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COUNTY EXECUTIVE / SURVEYOR

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COUNTY COUNCIL
VAL K. POTTER, *CHAIRMAN*
KATHY ROBISON, *VICE CHAIR*
CRAIG "W" BUTTARS
GREG MERRILL
JON WHITE
CORY YEATES
GORDON A. ZILLES

March 7, 2014

PUBLIC NOTICE is hereby given that the Cache County Council of Cache County, Utah will hold a Regular Meeting in the **Cache County Historic Courthouse, County Council Chambers**, 199 North Main, Logan, Utah 84321 at **5:00 p.m.** on **TUESDAY, MARCH 11, 2014**

AGENDA

5:00 p.m.

1. **CALL TO ORDER**
2. **OPENING / PLEDGE** – Cory Yeates
3. **REVIEW AND APPROVAL OF AGENDA**
4. **REVIEW AND APPROVAL OF MINUTES** (February 25, 2014)
5. **REPORT OF COUNTY EXECUTIVE**
 - a. Appointments
 - b. Warrants
 - c. Other Items
6. **CONSENT AGENDA**
7. **ITEMS OF SPECIAL INTEREST**
 - a. ***Proclamation*** – Child Abuse Prevention Month – Child & Family Support Center
8. **UNIT OR COMMITTEE REPORTS**
 - a. Weed Department – Joel Merritt
9. **BUDGETARY MATTERS**
10. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
 - a. **Board of Equalization**
 1. Property Tax Exemption Requests
 - b. **Public Hearing – *Ordinance 2014-03*** – Amendments to Titles 16 and 17

5:30 p.m.*

11. **PENDING ACTION**
 - a. ***Ordinance 2014-04*** – Vacating a Right-of-Way at 200 West, south of 9800 North
12. **INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**
 - a. Status Update on DD Auto & Salvage – David Grange Request for Extension of Conditional Use Agreement
 - b. ***Ordinance 2014-01*** – Campaign Financial Disclosure in County Elections (Revised)
 - c. Hardship Applications
 - d. Discussion – RU2 and RU5 Zones

13. OTHER BUSINESS

- a. 2014 UAC Management Conference – April 16-18, 2014 - Salt Lake City, City Creek Marriott
- b. Council Member Assignments for Exemption Hearings:
 - Logan Regional Hospital – April 22nd at 1:00 p.m.
 - Cache Valley Community Health Center – April 22nd at 2:15 p.m.
 - Sunshine Terrace – April 22nd at 3:30 p.m.
 - Neighborhood Nonprofit Housing Corporation
 - Center for Excellence in Education

14. COUNCIL MEMBER REPORTS

15. ADJOURNMENT

A handwritten signature in black ink, reading "Val K. Potter", is written over a horizontal line.

Val K. Potter, Chairman

*Citizens desiring to be heard are encouraged to submit their messages in writing during or prior to the hearing

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Janeen Allen at 755-1850 at least three working days prior to the meeting.

CHILD ABUSE PREVENTION MONTH PROCLAMATION

**CACHE COUNTY'S GREATEST ASSET IS OUR CHILDREN,
NOW AND FOR THE FUTURE.**

WHEREAS; ALL CHILDREN deserve to grow up in a safe and nurturing environment to ensure they reach their full potential.

WHEREAS; CHILD ABUSE is a serious and growing problem affecting millions of our nation's children and thousands of children in Utah annually; and,

WHEREAS; CHILD ABUSE respects no racial, religious, class or geographic boundaries; and,

WHEREAS; IT IS IMPORTANT for all citizens of Cache County to become more aware of child abuse and the critical need for prevention within their respective neighborhoods and community; and,

WHEREAS; DECREASING the occurrence of child abuse relies upon the efforts of every individual in order to make a positive, substantial impact upon the children of today, who will become the leaders of tomorrow;

THEREFORE; We, as members of the Cache County Council, do hereby proclaim April 2014 as Child Abuse Prevention Month. We support child abuse prevention efforts and education, and we encourage all citizens to actively help protect our children and work to create strong families within this community.

In witness whereof, I hereunto set my hand on this 11th day of March 2014

Chairman, Cache County Council, Utah



SUMMARY OF ORDINANCE CHANGES BY TITLE

Changes applicable to all sections as necessary

- Capitalization errors and/or grammar corrected
- State and County Code references updated
- Inconsistent language corrected
- Section numeration updated as necessary to reflect changes
- All instances of Zoning Administrator replaced with Director of Development Services or Director; office of the Zoning Administrator replaced with Development Services Department
- The term “development agreement” replaced with the term “improvement agreement”

Title 16 Subdivision Ordinance**16.01 General Provisions and Administration**

- Now points to definitions found in Title 17
- The word “subdivider” removed and the word “developer” added throughout
- 16.01.090 Effective Period of a Subdivision Plat removed. Effective periods of approvals moved to Title 17.02.070

16.02 Type and Process

- Language regarding legal parcels updated
- Added 16.02.080 Single Lot Subdivisions
- Amendments to requirements for subdivision amendments and boundary line adjustments to bring the county ordinance into compliance with state code.
- Historical division of property by CUP to be considered a legally recorded subdivision

16.03 Requirements

- "government control monuments" replaced with "Cache County section corners"
- Preferred scale clarified. Placement of setbacks on final subdivision plat clarified.

16.04 General Requirements for All Subdivisions

- The word “subdivider” removed and the word “developer” added throughout
- Completion of Subdivision Improvements amended to Completion of Development Improvements and section largely revised
- Improvement Security amended to Financial Surety and section largely revised
- Issuance of permits on properties divided by a municipal line addressed
- Protection strip defined

Title 17 Zoning Ordinance

17.01 General Provisions

- The word “building” was deleted from the title of 17.01.050 Building Permits Required and section largely revised
- Section 17.01.060 Certificates of Occupancy removed (already in Title 15)

17.02 Administration

- Benson Planning Commission creation removed
- 17.02.040 Building Official removed (already in Title 15)
- Section of 17.02.060 Establishment of Authority regarding noticing moved to 17.02.040 Notice of Meetings.
- Single Lot Subdivisions placed under the authority of the Development Services Director
- Appeal process revised and clarified
- 17.02.070 Effective Period of a Land Use Authority Approval added

17.03 Review of Constitutional Taking Issues

- No substantive revision; capitalization and grammar corrections, and code updates only.

17.04 Enforcement

- Enforcement requirements specified as applicable to both Titles 16 and 17
- Violations reflect State Code as Class B instead of Class C misdemeanors
- Notice of enforcement updated to provide an initial written notice (warning) prior to a final notice served by the Sheriff
- Warning period changed from 28 to 10 days following final notice
- Remedies added to Civil Penalties section 17.04.070.
- Civil penalties increased from \$50 to \$100 per day

17.07 Definitions

- 1100 Single Family Dwelling definition amended to include “Only one dwelling unit is allowed per legal lot/parcel.”
- 1120 Accessory Apartment definition amended
- Definition for “Agricultural Remainder” added
- Definition of “Density” amended
- Definition for “Dry Lot” added
- Definition of “Frontage” added
- Definition for “Improvement Agreement” added
- Definition of “Lot/Parcel, Legal” amended
- Definition of “Lot/Parcel, Restricted” amended
- Definition for “Mobile Home” clarified – no substantive change.
- Definition of “Setback – Front” amended
- Definition of “Use, Primary” amended

17.08 Zoning Districts

- Purpose of overlay zones amended

17.10 Development Standards

- Legal parcel policy updated to include FR40 Zone parcels
- Portion of 17.10.050(A)(5)(a) regarding number of dwelling units per legal lot/parcel revised and moved to definitions, 1100 “Single Family Dwelling” definition
- Section 17.10.060 Development Agreements created

17.13 ME Overlay Zone

- Capitalization and grammar corrections, and code updates

17.14 RR Zone

- No substantive revision; only amendments related to Zoning Administrator changing to Director of Development Services

17.16 Group Living Facilities

- No substantive revision; capitalization and grammar corrections, and code updates only.

17.19 PI Overlay Zone

- No substantive revision; capitalization and grammar corrections, Zoning Administrator/Director, and code updates only.

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16.01.010: Title:

This title shall be known as the *CACHE COUNTY SUBDIVISION ORDINANCE*, hereinafter, “this title”.

16.01.020: Purpose and Authority:

The Cache County Council adopts this title pursuant to the County Land Use Development and Management Act, Title 17, Chapter 27a, Utah Code Annotated, 1953, for the purposes set forth therein. The maps and appendices to this title are a part hereof. The intent of this title is to provide a means of ensuring predictability and consistency in the use of land and individual properties and to implement the goals and policies of the Cache Countywide Comprehensive Plan.

16.01.030: Definitions and Applicability:

For the purposes of this title, all terms shall have the same definitions as provided by section 17-27a-103, Utah Code Annotated, 1953, as amended or as in 17.07.030 and 17.07.040.

16.01.040: Jurisdictions and Penalty:

This title shall govern and apply to the subdivision, platting and recording of all lands lying within the unincorporated area of Cache County, Utah.

- A. No person shall subdivide any land, nor shall any building permit, other required development approval, or any other license or permit be issued for any lot or parcel of land which is located wholly, or in part, within the unincorporated area of Cache County, except in compliance with this title, the Cache County ~~land use ordinance~~ Zoning Ordinance, and all applicable state and federal laws.
- B. Any plat of a subdivision, or any survey description, filed or recorded without the approvals required by this title is deemed to be void, for the purposes of development or the issuance of a building permit, as required by section 17-27a-611 et seq., Utah Code Annotated, 1953, as amended.
- C. Any owner or agent of the owner of any land located in a "subdivision", as defined herein, who transfers or sells any land located within the subdivision before the subdivision has been approved and recorded, in the office of the Cache County Recorder, consistent with the requirements of this title, and applicable state and federal requirements is guilty of a violation of this title, and section 17-27a-611 et seq., Utah Code Annotated, 1953, as amended, for each lot or parcel transferred or sold.

- D. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring lots, plots, parcels, sites, units, or other division of land 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 does not exempt the transaction from the requirements of this title and such action from the penalties or remedies provided by this title, the Cache County ~~land-use ordinance~~ Zoning Ordinance, or the laws of the state of Utah.

16.01.050: Severability (Effect):

If any section, provision, sentence, or clause of this title is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this title which shall remain in full force and effect.

16.01.060: General Responsibilities:

- A. The ~~subdivider-developer~~ shall prepare a plat consistent with the standards contained herein and shall pay for the design and inspection of the public improvements required. The County shall process said plats in accordance with the regulations set forth herein.
- B. The ~~Development Services Department~~~~county zoning office~~ shall review the plats for design; for conformity to the Cache ~~C~~ountywide ~~C~~omprehensive ~~P~~lan and to the Cache County ~~land-use ordinance~~ Zoning Ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title.
- C. Proposed subdivisions shall be referred by the ~~Development Services Department~~~~county zoning office~~ to such county departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The ~~Development Services Department~~~~county zoning office~~ is responsible for coordinating the comments received from all public and private entities and shall decide which agencies to refer the proposed subdivisions to.
- D. The ~~e~~County ~~S~~urveyor ~~(or designee)s~~ ~~Office~~ and ~~C~~ounty ~~R~~oad ~~D~~epartment shall make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this title and other applicable ordinances and for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with ~~transportation planning in the county zoning office~~the Development Services Department
- E. The planning commission shall act as an advisory agency to the county council. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the Cache ~~C~~ountywide ~~C~~omprehensive ~~P~~lan and Cache County Zoning Ordinance~~land-use ordinance~~, and other pertinent documents. The Planning Commission shall recommend approval, approval with conditions, or denial of the preliminary and final plats to the County Council.
- F. The ~~Development Services Department~~~~county zoning office~~ shall approve the form of the final plat, that the ~~subdivider-developer~~ dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report.

G. The ~~C~~ounty ~~C~~ouncil has final jurisdiction in the approval of subdivision plats; the establishment of requirements for and design standards of public improvements; and the acceptance of lands and public improvements that may be proposed for dedication.

16.01.070: Site Preparation Work Prohibited:

No excavation, grading or regrading, or removal of vegetation for a proposed subdivision shall take place and no building permits shall be issued until a proposed subdivision has received approval from the Cache County ~~C~~ouncil and the subdivision has been recorded in the office of the Cache County ~~R~~ecorder, as required herein.

16.01.080: Incomplete Application:

The lack of any information required by this title, or improper information supplied by the applicant shall be cause for the ~~zoning administrator~~Director of Development Services to find a subdivision application incomplete. The ~~Director~~~~zoning administrator~~ shall allow sixty (60) days from the date of notification of an incomplete application for the applicant to provide the required information and provide a complete application to the ~~Director~~~~zoning administrator~~. If the application remains incomplete after sixty (60) days from date of notification of an incomplete application, the ~~Director~~~~zoning administrator~~ shall return the entire incomplete application to the applicant accompanied by application fees paid less any administrative expenses incurred by the ~~Development Services Department~~~~county zoning office~~ to process the application.

16.01.090: Effective Period of a Subdivision Plat:

~~The approval of a preliminary subdivision or final plat shall be effective for a period of one year from the date the plat has received a recommendation from the planning commission or an approval by the county council or their designee. If the applicant has not recorded the final subdivision plat within the one year period of date of the approval, the zoning administrator shall provide a thirty (30) day notice to the applicant and thereafter the subdivision approval shall be void; and the applicant shall be required to submit a new application for review and approval subject to the then existing provisions of this title, the Cache County land use ordinance, and all other applicable state and federal requirements in effect at the time of the submission of an application for subdivision.~~

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16.02.010: Standards and Lot Size:

All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County ~~land-use ordinance~~ Zoning Ordinance and within this title.

16.02.020: Natural Barrier:

- A. Applicants may utilize natural or manmade obstructions as boundary lines for subdivisions in conformance with this title and the ~~land-use ordinance~~ Zoning Ordinance.
- B. An application may be made for any lot that is clearly separated by a natural or manmade barrier within the Agricultural Zone. Natural barrier determinations do not create new 1970 parcels.
 1. Natural barrier determinations of this type will require that the lot is of sufficient size to allow for access, sewer/septic and water, and that further variances will not be required for development of the lot.
 2. Natural barrier determinations that do not meet the minimum density requirements for the zone within which the parcel is located may apply to the Board of Adjustments for a variance to the density requirement.
 - a. The Board of Adjustments shall consider any such request in compliance with state and county code requirements.
 3. The ~~zoning administrator~~ Director of Development Services is the land use authority for natural barrier determinations. In the event that the ~~zoning administrator~~ Director or applicant requires further review of a proposed natural barrier, the County Council shall be the land use authority. Any appeal of the ~~zoning administrator~~ Director's decision shall be reviewed by the Board of Adjustments.
 4. Parcels created through the natural barrier process are allowed further subdivision in accordance with the standards of the Cache County Ordinance currently in effect.
- C. Each parcel created by a natural barrier determination made prior to October 11, 2005, may be allowed to be further divided in compliance with this title and Title 17 of this code. Each parcel created prior to October 11, 2005, by the natural barrier determination shall be allowed to develop as if it were a 1970 parcel.

16.02.030: Agricultural Subdivision:

Agricultural parcels may be subdivided without requiring a plat or specific approvals from the ~~zoning administrator~~ Director, Planning Commission, or County Council in conformance with State Code section 17-27a-605 with the following conditions.

- A. The lot qualifies as land in agricultural use under State Code 59-2-5~~title 59 chapter 2, part 5, of the Farmland Assessment Act.~~
- B. The lot meets the minimum size requirements of applicable land use ordinances.
- C. The lot is not used and will not be used for any nonagricultural purpose.
- D. Lots having been subdivided by this process may obtain clearance for the construction of agricultural buildings, but shall not be permitted to construct residential or commercial structures. In the event that an agriculturally subdivided lot requests nonagricultural development, the lot will require a legal subdivision from the most recent legal parcel size and configuration, as defined by this title, ~~1970 parent parcel~~ prior to the issuance of any permits.
- E. Any requirements, conditions, stipulations, or restrictions on the use or development of a parent parcel shall apply to all lots that have been or are subdivided from a parent parcel, whether they are subdivided through an agricultural subdivision process or otherwise, unless specifically cleared by the ~~zoning administrator~~Director of Development Services or ~~P~~Planning ~~C~~ommission with findings of fact.

16.02.040: Approval Process:

Subdivisions are to be approved utilizing the following process (any alterations in this process shall be approved by the Director of Development Services~~zoning administrator~~):

- A. Concept Plan: Upon completing a concept plan, applicants may request that the Director ~~zoning administrator~~ and/or the P~~l~~anning ~~C~~ommission review all applicable codes and identify any preliminary issues which are likely to be of concern in evaluating the subdivision.
- B. Preliminary Plat: Applicants shall submit to the Director~~zoning administrator~~ a completed subdivision application, a preliminary plat, and any other associated materials deemed necessary by this code or by the ~~zoning administrator~~Director. This information shall be reviewed by the planning commission and a recommendation for action shall be forwarded to the county council.
- C. Final Plat: The C~~e~~ounty ~~e~~Council shall review the application, proposed plat, and any recommendations by staff and/or the ~~p~~lanning ~~e~~Commission. The ~~e~~Council may approve, approve with stipulations or alterations, or deny any subdivision plat.
- D. Final Plat Recordation: The final step in the review and approval process is the recordation of the final plat of the proposed subdivision in the office of the Cache County R~~e~~corder. It shall be the responsibility of the ~~zoning administrator~~Director to ensure that all stipulations/alterations have been completed and that the plat meets all applicable codes prior to recordation.

16.02.050: Subdivision Plat Amendment:

- A. ~~Changes Amending a Legally Recorded Subdivision To~~ Plat: Any fee owner, as shown on the last county assessment rolls, of land within a subdivision may, in writing, petition the land use authority to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended.
- B. The division of any property previously approved through the conditional use permit process shall be considered, for the purpose of this title and Title 17, a legally recorded subdivision.
- C. The ~~County Council~~land use authority may consider any proposed vacation, alteration, or amendment of a recorded subdivision plat ~~based upon the recommendation of the Planning Commission~~ in compliance with section 17-27a-608 and 609, Utah Code Annotated, 1953, as amended.

C. A request for a subdivision amendment must include the following material:

1. For the adjustment of boundary lines between existing, legal lots: A record of survey showing the parcels or lots identifying the existing lot line dividing the parcels and the proposed new lot line(s) after the adjustment including the legal description for each amended lot or parcel.
2. For the creation of a new lot/parcel: Any division of property that results in the creation of a developable lot must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.

~~Any fee owner, as shown on the last county assessment rolls, of land within the subdivision may, in writing, petition the Planning Commission and County Council to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended.~~

DB. Minor Amending an Approved Subdivision Plat Prior to Recordation: ~~With the written approval of all owners of interest in a proposed subdivision that are directly affected by an amendment or alteration, a~~ An approved, unrecorded subdivision plat may have minor modifications made to the final plat so long as the modifications are not substantial, as determined by the ~~zoning administrator~~ Director of Development Services. The final plat must ~~then~~ contain all necessary signatures and be recorded in compliance with this title.

16.02.060: Cluster Subdivision Option:

The cluster subdivision option is provided by Cache County to encourage creativity in subdivision design, to encourage the achievement of the goals and policies of the Cache ~~C~~ountywide ~~C~~omprehensive ~~P~~lan, and to allow for the protection of natural features and the provision of features and amenities for the subdivision site and Cache County. Full compliance with all the provisions of this title and all other applicable state and federal requirements is required.

- A. An application for a cluster subdivision shall be submitted to the ~~zoning administrator~~ Director of Development Services and shall be considered concurrently with an application for subdivision approval. All use requirements of the zoning district in which the cluster subdivision is located shall apply; and the application requirements for either a preliminary subdivision plat application, final subdivision plat application, or lot split subdivision application, as applicable, shall apply.
- B. The total number of dwelling units allowed in a cluster subdivision shall be the same as the number allowed by the minimum lot area requirements of the zoning district in which the proposed cluster subdivision is located. Any land(s) used for other uses shall not be included in the area for determining the total number of allowed dwelling units. The total number of allowed dwelling units must also recognize any sensitive areas overlay requirements that may be applicable to the development site as identified in chapter 17.18 of this code.
- C. The land(s) proposed for a cluster subdivision shall be in a single ownership or the application for a cluster subdivision shall be filed jointly by all owners.
- D. A "cluster" is a designed grouping of residential lots of two (2) or more lots which may be used as a repetitive motif to form a series of clusters. Each cluster grouping shall be separated by either an agricultural area or natural open space to form the larger cluster subdivision.
- E. Total open space areas for a cluster subdivision must be fifty percent (50%) or greater of the total area of the subdivision.

- F. All roads developed within the cluster subdivision shall be designed and constructed in accordance with the county's road standards, and shall also be designed in a manner as to limit the amount of impact on the open space areas of the subdivisions.
- G. All areas to be preserved for farm use and/or open space areas as a result of a cluster subdivision approval shall be preserved. These areas shall only be used, and shall be maintained in accordance with the conditions of the cluster subdivision approval as approved by the Ceounty Ceouncil. Such area(s) shall be noted on the subdivision plat as an agricultural or open space area with future residential and commercial development prohibited.
- H. The maximum density, or number of lots allowed, is based on the total amount of developable land. "Developable land" is defined as land that is not restricted by hill slopes (grades greater than 20 percent), wetlands, floodplains, natural water features, or other lands that may be deemed undevelopable in conformance with Title 17.18 of this code or as determined by the Planning Ceommission or Ceounty Ceouncil.

16.02.070: Lot-Boundary Line Adjustments:

- A. Within a legally recorded subdivision: An agreement to adjust ~~lot property~~ lines between adjoining properties within or affecting the boundary of a legally recorded subdivision requires the approval of the land use authority and may must be executed upon the approval and completion of a subdivision amendment~~recording of an appropriate deed if: (see 16.02.050.)~~
- B. Outside a legally recorded subdivision: In compliance with section 17-27a-522 and 523, Utah Code Annotated, 1953, as amended, an agreement to adjust property lines between adjoining properties must meet the standards of, and shall be recorded in the office of the Cache County Recorder, and is not subject to the review of the Cache County land use authority.
- C. All properties amended by a boundary line adjustment are subject to the regulations of the Cache County Code. Where boundaries, including subdivision amendments, are adjusted between properties that do not share the same zone, the zoning designation does not adjust with the adjusted property lines. Base and/or overlay zoning districts shall not be amended except through the formal process as identified in this Code and by the State.
 - 1. No new dwelling lot or housing unit results from the lot line adjustment;
 - 2. The lot sizes, frontages, and configurations are consistent with this title and Title 17 of this code;
 - 3. No lot is made to be undevelopable without variances, special approvals, or other considerations;
 - 4. All property owners that are directly affected by the adjustment consent to the lot line adjustment;
 - 5. The lot line adjustment does not result in a remnant piece of land that did not exist previously;
 - 6. The lot line adjustment does not result in the violation of any applicable zoning district requirements;
 - 7. The lot line adjustments do not substantially alter legal lots that may otherwise need further review of the Planning Commission of the County Council in the form of a subdivision amendment.
- B. The applicants requesting the lot line adjustment shall provide the zoning administrator with the following material:

- ~~1. A record of survey showing the two (2) parcels or lots identifying the existing lot line dividing two (2) parcels and the proposed new lot line after the adjustment including the legal description for each new lot or parcel.~~
- ~~2. A copy of the recorded deeds transferring the property to the appropriate owner(s). Upon the completion of recording the deeds, each lot or parcel shall have one boundary description reflecting the legal descriptions on the survey.~~

16.02.080 Single Lot Subdivisions

A division of land resulting in the creation of a single developable lot and a single agricultural remainder parcel. Can only be created on an existing legal lot and is not required to conform with the density standards of Title 17.10. This subdivision process must conform to all other requirements of Titles 16 & 17.

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16.03.010: Application:

The ~~zoning administrator~~ Director of Development Services shall establish guidelines for all subdivision applications in conformance with this title. The application shall include all of the information required by staff, the ~~P~~planning ~~C~~ommission, and the ~~C~~ounty ~~C~~ouncil to make a decision on the proposed subdivision.

16.03.020: Concept Plan:

To promote efficiency and an understanding of the subdivision review and approval process of Cache County and to allow applicants to present their initial subdivision proposals to the county, all applicants for subdivision approval may present a concept plan of the proposed subdivision to the ~~zoning administrator~~ Director of Development Services. This process is not required, but it is highly recommended.

A. The conceptual development plan is an informal discussion document designed to allow the identification of policies, procedures, standards and other items that may be considered in the subdivision review and approval processes of Cache County once a subdivision application is received. To achieve these objectives and to promote the identification of all items necessary for consideration, the applicant should provide at a minimum a map, plat, and/or other scale drawing of the area. The following applicable information may also be submitted to provide further information on the nature and intent of the subdivision:

1. The configuration, size and number of lots in the proposed development;
2. Potential locations of hazards and sensitive lands as defined by chapter 17.18, "Sensitive Areas ~~Overlay-Zone~~", of this code or other features which may impose peculiar construction requirements;
3. Potential open space;
4. The way in which the proposed development will fit into the context of the surrounding area;
5. The present and planned surrounding roads and utilities;
6. Access points and limiting of access, if required;
7. Existing and proposed trail system;
8. The anticipated time schedule for the development;
9. Plans and needs for water, sewer, roads, and sanitation disposal;
10. The development method that will be used, the total acreage involved, the number of allowable lots and the number of planned lots;
11. Any planned phasing or future development of adjacent land;
12. Any other information available or pertinent to the proposed subdivision or as required by the ~~zoning administrator~~ Director.

B. A conceptual development plan shall not constitute an application for subdivision approval, as provided by this title, and is in no way binding on the county or the applicant. Any discussion

that occurs at the concept plan phase shall not be considered as an indication of subdivision approval or denial, either actual or implied.

- C. The ~~zoning administrator~~Director shall determine if a concept plan has sufficient detail and meets the basic requirements of this title and the ~~land use ordinance~~Zoning Ordinance prior to presenting any concept plan to the Planning Commission.

16.03.030: Preliminary Subdivision Plat Requirements:

The following information is required for the subdivision of all lands located within Cache County. The applicant may be required to provide other information as required by the ~~zoning administrator~~Director of Development Services, ~~p~~Planning ~~e~~Commission, and/or ~~e~~County ~~e~~Council necessary to evaluate the proposed subdivision.

- A. An application for a subdivision, provided by the ~~zoning administrator~~Director, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) proposed to be subdivided.
- B. A preliminary subdivision plat shall be prepared by a licensed land surveyor in ~~ink~~pen and the sheets shall be numbered in sequence if more than one sheet is used or required by the ~~zoning administrator~~Director.
- C. A title report for the property proposed to be subdivided provided by a title company within thirty (30) days of the date of subdivision application.
- D. A development phasing schedule (if applicable) including the sequence for each phase, approximate size in area of each phase, and proposed phasing of construction of all private and public improvements.
- E. A tax clearance from the Cache County T~~r~~reasurer indicating that all taxes, interest and penalties owing for the property have been paid.
- F. The names and addresses of all owners of record of real property within three hundred feet (300') of the parcel of land proposed for subdivision, including the names and addresses of the holders of any known valid mineral leases.
- G. Payment of the nonrefundable administrative processing fee, and a refundable preliminary plat application fee, as established by resolution by the C~~e~~ounty C~~e~~ouncil.
- ~~C~~H. The preliminary subdivision plat shall show the following:
1. The layout or configuration of the proposed subdivision at ~~a~~ the preferred scale of ~~no more than~~ one inch equals one hundred feet (1" = 100') ~~, or as recommended by the zoning administrator;~~
 2. Located at the top and center of the subdivision plat the proposed name of the subdivision and the section, township, range, principal median, and county of its location;
 3. A title block, placed on the lower right hand corner of the plat showing:
 - a. Name and address of owner(s) of record; and
 - b. Name and address of the licensed land surveyor responsible for preparing the preliminary plat; and
 - c. Date of preparation of the preliminary subdivision plat, and any revision dates;
 4. Signature blocks prepared, as required and provided by the county, for the dated signatures of the ~~C~~eounty ~~C~~eouncil ~~C~~ehair attested to by the ~~C~~eounty ~~C~~elerk, ~~P~~Planning ~~C~~eommission ~~C~~ehair, ~~e~~chief ~~D~~eputy ~~e~~County ~~s~~Surveyor, ~~C~~eounty ~~A~~Attorney, ~~C~~eounty ~~R~~Recorder and Bear River ~~B~~Board of ~~H~~Health ~~D~~Director;
 5. North arrow, graphic and written scale, and the basis of bearings used;

6. Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre;
7. Tabulation of the number of acres in the proposed subdivision, showing the total number of lots, and the areas of each lot;
8. A vicinity map of the site at ~~a the preferred~~minimum scale of one inch equals two thousand feet (1" = 2,000');
9. Surveyed boundary of the proposed subdivision; accurate in scale, dimension, and bearing; giving the location of and ties to the nearest two (2) existing ~~government control monuments~~Cache County section corners. This information shall provide data sufficient to determine readily the location, bearing, and length of all lines and the location of all proposed monuments. The names of all adjoining property owners shall be shown;
10. A legal description of the entire subdivision site boundary;
11. All existing monuments found during the course of the survey (including a physical description such as "brass cap");
12. Identification of known natural features including, but not limited to, wetlands as identified by the U.S. army corps of engineers, areas which would be covered in the event of 100-year floods, all water bodies, floodways and drainage ways, slopes exceeding twenty percent (20%) and slopes exceeding thirty percent (30%), and any other natural features as required by the ~~zoning administrator~~Director, planning commission, or county council for the entire or a portion of the subdivision site, including a tabulation of the acres in each;
13. Identification of known manmade features including, but not limited to, high voltage power lines, high pressure gas lines, hard surfaced roads, road easements, road rights of way, bridges, culverts and drainage channels, field drains, existing water and sewer trunk lines, all utility easements, railroads and railroad easements, irrigation ditches, canals and canal easements within and adjacent to the subdivision site as required by the ~~zoning administrator~~Director, ~~P~~planning ~~C~~ommission, or ~~C~~ounty ~~C~~ouncil for the entire or a portion of the subdivision site;
14. The location and dimensions of all existing buildings, existing property lines and fence lines;
15. The location with name and parcel number of all existing platted lots within, or contiguous to the subdivision site;
16. All lots, rights of way, and easements created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose, shall be given. The addresses of all lots shall be shown. All proposed new roads, whether public or private, shall be numbered, as provided by the ~~Development Services Department~~county surveyor, with the coordinates to proposed connections to existing county roads being shown;
17. All existing and proposed roadway locations and dimensions, including the width of the driving surface and the rights of way, with cross sections of all proposed roads. All proposed roads shall be designed to comply with the adopted road standards of Cache County;
18. Location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells proposed, active and abandoned, and springs used for culinary water and the location of all septic systems and drain fields, as applicable, and the location of fire hydrants, and secondary water facilities if proposed as required by the ~~zoning~~

~~administrator~~Director, ~~P~~Planning ~~C~~ommission, or ~~C~~ounty ~~C~~ouncil for the entire or a portion of the subdivision site shall be shown;

19. Proposed storm water drainage system for both surface and flood water, including any drainage easements and natural drainage ways, indicating how the flow will be altered with the proposed development;
20. Layout of proposed power lines, including the source and connection to the existing power supply, together with the location of existing and proposed bridges, culverts, utilities, utility easements, and any common space or open space areas including the location and dimensions of all property proposed to be set aside for public or private reservation, with designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation;
21. Located on the preliminary plat, or separate map, the identification of the minimum building setback lines for each lot shall be shown;
22. An indication of the use for all proposed lots including required plat notes identifying agricultural protection areas, and other proposed or required protective and restrictive covenants;
23. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property;
24. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted. The legend for metal monuments shall indicate the kind of metal, the diameter, and length of the monuments;
25. A letter or other written form of consent by the owner including a reference to the named subdivision and the dedication of public ways or spaces, as required. This shall be signed, dated, and notarized;
26. A surveyor's certificate showing the name and registration number of the land surveyor responsible for making the final plat, and certifying to the plat's accuracy. A simple subdivision may not require a full survey, but instead may be completed through a metes and bounds determination. A waiver form shall be approved by the Cache County ~~R~~ecorder, the ~~C~~ounty ~~S~~urveyor (or their designee), and the ~~zoning administrator~~Director;
27. Any subdivision notes as required by the ~~zoning administrator~~Director. An approved list of all possible notes and their applicability shall be maintained by ~~staff~~the Director.

~~D.A. A title report for the property proposed to be subdivided provided by a title company within thirty (30) days of the date of subdivision application.~~

~~E.A. A development phasing schedule (if applicable) including the sequence for each phase, approximate size in area of each phase, and proposed phasing of construction of all private and public improvements.~~

~~F.A. A tax clearance from the Cache County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.~~

~~G.A. The names and addresses of all owners of record of real property within three hundred feet (300') of the parcel of land proposed for subdivision, including the names and addresses of the holders of any known valid mineral leases.~~

~~H.A. Payment of the nonrefundable administrative processing fee, and a refundable preliminary plat application fee, as established by resolution by the County Council.~~

16.03.040: Final Subdivision Plat Requirements:

The final subdivision plat is required for the recordation of a subdivision plat as approved by the ~~P~~lanning ~~C~~ommission and ~~C~~ounty ~~C~~ouncil. The final plat shall reflect any changes to the ~~proposed-preliminary~~ plat ~~as~~ required by the ~~C~~ounty ~~C~~ouncil, and shall be reviewed by the ~~zoning-administrator~~Director of Development Services for completeness prior to recordation.

A. A final subdivision plat shall be prepared by a licensed land surveyor, and conforming to current surveying practice and in a form acceptable to the Cache County ~~R~~ecorder for recordation. The final subdivision plat shall contain all of the information required in the preliminary subdivision plat, ~~with the exception of setbacks,~~ and shall be presented to the ~~zoning-administrator~~Director in the following form: ~~One 24-inches by 36-inches copy of the final subdivision plat,~~ in ink, on reproducible ~~m~~ylar ~~copy of the final subdivision plat~~ along with one digital copy (type to be specified by the ~~zoning-administrator~~Director) at the same scale and containing the same information. All sheets shall be numbered and referenced to an index map and all required certificates shall appear on a single sheet (along with the index and vicinity maps). All revision dates must be shown as well as the following:

1. Notation of any self-imposed restrictions, or other restrictions, if required by the ~~P~~lanning ~~C~~ommission or ~~C~~ounty ~~C~~ouncil in accordance with this title or ~~T~~itle 17 of this code;
2. Other final subdivision plat notes, as required by the ~~P~~lanning ~~C~~ommission or ~~C~~ounty ~~C~~ouncil.

B. All of the required signature blocks shall be signed prior to the recordation of the final plat.

C. All other requirements of this title, ~~T~~itle 17 of this code, or of the ~~C~~ounty ~~C~~ouncil shall be met prior to the recordation of the final plat.

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16.04.010: Subdivision Layout:

- A. The subdivision layout shall conform to the Cache Countywide Comprehensive Plan, this title, and the requirements of the base zoning district as established within Title 17 of this code.
- B. Where trees, groves, waterways, scenic points, historic spots or other county assets and landmarks, as determined by the ~~zoning administrator~~Director of Development Services, Planning Commission, and/or the County Council, are located within a proposed subdivision, every practical means shall be provided to preserve these features. Staff may provide recommendations from qualified organizations to aid in the determination of these features.
- C. Whenever a tract to be subdivided adjoins or embraces any part of an existing or proposed street so designated on the transportation element of the Countywide Comprehensive Plan, such part of the public way shall be platted and dedicated, and may be required to be improved by the ~~subdivider-developer~~ in the location and at the width specified.

16.04.020: Commencement of Site Development:

The ~~county zoning~~Development Services Department-office, after receiving the final subdivision plat, shall indicate to the ~~subdivider-developer~~ whether altering the terrain or vegetation on the proposed subdivision site may begin in preparation for development of the proposed subdivision. Any site development may commence after the recordation of the final subdivision plat.

16.04.030: Lots:

- A. All subdivisions shall result in the creation of lots which are developable and capable of being built upon with the exception of agricultural remainders. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions.
- B. All lots or parcels created by the subdivision shall have access to a dedicated street improved to standards ~~hereinafter required~~within Title 12. Private streets shall be permitted if the County Council finds that the most logical development of the land requires that lots be

created which are served by a private street or other means of access, and makes such findings in writing with the reasons stated therein.

- C. The minimum area and dimensions of all lots shall conform to the requirements of Title 17 of this code for the zoning district in which the subdivision is located.
- D. The side lines of all lots, so far as possible, shall be at approximate right angles to the street which the lot faces, or approximately radial to the center of curvatures, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces. The Planning Commission may allow exceptions to this requirement.
- E. A lot shall not be divided by an incorporated town or county limit line. ~~Each such boundary line shall be made a lot line through whatever process deemed necessary by Cache County and the other affected entity. No permits shall be issued on any lot/parcel that is divided by a municipal jurisdictional line.~~
- F. ~~Remnants of property shall not be left in the subdivision which does not conform to lot requirements unless it is designated as a conservation easement, open space, private utility, or other public purpose and/or meets the minimum lot size requirements for agricultural use under title 59, chapter 2, part 5, farmland assessment act. The county council may maintain the option to not require culinary water on remainder parcels that meet these requirements.~~
- GE. Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision, with no omissions or duplications; no block designations shall be used.
- ~~H. Lots that have been created since 1970 without the approval of either the Cache County planning commission or of the Cache County council, as required by Cache County or state code at the time of the division, shall be deemed restricted, and shall not be eligible for conditional use permits, further subdivision, building permits, or business licenses until the illegal subdivision has been resolved.~~

16.04.040: Streets:

All streets shall be designed and constructed in accordance with the specifications found within Title 12 of this code.

- ~~A. For subdivisions located adjacent to a substandard county road(s), the owner of the site proposed for a subdivision shall provide, as part of the subdivision application, dedication documents for the additional road right of way, as required by the county and shall, as a condition of subdivision approval, make improvements to the adjacent county road determined necessary, and reasonably related, to the needs of the proposed subdivision, to the road standards of the county, the Logan urbanized area, the Utah department of transportation, or the Cache metropolitan planning organization area, as applicable.~~
- A. For all developing parcels where there exists a gap in road services, the owner of the developing parcel may be required by the County Council to acquire rights-of-way and/or improve roadways as necessary to provide the required road access.
- B. For roads and streets that are interior to the proposed subdivision and which are not dedicated or accepted by the county for dedication, such road(s) or street(s) shall be identified on the subdivision plat or survey as a private road with the appropriate subdivision notes.
- C. Where the potential impacts on the existing street systems are considered to be great, or in the case of unique circumstances concerning access, topography, or street layout, a transportation impact study may be required by staff, Planning Commission, or the County Council.
- D. The following principles shall govern street names in a subdivision:

1. The primary identification of all roads and streets, whether public or private, shall be numerical and based on the county grid system as established.
 2. Each street which is a continuation of, or an approximate continuation of, any existing dedicated street shall be given the name of such existing street. When any street forms a portion of a proposed street previously ordered by the County Council to be surveyed, opened, widened or improved, the street shall be given the name established in said council order.
 3. The names of newly created streets of a discontinuous or divided nature shall not duplicate or nearly duplicate the name of any streets in the unincorporated areas of Cache County.
 4. The words "Street", "Avenue", "Boulevard", "Place", "Way", "Court", or other designation of any street shall be spelled out in full on the plat and shall be subject to approval by the Planning Commission. Any street name incorporating one of the terms used above shall conform to the definition of that term as specified in the transportation and public ways ordinance. Any named street shall also have the proper north or south or east or west coordinate as approved by the County Road Department.
- E.** Street patterns in the subdivision shall be in conformity with the plan for the most advantageous development of adjoining areas. The following principles shall be observed:
1. Where appropriate to the design and terrain, proposed streets shall be continuous and in alignment with existing planned or platted streets with which they are to connect and based on the grid system common to Cache County. Where cul-de-sacs are proposed, the County Council may require that a road and/or a road right of way shall be extended to the edge of the property to provide road connectivity and access alternatives for current, proposed, and future development.
 2. Proposed streets may be required to extend to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the County Council, such extension is not desirable for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
 3. Dead end streets, intended as access to future development parcels, shall be a maximum of one lot depth in length. With County Council approval, any dead end streets longer than one lot depth shall have a minimum of a fifty foot (50') radius temporary turnaround area with an all weather surface and shall meet the minimum requirements of the Cache County Road and Fire District.
 4. Whenever a dead end street is terminated at the boundary of property proposing to be subdivided, the street shall be extended and incorporated into the design of the subdivision, unless the county shall determine that:
 - a. Extension of the dead end street is not necessary for either the harmonious flow of traffic in the neighborhood and district, or to adequately provide water and sewer services, and storm drainage, and
 - b. Extension of the dead end street would unduly harm the character of the residential neighborhood or district.
 5. Proposed streets shall intersect one another at right angles as topography and other limiting factors of good design permit.
- F.** Subdivisions adjacent to a collector or larger street(s) or on other roads as determined by the County Council, access shall be designed to reduce the impact of the development on the roadway and vice versa utilizing the following principles:

1. Street design shall have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic and of minimizing the interference with traffic on arterials.
2. The number of intersecting streets and driveways along arterials shall be held to a minimum. Where multiple lots require access onto a collector or larger street, the county may require that two (2) or more lots share a single access point.
3. On lots with access available only onto a collector or larger street, only one access shall be permitted per lot and a vehicle turnaround shall be required within each lot to enable vehicles to access the roadway head on.
4. The County Council may require that lots accessing streets smaller than a collector street follow the same guidelines that govern lots accessing on collector streets if it is found that the roadway being accessed is operating at a level of traffic comparable to a collector street, the road is planned to handle a greater level of traffic, or is planned to be improved to a collector or larger road.
5. Subdivisions may be required to further limit access onto roadways as determined by the County Council where subdivisions can provide a common access, or private road that can provide access for all lots within a subdivision or where alternative access is available.

16.04.050: Protection Strips:

Protection strips shall not be permitted under any circumstances, nor shall remnant parcels be permitted which may act as protection strips. A protection strip is any piece of ground created to inhibit access to a road, right-of-way, and or easement as determined by the land use authority.

16.04.060: Landscaping:

- A. Whenever, in the opinion of the County Council, the cuts and fills in a hillside subdivision are of sufficient size, visibility, or slope to demand special treatment, the ~~subdivider~~ developer may be required to revegetate and to provide for their maintenance.
- B. The subdivision may be required to be designed as to preserve or provide for on-site vegetation.

16.04.070: Utilities and Easements:

Utility easements shall be provided within the subdivision as required for public utility purposes. Easements shall be dedicated along all front, rear, and side setbacks as deemed necessary by the County Council and utility providers.

16.04.080: Storm Drainage Requirements:

No new or additional storm water drainage that results from the development of a site shall be allowed to flow from any portion of the subdivision site to any adjacent lots, properties, ditches, canals, or waterways without the prior written authorization from the affected party(ies), with a note on the subdivision plat or survey identifying a proposed and recordable drainage easement, provided by the adjacent property owner, ditch or canal company. The ~~zoning administrator~~ Director of Development Services shall approve the subdivision's storm water management plan prior to the recordation of the final plat.

16.04.090: Evidence and Availability of Water and Sewage:

The following information is required to be presented as part of a subdivision application, as necessary to establish the availability of basic services to the proposed subdivision.

A. Water Requirements:

- ~~1. Lots may be approved as "dry lots", without consideration of domestic water rights being tied to the land. All lots thus approved shall be labeled clearly on the plat as a "Dry Lot - Restricted for development until water is provided". In addition to the plat notation, a certificate shall be recorded on each new "dry lot" created stating that the lot has been approved, but that domestic water shall be required prior to the issuance of a zoning clearance.~~
- ~~21. The county council may require that d~~Domestic water rights ~~for a~~are required for all subdivided lot(s) with the exception of (1) (a) be established as a condition of any subdivision approval. This includes the ability to The land use authority may also require culinary water systems on ~~all~~any subdivision. The required water rights shall be as approved by the State Division of Water Quality and in conformance with Utah Administrative Code R309-510.
 - a. Subdivisions may be approved with a single dry lot. Any dry lot approved shall be labeled clearly on the plat as "Dry Lot - Restricted for development until an approved domestic water right is provided". In addition to the plat notation, a certificate shall be recorded on each new dry lot created stating that the lot has been approved, but that domestic water shall be required prior to the issuance of a zoning clearance. The plat notation may be removed by the Director of Development Services upon evidence that an approved water right has been assigned to the lot.
2. If a water source being utilized for a lot is not located within that lot, appropriate easements and rights of way shall be provided and recorded with the plat, or at such time that development occurs.
3. The ~~county council~~land use authority may require that secondary (irrigation) water rights for a subdivided lot(s) be established as a condition of any subdivision approval. The amount of water required shall be in conformance with Utah Administrative Code R309-510.
4. Any secondary water presented to fulfill the requirements of this title shall indicate the source of the water, proof of water rights, and the equivalent amount of acre feet.

B. Sewage Requirements:

1. Subdivision applications, proposing individual on site wastewater disposal systems, shall include feasibility reports meeting the requirements of the Bear River health department or Utah department of environmental quality, as applicable, for each lot proposed. All applicants for a subdivision where on site wastewater systems are proposed shall provide a septic tank permit or septic tank feasibility letter from the Bear River health department or Utah department of environmental quality, as applicable, for the entire subdivision or each lot proposed. The minimum lot size, as determined in each base zoning district, may be increased as required by the Bear River health department to ensure that each lot will be able to provide adequate on site sewer treatment.
2. If a subdivision requires that off site facilities be provided, appropriate easements and rights of way shall be required. Additionally, any engineering, site studies, or other requirements by the health department shall be conditions of approval for the proposed subdivision.
3. Alternative sewage treatment may be required in conformance with Title 17.10.050 (4)(b).

16.04.100: Suitability of Area for a Subdivision:

The following information is required to be presented as part of a subdivision application, necessary to establish the suitability of the site for the proposed subdivision:

- A. Fire Control: A review provided by the Cache County Fire District identifying any items related to providing the proposed subdivision with adequate fire protection and suppression services.
- B. School Bus Service: A review provided by the Cache County School District, identifying any items related to the provision of school bus services.
- C. County Road Department or Utah Department of Transportation: A clearance provided by the County Road Department identifying any items related to providing adequate access to the proposed subdivision. If the proposed subdivision will be accessed directly from a state or federal highway, an appropriate access permit as required by the state of Utah department of transportation shall be provided with the application materials.
- D. Solid Waste Disposal: If the proposed subdivision is located outside of the boundaries of service district #1, a garbage or refuse plan shall be provided for review by the County Council.
- E. Other Information And Materials: When the Planning Commission or County Council deem necessary, with the reasons for such request being identified, the applicant may be required to provide other information or letters of feasibility, conduct studies, and provide evidence indicating suitability of the area for the proposed subdivision, including, but not limited to, ground water protection, plant cover maintenance, geologic or flood hazard, erosion control, and any other physical or environmental matters necessary to fully identify the suitability of the area for the proposed subdivision.
- F. Redesign: The County Council may require that a subdivision be redesigned based on a recommendation from either staff or the Planning Commission. The redesign may be required based on either site constraints that may include, but are not limited to: topography, floodplain or waterways, historic or culturally significant elements, access issues, or other natural features. A redesign of a subdivision may also be required based on land use planning external to the site.
- G. Improvements: The County Council may require on-site and off-site improvements, facilities and amenities, as determined necessary by the Planning Commission and County Council to protect the public health, safety, and welfare of anticipated residents of the subdivision or the existing residents of the county including, but not limited to:
 - 1. Road improvements including grading, hard surfacing, bridges, culverts, curbs, gutters, road signs, and lighting;
 - 2. Flood control areas and facilities;
 - 3. Sidewalk or trail systems to accommodate non-motorized traffic or to link regional trail systems;
 - 4. Electrical power and telephone facilities;
 - 5. Fencing and livestock guards;
 - 6. Any easements or rights of way that may be required for roads or utilities;
 - 7. Culinary water facilities;
 - 8. Sanitary sewer facilities;
 - 9. Fire protection facilities, including, but not limited to, fire hydrants, water storage facilities, and residential sprinkler systems;

10. Parks or open space areas and facilities.

16.04.110: Completion of Development Improvements:

- ~~A.~~ No ~~subdivision development final plat map or deed~~ shall be recorded until all of the ~~stipulations conditions~~ for approval have been met and all required improvements have been completed to the standards and specifications established by the county or other codes, laws, or regulations unless a improvement agreement is in place as defined by 17.07.040. The following minimum requirements also apply: ~~and may be added to by the zoning administrator, planning commission, or county council:~~
- ~~1.~~ Construction within the subdivision shall conform to all federal and state regulations.
 - ~~2.~~ Construction drawings and construction within the subdivision shall conform to the Cache County ~~standards and specifications. This document shall be available in the office of the zoning administrator~~ Ordinance and Manual of Roadway Design and Construction Standards.
- ~~B.~~ Permits must be obtained for construction of the infrastructure facilities within the subdivision. This includes but is not limited to a zoning clearance as designated by the Director of Development Services, an encroachment permit for work in a county right-of-way, and approval by the appropriate authority for all other infrastructure facilities required of the development.
- ~~C.~~ There shall be a schedule of fees for all services required for the review of infrastructure in the office of the Director of Development Services~~zoning administrator~~. All fees within the schedule of fees shall be passed by a resolution of the County Council.
- ~~E.~~ ~~Before obtaining any permits each contractor must submit proof of the following:~~
- ~~1. Utah state contractor's license;~~
 - ~~2. Performance bond as required by this title;~~
 - ~~3. A warranty bond guaranteeing the improvements for a minimum period of two (2) years;~~
 - ~~4. Liability insurance;~~
 - ~~5. Vehicle insurance;~~
 - ~~6. Workers' compensation insurance.~~
- ~~F.~~ Any work which begins prior to the issuance of a permit may be assessed an administrative penalty equal to two hundred percent (200%) of the cost of any fees and permits plus one thousand dollars (\$1,000.00).
- ~~G.~~ A preconstruction conference with the zoning administrator may be required not less than forty eight (48) hours prior to the commencement of construction activities.
- ~~HD.~~ The contractor shall notify the ~~development~~ Development services ~~Services department~~ Department not less than forty eight (48) hours prior to the commencement of construction and following completion of improvements.
- ~~E.~~ Within thirty (30) days of the completion of improvements, the ~~subdivider-developer~~ shall submit "as built" drawings of subdivision improvements prepared by or under the supervision of a professional licensed to prepare such work in the state of Utah. Failure to submit such drawings shall result in a hold being placed on issuance of any building permits.
- ~~F.~~ Issuance of Permits: No permits for structures shall be issued within a development that has not completed all improvements and/or conditions. However, the Director of Development Services may, upon review of health, safety, and/or access concerns, issue permits for non-combustible construction only.

16.04.120: ~~Improvement Security~~Financial Surety:

When in the judgment of the ~~zoning administrator~~Director of Development Services, it is not feasible to complete ~~requirements-improvements and/or~~ conditions imposed by ~~statute or ordinance or the land use authority~~ prior to the issuance of a permit; ~~or recordation of a plat use, or occupancy, and~~ the improvement security may be accepted as part of a improvement agreement pursuant to this section to guarantee completion of the ~~requirements-improvements and/or~~ conditions.

- A. The Director is authorized to accept financial surety and to enter into improvement agreements to the completion of improvements and/or conditions imposed by ordinance or by a land use authority. ~~Acceptance of Security: Improvement security may be accepted by the following departments in relation to requirements or conditions under departmental authority:~~
- ~~1. Landscaping, parking, parking lot lighting, signage, structural amenities: zoning administrator;~~
 - ~~2. Right of way improvements, street improvements, curb, gutter, sidewalk, improvements related to driveways: zoning administrator or road superintendent;~~
 - ~~3. Electrical power: chief building official;~~
 - ~~4. Sewer, water, utilities: zoning administrator;~~
 - ~~5. All other improvements or deferrals: zoning administrator.~~
- B. The following types of financial suretyTypes of reflecting 110% of the average of the bid estimates may be accepted~~Security: With the exception of improvements required under provisions of title 17 of this code, the following types of surety may be accepted:~~
- ~~1. Certificate of deposit, cash, cashier's check, or savings account in favor of Cache County in the amount of not less than one hundred ten percent (110%) of the estimated cost of improvements;.~~
 - ~~2. Irrevocable letter of credit issued by a federally insured financial institution with the necessary period of time as determined by staff in the amount of not less than one hundred ten percent (110%) of the estimated cost of improvements;.~~
 - ~~3. Escrow, drawdown, or performance account to which the county is a signatory and the escrow agent guarantees payment in the amount of not less than one hundred ten percent (110%) of the estimated cost of improvements;.~~
 - ~~4. Performance bond issued by a financial institution, insurance company, or surety company with a Moody's or Standard & Poor's investment grade bond ratingA.M. Best Rating of not less than A-:IX. in the amount of not less than one hundred ten percent (110%) of the estimated costs of improvements.~~
- C. Estimating the Cost of Improvements:
1. The ~~permit holderdeveloper~~ shall present the county with a firm a firm construction bid for the improvements and/or conditions to be addressed. The bid mustthat shall be valid for a reasonable period of time from the date of the bid.
 2. The bid shall be reviewed by the ~~zoning administrator~~Director or the Director's designee~~or other appropriate county official~~ prior to acceptance~~of the estimated cost.~~
 3. ~~If the county accepts the~~Upon the Director's approval of the bid amount, the ~~permit holderdeveloper~~ may use that amount for securing and delivering surety to the ~~county~~provide financial surety of not less than 110% of the bid amount.
 4. If the ~~county~~Director does not accept the bid~~amount~~, the ~~permit holderdeveloper~~ shall obtain ~~three an additional(3)~~ firm bids for the work to be secured with prices valid for at

least six (6) months. The county shall accept the average of the ~~three-two~~ (32) submitted bids as the base amount for improvement security.

- D. As applicable, improvements as identified in the ~~development-improvement~~ agreement must be completed three months prior to the expiration of the financial surety.

16.04.130: Coordination with Municipalities and other Service Providers:

- A. Cache County fully supports access management along all state roads and shall work with all applicants of subdivisions through the Cache ~~A~~access ~~M~~management ~~P~~policy (CAMP) to work with the Utah ~~D~~department of ~~T~~ransportation (UDOT) to coordinate access, capacity, and safety issues.
- B. Cache County will work fully with applicants of subdivisions and adjacent/nearby municipalities to ensure that the information is available to applicants and the municipalities in terms of service provision, development, and annexation in conformance with this title, the ~~land-use~~zoning ordinance, and ~~S~~state ~~C~~ode ~~S~~ection 10.2, ~~P~~part 4, ~~A~~nnexation.

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17.01.010: Title:

This title shall be known as the *CACHE COUNTY ZONING ORDINANCE*, hereinafter "this title".

17.01.020: Authority and Purpose:

The County Council adopts this title pursuant to the County Land Use Development and Management Act, Utah Code Annotated Title 17-27a, for the purposes set forth therein. The maps and appendices to this title are a part hereof. The intent of this title is to provide a means of ensuring predictability and consistency in the use of land and individual properties and implement the goals and policies of the Countywide Comprehensive Plan.

17.01.030: Exemptions:

To the extent provided by law, properties owned and operated by the state of Utah or the federal government shall be exempt from the provisions of this title. Where law requires that the agency of federal or state government take steps to comply with all applicable local regulations, this exemption shall not be construed to abrogate this requirement.

17.01.040: Applicability:

- A. The provisions of this title shall apply to all lands within the unincorporated area of the county.
- B. No building may be erected and no existing building shall be moved, altered or enlarged, nor shall any land, building or premises be used for any purpose, except as allowed by this title or amendments thereto.

17.01.050: ~~Building~~ Permits Required:

A. All construction shall be required to obtain proper permits, zoning clearances, and approvals from the appropriate land use authority as outlined in County Code.

B. Zoning Clearance: A land use review to insure compliance with Titles 16 and 17 shall be reviewed and approved by the Director of Development Services for all business license applications, buildings and structures, utility facilities, and any other development as identified in this title.
~~No construction shall occur except pursuant to a valid building permit.~~

~~B. For any construction exempt from the requirement for a building permit, the county building official shall require a zoning clearance and the submission of information necessary to ensure compliance with the provisions of state law and this title.~~

~~C. All structures requiring a building permit shall comply with the requirements of the county building codes, as adopted.~~

17.01.060: Certificates of Occupancy:

~~A certificate of occupancy shall be required before any structure or premises, or part thereof, may be used or occupied. No certificate of occupancy shall be issued permitting the use or occupation of any such structure or premises unless:~~

- ~~A. If a building permit is required, the construction pursuant to such permit has been fully completed; or~~
- ~~B. If no building permit was required, the use conforms to this title and all other applicable statutes, ordinances and regulations, or the use is a legal nonconforming use; and~~
- ~~C. Payment of all applicable fees, charges and other requirements have been made and any conditions for the establishment of the use or structure have been met.~~

17.01.~~070~~060: Severability (Effect):

If any section, provision, sentence or clause of this title is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this title which shall remain in full force and effect.

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17.02.010: Planning Commission:

- A. Creation: This hereby creates and establishes the Cache County Planning Commission ~~and the Benson planning commission.~~
- B. Powers and Duties: The Planning Commission shall have the powers and duties enumerated within Utah Code Annotated (1953, as amended) 17-27a-204, and within this chapter.
- C. Policies and Procedures: The Planning Commission shall adopt bylaws and rules of procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the Planning Commission. These policies and procedures shall be approved by the County Council.
- D. Membership and Appointments:
 - 1. The Planning Commission shall be composed of seven (7) members. Members of the Planning Commission shall be appointed by the Cache County Executive with the advice and consent of the County Council. The County Executive, with the advice and consent of the County Council, may remove a member of the Planning Commission with or without cause.
 - 2. All members shall serve a term of three (3) years. Terms of membership shall be such that the term of two (2) members shall expire each year, except the term of three (3) members shall expire every third year.

17.02.020: Board of Adjustments:

- A. Creation: There is established a "Cache County Board of Adjustments", hereinafter, the BOA.
- B. Powers and Duties: The BOA shall have the powers and duties set forth within this chapter.
- C. Policies and Procedures: The BOA shall adopt bylaws and rules of procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the BOA. These policies and procedures shall be approved by the County Council.
- D. Membership and Appointments:
 - 1. The BOA shall be composed of five (5) members. Members of the BOA shall be appointed by the Cache County Executive with the advice and consent of the County Council. The County Executive, with the advice and consent of the County Council, may remove a member of the BOA with or without cause.
 - 2. All members shall serve a term of five (5) years. Terms of membership shall be such that the term of one member shall expire each year.

17.02.030: ~~Director of Development Services~~Zoning Administrator:

The Cache County Executive, with the advice and consent of the Cache County Council, shall appoint a ~~zoning administrator~~Director of Development Services. The Cache County Executive shall also request the advice of the Planning Commission and BOA. It is the responsibility of the ~~zoning administrator~~Director to administer and enforce this title, the Cache County Subdivision Ordinance, and the policies and procedures related thereto or created thereby.

17.02.040: Building Official:

~~The Cache County executive, with the advice and consent of the Cache County council, shall appoint a county building official. It is the responsibility of the building official to ensure compliance with the county building codes and to effect the general administration and enforcement of the county building codes and this title.~~

17.02.040: Notice of Meetings:

A. Notice of meetings of the Planning Commission and BOA shall be given as required by the open and public meetings provisions of Utah Code Annotated (1953, as amended) 52-4, and within Utah Code Annotated (1953, as amended) 17-27a-2. The Planning Commission shall determine by its policies and procedures such additional notice requirements as it determines necessary and appropriate.

B. Notice of the time, place, and subject matter of a meeting shall be given to the person making a request, the land use authority or official, and all parties in interest, including adjoining property owners within a three hundred foot (300') radius of the property affected.

17.02.050: General Plan, Land Use, and Subdivision Ordinance Amendments:

A. General Plan: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-4.

B. ~~Land Use~~Zoning Ordinance: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-5.

C. Subdivision Ordinance: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-6.

17.02.060: Establishment of Land Use Authority:

A. Purpose: The purpose of this section is to establish the land use authority for decisions applying to the land use ordinance, establish the appeal authority to hear and decide requests for variances from the terms of the land use ordinance, and to establish the appeal authority to hear and decide appeals from decisions applying to the land use ordinance.

B. Authority To Hear And Act:

1. ~~Zoning Administrator~~Director of Development Services: The ~~zoning administrator~~Director or designee shall be the land use authority to hear and act on the following:

a. Zoning clearance applications for permitted uses;

b. Small business applications;

c. Application for minor variances:

(1) Building setbacks and distances from lot lines or other buildings;

(2) Building heights;

- (3) Fence adjustments;
- (4) Other similar requests;
- d. Determination of the location of the boundary of a zoning district or an overlay map. The ~~zoning administrator~~Director shall take into consideration the following criteria in rendering such determination:
 - (1) The policies and development standards pertaining to such zoning district or overlay.
 - (2) Where a zoning district or overlay map boundary is shown following a road, right of way line, interstate highway, public utility right of way, railroad line, a stream or watercourse, or a line located midway between the main track of a railroad, the zoning district or overlay map boundary shall be deemed to be changed automatically whenever such centerline is changed by natural or artificial means;
- e. Interpretation of authorized permitted or conditional uses of the applicable zoning district as contained in chapter 17.09, "Schedule of Zoning Uses", of this title. The ~~zoning administrator~~Director shall consider the following in rendering such interpretation:
 - (1) Consistency with the purpose and intent of the policies and development standards pertaining to such district as described in this title.
 - (2) Whether the proposed use is substantially similar to other uses allowed in the zoning district.
 - (3) The determination and all information pertaining thereto shall be filed classifying it as an administrative determination and shall become a permanent public record in the county community development department. Such use shall become a permitted or conditional use in the zoning district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification;
- f. -Natural barrier determinations;
- ~~g. -Lot line adjustments between four (4) or fewer property owners;~~
- ~~h. -Lot~~Boundary line adjustment between three (3) or fewer property owners within or amending the boundaries of a -legally recorded subdivision;
- ~~i. Single lot subdivisions, and;~~
- ~~ii. Those uses specifically delegated to the~~ ~~zoning administrator~~Director by the Cache County Council.
- 2. Planning Commission:
 - a. The Cache County Planning Commission shall be the land use authority to hear and act on the following land use applications:
 - (1) Conditional use permits, except those listed for the County Council;
 - (2) Items delegated to the Planning Commission by the Cache County Council;
 - (3) Requests for reasonable accommodations made by residential facilities for up to eight (8) occupants; and
 - (4) Items listed for the ~~zoning administrator~~Director of Development Services approval when the ~~zoning administrator~~Director determines that a public meeting should be held to ensure that citizens have the opportunity to comment on the application or in the event that a conflict of interest arises;
 - b. The Planning Commission shall be a recommending body to the Cache County Council for all land use applications for which the Cache County Council is the land use authority;
 - c. The Planning Commission shall have the powers and duties as assigned by this chapter and Utah Code Annotated (1953, as amended) section 17-27a-302.

3. Board of Adjustments: The Cache County Board of Adjustments shall be the land use authority to hear and act on the following land use applications:
 - a. Variance requests, except those listed for the ~~zoning~~ Director of Development Services ~~administrator~~ review; and
 - b. Determinations regarding the existence, expansion or modification of nonconforming uses, lots, or structures.
4. County Council: The Cache County Council shall be the land use authority to hear and act on the following land use applications:
 - a. General plan approvals or amendments;
 - b. Land use ordinance amendments;
 - c. Amendments to the zoning map;
 - d. Subdivision ordinance amendments;
 - e. Requests for reasonable accommodations made by residential facilities for disabled persons for nine (9) or more occupants;
 - f. Subdivision reviews for new subdivisions, phases of subdivisions, preliminary and final plat approval, and amendments to existing subdivisions other than those listed for Director of Development Services ~~zoning administrator~~ review;
 - g. Zone change requests; and
 - h. Conditional use permit requests for:
 - (1) Major utility facilities,
 - (2) Electrical generating facility,
 - (3) Solid waste facilities,
 - (4) Sewage treatment works.
- C. Public Hearings and Meetings:
 1. ~~Director of Development Services~~ Zoning Administrator: Public ~~hearings-meetings~~ will only be required for items listed under subsections (B)(1)(c, f, g, and h), ~~B1f, and B1g~~ of this section. The ~~zoning administrator~~ Director shall make the decision at regular staff meetings. No ~~public hearing or~~ public meeting will be held outside of regular staff meetings.
 2. Planning Commission and County Council: Notice for public hearings and public meetings shall comply with Utah Code Annotated (1953, as amended) 17-27a-2. Additional public meetings may be held as necessary to properly review and make decisions regarding a land use.
- D. Variances: Any person or entity desiring a waiver or modification of the requirements of the land use ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the ~~zoning administrator~~ Director or the BOA, as designated in subsection B of this section, for a variance from the terms of this title. The designated land use authority may grant a variance if the requirements of Utah Code Annotated (1953, as amended) section 17-27a-702 have been met.
- E. Rules of Procedure ~~for the Zoning Administrator~~: The ~~planning and zoning division of the community d~~ Development Services d ~~Department~~ shall adopt rules of procedure establishing the application process, deadlines, decision making process, and for any other purposes considered necessary. These policies and procedures shall be approved by the County Council.
- F. Appealing Decisions of a Land Use Authority:
 1. Any person adversely affected by the land use authority's decision administering or interpreting a ~~land use~~ zoning ordinance or subdivision may appeal the decision by alleging that there is error in any order, requirement, decision, or determination made by the land use

authority in the administration or interpretation of the ~~land use~~ zoning or subdivision ordinance. Decisions can only be appealed if they are a final decision issued by the appropriate land use authority.

a. ~~The board of adjustment shall hear the following appeals:~~

~~(1) Decisions made by the zoning administrator in which the zoning administrator acts as the land use authority.~~

~~(2) Decisions made by the planning commission in which they act as the land use authority.~~ Land use decisions made by either the Director of Development Services or the Planning Commission shall be appealed to the Board of Adjustments.

b. Land use ~~authority~~ decisions made by the Board of Adjustments shall be appealed to the County Council.

c. Land use ~~authority~~ decisions made by the County Council shall be appealed to ~~state~~ district court.

d. Any further appeal of a decision made in subsections a or b shall be made to district court.

G. Procedure for Requesting a Variance or Appeal:

1. Time Limit: A request for a variance or a notice of appeal must be commenced within ten (10) business days of the adverse order, requirement, decision or determination by filing a written notice of a request for a variance, or notice of appeal with the Cache County ~~zoning administrator~~ Director of Development Services at the Cache County ~~community development department~~ Development Services Department. The notice must indicate the decision being appealed and identify the parties making the appeal. ~~The Cache County zoning administrator shall notify the appeal authority of the request for a variance or a notice of appeal within seven (7) working days.~~

2. Fee: A request for a variance, or a notice of appeal, shall be accompanied by a fee established by the Cache County Council, which amount shall be used to defray the costs of administering the request for a variance, or appeal, including, but not limited to, costs of mailing and publishing notice.

3. Notice of a Hearing: When a request for a variance or a notice of appeal is filed, notice shall be given as required by this chapter. ~~The appeal authority of the adverse order, requirement, decision or determination~~ shall hear that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties. ~~Notice of the time, place and subject matter of the meeting shall be given to the person making the appeal, the land use authority or official who issued the adverse order, requirement, decision or determination, and all parties in interest, including adjoining property owners within a three hundred foot (300') radius of the property affected by the request for variance or appeal.~~ The appeal authority may require such written briefs or memorandum of the parties, as the appeal authority deems necessary. At the hearing, the appellant shall appear in person or by agent or attorney.

~~4. Stay of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the official, from whom the appeal is taken after receiving the notice of appeal, certifies in writing with specificity to the appeal authority the reasons why a stay would cause imminent peril to life or property. In such case, the appeal authority may lift the stay, upon notice to the parties, with an opportunity to respond.~~

~~54.~~ Burden of Proof: The appellant has the burden of proving that the land use authority erred.

5. In the case of an appeal the appeal authority may require written briefs or memorandum of the parties as the appeal authority deems necessary. At the hearing, the appellant shall appear in person or by agent or attorney.
6. Standard of Review – **Substantial Evidence**: The appeal authority shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use or subdivision ordinance. Only those decisions in which a land use authority has applied a land use ordinance to a particular application, person, or parcel may be appealed ~~to the appeal authority.~~
7. Final Decision: The appeal authority will issue a decision in writing within fifteen (15) ~~working-business~~ days of the hearing, which constitutes a final decision under Utah Code Annotated (1953, as amended) 17-27a-8.
8. Judicial Review of Appeal Authority's Decision: Any person adversely affected by a final decision of the appeal authority may petition the district court for review of the decision as permitted by law. Such a petition is barred unless filed within thirty (30) days after the appeal authority's decision is final in compliance with Utah Code Annotated (1953, as amended) section 17-27a-801(2). The appeal authority may order its decision stayed pending district court review if the appeal authority finds it to be in the best interest of the County.
- ~~9. Action on Variance: Unless otherwise specified by the appeal authority, any order or decision of the appeal authority authorizing a variance shall expire if the applicant fails to obtain a permit within one year from the date of the decision. Any applicant may voluntarily withdraw the appeal or variance request at any time prior to a decision of the appeal authority. No person shall be entitled to claim a refund of costs for any reason whatsoever.~~

17.02.070 Effective Period for a Land Use Authority Approval

- A. The approval of any permit, subdivision, boundary line adjustment, variance, or other approval issued by a land use authority within Titles 16 and/or 17 shall be effective for a period of one year from the date of approval. The Director of Development Services shall issue a notice to the applicant/agent of a project no less than 30 business days prior to the end of the effective period of approval. Any approval that has lapsed beyond its effective period shall be void and any new application shall be required to conform to the ordinance currently in effect. No refunds shall be issued for void applications or permits.
- B. Where an appeal of an approval has been made, the effective period for the approval shall not begin until the conclusion of all appeal processes.

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17.03.010: Policy Considerations:

Pursuant to Utah ~~S~~state ~~e~~Code ~~63-90~~⁺, there is an underlying policy in the county favoring the serious and careful consideration of matters involving constitutional taking claims. There is a desire for fairness to the owner of private property bringing the claim in view of the uncertainty and expense involved in defending lawsuits alleging such issues. At the same time, the legitimate role of the county in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the constitution. Consistent with this policy, this chapter establishes procedures for the review of actions that may involve constitutional takings, as well as providing guidelines for such considerations. ~~+UCA § 63-90.~~

17.03.020: Review of Final County Decision; Procedures:

Any owner of private real property who claims there has been a constitutional taking of private real property by an action of the county may request a review of the final decision and action by the county.

The following are specific procedures established for such a review:

- A. The person requesting a review must have obtained a final and authoritative determination from the county.
- B. Within thirty (30) days from the date of the county's final determination that gave rise to the concern that a constitutional taking may have occurred, the person requesting the review shall file in writing, in the office of the ~~C~~county ~~C~~lerk, a request for review of that decision. A copy shall also be filed with the ~~C~~county ~~A~~ttorney.
- C. The ~~e~~County ~~C~~ouncil, or ~~their~~ designee ~~of the county council~~, shall immediately set a time to review the decision that gave rise to the constitutional takings claim.
- D. In addition to the written request for review, the applicant must submit the following:
 1. Name and address of the applicant requesting review.
 2. Name and/or business address of current owner(s) of the property.
 3. A detailed description of the grounds for the claim that there has been a constitutional taking.
 4. A detailed description of the property taken.
 5. Evidence and documentation as to the value of the property taken, including the date and cost at the date the property was acquired.
 6. The nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership or leasehold interest.
 7. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three (3) years prior to the date of application.
 8. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of application.
 9. The assessed value of and ad valorem taxes paid on the property for the previous three (3) years.

10. All information concerning current mortgages or other loans secured by the property, including name of the mortgagor or lender, current interest rate, remaining loan balance and term of the loan, and other significant provisions, including, but not limited to, the right of purchaser(s) to assume the loan.
 11. All listings of the property for sale or rent, prices asked and offers received, if any, within the previous three (3) years.
 12. All studies commissioned by the applicant or agents of the applicant within the previous three (3) years concerning feasibility of development or utilization of the property.
 13. For income producing property, itemized income and expense statements from the property for the previous three (3) years.
 14. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property.
 15. The Ceounty eCouncil, or their designee, may request additional information, reasonably necessary in their opinion, to arrive at a conclusion concerning whether there has been a constitutional taking.
- E. An application shall not be deemed to be "complete" until the Ceounty eCouncil, or their designee, certifies to the applicant that all the materials and information required above have been received by the county. The Ceounty Ceouncil, or their designee, shall notify the applicant of any missing information and shall identify the materials and information necessary to correct the incomplete application.
 - F. The Ceounty Ceouncil, or their designee, shall hear all the evidence related to and submitted by the applicant, county, or any other interested party.
 - G. A final decision on the review shall be rendered within fourteen (14) days from the date the complete application has been received by the eCounty Celerk. The decision of the Ceounty Ceouncil, or their designee, regarding the results of the review shall be given in writing to the applicant and the officer, employee, board, commission or council that rendered the final decision that gave rise to the constitutional takings claim.
 - H. If the Ceounty Ceouncil, or designee, fails to hear and decide the review within fourteen (14) days, the decision appealed from shall be presumed to be approved.

17.03.030: Reviewing Guidelines:

- The Ceounty Ceouncil, or designee, shall review the facts and information presented by the applicant to determine whether or not the action by the county constitutes a constitutional taking, as defined in this chapter. In doing so, they shall consider:
 - A. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest.
 - B. Whether a legitimate governmental interest exists for the action taken by the county.
 - C. Is the property and exaction taken roughly proportionate and reasonably related, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.

17.03.040: Results of Review:

- After completing the review, the Ceounty Ceouncil, or their designee, shall make a determination regarding the above issues and, where determined to be necessary and appropriate, shall make a recommendation to the officer, employee, board, commission or council that made the decision that gave rise to the constitutional takings claim.

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17.04.010: Enforcement Authority:

The ~~Director of Development Services~~~~zoning administrator~~ or authorized agent is designated as the officer charged with the enforcement of the regulations set forth in this title. The enforcement requirements within this section shall apply to Titles 16 and 17 of the Cache County Code.

17.04.020: Powers and Duties:

- A. The ~~Director of Development Services~~~~zoning administrator~~ is authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair, and to inspect land uses to determine compliance with the provisions of this title; ~~provided, however, that no such inspection shall be required as a condition precedent to commencement or continuation of any construction, modification or repair of a building or structure.~~
- B. The ~~zoning administrator~~~~Director~~ shall enforce all of the provisions of this title, employing all legal means available to do so.

17.04.030: Unlawful Use Prohibited:

- A. No land, building or structure shall be used for any purpose or use not allowed in the zone in which such land, building or structure is located.
- B. Violation of any of the provisions contained in this title is prohibited. Any person who violates the provisions of this title shall be subject to the criminal and civil penalties set forth in this chapter.

17.04.040: Violation; Penalties and Remedies:

- A. Violation of any of the provisions of this title is punishable as a ~~class~~~~Class C-B~~ misdemeanor upon conviction, as defined by Utah Code Annotated section 17-~~27-1003(2)(a)~~~~53-223~~ et seq. In addition, the provisions of this title may also be enforced by injunctions, mandamus, abatement, civil penalties, or any other remedies provided by law.
- B. Any one, all, or any combination of the penalties and remedies set forth in subsection A of this section may be used to enforce the provisions of this title.
- C. Each day that any violation continues after notification by the ~~Director of Development Services~~~~zoning administrator~~ or authorized agent that such violation exists shall be considered a separate offense for purposes of penalties and remedies set forth in this chapter.
- D. Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued, shall stop upon correction of the violation.

17.04.050: Violation; Persons Liable:

Any person, corporation or other entity, whether as owner, occupant, agent or employee, who causes, permits or otherwise participates in any violation of the provisions of this title may be held responsible for the violation, suffer the penalties, and be subject to the remedies provided by law.

17.04.060: Violation; Notice and Order:

- A. Upon inspection and discovery that any provision of this title is being violated, the Director of Development Services~~zoning administrator~~ shall provide a written notice of violation and order to the property owner and to any other party who may be responsible for the violation.
- B. The written notice and order shall:
 - 1. Indicate the nature of the violation;
 - 2. Order the action necessary to correct the violation;
 - 3. Give information regarding the established warning period for the violation; and
 - 4. State the action the ~~zoning administrator~~Director intends to take if the violation is not corrected within the warning period.
- C. An initial written notice shall be mailed to the property owner and/or violator. If a violation then persists, a final written notice shall be served upon the property owner and/or the violator in the same manner as service of a summons pursuant to the Utah rules of civil procedure. Actual notice shall be required.
- D. Notice Period: The final written notice shall commence a ~~twenty-eight ten~~ (2810) business day warning period beginning with the receipt of notice. If the violation remains unresolved after the expiration of the warning period, ~~a final notice of violation and order shall be served, and~~ ten (10) business days after receipt of ~~that the~~ final written notice the imposition of daily penalties shall commence.
- E. In cases where the ~~zoning administrator~~Director determines that a delay of enforcement would pose a danger to the public health, safety or welfare, or would otherwise compromise the effective enforcement of this title, the ~~zoning administrator~~Director may seek immediate enforcement without prior written notice ~~by instituting any of the remedies, other than civil penalties, authorized by section 17.04.070 of this chapter.~~

17.04.070: Remedies and Civil Penalties:

- A. Civil Penalties: Violations of the provisions of this title shall result in civil penalties of ~~fifty one hundred~~ dollars (\$~~100~~50.00) per day for ~~violations pertaining to conditional use without a permit, prohibited uses, violation of the terms of a permit or approval, etel~~and use or permit violations. Each day a violation is continued or maintained after the receipt of notice shall give rise to a separate civil penalty. However, the nonapproved subdivision of land shall be subject to a one time penalty of five hundred dollars (\$500.00) per division. Additional penalties may be
- B. ~~Daily Violations: Each day a violation is continued or maintained after receipt of notice shall give rise to a separate civil penalty for each day of violation.~~
- C. ~~Collection Of Civil Penalties: If the penalty amounts to more than one thousand dollars (\$1,000.00) in amount, there shall be additional penalty imposed in the amount of reasonable attorney fees and costs incurred in enforcement of this chapter and collecting the civil penalties herein imposed.~~

B. Remedies: The county may issue a cease and desist order, stop work orders, or other enforcement as necessary based on the situation. If the violation continues past the notice period, the violation shall be turned over to the County Attorney's Office for prosecution.

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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 the Cache County Zoning Ordinance.

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. Only one dwelling unit is allowed per legal lot/parcel.
- 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 Bear River Health Department~~department of health~~ and Ceounty Bbuilding D~~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~~ Department of ~~health~~ Health under Utah Code Annotated ~~S~~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 ~~c~~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 ~~c~~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 trees. 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).

AGRICULTURAL REMAINDER

- 1) The minimum size of any remainder must be in conformance with 59-2-5 of State Code.
- 2) Any remainder shall require a deed restriction to be recorded stating that the remainder is non-buildable except for agricultural structures. This restriction can only be removed by the appropriate land use authority.
- 3) Does not count as a "lot" for development density as described in section 17.10.030 of this code.
- 4) Must be reviewed and approved by the land use authority to ensure the promotion and/or preservation of agriculture in terms of the layout and design of the agricultural remainders.

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 (BOA): 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 ~~t~~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).~~

DENSITY: The number of net acres required per dwelling unit as specified in Table 17.10.040. Net acreage shall be calculated by taking the total gross acreage and subtracting non-developable sensitive areas (wetlands, open water, steep slopes) and the area in rights-of-way for roads.

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 groundwater.

DRY LOT

A lot approved through a subdivision process that does not have a state approved domestic water right associated with it.

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 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 rock fall.

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.

IMPROVEMENT AGREEMENT: An agreement between a developer and the county, approved by the Director of Development Services that clearly establishes the developer's

responsibility(ies) regarding project phasing, the provision of public and private facilities, improvements and/or conditions as imposed by ordinance and/or by a land use authority, and any other mutually agreed to terms and requirements.

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 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 FRONTAGE: That portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage.

LOT/PARCEL, LEGAL: A lot, or parcel of ground, that is eligible to be developed in conformance with the requirements of Titles 16 and 17. See the adopted policy of the Development Service Department dated ~~November 29, 2012~~ August 29, 2013 for legal requirements.

LOT/PARCEL, RESTRICTED: A lot, parcel or tract of land, the deed of which has been recorded in the office of the Cache County ~~R~~ecorder, but has not received the necessary approvals as required by the Cache County ~~S~~ubdivision ~~O~~rdinance existing at the time of recordation (see Lot/Parcel, Legal). Restricted lots/parcels are not eligible to receive building permits, business licenses, or conditional use permits, but they may be issued a permit for an agricultural structure as reviewed and approved by the Director of Development Services.

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). Said unit must be placed on a permanent foundation and meet adopted building codes. 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 ~~c~~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 ANALYSIS: An analysis that demonstrates sufficient accommodation for the safe and efficient flow of vehicles and pedestrians, and that minimizes the impact to public streets and environmental resources due to the proposed use. This analysis must include:

1. A site plan at a useable scale;
2. All calculations used to demonstrate that the performance standards for access, design, parking supply, and landscape and lighting have been met and/or exceeded.

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 ~~S~~state of Utah, to perform those duties, as allowed by state law and this ~~t~~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 ~~age width~~ and being the minimum horizontal distance between a street or road right-of-way/easement line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches. The front yard-setback of a corner lot is the yard-area 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 ~~t~~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 ~~s~~State and ~~f~~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, re-subdivided, 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 ~~t~~Title, the Cache County Code, and any other applicable ~~s~~State and ~~f~~Federal requirements, and to which all other uses are accessory, conditional, or nonconforming. Only one primary use per legal lot/parcel is allowed.

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

VARIANCE: As defined by Utah State ~~C~~ode 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~~Director of Development Services.

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~~Director of Development Services, or designee, identifying that the proposed use, building, structure, or facility complies with the requirements of this ~~t~~Title.

ZONING DISTRICT, BASE: The classification of all land as reflected in the Cache County Zoning ~~M~~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 ~~b~~Base ~~z~~Zoning ~~d~~Districts on a single parcel, the more restrictive zone shall be applied across the entire parcel. ~~b~~Base ~~z~~Zoning ~~d~~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 ~~Z~~zoning ~~M~~map wherein additional development regulations are applied to the regulations of the ~~b~~Base ~~z~~Zoning ~~d~~District.

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17.08.010: General:

This chapter contains regulations for the zoning districts of Cache County. It includes a list of base and overlay districts and a brief explanation of each district's purpose. The provisions of this chapter are supplemented by other regulations of the zoning ordinance that apply to particular uses and development types and to development within certain zoning districts.

17.08.020: Base Zoning Districts Established:

The following are the base zoning districts:

- Rural 2 (RU2)
- Rural 5 (RU5)
- Agricultural (A10)
- Forest Recreation (FR40)
- Commercial (C)
- Industrial (I)
- Resort Recreation (RR)

17.08.030: Purpose of Base Zoning Districts:

The following provide the purpose(s) of each of Cache County's established base zoning districts:

A. Rural 2 Zone (RU2):

1. To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
2. To implement the policies of Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
3. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.

B. Rural 5 Zone (RU5):

1. To allow for residential estate development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
2. To implement the policies of Cache Countywide Comprehensive Plan, including those regarding agricultural promotion, prime farmlands, improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.

3. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.

C. Agricultural Zone (A10):

1. To provide areas to promote and protect the opportunities for a broad range of agricultural uses and activities where farming is a viable component of the local economy.
2. To implement the policies of Cache ~~C~~eountywide ~~C~~eomprehensive ~~P~~plan, including those regarding agricultural promotion, prime farmlands, density based residential standards, and clustering.

D. Forest Recreation Zone (FR40):

1. To permit the proper use of the forest areas of Cache County for grazing, forestry, mining, recreation, and other activities to the extent compatible with the protection of the natural and scenic resources of the forests for the benefit of present and future generations.

E. Commercial Zone (C):

1. To provide compatible locations for retail, office, and business/commerce activities, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values, and to strengthen the county's tax base.
2. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.

F. Industrial Zone (I):

1. To provide locations where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect upon the surrounding properties. The purpose of this zone is also to promote the economic well being of the citizens and to broaden the tax base.
2. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.

G. Resort Recreation Zone (RR):

1. To allow mountain resort and recreation development within Cache County on privately held land. This zone allows for multiple mountain resort and recreation uses within a master planned area. The regulations of the zone are designed to:
 - a. Provide new recreation opportunities in northern Utah and create destination resort options for the county, and;
 - b. Promote interesting, creative, and indigenous mountain landscaping, design, and architecture that blends in with natural surroundings and follows project specified design guidelines, and;
 - c. Stimulate the local economy and increase the tax base of the county, and;
 - d. Protect the county's environment, and;
 - e. Regulate and control development.

17.08.040: Overlay Zoning Districts Established:

The following are the overlay zoning districts:

Mineral Extraction and Excavation Overlay (ME)

Public Infrastructure Overlay (PI)

17.08.050: Purpose of Overlay Zoning Districts:

Overlay Zoning Districts may be created to reflect unique boundaries that may or may not utilize existing property lines. Overlay Zoning Districts may be approved by the land use authority in sizes and/or configurations particular to the needs of the proposed use. The following provide the purpose(s) of each of Cache County's established overlay zoning districts:

A. Mineral Extraction and Excavation (ME) Overlay Zone:

1. The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding noncompatible land uses within Cache County.
2. This zone and provisions thereof are deemed necessary in the public interest to affect practices which will, for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and general welfare of the residents of Cache County.

B. Public Infrastructure (PI) Overlay Zone:

1. To provide for the siting and operation of public infrastructure in an environmentally sound and economically competitive manner.
2. To inform current and potential residents of the county of the possible location of future public infrastructure locations.
3. To ensure that any public infrastructure be designed, constructed, and operated in a safe and efficient manner, and in compliance with all ~~f~~Federal, ~~s~~State, and local laws and regulations for the protection of the general health, welfare, and safety of the citizens of the county.

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17.10.010: Purpose:

The regulations hereinafter set forth in this chapter supplement and/or qualify the zone regulations appearing elsewhere in this title.

17.10.020: General Requirements:

- A. Every Single Family Dwelling to be on a Legal Lot:
 - 1. Every single family dwelling shall be located and maintained on an approved lot, as defined in this title.
- B. Establishment of Legal Lots:
 - 1. Outside of a defined subdivision, a parcel may be determined to be a legal developable lot as per the conditions outlined in the “Development Services Policy for the Determination of Parcel Legality” dated ~~November~~ August 29th, 20132.
 - 2. The Cache County Director of Development Services shall make all final determinations of parcel legality.
- C. Combined Lots or Parcels:
 - 1. If combined lots/parcels have two (2) or more different zoning designations, the uses and regulations of the most restrictive zone will apply. (~~Ord. 2004-10~~)
- D. Sale or Lease of Required Space:
 - 1. Space needed to meet the width, setback, area, coverage, parking or other requirements of this title for a lot/parcel or building shall not be sold or leased away from such lot/parcel or building.
- E. Sale of Lots/Parcels Below Minimum Space Requirements:
 - 1. A parcel of land which has less than the minimum width and area required for the zone in which it is located shall not be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development.
- F. Restricted Lots:
 - 1. No permits or licenses will be issued for a use on any restricted lot.
 - 2. A restricted lot which meets all the requirements of this title for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in frontage, yard or other requirements may be considered legal by adding sufficient area to the adjacent lot to meet all of the requirements of this title for a lot in its zone. The added area must be duly platted and evidenced in the public records by a deed showing a single legal description in the office of the county recorder.

17.10.030: Development Density and Standards Specific to Base Zoning Districts:

- A. Agricultural (A10); the following site development densities shall be complied with in the agricultural zoning district (A10):

1. 1970 parcel development option: 1970 parcels may divide the first three (3) lots at a density of one lot per two (2) acres. All development beyond the first three (3) lots on a 1970 parcel shall conform to the ~~minimum~~ density of one lot per ten (10) acres.
 - a. 1970 parcels shall not be permitted to be adjusted through the means of boundary line adjustments to promote additional development potential under this option. Boundary line adjustments may be completed to deal with subdivision design issues, but shall not be permitted to obtain additional lots.
 - b. 1970 parcels that no longer exist or that have been substantially modified shall not be permitted to be re-created for the purpose of further subdivision under this development option.
- B. Forest Recreation (FR40) Zone; the following site development standards shall be complied with in the forest recreation zoning district (FR40):
 1. Year Round Occupancy Restriction: Year round residences are prohibited. The maximum occupancy period of any dwelling shall be limited to one hundred eighty (180) days per calendar year.
- C. Commercial (C) and Industrial (I) Zones: the following site development standards shall be complied with in the Commercial (C) and Industrial (I) Zoning Districts:
 1. Screening and Landscaping:
 - a. Where any commercial or industrial lot shares a common boundary with property zoned A10, RU5, or RU2, a screen shall be provided at least six feet (6') in height. The screen may be a fence, wall, berm or approved landscaping or some combination of the same.
 - b. All mechanical equipment related to the building, including heating and air conditioning units and trash dumpsters, shall be completely screened from surrounding properties by use of a solid screening fence or wall six feet (6') in height or shall be enclosed within a building. Trash dumpsters shall be located a minimum twenty five feet (25') from any property zoned A10, RU5, or RU2.
 - c. Wherever off street parking areas are situated across the roadway from property zoned A10, RU5, or RU2, a berm or retaining wall in conjunction with a berm, three feet (3') in height shall be constructed within the required setback to adequately screen the parking.
 - d. Landscaping shall be required on ten percent (10%) of the gross area of the proposed project site. Gross area is interpreted as the total project site area remaining after any required road right of way dedication.
 - e. All landscaping shall be maintained in a healthy, neat, and orderly condition free of weeds and litter. All paved areas, walls, or fences shall be in good repair without broken parts, holes, potholes, or litter.
 - f. The planning commission may modify any provision of the screening and landscaping sections of this chapter if strict adherence to a requirement should be delayed or is deemed unnecessary.
 2. General Provisions: The land use authority may limit the hours of operation of a business located within the Commercial (C) and Industrial (I) zoning districts. This limitation may be a requirement of obtaining or renewing a business license. Any limitation on the hours of operation of an existing business shall require the land use authority to provide factual findings for the limitation.

17.10.050: Supplemental Standards:

A. The following site development standards shall be complied with in all zoning districts:

1. Parking Standards:
 - a. Parking for each use shall conform to chapter 17.22 of this title.
 - b. No required parking shall be permitted in any required setback area.
2. Animal Confinement:
 - a. All areas used for animal confinement shall be set back fifty feet (50') from any natural waterway.
 - b. All areas used for animal confinement shall be set back twenty feet (20') from any dwelling unit.
3. Agricultural Restrictive Covenant:
 - a. Any person who chooses to site a nonagricultural use will be required to record a signed agricultural declaration against their property making it subject to a restrictive covenant in favor of all agricultural uses that may occur within the zone they are presently located or within an adjacent zone.
 - b. The form of the declaration shall be substantially as follows and it may be incorporated verbatim or by reference:
 - i. **AGRICULTURAL DECLARATION:** The property described herein is subject to all adjacent Agricultural Uses allowed within or adjacent to this zone, specifically to the sights, sounds, smells, air quality, water use, animal use, hours of operation, etc., accompanying regular and customary agricultural uses now existing or which may exist in the future in an Agricultural zone. By this Declaration the undersigned, and their successors in interest, hereby waive any claim for nuisance or otherwise arising from regular and customary agricultural operations. Agricultural operations that are consistent with sound agricultural practices are declared reasonable and shall not constitute a nuisance. Agricultural operations that are in conformity with federal, state, and local laws and regulations are presumed to be operating within sound agricultural practices.
4. Water and Sewage Requirements:
 - a. All proposed uses and/or buildings needing the use of water and sewage facilities shall comply with the requirements of the Bear River ~~H~~health ~~D~~epartment, the Utah Department of Environmental Quality, and the ~~O~~ffice of the ~~S~~tate ~~W~~ater ~~E~~ngineer. These agencies shall be considered the county experts in evaluating the proposed sewage and culinary water supply system.
 - b. No proposed septic system shall be permitted within a zone 1 or zone 2 as defined by the current drinking water source protection plan for any public culinary water system.
5. Setbacks:
 - a. Setbacks and Open Space for One Building Only:

No required setback or other open space around an existing or proposed building complying with the provisions of this title shall be considered as providing a setback or open space for any other building; nor shall any setback or other required open space on an adjoining lot be considered as providing a setback or open space on a lot whereon a building is to be erected or established. ~~This section shall be construed to~~

~~mean only one main building may be permitted on one lot, unless otherwise hereinafter provided.~~

b. Measurement of Setback:

- i. Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the county recorder, the depth of such front yard shall be measured from the mapped road right of way line provided by the official map.
- ii. Where an official map has not been recorded, measurements shall be made from the existing right of way line or from the proposed right of way line, as required by this title or indicated in the transportation element of the Cache Countywide Comprehensive Plan or indicated in the CMPO long range transportation plan for the Logan urbanized area.

c. Exceptions; the area of required setbacks shall be open to the sky and unobstructed, except for the following:

- i. The ordinary projections of roof eaves, bay windows, window wells, basement access ways, skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a setback not more than four feet (4'); provided, however, that there shall remain a minimum of eight feet (8') to side property lines;
- ii. Uncovered steps leading to the main entrance in the front yard which are no more than four feet (4') in height and do not cause any danger or hazard to traffic by obstructing the clear view of the street or intersection.

6. Exceptions to Height Limitations:

- a. Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and/or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smoke stacks, water tanks, wireless or television masts, silos, solar collectors, windmills or similar structures, and public uses and utilities may be erected above the height limits herein prescribed, but no space above the height limits shall be allowed for the purpose of providing additional floor space, and no height exception is permitted above the maximum allowed under applicable airport overlay zones. Height shall be measured from the average finished grade of the structure.

B. Supplemental development standards specific to the Mineral Extraction and Excavation (ME) zoning district are located within Chapter 17.13 of this title.

C. Supplemental development standards specific to the Resort Recreation (RR) zoning district are located within Chapter 17.14 of this title.

D. Supplemental development standards regarding sensitive areas for all zoning districts are located within Chapter 17.18 of this title.

17.10.060: Improvement Agreements:

Improvement agreements for improvements and/or conditions imposed by ordinance or by a land use authority within Title 17 may be issued in compliance with 16.04.110 and 16.04.120.

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17.13.010: Purpose:

(Repealed by Ord. 2009-07)

17.13.020: General Requirements:

The following are the general requirements for considering the zoning of land in the county to the mineral extraction and excavation zone:

- A. Property shall be rezoned through the county rezone process (section 17.02.060 of this title) prior to a master plan submittal.
- B. In order to support the intended commercial mineral extraction or excavation uses, the minimum acreage for the ME zone shall be five (5) acres.
- C. Development within the ME zone shall adhere to all standards set forth in this title and the subdivision ordinance.

17.13.030: Schedule of Uses:

For a schedule of uses for the mineral extraction and excavation zone, refer to chapter 17.09, "Schedule of Zoning Uses", of this title. All commercial mineral extraction or excavation projects and associated accessory uses shall be allowed with a conditional use permit issued to the owner and/or operator of the property in accordance with the procedures set forth in section 17.06.080 of this title.

17.13.040: Site Development Standards:

Site development standards for any mineral extraction or excavation operation shall conform to the base zoning district requirements as listed in Table 17.10.040 of this title. In the instance of conflicting or multiple ~~b~~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.

17.13.050: Operation Categories:

All mineral extraction and excavation operations shall be classified as one of the following two (2) categories:

- A. Commercial operations are those that supply materials to the public on a continual, long term basis. All commercial mineral extraction and excavation operations shall file an operations and progress report with the ~~P~~planning ~~C~~ommission every three (3) years. The report will

summarize activities in fulfillment of the requirements for excavation and rehabilitation in compliance with the rehabilitation plan previously submitted to the **Planning Commission**. The conditional use permit shall remain in effect until such time that full reclamation has been made on the site.

- B. Temporary mineral extraction and excavation operations and associated uses, which may include, but not limited to, asphalt or concrete plants which are necessary to supply material for a specific project (i.e., road construction), or a minor extraction operation of less than five (5) acres. These operations shall be allowed within any zone of the county as a conditional use. These operations will have to operate under the same standards as a commercial operation; the termination of the specific project shall also terminate the conditional use permit and the use of the pit. Once the project is complete, the owner or operator shall begin closure and reclamation operations within six (6) months.

17.13.060: Mineral Extraction and Excavation Master Plan:

All applications for a mineral extraction and excavation master plan shall be accompanied by the following materials:

- A. A completed application form for a conditional use permit;
- B. Evidence of ownership or control over the land and a legal description of the property where the extraction operation will be located;
- C. A site plan showing the following:
 - 1. Dimensions of the excavation site and of the parcel;
 - 2. Locations of clearances, rights of way, easements, utility lines, existing watercourses and drainage;
 - 3. Property lines with names and parcel tax identification numbers of adjoining property owners;
 - 4. Proposed ingress and egress; **and**
 - 5. A contour map based on the USGS 7.5 minute quadrangle and estimate of materials to be removed, **and**;
 - 6. The location of the sand and gravel overlay area on the site.
- D. Excavation operations plan that outlines the following:
 - 1. Traffic arrangements proposed on existing roads and streets adjoining the site;
 - 2. The location, arrangement and dimensions of loading and processing facilities; and
 - 3. On site control of surface and storm water drainage.
- E. A reclamation plan addressing the following:
 - 1. Closure of the extraction operation stating the phasing, acreage and duration of the operation; and
 - 2. Financial guarantee for the rehabilitation and reclamation extraction operation.

17.13.070: Minimum Requirements:

All mineral extraction and excavation operations shall comply with the following requirements:

- A. Warning signs, fences, trees and berms may be required;
- B. The operation shall obtain all necessary federal, state and local permits;
- C. The hours of operation for an extraction operation shall be limited based on the following:
 - 1. Extraction operation may operate from six o'clock (6:00) A.M. until eight o'clock (8:00) P.M.;

2. The operation of the crusher to be allowed only from seven o'clock (7:00) A.M. to five o'clock (5:00) P.M.;
 3. No operation shall occur within the extraction operation on the following holidays:
 - a. Memorial Day;
 - b. July 4 and 24;
 - c. Labor Day;
 - d. Thanksgiving;
 - e. Christmas; and
 - f. New Years.
 4. The ~~P~~lanning ~~C~~ommission may allow for variation to the above hours and days of operation based on need and effect.
- D. All activities shall be maintained and operated in such a way as to minimize light, fumes, dust, and smoke emissions.

17.13.080: Development and Reclamation Agreement:

After the applicant has obtained approval of the mineral extraction and excavation master plan as described above, the approval shall be put in the form of a development agreement negotiated by the ~~C~~ounty ~~a~~ttorney and executed by the ~~C~~ounty ~~E~~xecutive pursuant subject to the direction of the ~~P~~lanning ~~C~~ommission. The agreement shall include the following:

- A. A legal description of the land;
- B. A copy of the conditional use permit;
- C. A copy of the approved mineral extraction and excavation master plan;
- D. All final grading and slope for reclamation of the extraction operation shall meet the requirements of appendix J of the currently adopted international building code;
- E. A financial guarantee for the rehabilitation and reclamation;
- F. Other specific requirements, rights and peculiarities pertinent to the project.

17.13.090: Compliance by Existing Operations:

Compliance and enforcement under this chapter shall be subject to constitutional protections and state law regarding existing nonconforming uses. Requirements shall not be imposed that are unreasonable with respect to operations related to a nonconforming excavation that is legally proven to have occurred prior to the enactment of this chapter. Subject to the limitations stated herein, within twenty four (24) months after the adoption of this chapter, all existing mineral extraction and excavation operations shall reasonably comply with the provisions set forth within this chapter, or alternatively, request the ~~P~~lanning ~~C~~ommission to grant a full or partial exemption from the terms hereof.

- H. The county shall require such an arrangement of structures and open space within the RR zone as necessary to assure that the purpose of this zone is achieved:
1. In no case shall total coverage of hard surface development, buildings and structures be greater than ten percent (10%) of the total project area.
 2. Perimeter fencing of homesites and development parcels will not be permitted.
 3. The county may require perimeter fencing of the property boundary, as necessary.
 4. Commercial areas should provide the density, building mass, scale and visual feeling of a pedestrian mountain resort community.
 5. A buffer zone of open space, setbacks or yards between the RR zone and adjacent land, with noncompatible uses, shall be required in accordance with applicable state or local laws.
 6. Subdivision boundaries within the RR zone shall conform to county lines.
 7. Unit clustering is encouraged, especially in commercial or "village" areas.

17.14.030: Master Plan Application Requirements and Approval Process:

(For a graphical description of the process outlined here, please see appendix A.)

The master plan shall be submitted as a conditional use for permit issuance in accordance with section 17.06.060 of this title.

A. Submit Master Plan Application: The following information is required for master plan submissions under the RR zone within the county. The applicant may be required to provide other information required by the ~~zoning administrator~~Director of Development Services or planning commission as necessary to evaluate the proposed master plan.

1. A master plan application, provided by the ~~zoning administrator~~Director, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) represented in the master plan.
2. A master plan, at a convenient scale of not more than one inch equals four hundred feet (1" = 400'), or at a scale as approved by the ~~zoning administrator~~Director. A minimum of eleven (11) paper copies shall be presented to the ~~Director~~zoning administrator, as part of the master plan application. The ~~Director~~zoning administrator may request additional copies if required. The master plan shall show the following:
 - a. Vicinity map showing location of property;
 - b. A statement of all existing restrictions on the use of land, including easements, restrictions or covenants.
 - c. Existing and proposed features (may be shown on separate, numbered pages).
 - (1) Existing conditions map, showing vegetation and existing site features;
 - (2) The approximate location of all existing structures and other significant physical and topographic features presently located on the property;
 - (3) Contour lines based on USGS datum with intervals of not more than twenty feet (20'), which contour lines shall extend a minimum of one hundred feet (100') beyond the proposed development boundary.
 - (4) Slope map, indicating slopes ranging between zero to seven percent (0-7%), seven to ten percent (7-10%), ten to fifteen percent (10-15%), fifteen to twenty percent (15-20%), twenty to twenty five percent (20-25%), and over twenty five percent (25%);

- B. Approval Of Master Plan: After the applicant has submitted the master plan information as described above, the planning commission will approve, approve with conditions or deny the master plan application.
1. After receiving the applicant's submittal, the ~~zoning administrator~~Director will review the master plan application and determine if the required information provided is complete. The ~~zoning administrator~~Director will make a recommendation on the proposed plan to the planning commission and schedule the master plan for review on the planning commission's next available agenda. If the ~~zoning administrator~~Director feels the applicant's submittal is incomplete, the applicant has forty five (45) days to submit the additional information requested to the ~~zoning administrator~~Director to continue the master plan approval process.
 2. The planning commission will review the master plan and will approve, approve with conditions or deny the master plan.
 - a. Approval by the planning commission grants an equivalent unit density, use and general configuration and allows the applicant to proceed with the process for signature of the development agreement by the county council and by submitting the development plan application.
 - b. Approval with conditions by the planning commission grants an equivalent unit density, use and general configuration and allows the applicant to meet the conditions of the commission and proceed with the process for signature of the development agreement by the county council and by submitting the development plan application.
 - c. Denial of the master plan by the planning commission means the applicant cannot proceed with the process for signature of the development agreement by the county council nor by submitting the development plan application and must either: 1) resubmit a revised master plan and begin the process with the planning commission again; 2) appeal the decision to the board of adjustment; or 3) elect to not pursue a master plan any further.
 3. The developer may request changes to an approved master plan. Minor changes to the master plan, as determined by the ~~zoning administrator~~Director, may be authorized by the ~~zoning administrator~~Director if required by engineering or other circumstances not foreseen at the time the master plan was approved. The ~~Director~~~~zoning administrator~~ may also request review by the planning commission to determine if a proposed change requires a master plan amendment. The planning commission shall review all proposed master plan amendments, using the approval of master plan procedure as described in this section, to determine approval of the amendment to the master plan if the intent of the RR zone is maintained and the county does not receive added significant negative impacts. (Ord. 2004-10, 8-10-2004)

17.14.040: Development Agreement:

(For a graphical description of the process outlined here, see appendix A, section 17.14.120 of this chapter.)

- A. Creation Of Development Agreement: After the applicant has obtained approval of the master plan as described above, the approval shall be put in the form of a development agreement.

- A. Submit Development Plan Application: The following information is required for development plan submissions under the RR zone within the county. The applicant may be required to provide other information required by the ~~zoning administrator~~Director of Development Services or planning commission as necessary to evaluate the proposed development plan. The development plan application may be submitted for individual phases, individual parcels or for the entire master plan.
1. A development plan application, provided by the ~~zoning administrator~~Director, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) represented in the development plan.
 2. A development plan, at a convenient scale of not more than one inch equals one hundred feet (1" = 100'), or at a scale as approved by the ~~Director~~zoning administrator. A minimum of eleven (11) paper copies shall be presented to the ~~Director~~zoning administrator, as part of the development plan application. The ~~Director~~zoning administrator may request additional copies if required.
 3. The development plan shall show the following:
 - a. All mapped information shall be prepared in a neat and legible manner in ink. All map data shall be prepared at an engineer's scale not more than one inch equals one hundred feet (1" = 100'). The exterior tract dimensions and boundaries must be based on actual ground survey made by a registered engineer or registered land surveyor. The sheets prepared shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the county recorder.
 - b. Contour lines based on USGS datum with intervals of not more than five feet (5') for parcels with a general slope of greater than thirty percent (30%), or intervals of not more than two feet (2') for parcels with a general slope of less than or equal to thirty percent (30%), which contour lines shall extend a minimum of one hundred feet (100') beyond the proposed development boundary.
 - c. If a drainage channel borders the proposed development, the additional distance necessary to show the far side of the drainage facility can be shown on an accompanying engineering drawing.
 - d. A vicinity map showing the proposed development and its location within the project.
 - e. Existing property description:
 - (1) Location of property by government lot, section, township and range and/or by metes and bounds description, with map indicating graphic scale, north arrow, acres and date.
 - (2) The location and dimensions of exterior boundary lines of the property to be expressed to the nearest hundredth of a foot and all other boundary lines to be expressed in feet.
 - (3) The location of property with respect to surrounding property and streets, the names of adjoining subdivisions or parcels, the land uses of the adjoining areas, and the names of adjoining streets.
 - (4) The location, width and names of existing rights of way.
 - (5) The location, width or dimensions, and purpose of existing easements.

- l. The name of the proposed development shall be shown.
 - m. All maps shall indicate the name of the person or firm responsible for the drawing and the date drawn in order to facilitate further reference to the information.
4. Ownership:
- a. The name and address of the owner or owners, the name and address of the developer if other than the owner, the name of the land surveyors, the name of the author of the property report, and the citation of last instrument conveying title to each parcel of property involved in the proposed development.
 - b. Citation of any existing legal rights of way or easements affecting the property.
 - c. Existing covenants on the property, if any.
5. A copy of the project's architectural and design guidelines.
 6. A copy of the project's draft CC&Rs.
 7. A copy of the declaration and bylaws of the development pursuant to the Utah condominium ownership act.
 8. Any special agreements, conveyances, easements, restrictions or conditions, which will govern the use, maintenance and continued protection of the development and any of its common areas, open space and facilities.
 9. Names of adjoining property owners from the latest assessment rolls within three hundred feet (300') of any perimeter boundary of the property under consideration.
 10. If the development plan application includes a subdivision of property, application for subdivision shall be made under the applicable requirements and process of the county subdivision ordinance 2000-16/17, either prior to or concurrent with the development plan application.
- B. Approval of Development Plan: After the applicant has submitted the development plan information as described above, the planning commission will approve, approve with conditions or deny the development plan application.
1. After receiving the applicant's submittal, the ~~Director zoning administrator~~ will review the development plan application and determine if the required information provided is complete. The ~~Director zoning administrator~~ will make a recommendation on the proposed plan to the planning commission and schedule the development plan for review on the planning commission's next available agenda. If the ~~Director zoning administrator~~ feels the applicant's submittal is incomplete, the applicant has forty five (45) days to submit the additional information requested to the ~~Director zoning administrator~~ to continue the development plan approval process.
 2. The planning commission will review the development plan and will approve, approve with conditions or deny the development plan.
 - a. Approval by the planning commission allows the applicant to proceed by developing the project, with vertical development requiring a zoning clearance prior to issuing a building permit.
 - b. Approval with conditions by the planning commission allows the applicant to meet the conditions of the commission and proceed by developing the project,

- with vertical development requiring a zoning clearance prior to issuing a building permit.
- c. Denial of the development plan application by the planning commission means the applicant cannot proceed by developing the project and must either: 1) resubmit a revised development plan application and begin the process with the planning commission again; 2) appeal the decision to the board of adjustment; or 3) elect to not pursue a development plan application any further.
 - 3. The applicant must begin development within two (2) years from the time of receiving an approved development plan, unless otherwise designated by the county council in the development agreement.
 - C. Changes to Approved Plans: Minor changes in the location, site plan or character of buildings and structures may be authorized by the ~~Director~~zoning administrator if required by engineering or other circumstances not foreseen at the time the development plan was approved. No change authorized by the ~~Director~~zoning administrator under this section may increase the size of any building or structure more than ten percent (10%), nor change the location of any building or structure more than ten feet (10') in any direction. The planning commission must approve all other changes to the development plan application using the approval of development plan application procedure. (Ord. 2004-10, 8-10-2004)

17.14.070: Open Space:

- A. Functional and aesthetic open space (including buffer zones) are essential parts of the RR zone.
- B. Participants in the approval processes shall identify what is to be considered as open space by using the following parameters as a guide:
 - 1. Waterways, water bodies, manmade water features, wetlands, steep slopes, and other areas to remain undeveloped shall count toward the open space requirement.
 - 2. Active, nonhard surface recreation areas, such as golf, skiing, hiking and biking trails shall count toward the open space requirement.
 - 3. Common park areas with passive (landscaping, lawn areas, picnic and bench areas) and active areas (soccer fields, baseball diamonds, tennis courts, fishing ponds, playgrounds, park gazebos) are encouraged and shall count toward the open space requirement, provided they are used for scenic, landscaping or recreation purposes and they are located on land which is accessible and available to all occupants of dwelling units for whose use the common park area is intended.
 - 4. Buffer zones along the property boundaries shall count toward the open space requirement.
 - 5. Portion of lots outside of designated building pads shall count toward the open space requirement if the area is preserved as natural forest, grasslands or pastureland.
 - 6. Parking lots, parking area landscaping buffers, paved roads, service roads, private yards, buildings or structures, required setbacks for buildings or structures, and all subdivided parcels less than one acre shall not count toward the open space requirement.

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17.14.140: Appendix C – Fiscal Analysis:

The master plan application shall include a fiscal analysis, which consists of the following information:

A. One Time Revenue Sources:

1. An estimate of fees (e.g., planning, engineering, subdivision, approvals, etc.) that will be generated to Cache County from processing the master plan, individual development plans, subdivisions and building permits with Cache County.

B. Ongoing Revenue Sources:

1. An estimate of annual tax revenue to Cache County (e.g., property taxes, sales taxes, transient taxes, etc.) generated from the master plan development at twenty five percent (25%), fifty percent (50%), seventy five percent (75%) and one hundred percent (100%) of buildout;
2. An estimate of annual tax revenue to Cache County schools generated from the master plan development at twenty five percent (25%), fifty percent (50%), seventy five percent (75%) and one hundred percent (100%) of buildout;
3. An estimate of annual tax revenue to Cache County service providers (e.g., service districts, public safety and health, etc.) generated from the master plan development at twenty five percent (25%), fifty percent (50%), seventy five percent (75%) and one hundred percent (100%) of buildout;
4. The analysis shall show the allocations of such tax revenue to various county funds, uses and organizations.

C. Expenses:

1. Introductory letters from all service providers based in Cache County outlining the anticipated costs for services;
2. Introductory letters from all service providers not based in Cache County outlining the anticipated terms and costs for necessary interlocal service agreements.

The fiscal analysis shall be prepared by the applicant using input from Cache County, Cache County service providers, nonCache county service providers, and other relevant public agencies. Estimates shall be based on the full master plan at twenty five percent (25%), fifty percent (50%), seventy five percent (75%) and one hundred percent (100%) of buildout.

The analysis will be prepared in a printed, bound report containing an overall analysis summary page, summary pages for each subcomponent of the analysis and copies of the variables, assumption and backup material used to conduct the analysis.

The analysis will be presented to the ~~Director of Development Services~~zoning administrator for initial, detailed review as part of the master plan application required materials. The ~~Director~~zoning administrator will incorporate an assessment of the financial analysis in his or her recommendation to the planning commission.

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17.16.010: Purpose and Applicability:

A. Purpose: It is the purpose of this chapter to:

1. Comply with Utah Code Annotated section 17-27a-515 through 519;
2. Avoid discrimination in housing against any person regardless of age or disability in compliance with the Utah ~~F~~air ~~H~~ousing ~~A~~ct and the ~~F~~federal ~~F~~air ~~H~~ousing ~~A~~ct as interpreted by the courts having jurisdiction in Utah.

B. Applicability: This section shall be deemed to govern any facility, residence, or other circumstance that meets the definition of a "residential facility" as set forth in this title.

C. Limitations: Only such residential facilities as are specifically authorized in this chapter and in this title as permitted or conditional uses shall be allowed. All other residential facilities are prohibited.

17.16.020: Terms:

Certain words and phrases in this chapter are defined in chapter 17.07 of this title.

17.16.030: Permitted Uses:

A. Permitted Use: A residential facility for persons with a disability or a residential facility for elderly persons shall be a permitted use in any zoning district where a single-family dwelling is allowed.

B. Termination: A use permitted by this chapter is nontransferable and shall terminate if any of the following occur:

1. A facility is devoted to a use other than a residential facility for elderly persons or a residential facility for persons with a disability~~;~~
2. The facility fails to comply with the requirements of the issued permits, this section, or other Cache County ordinances~~;~~ or~~;~~
3. The license or certification issued by the department of human services or department of health terminates or is revoked.

17.16.040: Residential Facility Development Standards:

Each residential facility shall conform to the following requirements:

A. Residential Facility Design Standards: Any newly constructed or remodeled residential facility in an agricultural zone or within one thousand feet (1,000') of an agricultural zone shall comply with the following design standards:

1. The residential facility shall comply with: all building, safety, and health regulations; the Americans with disabilities act; fire regulations; and all applicable state code standards and licensing requirements. Additionally, residential facilities shall comply with all standards set forth by any other local, state, or federal agency for the operation of the residential facility.

2. All setbacks shall be according to the requirements of the zone in which the facility sits.
 3. In order for new construction to reflect the design and character of the existing neighborhood, the following standards shall be met:
 - a. The roof design of the proposed or remodeled structure shall be a pitched roof of the same slope as the most common roof slope of the homes within the surrounding area of the proposed building_{1.5} and₁
 - b. The type of exterior materials shall be of traditional home finished materials of brick, siding, rock, stucco, etc. The use of these materials shall be applied in such a manner as to blend in with the neighborhood where the building is located and not draw undue attention to the building because of the materials, their color, and/or their combination being uncharacteristic of the other buildings in the neighborhood.
 4. An existing structure may not be utilized as a residential facility unless no structural or landscaping alterations that change the structure's residential character are required for the residential facility to operate. Any alterations to the structure, landscape, or site will require the approval of the appropriate land use authority and must be completed in compliance with this section.
- B. Parking Standards: The residential facility shall be required to provide sufficient parking for the intended use as provided below:
1. Each facility shall be subject to minimum site development standards applicable to a dwelling unit in the zone in which the facility is located_{1.5} and₁
 2. The minimum number of parking spaces required shall be the same as the number required for a dwelling with similar occupancy density in the same zone.
- C. Number of Occupants: Pursuant to the definition of "family" in section 17.07.020 of this title, not more than four (4) unrelated persons shall occupy a residential facility for elderly persons or any residential facility for persons with a disability established in a dwelling unit unless a reasonable accommodation is granted in conformance with section 17.16.050 of this chapter.
- D. License And Certification: Prior to the issuance of a zoning clearance by Cache County for the residential facility, the person or entity licensed or certified by the department of human services or the department of health to establish and operate the residential facility shall:
1. Provide a certified copy of the license issued or the filed application for a license by the department of human services or the department of health to the zoning administrator.
 2. Certify, in a sworn affidavit submitted with the application for a zoning clearance, that no person will be placed or remain in the facility whose prior or current behavior, actions and/or criminal incidents or convictions, have demonstrated that such person is or may be a substantial risk or direct threat to the health or safety of other individuals, or whose said behavior, actions and/or incidents or convictions have resulted in or may result in substantial physical damage to the property of others.
 3. For a residential facility for persons with a disability:
 - a. Certify, in a sworn affidavit submitted with the application for a zoning clearance, that all current residents/clients qualify and that all future

- residents/clients will qualify prior to admission to the facility as persons with a disability as defined within the Americans with disabilities act;
- b. Obtain a county business license, if required under applicable provisions of the Cache County ordinances.
- 4. For a residential facility for elderly persons:
 - a. Certify, in a sworn affidavit submitted with the application for a zoning clearance, that all current residents/clients qualify and that all future residents/clients will qualify prior to admission to the facility as persons with a "disability" as defined within this title;
 - b. Certify, in a sworn affidavit submitted with the application for a zoning clearance, compliance with all relevant state code requirements.)

17.16.050: Reasonable Accommodation

- A. Reasonable Accommodation Required: None of the foregoing conditions shall be interpreted to limit reasonable accommodations necessary to allow the establishment or occupancy of a residential facility for person(s) with a disability.
- B. Application: Any person or entity who wishes to request a reasonable accommodation shall make application to the land use authority in compliance with section 17.02.070, "Establishment ~~o~~^{of} Land Use Authority", of this title. Said applications shall specifically articulate, in writing, the following:
 - 1. The name, mailing address, and phone number of the applicant;
 - 2. The nature and extent of the disability;
 - 3. An exact statement of the ordinance or policy from which the applicant needs a reasonable accommodation;
 - 4. The applicant's proposed reasonable accommodation(s);
 - 5. A statement detailing why a reasonable accommodation is reasonable and necessary in order to afford handicapped persons equal opportunity to use and enjoy housing; and
 - 6. The physical address of the property where the applicant intends on living.
- C. Decision: The land use authority shall render a decision on each application for a reasonable accommodation within ninety (90) days. The decision shall be based on evidence of record demonstrating all of the following:
 - 1. The 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. That, but for the accommodation, one or more persons with a disability will be denied an equal opportunity to enjoy housing within the community.
 - 3. That equal results will be achieved as between the person with a disability requesting the accommodation and a nondisabled person.
- D. Appeal: Any person adversely affected by a final decision of the land use authority may appeal that decision in compliance with subsection 17.02.070(F) of this title.

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17.19.010: Purpose

The purposes of the Public Infrastructure Overlay Zone are:

- A. To provide for the siting and operation of public infrastructure in an environmentally sound and economically competitive manner.
- B. To inform current and potential residents of the county of the possible location of future public infrastructure locations.
- C. To ensure that any public infrastructure be designed, constructed, and operated in a safe and efficient manner, and in compliance with all federal, state, and local laws and regulations for the protection of the general health, welfare, and safety of the citizens of the county.

17.19.020: Definitions

All uses that are allowed within this zone are defined within chapter 17.07, "Definitions", of this title, the State of Utah Administrative Rules, and the State of Utah Annotated Code.

17.19.030: Schedule of Uses

The Public Infrastructure Overlay Zone shall impose additional or alternative requirements to any of the county's base zoning districts. For a schedule of permitted and conditional uses for the Public Infrastructure Overlay Zone, refer to Chapter 17.09.

17.19.040: Conditional Use

All uses allowed in the Public Infrastructure Overlay Zone shall be considered a conditional use and shall be reviewed and considered consistent with the procedures for the review of a conditional use as provided in Chapter 17.06.070 of this title.

This includes major and minor utility facilities, solid waste facilities, sewage treatment works, and other similar uses found by the land use authority to be in harmony with the character and intent of this overlay zone.

17.19.050: Application Requirements

An application shall be made to the ~~zoning administrator~~Director of Development Services on a form or forms provided by the ~~office of the zoning administrator~~Development Services Department, accompanied by the application requirements outlined in Chapter 17.06.030 of this title, as well as the following items to be prepared by the respective licensed professional(s):

- A. A site drainage and grading plan.
- B. An access plan.
- C. An operation management and maintenance plan.

- D. A landscape plan indicating how the proposed landscaping will visually screen the facility and facility activities, and will also mitigate noise, dust, or other impacts on surrounding uses. If surrounding properties are undeveloped, the landscape plan shall address potential impacts on uses permitted within the applicable zoning districts for such undeveloped property.

17.19.060: Commencement of Operations

Any conditional use under this chapter shall not begin operation until the applicant provides documentation that all approvals have been granted by the necessary state and federal agencies regarding the proposed use, and all conditions of the conditional use permit as approved by the Cache County Council have been met.

17.19.070: Site Development Standards

Site development standards for any public infrastructure facility shall conform to the base zoning district requirements as listed in Table 17.10.010 of this title. Whenever there is a conflict between the regulations of a base zoning district and the public infrastructure overlay, the most restrictive regulations shall apply.

17.19.080: Supplemental Standards Specific to Use

These standards are provided to ensure that any public infrastructure development recognizes the physical and environmental constraints of the development site. These standards shall supplement the development standards provided by the State of Utah Administrative Rules, State of Utah Annotated Code, and by this ~~T~~itle.

A. Solid Waste Facilities:

1. The minimum lot size for any solid waste facility shall be no less than 40 acres.
2. Approval of a site suitability analysis, completed by the respective licensed professional(s), for public infrastructure facilities shall be obtained from the Board of Trustees prior to application.
3. A closure and post closure plan, prepared by the appropriate licensed professional, shall be provided for any solid waste facility.

B. Utility Facilities:

1. Cache County requires no minimum lot area or width for utility facilities.
2. Setbacks: The setback requirement for a major utility corridor from property lines, rights of way, easements, natural and manmade water features, fault lines, built structures, or other features shall be determined by the land use authority based on the proposed facility type, size, and routing. The determination of a setback requirement shall be based on what is reasonable and necessary to preserve the ability to locate a utility corridor while preserving private property rights and access to community facilities.
3. Design Standards: The design and construction of major utility corridors and facilities shall be done to minimize the visual impact of the facility on surrounding residents and the community. Major utility corridors shall demonstrate that all structures or easements will not result in undesirable impacts and that they can be authorized as a conditional use, complying with the requirements of this title. Additionally, the land use authority shall consider the following when acting upon a major utility corridor:
 - a. Hydrologic impacts of surface and ground water systems, and;
 - b. Wildlife habitat areas and migration patterns, and;

- c. Erosion control plans, and;
 - d. Vegetation plans, and;
 - e. Reclamation, decommissioning, and abandonment plans as applicable, and;
 - f. Construction plans, including phasing plans and the location of staging areas and traffic control plans, and;
 - g. Other issues and impacts as may be applicable.
4. Fire Protection: Any development of a major utility corridor shall comply with the requirements of the wildland-urban interface code where applicable.
5. Land Use Application: All applications for major utility facilities must contain the following information in addition to the application materials required within [Chapter 17.06](#) of this title:
- a. Engineered drawings of the proposed facility which include:
 - i. The exact location of any and all rights of way or easements, identifying the proposed width and alignment centerline, and;
 - ii. Specific information on the facilities to be installed, including all above and below grade facilities and improvements, and;
 - iii. Coverage plans for the proposed tower and including neighboring towers providing coverage for the area, and;
 - iv. Phasing plans, and;
 - v. Any other necessary improvements or alterations including public and private infrastructure, grading or drainage alterations, removal of vegetation, etc.
 - b. Emergency and normal shutdown procedures.
 - c. Emergency response plans.

ORDINANCE No. 2014-04

CACHE COUNTY, UTAH

VACATING A RIGHT-OF-WAY AT 200 WEST, SOUTH OF 9800 NORTH

PROVIDING FOR THE VACATING OF A COUNTY RIGHT-OF-WAY AT APPROXIMATELY 200 WEST, BEGINNING AT 9800 NORTH STREET AND PROCEEDING SOUTH 3,950 FEET

WHEREAS, the Utah Code Ann. §72-3-108 *et seq.*, as amended, provides that each county may vacate a county road by ordinance, and;

WHEREAS, the County Council caused notice of the hearing to be advertised for four (4) consecutive weeks before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County, on the Utah Public Notice Website, and in three public places, and;

WHEREAS, the County Council caused notice of the hearing to be mailed to all owners of property abutting the affected right-of-way, and caused notice to be posted at the site, and;

WHEREAS, on February 25, 2014, 5:30 P.M., the County Council held a public hearing to consider any comments regarding the proposed vacating of the said right-of-way. The County Council accepted all comments, and;

WHEREAS, after careful consideration of the comments at the public hearing the County Council has determined that it is in the best interest of the health, safety and welfare of the citizens of Cache County to vacate said right-of-way;

NOW, THEREFORE, BE IT RESOLVED that the County Legislative Body of Cache County ordains as follows:

1. Approval to Vacate Right-of-Way.

The right-of-way, at approximately 200 West beginning at 9800 North and proceeding south 3,950 feet, as attached and made part hereof in Exhibit A, is hereby vacated.

2. Easement Provision.

A private, 66 foot wide access easement is hereby created along said vacated right-of-way of 200 West to provide access to the parcels directly adjacent the existing roadway, including: 08-010-0002, 08-010-0003, 08-010-0004, 08-010-0005, 08-010-0006, 09-073-0009, 09-073-0010, 09-073-0011, 09-073-0012, 09-073-0014, and 09-073-0016.

3. Effective Date.

This ordinance takes effect on March 26, 2014. 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 11th day of March 2014.

	In Favor	Against	Abstained	Absent
Potter				
Buttars				
White				
Merrill				
Robison				
Yeates				
Zilles				
Total				

CACHE COUNTY COUNCIL

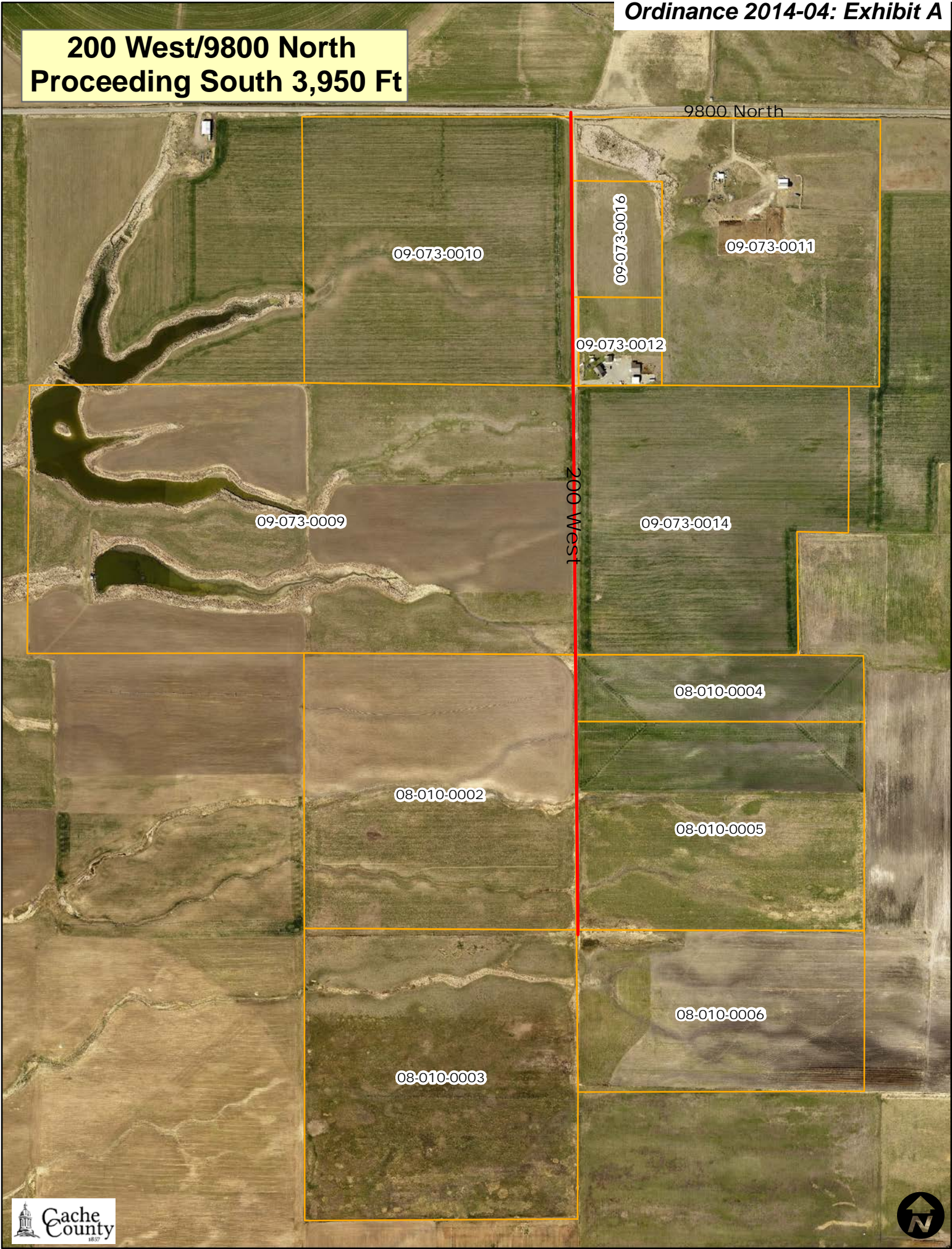
ATTEST:

Val Potter, Chair
Cache County Council

Jill Zollinger
Cache County Clerk
Publication Date:

_____, 2014

200 West/9800 North
Proceeding South 3,950 Ft



**CACHE COUNTY
ORDINANCE 2014-01**

CAMPAIGN FINANCIAL DISCLOSURE IN COUNTY ELECTIONS

WHEREAS, Section 17-16-6.5 of the Utah Code requires counties to adopt an ordinance establishing campaign finance disclosure requirements for candidates for county office; and

WHEREAS, the ordinance will give clearer direction to candidates filing and running for county offices; and

WHEREAS, the ordinance will provide more information for the voting public; and

WHEREAS, the Council finds it in the best interest of the citizens of Cache County to adopt a comprehensive campaign financial disclosure ordinance governing campaign finance reporting of candidates, political action committees, political issues committees;

NOW THEREFORE IT IS ORDAINED THAT pursuant to the statutory authority granted the Cache County Council in Utah Code Ann. ' 17-16-6.5(1)(a) the Cache County Council amends the CACHE COUNTY ORDINANCES to include the provisions found in Exhibit "A" which are entitled Campaign Financing Disclosure.

This Ordinance shall become effective fifteen (15) days after its passage and upon proper publication in a newspaper published and having general circulation in Cache County.

PASSED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS MARCH 11,
2014.

	In Favor	Against	Abstained	Absent
Potter				
Robison				
Buttars				
Merrill				
White				
Yeates				
Zilles				
Total				

CACHE COUNTY COUNCIL

By: _____

Val K. Potter, Chairman

ATTEST:

By: _____

Jill N. Zollinger, Cache County Clerk

EXHIBIT “A”

Chapter 2.21

CAMPAIGN FINANCING DISCLOSURE

Sections:

2.21.010 - Definitions.

2.21.020 - Reports—Form of submission—Notification by clerk—Legal holidays.

2.21.030 - County office candidate and officeholder—Separate bank account for campaign funds.

2.21.040 - County office candidate and officeholder—Financial reporting requirements— Post general election summary report.

2.21.050 - County office candidate and officeholder—Financial reporting requirements—Interim reports.

2.21.060 - County office candidate and officeholder—Failure to file reports—Notice by county clerk—Penalties—Limitation of action.

2.21.070 - Blanks for statements prepared and furnished by chief election officer.

2.21.080 - Retention and public inspection of financial statements—Written complaint if statement is false or unlawful.

2.21.010: Definitions:

As used in this chapter:

"Address" means the number and street where an individual resides or where a reporting entity has its principal office.

"Candidate" means any person who:

1. Files a declaration of candidacy for a public office; or
2. Receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.

"Chief election officer" means the county clerk.

"Contribution" means:

1. Any of the following when done for political purposes:
 - a. A gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;
 - b. An express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;

- c. Any transfer of funds from another reporting entity to the filing entity;
- d. Compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity; and
- e. Goods or services provided to or for the benefit of the filing entity at less than fair market value.

2. "Contribution" does not include:

- a. Services provided without compensation by individuals volunteering a portion or all of their time or talents on behalf of the filing entity;
- b. Money lent to the filing entity by a financial institution in the ordinary course of business; or
- c. Volunteering use of assets for the benefit of a candidate or a campaign committee that do not exceed fifty dollars.

"County office" means the offices of county executive, county council member, county treasurer, county sheriff, county clerk, county auditor, county recorder, county attorney or county assessor.

"County office candidate" means a person who:

- 1. Files a declaration of candidacy for a county office; or
- 2. Receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a county office.

"Detailed listing" means:

- 1. For each contribution:
 - a. The name and address of the individual or source making the contribution;
 - b. The amount or value of the contribution; and
 - c. The date the contribution was made.
- 2. For each expenditure:
 - a. The amount of the expenditure;
 - b. The person or entity to whom it was disbursed;
 - c. The specific purpose, item, or service acquired by the expenditure; and
 - d. The date the expenditure was made.

"Election" means any general, special or primary election held pursuant to and as defined and provided by Titles 11.20, or 20A, Utah Code Annotated, or by any other applicable provision of state law or county ordinance, and conducted by the county.

"Election cycle" means:

1. The period following the general election but prior to the next political convention in any year in which the candidate has filed to run for county elected office;
2. The period following a political convention but prior to the primary election in any year in which the candidate has filed to run for county elected office;
3. The period following a primary election but prior to a general election in any year in which the candidate has filed to run for county elected office.

"Expenditure" means:

1. Any disbursement from contributions, receipts, or from the separate bank account required by this chapter;
2. A purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
3. An express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;
4. Compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;
5. Transfer of funds between the filing entity and a candidate's personal campaign committee; or
6. Goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value.
7. "Expenditure" does not include:
 - a. Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;
 - b. Money lent to a reporting entity by a financial institution in the ordinary course of business; or
 - c. Volunteering use of assets for the benefit of a candidate or a campaign committee that do not exceed fifty dollars.

"Filing entity" means the reporting entity that is filing a report required by this chapter.

"Financial statement" includes any summary report, interim report, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter.

"Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee.

"Individual" means a natural person.

"Interim report" means a report identifying the contributions received and expenditures made since the last report.

"Officeholder" means a person who holds a public office.

"Party committee" means any committee organized by or authorized by the governing board of a registered political party.

"Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, labor unions, and labor organizations.

"Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.

"Political party auxiliary" means the county subdivision of a registered political party organized in accordance with state law.

"Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.

"Primary election" means any regular primary election held under the election laws.

"Public office" means the office of county executive, county council member, county treasurer, county sheriff, county clerk, county auditor, county recorder, county attorney or county assessor.

"Publicly identified class of individuals" means a group of fifty or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial report they are listed.

"Receipts" means contributions.

"Registered political party" means an organization of voters that:

1. Participated in the last regular general election and polled a total vote equal to two percent or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or
2. Has complied with the petition and organizing procedures of set forth in Utah statutes.

"Report" means a verified financial statement.

"Reporting entity" means a candidate, a candidate's personal campaign committee, an office holder and a party committee.

"Statement of organization" means an informational document filed by a reporting entity that complies with the requirements of this chapter.

"Source" means: The person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.

"Summary report" means the year-end report containing the summary of a reporting entity's contributions and expenditures.

2.21.020: Reports—Form of submission—Notification by clerk—Legal holidays:

A. 1. Ten days before a financial statement or report from a county office candidate, office holder, political action committee or political issues committee is due under this chapter, the county clerk shall inform those candidates and entities by postal mail or, if requested by the reporting entity, by electronic mail:

- a. That the report is due; and
- b. The date that the report is due.

2. In addition to the information required by subsection (A)(1), ten days before the interim reports for candidates are due, the county clerk shall inform the candidate that, if the report is not received in the county clerk's office by five p.m. on the date that it is due, voters will be informed that the candidate has been disqualified and any votes cast for the candidate will not be counted.

3. In addition to the information required by subsection (A)(1) and in the same mailing, ten days before the interim reports or verified financial statements for entities are due, the county clerk shall inform the entity, candidate, officeholder that, if the report is not received in the county clerk's office by the date that it is due, the entity, candidate or officeholder may be guilty of an infraction for failing to file the report or statement.

B. Persons or entities submitting reports required by this chapter may submit them:

1. On paper, printed, typed or legibly handwritten or hand-printed;
2. Via fax; or
3. Upon an e-mail system being created by the county clerk, via electronic mail according to specifications established by the chief election officer.

C. A report is considered filed if:

1. It is received in the chief election officer's office no later than five p.m. on the date that it is due;
2. It is received in the chief election officer's office with a postmark three days or more before the date that the report was due; or
3. The candidate, or entity has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.

D. Whenever the date required for any filing in the county clerk's office before five p.m. required by this chapter falls on a legal holiday or a Saturday or Sunday, the filing may be delayed until five p.m. on the next county working day.

F. Penalties.

1. If a contribution or contributions are received without a candidate's knowledge of a violation of this section, the candidate may return the contribution without penalty if the contribution is returned within ten days after the candidate knows of the violation, by way of notification from the county clerk.
2. If any contribution is made in violation of the prohibition on contributions by contractors, any existing county contract with the contractor may be voided, at the discretion of the county executive or council. Any contractor who knowingly makes a contribution or contributions in violation of this provision shall be guilty of a Class B misdemeanor.
3. If any contribution is made in violation of the prohibition on contributions by contractors, the official to whom that contribution is made shall return the contribution. Any elected official who knowingly takes a contribution or contributions which are not returned under subsection (F)(1) of this section is in violation of this provision and may be guilty of a Class B misdemeanor.

2.21.030: County office candidate and officeholder—separate bank account for campaign funds:

- A. 1. Each county office candidate or the candidate's personal campaign committee or officeholder shall deposit each contribution received in one or more separate campaign accounts in a financial institution.
2. The county office candidate or the candidate's personal campaign committee or officeholder may use the monies in those accounts only for political or charitable purposes.
- B. A county office candidate or the candidate's personal campaign committee or officeholder may not deposit or mingle any contributions received into a personal or business account.
- C. If a person who is no longer a county office candidate or officeholder chooses not to expend the monies remaining in his or her campaign account, the person shall continue to file the year-end summary report required by Section 107 until the statement of dissolution and final summary report required by Section 110 are filed with the county clerk.
- D. Campaign account bank statements shall be provided to the county clerk or attorney upon request for verification purposes in the event of an official complaint or discrepancy in reporting.
- E. 1. As used in this Subsection E, "account" means an account in a financial institution:
- a. That is not described in the above Subsections A, B, C or D; and
 - b. Into which or from which a person who, as a candidate for an office, other than a county office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

2. A candidate for county office shall include on any financial reports filed in accordance with this section a contribution deposited in or an expenditure made from an account:

- a. Since the last financial report filed; or
- b. That has not been reported under a statute or ordinance that governs the account.

2.21.040: County office candidate and officeholder—Financial reporting requirements-Post general election summary report:

A. Each county office candidate or officeholder shall file a summary report within 30 days after the general election.

B. 1 Each summary report shall include the following information:

- a. The net balance of the last summary report, if any;
- b. A single figure equal to the total amount of receipts reported on all interim reports, if any;
- c. A single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the election year;
- d. A detailed listing of each contribution received since the last summary report that has not been reported in detail on an interim report;
- e. For each nonmonetary contribution, the fair market value of the contribution;
- f. A detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;
- g. For each nonmonetary expenditure, the fair market value of the expenditure; and
- h. A net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.

2.. For all single contributions of fifty dollars or less, a single aggregate figure may be reported without separate detailed listings.

- a. Two or more contributions from the same source that have an aggregate total of more than fifty dollars may not be reported in the aggregate, but shall be reported separately.

3. In preparing the report, all receipts and expenditures shall be reported as of December 31st of the previous year.

C. 1 As used in this Subsection C, "account" means an account in a financial institution:

- a. That is not described in the above Subsection B; and

b. Into which or from which a person who, as a candidate for an office, other than a county office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

2. Each county office candidate or officeholder with an account shall include on the summary report a contribution deposited in or an expenditure made from an account:

a. Since the last financial report filed; or

b. That has not been reported under a statute or ordinance that governs the account.

D. The summary report shall contain a paragraph signed by an authorized member of the county office candidate's or officeholder's personal campaign committee or by the county office candidate or officeholder certifying that, to the best of the signer's knowledge, all receipts and all expenditures have been reported as of December 31st of previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

2.21.050: County office candidate and officeholder—Financial reporting requirements—Interim report:

A. Each county office candidate or officeholder shall file an interim report before five p.m. for the period ending eight days before the regular general election, the report shall be due seven days before the regular general election date.

B. The interim report shall include the following information:

1. a list of each contribution of more than \$50 received by the candidate, and the name of the donor;

2. an aggregate total of all contributions of \$50 or less received by the candidate; and

3. a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.

C. 1. For all individual contributions of fifty dollars or less, a single aggregate figure may be reported without separate detailed listings.

2. Two or more contributions from the same source that have an aggregate total of more than fifty dollars may not be reported in the aggregate, but shall be reported separately.

D. 1. As used in this Subsection D, "account" means an account in a financial institution:

a. That is not described in the above Subsection B; and

b. Into which or from which a person who, as a candidate for an office, other than a county office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

2. Each county office candidate or officeholder with an account shall include on the interim report a contribution deposited in or an expenditure made from an account that has not been reported under a statute or ordinance that, governs the account.

2.21.060: County office candidate and officeholder—Failure to file reports—Notice by county clerk—Penalties—Limitation of action:

A. Within five days after a deadline for the filing of an interim report and within thirty days after the deadline for filing a summary report, the county clerk shall review each filed report to ensure that:

1. Each county office candidate and officeholder that is required to file an interim report or summary report has filed one; and
2. Each interim report or summary report contains the information required by this part.

B. 1 If a county office candidate fails to timely file an interim report due immediately before the regular general election, the county clerk shall, after making a reasonable attempt to discover if the report was timely mailed, inform the appropriate election officials who:

- a. Shall, if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or
- b. Shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and
- c. May not count any votes for that candidate.

2. Any county office candidate who fails to file timely a financial statement required by this part is disqualified.

3. Notwithstanding subsections (B)(1) and (B)(2), a county office candidate is not disqualified if:

- a. The candidate timely files the reports required by this section;
- b. Those reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
- c. Those omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

C. 1. Upon review of the county clerk, if it appears that any county office candidate or officeholder has failed to file the interim report or the summary report required by law, if it appears that a filed interim report or summary report does not conform to the law, if the report contains obvious material omissions, errors, or inaccuracies, or if the county clerk has received a written complaint alleging a violation of the law or the falsity of any summary report, the county

clerk shall, within five days of discovery of a violation or receipt of a written complaint, notify by registered mail or personal service, the county office candidate or officeholder of the violation or written complaint and direct the county office candidate or officeholder to file an interim report or summary report correcting the problem.

2. It is unlawful for any county office candidate or officeholder to fail to file or amend an interim report or summary report within fourteen days after receiving notice from the county clerk under this section.

a. If a candidate or officeholder's failure to file a report results from inadvertence or neglect the candidate or officeholder is guilty of an infraction.

b. If a candidate or officeholder files a report later than fourteen days after receiving notice from the county clerk or if a candidate or officeholder files a report that includes inadvertent omissions or insignificant errors or inaccuracies, and those errors or inaccuracies are not corrected in the candidate or officeholder's next report, the candidate or officeholder is guilty of an infraction.

c. If a candidate or officeholder knowingly and intentionally violates any reporting requirement by failure to file a report or knowingly and intentionally filing a false report, the candidate or officeholder is guilty of an infraction.

D. If a fourteen-day notice has been given by the clerk, any prosecution shall be initiated within one year after expiration of that notice.

E. The county clerk shall report all violations of subsection (B)(2) to the attorney.

F. No action under subsection (C) can be brought after one year from the expiration of the fourteen day period set forth in subsection (B)(2). In no event shall any action under this subsection be initiated later than four years after the financial statement or statement of organization was due under this chapter.

2.21.070: Blanks for statements prepared and furnished by chief election officer.

The chief election officer shall:

A. Develop and prepare forms for all statements required by this chapter; and

B. Provide copies of the forms to the secretary of every committee, to every candidate, and to all others who request them.

2.21.080: Retention and public inspection of financial statements—Written complaint if statement is false or unlawful.

A. The chief election officer shall:

1. Make each financial statement and statement of organization required by this chapter:

- a. Open to public inspection in the office of the chief election officer; and
 - b. When an internet accessible system has been established by the county clerk, make such documents available for viewing on the Internet at the county clerk's website within seven calendar days after the report is received by the chief election officer, except that the county clerk shall exclude home addresses and other personal information from being viewed on the internet;
 - 2. Preserve those statements for at least five years; and
 - 3. Provide certified copies of the financial statements in the same manner as for other public records.
- B. Any candidate or voter may file a written complaint with the chief election officer alleging that a filed financial statement does not conform to law or to the truth.