OGDEN - LAYTON AREA
RGC TECHNICAL ADVISORY COMMITTEE
MARCH 8, 2006
10:30 AM - 12:00 PM
MEETING SUMMARY

AGENDA ITEM	DISCUSSION	ACTION
1. Welcome and Introductions	The Ogden - Layton Technical Advisory Committee (O-L TAC) was chaired by Wilf Sommerkorn, Davis County. Wilf opened the meeting by having the O-L TAC members introduce themselves.	None Required
2. Meeting Summary – February 8, 2006	Jan Ukena, Riverdale City, made a motion to approve the February 8, 2006 meeting summary for the Ogden - Layton TAC. Gregg Benson, Clearfield City, seconded the motion and they were approved by the O-L TAC. RGC TAC meeting summaries are posted at http://www.wfrc.org/committee/rgc-ogtac.htm.	Approved
3. RTP System, Project, and Phase Selection Process	Greg Scott, WFRC, handed out the Regional Transportation Plan (RTP) Flowchart, RTP Process Summary, and System and Project Process. He stated that the upcoming Regional Transportation Plan process would reassess the desirability of all transportation projects not already in the five-year Transportation Improvement Program (TIP). He then explained the proposed process and set of measures proposed for the evaluation of proposed projects for both the WFRC and MAG RTP. In a continuing effort to improve the RTPs, this process was developed by WFRC, MAG and UDOT staffs and applies to system, project and phase selection. For roadways, this process largely merges and "spells out" the RTP processes previously used by MAG or WFRC and adds some new measures to reflect the adopted Regional Growth Principles. For transit, this proposal modifies the process and measures adopted in 2003 by the Transit 2030 Committee. The purposes of this proposal are to: (1) incorporate the adopted Regional Growth Principles; (2) coordinate the transit and roadway processes and measures; (3) more clearly define the system, project, and phase selection processes; (4) accommodate a more comprehensive look at transportation needs and benefits; (5) more specifically address significant environmental and social impacts; and (6) apply SAFETEA-LU and recent changes in FTA guidance practice. Greg asked the Regional Growth Technical Advisory Committee members to agree to recommend to the Regional Growth Committee (RGC) the adoption of the proposed process and general measures and to give notice to proceed to WFRC staff with testing, potentially modifying and applying the detailed measures and weightings. Greg then fielded questions from the O-L TAC. He clarified that even those projects that have undergone corridor level studies, e.g. environmental impact studies, will be reevaluated for inclusion in the upcoming RTP. However, he noted that these projects with corridor level studies will benefit in the proposed scoring system based on the fact that they have had corridor level studies. Greg also indicated that some of the more significant changes to the process are inclusion of measures for the Regional Growth Principals, the creation of a 'spelled out' process and measures, a closer evaluation of system wide affects, and the creation of 'end of phase' networks that can 'stand alone'. Mayor Joe Gertge, South Weber City, made the motion to recommend that the RGC adopt the proposed process and general measures and give notice to WFRC to process in testing, potentially modifying, and applying the detailed measures and weightings. Steve Parkinson, Ogden City, seconded the motion and the O-L TAC approved the motion unanimously. **Please contact Greg Scott at 363-4230 x119 for additional information.**	Approved
4. Report on 2006 Utah Legislative Session	Wilf Sommerkorn, Davis County, along with Neil Lindberg, Provo City, reported on enacted planning and land use related bills from the 2006 Utah Legislative Session. He handed out a list of these bills. Listed below are the bills that passed and a brief summary of the bill:	None Required

HB132 – Local Land Use Requirements (Morley) – This bill came about primarily because of numerous anecdotes that made their way to legislators about building permits and land use permits being issued, work commencing on projects, and then additional new requirements being made after the fact. In some cases, certificates of occupancy were even withheld until the new demands had been complied with. The bill prohibits counties and municipalities from imposing a requirement on a holder of a land use permit (including building permits) unless that requirement is based on statute or local ordinance and is part of the permit. It also prohibits local governments from withholding issuance of a certificate of occupancy because of an applicant's failure to comply with "certain unexpressed requirements." The bill changes the definition of "land use application" in LUDMA to simply mean "an application required by a municipality's land use ordinance. It then creates a new definition, "land use permit," which means a permit issued by a land use authority. It then modifies the LUDMA to say "the application is entitled to approval…if the application conforms" to the requirements of the applicable land use ordinances **and the land use maps and zoning map**. Just what that means and what it will require to be permitted is unclear.

HB172 – Local Land Use Provisions Relating to Schools (Ferrin) – a few years ago, a fairly tense stand-off occurred as school districts attempted to have the sighting and construction of schools exempted from local land use regulations. The argument was that schools are facilities funded by education tax dollars which are very tight, and to have to pay for various "enhancements" and impact fees imposed by local government was not in the best interest of the taxpayers. Local governments argued back that these facilities do indeed create impacts on local infrastructure and the communities, and if they were exempted from all these requirements, the cost would fall on the local governments. A compromise was reached, and schools were exempted from some of the provisions of local land use ordinances. Then, last year, with the rise of charter schools (which are private businesses but are funded in part with public education money), a bill was passed that gives charter schools the same exemptions as public schools. This year, this bill as originally proposed would have expanded the range of exemptions for charter schools (and public schools). The bill was challenged by local governments, and eventually this version of the bill that was passed. In addition to the previously approved exemptions, this bill prohibits local governments from requiring schools to participate in the cost of studies on the impact of schools on roads and sidewalks that are not reasonably necessary for the safety of school children and not located on or contiguous to school property; provides that the only basis on which a local government may deny or withhold approval of a charter school's land use application is the "failure to comply with objective standards;" and clarifies how building inspections of schools are to occur and how certificates of occupancy are to be issued.

HB370 – Transportation Planning Amendments (Dee) – this bill specifies that the collection of certain types of information by certain state agencies is to continue, and is to be made available to metropolitan planning organizations for use in transportation planning.

HB394 – Relocating Outdoor Advertising (Ure) – this bill specifies that if an outdoor advertising sign (billboard) must be moved because of safety concerns with overhead power lines, the sign can be moved to another site in the same jurisdiction on the same property or an adjacent property, within 2,640 feet of the previous location, on either side of the highway, or at some location mutually agreed to by the owner and the local government. The new location must be in a commercial or industrial zone or where outdoor advertising is permitted by local regulation. If necessary, the local government shall provide for a special exception to its zoning ordinance for such a relocated sign. Several other arcane provisions apply, and the bill specifies that if the local government prevents a sign from being relocated in accordance with these rules, it must pay the owner "just compensation" for the sign.

SB117- Eminent Domain Amendments (Stephenson) – this bill began as one which local governments did not have a lot of quibble about. It requires the taking of property by eminent domain by a local government to be approved by the governing body of the political subdivision (this was a reaction to Salt Lake City Mayor Anderson's move to acquire a parcel of property on a hillside owned by the City of North Salt Lake, which had been in dispute between the two cities. The Council had no say in the action by the Mayor). It also requires the governing body intending to take property to provide written notice to affected property owners of each public meeting to approve the taking and allow the owners the right to be

heard. It also makes some other modifications, which are relatively innocuous and not opposed. But the bill took a dark turn when a provision was amended into it when it was being considered in the last days of the session on the House floor. The amendment was essentially the language of HB292, which prohibits the use of eminent domain for the acquisition of property for trails and recreational paths that are not adjacent to a roadway. HB292 was a bill meant to address a specific situation in Mapleton City where serious contention had developed between a property owner and the city over acquisition of right-of-way for a trail. Rep. Tilton, who took the side of the landowner, proposed the House bill, but it was not getting any traction, having been turned down a couple of times in committee. He then changed tactics, and somehow was able to get his provision amended into SB117, which passed the House and then was concurred to in the Senate. A number of groups have asked the Governor to veto this bill because of the amendment and because of the way it was included in another bill (a tactic the Utah legislature has generally refrained from). So far, no word from the Governor. He has until March 21 to sign or veto bills.

SB127 – Vacating or Changing a Subdivision Plat (Knudson) – this bill is fairly complex and a little hard to follow. It was amended several times during the legislative process. Essentially, it changes procedures for making changes to or vacating an approved, recorded subdivision plat. Most notably, it breaks out and creates a separate set of procedures for changes to a platted street or alley. Too many arcane details to list them all here.

SB155 – Amendments to County and Municipal Land Use Provisions (Bell) – this was the technical "clean-up" bill to last year's SB60. Most of the changes are minor. The main items covered were clarifying that there be a minimum of 10 days for appealing a decision of a land use authority to an appeal authority, and changing the requirement for notice and hearing for subdivisions of 10 lots or less (so a public hearing may not be required). Other provisions are quite minor and technical.

SB196 – Revisions to Redevelopment Agency Provisions (Bramble) – last year's major brouhaha over RDAs resulted in a moratorium on the establishment of any new redevelopment districts, and eliminated RDA authority to use eminent domain (mainly in response to the U.S. Supreme Court's *Kelo* decision). RDA people and the League played a major role in reworking the entire RDA section of the code, winning cooperation and agreement from Sen. Bramble, the main critic. In brief, this bill now establishes a three-track approach to RDAs, one for true blight redevelopment, one for economic development, and one for community development. Many changes were made in how proposed districts are reviewed and approved by the involved groups (cities, counties, school districts, and special districts). Importantly, the eminent domain power was not restored, but something may change in future years as post-Kelo fervor dies down and the difficulties of carrying out true redevelopment in areas with blighted properties with multiple owners become obvious again.

SB222 – Outdoor Advertising – Height Adjustment of Signs (Hellewell) – another arcane billboard bill. This one adds to the list of reasons that a billboard can be moved or the height adjusted, the placement of a highway directional sign, highway widening, or an improvement created on property that was disposed of by UDOT.

SB245 – Redevelopment Agency Amendments (Bramble) – this bill is becoming known as the Geneva Steel redevelopment bill. The bill essentially exempts a site that "consists of at least 1,000 acres; is occupied by an inactive or abandoned factory, smelter, or other heavy industrial facility; and requires remediation because of the presence of hazardous or solid waste" from redevelopment district size limitations (100 acres) and other requirements.

SB267 – Changes to Local Government Provisions (Mansell) – this is one of the "sons of SB170" bills. It requires that local government annual financial reports include a description of the year in which impact fees were collected and how and when they were spent; makes some specifications in how impact fees can be calculated; it also now allows for the purchase of a fire truck with a value of more than $1 million; it includes in the definition of "affected entity," "a property owner, a property owners association," and requires them to be notified of pending changes in a general plan if they have filed a request to receive such notices – the request is valid for one year, and can be refilled; requires that a local government staff report regarding a land use application be provided to the applicant at least three days prior to the

meeting at which it will be presented; and requires that land use applications be processed and a decision rendered "with reasonable diligence."

SB268 – Property Rights Ombudsman (Mansell) – the other "son of SB170" bill. The bill moves the Office of the ombudsman from the Dept. of Natural Resources to the Dept. of Commerce, and allows it to expand to a staff of four; it creates an advisory board that can request reports from the ombudsman, presumably on what he is doing, establish rules of conduct and performance for the ombudsman, receive donations and contributions, receive and revise budget recommendations for the ombudsman, and maintain a list of qualified arbitrators and mediators who may be appointed under the rules of the code; most significantly, a new procedure is provided for in the bill to allow for those involved in the process of review of a land use application in local government to request an advisory opinion on the process from a qualified mediator or from the ombudsman. The bill, among other things, allows the ombudsman to "identify state or local government actions that have potential takings implications and, if appropriate, advise those state and local government entities about those implications." It also allows the ombudsman to "provide information to private citizens, civic groups, government entities, and other interested parties about takings, eminent domain, and land use law and their rights and responsibilities under (those) laws through seminars and publications." The bill goes on to detail a number of other duties and procedures for the ombudsman.

Listed below are some other bills that impact planners:

HB12 – Amendments to Government Records Access and Management Act (Aagard) – This bill allows personal notes relating to a public officials' private role to be protected records under GRAMA.

HB14 – Open Meetings Law Amendments (Harper) – Requires cities to conduct annual training with elected officials on the Open and Public Meetings Act and that all closed meetings be recorded; also requires that any workshop meeting or executive session being held on the same day as a regular meeting be held in the same location as the regular meeting.

HB16 – Revisions to Open and Public Meetings Law (Donnelson) – Modifies standards for noticing public meetings and requires all open meetings of public bodies to be recorded and have minutes kept.

HB28 – Access and Fee Amendments to Government Records Access and Management Act (Aagard) – makes technical corrections to GRAMA, including that government does not have to create a record based on a GRAMA request.

HB77 – School District Boundaries (Cox) – allows a city of the first or second class, or a group of cities and/or unincorporated county area that meet the population minimum for a second class city, to file a petition with the county governing body for an election to create a new school district. Many details apply.

HB112 – Transportation Investment Act (Lockhart) – Earmarks a portion of state sales tax revenues into the Transportation Investment Fund for capital improvement needs on state highways.

HB188 – Government Records Access and Management Act Revisions (Frank) – Makes clear that cellular phone numbers are not records under GRAMA and requires records officers to provide training on GRAMA to those who process records requests.

HB258 – Government Records Access and Management Act - Public Records (Ferry) – Makes changes in GRAMA to specify that governments may limit direct telephone numbers to employees from being a public record as long as general numbers to access the government are listed.

SB27 – Lake Powell Pipeline Development Act (Hatch) – Creates a framework for the funding and construction of the Lake Powell Pipeline. To be funded by sale of water and electricity and by appropriation from the State.

	SB80 – Public-private Partnerships for Tollway Facilities (Killpack) – Allows UDOT to enter into agreements with private companies to build and operate toll roads in Utah. May be used for the Mountain View Corridor in Salt Lake and Utah counties. Wilf listed the bills that did not pass below: HB120 – Election and Referendum Procedures (Hogue) HB126 – County Option Sales and Use Tax for Agricultural and Open Land (Buttars) HB147 – Revisions to Distribution of Sales and Use Tax (Wyatt) HB292 – Use of Eminent Domain (Tilton) HB319 – Density Credit for Land Donated to School Districts (Cox) HB378 – Government Boundary Changes (Holdaway) HB400 – Special Transit District Amendments (Lockhart) HB420 – Municipal Building Inspector Availability (Tilton) HB456 – Local Government Boundary Changes (Hogue) SB170 – Local Government Land Use and Impact Fee Revisions (Mansell) **Please contact Wilf Sommerkorn at 451-3278 for additional information.**	
5. Regional Impact Fee for Transportation	George Ramjoue, WFRC, did not have time to discuss the Regional Impact Fee for Transportation and this agenda item will be moved to the May 10, 2006 meeting agenda. **Please contact George Ramjoue at 363-4230 x111 for additional information.**	None Required
6. SB170 – Is it a Sign Planning is in Trouble?	Neil Lindberg, Provo City, along with input from Wilf Sommerkorn, Davis County opened a discussion with the O-L TAC on SB170. Neil and Wilf gave a brief explanation on why SB170 was initially written and also explained that after local officials united against the bill it failed to pass and was rewritten into SB267 and SB268. The bill was originally proposed because of the public's perception of over reaching by local governments. Neil also discussed that the bill would have moved the line between legislative and administrative decision making more toward the administrative side. He covered in detail the differences between legislative and administrative decision making for local government and how city councils need to make sure they keep them separate. Neil recommended that procedures with specificity are well documented, education on planning process and to organized city council agendas around legislative items (e.g. general plan, zoning, rezoning) and administrative items (e.g. approving applications). Neil also recommended that cities stand up against law suits on zoning and rezoning, if procedures are all correct, and not get bullied around. **Please contact Neil Lindberg at 599-0950 for additional information.**	None Required
7. Amendment to the 2004 RTP	Val Halford, WFRC, updated the O-L TAC on the upcoming Amendment to the 2004 – 2030 RTP. The amendment will move the I-15 project from 12th Street to 450 North from Phase 2 to Phase 1, and 450 North to 2700 North from Phase 3 to Phase 1. On November 17, 2005 the WFRC signed a resolution that if the funds were obtained for the widening of the I-15 - North Ogden Weber (NOW) project, then the WFRC would amend the current RTP to allow for the above described changes. The amendment will go to public comment on April 1st, for 30 days, and then should be approved by the RGC and the WFRC in May. **Please contact Val Halford at 363-4230 x108 for additional information.**	None Required
8. Other Business	None.	None Required
9. Next Meetings O-L TAC – May 10, 2006	The next Ogden – Layton TAC meeting will be on Wednesday May 10, 2006 at 10:30 AM at the Clearfield City Hall (55 South State Street) on the 2nd Floor.	None Required

ATTENDANCE ROLL
OGDEN - LAYTON AREA RGC TECHNICAL ADVISORY COMMITTEE
DATE: 3/8/06

Name	Representing
Jory Johner	WFRC
George Ramjoue	WFRC
Val John Halford	WFRC
Jan Ukena	Riverdale City
Gregg Benson	Clearfield City
Andy Thompson	Kaysville City
Barry Burton	Davis County
Wilf Sommerkorn	Davis County – O-L Chair
Mayor Joe Gertge	South Weber City
Mike Child	Clinton City
Justin Allen	Centerville City
Rick McKeague	UDAQ
Dave Hardman	Ogden/Weber Chamber of Commerce
Steve Parkinson	Ogden City – O-L Vice-Chair
Greg Scott	WFRC
Kevin Hamilton	Weber County
Jim Gentry	Weber County
Elden Bingham	UDOT
Steve Handy	Layton City
Tom Smith	Davis County
Fred Turner	West Point City
Sherrie Christensen	Morgan County
Bruce Talbot	Pleasant View City
Neil Lindberg	Provo City