

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
FEBRUARY 12, 2013**

**CACHE COUNTY COUNCIL
FEBRUARY 12, 2013**

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CACHE COUNTY COUNCIL MEETING
February 12, 2013

The Cache County Council convened in a regular session on February 12, 2013 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

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

The following individuals were also in attendance: Janeen Allen, Eric Anderson, David Barnes, Betsy Byrne, Dayton Crites, Bob Fotheringham, Chuck Gee, Jim Goodwin, Kendall Hancey, Chris Harrild, Sharon L. Hoth, Mark Hurd, Kathryn Knight, Jenna McRory, Zan Murray, Alana Nafziger, Gaia Nafziger, Kelsey Nelson, Dave Nielsen, Bret Randall, Director Josh Runhaar, Marleny Santana, Chris Slater, Joel Warren, Ryan White, Lonny Zook, **Media:** Charles Geraci (Herald Journal).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Buttars to approve the amended agenda as written. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Zilles to approve the minutes of the January 22, 2013 Council Meeting as amended. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: Warrants for the periods 01-16-2013 to 01-23-2013 and 01-24-2013 were given to the Clerk for filing.

OTHER ITEMS:

- ❑ **UDOT Annual Meeting** – Executive Lemon has received notice from UDOT of their annual meeting in Cache County to be held May 1, 2013 in the Council Chambers from 9:00 to 11:00 a.m.
- ❑ **North American Weather Consultants Cloud Seeding Report** – Executive Lemon said the January cloud seeding report indicates the valley is getting more snow than the mountains. Snow is 85% of normal and water is 92% of normal.

ITEMS OF SPECIAL INTEREST

- **Utah Division of Wildlife Resources Presentation of PILT Check** – Justin Dolling presented the Payment in Lieu of Taxes (PILT) check for \$9,053.21 to Executive Lemon and observed that funding for PILT comes from the sale of hunting and fishing licenses. The Division manages 18,000 acres in Cache County.

Dolling introduced Brad Hunt, the new Wildlife Manager for Hardware Ranch. In response to Zilles' question Hunt said the water system for Hardware is in the process of being designed and they are planning on drilling when the ground thaws. An RFP (Request for Proposal) for a concessionaire for Hardware Ranch will be put out when the water system is secured.

Dolling told the Council that the Division's management plan is available on their website.

Zilles asked about access points on the north side of the road and Dolling said access would definitely be allowed for hunting and fishing. Other activities outside of the hunting and fishing seasons would have to be evaluated.

- **IT Department Presentation of New County Logo** – Todd Jenkins reminded the Council they had asked him for information about web addresses for other counties in Utah. The most common is the county name and .ut.us. There are a few .net and some that are a sub domain of utah.gov. Most are .org.

The Council decided to remain with www.cachecounty.org.

Jaci Steffan presented options for the new county logo and recommended that two logos be approved -- one showing the cupola on the Historic Courthouse to be used on printed matter and one without the cupola to be used on vehicles and clothing.

(Attachment 1)

ACTION: Motion by Council member Zilles to approve the two recommended county logos as presented with the logo being in black with the exception of some vehicles where the logo will be white or the color of choice. Buttars seconded the motion. The motion passed, 5 aye – Buttars, Potter, Robison, White & Zilles and 1 nay – Petersen. Yeates absent.

ACTION: Motion to reconsider by Council member White.

The motion died for the lack of a second.

- **Canal Restoration Project Update – Zan Murray** informed the Council via power point of the progress of the project including:
- design status,
 - contract status
 - public involvement – www.cachewater.com
 - project status map

Executive Lemon asked how the projected revenue costs are versus actual costs. Murray said they are within the contingencies talked about.

Murray reported that 53% of the work is done with May of 2013 as the projected operational date.

Attorney Ciebien thanked Murray for the time and effort he has devoted to this project.

Chairman Potter asked Council members if they are interested in another tour of the project? It was decided to tour sometime in the next two to three weeks.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: FEBRUARY 12, 2013 – 5:30 P.M. – A T & T HYRUM REZONE – Justin Hadley requesting approval for a rezone to include the Public Infrastructure (PI) Overlay Zone on a .283 acre leased portion of an approximately 128-acre property located in the Agricultural (A-10) Zone approximately 5800 South 2400 West, Hyrum – Chris Harrild reported that staff has no issues with this request.

Chairman Potter opened the Public Hearing and invited public comment.

Jim Goodwin asked for the height of the tower. Harrild said it is an existing tower and the height will not change.

There was no other public comment.

ACTION: Motion by Vice Chairman Petersen to close the Public Hearing-February 12, 2013-5:30 p.m.-A T & T Rezone. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

ITEMS OF SPECIAL INTEREST

- **Water Master Plan Update – Chris Slater** explained that a steering committee was formed in July and has met three times. Guidance from the committee includes:
- Protect the Bear River allocation for future use in Cache County
 - Educate the public
 - Operate and maintain water systems on the local level

Slater's power point showed the percent of capacity supply/demand for 2010 and projections for each decade through 2060. Ciebien asked if the probability of farmers selling their water shares to cities had been considered in the projections. Slater said it had not.

Council member Buttars asked if there has been any success with water banking legislation? Bob Fotheringham replied that water banking is in the law, but needs some modification.

The Northern Utah Mini Water Users Conference is scheduled for April 4, 2013 and the next Steering Committee meeting is April 24, 2013.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: FEBRUARY 12, 2013 – 6:00 P.M. – AMENDMENTS TO TITLE 17 – 17.05-Supplementary and Qualifying Regulations; 17.08-Zoning Districts; 17.09-Schedule of Zoning Uses; 17.10-Site Development Standards; 17.13-Mineral Extraction and Excavation Overlay Zone; 17.15-Sand and Gravel Overlay Zone; 17.17-Airport Limitation Overlay Zones; 17.18-Sensitive Areas Overlay; 17.19-Public Infrastructure Overlay Zone – Chris Harrild explained these amendments clean up the language of the ordinance by:

- distinguishing between the base and overlay zoning districts
- organization of development standards and supplemental requirements to remove redundancy and simplify code
- determining legality of parcels

Chairman Potter opened the Public Hearing and invited public comment. There was none.

ACTION: Motion by Council member Zilles to close the Public Hearing-February 12, 2013-Amendments to Title 17, etc. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARING SET: FEBRUARY 26, 2013 – 5:30 P.M. – To receive public input on Ordinance No. 2013-04-Implementation of a Vehicle Emissions and Maintenance Program in Cache County. – Chairman Potter turned the time to Executive Lemon. Lemon said he asked County Attorney Swink if a public hearing was needed on this ordinance and Swink said it would be a good idea.

Vice Chairman Petersen also remarked that there are some conflicts with state code that must be addressed as well before the Council can vote on the ordinance.

ACTION: Motion by Council member Buttars to set a Public Hearing – February 26, 2013-5:30 p.m.-To receive public input on Ordinance No. 2013-04-Implementation of a Vehicle Emissions and Maintenance Program in Cache County. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARING SET: FEBRUARY 26, 2013 – 6:00 P.M. – Open 2013 Budget.

ACTION: Motion by Council member Zilles to set a Public Hearing – February 26, 2013-6:00 p.m. – Open 2013 Budget. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PENDING ACTION

- **Ordinance No. 2013-02 – Amendments to Title 17: 17.07-Definitions; 17.09-Schedule of Zoning Uses; 17.21-Small Business Standards in the Agricultural Zone** – Director Runhaar presented information requested by the Council on the impact the proposed changes will have on small and home businesses. His department’s research shows that the only impact will be on Miscellaneous Commercial/Industrial uses and Construction Yards/Trucking. Any businesses existing under these designations will be grandfathered in and will not be affected if they remain as they are now. Under the present code, they would have to apply for a new conditional use permit if their business changed and they will have to do the same under the proposed changes.

(Attachment 2)

ACTION: Motion by Council member White to approve Ordinance No. 2013-02-Amendments to Title 17, etc. Petersen seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Ordinance No. 2013-02: The vote was 6-0. Yeates absent.

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

- **Ordinance No. 2013-04 – Implementation of a Vehicle Emissions and Maintenance Program in Cache County (NO ACTION TAKEN)** – Chairman Potter turned the time to Vice Chairman Petersen. Petersen indicated there have been a number of changes to the ordinance after reviews by the DAQ and the Cache County Attorney’s office. Petersen reviewed some of those changes with the Council including:
 - Fixing state code references
 - Adopting language from the state code

- Changes to diesel testing
- Waiver amount on repairs
- Air pollution control fee
- Exemption of cars six years or newer

Vice Chairman Petersen said he met with State Representative Redd who has initiated HB 210 to change the state code to allow counties to exempt cars six years or newer if mandated after December 1, 2012. Based on DAQ numbers the difference between a 4-year exemption and a 6-year exemption is less than 1/10th of 1% and will exempt about 3,000 vehicles.

Chairman Potter questioned several points and the Council discussed those issues.

Vice Chairman Petersen asked Randy Martin, a Utah State University professor, if a lot of PM goes away in warm air? Martin said his studies indicate that is true.

After a discussion on concerns about expeditious testing, Chuck Gee commented tests are quick. He has been involved with emissions testing for years and is happy to help in any way. Gee said the testing should include a visual component, too.

Jim Goodwin said this ordinance is sending a signal to the public that we are working together to get something done.

Lemon asked Petersen about proposed strategies other than emissions testing. Will those take effect in December of this year? Petersen replied some, such as char broiler controls, will become effective sooner, possibly as early as September.

Potter said the projections are that this will produce about a 3% improvement which will not meet the standard. Citizens think this will cure the air quality problems and it will not.

Potter and Buttars want to evaluate the results every three years. Petersen reminded them that the county can look at it every thirty days if they want to, but the county must have EPA approval to eliminate any of the program controls.

Chairman Potter reiterated the approximate cost is \$800,000.00 a year – is it worth it? White said it is worth it to people with respiratory problems.

- **Approval of Grant of Perpetual Utilities Easement to Hyde Park City for Underground Utilities on south side of 4200 North** – Executive Lemon indicated the recommendation to include language stating that if the county grants the easement, then Hyde Park will grant the overlay protection zones, has been incorporated into the document. Lemon recommends approval.

Mark Hurd, Hyde Park City Council, said he has briefly reviewed the document and is in favor of it and is willing to put it before the Hyde Park City

Council. This action will put to rest Hyde Park's concerns about the utilities easement. Hurd asked that documents from the FAA rejecting Hyde Park's previous requests for utilities easements accompany the agreement.

(Attachment 3)

ACTION: Motion by Council member Buttars to approve the Grant of Perpetual Utilities Easement to Hyde Park City for Underground Utilities on south side of 4200 North and to include Mark Hurd's requested associated documentation of the FAA's rejection of previous Hyde Park utilities easement requests. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

INITIAL PROPOSAL FOR CONSIDERATION

- **Hardship Application** – Executive Lemon reviewed the particulars of the request. *(Details are on file in the office of the Cache County Auditor.)*

ACTION: Motion by Vice Chairman Petersen to approve the hardship application. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Zook's Rezone – Lonny Zook requesting a rezone of 10.28 acres of property from the Agricultural (A-10) Zone to the Rural-2 (RU-2) Zone located approximately 1215 East 8412 South, Paradise** – Chris Harrild mentioned a public hearing was held on this request at a previous Council meeting. Road issues are a concern and staff and the Planning Commission both recommend denial.

Lonny Zook asked if the county is going to improve the road in 2017? The Council responded that is the plan, but Zook would have to reapply at that time.

Zilles and Robison urged the Council to take the steps necessary to decide where the RU-2 Zone should be. After discussion Director Runhaar said he will draft a schedule of the scope of the work and a time frame needed to address RU-2.

Zook stated that the ground is not farmable and the road is going to be used as it has been for years even if this rezone is not approved. When he bought the property in 1974 or 1975, he was told he could put another house on it for family.

White said the road is not sufficient. Zilles observed that if there was an adequate road, the Council would be willing to address the issue again.

(Attachment 4)

ACTION: Motion by Council member Buttars to deny Zook's Rezone – Lonny Zook requesting a rezone of 10.28 acres of property from the Agricultural (A-10) Zone to the Rural-2 (RU-2) Zone located approximately 1215 East 8412 South, Paradise. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Council Positions on Legislative Proposals** – Executive Lemon shared a handout listing bills presently before the Legislature of interest to county

governments. HB 280 - County Government Reform - is of particular interest. UAC has asked counties to state their positions on HB 280 – County Government Reform. Lemon recommends opposing the legislation because there is already a process outlined in the code for changing the form of county government. Lemon feels this bill would shortcut that process.

Council members support Lemon's recommendation to oppose HB 280.

Lemon stated Cache County has a serious funding issue relative to transportation costs and the legislature is not willing to address a gas tax. Counties have been told they can only get a local option gas tax this year. The problem is that 70% of that revenue would be distributed by the B and C road formula among UDOT, the county, and cities and the remaining 30% would be available to the governing body.

Lemon and Potter expressed opposition to the tax, but acknowledged they want the money. Lemon said fuel costs have skyrocketed. Some funding has generally been taken from the municipal services budget to the general budget. Potter said the current budget needs to be looked at first, then decide what other changes are needed.

Robison urged the Council to look at what services are mandated by law and what services are not and look at cutting those that are not mandated.

Lemon will try to attend the meeting in Salt Lake Thursday relating to the local option gas tax.

OTHER BUSINESS

- ✓ Meeting with Legislators during Legislative Session – Saturdays @ 7:30 a.m. beginning February 2, 2013 and continuing through March 9, 2013 – County Administration Building, Multipurpose Room – Allen reported there were forty-seven attendees at the meeting last week.

COUNCIL MEMBER REPORTS

Kathy Robison shared copies of the BRAG report on human services and housing.

Robison had a citizen ask if the composition of gas in Cache County is the best mix for air quality. His concern was with ethanol. Lemon said a former state director of DAQ said ethanol increases pollution. Randy Martin agreed and said it is harmful to cars.

Craig "W" Buttars said the Fire Board visited the volunteer fire departments and Logan City the last couple of months and expressed appreciation to the men and presented them with gift cards from Texas Roadhouse as well as sweatshirts. Ray Olsen, President of the Fire Chiefs Association, said they are appreciative of the recognition.

Jon White commented that the volunteer firemen participate in over one hundred hours of training a year with no pay – they're great.

Cache County Council
02-12-2013

Jon White encouraged Executive Lemon to review the health insurance costs and options as soon as possible for potential savings.

Gordon Zilles asked Director Runhaar about the water flow problem on 2400 West south of Highway 101. Runhaar said it appears Century Link caused the damage and he will be contacting them about repairs to the culvert.

ADJOURNMENT

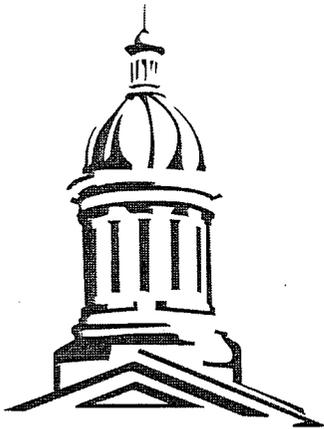
The Council meeting adjourned at 8:10 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Val Potter
Chairman

Cache County

- 1857 -



Cache County

1857

ORDINANCE NO. 2013-02

CACHE COUNTY, UTAH

AMENDMENTS TO TITLE 17

AN ORDINANCE AMENDING AND SUPERSEDING CHAPTERS 7, 9, AND 21 OF TITLE 17 OF THE CACHE COUNTY ORDINANCE REGARDING ZONING DEFINITIONS, ZONING USES, AND SMALL BUSINESS STANDARDS IN THE AGRICULTURAL ZONE

WHEREAS, the State of Utah has authorized Cache County to adopt Land Use Ordinances and Maps, and;

WHEREAS, the purpose of this ordinance is to provide fair, consistent, and equitable land use regulations for all land owners, and;

WHEREAS, the purpose of this ordinance is to provide clarity and ease of use of the County's Zoning Ordinance for all citizens, and;

WHEREAS, on January 3, 2013 at 6:00 P.M., the Planning Commission held a public hearing for the amendments to Title 17, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone; and

WHEREAS, on January 3, 2013, the Planning Commission recommended the approval of said amendments and forwarded such recommendation to the County Council for final action; and

WHEREAS, the County Council caused notice of the hearing and the amendments to Title 17 of the Cache County Ordinance 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 January 8, 2013, at 5:30 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Ordinance. 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 7, 9, and 21 of Title 17 of the Cache County Ordinance is hereby amended and superseded as follows:

1. STATUTORY AUTHORITY

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3 (1953, as amended to date).

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.

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede Chapters 7, 9, and 21 of Title 17 of the Cache County Ordinance regarding Definitions, Zoning Uses and Small Business Standards in the Agricultural Zone is to insure compatibility with surrounding land uses, conformity with the Cache County Comprehensive Plan, consistency with the characteristics and purposes stated for the zones, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. FINDINGS

- A. The amendments to Title 17 of the Cache County Ordinance are in conformity with Utah Code Annotated, §17-27a Part 5 (1953, as amended), which requires compliance with standards set forth in an applicable ordinance.
- B. The amendments to Title 17 of the Cache County Ordinance are necessary to establish Zoning Districts and the correlated Development Standards and Use Charts that provide more options for flexibility of land owners throughout the County.
- C. The amendments to Title 17 of the Cache County Ordinance will insure compatibility with surrounding land uses, conformity with the Cache County Comprehensive Plan, consistency with the characteristics and purposes stated for the zone, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare of the citizens of Cache County.
- D. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 17 of the Cache County Ordinance be approved.

4. EXHIBITS

- A. Title 17, Chapter 7 of the Cache County Ordinance is amended to read as follows:
See Exhibit A
- B. Title 17, Chapter 9 of the Cache County Ordinance is amended as follows:
See Exhibit B
- C. Title 17, Chapter 21 of the Cache County Ordinance is amended to read as follows:
See Exhibit C

5. PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED.

This ordinance amends and supersedes Chapter 7, 9, and 21 of Title 17 of the Cache County Ordinance, 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.

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6. EFFECTIVE DATE.

This ordinance takes effect on February 27th, 2013. 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.

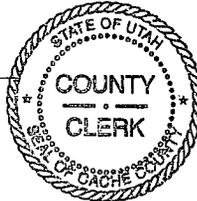
APPROVED AND ADOPTED this 12th day of February, 2013.

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

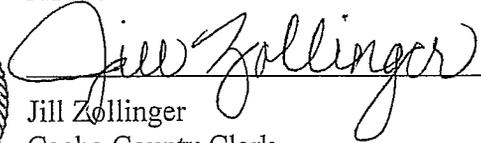
CACHE COUNTY COUNCIL:



Val Potter, Chair
Cache County Council



ATTEST:



Jill Zollinger
Cache County Clerk

Publication Date:

February 27, 2013

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TITLE 17.07 DEFINITIONS

17.07.010: PURPOSE

The purpose of this chapter is to provide the definitions for terms specific to this title.

17.07.020: OTHER TERMS DEFINED

- A. Whenever any words or phrases used in this title are not defined herein, but are defined in related sections of the Utah code, subdivision ordinance, or the family of international building codes, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Words not defined in any code shall have their ordinarily accepted meanings within the context in which they are used.
- B. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory, and the term "may" is permissive. The following terms as used in this title shall have the respective meanings hereinafter set forth.

17.07.030: USE RELATED DEFINITIONS

- A. Terms used within Title 17.09 to identify specific uses regulated within Cache County Zoning.

RESIDENTIAL USES

- 1100 SINGLE FAMILY DWELLING: A building containing only one dwelling unit. Accessory kitchens may be approved as long as there is no ability to serve as a second dwelling unit. The building may be a manufactured home, a mobile home, or other permitted structure on a permanent foundation.
- 1110 FOSTER HOME: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
- 1120 ACCESSORY APARTMENT: One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit located within an existing primary dwelling unit. An accessory apartment must comply with the following requirements:
1. Be located within an existing single-family dwelling which has been designated, built, or converted to accommodate an independent housing unit.
 2. Must be approved by the department of health and county building department with respect to sanitation, water, drainage, and all applicable health codes and requirements and must also comply with all applicable zoning, building, and safety codes, including the obtaining of a building permit.
 3. Only one accessory apartment is allowed per legal lot.
 4. The existing primary single-family dwelling unit or the accessory apartment must remain owner occupied.
- 1200 HOME BASED BUSINESS: A use incidental and secondary to a property's primary residential use which does not significantly alter the exterior of the property or affect the residential character of the site. The only employees working at the home shall be the residents of the home. Typical uses include:
1. Home Office: A business which is comprised of an office in the home, consulting services, internet based business, or service activities that are managed from the home and occur away from the residential property.

2. Outside Sales: Sales activities where the business proprietor makes the primary sales transaction at another location. This includes businesses that may rely on demonstration sales or sales parties (i.e. cosmetics, cutlery, vacuums, etc.).
3. Home Daycare: A program providing care for not more than eight (8) children at one time for a period less than twelve (12) hours in duration. The licensed capacity must include all children of any caregiver when their children are present in the residence.
4. Home Based Preschool: A preschool program complying with all state standards and licensing for nonfamily members in an occupied dwelling operated by residents of that dwelling in which lessons are provided for not more than eight (8) children for each session of instruction. Sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one preschool session in any twenty four (24) hour period.
5. Minor Service Provision: Typically includes salons, professional services where most of the business activity is conducted offsite but where occasional client meetings may occur at the home, other services where there is little to no customer traffic to the home, or small engine repair.
6. Minor Production: Production of goods that can be completed within the existing home typically including food goods, arts/crafts, or woodworking.

1300 MULTI-FAMILY DWELLING: A building or portion thereof containing two or more dwelling units. Excludes single family dwellings with accessory apartments.

1400 SEASONAL CABIN: A dwelling used for recreational or leisure purposes with the occupancy period for such dwelling limited to a maximum of one hundred eighty (180) days, or less, for each calendar year. A seasonal cabin cannot be utilized as a primary residence.

1500 RESIDENTIAL LIVING FACILITY: A general term for the following types of facilities:

1. Residential Facility for Elderly Persons: A single-family dwelling unit that meets the requirements of Utah Code Annotated section 17-27a-515 to 518, as amended.
2. Residential Facility for Persons with a Disability: A single-family dwelling unit in which more than one person with a disability resides and which is licensed or certified by the Utah department of human services under Utah Code Annotated section 62A-2-101 et seq., as amended, or the Utah department of health under Utah Code Annotated section 26-21-3 et seq., as amended. Treatment is not a necessary component of a residential facility for persons with a disability, but may be provided upon request. Any treatment provided shall be clearly ancillary to the use of the facility as a residence.

MANUFACTURING INDUSTRIES:

2100 GENERAL MANUFACTURING: The manufacture, processing, and assembling of products by mechanical or chemical processes. Typically includes the manufacturing rock products (including concrete/asphalt plants); metal products; wood products (including saw mills and pulp factories); plastic components; and the commercial processing of animal products (meat, dairy, eggs, etc.).

2110 AGRICULTURAL MANUFACTURING: The processing of agriculturally based products where 75% or more of the goods are grown directly on the property or on adjacent property that is operated by the owner of the Agricultural Manufacturing business. Includes any value added agricultural processing including but not limited to: honey processing, juice production from orchards or berries, meat or fish processing (smoking, jerky, cured meats, etc.), processing of vegetables, etc.

2200 STORAGE AND WAREHOUSING: A structure(s) containing storage space(s) of varying sizes that are affiliated with a commercial or industrial uses. Such facilities are to be used for dead storage only. No business activities may be conducted from a storage facility other than those that are clearly ancillary to the primary business. Also includes the following specific uses:

1. Storage Yard: The storage of large equipment and vehicles (either construction or transport); bulk construction materials (soil and rock products or building materials); and buildings or structures for uses such as offices or repair facilities.
2. Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Scrap or discarded material includes but is not limited to metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment, and appliances. The term includes facilities for separating trash and debris from recoverable resources, such as paper products, glass, metal cans, and other products which can be returned to a condition in which they may again be used for production.

2210 SELF SERVICE STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated or climate controlled facilities.

2300 TRANSPORT SERVICES: An establishment engaged primarily in the loading and unloading of freight onto tractor trucks or the dispatch of tractor trucks which will be used to haul freight. May also include services for the fueling, servicing, repair, or parking of trucks or similar heavy commercial vehicles. Excludes the parking of a single truck by an owner/operator at their place of residence and trucks owned and operated by an agricultural entity engaged in the transport of 75% or more of that owners agricultural products.

TRADE, WHOLESALE, AND RETAIL:

3100 RETAIL & COMMERCIAL SALES: An establishment that provides goods, wares, or merchandise directly to a consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

3110 PRODUCE STAND: A temporary building or structure, not to exceed a gross floor area of 250 square feet, from which agricultural products are sold. May also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold.

SERVICES, PROFESSIONAL, AND PERSONAL:

4100 PROFESSIONAL SERVICES: A business that offers any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. Professional services typically include, but are not limited to, services rendered by: certified public accountants, public accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists, architects, veterinarians, attorneys at law, physical therapists, and life insurance agents.

4200 PROFESSIONAL OFFICE: A building for administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal use.

4300 MEDICAL SERVICES/FACILITIES: A general term for the following uses:

1. Secure Treatment: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
2. Substance Abuse Treatment Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
3. Outpatient Treatment: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
4. Day Treatment: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
5. Healthcare Facility: As licensed by the State of Utah and defined within Utah State Code 26-21-2.
6. Hospital: As licensed by the State of Utah and defined within Utah State Code 26-36a-103.
7. Veterinary Clinic: A facility for the diagnosis, treatment, and hospitalization of animals, and which may include boarding and outdoor holding facilities.

4400 HUMAN CARE SERVICES: A general term for the following uses:

1. Domestic Violence Treatment Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
2. Assisted Living Facility: As licensed by the State of Utah and defined within Utah State Code 26-21-2.
3. Daycare, Adult Facility: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
4. Daycare/Preschool, Commercial: Any facility, at a nonresidential location, operated by a person qualified by the state of Utah, which provides children with daycare and/or preschool instruction as a commercial business and complying with all state standards and licensing.
5. Nursing Care Facility: As licensed by the State of Utah and defined within Utah State Code 26-21-2.
6. Residential Support: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
7. Residential Treatment Facility: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
8. Youth Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.

4500 GENERAL VEHICLE REPAIR: Any building, structure, improvements, or land used for the repair and maintenance of small engines, automobiles, motorcycles, trucks, trailers, tractors, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales, but excludes dismantling or salvage.

4600 RESTAURANT: A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 80 percent of the gross sales receipts for food and beverages.

4610 MOBILE FOOD TRUCK: A temporary food service establishment, which has a duration limited to six (6) months at any single location, that is a vehicle mounted food service establishment designed to be readily movable.

4700 TRANSIENT LODGING: A general term for the following uses:

1. Motel: A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.
 2. Hotel: An establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms.
- 4710 BED AND BREAKFAST INN: An owner occupied dwelling offering transient lodging accommodations where meals may be provided. A bed and breakfast inn may have no more than four (4) guestrooms.

CULTURAL, ENTERTAINMENT, AND RECREATION:

5100 RECREATIONAL FACILITY: A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that are operated as a business and open to the general public for a fee. These facilities are typically operated for a period of greater than 30 days per year. May also include incidental hotel/motel accommodations for up to 15 rooms.

1. Campground: Any area with more than three (3) sites that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a maximum duration of stay of two (2) weeks.
- 5200 RESORT: A facility which serves as a destination point for visitors, and has recreational facilities for the use of guests, and may include residential accommodations for guests. Typical uses within a resort include but are not limited to: Ski facilities, Golf Courses, or other recreational facilities and overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance and storage facilities, and restaurant/retail uses which are customarily appurtenant to such uses.
1. Ski Facility: A recreational use, with associated facilities and improvements, for downhill or cross country skiing, snowboarding, snowshoeing, snowmobiling, or other snow related activities. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of the facilities as a resort.
 2. Golf Course: A tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.

5300 SEXUALLY ORIENTED BUSINESSES: Seminude entertainment businesses, sexually oriented outcall services, adult businesses, and seminude dancing agencies, as defined by Title 5.

INSTITUTIONAL, PUBLIC, AND UTILITY USES:

6100 PUBLIC/INSTITUTIONAL FACILITY: Includes the following specific uses:

- 6110 CEMETERY: A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories and mausoleums, and meeting all applicable local, state, and federal requirements and regulations.
- 6120 PUBLIC USES: A use operated exclusively by a public entity over which the County has no jurisdiction in compliance with 17-27a-304, Utah Code Annotated, 1953, as amended.
- 6130 RELIGIOUS MEETING HOUSE: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public

worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

- 6140 CORRECTIONAL FACILITY: Facilities for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. If the use otherwise complies with this definition, a correctional facility may include, by way of illustration, a prison, jail, or probation center.
- 6150 ANIMAL SHELTER: A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.
- 6160 EDUCATIONAL FACILITY: Any building or part thereof which is designed, constructed, or used for education or instruction by a public or private organization in any branch of knowledge, but excluding preschool centers. Includes the following uses:
1. Boarding School: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
 2. Therapeutic School: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
- 6200 UTILITIES: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, telecommunication and telephone cables and the generation of power as further defined herein.
- 6210 UTILITY FACILITY, TRANSMISSION: A general term for the following uses. These uses are not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.
1. Electric Transmission Line: A power transmission line, either above or below ground, designed to provide electric transmission at voltages of one hundred and forty thousand (140,000) volts (140 kV), or greater, and that may provide for interstate power transmission, power transmission between substations, or to provide power to customers or areas located outside of the county.
 2. Gas Pipeline Right Of Way: A gas transmission pipeline of twelve inches (12") or larger diameter that may provide for interstate gas transmission, or to provide gas to customers or areas located throughout the county.
 3. Wind or Water Energy System: A wind or water energy conversion system consisting of one or more turbines and/or towers and associated control and/or conversion electronics and providing generated electrical power to be used for off-site consumption.
 4. Petroleum Pipeline: A petroleum or oil transmission pipeline of four inches (4") or larger in diameter and that provides for interstate petroleum or oil transmission, or to provide petroleum or oil to customers or areas located throughout the county.
 5. Electric Substation: A power regulating facility designed to regulate power for distribution at voltages of one hundred forty thousand (140,000) volts (140 kV) or greater.
 6. Compression/Pumping Station: A gas or petroleum regulating facility designed to regulate the flow along major utility facilities.

- 6220 UTILITY FACILITY, DISTRIBUTION: A general term for the following uses. These uses are not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.
1. Electric Transmission Line: A power transmission line, either above or below ground, designed to provide electric transmission at voltages of less than one hundred and forty thousand (140,000) volts (140 kV) but more than thirty thousand (30,000) volts (30kV).
 2. Gas Pipeline: A gas transmission pipeline of less than twelve inches (12") in diameter.
 3. Water/Waste Water Transmission Line: A transmission line for water (culinary or irrigation water) or wastewater greater than 18" in diameter. Open canals and barrow pits are exempt from this requirement.
 4. Electric Substation: A power regulating facility designed to regulate power for distribution to customers at voltages less than one hundred forty thousand (140,000) volts (140 kV).
 5. Compression/Pumping Station: A gas or petroleum regulating facility designed to regulate the flow along minor utility facilities.
- 6230 UTILITY FACILITY, SERVICE: Electric, gas, communication, water, sewer, irrigation, drainage lines, or other utility facilities that provide local delivery or collection services from either Utility Facility Distribution or Transmission services. This includes home based geothermal, wind, solar, or water powered facilities limited to the production capacity required to service a single family dwelling.
- 6240 TELECOMMUNICATION FACILITY: A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.
- 6300 AIRPORT: An area where aircraft can land and take off. Accessory uses include runways, hangars, facilities for refueling and repair, and various accommodations for passengers.
- 6400 SOLID WASTE FACILITY: A facility engaged in solid waste management, including:
1. A landfill;
 2. A processing system, including:
 - a. A resource recovery facility;
 - b. A facility for reducing solid waste volume;
 - c. A plant or facility for compacting, composting, or pyrolyzation of solid waste;
 - d. A solid waste disposal, reduction, or conversion facility.
 3. Composting Facility: A facility where organic materials are converted into a humus like material under a process of managed biological decomposition or mechanical processes. Normal backyard composting and composting incidental to farming operations are exempted from this use.
 4. Sewage Treatment Works: A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area. Includes sewage lagoons and sewage treatment plants. Excludes septic systems.
- 6410 NUCLEAR WASTE FACILITY: A facility for the disposal or transfer of high-level nuclear waste or greater than class C radioactive nuclear waste, as defined within State Code §19-3-303, that is located wholly or partially within the County.

RESOURCE PRODUCTION AND EXTRACTION:

7100 **AGRICULTURAL PRODUCTION:** The production, keeping, or maintenance, for sale, lease, or personal use of plants useful to man, including crops and products such as vegetables, fruit trees, harvestable and ornamental trees, hay, sod, grain, honey, milk, cheese, and any other agricultural or horticultural products and their storage; wholesale fruits of all kinds, including grapes, nuts, and berries; wholesale vegetables; wholesale nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program. Also includes the following specific uses:

1. Horticultural Production: The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.
2. Aquiculture: The commercial cultivation of aquatic life, such as fish, shellfish, and seaweed.
3. Agricultural Building: A structure used solely in conjunction with agriculture use, not for human occupancy, and complying with the requirements of section 58-56-4, Utah Code Annotated, 1953, as amended. To qualify as an agricultural building, the structure must be located outside of a residential area, as defined by section 58-56-4(1), Utah Code Annotated, 1953, as amended.
4. Agricultural Products Storage: The storage of raw agricultural products. This use does not include the commercial slaughtering, the processing and packaging of meat and poultry, or the processing of food stuffs.
5. Livestock Production: An agricultural operation or establishment which keeps, feeds, or raises livestock for commercial purposes and as a principal land use. These include piggeries, dairies, dairy and beef cattle ranching, feedlots, chicken, turkey and other poultry farms, rabbit and mink farms, apiaries, and aviaries.
6. Grazing: The feeding of livestock or horses where more than fifty percent (50%) of the feed is produced on the immediate parcel and available to the animals as in-place vegetation to sustain life.

7110 **CONCENTRATED ANIMAL FEEDING OPERATION (CAFO):** A lot or facility as defined by the EPA as meeting or exceeding the standards of a Large CAFO.

7120 **LIVESTOCK AUCTION FACILITY:** A structure or structures with associated pens, yards, corrals, and loading and unloading facilities used for the sale of livestock.

7200 **BOARDING FACILITY:** A series of stables, barns, paddocks, and/or other shelters and exercising facilities in which farm animals are fed, exercised and/or cared for on a short or long term basis for a fee.

1. Kennel: Any establishment at which four (4) or more dogs are bred or raised for sale, boarded, or cared for.

7300 **FORESTRY ACTIVITIES:** The felling and transportation of commercially harvested tree. Forestry activities do not include the harvesting of firewood or trees for private use. Excludes sawmills or the production/finishing of lumber.

7400 **MINERAL EXTRACTION:** The extraction of metallic and nonmetallic minerals or materials; including the accessory uses of rock crushing, screening, and the storage of explosives; except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property. Includes stone quarries and sand/gravel pits.

7410 TOPSOIL EXTRACTION: Extraction activities limited to the removal and sale of topsoil, except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property.

7420 SITE GRADING: The act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property in preparation for the construction of a building, but not including normal cultivation associated with an agricultural operation. Excavation shall be less than 1,500 cubic yards per parcel. Additional excavation may only be permitted with a variance.

17.07.040: GENERAL DEFINITIONS

ACCESS: The provision of vehicular and/or pedestrian ingress and egress to buildings, structures, facilities, or property.

AGENT: The person with written authorization to represent an owner or owners.

AGRICULTURAL BUILDING: As defined within Utah State Code 15A-1-204(7).

ANIMAL CONFINEMENT: Any structure used to house animals or restrict their habitation to a particular area.

APPEAL: A review by the identified appellate body of a final decision of the approving body.

APPLICANT: The owner of title or agent for property that is the subject of an application.

APPLICATION: The necessary form and all accompanying documents and other materials required by an approving authority for development review purposes.

APPROVAL: A decision for final approval by the appropriate land use authority.

AVERAGE DAILY TRAFFIC (ADT): The average of one-way vehicular trips that use a road during a twenty-four (24) hour period.

BOARD OF ADJUSTMENTS: The officially constituted and appointed body of Cache County, as authorized by the laws of the state of Utah, to perform those duties, as allowed by state law and this title.

BOARD OF TRUSTEES: As provided for in Title 8.20.040, "Board of Trustees".

BOUNDARY LINE ADJUSTMENT: The relocation of the property line between two (2) or more adjoining lots or parcels.

BUILDABLE AREA: The portion of a parcel of land which is within the envelope formed by the required yards (setbacks) of the zoning district in which the parcel is located and as limited by any sensitive areas as defined in this Title.

BUILDING: A structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals, processing, equipment, goods, materials, or property of any kind.

BUILDING CODE: The most recently adopted family of international building codes used to regulate the construction of buildings and structures located within Cache County.

BUILDING HEIGHT, MAXIMUM: The vertical measure from the average elevation of that portion of a lot or parcel covered by the building to the roof beams in a flat roof; to the highest point on the deck of a mansard roof; to a level midway between the level of the eaves and highest point of pitched, hip, or gambrel roofs.

BUILDING PERMIT: Legal authorization, as required by the adopted building code(s) of Cache County, authorizing the erection, alteration, or extension of a structure.

BUILDING, PUBLIC: For purposes of this Title only, a public building is a building owned and operated, or owned and intended to be operated by the city, a public agency of the United States of America, the state of Utah, or any of its political subdivisions. The use of a public building, with immunity, is nontransferable and terminates if the structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this title includes:

1. Properties owned by the state of Utah or the United States government which are outside of the jurisdiction of the city zoning authority as provided under 17-27a-304, Utah Code Annotated, 1953, as amended; and
2. The ownership or use of a building which is immune from the county zoning authority under the supremacy clause of the United States constitution.

CACHE COUNTY, UNINCORPORATED: All unincorporated areas, lying within the boundaries of the County, and outside any corporate boundary of a municipality.

CACHE COUNTYWIDE COMPREHENSIVE PLAN: The general plan as authorized by the laws of the state of Utah for the unincorporated areas of the county, as may be adopted and amended from time to time by the Cache County Council.

CARETAKER'S RESIDENCE: A single family dwelling unit accessory to a commercial or industrial use for occupancy by the person who oversees the nonresidential operation, and his or her family.

CERTIFICATE OF OCCUPANCY: A certificate issued by the county building official after final inspection and upon a finding that the building, structure, or development complies with all provisions of the applicable county codes, permits, requirements, and approved plans.

CLUSTERING: A development or subdivision design that concentrates buildings or lots on a part of the site to allow the remaining land to be used for agriculture, recreation, common open space, and/or preservation of environmentally sensitive areas.

CONDITIONAL USE: A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CODES, COVENANTS, AND RESTRICTIONS (CC&Rs): An agreement that binds and restricts the land in the hands of present owners and subsequent purchasers. They are enforced only by the land owners involved and not by the city or other public agency.

DENSITY: The number of developable lots permitted per acre of developable land. Expressed as number of units per number of acres (U/A).

DEVELOPABLE ACREAGE: The land area within a subdivision excluding: areas defined as undevelopable under chapter 17.18, "Sensitive Areas Overlay Zone", of this Title, and areas dedicated to the public, such as parks and public rights of way.

DEVELOPMENT: The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or demolishing any structure or improvement to property, including grading, clearing, grubbing, mining, excavating, or filling of such property. Also includes the improvement or subdivision of land for the purpose of building.

DISABILITY: As defined within 57-21-2 (9) of the Utah Code Annotated, 1953, as amended.

DISPOSAL: The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or hazardous waste into or on any land or water so that such waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any waters, including groundwaters.

DWELLING UNIT: One or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping, sanitary facilities, kitchen or set of fixed cooking facilities, all for exclusive use by a single family maintaining a household.

EARTHQUAKE FAULT: Locations identified as active or potential earthquake fault areas.

EASEMENT: One or more of the property rights granted by the property owner to and/or for the use by the another person or entity for a specified use or purpose.

FAMILY: One individual, or two (2) or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household, or no more than four (4) nonrelated persons living together. The term "family" shall not be construed to mean a group of nonrelated individuals, a fraternity, club or institutional group.

FENCE: An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured materials or combination of materials erected to enclose, screen, or separate areas.

FINANCIAL SURETY: A form of security that is posted in favor of Cache County that can include cash, a letter of credit, a bond, or an escrow agreement in an amount and form satisfactory to the county.

FINDINGS: Statements of the land use authority identifying the reasons and basis for the action taken. Also referred to as Findings of Fact.

FLOODPLAIN: An area adjoining a river, stream, watercourse, or body of standing water in which a potential flood hazard exists when the area experiences a 100-year storm, including any area designated as a floodplain by the Federal Emergency Management Agency (FEMA) of the United States government. These areas have additional regulations located within Title 15.28 of the Cache County Code.

GEOLOGIC HAZARD: A hazard inherent in the crust of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, subsidence, or shifting of the earth. The term includes, but is not limited to, unstable slopes, faults, landslides, and rockfall.

GRADE: The ground surface elevation(s) of a parcel of land.

GRADE, EXISTING: The grade of a property prior to any proposed development or construction activity.

GRADE, FINAL: The finished or resulting grade after completion of the proposed development activity.

GRADING: Any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

GUEST HOUSE: An attached or detached building that provides living quarters for guests and (a) contains no kitchen or cooking facility; (b) is clearly subordinate and incidental to the principal residence on the same building site; and (c) is not rented or leased, whether compensation be direct or indirect.

IMPROVEMENTS: Buildings, structures, facilities, and site work including, but not limited to, grading, surfacing, paving, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations.

INTENSITY: The concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, numbers of buildings, numbers of livestock, etc.

JUNK: Any scrap copper, brass, rope, rags, batteries, paper, trash, wood, rubber debris, waste, or junked, dismantled, or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

KITCHEN: An area for the preparation of food and containing a sink and stove.

LOT/PARCEL, LEGAL: A lot, or parcel of ground, that is eligible to be developed. See the adopted policy of the Development Service Department dated November 29th, 2012 for legal requirements.

LOT/PARCEL COVERAGE: The percentage of the area of a lot/parcel which is occupied by all buildings, other impervious surfaces, or other covered structures.

LOT/PARCEL, RESTRICTED: A lot, parcel or tract of land, the deed of which has been recorded in the office of the Cache County recorder, but has not received the necessary approvals as required by the Cache County subdivision ordinance existing at the time of recordation.

LOT/PARCEL SIZE: The total area of a lot, parcel, or tract of land.

MANUFACTURED HOME: A transportable, factory built housing unit constructed on or after June 15, 1976. According to the federal home construction and safety standards act of 1974 (HUD code), in one or more sections, and when erected on site, the home must be at least twenty feet (20') in width at the narrowest dimension, have exterior and roofing materials in conformance with adopted building codes, have a minimum roof pitch of two to twelve (2:12), and be located on a permanent foundation and connected to the required utilities, including plumbing, heating, air conditioning and electrical systems. A manufactured home shall be identified as real property on the property assessment rolls of Cache County. All manufactured homes constructed on or after June 15, 1976, shall be identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

MOBILE HOME: A transportable, factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the federal manufactured housing and safety standards act (HUD code). The following are excluded from this definition: travel trailers, motor homes, camping trailers, or other recreational vehicles. Must be placed on a permanent foundation and meet adopted building codes.

NUISANCE: Any use or activity which emits noise, smoke, dust, odor, or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands, or a use or activity which substantially deprives the owners of adjoining property of a property right.

OFF PREMISE: Located outside the lot or parcel lines of the principal use.

OFFICIAL ZONING MAP: The map adopted by the County Council showing the geographical distribution of the zoning districts of the County.

ON PREMISE: Located within the lot or parcel lines of the principal use.

OPEN SPACE: Any area of a lot that is completely free and unobstructed from any manmade structures or parking areas.

OWNER: Any person, group of persons, or entity, having record title to the property.

PARKING, OFF STREET: An area adjoining a building providing for the parking of automobiles which does not include a public street but has access to it.

PERMIT: Written permission issued by a land use authority, empowering the holder thereof to proceed with some act not forbidden by law.

PLANNING COMMISSION: The official body of the Cache County Planning Commission, as authorized by the laws of the state of Utah, to perform those duties, as allowed by state law and this Title.

PROPERTY FRONTAGE: The length of the property line abutting the road, street, or highway right-of-way or a line drawn parallel to the road, street, or highway right of way line and located at the front yard setback.

PROPERTY LINE: The boundary line of a lot, parcel, or tract of land.

PUBLIC HEARING: As defined by Utah State Code 17-27a-103.

PUBLIC IMPROVEMENT: Any publicly owned and maintained drainage ditch, roadway, street, parkway, sidewalk, pedestrian way, landscaping, off street parking area or other facility or amenity.

PUBLIC MEETING: As defined by Utah State Code 17-27a-103.

REASONABLE ACCOMMODATION: A change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. As used in this definition:

1. "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations, notwithstanding the benefit that the accommodation would provide to a person with a disability.
2. "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
3. "Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.

RECLAMATION: Actions performed during and after excavation operations to shape, stabilize, revegetate or otherwise treat the land affected in order to achieve a safe, stable, ecological condition. The excavated lands will be rehabilitated to a usable condition which is readily adaptable to alternate land uses and creates no danger to public safety. The rehabilitation process may extend to affected lands surrounding the excavated lands and may require backfilling, grading, recoiling, revegetation, soil compaction, stabilization and other measures.

RESIDENCE: A dwelling unit where an individual is actually living at a given point in time and intends to remain for more than half of the calendar year, and not a place of temporary sojourn or transient visit.

RIGHT-OF-WAY: Land occupied or intended to be occupied by a public or private trail, street, road, highway, railroad, other public transportation use or other utility uses.

ROAD, PRIVATE: As defined within the Cache County Manual of Roadway Design and Construction Standards.

ROAD, PUBLIC: Any highway, road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in an action for the partition of real property, and includes the entire areas within the public right of way.

SETBACK: The minimum required distance between any structure and the property lines of the lot in which it is located. The front, rear, and side setbacks are illustrated in section 17.10 of this title and defined as follows:

Front: The area of a lot or parcel of land extending across the front width and being the minimum horizontal distance between a street or road right of way line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.

Rear: The area of a lot or parcel of land extending across the rear width and being the minimum horizontal distance between the primary building, or any projection thereof other than steps, unenclosed balconies and unenclosed porches, and the rear lot line.

Side: An area of a lot or parcel of land extending between the side lot line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches.

Other: Any distance required between a structure or site improvement and a set feature (i.e. floodplain, geologic hazard, etc.)

SIGN: Any device for visual communication, including any structure or natural object or part thereof that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization.

SITE PLAN: An accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development including, but not limited to: topography; vegetation; drainage; floodplains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; rights-of-way or easements; utility services; structures and buildings; lighting; berms, buffers, and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

SITE SUITABILITY ANALYSIS: A comprehensive site analysis for a public infrastructure utility. This analysis shall consider data and provide findings, conclusions, and recommendations including but not limited to: public involvement including key concerns, issues, and comments, geologic hazard areas as defined by this Title, archeological, ecological, and culturally important areas, jurisdictional wetlands as defined by the U.S. Army Corps of Engineers, crucial wildlife habitat as identified by the State Division of Wildlife Resources and species of special concern, drinking water source protection areas, groundwater depth and recharge areas, structures and developed areas including existing dwellings, residential and commercial zones, schools, and churches, wildfire hazard areas, floodplains, national, state, or county parks, monuments, or recreation areas, prime, unique, and statewide importance farmlands, State and National Historic Register sites, airports, national forests, visual analysis, cost comparisons, and site alternatives.

SLOPE: The level of inclination of land from the horizontal plane determined by dividing the horizontal run, or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure in a percentage value.

SOLID WASTE: All putrescible and non-putrescible solid and semi-solid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes and shall include other discarded material classified as solid waste by State and Federal law or regulation. This does not include sewage or another highly diluted water carried material or substance and those in gaseous form.

STREAM OR CANAL BANK, TOP OF: The land area immediately above and regularly confining a river, stream, canal, or wetland. The bank has a notably steeper slope than the surrounding landscape. The first major break in the slope between the top of the bank and the surrounding landscape shall be the top of the bank.

SUBDIVISION: Any land that is divided, resubdivided, or proposed to be divided into two (2) or more lots, plots, parcels, sites, units, or other division of land after August 21, 1970, for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

SUBDIVISION ORDINANCE: Title 16 of Cache County Code, as adopted.

USE, ACCESSORY: A use or a structure subordinate to the primary use of a lot, or of a primary building on the same lot, and serving a purpose clearly incidental to a permitted primary use of the lot or of the building and which accessory use or structure is compatible with the primary permitted uses or structures authorized under zoning regulations applicable to the property.

1. **RESIDENTIAL ACCESSORY USES:** Include uses such as recreational activities, raising of pets, parking of occupants' vehicles, garage or carport, accessory buildings for home hobbies, storage buildings of not more than 500 square feet, fences/patios/decks, and gardens.
2. **COMMERCIAL/MANUFACTURING ACCESSORY USES:** Includes uses such as the onsite sale of manufactured goods, offices, parking, storage, and a caretaker's residence.

USE, PRIMARY: An individual use, located on a parcel or lot, that is subject to the requirements of the regulations of this Title, the Cache County Code, and any other applicable State and Federal requirements, and to which all other uses are accessory, conditional, or nonconforming.

USE, PROHIBITED: Any use, whether accessory or primary, not identified as either a permitted use, conditional use or temporary use, as provided by this Title.

VARIANCE: As defined by Utah State code 17-27a-702.

WATERWAY, MANMADE: All manmade drainage systems including, but not limited to, all canals, culverts, and manmade drainages.

WATERWAY, NATURAL: Those areas varying in width along streams, creeks, gullies, springs, faults or washes which are natural drainage channels as determined by the zoning administrator.

WETLANDS: Any area of Cache County under the regulatory authority of the United States Army Corps of Engineers.

WILDLIFE HABITAT: Areas identified by the Utah Division of Wildlife Resources and/or the United States Fish and Wildlife Service occupied and necessary for the support of fish and fauna.

ZONING CLEARANCE: An acknowledgment, provided by the zoning administrator, or designee, identifying that the proposed use, building, structure, or facility complies to the requirements of this Title.

ZONING DISTRICT, BASE: The classification of all land as reflected in the Cache County Zoning map wherein development regulations are in place to uniformly govern the use, placement, and size of land and structures. In the instance of conflicting or multiple Base Zoning Districts on a single parcel, the more restrictive zone shall be applied across the entire parcel. Base Zoning Districts may be combined with an overlay zoning district on all or a portion of a parcel to alter, restrict, or allow specific development regulations.

ZONING DISTRICT, OVERLAY: The classification of land as reflected in the Cache County zoning map wherein additional development regulations are applied to the regulations of the Base Zoning District.

Chapter 17.09
SCHEDULE OF ZONING USES

17.09.010: PURPOSE:

17.09.020: PERMITTED AND CONDITIONAL USES BY ZONE:

17.09.030: SCHEDULE OF USES BY ZONE:

17.09.010: PURPOSE:

The purpose of this chapter is to define the types of uses permitted by right, conditionally permitted, permitted as small businesses, and prohibited within all zoning districts. (Ord. 2009-07, 9-22-2009, eff. 2-1-2010)

17.09.020: PERMITTED AND CONDITIONAL USES BY ZONE:

Table 17.09.030 of this chapter lists the primary uses within all Cache County zoning districts. All of the use categories listed in the table are defined in Chapter 17.07 of this title.

A. Uses Permitted By Right:

1. A "P" indicates that a use type is allowed in the respective zoning district.

B. Conditional Uses:

1. A "C" indicates that a use type is allowed only if reviewed and approved as a conditional use in accordance with this title.

C. Uses Not Allowed:

1. An "N" indicates that a use type is not allowed in the respective zoning district.
2. Any uses not specifically permitted or conditionally permitted are prohibited.

D. Overlay Zone Uses:

1. A "-" indicates that the overlay zone does not impose any additional requirements on the use than the base zone.

E. Additional Compliance: All uses must comply with all applicable local, state, and federal requirements and licensing and must provide evidence or documentation compliance to the appropriate land use authority.

17.09.030: SCHEDULE OF USES BY ZONE

TABLE 17.09.030

		Agriculture (A10)				Forest Recreation (FR40)				Mineral Extraction (ME)		
		Rural 2 (R2)				Commercial (C)				Resort Recreation (RR)		
		Rural 5 (R5)				Industrial (I)				Public Infrastructure (PI)		
Use Index	Use Description	ZONE										
		A10	R2	R5	FR40	C	I	ME	RR	PI		
1000	Residential											
1100	Single Family Dwelling	P	P	P	N	N	N	N	P	-		
1110	Foster Home	P	P	P	N	N	N	N	P	-		
1120	Accessory Apartment	C	C	C	N	N	N	N	C	-		
1200	Home Based Business	P	P	P	N	N	N	N	P	-		
1300	Multi-Family Dwelling	N	N	N	N	N	N	N	C	-		
1400	Seasonal Cabin	P	P	P	P	N	N	N	P	-		
1500	Residential Living Facilities	P	P	P	N	N	N	N	P	-		
2000	Manufacturing Industries											
2100	General Manufacturing	N	N	N	N	N	C	N	N	-		
2110	Agricultural Manufacturing	C	N	N	N	C	C	N	N	-		
2200	Storage and Warehousing	N	N	N	N	N	C	N	N	-		
2210	Self-service storage facility	N	N	N	N	C	C	N	N	-		
2300	Transport Services	N	N	N	N	N	C	N	N	-		

Chapter 17.21

RESERVED

GRANT OF EASEMENT

EXHIBIT "A"

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the Undersigned, CACHE COUNTY CORPORATION, a body politic of the State of Utah, with its principal office at 199 North Main Street, Logan, Utah 84321, and Logan Cache Airport Authority ("*Grantors*"), do hereby bargain, sell, convey and grant to HYDE PARK CITY, a municipal corporation and body politic of the State of Utah, and its successors and assigns, with its principal office located at 113 East Center Street, Hyde Park, Utah 84318 ("*Grantee*" which includes *Grantee's* successors), the following easement and right of way being hereby granted in connection with the Hyde Park City & Logan-Cache Airport Authority ("*Project*"):

UTILITY/INGRESS-EGRESS EASEMENT:

Perpetual Utility Easement

A non-exclusive and perpetual underground easement ("*Easement*") for underground utilities such as water, gas, sewer, power, communications, and storm water lines as well as ingress-egress easements across airport lands as more particularly described in Exhibit A attached hereto and incorporated by reference herein.

THE EASEMENTS ARE GRANTED SUBJECT TO THE FOLLOWING RIGHTS, COVENANTS AND CONDITIONS:

1. Grantee's construction and operational activities related to its use of the Easement as provided herein, including maintenance of any utilities placed within the Easement, shall be performed in compliance with all applicable laws, rules, regulations and requirements of governmental entities having jurisdiction.
2. Grantee agrees that Grantee shall repair any damage to any existing road or other facility or structure caused by Grantee's work within the Easement.
3. Grantee shall pass an ordinance before June 1, 2013, recognizing the Logan-Cache Airport Runway and Airport Protection Zones, and Grantee covenants that it shall not infringe upon said Overlay Zones. Grantee shall send a copy of that ordinance to Grantors to associate with this agreement before July 1, 2013.
4. Grantors reserve the right to use and enjoy its associated easements in and around the Easement.

5. The Easements and related rights and interests granted hereunder constitute a covenant running with the respective parcels which shall be binding upon Grantors and the Grantee and respective legal representatives, successors-in-interest and assigns.

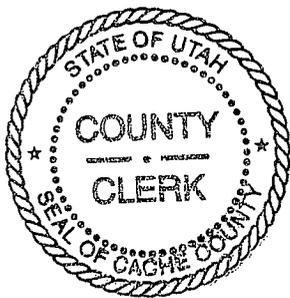
6. The Grantee shall apply to the County Grantor for encroachment permitting before utilities can be placed in the Easement with the understanding that this step is to assure awareness and cooperation between the Grantors and Grantee for safety and cooperation, and to assure that County construction standards are met, not as a denial of the utility placement outright.

7. Grantee shall notify Grantors of any non-emergency maintenance of utilities within the easement. Notification to the airport manager shall occur 24 hours prior to beginning maintenance activities.

8. While working within the easement under any circumstances, Grantee shall conform with FAA Regulations and any other agency requirements applicable to the easement.

9. By accepting and recording this Grant of Easements, Grantee acknowledges and agrees with the terms and provisions hereof.

WITNESS the hand of Grantor this 13 day of February, 2013.



GRANTOR:
CACHE COUNTY CORPORATION

By: M. Lynn Lemon
M. Lynn Lemon, Cache County Executive

(ATTEST)

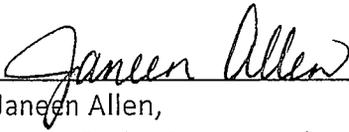
By: Jill N. Zollinger
Jill N. Zollinger, Cache County Clerk

GRANTOR:
LOGAN CACHE AIRPORT AUTHORITY



By: 
John Kerr,
Logan-Cache Airport Authority Board Chair

(ATTEST)

By: 
Janeen Allen,
Logan-Cache Airport Authority Board Secretary

GRANTEE:
HYDE PARK CITY

By: _____
Bryan Cox, Hyde Park City Mayor

(ATTEST)

By: _____
Donja Wright, Hyde Park City Recorder

EXHIBIT "A"

LEGAL DESCRIPTION OF EASEMENT

Hyde Park City Utility Easement

Part of the Southwest Quarter of Section 4, Township 12 North, Range 1 East, Salt Lake Base and Meridian, Cache County, Utah, and being described as follows:

Beginning at a point that is 10.00 feet westerly of the centerline of the roadway said point also being North 2539.89 feet and East 1080.81 feet from the Southwest Corner of said Section 4, thence as follows:

South 89°15'34" East	538.92 feet along a line that is 10.00 feet westerly and parallel with the centerline of the roadway and along said parallel line the following 3 courses
Easterly 502.85 feet	along the arc of a 6010.00 foot radius curve to the left through a central angle of 4°47'38", the chord of which bears North 88°20'37" East 502.71 feet,
North 85°56'48" East	84.68 feet,
Easterly 75.71 feet	along the arc of a 4990.00 foot radius curve to the right through a central angle of 0°52'09", the chord of which bears North 86°22'52" East 75.71 feet; thence
South 02°58'25" West	23.13 feet to a point 33.00 feet westerly of the centerline of the roadway and along said parallel line the following 4 courses
Westerly 72.88 feet	along the arc of a 4967.00 foot radius curve to the left through a central angle of 0°50'26", the chord of which bears South 86°22'01" West 72.88 feet; thence
South 85°56'48" West	84.68 feet,
Westerly 504.78 feet	along the arc of a 6033.00 foot radius curve to the right through a central angle of 4°04'38", the chord of which bears South 88°20'37" West 504.63 feet; thence
North 89°15'34" West	538.92 feet; thence
North 00°44'26" East	23.00 feet to the point of beginning

Containing 27,639 square feet, 0.634 acres.

RECORD OF DECISION
CACHE COUNTY, UTAH
REZONE : ZOOK'S

WHEREAS, the "County Land Use Development and Management Act," Utah Code Ann. §17-27a *et seq.*, as amended (the "Act"), provides that each county may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the County's Planning Commission (the "Planning Commission") shall prepare and recommend to the County's legislative body, following a public hearing, a proposal that represents the Planning Commission's recommendations for zoning the area within the county; and

WHEREAS, on December 6, 2012 at 5:40 P.M. the Planning Commission held a public hearing for a rezone from the Agricultural (A-10) Zone to the Rural-2 (RU-2) Zone, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone, and at which meeting a recommendation of denial (5,0) was provided to the County Council for final action; and

WHEREAS, on January 22, 2013, at 5:45 P.M., the County Council held a public hearing to consider any comments regarding the proposed rezone. The County Council accepted all comments; and

WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where the proposed rezone was discussed, and recommendation of County staff, the Council has determined that it is not in the best interest of the citizens of Cache County to approve said rezone;

NOW THEREFORE, on this the 12th day of February, 2013, the Cache County Council denies the Zook's rezone request based on the following findings of fact:

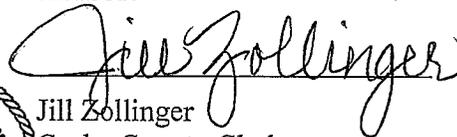
1. The access road to this area, 8600 South, does not provide safe or adequate vehicle access and cannot support additional development in this area.
2. Rezoning this single parcel to the requested density is not compatible with the general character of the area which is comprised of larger parcels.

CACHE COUNTY COUNCIL:



Val Potter, Chair
Cache County Council

ATTEST:



Jill Zollinger
Cache County Clerk

