

**APPROVED**

**CACHE COUNTY  
COUNCIL MINUTES  
APRIL 12, 2011**

**CACHE COUNTY COUNCIL**  
**April 12, 2011**

ABATEMENTS .....	2
AGRICULTURE PROTECTION AREA – Resolution No. 2011-11-Removal of Land from-Richards, Shirley .....	4
BOARD OF EQUALIZATION .....	2
BUDGET TRANSFER.....	2
BURNING – Window for Open .....	2
COUNTY CLERK’S OFFICE – Resolution No. 2011-09-Amendments to Service Fee Schedule.....	4
ECCLES ICE CENTER – Resolution No. 2011-12-Long-Term Endowment for the.....	4
FLOODPLAIN – Ordinance No. 2011-02-Amendments to Title 15.28 Floodplain .....	3
GRACE BAPTIST CHURCH – Property Tax Exemption Request.....	1
LOGAN REGIONAL HOSPITAL.....	6
MOUNT HOREB NORTHWEST LATIN CONFERENCE OF THE INTERNATIONAL PENTECOSTAL HOLINESS CHURCH – Property Tax Exemption Request.....	1
ORDINANCE NO. 2011-02 – Amendments to Title 15.28 Floodplain.....	3
PROPERTY TAX EXEMPTION REQUESTS – Grace Baptist Church, Mount Horeb Northwest Latin Conference of the International Pentecostal Holiness Church, Utah Festival Opera Company .....	2,3
PUBLIC HEARING SET – April 26, 2011-5:30 p.m.-Amendments to Title 15.04 Uniform Building Code Ordinance .....	3
PUBLIC HEARING SET – April 26, 2011-6:00 p.m.-Open 2011 Budget .....	3
RAC – Recommendations on RAC Proposed Projects-Discussion .....	4
RESOLUTION NO. 2011-09 – Amendments to Service Fee Schedule County Clerk’s Office .....	4
RESOLUTION NO. 2011-10 – Adoption of Computer & Phone Usage Policy .....	4
RESOLUTION NO. 2011-11 – Removal of Land from Agriculture Protection Area-Richards, Shirley .....	4
RESOLUTION NO. 2011-12 – Long-Term Endowment for the Eccles Ice Center .....	4
RICHARDS, SHIRLEY – Resolution No. 2011-11-Removal of Land from Agriculture Protection Area.....	4
ROADS – Proposed Amendments to the Cache County Road Standards ( <i>NO ACTION TAKEN</i> ) .....	3
SERVICE FEE SCHEDULE – Resolution No. 2011-09-Amendments to Service Fee Schedule County Clerk’s Office .....	4
SNOTEL REPORT .....	1
SUNSHINE TERRACE.....	6
TITLE 15.28 FLOODPLAIN – Ordinance No. 2011-02-Amendments to .....	3
UTAH FESTIVAL OPERA COMPANY – Property Tax Exemption Request.....	2
WARRANTS – 12-20-2010, 03-11-2011 to 03-17-2011, 03-18-2011 to 03-24-11 and 03-25-2011 to 03-31-2011 .....	1

**CACHE COUNTY COUNCIL MEETING**  
**April 12, 2011**

The Cache County Council convened in a regular session on April 12, 2011 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

**Chairman:** Jon White  
**Vice Chairman:** Craig "W" Buttars  
**Council Members:** H. Craig Petersen, Kathy Robison, Cory Yeates & Gordon Zilles. **Val Potter, absent**  
**County Executive:** M. Lynn Lemon  
**County Clerk:** Jill N. Zollinger  
**County Attorney:** Denise Ciebien Strong **James Swink, absent**

**The following individuals were also in attendance:** Janeen Allen, Wally Bloss, Sharon L. Hoth, Kree Lindsay, Assistant Chief Craig Pettigrew, Jen Stevenson, **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU, Nannette Miller & Jeremy Threlfall (KUTA).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Council member Gordon Zilles gave the opening remarks and led those present in the Pledge of Allegiance.

**REVIEW AND APPROVAL OF AGENDA**

**ACTION:** Motion by Council member Zilles to approve the agenda with Items 12e – Ordinance No. 2011-03-Vacating an Abandoned County Road, 12f – Discussion-Public Relations for Cache County Government and 12g – Recommendations – Restaurant/RAPZ Tax Committee - deleted. Yeates seconded the motion. The vote was unanimous, 6-0. Potter absent.

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Vice Chairman Buttars to approve the minutes of the March 22, 2011 Council Meeting as corrected. Yeates seconded the motion. The vote was unanimous, 6-0. Potter absent.

**REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON**

**APPOINTMENTS:** There were no appointments.

**WARRANTS:** Warrants for the periods 12-20-2010, 03-11-2011 to 03-17-2011, 03-18-2011 to 03-24-2011 and 03-25-2011 to 03-31-2011 were given to the Clerk for filing.

**OTHER ITEMS**

- Snotel Report** – Executive Lemon reported that the latest water report current to the end of March indicates that the storm water equivalent is 142% and the water year precipitation is 141%. There will be a planning meeting at 1:00 p.m.

April 13, 2011 at the Emergency Operations Center to review preparations for possible flooding. Lemon said he has heard a report that the Logan River has a 90% chance of flooding.

### ITEMS OF SPECIAL INTEREST

- **Window for Open Burning** – Assistant Chief Craig Pettigrew stated that the window for open burning without a permit for spring of 2011 is April 15 to May 15. The fall open burn time has been designated as September 15 to October 15, 2011.

Executive Lemon said a citizen suggested that the open burn time should be during a time other than the state designated time period when air quality is being measured. Pettigrew explained that the state is measuring for PM2.5. Smoke from fires is the concern with open burns, not PM2.5. Any open burn must conform to the Division of Air Quality Clearing Index which monitors the level at which pollutants, such as smoke, disperse; however, agricultural burns, i.e. fence lines, ditch banks or stubble fields are exempt.

Pettigrew also noted that citizens requesting burn permits during the rest of the year can leave a message if they call on a weekend and their calls will be returned.

### BUDGETARY MATTERS

- ◆ **Inter-Departmental Transfer**  
Support Services  
\$6,000.00 from Capitalized Equipment to Sheriff-Patrol Capitalized Equipment to cover half of the expense of Harley Davidson motorcycle equipment.

(Attachment 1)

**ACTION:** Motion by Council member Yeates to approve the \$6,000.00 budget transfer. Robison seconded the motion. The vote was unanimous, 6-0. Potter absent.

### PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

**ACTION:** Motion by Vice Chairman Buttars to convene as a Board of Equalization. Zilles seconded the motion. The vote was unanimous, 6-0. Potter absent.

**THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION.**

### BOARD OF EQUALIZATION

- **Tax Exemption Request** *(Details are on file in the Cache County Auditor's Office)*  
Grace Baptist Church  
Mount Horeb Northwest Latin Conference of the International Pentecostal Holiness Church

**ACTION:** Motion by Council member Zilles to approve the requested Property Tax Exemptions. Yeates seconded the motion. The vote was unanimous, 6-0. Potter absent.

- **Tax Exemption Request** *(Details are on file in the Cache County Auditor's Office)*  
Utah Festival Opera Company

**ACTION:** Motion by Council member Zilles to approve the Property Tax Exemption request for Utah Festival Opera Company. Buttars seconded the motion. The vote was unanimous, 6-0. Potter absent.

- **Parcels with Abatements** – In response to Councilmember Petersen's question, Executive Lemon explained the various categories for abatements. Lemon will find out details for the "20%" abatement and bring the information to the next Council meeting when the Council will act on the abatements.

**ACTION:** Motion by Council member Yeates to adjourn from the Board of Equalization. Buttars seconded the motion. The vote was unanimous, 6-0. Potter absent.

**THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.**

**PUBLIC HEARING SET: APRIL 26, 2011 – 5:30 P.M. – AMENDMENTS TO TITLE 15.04 UNIFORM BUILDING CODE ORDINANCE**

*and*

**PUBLIC HEARING SET: APRIL 26, 2011 – 6:00 P.M.-OPEN 2011 BUDGET**

**ACTION:** Motion by Council member Yeates to set Public Hearings for April 26, 2011 at 5:30 p.m. – Amendments to Title 15.04 Uniform Building Code Ordinance – and April 26, 2011 at 6:00 p.m. – Open 2011 Budget. Robison seconded the motion. The vote was unanimous, 6-0. Potter absent.

**PENDING ACTION**

- **Discussion – Proposed Amendments to the Cache County Road Standards**  
Chairman White reported the Planning Commission is holding a special meeting on this issue on April 19, 2011 and will have a recommendation soon.
- **Ordinance No. 2011-02 – Amendments to Title 15.28 Floodplain Management** – Chris Harrild observed that Director Runhaar reviewed these amendments at the last Council meeting and asked if there were any concerns or questions and recommended approval.

**(Attachment 2)**

**ACTION:** Motion by Council member Petersen to approve Ordinance No. 2011-02-Amendments to Title 15.28 Floodplain Management. Yeates seconded the motion. The vote was unanimous, 6-0. Potter absent.

**Ordinance No. 2011-02:** The vote was 6-0. Potter absent.

	<u>BUTTARS</u>	<u>POTTER</u>	<u>PETERSEN</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X		X	X	X	X	X	6
NAY								0
ABSTAINED								0
ABSENT		X						1

**INITIAL PROPOSAL FOR CONSIDERATION**

- **Resolution No. 2011-09 – Amendments to Service Fee Schedule County Clerk’s Office** – Clerk Zollinger went over the fee changes for the Council.

(Attachment 3)

**ACTION:** Motion by Vice Chairman Buttars to waive the rules and approve Resolution No. 2011-09-Amendments to Service Fee Schedule County Clerk’s Office. Zilles seconded the motion. The vote was unanimous, 6-0. Potter absent.

- **Resolution No. 2011-10 – Adoption of Computer & Phone Usage Policy** – Executive Lemon observed that the Ordinance Review Committee has examined this ordinance.

(Attachment 4)

**ACTION:** Motion by Council member Yeates to waive the rules and approve Resolution No. 2011-10-Adoption of Computer & Phone Usage Policy. Robison seconded the motion. The vote was unanimous, 6-0. Potter absent.

- **Resolution No. 2011-11 – Removal of Land from Agriculture Protection Area** – The removal request has been filed by Shirley Richards and consists of parcel ID’s #11-007-0007 (16.92 acres) and #11-011-0013 (8.82 acres) located north of Mendon. Executive Lemon pointed out that this is the first property to request being removed from an Agriculture Protection area. State Code authorizes the County Council to authorize the removal unless the property is inside a city. Staff recommends approval.

(Attachment 5)

**ACTION:** Motion by Council member Zilles to waive the rules and approve Resolution No. 2011-11 – Removal of Land from Agriculture Protection Area. Yeates seconded the motion. The vote was unanimous, 6-0. Potter absent.

- **Resolution No. 2011-12 – Long-Term Endowment for the Eccles Ice Center** – Executive Lemon stated this reestablishes the 1/64% sales tax revenue for the Ice Arena for five years.

(Attachment 6)

**ACTION: Motion by Council member Zilles to waive the rules and approve Resolution No. 2011-12-Long-Term Endowment for the Eccles Ice Center. Petersen seconded the motion. The vote was unanimous, 6-0. Potter absent.**

- **Discussion – Recommendations on RAC Proposed Projects** – Vice Chairman Buttars reported there are presently three proposals that have been presented. A letter of approval was sent by the RAC for Glen Thornley's proposal to improve main Smithfield Canyon. The Forest Service has come out in opposition to Glen Thornley's proposal because it does not conform to their travel management plan and requires a NEPA (National Environmental Policy Act) process. Thornley has revised his proposal so the NEPA process will not be required. Keith Shaw of the Bear River Resource Conservation and Development (BR RC&D) has reworked his proposal to improve some Forest Service roads to merge with and complement Thornley's and will be meeting April 14, 2011 with the County Road Department to discuss how the improvements will be made.

The Forest Service has also submitted two proposals to improve some motorized trails. Buttars noted that the Forest Service proposals would use all of the funding. Buttars said he is somewhat frustrated with the situation and feels that the RAC will end up recommending Forest Service projects to the Forest Service and added that other projects which have come before the RAC from other counties are Forest Service backed projects.

Council member Yeates said Thornley's original proposal was to reestablish the road all the way through Smithfield Canyon. His revised version is to improve the road only to the gate so there will be no need for a NEPA. Shaw has coupled his proposal to improve some Forest Service Roads with Thornley's as Shaw has access to the equipment that will be used in the projects.

Executive Lemon asked how much funding is available. Buttars said there is \$156,000.00 for three years and the projects must be approved by September 30, 2011.

Lemon explained to Chairman White that the money comes from Secure Rural Schools Title II funding and if any county receives more than \$300,000.00, they must split it with the school district and put a percentage into the Title II funding. By law a RAC, or Resource Advisory Committee, must be set up to work with the Forest Service.

Buttars observed that the point of Glen Thornley's proposal was that Smithfield Canyon Road is an RS2477 road, but because the Forest Service gated it and controls it through their travel management plan, they will not allow the county to make improvements to it. Perhaps it is time to put pressure on the Forest Service about the travel management plan.

Executive Lemon recommended negotiating with the Forest Service on individual roads as the county has done in the past.

Council member Yeates emphasized that if the county could get the \$50,000.00 for the BR RC&D coupled with the Class B road funds in addition to the present agreement with the Forest Service for the use of their grader for thirty days each summer – these are tremendous resources for the county. That is why the county needs to make sure the projects get approved.

Buttars said the Forest Service will probably have to receive some funding for a project to get their cooperation on the county proposals.

In response to Lemon's question about the cost of Thornley's project, Vice Chairman Buttars said he will get that information.

Chairman White asked if the money can be used for trails. The answer was yes.

### **OTHER BUSINESS**

- ✓ **Chairman White** told Council members to get any item under other business on the next agendas because the May agendas will be full.

### **COUNCIL MEMBER REPORTS**

**Kathy Robison** reported that representatives from the Logan Regional Hospital and Sunshine Terrace have been invited to attend the June 14, 2011 meeting to hear the Council's decision and findings of fact and be available to answer any questions.

### **ADJOURNMENT**

The Council meeting adjourned at 5:56 p.m.

---

**ATTEST:** Jill N. Zollinger  
County Clerk

---

**APPROVAL:** Jon White  
Chairman

REQUEST FOR INTER-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Support Services  
DATE: 3/22/2011

Amount to be transferred -- (rounded to the nearest dollar) \$6,000.00

Transfer From ---  
Line Item No. : 10-4211-740  
Fund Designation: Capitalized Equipment

Original Budget: \$92,000.00  
Current Budget: \$92,000.00  
Expenditures to date: \$48,292.50  
Balance before transfer: \$43,707.50  
Balance after Transfer: \$37,707.50

DEPARTMENT: Sheriff -Patrol  
Transfer To ---  
Line Item No. : 10-4210-740  
Fund Designation: Capitalized Equipment

Original Budget: \$126,000.00  
Current Budget: \$126,000.00  
Expenditures to date: \$23,258.82  
Balance before transfer: \$102,741.18  
Balance after Transfer: \$108,741.18

Description of needs and purpose of transfer ---  
To cover half of the expense of Harley Davidson motorcycle equipment.

Recommendation: [ X ] Approval [ ] Disapproval  
Comments:

Date: 3/22/2011

  
Department Head  
Jamba Stones  
Cache County Auditor

Recommendation: [ X ] Approval [ ] Disapproval  
Comments:

Date: 3/22/2011

  
Cache County Executive

Consented by the Cache County Council meeting in regular session on the 12<sup>th</sup> day of April, 2011.

  
Cache County Clerk

**CACHE COUNTY, UTAH  
ORDINANCE NO. 2011-02**

**Flood Damage Prevention Ordinance**

*Disclaimer:*

*This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.*

**AN ORDINANCE AMENDING AND SUPERSEDING CHAPTER 28 OF TITLE 15 OF  
THE CACHE COUNTY CODE REGARDING CACHE COUNTY'S FLOOD DAMAGE  
PREVENTION ORDINANCE**

WHEREAS, the State of Utah has authorized Cache County to adopt Ordinances regulating private lands and construction on said lands; and

WHEREAS, the purpose of this ordinance is to provide clear guidelines for development within floodplains that protect the life and property of the citizens of Cache County; and

WHEREAS, the County Council caused notice of the hearing and the amendments to Title 15.28 of the Cache County Code to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County; and

WHEREAS, on March 22<sup>nd</sup>, 2011, at 5:30 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 15.28 of the Cache County Code. The County Council accepted all comments; and

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement these ordinances.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapters 28 of Title 15 of the Cache County Code is hereby amended and superseded as follows:

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-50-302 (1953, as amended to date).

2. Purpose of Provisions.

The purpose of this ordinance is to amend and supersede Chapter 28 of Title 15 of the Cache County Code regarding Flood Damage Prevention to insure the protection of public and private land, structures, and life throughout areas of the County from floodwaters.

3. Findings

- A. The amendments to Title 15.28 of the Cache County Code are in conformity with Utah Code Annotated, §17-50-302 (1953, as amended).
- B. The amendments to Title 15.28 of the Cache County Code are necessary to establish restrictions and guidelines for development within floodplains and other areas prone to flood damage throughout the County, as designated by Flood Insurance Rate Maps (FIRM) provided by the Federal Emergency Management Agency (FEMA), in order to protect the life and property of land owners throughout the County.
- C. The amendments to Title 15.28 of the Cache County Code will insure the protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.
- D. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 15.28 of the Cache County Code be approved.

4. Title 15, Chapter 28 of the Cache County Code is amended to read as follows:

SEE EXHIBIT A

5. Prior Ordinances, Resolutions, Policies And Actions Superseded.

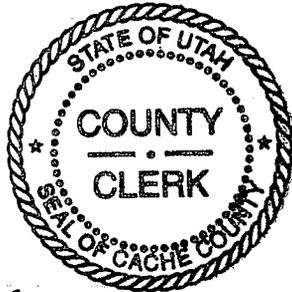
This ordinance amends and supersedes Chapter 28 of Title 15 of the Cache County Code, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. Effective Date.

This ordinance takes effect on April 27<sup>th</sup>, 2011. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 12<sup>th</sup> day of April, 2011.

	In Favor	Against	Abstained	Absent
Potter				X
Buttars	X			
White	X			
Petersen	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	6			1



CACHE COUNTY COUNCIL

*Jon White*

Jon White, Chair  
Cache County Council

ATTEST:

*Jill Zollinger*

Jill Zollinger  
Cache County Clerk

Publication Date: April 27, 2011

**15.28 FLOOD DAMAGE PREVENTION ORDINANCE**

**15.28.100: AUTHORITY AND PURPOSE**

**15.28.110: STATUTORY AUTHORIZATION**

The Legislature of the State of Utah has in Utah Code Unannotated 17-50-302 delegated the responsibility to local governmental unites to adopt regulations assigned to promote the public health, safety, and general welfare of its citizenry.

**15.28.120: PURPOSE**

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

**15.28.130: METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this ordinance uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**15.28.200: DEFINITIONS**

Unless specifically defined below, words or phrases used in Title 15.28 shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**ALLUVIAL FAN FLOODING** - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

**APEX** - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**AREA OF SHALLOW FLOODING** - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD** - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

**BASE FLOOD** - means the flood having a one percent chance of being equaled or exceeded in any given year.

**BASEMENT** - means any area of the building having its floor sub-grade (below ground level) on all sides.

**CRITICAL FEATURE** - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**DEVELOPMENT** - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**ELEVATED BUILDING** - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

**EXISTING CONSTRUCTION** - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date.

"Existing construction" may also be referred to as "existing structures."

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site

grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION-**

Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FLOOD OR FLOODING** - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters.
2. the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM)** - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

**FLOODPLAIN OR FLOOD-PRONE AREA** - means any land area susceptible to being inundated by water from any source (see definition of flooding).

**FLOODPLAIN MANAGEMENT** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOOD PROTECTION SYSTEM** - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**FLOOD PROOFING** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY (REGULATORY FLOODWAY)** - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**FUNCTIONALLY DEPENDENT USE** - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The

term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE** - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE** - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  - a. by an approved state program as determined by the Secretary of the Interior or;
  - b. directly by the Secretary of the Interior in states without approved programs.

**LEVEE** - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**LEVEE SYSTEM** - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LOWEST FLOOR** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

**MANUFACTURED HOME** - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**MANUFACTURED HOME PARK OR SUBDIVISION** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MEAN SEA LEVEL** - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**NEW CONSTRUCTION** - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes

any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**RECREATIONAL VEHICLE** - means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**START OF CONSTRUCTION** - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE** - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**VARIANCE** - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.).

**VIOLATION** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**15.28.300: GENERAL PROVISIONS**

**15.28.310: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Cache County," dated May 24, 2011, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. Cache County automatically adopts all FEMA effective Flood Insurance Rate Maps and all FEMA effective Flood Insurance Studies.

**15.28.320: ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit for all structures shall be required to ensure conformance with the provisions of this ordinance.

**15.28.330: COMPLIANCE**

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

**15.28.340: ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**15.28.350: INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

**15.28.360: WARNING AND DISCLAIMER OR LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**15.28.400: ADMINISTRATION**

**15.28.410: DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The Director of Development Services is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

**15.28.420: DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the National Floodplain Insurance Program Coordinator for the State of Utah, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with 15.28.310, the Floodplain Administrator shall obtain, review and reasonably utilize

- any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of 15.28.500.
9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
  10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

**15.28.430: PERMIT PROCEDURES**

1. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
  - a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
  - b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
  - c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of 15.28.520(1);
  - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
  - e. Maintain a record of all such information in accordance with 15.28.420(1).
2. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
  - a. The danger to life and property due to flooding or erosion damage;
  - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - c. The danger that materials may be swept onto other lands to the injury of others;
  - d. The compatibility of the proposed use with existing and anticipated development;
  - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

- g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- j. The relationship of the proposed use to the comprehensive plan for that area.

**15.28.440: VARIANCE PROCEDURES**

1. The Board of Adjustments as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
2. The Board of Adjustments shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Board of Adjustments may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in 15.28.430(B)(2) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this ordinance, the Board of Adjustments may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (15.28.120).
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
10. Prerequisites for granting variances:
  - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - b. Variances shall only be issued upon:
    - i. showing a good and sufficient cause;
    - ii. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

- iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - c. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - a. the criteria outlined in Article 4, Section D(1)-(9) are met, and
  - b. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**15.28.500: PROVISIONS FOR FLOOD HAZARD REDUCTION**

**15.28.510: GENERAL CONSTRUCTION STANDARDS**

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**15.28.520: SPECIFIC CONSTRUCTION STANDARDS**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in 15.28.310, 15.28.420(2)(H), 15.28.530(3) the following provisions are required:

1. **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement),

elevated to a minimum of one (1) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in 15.28.430(1)(a), is satisfied.

2. **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to a minimum of one (1) foot above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
3. **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. **Manufactured Homes** -
  - a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
  - b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home

has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to a minimum of one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of 15.28.510(4) be elevated so that either:
  - i. the lowest floor of the manufactured home is a minimum of one (1) foot above the base flood elevation, or
  - ii. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- 5. **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
  - a. be on the site for fewer than 180 consecutive days,
  - b. be fully licensed and ready for highway use, or
  - c. meet the permit requirements of 15.28.430(1)(a), and the elevation and anchoring requirements for "manufactured homes" in 15.28.510(4). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**15.28.530: STANDARDS FOR SUBDIVISION PROPOSALS**

- 1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with 15.28.120 & 130 of this ordinance.
- 2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of 15.28.320, 15.28.430, and 15.28.500.
- 3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions, if greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to 15.28.310, 15.28.420(2)(h) of this ordinance.
- 4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- 5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

**15.28.540: STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)**

Located within the areas of special flood hazard established in 15.28.310, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
2. All new construction and substantial improvements of non-residential structures;
  - a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
  - b) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to Floodplain Administrator that the standards of this Section, as proposed in 15.28.430(1)(a), are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

#### **15.28.550: FLOODWAYS**

Floodways - located within areas of special flood hazard established in 15.28.310, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. If 15.28.550(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of 15.28.500.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

# CACHE COUNTY, UTAH

RESOLUTION NO. 2011-09

A RESOLUTION PROVIDING FOR AMENDMENTS TO SERVICE FEE SCHEDULE OF THE OFFICE OF THE CACHE COUNTY CLERK.

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is appropriate and necessary that the service fees schedule for services of the Office of the Cache County Clerk be amended.

THEREFORE, the Cache County Council hereby adopts the following resolution:

BE IT RESOLVED THAT:

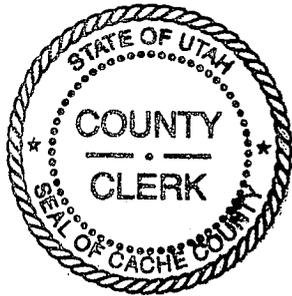
Section 1: Service Fees Schedule.

The Service fees schedule attached hereto is hereby approved for the Office of the Cache County Clerk superceding all prior service fee schedules for that office.

Section 2: Effective Date.

This resolution shall become effective immediately.

DATED this 12th Day of April, 2011.



CACHE COUNTY COUNCIL:

By: Jon White  
Jon White, Chairman

ATTEST TO:

By: Jill N. Zollinger  
Jill N. Zollinger, Cache County Clerk



**Jill N. Zollinger**  
**Cache County Clerk**  
179 North Main Suite 102  
Logan, UT 84321  
Phone: 435.755.1460 | FAX: 435.755.1980  
[www.cachecounty.org/clerk](http://www.cachecounty.org/clerk)

## CACHE COUNTY Office of the County Clerk

### FEE SCHEDULE

Marriage License .....	\$50.00
Certified Copy .....	\$ 9.00
Uncertified Copy .....	\$ 2.00
Perform Marriage Ceremony .....	\$40.00
Document Certification .....	\$ 5.00
Notarial Certificate .....	\$ 5.00
General Copies .....	\$ 0.25
DVD or CD Copy .....	\$5.00
Returned Check Fee .....	\$25.00
<b>Voter Information</b>	
Setup Fee ( <i>In Addition To Other Charges.</i> ) .....	\$20.00
Disk .....	one half cent per name
Hard Copy .....	one cent per name
Labels .....	2 cents per name
Voter District Guide .....	\$5.00
Voter Information Card replacement .....	\$2.00
<b>Business License Fees</b>	
Home Occupation Business .....	\$55.00
Contractors ( <i>Home is base of business but does contracting work away from their home</i> ) ..	\$80.00
Commercial Business ( <i>Less than 10 Employees</i> ) .....	\$105.00
Commercial Business ( <i>More than 10 Employees</i> ) .....	\$230.00
Fire Inspection Fee .....	\$20.00
Late Fee .....	\$50.00
Late Fee (non-compliance after 45 days notification) .....	\$500.00
Temporary Business (Non-permanent Basis or Transit Business Person) .....	\$60.00 per calendar day of operation
<b>Fair Fees</b>	
Fair Booth Fee (With Electricity) .....	\$140.00 - 600.00
(Without Electricity) .....	\$140.00
Parking Pass .....	\$5.00
Mutton Bust .....	\$6.00
Cache Valley Idol Contest .....	\$10.00
Rodeo Tickets .....	\$7.00 - 30.00
Carnival Pre-Sale Tickets .....	\$18.00

Effective Date: April 13, 2011

**CACHE COUNTY  
RESOLUTION NO. 2011 - 10**

**A RESOLUTION AMENDING THE CACHE COUNTY CORPORATION PERSONNEL  
POLICY AND PROCEDURE MANUAL**

WHEREAS, the Cache County Council on March 22, 2011, in a regular meeting of which lawful notice had been given, considered amending Sections 5.13.1.5 and 5.16.0 of the Cache County Corporation Personnel Policy & Procedure Manual, which governs the use of computers owned by the County and the use of electronic devices while employees are driving County vehicles; and

WHEREAS, on April 12, 2011, the Cache County Council unanimously approved the proposed amendments Sections 5.13.1.5 and 5.16.0 of the Cache County Corporation Personnel Policy & Procedure Manual; and

WHEREAS, the Cache County Council finds that it is necessary, appropriate, and in the best interest of the County and its personnel that the Cache County Corporation Personnel Policy and Procedure Manual be amended;

NOW, THEREFORE, BE IT RESOLVED that the County Council of Cache County approves the adoption of the following resolution:

1. Amendments: The Cache County Corporation Personnel Policy and Procedure Manual is hereby amended as set forth in the attached Schedule "A."
2. Application: The amendment to the County Corporation Personnel Policy and Procedure Manual shall apply to all current and future County employees.
3. Prior Resolutions and Policies: This Resolution and the amendments specified in Schedule "A" to the Cache County Corporation Personnel Policies and Procedures manual supersede all previously adopted resolutions and policies to the extent that they are in conflict with the specific provisions of this Resolution and the attached Schedule "A."
4. Effective Date: This Resolution shall be effective immediately upon its adoption.

Adopted by the County Council of Cache County, Utah, this 12<sup>th</sup> day of April, 2011.



CACHE COUNTY COUNCIL

*Jon White*

Jon White, Cache County Council Chair

ATTEST:

*Jill N. Zollinger*  
Jill N. Zollinger, Cache County Clerk

# SCHEDULE "A"

**5.12.1.5 MOBILE COMPUTING DEVICE SAFETY.** All laws regarding the use of cell phones or any other electronic computing devices, including distracted driving, must be observed. In no case will a County employee operate any electronic computing device when driving on County business with the exception of emergency service personnel pursuant to State and Local ordinances or the emergency services department's policy.

If any employee or volunteer is involved in a vehicle accident while in violation of this section, such employee will be subject to scrutiny by the county's Accident Review Board and will merit disciplinary action up to and including termination.

## 5.16.0 COMPUTER USAGE POLICY & PROCEDURE

**5.16.1 PURPOSE.** This policy defines the proper use of Cache County computers, phones, and related technical resources and the disciplinary action(s) that may be taken for violation(s) of the policies set forth in this chapter. Computers and phones are assigned to employees to facilitate effective and efficient performance of their duties. This includes tasks they perform as a direct result of their positions, related activities that promote the interests of the County (i.e. working with the legislature), and assignments associated with professional organizations in which they participate in conjunction with their County duties.

### **5.16.2 DEFINITIONS.**

**COMPUTER.** All electronic devices used for computing, communication, or data storage that have processing capability (i.e. desktop computers, laptop computer, mobile computing devices, smart phones, etc.)

**COMMUNICATIONS DEVICES.** Equipment used primarily for voice communications such as telephones, IP phones, cell phones, smart phones, etc. The lines between computing devices and communications devices are blurring and many electronic tools today do both.

**FILE.** File means all documents, programs, email, and Internet locations, which are created, accessed, stored, or temporarily located on a County computer.

**IT DEPARTMENT.** IT Department means either the IT Department based in the County Administration building or the IT Department based in the Sheriff's complex.

**LEGAL HOLD.** The retaining of all email, voicemail, or other specified communication(s) required through a legitimate and proper legal proceeding.

**MOBILE COMPUTING DEVICE.** Any type of portable computing device, typically battery operated, that may be readily transported and used with or without a network connection (i.e. laptop, netbook, PDA, smart phone, etc.).

**SPAM.** Unsolicited messages or files sent to individuals, groups or organizations that have no prior business relationship with the employee or County and are unrelated to County business.

### **5.16.3 USES OF COMPUTING RESOURCES.**

#### **5.16.4 EMAIL.**

**5.16.5 EMAIL USAGE.** Employees are encouraged to take full advantage of email for County business. However, the same standards of decorum, respect, and professionalism that guide employees in their face-to-face interactions apply to the use of email. Employees are required to report inappropriate use of email to their management or to the HR department. *See* Subsection 3.1.3 (Prohibited Email Activity).

**5.16.6 EMAIL STORAGE.** It is recommended that email be deleted after 30 days, moved to personal folders, or archived in a document management system (i.e. SIRE). Stored email should be reviewed frequently and obsolete items permanently deleted. County IT backs up incoming email for 1 day after which time the backup is deleted. Sheriff's IT will follow the Sheriff's Office Policy regarding archiving email. In the case of legal holds employees are required to keep their email for extended periods of time. In such case of a hold, the employee will not destroy any applicable email until authorized by the Cache County Attorney's Office.

**5.16.7 PROHIBITED EMAIL ACTIVITY.** Examples of email activity that are prohibited include:

- A. Unauthorized access, or attempted access, of another's email account;
- B. Using email to harass, discriminate, or make defamatory comments;
- C. Using email to make off color jokes or send offensive messages;
- D. Any illegal activity;
- E. Transmitting County records within, or outside, the County without authorization;
- F. Transmitting junk mail or chain letters.
- G. Utilizing county email for personal or commercial gain.
- H. Any other practice which may be adverse to public service or County business.

**5.16.8 EMAIL ETIQUETTE.** Appropriate email etiquette is essential to maintaining a productive and professional work environment. Email can be easily, quickly and widely disseminated. Items and comments that would be embarrassing if they were in a newspaper or on a television newscast should not be sent by email. Email contains no tone of voice or body language and can easily be misinterpreted. Email is subject to GRAMA requests and other monitoring. Employees should NOT send email if:

- A. The information is unnecessary or inappropriate;
- B. The author would take exception to, or be embarrassed by the information;
- C. The information would be offensive to or misunderstood by anyone, particularly the recipient;
- D. The receiver is likely to forward the information to individuals that should not have, or do not need the information;
- E. It is likely any attachment(s) contain viruses.

**5.16.9 SPAM.** Creating SPAM is prohibited. Sending messages or files with the intent to cause harm or damage to the intended receiver or County computing environment is also prohibited.

**5.16.10 INTERNET.**

**5.16.11 INTERNET USAGE.** Use of the Internet is a privilege granted to employees by their Department Head. It is the responsibility of each user of these services to use discretion when making connections and viewing information. All laws, including copyright laws, must be followed. Employees are cautioned that all of the requirements of this policy also apply to Internet usage.

**5.16.12 ON-LINE SOFTWARE.** Computer software applications may not be copied or downloaded to the County network. If a computer application needs to be downloaded from the Internet, a request should be made to the IT department indicating the file name and the source providing the application. IT will then download the application after checking for viruses, licensing requirements, and any adverse impact. The application will then be installed in the appropriate area on the network or on the requestor's local PC.

**5.16.13 INTERNET LIMITATIONS.** Internet bandwidth is limited. Using streaming audio, streaming video, or other resource intensive Internet services through the County network for personal purposes is prohibited.

**5.16.14 PERSONAL USE.** Employees may use computers and desk phones assigned to them for minimal personal purposes when not working (i.e. breaks, lunch time, etc.). Excessive use of County equipment for personal purposes is not allowed. Generally, personal information should not be stored on County computers. Exceptions may include an occasional document, music file, image file, etc. If these are used on a County computer they should be stored locally (i.e. CD, flash drive, local hard drive). Storing or using any file on a County computer must be in strict compliance with all laws

including copyright laws. Personal files stored on a County computer are subject to monitoring (section 4.0), Government Records Access and Management Act (GRAMA) requests, and legal holds.

**5.16.15 PROHIBITED USES.** Using, entering, sending, or maintaining any information that is offensive, threatening, or harassing is prohibited. The following include, but are not limited to, inappropriate uses of County computers, phones, and other technology and all are prohibited:

- A. Unauthorized access to or copying of any files;
- B. Using another's passwords; *See* 10.8 (PASSWORDS);
- C. Disclosing passwords *See* 10.8 (PASSWORDS);
- D. Entering or maintaining information on a County computer which is contrary to County policies;
- E. Using a computer for illegal activities;
- F. Use for self employment or outside employment purposes;
- G. Accessing, using, or storing of sexually explicit or pornographic material (except in the case of authorized legal or law enforcement work);
- H. Any use that may be construed as harassment, misuse of company time, or showing disrespect for others;
- I. Religious proselytizing;
- J. Use for a political campaign when the employee is personally campaigning for herself or for another county officer or employee;
- K. Copyright infringement (including loading of unauthorized software);
- L. Disrupting County business;
- M. Engaging in conduct that may harm County's interests;
- N. Posting County information to any public websites without Department Head approval;
- O. Maliciously modifying, altering, or damaging computing equipment, security devices, applications, data, or any other County property;
- P. Any other practice which may be adverse to public service or County business.

**5.16.16 MONITORING OF COMPUTERS.** Files created, accessed, or stored on a County computer are County property (this includes voice mail messages). The County reserves the right to monitor any and all files on computers and the usage of computers. Monitoring methods may be electronic or manual. Electronic monitoring of file content will only be done with the approval of at least one of the following: Department Head (for their employees), Human Resource (HR) Director, or County Executive. Information stored in computer files or voice mail is subject to GRAMA requests by the public as well as legal discovery. Privacy of employee files is generally respected, but there is not any guarantee of privacy whatsoever. Any employee witnessing any prohibited use of computers should report the incident to their management or HR.

**5.16.17 RECORD RETENTION.** Employees shall comply with all legal guidelines for County record retention. Department Heads are responsible for preserving all records

under their control as specified by Federal, State, and County laws and ordinances for the required amount of time, then destroying (deleting) them. IT will provide the computer resources for record storage where required. Long term record storage (more than 10 years) should be done on micro fiche or other long term storage media. It is important to understand that preserving data is only part of the retention task. The mechanism (i.e. software and/or hardware) that converts the data into a useable form must also be preserved.

#### **5.16.18 SOFTWARE.**

**5.16.19 SOFTWARE LICENSE AGREEMENTS.** Employees shall use computer software only in accordance with the license agreement. Copying software licensed to Cache County for home computer use or any other purpose is prohibited.

**5.16.20 SOFTWARE PURCHASING.** Software is generally purchased by the IT department for use by the County. Any software purchased by a department must first be approved by the IT Department Head for compatibility with the existing computing environment. Cost estimates for software must take into account expenses incurred in the computing environment (i.e. additional servers, disk space, network capacity, etc.) as part of the total cost of ownership and should be planned in advance of any purchase.

#### **5.16.21 COMPUTING EQUIPMENT.**

**5.16.22 COMPUTER HARDWARE PURCHASING.** Computer equipment purchases must be coordinated with IT for compatibility reasons.

**5.16.23 COMPUTER MAINTENANCE.** Prior to moving computers, installing new software, repairing computers, rewiring connections an employee shall notify the appropriate IT department. Portable devices such as laptop computers may be moved as required by employees using such devices.

**5.16.24 PERSONAL EQUIPMENT.** Personal computing equipment used for County business may be subject to GRAMA requests by the public and may be subject to forensic analysis or other examination in legal proceedings. Personal computing equipment is not allowed to be used for County business, nor connected to the County network with the exception of personal communication devices or when connecting to specifically designated public access points (i.e. Council Room). Any exceptions must be approved by the employee's Department Head and the IT Department Head.

**5.16.25 PERSONAL COMMUNICATION DEVICES.** The IT Department Head may authorize a personal communication device owned by an employee to be "attached" to a County computer upon request by the employee and with the approval of their Department Head. The employee shall only use properly licensed software on the device and only in accordance with the license agreement. The IT Department Head will approve those models determined to be efficient and compatible with County processes

and equipment. The IT Department Head will make the final decision regarding the feasibility or appropriateness of attaching a personal communication device to County computers. The County will not assume any liability for the improper functioning of the device or damage that may be caused to the device, files, or accessories. Employees are reminded that section 3 addresses files or information associated with communication devices. The device shall not be used in any manner that causes the County to incur usage, airtime, or other costs unless preauthorized by the employee's Department Head. Any unauthorized costs incurred in the use of the device, including maintenance and repair, shall be borne by the employee. If any associated costs are reimbursed by the County, the device must be used primarily for County business. Any such device must be used in accordance with all other requirements of this policy.

**5.16.26 WORKING AT HOME.** Under special circumstances Department Heads may request that an employee be allowed to use a County computer in their home. The HR Director shall be consulted by the Department Head before approval is granted. If approved, the requests will be forwarded to the IT Department Head. A County computer may be set up in the employee's home or a laptop computer issued. All sections of this policy will apply to the usage of the computer in the employee's home just as if it were being used on County premises. The employee assumes all liability for personal injury or property damage resulting from incidents occurring in or about the employee's home.

**5.16.27 TELEPHONE USAGE.** Telephones are for County business purposes. Phone etiquette should be practiced at all times. Occasional personal use for local calls is acceptable while on personal time. In no case are personal toll calls permitted. There are many scams occurring via telephone and employees need to be diligent about not giving out personal or confidential information to callers. Great caution should be exercised in giving out information as part of telephone surveys. Generally, participation in telephone surveys should be declined.

**5.16.28 SECURITY.**

**5.16.29 SECURITY OF THE COMPUTING ENVIRONMENT.** There are many aspects to security and only the broadest security issues will be addressed herein. It is everyone's responsibility to secure their local computer to help protect the overall County computing environment. IT will provide virus protection software and other means to help electronically secure local computing. Employees are not permitted to disable or alter any security software. Employees are responsible for the physical security of their computers and guarding the privacy of their passwords for access.

**5.16.30 UNATTENDED COMPUTERS AND OTHER ELECTRONIC DEVICES.** Employees should close applications whenever leaving the area and the computer will be unattended. Employees should power off computers, printers, scanners and any other

electronic device when such is not in use for more than a few hours (i.e. overnight, weekends, and holidays).

**5.16.40 WEB FILTERING.** Cache County subscribes to commercial web filtering products to help guard against inadvertent access to unacceptable web sites. There are times when County business requirements involve accessing sites that are blocked. IT can open many of those sites to individuals on a case by case basis when the need arises. If there is any question about the need to access specific sites, particularly those with inappropriate content, the matter may be referred to the Department Head or HR Director for review. The County reserves the right to track all Internet access.

**5.16.41 VIRUSES.** County PCs are equipped with virus checking software. However, caution should be exercised, especially when opening email attachments or viewing images received via email. Employees who receive suspicious email from unknown sources should not open the file and may contact IT for advice. Also, plugging in 'thumb' drives, CDs, etc, can inject viruses that affect the whole County. Only such memory devices that come from known reliable sources should be used.

**5.16.42 GENERAL BEST PRACTICES.** Here are some good practices to follow when using the Internet, email and, to some extent, phones. NEVER give out passwords or personal information when requested unless you are very sure the source is legitimate and you are expecting the request. NEVER click on buttons or links from unsolicited sources. NEVER open email attachments from unknown sources. DON'T assume that unsolicited emails are necessarily from the sender shown and be very suspicious of information requests within them. NEVER respond to offers that are too good to be true.

When given a URL to click on in an email message or on a web page, it is better to copy the URL and paste it into your browser for access. That is the only way to be sure you are being directed to where the URL says you are going.

**5.16.43 FILE SECURITY.** All County data files should be stored on County servers whenever practical. The servers are backed up on a regular basis. They also have sufficient redundancy to preserve data in case of a disk failure. Local hard disk drives are convenient and may be used to store temporary data or occasional personal files. Applications also reside there. However, employees are responsible for backing up their own hard disk drives.

**5.16.44 MOBILE DEVICE SECURITY.** Mobile devices are the target of thieves, particularly when traveling through airports, left in conference rooms, automobiles, etc. Special precautions should always be taken to ensure the physical security of the device and access to any data stored on the device. Never load any unnecessary sensitive data. Where possible, keep all data on County servers and log into them for access. When traveling, always keep an AC adapter packed with the device so it can be powered up for security checks if requested (a dead battery isn't an excuse and you may not be allowed to proceed through security with your device). If a mobile device is lost or stolen the IT

Department should be notified immediately so that the device, or access from the device, can be disabled if possible.

**5.16.45 PASSWORDS.** When a person has multiple access points requiring a password, each password should be different. Passwords should be secure:

- A. At least 6 characters
- B. A mixture of letters and numbers
- C. A mixture of upper and lower case
- D. Void of names or common words

Passwords should be kept private, not written down and stored in non-secure locations, and not shared. In exceptional cases (employee illness, travel, etc.) a department head may need to request an employee's password for legitimate business reasons and the employee must provide it. However, as soon as possible after that incident the employee should change their password.

**5.16.46 DISCIPLINARY ACTION.** Employees violating any provision of this policy may be disciplined. Discipline may include, but is not limited to, disciplinary counseling, probation, suspension without pay, or termination.

RESOLUTION NO. 2011 - 11

A RESOLUTION APPROVING THE REMOVAL OF LAND FROM AN AGRICULTURE PROTECTION AREA.

The Cache County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that the legal requirements for the removal of land from an agriculture protection area have been met, and that the proposal filed by Shirley Richards should be approved.

THEREFORE, the Cache County Council hereby adopts the following resolution:

BE IT RESOLVED that:

The proposal filed with Cache County by Shirley Richards on February 16, 2011 to remove land from an agriculture protection area of 25.74 acres of real property described as follows:

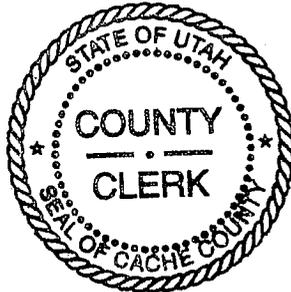
Parcel # 11-007-0007 (16.92 acres)  
Parcel # 11-011-0013 (8.82 acres)

is hereby approved.

This resolution shall become effective immediately upon adoption

DATED this 12th Day of April, 2011 .

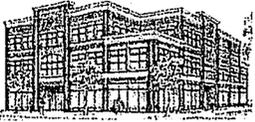
CACHE COUNTY COUNCIL



By: Jon White  
Jon White, Chairman

ATTEST TO:

Jill N. Zollinger  
Jill N. Zollinger, Cache County Clerk



**CACHE COUNTY CORPORATION**  
**DEVELOPMENT SERVICES DEPARTMENT**

JOSH RUNHAAR, AICP  
DIRECTOR/ZONING ADMINISTRATOR  
PAUL BERNTSON  
CHIEF BUILDING OFFICIAL

79 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1640 ♦ FAX (435)755-1987

## **Memorandum**

**Date:** 29 March 2011  
**To:** Cache County Council  
**From:** Cache County Development Services  
**Subject:** Request to remove acreage from an Agriculture Protection Area

The request to remove 25.74 acres of property, consisting of parcel ID #'s 11-007-0007 (16.92 acres) and 11-011-0013 (8.82 acres), from an Agriculture Protection Area has been reviewed by the Cache County Development Services Department.

These two (2) parcels are currently part of a non-contiguous, 227.67 acre Agriculture Protection Area (see map - Attachment A). If these parcels are removed from this Agriculture Protection Area, the remaining Area would consist of 201.93 acres and still meet all State and County requirements for an Agriculture Protection Area. The required County minimum for an Agriculture Protection Area is five (5) acres.

### **STAFF DETERMINATION**

It is staff's determination that the request to remove 25.74 acres, consisting of parcel ID #'s 11-007-0007 (16.92 acres) and 11-011-0013 (8.82 acres), located north of Mendon, from an Agriculture Protection Area, be approved by the Cache County Council. This determination is based on the following finding of fact:

### **FINDING OF FACT**

1. The remaining Agriculture Protection Area will meet the criteria as established by the State of Utah Code §17.41.305 'Criteria to be applied in evaluating a proposal for the creation of an agriculture protection area or industrial protection area', as noted below:
  - a. The land is currently being used for agriculture production;
  - b. The land is zoned for agriculture use;
  - c. The land is viable for agriculture production;
  - d. The extent and nature of existing or proposed farm improvements are appropriate for an agriculture use; and
  - e. There are no anticipated trends in agricultural and technological conditions applicable to the use of the land.



## RESOLUTION 2011-12

**RESOLUTION OF THE CACHE COUNTY COUNCIL, CACHE COUNTY, UTAH STATING ITS WILLINGNESS AND DIRECTION TO REESTABLISH THE DEDICATION OF A PORTION OF THE LOCAL SALES AND USE TAX REVENUES TO BE RECEIVED BY THE COUNTY TO THE BRIDGERLAND COMMUNITY ICE ARENA, DOING BUSINESS AS THE GEORGE S. ECCLES ICE CENTER (THE "ICE ARENA") TO ASSIST IN THE CONTINUED FUNDING FOR AND GROWTH OF THE LONG TERM ENDOWMENT FOR THE ICE ARENA; AND RELATED MATTERS.**

WHEREAS, pursuant to the provisions of Article XIII, Section 5 of the Utah Constitution; Title 10, Chapter 8, Utah Code Annotated 1953, as amended and the Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended, and Section 59-12-203, Utah Code Annotated 1953, as amended, political subdivisions of the State of Utah are authorized to enter into agreements to share their tax and other revenues with other political subdivisions in order to make the most efficient use of their powers by enabling them to cooperate with each other on a basis of mutual advantage and to provide the benefit of economies of scale for the overall promotion of the general welfare of the State and the political subdivisions; and

WHEREAS, in order to improve local health and the general welfare by developing recreational, educational, cultural and competitive facilities for use by residents of Cache County, the County has assisted in financing the acquisition, construction, and equipping of an ice arena and related facilities (the "Ice Arena Project") which is located in the County and known as the Bridgerland Community Ice Arena, doing business as the George S. Eccles Ice Center (the "Ice Arena"); and

WHEREAS, the County, Logan, Utah, Hyde Park, Utah and North Logan, Utah formed an Interlocal cooperative known as the North Park Interlocal Cooperative ("NPIC") to assist in the financing of the Ice Arena Project; and

WHEREAS, as provided in Sections 59-12-204 and 59-12-205 of the Sales and Use Tax Act, Utah Code Annotated 1953 as amended and beginning July 1, 1999, a 1/64% sales and use tax collected by the State Tax Commission became available to the County (the "1/64% Sales Tax Revenues"); and

WHEREAS, although the 1/64% Sales Tax Revenues would have otherwise been available for use at the County's discretion, the County's pledge of the 1/64% Sales Tax Revenues to the Ice Arena Project, beginning on or about from July 1, 2000, has not represented an increase or additional tax upon the residents of the County; and

WHEREAS, in order to assist in the financing of the Ice Arena Project, the County has pledged the 1/64% Sales Tax Revenues generated within the County (together with all other cities and towns adopting resolutions similar to this Resolution) and authorized said Sales Tax Revenues be

paid to the County, then transferred into an Ice Arena Fund dedicated to the financing of the Ice Arena Project; and

WHEREAS, the Bond that was issued to provide a portion of the financing required for the Ice Arena Project has been paid in full, with the assistance of the 1/64% Sales Tax Revenues pledged by the County; and

WHEREAS, the Ice Arena has a significant need to continue the funding for and growth of it established Long Term Endowment;

WHEREAS, the City desires to authorize and direct the reestablishment and continuation of the pledge of its 1/64% Sales Tax Revenues to the County and Ice Center (together with all other Cities and Towns within the County adopting similar continuing resolutions, reauthorizing the payment of their respective 1/64% Sales Tax Revenues to the County and Ice Center) to assist in the continued funding for and growth of the Long Term Endowment for the Ice Arena.

NOW, THEREFORE, BE IT RESOLVED BY THE CACHE COUNTY COUNCIL AS FOLLOWS:

Section 1. Terms defined in the foregoing recitals shall have the same meaning when used in this Resolution. All actions not inconsistent with the provisions of this Resolution heretofore taken by the County toward assisting in the financing of the Project and the continued funding for and growth of the Long Term Endowment for the Ice Center are hereby ratified, approved and confirmed.

Section 2. The County hereby authorizes and directs that this Resolution be submitted to the State Tax Commission as the County's Resolution authorizing the State Tax Commission to reestablish and restore payment of the County's portion of the 1/64% Sales Tax Revenues to the County and Ice Arena for the accrual by the Ice Arena and addition to its Long Term Endowment. Such restored payment of the County's portion of said 1/64% Sales Tax Revenues shall continue for 5 additional years, or to the date of JANUARY 01, 2016.

Section 3. The funds received by the Ice Arena pursuant to this Resolution reestablishing and restoring the payment of the County's portion of the 1/64% Sales Tax Revenues shall be accrued by the Ice Center in the separate Long Term Endowment account and be dedicated for use only as allowed by the Ice Center's Long Term Endowment.

Section 4. The Cache County Council Chairman, Cache County Clerk and other appropriate County Officials are authorized and directed to date and sign this Resolution and any other Interlocal agreements, State Tax Commission forms and other documents required to carry out and give effect to the actions authorized by this Resolution.

Section 5. All orders, ordinances and resolutions with respect to this transaction heretofore adopted, or parts thereof, which are in conflict with any of the provisions hereof are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 6. If any provision of this resolution shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Resolution and the provisions of this Resolution being deemed to be the separate independent and severable act of the Cache County Council.

Section 7. Immediately after its adoption, this Resolution shall be signed by the appropriate officers of the County, shall be recorded in the official records of the County and shall take immediate effect.

PASSED and approved by the Cache County Council, this 12TH day of APRIL, 2011.



CACHE COUNTY COUNCIL

ATTEST:

By: Jon White  
Jon White, Cache County Council Chairman

By: Jill N. Zollinger  
Jill N. Zollinger, Cache County Clerk

STATE OF UTAH     )  
                              : ss.  
County of Cache    )

I, Jill N. Zollinger, the duly qualified and acting County Clerk of Cache County, Utah (the "Issuer"), do hereby certify according to the records of the Issuer's Council (the "Council") in my possession that the foregoing constitutes a true, correct and complete copy of the minutes of the regular meeting of the Cache County Council held on April 12, 2011, as it pertains to a Resolution adopted by the Council at said meeting, including the Resolution, as said minutes and Resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereupon the official seal of the Issuer this 12th day of April, 2011.

Jill N. Zollinger  
Jill N. Zollinger, Cache County Clerk