

Cache

Planning News

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2

Compliance Corner
Application processing requirements

2

Call For Updates
Countywide Planning needs your help, as we endeavor to create a clearing house for Development Codes, Rezones, and Large developments in Cache County.

3

Adopting a Dark Sky Ordinance
Dark sky ordinances don't only protect the natural beauty of the night, they can increase safety, and save a community money!

4

Online Trainings
Free online trainings, allowing you to learn while self isolating

Compliance Column

Application Processing Requirements

Under the “Land Use Development and Management Act” (LUDMA) municipalities are required to process application in a “reasonable time” under LUDMA the time that is reasonable can depend on the size and type of the application, as well as the number of applications that a municipality is currently addressing.

The time from which the action shall be taken begins after a complete application is made, if an incomplete application is received the municipality must inform the applicant of why the application is incomplete and what needs to be provided to make it a complete application. I would suggest providing a checklist with applications, and refusing to accept an application until all required items are submitted.

If action is not taken within a reasonable amount of time an applicant may submit a written request that a decision be made within 45 days. This does not entitle the application to approval but only a final decision on the application. LUDMA does not state the consequences if a local government fails to make a decision within 45 days, but the state ombudsman has hypothesized that an applicant could get a court order requiring the municipality to take action. If it becomes an issue we could possibly see the state legislature take action in ways similar to what they have done for building permit reviews (see below)

Unlike applications which simply have a “reasonable time” provision state code requires that municipalities approve or deny building permits within a strict period of time. Per Title 10 Chapter 5 of the Utah State Code those deadlines are as follows:

- Plan reviews for a one or two family dwelling or townhomes must be complete within 14 BUSINESS Days of it being accepted
- A review must be completed for a construction project of a residential structure built under the IBC by no later than 21 business days after the day on which the plan is submitted to the town.

The code goes on to state:

A town may not enforce the requirement to have a plan review if they don't complete the requirement within the above deadlines, if a licensed architect or structural engineer stamps the plan

Towns are also unable to require an applicant to redraft a plan if the changes requested are minor.

As mentioned in the Legislative Update, this is a big deal, the Utah League of Cities and Towns are going to be contacting every community and checking to see how they track permits and ensure that we are abiding by this provision, failure to do may result in the state legislature taking additional measure to limit the authority of municipalities to regulate building permits.

By keeping these dates and timelines in mind, we as municipalities can ensure that we are processing applications and permits in a reasonable time, which creates a positive experience for property owners, ensures we're being consistent with our actions, and prevents the state from further regulating municipal processes.

Call for Updates

In an effort to increase cooperation and communication throughout the valley, as well as to share best practices, and to track common issues/challenges that we are facing Countywide Planning is interested in putting together a Clearing House to share Planning information and resources accrossed and among communities.

We are already tracking Annexation Proposals (<https://www.cachecounty.org/cpdo/recent-annexations.html>) and we are hoping to round this out with information on Rezones, Development Code Amendments, and Large Scale Developments.

We are asking for your assistance in creating this clearing house, by sending Taylor.Jensen@CacheCounty.org copies of newly adopted Development Codes and Amendments, successful rezones, and approved site plans/ plats for large scale development.

It is our belief that the issues communities of the valley are facing are not unique to them, but are shared by other communities of the valley. By creating a comprehensive clearinghouse we are able to address them together while, tailoring our actions and efforts to reflect the character of our communities.

Adopting a Dark Sky Ordinance

A dark sky ordinance doesn't only protect the natural beauty of the night; it can increase safety and save your community money.

As residents of Cache Valley we are all acutely conscious of air pollution, and the impact that has on our lives, health, and quality of life particularly during winter inversions. Other forms of pollution such as Water quality also quickly jumps to mind when we think about protecting the environment. But there is another type of pollution that we may not think about but is just as delicate, I am of course speaking about the darkness of the night sky. Thousands of communities around the county are adopting codes to preserve the night sky; the reasons to adopt a dark sky ordinance go beyond the aesthetic reasons and include tangible benefits such as saving public money, and increasing safety.

Crafting your Code

The [International Dark Sky Association](http://www.darksky.org) has developed a "model lighting ordinance" available at www.darksky.org this ordinance also comes with a user's guide to explain the why, and how behind the ordinance which is helpful, but at 44 pages long it is likely not the solution for all, or even most communities, but by incorporating a few principles your community can go a long way toward protecting the night sky in a way that makes sense and is tailored for your community, those principles include:

- Use lighting only when needed
- Only light areas that need to be lit.
- Have lighting be no brighter than necessary.
- Minimize blue light emissions
- Have lighting be fully shielded (light only goes downward)

This list, as well as a helpful lighting fixture guide is available at <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/> which can also be linked to from <https://www.cachecounty.org/cpdo/planning-concepts.html>

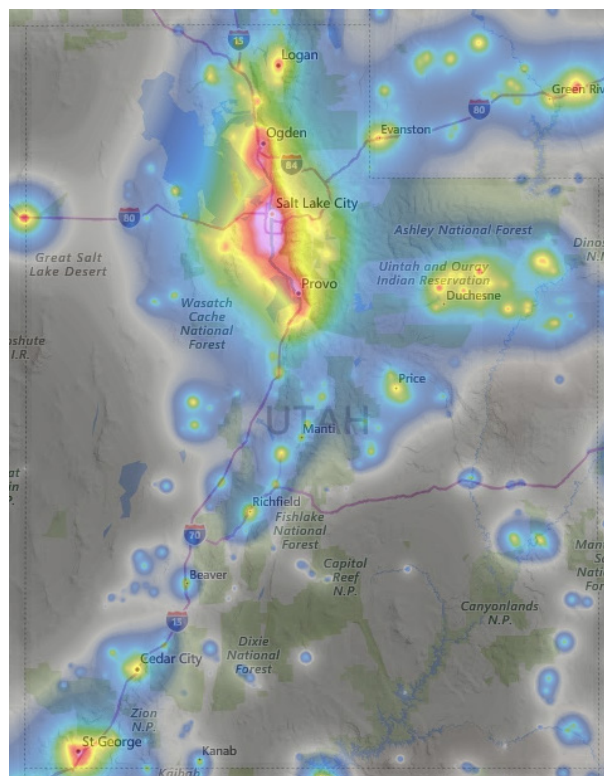
While there isn't a one size fits all approach, Countywide Planning has put together a framework code that can be customized to your community's needs. The code is based on code that the Countywide Planner administered in as a municipal planner, and adopted as a Planning Commission. The framework code may be found <https://www.cachecounty.org/cpdo/framework-codes.html>

Having discussed the nuts and bolts of adopting a dark sky ordinance, below we'll look at the tangible benefits that a community may expect to see by choosing to protect the night sky from light pollution.

Preserving the Night sky

It's easy to take the night sky for granted as only a few minutes outside Logan we're able to enjoy an almost entirely dark sky, in contrast to those along the

Wasatch Front who need to deliberately travel significant distances to see the Milky Way and the night sky. (as seen



in the image below)

a study in "Science Advances" estimate that 80% of American's aren't able to visibly see the Milky Way.

But besides missing out on a beautiful site, that can help remind us of our place in the world and the universe is there actually tangible harm caused? Surprisingly the answer is yes.

1. Light Pollution can suppress our bodies' ability to produce melatonin, and make it harder for us to sleep, particularly light on the blue scale, which is particularly disruptive.
2. Research has shown that the proliferation of artificial light has a negative impact on wildlife. Lights have been shown to confuse migrating birds, and there is evidence that artificial lighting can make it harder for zooplankton to eat harmful algae in lakes lowering water quality.

(Dark Skies Continued on Page 4)

Dark Skies

Increasing Safety

One of the main reasons we develop so much lighting is to increase safety, To make it safer for pedestrians, motorists on the streets, to cut down on nefarious, anti-social behaviors. and to prevent crime. Unfortunately by developing too much light, we start to erode, and even reverse the safety that comes from lights. Too much light has been proven to create light glare, that makes it difficult to see motorists, pedestrians, and cyclists in the after dark hours (Think when a large vehicle drive behind you and the lights shine in your windows, but on a city wide scale). This over lighting has also been shown to create favorable conditions for crimes of opportunity, and harsh lighting also creates shadows that criminal elements can also use to hide in.

Saving Public Money

The IDA estimates that 30% of all outdoor lighting in the US is wasted (i.e. shining up into the air and not on the ground) The overall cost is approximately \$3.5 Billion a year in the US, which comes to about \$10.00 Per year for every man, woman and child in the US. In a previous issue we discussed the fact that a home might pay ~\$400/year in taxes to a municipality, assuming the family in the home consists of 4 members, 10% of their yearly tax bill is being wasted on excess lighting. Overall a significant level of public money that could be better used elsewhere.

These benefits can be maximized by implementing a quality outdoor lighting plan, and replacing fixtures with efficient lighting municipalities can reduce their energy use by 60-70%

Online Trainings

Opportunities to learn while self-isolating

Strong Towns: "Strong Towns" is an international movement dedicated to making communities across the United States and Canada financially strong and resilient. It advocates making planning decisions based on evidence, and taking a look at the long term financial implications.

During this period Strong Towns is hosting weekly Zoom webinars for free (a webinar on Tuesday, and a questions and answer meeting on Thursday). In addition to these great webinars, Strong Towns is offering their "Strong Towns 101" course from the Strong Towns academy for free at <https://strong-towns.teachable.com/courses> For those with AICP certification this free course has been approved for 4.25 CE Credits.

United States Environmental Protection Agency: The EPA office of Community Revitalization has conducted a number of free webinars focused on Community revitalization, and smart growth and development, including rural development courses, they are available at: <https://www.epa.gov/smartgrowth/smart-growth-webinars-videos-and-podcasts>

American Planning Association: The American Planning Association has a free webinar archive where you can download Presentation Slides and Webinar recordings on a number of planning topics available at <https://apascd.wordpress.com/webinar-archive/>

Metroquest: The public engagement team at metroquest held the webinar "Reimagining Public Engagement for Planning during COVID-19: a Peer-to-Peer Exchange" a recording of this and past webinars are available at <https://metroquest.com/resources/#webinars>

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Instagram Photos from around Cache County, Tag us in a photo and see what others are posting from around the county <https://www.instagram.com/cachecountywideplanning/> or search "CacheCountywidePlanning"

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