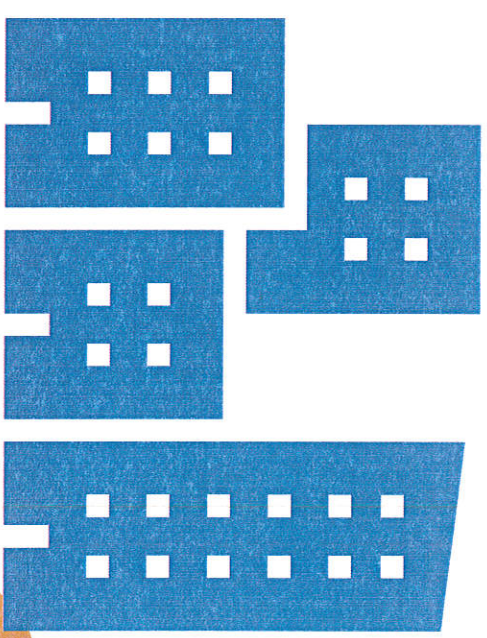
- ❖ For all other disputes refer to the regular Appeal Authority process



Action Item- When Do I need to do this by?

Municipalities who are required to comply with Moderate Income Housing Provision (MIHP) reporting (all cities with populations > 10,000 and cities with populations > 5,000 located in a county of the 1st, 2nd, or 3rd class) must revise their subdivisions ordinances to comply with this process by **Feb. 1, 2024**.

All other municipalities must revise their subdivision ordinances to comply with this process by **Dec. 31, 2024**.



Other Resources

FAQ Sheet

ULCT Land Use
Summary

Coming soon - July 2023 Statewide
Technical Support for ordinance
assistance under DWS grant fund
appropriated with the bill



www.ulct.org/land-use

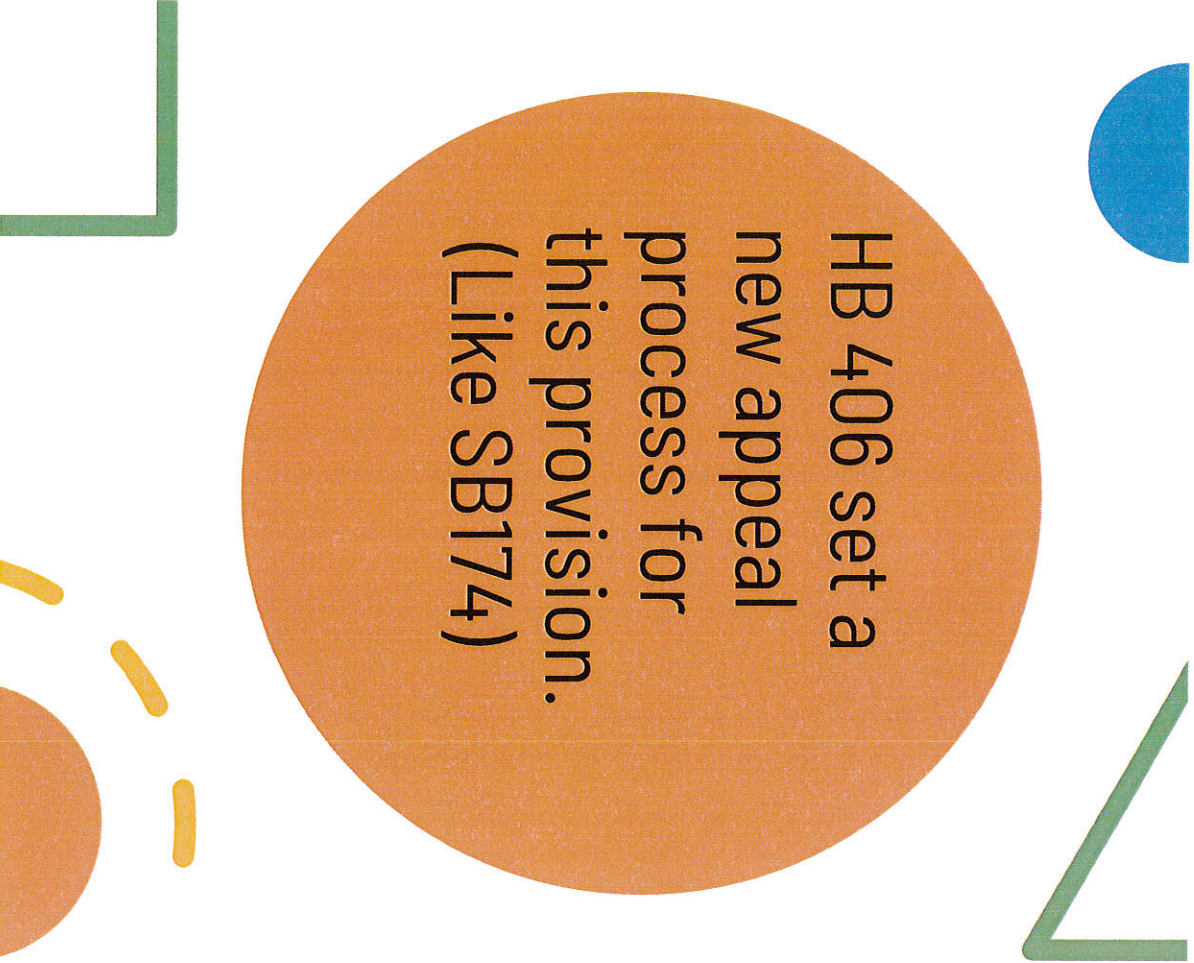
Development Standards (HB406)

- “Residential roadway” limited to 32 ft. pavement width, with *exceptions*
- A municipality may still require or allow a residential roadway that is less than 32 feet
- HB 406 defines a “residential roadway”

Action Item:

- Municipalities that require residential road widths greater than 32’ for residential cross sections should review those ordinances for compliance.





HB 406 set a
new appeal
process for
this provision.
(Like SB174)

The applicant can appeal the municipality's requirement under the statutory criteria for residential roadway width in excess of 32' to a panel of technical experts. Those experts include:

- One licensed engineer designated by the municipality.
- One licensed engineer designated by the land use applicant.
- One licensed engineer, agreed upon, and designated by the two designated engineers.

The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%.

The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.

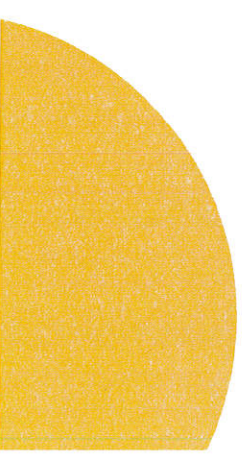
Other Land Use Provisions

Development Agreements (HB406)

- HB 406 creates a new requirement for development agreements. If a development agreement restricts an applicant's rights under clearly established state law, the municipality must disclose the rights being waived in the agreement.
- **Reminder:** Don't forget last year's provisions re holding public hearing if land use regulations are modified in the Development Agreement.

Temporary Land Use Regulations/Pending Ordinance Provision (aka "Moratoriums") (HB406)

- HB 406 prohibits municipalities from "stacking" temporary land use regulations. Specifically, it restricts the application of a temporary land use regulation if the application was subject to a prior-temporary land use regulation.





Other Land Use Provisions

Public Landscaping Improvements (HB406)

Bonding for landscaping only for that on public property or to be dedicated, adjacent to trails, or to be maintained by HOA.

So how do you enforce now?

Fines?

- **Lot line adjustment changes (HB406,**

SB174) "Subdivision amendment" does not include a lot line adjustment, between a single lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

Email from Mike Hansen Feb. 05,2024

You are correct. The new law requires an amendment to the town's current ordinances. This would need to go through the regular legislative process for land use ordinances (recommendation from the Planning Commission, followed by adoption by the Town Council).

Notably, we just saw today that the state legislature is considering yet another amendment to state subdivision law ([HB476](#)). We aren't sure if this will pass or not, but if it does, it will loosen up the review cycles and review deadlines that we discussed in our audit (overall giving the town more flexibility). We should hopefully know in a month or so. Please keep this in mind as you review our memo. If/when this bill passes, we will provide a comprehensive update.

ULCT DRAFT HB 362 RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF _____, UTAH, SUPPORTING THE HB 362 (2015) AUTHORIZED 0.25% LOCAL OPTION GENERAL SALES TAX DEDICATED TO TRANSPORTATION, ENCOURAGING THE COUNTY OF _____ TO SUBMIT THE PROPOSAL TO VOTERS IN NOVEMBER 2015, AND ENCOURAGING VOTERS TO SUPPORT THE PROPOSAL.

WHEREAS, a safe and efficient transportation system creates the foundation for economic growth, improved air quality and public health, and enhanced quality of life; and

WHEREAS, the creation and maintenance of transportation infrastructure is a core responsibility of local government; and

WHEREAS, Utah's population is expected to grow by 2 million residents by 2040; and

WHEREAS, _____'s residents demand new comprehensive transportation options such as bike lanes, multi-use paths, off-road trails, and transit in addition to traditional roads; and

WHEREAS, due to our drastic shortfall in transportation revenue, _____ is using _____ dollars from the general fund to supplement the Class B&C Fund revenue in order to try to meet our local transportation needs; and

WHEREAS, research from the Utah Department of Transportation indicates that road rehabilitation costs six times as much as road maintenance, and road reconstruction costs ten times as much as road maintenance, and

WHEREAS, investing in transportation results in economic development for _____ city and _____ county and accessible good-paying jobs for our residents; and

WHEREAS, improving comprehensive transportation in _____ city and _____ county will reduce private vehicle usage which will in turn lead to improved air quality; and

WHEREAS, poor air quality discourages economic development, business recruitment and tourism visits, and contributes to asthma and other health ailments; and

WHEREAS, nearly 1 in 10 Utah adults suffer from asthma and struggle to breathe during poor air quality days; and

WHEREAS, nearly 57% of Utah adults are overweight, nearly 200,000 Utahns have diabetes, and diabetes and obesity related health care costs in Utah exceed \$700 million; and

WHEREAS, investing in safe and connected trails, bike lanes, sidewalks, and multi-use paths will encourage our residents to be more active, enable them to spend more time with their families via active transportation, and result in improved personal and community health; and

WHEREAS, Utah has created a Unified Transportation Plan to address these comprehensive transportation and quality of life issues; and

WHEREAS, the Utah State Legislature recognized the local transportation needs and enacted HB 362 which authorized counties to impose and voters to approve a 0.25% local option general sales tax dedicated to local transportation; and

Summary of how SB174 Compliance Webinar with Kirk Cullimore applies to Leeds:

From the Nov. 8, 23 SB 174 Compliance Training Webinar

SB 174 is primarily focused on streamlining the approval process for subdivision applications. It provides specific requirements and timeframes for the review and approval of subdivision applications for single-family homes, two-family dwellings, and townhomes. It does not appear to apply to other land use applications, such as zoning changes or broader land use regulations. Non-compliance may effect our state B&C Road funds. Deadline for Town of Leeds enactment is February 1, 2024

Important policy considerations for Leeds:

1. **Administrative Land Use Authority:** Leeds needs to designate an administrative land use authority, but it cannot include members of the Town Council. The choice of who this authority will be and its structure (single person, planning commission members, staff, or a unique body) is a policy decision. The recommendation advises against the planning commission as the administrative land use authority to avoid challenges to time deadlines that conflict with the open public meetings statues, favoring a single designated individual or a distinct body instead.
2. **Concept Plan Review:** Ordinances specific to SB 174 should not require a concept plan review. However, municipalities should be prepared to hold a meeting at the developer's request within 15 days to provide feedback, even though this review cannot be mandated.
3. **Approval Process:** The statute outlines two processes, preliminary and final, with a limit of four review cycles for both. Public hearings and comments are not required but could be an additional policy consideration, although it may contradict the aim of making the process more administrative.
4. **Timeliness of Reviews:** The completion of preliminary and final reviews should adhere to specific timelines (15 days and 20 days, respectively). Mr. Shaw from Salt Lake County, who was involved in creating the statute last year offered to clarify. The 15-day review period mainly applies to agency reviews (e.g., health department, fire department). After this review, applications should go to the administrative land use authority, usually the planning commission, for preliminary approval. Then, the focus shifts to the technical review stage, which includes detailed plans. This stage involves 20-day review cycles for a total of four cycles. Additional language in future legislation is expected to provide further clarity on these timelines.
5. **Appeals:** SB 174 includes an appeals process for land use decisions and approvals related to subdivision applications. If, during the review process, the town fails to respond to a property owner's request within 20 days, the property owner can request an appeal. This appeal allows the property owner to address any issues or disputes that may arise during the land use approval process. The specifics of the appeals process, such as the procedures and timeline, may vary by jurisdiction and are subject to further legislative clarification. It is suggest for municipalities struggling to meet the February 1, 2024 deadline to adopt in their ordinance verbiage deferring to current state statues as the legislation is in flux
6. **Recorder's Office:** The final step of sending the approval to the recorder's office is After the administrative land use authority has granted preliminary and final approvals, the approved

plans must be recorded in the county recorder's office. The administrative land use authority must ensure that the plans are accurate and comply with local ordinances before they are recorded. This step finalizes the approval and allows property owners to move forward with their development projects. The exact details and requirements of the recording process should be outlined in Leeds ordinances.

7. Land Use Task Force: The Land Use Task Force is working to clarify whether the four-review cycle limitation applies to both preliminary and final reviews or separately. Further clarification on these issues is expected in the later legislative session.

Leeds must consider these factors and decide on their specific approach to compliance with SB 174. Additional guidance and clarification are anticipated from the Land Use Task Force and the legislature.