



**Local Government
& Land Use Consulting**
930 Chambers St, Suite 2
South Ogden, UT 84403
(801) 732-7200

TO: Honorable Mayor and Garland City Council
FROM: Valerie Claussen, MPA, AICP
MEETING DATE: August 5, 2026

RE: Discussion and Possible Action on Resolution R-26-24 adopting the Adequate Public Facilities Administration Policy

RECOMMENDATION:

Move to adopt Resolution R-26-24 approving the Adequate Public Facilities Administration Policy.

Background

The Adequate Public Facilities Ordinance was adopted by City Council in December 2025 to help facilitate the orderly growth and development of the City and establish better concurrency with new development and the available capacity of the City's water, sewer, storm drain and transportation facilities. This Administration Policy will further assist the City in reviewing adequacy determinations when it comes specifically to the sewer.

Attachments

- 1) Resolution R-26-24 Adequate Public Facilities Administration Policy



RESOLUTION NO. R-26-24

A RESOLUTION OF THE GARLAND CITY COUNCIL ADOPTING THE GARLAND CITY ADEQUATE PUBLIC FACILITIES PLAN (APFP); ESTABLISHING POLICIES FOR DETERMINING THE AVAILABILITY OF PUBLIC FACILITIES NECESSARY TO SERVE NEW DEVELOPMENT; IMPLEMENTING THE CITY'S ADEQUATE PUBLIC FACILITIES ORDINANCE; PROVIDING FOR THE COORDINATION OF LAND USE AND CAPITAL FACILITIES PLANNING; AUTHORIZING ADMINISTRATION OF THE PLAN; PROVIDING FOR ANNUAL REVIEW; PROVIDING FOR AMENDMENTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Garland City ("City") is a municipal corporation organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council is authorized by the Utah Constitution, the Utah Municipal Code, and the Utah Municipal Land Use, Development, and Management Act ("LUDMA"), Utah Code Title 10, Chapter 9a (or its successor provisions), to regulate land use and development in order to protect the public health, safety, and general welfare; and

WHEREAS, the City has adopted a General Plan establishing long-range goals for growth, land use, transportation, utilities, public services, economic development, and community character; and

WHEREAS, the City has adopted or is in the process of adopting master plans for culinary water, wastewater, storm drainage, transportation, parks, and other public infrastructure in order to guide the orderly expansion and maintenance of municipal facilities; and

WHEREAS, the City has adopted an Adequate Public Facilities Ordinance ("APFO") requiring that certain development applications demonstrate the availability of adequate public facilities before approval; and

WHEREAS, the City recognizes that orderly growth requires the careful coordination of land development with the planning, financing, construction, operation, and maintenance of public infrastructure; and

WHEREAS, the City further recognizes that approving development without adequate public facilities may result in:

- degradation of municipal services;
- increased financial burdens upon existing taxpayers;
- public health and safety concerns;
- reduced reliability of public utilities;
- unnecessary capital expenditures;
- inequitable allocation of limited public resources; and
- inconsistent implementation of the City's General Plan;

and

WHEREAS, the City Council finds that public facilities should be available concurrently with development whenever reasonably practicable and that adequate public facilities planning promotes responsible growth while protecting existing residents and future development alike; and

WHEREAS, the City desires to establish a comprehensive Adequate Public Facilities Plan ("APFP") that provides consistent standards, administrative procedures, technical guidance, and annual reporting for determining whether adequate public facilities are available to serve proposed development; and

WHEREAS, the City Council further finds that the APFP should coordinate with:

- the General Plan;
- adopted Master Plans;
- Capital Improvement Plans;
- Capital Facilities Plans;
- Impact Fee Facilities Plans;
- engineering design standards;
- development agreements;
- utility planning documents;
- and other adopted municipal policies;

to ensure that infrastructure planning remains comprehensive, predictable, and fiscally responsible; and

WHEREAS, the City Council has reviewed the proposed Garland City Adequate Public Facilities Plan attached hereto as **Exhibit A**, has received input from City staff and the City Engineer, and finds that adoption of the Plan serves the best interests of Garland City and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Garland City, Utah, as follows:

Section 1.

Adoption.

The document entitled "**Garland City Adequate Public Facilities Plan (APFP)**," attached as **Exhibit A**, is hereby approved and adopted as the official Adequate Public Facilities Plan of Garland City.

The Plan shall be maintained by the City Recorder and shall be incorporated into the City's official planning documents.

Section 2.

Purpose.

The purpose of the APFP is to establish uniform policies and procedures for determining whether adequate public facilities are available to serve proposed development while protecting the public health, safety, welfare, and fiscal integrity of Garland City.

The APFP is intended to:

- A. Coordinate land use decisions with available public infrastructure;

- B. Preserve adopted levels of municipal service;
- C. Protect the City's investment in public facilities;
- D. Ensure equitable allocation of available public capacity;
- E. Provide consistent standards for development review;
- F. Improve long-range capital planning;
- G. Promote orderly and sustainable community growth; and
- H. Implement the City's Adequate Public Facilities Ordinance.

Section 3.

Relationship to Other Planning Documents.

The APFP shall be administered in conjunction with the City's:

- General Plan;
- Culinary Water Master Plan;
- Wastewater Facilities Master Plan;
- Storm Drain Master Plan;
- Transportation Master Plan;
- Parks and Recreation Master Plan;
- Capital Improvement Plan;
- Capital Facilities Plans;
- Impact Fee Facilities Plans;
- Engineering Design Standards;
- Development Agreements;
- Municipal Code; and
- any other planning documents adopted by the City Council.

Nothing contained herein shall supersede any applicable provision of state law or Garland City ordinance.

Section 4.

Administration.

The Mayor, City Planner, City Engineer, Public Works Director, Planning Commission, Building Official, City Recorder, and such other City officials as may be designated by ordinance or policy are authorized and directed to administer the APFP consistent with Utah law, City ordinance, and this Resolution.

Section 5.

Annual Adequate Public Facilities Report.

The City Administrator and City Engineer shall prepare, or cause to be prepared, an Annual Adequate Public Facilities Report for review by the City Council.

The report should include, as applicable:

1. Existing public facility capacity;
2. Committed capacity;
3. Remaining available capacity;
4. Public facility deficiencies;
5. Recommended capital improvements;
6. Utility constraint areas;
7. Development activity;
8. Available Equivalent Residential Unit (ERU) allocations;

9. Recommendations concerning development limitations, allocations, or temporary restrictions; and

10. Any additional information deemed necessary for implementation of the APFP.
The Annual Report may be incorporated into the City's Capital Improvement Planning process and Impact Fee Facilities Planning documents where appropriate.

Section 6.

Amendments.

The Garland City Council may amend the APFP by resolution following review and recommendation by the Mayor, City Planner, City Engineer, Planning Commission when required, and any other advisory body deemed appropriate by the City Council. Minor administrative forms, worksheets, technical manuals, engineering standards, mapping updates, and administrative procedures referenced within the APFP may be updated administratively unless otherwise directed by the City Council.

Section 7.

Interpretation.

This Resolution and the APFP shall be interpreted to further the purposes of the City's Adequate Public Facilities Ordinance and applicable Utah law.

In the event of any conflict between the APFP and any controlling ordinance, state statute, or court decision, the ordinance, statute, or controlling law shall govern.

Section 8.

Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Resolution or the attached APFP is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall not affect the remaining portions, which shall continue in full force and effect.

Section 9.

Effective Date.

This Resolution shall become effective immediately upon its adoption.

APPROVED, PASSED AND ADOPTED by the City Council of Garland, Utah, this 5 day of ~~July~~, 2026.

August.

GARLAND CITY



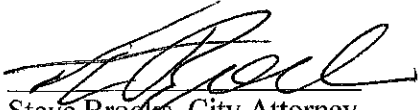
Danny Austin, Mayor

ATTEST:


Whitney Eggleston, City Recorder



APPROVED AS TO FORM:


Steve Brooks, City Attorney

VOTING:

Jeanette Atkinson	Yes <u>/</u>	No <u> </u>	
Josh Munns	Yes <u>/</u>	No <u> </u>	
Tena Allen	Yes <u>/</u>	No <u> </u>	
Jim Hall	Yes <u>/</u>	No <u> </u>	
Angie Johnsen	Yes <u> </u>	No <u> </u>	Absent x

Exhibit A

Sewer Capacity Allocation and APFO Administration Policy

Purpose

This policy establishes a practical framework for administering sewer-related adequacy determinations under Title 12 of the City Code when treatment plant capacity or collection system performance is constrained, including seasonal constraints caused by infiltration and inflow. It is intended to provide predictable, data-based, and uniform direction to staff, applicants, the Planning Commission, and the City Council in applying the Adequate Public Facilities Ordinance (APFO). This policy supplements Title 12 and is adopted pursuant to the City Council's authority to establish rules, regulations, administrative guidelines, forms, worksheets, and processes necessary to efficiently and fairly implement the APFO.

Findings

The City's APFO requires sewer adequacy determinations before qualifying development applications proceed and provides that sewer impacts are evaluated on a citywide basis through the sewer model, with the minimum service capacity standard determined by the City.

The APFO also requires the City to monitor existing development, committed development, sewer capacity identified in the Capital Facilities Plan, and capacity created by current capital projects, and it requires an annual adequacy report with particular focus on sewer capacities and recommended limitations, restrictions, or allocations.

Because wastewater systems affected by infiltration and inflow may experience seasonal or wet-weather peak loading that materially differs from average dry-weather conditions, the City must base sewer adequacy administration on demonstrated operational conditions rather than nominal design assumptions alone.

Policy statements

1) Sewer adequacy standard

- For APFO administration, sewer capacity shall be evaluated using the most recent adopted Sewer Adequacy Report¹, the City's sewer model, available plant operations data, and the City Engineer's written analysis.

¹ The baseline Sewer Adequacy Report is the 2026 Garland City Wastewater Facility Plan. After this first year there will be an annual Sewer Adequacy Report completed to analyze the Sewer capacity and existing conditions.

The City Engineer shall identify: existing average day flow, peak day flow, wet-weather peak flow, committed demand, remaining available capacity, known collection constraints, and any seasonal period during which the treatment plant or key collection facilities operate at or above the City's adopted minimum service capacity standard.

If the City Council has determined through the adopted Sewer Adequacy Report, that sewer facilities are inadequate, staff shall issue a negative adequacy recommendation for sewer unless and until adequate capacity is restored, because Title 12 does not allow conditional adequacy recommendations where water or sewer facilities have been deemed inadequate.

2) Annual ERU allocation framework

For each annual reporting period, the City shall establish by resolution a citywide sewer allocation expressed in Equivalent Residential Units (ERUs), based on the available capacity identified in the Sewer Adequacy Report after accounting for existing demand, committed development, operational reserve, and safety margin.

Unless otherwise established by Council in the annual resolution, the annual sewer allocation shall be divided as follows:

- 10 ERUs reserved for Tier 1 projects.
- 40 ERUs reserved for Tier 2 projects.
- 0 ERUs are reserved for Tier 3 projects*

** Unused Tier 1 or Tier 2 allocations may be reallocated by Council after the midpoint of the reporting year if the City Engineer confirms that doing so will not reduce service reliability during the seasonal peak period.*

- 10 percent of otherwise available annual ERUs held as an unallocated operating reserve that may be released by Council only upon recommendation of the Administrator and City Engineer if updated flow data supports that release.

3) Project tiers and thresholds

Projects shall be classified for sewer allocation purposes as follows:

Tier	Project size	Standard review path
Tier 1	1 to 3 ERUs	Administrative sewer capacity check and standard adequacy worksheet
Tier 2	4 to 25 ERUs	Engineer review memo addressing plant capacity, downstream conveyance, and timing/phasing
Tier 3	26 or more ERUs, or any project expected to generate more than 10,000 gallons per day	Full sewer impact analysis, model review as needed, and Council-specific allocation decision

If a project is phased, the total project ERUs—not only the first phase—shall determine the project tier unless Council expressly approves a phased allocation schedule tied to demonstrated future capacity.

a) Tier 1 Projects

Tier 1 projects are intended to accommodate small-scale infill and individual legal lot development while preserving a narrow amount of citywide sewer capacity for ordinary low-impact growth.

A Tier 1 project may receive a positive adequacy recommendation when all of the following are met:

- The project adds no more than 3 ERUs.
 - Sufficient ERUs remain in the Tier 1 reserve.
 - The project is not located in a mapped sewer constraint area or, if it is, the City Engineer finds the connection will not worsen a known localized deficiency.
 - The applicant complies with all City sewer construction standards, including watertight connections and any applicable inspection or testing requirements.
- Once the annual Tier 1 reserve is exhausted, additional Tier 1 applications shall either wait for the next allocation period or be considered by Council only if unused capacity from another tier is formally reallocated.

b) Tier 2 Projects

Tier 2 projects are intended to capture moderate scale development that is large enough to noticeably draw on available sewer capacity but still small enough that localized engineering review and targeted conditions can typically address impacts. Tier 2 projects generally include small to midsize subdivisions, modest multifamily projects, and similar uses that do not, by themselves, dictate citywide allocation decisions.

Tier 2 projects may receive a positive adequacy recommendation only when the City Engineer determines that both treatment capacity and relevant collection system capacity remain available during the applicable seasonal peak period. When capacity is limited but not yet deemed inadequate, the City may recommend phased approvals, delayed recordation, delayed building permits, or other conditions authorized by Title 12, provided sewer has not been formally deemed inadequate by Council.

c) Tier 3 Projects

Tier 3 projects are major capacity users and shall not be approved on a first-come, first-served basis without a project-specific Council finding that sufficient citywide sewer capacity exists after accounting for all existing development, committed development, adopted reserves, and previously allocated projects.

Tier 3 projects are intended to capture major developments whose sewer demands are significant enough to influence citywide capacity planning, timing of capital improvements, and how remaining ERUs are allocated among other projects. Tier 3 projects typically include large residential subdivisions, substantial multifamily or mixed-use projects, or other high demand uses that can materially affect plant loading, key trunk lines, and the City's ability to serve future growth.

- Tier 3 applications shall include a sewer impact analysis prepared by a qualified engineer addressing projected average day flow, peak flow, seasonal loading implications, downstream conveyance impacts, phasing, and any public improvements or reimbursements proposed under a development agreement.

Unless the City Council finds otherwise based on substantial evidence in the record, no single Tier 3 project shall receive more than 50 percent of the annual Tier 3 allocation in a single reporting year.

4) Constraint areas and localized deficiencies

The Administrator and City Engineer shall maintain and periodically update a sewer constraint area map showing basins, trunk lines, pump stations, or subareas with known surcharge risk, excessive infiltration and inflow, or unresolved operational deficiencies.

A project may have citywide plant capacity available but still receive a negative adequacy recommendation if the City Engineer determines the localized collection system serving the site lacks available capacity or reliability at the adopted minimum service capacity standard.

5) Allocation procedures

Sewer capacity allocations shall be tracked on a first-complete, first-reviewed basis within each project tier, subject to Council's retained discretion on adequacy determinations under Title 12.

For each adequacy recommendation involving sewer, staff shall include at minimum:

- Existing plant demand.
- Committed demand.
- Proposed project ERUs and estimated flow.
- Remaining annual tier allocation before and after the project.
- Whether the project is within a sewer constraint area.
- Whether the recommendation is positive, negative, or positive with conditions, if authorized by Title 12.

No sewer allocation shall vest until Council adopts the associated adequacy determination, and any unused allocation shall expire with the adequacy determination unless otherwise reallocated by Council in the annual Sewer Adequacy Report or a subsequent resolution.

6) Development agreements and capital improvements

Where sewer capacity is limited but not deemed inadequate, the City may require a development agreement that phases development, defers later permits, or requires applicant participation in planned capital improvements already identified in the applicable Capital Facilities Plan, consistent with Title 12.

Any such agreement shall include, as applicable, an engineer's cost estimate, schedule for construction, identification of cost participation, and a clear statement of the amount and timing of capacity made available to the project.

7) Moratorium or temporary suspension

If operating data shows that the treatment plant or sewer system is exceeding the City's adopted minimum service capacity standard such that additional allocations would create an unreasonable risk of service failure, permit noncompliance, or public health concerns, the Council may adopt a temporary moratorium or suspend new sewer allocations pending completion of corrective actions or the next Sewer Adequacy Report.

Any moratorium or suspension should identify the factual basis, the affected application types, exemptions if any, the corrective actions underway, and the conditions for termination.

8) Administration of this policy

The City Engineer is directed to provide the technical basis for ERU conversion factors, seasonal capacity assumptions, operating reserve recommendations, and updates to sewer constraint mapping used under this policy.

As needed, the Administrator is directed to prepare standard forms or templates to implement this policy in a uniform manner.

If any provision of this policy conflicts with Title 12 or other controlling law, the ordinance and controlling law shall govern

