



PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:00 PM ON AUGUST 14, 2024 AT CENTERVILLE CITY HALL, 250 NORTH MAIN STREET, CENTERVILLE, UTAH.

Centerville City Planning Commission meetings are open to the public, unless otherwise closed for reasons allowed by law. Centerville City Planning Commission meetings may be conducted via electronic means pursuant to Utah Code § 52-4-207. In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability may contact the City Recorder at (801) 295-3477, at least 24 hours in advance of the meeting. The Commission reserves the right to modify the sequence of agenda items in order to facilitate special needs or provide greater efficiency.

The full agenda packet and backup materials can be found on the Centerville City website at:

<https://centervilleutah.gov/129/Agendas-Minutes>

A. CALL TO ORDER

- 1. ROLL CALL**
- 2. LEGISLATIVE PRAYER OR THOUGHT**
- 3. PLEDGE OF ALLEGIANCE**

B. BUSINESS ITEMS

Business action or discussion items to be considered by the Planning Commission.

1. PUBLIC HEARING - Zoning Code Amendment Proposal - 12.41.060(b)(new 7), Commercial Planned Developments - LEGISLATIVE ACTION
The petitioner, Mitch Vance and Glenn Girsberger, representing JF Legacy Partners LLC, is requesting to amend the Centerville Zoning Code text regarding commercial planned developments, as found in CZC 12.41.060(b)(new 7).
2. PUBLIC HEARING - Zoning Code Amendment Proposal - 12.54.120 and 12.54.130, Signs In Parrish Lane Gateway Commercial District and Signs In Commercial Zones - LEGISLATIVE ACTION
The petitioner, the Centerville City Community Development Department (CDD), is requesting to amend the Centerville Zoning Ordinance by altering sections of the Sign Ordinance as found in CZC 12.54.120 and 12.54.130.

C. COMMUNITY DEVELOPMENT DIRECTORS REPORT

1. Community Development Director's Report
2. Presentation of Sydney DeWees as new City Planner

D. MINUTES

Minutes of prior meetings may be reviewed and accepted. Minutes review and approval shall comply with the Centerville City Minutes Approval Policy.

1. Minutes Review and Approval
May 22, 2024 Planning Commission Minutes

E. PLANNING COMMISSION TRAINING

1. Planning Commission Training Module 2 - The General Plan

F. ADJOURNMENT

CERTIFICATE OF POSTING

I hereby certify that this notice and agenda was posted at Centerville City Hall, published on the Utah Public Notice Website, and provided to a newspaper or media correspondent in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code § 52-4-202.

**Jennifer Robison
Centerville City Recorder**

**PLANNING
COMMISSION**

Staff Report
8/14/2024

Item No. 1.

Title: PUBLIC HEARING - Zoning Code Amendment Proposal - 12.41.060(b)(new 7), Commercial Planned Developments - LEGISLATIVE ACTION

Initiated By: JF Legacy Partners LLC, Applicant

Staff Representative: Mike Eggett, Community Development Director

SUBJECT:

The petitioner, Mitch Vance and Glenn Girsberger, representing JF Legacy Partners LLC, is requesting to amend the Centerville Zoning Code text regarding commercial planned developments, as found in CZC 12.41.060(b)(new 7).

RECOMMENDATION:

CONSIDER RECOMMENDING APPROVAL TO THE CITY COUNCIL, AS AMENDED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

BACKGROUND:

The petitioner, Mitch Vance, representing JF Legacy Partners LLC, desires to amend the Centerville Zoning Code to provide for an opportunity to achieve flexibility for commercial planned developments within Planned Development Overlay (PDO) zoned areas. JF Legacy Partners LLC is seeking to amend Section 12.41.060 of the Zoning Code to allow development agreements to impact and, in some cases, possibly presume controlling application over PDO zoning code expectations. Utah Code §10-9a-532 "Development Agreements" allows a "legislative body [to] approve [a] development agreement in accordance with the same procedures for enacting a land use regulation..., including a review and recommendation from the planning commission and a public hearing." Therefore, the applicant is requesting that there be a newly added subsection to Subsection 12.41.060(b) that allows for application of this Utah Code to the PDO ordinances.

ATTACHMENTS:

1. 08-14-2024 PC Staff Report Zone Text Amendment - 12.41.060(b)(new 7) Commercial Planned Developments, Mitch Vance Applicant
2. USC10-9a-S532 - Development Agreements [Eff. 20240501]
3. Commons_ZoneCodeAmdProposal_2024 07-05 [ME Edit]
4. Pub Hear Notice - JF Capital PDO Amend Proposal
5. JF Capital Application - Zoning Text Amend 12.41.060(b.)
6. Commons_ZoneCodeAmdProposal_2024 07-05
7. Commons_CodeAmdAppJustification_2024 07-05

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232

STAFF REPORT
AGENDA: ITEM 1

PETITIONER:	JF LEGACY PARTNERS LLC C/O MITCH VANCE 1216 W LEGACY CROSSING BLVD, STE 300 CENTERVILLE, UT 84014 <u>mvince@jfisherco.com</u>
APPLICATION:	ZONING CODE TEXT AMENDMENT
APPLICANT REQUEST:	AMEND THE ZONING CODE TEXT REGARDING COMMERCIAL PLANNED DEVELOPMENTS (CZC 12.41.060(b)(new 7))
RECOMMENDATION:	CONSIDER RECOMMENDING APPROVAL TO THE CITY COUNCIL, AS AMENDED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

BACKGROUND

The petitioner, Mitch Vance, representing JF Legacy Partners LLC, desires to amend the Centerville Zoning Code to provide for an opportunity to achieve flexibility for commercial planned developments within Planned Development Overlay (PDO) zoned areas. JF Legacy Partners LLC is seeking to amend Section 12.41.060 of the Zoning Code to allow development agreements to impact and, in some cases, possibly presume controlling application over PDO zoning code expectations. Utah Code §10-9a-532 “Development Agreements” allows a “legislative body [to] approve [a] development agreement in accordance with the same procedures for enacting a land use regulation..., including a review and recommendation from the planning commission and a public hearing.” Therefore, the applicant is requesting that there be a newly added subsection to Subsection 12.41.060(b) that allows for application of this Utah Code to the PDO ordinances. JF Capital is contemplating the development of a future multi-family project on the southeast corner of the Legacy Crossing at Parrish Lane development, and

this proposed code amendment could open future discussions between JF Capital and the City to accomplish this goal within the Legacy Crossing project area. The applicant is proposing a code amendment to allow for more housing opportunities within the commercial planned development. The applicant has shared a conceptual plan with City Staff that may include up to 216 apartment units. The current code language is attached to the meeting packet along with the applicant's proposed changes and justification for the amendments.

STAFF ANALYSIS AND COMMENTS

CZC 12.21.080(e) provides four factors to consider when reviewing a Zoning Code or Zoning Map Amendment Application. Only the first factor applies to Zoning Code Amendments. Factor number one considers "whether the proposed Zoning Code or Zoning Map amendment is consistent with goals, objectives, and policies of the General Plan". There are a few sections of the General Plan that are applicable to this request, as a Zoning Code amendment would impact all future commercial planned developments in any commercially zoned area in the City. As a side note, we are currently going through a General Plan Update process and this process may modify or alter these land use sections of the future General Plan document.

Commercial property is currently located in Neighborhoods 1, 2, 4, and the West Centerville Neighborhood.

The Neighborhood 1 district, Southeast Centerville (located east of Main Street and south of Parrish Lane), planning policies express the City's desire to "minimize housing density conflicts and maintain low density residential allowances" (General Plan Section 12-480, pg. 1). That being said, there are currently no PDO zoned nor contemplated PDO zoned areas within the Neighborhood 1 district of the City.

The Neighborhood 2 district, Southwest Centerville (located south of Parrish Lane from 1-15 on the west to Main Street on the east), is mostly developed with existing large retail stores, specialty retail shops, a mix of high, medium, and low residential zones, and some agricultural lands. There are currently no PDO zoned areas within the Neighborhood 2 district of the City. There may be future opportunities to identify other commercial planned development areas within the existing Neighborhood 2 commercial district.

One goal of the Neighborhood 4 district, Northwest (located between Lund Lane, Main Street, Parrish Lane, and I-15), plan is to locate only compatible land-uses adjacent to each other and to establish appropriate land-use transitions. This plan states, especially in residential developments, densities should naturally decrease as the distance increases away from basic, high-intensity facilities and services. For example, a very high-density use cannot be located next to a medium density use unless a high-density use is between them creating a 100 foot buffer. Currently, this neighborhood plan states, "the maximum allowed density in any area shall not

exceed 12 units/acre” (General Plan Section 12-480, pg. 18). There are currently two PDO zoned areas within the Neighborhood 4 district.

The West Centerville Neighborhood Plan also discusses this topic in the outlined future land use objectives. Under Goal #1, which is to Enhance the Centerville City Business Park District, it lists objective 1.H. as, “limit land uses of the Business Park to light manufacturing, office, professional service and specialty retail type uses” (General Plan Section 12-480-6, pg. 9). While at the same time Goal #1 states specifically, as subtext of the Goal, that “preserving the economic viability of a now aging development area is critical to the success of the neighborhood” (General Plan Section 12-480-6, pg. 8). Further, Goal #1 states, “The goal is primarily to maintain and eventually upgrade the conditions and appearance of the buildings and yard areas, while being sensitive to the needs of existing business and property owners” (General Plan Section 12-480-6, pg. 8). Goal #2 of the West Centerville Neighborhood Plan is to “Create and Develop the Parrish-Legacy Gateway Corridor District”. This goal has set objectives that discuss land uses and density. Objective 2C of this goal limits land uses in the gateway area to small commercial, mixed commercial/residential, and conditional uses for larger retail. In addition, this objective also states that “the residential component shall not exceed fifteen (15) units per acre when calculating an entire master planned area” (General Plan Section 12-480-6, pg. 10). Goal #6 of this neighborhood plan is to Preserve and Develop the Area for Future Business and Job Growth. This goal is an interesting directive in that the City ideally needs to take a balanced approach in providing adequate job growth opportunities for residents of the community, while considering ways in which to provide residential properties in closer proximity to these job growth opportunities. That being said, residential properties generally do not generate the same amount of revenue received from properties developed for commercial businesses but do provide the employees and customers for these commercial businesses to function and thrive.

Section 12-430-2 provides the City’s established policies for commercial developments. It states, “These [commercial] areas should be protected from encroachment of other uses to preserve local commercial service capability to enhance the City employment and tax base.” Section 12-430-3 continues to address commercial/business park policies. “Such developments not only add to the tax base of the community, they also provide significant sources of employment for area residents”. This section continues to emphasize that “such areas are important to the overall well-being of Centerville City and should be carefully planned to provide attractive business, office, commercial and light industrial uses within the City”.

Another item to consider is that the applicant’s property, as tied to this zoning text amendment request, is governed by a planned development overlay (PDO) and a development agreement (between the City and multiple partnering land holding interests as currently constituted within the Legacy Crossing PDO area). The property the applicant would like to develop at a higher

density is in Phase 2 and Phase 3 of the Legacy Crossing PDO. There are several parameters of the applicable agreement that would currently prevent residential development on this piece of land. Currently, the agreement states that “use of Phase 2, Phase 3, and Phase 4 shall be limited to general restaurant, general retail, and general office.” This is one of the core reasons the applicant is requesting the zoning text amendment, in order to allow for a potential future amendment for Phases 2 and 3 to have multi-family residential listed as one of the uses provided for a potential amendment to the existing development agreement.

Lastly, the City has recently started the process of rewriting the General Plan. This process will involve looking at different areas of the City to determine the best future uses. The changes to the General Plan will probably instigate the need to review and amend several portions of the Zoning Code. Staff would recommend that the City utilize caution in making land use decisions (such as zoning text amendments) that may contemplate changes due to the completion of the General Plan rewrite. There could be future recommendations and changes suggested that would direct alteration of applicable Zoning Codes that may impact the entire City. The rewriting of which might change the City’s current position on these topics, but until that process is completed there is no way to know for sure.

In summary, the City has established in multiple places throughout the General Plan its desire to support commercial income and job growth opportunities. Within the Legacy Crossing project area there is the Centerville Megaplex movie theater that has struggled a bit over recent years, and the applicant has articulated to City staff that more residences adjacent to the movie theater could be of benefit to health and vitality of the movie theater and the overall Legacy Crossing project area. Historically, Phases 2 and 3 of this project area has been identified for solely retail/commercial uses and has not contemplated residential housing as a use. The City has also emphasized its preference that commercial opportunities be preserved as much as possible, per the current development agreement. This being the case, there is a recognition by staff that the addition of residential housing on Phases 2 and 3 could be of benefit to the continued functioning and growth of the Megaplex movie theater’s success and may also bring additional future commercial/retail opportunities to the Legacy Crossing planned commercial center.

Therefore, Staff is of the opinion that a modified variation of the applicant’s zoning text submittal (as found in the meeting packet) may be in the City’s best interests because it would allow an amended development agreement to be negotiated in an acceptable way to potentially impact and/or presume controlling application when in conflict with PDO zoning code standards. By relying on City Council approval of amended development agreements, the City would then be able to direct the terms of the amended development agreement, as allowed for in and following the direction of Utah Code §10-9a-532. The City leadership and Staff could determine when, in narrower circumstances, an existing PDO commercial planned development could qualify for a development agreement amendment in order to assist an area of the commercial

planned development that may not be functioning as well as previously expected or contemplated by following the PDO zoning standards of the Centerville Zoning Code. It is for this reason that City Staff has provided the current recommendation in response to the applicant's request.

POSSIBLE MOTIONS

Based on the information provided by the Planning Staff and following the discussion among the Planning Commission, the Planning Commission may make a motion to recommend to the City Council approval of this request as submitted, approval of the request as proposed to be amended by City Staff, table the matter to a later date, or recommend denial of the proposed amendment. With any of these decisions appropriate findings of facts should be provided. Sample motions for the Planning Commission's convenience are located below.

#1 – APPROVE

I hereby make a motion for the Planning Commission to recommend to the City Council APPROVAL of the request from Mitch Vance, representing JF Legacy Partners LLC, for a Zoning Code Text Amendment regarding CZC 12.41.060(b)(new 7)) "Uses Allowed in Commercial Planned Developments," based on the following reasons for action (findings):

- 1. The Planning Commission finds that the application is consistent with the goals, objectives, and policies of the General Plan.*
- 2. The Planning Commission finds that the request is in the best interests of maintaining the operations and growth of the Legacy Crossing at Parrish Lane commercial planned development.*
- 3. The Planning Commission finds that the request is in the best interests of the commercial and residential growth of the Legacy Crossing at Parrish Lane commercial planned development.*
- 4. The Planning Commission finds that the request is a benefit to enhancing the regulations and standards of the Planned Development Overlay (PDO) Zone to provide future development flexibility.*
- 5. The Planning Commission finds that the request is compliant with Utah Code §10-9a-532 for development agreement regulations.*
- 6. The Planning Commission finds the request is in the best interests of the commercial and residential growth of Centerville City.*
- 7. Therefore, the Planning Commission finds that the request for a Zoning Code Text Amendment regarding CZC 12.41.060(b)(new 7)) "Uses Allowed in Commercial Planned Developments" should be positively recommended to the City Council.*

#2 – APPROVE WITH STAFF SUGGESTED MODIFICATIONS

I hereby make a motion for the Planning Commission to recommend to the City Council APPROVAL of the request from Mitch Vance, representing JF Legacy Partners LLC, for a Zoning Code Text Amendment regarding CZC 12.41.060(b)(new 7)) “Uses Allowed in Commercial Planned Developments,” with the language amendment to the request as provided by City Staff, based on the following reasons for action (findings):

- 1. The Planning Commission finds that the application is consistent with the goals, objectives, and policies of the General Plan.*
- 2. The Planning Commission finds that the request is in the best interests of maintaining the operations and growth of the Legacy Crossing at Parrish Lane commercial planned development.*
- 3. The Planning Commission finds that the request is in the best interests of the commercial and residential growth of the Legacy Crossing at Parrish Lane commercial planned development.*
- 4. The Planning Commission finds that the request is a benefit to enhancing the regulations and standards of the Planned Development Overlay (PDO) Zone to provide future development flexibility.*
- 5. The Planning Commission finds that the request is compliant with Utah Code §10-9a-532 for development agreement regulations.*
- 6. The Planning Commission finds the request is in the best interests of the commercial and residential growth of Centerville City.*
- 7. Therefore, the Planning Commission finds that the request for a Zoning Code Text Amendment regarding CZC 12.41.060(b)(new 7)) “Uses Allowed in Commercial Planned Developments” should be positively recommended to the City Council.*

#3 – TABLE

I hereby make a motion for the Planning Commission to TABLE the request from Mitch Vance, representing JF Legacy Partners LLC, for a Zoning Code Text Amendment regarding CZC 12.41.060(b)(new 7)) “Uses Allowed in Commercial Planned Developments” until such a time as _____.

#4 – DENY

I hereby make a motion for the Planning Commission to recommend to the City Council DENIAL of the request from Mitch Vance, representing JF Legacy Partners LLC, for a Zoning Code Text

Amendment regarding CZC 12.41.060(b)(new 7)) “Uses Allowed in Commercial Planned Developments,” based on the following reasons for action (findings):

- 1. The Planning Commission finds that the application is inconsistent with the goals, objectives, and policies of the General Plan.*
- 2. The Planning Commission finds that the City has begun rewriting the General Plan, the outcome of which could seriously impact the proposed future land uses for several areas of the City and will instigate the need to amend several portions of the Zoning Code.*
- 3. The Planning Commission finds that the request is not in the best interests of maintaining the operations and growth of the Legacy Crossing at Parrish Lane commercial planned development.*
- 4. The Planning Commission finds that the request is not in the best interests of the commercial and residential growth of the Legacy Crossing at Parrish Lane commercial planned development.*
- 5. The Planning Commission finds that the request does not benefit nor enhance the regulations and standards of the Planned Development Overlay (PDO) Zone in providing future development flexibility, as no improvement to these regulations and standards is currently required.*
- 6. The Planning Commission finds the request is not in the best interests of the commercial and residential growth of Centerville City.*
- 7. Therefore, the Planning Commission finds that the request for a Zoning Code Text Amendment regarding CZC 12.41.060(b)(new 7)) “Uses Allowed in Commercial Planned Developments” should not be positively recommended to the City Council.*

Effective 5/1/2024

10-9a-532 Development agreements.

- (1) Subject to Subsection (2), a municipality may enter into a development agreement containing any term that the municipality considers necessary or appropriate to accomplish the purposes of this chapter, including a term relating to:
 - (a) a master planned development;
 - (b) a planned unit development;
 - (c) an annexation;
 - (d) affordable or moderate income housing with development incentives;
 - (e) a public-private partnership; or
 - (f) a density transfer or bonus within a development project or between development projects.
- (2)
 - (a) A development agreement may not:
 - (i) limit a municipality's authority in the future to:
 - (A) enact a land use regulation; or
 - (B) take any action allowed under Section 10-8-84;
 - (ii) require a municipality to change the zoning designation of an area of land within the municipality in the future; or
 - (iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 10-9a-502, including a review and recommendation from the planning commission and a public hearing.
 - (b) A development agreement that requires the implementation of an existing land use regulation as an administrative act does not require a legislative body's approval under Section 10-9a-502.
 - (c) Subject to Subsection (2)(d), a municipality may require a development agreement for developing land within the municipality if the applicant has applied for a legislative or discretionary approval, including an approval relating to:
 - (i) the height of a structure;
 - (ii) a parking or setback exception;
 - (iii) a density transfer or bonus;
 - (iv) a development incentive;
 - (v) a zone change; or
 - (vi) an amendment to a prior development agreement.
 - (d) A municipality may not require a development agreement as a condition for developing land within the municipality if:
 - (i) the development otherwise complies with applicable statute and municipal ordinances;
 - (ii) the development is an allowed or permitted use; or
 - (iii) the municipality's land use regulations otherwise establish all applicable standards for development on the land.
 - (e) A municipality may submit to a county recorder's office for recording:
 - (i) a fully executed agreement; or
 - (ii) a document related to:
 - (A) code enforcement;
 - (B) a special assessment area;
 - (C) a local historic district boundary; or
 - (D) the memorializing or enforcement of an agreed upon restriction, incentive, or covenant.

- (f) Subject to Subsection (2)(e), a municipality may not cause to be recorded against private real property a document that imposes development requirements, development regulations, or development controls on the property.
- (g) To the extent that a development agreement does not specifically address a matter or concern related to land use or development, the matter or concern is governed by:
 - (i) this chapter; and
 - (ii) any applicable land use regulations.

Amended by Chapter 415, 2024 General Session

J. Fisher Companies, LLC
Glenn Girsberger: 801-520-9169 ; Glenn@jfisherco.com
Mitch Vance: 801-636-2544 ; Mitchv@jfisherco.com
1216 W Legacy Crossing Blvd. Ste. 300, Centerville, UT

ZONING TEXT AMENDMENT

Section 12.41.060(b)

Existing Text:

(b) Commercial Planned Developments. Planned developments to be established on land designated for commercial land use in the General Plan and zoned commercial shall be considered "commercial planned developments." Any use permitted in the underlying zone as shown on the Table of Uses in CZC 12.36 (Table of Uses) shall be permitted in a commercial planned development provided:

1. Such use is specifically authorized as part of a site plan approved pursuant to the provisions of this Chapter;
2. Such use is designed as an integral element of the planned development, including building and landscape design, which is consistent with design elements of the development and the provisions of this Chapter;
3. Residential uses within a commercial planned development shall only be permitted within a mixed commercial/residential development;
4. Mixed commercial/residential developments within a commercial planned development shall be predominantly commercial development with a supplemental residential component of such commercial development, except as otherwise allowed in Subsection (6);
5. The maximum overall residential density for residential uses within a commercial planned development shall be subject to the specific stipulations allowed by the underlying zone and/or designation assigned by the General Plan or Zoning Code; provided, in no event shall the residential density exceed 15 units per acre when calculating the entire commercial planned development or 25 units per acre when calculating the residential area only, whichever is less.
6. Notwithstanding the general commercial planned use allowances listed in this Section, the following specific area allowances may be considered in a commercial planned development.

(A) West Centerville Neighborhood Parrish-Legacy Gateway Corridor District. The Parrish-Legacy Gateway Corridor District shall be subject to the maximum allowable residential density as listed in the General Plan and/or as set forth in Subsection (5). When a predominant commercial use development is not being proposed, a contributing commercial use component must still be provided. However, the specific mixed ratio of commercial use to residential use shall be defined with the concept plan submitted for the PDO designation. The proposed commercial uses must

achieve a combination of the following for residents living in the West Centerville Neighborhood:

1. Provide opportunity for food service or local service type retail commercial services;
2. Provide opportunity for personal care and/or instructional type services;
3. Provide opportunity for medical care or health type services;
4. Provide opportunity for adult or child care type services; or
5. Provide other types of commercial uses deemed appropriate for servicing the local residents.

Proposed Amendment (shown in blue):

(b) Commercial Planned Developments. Planned developments to be established on land designated for commercial land use in the General Plan and zoned commercial shall be considered "commercial planned developments." Any use permitted in the underlying zone as shown on the Table of Uses in CZC 12.36 (Table of Uses) shall be permitted in a commercial planned development provided:

1. Such use is specifically authorized as part of a site plan approved pursuant to the provisions of this Chapter;
2. Such use is designed as an integral element of the planned development, including building and landscape design, which is consistent with design elements of the development and the provisions of this Chapter;
3. Residential uses within a commercial planned development shall only be permitted within a mixed commercial/residential development;
4. Mixed commercial/residential developments within a commercial planned development shall be predominantly commercial development with a supplemental residential component of such commercial development, except as otherwise allowed in Subsection (6);
5. The maximum overall residential density for residential uses within a commercial planned development shall be subject to the specific stipulations allowed by the underlying zone and/or designation assigned by the General Plan or Zoning Code; provided, in no event shall the residential density exceed 15 units per acre when calculating the entire commercial planned development or 25 units per acre when calculating the residential area only, whichever is less.
6. Notwithstanding the general commercial planned use allowances listed in this Section, the following specific area allowances may be considered in a commercial planned development.

(A) West Centerville Neighborhood Parrish-Legacy Gateway Corridor District. The Parrish-Legacy Gateway Corridor District shall be subject to the maximum allowable residential density as listed in the General Plan and/or as set forth in Subsection (5). When a predominant commercial

use development is not being proposed, a contributing commercial use component must still be provided. However, the specific mixed ratio of commercial use to residential use shall be defined with the concept plan submitted for the PDO designation. The proposed commercial uses must achieve a combination of the following for residents living in the West Centerville Neighborhood:

1. Provide opportunity for food service or local service type retail commercial services;
 2. Provide opportunity for personal care and/or instructional type services;
 3. Provide opportunity for medical care or health type services;
 4. Provide opportunity for adult or child care type services; or
 5. Provide other types of commercial uses deemed appropriate for servicing the local residents.
7. In the event of any conflict between the foregoing standards in this Section 12.41.060(b), and any amended development agreement ~~or similar agreement~~, establishing different standards, that pertains to a commercial planned development approved by the Centerville City Council (each a “Development Agreement”), the terms, provisions, and standards of the applicable Development Agreement shall control.



August 1st, 2024

Please see the following public hearing notices for August 14th, 2024

**CENTERVILLE CITY
ZONE CODE AMENDMENT NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Centerville City **Planning Commission** will hold a public hearing on **Wednesday, August 14th, 2024, at 7:00pm**, or as soon thereafter as the matter can be heard, at the Centerville City Hall, 250 North Main Street, Centerville, Utah, regarding proposed **Zone Code Amendment to CZC 12.41.060(b)(new 7) concerning the Planned Development Overlay Zone ordinances, specifically as it relates to the proposed modification to the application of Development Agreements, per USC 10-9a-532, within Planned Development Overlay Zoning areas.** If you have questions regarding this matter or would like further information, please contact Centerville City Community Development, at 801.292.8232 or visit the City's website at <https://centervilleutah.gov>.

**CENTERVILLE CITY
ZONE CODE AMENDMENT NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Centerville City **Planning Commission** will hold a public hearing on **Wednesday August 14th, 2024, at 7:00pm**, or as soon thereafter as the matter can be heard, at the Centerville City Hall, 250 North Main Street, Centerville, Utah, regarding proposed **Zone Code Amendment to CZC 12.54 concerning the Signs ordinances, specifically as it relates to proposed amendments to signs located in the Parrish Lane Gateway Commercial District (CZC 12.54.120) and signs located in Commercial Zones (CZC 12.54.130).** If you have questions regarding this matter or would like further information, please contact Centerville City Community Development, at 801.292.8232 or visit the City's website at <https://centervilleutah.gov>.

Community Development Department

Application Status
New

Application Review Status

Pre-Review	Not Reviewed	Date Submitted
Planning Commission	Not Reviewed	07/05/2024
City Council	Not Reviewed	
Planning & Zoning	Not Reviewed	
Final-Review	Not Reviewed	

Fees		Payments		
Zoning Code Amendment Application Fee	\$250.00	07/22/2024	Card Credit Card	\$500.00
Professional Services Fee	\$250.00	Total Paid		
Subtotal	\$500.00	\$500.00		
Amount Paid	\$500.00			
Total Due	\$0.00			

Application Form Data

(Empty fields are not included)

Applicant's First Name
Mitchell

Applicant's Last Name
Vance

Applicant Email Address
mvance@jfisherco.com

Applicant Phone Number

(801) 636-2544

Mailing Address

1216 Legacy Crossing Blvd.

City

Centerville

State

UT

Zip Code

84014

As the applicant are you representing any other persons and/or companies?

Yes

Name	Address
J Fisher Companies - JF Legacy Partners LLC	1216 Legacy Crossing Blvd., St. #300 Centerville, UT 84014

Provide the Zoning Code reference to the title, chapter, and section you are proposing to amend.

JF Legacy Partners, Zone Text AMD, Section 12.41.060(b)

Provide a draft of the proposed text amendment

 Commons_CodeAmdApp_2024 07-05.docx

Provide reasons supporting your request for an amendment

 Commons_CodeAmdAppJustification_2024 07-05.docx

Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

Electronically Signed

Mitchell Vance - 07/05/2024 11:54 am

J. Fisher Companies, LLC
Glenn Girsberger: 801-520-9169 ; Glenn@jfisherco.com
Mitch Vance: 801-636-2544 ; Mitchv@jfisherco.com
1216 W Legacy Crossing Blvd. Ste. 300, Centerville, UT

ZONING TEXT AMENDMENT

Section 12.41.060(b)

Existing Text:

(b) Commercial Planned Developments. Planned developments to be established on land designated for commercial land use in the General Plan and zoned commercial shall be considered "commercial planned developments." Any use permitted in the underlying zone as shown on the Table of Uses in CZC 12.36 (Table of Uses) shall be permitted in a commercial planned development provided:

1. Such use is specifically authorized as part of a site plan approved pursuant to the provisions of this Chapter;
2. Such use is designed as an integral element of the planned development, including building and landscape design, which is consistent with design elements of the development and the provisions of this Chapter;
3. Residential uses within a commercial planned development shall only be permitted within a mixed commercial/residential development;
4. Mixed commercial/residential developments within a commercial planned development shall be predominantly commercial development with a supplemental residential component of such commercial development, except as otherwise allowed in Subsection (6);
5. The maximum overall residential density for residential uses within a commercial planned development shall be subject to the specific stipulations allowed by the underlying zone and/or designation assigned by the General Plan or Zoning Code; provided, in no event shall the residential density exceed 15 units per acre when calculating the entire commercial planned development or 25 units per acre when calculating the residential area only, whichever is less.
6. Notwithstanding the general commercial planned use allowances listed in this Section, the following specific area allowances may be considered in a commercial planned development.

(A) West Centerville Neighborhood Parrish-Legacy Gateway Corridor District. The Parrish-Legacy Gateway Corridor District shall be subject to the maximum allowable residential density as listed in the General Plan and/or as set forth in Subsection (5). When a predominant commercial use development is not being proposed, a contributing commercial use component must still be provided. However, the specific mixed ratio of commercial use to residential use shall be defined with the concept plan submitted for the PDO designation. The proposed commercial uses must

achieve a combination of the following for residents living in the West Centerville Neighborhood:

1. Provide opportunity for food service or local service type retail commercial services;
2. Provide opportunity for personal care and/or instructional type services;
3. Provide opportunity for medical care or health type services;
4. Provide opportunity for adult or child care type services; or
5. Provide other types of commercial uses deemed appropriate for servicing the local residents.

Proposed Amendment (shown in blue):

(b) Commercial Planned Developments. Planned developments to be established on land designated for commercial land use in the General Plan and zoned commercial shall be considered "commercial planned developments." Any use permitted in the underlying zone as shown on the Table of Uses in CZC 12.36 (Table of Uses) shall be permitted in a commercial planned development provided:

1. Such use is specifically authorized as part of a site plan approved pursuant to the provisions of this Chapter;
2. Such use is designed as an integral element of the planned development, including building and landscape design, which is consistent with design elements of the development and the provisions of this Chapter;
3. Residential uses within a commercial planned development shall only be permitted within a mixed commercial/residential development;
4. Mixed commercial/residential developments within a commercial planned development shall be predominantly commercial development with a supplemental residential component of such commercial development, except as otherwise allowed in Subsection (6);
5. The maximum overall residential density for residential uses within a commercial planned development shall be subject to the specific stipulations allowed by the underlying zone and/or designation assigned by the General Plan or Zoning Code; provided, in no event shall the residential density exceed 15 units per acre when calculating the entire commercial planned development or 25 units per acre when calculating the residential area only, whichever is less.
6. Notwithstanding the general commercial planned use allowances listed in this Section, the following specific area allowances may be considered in a commercial planned development.

(A) West Centerville Neighborhood Parrish-Legacy Gateway Corridor District. The Parrish-Legacy Gateway Corridor District shall be subject to the maximum allowable residential density as listed in the General Plan and/or as set forth in Subsection (5). When a predominant commercial

use development is not being proposed, a contributing commercial use component must still be provided. However, the specific mixed ratio of commercial use to residential use shall be defined with the concept plan submitted for the PDO designation. The proposed commercial uses must achieve a combination of the following for residents living in the West Centerville Neighborhood:

1. Provide opportunity for food service or local service type retail commercial services;
 2. Provide opportunity for personal care and/or instructional type services;
 3. Provide opportunity for medical care or health type services;
 4. Provide opportunity for adult or child care type services; or
 5. Provide other types of commercial uses deemed appropriate for servicing the local residents.
7. In the event of any conflict between the foregoing standards in this Section 12.41.060(b), and any development or similar agreement, establishing different standards, that pertains to a commercial planned development approved by the Centerville City Council (each a "Development Agreement"), the terms, provisions, and standards of the applicable Development Agreement shall control.

J. Fisher Companies, LLC

Glenn Girsberger: 801-520-9169 ; Glenn@jfisherco.com

Mitch Vance: 801-636-2544 ; Mitchv@jfisherco.com

1216 W Legacy Crossing Blvd. Ste. 300, Centerville, UT

ZONING TEXT AMENDMENT

Section 12.41.060(b)

Justification:

The current code may lead to priority and application conflicts between Planned Overlay Districts, approved development agreements, and the General Plan. The proposed language establishes the priority with which the code and an applicable development agreement should be applied, thereby providing clarity to staff and applicants during site plan design and review. Given that development agreements are legislative decisions made by the City Council, it stands to reason that the standards assigned to a specific project through an approved development agreement should take precedent over those outlined in city-wide zones.

**PLANNING
COMMISSION**

Staff Report
8/14/2024

Item No. 2.

Title: PUBLIC HEARING - Zoning Code Amendment Proposal - 12.54.120 and 12.54.130, Signs In Parrish Lane Gateway Commercial District and Signs In Commercial Zones - LEGISLATIVE ACTION

Initiated By: Community Development Department

Staff Representative: Mike Eggett, Community Development Director

SUBJECT:

The petitioner, the Centerville City Community Development Department (CDD), is requesting to amend the Centerville Zoning Ordinance by altering sections of the Sign Ordinance as found in CZC 12.54.120 and 12.54.130.

RECOMMENDATION:

CONSIDER RECOMMENDING APPROVAL TO THE CITY COUNCIL

BACKGROUND:

The petitioner, the Centerville City Community Development Department (CDD), desires to amend the Centerville Zoning Ordinance to alter sections of the Sign Ordinance as found in CZC 12.54.120 and 12.54.130. The Centerville CDD is seeking to amend this section of zoning code to: (1) amend standards for free-standing sign heights along Frontage Road to 400 West; (2) amend standards for free-standing sign in a planned center within the Frontage Road to 400 West area of the Sign Code; and (3) amend standards in CZC 12.54.130 to clarify how free-standing planned center signs are allowed to be matching standards of CZC 12.54.120. The CDD is requesting to modify these sections of the Sign Ordinance to for more flexibility, visibility, and opportunity for businesses facing I-15 as located along the south end of Frontage Road. Further, the CDD is requesting to amend these sections of the Sign Ordinance in order to clarify and clean up some conflicts between CZC 12.54.120 and CZC 12.54.130.

ATTACHMENTS:

1. 08-14-2024 PC Staff Report Zone Text Amendment - 12.54.120 & 12.54.130, Sign Ord Amend, CDD Applicant
2. 12.54.120 & 12.54.130 Sign Code Amend Final Draft
3. Pub Hear Notice - Sign Amend Proposal

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232

STAFF REPORT
AGENDA: ITEM 2

PETITIONER:	COMMUNITY DEVELOPMENT DEPARTMENT C/O MIKE EGGETT 655 NORTH 1250 WEST CENTERVILLE, UT 84014 <u>michael.eggett@centervilleutah.gov</u>
APPLICATION:	ZONING CODE TEXT AMENDMENT
APPLICANT REQUEST:	AMEND THE ZONING CODE TEXT REGARDING SIGNS IN PARRISH LANE GATEWAY COMMERCIAL DISTRICT and SIGNS IN COMMERCIAL ZONES (CZC 12.54.120 & 12.54.130)
RECOMMENDATION:	CONSIDER RECOMMENDING APPROVAL TO THE CITY COUNCIL

BACKGROUND

The petitioner, the Centerville City Community Development Department (CDD), desires to amend the Centerville Zoning Ordinance to alter sections of the Sign Ordinance as found in CZC 12.54.120 and 12.54.130. The Centerville CDD is seeking to amend this section of zoning code to: (1) amend standards for free-standing sign heights along Frontage Road to 400 West; (2) amend standards for free-standing sign in a planned center within the Frontage Road to 400 West area of the Sign Code; and (3) amend standards in CZC 12.54.130 to clarify how free-standing planned center signs are allowed to be matching standards of CZC 12.54.120. The CDD is requesting to modify these sections of the Sign Ordinance to for more flexibility, visibility, and opportunity for businesses facing I-15 as located along the south end of Frontage Road. Further, the CDD is requesting to amend these sections of the Sign Ordinance in order to clarify and clean up some conflicts between CZC 12.54.120 and CZC 12.54.130. Please be aware that there are significant needs for further clean-up within the Sign Ordinance, 12.54, that will need to be

reviewed by City Staff and legal, and then brought back for a Zoning Text Amendment request at a future date.

STAFF ANALYSIS AND COMMENTS

CZC 12.21.080(e) provides four factors to consider when reviewing a Zoning Code or Zoning Map Amendment Application. Only the first factor applies to Zoning Code Amendments. Factor number one considers “whether the proposed Zoning Code or Zoning Map amendment is consistent with goals, objectives, and policies of the General Plan”. There are a few sections of the General Plan that are applicable to this request, as this zoning code amendment would benefit signage opportunities within commercial planned centers and other commercial development areas along the south end of Frontage Road.

Applicable signage standards are referenced in the Neighborhood 2 district.

The Neighborhood 2 district, Southwest Centerville (located south of Parrish Lane from 1-15 on the west to Main Street on the east), in the section entitled “Parrish Lane Commercial Area” states, “where allowed, freestanding signs should be limited in size, well designed and become gradually smaller in height and size the further away the sign is located from Interstate-15.” This statement is in alignment with the Zoning Text Amendment request for CZC 12.54.120 and CZC 12.54.130, as the proposed height amendment would only be allowed along Frontage Road as facing Interstate-15. There is no further direction or guidance regarding signage along the south end of Frontage Road as found within the current Centerville General Plan.

As it relates to the General Plan analysis, please note that the City has started the process of comprehensively updating the General Plan. This process may impact the representation of signage interests and desires within the General Plan and the unique districts of the City. These updates may lead to further analysis and potential amendments to the Sign Ordinances (in CZC 12.54) in the future.

All this being said, special overlay districts (e.g. Parrish Lane Commercial), planned development overlay areas, and other similar agreed to directives or codified directives that further impact signing standards would still be applicable to the signage amendment proposals herein.

In summary, the zoning text amendment proposal to these specified sections of the Sign Ordinance is of benefit to the commercial district located along the south end of Frontage Road and, therefore, would be of benefit to the retail/commercial development interests of the City. The impact to other properties is of none to little impact to neighboring property owners, with greater benefit to this commercial area and the Centerville commercial community. Should this amendment be approved, Centerville businesses located along the south end of Frontage Road

should have additional promotional flexibility though the use of these updated signage tools available to them. Again, this evaluation has led to an awareness that further work will need to be completed by City Staff for the Sign Code (CZC 12.54) as a whole.

Therefore, staff is of the opinion that the applicant's zoning text submittal (as found in the meeting packet) is in the City's best interests because it will provide more signage options and tools to Centerville businesses along south Frontage Road. It is for this reason that City Staff has provided the current recommendation in response to the applicant's request.

POSSIBLE MOTIONS

Based on the information provided by the Planning Staff and following the discussion among the Planning Commission, the Planning Commission may make a motion to recommend to the City Council approval of this request as submitted, approval of the request with any additional amendment, table the matter to a later date, or recommend denial of the proposed amendment. With any of these decisions appropriate findings of facts should be provided. Sample motions for the Planning Commission's convenience are located below.

#1 – APPROVE

I hereby make a motion for the Planning Commission to recommend to the City Council APPROVAL of the request from the Centerville Community Development Department for a Zoning Code Text Amendment regarding CZC 12.54.120 "Signs in Parrish Lane Gateway Commercial District" & CZC 12.54.130 "Signs in Commercial Zones", with the following reasons for action (findings):

- 1. The Planning Commission finds that the proposed text amendments are consistent with the goals, objectives, and policies of the General Plan.*
- 2. The Planning Commission finds that the proposed text amendments are in the best interests of maintaining the operations and growth of the commercial business community along the south end of Frontage Road.*
- 3. The Planning Commission finds that the proposed text amendments will provide new signage tools for commercial growth opportunities along the south end of Frontage Road.*
- 4. The Planning Commission finds that the proposed text amendments are in the best interests of commercial growth opportunities within Centerville City.*
- 5. Therefore, the Planning Commission finds that the request for a Zoning Code Text Amendment regarding CZC 12.54.120 "Signs in Parrish Lane Gateway Commercial District" & CZC 12.54.130 "Signs in Commercial Zones" should be positively recommended to the City Council.*

#2 – TABLE

I hereby make a motion for the Planning Commission to TABLE the request from the Centerville Community Development Department for a Zoning Code Text Amendment regarding CZC 12.54.120 “Signs in Parrish Lane Gateway Commercial District” & CZC 12.54.130 “Signs in Commercial Zones” until such a time as _____.

#3 – DENY

I hereby make a motion for the Planning Commission to recommend to the City Council DENIAL of the request from the Centerville Community Development Department for a Zoning Code Text Amendment regarding CZC 12.54.120 “Signs in Parrish Lane Gateway Commercial District” & CZC 12.54.130 “Signs in Commercial Zones”, with the following reasons for action (findings):

- 1. The Planning Commission finds that the proposed text amendments are inconsistent with the goals, objectives, and policies of the General Plan.*
- 2. The Planning Commission finds that the proposed text amendments are not a benefit to nor in the best interests of the operations and growth of the commercial business community along the south end of Frontage Road.*
- 3. The Planning Commission finds that the proposed text amendments are not a benefit to nor in the best interests of commercial growth within Centerville City.*
- 4. Therefore, the Planning Commission finds that the request for a Zoning Code Text Amendment regarding CZC 12.54.120 “Signs in Parrish Lane Gateway Commercial District” & CZC 12.54.130 “Signs in Commercial Zones” should not be positively recommended to the City Council.*

12.54.120 Signs In Parrish Lane Gateway Commercial District

- (a) Parrish Lane Gateway Commercial District. The Parrish Lane Gateway Commercial District is defined as the central business area of commercial zoning east of I-15 both north and south of Parrish Lane, businesses in the Centerville Marketplace project, along 400 West, the Frontage Road to the City limit on the south and Marketplace Drive.
- (b) Signs Permitted. In addition to signs permitted in all zones, the following signs shall be allowed in the Parrish Lane Commercial District, subject to the conditions and restrictions set forth in this Section. Such signs may include any lawful commercial or non-commercial message.
 - (1) Wall Sign. The regulations of CZC 12.54.110(b)(1) shall apply.
 - (2) Low-Profile Sign. The regulations of CZC 12.54.110(b)(3) shall apply.
 - (3) Free-standing Sign. A free-standing sign may be allowed for a lot, parcel, or planned center. A free-standing sign shall meet the following requirements:
 - (A) Except as otherwise provided in this Subsection, total allowable sign area for a free-standing sign shall be 150 square feet plus an additional 10 square feet per tenant located (existing or approved) not to exceed 250 square feet in total sign area. The Planning Commission may grant a conditional use permit for a free-standing sign over 250 square feet but not exceeding 500 square feet in accordance with the provisions of CZC 12.21.100.
 - (B) Except as otherwise provided in this Subsection, the maximum allowable height shall be 30 feet.
 - (C) Free-standing signs shall be located within an area at a distance sufficient from a street or intersection to provide clear vision for traffic. No portion of a sign shall be closer than five feet from any adjacent property line or right-of-way.
 - (D) A free-standing sign shall meet and/or exceed the standards for free-standing signs set forth in Subsection (5).
 - (E) Each free-standing sign shall be located in an area with a minimum of 1,000 square feet of landscaping. Landscaping and sign location details for such signs shall be reviewed and approved by the Planning Commission during site plan review.
 - (F) Pole covers shall be used for a free-standing sign in accordance with the standards set forth in this Chapter.
 - (G) A planned center may have one free-standing sign for each street upon which the center has frontage, not to exceed two free-standing signs per planned center.

(i) Free-standing signs for a planned center shall be compatible with the size, design, and character of the corresponding site and building design and should be of appropriate scale and character for the street on which they are located. These factors shall be reviewed and considered by the approving authority in determining whether to approve or deny the sign permit.

(4) Free-Standing Freeway-Oriented Sign. One free-standing freeway-oriented sign shall be allowed on commercially developed properties immediately abutting the I-15 right-of-way or Frontage Road that are within 600 feet north and south of the centerline of Parrish Lane, subject to the following requirements:

- (A) Such signs abutting the I-15 right-of-way shall not exceed 60 feet in height.
- (B) The maximum aggregate area for such signs abutting the I-15 right-of-way (counting one side of a double-faced sign) shall be 200 square feet.
- (C) Such signs abutting Frontage Road shall not exceed 50 feet in height.
- (D) The maximum aggregate area for such signs abutting Frontage Road (counting one side of a double-faced sign) shall be 165 square feet, and shall not include any changeable copy or digital elements.
- (E) Free-standing freeway-oriented signs shall not be located on the side of the property abutting Parrish Lane or Marketplace Drive.

(5) Free-Standing (Pole) Signs. Free-standing signs may be allowed as follows:

- (A) One free-standing sign shall be allowed as a permitted use on commercially developed property located outside a planned center.
- (B) A free-standing sign shall be prohibited for a pad site located within a planned center. Such property shall be limited to a low-profile sign, wall sign, and/or space within an approved free-standing sign in accordance with the provisions set forth in this Chapter.
- (C) Only one free-standing sign of any type shall be allowed for any property outside a planned center regardless of the number of street frontages.
- (D) Not more than 50% of allowable total sign copy area shall be used for changeable copy or electronic message center signs.

(6) Area Restrictions.

- (A) Frontage Road (800 West) (west side only): Free-standing, freeway-oriented signs shall be allowed on property abutting the west side of Frontage Road in accordance with the standards set forth in

Subsection (b)(4).

- (i) In instances where an eligible business chooses not to install a free-standing freeway-oriented sign, a 25 foot free-standing sign on Frontage Road may be allowed with a maximum of 100 square feet per lot or parcel.
 - (ii) A businesses that has more than one frontage shall be limited to no more than one free-standing sign of any type for the entire site. Such business and property may have a low-profile sign on any other frontage in accordance with the standards set forth in Subsection (b)(2).
- (B) Frontage Road to 400 West: Free-standing signs shall be allowed on property located between Frontage Road and 400 West, including property abutting the east side of Frontage Road and the east side of 400 West, in accordance with the standards set forth in Subsection (b)(5).

(i) Such Free-standing signs located on Frontage Road may not exceed 45 feet in height. All other free-standing signs in this area may not exceed 25 feet in height.

(ii) The maximum area for each free-standing sign in this area shall be one-half square foot of sign area (counting one side of a double-faced sign) for each one lineal foot of frontage on the street on which the sign faces, up to a maximum total area of 100-150 square feet.

(iii) A planned center may have one free-standing sign for each street upon which the center has frontage, not to exceed two free-standing signs per planned center.

(ii) (a) Free-standing signs for a planned center shall be compatible with the size, design, and character of the corresponding site and building design and should be of appropriate scale and character for the street on which they are located. These factors shall be reviewed and considered by the approving authority in determining whether to approve or deny the sign permit.

(iii) Businesses that have more than one frontage shall be limited to no more than one free-standing sign of any type for the entire site.

(iv) Businesses that are not located in a planned center and have more than one frontage shall be limited to one free-standing sign of any type for the entire site.

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(iv)(v) Such property may have a low-profile sign on any other frontage in accordance with the standards for such signs set forth in Subsection (b)(2).

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(C) Parrish Lane East of 400 West: Free-standing signs shall be allowed for individual businesses outside a planned center located east of 400 West. Signs for properties abutting the east side of 400 West shall be governed by provisions set forth in Subsection (b).

- (i) Signs in this area shall not exceed 20 feet in height.
- (ii) The area allowed for each sign shall be one-half square foot of sign (counting one side of a double-faced sign) for each lineal foot of frontage on the street on which the sign has frontage, up to a maximum of 80 square feet.

HISTORY

Adopted by Ord. 2016-20 on 7/15/2016

12.54.130 Signs In Commercial Zones

(a) Sign Allowed. In addition to signs permitted in all zones, the following signs shall be allowed in C-M, C-H, C-VH zones, not covered by this Chapter, subject to the conditions and restrictions set forth in this Section. Such signs may include any lawful commercial or non-commercial message.

- (1) Wall (Flat) Signs. The regulations of CZC 12.54.110(b)(1) shall apply.
- (2) Low-Profile Signs. The regulations of CZC 12.54.110(b)(3) shall apply. For qualified sites containing a free-standing sign, one low-profile sign shall be allowed in addition to a free-standing sign on any other dedicated street frontage for the site.
- (3) Free-standing Planned Center Signs (Free-standing Signs). Free-standing Planned Center signs shall be allowed as a permitted use in the C-H and C-VH zones. ~~No more than one free-standing sign shall be allowed for any qualified site and~~ The regulations of CZC 12.54.120 shall apply to any such sign.
- (4) Free-standing Signs.

- (A) Free-standing signs shall be prohibited in the C-M zone.
- (B) A free-standing sign shall be allowed as a permitted use in the C-H and C-VH zones in accordance with the provisions of CZC 12.54.120.



August 1st, 2024

Please see the following public hearing notices for August 14th, 2024

**CENTERVILLE CITY
ZONE CODE AMENDMENT NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Centerville City **Planning Commission** will hold a public hearing on **Wednesday, August 14th, 2024, at 7:00pm**, or as soon thereafter as the matter can be heard, at the Centerville City Hall, 250 North Main Street, Centerville, Utah, regarding proposed **Zone Code Amendment to CZC 12.41.060(b)(new 7) concerning the Planned Development Overlay Zone ordinances, specifically as it relates to the proposed modification to the application of Development Agreements, per USC 10-9a-532, within Planned Development Overlay Zoning areas.** If you have questions regarding this matter or would like further information, please contact Centerville City Community Development, at 801.292.8232 or visit the City's website at <https://centervilleutah.gov>.

**CENTERVILLE CITY
ZONE CODE AMENDMENT NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Centerville City **Planning Commission** will hold a public hearing on **Wednesday August 14th, 2024, at 7:00pm**, or as soon thereafter as the matter can be heard, at the Centerville City Hall, 250 North Main Street, Centerville, Utah, regarding proposed **Zone Code Amendment to CZC 12.54 concerning the Signs ordinances, specifically as it relates to proposed amendments to signs located in the Parrish Lane Gateway Commercial District (CZC 12.54.120) and signs located in Commercial Zones (CZC 12.54.130).** If you have questions regarding this matter or would like further information, please contact Centerville City Community Development, at 801.292.8232 or visit the City's website at <https://centervilleutah.gov>.

Community Development Department

CENTERVILLE
city

**PLANNING
COMMISSION**

Staff Report
8/14/2024

Item No. 1.

Title: Community Development Director's Report

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:



CENTERVILLE
city

PLANNING COMMISSION

Staff Report
8/14/2024

Item No. 2.

Title: Presentation of Sydney DeWees as new City Planner

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

**PLANNING
COMMISSION**

Staff Report
8/14/2024

Item No. 1.

Title: Minutes Review and Approval

Initiated By:

Staff Representative:

SUBJECT:

May 22, 2024 Planning Commission Minutes

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 5-22-24 PC Minutes

PLANNING COMMISSION MINUTES OF MEETING
Wednesday, May 22, 2024
7:00 pm

A quorum being present at City Hall, 250 North Main Street, Centerville, Utah, the meeting of the Centerville City Planning Commission was called to order at 7:00 pm.

MEMBERS PRESENT

Shawn Hoth
Layne Jenkins
Mason Kjar, Chair
Matt Larsen
LaRae Patterson, Vice Chair

MEMBERS ABSENT

Amanda Jorgensen
Tyler Moss

STAFF PRESENT

Mike Eggett, Community Development Director
Lisa Romney, City Attorney
Whittney Black, Assistant Planner
Steve Hunt, Water Supervisor
Kevin Campbell, City Engineer

VISITORS

Interested citizens

LEGISLATIVE THOUGHT/PRAYER Commissioner Kjar

PLEDGE OF ALLEGIANCE

Chair Kjar explained that Item 2 on the agenda would be taken before Item 1.

PUBLIC HEARING – ZONING CODE AMENDMENT – CZC 12.41.060(b)(5-6)
PLANNED DEVELOPMENT OVERLAY ZONE, USES ALLOWED IN COMMERCIAL PLANNED DEVELOPMENTS

Chair Kjar explained the petitioner contacted the City and asked that the matter be tabled. He said the noticed public hearing would take place, followed by a motion from the Planning Commission. Chair Kjar opened a public hearing at 7:04 pm.

Bruce Madsen, Centerville resident, shared a personal health history, and said when 400 West was connected to be a through street the residents were assured it would remain a residential street with no big trucks allowed. Mr. Madsen said traffic had become horrendous over time, and suggested those who did not live in the immediate area could not imagine how much worse it would get if the change to R-H were allowed.

Chair Kjar clarified with Mr. Madsen that his comments were intended for the O'Toole rezone issue, which would be taken next. Seeing no one else come forward, Chair Kjar closed the public hearing.

Commissioner Patterson **moved** to table the matter as requested by the applicant. Commissioner Jenkins seconded the motion, which passed by unanimous vote (5-0).

**PUBLIC HEARING – ZONING MAP AMENDMENT – REZONE 522 W PORTER LANE,
PARCEL 030010209 FROM THE R-M ZONE TO THE R-H ZONE**

Assistant Planner Whittney Black explained the applicant, Shane O'Toole, requested a Zone Map Amendment for property located at 522 West Porter Lane from the Residential-Medium (R-M) Zone to the Residential-High (R-H) Zone. She emphasized the Planning Commission was to consider the potential land uses that could go on the property with a Zone Map Amendment, not a specific development plan. The R-M Zone allowed a maximum of six units per acre, and the applicant was seeking a higher density to be able to construct eight units per acres, with potential for a conditional use permit with a maximum of 12 units per acre.

Ms. Black reviewed approval standards with the Planning Commission. She said the General Plan for the Southwest Centerville Neighborhood specifically called out low or medium density residential as the best use, with no mention of the area being used for high density residential. She said staff did not believe the proposed amendment was consistent with the General Plan. Based on what was submitted by the applicant, staff determined that if the rezone was approved, the applicant would likely pursue a conditional use permit for the maximum allowed density of 12 units per gross acre. This would be 4.38 units per gross acre higher than the highest existing density in the area. Changing the zoning from R-M to R-H could create an island of higher density (spot zoning) that would not be harmonious with surrounding existing developments.

Ms. Black said changing the zoning from R-M to R-H would potentially double the density, which could potentially double the traffic and increase noise. She said it was unknown to what level the effects would adversely affect adjacent properties, but suggested consideration should be given to the church house directly to the east of the subject property. Regarding the fourth approval standard, Ms. Black said adequate facilities and services were generally available in the area due to existing residential development. She said staff recommended the Planning Commission recommend denial of the application based on the analysis.

Chair Kjar disclosed that he lived in the subject neighborhood and attended the church that abutted the property. He said a number of his friends were in the audience to give comment, but said he did not believe his decision-making process would be affected, and added that he felt inclined to vote in favor of the proposed rezone at that time. Commissioner Larsen disclosed that he attended the same church building and knew people in the neighborhood, but said he was confident in his ability to be objective.

Ms. Black answered questions from the Planning Commission regarding the history of density in the area. Chair Kjar referred to the four neighborhood plans in the Centerville General Plan, and expressed concern that the policies were in tension with themselves, with R-H essentially eliminated when all four neighborhood policies were considered together. Ms. Black pointed out the City was currently conducting an update of the General Plan, and commented that the application could be tabled until a clearer direction was provided.

Chair Kjar read aloud from Section 12.04.20, "medium or high-density residential development that is allowed in appropriate locations in the City should provide usable open space, landscaping, and other associated amenities that would ensure consistency with residential quality," and, "it is the desire of Centerville City to provide a variety of housing options within the community, including variable densities." Chair Kjar asked if "harmonious" had to be homogenous, and whether it was inharmonious to have something different. He said he agreed transitional areas and buffer zones were important. Community Development Director Mike Eggett commented that a comprehensive General Plan update had not occurred for 33 years. He said the update process just beginning was expected to be completed next year.

1 Chair Kjar said it was his understanding that the Moderate Income Housing Plan was to
2 be consulted in addition to the approval standards when making land use ordinance amendment
3 decisions. Staff advised that the Planning Commission could consult the Moderate Income
4 Housing Plan when making the decision.

5
6 Staff answered questions about parking and landscaping buffer requirements.
7 Commissioner Hoth commented that nearby property in Bountiful City was zoned for up to 13
8 residential units per acre. Ms. Black said she did not know if basements would be allowed on the
9 subject property. She said staff had not evaluated the conceptual plan included with the
10 application for feasibility.

11
12 Shane O'Toole, applicant, said he was under contract to purchase the property. He spoke
13 of wanting to provide quality homes for families who could not afford other options. Mr. O'Toole
14 said the plan was to build and rent the units. He said he would ideally like to construct 10-12 units
15 on the property. Ms. Romney reminded the Planning Commission to focus on the designated
16 approval standards. Mr. O'Toole said his vision of the development was similar to the existing
17 development on the neighboring property.

18
19 Chair Kjar opened a public hearing at 7:49 pm.
20

21 Cami Layton, Centerville resident, said she lived in the subject quadrant. Ms. Layton said
22 the question was density, and said it was discouraging to remember the many General Plan
23 changes that had happened over the years with a hope that density would not come up again.
24 Ms. Layton said residents had already said they would tolerate eight units per acre, but twelve
25 was too many. She said she had saved papers from many years, and could cause a lot of
26 problems in the City if the door was opened with the proposed rezone. Ms. Layton said she did
27 not think it was right to overburden one section of the City.

28
29 Julie Cahoon, Centerville resident, said she was the HOA President in the Porter Walton
30 Townhomes development neighboring the subject property. She said Porter Walton Townhomes
31 had an issue with parking, and expressed concern with parking in an even more dense
32 development. Ms. Cahoon expressed the opinion that parking was mis-designed in the Porter
33 Walton Townhomes development. She said the Porter Walton development had experienced
34 issues with renters, and said renters tended to be residents who did not care for the property.

35
36 Rosalie Macmillan, Centerville resident, said she lived in the original Hafoka home in the
37 subject area, and said what had happened on the property was already a tragedy. She said the
38 neighborhood was already too crowded, and spoke of parking issues and issues with services on
39 the narrow private street.

40
41 Dave Doty, Centerville resident, said he agreed more affordable housing was needed in
42 every community. He suggested the General Plan needed to be revisited, and said he agreed
43 that density should not be limited to one area. Mr. Doty suggested every quadrant in the City
44 should be on the table for potential high-density residential, and suggested that townhomes were
45 not affordable housing, whether purchased or rented. Mr. Doty said the subject property was small
46 and would not support the type of density suggested. He pointed out that Shaela Park and Porter
47 Walton Townhomes developments both had ample open space, which he suggested would not
48 be possible on such a small property.

49
50 Libby Dibb, Centerville resident, said the Planning Commission represented the residents'
51 voice, and expressed the opinion that what the residents said mattered more than high density
52 quotas. She said the Porter Walton Townhomes development was a tragedy, the green space
53 was not well planned, and said if the proposed development duplicated the Porter Walton
54 development, the same conditions and problems would occur. She commented that residents

1 stayed long-term in the Shaela Park development (six units per acre). Ms. Dibb expressed the
2 opinion that Centerville was different and did not need to be like Bountiful two blocks away with a
3 lot of units. She expressed the opinion that Centerville residents' kids did not need to be able to
4 live in Centerville.

5
6 Steven Nelson, Centerville resident, said he loved Centerville. He said the Zoning Map
7 had changed over the last 40 years, and said the City had failed the Southwest Quadrant. Mr.
8 Nelson stated something needed to change, and expressed the opinion that high-density housing
9 would have to go somewhere else.

10
11 Andrea Richmond, Centerville resident, said the best thing residents could do for each
12 other was listen and talk to their neighbors and not make judgements on maps. She said those in
13 attendance were the Planning Commission's neighbors, and said she hoped they listened
14 because the proposed rezone would truly affect their lives.

15
16 Heather Strasser, Centerville resident, said she lived in the Shaela Park development. Ms.
17 Strasser said she had learned conditional use permits were a developer tool, not a citizen tool.
18 She expressed the opinion that six units per acre was appropriate for Centerville, including small
19 parcels. Ms. Strasser said the subject parcel was surrounded by medium and low-density zones,
20 and said the R-M Zone was in line with the General Plan for the area. She read aloud from the
21 General Plan, and said there was a big difference between a public street and a private street.
22 She expressed the opinion that putting 12 units on one acre of land did not allow adequate space
23 for green space, on-street parking, or a City-owned street. Ms. Strasser asked the Planning
24 Commission to consider the residents who lived in that part of town, and not recommend approval
25 of the proposed zoning change.

26
27 Patrice Twitchell, Centerville resident, said she had lived in Shaela Park since it was first
28 developed. She said she concurred with everything residents had said, and expressed the opinion
29 that the subject property was not the right place for high density. Ms. Twitchell asked the Planning
30 Commission to decide in favor of the neighborhood.

31
32 Chair Kjar closed the public hearing at 8:13 pm. Chair Kjar said it was common idea that
33 it was a forgone conclusion that adding people would make things worse. He said he had learned
34 that resistance pushed the quality of a potential product further and further down. Chair Kjar
35 expressed the opinion that all the resistance Centerville had waged against having additional
36 people come into the community had ended with inferior products. He stated there was no set of
37 circumstances in which Centerville could avoid growth. He said he was of the opinion that the
38 subject property should be rezoned, partially because the other projects mentioned should have
39 been done better. Chair Kjar expressed the opinion that the City could have had high-quality
40 products had latitude been given to provide high-quality products.

41
42 Commissioner Patterson said the Planning Commission heard the residents. She said she
43 agreed parking was a problem in the Porter Walton Townhome development. Commissioner
44 Patterson said she had visited the area, read the information, and was concerned. She expressed
45 the opinion that the subject property should not be high density, and said she did not see how
46 high density would serve any of the local residents well. Commissioner Patterson said she knew
47 it was quite often true that renters did not care for property well because they did not own it.

48
49 Commissioner Jenkins said he had never heard anyone in Centerville be happy about
50 growth in the area. He said he liked growth and liked the idea of low-income housing and helping
51 people, but expressed the opinion that the one-acre subject property was not the solution. Chair
52 Kjar said he agreed nobody wanted the density, but cautioned that nobody wanted the effect of
53 resisting it. He said the job of the Planning Commission was sometimes to make unpopular

1 decisions. Commissioner Larsen said he had doubts that doubling the density on the one acre
2 could be done in a way that would be appealing and effective.

3
4 Commissioner Hoth said he had several friends who had been able to stay in Centerville
5 because of high-density housing available when they could not afford anything else. He said he
6 did not think six additional homes on the subject property would necessarily ruin the
7 neighborhood, and said there were a few islands of high density throughout the City that seemed
8 to work. Commissioner Hoth acknowledged that parking was tricky in some of the high-density
9 developments, and acknowledged that one acre may not be enough space to provide adequate
10 green space.

11
12 Chair Kjar said it was a close call for him. He expressed the opinion that the subject
13 property was one of the more superior spots for high density in the City, being within walking
14 distance of many amenities, wedged between two very highly transited corridors, and abutting
15 one of the best buffer zones in the neighboring church. Chair Kjar said he disagreed with the idea
16 that something had to be homogenous to be harmonious. However, he said it was difficult for him
17 looking at the parcel to see how the developer would fit six units, let alone 12. Chair Kjar said he
18 would like to give a developer the latitude to be creative enough to make something work instead
19 of putting shackles on them.

20
21 Staff answered questions from the Commission about conditional use permits. Chair Kjar
22 pointed out that no buffering would be required for a R-M development. He noted that the Planning
23 Commission received three separate emailed comments that shared some of the same concerns
24 expressed in the public hearing.

25
26 Commissioner Patterson made a **motion** for the Planning Commission to recommend to
27 the City Council DENIAL of the Zoning Map Amendment of the property known as parcel number
28 03-001-0209 located at approximately 522 West Porter Lane from the Residential-Medium (R-M)
29 Zone to the Residential-High (R-H) Zone, with the following reasons for action. Commissioner
30 Jenkins seconded the motion.

31
32 Reasons for action:

- 33
34 a. The Planning Commission finds that the Zoning Map Amendment request does
35 not comply with the approval standards listed in CZC 12.21.080(e).
36 b. The Planning Commission finds that the Zoning Map Amendment request is
37 inconsistent with the goals, objectives, and policies of the General Plan.
38 c. The language of the General Plan regarding Neighborhood 2, Southwest Centerville
39 indicates the area of the subject property would be best used for low or medium density
40 residential.
41 d. The Planning Commission finds that the Zoning Map Amendment request is not
42 harmonious with the overall character of existing development in the vicinity of
43 the subject property.
44 e. The subject property is surrounded by Agricultural-Low (A-L), Residential-Low (R-L),
45 and Residential-Medium (R-M) and is not contiguous to any other Residential-High (R-
46 H) zoning.
47 f. The residential projects in the area, including The Lane, Porter Walton Townhomes
48 PUD, and Sheila Park PUD have a maximum density of 7.62 units per gross acre.
49 g. The Planning Commission finds that the Zoning Map Amendment request may
50 adversely affect the adjacent property.
51 h. Therefore, the Planning Commission recommends that the City Council deny this
52 Zoning Map Amendment request.

Chair Kjar **moved to amend** the motion to strike reason for action (f), as he found it to be problematic. Commissioner Patterson expressed support for the motion to amend, which passed by unanimous vote (5-0).

The **amended motion** to recommend denial with the following reasons for action passed by majority vote (3-2), with Commissioners Larsen, Jenkins, and Patterson voting in favor, and Commissioners Kjar and Hoth dissenting.

Reasons for action:

- a. The Planning Commission finds that the Zoning Map Amendment request does not comply with the approval standards listed in CZC 12.21.080(e).
- b. The Planning Commission finds that the Zoning Map Amendment request is inconsistent with the goals, objectives, and policies of the General Plan.
- c. The language of the General Plan regarding Neighborhood 2, Southwest Centerville indicates the area of the subject property would be best used for low or medium density residential.
- d. The Planning Commission finds that the Zoning Map Amendment request is not harmonious with the overall character of existing development in the vicinity of the subject property.
- e. The subject property is surrounded by Agricultural-Low (A-L), Residential-Low (R-L), and Residential-Medium (R-M) and is not contiguous to any other Residential-High (R-H) zoning.
- f. The Planning Commission finds that the Zoning Map Amendment request may adversely affect the adjacent property.
- g. Therefore, the Planning Commission recommends that the City Council deny this Zoning Map Amendment request.

**PUBLIC HEARING – ZONING MAP AMENDMENT – REZONE PARCEL 020070003
FROM THE R-L ZONE TO THE PF-H ZONE**

Assistant Planner Whitney Black said staff were requesting the Planning Commission recommend to the City Council the rezone of a piece of City-owned property directly northeast of Oakridge Drive. The piece was approximately 3.27 acres and was currently zoned R-L. Staff requested the zoning be changed to Public Facility-High (PF-H) to be used for a new culinary water storage tank facility. Ms. Romney answered questions about public facility zones.

City Engineer Kevin Campbell said the City purchased the property several years ago, and added the property was important for the elevation. The City received a grant to construct the water tank. Mr. Campbell said the tank would be covered with soil and the ground over the tank would be revegetated. The roof of the valve building would be visible and there would be a security fence around the top of the tank. Commissioner Hoth asked if home owners just below the tank would be affected in terms of insurance. Mr. Campbell said a berm with a drainage ditch would be constructed along the east end of the private road. He said the tank would be more secure and water-tight than the current steel tank. He said the existing green steel tank would eventually be removed.

Chair Kjar opened a public hearing at 8:56 pm, and closed the public hearing seeing no one come forward. Water Supervisor Steve Hunt said it would be an exciting project, with updates provided on the City website. Commissioner Hoth **moved** for the Planning Commission to recommend to the City Council approval of the Zone Map Amendment of the property known as parcel number 02-007-0003 from R-L Zone to PF-H Zone, with the following reasons for action. Chair Kjar seconded the motion, which passed by unanimous vote (5-0).

Reasons for action:

- a. The Planning Commission finds that the Zone Map Amendment is consistent with the goals, objectives, and policies of the General Plan, specifically Section 12-470-3.
- b. The Planning Commission finds that the Zone Map Amendment is consistent with the approval standards listed in CZC 12.21.080(e), as described in the staff report.
- c. Therefore, the Planning Commission recommends that the City Council grant approval of this Zone Map Amendment request.

TRAINING – ONLINE ZONING CODE/MAP AND MUNICIPAL CODE

Ms. Black provided training regarding online access to the Centerville Municipal Code, Zoning Code, and Zoning Map. Ms. Black announced that she had accepted a position with a different City, and said that evening would be her last Planning Commission meeting. The Planning Commission expressed appreciation for her time with Centerville.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Mr. Eggett reported on a recent APA Training Conference and provided updates on the General Plan update process and the UDOT I-15 Parrish Lane Interchange Project. The Planning Commission was scheduled to meet next on June 12, 2024.

MINUTES REVIEW AND APPROVAL

Minutes of the April 24, 2024 Planning Commission Meeting were reviewed. Commissioner Patterson **moved** to accept the minutes without amendment. Commissioner Larsen seconded the motion, which passed by unanimous vote (5-0).

ADJOURNMENT

At 9:15 pm, Commissioner Jenkins **moved** to adjourn the meeting. The motion passed by unanimous vote (5-0).

Jennifer Robison, City Recorder

Date Approved

THE PLANNING PROCESS AND THE GENERAL PLAN



THE PLANNING PROCESS

Background

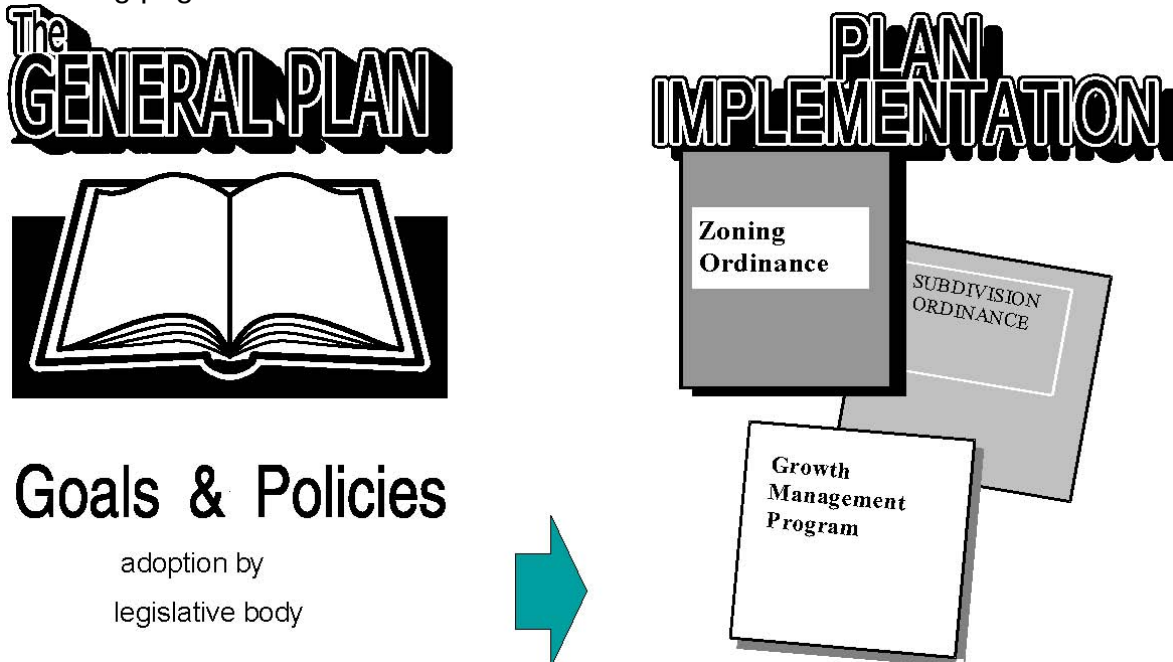
Many people have some common sense notions of what community planning is and why it is important. Few, however, have given the subject enough thought to enable them to describe or explain it, even though they engage in planning in their personal and family life, and certainly in their business activities. In fact, there may even be local planning directors who have difficulty in articulating their needs at budget time when facing the elected officials, many of whom may be quite skeptical of planning.

Land use planning as an official function of local government in America evolved very slowly through the 19th Century and became firmly established in the early years of the 20th Century. Our country had been a nation for nearly a century before people demanded that local governments exercise their Constitutional authority to protect the public health, safety and welfare. Zoning and land use regulation historically received legal recognition before the concept of comprehensive planning was defined and accepted as a function of local government. Daniel Burnham's 1909 Plan of Chicago is often regarded as America's first "comprehensive" plan. This plan, however, was concerned only with publicly owned lands and facilities. The concept of planning the future use of private properties along with inclusion of social and economic considerations was first introduced in the Comprehensive Plan of Cincinnati in 1925. As far back as 1913, the Massachusetts Legislature made it mandatory for all cities more than 10,000 populations to establish planning boards or commissions.

The pioneers of American planning realized that in order to be meaningful and effective, planning should be as free as possible from political pressures. It was also obvious from the beginning that citizen interest and participation were essential to the success of a planning program.

The Two Components of the Planning Process

Many people believe that community planning implies producing a "plan" such as the design of a building or a subdivision. The use of the term "planning," however, reveals that planning is much more than a static plan portrayed on a colored map. Planning may be more clearly perceived as an ongoing community process that consists of *two major components* — depicted graphically on the following page.



With acceptance and adoption by the legislative body, the process moves from the first component (plan) to the second (plan implementation) ... the transition from vision and goals to functional public policy.

The plan embodies the community goals and becomes a guide to public decisionmaking. Following adoption of the plan, the community employs the tools available to implement the plan. A plan, regardless of the time, thought, vision, or expense to produce it, is of no value if it is not put into action, or "plugged into" the decisionmaking process by implementation programs.

It can also be said that a magnificent set of land use regulations and programs set in motion with no guiding vision of the future (a plan) can lead only to public decisions that add up to no focused, comprehensible, or desired results.

Let's make it clear up front ... THE PLAN IS NOT LAND USE ORDINANCE, and THE LAND USE ORDINANCE IS NOT A PLAN! Understanding the distinction between the two is extremely important.

This handbook and program are focused on the first component of the process- THE PLAN, its purpose and preparation.

While many communities (the term includes cities, towns and counties) have developed without the sense of direction provided by a general plan and a sensible planning process, such a practice can be likened to building a home without a blueprint - we all know it can be done, but we are not so sure we would like to live there.

HOW SHALL WE PLAN OUR COMMUNITIES?

"If we are now to reinvest in America, consideration should be given to what kind of America we want to create. Our investments in transit must be supported by land use patterns which put riders and jobs within an easy walk of stations. Our investments in affordable housing should place families in neighborhoods where they can save dollars by using their autos less. Our investments in open space should reinforce regional greenbelts and urban limit lines. Our investments in highways should not unwittingly support sprawl, innercity disinvestment, or random job decentralization. Our investments in inner-cities and urban businesses ought to be linked by transit to the larger region, not isolated by gridlock. Our planning and zoning codes should help create communities, not sprawl."

Peter Calthorpe, The Next American Metropolis

Our community is a picture of US!

There are two important principles of human nature, one declares that the human physical community reflects the cultural values of its inhabitants; the other tells us that human survival depends upon the satisfaction of the basic human needs, such as food, shelter, companionship and fulfillment. A paradox of human communities is that sometimes certain ephemeral values become an obsession and result in a long term, perhaps imperceptible, deprivation of the important basic needs. An example might be the fascination of our culture with the automobile that mushroomed in the 1920s and was given a major thrust after World War II--and which probably hasn't yet peaked out.

The high value placed on speed and mobility has resulted in a major change in the character and quality of many communities. The human scale and close social interaction that defined "community" and served human need from the dawn of civilization was all but lost in many American urban areas within a human single life span.

The natural environment that has provided sustenance and assured human survival, has also been seriously threatened in many parts of the world by

cultural values that encourage dominance over nature rather than harmony with it.

Supply and Demand

The system of demand and supply that characterizes the dynamic American culture interacts within the natural environmental setting to create our communities. It is critical, therefore, that these systems are guided and balanced to assure that the resulting "built" environment is satisfying and sensitive to and protective of all human needs, the public interest, individual private interests and the environment upon which we depend for life itself. Rural and suburban residents travel regularly to cities to work, obtain medical care, education, and a wide range of other services they need to enrich their lives. Newspapers, radio and television also bring them in constant contact with ideas, news, and services available in the city. Urban and rural interests are increasingly interdependent in the growing metropolitan subregion; what affects one is generally important to the other. The planning of cities, towns and metro areas must be focused more and more upon the importance of local planning conducted within a regional context.

Much attention is focused on human exploitation of natural resources, the misuse of the land, and the increasingly complex organization of urban communities. Again and again the same conclusion is reached - if order is to be created out of chaos, the solution will be found in the process of rational, broadly-based planning and management. Few urban problems stop at the man-made boundary line.

The human community is a dynamic organism that is ever-changing. Every decision that effects physical development or community institutions, and the supporting region, should contribute to achievement of the community's goals - its vision.

Planning must win the hearts and minds of the elected officials...

.. The city council ... the county commission

There are many tools and programs designed to aid in the implementation of the community's long-range general plan. Hours, days, and months may be devoted to the plan preparation effort, and the plan may describe with flawless precision all possible tools and programs that will assure plan implementation. Experience shows, however, that probably the most effective implementation tool will be the "conversion" of the elected officials -- the legislative decision-makers and their advisors.

It is important that the governing body and directors of the administrative

departments are involved as much as possible in the plan preparation process. These officials must feel that the plan and its vision represent their own values and vision, and not just those of the planners or the citizens' committees. The chief administrators and department heads are important as team players because they are normally city hall or courthouse "fixtures," and as such are very influential. Elected officials are the bottom-line decision-makers, without their understanding and support, the plan will never be implemented. [Read the discussion of the legislative body as the "client" of the plan, page 22.]

WHAT, THEN, IS THE PLANNING PROCESS?

The " planning process" is the movement of community planning through the local governmental system - from citizens' visioning, goals and objectives to the articulation of public policy and ultimately to implementation.

The process of planning is the continuing effort to guide the many and varied decisions that must be made, to correct the errors of the past, and to hold serious misjudgments to a minimum.

Fred H. Bair, Jr., in his book *Planning Cities*, offers this definition of the planning process:

City planning is the systematic and continuing application of organized knowledge and foresight in pursuit of clearly defined and properly regulated urban development objectives. Physical form and function, the most obvious manifestations of city planning, are not the only elements of planning concern. The physical city is both the cause and effect of the social and economic city; and social and economic considerations are given increasing weight in urban planning.

As each new subdivision of land occurs -- whether it is for residential, commercial or industrial purposes -- the community of the future takes shape. The use that is made of the land, the physical organization of the developed area, and the resulting population densities, are the primary determinants of the need for municipal facilities and services. Only the development and redevelopment of land can establish the real property tax base of the community.

Logical patterns of land use shaped by the needs and desires of the various interactive development "systems" mentioned above can be established through planning and implemented by zoning and other land use development and management techniques.

The forces of thoughtless, piecemeal, lot-by-lot change are constantly threatening to erode the most desirable qualities or potential of a community. The change is usually slow and imperceptible and by the time the damage is

apparent, the cost of correction may be too great. Not only are the costs of correction great, but urban sprawl places a tremendous financial burden upon local government for the provision of services and infrastructure.

Most people want their community to be attractive and provide a varied and satisfying environment and lifestyle. Whether the community is a rural town, a suburban bedroom community, part of a continuous metropolitan agglomeration, or a tourist resort, its natural resources and the qualities that make it unique can be retained and enhanced only with a strong-willed, continuous community effort--a well-conceived process of decision-making.

Few of us can say honestly that we are satisfied with the environment we are creating within and around our communities. We need to cruise through the center of town at times, looking with as much objectivity as possible, and often we'll become aware of the repulsive and inefficient development that we are permitting to happen.



If the heart of our city or town is a drab, uncared for, and cluttered with signs, billboards. There is cause for legitimate concern.

***If we are honest, we cannot avoid asking, "Is this the best that we can do?"
Very likely it is not.***

The Planning Process is Continuous

Planning is more than the production of a general plan and some regulatory

ordinances. It is an ongoing process. For this reason, the type of planning program a community has adopted needs to be reassessed periodically, at least every 3-5 years, to take into account changing conditions in the community as well as new concepts in planning as they are developed.

For example, a community may have adopted a general plan that describes desired future development patterns, but which lacks a "staging" element for the development of raw ground; the community may wish to update the plan to incorporate the staged approach in order to prevent scattered development throughout the community. An older community may need to shift emphasis in the planning process gradually from development to the redevelopment of some sections of the community as they become old and deteriorated.

WHAT CAN WE EXPECT OF COMMUNITY PLANNING?

A community with an effective planning process is generally a community with bold and enlightened leadership.

. 📌 The basic purpose of planning is to improve and maintain community life and assure that our towns and their regions are satisfying places in which to live. As each community grows and develops and fits into the overall pattern of the region, the region prospers.

. 📌 Change will undoubtedly come to every community. The critical question always is. *What kind of change should it be?* The choice can be influenced considerably by the people who live in and govern each community. Change can be for better or worse; no human community is static. It is a dynamic organism. A community or region will either improve or deteriorate, grow or decline.

. 📌 Well-planned communities generally achieve a high degree of stability. Stability is more likely in a community which has a functional development process and which has articulated its goals and the methods by which it intends to accomplish them. In such a community, planning is important to the individual property owner as it provides assurance that investment in the community will be protected, and the quality of the neighborhood will not be eroded by incompatible development.



But on the other hand ...

There are results that planning cannot and should not be expected to accomplish. In some cases attempts at the improper use of planning have

resulted in failure and misunderstanding of its intended purpose.

. 📌 Planning cannot solve all the ills of any community. The mere fact that there is a planning commission or even a community general plan will not alone result in the correction of past mistakes or even in the prevention of new ones. To be effective, planning must be supported by policymaking and action programs. Far too many communities have fallen victim to the illusion that the unveiling of a spanking new plan is the end of all supportive effort and that the mere existence of a plan means that their worries are over.

. 📌 While it can be said that effective planning and land use regulation can result in more orderly and desirable growth, the process should never be used to build a fence around a community to keep others out. Planning and regulation should be regarded as a means to guide desirable development, not to prevent development.

. 📌 Planning should not be used to advance individual or pressure group interests. Planning, if it is to be useful, must be selfless. It must benefit the entire community - the "public interest."

THE LEGAL AUTHORITY FOR PLANNING

Do we have authority to prepare a community plan, and regulate land use? Yes, we do. The legal authority for local jurisdictions to conduct community planning is based upon three sources:

. **(a) The U.S. Constitution** -- The supreme source of governmental authority to protect the public health, safety and welfare — *the police power authority*.

. **(b) State Constitution and Statutes** -- The police power authority to protect public health, safety and welfare is reserved to the states; defined and described by the Utah State Constitution and state enabling statutes (Utah Code). Authority is delegated by the state through the enabling statutes to local governments (described by local ordinances.)

. **(c) Case law** -- Guidelines are defined by the courts with regard to the administration and application of the various regulations. To a large extent, the scope of valid land use regulation has been and probably will continue to be defined by court decisions.

The Police Power and State Enabling Legislation

The Tenth Amendment to the Constitution of the United States reserves to the states all powers that were not specifically delegated to the federal government by the Constitution. One of the powers reserved to the states is the "police power." Police power, as interpreted by the courts, permits the states to enact laws that promote the order, safety, morals, and general welfare of society. The authority to regulate land use and zoning falls within the general police powers

of the states.

The authority to conduct land use planning is delegated to the cities, towns and counties, as political subdivisions of the state, by enabling legislation that is enacted by the legislature and articulated in the state statutes (*Utah Code*).

While there are other statutes that endow local governments with the authority to plan for specific kinds of development or redevelopment, the broad powers that enable the governing bodies of cities and towns to engage in planning and land use regulation are found in the state enabling legislation.

UTAH CODE

Utah Code Title 10, Municipalities, Chapter 9, and Title 17a, Counties, Chapter 27a, The Land Use Development and Management -Part 4, The General Plan, are both reprinted in the Appendix to this handbook. It is very important that local officials become familiar with the Code provisions.

THE GENERAL PLAN

DEFINITION OF THE GENERAL PLAN

The general or comprehensive plan, as a published document adopted by the local government, becomes the official statement for the community that establishes and articulates the policies for future physical development. The general plan document describes the community's goals for its future and carries the goals through an analysis of the community to the policies and programs for goal implementation. The general plan embodies the statements of policy and description of the programs that will implement the policies. "Master plan" is a traditional description

— "city development plan" and "comprehensive plan" are also used. The term "general plan" is used by the Utah Code, and is preferred.

The Plan is a Compass



The importance of the general plan as a policy document cannot be overemphasized. The plan is a compass for the community. It indicates the course a community has chosen, and is a navigational tool which aids in following the course of development chartered by a community's representatives

and its people. No two communities need follow the same course, but without goals and a plan it is difficult to know what course, if any, a community is following. It is also difficult, if to identify the point at which the community wanders from its goals. *This does not mean that once set the course cannot be altered.* As with the ship at sea, when there are compelling reasons that suggest a need for change, someone in command, armed with adequate information and authority, should make the decision to alter the course. The plan should be designed initially to be up-datable; there should be a built-in mechanism to provide for mid-course corrections as changing needs or unforeseen events alter original goals.

A successful plan must be based upon thorough and accurate research. Using the data and insight gained by analysis of the research data, the various policy judgments of the plan are synthesized and presented as a unified document. That document, adopted by the local governing body, must be designed to be understandable, published, and made available to the public at large and still remain a policy statement useful as a guide to officials of the community.

THE PURPOSES OF THE GENERAL PLAN

The planner and author, T. J. Kent, proposed, in his book *The Urban General Plan*, six fundamental purposes of the general plan:

1. To improve the physical environment of the community as a setting for human activities--to make it more functional, beautiful, healthful, interesting, and efficient

This purpose is in accord with the broad objective of local government to promote and protect the health, safety, morals, order, convenience, prosperity and general welfare of the community. These responsibilities are exercised through the police power that is granted to local governments. The police power extends to many functions of government--beyond the functions of the police force.

2. To promote the public interest, the interest of the community at large, while respecting and protecting the interests of individuals or special interest groups within the community.

The comprehensive nature of the general plan contributes to this purpose, for it facilitates consideration of the relationship of any development issue to the overall physical development of the entire community. Because the plan is based on facts and on studies that attempt to be thorough and impartial, it helps to prevent arbitrary, capricious, and biased decisions.

The definition of what is the "public interest" is based largely upon how the courts have described it over the years. It is generally described as the public desire for health, safety, social equity, environmental quality, social choice and amenity.

3. To facilitate the democratic determination and implementation of the public policies that guide the community's physical development.

The plan is primarily a policy instrument. The plan constitutes an official declaration of the community's long-range goals and provides the basis for the programs that will accomplish the goals. By placing the responsibility for determining policies on the elected officials and providing an opportunity for citizen participation, the plan facilitates the democratic process.

4. To bring professional and technical knowledge to bear on the making of political decisions concerning the physical development of the community.

This purpose is intended to promote wiser decision-making, to achieve informed, constructive government. Through the general plan, the special knowledge of the professional planner is brought into the democratic political process.

5. To affect political and technical coordination in community development.

Political coordination signifies that a majority of the community is working toward the same ends. Technical coordination means that a logical relationship exists among the physical elements of the plan [see page 16], and the most efficient planning and scheduling of actual improvements is in place so as to avoid conflict, duplication and waste.

6. To inject long-range considerations into the determination of short-range actions. This is intended to achieve coordination through time, and to attempt to assure that day-to-day decisions will lead to achievement of longer-range (20-30 years) community goals. The extensive use of forecasts and the establishment of long-range concerns are significant features of the general planning process. The plan represents an effort to add the important time dimension to the decision-making process.

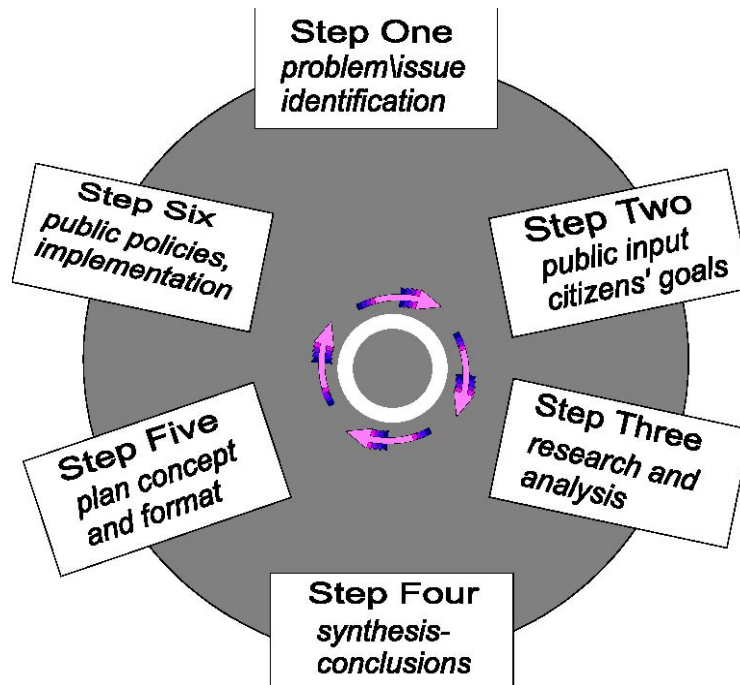
Steps to Plan Preparation

If you are going to plan, plan well and plan for action. If you aren't going to plan well and plan for action, don't mess with it.

Fred H. Bair, Jr., *PLANNING CITIES*

When the jurisdiction has a planning commission functioning and has provided for a professional staff or a consultant, it is ready to undertake preparation of the general plan.

There are logical steps to general plan production which are basic and quite typical. The steps to plan production are not prescribed by any formalized or standard format and may vary in methodology, step sequencing and final product. The steps described below are offered for information and guidance. It is important to understand that the diagram emphasizes the cyclical process of general plan preparation.



Planning is an ongoing process. When the public policies and implementing programs are in place, the cycle should be repeated.

STEP ONE

Problem & Issue Identification

When the professional staff or consultants who will assist the planning commissioners are selected, it is advisable for them to initiate a series of meetings, as needed, with the commission and other local officials, to identify important community issues, problems, needs, and pressures.

Such meetings are described as "scoping." The purpose is to gain first impressions and a consensus among appropriate and knowledgeable officials with regard to the type and scale of community needs and the resources that will be necessary to satisfy those needs.

STEP TWO

Goal - Setting Public Input

This vital step in the process of establishing community goals is citizen participation. Methods by which the attitudes and opinions of the local citizenry will be ascertained must be determined. Some suggestions follow:

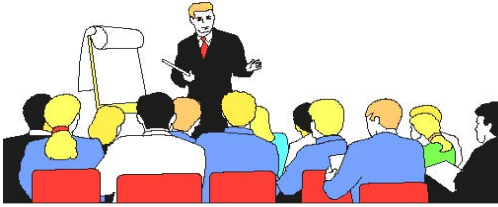
Community Surveys

Depending upon the size of the community, it may be advisable to consider conducting a community survey. Local officials often believe that collectively they understand the spectrum of values, attitudes and characteristics of their community. Despite their confidence, however, a well-conceived and professionally conducted community survey is almost invariably very revealing, sometimes surprising, and always highly useful. The type of survey selected can be by mail-out, door-to-door or telephone. Each has its advantages and disadvantages.

Whatever method is determined to work best for the community, the survey can generate some highly important information. First, the survey may include questions seeking demographic characteristics of the population and will provide an up-to-date estimate of such information as family size, age, employment (type and location), family income, type of residence, etc. The most recent US Census data is useful, but is generally several years out of date. The survey might also include questions asking each family where they most frequently acquire specific goods and services; this information can be very useful for economic development planning.

The survey can provide an opportunity to gain responses to important community issues. Questions might ask for opinions evaluating the quality of public services, attitudes toward growth and new development, proposed improvements, services needed, and so forth. The survey often becomes one of the most useful resources for the development of community goals.

Citizen Participation



Of critical importance to goal development in the planning process is the direct personal involvement of the citizens. It is possible that the community has permanent citizen organizations in place and functioning, such as neighborhood community councils. If so, the task of mobilizing the citizens for the preparation of planning goals could be assigned to this organization with guidance provided by the planning commission, staff or consultant. Most communities do not have an ongoing citizen advisory organization that is ready to jump into the process. In such case, a decision will have to be made as to the most effective method of gaining citizen participation.

The citizens should have a clear understanding and appreciation of their individual roles in helping to articulate the goals for their community.

It is important to make an effort to encourage all elements of the population to take part. This effort should not overlook the youth of the community. Some communities have involved high school students and found that they contributed important insights.

If a sufficient number of citizens make the effort to participate, it will be important and most effective to organize them into appropriate subcommittees. Each subcommittee should be assigned to one of the several specific topics of community interest that are tailored to address important community issues or problems (such as neighborhood or residential development, public parks and recreation, downtown improvement, traffic and streets, community growth, etc.) The subcommittees would be asked to develop goals for their topic of concern and produce a written statement

Other techniques have been employed for involving citizens. Some communities have preferred to target specific individuals for participation, and they are specially invited to attend. This technique may assure that the most knowledgeable or motivated residents will be taking part, however, it also bears the potential of being regarded as undemocratic or an attempt to "stack" the citizens' process with a particular point of view.

Next to the preparation of the citizens' goals themselves, the entire citizens' participation effort has a secondary purpose of assuring that all citizens have the opportunity to take part in the planning so that it will represent a consensus of the cultural values of the community. Community support for the final plan may depend to a great extent upon the citizens' perception of their participation (or

their opportunity for participation) in plan preparation. The fact that a well advertised, open and honest program for citizen participation was provided can contribute to a defense of the plan and its content in the event of criticism or legal challenge.

CITIZEN GOALS

There is a difference of opinion among planners as to whether the major data gathering and analysis step (described below) should occur before citizen participation. It is believed by some that the goal-setting stage will be enhanced by providing the citizens access to the data and its analysis. Others prefer that goal-setting precede data-gathering and analysis because, first of all, the citizens are involved immediately, and, secondly, the citizen input and ideas can suggest directions for the research and analysis. This latter alternative usually allows for re-involvement of the citizens' committees after the research and analysis stage to synthesize the goals with the research data and make modifications to the goals, as necessary. Either method has produced valid results.

The difficulty of arriving at a consensus for community development through a series of formalized goals is often evidenced when conflicting or contradicting goals are submitted by various interest groups that may be represented in the citizens' committees.

In order to overcome the adverse effect of the conflicts expressed by the various interest groups on the total planning process, it is necessary that input be obtained from as many such groups as possible. The local officials who are conducting the citizens' sessions should provide for a meeting at which the conflicting goals are presented to the entire group and differences discussed and resolved. Once the various groups become aware of the manner in which their interests affect others, and they themselves are affected by a particular issue, there will emerge, hopefully, a more unified statement of community goals and objectives.

The goal statement

Goals are general statements that express very broad ideals for the future of the community. Citizen committees should be directed to keep goal statements as broad as possible to confirm the community's resolve to achieve a great environmental or social ideal. An example might be: "This city should remain primarily a residential community and every effort should be made to maintain the residential atmosphere that now exists." Goal statements can be followed by more specific "objectives" suggesting how the goals might be achieved. A logical objective in support of this goal would be: "Future residential subdivision design should discourage fast, through traffic."

STEP THREE

Data gathering Research & Analysis

This step of plan production is normally regarded as the work conducted by the professional staff or consultant. In some communities, planning commission members may participate or contribute data or information.

Research is generally regarded as demanding the skill and time commitment of a professional. Much of the data that will be gathered and reviewed will be that which is generated or published by one of the various regional, state or federal government agencies and private institutions. Researchers in Utah are advantaged to have access to an abundance of relevant and current data available to them. Ideally, if there is a local planning staff, a major portion of the needed data will have already been gathered and made a part of the planning department's data base. The skill of the researcher is based upon his or her ability to know what information is needed and where to find it. The experienced professional knows also that merely collecting and reporting information is of no great value to the research effort. The challenge of research is the ability to interpret the data intelligently and creatively to gain the greatest possible knowledge and insight from it.

The Elements of the General Plan Required and Optional



Data gathering will concentrate on the elements that are identified by the Land Use Development and Management Act as the minimum required for a general plan. These elements are described in

Section 10-9a-403(2) or 17-27a-403(2).

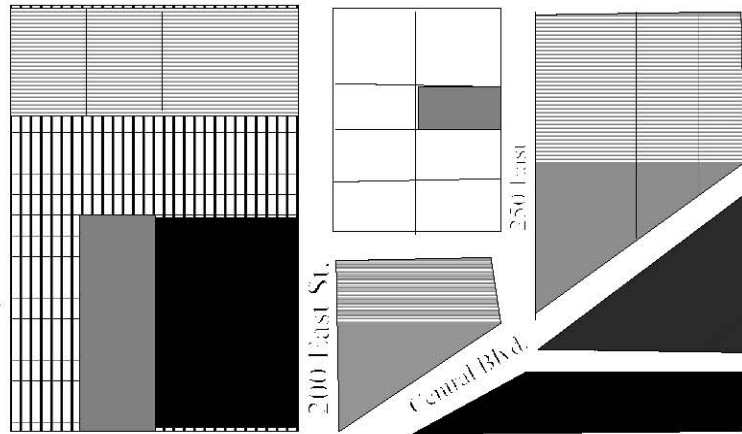
The required elements are:

- . • Land Use;
- . • Transportation;
- . • Moderate Income Housing.(cities only) These elements are briefly described on the following pages along with other elements that are regarded as important after the minimum requirement.

Land Use and The Land Use Plan

This element provides the basic recommendation for the location and relationship of the various land uses anticipated to be allowed in the jurisdiction during the life of the general plan. Existing land use is surveyed, mapped and described. The land use The social and housing analysis will help the citizens to understand each other and the characteristics of the local population; relating the social characteristics and the condition of housing and other elements of the built environment. Demographic data will help in determination of housing needs for the future -such as, where will residents live if when they their families are grown and they want to remain in the city.

element is presented as the Land Use Plan - a map of the desired distribution of the various land uses throughout the community. The plan will establish patterns of development as applied to a base map of the area to be planned. The Land Use Plan allows analysis of compatibility of land uses, Computer programs allow development of a land use map with the dominant use of each parcel of land ownership identified by color. The sample shown here is a land use map in black and white - a mapping method that can be used if color is not available.



Transportation and Circulation



Master Street Plan
Functional Classification
Regional Transportation Programs
Transit Oriented Design

The transportation and circulation element is concerned primarily with the quality of the street network and the efficiency of traffic movement. The development of a master street plan will allow for planning of traffic access to proposed future growth areas. This element will include functional classification of the local street system, current and projected traffic volumes on major streets. Accident rates, locations and trends and projections. Regional transportation planning critical. Regional planning underway or available in the area of the community will be accessed and will provide the broad context for transportation planning.

Housing and Social Conditions



Moderate Income Housing Planning
Neighborhood structure
Survey of housing quality and condition
Crime statistics

Environmental Analysis

*Topography Climate, microclimate Major natural features — potential hazards
Man-made environmental impacts Lands suitable for development (suitability
analysis)*

The environmental analysis will identify lands that are most suitable for development as well as potential natural hazards that could result in loss of life or property. The identification of the environmentally suitable lands for future growth will be helpful for potential developers as well as the decision-makers as they review development proposals and estimate holding capacity.

Population and Growth Analysis

*Estimates of current population
Projections of future population--area holding capacity
Demographics -- population characteristics
Family size
Age
Employment
Family income
Current Land Use - Holding capacity*

Economic Base Analysis

*Property and sales tax resources and trends Local government
revenues/expenditures Employment and average family income Major
community employers Community's primary and secondary market areas and
major competition*

The economic base analysis can provide an important data base for community economic development efforts as well as long-range planning. Not only is a good diagnosis of the community's economic health important for local decision-makers, but a community with well-researched and complete information can make it available immediately to potential investors or developers

Public Facilities and Utilities

Current condition and future demand for water, sewer, power,

etc.

Parks, playgrounds, and open space

Local government office - police and fire facilities

Schools — adequacy and conditions

The public facilities element involves the various publicly provided activities such as parks, playgrounds, schools, public safety and civic buildings. This analysis will identify areas of the community where parks or playgrounds are needed most, and determine adequacy of utilities to service anticipated growth.

Visual and Aesthetic Quality -- Community Design

Survey of visual assets and liabilities

Preparation for urban design study.

Studies of specific visual problems

Potential for historic or cultural preservation

A thorough analysis of the visual quality of the community can contribute to recommendations for community design and the urban design elements. The survey will focus attention upon the potential for improving the appearance of the community which can contribute considerably to local pride as well as helping to achieve economic development goals. A visual survey offers an interesting insight into the cultural values of the residents.

As data is gathered and research advances to a point at which the quantity and quality of the information is sufficient, researchers should begin their final analysis. There should be adequate information to develop chronological trends which illustrate the direction the community is going in such elements as economic development, tax base, and many others. Similar information about neighboring communities should be gathered in order to assess the subject community's competitive position in the region, and allow comparison. It is important that the data be reviewed thoughtfully and creatively in order for the analysis to be most useful. As the insights emerge, it is advisable for the professionals to work closely with the planning commission and local officials to assure their understanding and support before final publication.

STEP FOUR

Synthesis & Conclusions

In the pursuit of a plan which has a solid set of achievable goals and objectives, it is important for the preparers of the plan to review their analysis and compare it with the citizens' goal statements. This allows an opportunity to test the goals statements with the realities of the community's economic base, growth projections, and other important conclusions derived from the analysis.

The result of this review may suggest that the citizens' goals be modified to respond more closely to community capabilities and assure implementation. Any modifications should, of course, be presented to the citizen groups at public meetings with citizen involvement. This summarizing of the data and synthesis with citizen input allows the development of final conclusions. The summary and conclusions will provide the rationale and background for the development of the policies and implementing programs -- the guidance system. The conclusions provide the logical starting point when it comes time to review and up-date the plan.

STEP FIVE

Plan Concept & Format

As conclusions and recommendations materialize, the participants must perceive the community concept, or urban form, that will satisfy citizen goals and fulfill the purpose of the plan. The plan document should offer alternatives for the final concept. The quality and clarity of the plan document will contribute to its success.

The Plan Concept

There are many concepts for the form of the community. The popular or "trendy" concept for ideal community form changes periodically. The most effective and acceptable concept that is selected should be based upon local capabilities, values, and a careful review of the alternatives. The choice of community form will evolve from a review and understanding of alternatives, and the consideration of the conclusions of the research — basic grasp of the environmental constraints, economic base, growth potential and desired or supportable densities. The choice of concept may be based upon a goal to prevent future sprawl, avoid sensitive lands, or reduce traffic congestion.

Sustainability --

There is considerable research currently available describing the need for all human communities to protect important natural resources and assure a liveable environment for future generations. This deserves serious investigation and understanding. Basically, the goal of sustainability is to establish sustainable communities by balancing economic development and environmental protection in accord with the carrying capacity of the land.

Sustainability treats the conservation of the natural environment and the development of the human community as equally important. The urban form that enables sustainability may vary, but generally emphasizes compact development, mixed residential and commercial uses, opportunities for social interaction and participation, and preservation of open spaces.

Walkable Communities/Smart Growth

Citizens and professionals who are working together to prepare a general plan should take the opportunity to explore contemporary plan concepts. Many of these have been carefully conceived to address the changes in our national lifestyle and values, and the negative consequences of perpetuating past mistakes. This is important even in the areas that seem to be remote from the congestions and sprawl

— the point is that those problems can possibly be avoided by creative and thoughtful planning well in advance of the impact.

It is of great interest to Utahns that well-planned communities are an important part of this state's heritage. The Plat of the City of Zion, a concept for human-scaled, nurturing towns and cities was created by LDS Church Founder Joseph Smith, and brought across the plains by the pioneers and implemented by Brigham Young. The concepts contained in the Plat of Zion were ahead of their time. Many of them are reflected in the contemporary concepts that are gaining interest in many areas of the USA - the call for "Walkable Communities and Smart Growth. These ideas are driven by the perception of the need to reduce

dependance upon the automobile and return to urban environment that is socially cohesive, diverse, and interactive. The preparation for the general plan should include careful consideration of community design concepts.

PLAN FORMAT

The plan document should be designed to clarify a logical progression from citizen goals through insightful research to plan concept and finally to recommended implementation policies. The visual quality and clarity of the plan document will contribute considerably to its acceptance and understanding by citizens as well as elected officials. The plan document, or at least a useful summary, should be suitable for easy reference by decision-makers. If the general plan is regarded as insignificant or incomprehensible,. It will be ignored and its message soon forgotten.

Clear recommendations for implementation of each proposed policy is essential. This is emphasized by Step Six.

STEP SIX
**Public Policies
Implementation
Strategies**

When the legislative body adopts the plan, it has accepted a set of policies that accompanied the plan recommendations. If the plan does not offer recommended policies, they must be prepared, following the plan goals, and adopted to assure plan implementation.

The concept for a result-oriented planning process places great emphasis upon the interaction and partnership of the planning commission and professional planners, with the decision-makers and upon an understanding of the political process. The policies establish the decision-makers' commitment to the goals of the plan, and the identification of the implementing programs by which the policies will be translated into action. The most common programs for implementation include land use regulations (zoning, subdivision standards), and redevelopment activities.

A policy statement should be brief, specific and unambiguous in order that a decision-maker can understand its full implications and commit confidently to its

implementation. The example of an objective, offered in Step Five, above, ("Future residential subdivision design should discourage fast, through traffic.") is close to being an acceptable policy statement. It might be even more specific, however, and declare: "Maximum vehicular speeds on local residential streets, as identified in the Master Street Plan, shall be 25 miles per hour."

An example of policies related to programs.

Opportunities and Problems: X City, located in the eastern part of Y County, contains a number of relatively large lakes which could serve as excellent recreation areas. However, many homes with inadequate sewer systems have been constructed near the shoreline which has resulted in increasing pollution of the lake. In addition, a feedlot located on a stream which feeds the lake has contributed to the excessive algae growth in the lake (problem).

Policies

1. Locate and establish community parks adjacent to lakes to serve the recreation needs of the community and also to provide public access to the lakes.
2. Control the density of residential development along lakeshore.
3. Ensure that private sewer systems for lakeshore homes are adequate.

Programs

1. Acquire 100 acres adjacent to the west end of the lake for park purposes during the next year. Council action.
2. Enact shoreland zoning ordinance to control residential development along the lakes. Planning Commission prepare and recommend to the Council
3. Prepare a lakeshore development plan. Planning Commission shall work with the Public Works Department and seek a qualified consultant.

The general plan may be expressed graphically in both maps and in statements describing the major policies, standards, plans and programs intended to guide physical development.

Planning maps show relationships to be sought among the major features and land uses of the city--its neighborhoods, businesses, institutional and industrial centers and its major streets. They may also show the proposed distribution of public facilities, such as schools, and can identify major land-reservations, such as parks. Because the community plan deals with a geographically defined area, maps and their overlays are very important. Maps can be of special value to

illustrate the need for changes in the transportation network and the alternative proposals for development. Maps used in conjunction with supporting data provide a visual tool for the planning commission to point out potential problems and opportunities.

WHO IS THE CLIENT OF THE GENERAL PLAN??

The general plan is an important public policy document. It is important to determine the primary user of the plan--the client whose requirements must be met first. The different views on the primary client of the plan follow from the different concepts of the role of city planning in local government.

T. J. Kent, Jr., author of the *Urban General Plan*, suggests that the city council or county commission, as the legislative policy-makers, should be the principal client of the general plan. Land use planning is primarily a policy-making activity of the governing body. Every important physical development policy with which the local government is involved must eventually come before the city council or county commission for final determination and action. Effective community planning cannot be sustained without the responsible participation of the legislative body. The Utah Code, Titles 10 and 17, *Land Use Development and Management*, empowers the legislative body with authority to approve the general plan.

The general plan, thus, should be conceived primarily as a legislative policy document, rather than a complex technical instrument to be understood only by the professional staff and possibly some members of the planning commission. In reality, every planning decision of significance must be made in the council or commission chamber; such decisions cannot be made in the planning office. Those who initially formulate a plan must follow through and present it, with its controversial judgments exposed, to the members of the council. The professional planners must seek to make their technical findings and professional judgments convincing to the council members and commissioners.

The general plan should include the recommended policies for community development. If the planning commission and the elected officials find that they disagree, they should work together to resolve the differences. The policies should represent the focus of understanding and agreement between the planners and the legislative body.

Some planners argue that elected officials do not have the time to acquire an understanding of a plan or to take part in its preparation. It is true that deliberation over the general plan will occupy much of the time of the elected officials, but, from the viewpoint of the community as a whole, this is one of their most important responsibilities. The plan is often controversial in one respect or

another, and will demand attention.

Ad hoc decision-making

Unfortunately, there are elected officials who may avoid their responsibility for policy development and implementation. They may be reluctant to commit themselves to long-range policies which may one day prove bothersome or embarrassing. They want to reserve the option to make all decisions on an ad hoc basis without regard for consistency. They call this ad hoc procedure "deciding an issue on its merits." This attitude increases the opportunities for favoritism and allows the elected officials to decide an issue by counting up the potential votes on both sides.

The majority of elected officials, fortunately, prefer to deal with problems and needs by establishing long-range policies and maintaining consistency in their actions. They recognize the need for guidance as they review the diverse, complex physical development issues that come before them each week. A frequently asked question at council/commission meetings is: "What is our policy on an issue such as this?" Rather than referring to previous decisions, regarded as precedents, on similar matters, the question would be better answered by referring to well-conceived policies expressed in a general plan.

ADOPTING THE GENERAL PLAN

The Land Use Development and Management Act, Titles 10 and 17 of the Utah Code, enables local governments to conduct planning and zoning activities. The Act provides identical steps for municipalities and counties to adopt the general plan. The steps are contained in Sections 10-9a-404 and 17-27a-404.

The steps are as follows:

- (1)(a) After completing a proposed general plan for all or part of the area within the municipality (county), the planning commission shall schedule and hold a public hearing on the proposed plan.
- (b) The planning commission shall provide reasonable notice of the public hearing at least 14 days before the date of the hearing.
- (c) After the public hearing, the planning commission shall make changes to the proposed general plan.
- (2) The planning commission shall then forward the proposed plan to the legislative body.
- (3)(a) The legislative body shall hold a public hearing on the proposed general plan recommended to it by the planning commission.
- (b) The legislative body shall provide reasonable notice of the public

hearing at least 14 days before the date of the hearing.

(4) After the public hearing, the legislative body may make any modifications to the proposed general plan that it considers appropriate.

(5) The legislative body may:

(a) adopt the proposed general plan without amendment;

(b) amend the proposed general plan and adopt or reject it as amended;
or:

(c) reject the proposed general plan.

The Utah Code further provides:

(6)(a) The general plan is an advisory guide for land use decisions.

(b) The legislative body may adopt an ordinance mandating compliance with the general plan. [See paragraph below.]

Section 303 (6)(b) allows the local government to require that all land use regulations comply with the general plan. It is considered by many that the ideal planning process is one that insists that all land use regulations and decisions follow the goals and guidelines of the general plan. This option of requiring consistency was introduced into the state enabling legislation at the time of the 1991 recodification. Some local governments have established their commitment to the plan and the process by enacting a "consistency" ordinance. Others prefer to retain flexibility, or have not yet found a satisfactory definition of "compliance."

**PRESERVING THE INTEGRITY OF THE
PLAN AND THE PLANNING PROCESS**

The challenge of private interests.

It is all too clear that private forces act upon the local market to determine location, land uses, and the quality and form of construction in ways that exclude most public reviews and controls. The very nature of the free market places most private decisions beyond the formal framework of public planning. The resulting relationship may be traditional, but to conclude that it is a satisfactory one for the future ignores the fundamental dilemma of the community. Private rights must be respected, but there are also occasions when they must be subordinated to the public interest.

The public interest.

The "public interest" which the makers of planning policy aspire to reflect is under constant challenge by the very nature of human ego, self-interest and the basic pluralism of our society. Planning provides some well-defined ideals, but there is usually a gap between ideal and practice, and the ideals of planning can be

approached through the day-to-day compromises and adjustments made by planning administrators and elected officials.

It is well for public planners, indeed for all public officials, to recognize without undue cynicism, the nature of political power and the impact it has on public policy. Through understanding, the public official may cope more effectively with those elements of power which seek to be self-serving only. At the same time, it is necessary to cultivate community support for the planning process if it is to be successful.

PROFESSIONAL ASSISTANCE

Planning commissioners are generally not professional planners and are not expected to be qualified to conduct the technical research and analysis, or to deal with complex legal interpretations. For this reason, a planning consultant, or other source of technical planning assistance, should be called upon to assist in plan preparation and review. A planning commission should, at least, provide for professional planning assistance during the production of the general plan.

The governing body may be resistant to encouraging the acquisition of professional assistance because of a perceived high cost. Hiring a professional planner is challenging for both the commission and the elected officials. It is advisable to hire the best qualified assistance that the budget will allow. Cutting corners in the acquisition of guidance on complex and technical matters can prove to be poor economy.

Sources of technical planning assistance range from that provided by other governmental agencies (county, region or state), a planning consultant, or installation of a full-scale planning department with a planning director. When community leaders decide to seek outside assistance, they have the following options available.

Help from other government agencies --Some county planning agencies in Utah provide direct planning assistance for a variety of services to the municipalities within their jurisdiction using specific contractual arrangements. These services may vary, but often include staffing the planning commission, assisting in the development and implementation of general plans and zoning ordinances, or assisting in the review of development proposals.

The staffs of the seven regional associations of government in Utah (AOGs) are equipped to provide information and assistance to local governments. The AOGs can provide assistance to local governments in many aspects of planning and land use regulation. The Associations of Government serve Utah counties as follows:

Bear River Association, Logan -- Box Elder, Cache, Rich

*Wasatch Front Regional Council, Bountiful -- Davis, Morgan, Salt Lake,
Tooele, Weber*

Mountainlands Association, Provo -- Summit, Utah, Wasatch

Uintah Basin Association, Roosevelt -- Daggett, Duchesne, Uintah

*Six-County Association, Richfield -- Juab, Millard, Piute, Sanpete, Sevier,
Wayne*

South East Association, Price -- Carbon, Emery, Grand, San Juan

*Five County Association, St. George -- Beaver, Garfield, Iron,
Kane, Washington*

The advantage of working with other government agencies is that the agencies and the counties may be able to underwrite a portion of the cost of the planning program through the use of funding sources available to them.

The staff of the Center for Public Policy & Administration, University of Utah, is always ready and willing to answer questions and provide help and resources.

Assistance of a planning consultant --The community may decide to hire a planning consultant to assist local officials in developing a plan. If this approach is selected, care should be exercised in interviewing, selecting and hiring the consultant to ensure that there is no misunderstanding about the type of studies the consultant should conduct, the costs of such services, and the consultant's experience and qualifications.

SUMMARY

The Plan as a Legal Defense

Establishing a general plan prior to the adoption of a zoning ordinance is not only good planning practice, but is the best legal defense of a zoning ordinance. Land use regulations will enjoy a far more secure position in the event of legal challenge if they are supported by a thorough and approved community general, or comprehensive, plan. The courts normally are not inclined to question policies and programs contained in an adopted general plan, or an ordinance based on such a plan, unless the particular zoning provision is clearly arbitrary or exceeds the police power. If a community has failed to adopt a general plan, the courts are less likely to uphold a legally challenged zoning provision since there would

be a lack of evidence of explicit community policy to support the regulations.

The planner, the planning commission members, or the local administrator, may believe they are powerless before an awesome coalition of opposition.

It should be pointed out that detractors are generally concerned about the community and may be willing to re-evaluate their special interests with respect to the broader good and an enlightened public policy. The planner and the planning commission members, employing sensitive, continuous contact with community leaders and their representatives, are in a unique position to educate, influence, and thereby affect behavior.

If the planning process is to be successful, it must be regarded by the community as something other than abstract design. Like wealth or social status, skill and knowledge can be transformed into influence and power. The potential for power and influence, however, is not the equivalent of its exercise

Should the plan be changed??

Fred Bair offers a profound concluding observation:

A comprehensive plan is of course essential to the best kind of community development. It should be a carefully-designed composite of objectives and priorities and controls, based on the best possible analysis and balancing of needs, trends, potentials, resources and desires. But a plan, as such, is a summation of what your present knowledge and foresight indicate what you should do farther along in time. As you get farther along in time, you will know more about what you should do at that particular juncture , and you may change your ideas about that seems to be on down the road.

So a plan, with its train of regulatory devices, is for changing. And in planning, nothing is more important than the principles which guide changes in the plan.

It is necessary both to have a plan and to know when and why and how to change it. Unless the changes come as new knowledge and wisdom is acquired, the plan becomes the dead hand of the past and it points uselessly in all directions at once. But if the basic principles are sound, changes guided by those principles will be sound, and the plan as it changes some of its exterior forms will continue to be a consistently functional guide to action.

Frederick H. Bair, Jr., *Bair Facts*, Chandler-Davis Publishing Company, NJ.

APPENDIX

Utah Code Land Use Development and Management Act Title 10, Chapter 9a - Municipalities

General Plan

10-9a-401. General plan required -- Content.

(1) In order to accomplish the purposes of this chapter, each municipality shall prepare and adopt a comprehensive, long-range general plan for:

- (a) present and future needs of the municipality; and
- (b) growth and development of all or any part of the land within the municipality.

(2) The plan may provide for:

- (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
- (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
- (c) the efficient and economical use, conservation, and production of the supply of:
 - (i) food and water; and
 - (ii) drainage, sanitary, and other facilities and resources;
- (d) the use of energy conservation and solar and renewable energy resources;
- (e) the protection of urban development;
- (f) the protection or promotion of moderate income housing;
- (g) the protection and promotion of air quality;
- (h) historic preservation;
- (i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and
- (j) an official map.

(3) Subject to Subsection **10-9a-403(2)**, the municipality may determine the comprehensiveness, extent, and format of the general plan.

10-9a-402. Information and technical assistance from the state.

Each state official, department, and agency shall:

- (1) promptly deliver any data and information requested by a municipality unless the disclosure is prohibited by Title 63, Chapter 2, Government Records Access and Management Act; and
- (2) furnish any other technical assistance and advice that they have available to the municipality without additional cost to the municipality.

10-9a-403. Plan preparation.

(1) (a) The planning commission shall provide notice, as provided in Section **10-9a-203**, of its intent to make a recommendation to the municipal legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing its recommendation.

(b) The planning commission shall make and recommend to the legislative body a proposed general plan for the area within the municipality.

(c) The plan may include areas outside the boundaries of the municipality if, in the planning commission's judgment, those areas are related to the planning of the municipality's territory.

(d) Except as otherwise provided by law or with respect to a municipality's power of eminent domain, when the plan of a municipality involves territory outside the boundaries of the municipality, the municipality may not take action affecting that territory without the concurrence of the county or other municipalities affected.

(2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:

- (i) a land use element that:
 - (A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
 - (B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;
- (ii) a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the planning commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan; and
- (iii) for cities, an estimate of the need for the development of additional moderate income housing within the city, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.
 - (b) In drafting the moderate income housing element, the planning commission:
 - (i) shall consider the Legislature's determination that cities should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
 - (A) to meet the needs of people desiring to live there; and
 - (B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and
 - (ii) may include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:
 - (A) rezone for densities necessary to assure the production of moderate income housing;
 - (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
 - (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;
 - (D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the city;
 - (E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;
 - (F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; and
 - (G) consider utilization of affordable housing programs administered by the Department of Community and Culture.
- (3) The proposed general plan may include:
 - (a) an environmental element that addresses:
 - (i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and
 - (ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;
 - (b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
 - (c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
 - (i) historic preservation; and
 - (ii) the diminution or elimination of blight; and
 - (iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
 - (d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;
 - (e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other

appropriate action;

(f) provisions addressing any of the matters listed in Subsection **10-9a-401(2)**; and

(g) any other element the municipality considers appropriate.

10-9a-404. Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

(1) (a) After completing its recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.

(b) The planning commission shall provide notice of the public hearing, as required by Section **10-9a-204**.

(c) After the public hearing, the planning commission may modify the proposed general plan or amendment.

(2) The planning commission shall forward the proposed general plan or amendment to the legislative body.

(3) The legislative body may make any revisions to the proposed general plan or amendment that it considers appropriate.

(4) (a) The municipal legislative body may adopt or reject the proposed general plan or amendment either as proposed by the planning commission or after making any revision that the municipal legislative body considers appropriate.

(b) If the municipal legislative body rejects the proposed general plan or amendment, it may provide suggestions to the planning commission for its consideration.

(5) The legislative body shall adopt:

(a) a land use element as provided in Subsection **10-9a-403(2)(a)(i)**;

(b) a transportation and traffic circulation element as provided in Subsection **10-9a-403(2)(a)(ii)**; and

(c) for all cities, after considering the factors included in Subsection **10-9a-403(2)(b)(ii)**, a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.

10-9a-405. Effect of general plan.

Except as provided in Section **10-9a-406**, the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.

10-9a-406. Public uses to conform to general plan.

After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

10-9a-407. Effect of official maps.

(1) Municipalities may adopt an official map.

(2) (a) An official map does not:

(i) require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Subsection (2)(b)(iii); or

(ii) require a municipality to immediately acquire property it has designated for eventual use as a public street.

(b) This section does not prohibit a municipality from:

(i) recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with Section **10-9a-508**;

(ii) acquiring the property through purchase, gift, voluntary dedication, or eminent domain; or

(iii) requiring the dedication and improvement of a street if the street is found necessary by the municipality because of a proposed development and if the dedication and improvement are consistent with Section **10-9a-508**.

10-9a-408. Biennial review of moderate income housing element of general plan.

(1) The legislative body of each city shall biennially:

(a) review the moderate income housing plan element of its general plan and its implementation; and

(b) prepare a report setting forth the findings of the review.

- (2) Each report under Subsection (1) shall include a description of:
- (a) efforts made by the city to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;
 - (b) actions taken by the city to encourage preservation of existing moderate income housing and development of new moderate income housing;
 - (c) progress made within the city to provide moderate income housing, as measured by permits issued for new units of moderate income housing; and
 - (d) efforts made by the city to coordinate moderate income housing plans and actions with neighboring municipalities.
- (3) The legislative body of each city shall send a copy of the report under Subsection (1) to the Department of Community and Culture and the association of governments in which the city is located.
- (4) In a civil action seeking enforcement or claiming a violation of this section or of Subsection **10-9a-404**(5)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

Title 17-Chapter 27a-Counties

General Plan

17-27a-401. General plan required -- Content -- Provisions related to radioactive waste facility.

- (1) In order to accomplish the purposes of this chapter, each county shall prepare and adopt a comprehensive, long-range general plan for:
- (a) present and future needs of the county; and
 - (b) growth and development of all or any part of the land within the unincorporated portions of the county.
- (2) The plan may provide for:
- (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
 - (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
 - (c) the efficient and economical use, conservation, and production of the supply of:
 - (i) food and water; and
 - (ii) drainage, sanitary, and other facilities and resources;
 - (d) the use of energy conservation and solar and renewable energy resources;
 - (e) the protection of urban development;
 - (f) the protection or promotion of moderate income housing;
 - (g) the protection and promotion of air quality;
 - (h) historic preservation;
 - (i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and
 - (j) an official map.
- (3) (a) The plan shall include specific provisions related to any areas within, or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a county, which are proposed for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as these wastes are defined in Section **19-3-303**. The provisions shall address the effects of the proposed site upon the health and general welfare of citizens of the state, and shall provide:
- (i) the information identified in Section **19-3-305**;
 - (ii) information supported by credible studies that demonstrates that the provisions of Subsection **19-3-307**(2) have been satisfied; and
 - (iii) specific measures to mitigate the effects of high-level nuclear waste and greater than class C radioactive waste and guarantee the health and safety of the citizens of the state.
- (b) A county may, in lieu of complying with Subsection (3)(a), adopt an ordinance indicating that all proposals for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste

or greater than class C radioactive waste wholly or partially within the county are rejected.

(c) A county may adopt the ordinance listed in Subsection (3)(b) at any time.

(d) The county shall send a certified copy of the ordinance under Subsection (3)(b) to the executive director of the Department of Environmental Quality by certified mail within 30 days of enactment.

(e) If a county repeals an ordinance adopted pursuant to Subsection (3)(b) the county shall:

(i) comply with Subsection (3)(a) as soon as reasonably possible; and

(ii) send a certified copy of the repeal to the executive director of the Department of Environmental Quality by certified mail within 30 days after the repeal.

(4) The plan may define the county's local customs, local culture, and the components necessary for the county's economic stability.

(5) Subject to Subsection 17-27a-403(2), the county may determine the comprehensiveness, extent, and format of the general plan.

17-27a-402. Information and technical assistance from the state.

Each state official, department, and agency shall:

(1) promptly deliver any data and information requested by a county, unless the disclosure is prohibited by Title 63, Chapter 2, Government Records Access and Management Act; and

(2) furnish any other technical assistance and advice that they have available to the county without additional cost to the county.

17-27a-403. Plan preparation.

(1) (a) The planning commission shall provide notice, as provided in Section 17-27a-203, of its intent to make a recommendation to the county legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing its recommendation.

(b) The planning commission shall make and recommend to the legislative body a proposed general plan for the unincorporated area within the county.

(c) (i) The plan may include planning for incorporated areas if, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole.

(ii) Elements of the county plan that address incorporated areas are not an official plan or part of a municipal plan for any municipality, unless it is recommended by the municipal planning commission and adopted by the governing body of the municipality.

(2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:

(i) a land use element that:

(A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

(B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

(ii) a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the planning commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan; and

(iii) an estimate of the need for the development of additional moderate income housing within the unincorporated area of the county, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.

(b) In drafting the moderate income housing element, the planning commission:

(i) shall consider the Legislature's determination that counties should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

(A) to meet the needs of people desiring to live there; and

(B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and

(ii) may include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:

- (A) rezone for densities necessary to assure the production of moderate income housing;
 - (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
 - (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;
 - (D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the county;
 - (E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;
 - (F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; and
 - (G) consider utilization of affordable housing programs administered by the Department of Community and Culture.
- (3) The proposed general plan may include:
- (a) an environmental element that addresses:
 - (i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and
 - (ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;
 - (b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
 - (c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
 - (i) historic preservation; and
 - (ii) the diminution or elimination of blight; and
 - (iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
 - (d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected county revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;
 - (e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;
 - (f) provisions addressing any of the matters listed in Subsection **17-27a-401(2)**; and
 - (g) any other element the county considers appropriate.

17-27a-403. Plan preparation.

- (1) (a) The planning commission shall provide notice, as provided in Section **17-27a-203**, of its intent to make a recommendation to the county legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing its recommendation.
- (b) The planning commission shall make and recommend to the legislative body a proposed general plan for the unincorporated area within the county.
- (c) (i) The plan may include planning for incorporated areas if, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole.
- (ii) Elements of the county plan that address incorporated areas are not an official plan or part of a municipal plan for any municipality, unless it is recommended by the municipal planning commission and adopted by the governing body of the municipality.
- (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
 - (i) a land use element that:
 - (A) designates the long-term goals and the proposed extent, general distribution, and location of land for

housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

(B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

(ii) a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the planning commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan; and

(iii) an estimate of the need for the development of additional moderate income housing within the unincorporated area of the county, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.

(b) In drafting the moderate income housing element, the planning commission:

(i) shall consider the Legislature's determination that counties should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

(A) to meet the needs of people desiring to live there; and

(B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and

(ii) may include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:

(A) rezone for densities necessary to assure the production of moderate income housing;

(B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;

(C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the county;

(E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;

(F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; and

(G) consider utilization of affordable housing programs administered by the Department of Community and Culture.

(3) The proposed general plan may include:

(a) an environmental element that addresses:

(i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and

(ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;

(b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;

(c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:

(i) historic preservation; and

(ii) the diminution or elimination of blight; and

(iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;

(d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected county revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;

(e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other

appropriate action;

- (f) provisions addressing any of the matters listed in Subsection **17-27a-401(2)**; and
- (g) any other element the county considers appropriate.

17-27a-405. Effect of general plan.

(1) Except for the mandatory provisions in Subsection **17-27a-401(3)(b)** and Section **17-27a-406**, the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.

(2) The legislative body may adopt an ordinance mandating compliance with the general plan, and shall adopt an ordinance requiring compliance with all provisions of Subsection **17-27a-401(3)(b)**.

17-27a-406. Public uses to conform to general plan.

After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

17-27a-407. Effect of official maps.

(1) Counties may adopt an official map.

(2) (a) An official map does not:

(i) require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Subsection (2)(b)(iii); or

(ii) require a county to immediately acquire property it has designated for eventual use as a public street.

(b) This section does not prohibit a county from:

(i) recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with Section **17-27a-507**;

(ii) acquiring the property through purchase, gift, voluntary dedication, or eminent domain; or

(iii) requiring the dedication and improvement of a street if the street is found necessary by the county because of a proposed development and if the dedication and improvement is consistent with Section **17-27a-507**.

17-27a-408. Biennial review of moderate income housing element of general plan.

(1) The legislative body of each county with a population over 25,000 shall biennially:

(a) review the moderate income housing plan element of its general plan and its implementation; and

(b) prepare a report setting forth the findings of the review.

(2) Each report under Subsection (1) shall include a description of:

(a) efforts made by the county to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;

(b) actions taken by the county to encourage preservation of existing moderate income housing and development of new moderate income housing;

(c) progress made within the county to provide moderate income housing, as measured by permits issued for new units of moderate income housing; and

(d) efforts made by the county to coordinate moderate income housing plans and actions with neighboring counties and municipalities.

(3) The legislative body of each county with a population over 25,000 shall send a copy of the report under Subsection (1) to the Department of Community and Culture and the association of governments in which the county is located.

(4) In a civil action seeking enforcement or claiming a violation of this section or of Subsection **17-27a-404(6)(c)**, a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

17-27a-409. State to indemnify county regarding refusal to site nuclear waste -- Terms and conditions.

If a county is challenged in a court of law regarding its decision to deny siting of a storage or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste or its refusal to provide municipal-type services regarding the operation of the storage or transfer facility, the state shall indemnify, defend, and hold the county harmless from any claims or damages, including court costs and

attorney fees that are assessed as a result of the county's action, if:

(1) the county has complied with the provisions of Subsection **17-27a-401(3)(b)** by adopting an ordinance rejecting all proposals for the siting of a storage or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the boundaries of the county;

(2) the county has complied with Subsection **17-34-1(3)** regarding refusal to provide municipal-type services; and

(3) the court challenge against the county addresses the county's actions in compliance with Subsection **17-27a-401(3)(b)** or **17-34-1(3)**.