



BOARD OF COMMISSIONERS MEETING
117 South Main Street, Monticello, Utah 84535. Commission Chambers
July 01, 2025 at 11:00 AM

AGENDA

The public will be able to view the meeting on San Juan County's Facebook live and Youtube channel

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

CONFLICT OF INTEREST DISCLOSURE

PUBLIC COMMENT

Public comments will be accepted through the following Zoom Meet link
<https://us02web.zoom.us/j/88279631170> Meeting ID: 882 7963 1170 One tap mobile
+13462487799,,88279631170# US (Houston)

There will be a three-minute time limit for each person wishing to comment. If you exceed that three-minute time limit the meeting controller will mute your line.

CONSENT AGENDA (Routine Matters) Mack McDonald, San Juan County Administrator

The Consent Agenda is a means of expediting the consideration of routine matters. If a Commissioner requests that items be removed from the consent agenda, those items are placed at the beginning of the regular agenda as a new business action item. Other than requests to remove items, a motion to approve the items on the consent agenda is not debatable.

1. Approval of \$7,101.01 in Small Purchases; \$3,150 for the Wheeler Install Machine Software Subscription, \$2,609 for Ford Delete Bundles, \$1,342.01 for the Century Equipment Assembly Case for the Road Department.
2. Approval of the San Juan County Health Department Tobacco Contract Between San Juan County and the State of Utah Department of Health and Human Services for Fiscal Year 2021 through Fiscal Year 2025, Amendment 9

- [3.](#) Approval of the San Juan County Summer Food Service Program 2024 contract between the Utah Department of Health and Human Services and San Juan County, Amendment 1
4. Ratification of the Appointment of Kirk Crowley as the San Juan County Transportation District Manager

RECOGNITIONS, PRESENTATIONS, AND INFORMATIONAL ITEMS

5. Discussion on the Utah Association of Counties' Civil Services and Counties Recovery Services Opportunities. Lori Maughan, Commissioner
- [6.](#) 2025 State of Utah Division of Forestry, Fire and State Lands Fire Restriction Order (Stage 1) Fire Restriction Awareness and Announcement.
7. Employee Recognition and Thanks to Jeremy Hoggard, Emergency Medical Services Director for Receiving EMS Instructor of the Year by the State of Utah Bureau of Emergency Medical Services and Rosa Vagas, Executive Assistant, for the Outstanding Leader Award from the State of Utah Homeless Services Board. Mack McDonald, Chief Administrative Officer.
- [8.](#) Discussion of the Cost Savings Withdrawal from Workers Compensation Fund Insurance and Transitioning to the Utah Governments Local Trust. Mack McDonald, Chief Administrative Officer
9. Discussion of the Adjustment in Compensation for the San Juan County Assessor. Rick Meyer, County Assessor

BUSINESS/ACTION

- [10.](#) Consideration and Discussion of Fee Adjustments for Litter Cleanup Amendments with Utah State H.B. 53. Jed Tate, Landfill Manager
- [11.](#) Consideration and Approval of the Written Findings and Record of Facts, Directing the County Attorney's Office to Respond in Writing to the Seventh District Court Judge Don M. Torgerson. Jens Nielson, Deputy County Attorney.
- [12.](#) Consideration and Approval of the Request for General Plan Update. Mitch Maughan, County Attorney

COMMISSION REPORTS

ADJOURNMENT

The Board of San Juan County Commissioners can call a closed meeting at any time during the Regular Session if necessary, for reasons permitted under UCA 52-4-205

All agenda items shall be considered as having potential Commission action components and may be completed by an electronic method **In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the San Juan County Clerk's Office: 117 South Main, Monticello or telephone 435-587-3223, giving reasonable notice**



P. O. No#	
Date	6/17/2025
Your Ref#	
Our Ref#	
Credit Terms	Cash

[illegible]

Terms and Conditions:

117 So Main Street
Monticello, UT 84535
Ph: 435-587-3225

**Purchase From**

the diesel dudes

☒ State Contracted

Deliver To

San Juan County Road Dept.
885 East Center Street,
PO Box 188,
Monticello, Utah 84535

Attention To :

Purchase Order

P. O. No#

Date 6/23/2025

Your Ref#

Our Ref#

Credit Terms	Cash
--------------	------

Attention To :

Product ID	Description	Quantity	Unit Price	Amount
	Cab & Chassis Ford Power stroke Full			\$0.00
	Delete Bundles 2008 - 2019	1	\$2,609.00	\$2,609.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
			Sub Total	\$2,609.00
			Tax	Exempt
			Freight	
			Invoice Total	\$2,609.00
			Amount Paid	
			Balance Due	\$2,609.00

Approved:

Department Head:



County Admin:



Terms and Conditions:



Musselman, Ked <kmusselman@sanjuancountyut.gov>

Discount APPROVED: 2019 Ford || The Diesel Dudes

1 message

thedieseldudes <sales@thedieseldudes.com>
To: kmusselman@sanjuancountyut.gov

Mon, Jun 23, 2025 at 1:37 PM

thedieseldudes

INVOICE #D28457

Complete your purchase

504

Complete your purchase

or Visit our store

Order summary

Cab & Chassis Ford Powerstroke Full Delete Bundles |
2008-2019 × 1
2017-2019 6.7L / Add Muffler

\$2,609.00Subtotal **\$2,609.00**Order discount **-\$49.00**

APPROVED by Ryan (-\$49.00)

Shipping **\$0.00**Estimated taxes **\$307.20****Total \$2,867.20 USD**

You saved \$49.00

If you have any questions, reply to this email or contact us at sales@thedieseldudes.com

117 So Main Street
Monticello, UT 84535
Ph: 435-587-3225

**Purchase From**

Century Equipment Company ☒ State Contracted

1097 Hwy 3
Durango, Co 81301
Attention To :

Deliver To

San Juan County Road Dept.
885 East Center Street,
PO Box 188,
Monticello, Utah 84535
Attention To :

Purchase Order

P. O. No#	
Date	6/25/2025
Your Ref#	
Our Ref#	
Credit Terms	Cash

Product ID	Description	Quantity		Unit Price	Amount
CAS 246060A1	Assembly Case Construction	1		\$1,342.01	\$0.00 \$1,342.01 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
				Sub Total	\$1,342.01
				Tax	Exempt
				Freight	
				Invoice Total	\$1,342.01
				Amount Paid	
				Balance Due	\$1,342.01

Approved:

Department Head: _____

County Admin: _____

Terms and Conditions:

CENTURY

EQUIPMENT COMPANY

1097 HWY 3 / DURANGO, CO 81301
(970) 247-0522 / FAX (970) 247-9721

Item 1.

Branches

Logan, UT Clifton, CO Spanish Fork, UT
Cedar City, UT Salt Lake City, UT Rock Springs, WY

SOLD TO

094700 SAN JUAN COUNTY-UTAH RD DEPT
ATTN: MARTHA
885 E CENTER STREET
PO BOX 188
MONTICELLO, UT 84535

SHIP TO

SAN JAUN COUNTY-UTAH ROAD
1157 SOUTH MAIN ST
BLANDING, UT 84511

Sold By: JR PO #: 580SL Date: 6/26/25 QUOTE: QD01330
Ship By: Tax #: GOVERNMENT 12:01:35 Open

Tax	D	Qty	Description	*	Price	Amount
			PARTS SALES CTR			
ED		1	CAS 138255A1	HOSE	141.60	141.60
ED		1	CAS 1990758C2	FILTER REN	98.29	98.29
ED		1	CAS 138257A2	HOSE LEB	211.22	211.22
ED		1	CAS 246060A1	ASSEMBLY REN	1342.01	1342.01
			** TOTAL PARTS SALES CTR			1793.12

NOTES

PARTS ARE IN STOCK WITH THE EXCEPTION OF THE FIRST HOSE.
I WILL BE GETTING THAT FROM ANOTHER STORE.
FRT WILL BE ADDED, AND WILL BE ORDERED WITH 2 DAY FRT

ALL RETURNED PARTS ARE SUBJECT TO A 25% RESTOCKING FEE.
ELECTRICAL PARTS ARE NON RETURNABLE. SPECIAL ORDERED PARTS
WILL INCUR RETURN FREIGHT CHARGES AND MAY OR MAY NOT BE RETURNABLE.
RETURNED PARTS MUST BE IN THE ORIGINAL UNOPENED BOX OR CONTAINER.
NO RETURNS WILL BE ACCEPTED AFTER 30 DAYS, AND MUST HAVE COPY OF ORIGINAL INVOICE.

PRICES SUBJECT TO CHANGE

** SUBTOTAL 1793.12

X Charge Sale

Phone: (435) 587-3230

PAY THIS
AMOUNT

\$1793.12

Search for Parts by Keyword, Part Number or Model

[PREVIOUS](#)[CATEGORY](#)[CAB & ROPS](#)[HEATING & COOLING](#)[246060A1 - ASSEMBLY](#)

360

246060A1 - ASSEMBLY - CASE CONSTRUCTION

Part # 246060A1

\$1,342.01☒ In stock☒ Check if this Part Fits Your Equipment

-

1

+

ADD TO CART

DELIVERY INFO

Additional shipping charges may apply to this item due to size, weight or special handling. The dealer will contact you if an additional surcharge is required.

DESCRIPTION AND SPECIFICATIONS

+

KITS AND PRODUCT BUNDLES

+

EQUIPMENT FITMENT**GIVE US YOUR FEEDBACK** **TOOLBOX** **QUICK ORDER****JOIN OUR MAILING LIST!**

Stay up to date on all of our latest offers and promotions.

SIGN UP FOR EMAIL





COMMISSION STAFF REPORT

MEETING DATE: July 1, 2025

ITEM TITLE, PRESENTER: Approval of the San Juan County Health Department Tobacco Contract FY21-FY25 Amendment 9, Presented by Mike Moulton, Public Health Interim Director

RECOMMENDATION: Approval

SUMMARY

This amendment is to extend the termination date and to add more funding.

New Termination Date: June 30, 2026

Added Funding: \$209,286.00

This funding aims to prevent commercial tobacco use and connect users with evidence-based cessation resources. Approved activities include staff training, pilot projects, partnerships with priority populations and organizations, tobacco retail permitting, compliance checks (with dedicated funding), retail education and inspections, youth group engagement, education on age 21 laws, promotion of Quit Services, support for the Utah Indoor Clean Air Act, media campaigns, site visits, and program evaluation

HISTORY/PAST ACTION

Commission approval of previous amendments.

FISCAL IMPACT

The new reimbursable funding amount for July 1, 2025 – June 30, 2026, is \$209,286.00.



Utah Department of
Health & Human Services

**UTAH DEPARTMENT OF HEALTH & HUMAN SERVICES
AGREEMENT AMENDMENT**

PO Box 144003, Salt Lake City, Utah 84114
288 North 1460 West, Salt Lake City, Utah 84116

2120905

Department Log Number

212700217

State Agreement ID

1. AGREEMENT NAME: The name of this contract is San Juan County Health Department Tobacco Contract FY21-FY25 Amendment 9.
2. PARTIES: This amendment is between the Utah Department of Health & Human Services (DEPARTMENT) and San Juan County.

PAYMENT ADDRESS

San Juan County
735 S 200 W, Ste 2
Blanding, UT 84511

MAILING ADDRESS

San Juan County
735 S 200 W, Ste 2
Blanding, UT 84511

Vendor ID: 06866HL

Commodity Code: 99999

3. PURPOSE OF AMENDMENT: The purpose of this amendment is to change the termination date, increase the contract amount, and replace Attachment "B."
4. CHANGES TO AGREEMENT:
 1. The agreement termination date is being changed. The original termination date was June 30, 2025. The agreement period is increased by one year. The new agreement termination date is June 30, 2026.
 2. The contract amount is being changed. The original amount was \$1,122,386.18. The funding amount will be increased by \$209,286.00 in state funds. New total funding is \$1,331,672.18.
 3. Attachment "B" effective July 1, 2025 is replacing Attachment "B" which was effective September 2024. Article II Payments and Article III Services are changed.

UEI: WCVABP2FEVA2

Indirect Cost Rate: 0.00 %

All other conditions and terms in the original agreement and previous amendments remain the same.

5. EFFECTIVE DATE OF AMENDMENT: This amendment is effective 07/01/2025 .

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Contract with Utah Department of Health & Human Services and San Juan County , Log # 2120905

IN WITNESS WHEREOF, the parties enter into this agreement.

Signature

Signed by: _____

Silvia Stubbs
Commission Chair

Date Signed: _____

Attachment B: Special Provisions
San Juan County Health Department FY21 – FY25 Amendment 9

I. DEFINITIONS

- A. "Qualtrics" means a web-based reporting tool used by the Parties to determine progress in achieving the responsibilities of this contract.
- B. "CDC" means the Center for Disease Control and Prevention.
- C. "CDC Funds" mean funding that is awarded to the Tobacco Prevention and Control Program from the Center for Disease Control and Prevention.
- D. "Compliance Checks" mean routine checks of retailers conducted by the GRANTEE where underage buyers attempt to purchase tobacco in circumstances that would violate applicable law.
- E. "FDA" means Food and Drug Administration.
- F. "HUD" means United States Department of Housing and Urban Development.
- G. "MSA Grant Funding" means funding allocated from the Master Settlement Agreement to the Tobacco Prevention and Control Program.
- H. "MUH" means multiunit housing.
- I. "QuickBase" means a web-based application tool used by local health departments to manage and report their tobacco retailer education and enforcement activities including underage sale investigations (compliance checks), combined retailer inspection requirement, and permit suspension/revocation data.
- J. "SDOH" means Social Determinants of Health.
- K. "Synar" means the Synar Amendment.
- L. "Tax Fund" means funding that is allocated to the Tobacco Prevention and Control Program from the State Tobacco Tax.
- M. "UICAA" means the Utah Indoor Clean Air Act.

II. PAYMENTS

- A. DHHS agrees to reimburse the GRANTEE up to a maximum total of \$209,286.00 for expenditures in accordance with the funding categories described in this contract. The amount reimbursed is based on the number of services provided by the GRANTEE as reported each month on the Monthly Expenditure Report submitted to the DHHS.
- B. The amounts listed below are the maximum amount the DHHS can reimburse the GRANTEE. Funds can only be expended as follows:
 - 1. \$73,193.00 is available from the MSA Grant for the period of July 1, 2025 - June 30, 2026 and shall be allocated in accordance with the following:
 - a. Up to \$4,053.00 shall be reimbursed for Compliance Checks. The DHHS agrees to reimburse the GRANTEE \$96.50 per compliance check. The compliance checks will be completed consistent with the activity found in Section III; objective identified as Compliance Checks.
 - b. The remaining \$69,140.00 funds shall not be used for Compliance Checks but may be used for any of the remaining objectives described in Section III.
 - 2. \$54,437.00 is available from the state funded Electronic Cigarette Substance and Nicotine Product Tax Restricted Account and shall be allocated in accordance with Utah Code 59-14-807(3)(a) for the period of July 1, 2025 - June 30, 2026. The GRANTEE shall use the money received in accordance with Utah Code 59-14-807 (4)(a) and Admin Rule R384-415 for enforcing:
 - a. The regulation provisions described in Section 26B-7-505;
 - b. The labeling requirement described in Section 26B-7-505; and
 - c. The penalty provisions described in Section 26B-7-518.
 - 3. \$81,656.00 is available from the state funded Electronic Cigarette Substance and Nicotine Product

Tax Restricted Account for the period of July 1, 2025 - June 30, 2026 and shall be allocated in accordance with the Electronic Cigarette, Marijuana, and Other Drug Prevention Grant Program created in Utah Code 26A-1-129 to issue grants.

III. SERVICES

The GRANTEE shall participate in all the following activities in accordance with the funding provided as outlined in Section III.

Activity Title	Objective
Continuing Education	By June 30, 2026, 2 staff funded by tobacco will attend at least 1 workplan-related training per quarter.
Priority Populations	By June 30, 2026, implement and report on established plan to collaborate with identified priority population.
SDOH Partnerships	By June 30, 2026, identify 11 partners focused on SDOH and/or risk and protective factors.
Outreach Partnerships	By June 30, 2026, provide supportive technical assistance related to tobacco prevention and/or cessation resources to 10 organizations.
Tobacco Retail Permitting	By June 30, 2026, ensure that 100% of retailers are permitted.
Compliance Checks	By June 30, 2026, complete 2 tobacco compliance checks in each tobacco retail outlet.
Retail Education	By June 30, 2026 ensure that 100% of retailers are provided education materials.
Retail Inspection, E-cigarette Product and Nicotine Product Inspections	By June 30, 2026 conduct combined inspections in 18 retailers.
CBO Partnership	By June 30, 2026 establish 6 partnership with community based organizations that work to provide school connectedness through culturally relevant programs that promote resilience and/or emotional well-being.
Behavioral Health	By June 30, 2026 collaborate with 4 behavioral health professionals to screen for tobacco use and dependence (including e-cigarettes) and educate when interacting with youth and young adults.
Youth Groups	By June 30, 2026 support a local youth coalition in advocating for tobacco use prevention policies and programs.
Age 21 Law	By June 30, 2026 educate 4 municipalities and 100% retailers on the minimum

age of 21 for the sale of tobacco products, electronic cigarette products and other nicotine products.

By June 30, 2026 facilitate at least one formal or informal learning and/or relationship building opportunity (in person or virtual) with retailers, municipalities and/or community groups or agencies.

Quit Services	By June 30, 2026 increase Quit Line registered calls in local area from 1 during 7/2023-6/2024 to 2 and E-Coach registered members from 11 during 7/2023-6/2024 to 15.
Low Income Cessation Services	By June 30, 2026 work with 2 local services that are utilized by low income individuals to promote tobacco cessation programs.
Low Income MUH Policy	By June 30, 2026 provide resources, training and technical assistance to 1 low-income MUH property to implement, improve and/or maintain comprehensive tobacco policies.
MUH Policy	By June 30, 2026, provide resources, training & technical assistance to 1 MUH property to implement, improve and/or maintain comprehensive tobacco policies.
Worksite Policy	By June 30 2026 work with 1 worksite to implement, improve and/or maintain environmental and employee policies.
UICAA	By June 30, 2026 respond to 100% of UICAA complaints and provide education, signage, and materials as appropriate.

IV. REPORTS

- A. The GRANTEE shall report on the progress report measure for each of their work plan activities as listed in Section IV, in Qualtrics. Progress reports shall be submitted quarterly by the 15th of October, January, April, and July.
- B. The GRANTEE shall report tobacco retailer-related data as needed in QuickBase, a web-based application system.

V. DHHS PROGRAM ROLE

- A. DHHS through its Tobacco Prevention and Control Program agrees to:
 1. Provide written confirmation of receipt of reports within 10 working days;
 2. Provide written feedback on results/progress within 20 working days of receiving report;
 3. Provide training and technical assistance, as requested/needed; and
 4. Conduct one (1) site visit during the contract period at a mutually agreed upon time with a jointly developed agenda.

VI. MEDIA

- A. When the GRANTEE has a DHHS-approved media campaign in their jurisdiction, GRANTEE staff shall conduct that campaign according to the DHHS "Way To Quit Brand Guidelines."
 1. Media campaigns include Public Service Ad (PSAs) scripts, produced PSAs, websites specifically

created and included in GRANTEE proposal for designated programming (not to include general GRANTEE websites), brochures, flyers, posters, advertisements, incentive items and other marketing materials as detailed in the approved plan.

- B. GRANTEE media campaign proposals must include campaign deadlines that are subject to approval by the appropriate DHHS program staff.

VII. ADMINISTRATIVE REQUIREMENTS

A. GRANTEE staff shall:

1. Participate in at least one (1) site visit with DHHS program staff;
2. Attend at least one (1) workplan-related training per quarter;
3. Collaborate and coordinate program evaluation with DHHS epidemiology staff and/or with DHHS'S external contracted evaluator;
 - a. DHHS epidemiology staff will be informed of tobacco-related evaluation projects and data collection efforts; and
4. Separately track and report expenses for Compliance Checks, which includes Retailer Education as part of the annual enforcement budget.
 - a. Enforcement budget shall be submitted annually or as requested by DHHS.

VIII. OUTCOMES

The outcome of this contract is to support the overall comprehensive Tobacco Prevention and Control Program strategic plan to (1) prevent youth nicotine dependence, (2) reduce commercial tobacco product use, and (3) work with priority populations to reduce tobacco-related health disparities.

A. The following long-term measures support the outcomes:

1. Reduce the percentage of Utah high school students who use tobacco (including vaping) to 8%.
2. Reduce the percentage of Utah young adults (18-24 years old) who vape to 15%.
3. Reduce adult cigarette smoking in very high Health Improvement Index areas to 10%.
4. Reduce the percentage of Utah adults on Medicaid who smoke to 18%.
5. Reduce the percentage of Utah adults (with no health insurance) who smoke to 16%.
6. Decrease the percentage of adult cigarette smoking (disparate populations) by 5% relative to baseline



COMMISSION STAFF REPORT

MEETING DATE: July 1, 2025

ITEM TITLE, PRESENTER: Approval of the San Juan County Summer Food Service Program 2024 Amendment 1 contract, Presented by Mike Moulton, Public Health Interim Director

RECOMMENDATION: Approval

SUMMARY

The general purpose of this contract is to provide funds to support inspections completed under the Food Service Program.

PURPOSE OF THE AMENDMENT: To increase the contract amount by \$345.00 and update the effective date to July 1, 2025.

HISTORY/PAST ACTION

Commission approval of the initial contract.

FISCAL IMPACT

The new reimbursable funding amount for the period from July 1, 2025, to June 30, 2026, is \$345.00.



Utah Department of
Health & Human Services

**UTAH DEPARTMENT OF HEALTH & HUMAN SERVICES
AGREEMENT AMENDMENT**

PO Box 144003, Salt Lake City, Utah 84114
288 North 1460 West, Salt Lake City, Utah 84116

2317205

Department Log Number

232702083

State Agreement ID

1. AGREEMENT NAME: The name of this contract is San Juan County Summer Food Service Program 2024 Amendment 1.
2. PARTIES: This amendment is between the Utah Department of Health & Human Services (DEPARTMENT) and San Juan County.

PAYMENT ADDRESS

San Juan County
735 S 200 W, Ste 2
Blanding, UT 84511

MAILING ADDRESS

San Juan County
735 S 200 W, Ste 2
Blanding, UT 84511

Vendor ID: 06866HL

Commodity Code: 99999

3. PURPOSE OF AMENDMENT: The purpose of this amendment is to increase the contract amount and replace Attachment A.
4. CHANGES TO AGREEMENT:
 1. The contract amount is being changed. The original amount was \$115.00. The funding amount will be increased by \$345.00 in federal funds. New total funding is \$460.00.
 2. Attachment A effective July 1, 2025 is replacing Attachment A, which was effective July 1, 2023. Article 4.1 Funding, Section 2 is added, and subsequent Sections are renumbered.

UEI: WCVABP2FEVA2

Indirect Cost Rate: 0.00 %

All other conditions and terms in the original agreement and previous amendments remain the same.

5. EFFECTIVE DATE OF AMENDMENT: This amendment is effective 07/01/2025 .

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Contract with Utah Department of Health & Human Services and San Juan County , Log # 2317205

IN WITNESS WHEREOF, the parties enter into this agreement.

Signature

Signed by: _____

County Commission Chair

Date Signed: _____

Attachment A: Scope of Work
San Juan County Health Department- Summer Food Service Program 2023 Amendment 1

Article 1
GENERAL PURPOSE

The general purpose of this contract is to provide funds to the local health departments for inspections completed under the Summer Food Service Program. The contract functions in accordance with Utah Code sections 26A-1-108(1) and 26A1-1-115(3).

Article 2
DEFINITIONS

In this contract, the following definitions apply:

“Contractor” means San Juan County.

“Department” means Utah Department of Health and Human Services, Environmental Health Program.

Article 3
RESPONSIBILITIES OF CONTRACTOR

3.1 For the Summer Food Service Program the Contractor shall:

- (1) inspect each site participating in the Summer Food Service Program during a mealtime service to ensure food safety procedures are being followed;
- (2) complete at least one inspection at each site participating in the Summer Food Service Program (according to a list of participating sites provided by the Department); and
- (3) contact the DHHS when a critical violation cannot be corrected on site. Such notification shall be made within two working days and shall include:
 - (A) the establishment name;
 - (B) inspection date;
 - (C) inspection score;
 - (D) inspector’s name; and
 - (E) corrective action plan

3.2 For reporting the Contractor shall submit copies of site inspections to the Department no later than September 1 of each year.

Article 4

FUNDING

4.1 Total funding is \$460.00.

- (1) \$115.00 for the period July 1, 2023 to June 30, 2024.
- (2) \$345.00 for the period July 1, 2025 to June 30, 2026.
- (3) This is a Fee for Service contract. The Department agrees to pay the Contractor a fee for service not to exceed the contract amount. The Contractor shall submit invoices for services rendered directly related to the performance of this Contract.

Fee for Service

Description

Amount

Site Inspection

\$115.00 each

- (4) The federal funds provided under this agreement are from the federal program and Award as recorded on the contract pages of the Contract.
- (5) Pass through Agency: Utah Department of Health and Human Services.
- (6) Number assigned by the Pass-through Agency: State Contract Number, as recorded Page 1 of this Contract.

Article 5
INVOICING

5.1 In addition to the General Provisions of the Contract, the Contractor shall submit invoice to the Department no later than September 1 of the contract year.

Article 6
OUTCOMES

- 6.1 Outcomes: The desired outcome of this contract is a greater likelihood that children participating in the Summer Food Service Program can consume healthy food without experiencing a negative health impact. The contract requires health inspections to be conducted at sites participating in the program, so violations can be identified, and public places are more likely to operate in a safe and sanitary manner.
- 6.2 Performance Measure: The number of sites participating in the program where an inspection was completed.
- 7.3 Reporting: The Contractor shall submit copies of site inspections to the Department no later than September 1 of each year.



SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

JOEL FERRY
Executive Director

Division of Forestry, Fire and State Lands

JAMIE BARNES
State Forester Director

ORDER # UTCLO2504

Fire Restriction Order (Stage 1)

Due to current and forecasted weather conditions coupled with the record dry vegetation conditions and extreme fire danger throughout Utah, the State Forester has determined that measures must be taken to prevent the ignition of forest and rangeland fires. Therefore, pursuant to Utah State Law, Section 65A-8-212, the following acts (also known as "Stage 1 Fire Restrictions") are prohibited in the areas described below until rescinded by the Utah State Forester:

1. No open fires of any kind except within established facilities in improved campgrounds or day-use areas on **public lands**. -OR- in permanently constructed fire pits at **permanent private dwellings** served by pressurized running water.
2. Smoking, except within an enclosed vehicle, trailer or building, a developed recreation site or while stopped in an area that is paved or free from dry vegetation.
3. Cutting, welding or grinding metal in areas of dry vegetation.
4. Operating a motorcycle, chainsaw, ATV, or other small internal combustion engine without an approved and working spark arrestor.
5. Discharging or using fireworks, tracer ammunition or other pyrotechnics devices including exploding targets.

*The fire restriction NECLO2502 will be unchanged and will remain in effect until rescinded.

The following persons are exempted from the above prohibitions:

1. Persons with a permit or waiver issued by the Division, specifically authorizing a specified act at a specific location. A waiver does not relieve the permittee of liability if a fire does occur.
2. Any on-duty firefighter in the performance of an official duty.

Area Description: All state lands –AND– all unincorporated private lands within the state of Utah.

This order does not affect private lands within incorporated towns or city limits.

Any of the above acts is a violation of state law and is punishable by up to 6 months in jail and a fine of up to \$1,000. These restrictions will be enforced by county law enforcement.

Effective Date: 12:01 a.m., 28th day of June, 2025

Brett Ostler

Brett Ostler (Jun 26, 2025 13:47 MDT)

Brett Ostler, State Fire Management Officer

Jamie Barnes

Jamie Barnes (Jun 26, 2025 14:00 MDT)

Jamie Barnes, State Forester





Fire Restrictions 2025

Bureau of Land Management, Utah
Moab Field Office
82 East Dogwood
Moab, UT 84532

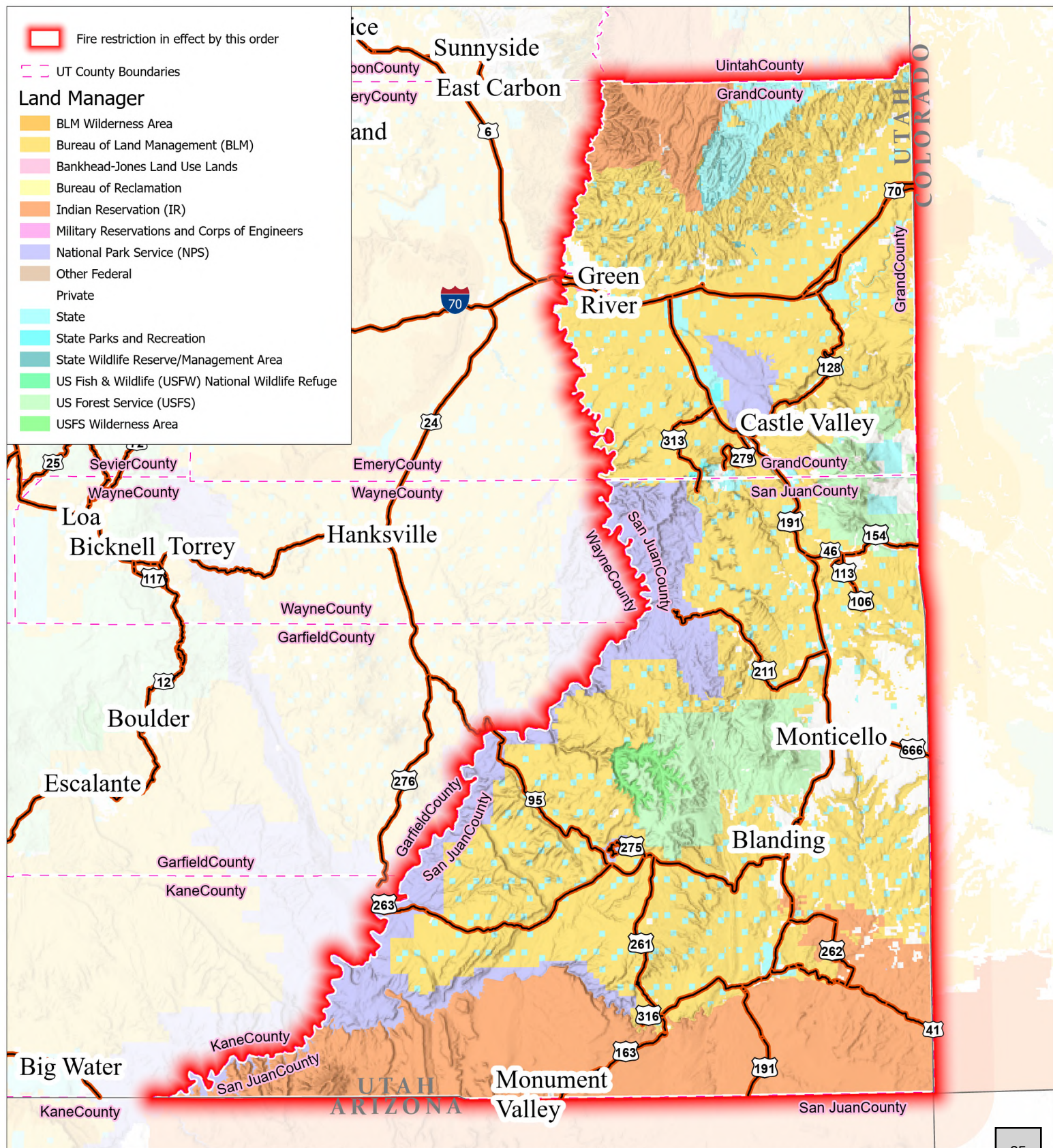


Item 6.



UTCYD-00000-25-001

Effective: 6/28/25



Scale: 1:1,388,347

0 7.5 15 Miles

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Canyon Country District
82 East Dogwood
Moab, Utah 84532
<https://www.blm.gov/utah>



Item 6.

FIRE PREVENTION ORDER: UTCYD-00000-25-01

Pursuant to regulations of the Department of the Interior, found at Title 43 CFR 9212.1 (h), the additional following acts are prohibited on Bureau of Land Management (BLM) lands, roads, waterways, and trails, in the State of Utah, until rescinded by the Canyon Country District Manager.

Area Description:

All BLM managed lands within the Canyon Country District in Grand and San Juan Counties, Utah.

This order is effective starting June 28, 2025, at 12:01 a.m. and will remain in effect until rescinded. This order also rescinds all previous orders covering BLM managed lands in this district.

Prohibited Acts:

1. Campfires using charcoal, solid fuels, or any ash-producing fuel, except in permanently constructed cement or metal fire pits located in agency developed campgrounds and picnic areas. Examples of solid fuels include, but are not limited to wood, charcoal, peat, coal, hexamine fuel tablets, wood pellets, corn, wheat, rye, and other grains. Devices fueled by petroleum or liquid petroleum gas with a shut-off valve are approved in all locations if there is at least three feet in diameter that is barren with no flammable vegetation.
2. Smoking except within an enclosed vehicle, covered areas, developed recreation site or while stopped in a cleared area of at least three feet in diameter that is barren with no flammable vegetation.
3. Grinding, cutting, and welding of metal.
4. Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order as determined by the Society of Automotive Engineers (SAE) recommended practices J335 and J350. Refer to Title 43 CFR 8343.1.

Acts Prohibited by Fire Prevention Order No. UT 914-25-001 and 43 CFR § 9212.1(b) (Year-Round):

1. The non-commercial use/discharge of explosives of any kind, incendiary or chemical devices, pyrotechnic devices, exploding targets, pressurized containers or canisters, and binary explosives.
2. The use/discharge of any kind of fireworks as defined by this order.

Binary Explosive Definition:

Binary explosive- includes, but is not limited to, pre-packaged products consisting of two separate components, usually an oxidizer like ammonium nitrate and a fuel such as aluminum

or another metal. These binary explosives are defined by the Bureau of Alcohol, Tobacco, Firearms and Explosive in 27 CFR 555.

Fireworks Definition:

Fireworks- includes, but is not limited to, any device which produces noise, smoke, showers of sparks, or movement by combustion or explosive materials. These explosives are defined by the U.S. Department of Transportation in 49 CFR 173. This definition includes all classes of fireworks.

Permissible Acts:

1. Use of devices fueled by petroleum or liquid petroleum gas with a shut-off valve in all locations.
2. Use of campfires in permanently constructed cement or metal fire pits provided in agency developed campgrounds and picnic areas.
3. Charcoal use along riverways must be set in metal pans or grills in areas clear of flammable vegetation.

Exemptions:

1. All exemptions to the restrictions are obtained through local permits issued by the authorized officer for activities that will not conflict with the purpose of the order (Title 43 CFR 9212.3).
2. Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.

Penalties:

Anyone in violation of this Fire Prevention Order may be subject to civil liability or criminal prosecution under any applicable law or BLM regulation. A violation of this Order may be classified as a Class A Misdemeanor Offense under 43 USC 1733(a) FLPMA, 18 USC 3559. Pursuant to 18 USC 3571, if the violation does not result in death, anyone who violates this order may be fined not more than \$100,000 and/or imprisoned for not more than 12 months. Liability for total fire suppression and damage costs incurred will be borne by the responsible party.

Signed:

NICOLLEE GADDIS-WYATT  Digitally signed by NICOLLEE GADDIS-WYATT
Date: 2025.06.26 15:33:28 -06'00'

Nicollee Gaddis-Wyatt

Canyon Country District Manager, Bureau of Land Management

SAN JUAN COUNTY

UTAH LOCAL GOVERNMENTS TRUST

YOUR TEAM



Steve Hansen
Legal Hotline



Darin Palmer
Quotes & Coverage



Jill Murphy
Member Services



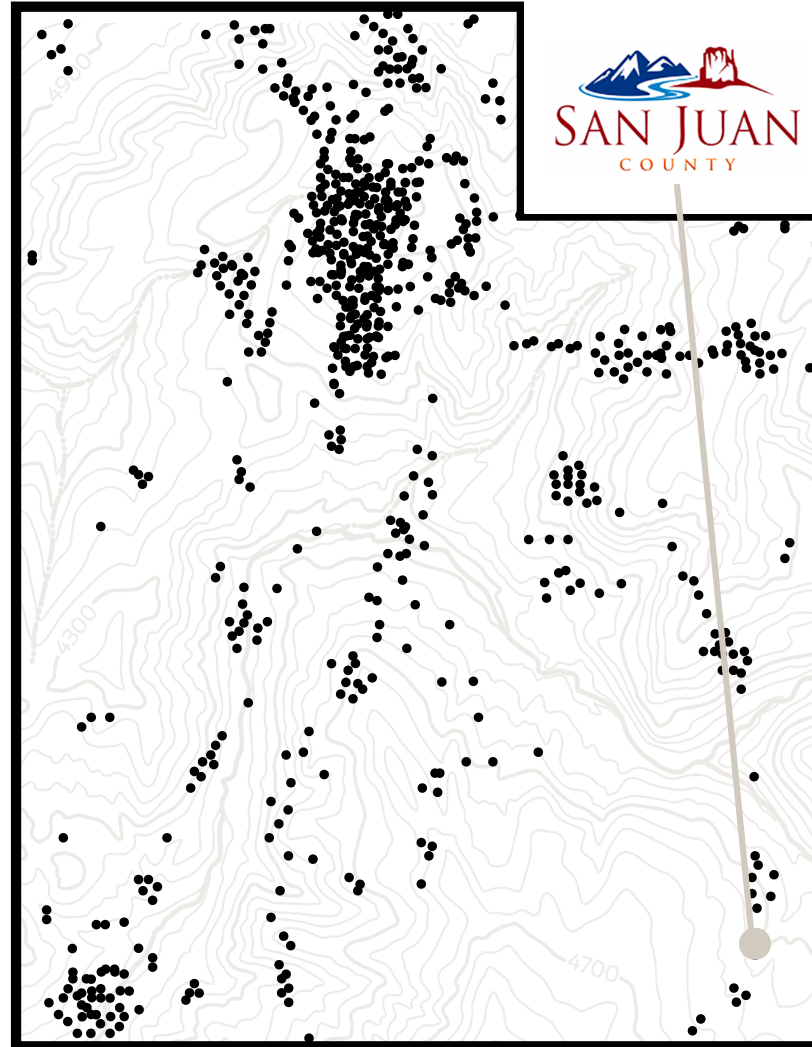
Jason Watterson
Loss Prevention



Jeff Rowley
Claims

BY MEMBERS FOR MEMBERS

Utah County
Summit County
Cache County
Carbon County



Grand County
Tooele County
Emery County
Wasatch County

TRAINING AND RESOURCES

As a member of the Utah Local Governments Trust, San Juan County will have access to the following services (and more) at no additional cost:

LEGAL & HUMAN RESOURCES HOTLINE

ON-SITE FACILITIES RISK ASSESSMENTS

OSHA 10 CERTIFICATION

ACTIVE BYSTANDERSHIP FOR LAW ENFORCEMENT

DESIGNATED SAFETY OFFICER ASSOCIATION

FRANKLIN COVEY ALL ACCESS PASS

USU MENTAL HEALTH & WELLNESS COURSE

MUNICIPAL LEGAL SERIES

HARASSMENT & DISCRIMINATION TRAINING

LAND USE TRAINING

STOP THE BLEED / CPR TRAINING

LOCKOUT / TAGOUT TRAINING

HAZWOPER TRAINING

MONTHLY MOTOR VEHICLE RECORD CHECKS

ON-SITE ENTITY SPECIFIC TRAINING

TRALIAN ONLINE LEARNING MANAGEMENT SYSTEM

RISK MANAGEMENT HOTLINE

UCOPA ACCREDITATION

CERTIFIED PLAYGROUND SAFETY INSPECTIONS

RISK MANAGEMENT INFORMATION SYSTEM (RMIS)

ARBINGER LEADERSHIP INSTITUTE

DEFENSIVE DRIVER TRAINING

CONFINED SPACE ENTRY TRAINING

FIRST AMENDMENT AUDITS TRAINING

TRENCHING & SHORING TRAINING

REASONABLE SUSPICION TRAINING



PREMIUM SUMMARY

LINE	UCIP	TRUST	DIFFERENCE
WORKERS COMP	\$76,968	\$55,325	(28%) \$21,643
GENERAL LIABILITY	\$0	\$0	
PROPERTY	\$0	\$0	
AUTO	\$0	\$0	
TOTAL	\$76,968	\$55,325	

This proposal is for illustration purposes only. Coverage and limits governed by policy terms and conditions, subject to underwriting and loss verification.

DISCUSSION

***The Trust Invests in People;
People Make the Difference!***



COMMISSION STAFF REPORT

MEETING DATE: July 1, 2025

ITEM TITLE, PRESENTER: 2025 Utah State H.B. 53 Litter Cleanup Amendments, Jed Tate, Landfill Manager

RECOMMENDATION: Consideration of Fee Adjustments for the San Juan County Landfill

SUMMARY

There are mandatory fees established by new state law, effective May 1, 2025, that require penalties for offenses for any and all untarped and/or unsecured loads arriving at all landfills in the state of Utah.

HISTORY/PAST ACTION

Last increase to some items on the Landfill fee schedule was approved on March 21, 2024.

FISCAL IMPACT

We will owe a reporting and occurrence fee to the State of Utah.

Brady Brammer proposes the following substitute bill:

Litter Cleanup Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill addresses unsecured loads, litter, and landfills.

Highlighted Provisions:

This bill:

- establishes the Litter Abatement Expendable Special Revenue Fund;
- modifies penalties for certain offenses;
- requires reporting for certain entities;
- imposes a landfill fine for an unsecured load; and
- defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-1712, as last amended by Laws of Utah 2008, Chapter 22

41-6a-1713, as last amended by Laws of Utah 2015, Chapter 412

53-8-105, as last amended by Laws of Utah 2024, Chapter 425

72-1-201, as last amended by Laws of Utah 2024, Chapter 517

72-7-409, as last amended by Laws of Utah 2021, Chapter 327

ENACTS:

72-2-135, Utah Code Annotated 1953

72-7-410, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 41-6a-1712 is amended to read:

41-6a-1712 . Destructive or injurious materials on highways – Throwing lighted material from moving vehicle – Enforcement officers.

(1) As used in this section, "lighted material" means an item that is flaming, burning, or smoking, including lighted charcoal, fireworks, matches, tobacco, cigars, or cigarettes.

(2) A person may not throw, deposit, or discard, or permit to be dropped, thrown, deposited, or discarded on any public road or highway in the state, whether under state, county, municipal, or federal ownership, any plastic container, glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could:

(a) create a safety or health hazard on the public road or highway; or

(b) mar or impair the scenic aspect or beauty of the public road or highway.

~~[(2)]~~ (3) A person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, on any public road or highway any destructive, injurious, or unsightly material shall:

(a) immediately remove the material or cause it to be removed; and

(b) deposit the material in a receptacle designed to receive the material.

~~[(3)]~~ (4) A person distributing commercial handbills, leaflets, or other advertising shall take whatever measures are reasonably necessary to keep the material from littering public roadways or highways.

~~[(4)]~~ (5) A person removing a wrecked or damaged vehicle from a public road or highway shall remove any glass or other injurious substance dropped from the vehicle on the road or highway.

~~[(5)]~~ (6) A person may not throw any lighted material from a moving vehicle.

~~[(6)]~~ (7) Except as provided in Section 72-7-409, any person transporting loose cargo by truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to prevent the cargo from littering or spilling on both public and private property or public roadways.

~~[(7)]~~ (8) A law enforcement officer as defined in Section 53-13-103, within the law enforcement officer's jurisdiction:

(a) shall enforce the provisions of this section;

(b) may issue citations to a person who violates any of the provisions of this section; and

(c) may serve and execute all warrants, citations, and other process issued by any court in enforcing this section.

63 [(8)] (9) A municipality within its corporate limits and a county outside of incorporated
64 municipalities may enact local ordinances to carry out the provisions of this section.

65 Section 2. Section 41-6a-1713 is amended to read:

66 **41-6a-1713 . Penalty for littering on a highway.**

67 (1) ~~[A person]~~ Except as provided in Subsection (3), an individual who violates any of the
68 provisions of Section 41-6a-1712 is guilty of an infraction and shall be fined:

69 (a) not less than \$200 for a violation; or

70 (b) not less than \$500 for a second or subsequent violation within three years of a
71 previous violation of this section.

72 (2) The sentencing judge may require that the offender devote at least eight hours in
73 cleaning up:

74 (a) litter caused by the offender; and

75 (b) existing litter from a safe area designated by the sentencing judge.

76 (3) An individual who violates Subsection 41-6a-1712(6) is guilty of a class C
77 misdemeanor.

78 Section 3. Section 53-8-105 is amended to read:

79 **53-8-105 . Duties of Highway Patrol.**

80 (1) In addition to the duties in this chapter, the Highway Patrol shall:

81 (a) enforce the state laws and rules governing use of the state highways;

82 (b) regulate traffic on all highways and roads of the state;

83 (c) assist the governor in an emergency or at other times at his discretion;

84 (d) in cooperation with federal, state, and local agencies, enforce and assist in the
85 enforcement of all state and federal laws related to the operation of a motor carrier on
86 a highway, including all state and federal rules and regulations;

87 (e) inspect certain vehicles to determine road worthiness and safe condition as provided
88 in Section 41-6a-1630;

89 (f) upon request, assist with any condition of unrest existing or developing on a campus
90 or related facility of an institution of higher education;

91 (g) assist the Alcoholic Beverage Services Commission in an emergency to enforce the
92 state liquor laws;

93 (h) provide security and protection for both houses of the Legislature while in session as
94 the speaker of the House of Representatives and the president of the Senate find
95 necessary;

96 (i) enforce the state laws and rules governing use of capitol hill; and

- 97 (j) carry out the following for the Supreme Court and the Court of Appeals:
- 98 (i) provide security and protection to those courts when in session in the capital city
- 99 of the state;
- 100 (ii) execute orders issued by the courts; and
- 101 (iii) carry out duties as directed by the courts.
- 102 (2)(a) The division and the department shall annually:
- 103 (i) evaluate the inventory of new and existing state highways, in coordination with
- 104 relevant local law enforcement agencies, to determine which law enforcement
- 105 agency is best suited to patrol and enforce state laws and regulate traffic on each
- 106 state highway; and
- 107 (ii) before October 1 of each year, report to the Transportation Interim Committee
- 108 and the Executive Offices and Criminal Justice Appropriations Subcommittee
- 109 regarding:
- 110 (A) significant changes to the patrol and enforcement responsibilities resulting
- 111 from the evaluation described in Subsection (2)(a)(i); and
- 112 (B) any budget request necessary to accommodate additional patrol and
- 113 enforcement responsibilities.
- 114 (b) The division and the department shall, before July 1 of each year, coordinate with the
- 115 Department of Transportation created in Section 72-1-201 regarding patrol and
- 116 enforcement responsibilities described in Subsection (2)(a) and incident management
- 117 services on state highways.
- 118 (3)(a) A district court and a justice court shall collect and maintain data regarding
- 119 violations in Sections 41-6a-1712, 41-6a-1713, and 72-7-409.
- 120 (b) Each court shall transmit dispositions described in (3)(a) electronically to the
- 121 department.
- 122 Section 4. Section 72-1-201 is amended to read:
- 123 **72-1-201 . Creation of Department of Transportation – Functions, powers,**
- 124 **duties, rights, and responsibilities.**
- 125 (1) There is created the Department of Transportation which shall:
- 126 (a) have the general responsibility for planning, research, design, construction,
- 127 maintenance, security, and safety of state transportation systems;
- 128 (b) provide administration for state transportation systems and programs;
- 129 (c) implement the transportation policies of the state;
- 130 (d) plan, develop, construct, and maintain state transportation systems that are safe,

- 131 reliable, environmentally sensitive, and serve the needs of the traveling public,
132 commerce, and industry;
- 133 (e) establish standards and procedures regarding the technical details of administration
134 of the state transportation systems as established by statute and administrative rule;
- 135 (f) advise the governor and the Legislature about state transportation systems needs;
- 136 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
137 installation, maintenance, operation, relocation, and upgrade of utilities within state
138 highway rights-of-way;
- 139 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
140 make rules for the administration of the department, state transportation systems, and
141 programs;
- 142 (i) jointly with the commission annually report to the Transportation Interim Committee,
143 by November 30 of each year, as to the operation, maintenance, condition, mobility,
144 safety needs, and wildlife and livestock mitigation for state transportation systems;
- 145 (j) ensure that any training or certification required of a public official or public
146 employee, as those terms are defined in Section 63G-22-102, complies with Title
147 63G, Chapter 22, State Training and Certification Requirements, if the training or
148 certification is required:
- 149 (i) under this title;
- 150 (ii) by the department; or
- 151 (iii) by an agency or division within the department;
- 152 (k) study and make recommendations to the Legislature on potential managed lane use
153 and implementation on selected transportation systems within the state;
- 154 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division created
155 in Section 53-8-103 regarding:
- 156 (i) future highway projects that will add additional capacity to the state transportation
157 system;
- 158 (ii) potential changes in law enforcement responsibilities due to future highway
159 projects; and
- 160 (iii) incident management services on state highways;[-and]
- 161 (m) provide public transit services, in consultation with any relevant public transit
162 provider[-] ; and
- 163 (n) implement a public service campaign as described in Section 72-2-135, in
164 coordination with relevant stakeholders including permitted landfills and transfer

stations, to generate public awareness regarding the importance of proper transportation and disposal of waste and maintaining clean roads and highways.

(2)(a) The department shall exercise reasonable care in designing, constructing, and maintaining a state highway in a reasonably safe condition for travel.

(b) Nothing in this section shall be construed as:

(i) creating a private right of action; or

(ii) expanding or changing the department's common law duty as described in Subsection (2)(a) for liability purposes.

Section 5. Section 72-2-135 is enacted to read:

72-2-135 . Litter Abatement Expendable Special Revenue Fund.

(1) There is created an expendable special revenue fund, known as the "Litter Abatement Expendable Special Revenue Fund."

(2) The fund shall consist of:

(a) the landfill minimum fine for an unsecured load as described in Section 72-7-410; and

(b) interest earnings on cash balances.

(3) The department shall use money in the fund:

(a) for litter cleanup efforts on or near highways, including highways near waste management facilities and other high-litter areas the department identifies;

(b) for a public service campaign to generate awareness regarding the importance of proper transportation and disposal of waste, the negative impact of littering, and the need to maintain clean highways;

(c) for increased enforcement of Sections 41-6a-1712, 41-6a-1713, and 72-7-410; and

(d) for the department's costs in administering the account.

Section 6. Section 72-7-409 is amended to read:

72-7-409 . Loads on vehicles -- Limitations -- Confining, securing, and fastening load required -- Penalty.

(1) As used in this section:

(a) "Agricultural product" means any raw product which is derived from agriculture, including silage, hay, straw, grain, manure, and other similar product.

(b)(i) "Unsecured load" means the contents of a vehicle, operated on a highway, not sufficiently covered, confined, fastened, or otherwise secured in a way to prevent the contents from escaping the vehicle.

(ii) "Unsecured load" includes materials such as dirt, sand, gravel, rock fragments,

- 199 pebbles, crushed base, aggregate, any other similar material, or scrap metal or
200 other loose material on any portion of the vehicle not designed to carry the
201 material.
- 202 (c) "Vehicle" means the same as that term is defined in Section 41-1a-102.
- 203 (2) Except as provided in Subsections (3) through (5), a person may not:
- 204 (a) operate a vehicle with an unsecured load on any highway; or
- 205 (b) operate a vehicle carrying trash or garbage without a covering over the entire load.
- 206 (3)(a) A vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base,
207 aggregate, any other similar material, or scrap metal shall have a covering over the
208 entire load unless:
- 209 (i) the highest point of the load does not extend above the top of any exterior wall or
210 sideboard of the cargo compartment of the vehicle; and
- 211 (ii) the outer edges of the load are at least six inches below the top inside edges of the
212 exterior walls or sideboards of the cargo compartment of the vehicle.
- 213 (b) The following material is exempt from the provisions of Subsection (3)(a):
- 214 (i) hot mix asphalt;
- 215 (ii) construction debris or scrap metal if the debris or scrap metal is a size and in a
216 form not susceptible to being blown out of the vehicle;
- 217 (iii) material being transported across a highway between two parcels of property that
218 would be contiguous but for the highway that is being crossed; and
- 219 (iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers,
220 bags, or packaging.
- 221 (c) A chemical substance capable of coating or bonding a load so that the load is
222 confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a)
223 so long as the chemical substance remains effective at confining the load.
- 224 (4) Subsection (2) does not apply to a vehicle or implement of husbandry carrying an
225 agricultural product, if the agricultural product is:
- 226 (a) being transported in a manner which is not a hazard or a potential hazard to the safe
227 operation of the vehicle or to other highway users; and
- 228 (b) loaded in a manner that only allows minimal spillage.
- 229 (5)(a) An authorized vehicle performing snow removal services on a highway is exempt
230 from the requirements of this section.
- 231 (b) This section does not prohibit the necessary spreading of any substance connected
232 with highway maintenance, construction, securing traction, or snow removal.

(6)(a) Any person suspected of operating a vehicle with an unsecured load on a highway may be issued a warning.

(b) Any person who violates this section is guilty of:

(i) ~~§→ [f]an infraction[~~a class C misdemeanor~~]~~ ←§

, if the violation creates a hazard but does not lead to a motor vehicle accident;

(ii) a class B misdemeanor, if the violation creates a hazard that leads to a motor vehicle accident; or

(iii) a class A misdemeanor, if the violation creates a hazard that leads to a motor vehicle accident that results in the serious bodily injury or death of a person.

(c) A person who violates a provision of this section shall be fined not less than:

(i) \$200 for a violation; or

(ii) \$500 for a second or subsequent violation within six years of a previous violation of this section.

(d) A person who violates a provision of this section while operating a commercial vehicle as defined in Section 72-9-102 shall be fined:

(i) not less than \$500 for a violation; or

(ii) \$1,000 for a second or subsequent violation within six years of a previous violation of this section.

(7) As resources and opportunities allow, the department shall implement programs or activities that increase public awareness on the importance of properly securing loads.

Section 7. Section ~~72-7-410~~ is enacted to read:

72-7-410 . Public landfill litter abatement fine.

(1) As used in this section:

(a) "Landfill" means a landfill or transfer station that is permitted by the Department of Environmental Quality.

(b) "Securely covered" means that the content of a load is completely covered by a solid barrier which will prevent the load from blowing, spilling, or falling from the vehicle.

(2) A driver utilizing a landfill shall ensure that the vehicle's load is securely covered from the destination of origin until the driver deposits the load at the landfill.

(3)(a) A landfill shall collect a \$10 minimum fine for a vehicle in violation of Subsection (2), beginning no later than July 1, 2026.

(b) Five dollars of the fine described in Subsection (3)(a) shall be collected by the Department of Environmental Quality and deposited into the Litter Abatement

- 266 Expendable Special Revenue Fund created in Section 72-2-135.
- 267 (c) The remainder of the fine described in Subsection (3)(a) shall be retained by the
- 268 collecting landfill.
- 269 (d) The minimum fine described in Subsection (3)(a) does not preclude a landfill from
- 270 imposing an additional or higher fine or fee for an unsecured load.
- 271 (e) A landfill may impose an additional penalty for a driver who repeatedly violates
- 272 Subsection (2).
- 273 (4) The Department of Environmental Quality may retain its associated administrative costs
- 274 from the funds described in Subsection (3)(b).
- 275 (5) A landfill shall provide an annual report to the Department of Environmental Quality on
- 276 or before March 1 regarding violations of Subsection (2).
- 277 Section 8. **Effective Date.**
- 278 This bill takes effect on May 7, 2025.



SAN JUAN COUNTY ATTORNEY

Item 11.

Mitchell D. Maughan

County Attorney

Jens P. Nielson

Deputy County Attorney

MITCHELL D. MAUGHAN (6419)

San Juan County Attorney

JENS P. NIELSON (8246)

Deputy County Attorney

PO Box 850

Monticello UT 84535

T 435-587-2128

June 27, 2025

Dear Commissioners:

This letter is intended to assist in your decision regarding Phase 2 of the Sky Ranch Estates Subdivision.

The airstrip was first registered with the FAA as a private airstrip in the 1980s, and was known on FAA records as UT53. In 2000, Phase I of Sky Ranch Estates subdivision was approved by the County, which subdivision included the airstrip (UT53). In 2017 the airstrip was paved, widened, and lengthened to improve usability and safety (larger buffer zones). In 2018, Phase I Amended was approved by the County. This approval included the new and improved airstrip. No objections by adjoining landowners were made; and to date no accidents related to the airstrip have been reported, and no safety concerns have been raised by the public until the Phase 2 application came before the county.

Challenging the airstrip's safety at this point would be without a viable legal basis. How would the county argue after making these prior approvals that the airstrip is now to be deemed unsafe, especially without any accident reports or other reports of incidents related to safety?

It was under these circumstances that the application for Phase 2 was brought to County, beginning with the Planning and Zoning Commission in October of that year.

On February 11, 2021, the P&Z Commission unanimously recommended approval of Phase 2 to the County Commission. On February 16, 2021, the County Commission approved Phase 2. It is clear that the County Commission heard safety concerns and considered them. Below is a sampling of those who spoke at the meeting:

- Beverly O'Neil spoke about safety concerns.
- Mary McGann with Grand County Airport Board asked for delaying approval due to safety concerns.
- Kevin Walker spoke about safety and impact of the airstrip as to neighboring landowners.

- Karl Spielman spoke about lack of safety provisions for the airstrip.
- Nick Lee asked the decision for Sky Ranch be postponed due to impact on surrounding residential landowners.
- Monette Clark asked to delay approval until safety concerns could be resolved.

Helpful in understanding the mindset of the P&Z Commission and County Commission in approving Phase 2 are the words of Scott Burton (then P&Z Director) when presenting his recommendation to the County Commission on February 16, 2021:

Thanks, Mr. Maryboy and commissioners [inaudible] and Grayeyes. My purpose in being here is the County has received application for the sky ranch estates subdivision phase 2. That application was received the end of October 2020. Since that time, the county staff has reviewed the subdivision application [inaudible] and the plat. Um, several changes were made with the developer as we went back and forth with the subdivision application. For three months, it was, once we felt that it met the requirements of the current zoning that was in place, we recommended, we placed this on the agenda for the San Juan County Planning Commission, which they, um, considered at their February 11th meeting and approved this subdivision phase 2. There have been some questions with a couple of comments about lot sizes. The lot sizes, do meet the county requirement of 10,890 minimum square feet even with the even when you subtract the easements for the runway. There was also some things brought up about buffer zones at each end of the runway. None of those zones exist in our current zoning, um, so as staff as we reviewed this, we feel that it does meet the requirements of current zoning in place, so it is now on your agenda for your approval....”

And

Yea, so the airport, the airport had their FAA license was, has been in effect since 1985, so they’ve had their, they’ve operated the airport, the airport was in operation which, I think, predates most of the housing in that area. Um, so, that’s where ... We’re not necessarily going back to 1985 to consider the airport.

Safety concerns related to residential dwellings within Phase I or Phase 2 of the subdivision can be addressed at the time of permitting and construction. Various safety measures could be required by the county, all of which the applicant has agreed to do, including limiting the number of flights per day, pilot licensing requirements, plane inspections, installation of barriers, and the like.

In summary:

Phase 1 Amended of the Sky Ranch Estates Subdivision was approved by the County Commission in 2018 without objection. As such, the owner is vested in that approval, which included the modified airstrip. The modified airstrip is not going away, regardless of what happens with Phase 2.

The County is not aware of any reported accidents or incidents related to safety prior to its receipt of the application for Phase 2 of the Sky Ranch Estates Subdivision.

The Planning and Zoning Commission and County Commission did receive and hear numerous statements related to safety during the course of the Phase 2 application, but focused on the residential subdivision requirements of the application because the airstrip had been included in two prior approvals and the County felt there was no basis to now consider the airstrip unsafe, or to focus on the airstrip as a reason to deny the Phase 2 application.

The County feels it can address safety concerns related to residential housing by implementing the measures set forth above, all of which the applicant has agreed in writing to adhere to.

If the Commission agrees on these points, we can assist in providing written findings for the Court that incorporate that which is set forth above.

Sincerely,

/s/ Jens P Nielson

Jens P Nielson
Deputy 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 ORDIANCES 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.



Mitchell D Maughan
County Attorney

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



SAN JUAN COUNTY ATTORNEY

Mitchell D Maughan
County Attorney

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).



SAN JUAN COUNTY ATTORNEY

Mitchell D Maughan
County Attorney

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,



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:

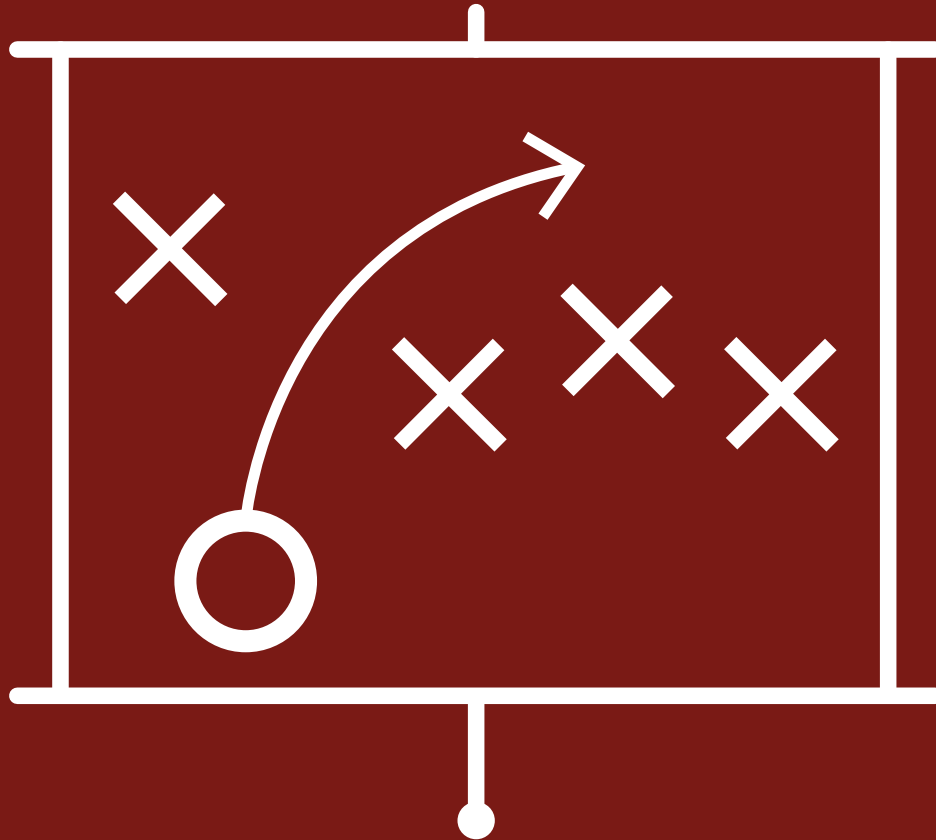
November (Clean-Up List Month Part II)

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?

Item 12.

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 the 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

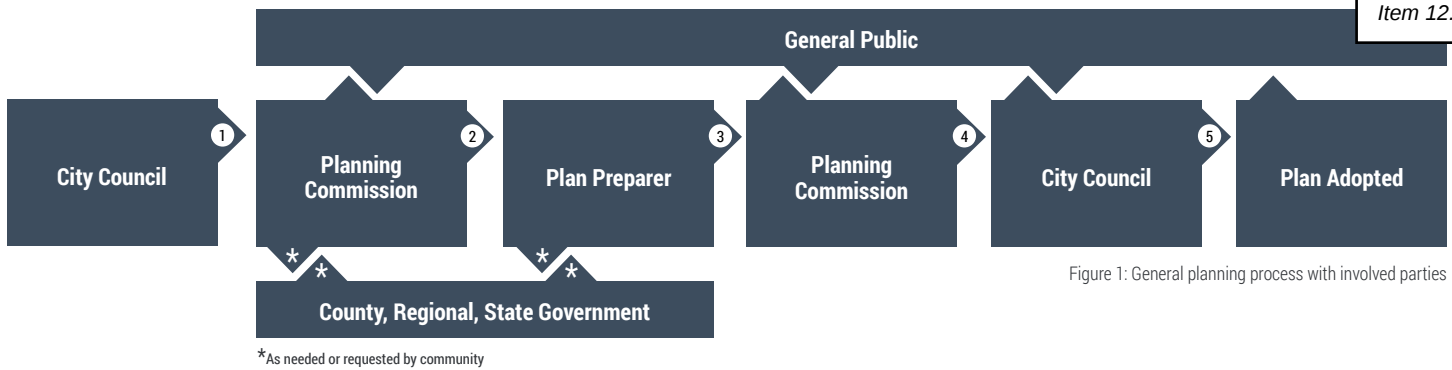


Figure 1: General planning process with involved parties

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.

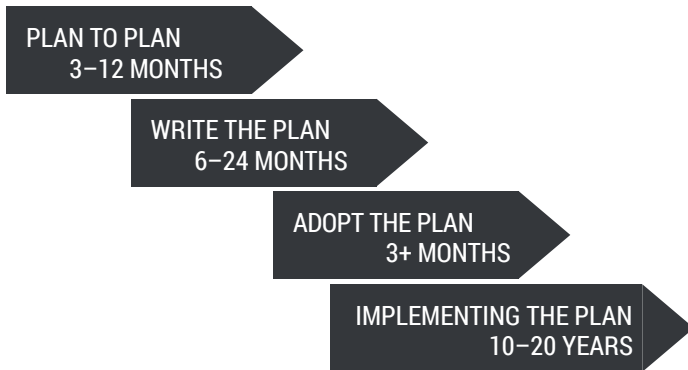


Figure 2: Rough Planning Timeline⁷

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.

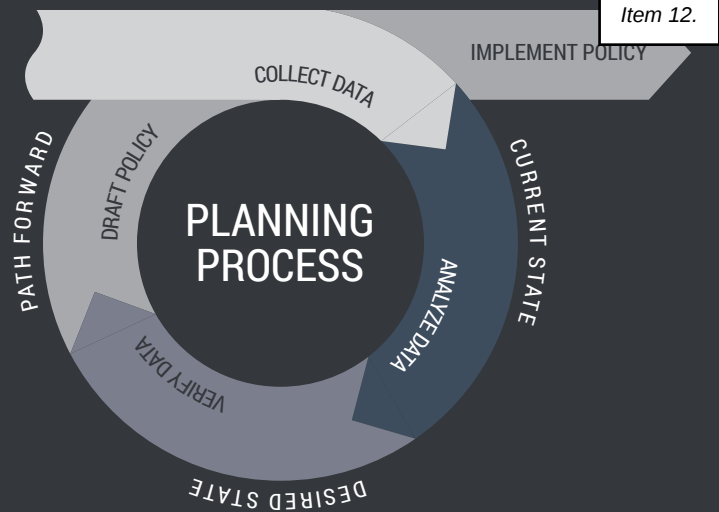


Figure 3: General planning writing process for each section

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.



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 in good condition	Item 12.
	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?		
--	--	--

* 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.)



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

For more resources, visit ruralplanning.org/toolbox

This document is disseminated by the Community Development Office, housed in the Housing and Community Development Division, part of the Department of Workforce Services, in the interest of information exchange. The state assumes no liability for its contents or use thereof. This publication does not constitute a state standard, specification, specific recommendation or regulation.

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