

Cache

Planning News

October 2019



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Compliance Column

Title 10 Chapter 9a Part 7 Section 702 Utah Code - Variances



Occasionally an individual may request a “Variance” or a waiver from the requirements of a land use ordinance that is applied to a parcel of property that he/she owns or leases.

It is the responsibility of the Municipality to consider a Variance Request, giving the applicant due process, but it is also important to bear in mind that, according to State Law, a municipality is FORBIDDEN from granting a variance unless the following 5 things are found to be true :

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the General Plan;

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
5. The spirit of the land use ordinance is observed and substantial justice is done.

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Calendar Competition



The Utah League of Cities and towns and the Workforce Services Housing & Community Development Office is hosting a competition to receive the best photographs of Rural Utah,

There are cash prizes for the top three submittals: First Place: \$100, Second Place: \$75, and Third Place \$25.

Categories for submissions include:

- Playground
- Main Street
- Foodie Haven
- Social Hour
- Eye Candy

Submissions are due by 3:00 P.M. on October 25th at www.ruralplanning.org/2020calendar

It's a great opportunity to explore your community and share what makes it so special with the rest of the state.

Transportation Planning Funding Available- Act Fast

Cache Metropolitan Planning Organization and UDOT have funds available for transportation planning, but you must act fast

Jeff Gilbert, a Transportation Planner with the Cache Metropolitan Planning Organization (CMPO) has informed us of two different funding sources for transportation planning.

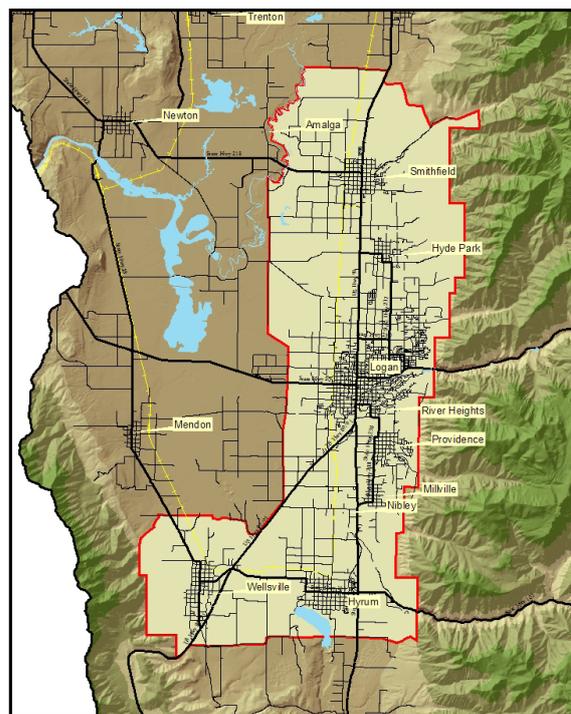
The First source of funding, available for those who act fast comes from UDOT, who has funds available that may be used for the following planning purposes:

- » Community Visioning Projects
- » Transportation Master Plans
- » Active Transportation/Multimodal Plans
- » Corridor Plans/Solutions Development Processes
- » General Plans
- » Zoning Code Updates
- » Small Area Land Use/Transportation Plans.

These funds are available for any jurisdiction, but **APPLICATIONS MUST BE SUBMITTED BY OCTOBER 7TH** The application is luckily quick and easy to complete, a link to the application:

https://docs.google.com/forms/d/e/1FAIpQLSdBn1CTvJ-HCLb7DQW58caND_oYuH344vkptC42yyltWgT8xg/viewform

The Second source of funding comes from the Cache Metropolitan Planning Organization itself, and is available for cities within the CMPO area. The CMPO board recently approved making \$100,000 available for community planning grants. Although CMPO isn't accepting applications at this time they will be shortly so begin thinking about



Cache Metropolitan Planning Organization
Planning Boundary



options. Jeff Gilbert, CMPO, and the countywide planning and development office will keep you posted on submission dates for these funds

Feel free to contact:
Jeff Gilbert at Jeff.Gilbert@CacheCounty.org or
Tayler.Jensen@CacheCounty.org with any questions.

Variances

In addition to meeting these five criteria a variance may not be granted unless the hardship:

- Is located on or associated with the property for which the variance is sought; and
- Comes from circumstances peculiar to the property, not

from conditions that are general to the neighborhood

No hardship may be self-imposed, or economic in nature
In cases where variances are approved the municipality may still impose additional requirements on the applicant that will mitigate harmful

affects or serve the purpose of the standard or requirement that is being waived or modified.

the Countywide Planning Office can assist you in processing a variance application, and/or providing training to the land use authority that handles variances in your municipality.

THE BIRDS ARE COMING

Electronic Scooters have left Cache Valley for now, but will we be ready when they come back?



Electronic scooters and other “shared active transportation” such as dockless bicycles aren’t currently present in Cache Valley, and haven’t been since Spin removed their scooters from Logan in 2018, but trends around the country and the state suggests that it’s only a matter of time until electronic, dockless scooters and bicycle re-appear in Cache Valley. While these dockless “vehicles” bring a number of safety and nuisance concerns communities may not want to outright ban them as they also possess the ability to address a number of mobility concerns. Now while they aren’t present is the perfect time to adopt the regulations that will govern them as they return. For communities that wish to get ahead of the trend we suggest reviewing the NACTO (National Association of City Transportation Officials) guidelines which include:

- » Only allow bike and scooter shares to operate in the public right-of-way with legal permission (license, permit, contract) from the city
- » Limit the number of companies, or vehicles
- » Reserve the right to revoke permits for companies that don’t follow/ensure compliance with city ordinance
- » Cities should limit the duration of licenses and permits to fixed time periods (e.g. 6, or 12 months) and require all companies to reapply for renewal
- » Require companies to hold insurance and indemnify the city
- » Require a plan for the removal of damaged, abandoned, improperly parked vehicles
- » Come up with plans and procedures for winter/snow storms
- » Require a 24-7 contact information for a locally-based manager/operation staff with decision making power who can respond to city requests
- » Require a city (or county) specific website or platform to address terms of service, user instructions, policies, fees, penalties etc
- » Max speed 15 MPH
- » Back and front Lights
- » Parking locations shall be clearly stated (out of roadways, and walking portions of sidewalks)
- » Limit use to Bike Lanes, and shared use roadways (not on sidewalks or pedestrian paths, not in traffic on collector or arterial roadways)

All guidelines may be found: <https://nacto.org/wp-content/uploads/2018/07/NACTO-Shared-Active-Transportation-Guidelines.pdf>

Transportation Town Hall:

Elected officials held a transportation town hall on September 18th, where they discussed transportation issues, and a new state pilot program testing the use of a Road Use Charge (RUC). A change in funding for roads is seen as necessary due to the number of vehicles with alternative fuel sources, and increased fuel efficiency for standard vehicles.

Proponents believe that a RUC will be more equitable than a gas tax, while opponents are worried about privacy, since RUC systems need to track vehicles and the number of miles that they drive. Utah is launching a pilot study in which 500 participants will place a device on their vehicles and be billed approximately 1.5 Cents for each mile that they drive. During the pilot the fee will be capped at the standard flat fee for electric vehicles. The test is designed to help policy makers decide if it is feasible to move from a Gas Tax to a RUC in the future.