



SAN JUAN COUNTY ATTORNEY

Mitchell D Maughan
County Attorney

2025 LAND USE ORDINANCE

GENERAL PLAN UPDATE

To: San Juan County Commissioners

Re: San Juan Count General Plan Update

Dear Commissioners:

I wanted to give you a little background and hopefully impress upon each of you the critical need to adopt and implement a zoning ordinance for the county, which includes as the initial step, to update the land use provisions in the county's present general plan.

I. OUR PRESENT LAND USE ORDINANCES ARE FLAWED, OUT OF DATE, UNWORKABLE AND PROVIDE NO REAL BENEFIT TO THE COUNTY

As you know, the county's present ordinance governing land use regulations was last approved in 2011. The mere fact that an ordinance has not been updated in over 15 years, in and of itself, should raise some real concerns. Land use ordinances need to be updated annually¹.

Not only is the current 2011 ordinance outdated, it has a myriad of problems and issues, both substantive and procedural. These issues include the ordinance being vague, contradictory and confusing – so much so that the county is extremely handicapped in the enforcement of core issues and violations.

Issues with our ordinances became exponentially compounded by the fact that the County adopted and passed the Spanish Valley Development Ordinances in 2019 ("SVDO"). This ordinance comprises 10 chapters, creating different zones in Spanish Valley. This ordinance was a draft ordinance that was hastily adopted at a time when there was a different political environment. It has proven to be problematic in every way, most notable of which, is its terms and provisions can be interpreted differently by attorneys and experts in land use affairs.

¹

see, Updating Local Ordinances, Bateman, Brent – The Land Use Institute, March (2023) attached hereto.



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As a result of the serious flaws in our land use ordinances, the county is and has been involved in costly and expensive litigation. In several of these cases, both the Utah Court of Appeals and the Utah Supreme Court have chided San Juan County for having flawed ordinances and yet these ordinances still remain and are controlling. The County cannot enforce basic land use issues as a result of these problems.

II. IT IS CRITICAL THAT THE COUNTY ADOPT AND PASS VIABLE LAND USE ORDINANCES - NOW.

The County is currently years behind getting a handle on identifying, regulating and enforcing short term rentals, home based businesses, and other activities. The County is unable to advise developers and land use professionals on projects, inspections, building and other critical matters. It has lost tons of revenue because it is unable to enforce basic provisions in our current ordinances. It is not able to approve projects and requests.

The proposed ordinance was not something that was hastily approved. County personnel met with Bart Kunz, a leading expert and attorney in land use affairs on a weekly basis for over a year to discuss, draft, compare, define and create the current proposed ordinance. No ordinance is perfect - hence the necessity to review and update land use ordinances on an annual basis but this office believes that it is a close to perfect as one can get. It should also be noted that it in adopting and updating land use ordinances, it is virtually impossible to please every interested party and even more difficult to overcome deep seated biases involving government overreach. In short, this is as good as an ordinance as we can get for now. It is important to understand that the proposed ordinance is more flexible and accommodating than the current ordinances in place. For example, under the current 2011 ordinance, a residential home must have 15 foot side setbacks – meaning that any portion of the structure (the home) must be 15 feet away from the property line – which is typically unheard of - Under the new ordinance, the side setback is 5 feet.

III. THE COUNTY HAS GONE TO GREAT LENGTHS TO ADVISE, EDUCATE, LISTEN AND INVOLVE THE GENERAL PUBLIC ON ISSUES RELATED TO THE PROPOSED ORDINANCE.

The County has gone above and beyond any due diligence required to draft, adopt, and implement the proposed ordinance and more importantly has complied with ALL statutory requirements to adopt and implement the proposed ordinance. The County held over 10 workshops in various locations throughout the County to meet with the public and concerned citizens. It has sent notices, advertised and tried to involve the public in all aspects of understanding and being in compliance with the proposed changes. At these workshop and public meetings, the general public has been able to listen, make comments, have their questions answered, and to otherwise address and even resolve concerns. The County has provided an avenue where the public can submit, make comment, and address their



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concerns. The County has demonstrated that it is willing to work with anyone to ensure that they- their business- their property are in compliance without impacting their livelihood. The commission previously tabled this for 6 months. That time period has expired and the County has been very proactive to ensure complete transparency and has demonstrated that it has gone to great extents to involve, educate and listen to the general public.

IN SHORT, THERE IS NOTHING MORE TO BE GAINED BY ANY FURTHER EXTENSIONS OF TIME OR BY FAILING TO ADOPT THE PROPOSED ORDINANCE.

IV. BEFORE THE PROPOSED ORDINANCE IS ADOPTED AND APPROVED, THE COUNTY NEEDS TO REVIEW AND UPDATE THE GENERAL PLAN.

It is a basic tenant of land use law and regulation for municipal and county governments to create and maintain a general plan. A general plan is a comprehensive, long-range document that addresses the present and future needs of the County for growth and development of all land withing the unincorporated portions of the County.

The general plan and zoning ordinance are both crucial components of land use planning, but they operate at different levels and with different purposes. The general plan, often called the comprehensive plan, serves as a broad, long-term policy guide for a community's development. It outlines a vision for the future, including goals, policies, and strategies related to land use, transportation, housing, and other aspects of community development. The zoning ordinance, on the other hand, is a more specific and legally binding document that regulates how land can be used in the present. It implements the general plan's policies by defining zoning districts and establishing regulations for building height, density, setbacks, and other development standards. **The zoning ordinance is the primary tool used to implement the policies outlined in the general plan.**

In accordance with the above understanding, the proper process is to adopt and/or update the general plan and then adopt and implement the ordinance to implement the policies in the general plan. If you would like further information on general plan basics, See an Introduction to General Planning, attached hereto.

The land use provisions of the Counties general plan were last updated in 2018 and only include 3 pages out of a 204 page document. (It is listed on the planning and zoning website). The update was performed professionally by Ben Hansen who was working at the time with a company called Rural Community Associates. Mr. Hansen is familiar with our general plan as he was primarily involved with creating and updating our general plan. (It should be noted, that this office is advocating that only the land use provisions of the general plan be updated and not the entire general plan).



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If we do not update the general plan prior to adopting the proposed ordinance, we would subject the county to additional litigation for not doing so by watchful members of the general public.

Unfortunately, that is a claim that we would not win. In other words, IT IS ESSENTIAL THAT THE COUNTY PROCEED WITH UPDATING THE GENERAL PLAN IN ORDER TO ENSURE THAT THE COUNTY CHECK ALL THE BOXES TO ENSURE THAT IT IS DOING THINGS CORRECTLY TO AVOID BEING CHALLENGED .

Creating a general plan requires an intensive amount of expertise and skill in the area. Because of that fact, General Plans are created by firms and professionals who have decades of experience and skill in land use ordinances.

Given that Mr. Hansen previously worked and updated the County's General Plan, he already has knowledge of the needs, desires, interest and uniqueness of San Juan County and would be the best person to provide this service. We have reached out to Mr. Hansen He no longer works for Rural Community Associates. He gave us a proposal which I have attached.

The proper procedure to adopt and implement an updated general plan is as follows:

1. Create and draft updates to the general plan
2. The planning commission must meet to discuss, review, and recommend a general plan update to the commission.
3. The county commission then meets to take action on the planning commissions recommendation.

Given the above, this office is requesting that the county commission commit to accepting Mr. Hansen's proposal and to allocate funds to pay for his services to come up with the updated general plan. Once this is done, Mr. Hansen can go to work to create the updated plan to submit to the planning commission for review and recommendation. This proposal can be awarded without the necessity of sending this out for proposal as it fits within several exceptions of the procurement code provisions.

Finally, I have also attached a time table that we have adopted after much deliberation and thought so that we could share with the commission our time table moving forward - to adopt and implement the proposed updates to the general plan and the proposed ordinance.



SAN JUAN COUNTY ATTORNEY

Mitchell D Maughan
County Attorney

I will be available at the commission meeting to address any concerns, you may have or you can contact me before then at your convenience.

Thank You,

Mitchell D Maughan

San Juan County Attorney

San Juan County Commission
(% Mitch Maughan, County Attorney, mmaughan@sanjuancountyut.gov)

12 February 2025

RE: COUNTY GENERAL PLAN UPDATE (LAND USE ELEMENT)

Thank you for reaching out regarding San Juan County's general plan update needs. As the consultant who developed your 2018 General Plan, I appreciate the opportunity to help align the plan with changes in the County.

Based on our discussion, I understand the County needs a strategic update focused primarily on the Land Use chapter and specifically to provide clear policy support for proposed land use regulation changes. The scope of work will include:

Task 1: General Plan and Code Analysis

- Review proposed land use regulation updates against current general plan policies.
- Identify specific areas where policy guidance needs strengthening or clarification.
- Prepare a summary report of findings and recommended policy approaches.

Task 2: General Plan Updates

- Draft targeted amendments to the Land Use chapter of the plan.
- Develop supporting maps and graphics as needed.
- Facilitate review workshops with Planning Commission and County Commission (combination of in-person and virtual meetings).
- Prepare a final document incorporating feedback from appointed and elected officials.

Project Assumptions

- County staff will serve as the primary point of contact and provide day-to-day project coordination.
- County staff will manage in-person public engagement activities.
- Our team will provide and maintain an online comment forum to gather public input throughout the process.
- The County will provide timely review of draft materials and meeting scheduling assistance.
- We assume up to three combined workshops with the Planning Commission and County Commission.

Our team proposes to complete this work on an hourly basis, with a not-to-exceed budget of \$10,000. This budget includes all necessary travel, materials, and production costs. I anticipate completing the project within 2-3 months from notice to proceed.

Given my familiarity with San Juan County's planning context and the 2018 General Plan, I know that I can provide efficient, focused work that builds on our previous plan. Please let me know if you need any clarification on this proposal or would like to discuss modifications to better meet your needs.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MH', with a stylized, flowing script.

Mike Hansen, Rural Community Consultants

2025 Land Use Ordinance

Work Sessions toward Adoption

Plat Team at County Commission	Planning Commission
July 1st – Work Session	July 10th – Planning Commission
Review potential changes to General Plan. Review Chapter 1: Definitions Review Chapter 2: General Provisions Review Chapter 3: Appeals Review Chapter 4: Nonconforming Uses Review Chapter 5: Variances Review Chapter 6: Subdivisions (as was previously adopted)	
August 5th – Work Session	August 14th – Planning Commission <i>**Public Hearing posted by August 1st</i>
Review Chapter 7: Development/Design Standard Review Chapter 8: Planned Unit Developments Review Chapter 9: Zone Designations Review Chapter 10: Zoning Amendments	+ RECOMMENDATION OF GENERAL PLAN
September 2nd – Work Session <i>**Public Hearing previously posted Aug 1st</i>	September 11th – Planning Commission
September 2 nd – Work Session Review Chapter 11: Conditional Uses Review Chapter 12: Specific Uses to Area + ADOPTION OF GENERAL PLAN	
October 7th – Work Session	October 9th – Planning Commission
Review Chapter 13: Air Transport Overlay Zone (ATOZ) Review Chapter 14: Parking Requirements and Motor Vehicle Access Review Chapter 15: Addressing Standards (as was previously adopted) Review Chapter 16: Sign Requirements	
November 4th – Work Session	November 13th – Planning Commission
Review of New 2025 Legislative Changes	
December 2nd – Work Session (joint)	December 11th – Planning Commission <i>**Public Hearing posted by Nov. 1st</i>
Final Review of Complete Documents	+ RECOMMENDATION OF LAND USE ORDINANCE
December 16th – Board of County Commissioners <i>**Public Hearing previously posted on Nov. 1st</i>	
+ ADOPTION OF LAND USE ORDINANCE to be in effect as of January 1st, 2026	



THE UTAH LAND USE INSTITUTE

Updating Local Ordinances

Utah Land Use Regulation Topical Series

Brent Bateman, Author

March 2023

Funding for these materials is provided by the Utah Department of Workforce Services, Division of Housing and Community Development. The Office of the Property Rights Ombudsman has also provided funding for this training program from the 1% surcharge on all building permits in the State of Utah. The Utah Land Use Institute deeply appreciates the ongoing support of the S. J. and Jessie E. Quinney Foundation and Salt Lake County as well.

UPDATING LOCAL ORDINANCES

Author: Brent Bateman¹

Utah Land Use Institute²

March 2023

Introduction

This summary provides a practical guide to ensuring that local land use ordinances are up to date with changing state statutes and appellate court decisions.

Those reviewing this may also be interested to read other topical summaries of Utah land use law at the Land Use Library at utahlanduse.org. A video of a presentation by the author of this article is also available there.

This summary includes changes made to the code by the 2023 General Session of the Utah State Legislature.

Your Step-By-Step Guide To Updating Local Ordinances

Workshop draft 3-30-23, ULUI Southern Utah Conference

Brent Bateman

Former Property Rights Ombudsman

Current Dark-Side Sith Lord (“Darth Vested”)

Your land-use ordinances need to be updated. Yes, yours. I don’t care if you just updated them, or if you have never ever updated them and they work just fine “thank you very much.” Whether you are a large sophisticated City named after, say, a Lake, Park, or Saint, a medium-sized City named after a locally well-known religious figure, or a tiny City named after one of your great-uncles, I guarantee that your ordinances need to be updated.

Why? Because all local ordinances are, in one degree or another, perpetually out of date. Multiple reasons exist. For example, state law changes frequently with regard to land use – sometimes more than once per year. This usually leaves local ordinances different from, and directly conflicting with, superior laws. Sometimes ordinances are out of date with the local land use plan, or worse, out of date with the town itself – with what the town should be or *wants* to be. And sometimes the ordinances are out of date with better ways of managing growth. Bottom line: in all my years as a land-use attorney, I have yet to see ordinances that are not out of date.

¹ Brent N. Bateman is an attorney with Dentons Durham Jones Pinegar, where he practices with the laws of zoning, land use, development, property rights, eminent domain, roads, impact fees, constitutional takings, boundary disputes, trees, easements and just about anything having to do with how land is put to use. Brent’s favorite baseball teams are, in order from most loved to most hated, Braves, Tigers, Red Sox, Cubs, Dodgers, Cardinals, Reds, Pirates, Angels, Mariners, Padres, Giants, Astros, DBacks, Orioles, A’s, Rockies, Nationals, Rays, Rangers, Blue Jays, Marlins, Guardians, Royals, Brewers, Twins, Mets, White Sox, and Phillies. Any team you may have noticed not appearing on this list is so far into outer darkness as to be not worthy of mentioning.

² The Office of the Property Rights Ombudsman has provided funding for this update from the 1% surcharge on all building permits in the State of Utah. Appreciation is also expressed to the Division of Housing and Community Development of the Department of Workforce Services for funding the project which produces these topical summaries of land use regulations. The Utah Land Use Institute also expresses continuing appreciation for the ongoing funding provided by the S. J. and Jessie E. Quinney Foundation and the Dentons Law Firm.

I fully acknowledge that updating ordinances can be a daunting task, however, both in terms of time and expense. But a common misconception, and I would like to drive a stake into the heart of this, is that ordinances need to be updated *all at once*. They do not. And probably can't. A town certainly can spend a load of cash on an expensive consultant to rewrite their whole code, but most of the time that is not needed. The elephant can be eaten one bite at a time, minimizing disruption to operations and expenditure of funds. Besides, updating your ordinances all at once probably means that you will have to start updating again as soon as you are finished.

The trick is to view your land use ordinances not as a sacred cow, but as a real cow. It is a living animal. It needs to be fed and watered. It needs to be milked. OK. That is probably a terrible analogy. But in any event, you need to view your code as an ever-changing tool that needs constant attention and refinement. Never stop improving your code. Never fail to give it attention.

With that in mind, this article is my attempt to give you a step by step plan for updating your land use ordinances, and organized over one year. Using my own observations, and considering what I feel to be the best run cities do, I am going to tell you how to eat that elephant. Of course, the structure of doing it in one year is only a guideline, and an attempt by me to add a cute little theme so you will read this whole article. But the objective really is to provide a sequence of attainable steps to take over time, and then start the whole process again next year. I hope that you will see this as a priority list of things to do in your City or Town to improve your code, the most important things first.

January (Planning Month)

1. Free up your planning commission, and instruct them to plan.

This first step enables all other steps. And in my experience, the best run Cities have made this an ongoing priority. Take an honest look at how your planning commission spent its time over the past year. Then, take a look at your ordinances and how they designate procedural responsibilities to the PC. Then, make whatever adjustments to your ordinances that are needed to achieve the following PC time-goals:

*a. Spend some time in **every** PC meeting on planning for the City's future growth.* Articulate what you want the City to be, and plan to make that happen, be it an update to the code, general plan, or standards and goals. If you are fortunate enough to have planning staff, work closely with these professionals to review areas and ideas for growth. If you do not have professionals on staff, do your best to sketch something out. There are many resources to help with this process. It is not a job that ever finishes.

*b. Spend some time in **every** PC meeting reviewing a section of your code.* Using the code amendment suggestions below, or any suggestion or idea that comes up, do not let a meeting end until some code provision has been discussed and vetted. If the code doesn't work, make a recommendation to the Council to fix it.

c. Spend at least half if the time in PC meeting on planning tasks. This will require most cities to reduce the time spent on non-planning duties, such as administrative land use approvals (conditional uses, final subdivision approval, etc.) significantly. But let's face it some of those jobs can and should be done by staff, and are a not the best use of planning commission time. Get creative with non-planning tasks and who does them, to free up the PC to do its job, which is to PLAN. P.S. This is absolutely not to say that administrative decisions should be given to the City Council. Oh please no. NOOOOOOOOOOOOOO!

2. Revise your General Plan and other plans as needed.

This is a great job for January, because it means a fresh start. Most revisions will not be major. They will mostly involve looking at developments that were approved in the past year, and adjusting the plan based upon what is expected to come next. Do not neglect that plan, now that you freed up the Planning Commission and have plenty of time to spend on it.

February (Education Month)

Get your land use continuing education credit done for the year.

Business is slow in February. Love is in the air. No one wants to look like an idiot during this special time. Schedule and obtain your education credits so that you are not doing them at 10pm in July after a long debate over a hog farm. Also do it so you will be better at your job. For reals.

March (Legislation Month)

1. Incorporate This Year's legislation.

EVERY SINGLE YEAR, the state legislature, whose session ends in early March, makes changes to the state's land use laws. Find out what has been changed in the recent legislative session, and bring your ordinances into compliance. This year, 2023, has seen major changes, particularly to the subdivision code. It will take some work to adopt into your code, and as of this presentation, March is already over. A host of resources and opportunities exist every year to find out what happened. Seek this information out, and then spend time discussing it and incorporating it.

2. Incorporate Last Year's Legislation.

Because you probably forgot. And the year before, and the year before. I have personally seen plenty of ordinances that are 10 years or more behind the State code. Embarrassing. If it makes you feel any better, it is not just you. It's endemic.

April (Process Month)

This is a good time to review your land use application and review processes, as opposed to the substantive legal provisions, to make sure that you are not an April fool. Here are some suggestions:

1. Is the right decision being made by the right body?

Many local government have broken up their land use decisions, assigning certain categories to certain bodies. For example, in many places, City staff can decide simpler conditional use permits, while the planning commission decides the more complicated ones. Create a table in

your ordinance to keep organized regarding what land use authority decides what question. And did I mention the City Council making administrative decisions? I'd rather turn the bacon over with my bare hand.

2. Is there a better way to handle appeals?

Are you seriously still using a Board of Adjustment? Or the City Council?

3. Can you streamline any of your applications?

If your applications are a pain in the neck to process, then change the process.

May (Permitted Uses Month):

1. First, make sure that your code has a statement similar to this one, clear and easy to find:

"All land uses not listed here as permitted or conditional are prohibited." If that is not in your code, make it the absolute first change.

2. Review and update your list of Permitted and Prohibited Uses.

Look at your lists of permitted uses. Every zone in your Town should have one. Think about the zone and the uses that are permitted in that zone. Remember that uses designated as permitted are just allowed in the zone. There is no decision to be made – so make sure that those uses are wanted in those zones. Also, be as specific as you can. Long, specific lists are generally better. Don't assume that a provision prohibiting truck stops will prevent gas stations in a particular zone, for example.

June (Conditional Uses Month):

1. Gut your conditional use list.

Conditional uses have, happily, fallen out of favor. They are still available and legal, and still appropriate in certain circumstances. But it is important for a local government to go frequently go through its lists of conditional uses and decide whether it would be better, and much easier, to just make those items permitted uses with rules and limits, or if you find you never approve them just make them prohibited uses. For example, instead of saying that a grocery store is a conditional use in a residential zone, say that a grocery store is a permitted use but it must not be larger than 10,000s/f, have downward facing lights, no deliveries after 10pm. Just make those rules, so that there is no controversy, no decision to make, no planning commission meeting until 11:30pm, and no appeal.

July (Subdivisions Month)

1. Read a section out loud.

While this works for many types of code, I find that local subdivision ordinances in particular tend to have provisions that make no sense to anyone who speaks English. That is why I suggest reading the code out loud. Problems with the code tend to show themselves that way. And do not assume that even though it does not make sense to you, it probably makes sense to your attorney. What good is that? This code is not the law just for attorneys. It is the law for everyone. So if you are a librarian, for example, and the code does not make sense to you, then it needs to be fixed. However, if you are Tribble and it does not make sense to you, that is probably just fine.

2. Is there an opportunity to create simpler small subdivision process?

Look at Utah Code 10-9a-605. You can do this. It will reduce your headaches.

3. Address ADUs, IADUs, AIRBNBs, STRs.

If you are not sure what they are, ask me.

4. Implement your moderate income and low income housing plan.

Despite the mass protests at City Council meetings, these things are actually good, and should be seriously undertaken in every City. I do not need to get into what the State is doing and what they are requiring local governments to do about this. I will only say that making these available in your City is the right thing to do. It just is.

August (Zoning month)

1. Review your existing zones.

Pick one and look closely at it. Is it where you want it? Is it how you want it? Can you make it better? – Find out the City's water and other resources status, and amend your code accordingly.

2. Create a new zone.

I am only saying this because local officials tend to think that their zones are sacred; that for some reason the wisdom of time has created these perfect entities that should only be discussed by whispering. Nonsense. Baloney. Horse hockey. Etc. You have incredible latitude regarding zoning and what your zones say.

3. Uncreate a zone.

There are other land use regulation options besides zoning. Form-based codes, for example, seemed to be all the rage recently, and are still considered very well for some purposes. Same with PUD's, etc. Be creative. Worst thing that can happen to you is you get kicked off the Planning Commission and now have your Tuesday nights to yourself.

September (Resources Month)

Now that you spent the summer approving about a zillion dollars' worth of development, it may be a good idea to take stock of your Town's resources, such as, for example, and most importantly, water.

1. Figure out how much you have.

How much do you have? Is the way we are handling water working? It is important to look at the amount of water that you ask developers to provide per unit. The wind that is blowing indicates that that number in many cases needs to be reduced. And the law is starting to catch up with that.

2. Pass a resources moratorium.

Pass an ordinance that clearly states that if we lack resources needed for development, that developments cannot be approved until new resources are found. This is important. Well, all of this is important. But this one is too.

3. Review your impact fees.

If you do not have impact fees, good for you. Go directly to #4. If you do, review them once a year to make sure that nothing is out of date or changed. That happens a lot.

October (Clean-Up List Month)

Things are slowing down in the fall. Now is your chance to look at the things that you have been procrastinating – good but unfulfilled ideas, problems that need time to fix and you had no time, etc. Here is a list of possible clean up items:

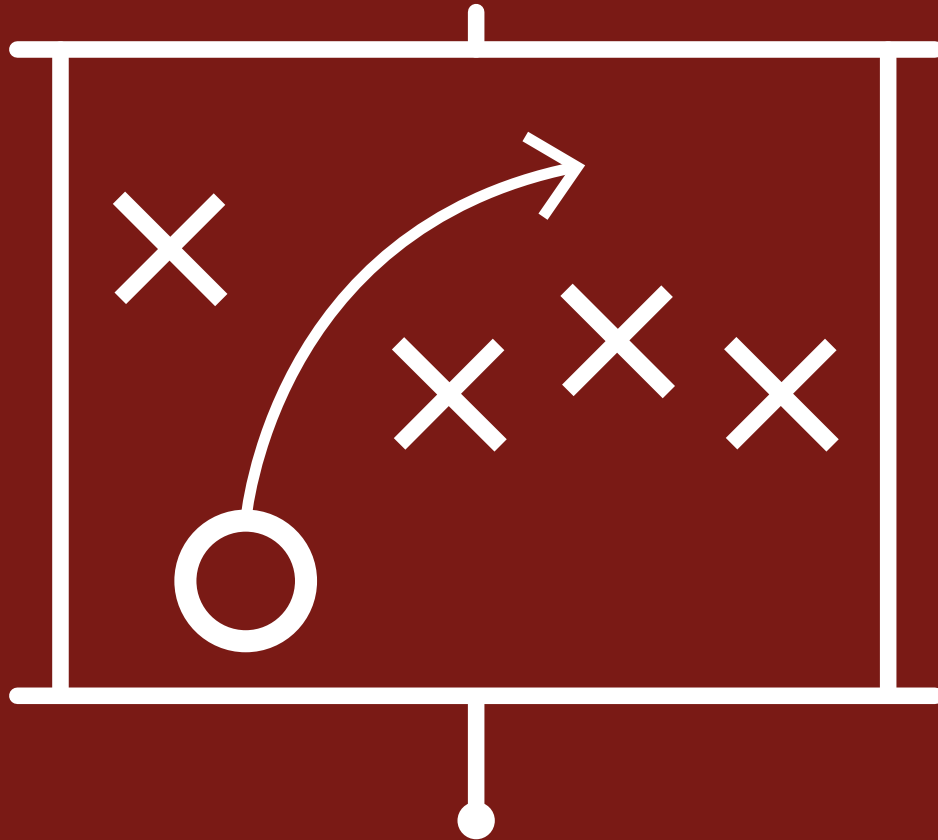
November (Clean-Up List Month Part II)

And here are more list to be thankful for:

December (Recovery Month)

What happened this year? What unexpected problems arose? How can we solve them? December is the time for, as the saying goes, sharpening the saw. Were there applications that you did not like, but had to approve? Were there disputes over the meaning of a code provision? Did the Ombudsman read you the riot act? Are there things on the list above that we just did not have time to get done?

Remember that your code can always be better. Some provisions are already good, and some are basically roadkill. There should be something that can finish before you take the holiday off. Respond to whatever you are facing right now, or what you know is coming.



AN INTRODUCTION TO **GENERAL PLANNING**

GUIDANCE & BEST PRACTICES
FOR LOCAL LEADERS

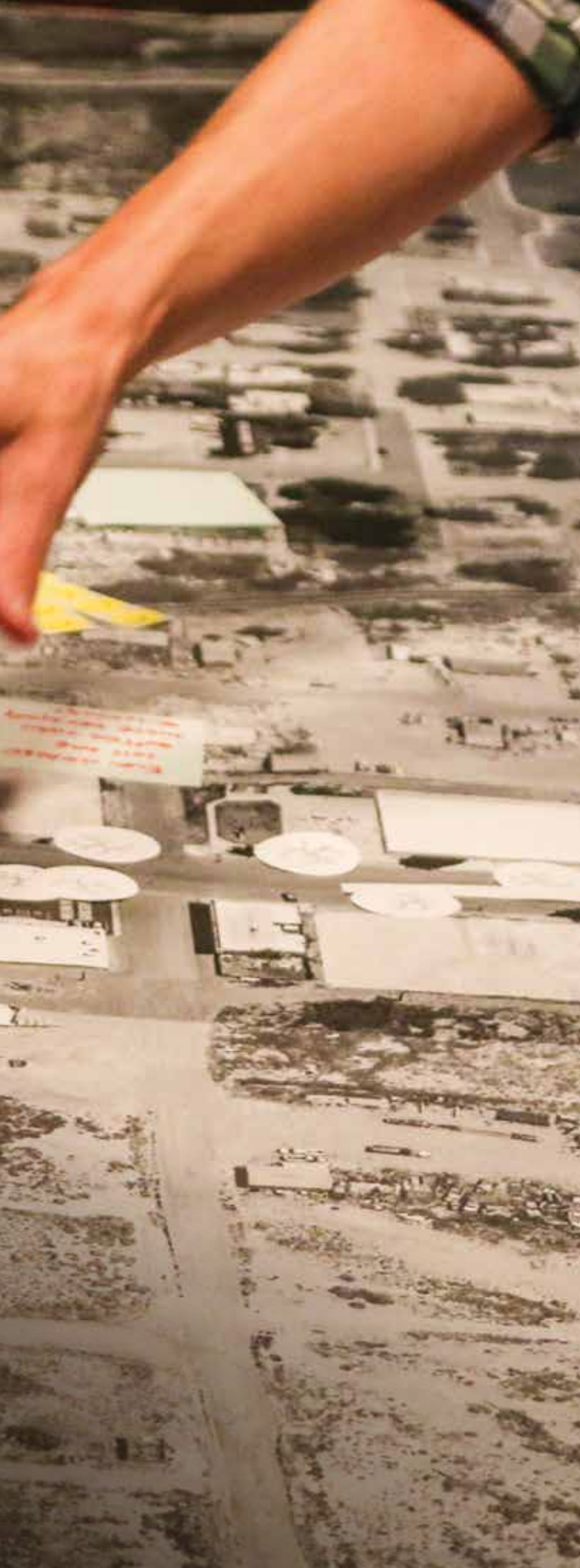


**WORKFORCE
SERVICES
HOUSING & COMMUNITY
DEVELOPMENT
COMMUNITY
DEVELOPMENT OFFICE**



*“When you fail to plan,
you plan to fail.”*

Benjamin Franklin



INTRODUCTION

What is a general plan? Utah state code requires every municipality to have one. Consultants and contractors will offer to produce one for you. You may have a dusty binder in the city office with the words “General Plan” on the cover. But what is a general plan? What does it do? Why does your community need one?

This guide is intended to help citizen planners, local government staff, and elected officials understand the reasons behind local government planning. These groups are frequently called upon to make planning decisions, but they may not always have specific training or expertise on planning issues. By knowing why you need a general plan, how to craft one, and how to implement it, your community will be able to make informed decisions that will benefit your town now and for years to come.

This guide will help you understand the role that the general plan should play in your community. It will provide an overview of the purpose of planning; discuss who is involved in the creation and execution of the general plan; provide general guidance of how to create or update the plan; outline how to implement the general plan; and finally provide some useful resources for plan development.

Please refer to the companion documents on general planning for more assistance writing your plan. For those and other guides, including resources for general plan writing, please visit www.ruralplanning.org/toolbox.

WHY PLAN?

Many Utah cities were laid out by their pioneer founders in a systematic way that gave the community form and function. The “grid system” approach to planning created city blocks in a grid pattern that encouraged agricultural and industrial uses, promoted a sense of community, and set aside spaces for religious, educational, and social activities. The effect of those early planning decisions is still felt in Utah today.

Planning is still needed, and the decisions made now will influence communities into the future. Planning can help communities prepare for the future by identifying their desired state and establishing the actions needed to make those desires a reality. Additionally, planning can help save financial and social costs, and helps cities to manage growth, protect the environment, and foster a high quality of life.

Planning a community is like building a home. How do you go about doing it? There are many decisions that you have to make that will determine the look, feel, and function of the home. You might look at your budget to see what you can afford, identify where you want to put the home, and decide how you want it to look. You can decide between one or two stories and determine how big the yard will be. You might choose between a garage or concrete pad for your RV. You will need to know if you will build it yourself or hire a builder. The decisions you make and the methods you pursue make up your plan to construct the home. By following your plan, you will get your ideal home.

SHOULD I UPDATE MY PLAN?

There are many reasons to update your general plan; the below questions are several common reasons. See Appendix A for a general plan and ordinance review.

- ☐ Does it not help you make decisions?
- ☐ Was it last updated over 10 years ago?
- ☐ Have significant changes happened in your community since the last update (major growth / decline, industry changing, regional changes, etc.)?
- ☐ Is it missing a land use, transportation, and affordable housing element (if over 1000 population)?
- ☐ Is there conflict with the plan and the town ordinances, specifically zoning ordinances?
- ☐ Is the zoning map inaccurate or need changes?
- ☐ Are citizens asking to update the town's vision?

Like the home, your community needs a plan to arrive at its desired condition. Comprehensive planning gives your city control over how it will progress and change over time. It enables cities to direct how change will occur, such as where new homes and parks will be constructed. Planning is not a cure-all (for example, it may not prevent the closure of a major industry) but it will help your city be prepared for the future and to proactively react to changing needs.

Planning also allows stakeholders to know what to expect of your city. The general plan outlines your city's vision for the future, and describes how that vision will be achieved. Residents, developers, businesses, state government, and other interested parties should be able to see how your city will change by reviewing the general plan and it will help them as they make their own decisions.



WHAT IS THE GENERAL PLAN?

The general plan (sometimes called the comprehensive, or master plan) is a advisory policy document that outlines your city's vision for its future. It is a collection of maps, information, and policies that are designed to guide the city's future¹. It describes where you are, where you want to be, and how you will get there. The general plan indicates your city's priorities and intentions for the future.

The State of Utah requires every county and municipality to have a general plan. State law requires local governments to "prepare and adopt a comprehensive, long-range plan" in order to "provide for the health, safety, and welfare" of each municipality and its residents².

PURPOSES OF PLANNING (UCA 10-9A-102)

- Promote prosperity
- Improve morals, peace and good order
- Improve comfort, convenience, and aesthetics
- Protect the tax base
- Secure economy in governmental expenditures
- Foster agricultural and other industries
- Protect both urban and non-urban development
- Protect and ensure access to sunlight for solar energy devices
- Protect property values
- Provide fundamental fairness in land use regulation

Under state law, public infrastructure cannot be authorized or constructed if it does not conform to the general plan³. The law further describes the general plan as "an advisory guide" to land use decisions⁴. The general plan's visions, goals, and strategies guide the city council in enacting land use regulations, ordinances, approving annexations, and pursuing economic development. For example, future land use zones are enacted through zoning ordinances. As such, the general plan serves as the guiding policy document for land use ordinances and decisions.

General plans come in all shapes and sizes. They can be done in-house by citizen volunteers, or by paid consultants. They can be brief or lengthy, print or digital, simple or complex. Cities in Utah are given a great deal

of flexibility in creating a general plan that fits their city's unique situation. No matter how cities create their general plans, there are certain elements that must be included per Utah state code⁶:

LAND USE

Land use is one of the most important elements of the general plan. The city's land use policies and goals can have a real and important impact on its look, feel, and safety. This element will describe how the city currently uses its land and how it will use it in the future.

TRANSPORTATION

The transportation element of the general plan addresses public transportation infrastructure in the community. This element consists of the general location and use of existing roads, streets, highways, rail, and other means of transportation. It discusses the location and use of future modes of transportation. The transportation element of the general plan describes the city's current transportation conditions and discuss their strengths and limitations. A maintenance schedule for public roads is also frequently part of the transportation element.

MODERATE INCOME HOUSING

The housing element of the general plan highlights the quality, affordability, and types of housing that currently exist in the community, and which kinds of housing the community hopes to develop. This element is required by state law for municipalities larger than 1,000 people, but can be useful for smaller communities.

GENERAL PLAN ELEMENTS

Utah code allows for general plans to contain any elements which the town feels are appropriate. The following are some sample possible elements (not an exhaustive list):

- Vision
- Environmental issues
- Public services
- Parks and recreation
- Economic development
- Blight control and redevelopment
- Main street
- Arts and culture
- Parking
- Annexations
- Historic preservation
- Community promotion
- Agriculture and food
- Urban forestry

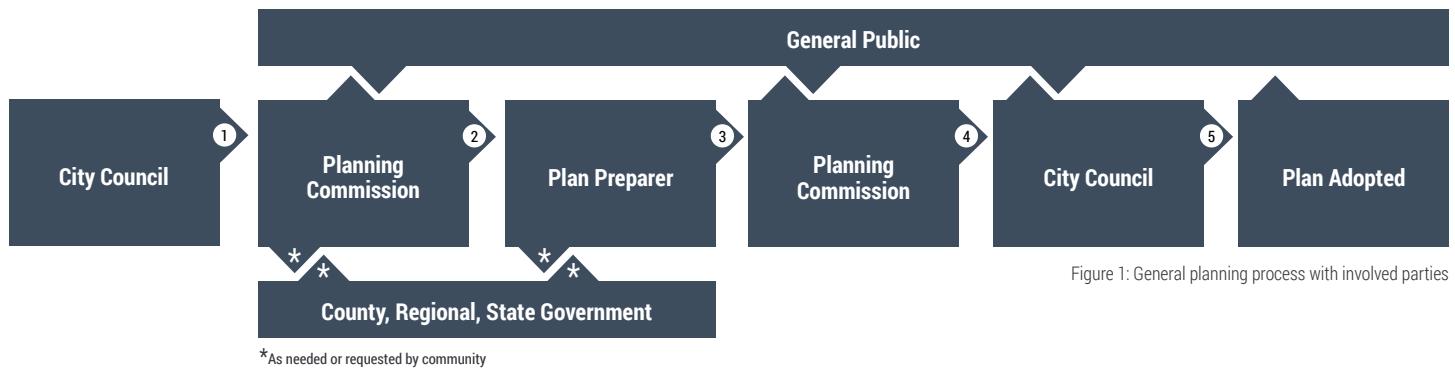


Figure 1: General planning process with involved parties

IMPLEMENTATION / REVIEW

In addition to the required elements, it is recommended that your general plan include an implementation plan detailing how you will put your plan into action. It may also include a capital improvement plan that outlines the city's future capital improvement plans, including when the improvements will take place and how the city will pay for them. An annual review of the plan is also helpful to make sure that you are meeting your goals.

WHO IS INVOLVED IN THE GENERAL PLAN?

Planning is a group effort. Creating the general plan involves many groups, each of which will contribute in different ways.

PLANNING COMMISSION

By law, the responsibility for the creation of the general plan falls to the planning commission⁵. The planning commission is an advisory body made up of citizens appointed by the city council, and is responsible for making land use recommendations to the city council. Under the guidance of the city council, the planning commission collects input, drafts policies, and creates a draft general plan. They are required to hold one public hearing on the plan or any updates before forwarding a recommendation to the city council.

CITIZENS

Planning is a community activity and should involve as many in the community as possible. After all, those who live in your city will be directly affected by the policies

PASSING THE PLAN: A PLANNING PROCESS

1. City council directs the planning commission to update or draft the general plan.
2. Planning commission notifies the public of its intent to draft or amend the general plan. After a hearing with the public, the plan preparer begins to draft the document. County, regional, or state government can support the planning commission with data and information.
3. The plan preparer passes their draft to the planning commission
4. The planning commission consults with the public before recommending it to the city council.
5. The city council makes final revisions and adopts the revised/new general plan in a public meeting.

laid out in the general plan. Citizens provide input to the general plan, and let leaders know what they would like for their city. Youth, seniors, or other specified groups can be directly invited to participate.

PLAN PREPARER

The plan preparer is the person or group that creates, in part or in whole, the general plan. The plan preparer can be city staff, paid consultants or contract planners, the planning commission, private volunteer citizens, or other invested parties.

CITY COUNCIL

While the planning commission has the duty to draft a general plan, the city council as the legislative body is the only authorized body that can approve and adopt the general plan. The city council reviews the draft recommended by the planning commission and can make changes before adoption. Once the general plan is adopted, the city uses it to guide development and infrastructure decisions.

COUNTY, REGIONAL, AND STATE GOVERNMENT

Other government agencies can provide support to your city's efforts. Coordinating with neighboring municipalities, special service districts, and the county can help address shared issues such as zoning immediately outside of city limits, transportation, economic development, and recreation. Neighboring cities or your county may also have resources available to help you draft and carry out your plan.

Regional organizations, such as the association of governments, can provide valuable assistance on issues such as housing. Contact your local regional planner to find out how your association of governments can assist you.

Finally, state agencies are available to assist your city as it drafts its general plan. State agencies can provide appropriate data and assistance promptly and free of charge. Some agencies are needed to address state-owned properties, like the Utah Department of Transportation and state highways.

PLAN PREPARER CONSIDERATIONS

When choosing a plan preparer, make sure you are getting what you need. Communities with little capacity may feel they must contract all of their services outside of the community. While an efficient use of resources in some circumstances, communities should evaluate their own community-level capacity. Sometimes, hiring additional staff or seeking volunteers from the community can have longer-lasting benefits than contracting by creating future capacity. If you contract, follow your procurement process (or the state's process) and choose someone:

- with experience in communities similar to yours
- who is well received by your stakeholders and citizens
- who respects your budget
- who will respond to your direction.

REGIONAL PLANNING PROGRAM CONTACTS

Bear River AOG

Box Elder, Cache, Rich
Brian Carver
435-713-1420
brianc@brag.utah.gov
170 North Main
Logan, UT 84331

Southeastern Utah ALG

Carbon, Emery, Grand, San Juan
Michael Bryant
435-637-5444 ext. 414
mbryant@seualg.utah.gov
375 S Carbon Ave.
Price, UT 84501

Mountainland AOG

Summit, Wasatch, Utah
Robert Allen
801-229-3813
rallen@mountainland.org
586 East 800 North
Orem, UT 84087

Six County AOG

Juab, Millard, Sanpete, Sevier, Piute, Wayne
Travis Kyhl
435-893-0713
tkyhl@sixcounty.com
P.O. Box 820 (250 North Main)
Richfield, UT 84701

Uintah Basin AOG

Daggett, Duchesne, Uintah
Kevin Yack
435-722-4518
keviny@ubaog.org
330 East 100 South
Roosevelt, UT 84066

Wasatch Front Regional Council

Weber, Davis, Morgan, Salt Lake, Tooele
Val John Halford
801-363-4250
vhalford@wfric.org
295 North Jimmy Doolittle Rd.
Salt Lake City, UT 84116

Five County AOG

Beaver, Iron, Washington, Garfield, Kane
Gary Zabriskie
435-673-3548
gzabriskie@fivecounty.utah.gov
P.O. Box 1550 (1070 W 1600 S, Bldg. B)
St. George, UT 84771

HOW DO YOU BEGIN YOUR GENERAL PLAN?

Creating or updating a general plan can be a daunting prospect. Once you know why your city needs a plan, you must 1) plan to plan, 2) write the plan, 3) adopt the plan, and 4) implement the plan. This section will discuss these steps. The timeframes listed are for general guidance; local planning timeframes may vary.

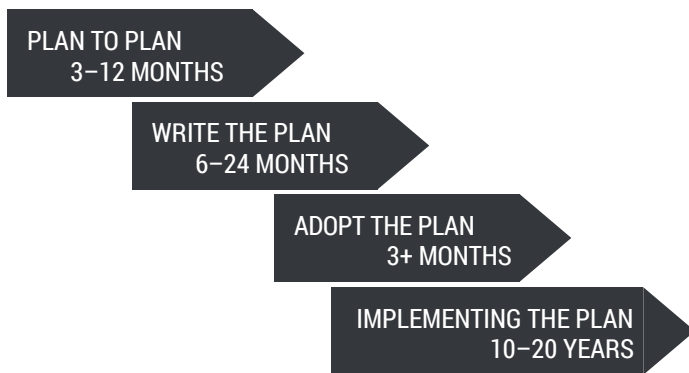


Figure 2: Rough Planning Timeline⁷

PLAN TO PLAN

The first step should be to review your general plan. Identify sections that may need updating, and sections that can likely remain. Demographic data and projections will likely need updating, while often the vision may not.

After you examine your own plan, look at the plans of other cities. What do you like and what don't you like? What will work for your city? You might be tempted to just substitute the names and adopt another city's plan as yours—don't. Remember that each city is unique and another city's plan will not be written to address your situation.

Before you begin writing, identify what you need to include in the plan. Are there any elements in addition to those required by state law that should be included for your community? By identifying the scope of the document, you will know what the finished document should look like. You should also outline your public engagement strategy to involve the public throughout the process (see opposite page).

You also need to determine your goal for how long the planning process will last. The graphic above can serve as a general guideline. Many factors will help you decide this, including citizen participation, the complexity of the issues your city faces, and the availability of the plan preparer. Planning typically is not a quick process, and it

is not unusual for municipalities to take a year or more to complete their plans. It is better to take your time to draft a quality plan than to move quickly on a plan that is not useful and must be revised soon after. Every community's timeline is going to vary based on their available resources and who is completing the plan. When establishing a plan writing timeline drafting it in-house, one good rule of thumb is to estimate one month per major section. Private consultants can often finish a plan quickly, however your community should select a timeframe that best suits the town's budget and desires.

In addition to your planning timeline, you should also establish a budget for the plan's creation. Identify how much money you are willing to spend on the general plan. You may find it useful to establish a budget range, with the least and most you expect to spend. Costs will increase the more complex the plan becomes; hiring a consultant will cost more money (but take less time) than doing the plan in-house. Getting several quotes from consultants and asking other similar cities about how much their plan cost may help your city know how much to budget. Remember to follow your community's procurement process, or the state's procurement process if you haven't adopted one.

Next, decide who will draft your plan. The plan preparer should work within the budget and schedule parameters you set to meet your plan's scope. If you choose to hire a consultant, be sure to follow your procurement code and issue a request for proposals to multiple consultants that includes the desired scope, budget, and timeline.

Once you are ready to begin the general plan, collect community input. The most important part of any community is its residents. A general plan is a great way to involve the public in shaping the community and a successful plan will consider the needs, wants, and wishes of residents as it guides policy decisions. It is important to identify their concerns and hopes for the community's future at the beginning of the process. Community members will help you to identify the strengths and weaknesses of your city, as well as potential opportunities and threats to the community. Citizens can also find innovative solutions to logistical, budgetary, or geographic challenges.

PUBLIC ENGAGEMENT

State code outlines minimum public engagement standards, found in 10-9a-203–204. Public engagement best practice invites communities to adopt an open, broadly engaging strategy throughout the general plan update process—well beyond the minimum legal requirements. The community should be engaged early to help scope the process and identify the plan elements. With more robust and comprehensive engagement comes better informed and more generally supported decisions.

There are many methods that you can use to engage your residents in the visioning process. A simple way for the public to interact is through public meetings regarding the plan. These meetings give you the opportunity to present information and pose questions to the public. The resulting dialogue will help you craft a vision that matches the needs and desires of the community.

Another effective method to collect community input is through surveys. Surveys allow you to ask for the same input from everyone who takes it, ensuring that everyone

gets an equal chance to respond or comment on a topic. If your community has conducted surveys in the past, try to include some of the same questions so that you can document changes in responses over time. Surveys can be offered online through paid services such as SurveyMonkey or free services such as Google Forms. Alternatively, they can be mailed with a utility bill to residents or carried door to door by volunteers. Surveys may allow you to reach a larger portion of the community.

A common issue with community engagement is that only a few people participate. The most vocal and active voices may be the only ones that get heard even though they do not accurately represent the community. If this is the case in your city, you may need to make special efforts to engage underrepresented groups in your community like youth, the elderly, racial or ethnic minorities, or even different religious groups. For example, in one Utah town the general plan steering committee teamed up with the local high school to survey the students. Under-represented groups can provide valuable perspective and contribution to the community plan.

For public engagement ideas and resources, go to the Toolbox at www.ruralplanning.org/toolbox.



WRITE THE PLAN

Whether you are updating your plan or creating a new one, remember that you shouldn't reinvent the wheel. Your current general plan may contain meaningful goals, well-formed plans, or accurate maps. You should keep anything that is still relevant to the community. Do not feel that you need to rewrite and rearrange the entire plan because your plan is out of date. Sometimes all a section needs is updated information. For example, it may not be necessary to create a new zoning map if the prior one is still accurate and should remain the same.

When writing each section of the general plan, follow a general approach of understanding the current state of the community by collecting current information and analyzing that information; deciding on what the future state should be through verifying/presenting the information with the public; and identifying how you'll move from the current state to the future state by writing out proposed policy statements. For example, when writing the transportation section, obtain data on current traffic counts, current road conditions, and public preferences on road prioritization, sidewalks, trails, and recreation vehicles. The data should then be analyzed together, examining and prioritizing roads for repair/upgrades. The results of that analysis can then be presented to the public and planning commission for verification, where they may find out that residents want to prioritize a walking trail. Finally, policy statements are drafted following the information, like "Residents of Happytown appreciate transportation options and prioritize development of a north-south multi-use trail."

That same pattern begins with understanding and drafting the community's vision. The vision should be a concise statement that describes what the city should become and be focused on the community's values and needs. The vision influences and guides the city's goals and strategies for achieving those goals. It also shapes policy decisions, such as zoning and ordinances. The vision needs to be built around the quality and character of a community, not quantities or specific assets. Try to avoid vague or cliché concepts that provide little direction—while every city should be “a great place to live, work, and play” a vision should be more specific for your community's desires.

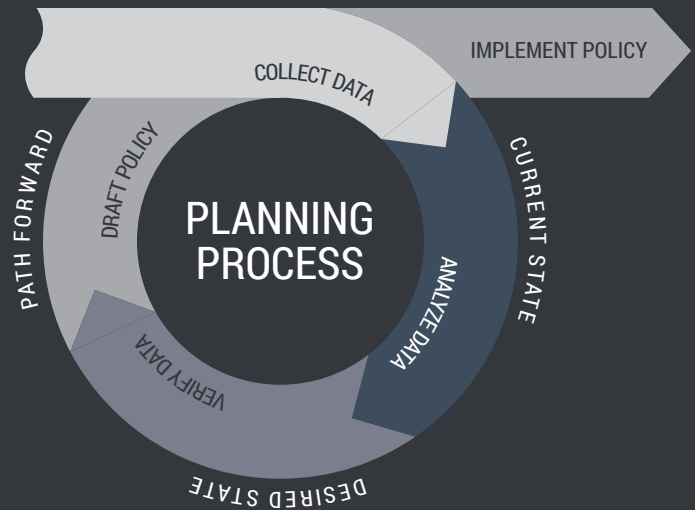


Figure 3: General planning writing process for each section

An effective plan is based on accurate maps and data. Make sure that all maps and data you include in your plan are up-to-date with current information. To make informed assumptions and decisions, you must have reliable data. There are several free data sources that are available to you (see Data Resources on pg. 11). The US Census Bureau updates its large collection of data on population, housing, and commuting every ten years, with renewed projections every five years. Be aware, however, that as the census ages the data estimates become less reliable.

With so much possible information to include, remember to take care of the required elements first. Keep the core document simple. It should **not** be written like an ordinance. Each included element should be clear and concise. Include only the most necessary maps and data in the main document. Other facts and figures should be included as appendices to be referenced.

General plans must contain sections on transportation, land use, and an affordable housing plan (for cities with >1000 population). Work on these three pillars before expanding the document. These required elements should correlate with one another. For example, your land use goals and strategies should support and complement your affordable housing goals and strategies. When done properly, the three required elements will help to shape the rest of the plan.

With each section of the document, examine population projections for the town and region. While these estimates are not concrete, and data for small communities is notoriously inaccurate, it is important to consider what is possible with the future of your community's land use, transportation, and affordable housing. Another useful way to examine a community's future is to consider three different scenarios: expected growth, status quo, and decline. These can help the public and decision makers consider possible futures without the need for precise forecasting.

LAND USE

Begin by understanding your community's current land uses and how they are used. Are there many non-compliant structures? Were there many variances granted? Are there special issues of consideration, such as airport expansions, agricultural land preservation, or sensitive lands to consider? What is the public's perspective on land use and open space within the community? Do they want to encourage specific types of growth?

DATA RESOURCES

U.S. Census Bureau: www.factfinder.census.gov
Official population counts along with a myriad of relevant data and estimates.

Kem C. Gardner Policy Institute: www.gardner.utah.edu
In Utah, the Kem C. Gardner Policy Institute also provides county and some city-level demographic and economic data.

Utah Department of Workforce Services (DWS):
www.jobs.utah.gov/wi/data/index.html
DWS collects economic and labor information at the county level, such as the largest employers and unemployment rates.

Automated Geographic Reference Center (AGRC):
www.gis.utah.gov/data
AGRC is a database of mapping information, including aerial photos and property parcels.

Utah Data: www.data.utah.gov
A collection of public data sets covering a broad range of topics, from high school graduation rates to alcoholic beverage licenses to historic fire data.

After you understand the current land use situation, analyze the results. Look for areas of specific concern and land-use designations that may need to change. Then verify the analysis with the public and leaders to ensure that it is accurate and representative of the town's desired direction.

Before drafting vision or policy statements, describe your land use goals. These goals should prioritize the uses for the city's different areas, such as the land along main street, agricultural lands, or land bordering federal lands. These goals can be articulated in the plan, then the policy statements are the way your community will move toward those goals. Your goals and statements should take state standards and requirements under consideration, and will help guide your desired zoning ordinances.

TRANSPORTATION

Begin by obtaining data, such as current traffic counts, current road conditions, and public preferences on road prioritization, sidewalks, trails, and recreation vehicles. This data should then be analyzed holistically, looking for critical areas of need. Consider the future development of the community. Where is housing developing? What are the major transportation routes? Are there issues of access? Some important transportation issues to consider are: the number and types of vehicle that will use the road (farm vehicles, family cars, ATVs, bicycles, etc.); the size of rights-of-way and their maintenance; the existence of sidewalks; utilities infrastructure underneath roadways; and the city's ability to maintain roads.

The results of that analysis can then be presented to the public and planning commission for verification. This can help identify the community's transportation goals. If state-controlled highways cross your town, it is wise to clearly define the community's goals for those roads and discuss those goals with the Department of Transportation. You may also want to adopt a maintenance schedule for public roads as part of the transportation element. If this is not done in the general plan, it should be completed in the transportation master plan.



MODERATE INCOME HOUSING

For cities with a population over 1000, a moderate income housing section is required, although it can be useful for smaller communities as well. There are online resources that can help identify your community's moderate income housing gap. Visit ruralplanning.org/toolbox then select the Affordable Housing section for resources. A recommended affordable housing plan outline is available there or included in Appendix B.

Your housing plan should coordinate with your land use and transportation plans. For example, your goal could be to increase the number of multi-family units in town. The accompanying actions could include amending residential zones to allow different housing and drafting ordinances to regulate their development.

Other Sections

State code and best practices recommend many optional elements to include in a general plan. As you review other community's general plans, you may identify sections that your community may want to include. Your vision and goals will help you to decide what elements to include. See page 6 for ideas on other possible sections.

ADOPT THE PLAN

After the plan preparer has drafted the document, the plan is passed to the planning commission. The planning commission then reviews the document before recommending it to the city council for adoption.

After the plan is passed to the city council, the city council can make whatever final revisions they deem necessary. They must hold a public hearing on the adoption or modification of the general plan and adopt the revised/new general plan in a meeting. This process may take several months as the council makes changes based on final community input and presents those changes to the public.

IS YOUR GENERAL PLAN EFFECTIVE?

- ☐ Is it based on your community's vision?
- ☐ Were citizens involved and will they remain involved?
- ☐ Is your plan consistent?
- ☐ Is your plan realistic?
- ☐ Is your plan within your ability to control or influence?
- ☐ Is your plan financially feasible?
- ☐ Does it have appropriate goals, objectives, policies, and strategies?
- ☐ Does it help you make decisions?
- ☐ Can your ordinances align with it?
- ☐ Does it have the potential to guide your town's decisions for 10+ years?

IMPLEMENTING THE PLAN

Once your plan is written, reviewed, and adopted, the last step is to implement it. Your general plan is meant to be used! A plan that sits on a shelf or in a drawer gathering dust is a failed plan. The city council, the planning commission, those over parks and public works, and any other land use and appeal authorities should be familiar with the contents of the general plan and reference it when making decisions. Especially when it comes to land use decisions, the general plan should provide guidance on how to act.

The general plan should also influence other city documents, including ordinances, budgets, and capital improvements plans. These tools carry out the directions given in the general plan. When considering new developments, planning infrastructure updates, and financial projections, consult your general plan.

An effective general plan lists goals and strategies to achieve those goals. Your general plan should tell what to do and when to do it. Follow the instructions in the general plan and make changes as required.

Finally, continue to update the general plan and revise as necessary. If the general plan is not working for your city, make the necessary changes so that it becomes an asset. Keep information updated so that it represents your community. Consider seriously revising or rewriting your plan every five to ten years, with smaller updates as necessary in between. You may want to review your plan annually to see if it is working for your city.



CONCLUSION

General plans are not only a required legal document, but a central resource for communities to make strategic decisions and shape their future. This guide provided a broad overview of general plans and the planning process. For more information, please see other accompanying guides and resources for general planning at www.ruralplanning.org/toolbox.

A workshop scene for urban design. In the background, two people are working at a table. One person is wearing a white t-shirt with a red logo that says "Dillon". They are looking at a large map or plan on the table. In the foreground, a table is covered with various materials for design, including a grid of small square tiles in different colors (black, white, grey, red, yellow, green, blue), a yellow pyramid-shaped object, and several small rectangular cards. One of the cards is yellow and has the text "DESIGN THE DOWNTOWN" written on it. Another card is black and has the text "LAMP POSTS & LIGHTING" written on it. There are also some small square tiles scattered on the table.

DESIGN THE DOWNTOWN

LAMP POSTS & LIGHTING

RESOURCES

COMMUNITY DEVELOPMENT OFFICE

The State of Utah's Community Development Office is part of the Division of Housing & Community Development in the Department of Workforce Services. The Community Development Office assists rural Utah communities with planning and management issues through training, consulting, research, and technical support. It strives to help communities be self-reliant, self-determined, and prepared for the future. The Community Development Office produces guides to planning issues, trains local leaders on planning and land use, and offers free consultations and assistance.

www.ruralplanning.org.

REGIONAL PLANNING PROGRAM

The Utah Permanent Community Impact Fund Board (CIB) funds a full-time planner in each regional association of governments (AOG). These planners help provide continuous quality planning and can assist with community planning, including general plans. See page 7 for contact information.

<https://jobs.utah.gov/housing/cib/rpp.html>

UTAH LEAGUE OF CITIES AND TOWNS

The Utah League of Cities in Towns serves the 247 incorporated municipalities in the State of Utah by representing municipal government interests to the state and federal government. The League also provides trainings on planning and land use, offers consultations and assistance, and hosts several conferences annually. www.ulct.org.

LAND USE ACADEMY OF UTAH

The Land Use Academy of Utah (LUAU) is funded by the Utah State Legislature to provide professional education to civic leaders. LUAU produces instructional publications and videos on land use and planning issues, and conducts training sessions for local leaders several times a year.

www.luau.utah.gov.

LAND USE INSTITUTE

The Land Use Institute aims to raise the professionalism of those involved in the land use arena. The Land Use Institute sponsors an annual fall conference, hosts seminars, and offers both print and electronic instructional materials.

www.utahlanduse.org.

AMERICAN PLANNING ASSOCIATION UTAH CHAPTER

The Utah Chapter of the American Planning Association (APA) is the professional organization for Utah's planners. APA Utah organizes two conferences each year, hosts questions and answers through its email listserv, and maintains an extensive library of planning resources on its website. Though not all citizen planners qualify for APA membership, its conferences and many of its materials are available to everyone.

www.apautah.org.

CONSULTANTS

Planning consultants and contract planners are available across the state to assist on a variety of issues. Consultants can be used to write the entire plan or only certain parts of it. Before hiring a consultant, make sure to do your due diligence to find the consultant that has the right knowledge, skills, and attributes for your project, budget, and community. For a list of planning consultants, visit www.ruralplanning.org/consultantlist.

OTHER PUBLICATIONS

The Small Town Planning Handbook by Thomas S. Daniels et. al. Published by the American Planning Association, this book is a comprehensive guide on the planning process, specifically adapted to small communities.




WORKS CITED

1. Iowa State University Extension "The Comprehensive Plan"
2. UCA 10-9a-401(1)
3. UCA 10-9a-406
4. UCA 10-9a-405
5. UCA 10-9a-403
6. UCA 10-9a-403 (2)
7. Josh Runhaar, Planning Law and Implementation, Lecture 19 - Comprehensive Plans, Slide 7, 3-24-15

APPENDIX A

CITY & TOWN

PLANNING & ZONING ORDINANCE REVIEW*

	Requirement fulfilled and in good condition
	Requirement fulfilled but in questionable condition
	Requirement not fulfilled

ITEM Required by State code... (State code reference)	CONDITION	NOTES / CITY CODE
Do we have a General Plan? (10-9a-401(1))		
Is General Plan up-to-date? (Last 10 yrs) (best practice)		
Do we have an official map? (10-9a-401(2)(j), -407, 10-9a-103(34))		
Do we have a zoning ordinance? (10-9a-502)		
Do we have a zoning map? (10-9a-502, 505)		
Are our plans and ordinances publicly available?		

PLAN ELEMENTS Does it cover...

Land use (10-9a-403(2)(i))		
Affordable housing (10-9a-408(2)(iii)) (*Towns, defined in 10-2-301 as municipalities with a population less than 1,000, are exempt)		
Transportation (10-9a-403(2)(ii))		
Implementation strategy (10-9a-403(3)(e) best practice)		
Capital improvements plan (aligned to GP 10-9a-406)		

ORDINANCE REQUIREMENTS

Creates a Planning Commission (10-9a-301(1)(a))		
Establishes an appeal authority (10-9a-701(1))		
Proper allocation of land use authority		
Nonconforming uses match State code (10-9a-511)		
Residential facilities for elderly (10-9a-516, 57-21-5)		
Residential facilities for disabled (10-9a-516, 57-21-5)		
Allows for compliant manufactured homes (10-9a-514)		
Addresses cell towers (can't prohibit)		
Reestablish nonconforming structure after calamity (10-9a-511(3)(a))		
Allows for charter schools in all zones (10-9a-305 (7)(a))		
Allows for adult-oriented businesses (must permit somewhere)		
Conditional use ordinance has objective standards / approved when conditions met (10-9a-507)		

PROCEDURES for...

Planning Commission (10-9a-301(1)(b))		
Land use authority (10-9a-306) (10-9a-103(26))		
Appeal authority (10-9a-701)		
Understandable notice provisions		
Meetings posted to the Utah Public Notice website? (Multiple)		

COMMUNITY VISION

Overall, how well are county goals and vision reflected in the code?		
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* This review does not constitute an official stance nor comprehensive review of the State of Utah on the entity's general plan, zoning map, or zoning ordinance. It is intended for discussion purposes only for local leadership.

A Moderate Income Housing Element Outline

Introduction

- ☐ purpose of the plan
- ☐ description of how the moderate-income housing plan fits within the context of the community's general plan and how the cooperation of community departments will facilitate the accomplishment of goals outlined in the plan
- ☐ discussion of how the community's planning efforts fit within the context of regional planning efforts and the coordination that has taken place between the community and other entities in the development of the moderate-income housing plan
- ☐ background information about the community (growth patterns, community sentiments towards housing, local economy, etc.)

Current Population

- ☐ demographic data from the most recent U.S. Census or American Community Survey
- ☐ summary of how the population has changed over the past five to ten years
- ☐ number of households within targeted income groups ($\leq 80\%$ AMI, $\leq 50\%$ AMI, and $\leq 30\%$ AMI)

Current Housing Stock

- ☐ total number of housing units
- ☐ breakdown of housing units by:
 - occupancy (renter-occupied or owner-occupied)
 - size (number of bedrooms)
 - quality ("new," "dilapidated," etc.)
- ☐ affordability of existing housing stock for targeted income groups

Current Affordable Housing Availability and Need

- ☐ availability of existing housing stock for targeted income groups ($\leq 80\%$ AMI, $\leq 50\%$ AMI, and $\leq 30\%$ AMI) and number of additional units needed
- ☐ availability of affordable housing for different races and ethnic groups and number of additional units needed
- ☐ availability of affordable housing for different special needs groups (homeless, disabled, veterans, elderly, youth aging out of foster care, victims of domestic violence, etc.) and number of additional units needed
- ☐ availability of a variety of housing sizes and number of additional units needed

5-Year and 10-Year Population Projections

- ☐ low, medium, and high population projections for the next five and ten years
- ☐ estimate of the percentage of the population that will fall within targeted income levels and special needs groups over the next five and ten years

Forecast of Affordable Housing Need

- ☐ comparison of projected population growth and expected housing construction for the next five and ten years
- ☐ estimate of the number of housing units needed by residents within targeted income levels and special needs groups for the next five and ten years

Regulatory Environment

- ☐ analysis of how current zoning regulations impact the availability of affordable housing
- ☐ discussion of any potential barriers to affordable housing or Fair Housing

Plans to Meet the Affordable Housing Need

- ☐ goals, policies, and plans designed to strategically meet current and forecasted affordable housing needs
- ☐ goals, policies, and plans to eliminate regulatory barriers to affordable housing
- ☐ goals, policies, and plans should discuss the following:
 - a timeline
 - the responsible party (or parties)
 - the number of affordable housing units to be built
 - possible locations for new affordable housing units
 - community resources that can be used to support development (RDA/EDA housing set-aside funds, fee waivers, local CDBG funds, donated land, etc.)



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