

Cache

Planning News

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Cities, Towns, and Protests

What can be done to keep the peace while protecting first amendment rights?

In the wake of nationwide protests against police brutality why have some protests, and counter protests, like the ones in Logan been peaceful, while others have descended into property damage, vandalism, and looting, like in Salt Lake? setting aside the reasons for and the questions over validity of protests, this article will discuss what cities and towns can do to ensure 1st amendment rights to free speech are protected while maintaining peace.

Despite what some may say this is absolutely a job for planning as we espouse the ethics of American Planning Association (APA) and the ethics standards of the American Institute of Certified Planners (AICP), as such we have a duty to “Seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration. We shall urge the alteration of policies, institutions and decisions that oppose such needs” (Principle 1F). While decisions about policing and use of force fall outside of our purview, we do have a responsibility to plan, prepare for, allow, and encourage peaceful assembly and protest. So what can we do as communities?

Plazas for Protests

Stephanie Rouse, a planner in Minneapolis wrote an article in 2018 highlighting that there was no public square or gathering place in the entire city where protestors were able to gather peacefully to demonstrate she theorized that lacking a public gathering space, future protests would take to streets, blocking traffic, and potentially spilling out of control. This claim was prophetic as recent unrest in the nation started in Minneapolis. This may also partially explain why the protests in Logan held at the public County Courthouse square were peaceful where the protests in Salt Lake that happened in the streets and moved to private property were accompanied by violence.

Her recommendation was to create public places and spaces that are able to hold large demonstrations places that have: joined public spaces, lack large physical barriers, don't have fixed seating, are separated from traffic, and allow for natural lighting and visibility.

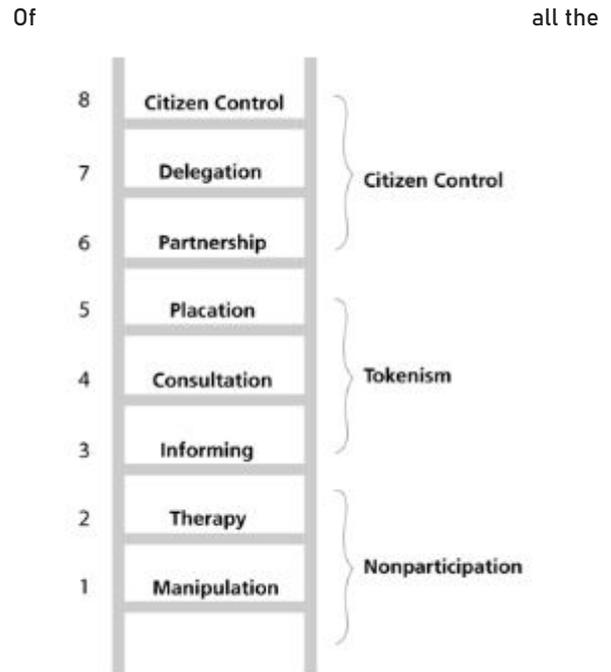
This isn't to say simply having open squares and public places will prevent violence, but by allowing the public to gather and raise concerns we can empower citizens to speak out and have a chance to be heard, preventing locations for people to gather may have the effect of causing peaceful protestors to feel they are denied a voice leading to more extreme action.

Arnstein's Ladder

In 1969 Sherry Arnstein published “A Ladder of Citizen Participation” in the Journal of the American Planning Association, she argued that the way that decisions are made can be organized into 8 rungs on a ladder of participation, the higher up on ladder, the more power citizens have in the process, and consequently the higher on the ladder decisions are made the more valid they can be seen by residents. While there are some times when “tokenism” levels of engagement like “informing, or consultation” are the appropriate levels of engagement we can, and should work up the ladder toward “citizen control” as much as possible. While this may or may not

apply to conversations on policing or stop the types of protests and violence that have been seen in the past month, increasing citizen participation in the planning process and decision making made at the local level increases the perceived legitimacy of decisions, which in turn should lead to public buy in an support of and for local action and authority

Arnstein's Ladder of Citizen Participation Avoid Escalation



actions communities can take to avoid protests turning violent or into riots, perhaps nothing is as effective as avoiding escalation. As “The Marshall Project” reports 50+ years of research on the way crowds of protestors and police behave and interact shows that shows of force not only don't deter protestors but they raise tensions, the simple act of police showing up in riot gear has been shown to push protestors into more violent and tense postures, the use of rubber bullets and tear gas even more so.

The response of the Police in Logan on the other hand, to meet with protestors with food and drink and engage in dialog likely went a long way towards relaxing tensions and preventing violence that was seen around the county.

Build Relationships

This goes hand in hand with increasing citizen participation and avoiding escalation. Law enforcement officers, and former law-enforcement officials who have had success in good policing of demonstrations say it isn't about showing up with the right demeanor, and the time to make friends isn't when you need them, you have to be in front of it. By increasing public participation and having open and honest conversations with citizens and empowering them in the decision making process we as planners and communities can build relationships and trust, so when the next demonstration kicks off we are able to have conversations and speak from a position of mutual understanding and trust.

Making the Most of Staff Reports

Staff Reports are a valuable tool that can assist you in your development review, and empower local decision makers

Staff reports, are a valuable tool that all communities regardless of size can utilize in the planning process to help improve the flow of meetings, ensure that accurate information is being relayed, and ensuring decisions are being made in a consistent manner, according to local ordinance. In this article I'll discuss how a decent staff report can assist staff, elected and appointed officials, and applicants. I'll also discuss the anatomy of a staff report.

Staff Benefit

Staff reports are beneficial to members of staff, as they help ensure we are only moving items forward that are ready to be heard by a public body. By completing a staff report with each development application that is received we are able to ensure that we are receiving complete applications and that developers are "checking all the boxes" and providing everything required by code.

They help us to become familiar with our ordinances. This gets us in the habit of checking for compliance with all code requirements, this can help us ensure we aren't scheduling items for Planning Commission and City Council meetings that don't meet the basic requirements needed under our development ordinances. The quickest meeting after all is the one that doesn't happen, while the longest is one where the project in question is not ready for evaluation.

Finally staff reports address applicant questions/concerns which in turn can reduce the amount of time that might be spent explaining decisions or requirements to applicants. They help us learn what our code says, understand where items in the code are, and helps us to find and share items in our code. This is important not only as members of staff, but for Planning Commissioners/City Council Members who are acting in the **Administrative** role where the adopted ordinance is

key.

Assists PC and CC

A thorough well put together staff report highlights issues of compliance and non-compliance with development ordinance, making it clear to elected and appointed bodies what issues need to be addressed, this in turn allows meetings to focus on the question at hand. Staff reports can also clearly indicate what role a body is acting in, as the items to be considered and the decision making calculus may change if a body is acting in an **administrative, quasi-judicial, or legislative** manner, this helps to ensure that action that is taken is in accordance with LUDMA. Staff reports completed prior to meetings can be distributed to land use authorities, which will allow them to review code references and speak with authority when addressing issues.

Assists the Applicant

Staff reports are a great benefit to applicants because they assist them in understanding:

- What items are in compliance with code.
- What items are out of compliance with code.
- Clear understanding of what changes they need to make to their proposal (if any) in order to be eligible for approval.
- Clear code references so they can understand the reasons that decision makers are making the decisions that they are.

Anatomy of a Staff Report

While there is no "right or wrong" way to write a staff report I have found a template that has worked for me broken into 3 basic sections: Header, Body, and Footer which will be discussed more fully on page 4.

Nibley Flag Contest

Nibley mayor Shawn Dustin has announced that as a part of the "2020 Heritage Days Re-invented" to hold a flag design contest for residents of Nibley to design the City Flag.

Inspired by Roman Mars "TED Talk" the flags that are submitted are encouraged to follow the

Vexillology rules of well-designed flags which include:

1. Being simple enough a child can draw it
2. Use symbols and color that have meanings
3. Use two or three basic colors
4. Contain no letter, words, or seals
5. Be distinctive
6. Be drawn on a 1 inch by 1.5

inch space (as that's how a standard flag on a pole looks from 100 feet away)

Nibley residents can participate by going to <https://www.nibleycity.com/index.php/default-category/586-mayors-flag-design-contest>

Others interested in the TED Talk which I highly recommend can find it at: <https://youtu.be/pnv5IKB2hL4>

Anatomy of a Staff Report



Cache County
Planning Commission Staff Report

June 1st 2020

Applicant	Applicant Name	Type of Action	Administrative Action
Request	Preliminary Plat	Previous Meeting	n/a

Background: Here the basic facts of the project are able to be discussed, where the property is located, what is surrounding the property, if there is any special information that should be known you can place it here.

Proposal: Here we can describe the action that the applicant is seeking, if it's a rezone request, annexation proposal, or a subdivision request describe it here.

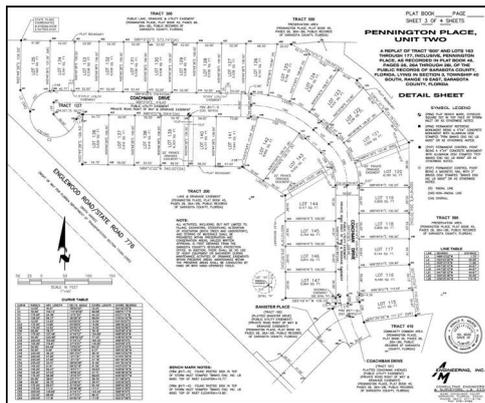


Figure 1 Use of maps and images can help to explain proposals

Type of Action: Describe the action being taken, if it's an Administrative Action describe so here, if the item has a public hearing detail here that the item is a public hearing etc.

Items for Consideration: This is a great place to detail information that requires the Planning Commission or City Council action. If the proposal doesn't comply to city standards you can describe how it doesn't comply to standards here. Attach code references that point to the sections of the code that the proposal doesn't comply with

in this section as well.

Multiple Items: If there are multiple items to consider, you can separate each topic with a subheading, allowing applicants, the public, commissioners, and council members to easily keep track of various issues and ensure each one is addressed.

Recommendations: This is an appropriate section to include if you'd like to provide councils or commissions with appropriate motions that they are able to pass as they move the item on in the process below are provided multiple examples of recommendations, you may present one, multiple or no recommendations in a staff report:

The following is provided for the benefit of the Planning Commission and may be referenced or read when making a motion:

Approval

I move that the Cache County Planning Commission recommend approval of the example preliminary plat to the County Council

HEADER
This section includes:

- Community name and logo
- Title that includes the meeting date and body the staff report has been prepared for. It also includes
- The applicant
- Type of action to be taken
- Previous meetings

BODY
This Section Includes:

- Background information.
- Proposal applicant is making.
- Images and Graphs that conveys meaning.
- Items for consideration.

Footer
This Section Includes:

- Recommendations
- List any attachments that you've included with the staff reports (i.e. plan sets, letters, evaluations, reports etc)
- Summary, particularly for controversial or complex applications, a 1 page summary to recap the issues addressed in the staff report

Presentation

A good staff report can be used to put together a brief 5 minute presentation where those who haven't seen the report can learn the basics of the proposal. Keep it to facts and don't advocate for or against a development proposal