

Cache

Planning News

February 2020



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Compliance Column

Cannabis production land use regulations



During the 2019 legislative session medical cannabis, and cannabis production were legalized by the State of Utah. In the past few weeks, news reports have indicated that one of the eight cannabis production licenses granted, is to a business located in Cache Valley. This naturally has raised interest, and has resulted in many communities asking the Countywide Planning and Development Office what the 2019 Utah Medical Cannabis Act means for municipalities? In this article we will briefly discuss the effects on communities of this legislation.

According to 10-9a-528 of Utah Code "A municipality may not regulate a cannabis production establishment in conflict with title 4 chapter 41a, Cannabis Production Establishments" the legislation goes on to also clarify that: "A municipality may not regulate a medical cannabis pharmacy in conflict with title 26, Chapter 61a, Utah Medical Cannabis Act". This means all municipal regulations must conform to state statutes. As a result the state will take the lead on reviewing and permitting these types of facilities, in many cases communities will only learn of an application when it comes to them with state approval.

The State regulations do prohibit where Cannabis production facilities may be located (with similar restrictions to those we

see on locations that sell tobacco and alcohol). As a result Cannabis Production Establishments are prohibited within 1,000 feet of a community location (Community locations are defined as: public and private schools, libraries, churches, public playgrounds or parks) and within 600 feet of a district zoned primarily for residential use.

State regulations also dictate what security systems need to be in place, and limit signage to a single 5'x4' sign that only contains business name, hours, and a green cross. State code allows municipalities to hold cannabis facilities to existing sign ordinances if they are stricter than state allowances.

The legislation, it should be noted, prohibits communities from revoking or denying a cannabis production establishment on the grounds that it violates federal law. Additionally a municipality may not require distance separations between multiple cannabis production establishments, medical cannabis pharmacies, or retail tobacco specialty businesses

This legislation also requires Local land use ordinances to make cannabis production a PERMITTED USE in Industrial and Agricultural Zones.

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Land Use Training



The Countywide Planning and development office is pleased to announce that we will be holding Land Use training on February 11 2020 at 8:15 AM. The training will be held on the ground floor of the County Administration building in multipurpose room 109.

The training will address the foundations of planning (where planning authority comes from legally) and will discuss the three different roles of planning:

Legislative
Administrative
Quasi-Judicial

We welcome elected officials, planning commissioners, and municipal staff. We will discuss some of the challenges we face in making land use decisions, and will work through some scenarios, and questions.

For communities interested in the training, but unable to make it, we are able to schedule a time to come and present the training within your municipality.

Garden City Movement

From time to time we will discuss influential Planning Movements, up first this is the Garden City Movement

One of the most influential planning movements is the Garden City Movement, initiated in 1898 by Sir Ebenezer Howard in the United Kingdom. The Garden City movement is still influential around the world today, particularly in the United Kingdom where strong greenbelt protections remain around communities preserving idyllic countryside's and pushing development toward built communities.

Howards ideas, popularized in the book Garden Cities of To-morrow advocated for "Garden Cities" master planned, self-contained communities surrounded by "greenbelts" – Open countryside and/or farm land. The ideal garden city was described as housing 32,000 people on 6,000 Acres, in a city built in a concentric pattern with open spaces, public parks, and six radial boulevards extending from the center of the city stretching outward, once a city grew to a full 32,000 Howard envisioned small satellite communities popping up creating a city clusters of about 50,000 people connected by road and rail links. (Illustration to right).

The Garden City movement rose in response to the Industrial Revolution which saw cities becoming overcrowded, dirty and congested. Proponents advocated development of compact towns surrounded by wide rural swaths, allowing communities to be self-sufficient, while giving residents access to clean air, and calm open spaces or "Slumless smokeless cities" as proponents argued.

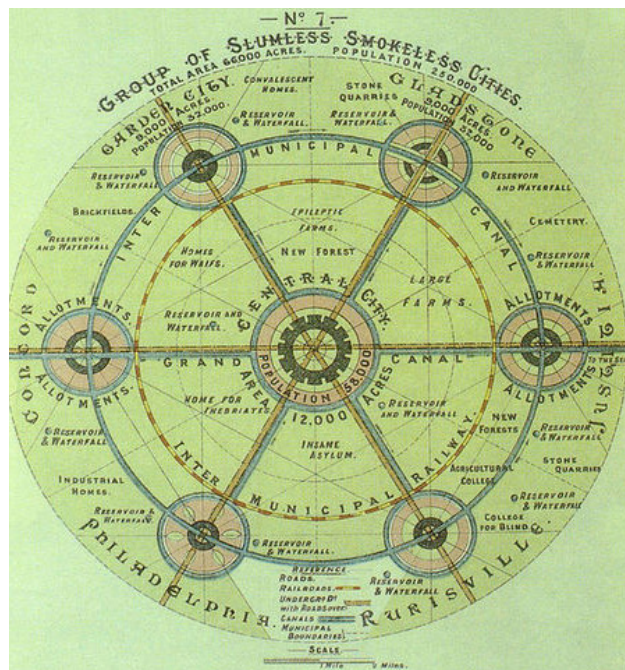
The Garden City Movement continues to influence planning throughout the world in a number of ways including:

GREENBELTS: Greenbelts is the preservation of open spaces surrounding communities where new development is limited to prevent urban sprawl was first proposed by the garden city movement and is now standard practice in the United Kingdom, and can be seen most notably in the United States in Bolder Colorado.

SOCIAL AND COMMUNITY DIMENSIONS: Social and Community dimensions became a feature of community planning, the happiness and health of residents became something to be considered when making plans, by taking a comprehensive planning approach planning could serve

public purposes. These principles are realized today in the Ethic commitments of the AICP

The Garden City Movement held three core principles for what a community should provide: Strong Community, Ordered Development, and Environmental Quality.



SUBURBAN DEVELOPMENT & NODAL DEVELOPMENT:

Garden cities were noted for moving workers away from the crowded cities to new development built on open land, while being designed for the working class they also called for clustering development around nodes, and linking nodes via transit (i.e. roads and rail) principles we see reflected in many T.O.D. codes today.

While the design of garden cities has fallen aside it's easy to see the principles are still strongly regarded today as we all want our communities to be strong, with high environmental quality and at least some level of order, keeping less desirable uses away from homes.

Cannabis:

This means if your community has **one or more** Industrial or agricultural zones that Cannabis production must be a PERMITTED USE in all industrial and agricultural zones, HOWEVER, There is an exception to this provision. If a municipality has designated by ordinance at least one Industrial and one Agriculture zone in which the operation of a

cannabis production facility is a permitted use (prior to receiving an application for one) they are able to restrict cannabis production facilities to just those zones.

For example if your community adopts a new, or (amends an existing) agricultural and Industrial zone to allow for Cannabis Production Facilities as

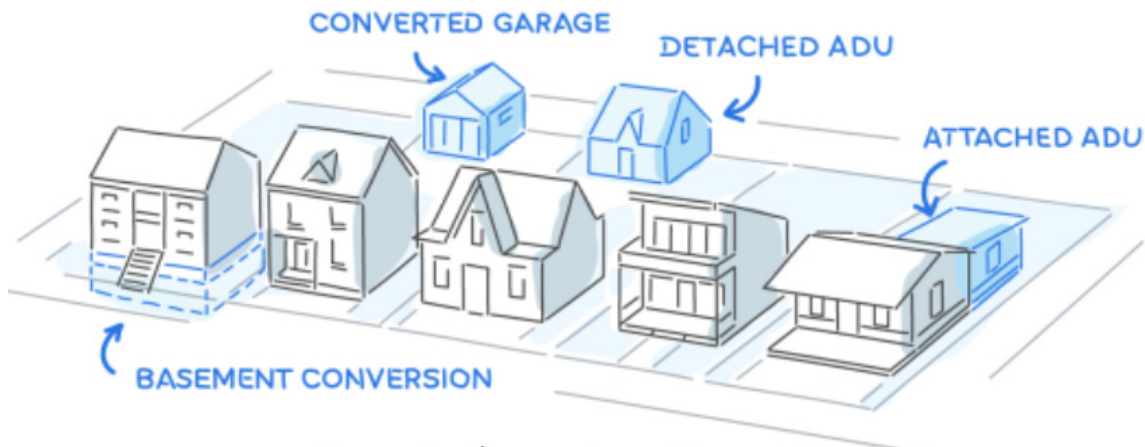
permitted uses, you may restrict Cannabis Production Facilities in other industrial and agriculture zones.

If your community would like assistance in drafting an ordinance to control what Industrial and Agriculture areas cannabis production facilities are allowed please contact:

Taylor.Jensen@CacheCounty.org

Accessory Dwelling Units

Mother-in-law units, granny flats, and basement apartments. Regardless of what we call them, ADU's can benefit property owners, current and prospective residents, and the community as a whole: A case for allowing and streamlining ADU approvals.



Accessory dwelling units are self-contained dwelling units contained within an existing unit or as an accessory to a single family dwelling and, they can be a boon to property owners, residents, and municipalities without being intrusive to the community. CPDO suggests that now may be the time to legalize these units (and/or streamline the approval process where allowed).

ADU's are popular with property owners as they allow: family members to live with them (while maintaining their own space) and/or enable owners to rent out a small unit collecting rent that is then used to help pay the mortgage. Communities are able to increase housing supply without taking on the burden of adding additional infrastructure (roads, sidewalks, water lines, sewer, etc.), and ADU's fit in with the existing community without altering its character (many are built within basements and make no visible change to the built environment). ADU's can provide affordable housing options and opportunities, particularly for students, young couples and retiree's. ADU's can be a real boon in Cache valley where the price of housing is rapidly increasing, and can be a burden to young families attending the university, and empty nesters alike. Beneficial to communities is the fact that allowing (and reducing regulations for) ADU's can fulfill one of the affordable housing options mandated by the Utah Legislature in 2019.

To maximize the benefit of ADU's communities should adopt clear easy to understand ADU regulations, and streamline the process (make it a by right process, rather than requiring PC/CC approval).

For communities interested in ADU's CPDO recommends the following provisions:

- Allow ADU's in all single family residential homes, and all zones that allow single family dwellings (including Agricultural zones that allow SFD's)
- Make ADU's a permitted use.
- Limit 1 ADU per property
- Require a property owner to reside in one of the 2 units
- Require ADU's to be on the same utility meters as primary dwelling units
- Maintain the appearance of a single family dwelling (interior ADU's should have entry into back or side yard, detached structures should maintain the appearance of a detached shed, garage etc.)

CPDO has a framework ADU code for interested communities

(<https://www.cachecounty.org/cpdo/framework-codes.html>), and is happy to meet with individuals and communities to discuss the adoption of ADU ordinances.

General Plan Update

On January 22nd County staff, and elected officials met with a Planning Consultant firm to officially kickoff the Cache County General Plan update.

As the Cache County General Plan was last updated in 1998, the county is planning on a complete rewrite of the general plan, and will be seeking feedback from residents and municipalities to help guide the vision. All engagement meetings will be advertised on the county website, and county facebook page.

In addition to updating the General Plan, the county will also be working on two companion plans to go with the general plan, the Urban and Rural assessment and cost of services plan, and the Regional Collaboration plan.

For more information, or to be included on the General Plan email update list please contact Tayler Jensen at Tayler.Jensen@CacheCounty.org