

**MAPLETON CITY  
PLANNING COMMISSION MINUTES  
September 24, 2009**

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**PRESIDING AND CONDUCTING:** Chairman Oscar Mink

**Commissioners in Attendance:** Jared Bringham  
Rick Maingot  
Skip Tandy  
Leo Thomsen  
Alternate Jeff Hawkins

**Staff in Attendance:** Cory Branch, Planning Director

**Minutes Recorded by:** April Houser, Executive Secretary

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Chairman Mink called the meeting to order at 6:30pm. Oscar Mink led the Pledge and Jeff Hawkins gave the invocation.

*Items below are not necessarily in the order they were heard.*

**Item 1. Trails Sub-Committee Meeting Minutes – August 17, 2009.**

**Motion:** Commissioner Thomsen moved to approve the Trails Sub-Committee Meeting Minutes for August 17, 2009.  
**Second:** Commissioner Maingot  
**Vote:** Unanimous

**Item 2. Transportation Advisory Commission Meeting Minutes – August 20, 2009.**

**Motion:** Commissioner Maingot moved to approve the Transportation Advisory Commission Meeting Minutes for August 20, 2009.  
**Second:** Commissioner Bringham  
**Vote:** Unanimous

**Item 3. Planning Commission Meeting Minutes – September 10, 2009.**

**Motion:** Commissioner Tandy moved to approve the Planning Commission Meeting Minutes for September 10, 2009.  
**Second:** Commissioner Thomsen  
**Vote:** Unanimous

**Item 4. Mapleton City requests a work session to discuss Variances, Appeals, the Board of Adjustment, the Judicial System, Current Trends in Planning, Innovative Zoning Techniques, and Internet and Printed Resources on Planning.**

The Work Session Presentation given to those in attendance by **Cory Branch**, Planning Director, was made an attachment to the minutes for this meeting. This information was also sent to each of the Planning Commissioners; those in attendance and those absent from this meeting.

**Item 5.           Adjourn**

**Motion:**           Commissioner Tandy moved to adjourn the meeting at 7:21pm.

**Second:**           Commissioner Bringhurst

**Vote:**               Unanimous

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April Houser, Executive Secretary

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Dated:

\_\_\_\_\_  
Oscar Mink, Planning Commission Chairman

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Dated:

\_\_\_\_\_  
Cory Branch, Planning Director

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Dated:

# **Item 4 of 4**

## **Work Session:**

**Mapleton City requests a work session to discuss Variances, Appeals, the Board of Adjustment, the Judicial System, Current Trends in Planning, Innovative Zoning Techniques, and Internet and Printed Resources on Planning**

# The Board of Adjustment

- In some places, is called “Zoning Board of Adjustment,” or “Zoning Board of Appeals”
- The B.O.A. is a “Quasi-Judicial” Board
- Members are appointed by the City Council with set terms (like the Planning Commission)
- Decides Variances, Appeals (of Staff or some Planning Commission decisions), and Special Exceptions as specifically allowed by the zoning ordinance

# Variances

- Allows an Applicant to “vary” from the zoning ordinance in some way
- Common examples: building setbacks, building height, lot area, lot frontage, lot coverage
- Use variances are illegal and should not be granted – example: shopping mall use in an exclusively residential zone

# Requirements for Variances

- See Utah Code 10-9a-702.
- 5 requirements in Utah State Code (must meet all 5):
  - (i) literal enforcement of the ordinance would cause an **unreasonable hardship** for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
  - (ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
  - (iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
  - (iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
  - (v) the spirit of the land use ordinance is observed and substantial justice done.
- Also, Utah Code says that an “**unreasonable hardship**” under (i) cannot be self-imposed or economic.
- Generally, the most difficult requirements to meet are numbers (i) and (ii).

# Appeals

- There can be multiple appeal authorities within a City, as specified by City Code
- Board of Adjustment handles most zoning appeals
- Planning Commission or City Council could be the designated appeal authority for specified appeals – example: in Mapleton, City Council hears appeals of Conditional Use Permit decisions made by the Planning Commission.
- After all appeals are exhausted within the City, Appellants can take their case through the Judicial System.

# The Judicial System

- “*A Higher Authority*” – when administrative remedies (decisions by the Planning Commission, City Council, or Board of Adjustment) at the city level fail.
- City Justice Court – hears local criminal misdemeanors, infractions, and zoning ordinance violations
- Utah Supreme Court – Final authority on the interpretation of the Utah Constitution – hears land use cases dealing with state law referred to it by federal courts.
- U.S. District Court
- U.S. Circuit Courts of Appeal
- U.S. Supreme Court – The ultimate legal authority in the United States

# Current Trends in Planning

- **“SUSTAINABILITY”** – The main focus of the past few years. General goals are to use land efficiently, protect the environment by reducing automobile dependence, and create balanced land uses in communities. Its many manifestations include:
  - **New Urbanism** – Reviving traditional compact, mixed use development patterns in new development.
  - **Smart Growth** – Orderly infill development before urban sprawl – Example: Portland’s & Spanish Fork’s Urban Growth Boundaries
  - **Transit-Oriented Development (TOD)** – Higher density development centered around rail or other mass-transit routes
  - **Green Building** – Movement to use more environmentally friendly and energy efficient materials in building construction
  - **Leadership in Energy & Environmental Design (LEED) Certification** – several levels of certifications/awards for using energy efficient building designs and green building materials
  - **Local agriculture / food distribution** – movement to encourage local food production and distribution – Examples: community gardens, local farmers markets, encouraging grocers who buy produce locally

# Innovative Zoning Techniques

- **Transferable Development Rights (TDRs)** – Very familiar to Mapleton.
- **Purchase of Development Rights (PDRs)** – Example: Park City has floated several bonds to either purchase development rights or purchase title to open space for environmentally or culturally sensitive sites.
- **Cluster Zoning** – Example: Mapleton's RA-1-C Zone (repealed)
- **Density Bonuses** – more density granted in exchange for development amenities (limits should be spelled out in the zoning ordinance).
- **Environmentally Sensitive Zoning** – Example: Mapleton's CE-1 Zone.
- **Overlay Zoning** – Example: A Historic Preservation District Overlay Zone, or a Sexually Oriented Business Overlay Zone.
- **Floating Zones** – Zoning designations contained in the zoning ordinance that are on the books but not applied according to the General Plan; sites are rezoned to the floating zone when a suitable site is found that meets all of the provisions of the floating zone. Can be used to encourage a specific type of development, such as research parks or multi-family development. The zone should also mitigate impacts to adjacent properties.
- **Planned Unit Developments (PUDs)** – Allows zoning provisions which are more flexible than the normal zoning for an area would allow. Example: Mapleton's PRC and PRD Zones.
- **Tax Increment Financing (TIF)** – An Economic Development tool rather than a zoning tool. Financing some or all of a new development or re-development (usually commercial or industrial) by using a loan that is paid back by taxes which are agreed not to be collected for a certain period by a city and other local tax-receiving entities in order to attract development that would otherwise not come.

# Internet Resources on Planning

- [www.planning.org](http://www.planning.org) – American Planning Association (APA) - Best resource on planning in general.
- [www.utah-apa.org](http://www.utah-apa.org) – Utah Chapter of the APA - Utah Planning News & Events
- [www.ulct.org](http://www.ulct.org) – Utah League of Cities and Towns (ULCT) – Advocates for cities and towns with the state legislature
- [www.mountainland.org](http://www.mountainland.org) – Mountainland Association of Governments (MAG) - Serves Summit, Utah and Wasatch Counties and Cities. Main job is regional Transportation Planning. Provides local assistance to member cities.
- [www.planning.utah.gov](http://www.planning.utah.gov) – Utah Governor's Office of Planning & Budget (mainly a research organization)
- [www.envisionutah.org](http://www.envisionutah.org) – Envision Utah (A Utah State Public/Private Partnership) – good planning research and tools
- [www.planetizen.com](http://www.planetizen.com) – Planetizen – Resources on planning and development issues
- [www.cyburbia.org](http://www.cyburbia.org) – Cyburbia (Planning Resources & Forums)

# Printed Resources on Planning

- APA Bookstore ([www.planningbooks.com](http://www.planningbooks.com))  
– all the planning books you could image
- Planning Magazine – Published by APA
- Journal of the American Planning Association (JAPA) – Academic Journal published by APA
- Utah APA Newsletter (free) – download online

## **Podcasts (Downloadable Audio Talks / .mp3 – can subscribe for free on iTunes)**

- American Planning Association (APA)
- American Institute of Architects (AIA) – lots of information on green building and sustainability
- Planetizen – General news on planning and development issues.
- Utah League of Cities and Towns (ULCT) – Have to download directly from their websites