



# Utah Planner

Utah Chapter American Planning Association, Vol. 34 No. 5, May 2007



## Navigation

Page 2: 2007 legislative update  
Page 4: Calendar  
Page 5: Lunch-Day Break Tour  
Page 6: Kenneth Miller Remembered  
Page 7: Planners on the Move  
Page 8: Get out the vote

For those of you that missed the opportunity to join your fellow Utah Chapter members in Springdale, the beautiful community at the entrance to Zion National Park, I'm sorry (but I guess somebody has to hold down the fort!). We had a huge turnout, about 107 attendees, and the location, topics, speakers and food were excellent. It was so excellent that many planners wondered if we could come back to Zion, next year. I kind of wondered that myself since I really have not spent much time in the Park. With our best turnout in many years to a spring APA conference, the Exec Committee is wondering too. As a matter of fact, we discussed the idea that we need to hold the conference some place warm, exciting to visit, and down south, all the time. We discussed places that have additional points of interest and provide recreational opportunities. This could mean Cedar City, St. George, Springdale, and Moab. These are places where we can find a planner to help with the conference and attract a large group of planners. The thought here is that the Chapter may be better served when more planners decide to attend. We are also discussing helping our rural planners get there via a "travel" grant.

Sincere thanks to Thomas Dansie, Rick Wixom, and Gary Zabriskie for handling the lion's share of the conference. They did a fabulous job!

Anybody have a chance to change a light bulb, last month? Those new compact fluorescents really work well, last a very long time, and save you a nickel or two. I was thinking about Rocky's proposal to get SLC staffers and the rest of the world to start using cups instead of all those plastic bottles showing up in the landfills. At first I thought that it was just another wild "Rocky" idea but when you really think about it, how many empty plastic bottles are tossed in the garbage (or out the car window) every day. I also have a hard time comprehending the amount of gas that is consumed every single day. I think the point of those comments is that with a little bit of mental modeling, you can begin to see what using one less bottle of water, one less gallon of gas, and changing that incandescent bulb out, could do to reduce our consumption. We each need to realize that our little change in habits can make a difference. Wouldn't it be great if planners also became known for their "green" way of life?

Ralph Becker's speech at the spring conference focused on ways that we could be "greener" in the world of planning. The "green" view is a surprising new platform for the potential future Mayor of Salt Lake City. It is surprising to me that any politician would make sustainability an integral part of their campaign. But, Ralph's a surprising fellow (FAICP too!). My community, West

Continued on Page 5



## Presidents Message

**Utah APA**  
**Summary of Bills of Interest**  
**2007 Utah Legislative Session**  
**Planning-Related Bills**



**Communicate**

Utah APA Website:  
[www.Utah-apa.org](http://www.Utah-apa.org)

Utah APA email:  
[Utah-apa@utah-apa.org](mailto:Utah-apa@utah-apa.org)

Utah APA Postal Address:  
P.O. Box 701443  
WVC, UT 84170

HB69 – County and Municipal Land Use Provisions Regarding Schools

This bill was modified quite a bit from its original form. As passed, it does allow a city or county to impose such regulations on public and charter schools which are necessary to avoid unreasonable risk to health or safety. The bill also makes some modifications to the requirements for who can be used to inspect school construction. The requirement that the location of schools must be consistent with a local general plan was amended out of the bill, and that the school location must be such that the provision of utilities and services can be accomplished in a logical and cost-effective manner.

HB102 – Land and Water Reinvestment

This bill makes a one-time appropriation of \$2 million to the LeRay McAllister Critical Lands Conservation Fund. The other two provisions, watershed rehabilitation and rangeland improvement, are set to receive annual on-going allocations of \$2 million each from the mineral lease severance tax. Why the McAllister fund was amended to be treated differently is interesting.

HB117 – Transfer of Density

This bill was modified substantially from its original. It was initially written to give a developer who made land available to a school district for a new school site the right to develop with the same number of units on the remaining land as he would have gotten had he not donated the school site. This was a concept that was tried last year and was unsuccessful. Rep. Froerer is a freshman, and may not have known the past history. The bill was amended so that it now simply authorizes Transferable Development Rights.

HB120 – Utility Facility Review Board

A few years ago, a lot of controversy developed when some municipalities imposed strict requirements on the location of electrical substations and transmission lines. The electrical utilities opposed these requirements because they would have substantially increased the cost of building these facilities, requiring rates to be raised to cover such costs. The dispute landed in the legislature, and the resolution was the establishment of an Electrical Facility Review Board, which would have the authority to override local requirements if they were deemed by the board to be unnecessary or unreasonable. This bill extends the application of the bill to natural gas utilities.

HB129 – Land Use Provisions

This bill also morphed from what the original bill was. It deals primarily with the vacating of streets and alleys, changing the reviewing body from the land use authority to the planning commission, and making the land use authority the decision making body instead of the chief executive officer.

HB285 – Land Use Development and Management Act Amendments

This bill clarifies that when an owner signs a plat that includes rights-of-way and easements for underground utilities, this only verifies the *approximate* location of those utilities, and does not abrogate any rights for any future utilities to be located or placed in those easements.





### Executive Committee

President:

John Janson, AICP

Vice President:

Aric Jensen

Secretary:

Sherrie Christensen, AICP

Treasurer:

Laura Hanson, AICP

Past President:

Chuck Klingenstein, AICP

Legal Committee:

Neil Lindberg, AICP

Legislative Committee:

Wilf Summerkorn

Rural Committee:

Nicole Cline, AICP

Professional Development:

Max Johnson, AICP

Program Committee:

Paul Glauser, AICP

Awards Committee:

Phillip Hill, AICP

Education Committee:

Brenda Scheer, AICP

Professional Affiliations:

George Ramjoue, AICP

Planning Official Committee:

Soren Simonsen, AICP

Webmasters:

Michael Hansen, AICP

Christopher Chesnut

Student Representative:

Aaron D. Bloxham

Sponsorship Committee:

Cameron Duncan

Newsletter Committee:

Peter Matson, AICP

List Serve Master:

Jeff Gilbert

Contract Manager:

Mirinda Schiele

### HB352 – Local Government Regulation of Billboards

Despite strong opposition, this bill passed on the last day (surprised?). The bill provides that a county or municipality is considered to have initiated the acquisition of a billboard structure by eminent domain if the county or municipality prevents a billboard owner from structurally modifying or upgrading a billboard or relocating a billboard to another commercial or industrial location within ½ mile of its original location.

### HB362 – Annexation Amendments

This bill makes it somewhat easier to annex unincorporated islands within a municipality or, as the bill now says, unincorporated peninsulas contiguous with the municipality. These must be areas where the municipality has been providing urban services. In an annexation petition from such an area where at least 75% of the property owners are in favor of annexing into a municipality, the municipality may proceed without considering any protests. Also, last minute language amended into the bill establishes some prohibitions on municipalities annexing areas “within the conical surface area of an airport operated or to be operated by another municipality without that municipality’s consent.” Obviously, some specific dispute must be going on.

### HB365 – Eminent Domain Authority of Community Development and Renewal Agencies

After the legislature placed a ban on all eminent domain power for redevelopment authorities last year, this bill restores some of that authority, under certain conditions. There must be a clear finding of blight before eminent domain can be used, and the potential use of eminent domain must be discussed at the blight hearing. The bill allows for agencies to acquire a home under eminent domain only if the owner consents, or a petition by other at least 80% of the other owners in the project area petitions for it, and requires a 2/3 vote of approval by the agency board. Conditions for eminent domain for other types of buildings also apply.

### SB98 – Governmental Immunity for Trails

The bill provides for immunity for pedestrian or equestrian trails along canals, ditches, rivers, etc., regardless who the owner of the canal or ditch is, so long as the trail is part of an adopted general plan of a county or municipality.

### SB163 – Amendments to Municipal and County LUDMA

This bill encourages counties and municipalities to receive a recommendation from the fire authority before approving a subdivision plat.

### SB183 – Restriction on Designation of Wetlands

This bill simply says that a city or county may not designate nor regulate an area as wetlands unless the U.S. Army Corps of Engineers has designated the area as such.

### SB215 – Amendments to LUDMA

This is the consensus bill between local governments and the realtors and Property Rights Coalition that is a follow-up to SB60 and last year’s negotiated bills. The bill establishes what has been called the “ripcord” provision – that is, allowing an

## WIKSTROM

Karen Wikstrom, AICP  
Principal

422 North 300 West  
Salt Lake City, Utah 84103  
Tel 801.521.7724  
Fax 801.521.7725

[www.wepc.biz](http://www.wepc.biz)

real estate • planning • economics



## Calendar

May 7- 21~ AICP testing period  
 May 14, 12:30~ Daybreak Tour  
 May 23, 2:00-3:30 ~ Inclusionary  
 Housing Audio Conference  
 May 31, June 1~ Community  
 Planner Seminar [mbeesley@ulgt.org](mailto:mbeesley@ulgt.org)  
 June 11, 12:30~ West Valley City  
 Center  
 June 27, 2:00-3:30~ Planning Law  
 Review Audio Conference  
 August 13, 12:30~ Layton Projects  
 September 27-28~ Fall Conference;  
 Davis County  
 October 8, 12:30~ Tailoring  
 Development Codes to Meet  
 Development Needs and Trends  
 October 23-26~ ULI Fall Meeting;  
 Las Vegas  
 November 12, 12:30~ Carbon and  
 the Culture of City Building  
 December 10, 12:30~ Transit  
 Oriented Development on the  
 Wasatch Front

applicant to ask for a final determination on the completeness of a land-use application. Members of the PRC say that there are more frequent instances of where their applications never get to the point of being considered by the land use authority because staff keeps saying their applications are not complete; e.g., the studies are not complete or adequate, or all the required elements are not included in an application. The “rip-cord” provision would allow the applicant to request a final determination on completeness, and then allow them to move forward in the appeals process if they so desire. It gets them out of “spin cycle,” so to speak.

The bill also inserts the term “fundamental fairness” into the two paragraphs of the purpose section of the LUDMA. There has been some debate as to just what this means and what it will do, but generally it is felt by the local government representatives to mean fundamental fairness in the process rather than in specific results.

### SB218 – CD and Renewal Agency Amendments

This bill makes a lot of changes to the definition and findings of blight for inactive industrial sites and sites in need of environmental remediation (e.g., a closed steel mill), and how tax increment can be collected and used for such sites.

### SB232 – Military Installation Development Authority

This bill establishes a development authority for land on military installations. It is geared primarily toward the proposed Enhanced Use Lease project on the west side of Hill Air Force Base, where the military will make base land available for private development. The purpose is to generate new revenue for the military. The agency created by this bill will act like a redevelopment authority, but is not limited to one community, and also is under much simpler restrictions. This can be the entity which will work with the private developers to find ways to fund necessary infrastructure and other improvements, and serve as a central coordination body for the private developer plans.

## Transportation Bills

### HB98 – County Option Sales Tax for Highways, Fixed Guideways or Systems of Public Transit Amendments

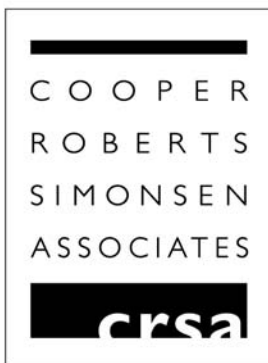
This bill authorizes the use of money raised by increasing the local option sales tax for transit, on state roads and local roads of regional significance. It also allows some state funds to be used on local roads of regional significance.

### HB108 – Transportation Study – East-West Corridors

This bill appropriates \$3.5 million to UDOT to study the potential for a major east-west transportation corridor in Salt Lake County west of I-15 and south of 2100 South, and to study another such corridor in a county of the 2<sup>nd</sup> class, whatever that means. All to be completed by September 2008.

### HB158 – Amendments to Transportation Provisions

This bill morphed many times from the original. Ultimately, as passed, the bill requires that 70% of the money collected from the \$10 vehicle registration fee increase in Salt Lake County is to go towards the Mountain View Corridor. It also gives more specifics as to what types of roads money from the Corridor Preservation Fund can be used for, specifically state roads, and local roads that are regionally significant and at least, in urban areas, collector highways.



## Presidents Message cont...

Valley, is in the process of updating our General Plan, and we hope a theme of the plan will be to make the community more sustainable, more green. Maybe that should be a thought for all planners in updating our plans!

I'm headed to Philly for the National APA Conference and hope to see many of you there. See you for a run up the steps at Independence Hall (I'll be the one with the sweats and punching bag, raising my clenched fists in triumph while munching down on a cheese steak sandwich)!

## HB226 – Sales and Use Tax – Highways and Public Transportation Amds

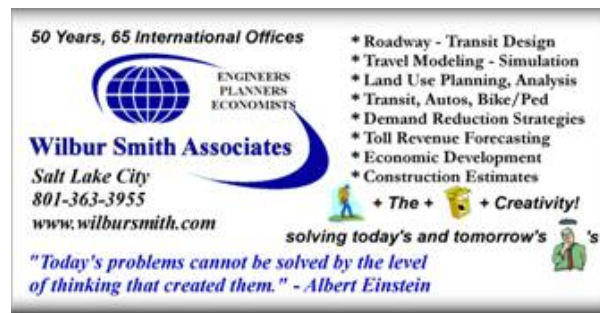
This bill essentially allows for a local government located in an existing transit district to raise their own revenue to pay for their own transit system (apparently Provo, which is located in the UTA district, is looking to do this).

## HB314 – Transportation Funding Revisions

This bill creates the Critical Highway Needs Fund, the third such fund for building roads in state government. The bill directs \$90 million per year into the fund, which is to be used for critical highway projects in high-growth areas and areas of congestion. The list of projects is to be developed by the state transportation commission and submitted for review by the legislative executive appropriations committee. UDOT is also to submit a plan for reconstruction of I-15 in Utah County.

## SB69 – Local Transportation Corridor Preservation Fund Amendments

This bill makes some relatively minor changes to the Corridor Preservation Fund provisions. It stipulates that the project list for use of the funds in a county must be prepared by the COG and submitted to the county governing body for approval, and that this can only occur once a year. There are also some other minor technical provisions.



50 Years, 65 International Offices

ENGINEERS  
PLANNERS  
ECONOMISTS

**Wilbur Smith Associates**

Salt Lake City  
801-363-3955  
www.wilbursmith.com

- \* Roadway - Transit Design
- \* Travel Modeling - Simulation
- \* Land Use Planning, Analysis
- \* Transit, Autos, Bike/Ped
- \* Demand Reduction Strategies
- \* Toll Revenue Forecasting
- \* Economic Development
- \* Construction Estimates

+ The + Creativity!

solving today's and tomorrow's

"Today's problems cannot be solved by the level of thinking that created them." - Albert Einstein

## May Luncheon- Daybreak Tour

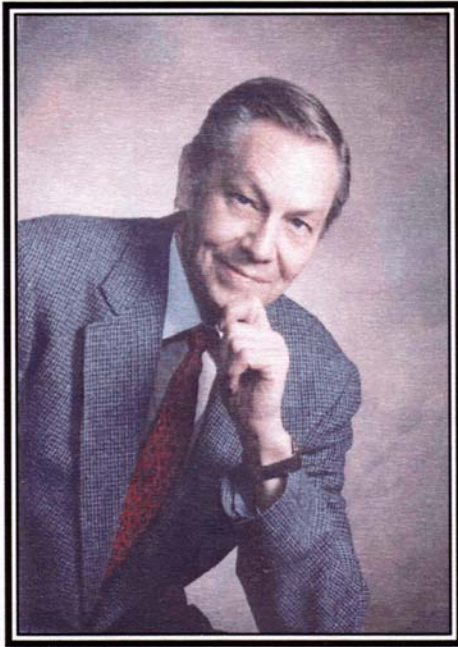


If you talk to your neighbors and ask them what they want for their kids and grandkids in the future, you'll find that we all want pretty much the same things: close family, good health, economic prosperity and outstanding quality of life – as good as, or even better than our own. Kennecott Land has a plan for balanced growth that will help keep jobs and families in the Salt Lake Valley for decades to come.

At Kennecott Land, these values are at the forefront of their planning. As part of Rio Tinto, an international mining company, Kennecott Land is committed to sustainability in all its operations. Proof of their commitment can be found in their first community, Daybreak— located in South Jordan, Utah—Daybreak provides a model for future growth and economic prosperity along the West Bench. Even as Kennecott Utah Copper will provide copper to the world for many more years, Kennecott Land is transforming other West Bench property into high-quality communities. These new communities are planned around a variety of employment centers offering a mix of office, retail and other commercial uses connected by a public transit corridor.

Along the West Bench, Kennecott Land envisions dedicating approximately half of its 93,000 acres to parks and natural open space, thus protecting the beauty of the Oquirrh Mountains and opening up a new frontier to recreation. We invite you to visit Daybreak for the Utah APA luncheon from 12:30-2:00pm on May 14, 2007. Please RSVP by Thursday May 10, 2007. For more information and to RSVP, please contact Nathan at [nathan.francis@kennecott.com](mailto:nathan.francis@kennecott.com).

**KENNETH R. MILLARD AICP 1930-2007**  
**Architect, City & Regional Planner**



Ken Millard AICP, Utah architect and planner for many years, passed away on February 20, at the age of 76. Ken was a tireless and dedicated professional who persevered until poor health forced his retirement just a year before his death. He enjoyed many accomplishments and touched countless lives in his long career. He devoted much of his life to his native Utah but also worked in the states of Washington, California, Illinois, as well as Europe and South America.

Ken earned BFA and Bachelor of Architecture degrees from the University of Utah in the 1950s and a Master of Regional Planning degree at Cornell University in 1960. Ken was a member of the American Institute of Architects, American Planning Association, American Institute of Certified Planners, and the National Council of Architectural Boards. He was a registered architect in Utah, Arizona, California and Colorado.

An LDS mission call sent Ken to France as a young man. A subsequent call sent him back to France and Belgium from 1964 to 1966 as Chapel Construction Supervisor. Shortly after his return home Ken served for a year as the resident architect for Nauvoo Restoration, Inc. (1966-1967). He confirmed his commitment to his church when, late in his career, Ken accepted a mission to serve as the city planner for the City of Nauvoo when the Church announced re-construction of the Nauvoo Temple.

Diverse and useful employment helped Ken launch his career. He served as Director of Planning and Engineering for Provo City, Utah; Director of Planning for the Southwest Snohomish County Joint Planning Council, Washington (5 cities/counties); and Senior Planner for Williams & Moline, City & Regional Planning, San Francisco.

Ken joined with George Smeath (Utah's first professional planner) as Mountain Area Planners in the early 1970s and in 1977 began his own consulting firm, Millard Consultants. Ken was assisted for a time by John Janson (current President of the Utah APA Chapter) who had just earned his master's degree in planning. For more than thirty years as a general planning consultant Ken's work spanned city and regional planning including subdivisions, site location analysis, architecture, redevelopment, project planning and design, and interior design. Ken completed projects in the states of Alaska, Arizona, California, Colorado, Idaho, Illinois, New York, Nevada, Utah and Washington, and the countries of France, Belgium, and Bolivia.

Ken prepared general plans and ordinances for over 50 cities, towns and counties, 3 multi-county planning districts (many of the general plans were prepared under the HUD 701 Grant Program), and a plan for the Great Salt Lake including implementation codes and ordinances. He published a Model Land Development Code for Utah Counties and Municipalities and updated it annually. Ken also shared his talent and expertise as an Adjunct Professor of City Planning, MPA Program and Art & Design Department (1972-1982), Brigham Young University. Ken reached all his contacts in his "cool" Datsun 240Z of which he was very proud.

Architectural design projects completed by Ken include public, commercial, & industrial buildings, shopping centers, office buildings, medical facilities,



**epg**  
environmental planning group  
PLANNING, PERMITTING, AND LANDSCAPE ARCHITECTURE  
Michael Doyle AICP, RLA  
Director, Salt Lake City Office  
247 South 500 East  
Salt Lake City, UT 84102  
phone: 801-746-4457  
www.epgaz.com

churches, residential complexes and resorts. Some specific structures include the Mexican

Civic Center in Salt Lake City, offices and public works facilities in Price, Central Banks in American Fork, Lehi, and Provo (remodel), Tenderfoot Apartments in Gunnison, Colorado, and Hills Brothers office in North Salt Lake.

With all of this going on in his life, Ken was still willing to devote time to public service. He served on the City Council of North Salt Lake, President of the Sugar House Rotary Club, President Utah-Bolivia Partners, Chairman of the Oruro, Bolivia-Salt Lake City Sister Cities Committee, Special Deputy (honorary) for the Salt Lake County Sheriff, volunteer service at Assist, Inc. (design center for affordable housing), and a part time professional manufacturing plant inspector for the State of Utah. Ken also served a term as President of the Utah Chapter of APA not long after the chapter was created.

Ken Millard concluded his professional career as the Community Development Director for the newly incorporated city of Holladay. Prior to accepting the position as Director, Ken prepared an analysis of sales tax inventory and potential financial impacts for two large proposed annexations to the city.

During his time as Director, he was instrumental in expanding the city's initial zoning ordinance, including "building envelope" standards and the nonconforming lot problems. Ken wrote the general plan language for both of the large annexations and directed their rezoning.

Following retirement from his employment with Holladay City in 2005, though slowed by health problems and working at home, Ken prepared an Affordable Housing Update for the City. The Holladay planning staff expresses considerable gratitude for Ken's indefatigable devotion and credits him with keeping the department up and operating during a very turbulent period of the city's infancy.

All of his accomplishments should not overshadow the fact that Ken is survived by a wonderful wife, Carolyn, eight successful children and 27 grandchildren. Needless to say, Ken Millard was an incredible man who left a remarkable legacy.

---

### Planners on the Move

Brianne Emery will be joining PB (formerly Parsons Brinckerhoff) Planning and Environmental Group in the Murray, Utah office-- beginning May 7. Brianne will graduate May 4 from the University of Utah with a Master degree in Environmental Policy and Communication with a certificate in Urban Planning. She has worked for the Bureau of Land Management and the Forest Service in Salt Lake City and has extensive GIS experience. She will join the teams working on various transportation and transit projects in the Mountain West.

Syracuse City Planner Roger Wirthen has been appointed Syracuse City Administrator. Look for the job announcement for the Syracuse City Planner position on the web page.



- Multimodal Analysis & Micro-Simulation
- Integrated Land Use & Transportation Planning
- Travel Demand Forecasting
- Smart Growth Planning
- Transit Oriented Development
- Traffic Calming
- Intelligent Transportation Systems
- Bicycle & Pedestrian Planning
- Transportation Impact Analysis





Public Notifications • Radius Maps • Ownership Listings

23412 Moulton Parkway, Suite 140  
Laguna Hills, CA 92653

Telephone: 866.PLAN.COM  
sales@notificationmaps.com

## GET OUT THE VOTE!

Aric Jensen – Vice President

As mentioned in the previous newsletter, it's Chapter election time! If you haven't voted yet, there's still time, and if you already have, thank you for your participation.

While it may seem unnecessary to vote when the candidates are running unopposed, it's still important that we participate in the process and show our support. The Executive Committee members serve without compensation and sometimes at their own expense, and the least we can do is take two minutes to fill out a ballot.

So, for those who haven't voted yet, please vote now! For the first year ever, ballots may be submitted by fax, email, or snail mail. Send them to:

Teller Committee  
c/o Aric Jensen  
Bountiful City Planning Department  
790 South 100 East  
Bountiful, UT 84010  
Fax: (801) 298-6033  
[ajensen@bountifulutah.gov](mailto:ajensen@bountifulutah.gov)

While only the eligible names submitted by the deadline of March 16, 2007, appear on the ballot, any chapter member in good standing may organize a write in campaign. This year, the Nomination Committee received letters of interest from Matthew Taylor and Grant Crowell, both of whom have been placed on the ballot. All election ballots must be received by 5 pm on May 31, 2007.

Ensign Engineering

**Ensign Engineering & Land  
Surveying**

Midvale, (801) 255-0529,  
davidj@ensignutah.com,  
www.ensignutah.com