

Mayor  
Robert Dandoy

City Manager  
Matt Andrews



Councilmembers  
Ann Jackson  
Diane Wilson  
Joe Paul  
Randy Scadden  
Sophie Paul

## ROY CITY COUNCIL MEETING AGENDA

MAY 16, 2023 – 5:30 P.M.

ROY CITY COUNCIL CHAMBERS 5051 S 1900 W ROY, UTAH 84067

This meeting will be streamed live on the Roy City YouTube channel.

**A. Welcome & Roll Call**

**B. Moment of Silence**

**C. Pledge of Allegiance**

**D. Public Comments**

If you are unable to attend in person and would like to make a comment during this portion of our meeting on ANY topic you will need to email [admin@royutah.org](mailto:admin@royutah.org) ahead of time for your comments to be shared.

This is an opportunity to address the Council regarding concerns or ideas on any topic. To help allow everyone attending this meeting to voice their concerns or ideas, please consider limiting the time you take. We welcome all input and recognize some topics take a little more time than others. If you feel your message is complicated and requires more time to explain, then please email [admin@royutah.org](mailto:admin@royutah.org). Your information will be forwarded to all council members and a response will be provided.

**E. Action Items**

1. Oath of Office – Parks and Recreation Director
2. Consideration of Resolution 23-12; A resolution approving and authorizing the execution of an interlocal agreement between Roy City and Weber County, wherein Weber County will provide election services for Roy City for the upcoming Primary and General Elections.

**F. Discussion Items**

1. SB 174 – Local Land Use and Development Revisions
2. Public Restrooms
3. Hours and Operations for Splash Pad

**G. City Manager & Council Report**

**H. Adjournment**

*In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact the Administration Department at (801) 774-1020 or by email: [admin@royutah.org](mailto:admin@royutah.org) at least 48 hours in advance of the meeting.*

*Pursuant to Section 52-4-7.8 (1)(e) and (3)(B)(ii) "Electronic Meetings" of the Open and Public Meetings Law, Any Councilmember may participate in the meeting via teleconference, and such electronic means will provide the public body the ability to communicate via the teleconference.*

**Certificate of Posting**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 12<sup>th</sup> day of May 2023. A copy was also posted on the Roy City Website and Utah Public Notice Website on the 12<sup>th</sup> day of May 2023.

Visit the Roy City Web Site @ [www.royutah.org](http://www.royutah.org)  
Roy City Council Agenda Information – (801) 774-1020

Brittany Fowers  
City Recorder

## **RESOLUTION NO. 23-12**

### **A Resolution Approving and Authorizing the Execution of an Interlocal Agreement Between Roy City and Weber County, Wherein Weber County will Provide Election Services for Roy City for the Upcoming Primary and General Elections.**

**WHEREAS**, the City of Roy (“City”) is a municipal corporation duly organized and existing under the laws of the State of Utah; and

**WHEREAS**, the City Council finds that in conformance with Utah Code Section 10-3-717, the City Council as the governing body of the City may exercise administrative powers by resolution; and

**WHEREAS**, the City desires to contract with Weber County for the provision of election services for the 2023 and 2025 primary and general elections; and

**WHEREAS**, the City Council finds that Weber County has the ability and desires to provide services to the City to support upcoming primary and general elections for 2023 and 2025 and to provide those and other related services on behalf of the City in a manner that is beneficial to the City; and

**WHEREAS**, the City Council finds that under the Utah Interlocal Cooperation Act, Utah Code Ann. § 11-13-1, et seq., as amended, (the “Act”), any power or powers, privileges or authority exercised or capable of exercise by a public agency that may be exercised and enjoyed jointly with any other public agency, and that any two or more public agencies may contract with another for joint or cooperative action under the Act; and

**WHEREAS**, the proposed interlocal agreement delineating the relevant terms, conditions, and obligations of the parties is attached to this resolution as “Exhibit A”; and

**WHEREAS**, the City Council finds that entering into and supporting the interlocal agreement is in the best interest of the citizens of Roy City and a necessary condition to conducting primary and general elections for 2023 and 2025;

**NOW THEREFORE**, the Roy City Council hereby resolves to enter into the attached Interlocal Agreement with Weber County for the purposes of administering the primary and general elections for 2023 and 2025. The Mayor of Roy City is authorized and directed to execute the Interlocal Agreement for and on behalf of Roy City.

Passed this 16th day of May, 2023.

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Robert Dandoy  
Mayor

Attested and Recorded:

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Brittany Fowers  
City Recorder

This Resolution has been approved by the following vote of the Roy City Council:

Councilmember Sophie Paul \_\_\_\_\_

Councilmember Scadden \_\_\_\_\_

Councilmember Wilson \_\_\_\_\_

Councilmember Joe Paul \_\_\_\_\_

Councilmember Jackson \_\_\_\_\_

City Contract No. \_\_\_\_\_  
County Contract No. \_\_\_\_\_

**INTERLOCAL COOPERATION AGREEMENT**  
**BETWEEN**  
**WEBER COUNTY**  
**on behalf of the**  
**WEBER COUNTY CLERK’S OFFICE, ELECTIONS DIVISION**  
**-AND-**  
**ROY CITY**

THIS AGREEMENT is made and entered into the \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between WEBER COUNTY, a political subdivision of the State of Utah (“County”), on behalf of its Clerk’s Office, Elections Division, and Roy City (“City”). The County and the City may be referred to collectively as the “Parties” and may be referred to individually as a “Party.”

**WITNESSETH:**

WHEREAS, the County desires to provide the services of its Clerk’s office, Elections Division, to the City for the purpose of assisting the City in conducting the City’s 2023 and 2025 primary and general municipal elections; and

WHEREAS, the City desires to engage the County for such services;

NOW, THEREFORE, in consideration of the promises and covenants hereinafter contained, the Parties agree as follows:

1. **Term.** County shall provide election services to the City commencing on the date this Agreement is executed, and terminating on January 1, 2026. The term of this Agreement may be extended by mutual agreement in writing signed by all Parties. Either Party may cancel this

Agreement upon ninety (90) days written notice to the other party. Upon such cancellation, each Party shall retain ownership of any property it owned prior to the date of this Agreement, and the City shall own any property it created or acquired pursuant to this Agreement.

2. **Scope of Work.** The services to be provided by the Weber County Clerk's Office, Elections Division, shall be as set forth in the Scope of Work, attached hereto and incorporated by reference as Exhibit A. Generally, the County Clerk shall perform all elections administration functions as set forth in Exhibit A and as needed to ensure implementation of the City's 2023 and 2025 primary and general municipal elections.

3. **Legal Requirements.** The County and the City understand and agree that the 2023 and 2025 primary and general municipal elections are the City's elections. The City shall be responsible for compliance with all legal requirements for these elections and shall direct the manner in which the elections are conducted. The County agrees to work with the City in complying with all legal requirements for the conduct of these elections and conduct these elections pursuant to the direction of the City. The City, not the County, is responsible to resolve any and all election questions, problems, and legal issues that are within the City's statutory authority.

4. **Cost.** In consideration of the services performed under this Agreement, the City shall pay the County an amount not to exceed the rate estimate given to the City by the County in Exhibit B. The County shall provide a written invoice to the City at the conclusion of the elections, and the City shall pay the County from the invoice within thirty (30) days of receiving it. The invoice shall contain the number of active registered voters as of one week before Election Day, the rate used, and jurisdictions participating in the election(s). In the case of a vote recount, election system audit, election contest, or similar event arising out of the City's election, the City

shall pay the County's cost of responding to such events, based on a written invoice provided by the County. The invoice amount for these additional services may cause the total cost to the City to exceed the estimate given to the City by the County. For such consideration, the County shall furnish all materials, labor and equipment to complete the requirements and conditions of this Agreement.

5. **Governmental Immunity.** The City and the County are governmental entities and subject to the Governmental Immunity Act of Utah, Utah Code Ann. §§ 63G-7-101, et seq. ("Act"). Subject to the provisions of the Act, the City and County agree to indemnify and hold harmless the other Party, its agents, officers and employees from and against any and all actions, claims, lawsuits, proceedings, liability damages, losses and expenses (including attorney's fees and costs) arising out of or resulting from the performance of this Agreement to the extent the same are caused by any negligent or wrongful act or omission of that Party, its officers, agents and employees. Nothing in this Agreement shall be deemed a waiver of any rights, statutory limitations on liability, or defenses applicable to the City or the County under the Act.

6. **Election Records.** The County shall maintain and keep control over all records created pursuant to this Agreement and to the elections relevant to this Agreement. The County shall respond to all public record requests related to this Agreement and the underlying elections and shall retain all election records consistent with the Government Records Access and Management Act, Utah Code Ann. §§ 63G-2-101 et seq. and all other relevant local, state and federal laws.

7. **Service Cancellation.** If the Agreement is canceled by the City as provided herein, the City shall pay the County on the basis of the actual services performed according to the terms of this Agreement. Upon cancellation of this Agreement, the County shall submit to the City an

itemized statement for services rendered under this Agreement up to the time of cancellation and based upon the dollar amounts for materials, equipment and services set forth herein.

8. **Legal Compliance.** The Parties, as part of the consideration herein, shall comply with all applicable federal, state and county laws governing elections.

9. **Interlocal Agreement.** In satisfaction of the requirements of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (“Interlocal Act”), in connection with this Agreement, the Parties agree as follows:

(a) This Agreement shall be approved by each Party, pursuant to § 11-13-202.5 of the Interlocal Act;

(b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Interlocal Act ;

(c) A duly executed original counterpart of the Agreement shall be filed with the keeper of records of each Party, pursuant to § 11-13-209 of the Interlocal Act;

(d) Each Party shall be responsible for its own costs of any action done pursuant to this Agreement, and for any financing of such costs; and

(e) No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by the City Recorder of the City and the County Clerk of the County, acting as a joint board. No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds, and disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by

this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

10. **Counterparts.** This Agreement may be executed in counterparts by the City and the County.

11. **Governing Law.** This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.

12. **Integration.** This Agreement, with attached exhibits, embodies the entire agreement between the Parties and shall not be altered except in writing signed by both Parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year first above written.

ROY CITY

By: \_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Recorder



Approved as to form and compliance  
with applicable law:

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

Date:\_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By: \_\_\_\_\_  
Gage Froerer, Chair  
Commissioner Arrington Bolos voted \_\_\_\_\_  
Commissioner Harvey voted \_\_\_\_\_  
Commissioner Froerer voted \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Ricky Hatch, CPA  
Weber County Clerk/Auditor

Approved as to form and compliance  
with applicable law:

\_\_\_\_\_  
County Attorney

Date:\_\_\_\_\_

**Exhibit A**  
**2023 and 2025 Municipal Elections**  
**Scope of Work for Election Services**

The County shall provide to the City an Official Register as required by Utah Code Ann. § 20A-5-401, (as amended).

The City shall perform all administrative functions related to candidate filing requirements and all other requirements of Utah Code Ann. § 20A-9-203 (as amended), including all administrative functions related to financial disclosure reporting.

The City shall be responsible for all public notice(s) required by law. The County may additionally publish election notices at its own discretion, but this does not relieve the City of its obligations to publish all public notices required by law.

The City shall be responsible for collecting and delivering ballots that are placed in drop boxes within their City to the County in a timely manner, in accordance with drop box procedures created by the County, and according to a schedule agreed upon by the City and the County up through and including the end of Election Night. If the City damages or loses any drop box items or collection supplies, then the City shall pay the County the cost to replace such items. The County shall be responsible for collecting and delivering ballots that are placed in drop boxes within the County in a timely manner. The City shall be given the collection schedule ahead of time, however any and all changes to the schedule or method of collection are at the discretion of the County. The City shall be responsible for returning and delivering ballots on Election Night in accordance with drop box procedures created by the County and according to a schedule created by the County. The City shall be responsible for locking their drop boxes at exactly 8pm on Election Night. If the City damages or loses any drop box items or collection supplies, then the City shall pay the County the cost to replace such items.

The City agrees to consolidate all elections administration functions and decisions in the County Clerk to ensure the successful conduct of multiple, simultaneous municipal elections. In a consolidated election, decisions made by the County regarding resources, procedures and policies are based upon providing the same scope and level of service to all the participating jurisdictions and the City recognizes that such decisions, made for the benefit of the whole, may not be subject to review by the City.

Services the County will perform for the City include, but are not limited to:

- ballot layout and design;
- ballot mailings;
- ballot printing;
- compensate vote center poll worker (Exhibit C);
- conduct audits (as required);
- conduct recounts (as needed);
- delivery of supplies and equipment;
- election day administrative support;
- operation of county wide vote centers (Exhibit C);
- poll worker recruitment and training;

- printing optical scan ballots;
- program electronic voter register;
- program and test voting equipment;
- provisional ballot verification;
- tabulate and report election results on County website; and
- update voter history database.

The City will provide the County Clerk with information, decisions, and resolutions and will take appropriate actions required for the conduct of the election in a timely manner.

**Exhibit B**  
**2023 and 2025 Municipal Elections**  
**Cost Estimate for Election Services**

Below is the good faith estimate for the upcoming **2023 and 2025 Municipal Elections** for Roy City. The City will be billed for the actual costs after each election, according to the County's cost per active registered voter. The per voter rate will not exceed \$2.25 per active registered voter per election. The number of active registered voters and cost per each will be determined by the registration deadline, one week prior to each election. See the table below for an estimated cost breakdown at the rate of \$2.25 per voter.

Election costs are based upon the offices scheduled for election, the number of voters, and the number of jurisdictions participating. The City will be invoiced for its share of the actual costs of the elections, which will not exceed the estimated rate of \$2.25 per voter.

If one or more jurisdictions, other than the City, hold a special election within the same precinct as the municipal election, then the City shall pay the County the actual cost of the election for that precinct, divided by the number of participating jurisdictions within that precinct. See the table below for an estimated cost of an election with multiple participating jurisdictions at the rate of \$2.25.

A nominal administrative fee will be charged to each jurisdiction sharing a ballot, not to exceed \$0.05 per active registered voter.

<b>Example of the Impact of Cost Sharing Across Multiple Jurisdictions</b>			
<b>Number of Participating Jurisdictions</b>	<b>Active Registered Voters Per Precinct*</b>	<b>Estimated Rate</b>	<b>Total Cost Per Precinct</b>
<b>1</b>	1,041	\$2.25	\$2,342.25
<b>2</b>	1,041	\$1.17 (half plus \$0.05)	\$1,217.97
<b>3</b>	1,041	\$0.80 (1/3 plus \$0.05)	\$832.80

\*Largest precinct within municipality used as an example

<b>Estimated Cost per Election</b>		
<b>Active Registered Voters Per Municipality</b>	<b>Estimated Rate</b>	<b>Total Cost Per Municipality</b>
17,079	\$2.25	\$38,427.75

\*This table represents the total cost per municipality at the highest estimated rate, however cost is calculated per precinct (see table above)

**Exhibit C**  
**2023 Municipal Elections**  
**Core Vote Centers**

<b>2023 Locations*</b>	
Weber Center	
Ogden Valley Library	
Weber County Fairgrounds	

\*Vote Centers are subject to change in accordance with state law and the decision of the County.

Additional polling locations may be established by consent of both the City and the County, the cost of which will be borne by the City, and which would be in addition to the estimates provided in Exhibit B. The County does not guarantee that all vote centers will be used in a primary election.

# Roy City Council Agenda Worksheet

## (Summary of Senate Bill 174)

**Roy City Council Meeting Date:** 16 May 2023

**Agenda Item Number:** Discussion Item #1

**Subject:** Update Roy City Municipal and Land Use Codes to Senate Bill 174 – Local Land Use and Development Revisions

**Prepared By:** Bob Dandoy

**Background:** The approved 2023 Legislative Senate Bill 174 has two main components that require Planning Commission and City Council attention. The following are very brief highlights of these components. They include a brief outline of requirements found in the new law, brief discussion points to consider, and a recommendation for each requirement. There are two (2) requirements found in the IADU portion and seven (7) requirements found in the Subdivision Application portion. There are very detailed descriptions, discussions, and recommendations in the attached documents under Document 1 and 2.

### Utah Code 10-9a-530 Internal Accessory Dwelling Units (For Details See Attach Document 1)

- 1- "Primary dwelling" includes a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall.
- 2- A municipality may, regardless of whether the primary dwelling is existing or new construction, include one additional on-site parking space for an internal accessory dwelling unit.

### Utah Code 10-9a-604.1 and 604.2 Subdivision Review and Approval (For Details See Attach Document 2)

- 1- An "administrative land use authority" means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission. "Administrative land use authority" does not include a municipal legislative body or a member of a municipal legislative body.
- 2- A municipal ordinance governing the subdivision of land shall designate a single administrative land use authority for the review of preliminary applications to subdivide land.
- 3- Utah Code 10-9a-604.1. Process for subdivision review and approval applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes. This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.
- 4- Utah Code 10-9a-604.2. Review of subdivision land use applications and subdivision improvement plans identifies new terms and definitions called "Review cycle", "Subdivision improvement plans"; "Subdivision ordinance review"; and "Subdivision plan review".
- 5- Utah Code 10-9a-604.1. Process for subdivision review and approval states the administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a municipal staff level. With respect to a preliminary application to subdivide land, an administrative land use authority may receive public comment; and hold no more than one public hearing. If a preliminary subdivision application complies with the applicable municipal ordinances and the requirements of this section, the administrative land use authority shall approve the preliminary subdivision application. A municipality shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and municipal ordinances, which may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and may not require planning commission or city council approval.
- 6- Utah Code 10-9a-604.2. Review of subdivision land use applications and subdivision improvement plans state "no later than 15 business days after the day on which an applicant submits a complete

preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the municipality shall complete the initial review of the application”.

- 7- Utah Code 10-9a-604.2. Review of subdivision land use applications and subdivision improvement plans states, “A municipality shall publish a list of the items that comprise a complete final subdivision land use application; and No later than 20 business days after the day on which an applicant submits a plat, the municipality shall complete a review of the applicant's final subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, including all subdivision plan reviews. It also states that; “If, on the fourth or final review, a municipality fails to respond within 20 business days, the municipality shall, upon request of the property owner, and within 10 business days after the day on which the request is received for a dispute arising from the subdivision improvement plans, assemble an appeal panel to review and approve or deny the final revised set of plans; or for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

## **Discussion:**

### Internal Accessory Dwelling Units

- 1- Currently, it is assumed that if a Roy City resident was interested in establishing an Internal Accessory Dwelling Unit (IADU), they could only do so if they used a part of the existing living space located within their single-family home. Typically, this would involve a basement. The new Utah Code states that the garage is now included as part of the primary dwelling. The Roy City code does not reference that the homeowner can consider and include a garage.
- 2- As outlined in the current Roy City Zoning Ordinance Table 19-1, an Internal Accessory Dwelling Unit is required to add at least one parking space. This is consistent with the new Utah Code 10-9a-530. However, the Roy City Code goes a step further by restricting the homeowner to where to place it. The Roy Code does not allow the additional parking space to be in tandem with other parking spaces and will not allow the parking space to be placed on the front or side setback areas. There is a good argument for not allowing parking in the front setback areas, but Roy City Code already allows for side setback parking. How is the homeowner expected to be licensed in Roy City with an IADU, if that homeowner can't legally place a parking space on the property, except maybe the backyard?

### Utah Code 10-9a-604.1 and 604.2 Subdivision Application Review and Approval

- 1- Utah Code 10-9a-604.1. Process for subdivision review and approval clearly states that neither the City Council nor any member of the City Council can be the Administrative Land-Use Authority. Yet there are several references through Roy City Code Title 11 Subdivisions that the Council and/or Mayor is the Authority.
- 2- Utah Code 10-9a-604.1. Process for subdivision review and approval clearly states that neither the City Council nor any member of the City Council can be the Administrative Land-Use Authority. It does state that a municipal ordinance governing the subdivision of land shall designate a single administrative land use authority for the review of preliminary applications to subdivide land. There is no clear reference in Roy City Code on the individual or Planning Commission that has total Administrative Land-Use Authority.
- 3- This new Utah Code 10-9a-604.1. Process for subdivision review and approval is very specific and only applies to subdivision applications on single-family dwellings, two-family dwellings, and townhouses. This means that only a portion of the Roy City subdivision application process is required to follow this new law. Is this an efficient way to handle applications or should all subdivision applications to include nonresidential be changed.
- 4- The terms “Review Cycle”, “Subdivision Improvement Plans”, Subdivision Ordinance Review”, and “Subdivision Plan Review” are not found in the Roy City Subdivision Code Title 11. Yet throughout this new law, there are references to these terms that must be followed. There could be cases where we use a different term that does the same thing. If that was the case, we need to make sure that our city municipal and zoning codes provide some level of comparability to these new requirements. Either way,

for consistent reasons the Roy City Code Title 11 needs to be updated to reflect new requirements found in 10-9a-604.1 and 604.2.

- 5- Under this portion of 10-9a-604.1 the decision on who is the administrative land use authority is critical. Clearly the new law states that the authority can complete the preliminary subdivision application review process in a public meeting or staff office. Certainly, if the Planning Commission was the Administrative Land-Use Authority, requirements called out in this new law would require a public meeting. However, if the City Planner was the Administrative Land Use Authority there would be options whether to hold certain meetings and undoubtedly streamline the approval processes. It appears these changes found in 10-9a-604.1 and 604.2, were meant to streamline the review and approval process.
- 6- The Roy City Codes outline how long the applicant has to complete the Preliminary Subdivision Application, i.e., within 30 days, but not reference to how long the city will take. Under this new law, the city has no later than 15 business days after the day on which an applicant submits a complete preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the municipality to complete the initial review of the application, including subdivision improvement plans.
- 7- The Roy City Codes outline how long the applicant has to complete the Final Subdivision Application but does not reference how long the city must take. Under this new law, the city has no later than 20 business days after the day on which an applicant submits a complete final subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the municipality to complete the process. It also states the municipality shall, upon request of the property owner, and within 10 business days after the day on which the request is received, if a dispute arising from the subdivision improvement plans, the municipality is required to assemble an appeal panel to review and approve or deny the final revised set of plans.

## Recommendation (Information Only or Decision): Decision

### Internal Accessory Dwelling Units

- 1- Direct the Planning Commission to consider recommending to the City Council the following change or a similar change to **Roy City Code 10-17-1: Table of Uses**.
  - From: Dwelling Unit, Internal Accessory (I-ADU). Is an accessory dwelling unit within the footprint of a primary dwelling for the purpose of a rental unit. Shall also meet the following:
  - To: Dwelling Unit, Internal Accessory (I-ADU). Is an accessory dwelling unit within the footprint of a primary dwelling, that can include a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall, for the purpose of a rental unit. Shall also meet the following:
- 2- Direct the Planning Commission to consider recommending to the City Council the following change or similar changes to **Roy City Code Table 19-1: Off-Street Parking Requirements**.

#### **From:**

Use	Minimum Off-Street Parking Requirements
Dwelling Unit, Internal-Accessory (I-ADU)	One (1) space, non-tandem to the other required parking spaces, this space shall not be within the required front or side setback

#### **To:**

Use	Minimum Off-Street Parking Requirements
Dwelling Unit, Internal-Accessory (I-ADU)	One (1) space, this space shall not be within the required front setback

### Utah Code 10-9a-604.1 and 604.2 Subdivision Review and Approval

- 1- The Planning Commission needs to review and make recommended changes to the City Council on Roy City Code Title 11 that removes the City Council members, including the Mayor as the Administrative Land Use Authority.



- 2- The Roy City Council needs to decide if a staff member or the Planning Commission is the Administrative Land-Use Authority for Roy City. Once that is determined, staff need to adjust specific Roy City Codes to add that individual or commission.
- 3- The Planning Commission needs to assess the best way to handle the processing of subdivision applications and make a recommendation to the City Council. Do we create a new subdivision application review and approval track just for those requirements found in 10-9a-604.1 and 10-9a-604.2? Or, do we find a way to combine all the subdivision applications review and approval process into a single approach like we do today. If so, the restrictions outlined in this new law would need to be incorporated into all application processing.
- 4- Suggest that the Planning Commission review these new terms in 10-9a-604.2 and make a recommendation back to the City Council whether they should be included in the Roy City Code 11-11 Definitions and how the terms should be used in the Roy City Code Title 11.
- 5- The City Council needs to assess all the process improvement opportunities and risks laid out in 10.9a-604.1 and select the right Administrative Land Use Authority. From that decision will any opportunities surface on streamlining application processing.
- 6- Direct the Planning Commission to provide recommendations to the City Council to update Roy City Code 11-3-306 Preliminary Subdivision Application Review Procedures to include the city requirement to provide a complete review of the application within 15 days.
- 7- Direct the Planning Commission to provide recommendations to the City Council to update Roy City Code 11-4-408 Final Subdivision Application Review Procedures to include the city requirement to provide a complete review of the application within 20 days and address the appropriate appeal process.

#### **Summary of Recommendations:**

- It should be noted that Roy City Code 11-1-116 Amendment of Applicable State Laws states: "Any provision of this Ordinance, affected by any amendment to the Act, or any other laws of the State of Utah, shall be automatically amended on the effective date of such amendment, to be consistent with such amendment of the Act, or any other laws of the State of Utah, without any required action by the Roy City Planning Commission (hereinafter "Commission") or Council".
- Also, over 6 years ago the Roy City Council authorized major changes to all ordinances to remove the City Council and Mayor from all administrative land use authority references. As you can tell in the Title 11 Subdivision Ordinance, a significant portion of that ordinance still has not been changed. However, although the written Code was never changed the actual process we use today has changed. Since the zoning ordinance was changed over 6 years ago to remove the Council and Mayor from land-use authority decisions, the legislative body has not been involved in any administrative zoning ordinance or subdivision application decisions. Not allowing the Council and Mayor over the years to be involved in the subdivision application decision process was and is in violation of city ordinance. It is only now that the Utah Code is removing the Council and Mayor as the land-use authority on parts of the subdivision application process, but those implementation dates are about a year or more from now. Technically by our own city law, the Council should be approving applications.
- On the surface, this requirement in 11-1-116 suggests that there is no need for the City Council to direct staff to do anything as it relates to this new law. However, the new law outlining the Subdivision Application process does not:
  - Determine who is the Administrative Land-Use Authority, only the City Council can make that decision so it can be documented in the City Code.
  - Determine if the City Ordinance should combine all the subdivision application review and approval processes into a single approach like we do today or establish a separate process for single-family, two family, and townhouses. The Planning Commission needs to assess the best way to handle the processing of subdivision applications and make a recommendation to the City Council.
  - Finally, the new law states the effective date of this new law to be February or December 2024. This leaves the City Council in a tough spot since the Council and Mayor are in violation of the current City Code. The choices are, should we continue to violate the law for another year or so, direct the

Planning Commission / Staff to immediately change the existing Roy City Code Title 11 so we can be compliant, or reestablish the Council / Mayor in the subdivision application process. Not easy choices, but a decision that requires the Council to make.

- It is recommended, to help ensure effective implementation of Senate Bill 174 requirements, the listed recommended actions be approved by the City Council so they can be tracked to ensure compliance with State Law and documented within the City Code. The idea here would be to report progress directly back to the City Council on this very complex piece of legislation.

**Contact Person / Phone Number:** Bob Dandoy

## **2 Attached Documents**

- Document 1 - Detailed information on Internal Accessory Dwelling Unit requirements outlined in Senate Bill 174.
- Document 2 - Detailed information on the Subdivision Application Review and Approval requirements outlined in Senate Bill 174.

# Document 1 – Internal Accessory Dwelling Units

**Subject:** Update Roy City Municipal and Land Use Codes to Senate Bill 174-S2 Requirements (Internal Accessory Dwelling Units only)

**Prepared By:** Bob Dandoy

## Background:

- 2023 Legislative Session SB 174-S2: Local Land Use and Development Revisions (see attachment 1)
  - This bill:
    - Defines the circumstances under which a garage may be included in the definition of an internal accessory dwelling unit.
      - Note: "Primary dwelling" includes a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall.
    - Amends a political subdivision's authority with respect to restrictions and requirements for internal accessory dwelling units.
      - Note: A municipality may regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the municipality's land use regulation, except that if the municipality's land use ordinance requires four off-street parking spaces, the municipality may not require the additional space.
- Current Roy City Municipal Code on Internal Accessory Dwelling Units
  - **10-17-1: Table of Uses**
    - Dwelling Unit, Internal Accessory (I-ADU). Is an accessory dwelling unit within the footprint of a primary dwelling for the purpose of a rental unit. Shall also meet the following:
      - Include an additional parking space (see table 19-1 for standards)
      - Must be occupied as the primary residence of the owner of record.
      - Must be rented for 30 consecutive days or longer.
      - Must obtain a Rental Dwelling License (See Title 3 for standards)
      - A notice to be recorded with the county.
  - **10-19-8 Required Off-Street Parking**
    - The number of off-street parking spaces provided shall comply with Table 19-1, Table of Off-Street Parking Requirements.

**Table 19-1 - Off-Street Parking Requirements**

Use	Minimum Off-Street Parking Requirements
Dwelling Unit, Internal-Accessory (I-ADU)	One (1) space, non-tandem to the other required parking spaces, this space shall not be within the required front or side setback
Dwelling, Single-Family Dwelling, Two-Family	Two (2) spaces, side by side. Parking spaces shall not be within the required front or side setback

- **10-10-32 Parking in Residential Zones**
  - In all residential zones, no vehicle parking shall be permitted in front yard setback areas between the front property line and the front line of the building, except on driveways located in residential zones that directly access a garage or carport. Accessory parking space for vehicles outside of the front yard setback area is permitted on an approved all-weather surface such as concrete, asphalt, gravel (weed free), or road base (weed free), if it is accessible to and from a legal access point on the same parcel. At any time, no portion of a vehicle may be over the street right-of-way line or obstruct a sidewalk.
- **10-19-2 General Provisions**

- Access to parking space (driveways and access lanes); access to all parking spaces shall be as follows:
  - Residential Property, including four (4) units or less attached units, shall provide access to approved off-street parking spaces and private garages used in conjunction with those uses as follows:
    - Driveways and drive approaches shall not be located within the clear view area (sight triangle).
    - Drive approaches may go up to a side lot line of a lot as if the property line is extended to the back of the curb and gutter or roadway, except if there are utility boxes located in the area, if so then approval from the utility companies is needed to be any closer than two (2) feet from the utility boxes. In the case of a cul-de-sac exceptions may be made by the Zoning Administrator.
    - A driveway on private property may be constructed up to the side or rear property line so long as the driveway does not interfere with the surface drainage of the lot or adjacent lots where drainage easements are provided. If no drainage easements exist, the drainage from the driveway must be kept within the property.

#### **Discussion:**

- Utah is facing a housing shortage, with more people looking for a place to live than homes available. Increasing population and low unemployment are driving a demand for housing. Accessory dwelling units are part of a range of housing options that can help increase the housing supply with minimal impacts to the existing neighborhood. As a result, it has been determined by the Utah Legislators that Accessory Dwelling Units are an important piece to help address Utah's long-term struggle to have a reasonable supply of affordable housing.
- After reviewing Senate Bill 174-S2 and specifically assessing the requirements outlined in 10-9a-530: Internal accessory dwelling units, the following are two issues that warrant a City Council discussion.

#### **Issue 1: Garage as part of the Internal Accessory Dwelling Unit**

- Utah Code 10-9a-530 states that Internal Accessory Dwelling Units can now include a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall. Specifically, under 10-9a-530(1)(b)(ii) it states: "Primary dwelling" includes a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall.
- **Issue 1 Discussion:** Currently, it is assumed that if a Roy City resident was interested in establishing an Internal Accessory Dwelling Unit (IADU), they could only do so if they used a part of the existing living space located within their single-family home. Typically, this would involve a basement. The new Utah Code states that the garage is now included as part of the primary dwelling. The Roy City code does not reference that the homeowner can consider and include a garage. If the homeowner decided to use the garage as an IADU, to meet city code requirements it would have to be converted into a livable space and be connected to the home by a common wall.
- **Issue 1 Recommendation:** Direct the Planning Commission to consider recommending to the City Council the following change or a similar change to 10-17-1: Table of Uses.
  - From: Dwelling Unit, Internal Accessory (I-ADU). Is an accessory dwelling unit within the footprint of a primary dwelling for the purpose of a rental unit. Shall also meet the following:
  - To: Dwelling Unit, Internal Accessory (I-ADU). Is an accessory dwelling unit within the footprint of a primary dwelling, that can include a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall, for the purpose of a rental unit. Shall also meet the following:

#### **Issue 2: Restrictions on required parking space as part of the Internal Accessory Dwelling Unit**

- Under the new Utah Code 10-9a-530(2) it states that: "In any area zoned primarily for residential use:
  - The use of an internal accessory dwelling unit is a "permitted use".

- Except as provided in Subsections (3) and (4), a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:
    - The size of the internal accessory dwelling unit in relation to the primary dwelling.
    - Total lot size,
    - Street frontage; or
    - Internal connectivity.
  - A municipality's regulation of architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units, including single-family units located in historic districts".
- Utah Code 10-9a-530(2) indicates that the municipality may not establish any restriction or requirements on the Internal Accessory Dwelling Unit except those found in Subsections (3) and (4). They are:
- Subsection (3): An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.
  - Subsection (4): A municipality may:
    - prohibit the installation of a separate utility meter for an internal accessory dwelling unit.
    - require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
    - require a primary dwelling:
      - regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the municipality's land use regulation, except that if the municipality's land use ordinance requires four off-street parking spaces, the municipality may not require the additional space; and
      - to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport and is a habitable space.
    - prohibit the creation of an internal accessory dwelling unit within a mobile home.
    - require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit.
    - prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:
      - 25% or less of the total area in the municipality that is zoned primarily for residential use, except that the municipality may not prohibit newly constructed internal accessory dwelling units that:
        - have a final plat approval dated on or after October 1, 2021; and
        - comply with applicable land use regulations.
      - 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality.
    - prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank.
    - prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size.
    - prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days.
    - prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence.
    - hold a lien against a property that contains an internal accessory dwelling unit.
    - record a notice for an internal accessory dwelling unit.
- **Issue 2 Discussion:** For the most part, Roy City provides only a few restrictions or requirements that are authorized under Utah Code 10-9a-530. They include:

- The Internal Accessory Dwelling Unit shall comply with all applicable building, health, and fire codes.
  - Prohibit the creation of an internal accessory dwelling unit within a mobile home.
  - Require the owner of a primary dwelling to obtain a license for renting an internal accessory dwelling unit.
  - Prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days.
  - Record a notice for an internal accessory dwelling unit.
  - Require a primary dwelling regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the municipality's land use regulation.
- It is in the additional on-site parking space that warrants further discussion. Utah Code 10-9a-530 Subsection (4) states; "A municipality may: (c)(i) require a primary dwelling regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory, in addition to the parking spaces required under the municipality's land use regulation".
  - The current Roy City Zoning Code 10-19-8: Required Off-Street Parking states: The number of off-street parking spaces provided shall comply with Table 19-1, Table of Off-Street Parking Requirements (see below).

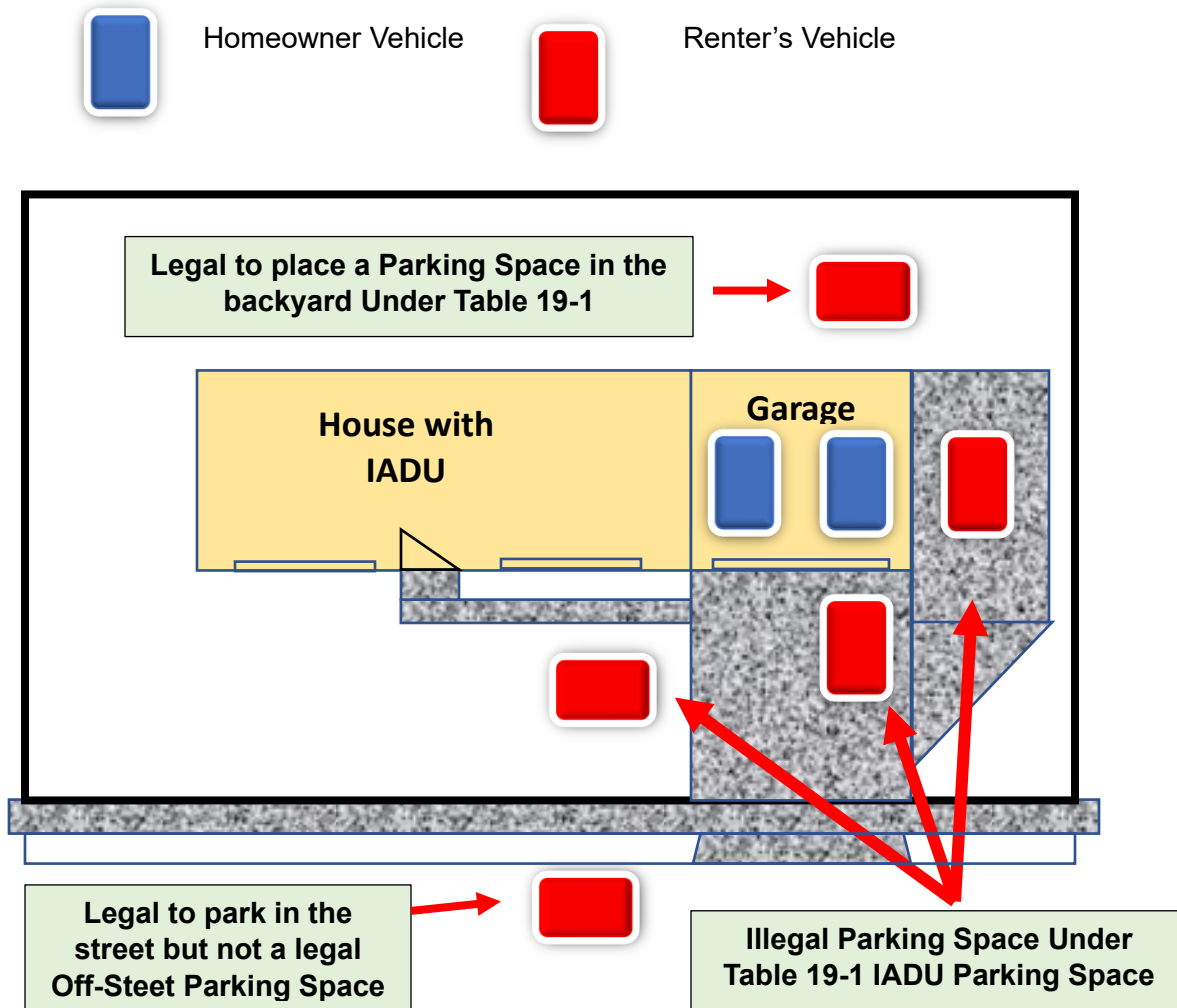
**Table 19-1 - Off-Street Parking Requirements**

Use	Minimum Off-Street Parking Requirements
Dwelling Unit, Internal-Accessory (I-ADU)	One (1) space, non-tandem to the other required parking spaces, this space shall not be within the required front or side setback

*Note: Tandem means one following or behind the other.*

- As outlined in the current Roy City Zoning Ordinance Table 19-1, an Internal Accessory Dwelling Unit is required to add at least one parking space. This is consistent with the Utah Code 10-9a-530. However, the Roy City code goes a step further by restricting the homeowner to where to place it.
- With the average US citizen owning 1.8 vehicles, establishing even a single additional parking space is problematic under the current city zoning code for the homeowner wanting to establish an IADU in their home. The homeowner would be expected to define in accordance with Roy City Code, where the additional parking space would be located, to get approval to establish an IADU. There could be those cases where the homeowner might allow the renter access to one of the spaces in the garage or carport. More than likely, that would be the exception rather than the rule. As written in Table 19-1, there are no real option for the homeowner but to establish a parking space in the backyard. That is not the best option considering that Roy City has current zoning codes that allow for parking space(s) on the sides of the home.
- The Code does not allow the additional parking space to be in tandem with other parking spaces and will not allow the parking space to be placed on the front or side setback areas. How is the homeowner expected to be licensed in Roy City with an IADU, if that homeowner can't legally place a parking space on the property? To best understand this level of restriction on a typical home in Roy City, one needs to view the following illustration.

## Illustration



- This restriction in Table 19-1 conflicts with existing Roy City Code. As an example, 10-10-32: Parking in Residential Zones states: In all residential zones, no vehicle parking shall be permitted in front yard setback areas between the front property line and the front line of the building, except on driveways located in residential zones that directly access a garage or carport. Accessory parking space for vehicles outside of the front yard setback area is permitted on an approved all-weather surface such as concrete, asphalt, gravel (weed free), or road base (weed free), if it is accessible to and from a legal access point on the same parcel. At any time, no portion of a vehicle may be over the street right-of-way line or obstruct a sidewalk.
- Another example is found in 10-19-2 General Provisions that states: Access to parking space (driveways and access lanes); access to all parking spaces shall be as follows:
  - Residential Property, including four (4) units or less attached units, shall provide access to approved off-street parking spaces and private garages used in conjunction with those uses as follows:
    - Drive approaches may go up to a side lot line of a lot as if the property line is extended to the back of the curb and gutter or roadway, except if there are utility boxes located in the area, if so then approval from the utility companies is needed to be any closer than two (2) feet from the utility boxes. In the case of a cul-de-sac exceptions may be made by the Zoning Administrator.
    - A driveway on private property may be constructed up to the side or rear property line so long as the driveway does not interfere with the surface drainage of the lot or adjacent lots

where drainage easements are provided. If no drainage easements exist, the drainage from the driveway must be kept within the property.

- There is a need for the Roy City Zoning Code 10-19-8: Required Off-Street Parking and specifically Table 19-1 to state the number of IADU off-street parking spaces. It does currently. However, the city cannot and should not drive the homeowner to indicate parking in the street as a parking space, nor expect the homeowner to resurface portions of their backyard so the parking space be located there. Our current zoning codes allow parking on the side of the home. What is not needed in Table 19-1 are restrictions on those parking spaces that include non-tandem parking and no side of house parking. Not only are these restrictions almost impossible to enforce, but they hamper the homeowner rights in wanting to establish a legal Internal Accessory Dwelling Unit. It should not be the purpose of the city to restrict homeowner's right and choice to have an Internal Accessory Dwelling Unit. In fact, the city should be helping to promote effective ways to address and support affordable housing options.
- **Issue 2 Recommendation:** Direct the Planning Commission to consider recommending to the City Council the following change or similar changes to **Table 19-1: Off-Street Parking Requirements**.

**From:**

Use	Minimum Off-Street Parking Requirements
Dwelling Unit, Internal-Accessory (I-ADU)	One (1) space, non-tandem to the other required parking spaces, this space shall not be within the required front or side setback

**To:**

Use	Minimum Off-Street Parking Requirements
Dwelling Unit, Internal-Accessory (I-ADU)	One (1) space, this space shall not be within the required front setback

## 1 Attachments

1. 2023 Legislative Session Senate Bill 174-S2 (Internal Accessory Dwelling Units Only)



**Attachment 1 for Document 1- 2023 Legislative Session Senate Bill 174-S2**  
**(On Internal Accessory Dwelling Units Only)**  
*(Note: The BOLD text in SB 174 below is new)*

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

- (1) As used in this section:
- (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
    - (i) within a primary dwelling.
    - (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
    - (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
  - (b) (i) "Primary dwelling" means a single-family dwelling that:
    - (A) is detached; and
    - (B) is occupied as the primary residence of the owner of record.
  - (ii) **"Primary dwelling" includes a garage if the garage:**
    - (A) is a habitable space; and**
    - (B) is connected to the primary dwelling by a common wall**
- (2) In any area zoned primarily for residential use:
- (a) the use of an internal accessory dwelling unit is permitted use.
  - (b) except as provided in Subsections (3) and (4), a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:
    - (i) the size of the internal accessory dwelling unit in relation to the primary dwelling.
    - (ii) total lot size.
    - (iii) street frontage; or
    - (iv) internal connectivity; and**
  - (c) a municipality's regulation of architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units, including single-family units located in historic districts.**
- (3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.
- (4) A municipality may:
- (a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit.
  - (b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
  - (c) require a primary dwelling:
    - (i) **regardless of whether the primary dwelling is existing or new construction**, to include one additional on-site parking space for an internal accessory dwelling unit, **in addition to the parking spaces required under the municipality's land use regulation, except that if the municipality's land use ordinance requires four off-street parking spaces, the municipality may not require the additional space contemplated under this Subsection (4)(c)(i); and**
    - (ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport **and is a habitable space.**
  - (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3.
  - (e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit.
  - (f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:

- (i) 25% or less of the total area in the municipality that is zoned primarily for residential use, **except that the municipality may not prohibit newly constructed internal accessory dwelling units that:**
  - (A) have a final plat approval dated on or after October 1, 2021; and**
  - (B) comply with applicable land use regulations.**
- (ii) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality.
- (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank.
- (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size.
- (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days.
- (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is in a dwelling that is not occupied as the owner's primary residence.
- (k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and
- (l) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).
- (5) (a) In addition to any other legal or equitable remedies available to a municipality, a municipality may hold a lien against a property that contains an internal accessory dwelling unit if:
  - (i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (4);
  - (ii) the municipality provides a written notice of violation in accordance with Subsection (5)(b);
  - (iii) the municipality holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);
  - (iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);
  - (v) the municipality provides a written notice of lien in accordance with Subsection (5)(c); and
  - (vi) the municipality records a copy of the written notice of lien described in Subsection **(5)(a)(v)** with the county recorder of the county in which the property is located.
- (b) The written notice of violation shall:
  - (i) describe the specific violation.
  - (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:
    - (A) no less than 14 days after the day on which the municipality sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or
    - (B) no less than 30 days after the day on which the municipality sends the written notice of violation, for any other violation;
  - (iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
  - (iv) notify the owner of the property:
    - (A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and
    - (B) of the name and address of the municipal office where the owner may file the written objection;
  - (v) be mailed to:
    - (A) the property's owner of record; and

- (B) any other individual designated to receive notice in the owner's license or permit records; and
  - (vi) be posted on the property.
- (c) The written notice of lien shall:
  - (i) comply with the requirements of Section 38-12-102;
  - (ii) state that the property is subject to a lien;
  - (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires; (iv) be mailed to:
    - (A) the property's owner of record; and
    - (B) any other individual designated to receive notice in the owner's license or permit records; and
  - (v) be posted on the property.
- (d) (i) If an owner of property files a written objection in accordance with Subsection (5)(b)(iv), the municipality shall:
  - (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (5)(b) has occurred; and
  - (B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
- (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a municipality may not record a lien under this Subsection (5) until the municipality holds a hearing and determines that the specific violation has occurred.
- (iii) If the municipality determines at the hearing that the specific violation has occurred, the municipality may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
- (e) If an owner cures a violation within the time period prescribed in the written notice of violation under Subsection (5)(b), the municipality may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection (5)(b).
- (6) (a) A municipality that issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.
- (b) The notice described in Subsection (6)(a) shall include: (i) a description of the primary dwelling; (ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and (iii) a statement that the internal accessory dwelling unit may only be used in accordance with the municipality's land use regulations.
- (c) The municipality shall, upon recording the notice described in Subsection (6)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.

## Document 2 – Subdivision Application Review and Approved Process

**Subject:** Update Roy City Municipal and Land Use Codes to Senate Bill 174-S2 (Subdivision Review and Approval Authority Only)

**Prepared By:** Bob Dandoy

### Background:

- **2023 Legislative Session SB 174-S2: Local Land Use and Development Revisions** (see Attachment 1)
  - This bill enacts a new process for subdivision review and approval.

### Discussion / Recommendations:

- Detailed Sections from **Senate Bill 174-S2: Local Land Use and Development Revisions, specifically 10-9a-604.1 and 10-9a-604.2** are compared to current Roy City Code. The information format below provides the new Law Requirements, References to the existing Roy City Code, provides Discussion points, and Recommendations.
  - **Issue 1: Administrative Land-Use Authority**
    - **Utah Code 10-9a-604.1. Process for subdivision review and approval.**
      - (1) (a) As used in this section, an "administrative land use authority" means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission.
      - (b) "Administrative land use authority" does not include a municipal legislative body or a member of a municipal legislative body.
    - (3) A municipal ordinance governing the subdivision of land shall:
      - (a) comply with this section, and establish a standard method and form of application for preliminary subdivision applications and final subdivision applications; and
      - (b) (i) designate a single administrative land use authority for the review of preliminary applications to subdivide land; or
      - (ii) if the municipality has adopted an ordinance that establishes a separate procedure for the review and approval of subdivisions under Section 10-9a-605, the municipality may designate a different and separate administrative land use authority for the approval of subdivisions under Section 10-9a-605.
  - **Roy City Code 11-11-1101 Purpose and Conflicts**  
Land Use Authority: Means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application. For the purposes of this Ordinance, the Council is identified as a Land Use Authority for the approval of Preliminary Subdivision Applications and the Mayor is identified as a Land Use Authority for the approval of Final Subdivision Applications, being designated as such by the passage of this Ordinance.
  - **Roy City 10-23-2 Approval Authority**  
As provided for by the Act, the Zoning Administrator (ZA) is authorized by the Council as the Land Use Authority with the responsibility to determine the existence of any legal nonconforming use, a legal noncomplying structure, or other legal nonconformity.
  - **Roy City 10-4-2 Decision Making Standards**  
The decision-making standards set forth in this Chapter are provided based on the fundamental distinction between legislative and administrative proceedings. Legislative proceedings establish

public law and policy that is applicable generally, while administrative proceedings apply such law and policy to factually distinct, individual circumstances.

1. Legislative Proceedings. The Council is identified hereby to be the only Land Use Authority of the City authorized to render a decision on any application determined to be a legislative matter and subject to a legislative proceeding. The following types of applications are hereby declared legislative matters and subject to legislative proceedings:

- General Plan Amendment Application.
- Zoning Ordinance Amendment Application.
- Zoning Districts Map Amendment Application (Rezoning).
- Official Map Amendment Applications.
- Temporary Land Use Regulation Enactments.

▪ **Roy City Code 10-3-5 Zoning Administrator**

The Council shall designate a person to carry out the administrative responsibilities of this Ordinance, and the Subdivision Ordinance. The person so designated is referred to herein as the "Zoning Administrator."

1. Powers and Duties. It is the responsibility of the Zoning Administrator to ensure all administrative processes, procedures and other provisions of this Ordinance and the Subdivision Ordinance are consistently and equitably applied. The Zoning Administrator shall have the following powers and duties:
- a. To render final Administrative Decisions and Interpretations of this Ordinance in compliance with the requirements provided by RZC 10-4-2.
  - b. To provide a determination of all Permitted, Conditional, and Temporary Uses.
  - c. To approve, approve with revisions, or deny all Site Plan Applications to establish a Permitted Use proposing to occupy an existing building(s) or proposing to modify or remodel the interior of an existing building(s).
  - d. To approve, approve with revisions, or deny the establishment or expansion of a Single-Family or Two-Family Dwelling, including Residential Accessory buildings.
  - e. To approve, approve with revisions, or deny a Temporary Use Application.
  - f. Render decisions on determinations of nonconforming uses and noncomplying structures as provided by RZC 10-23.
  - g. Requests for the issuance of a building permit authorizing the reconstruction, remodeling, expansion, or enlargement of a noncomplying building or structure, as provided by RZC 10-23.

▪ **Roy City Website under Planning Commission**

The Roy City Planning Commission has two roles. Their first role is to make recommendations to the Roy City Council concerning Land Use Ordinances (Zoning, Subdivision & Signs), Zoning Map changes (Rezoning), General Plan (Updates & Amendments), & Annexations. Their second role is as the "Land Use Authority" where they make decisions on Land Use applications such as Permitted Uses, Conditional Uses, Subdivisions, etc...

▪ **Roy City Code 11-3 Preliminary Subdivision Application**  
**11-3-301 Intent**

1. It is the intent of this Ordinance that a Preliminary Subdivision Application decision be a discretionary action by the Council, acting as a Land Use Authority. A decision by the Council related to a Preliminary Subdivision Application shall be accompanied by findings of fact, following the receipt of a Commission recommendation, such recommendation also being accompanied by findings of fact.
2. For the purposes of this Ordinance, the procedures and requirements for the consideration of a Preliminary Subdivision Application are provided to allow for the consideration of all items in relation to the proposed subdivision.

3. The DRC shall identify and address all items applicable to a Preliminary Subdivision Application prior to providing a recommendation to the Commission and Council.
  4. The Commission shall identify and address all items applicable to a Preliminary Subdivision Application prior to providing a recommendation to the Council.
  5. The Council shall identify and address all items applicable to a Preliminary Subdivision Application prior to approving, approving with requirements, or denying the Preliminary Subdivision Application.
- **Roy City Code 11-4 Final Subdivision Application**  
**11-4-401 Intent**
    1. It is the intent of this Ordinance that a Final Subdivision Application decision be an administrative action by the Roy City Mayor (hereinafter "Mayor"), acting as a Land Use Authority. A decision by the Mayor related to a Final Subdivision Application shall be accompanied with findings of fact.
    2. For the purposes of this Ordinance, the procedures and requirements for the consideration of a Final Subdivision Application are provided to allow for the consideration of all items in relation to the proposed subdivision.
    3. The DRC shall identify and address all items applicable to a Final Subdivision Application prior to providing a recommendation to the Mayor.
    4. The Mayor shall identify and address all items applicable to a Final Subdivision Application prior to approving, approving with requirements, or denying the Final Subdivision Application.
  - **1st DISCUSSION:**
    - **Utah Code 10-9a-604.1. Process for subdivision review and approval** clearly states that neither the City Council nor any member of the City Council can be the Administrative Land-Use Authority. Yet there are several references through Roy City Code Title 11 Subdivisions that the Council and/or Mayor is the Authority. Some examples are shown below.
      - **Roy City Code 11-11-1101 Purpose and Conflicts states** "For the purposes of this Ordinance, the Council is identified as a Land Use Authority for the approval of Preliminary Subdivision Applications and the Mayor is identified as a Land Use Authority for the approval of Final Subdivision Applications". Certainly, the Mayor signs the Plat prior to going to the county, but neither the Council nor the Mayor are involved in the preliminary or final subdivision application process.
      - In the **Roy City Code 11-3 Preliminary Subdivision Application, 11-3-301 Intent** it states that a Preliminary Subdivision Application decision be a discretionary action by the Council, acting as a Land Use Authority. That a decision by the Council related to a Preliminary Subdivision Application shall be accompanied by findings of fact, following the receipt of a Commission recommendation. The Council shall identify and address all items applicable to a Preliminary Subdivision Application prior to approving, approving with requirements, or denying the Preliminary Subdivision Application.
      - In the **Roy City Code 11-4 Final Subdivision Application, 11-4-401 Intent** it states makes several references to the Mayor as the Land-Use Authority to include It is the intent of this Ordinance that a Final Subdivision Application decision be an administrative action by the Roy City Mayor (hereinafter "Mayor"), acting as a Land Use Authority. A decision by the Mayor related to a Final Subdivision Application shall be accompanied with findings of fact.
    - However, **Roy City Code 10-4-2 Decision Making Standards** state: "The decision-making standards set forth in this Chapter are provided based on the fundamental distinction between legislative and administrative proceedings. Legislative proceedings establish public

law and policy that is applicable generally, while administrative proceedings apply such law and policy to factually distinct, individual circumstances.

- Legislative Proceedings. The Council is identified hereby to be the only Land Use Authority of the City authorized to render a decision on any application determined to be a legislative matter and subject to a legislative proceeding. The following types of applications are hereby declared legislative matters and subject to legislative proceedings:
  - General Plan Amendment Application.
  - Zoning Ordinance Amendment Application.
  - Zoning Districts Map Amendment Application (Rezones).
  - Official Map Amendment Applications.
  - Temporary Land Use Regulation Enactments.

Clearly the subjects defined in the Legislative Proceedings are the topics that the City Council has been working on for the last few years. There are several cases within the entire Roy City Title 11 Subdivision Code that directs the City Council and/or Mayor to perform Administrative Land-Use Authority decisions. Even though the Council or Mayor have NOT performed any of these requirements for years, the Roy City Code still requires it. This is clearly inconsistent direction within our Title 11 Ordinance. In this new law Utah Code 10-9a-604.1, there is an effort to fix it, but the fix only addresses subdivision application requirements, and not all.

- **RECOMMENDATION:** Planning Commission needs to review and make recommended changes to the City Council on Roy City Code Title 11 that removes the City Council members, including the Mayor as the Administrative Land Use Authority. It would be helpful if the City Council made a formal decision first on who is the Administrative Land-Use Authority for Roy City, so the Planning Commission can recommend appropriate changes in the Title 11 on this requirement as well.

▪ **2<sup>nd</sup> DISCUSSION:**

- **Utah Code 10-9a-604.1. Process for subdivision review and approval** clearly states that neither the City Council nor any member of the City Council can be the Administrative Land-Use Authority. It does state that a municipal ordinance governing the subdivision of land shall establish a standard method and form of application for preliminary subdivision applications and final subdivision applications; and designate a single administrative land use authority for the review of preliminary applications to subdivide land.
- There is no clear reference in Roy City Code on the individual or commission that has total administrative land-use authority. Examples:
  - **Roy City 10-23-2 Approval Authority** states that the Zoning Administrator (ZA) is authorized by the Council as the Land Use Authority with the responsibility to determine the existence of any legal nonconforming use, a legal noncomplying structure, or other legal nonconformity. But this is only part of the authority's responsibilities.
  - **Roy City Code 10-3-5 Zoning Administrator** states that the "Zoning Administrator has the power and duties to render final Administrative Decisions and Interpretations of this Ordinance in compliance with the requirements provided by RZC 10-4-2. Again, only part of the administrative land-use authority responsibilities.
  - Although the Roy City Website under Planning Commission states that the Planning Commission is the "Land Use Authority" where they make decisions on Land Use applications such as Permitted Uses, Conditional Uses, Subdivisions, etc..., this is not supported in Municipal Code. Having it on the city's website is interesting, but not legal.

- **RECOMMENDATION:** The Roy City Council needs to decide if a staff member or the Planning Commission is the Administrative Land-Use Authority for Roy City. Once that is determined, staff need to adjust specific Roy City Codes to add that individual or commission.
- **Issue 2: Subdivision Applications for Single family dwellings, two-family dwellings, or townhouses**
  - **Utah Code 10-9a-604.1. Process for subdivision review and approval.**
    - (2) (a) This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.
    - (b) This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.
  - **Utah Code 10-9a-103. Definitions.**
    - 65(a) "Subdivision" means any land that is divided, re-subdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
    - (b) Subdivision" includes
      - (i) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
      - (ii) except as provided in Subsection (65)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
    - (c) Subdivision" does not include:
      - (i) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
      - (ii) a boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section 10-9a-524 if no new parcel is created;
      - (iii) a recorded document, executed by the owner of record
        - (A) revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or
        - (B) joining a lot to a parcel
      - (iv) a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:
        - (A) no new dwelling lot or housing unit will result from the adjustment; and
        - (B) the adjustment will not violate any applicable land use ordinance.
      - (v) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division
        - (A) is in anticipation of future land use approvals on the parcel or parcels;
        - (B) does not confer any land use approvals; and
        - (C) has not been approved by the land use authority
      - (vi) a parcel boundary adjustment;
      - (vii) a lot line adjustment;
      - (viii) a road, street, or highway dedication plat;
      - (ix) a deed or easement for a road, street, or highway purpose; or
      - (x) any other division of land authorized by law.



- **Roy City Code 11-11-1101 Purpose and Conflicts**

Subdivision: Means "subdivision" as defined by RSUB 11-1-105 (see below), and the Act. Subdivision does not include any action, as identified and defined by RSUB 11-1-106 (see below), and the Act.

- **Roy City Code 11-1-105 Applicability and Authority**

Upon its adoption by the Council, and effective the 16th day of January 2007, this Ordinance shall govern and apply to the subdivision of all lands lying within the municipal boundaries of Roy City, Utah (hereinafter "the City")

- **Roy City Code 11-1-106 Subdivision Defined**

For the purposes of this Ordinance, and the Act, "Subdivision" shall be, and shall mean;

Any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
2. Except as provided by RSUB 11-1-107, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

- **DISCUSSION:**

- This new Utah Code 10-9a-604.1. Process for subdivision review and approval is very specific and only applies to subdivision applications on single-family dwellings, two-family dwellings, and townhouses. It also is only applicable to subdivision review and approval processes and not the City's zoning code.
  - The definition of "Subdivision" found in several Utah Codes and Roy City Codes are not limited to only family type dwelling units. Subdivision application could include nonresidential uses and not follow most of the requirements found in this new Utah Code 10-9a-604.1. Therefore, subdivision application processing could follow two different tracks depending on if it involves only single-family dwellings, two-family dwellings, and townhouses. Even this new law specifically states that this section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals. Unfortunately, this could create confusion for both the applicant and city staff trying to manage conflicting policies on different subdivision applications.
  - **RECOMMENDATION:** The Planning Commission needs to assess the best way to handle the processing of subdivision applications and make a recommendation to the City Council. Do we create a new subdivision application review and approval track just for those requirements found in 10-9a-604.1 and 10-9a-604.2? Or, do we find a way to combine all the subdivision applications review and approval process into a single approach like we do today. If so, the restrictions outlined in this new law would need to be incorporated into all application processing.

- **Issue 3: Ordinance Governing the Subdivision of land – Preliminary and Final Subdivision Applications.**

- **Utah Code 10-9a-604.2. Review of subdivision land use applications and subdivision improvement plans.**

(1) As used in this section:

- (a) "Review cycle" means the occurrence of:
  - (i) the applicant's submittal of a complete subdivision land use application;
  - (ii) the municipality's review of that subdivision land use application;
  - (iii) the municipality's response to that subdivision land use application, in accordance with this section; and
  - (iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.
- (b) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.
- (c) "Subdivision ordinance review" means review by a municipality to verify that a subdivision land use application meets the criteria of the municipality's subdivision ordinances.
- (d) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.
- (2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
- (6) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the municipality's previous review cycle, the municipality may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
- (7) (a) In addition to revised plans, an applicant shall provide a written explanation in response to the municipality's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
  - (b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
  - (c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

- **DISCUSSION:**

- The terms "Review Cycle", "Subdivision Improvement Plans", Subdivision Ordinance Review", and "Subdivision Plan Review" are not found in the Roy City Subdivision Code Title 11. Yet throughout this new law, there are references to these terms that must be followed. There could be cases where we use a different term that does the same thing. If that was the case, we need to make sure that our city municipal and zoning codes provide some level of comparability to these new requirements. Either way, for consistent reasons the Roy City Code Title 11 needs to be updated to reflect new requirements found in 10-9a-604.1 and 604.2.
- **RECOMMENDATION:** Suggest that the Planning Commission review these new terms in 10-9a-604.2(1) and make a recommendation back to the City Council whether they should be included in the Roy City Code 11-11 Definitions and how the terms should be used in the Roy City Code Title 11.

- **Issue 4: Pre-Application Meeting**

- **Utah Code 10-9a-604.1. Process for subdivision review and approval.**

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

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

- (i) copies of applicable land use regulations;
- (ii) a complete list of standards required for the project;
- (iii) preliminary and final application checklists; and
- (iv) feedback on the concept plan.

▪ **Roy City Code - 11-2-201 Mandatory Pre-Application Meeting – Purpose**

A Pre-Application Meeting shall be scheduled with the Zoning Administrator to create an opportunity for an understanding of the City's subdivision requirements and to obtain ordinance and process information before a Concept Plan Application may be filed with the Zoning Administrator. Following the meeting, a Concept Plan Application may be filed with the Zoning Administrator.

▪ **Roy City Code 11-2-202 Concept Plan Application Meeting and Purpose**

A property owner proposing to subdivide any lands located within the municipal boundaries of the City shall file a Concept Plan Application with the Zoning Administrator. The Zoning Administrator shall schedule a Concept Plan Application meeting with the Applicant(s) and the Development Review Committee (hereinafter "DRC") to review the Concept Plan at a DRC meeting, the time and place of such meeting to be identified by the Zoning Administrator. The DRC shall consist of members determined necessary by the City Manager, including, but not limited to the Development Services Director, Zoning Administrator, City Engineer, Fire Marshal, Public Works Director, Police Chief, Parks and Recreation Director, or authorized designee(s), and other representatives of public or private service providers, as determined necessary by the Zoning Administrator.

The purposes of the Concept Plan meeting are to promote an understanding of the City's requirements for subdivisions, including this Ordinance, and to obtain Preliminary and Final Subdivision Application processing and review information. The Concept Plan Application meeting shall also be an opportunity for the DRC to provide information to the potential Applicant(s), respond to questions, and provide a cursory review of the proposed subdivision. The DRC and the Applicant(s) may review the procedure anticipated for subdivision approval, application requirements and standards, other applicable City, County, State and Federal requirements, and any other matters deemed appropriate.

▪ **DISCUSSION:**

- Although this new Utah Code 10-9a-604.1. Process for subdivision review and approval indicates that an applicant may request a pre-application meeting, Roy City Code doesn't give an applicant an option. Roy City Code - 11-2-201 Mandatory Pre-Application Meeting – Purpose states the that applicant must attend a pre-application meeting. As long as city staff provides copies of applicable land use regulations, a complete list of standards required for the project, preliminary and final application checklists, and feedback on the concept plan, we should be okay.

- **RECOMMENDATION:** None

○ **Issue 5: Subdivision Application Review and Approval**

▪ **Utah Code 10-9a-604.1. Process for subdivision review and approval.**

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

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

- (a) receive public comment; and
- (b) hold no more than one public hearing.

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

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

- (a) may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and
- (b) may not require planning commission or city council approval.

▪ **DISCUSSION:**

- Under this portion of 10-9a-604.1 the decision on who is the administrative land use authority is critical. Clearly the new law states that the authority can complete the preliminary subdivision application review process in a public meeting or staff office. Certainly, if the Planning Commission was the Administrative Land-Use Authority, requirements called out in this new law would require a public meeting. However, if the City Planner was the Administrative Land Use Authority there would be options whether to hold certain meetings and undoubtedly streamline the approval processes. It appears these changes found in 10-9a-604.1 and 604.2, were meant to streamline the review and approval process.

- **RECOMMENDATION:** The City Council needs to assess all the process improvement opportunities and risks laid out in 10.9a-604.1 and select the right Administrative Land Use Authority.

○ **Issue 6: New Timeline to Process Preliminary Subdivision Land Use Applications.**

• **Utah Code 10-9a-604.2. Review of subdivision land use applications and subdivision improvement plans**

(3) (a) No later than 15 business days after the day on which an applicant submits a complete preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the municipality shall complete the initial review of the application, including subdivision improvement plans.

(b) A municipality shall maintain and publish a list of the items comprising the complete preliminary subdivision land use application, including:

- (i) the application;
- (ii) the owner's affidavit;
- (iii) an electronic copy of all plans in PDF format;
- (iv) the preliminary subdivision plat drawings; and
- (v) a breakdown of fees due upon approval of the application.

• **Roy City Code 11-3-306 Preliminary Subdivision Application Review Procedures**

The review procedures of the City for a Preliminary Subdivision Application are identified in Figures 3-1. Figures 3-2 identifies the procedures for a Determination of Application Completeness.

The Council is identified and authorized to act as the Land Use Authority for a Preliminary Subdivision Application, following the receipt of a Commission recommendation.

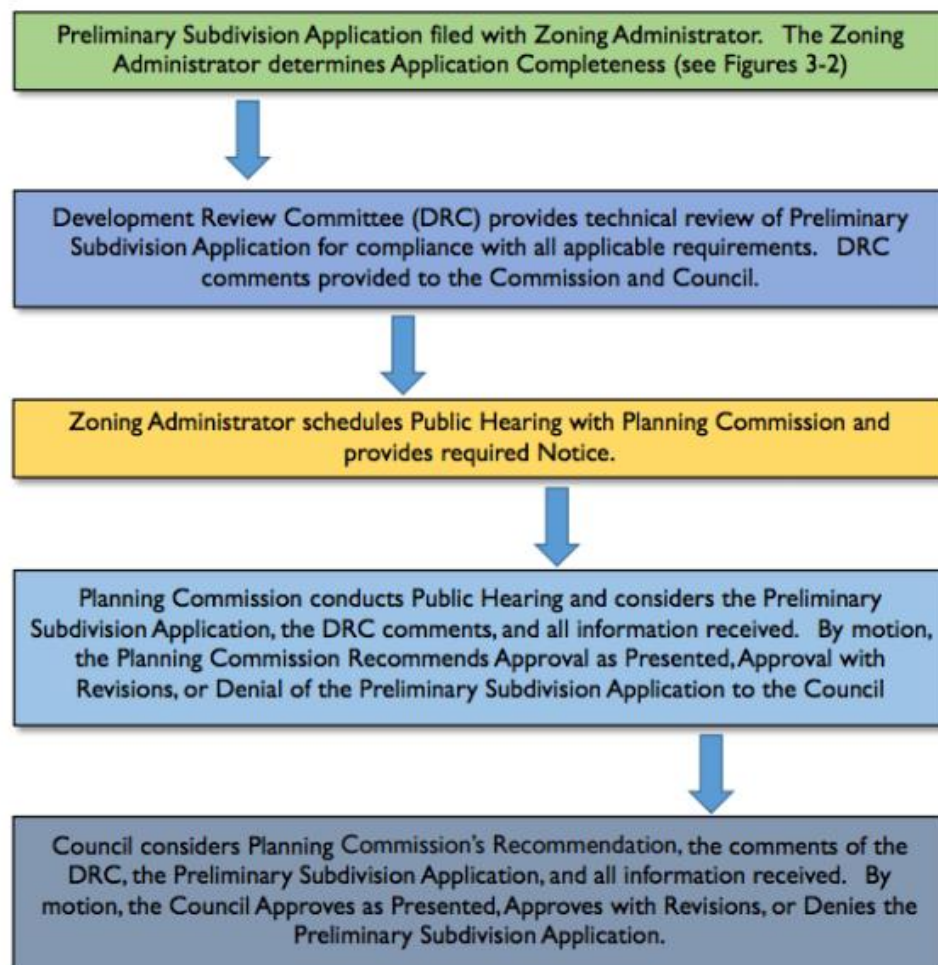
Determination of a Complete Application. The Zoning Administrator as provided and identified in Figures 3-2 and RSUB 11-3-304 and RSUB 11-3-305 shall make a determination of a complete Preliminary Subdivision Application. Only after a Preliminary Subdivision Application has been determined to be complete by the Zoning Administrator shall the Zoning Administrator schedule a meeting with the DRC to review the complete Preliminary Subdivision Application.

DRC Review. Following the receipt of the complete Preliminary Subdivision Application from the Zoning Administrator, the DRC shall review the Preliminary Subdivision Application for compliance to all requirements of this Ordinance, all other applicable Ordinances, and all other Federal, State, and Local requirements, as applicable. Following the DRC review, the Zoning Administrator shall provide the DRC comments to the Commission and Council for consideration in the Commission and Council's review of the Preliminary Subdivision Application.

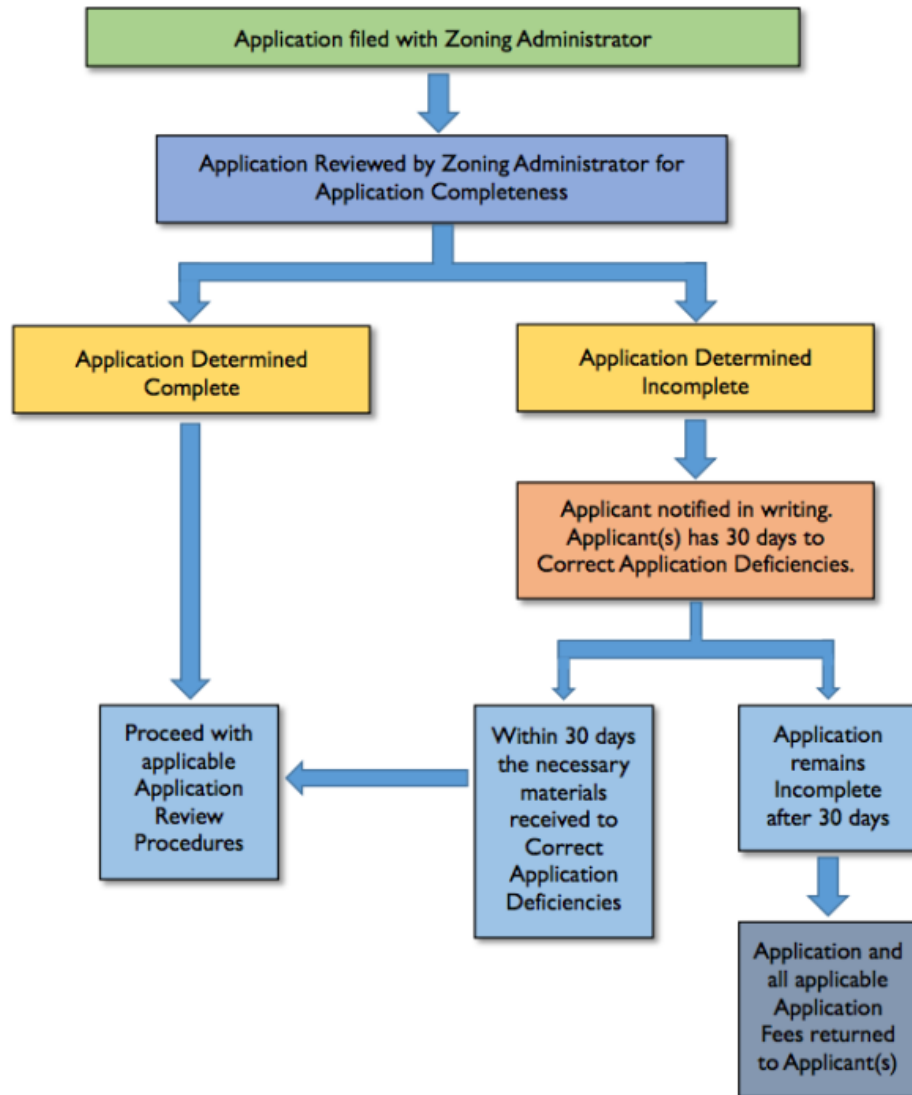
Commission Public Hearing. The Commission shall conduct a public hearing on the Preliminary Subdivision Application. Notice shall be provided for the public hearing as required by RSUB 11-5-500.

Commission Review and Recommendation. Following the close of the public hearing, the Commission shall consider all information, materials, and comments received. The Commission shall formulate and transmit a recommendation to the Council for Council consideration on the Preliminary Subdivision Application, accompanied by findings of fact.

### FIGURE 3-1 - PRELIMINARY SUBDIVISION APPLICATION



**FIGURE 3-2 - DETERMINATION OF APPLICATION COMPLETENESS**



- **DISCUSSION:**

- The Roy City Codes outline how long the applicant has to complete the Preliminary Subdivision Application, i.e., within 30 days, but not reference to how long the city will take. Under this new law, the city has no later than 15 business days after the day on which an applicant submits a complete preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the municipality to complete the initial review of the application, including subdivision improvement plans.

- **RECOMMENDATION:** Direct the Planning Commission to provide recommendations to the City Council to update Roy City Code 11-3-306 Preliminary Subdivision Application Review Procedures to include the city requirement to provide a complete review of the application within 15 days.

- **Issue 7: New Timeline to Process Final Subdivision Land Use Applications.**

- **Utah Code 10-9a-604.2. Review of subdivision land use applications and subdivision improvement plans**

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

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

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

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

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

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

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

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

(ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

(iii) If an applicant makes a material change to a plan set, the municipality has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.

(e) If an applicant does not submit a revised plan within 20 business days after the municipality requires a modification or correction, the municipality shall have an additional 20 business days to respond to the plans.

(8) (a) If, on the fourth or final review, a municipality fails to respond within 20 business days, the municipality shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

(i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

(ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

#### ▪ **Roy City Code 11-4 Final Subdivision Application**

##### **11-4-401 Intent**

1. It is the intent of this Ordinance that a Final Subdivision Application decision be an administrative action by the Roy City Mayor (hereinafter "Mayor"), acting as a Land Use Authority. A decision by the Mayor related to a Final Subdivision Application shall be accompanied with findings of fact.

2. For the purposes of this Ordinance, the procedures and requirements for the consideration of a Final Subdivision Application are provided to allow for the consideration of all items in relation to the proposed subdivision.

3. The DRC shall identify and address all items applicable to a Final Subdivision Application prior to providing a recommendation to the Mayor.

4. The Mayor shall identify and address all items applicable to a Final Subdivision Application prior to approving, approving with requirements, or denying the Final Subdivision Application.

▪ **Roy City Code 11-4-408 Final Subdivision Application Review Procedures**

The Mayor is identified and authorized as the Land Use Authority for Final Subdivision Applications, determining compliance with all applicable requirements of this Ordinance and all requirements for Final Subdivision Application as required by the Council for Preliminary Subdivision Application approval. The review and approval procedures for a Final Subdivision Application are identified in Figure 4-1.

Figures 3-2 identifies the procedures for a Determination of Application Completeness.

The Mayor is identified and authorized to act as the Land Use Authority for a Final Subdivision Application, following the receipt of a DRC recommendation.

1. Determination of a Complete Application.

The Zoning Administrator as provided and identified in Figures 3-2 and RSUB 11-4-406 and RSUB 11-4-407 shall make a determination of a complete Final Subdivision Application. Only after a Final Subdivision Application has been determined to be complete by the Zoning Administrator then shall the Zoning Administrator schedule a meeting with the DRC to review the complete Final Subdivision Application.

2. DRC Review.

Following the receipt of the complete Final Subdivision Application from the Zoning Administrator, the DRC shall review the Final Subdivision Application and verify compliance of all requirements of the Council for Preliminary Subdivision Application approval, this Ordinance, all other applicable Ordinances, and all other Federal, State, and Local requirements, as applicable. Following the DRC review, the Zoning Administrator shall provide the DRC comments to the Mayor for consideration by the Mayor for the review of the Final Preliminary Subdivision Application.

3. Necessary Approvals and Recommendations.

Prior to the Final Subdivision Application being scheduled with the Mayor for consideration, the Zoning Administrator, and DRC shall require that the following approvals and recommendations are included with the information and materials considered by the Mayor:

- a. Written approval of the feasibility of the proposed culinary water system and culinary water sources, provided by the City Engineer.
- b. Written approval of the feasibility of the proposed sanitary sewer system, provided by the City Engineer.
- c. A written recommendation of the proposed street and road layout and street and road designs, provided by the City Engineer.
- d. If the proposed subdivision will be accessed from a State Highway, an appropriate access permit, as required by the State of Utah Department of Transportation, shall be provided. If the subdivision will be accessed from a County Road, authorization from Weber County to allow the subdivision access from a County Road shall be provided.
- e. A written recommendation of the proposed storm water management and storm drainage and flood control facilities, provided by the City Engineer.
- f. A written recommendation of the proposed fire protection, fire suppression, and fire access facilities, provided by the City Fire Marshall and City Engineer.
- g. Necessary approvals and/or permits from Federal, State, and Local agencies, as may be applicable.



4. Mayoral Review and Approval, Approval with Requirements, or Denial of the Final Subdivision Application.

Following the receipt of all necessary approvals and recommendations, and the DRC's review comments, the Mayor shall consider the Final Subdivision Application.

Following the consideration of the Final Subdivision Application, and all information and materials presented, the Mayor may approve the Final Subdivision Application, as presented, approve the Final Subdivision Application with requirements, or deny the Final Subdivision Application with findings of compliance or non-compliance with the Preliminary Subdivision Application approval of the Council, this Ordinance, other Ordinances, or other applicable City, County, State, and Federal requirements.

5. Necessary Signatures and Acknowledgements.

All necessary signatures are received and the owner(s) of the Subject Property shall acknowledge the Final Plat before the Mayor, the Mayor being authorized to take the acknowledgement of conveyances of real estate.

6. Recordation of Final Subdivision Plat and all Subdivision Documents.

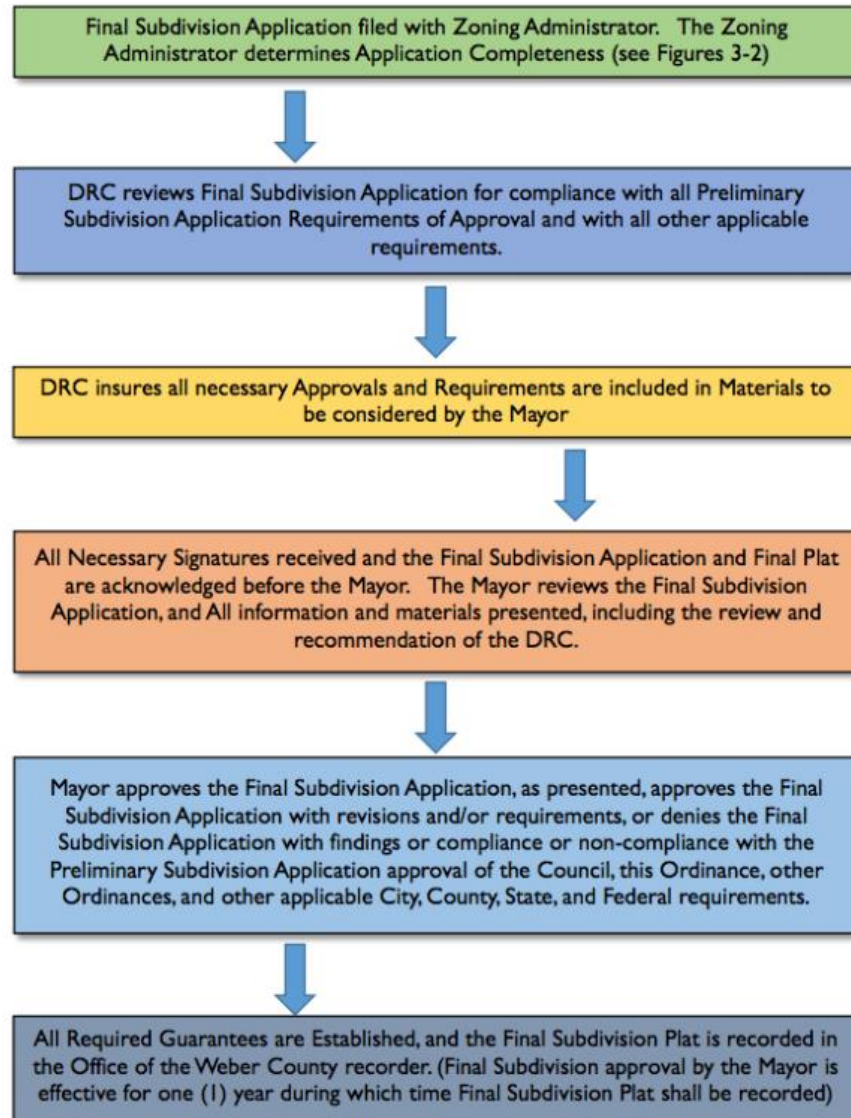
After:

- a. a Final Subdivision Application has been approved, with or without requirements by the Mayor,
- b. all necessary subdivision improvement guarantees, bonds and agreements have been established and are in place, as required by the Ordinances of the City, including this Ordinance, sufficient to insure the installation and construction of all required subdivision improvements, and
- c. the Final Subdivision Plat has been signed by all required Officials and services providers, the Final Subdivision Plat shall be provided to the City Attorney, for presentation by the City to the Office of the Weber County Recorder for recordation. After the Final Subdivision Plat has been recorded, the Applicant(s) may apply for permits required for the construction and installation of subdivision improvements and building permits consistent with the approved and recorded Final Subdivision Plat and the City's requirements for such permits. The Applicant(s) shall pay all fees, including copies, for the recording of all Final Subdivision documents and the Final Subdivision Plat.

7. Preconstruction Meeting.

Prior to any excavation, grading, re-grading, or the installation of any subdivision improvements, a Preconstruction Meeting shall be conducted by the City Engineer with the Applicant(s), and Applicant(s) contractors, to establish the requirements for all subdivision excavation, grading, re-grading, and the installation of all required subdivision improvements.

**FIGURE 4-1 - FINAL SUBDIVISION APPLICATION**



- **DISCUSSION:**

- The Roy City Codes outline how long the applicant has to complete the final Subdivision Application, but not reference to how long the city will take. Under this new law, the city has no later than 20 business days after the day on which an applicant submits a complete final subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the municipality to complete the process. It also states the municipality shall, upon request of the property owner, and within 10 business days after the day on which the request is received, if a dispute arising from the subdivision improvement plans, the municipality is required to assemble an appeal panel to review and approve or deny the final revised set of plans.

- **RECOMMENDATION:** Direct the Planning Commission to provide recommendations to the City Council to update Roy City Code 11-4-408 Final Subdivision Application Review Procedures to include the city requirement to

provide a complete review of the application within 20 days and address the appropriate appeal process.

○ **Issue 8: Wrong Subsection referenced in the new law.**

● **10-9a-604.2. Review of subdivision land use applications and subdivision improvement plans**

(8) (a) If, on the fourth or final review, a municipality fails to respond within 20 business days, the municipality shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

(i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

(ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

● **DISCUSSION:**

- Utah Code 10-9a-604.2(8)(a) refers to an appeal panel in accordance with Subsection 10-9a-508(5)(d). This is the wrong Subsection referenced. 10-9a-508 references Exactions, specifically Exactions -- Exaction for water interest and makes no reference to an appeal panel process. It appears the writers of the law placed the wrong Utah Code reference. This will hopefully be corrected in the next legislative session.

○ **Issue 9: Lot Line Adjustment.**

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

- **DISCUSSION:** This portion in Senate Bill 174-S2 addressed Subdivision Amendments. The main changes in this portion of the Bill involve adding “Lot Line Adjustment” wording. The Roy City Code 11-11-1101 Purpose and Conflicts defines this term, but I was unable to find it used anywhere in Roy City Code except as a definition in 10-31-1. Having words “Lot Line Adjustment” found in two definitions without an application anywhere in Roy City Code provide no value. Good chance this phrase was used in the past and was removed. A review of Utah Code 10-9a-608 to determine if the Roy City Code needs to be updated is warranted here.

**NOTE:** The most interesting part of this SB 174 is it doesn't address the zoning portion of city's municipal codes. Specifically, it states in 10-9a-604.1(2)(b), "This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals". Because it is only applicable to subdivision applications for single-family dwelling, two-family dwellings, and townhomes, this Bill could leave the Mayor and City Council as the Administrative Land-Use Authority to everything in the subdivision application process but single-family dwelling, two-family dwellings, and townhomes. Certainly, our Title 11 ordinance today indicates this is way. There needs to be consistency in how we manage all issues associated with land use regulations. It starts with clearly defining the Administrative Land Use Authority and making sure that our municipal code, including zoning, subdivision, and sign ordinances follow the same approach.

**NOTE:** It is not clear as to when requirements found in this Utah Code Sections 10-9a-604.1 and 604.2 must be implemented. There is a reference in the new law to Utah Code Section 10-9a-408 which is the Moderate-Income Housing reporting requirements but there is no clear direction there. At this point we know the implementation will take place before February 1, 2024, or December 31, 2024. We might have to wait a few months longer until Utah Code 10-9a-408 is updated to reflect changes in this new law.

**1 Attachment:** 2023 Legislative Session Senate Bill 174-S2 (Subdivision portion only)

## Attachment 1 for Document 2

- 2023 Legislative Session Senate Bill 174-S2 (Subdivision portion only)

### **10-9a-604.1. Process for subdivision review and approval.**

- (1) (a) As used in this section, an "administrative land use authority" means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission.
- (b) "Administrative land use authority" does not include a municipal legislative body or a member of a municipal legislative body.
- (2) (a) This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.
- (b) This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.
- (3) A municipal ordinance governing the subdivision of land shall:
- (a) comply with this section, and establish a standard method and form of application for preliminary subdivision applications and final subdivision applications; and
- (b) (i) designate a single administrative land use authority for the review of preliminary applications to subdivide land; or
- (ii) if the municipality has adopted an ordinance that establishes a separate procedure for the review and approval of subdivisions under Section 10-9a-605, the municipality may designate a different and separate administrative land use authority for the approval of subdivisions under Section 10-9a-605.
- (4) (a) If an applicant requests a pre-application meeting, the municipality shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
- (b) At the pre-application meeting, the municipal staff shall provide or have available on the municipal website the following:
- (i) copies of applicable land use regulations;
- (ii) a complete list of standards required for the project;
- (iii) preliminary and final application checklists; and
- (iv) feedback on the concept plan.
- (5) A preliminary subdivision application shall comply with all applicable municipal ordinances and requirements of this section.
- (6) An administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a municipal staff level.
- (7) With respect to a preliminary application to subdivide land, an administrative land use authority may:
- (a) receive public comment; and
- (b) hold no more than one public hearing.
- (8) If a preliminary subdivision application complies with the applicable municipal ordinances and the requirements of this section, the administrative land use authority shall approve the preliminary subdivision application.
- (9) A municipality shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and municipal ordinances, which:
- (a) may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and

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

(10) If a final subdivision application complies with the requirements of this section, the applicable municipal ordinances, and the preliminary subdivision approval granted under Subsection (9)(a), a municipality shall approve the final subdivision application.

**10-9a-604.2. Review of subdivision land use applications and subdivision improvement plans.**

(1) As used in this section:

(a) "Review cycle" means the occurrence of:

- (i) the applicant's submittal of a complete subdivision land use application;
- (ii) the municipality's review of that subdivision land use application;
- (iii) the municipality's response to that subdivision land use application, in accordance with this section; and
- (iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.

(b) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

(c) "Subdivision ordinance review" means review by a municipality to verify that a subdivision land use application meets the criteria of the municipality's subdivision ordinances.

(d) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

(2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

(3) (a) No later than 15 business days after the day on which an applicant submits a complete preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the municipality shall complete the initial review of the application, including subdivision improvement plans.

(b) A municipality shall maintain and publish a list of the items comprising the complete preliminary subdivision land use application, including:

- (i) the application;
- (ii) the owner's affidavit;
- (iii) an electronic copy of all plans in PDF format;
- (iv) the preliminary subdivision plat drawings; and
- (v) a breakdown of fees due upon approval of the application.

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

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

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

- (i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and
- (ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

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

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

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

(ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

(iii) If an applicant makes a material change to a plan set, the municipality has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.

(e) If an applicant does not submit a revised plan within 20 business days after the municipality requires a modification or correction, the municipality shall have an additional 20 business days to respond to the plans.

(6) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the municipality's previous review cycle, the municipality may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(7) (a) In addition to revised plans, an applicant shall provide a written explanation in response to the municipality's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

(c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

(8) (a) If, on the fourth or final review, a municipality fails to respond within 20 business days, the municipality shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

(i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

(ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

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

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

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

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

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

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

(i) depicts only the portion of the subdivision that is proposed to be amended;

(ii) includes a plat name distinguishing the amended plat from the original plat;

(iii) describes the differences between the amended plat and the original plat; and

(iv) includes references to the original plat.

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

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

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

(ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(e) A land use authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

(2) The public hearing requirement of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting an owner's petition for a subdivision amendment if:

(a) the petition seeks to:

(i) join two or more of the petitioner fee owner's contiguous lots;

(ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;

(iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;

(iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or

(v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:

(A) owned by the petitioner; or

(B) designated as a common area; and

(b) notice has been given to adjoining property owners in accordance with any applicable local ordinance.

(3) A petition under Subsection (1)(a) that contains a request to amend a public street or municipal utility easement is also subject to Section 10-9a-609.5.

(4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a portion of a plat shall include:

(a) the name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and

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

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

(b) The land use authority shall approve a **lot line adjustment** under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.

(c) If a lot line adjustment is approved under Subsection (5)(b):

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

(A) is approved by the land use authority; and

(B) recites the legal descriptions of both the original properties and the properties resulting from the exchange of title; and

- (ii) a document of conveyance shall be recorded in the office of the county recorder
  - (d) A notice of approval recorded under this Subsection (5) does not act as a conveyance of title to real property and is not required in order to record a document conveying title to real property.
- (6) (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (6)(c).
- (b) The surveyor preparing the amended plat shall certify that the surveyor:
- (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
  - (ii) (A) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; or  
(B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
  - (iii) has placed monuments as represented on the plat.
- (c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office.
- (d) Except as provided in Subsection (6)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.



## **Roy City Council Agenda Worksheet**

**Roy City Council Meeting Date: 05/16/2023**

**Agenda Item Number: Discussion Item #2**

**Subject: Public Access to Restrooms at Parks**

**Prepared By: Randy R. Scadden**

**Background: Due to repeated vandalism public restrooms were closed.**

**Recommendation (Information Only or Decision):**

**I would like to bring up for discussion some potential remedies to having bathroom facilities available during various events at our local parks.**

**Some Ideas and or Thoughts:**

- **Do we look to put porta potties at our public parks?**
  - **This is already being done at Roy West Park on the North Side.**
  - **This limits the amount of potential vandalism that can be done.**
- **Do we look to re-open the public restrooms but try to better monitor them and close them down immediately after the various events?**
  - **We've invested in camera's to monitor the restrooms.**
  - **Do we have at parks that have concession stands being manned by rec staff go in and check the state of the restrooms hourly?**
  - **Do we also only provide restroom facilities while staff is onsite and lock up when staff leaves?**
- **Other comments and or recommendations are welcomed.**

**Contact Person / Phone Number:**

**Council Member Randy R. Scadden 385-216-2708**