

# Town of Leeds

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## Agenda Town of Leeds Town Council Wednesday, February 14, 2024

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, February 14, 2024, at 7:00 pm. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

### **Regular Meeting 7:00pm**

1. Call To Order/Roll Call
2. Invocation
3. Pledge Of Allegiance
4. Declaration Of Abstentions Or Conflicts
5. Consent Agenda:
  - a. Tonight's Agenda Of February 14, 2024
  - b. Meeting Minutes Of January 24, 2024, Work Session
  - c. Meeting Minutes Of January 24, 2024, Regular Session
6. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person)
7. Monthly External Reports: LDWA/HVFSSD/County Sherriff's Office
8. Announcements:
  - a. Town Of Leeds Princess Pageant, February 15th At 7:00 Pm, 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.
8. Public Hearings: None
9. Action Items:
10. Discussion Items:
  - a. Discussion Regarding Vacant Positions For Beautification & Leeds Outreach Committee (BLOOM)
  - b. Annuel Unrestricted Fund Balance Transfer
  - c. Discussion Regarding Cemetery Dialogue And Conceptual Improvement Plan
  - d. Discussion Regarding Leeds Subdivision Code In Accordance With SB174 By Hansen Planning Group And Town Zoning Or Medication Prior To Implementation Of SB174
11. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
12. Staff Reports:
13. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
14. 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 22, 2024 at these public places being at **Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town of Leeds website [www.leadstown.org](http://www.leadstown.org).**

  
Aseneth Steed, Clerk/Recorder



801.550.5075  
HansenPlanningGroup.com  
124 B Street  
Springville UT, 84663

Mayor Hoster and members of the Leeds Planning Commission:  
(c/o clerk@leedstown.org)

February 5, 2024

**RE: INITIAL REVIEW OF LEEDS' SUBDIVISION CODE**

Thank you for partnering with our firm to update your subdivision code. My team has completed its initial audit of Leeds' subdivision ordinances. While many existing provisions are well designed and relevant, others have fallen out of compliance with state law (specifically with Utah Code §10-9a-6). Still other provisions could be adjusted to enhance administrative efficiency.

The major issues and opportunities for improvement are as follows:

- **Add a new subdivision application review process for 1-2 family residential use.** SB 174 (the recent bill requiring state-wide subdivision ordinance updates) introduces a new review and approval process for subdivision applications involving one- or two-family residential development. The Town's code will need a new section to implement this process. Key points to keep in mind are these:
  - Town Council can no longer be the decision maker (the Town currently requires the Council to approve preliminary and final subdivision applications). SB 174 permits the Planning Commission, engineers, or other staff to approve subdivisions for 1-2 family residential applications, but not the Council. The reason for this is that the state is trying to make reviewing and approving subdivision applications an administrative, not legislative process. If it's important to the Town that members of the Council are involved in the approval process, a potential workaround would be to create a "Subdivision Review Committee" that includes members of the Town Council and Planning Commission or other Town staff. Ideally, this committee would be filled with individuals who have relevant technical backgrounds.
  - The Town needs to describe an expedited timeline for review and approval. The Town's current code gives the Town an unlimited amount of time to review and approve preliminary or final applications. Under SB 174, the Town is required to complete an initial review of 1-2 family residential applications within **15 business days** after the developer submits a "complete" application. The Town can require modifications, but can take no longer than **60 business days** total to review, including both preliminary and final applications.
  - The new law permits only one public hearing in the preliminary review process (and none in the final review process). The Town's code does not require a public hearing, but it should be aware of this limitation.

- **Add a section addressing condominiums.** State code (§10-9a-603(8)) requires that subdivision plats for "condominiums" contain additional elements. Stating these in the code will help both the Town and developers be in compliance.
- **Acknowledge and incorporate the state-wide plat exemption for agricultural land** as found in Utah Code §10-9a-605(2).
- **Add a provision noting that the Town may void transfers of land not done in accordance with a valid subdivision plat.** State law provides this remedy. The Town's current penalty is just a class C misdemeanor.
- **Refine codification and use an online ordinance-hosting platform.** Town ordinances are currently available online through individual chapters in PDF form. They would be more accessible if the individual chapters were combined by titles, made searchable, and hosted by an online platform such as [civclinQ](#). We are able to provide a year of civclinQ hosting for the Town's subdivision title for free, should the Town be interested in trying out that platform.

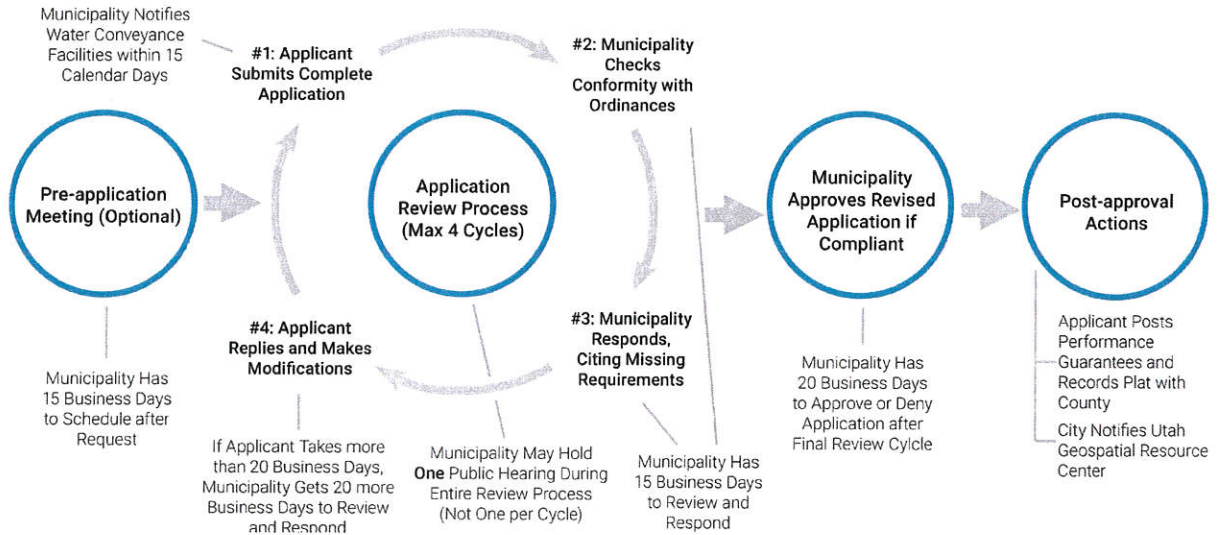
### **A Note on the New Review and Approval Process for 1-2 Family Residential Applications:**

The Utah Legislature designed the SB 174 process to streamline development. The bill does this by (1) limiting the Town to four "review cycles" of back and forth with a developer and one public hearing, (2) instituting review deadlines, (3) requiring the Town to approve applications that are compliant with local ordinances, and (4) permitting—but not requiring—cities to combine the preliminary plat application and the final plat application into one.

The Town's current ordinances use a two-phase review process for residential subdivisions: an applicant must get both a preliminary approval and a final approval. This is a common approach. One way the Town could become compliant with SB 174 is to adapt its current approach to reviewing 1-2 family residential subdivision applications to match the process described in the following flowcharts.



## SUBDIVISION APPLICATION FOR 1-2 FAMILY RESIDENTIAL TIMELINE + PROCESS [COMBINED APPROACH]



Before my team and I proceed with our edits, *please let us know your preferences on the following:*

1. Whether you would like to proceed with a two-phase or a combined approach for 1-2 family residential subdivisions.
2. If you prefer to stick with the two-phase approach, please let us know how you want to allocate the four review cycles between the preliminary and final applications. Other municipalities we've worked with have used a 2-2 or 3-1 split.
3. Whether you would like the process we develop to apply only to applications for 1-2 family residential use, or whether you would like all subdivisions in the Town (except perhaps for those requiring a Site Development Plan) to follow the same process. If you prefer having one process for all applications, then we can lengthen the review timeline and allow for more review cycles and/or hearings for applications not covered by SB 174.

My team will soon begin drafting an amendment to the Town's subdivision ordinances based on your feedback.

Respectfully,

Mike Hansen, Hansen Planning Group

## 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

WHEREAS, the [redacted] city/town will, upon county imposition and voter approval, receive 0.10 of the 0.25% sales tax to invest in critical local transportation needs.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF [redacted], UTAH:

**SECTION 1. Support the 0.25% Local Option General Sales Tax.** The City Council supports the proposed 0.25% Local Option General Sales Tax that the [redacted] County governing body may submit to voters in [redacted] county in November.

**SECTION 2. Encourage Submission of Proposal to the Voters of [redacted] County.**  
The City Council urges the county governing body to submit the 0.25% local option general sales tax dedicated to transportation to the voters of the county for the November 2015 election. The City Council also publicly supports the county governing body in submitting the 0.25% local option general sales tax dedicated to transportation to the electorate of the county.

**SECTION 3. Encourage Voters to Enact the 0.25% Local Option General Sales Tax.** The City Council encourages voters to carefully consider the potential impact from the 0.25% general sales tax local option and to support the enactment of the 0.25% local option general sales tax because of the potential impact explained below.

**SECTION 4. Road and Street Needs in [redacted] City.** The City has significant traditional transportation needs that the municipal 0.10 portion could address. For example, the city has a backlog of road maintenance projects such as (insert as much information about potential projects as city sees fit). Adoption of the municipal 0.10 would enable the city to invest in the critical projects that our residents expect.

**SECTION 5. Active and Alternative Transportation Infrastructure Needs in [redacted] City.** The City has significant active and alternative transportation needs that the municipal 0.10 portion could address. For example, our residents are demanding improved sidewalks and pedestrian safety modes, enhanced bike lanes, better connectivity with transit, more traffic calming devices, and other modern transportation infrastructure (insert as much information about potential projects as the city sees fit). Investment in active transportation options will encourage residents to travel via walking, biking, and transit, result in a healthier population, reduced emissions, decreased health care costs, and improved quality of life. Adoption of the municipal 0.10 would enable the city to invest in the critical projects that our residents expect.

**SECTION 6. Investment in Transit (if applicable).** The City supports continued investment in public transit because transit can help relieve traffic, promote walkable communities, and improve air quality. The transit system will receive 0.10 of the county imposed and voter approved 0.25% local option general sales tax. The City expects the transit system to utilize the revenues collected within the City for projects that will expand local bus service, foster local and regional connectivity, and benefit the residents of the City.

**SECTION 7. Distribution of this Resolution.** A copy of this resolution shall be sent to the [redacted] County governing body, the Utah League of Cities & Towns, the Utah Association of Counties, the Speaker of the Utah House of Representatives, the President of the Utah State Senate, State Representatives and Senators who represent the City, and the Governor of Utah.

**SECTION 8. Effective Date.** This Resolution shall become effective upon passage.

**APPROVED BY THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, UTAH, ON THIS  
DAY OF \_\_\_\_\_, 2015 BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
City Council Member	_____	_____	_____	_____
City Council Member	_____	_____	_____	_____
City Council Member	_____	_____	_____	_____
City Council Member	_____	_____	_____	_____
City Council Member	_____	_____	_____	_____

Mayor: \_\_\_\_\_

Mayor

Attest: \_\_\_\_\_

City Recorder

Approved as to form:

\_\_\_\_\_  
City Attorney

## IMPORTANT: Free Subdivision Code Update (Which You Need)

State subdivision laws changed in the spring of 2023. Every municipality and county in Utah (including yours) needs to update its subdivision ordinances during 2024 or earlier.

We will update your subdivision code for FREE with no strings attached. We have a contract with the Department of Workforce Services, through which the state will pay us to work on your code. No joke.

**The process is simple:** You give us the green light, we give you a perfected subdivision code and explanation of what's different, then you adopt the code. We'll handle both the technicalities of state law and the funding logistics.

## We'll Do More Than Fix Your Subdivisions (Still for Free)

Our subdivision code update also includes:

- **Updated subdivision application forms** to match your updated ordinances (*everyone forgets to update the forms!*).
- **A year of free code hosting.** We've partnered with [civclinQ](#) to give you a free year of code hosting for your subdivision title. *You only have to use it if you want it.*
- **A "due process check"** to make sure you adopt the updated subdivision ordinances without violating any provision of your code.
- **Attorney review** (if requested) to triple check that your new subdivision code is compliant and legally sound.

## LEARN MORE

Our team is led by **Mike Hansen**, who has 20+ years of planning and ordinance-writing experience.

To learn more and give us the green light, visit [HansenPlanningGroup.com/Code](https://HansenPlanningGroup.com/Code) or contact Mike at 801-550-5075 / [mike@hansenplanninggroup.com](mailto:mike@hansenplanninggroup.com).

## HOW TO UPDATE YOUR SUBDIVISION ORDINANCES (FOR FREE):



Mike Hansen, AICP





1                   **LOCAL LAND USE AND DEVELOPMENT REVISIONS**

2                                   2023 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Lincoln Fillmore**

5                                   House Sponsor: Stephen L. Whyte

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6

7   **LONG TITLE**

8   **General Description:**

9           This bill amends provisions related to local land use and development.

10 **Highlighted Provisions:**

11       This bill:

- 12           ▶ amends the penalties for noncompliance with the requirements applicable to a
- 13 political subdivision's moderate income housing report;
- 14           ▶ defines the circumstances under which a garage may be included in the definition of
- 15 an internal accessory dwelling unit;
- 16           ▶ amends a political subdivision's authority with respect to restrictions and
- 17 requirements for internal accessory dwelling units;
- 18           ▶ enacts a new process for subdivision review and approval; and
- 19           ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21       None

22 **Other Special Clauses:**

23       None

24 **Utah Code Sections Affected:**

25 **AMENDS:**

26       10-9a-408, as last amended by Laws of Utah 2022, Chapter 406

27       10-9a-530, as enacted by Laws of Utah 2021, Chapter 102

28       10-9a-608, as last amended by Laws of Utah 2022, Chapter 355

29       17-27a-408, as last amended by Laws of Utah 2022, Chapter 406

58 (ii) a city of the fifth class with a population of 5,000 or more, if the city is located  
59 within a county of the first, second, or third class; or

60 (iii) a metro township with a population of 5,000 or more.

61 (2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative  
62 body of a specified municipality shall annually submit a written moderate income housing  
63 report to the division.

64 (b) The moderate income housing report submitted in 2022 shall include:

65 (i) a description of each moderate income housing strategy selected by the specified  
66 municipality for implementation; and

67 (ii) an implementation plan.

68 (c) The moderate income housing report submitted in each calendar year after 2022  
69 shall include:

70 (i) the information required under Subsection (2)(b);

71 (ii) a description of each action, whether one-time or ongoing, taken by the specified  
72 municipality during the previous fiscal year to implement the moderate income housing  
73 strategies selected by the specified municipality for implementation;

74 (iii) a description of each land use regulation or land use decision made by the  
75 specified municipality during the previous fiscal year to implement the moderate income  
76 housing strategies, including an explanation of how the land use regulation or land use decision  
77 supports the specified municipality's efforts to implement the moderate income housing  
78 strategies;

79 (iv) a description of any barriers encountered by the specified municipality in the  
80 previous fiscal year in implementing the moderate income housing strategies;

81 (v) information regarding the number of internal and external or detached accessory  
82 dwelling units located within the specified municipality for which the specified municipality:

83 (A) issued a building permit to construct; or

84 (B) issued a business license to rent;

85 (vi) a description of how the market has responded to the selected moderate income

114 report:

115 (i) includes the information required under Subsection (2)(c);

116 (ii) demonstrates to the division that the specified municipality made plans to

117 implement:

118 (A) three or more moderate income housing strategies if the specified municipality

119 does not have a fixed guideway public transit station; or

120 (B) four or more moderate income housing strategies if the specified municipality has a

121 fixed guideway public transit station;

122 (iii) is in a form approved by the division; and

123 (iv) provides sufficient information for the division to:

124 (A) assess the specified municipality's progress in implementing the moderate income

125 housing strategies;

126 (B) monitor compliance with the specified municipality's implementation plan;

127 (C) identify a clear correlation between the specified municipality's land use

128 regulations and land use decisions and the specified municipality's efforts to implement the

129 moderate income housing strategies; and

130 (D) identify how the market has responded to the specified municipality's selected

131 moderate income housing strategies.

132 (5) (a) A specified municipality qualifies for priority consideration under this

133 Subsection (5) if the specified municipality's moderate income housing report:

134 (i) complies with Subsection (2); and

135 (ii) demonstrates to the division that the specified municipality made plans to

136 implement:

137 (A) five or more moderate income housing strategies if the specified municipality does

138 not have a fixed guideway public transit station; or

139 (B) six or more moderate income housing strategies if the specified municipality has a

140 fixed guideway public transit station.

141 ~~[(b) The following apply to a specified municipality described in Subsection (5)(a)~~

170 deficiency;

171 (ii) state that the specified municipality has an opportunity to cure the deficiencies  
172 within 90 days after the day on which the notice is sent; and

173 (iii) state that failure to cure the deficiencies within 90 days after the day on which the  
174 notice is sent will result in ineligibility for funds and fees owed under Subsection (7).

175 (7) (a) A specified municipality is ineligible for funds and owes a fee under this  
176 Subsection (7) if the specified municipality:

177 (i) fails to submit a moderate income housing report to the division; or

178 (ii) fails to cure the deficiencies in the specified municipality's moderate income  
179 housing report within 90 days after the day on which the division sent to the specified  
180 municipality a notice of noncompliance under Subsection (6).

181 (b) The following apply to a specified municipality described in Subsection (7)(a)  
182 during the fiscal year immediately following the fiscal year in which the report is required:

183 (i) the executive director of the Department of Transportation may not program funds  
184 from the Transportation Investment Fund of 2005, including the Transit Transportation  
185 Investment Fund, to projects located within the boundaries of the specified municipality in  
186 accordance with Subsection 72-2-124(5); ~~and~~

187 ~~[(ii) the Governor's Office of Planning and Budget may not award financial grants to~~  
188 ~~the specified municipality under the COVID-19 Local Assistance Matching Grant Program in~~  
189 ~~accordance with Subsection 63J-4-802(7).]~~

190 (ii) beginning with a report submitted in 2024, the specified municipality shall pay a  
191 fee to the Olene Walker Housing Loan Fund in the amount of \$250 per day that the specified  
192 municipality:

193 (A) fails to submit the report to the division in accordance with this section, beginning  
194 the day after the day on which the report was due; or

195 (B) fails to cure the deficiencies in the report, beginning the day after the day by which  
196 the cure was required to occur as described in the notice of noncompliance under Subsection  
197 (6); and

226 injunctive or other equitable relief.

227 Section 2. Section 10-9a-530 is amended to read:

228 **10-9a-530. Internal accessory dwelling units.**

229 (1) As used in this section:

230 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

231 (i) within a primary dwelling;

232 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the

233 time the internal accessory dwelling unit is created; and

234 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

235 (b) (i) "Primary dwelling" means a single-family dwelling that:

236 ~~[(+)]~~ (A) is detached; and

237 ~~[(+)]~~ (B) is occupied as the primary residence of the owner of record.

238 (ii) "Primary dwelling" includes a garage if the garage:

239 (A) is a habitable space; and

240 (B) is connected to the primary dwelling by a common wall.

241 (2) In any area zoned primarily for residential use:

242 (a) the use of an internal accessory dwelling unit is a permitted use; ~~[and]~~

243 (b) except as provided in Subsections (3) and (4), a municipality may not establish any

244 restrictions or requirements for the construction or use of one internal accessory dwelling unit

245 within a primary dwelling, including a restriction or requirement governing:

246 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

247 (ii) total lot size; ~~[or]~~

248 (iii) street frontage~~[-];~~ or

249 (iv) internal connectivity; and

250 (c) a municipality's regulation of architectural elements for internal accessory dwelling

251 units shall be consistent with the regulation of single-family units, including single-family units

252 located in historic districts.

253 (3) An internal accessory dwelling unit shall comply with all applicable building,

- 282 10,000 or more is located within the municipality;
- 283 (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling  
284 is served by a failing septic tank;
- 285 (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the  
286 primary dwelling is 6,000 square feet or less in size;
- 287 (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a  
288 period of less than 30 consecutive days;
- 289 (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory  
290 dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
- 291 (k) hold a lien against a property that contains an internal accessory dwelling unit in  
292 accordance with Subsection (5); and
- 293 (l) record a notice for an internal accessory dwelling unit in accordance with  
294 Subsection (6).
- 295 (5) (a) In addition to any other legal or equitable remedies available to a municipality, a  
296 municipality may hold a lien against a property that contains an internal accessory dwelling  
297 unit if:
- 298 (i) the owner of the property violates any of the provisions of this section or any  
299 ordinance adopted under Subsection (4);
- 300 (ii) the municipality provides a written notice of violation in accordance with  
301 Subsection (5)(b);
- 302 (iii) the municipality holds a hearing and determines that the violation has occurred in  
303 accordance with Subsection (5)(d), if the owner files a written objection in accordance with  
304 Subsection (5)(b)(iv);
- 305 (iv) the owner fails to cure the violation within the time period prescribed in the  
306 written notice of violation under Subsection (5)(b);
- 307 (v) the municipality provides a written notice of lien in accordance with Subsection  
308 (5)(c); and
- 309 (vi) the municipality records a copy of the written notice of lien described in

338 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after  
339 the day on which the opportunity to cure the violation expires;

340 (iv) be mailed to:

341 (A) the property's owner of record; and

342 (B) any other individual designated to receive notice in the owner's license or permit  
343 records; and

344 (v) be posted on the property.

345 (d) (i) If an owner of property files a written objection in accordance with Subsection  
346 (5)(b)(iv), the municipality shall:

347 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings  
348 Act, to conduct a review and determine whether the specific violation described in the written  
349 notice of violation under Subsection (5)(b) has occurred; and

350 (B) notify the owner in writing of the date, time, and location of the hearing described  
351 in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.

352 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a  
353 municipality may not record a lien under this Subsection (5) until the municipality holds a  
354 hearing and determines that the specific violation has occurred.

355 (iii) If the municipality determines at the hearing that the specific violation has  
356 occurred, the municipality may impose a lien in an amount of up to \$100 for each day of  
357 violation after the day on which the opportunity to cure the violation expires, regardless of  
358 whether the hearing is held after the day on which the opportunity to cure the violation has  
359 expired.

360 (e) If an owner cures a violation within the time period prescribed in the written notice  
361 of violation under Subsection (5)(b), the municipality may not hold a lien against the property,  
362 or impose any penalty or fee on the owner, in relation to the specific violation described in the  
363 written notice of violation under Subsection (5)(b).

364 (6) (a) A municipality that issues, on or after October 1, 2021, a permit or license to an  
365 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to

394 for the review and approval of subdivisions under Section 10-9a-605, the municipality may  
395 designate a different and separate administrative land use authority for the approval of  
396 subdivisions under Section 10-9a-605.

397 (4) (a) If an applicant requests a pre-application meeting, the municipality shall, within  
398 15 business days after the request, schedule the meeting to review the concept plan and give  
399 initial feedback.

400 (b) At the pre-application meeting, the municipal staff shall provide or have available  
401 on the municipal website the following:

402 (i) copies of applicable land use regulations;

403 (ii) a complete list of standards required for the project;

404 (iii) preliminary and final application checklists; and

405 (iv) feedback on the concept plan.

406 (5) A preliminary subdivision application shall comply with all applicable municipal  
407 ordinances and requirements of this section.

408 (6) An administrative land use authority may complete a preliminary subdivision  
409 application review in a public meeting or at a municipal staff level.

410 (7) With respect to a preliminary application to subdivide land, an administrative land  
411 use authority may:

412 (a) receive public comment; and

413 (b) hold no more than one public hearing.

414 (8) If a preliminary subdivision application complies with the applicable municipal  
415 ordinances and the requirements of this section, the administrative land use authority shall  
416 approve the preliminary subdivision application.

417 (9) A municipality shall review and approve or deny a final subdivision plat  
418 application in accordance with the provisions of this section and municipal ordinances, which:

419 (a) may permit concurrent processing of the final subdivision plat application with the  
420 preliminary subdivision plat application; and

421 (b) may not require planning commission or city council approval.



450 complete preliminary subdivision land use application, including:

451 (i) the application;

452 (ii) the owner's affidavit;

453 (iii) an electronic copy of all plans in PDF format;

454 (iv) the preliminary subdivision plat drawings; and

455 (v) a breakdown of fees due upon approval of the application.

456 (4) (a) A municipality shall publish a list of the items that comprise a complete final  
457 subdivision land use application.

458 (b) No later than 20 business days after the day on which an applicant submits a plat,  
459 the municipality shall complete a review of the applicant's final subdivision land use  
460 application for a residential subdivision for single-family dwellings, two-family dwellings, or  
461 townhomes, including all subdivision plan reviews.

462 (5) (a) In reviewing a subdivision land use application, a municipality may require:

463 (i) additional information relating to an applicant's plans to ensure compliance with  
464 municipal ordinances and approved standards and specifications for construction of public  
465 improvements; and

466 (ii) modifications to plans that do not meet current ordinances, applicable standards or  
467 specifications, or do not contain complete information.

468 (b) A municipality's request for additional information or modifications to plans under  
469 Subsection (5)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or  
470 specifications that require the modifications to plans, and shall be logged in an index of  
471 requested modifications or additions.

472 (c) A municipality may not require more than four review cycles.

473 (d) (i) Subject to Subsection (5)(d)(ii), unless the change or correction is necessitated  
474 by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the  
475 infrastructure needed for the specific development, a change or correction not addressed or  
476 referenced in a municipality's plan review is waived.

477 (ii) A modification or correction necessary to protect public health and safety or to

506 designated appeal authority.

507 Section 5. Section **10-9a-604.9** is enacted to read:

508 **10-9a-604.9. Effective dates of Sections 10-9a-604.1 and 10-9a-604.2.**

509 (1) Except as provided in Subsection (2), Sections 10-9a-604.1 and 10-9a-604.2 do not  
510 apply until December 31, 2024.

511 (2) For a specified municipality, as defined in Section 10-9a-408, Sections 10-9a-604.1  
512 and 10-9a-604.2 do not apply until February 1, 2024.

513 Section 6. Section **10-9a-608** is amended to read:

514 **10-9a-608. Subdivision amendments.**

515 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a  
516 subdivision that has been laid out and platted as provided in this part may file a written petition  
517 with the land use authority to request a subdivision amendment.

518 (b) Upon filing a written petition to request a subdivision amendment under Subsection  
519 (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in  
520 accordance with Section 10-9a-603 that:

- 521 (i) depicts only the portion of the subdivision that is proposed to be amended;  
522 (ii) includes a plat name distinguishing the amended plat from the original plat;  
523 (iii) describes the differences between the amended plat and the original plat; and  
524 (iv) includes references to the original plat.

525 (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide  
526 notice of the petition by mail, email, or other effective means to each affected entity that  
527 provides a service to an owner of record of the portion of the plat that is being vacated or  
528 amended at least 10 calendar days before the land use authority may approve the petition for a  
529 subdivision amendment.

530 (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a  
531 public hearing within 45 days after the day on which the petition is filed if:

- 532 (i) any owner within the plat notifies the municipality of the owner's objection in  
533 writing within 10 days of mailed notification; or

562 plat or on that portion of the plat described in the petition; and

563 (b) the signature of each owner described in Subsection (4)(a) who consents to the  
564 petition.

565 (5) (a) The owners of record of adjoining properties where one or more of the  
566 properties is a lot may exchange title to portions of those [~~parcels~~] properties if the exchange of  
567 title is approved by the land use authority as a lot line adjustment in accordance with  
568 Subsection (5)(b).

569 (b) The land use authority shall approve [~~an exchange of title~~] a lot line adjustment  
570 under Subsection (5)(a) if the exchange of title will not result in a violation of any land use  
571 ordinance.

572 (c) If [~~an exchange of title~~] a lot line adjustment is approved under Subsection (5)(b):

573 (i) a notice of lot line adjustment approval shall be recorded in the office of the county  
574 recorder which:

575 (A) is [~~executed~~] approved by [~~each owner included in the exchange and by~~] the land  
576 use authority; and

577 [~~(B) contains an acknowledgment for each party executing the notice in accordance~~  
578 ~~with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act, and]~~

579 [(~~⊖~~) (B) recites the legal descriptions of both the original properties and the properties  
580 resulting from the exchange of title; and

581 (ii) a document of conveyance shall be recorded in the office of the county recorder  
582 [~~with an amended plat~~].

583 (d) A notice of approval recorded under this Subsection (5) does not act as a  
584 conveyance of title to real property and is not required in order to record a document conveying  
585 title to real property.

586 (6) (a) The name of a recorded subdivision may be changed by recording an amended  
587 plat making that change, as provided in this section and subject to Subsection (6)(c).

588 (b) The surveyor preparing the amended plat shall certify that the surveyor:

589 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and

- 618 the division.
- 619 (b) The moderate income housing report submitted in 2022 shall include:
- 620 (i) a description of each moderate income housing strategy selected by the specified
- 621 county for implementation; and
- 622 (ii) an implementation plan.
- 623 (c) The moderate income housing report submitted in each calendar year after 2022
- 624 shall include:
- 625 (i) the information required under Subsection (2)(b);
- 626 (ii) a description of each action, whether one-time or ongoing, taken by the specified
- 627 county during the previous fiscal year to implement the moderate income housing strategies
- 628 selected by the specified county for implementation;
- 629 (iii) a description of each land use regulation or land use decision made by the
- 630 specified county during the previous fiscal year to implement the moderate income housing
- 631 strategies, including an explanation of how the land use regulation or land use decision
- 632 supports the specified county's efforts to implement the moderate income housing strategies;
- 633 (iv) a description of any barriers encountered by the specified county in the previous
- 634 fiscal year in implementing the moderate income housing strategies; and
- 635 (v) information regarding the number of internal and external or detached accessory
- 636 dwelling units located within the specified county for which the specified county:
- 637 (A) issued a building permit to construct; or
- 638 (B) issued a business license to rent;
- 639 (vi) a description of how the market has responded to the selected moderate income
- 640 housing strategies, including the number of entitled moderate income housing units or other
- 641 relevant data; and
- 642 (vii) any recommendations on how the state can support the specified county in
- 643 implementing the moderate income housing strategies.
- 644 (d) The moderate income housing report shall be in a form:
- 645 (i) approved by the division; and

674 (C) identify a clear correlation between the specified county's land use decisions and  
675 efforts to implement the moderate income housing strategies; and

676 (D) identify how the market has responded to the specified county's selected moderate  
677 income housing strategies.

678 (5) (a) A specified county qualifies for priority consideration under this Subsection (5)  
679 if the specified county's moderate income housing report:

680 (i) complies with Subsection (2); and

681 (ii) demonstrates to the division that the specified county made plans to implement five  
682 or more moderate income housing strategies.

683 ~~[(b) The following apply to a specified county described in Subsection (5)(a) during the~~  
684 ~~fiscal year immediately following the fiscal year in which the report is required:]~~

685 ~~[(i) the Transportation Commission may give priority consideration to transportation~~  
686 ~~projects located within the unincorporated areas of the specified county in accordance with~~  
687 ~~Subsection 72-1-304(3)(c); and]~~

688 ~~[(ii) the Governor's Office of Planning and Budget may give priority consideration for~~  
689 ~~awarding financial grants to the specified county under the COVID-19 Local Assistance~~  
690 ~~Matching Grant Program in accordance with Subsection 63J-4-802(6).]~~

691 (b) The Transportation Commission may give priority consideration to transportation  
692 projects located within the boundaries of a specified county described in Subsection (5)(a)  
693 during the fiscal year immediately following the fiscal year in which the report is required, in  
694 accordance with Subsection 72-1-304(3)(c).

695 (c) Upon determining that a specified county qualifies for priority consideration under  
696 this Subsection (5), the division shall send a notice of prioritization to the legislative body of  
697 the specified county[;] and the Department of Transportation[; ~~and the Governor's Office of~~  
698 ~~Planning and Budget].~~

699 (d) The notice described in Subsection (5)(c) shall:

700 (i) name the specified county that qualifies for priority consideration;

701 (ii) describe the funds or projects for which the specified county qualifies to receive

730 ~~the specified county under the COVID-19 Local Assistance Matching Grant Program in~~  
731 ~~accordance with Subsection 63J-4-802(7)]~~

732 (ii) beginning with the report submitted in 2024, the specified county shall pay a fee to  
733 the Olene Walker Housing Loan Fund in the amount of \$250 per day that the specified county:

734 (A) fails to submit the report to the division in accordance with this section, beginning  
735 the day after the day on which the report was due; or

736 (B) fails to cure the deficiencies in the report, beginning the day after the day by which  
737 the cure was required to occur as described in the notice of noncompliance under Subsection

738 (6)[-]; and

739 (iii) beginning with the report submitted in 2025, the specified county shall pay a fee to  
740 the Olene Walker Housing Loan Fund in the amount of \$500 per day that the specified county,  
741 for a consecutive year:

742 (A) fails to submit the report to the division in accordance with this section, beginning  
743 the day after the day on which the report was due; or

744 (B) fails to cure the deficiencies in the report, beginning the day after the day by which  
745 the cure was required to occur as described in the notice of noncompliance under Subsection

746 (6).

747 (c) Upon determining that a specified county is ineligible for funds under this  
748 Subsection (7), and is required to pay a fee under Subsection (7)(b), if applicable, the division  
749 shall send a notice of ineligibility to the legislative body of the specified county, the  
750 Department of Transportation, and the Governor's Office of Planning and Budget.

751 (d) The notice described in Subsection (7)(c) shall:

752 (i) name the specified county that is ineligible for funds;

753 (ii) describe the funds for which the specified county is ineligible to receive;

754 (iii) describe the fee the specified county is required to pay under Subsection (7)(b), if  
755 applicable;

756 ~~[(iii)]~~ (iv) specify the fiscal year during which the specified county is ineligible for  
757 funds; and