**Utah Land Use Institute**

**April 6/7, 2023**

**Notes: P. Gardiol**

***General Plan***

- Is aspirational/directional, not mandatory, but follow it as closely as possible.
- Give the Plan a lot of weight, but consider what the market says.
- General Plan modifications:
    - Transit area plan
    - Water use and preservation element. Work with the Division of Water Rights and submit to local AOG within 45 days of completion.
    - Property rights coalition for LU task force to standardize development. The burden shifts to cities as to why this is excessive – an expensive fight.

***Land Use***

- Utah State had 35 LU bills and passed 19. The Legislature is getting more into LUDMA, and harder to understand the volume of lines of code. No one person has a good handle on it. Cities will need more planners to navigate this.
- Top-down from the Legislature, but better cooperation in Utah than in other states.

***Zoning Reform:***

- Is tied to the housing affordability crisis, interest rates, construction labor, supply chain, and materials.
- Reduce single-family development.

***MIH:***

- The Legislature is pushing for MIH action – wants cities to enable more MIH. All city plans are being actively reviewed and picked over for details. The message is, "No, we really mean it!"
- Ivory Homes has 'winning" plans for MIH.
- Moab has a 42-acre land trust
- Low-income housing tax credits.
- Utah Housing Corporation has low to moderate housing as their focus with packages – CROWN, etc.

***SB174 ADU***

- Subdivision – Administrative LU authority decides subdivisions. Planning Commission reviews preliminary plans or staff does it. Final approval at the staff level. No more concept plan approval to PC. The rationale is, "this will create lower-cost housing." – Cox.

***LU Ordinances –***

- Council is not to be the LU authority; they are legislators.
- At least *half* of the PC's job is to update ordinances. Hold work sessions as necessary to do this.

- *Instruct PC to plan*, not do permits, etc., no public hearings, no applications.
- Preliminary plans are planning-heavy; final plans are tech-heavy.
- Co-ownership (STR/timeshare) can't regulate these differently.

***Property expectation vs. property rights.***

- We can't fight over every change.
- As long as property owners have an economically viable use, it is not a taking. Still have the right to occupy/sell the property.

***Transfer of Development Rights and Land Trusts – Practical Tools to Preserve Community Character, John M. Janson, et al.***

Key Planning Elements of TDRs

1. Designate preservation areas (sending entity).
2. Designate growth receiving area – have to plan for it.
3. Determine if not, create a market for development rights.
4. Define TDR procedures and transfer rights.

Recommendations:

- Look at least likely areas for TDR.
- Have an over-the-counter TDR program – no conditional use process.
- Create a TDR market with sending and receiving areas.
- "Fee-in-lieu" feature.