



**SOUTH SALT
LAKE
COMMUNITY
DEVELOPMENT**

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**AGENDA
PLANNING COMMISSION MEETING**

Thursday, June 1, 2023
South Salt Lake Community Center
2531 South 400 East
Room 101

PLANNING COMMISSION WORK MEETING AT 5:30 P.M.

- Planning Commission Training
 - a. LUDMA
 - b. Housing
 - c. Water
 - d. Transportation

PLANNING COMMISSION MEETING AT 7:30 P.M.

Pledge of Allegiance: Stacey Holscher
Approve Agenda: Jeremy Carter

STAFF BUSINESS – INFORMATION ITEMS

- Code Update

NEW BUSINESS

1. PUBLIC HEARING

A petition for preliminary subdivision plat amendment approval to amend a three-lot plat.

ACTION ITEM

Applicant: C.W. Urban, Ian Cahoon, Representative
Address: 3798, 3802, and 3838 South 700 East

2. PUBLIC MEETING

A petition to the Planning Commission to approve a Conditional Use Permit, to establish a Home Occupation, Category II at the dwelling located at 2917 South Adams Street.

ACTION ITEM

Applicant: Robert Wilson
Address: 2917 South Adams Street

3. PUBLIC MEETING

A petition to the Planning Commission to approve a Conditional Use Permit, to establish a Child Care Center located at 3200 South 700 East.

ACTION ITEM

Applicant: Aardvark Solutions, INC., Jensen Dobbs, Representative
Address: 3200 South 700 East

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, INDIVIDUALS NEEDING AUXILIARY COMMUNICATIVE AIDS OR OTHER SERVICES FOR THIS MEETING SHOULD CONTACT ELIZA UNGRICH, (801) 483-6013, GIVING AT LEAST 24 HOURS NOTICE.

CONTINUING BUSINESS

None at this time

PLANNING COMMISSION BUSINESS

Approval of the April 20, 2023 Planning Commission Minutes
ACTION ITEM

**Join Zoom Webinar
Planning Commission - June 1**

Please click the link below to join the webinar:

<https://zoom.us/j/94179547536?pwd=TnUxcTkzQjR0QmUxK0Rxd0JQaWRzUT09>

Passcode: 198269

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+1 253 205 0468 US

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Webinar ID: 941 7954 7536

International numbers available: <https://zoom.us/j/94179547536>

*Planning Commission Meeting Minutes
Thursday, June 1, 2023
South Salt Lake Community Center
2531 South 400 East
Room 101
Time: 5:30 p.m.*

Commission Members Present: Jeremy Carter
Sophie Bellina
Christy Dahlberg
Chad Ewell
Stacey Holscher
Suzanne Slifka
Mary Anna Southey

Staff Members Present: Jonathan Weidenhamer, Community Development Director
Eliza Ungricht, Deputy Community Development Director
Damian Rodriguez, City Planner
Hanna Tuia, City Planner
Dawn Emery, City Attorney's Office
Jodi Hoffman, Hoffman Law

The South Salt Lake City Planning Commission Work Meeting was called to order at 5:35 p.m.

WORK MEETING

- **Planning Commission Training**
 - a. **LUDMA**
 - b. **Housing**
 - c. **Water**
 - d. **Transportation**

Jodi Hoffman from Hoffman Law introduced herself and explained that she would be doing some Planning Commission Training. Information would be shared on the Land Use, Development, and Management Act ("LUDMA"), housing, water, and transportation. Under State Law, a lot could be done within a General Plan, but there were four requirements, which included a Land Use Element, Transportation and Traffic Circulation Element, Moderate-income Housing Element, and Water Use and Preservation Element. Housing, water, and transportation were all interrelated.

Ms. Hoffman shared information about the Transportation and Traffic Circulation Elements. Cities should not approve any new roads or public facilities unless those were listed in the General Plan. However, she did not know a single city that complies with that. It was something to keep in mind moving forward because compliance is important. She reported that South Salt Lake City is a specified municipality, which is a municipality that is first through fourth class. As a result, a Moderate-Income Housing Element needs to be adopted into the General Plan. Based on the recent

Legislation, there needs to be a lot of detail provided in that particular element. Prior to December 31, 2025, the City needs to enact a Water Use and Preservation Element as well.

Moderate-income housing was reviewed. Ms. Hoffman explained that many jurisdictions require affordable housing dedications, but not all. Another option was to provide incentives, such as cash incentives, density bonuses, and so on. She clarified that this is only possible if there is a land use application as opposed to a petition for an easement. The idea was that when someone applies for a land use permit such as a subdivision or a Conditional Use Permit (“CUP”), they have the right to develop under the zoning. If something else is added on top of that like a moderate-income housing requirement, the developer would likely want some type of incentive. Many jurisdictions are adding on moderate-income housing requirements without incentives under a Development Agreement. The problem with that is there is no benefit or incentive for the developer.

Something that was passed by the Legislature was the Moderate-Income Housing Report. It was a huge burden on staff as it was an extremely detailed annual progress report related to enhancing the availability of affordable housing in the community. Failure to submit the report carries monetary penalties. Over the last few years, the Planning Staff in most jurisdictions have struggled to complete the reports as desired. Some of the reports were denied and changes were requested. A lot of time was devoted to bureaucratic tasks that would not necessarily produce more affordable housing. Ms. Hoffman explained that moderate-income housing is defined as housing that is occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the gross median income for the households in which the city is located. In Salt Lake County, this totals approximately \$1,677 per month. It was difficult to produce a housing product that would accommodate that income level but there was a push from the Legislature to deliver results.

Ms. Hoffman explained that a city can donate land and create a General Fund subsidy to encourage more affordable housing in the community. That being said, while it might benefit the first renters, in the future, the prices may increase. There is nothing in State Law that says those properties need to be deed restricted to ensure that affordable housing remains. Unless there are deed restrictions in place that state that the rent cannot be increased too much, affordable housing would not remain affordable housing long-term. Ms. Hoffman shared an example scenario with the Commission. When Deer Valley first opened, there was an affordable housing requirement. Options were affordable to Deer Valley employees at the time but there was no deed restriction. Those options were now selling for \$3.5 million because that was what the market had done over time. Ms. Hoffman explained that the push at the Legislature for affordable housing only considered the first buyer or renter rather than future tenants. There was no focus on deed restrictions.

The other way to make housing affordable was through tax credits. There are a number of organizations throughout the State that help facilitate those. Ms. Hoffman shared information about tax credits and explained that the system ensures that there are deed restrictions. Those types of programs make sure that affordable housing goals will be achieved long term.

The State was looking for the General Plan to provide realistic opportunities to meet moderate-income housing needs over the next five years. There were 24 strategies listed that could be implemented to encourage or achieve affordable housing. Many of them had to do with money. For

example, taking money out of the General Fund for a project or paying for the infrastructure required. The problem with that, especially in a jurisdiction like South Salt Lake, was that the funds are more limited. Throwing money at the issue was difficult for many jurisdictions.

In South Salt Lake, five of the 24 strategies need to be implemented. One of the possible strategies was to rezone for densities necessary to facilitate the production of moderate-income housing. That was something that South Salt Lake has already done. Another option was to amend land use regulations to allow for higher density. The Legislature was encouraging commercial and mixed-use developments. Another possible strategy was to amend land use regulations to allow for single-room occupancy developments. Ms. Hoffman wondered if there had been any applications in South Salt Lake for single-room occupancy housing. This was denied. She shared single-room occupancy development scenarios. While the intention of single-occupancy housing was good, it is not necessarily coming from an occupant's point of view.

Ms. Hoffman reiterated that jurisdictions like South Salt Lake need to have at least five of the 24 strategies listed and implemented. She believed that would be a challenge for the City because the zones are already generous. She reported that there also needs to be an Implementation Plan. The strategies could not just be listed in the General Plan. There need to be ordinances that implement the various strategies as well. Staff would likely bring those forward in the future.

Commissioner Southey was curious if cities were considering public housing as one of the potential strategies. This was confirmed. Ms. Hoffman explained that one of the first projects she did when she came to Utah was an affordable housing project. It had deed restrictions and was done by the Legislature at the time. As for public housing, many different philosophies varied greatly from person to person and place to place. The current philosophy seemed to be that affordable housing should be interspersed everywhere rather than put in separate locations. This means there will be an array of income levels in an area, which is beneficial.

Community Development Director, Jonathan Weidenhamer suggested that there be a Planning Commission discussion next. Commissioner Slifka asked for clarification about the information shared by Ms. Hoffman. She referenced the deed restrictions. She wanted to understand how the rents could be raised without one. Ms. Hoffman explained that all the Legislature was focused on was making sure that the local jurisdiction was doing everything possible to keep the developer costs as low as possible so affordable housing benchmarks can be reached. Unless all of those efforts resulted in a Development Agreement or had a deed restriction on the property, the prices could increase over time. That was the reason that she felt deed restrictions were so important.

Ms. Hoffman explained that when she first started helping South Salt Lake approximately five years ago, she was amazed because the City was not like a lot of other jurisdictions in Utah. There was no "not-in-my-backyard" attitude and density was more welcomed. However, since the zoning already allows for a lot, it is difficult to incentivize developers. A lot was already permitted. State Law specifies that if a developer is entitled to do certain things under the current zoning, a Development Agreement could not be required. That was something that should be explored further.

Mr. Weidenhamer discussed the Moderate-Income Housing Plan. He referenced the first Moderate-Income Housing Plan that had been adopted in the City. It was done a few months late, but there were no fines. It was a very generic plan at the time but it met the requirements. The plan was more aspirational than it was real. There are now a series of Consultants working on a robust update to that plan. There would be more of a focus on implementation strategies moving forward. There were three pieces to it, which included a needs assessment. There would be a quantitative approach that looked at financial gaps and the housing market. It would paint a broad picture that was a statistically based framework. The next Consultant would come in to create an Implementation Plan. It would look into the costs and time needed to implement various strategies. The update to the Moderate-income Housing Plan was scheduled to be done by the end of the calendar year. The last component was a robust stakeholder engagement process.

Another component to consider was a Housing and Transit Redevelopment Zone. Mr. Weidenhamer explained that it is a tool that came in during the last Legislative Session. It could be beneficial because the zone mandates up to 10% affordable housing. One of the nuances in South Salt Lake is that the median income is so low that it exempts most developers from having to meet that 10% requirement. Mr. Weidenhamer explained that the envisioned Housing and Transit Redevelopment Zone includes 100 acres in the Downtown Area, which is zoned for that type of density and development. There could be dense projects with affordable housing. It was a realistic tool that could be utilized in the future. He expressed excitement about the zone.

Ms. Hoffman noted that there were a few other housing-related aspects to consider. If the City does not implement the Moderate-Income Housing Plan, there would be a \$500 per day fine and there was a risk to revenues. That was not a viable option. Ms. Hoffman shared additional housing information and explained that the Legislature was supportive of Internal Accessory Dwelling Units (“I-ADU”). There was nothing that the jurisdictions could say about I-ADUs. In effect, there could be two families in one home. That means there could be twice the impact on the sewer system, water system, and roads. Since that had been mandated, there was nothing the City could do about the use. There would likely be something similar implemented in the future where cities may be required to accept and facilitate Detached Accessory Dwelling Units (“D-ADU”) as well.

Ms. Hoffman explained that there was a push against single-family neighborhoods. However, she felt that those neighborhoods still have merit. The justification for this shift was that many of the land use laws in the United States were enacted as a racial barrier. The research on that was clear and important. There was a lasting legacy that had been caused by those policies. Ms. Hoffman believed single-family neighborhoods need to be able to exist but it is also necessary to consider the historical racial barriers. She acknowledged that there was a market for single-family homes but land use authority may be removed in the future like it was with I-ADUs.

Commissioner Carter believed part of the separation discussed was also driven by the economy. The single-family home consumes more and costs more. It seemed that the economy was making it difficult for some to have a single-family home. Ms. Hoffman agreed with this perspective. Discussions were had about racial barriers. Ms. Hoffman pointed out that there is not a lot of diversity in Utah, to begin with, but historically, there are a lot of barriers. Deputy Community Development Director, Eliza Ungricht reported that she had run into some Homeowners Association

(“HOA”) documents that were racist in nature. Commissioner Carter pointed out that HOAs are private organizations. There were multiple contributors to the separations that had occurred.

Commissioner Carter wondered if zoning could be changed so it could be given away in the future. Ms. Hoffman stressed that it is important to be careful about that approach. It is possible to maintain the densities but make it subject to a certain amount of affordability or parks dedications. Commissioner Dahlberg noted that there had been a lot of talk about developers who wanted to have development by right. Ms. Hoffman was not sure what was meant by development by right as that was a fairly broad term. She shared additional information about the Legislature and explained that they want all codes to be clear. There was a focus on plain language. Mr. Weidenhamer explained that the process was currently underway to make sure all City Code language is clear.

Ms. Hoffman explained that sometimes Code language is difficult to understand but it should never be ambiguous. If it is ambiguous, there is a rule called the Plain Language Rule. This means that if the language can be interpreted one way or the other, it would be interpreted in favor of the applicant. It used to be that the Community Development Director would interpret the language. Now, if a court believes the language was ambiguous it would be interpreted in favor of the applicant. That was a fairly new change that made drafting the Code more difficult.

As for transportation issues, the Transportation Element of the General Plan was supposed to precede any new roads or any dedications of roads. Ms. Hoffman suggested that South Salt Lake look at that, especially in the Downtown Area. It might be another step in the approval process to update the Transportation Element of the General Plan before a project was approved. Commissioner Slifka wondered if the City would need to determine where all of the roads would be ahead of time. Ms. Hoffman clarified that this was the concept of the Transportation Element. It needs to take into account future land uses and future transportation plans, which is difficult to do. Commissioner Slifka shared an example scenario where someone was building something and needed to put a road in. Ms. Hoffman explained that under State Law if it is a public road rather than a private road, it needs to be in the General Plan. That being said, she did not know of a single jurisdiction in Utah that has complete synchronicity between the General Plan and the actual roads.

Commissioner Holscher wondered if the General Plan would need to be amended regularly. Ms. Hoffman reported that a lot of jurisdictions require there to be consistency. For example, when any type of development comes a General Plan Amendment is done first, then a rezone, and then a Development Agreement/Plat. It is a three-step process. This added an extra step to the process as well as an additional public hearing, as General Plan amendments require them.

Ms. Hoffman shared information about Station Area Plans. The City has until December 31, 2025, to implement that. The Station Area Plan was similar to the Moderate-Income Housing Plan in the sense that it needs to promote affordable housing but also promote environmental sustainability and transportation choices. Mr. Weidenhamer reported that South Salt Lake has a Station Area Plan in process for the Central Pointe Station. It would be the basis for the Downtown Housing and Transit Redevelopment Zone. Those details were being planned and the intention was to be as granular as possible. Although the Legislature required Station Area Plans, they also provided a lot of money to the Wasatch Front Regional Council (“WFRC”). WFRC was assisting with those processes and

with the Consultants who need to do the technical work. Mr. Weidenhamer explained that it had been a constructive situation so far. There were more Station Area Plans to do after that one but the Central Pointe Station plan was the first.

It was noted that a lot of time had been spent discussing street cross-sections. Mr. Weidenhamer explained that most of them would be narrower and have more walking and bicycling infrastructure. The focus would be less on personal vehicles. However, some streets would not be narrowed. There needs to be a sense of balance. Commissioner Slifka asked for additional information about the station areas. Mr. Weidenhamer reported that there are five stations in South Salt Lake. Each of the plans would be related to each one of the stations.

Another component required in the General Plan was the Water Use and Preservation Element. The Legislature had been focused on water a lot more in recent years. The main complaint was that jurisdictions are requiring landscaped boulevards and park strips that need to be watered. Additionally, fully landscaped yards are required in many places. The cheapest way to landscape a yard was to put topsoil down and plant grass seed but grass requires a lot of water. Something that the Legislature did recently required the addition of a Water Use and Preservation Element to the General Plan. That needed to be completed by the end of 2025.

The Water Use and Preservation Element needs to address the impact of existing and future patterns of development on water and related infrastructure. Ms. Hoffman referenced methods of reducing water use in future development. This included modifications and improvements so not as much water was used, however, many of the methods have been in effect for decades and water consumption is still an issue. Another way to reduce water was to have dense housing. The less yard there is and the more that people are stacked vertically, the less water consumption per person per capita there will be. The most efficient water usage takes place within apartment complexes.

Ms. Hoffman explained that the Water Use and Preservation Element would need to address the methods of reducing water demand per capita for existing development. Every home in Utah has an attributed water consumption rate of 0.45 acre-feet per home indoors. There was also usually 0.45 acre-feet per home outdoors. That means that the average is 0.9 acre-feet per home, which is a lot of water. Looking at housing and residential consumption, the number was closer to 0.25. Almost twice as much water per home was taken as is necessary. During the last Legislative Session, the State Legislature determined that cities need to look at their water demand and make adjustments so the amount is based on those numbers. This will ensure that the future exactions mirror what the actual demand is in the community. The Water Use and Preservation Element would provide the opportunity to eliminate water-wasting practices. For example, things like park strips and large amounts of landscaping for public facilities.

An analysis would be done, which would look at the regional water conservation goals set by the State. There would also be recommendations for conservation and policies as well as landscaping options. Ms. Hoffman explained that there was a list of items to consider for the Water Use and Preservation Element. LUDMA stated that jurisdictions cannot enact or enforce a regulation that prohibits waterwise landscaping. There was discussion regarding various types of waterwise landscaping that has been used elsewhere, such as astroturf, which had been seen in Ogden.

Ms. Hoffman reported that the City could impose minimum and maximum vegetation standards. Summit County recently implemented maximum amounts. Ms. Ungricht informed the Commission that Staff is currently working on landscape language. There would be a broader update during the Planning Commission Meeting but there was a rebate program through the Jordan Valley Water Conservancy District (“JVWCD”). For residents to qualify for the rebate, certain requirements listed by the State need to be met. The requirements included the following:

- Limit turf grass in front and side yard areas to 35% for any new single-family development;
- Limit the amount of turf grass in the front and side yards to 20% for any new townhome, multi-family, commercial, or flex development; and
- Prohibit grass in the park strips or areas less than eight feet wide.

Ms. Ungricht reiterated that the requirements need to be added to the City Code for South Salt Lake residents to qualify for the rebate. She explained that the rebate was for property owners who want to relandscape their property. Staff was looking at adding those items in and doing a larger and more general update to the landscaping language currently in the Code. The broader Landscaping Plan would take longer than the addition of the rebate-related language. At the next Planning Commission Meeting, the rebate language would be reviewed by the Commission. Ms. Hoffman shared information about Development Agreements and design elements.

Commissioner Slifka asked for additional information about the rebate program. She wondered if that would work for changes made inside the home as well. Ms. Ungricht was not certain but believed the rebate was only related to landscaping. That being said, there might be other rebates available for making waterwise switches inside the home. It was something that could be explored.

Commissioner Southey noted that during the last Planning Commission training, there had been a comment about the percentage of State Legislators that were also developers. Ms. Hoffman did not know the percentage currently but in the past, it had been as high as 82%. She shared additional statistics. Approximately 85% of water consumption is from outdoor irrigation. Comparing water bills in winter and summer would illustrate that. Mr. Weidenhamer reported that the City would update the water rates in the future but that would likely not happen until later in the fall.

There was discussion about water rates. Commissioner Southey wondered if it would be possible to have a lower water rate in some instances since there are a lot of low-income residents in the community. It could also be an incentive for people who have significantly reduced their water use. She suggested an affordable low usage rate. Mr. Weidenhamer did not believe it was possible to hand-pick those who would receive a lower water rate. It is all based on consumption levels because water rates are typically built to take care of the entire system. Commissioner Southey believed that a progressive rate might make more sense. She explained that the first level is a lot of water and she regularly uses half of what she could have used within that level. It might make sense to have an even lower level with a more bones affordable rate.

Ms. Hoffman shared information about Real Estate Investment Trusts (“REITs”). Most of the apartment complexes and condominium complexes are run that way. It makes it difficult to have

owner-occupied apartments and condominiums but would be a product where people have long-term stable housing. Mr. Weidenhamer provided additional details about REITs. Rather than investing in the stock market, it is possible to invest in a REIT. The REIT would find a property to invest in, operate the property, and earn money. It remains in their ownership until it is flipped.

Dawn Emery from the City Attorney's Office introduced herself and discussed systematic planning. She referenced a book called "The Color of Law: A Forgotten History of How Our Government Segregated America." Ms. Hoffman noted that it is difficult to accept the racial barriers and systematic planning that have occurred but she did because she had been part of the industry for a long time. There were some racially restrictive covenants and deeds that many believed were fully in the past but there are longer-standing impacts that need to be considered.

The Commissioners discussed water in the area. Commissioner Southey noted that the Great Salt Lake is up five feet. Ms. Hoffman was worried that there would be two years in a row like that and everyone will forget about the importance of conserving water. She shared additional information about water storage. Every reservoir depends on the winter snow. There is two years of storage, so if there were two bad snow years, a significant amount of water sources would become unavailable.

The South Salt Lake City Planning Commission Work Meeting adjourned at 7:02 p.m.

South Salt Lake City

Planning Commission Land Use Training 6/1/2023

Hoffman Law

General Plan

Required General Plan Updates

UCA § 10-9a-404(4) - Revisions to General Plan or Amendment

The legislative body shall adopt:

- (a) a land use element as provided in Subsection 10-9a-403(2)(a)(i);
- (b) a transportation and traffic circulation element as provided in Subsection 10-9a-403(2)(a)(ii);
- (c) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element as provided in Subsection 10-9a-403(2)(a)(iii); and
- (d) except for a city of the fifth class or a town, on or before December 31, 2025, a water use and preservation element as provided in Subsection 10-9a-403(2)(a)(iv)

Moderate Income Housing

State Code Moderate Income Housing Updates

UCA § 10-9a-535 - Moderate Income Housing

A municipality may only require the development of moderate income housing as a condition of approval of a land use application if:

- The property owner agrees in writing to the number of units; or
- The municipality provides incentives for property owners that include moderate income housing in their projects

When reviewing a land use application, a municipality may not take into consideration if a property owner chose not to include moderate income housing in it's plan.

UCA § 10-9a-408 - Moderate Income Housing Report

Annual progress report submission.

Failure to submit complying report may result in loss of state funds.

Moderate Income Housing

General Plan Updates - Moderate Income Housing

UCA § 10-9a-403 - General Plan Preparation

General Plan must include a moderate income housing element that:

(A) provides a realistic opportunity to meet need for additional moderate income housing during the next five years;

....

(D) for a specified municipality, as defined in Section 10-9a-408, that has a fixed guideway public transit station, shall include a recommendation to implement five (5) or more of the moderate income housing strategies; and

(E) for a specified municipality, as defined in Section 10-9a-408, shall include an implementation plan.

Transportation

State Code Transportation Updates

UCA § 10-9a-406 - Public Uses to Conform to General Plan.

After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

UCA § 10-9a-403.1 - Station Area Plan

A municipality with a fixed guideway public transit station shall:

- adopt a station area plan; and
- adopt any appropriate land use regulations to implement the station area plan.

If the municipality has 4 or more stations, it must complete at least 4 Station Area Plans by December 31, 2025. Each year thereafter, the municipality must complete at least 2 Station Area Plans until all of the stations within the municipality have a complete plan.

A Station Area Plan shall promote: (1) affordable housing, (2) environmental sustainability, (3) access to opportunities, and (4) transportation choices.

Water

State Code Water Preservation General Plan Updates

UCA § 10-9a-403(2)(a)(iv) Water Use & Preservation Element

- Update required by end of 2025
- General Plan must include a water use and preservation element that addresses:
 - The impact of existing and future patterns of development on water demand and water infrastructure;
 - Methods of reducing water demand per capita for future development;
 - Methods of reducing water demand per capita for existing development; and
 - Opportunities to modify operations to eliminate practices or conditions that waste water.
- Required inputs include: regional water conservation goals, recommendations for Water conservation and policies and landscaping options, recommendations for amendments to Land Use ordinances to promote water efficient landscaping, consult with public water systems, consult with the Division of Water Resources.

Water

State Code “Water Wise” Landscaping

UCA § 10-9a-536 - Water Wise Landscaping

Cannot enact or enforce a regulation that prohibits or effectively prohibits water wise landscaping.

City can require property owners to:

- (1) Comply with site plan or other review process before landscaping installation;
- (2) Maintain healthy plant material; and
- (3) Follow specific, adopted water wise landscaping requirements that:
 - a. Restricts certain mulches that are considered detrimental to municipal operations;
 - b. Imposes minimum and maximum vegetative cover standards; and
 - c. Restricts or prohibits the use of certain plants.

City cannot require a property owner to install or maintain lawn or turf in an area less than 8 feet wide.

Landscaping/Design Elements

UCA § 10-9a-534 - Building Design Element Review Prohibitions

Building Design Element includes “rear yard landscaping requirements”

Except as follows, a City may not impose a requirement for a “building design element” on a 1- or 2-family dwelling:

- (1) a dwelling located within a designated Historic District;
- (2) regulations adopted in response to inclusion in the National Flood Insurance Protection program;
- (3) regulations adopted to implement the requirements of the Utah Wildland Urban Interface Code;
- (4) building design elements agreed to in a development agreement;
- (5) a dwelling located in a primarily residential use zone that was substantially developed before 1950 (undesigned historic district);
- (6) regulations adopted to implement water wise landscaping in the rear yard;
- (7) regulations adopted to restrict the use of certain types of cladding in response to findings or evidence from the construction industry of defects in the material of existing cladding or consistent defects in the installation of the cladding;
- (8) a land use regulation, including a planned unit development or an overlay zone, that a property owner requests in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zone.