

Commission on Housing Affordability
Policy Sub-Group

GENERAL PLANS MATTER

Not a NIMBY killer, but close

- **General Plans, including (especially) the Land Use Element, should be adopted by ordinance.**

A city general plan is a framework that outlines the long-term vision and goals for a city's development and growth. By adopting the general plan through an ordinance, it becomes legally binding and enforceable. An ordinance provides clarity and certainty to residents, businesses, and developers, as they know the rules and guidelines they need to adhere to. Adopting the general plan by ordinance allows for public participation and input. By making the general plan a legally binding document, it does not preclude changes or amendments over time; indeed, general plans should be reviewed every few years as communities grow and evolve.

It's already in the law. Just make it enforceable

- 10-9a-403 (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 for residents of various income levels**, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate;
 - (iii) a moderate income housing element that:
 - (A) **provides a realistic opportunity to meet the need for additional moderate income housing within the municipality during the next five years;**

Benefits

- Becomes legally binding and enforceable
- Provides clarity and certainty to residents, businesses, and developers
- Does not preclude changes or amendments over time.
- Public input happens early in the process
- Zoning hearings become administrative act. Public comments must be evidence based. (Nimby Killer)
 - Nimbyism is hyper-local, meaning that it occurs neighborhood by neighborhood, not at the city level. General Plans should be developed with the entire community in mind.

Potential Pitfalls

- “Dumbed-down” land use elements.
- Enacting other zoning or land use codes that will have the effect of undermining the goals of the General Plan
- Delay implementation to wait-out the market. “You have the clock, we have the time.”
- 2 year election cycle creates unwieldy “spin cycle” of General Plan adoption
- Developers may not want to follow the General Plans, undermining the effect of the plan.
- Developer vs. Political Subdivisions Battles (already happening, so low risk)

EVERYONE'S GETS TO PARTICIPATE (Compliance Matters)

- Penalties
- ***By enforcing penalties, cities are held responsible for the decisions they make. Ultimately, penalties serve as a safeguard, promoting holistic community development that benefits both current and future generations, and balances property rights with neighborhood input.***
- Financial
 - 13-43-206 (12) add (b) Compensatory and consequential damages incurred by the Plaintiff which are caused by the government entities' actions.
- Oversight Authority
 - Appeal Authority – MPO's??? GOPB??? OPRO???
 - General Plan Voidable by Court
- Development approval by right – “Builder Remedy”
- Loss of State Funding – B & C Road Funds? Grants, etc.
- Loss of EDA Authority

MAXIMIZE AVAILABLE LAND (and water)

- Minimum Based Densities Per Community
- Small Lot Zoning & In-Fill
- Maximum Set-back Percentages
- Parking Standards
- Waterwise Localscaping

Speaker notes: A jurisdiction still goes through the process of writing a General Plan. But having some minimum base density *per community*. It is basically a "choose your own approach" to upzoning—local governments *must* plan for at least some amount of needed housing, but have wide latitude in how they do so. In some states, they have a minimum density a jurisdiction must allow in places where they're saying affordable housing is allowed, for instance, 30 units per acre. So the idea is a city with 1,000 square acres, for instance, would need to provide five units per acre, or 5,000 housing units. They can place them where it makes sense for context, infrastructure, services, transportation, etc., but there has to be a realistic plan to provide for that many housing units.