

# Cache

## Planning News

Special Edition



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# 2020 Legislative Update

## A brief rundown of the bills the legislature passed that relate to municipal planning

**W**ith so many bills to cover we're just providing a basic overview of each in this newsletter. If you want to get into the specifics about any bill feel free to contact CWP for a in-depth review.

**House Bill 388** - This bill makes modifications to the Land Use Development and Management Act (LUDMA) in both titles 10 and 17, it:

- Clarifies the state definitions for Utility and Public Easements
- Clarifies that any change made to a plat are now defined as "Subdivision Amendment" rather than using multiple terms
- It defines the explicit powers and duties of Planning Commissions, including clearly stating the requirement to hold public hearings for all legislative items. The Legislative Body has the option to accept the PC recommendation, and failure of the PC to make a "timely" recommendation may be considered a negative recommendation
- Land Use applications submitted under county jurisdiction have right to proceed if annexed.
- If your municipal code has plats void if not recorded within a set amount of time, the Legislative Body must now vote to void the plat, plats no longer void automatically.
- State doesn't require subdivisions of 10 lots or fewer to have a subdivision plat (a community may still require a plat)
- Appeals to land use decisions may be taken only by an applicant, board or officer of the governmental entity, or an adversely affected party (as defined in the bill)

**Action Required:** review and update subdivision codes, and appeal authority provisions

**House Bill 374** - Building Regulations Amendments. This bill has the following provisions:

- Requires the Utah League of Cities and towns to submit a report that shows the average time cities take to complete plan reviews. (Reminder plan reviews are supposed to be completed within 14 business days)
- Report on average days from a request for a building inspection to inspection completion
- Strategies to reduce residential building design elements for moderate income housing

**Action Required:** ULCT will contact members with a template for reporting requirements by the end of April.

**House Bill 273** - This bill is one to pay close attention to as there could now be civil penalties for not adhering to advisory opinions from the Property Rights Ombudsman:

- If a party receives an advisory opinion from the Office of the Property Rights Ombudsman, and further litigates the same land use dispute in court, the prevailing party (including the municipality) may collect a civil penalty of \$250/day.
- Penalty is awarded only if a court finds that the opposing party knowingly and intentionally violated the law.
- Penalty may only be awarded to government or applicant, not a third party.

**Action Required:** Land Use Authorities and Staff should carefully consider any land use decision subject to this legislation and ensure that municipal action is in full compliance with law.

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## Tour of Cache



Cache Countywide Planning (CWP) would like to invite the elected officials, planning commissioners, and municipal staffs of the valley to join us on a "Tour of Cache County" tentatively scheduled for the 2nd week of August.

We will be touring different communities, developments, and corners of the County, visiting mixed used developments, main streets, affordable housing developments, business campuses, public facilities, complete streets, and public parks. The tour will give us the opportunity to share ideas, concerns, and work collaboratively on pressures that we collectively face.

If your community has a project, development, neighborhood, or idea that you're proud of and want to share (or if you want to solicit feedback from the group) please contact Tayer.Jensen@cachecounty.org to be scheduled as one of the stops.

We look forward to touring with you.

# 2020 Legislative Update

## House Bill 226 - Storm Water Permitting Amendments:

- Provides a process for “low impact development” for reduced storm water requirements
- Defines “Low Impact Development”
- Appeals process has been changed to a process similar to the Geological Hazards appeal in LUDMA.

**Action Required:** Update appeal provision in code, and check appeal fees.]

## House Bill 202 - Local Government Nuisance Ordinance Reform: Cannot impose criminal penalty (infractions only) on actions unless:

- Action meets state code definition of nuisance and threatens health, safety or welfare OR
  - 3+ fines have been imposed for same violation at least 3 times in 12 months
  - Each citation is at least 14 days apart
- Does NOT apply to building or fire code violations

**Action Required:** Review nuisance ordinance (CWP can help communities that don't have staff resources)

## House Bill 305 - Urban Development Amendments: This doesn't require any action by municipalities as it's directed toward counties, but a brief overview of what it does:

- Prevents a county from approving an “expansion area urban development” unless the county notifies and gives a city or town the opportunity to consent proposed development
- An “Expansion Area Urban Development” is defined.
- The development proposal may then proceed if the town or city consents in writing; objects within 90 days of receiving the notice and the county responds in writing; or the municipality takes no action within 90 days.

**Action Required:** County will evaluate new development proposals to determine if they meet the definition of “Expansion Area Urban Development”

## House Bill 359 - Municipal Annexation Revisions:

- Allows for annexation of non-contiguous land provided that:
  1. The Land is in the municipality's declared expansion area
  2. The County Council Consents
  3. If another municipality also has the area in its expansion area, it consents to the annexation &
  4. The annexation is for the purpose of providing municipal services.
- Provisions to allow a municipality to annex certain properties without an annexation petition if it meets a long list of very specific requirements

**Action Required:** Review and update your local annexation regulations (CWP will be making a guide)

## House Bill 393 - Municipal Annexation Amendments:

- Prohibits a party from including in an annexation petition an area that includes some or all of an area proposed to be incorporated in a request for a

feasibility study if the feasibility study request is filed before the annexation petition and the feasibility study request is still pending.

- If an unincorporated island or peninsula is within the expansion area of more than one municipality, the bill also allows a municipality to annex without a petition if both municipalities agree.
- The bill also changes hearing requirements for an annexation without a petition in a second class county (Cache County is anticipated to become a second class county soon)

**Action Required:** Municipalities should review annexation petitions to ensure they do not include an area also identified in an incorporation feasibility study. Municipalities should review proposed annexation areas for area that is also located in another municipality's annexation expansion area.

## Senate Bill 95 - Economic Development Amendments:

- Creates the “Rural County Grant Program” within the Office of Rural Development to incentivize rural economic development.
- Requires those rural counties who wish to participate to create a County Economic Development Advisory Board.
- Creates the Rural Speculative Industrial Building Program within GOED (Governors Office of Economic Development) to encourage the construction of rural speculative industrial buildings by private developers.
- Moves the Recycling Market Development Zone Act to the Department of Environmental Quality and repeals USTAR and returns monies to the general fund.

**Action Required:** Municipalities should carefully review SB 95 (only applies while Cache is a Third Class County) It requires each rural county that seeks to participate in the Rural County Grant Program. To create a Community Economic Development Advisory Board (CED Board).

## Providence General Plan

The city of Providence has been working with the Consultant CSRA on their 2020 general plan. With a final draft now complete the City Council is set to adopt it shortly.

The Planning Process has been open and collaborative with public participation Opportunities, an interactive website [www.planprovidence.com](http://www.planprovidence.com).

A copy of the final draft of the plan is available to review online at: <http://providencacity.com/2020/02/13/2020-general-plan-final-draft-available-for-viewing/>

# Support Cache Businesses

## How to support local small businesses during the Covid-19 Pandemic

**S**ocial distancing has been difficult for all of us, but small local businesses are particularly vulnerable to the pandemic as they don't have the built up reserves to weather a prolonged disruption to business unlike larger national retailers they might not be able to reopen once they close their doors. Here are a few things that we can do to support the local businesses, and the friends, neighbors and community that they make up, all while following State and CDC guidelines.

**Buy Gift Cards** - Gift cards provide local businesses a influx of cash, signal that customers are going to return and patronize a location after the crisis, and in many cases can be purchased online from the comfort of your own home. (Also for any business owners that may be reading, if you don't currently have gift cards the website <https://www.kabbage.com/helpsmallbusiness> is allowing you to sign up to sell e-gift cards, for free during the COVID-19 Pandemic.

**Order Food** - Lets face it after a few weeks of not leaving the house we all need some variety in our life, particularly if your cooking range is as limited as mine, Ordering food from your favorite local restaurant (and getting around to trying other local restaurants that you haven't had a chance to try yet) is at least as much for our own sanity/taste buds as it is to support local restaurants.

Not only can you call most of your favorite restaurants (or order online) and have them run the food out to your car for a non-contact pickup you can also utilize the newly formed **Cache Valley Local Restaurant Cooperative** (<https://cachevalleyrestaurantdelivery.com/>) and have local food delivered right to your door. While this is super easy, it has the added bonus that many local restaurants are offering special incentives, meaning



you're able to get more food, for less cash. I mean honestly, ordering food from local restaurants would be borderline selfish if it didn't allow restaurants to weather this storm when customers are prohibited from dining in,

**Stock up at local businesses** - If your home is anything like mine you're discovering that you don't actually have as many board games, books, and puzzles as you thought you did. Or maybe you've come to the conclusion that now is the right time to buy that badminton set, or above ground swimming pool for the summer. Instead of buying these items at big box stores, or from Amazon, now is the time to support local retailers, many of which are being creative about how they can continue to provide great service during this interesting time. The Book Table in Logan, for example is taking payment for books over the phone and delivering books right to your car window.

**Buy Branded Merchandise** - Many local business have customized merchandise, usually with cool logos, buying and wearing it around shows you support the business. For added impact take a picture of you wearing the local merch, and post it on social media tagging the business, as a way to let your friends and family know about a great local retailer whom you support, and the chances are if you like something, your friends and family members will as well, so don't hold out keeping it a secret share it with the world.

**Share, Comment, and Like Social Media Posts** - Local Cache County businesses have stated that even liking and sharing their social media content can be a huge boon, even if you're not able to support them yourself, by sharing them you make it easier for others to find them.

**Shop Early** - If you're in a financial position where it is possible, shop early to support local businesses with money you'd typically spend anyways. Finish your Christmas shopping in May, stockpile birthday presents, buy a year's worth of greeting cards. Every small bit helps.

**Leave Positive Reviews** - Maybe you're not in a position to make extra purchases, why not log onto your favorite website and leave a positive review about one of your past experiences. If you're a Yelp'er you can make donations directly to your favorite businesses online, with the added bonus that Yelp and Go-Fund me have agreed to match the first \$500 donated to each business

**Leave a bigger tip** - Last but not least, don't forget those that are allowing the rest of us to live a fairly normal life during this strange time, increasing the size of a tip to delivery people and servers can help those that survive off tips now that business has dropped off because of the virus, those funds might not go directly to small businesses, but it can help their employees survive during this time.

At the end of the day we're all in this together, so take this opportunity to learn what local businesses are in the area, and find ways to support them, because when we support local businesses we are supporting our friends and neighbors that make Cache Valley the most wonderful community in the State.