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COUNTY EXECUTIVE / SURVEYOR

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**Cache
County**
1857

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

May 9, 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, MAY 13, 2014**

AGENDA

- 5:00 p.m.**
1. **CALL TO ORDER**
 2. **OPENING / PLEDGE** – Greg Merrill
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES** (April 22, 2014)
 5. **REPORT OF COUNTY EXECUTIVE**
 - a. Appointments
 - b. Warrants
 - c. Other Items
 6. **CONSENT AGENDA**
 7. **ITEMS OF SPECIAL INTEREST**
 - a. Update on Landfill – Issa Hamud
 - b. Update on Transit District – Aaron Dickey
 8. **UNIT OR COMMITTEE REPORTS**
 9. **BUDGETARY MATTERS**
 10. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
 - a. **Board of Equalization**
 1. Property Tax Exemption Request
 2. Findings of Fact Reports: IHC Logan Regional Hospital
Sunshine Terrace Foundation, Inc.
Cache Valley Community Health Center
 - b. **Set Public Hearing for May 27, 2014 at 6:00 p.m. – Open 2014 Budget**
 - c. **Public Hearing – Ordinance 2014-06**
Amendments to Title 17.18 – Sensitive Areas
 - d. **Public Hearing – Ordinance 2014-07**
Amendments to Title 17.20 – Telecommunications Facilities
- 5:30 p.m.***
- 5:45 p.m.***
11. **PENDING ACTION**

12. **INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**
 - a. **Resolution 2014 -09 – Approving the Appointments of Representatives to Avon and Hyde Park Cemetery District Boards**
 - b. **Resolution 2014-10 – Approving the Creation of an Agriculture Protection Area**
Michael B. and Pauline E. Falslev
 - c. **Resolution 2014-11 – Consideration for Adoption of a Resolution Approving an Interlocal Agreement with the Cache County Redevelopment Agency to Share Certain Tax Increment Revenues to Support the Cache County Pepperidge Farm Community Development Project Area, Authorizing the Execution and Delivery of said Interlocal Agreement, and Related Matters**
 - d. Property Tax Deferral Requests
 - e. Recommendations of Restaurant / RAPZ Tax Committee
 - f. Amendment to Interlocal Agreement with Weber County – Powder Mountain Development
 - g. Discussion – Tour of Utah
13. **OTHER BUSINESS**
 - a. Black and White Days Parade – Saturday, May 17, 2014 at 5:00 p.m.
 - b. Council Photo – Tuesday, May 27, 2014 at 4:30 p.m.
 - c. 2014 Summer USACCC Conference – Thursday, June 26, 2014 in Utah County
14. **COUNCIL MEMBER REPORTS**
15. **EXECUTIVE SESSION – Utah Code 52-4-205(1)(a) – Discussion of the character, professional competence, or physical or mental health of an individual**
Utah Code 52-4-205(1)(c) – Discussion of Pending Litigation
16. **ADJOURN TO MEETING OF THE CACHE COUNTY REDEVELOPMENT AGENCY**

CACHE COUNTY REDEVELOPMENT AGENCY

Cache County Historic Courthouse, County Council Chambers - 199 North Main Street, Logan, Utah 84321

May 13, 2014

AGENDA

CALL TO ORDER

ACTION ITEMS

1. **Resolution 2014-01 – Approving Interlocal Agreements with Certain Public Entities to Share Tax Increment Revenues to Support the Cache County Pepperidge Farm Community Development Project Area, Authorizing the Execution and Delivery of said Interlocal Agreements; Approving the Publication of a Notice of Interlocal Agreement; Approving a Development Agreement and the Execution and Delivery of the same; and Related Matters**

ADJOURNMENT



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.

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17.18.010 Purpose

The purpose of this chapter is to provide a mechanism for the protection of those areas of Cache County which are determined to be environmentally sensitive or that may pose a potential threat or danger to development. This chapter is intended to:

- A.** Protect the general health, welfare, and safety of the citizens of Cache County.
- B.** Minimize public and private property damage and emergency tax assistance.
- C.** Provide an awareness of, and mitigation strategies for, development within sensitive areas.
- D.** Provide a mechanism to determine developable acreage for development within Cache County.

17.18.020: Definitions

All terms in this chapter are defined within §17.07, "Definitions", of this title. Any other terms not defined in this title shall be interpreted as defined by State and/or Federal Code or Rule.

17.18.030 Review Process

The sensitive area review process consists of three primary steps and consideration of reasonable use:

- A. Sensitive Area Determination:** The Development Services Department shall provide mapping and an initial determination of the approximate location of known sensitive areas. These maps will provide the most current and accurate data accessible to the county, and may be updated as new or more accurate data becomes available. The initial determination may require the applicant to pursue further site specific analysis or study to confirm the location of sensitive areas as defined within this Chapter. In some cases, hazards may not be mapped but may be present on a site and such cases shall be required to meet the requirements of this Title.
- B. Sensitive Area Analysis:** A Sensitive Area Analysis shall be submitted with any application for development on property containing sensitive areas and shall include an analysis, determination, and a development plan including proposed mitigation.
- C. Suitability Determination:** The county shall review the Sensitive Area Analysis and shall report their findings to the applicant and land use authority. In addition:
 - 1.** The applicant must identify significant, adverse impacts on sensitive areas and include appropriate mitigation measures for noted impacts.
 - 2.** The land use authority, prior to hearing any application for a development proposed to be located wholly or partially, within any sensitive area as identified by this Chapter, shall provide notice and opportunity for comments and recommendations from state and federal agencies with additional oversight including but not limited to, the Utah Division of Wildlife Resources, (DWR), Utah Department of Environmental (DEQ), United States

Forest Service (USFS), Bureau of Land Management (BLM), US Army Corps of Engineers, etc., and as applicable.

- D. Hardship Relief:** If the applicant demonstrates that the regulations imposed by this ordinance would deny all reasonable use of the subject property, the County Council, following the receipt of a recommendation from the Planning Commission, may modify the exercise of these requirements to provide the applicant reasonable use of the property and may provide a modified determination of development potential. The County Council shall not modify regulations imposed by State and/or Federal Law and/or Rule.

17.18.040 Sensitive Areas Analysis

A Sensitive Areas Analysis shall be submitted with any application for development on property containing known sensitive areas and/or sensitive areas discovered in the process of development, and shall include an analysis, determination, and a development plan including proposed mitigation as identified below. Mapping that reflects the known sensitive areas is available in the Development Services Department.

- A. Analysis and Determination:** The Sensitive Areas Analysis shall provide an analysis and professional determination for each sensitive area.
- 1. Non-Developable**
 - a. Wetlands:** As determined necessary by the county, an approved jurisdictional wetland delineation report and concurrence report from the United States Army Corps of Engineers shall be required as part of the wetland analysis.
 - b. Steep Slopes:** A topographic map depicting the contours of all steep and moderate slopes at an interval of five feet or as determined by the Director.
 - c. Natural Waterways and Open Water:** A map depicting all stream corridors as defined by their high water marks.
 - 2. Potentially Developable Areas**
 - a. Moderate Slopes:** Development may be permitted upon county review and approval of a geotechnical report. The analysis should also include:
 - i.** The location and description of existing natural and man-made features on and surrounding the site, including general topography and soil characteristics and a copy of the Soil Conservation Service soil survey for the site.
 - ii.** The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.
 - iii.** The identification of measures proposed for soil and sediment control, including a schedule of the sequence for the installation of planned erosion and sediment control measures, including anticipated starting and completion dates.
 - iv.** Plans for the proposed vegetation of all disturbed site areas.
 - b. Ridgelines:** A map depicting the crest and 100 foot vertical buffer of any significant ridge lines or hill tops within the parcel boundary. Development within this area may be permitted upon county review and approval in keeping with the purpose and standards of this chapter.
 - c. Floodplain, Floodway, and/or areas impacted by Manmade Water Conveyance Systems:** A hydrological report including information on groundwater levels, natural

and manmade drainage channels and systems (canals), and/or base floodplain elevations.

- d. Important Habitat Areas: A Habitat Management Plan prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant disciplines, that identifies the areas inhabited and/or frequently used by any federally listed flora and/or wildlife species (threatened and/or endangered) and includes the following:
 - i. The ecological and wildlife use characterization of the property explaining the species of wildlife using the areas, the times or seasons the area is used by those species, and the value (e.g. feeding, watering, cover, nesting, roosting, or perching) that the area provides for such wildlife species.
 - ii. Wildlife movement corridors.
 - iii. The general ecological functions provided by the site and its features.
 - iv. An analysis of how proposed development activities impact the Important Habitat Areas and associated species.
- e. Geologic Hazards: A geotechnical report in compliance with 17.18.060.
- f. Wildfire Hazards: A fire protection report that identifies potential fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability and compliance with the Utah Wildland Interface Code (See §15.08 of the County Code).
- g. Historic, Prehistoric, and Cultural Resources: Identify any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the State of Utah. This includes properties eligible for the National Register of Historic Places.
- h. Additional information including input from any of the State of Utah agencies shall be required as determined by the county land use authority.

17.18.050 Standards and Development Plan: These standards are provided to ensure that any development proposed wholly, or in part, within a sensitive area recognizes the physical and environmental constraints of the development site. These standards shall supplement, and are in addition to, other development standards provided by County Code, State, and/or Federal Code or Rule. At the time of application, provide a Development Plan for the property that addresses and includes the following.

- A. Non-Developable: As applicable, provide a description of all impacts and mitigation regarding development activities that will or are likely to impact any non-developable areas on the property.
 - 1. Wetlands: No building, structure, construction, excavation, or land filling shall occur on any area determined to be a jurisdictional wetland without the approval and necessary wetlands permit(s), as required by the U.S. Army Corps of Engineers. Where potential wetlands exist, wetland delineation may be required.
 - 2. Steep Slopes: No building, structure, construction, excavation, or land filling shall occur on any area determined to be a steep slope.
 - 3. Natural waterways and open water: All proposed development adjacent to year round or ephemeral natural waterways or open water, shall be subject to the following, but excluding bridges, boat ramps, culverts, dams, trestles, and similar structures:
 - a. A minimum setback of fifty (50) feet for all structures and one hundred (100) feet for all on-site septic systems shall be required. Said setbacks may be increased or

reduced, if necessary, as determined by the Planning Commission to reasonably address the possibility of any stream or water pollution.

- b.** Any work within 30 feet of the top of bank shall obtain a state or federal approval and/or permit.
- c.** The ordinary high water mark as determined by Cache County shall be the point of reference as to the edge of the waterway.
- d.** The introduction of concentrated sources of pollution into the waterways is prohibited including, but not limited to, septic tanks, untreated sewage, commercial and residential garbage, manure, dead animals, waste, and other hazardous materials.

B. Potentially Developable

- 1. Moderate Slopes:** Any development proposed for areas identified as a moderate slope shall require a geotechnical report as defined by this chapter.
- 2. Ridgelines:** No structure, accessory structure, satellite dish, deck, patio or removal of significant vegetation shall occur in the ridgeline setback, except as provided below:
 - a.** If any portion of a legal existing parcel of record falls within the ridgeline setback, any development on that parcel shall make every effort to place all development on the most suitable portion of the lot taking into consideration the standards of this title.
 - b.** All disturbance and development shall stay out of the ridgeline setback to the maximum extent possible. If, due to the location, size and configuration of the parcel, that is not possible, the land use authority may approve an exception in keeping with the purpose and standards of this chapter.
- 3. Floodplain, Floodway, and/or Manmade Water Conveyance Systems:** See §15.28 of the County Code. Areas that are shown to have the potential for flooding originating from a manmade water conveyance system (canal) shall follow the standards identified in §15.28.540 for AO/AH Zones.
- 4. Important Habitat Areas:** Strategies that preserve important habitat and prevent fragmentation are encouraged. When new development is proposed within important habitat areas, mitigation methods shall be designed and implemented, including, but not limited to, those listed below.
 - a.** Construction shall be organized and timed to minimize disturbance of federally listed species occupying or using on-site and adjacent habitat areas.
 - b.** If the development site contains or is within five hundred feet (500') of a habitat area, and the Sensitive Areas Analysis shows the existence of a federally listed species, the Development Plan shall include provisions to ensure that any habitat contained in any such area shall not be disturbed or diminished, and to the maximum extent feasible, such habitat shall be enhanced.
 - c.** If the development site contains existing habitat areas that connect to other off-site habitat areas, to the maximum extent feasible the development plan shall preserve such habitat area connections. If habitat areas lie adjacent to the development site, but such habitat areas are not presently connected across the development site, then the development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between habitat areas and to enhance the opportunity for the establishment of new connections for movement of wildlife.
 - d.** If federally listed wildlife or flora that may create conflicts for future occupants of the development is known to exist in areas adjacent to or on the development site, then

- the Development Plan must include provisions to minimize these conflicts to the extent reasonably feasible.
- e. Facilitate wildlife movement across areas dominated by human activities by:
 - i. Maintaining connectivity between open space parcels on adjacent and near-by parcels and subdivisions such that the result will be a larger contiguous area of open space;
 - ii. Locating roads and development away from natural travel corridors used by wildlife, such as riparian areas;
 - iii. Minimizing fencing types that inhibit wildlife movement where appropriate;
 - iv. Minimizing the visual contrast between human-dominated areas, including individual lots, and less disturbed terrain in surrounding areas, for example, by retaining or planting native vegetation and trees around a house or accessory building and maintaining consistent grading between developed and habitat areas.
 - f. Mimic features of the local natural landscape in developed areas by:
 - i. Retaining pre-development, high quality habitat, including large patches of natural, vegetated areas that have not yet been fragmented by roads or residential development;
 - ii. Minimizing levels of disturbance to trees, the under-story vegetation, and other structural landscape features during construction;
 - iii. Designing house lots in a fashion consistent with local natural habitats, for example, by preserving and landscaping with natural, native vegetation.
 - iv. Reclaiming disturbed areas, such as degraded landscapes, roadsides, and other infrastructure disturbances by using seed and other selective plantings.
5. Geologic hazards: For those areas determined by review to contain geologically unstable conditions, development may be permitted by the county upon the review and approval of a geotechnical report identifying the following:
- a. The accurate location of all geologic hazards including, but not limited to, faults, landslides, steep slopes, unstable soils, etc.
 - b. The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.
 - c. The identification of measures and actions proposed to mitigate the risks from earthquake, landslides, and soil disturbance including a schedule of the sequence for the installation of planned mitigation actions, including anticipated starting and completion dates.
 - d. No critical facility (excluding transportation lines or utilities which by their nature may cross active faults or structures) designed for human occupancy shall be built astride a geologic hazard. The Planning Commission may increase building setback requirements where information from a geotechnical report indicates conditions warrant a greater setback distance.
6. Wildfire hazards: As applicable, provide a description of all impacts and mitigation regarding development activities that will or are likely to impact and/or be impacted by wildfire hazards on the property. Measures to mitigate wildfire hazards and risks may be required based on the recommendation and review of the Cache County Fire District.

7. **Historic, Prehistoric, and Cultural Resources:** Any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the State of Utah shall require the review of, and comment from, the State Historic Preservation Office (SHPO). This includes properties eligible for the National Register of Historic Places.

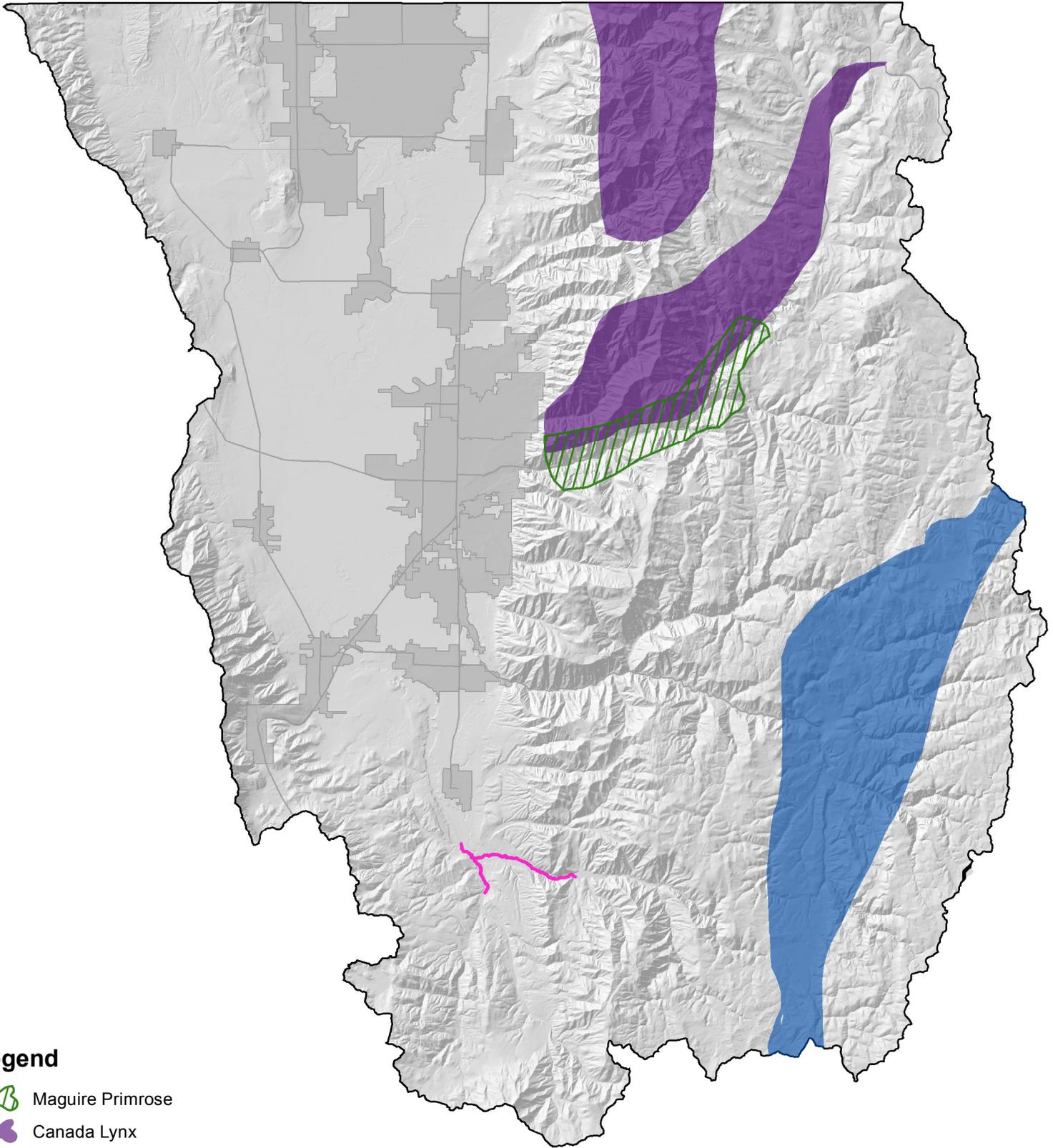
17.18.060 Geotechnical Report Minimum Standards

When a geotechnical report is required, the county shall review each report against the minimum standards as noted below. The county and this ordinance may also identify and include additional requirements depending upon site specific conditions and hazards.

- A. A geotechnical report shall be prepared by a qualified professional. The report shall be signed and dated by the preparer and shall also include the qualifications of the preparer.
- B. The report shall be site specific and identify all known or suspected potential geotechnical or natural hazards, originating on-site or off-site, affecting the particular property.
- C. The report shall include a detailed site map showing the location of the hazard(s) with delineation of the recommended setback distances from such hazards(s) and the recommended location for proposed structures.
- D. The report shall address the potential effects of the hazard(s) on the proposed development and occupants thereof, in terms of risk and potential damage.
- E. The report shall contain recommendations for avoidance or mitigation of the effects of the hazard(s). The evidence on which the recommendations and conclusions are based shall be clearly stated in the report. Trench logs, aerial photographs, references with citations, and other supporting information as applicable, shall also be included in the report.
- F. Whenever a potential natural hazard is identified by a geotechnical report under this chapter, the owner of such parcel shall record a restrictive covenant running with the land in a form satisfactory to the county prior to the approval of any development or subdivision of such parcel which shall include the following:
 1. Notice of the existence and availability of the geotechnical report that identifies the natural hazards for public inspection in the Development Services Department, and;
 2. An agreement by the owner of the parcel and any successor in interest to comply with any conditions set by the Planning Commission to minimize potential adverse effects of the natural hazard(s).

Important Habitat Areas

This map reflects the known habitat areas of federally listed species in the unincorporated county



Legend

-  Maguire Primrose
-  Canada Lynx
-  Greater Sage Grouse
-  Yellow-billed Cuckoo
-  Highways
-  Municipal Boundary
-  Cache County Boundary

Data for Cache County provided by:
Utah Division of Wildlife Resources (DWR)
National Wetlands Inventory (NWI)

Definitions to be added and/or amended to 17.07.040 with Sensitive Areas amendments:

SENSITIVE AREA:

- A. Non-Developable: The following sensitive areas shall not be considered developable. Any acreage encumbered by said areas shall not be considered when calculating development density and no development shall occur therein except for required public utilities and/or facilities.
1. Wetlands: As defined by the U.S. Army Corps of Engineers.
 2. Steep slopes: The rise or fall of the land is equal to or exceeds thirty (30) percent over a horizontal distance of twenty (20) feet or greater.
 3. Natural waterways: As defined by this title.
- B. Potentially Developable: The following areas are determined to be sensitive areas of Cache County and are subject to the requirements of this Chapter. Development may occur in these areas in compliance with this section and any other applicable County, State, and/or Federal requirements.
1. Moderate Slopes: The rise or fall of the land is equal to or exceeds twenty (20) percent over a horizontal distance of twenty (20) feet or greater and is less than thirty (30) percent.
 2. Ridgelines: 100 vertical feet on either side of the crest of a significant ridge line or hill top.
 3. Floodplain and/or Floodway: As identified and defined by Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), and areas of shallow ground water susceptibility as identified by the Utah Geological Survey (UGS).
 4. Important Habitat Areas: As identified in the Important Habitat Areas map.
 5. Geologic Hazards: Major geographic and geologic features, the depth of bedrock, structural features, folds, fractures, etc., and potential slide and other high hazard areas such as mine shafts and avalanche paths.
 6. Wildfire Hazards: Areas of the county designated as Wildland-Urban Interface.
 7. Historic, Prehistoric, and Cultural Resources: Any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the State of Utah. This includes properties eligible for the National Register of Historic Places.

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

WATERWAY, NATURAL: Those areas varying in width along and including, but not limited to, rivers, lakes, ponds, streams, creeks, gullies, springs, faults or washes which are natural drainage channels as determined by the zoning administrator Director of Development Services.

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17.18.10 17.18.010 Purpose

The purpose of this chapter is to provide a mechanism for the protection of those areas of Cache County which are determined to be environmentally sensitive or that may pose a potential threat or danger to development. This chapter is intended to:

- A. Protect the general health, welfare, and safety of the citizens of Cache County.
- B. Minimize public and private property damage and emergency tax assistance.
- C. Provide ~~for~~ an awareness of, and mitigation strategies for, development within sensitive areas.
- D. Provide a mechanism ~~with which~~ to determine developable acreage for development within Cache County.

17.18.020: Definitions

All terms in this chapter are defined within §17.07, "Definitions", of this title. Any other terms not defined in this title shall be interpreted as defined by State and/or Federal Code or Rule.

17.18.030 Review Process

The sensitive area review process consists of three primary steps and consideration of reasonable use:

- A. Sensitive Area Determination: The Development Services Department shall provide mapping and an initial determination of the approximate location of known sensitive areas. These maps will provide the most current and accurate data accessible to the county, and may be updated as new or more accurate data becomes available. The initial determination may require the applicant to pursue further site specific analysis or study to confirm the location of sensitive areas as defined within this Chapter. In some cases, hazards may not be mapped but may be present on a site and such cases shall be required to meet the requirements of this Title.
- B. Sensitive Area Analysis: A Sensitive Area Analysis shall be submitted with any application for development on property containing sensitive areas and shall include an analysis, determination, and a development plan including proposed mitigation.
- C. Suitability Determination: The county shall review the Sensitive Area Analysis and shall report their findings to the applicant and land use authority. In addition:

1. The applicant must identify significant, adverse impacts on sensitive areas and include appropriate mitigation measures for noted impacts.
2. The land use authority, prior to hearing any application for a development proposed to be located wholly or partially, within any sensitive area as identified by this Chapter, shall provide notice and opportunity for comments and recommendations from state and federal agencies with additional oversight including but not limited to, the Utah Division of Wildlife Resources, (DWR), Utah Department of Environmental (DEQ), United States Forest Service (USFS), Bureau of Land Management (BLM), US Army Corps of Engineers, etc., and as applicable.

D. Hardship Relief: If the applicant demonstrates that the regulations imposed by this ordinance would deny all reasonable use of the subject property, the County Council, following the receipt of a recommendation from the Planning Commission, may modify the exercise of these requirements to provide the applicant reasonable use of the property and may provide a modified determination of development potential. The County Council shall not modify regulations imposed by State and/or Federal Law and/or Rule.

17.18.020 Non-Developable Sensitive Areas Defined

~~The following areas are non-developable. None of the acreage encumbered by any of the following sensitive areas may be considered for development density, and none of the areas may be built upon or within except for required public utility and facilities. Any acreage encumbered by the following sensitive areas may be appealed to the Cache County Council, and a determination of their development potential may be made.~~

- ~~1. Jurisdictional Wetlands: As defined by the U.S. Army Corps of Engineers.~~
- ~~2. Steep Slopes: Where the rise or fall of the land is equal to or exceeds thirty (30) percent over a horizontal distance of twenty (20) feet or greater.~~

~~Natural waterways or open waterPotentially Developable Sensitive Areas Defined The following areas are determined to be sensitive areas of Cache County and are subject to the requirements of this Chapter. These areas may be built upon based on the requirements of this section and other applicable County, State, and Federal requirements.All acreage encumbered by any of the following sensitive areas may be considered for development density at the discretion of the Cache County Council. Additional requirements within these areas are addressed within 17.18.070 Supplementary Development Standards.~~

- ~~1. Steep Slopes: Where the rise or fall of the land is equal to or exceeds twenty (20) percent over a horizontal distance of twenty (20) feet or greater.~~
- ~~2. Floodplains: As identified and defined by Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM).~~
- ~~**D. Crucial Wildlife Habitat:** As identified by the State Division of Wildlife Resources (DWR).~~
- ~~**E. Geologic Hazards:** Earthquake fault lines, or areas prone to debris flows, landslides, high or extreme liquefaction potential, and rock falls as identified by the U.S. Geological Survey (USGS).~~
- ~~**F. Wildfire Hazards:** Areas of the county designated as having moderate to extreme potential for wildfires hazards as identified by the Bureau of Land Management (BLM).~~
- ~~1. Historic, Prehistoric, and Cultural Resources:~~

17.18.040 Sensitive Areas Analysis

A Sensitive Areas Analysis shall be submitted with any application for development on property containing known sensitive areas and/or sensitive areas discovered in the process of development, and shall include an analysis, determination, and a development plan including proposed mitigation as identified below. Mapping that reflects the known sensitive areas is available in the Development Services Department.

A. Analysis and Determination: The Sensitive Areas Analysis shall provide an analysis and professional determination for each sensitive area, below:

1. Non-Developable

- a. Wetlands: As determined necessary by the county, an approved jurisdictional wetland delineation report and concurrence report from the United States Army Corps of Engineers shall be required as part of the wetland analysis.
- b. Steep Slopes: A topographic map depicting the contours of all steep and moderate slopes at an interval of five feet or as determined by the Director.
- c. Natural Waterways and Open Water: A map depicting all stream corridors as defined by their high water marks.

2. Potentially Developable Areas

- a. Moderate Slopes: Development may be permitted upon county review and approval of a geotechnical report. The analysis should also include:
 - i. The location and description of existing natural and man-made features on and surrounding the site, including general topography and soil characteristics and a copy of the Soil Conservation Service soil survey for the site.
 - ii. The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.
 - iii. The identification of measures proposed for soil and sediment control, including a schedule of the sequence for the installation of planned erosion and sediment control measures, including anticipated starting and completion dates.
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- b. Ridgelines: A map depicting the crest and 100 foot vertical buffer of any significant ridge lines or hill tops within the parcel boundary. Development within this area may be permitted upon county review and approval in keeping with the purpose and standards of this chapter.
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- ii. Wildlife movement corridors.
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- h. Additional information including input from any of the State of Utah agencies shall be required as determined by the county land use authority.

17.18.050 Standards and Development Plan: These standards are provided to ensure that any development proposed wholly, or in part, within a sensitive area recognizes the physical and environmental constraints of the development site. These standards shall supplement, and are in addition to, other development standards provided by County Code, State, and/or Federal Code or Rule. At the time of application, provide a Development Plan for the property that addresses and includes the following.

- A. Non-Developable: As applicable, provide a description of all impacts and mitigation regarding development activities that will or are likely to impact any non-developable areas on the property.
 - 1. Wetlands: No building, structure, construction, excavation, or land filling shall occur on any area determined to be a jurisdictional wetland without the approval and necessary wetlands permit(s), as required by the U.S. Army Corps of Engineers. Where potential wetlands exist, wetland delineation may be required.
 - 2. Steep Slopes: No building, structure, construction, excavation, or land filling shall occur on any area determined to be a steep slope.
 - 3. Natural waterways and open water: All proposed development adjacent to year round or ephemeral natural waterways or open water, shall be subject to the following, but excluding bridges, boat ramps, culverts, dams, trestles, and similar structures:
 - a. A minimum setback of fifty (50) feet for all structures and one hundred (100) feet for all on-site septic systems shall be required. Said setbacks may be increased or reduced, if necessary, as determined by the Planning Commission to reasonably address the possibility of any stream or water pollution.
 - b. Any work within 30 feet of the top of bank shall obtain a state or federal approval and/or permit.
 - c. The ordinary high water mark as determined by Cache County shall be the point of reference as to the edge of the waterway.
 - d. The introduction of concentrated sources of pollution into the waterways is prohibited including, but not limited to, septic tanks, untreated sewage, commercial and residential garbage, manure, dead animals, waste, and other hazardous materials.
- B. Potentially Developable

1. Moderate Slopes: Any development proposed for areas identified as a moderate slope shall require a geotechnical report as defined by this chapter.
2. Ridgelines: No structure, accessory structure, satellite dish, deck, patio or removal of significant vegetation shall occur in the ridgeline setback, except as provided below:
 - a. If any portion of a legal existing parcel of record falls within the ridgeline setback, any development on that parcel shall make every effort to place all development on the most suitable portion of the lot taking into consideration the standards of this title.
 - b. All disturbance and development shall stay out of the ridgeline setback to the maximum extent possible. If, due to the location, size and configuration of the parcel, that is not possible, the land use authority may approve an exception in keeping with the purpose and standards of this chapter.
3. Floodplain, Floodway, and/or Manmade Water Conveyance Systems: See §15.28 of the County Code. Areas that are shown to have the potential for flooding originating from a manmade water conveyance system (canal) shall follow the standards identified in §15.28.540 for AO/AH Zones.–
4. Important Habitat Areas: Strategies that preserve important habitat and prevent fragmentation are encouraged. When new development is proposed within important habitat areas, mitigation methods shall be designed and implemented, including, but not limited to, those listed below.
 - a. Construction shall be organized and timed to minimize disturbance of federally listed species occupying or using on-site and adjacent habitat areas.
 - b. If the development site contains or is within five hundred feet (500') of a habitat area, and the Sensitive Areas Analysis shows the existence of a federally listed species, the Development Plan shall include provisions to ensure that any habitat contained in any such area shall not be disturbed or diminished, and to the maximum extent feasible, such habitat shall be enhanced.
 - c. If the development site contains existing habitat areas that connect to other off-site habitat areas, to the maximum extent feasible the development plan shall preserve such habitat area connections. If habitat areas lie adjacent to the development site, but such habitat areas are not presently connected across the development site, then the development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between habitat areas and to enhance the opportunity for the establishment of new connections for movement of wildlife.
 - d. If federally listed wildlife or flora that may create conflicts for future occupants of the development is known to exist in areas adjacent to or on the development site, then the Development Plan must include provisions to minimize these conflicts to the extent reasonably feasible.
 - e. Facilitate wildlife movement across areas dominated by human activities by:
 - i. Maintaining connectivity between open space parcels on adjacent and near-by parcels and subdivisions such that the result will be a larger contiguous area of open space;
 - ii. Locating roads and development away from natural travel corridors used by wildlife, such as riparian areas;
 - iii. Minimizing fencing types that inhibit wildlife movement where appropriate;

~~A map indicating the approximate location of indentified sensitive lands shall be available at the County's Development Services Office. The sensitive lands map will provide the best available data, and may be updated as new or more accurate data becomes available. All mapped data is reference material only, and may require site specific analysis or study to confirm the location of sensitive lands as defined within Title 17. In some cases, hazards may be present on a site without having been mapped and shall be required to meet the requirements of this Title.~~

~~A. Cache County automatically adopts all FEMA effective Flood Insurance Studies and all effective FEMA Flood Insurance Rate Maps.~~

~~17.18.050 All development(s) to be Considered a Conditional Use in Sensitive Areas~~

~~Because of the environmental conditions existing in sensitive areas, all developments proposed within an area determined to be a sensitive area 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 this Title.~~

~~17.18.060 Review of Proposed Development in Sensitive Areas~~

~~The Land Use Authority, prior to hearing any application for a development proposed to be located wholly or partially, within any sensitive area as identified by this Chapter, shall provide notice and opportunity for comments and recommendations from the reviewing agencies, as applicable.~~

~~17.18.070 Supplementary Development Standards~~

~~1. These standards are provided to ensure that any development proposed wholly, or in part, within a sensitive area recognizes the physical and environmental constraints of the development site. These standards shall supplement, and are in addition to, other development standards provided by this Title., maps issued by Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) CECS for the review and approval of Manager~~

~~A. Steep Slopes—Development may be permitted by the County upon the review and approval of an engineering geotechnical report:~~

- ~~i. The location and description of existing natural and man-made features on and surrounding the site, including general topography and soil characteristics and a copy of the Soil Conservation Service soil survey for the site.~~
- ~~ii. The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.~~
- ~~iii. The identification of measures proposed for soil and sediment control, including a schedule of the sequence for the installation of planned erosion and sediment control measures, including anticipated starting and completion dates.~~
- ~~iv. Plans for the proposed vegetation of all disturbed site areas.~~

~~B. Jurisdictional Wetlands—No building, structure, construction, excavation or land filling shall occur on any area determined to be a jurisdictional wetland without the approval and necessary wetlands permit(s), as required by the U.S. Army Corps of Engineers. Where potential wetlands exist, a wetlands delineation may be required.~~

C. ~~Mapped Floodplain~~

- ~~1. All buildings, structures, construction, excavation or land filling proposed within a mapped floodplain, as identified on the latest maps issued by Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) or located within the County's one hundred (100) foot buffer zone from a designated floodplain shall provide an Elevation Certificate from a State Certified Surveyor and be approved by the County Floodplain Manager.~~
- ~~2. Methods of reducing flood losses.~~
 - ~~a. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which may result in increased erosion or in flood heights or velocities;~~
 - ~~b. Require the uses vulnerable to floods, including facilities which serve such uses, to be protected against flood damage at the time of initial construction;~~
 - ~~c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel flood waters;~~
 - ~~d. Control filling, grading, dredging, and other development which may increase flood damage; and~~
 - ~~e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.~~

D. ~~Natural Waterways and Open Water~~—All proposed development adjacent to a natural waterway or open water, shall be subject to the following, but excluding bridges, boat ramps, culverts, dams, trestles, and similar structures:

- ~~1. A minimum setback of fifty (50) feet for all structures and one hundred (100) feet for all on-site septic systems shall be required. Additional setback may be required, if necessary, as determined by the Planning Commission to avoid the possibility of any stream or water pollution.~~
- ~~2. The stripping of any vegetation area is prohibited within the fifty (50) foot setback.~~
- ~~3. The mean high water mark shall be the point of reference as to the edge of the waterway.~~
- ~~4. The introduction of concentrated sources of pollution into the waterways is prohibited including, but not limited to, septic tanks, untreated sewage, commercial and residential garbage, manure, dead animals, waste, and other hazardous materials.~~

E. ~~Crucial Wildlife Habitat~~—The Utah Division of Wildlife shall be provided noticed of any development, (building, structure, construction, excavation, or land filling) that occurs on any area determined to be crucial wildlife habitat. The County will accept review and/or comment within 21 days of said notice.

F. ~~Earthquake Fault Areas and Areas Prone to Landslide~~—For those areas identified as an active or potential mapped earthquake fault and landslide areas, or areas determined by review to contain geologically unstable conditions, development may be permitted by the County upon the review and approval of an engineering geotechnical report identifying the following:

- ~~a. Accurately identifying the location of earthquake faults and landslide areas.~~
- ~~b. The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.~~
- ~~c. The identification of measures and actions proposed to mitigate the risks from earthquake, landslides, and soil disturbance including a schedule of the sequence for the~~

~~installation of planned mitigation actions, including anticipated starting and completion dates.~~

- ~~d. No critical facility (excluding transportation lines or utilities which by their nature may cross active faults or structures) designed for human occupancy shall be built astride an active fault. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks from a fault scarp shall meet the requirements of the International Uniform Building Code. The Planning Commission may increase footing setback requirements where information from a geotechnical report indicates a slope condition warrant a greater setback distance.~~

~~G. Wildfire Hazards~~

- ~~2. Development shall provide for ready access to fire and other emergency equipment and for routes of escape to safely handle evacuations.~~
- ~~3. Measures to mitigate wildfire hazards and risks may be required based on the recommendation and review of the Cache County Fire District.~~

17.18.080060 — ~~Engineering Geotechnical Report~~ Minimum Standards

When a geotechnical report is required, the county shall review each report against the minimum standards as noted below. The county and this ordinance may also identify and include additional requirements depending upon site specific conditions and hazards.

- A. ~~An engineering~~ geotechnical report shall be prepared by a ~~licensed geotechnical engineer or licensed geologist~~ qualified professional. The report shall be signed and dated by the preparer and shall also include the qualifications of the preparer.
- B. The report shall be site specific and identify all known or suspected potential geotechnical or natural hazards, originating on-site or off-site, affecting the particular property.
- C. The report shall include a detailed site map showing the location of the hazard(s) with delineation of the recommended setback distances from such hazards(s) and the recommended location for proposed structures.
- D. The report shall address the potential effects of the hazard(s) on the proposed development and occupants; thereof, in terms of risk and potential damage.
- E. The report shall contain recommendations for avoidance or mitigation of the effects of the hazard(s). The evidence on which the recommendations and conclusions are based shall be clearly stated in the report. Trench logs, aerial photographs, references with citations, and other supporting information as applicable, shall also be included in the report.

~~— All Engineering Geotechnical Reports submitted to the County shall be reviewed by the Utah Geological Survey for completeness, accuracy, and appropriate recommendations.~~

~~17.18.090 Disclosure of a Natural Hazard by an Engineering Geotechnical Report.~~

F. Whenever a potential natural hazard is identified by a ~~required~~ geotechnical report under this ~~c~~Chapter, the owner of such parcel shall record a restrictive covenant running with the land in a form satisfactory to the ~~c~~County prior to the approval of any development or subdivision of such parcel which shall include the following:

1. Notice of the existence and availability of the ~~engineering~~ geotechnical report that identifies the natural hazards for public inspection in the ~~County Zoning Office~~ Development Services Department; and;
2. An agreement by the owner of the parcel and any successor in interest to comply with any conditions set by the ~~County~~ Planning Commission to minimize potential adverse

effects of the natural hazard(s).

~~17.18.100 Areas of Potential Sand and Gravel Deposits~~

~~A. Areas containing potential sand and gravel deposits have been identified and mapping is available when reviewing mineral extraction requests.~~

~~(e)~~

DRAFT

Title 17.18 Sensitive Areas: Initial Discussion with Planning Commission

Existing Purpose:

The purpose of this chapter is to provide a mechanism for the protection of those areas of Cache County which are determined to be environmentally sensitive or that may pose a potential threat or danger to development. This chapter is intended to:

- A. Protect the general health, welfare, and safety of the citizens of Cache County.
- B. Minimize public and private property damage and emergency tax assistance.
- C. Provide for an awareness of sensitive areas.
- D. Provide a mechanism with which to determine developable acreage for development within Cache County.

Sensitive Areas currently include:

- **Non-Developable** - encumbered acreage not counted as developable acreage*:
 - Jurisdictional wetlands – as defined by US Army Corps
 - Steep slopes – A slope equal to or greater than 30%
 - Natural waterways or open water – top of bank to top of bank
 - *Possibility of exception/reconsideration of developable acreage by appealing to Council
- **Potentially Developable:**
 - Steep slopes - A slope equal to or greater than 20% but less than 30%
 - Floodplain – As identified by the FEMA FIRM maps
 - Crucial wildlife habitat – As identified by the DWR
 - Geologic hazards – Earthquake fault lines, areas prone to debris flows, landslides, high or extreme liquefaction potential, and rock falls as identified by the USGS
 - Wildfire hazards – Areas with moderate to extreme wildfire potential as identified by the BLM

Driving principles/consideration in considering amendments: Health, safety, and welfare

Issues:

- Crucial wildlife habitat includes the entire county
- The entire county qualifies as a sensitive area. Any development in a sensitive area is considered a conditional use and must follow that process
- Levels related to geologic sensitivity and hazard identified in the ordinance as extreme, high, etc. do not match existing mapping – update is required
- How do we want to handle sensitive areas that are “fuzzy”?

Considerations:

Review applicability/function of Crucial Wildlife Habitat component:

- Is there a more detailed habitat layer that can be used?
- Focus on threatened and endangered species only?
- Focus on state and/or federally recognized sensitive, specially valued, threatened, endangered etc. species?
- Require a wildlife/habitat report?
- Require a development plan (combination of letter of intent, site plan, and new construction details for CUPs and subdivisions)?

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- Improve detail of wildlife component, i.e., corridors, nesting, feeding, watering, etc.?
- How to prevent fragmentation, impairment, alteration, etc.?
- Mitigation strategies?
- What is the best way to tie all of this to the ground?

Endangered and threatened plant species as a sensitive area?

Watersheds as a sensitive area?

Shallow water table as a sensitive area?

Scenic corridors, ridgelines, and viewsheds as a sensitive area?

Prehistoric, historic, and cultural resources as a sensitive area?

Review and update geotechnical report requirements

General clean up - emphasize process, consistency of terms, and clarity throughout

Update all sections of code to reflect revisions

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17.20.010: Purpose

- A. To assure a comprehensive review of impacts of such facilities, and to protect the health, safety and welfare of the county’s citizens while attempting to ensure access to reliable wireless communications services throughout the county.
- B. To ensure the placement, construction and modification of telecommunication facilities is consistent with the county’s land use policies.
- C. To minimize the impact of wireless telecommunication facilities, to encourage the co-location of wireless telecommunication facilities on existing structures, and to establish a fair and efficient process for review and approval of applications.

17.20.020: Definitions

All uses and structures specified in this chapter are defined within §17.07, "Definitions", of this title. Any other uses or structures not defined in this title shall be interpreted as defined by State and/or Federal Code or Rule.

17.20.030: Approval Authority

The authority responsible for the review and/or approval and the permits required for telecommunication facilities is as follows:

- A. Major Modification - Conditional Use Permit
Requests for major modifications to legal, existing, conforming and nonconforming or new telecommunication facilities must obtain a conditional use permit in accordance with the standards set forth in this chapter and §17.06 of this title. Such modifications shall be considered as follows:
 - 1. Improvements to existing Telecommunication Facilities or Support Structures that result in some material change to the Facility or Support Structure. Major Modifications include, but are not limited to:
 - a. An increase in Support Structure height.
 - b. Replacement of a Support Structure, except as provided in §17.20.030 [B][1]unless it is of like height and placement.
 - c. A new Telecommunication Facility with Support Structure(s) and any accessory equipment and/or structures.
- B. Minor Modification - Administrative Zoning Clearance
Requests for minor modifications to legal, existing, conforming telecommunication facilities shall require the review and approval of the Director of Development Services in accordance with the standards set forth in this chapter. Such modifications shall be considered as follows:
 - 1. Improvements to existing Telecommunication Facilities or Support Structures that result in some material change to the facility or Support Structure but of a level, quality or

intensity that is less than a major modification. Minor Modifications include, but are not limited to:

- a. The co-location of antennas and/or dishes.
- b. The placement of equipment and/or structures that are accessory to an existing Telecommunication Facility, such as utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports.
- c. The replacement of an existing Support Structure with a new or modified Support Structure at a height that is equal to or less than the existing structure and in a similar location.

C. Exempt

The following are exempt from the requirements of this chapter:

1. Typical Maintenance of existing Telecommunication Facilities and Support Structures.
2. Antennas used by residential households solely for broadcast radio and television reception. Antennas shall not exceed the maximum structure height as identified in 17.10.040 of this title.
3. Satellite antennas used solely for residential, household, or agricultural purposes. Antennas shall not exceed the maximum structure height as identified in 17.10.040 of this title.
4. COWs (Carrier or Cell on Wheels) placed for a period of not more than one hundred twenty (120) days at any location within the county after a declaration of an emergency or a disaster by the Governor or by the responsible official of the county.

17.20.040: Application and Review Procedure

A. Conditional Use Permit

1. All requests 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, the standards of this chapter, and must include the following:
 - a. A completed zoning clearance application signed by the applicant.
 - b. A copy of the lease or a letter of authorization from property owner evidencing the applicant's authority to pursue a conditional use permit.
 - c. A development plan prepared and certified by an appropriate professional that consists of:
 - i. Property boundaries, setbacks, topography, elevation views, and dimensions of improvements drawn to scale.
 - ii. A written description and scaled drawings of the proposed Support Structure, including structure height, ground and structure design, and proposed materials.
 - iii. The number and type of proposed antennas and their height above ground level, including the proposed placement of antennas on the Support Structure.
 - iv. A line-of-sight diagram or photo simulation, showing the proposed Support Structure set against the skyline and viewed from at least three (3) directions within the surrounding areas.
 - d. A copy of the supporting federal certifications as follows:

- i. Federal Communications Commission (FCC) license for the facility, or a signed, notarized statement from the owner and/or operator of the facility attesting that the facility complies with all current FCC regulations.
 - ii. Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions.
 - iii. Certification by an appropriate professional that the proposed facility will comply with all of the applicable standards of the American National Standards Institute (ANSI), the Electronics Industries Association Standard for Antenna Towers and Antenna Support Structures, and any other applicable technical and structural codes.
 - e. A written description of how the proposed facility fits into the applicant's telecommunication network. As part of this description, the applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and traffic, noise, or safety impacts of such maintenance. In all cases, the equipment at a Telecommunication Facility shall be automated to the greatest extent possible to reduce traffic, congestion, and noise associated with maintenance and upkeep of the facility.
 - f. As applicable, a statement justifying why co-location with an existing facility is not feasible. Such a statement shall include:
 - i. Such technical information and other justifications as are necessary to document the reasons why co-location is not a viable option.
 - ii. A list of all existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either unacceptable or infeasible due to technical, physical, or financial reasons. If an existing Support Structure was listed among the alternatives, applicant must specifically address why the modification of such Support Structure is not a viable option.
 - g. As applicable, a statement that the proposed Support Structure will be made available for co-location to other service providers at commercially reasonable rates.
 - h. Application fee.
- B. Administrative Zoning Clearance**
- 1. All requests must include the following:
 - a. A completed zoning clearance application signed by the applicant.
 - b. A copy of the lease or a letter of authorization from property owner evidencing the applicant's authority to pursue a zoning clearance.
 - c. A development plan prepared and certified by an appropriate professional that consists of:
 - i. Graphic and written descriptions of proposed improvements related to the requirements listed in this chapter and including property boundaries, setbacks, topography, elevation views, dimensions of improvements, the number and type of proposed antennas and their height above ground level, including the proposed placement of antennas on the Support Structure.
 - d. Application fee.
- C. Exempt: No application or review required.**

17.20.050: General Standards and Design Requirements

Unless otherwise specified herein, all telecommunication facilities and accessory structures are subject to the following standards and requirements:

A. Design

- 1.** Support Structures shall be subject to the following:
 - a.** Must be designed to accommodate multiple telecommunication providers.
 - b.** The compound area surrounding a Support Structure must be of sufficient size to accommodate accessory equipment for each telecommunication provider.
 - c.** Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration, or the county land use authority, Support Structures shall have a galvanized silver or gray finish.
- 2.** Stealth Communication Facilities shall be designed to accommodate the co-location of other antennas whenever economically and technically feasible or aesthetically appropriate, as determined by the land use authority.
- 3.** Upon the request of the applicant, the Planning Commission may waive the requirement that new Support Structures accommodate the co-location of other service providers if the applicant can identify, and the Planning Commission agrees, that co-location at the site is not essential to the public interest, or that the construction of a shorter Support Structure with fewer antennas will promote community compatibility.

B. Setbacks

- 1.** Property Lines. Unless otherwise stated herein, Support Structures shall be setback from all property lines a distance equal to their height measured from the base of the structure to its highest point. Other accessory equipment and/or structures shall be governed by the setbacks required by the underlying base zoning district.
- 2.** Residential Dwellings. Unless otherwise stated herein, Support Structures shall be setback from all off-site residential dwellings a distance equal to the height of the structure plus ten (10) feet.
- 3.** The land use authority shall have the authority to reduce or waive any required setback upon the request of the applicant if the Telecommunication Facility accessory equipment and/or structures will be less visible as a result of the diminished setback. The land use authority must also find that the reduction or waiver of the setback is consistent with the purposes and intent of this ordinance. The structure must still meet the underlying setback requirements of the base zoning district.

C. Height

- 1.** Support Structures shall not exceed a height equal to 45 feet from the base of the structure to the top of the highest point. Any proposed Support Structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.
- 2.** In all zones, the Planning Commission shall have the authority to reduce or waive the height restrictions listed in this section upon the request of the applicant, and a satisfactory showing of need for a greater height. With the waiver request, the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the Planning Commission including, but not limited to:
 - a.** A radio frequency analysis indicating the coverage of existing communications sites, coverage prediction, and design radius, together with a certification from the applicants radio frequency (RF) engineer that the proposed design is intended to

improve coverage or capacity potential or reduce interference, and that the proposed facility cannot be achieved by any other alternative such as a stealth facility, attached facility, replacement facility, or co-location.

D. Aesthetics

1. **Lighting and Marking.** Telecommunication facilities and Support Structures shall not be lighted or marked except as required by the Federal Communications Commission or the Federal Aviation Administration (FAA).
2. **Signage.** Signs located at a Telecommunication Facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.
3. **Landscaping.** In all zones, the land use authority shall have the authority to impose reasonable landscaping requirements surrounding accessory equipment and/or structures. Required landscaping shall be consistent with surrounding vegetation and shall be maintained by the facility owner. The land use authority may choose to not require landscaping for sites that are not visible from the public right-of-way or adjacent property or in instances where in the judgment of the land use authority, landscaping is not appropriate or necessary.

E. Accessory structures, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the Telecommunication Facility or Support Structure. Any equipment not used in direct support of such operation shall not be stored on the site.

1. If accessory equipment is at ground level in the RU2 or RU5 Zone, the land use authority may require that the building or shelter be faced with brick or other suitable material on all sides and that the compound area is surrounded by landscaping. The accessory equipment must conform to the setback standards of the applicable base zoning district. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required.

F. Additional Provisions

1. Abandonment, and Removal

- a. **Abandonment.** Any Telecommunication Facility or Support Structure that is not operated for a period of twelve (12) consecutive months shall be considered abandoned.
- b. **Removal.** The owner of the Telecommunication Facility or Support Structure shall remove the Facility within six (6) months of its abandonment.

2. Multiple Uses on a Single Parcel or Lot

Telecommunication Facilities may be located on a parcel containing another principal use on the same site.

Definitions to be added to 17.07.040 with Telecommunications Ord.:

6240 TELECOMMUNICATION FACILITY: Any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure. Accessory uses include, but are not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports. 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.

ANTENNA: Any apparatus designed for the transmitting and/or receiving of electromagnetic waves including, but not limited to, telephonic, radio or television communications. Types of antennas include, but are not limited to: omni-directional (whip) antennas, sectorized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas.

CARRIER ON WHEELS OR CELL ON WHEELS (COW): A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure.

CO-LOCATION: The practice of siting multiple wireless carriers, service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antenna, feed lines, and radio frequency generating equipment.

STEALTH COMMUNICATIONS FACILITY: A communications facility, accessory structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of stealth facilities:

- A. Attached – Examples include, but are not limited to: Painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure.
- B. Freestanding – Examples usually have a secondary, obvious function which may be, but is not limited to the following: Church steeple, windmill, bell tower, clock tower, cupola, light standard, flagpole with or without a flag, or tree.

SUPPORT STRUCTURE: A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Support structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than ten (10) feet and not to exceed maximum structure height as identified in 17.10.040 of this title.

Types of support structures include, but are not limited to: Guyed, lattice, and monopole structures, utility poles, and other freestanding, self-supporting structures.

TELECOMMUNICATION FACILITY, TYPICAL MAINTENANCE: – Ensuring that Telecommunication Facilities and Support Structures are kept in good operating condition. Typical Maintenance includes inspections, testing and modifications that maintain functional capacity and aesthetic and structural integrity. For example, the strengthening of a Support Structure's foundation or of the Support Structure itself. Typical Maintenance includes replacing antennas and accessory equipment on a like-for-like basis within an existing Telecommunication Facility and relocating the antennas of approved Telecommunication Facilities to different height levels on an existing monopole, lattice, guyed or similar structure upon which they are currently located. Typical Maintenance does not include Minor and Major Modifications.

- 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.

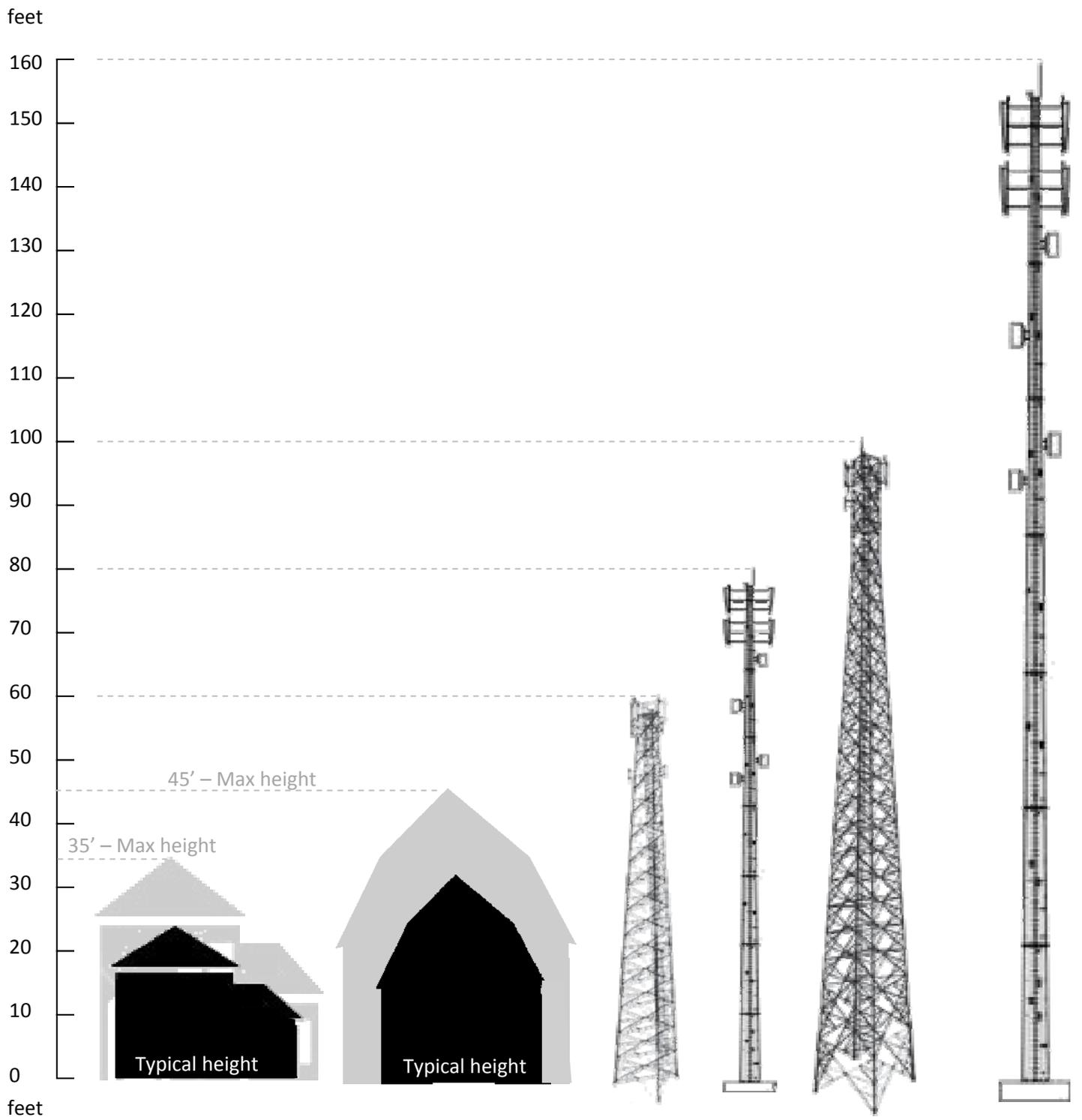
Telecommunication Structures in Unincorporated Cache County

Parcel Number	Structure Type	Structure Height (feet)	Zone
16-001-0009	Stealth	30	FR40
10-002-0013	Lattice	40	PI
13-004-0006	Lattice	40	A10
13-070-0001	Lattice	40	A10
08-020-0001	Monopole	50	PI
10-004-0006	Monopole	50	FR40
13-070-0001	Lattice	50	A10
13-070-0001	Lattice	60	A10
04-061-0002	Monopole	74	A10
08-020-0001	Monopole	80	PI
10-002-0013	Lattice	80	PI
13-004-0006	Lattice	80 (to be built)	PI
05-049-0015	Lattice	99	PI
02-117-0032	Monopole	100	PI
13-060-0006	Lattice	100	A10
11-052-0001	Monopole	100 (to be built)	PI
10-042-0015	Lattice	120	A10
12-033-0055	Monopole	120	A10
08-020-0010	Lattice	140	PI
01-061-0015	Monopole	150	PI
08-020-0001	Monopole	150	PI
13-004-0009	Lattice	150	A10
08-020-0010	Lattice	140 (160)	PI
11-052-0001	Lattice	350	A10
11-052-0010	Lattice	350	A10

25 Structures	Structures ≤ 80'	12
	Structures ≤ 100'	16
	Structures ≤ 125'	18
	Structures ≤ 150'	22

Excepting the towers with a height of 350 feet:

Avg. height:	86.15 feet
Median height:	80 feet





16-001-0009: Stealth - ~30'



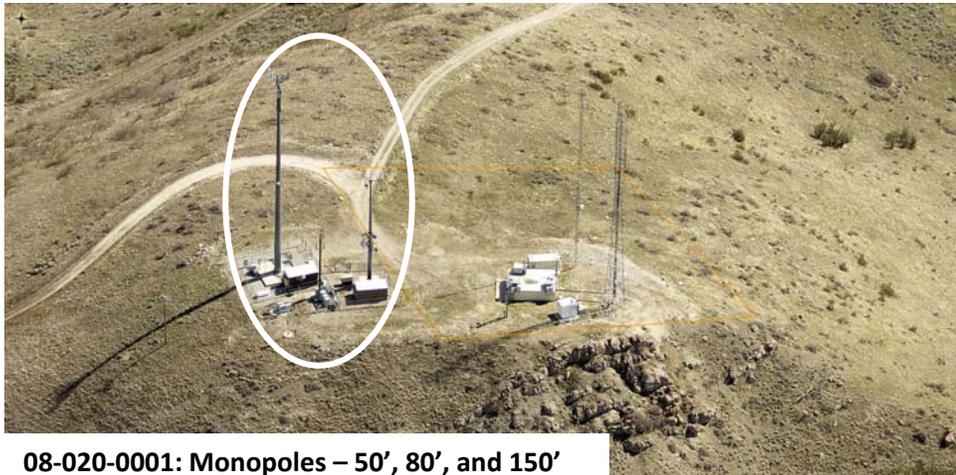
10-002-0013: Lattice - 40' and 80'; tallest tower is in Weber County



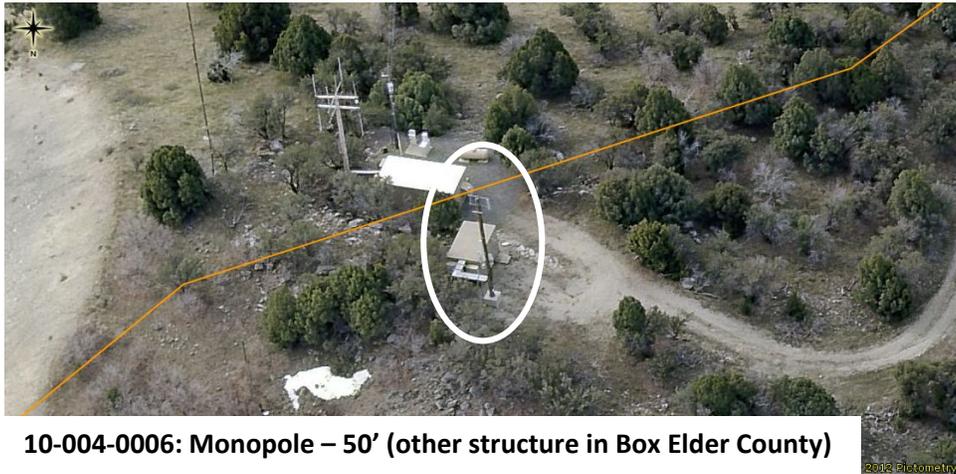
13-004-0006: Lattice - 40' and 80' (to be built)



13-070-0001: Lattice – 40', 50', and 60'

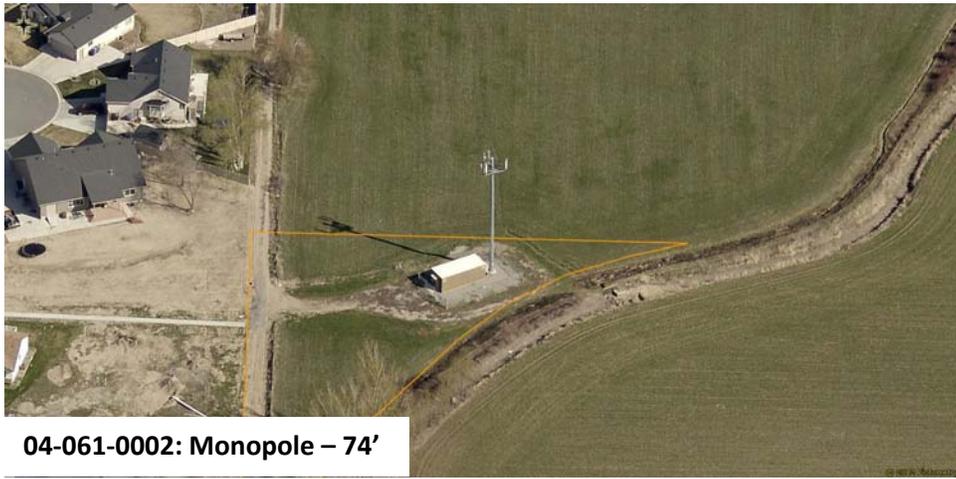


08-020-0001: Monopoles – 50', 80', and 150'

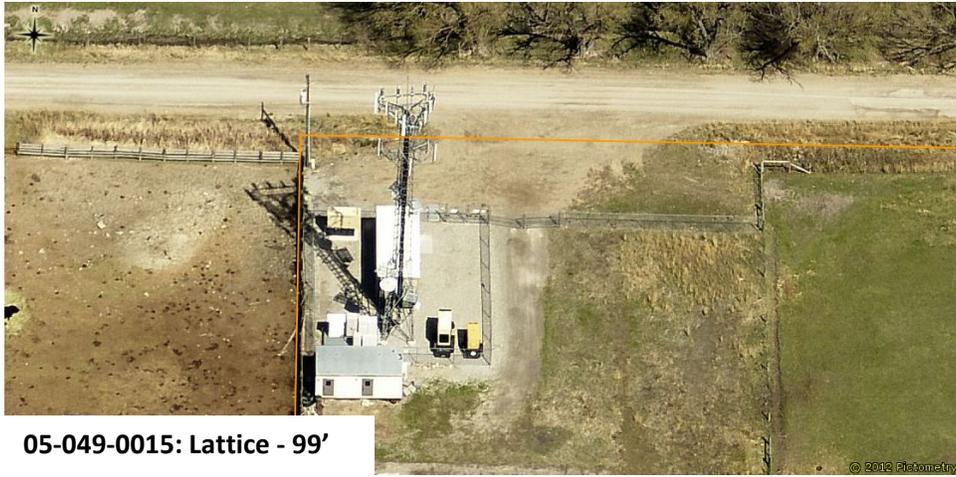


10-004-0006: Monopole – 50' (other structure in Box Elder County)

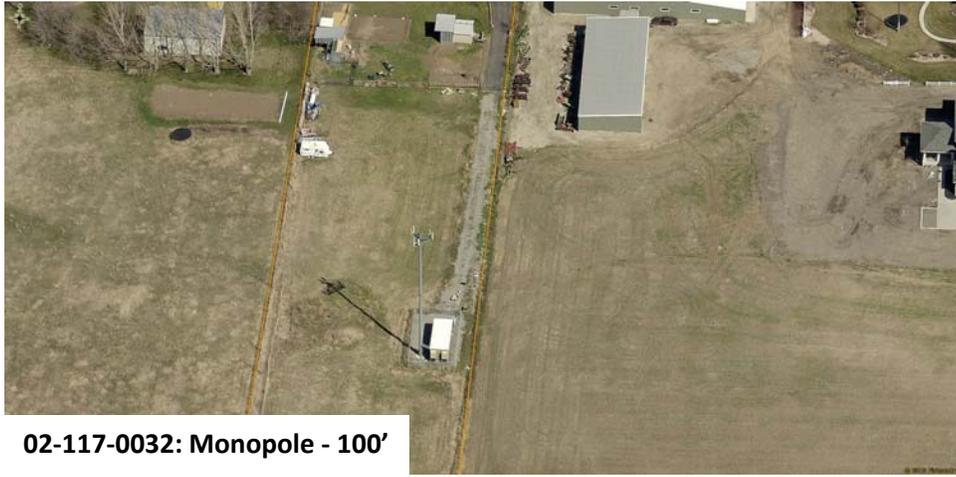
2012 Pictometry



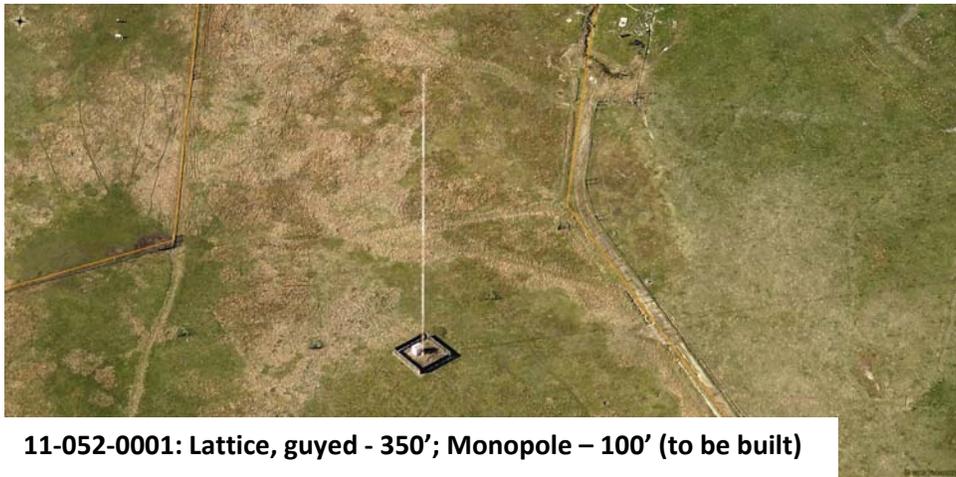
04-061-0002: Monopole - 74'



05-049-0015: Lattice - 99'

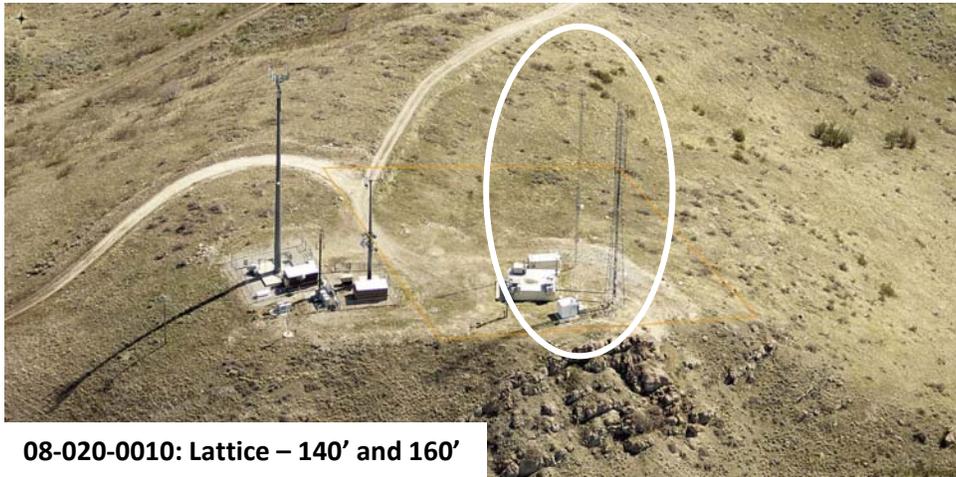


02-117-0032: Monopole - 100'





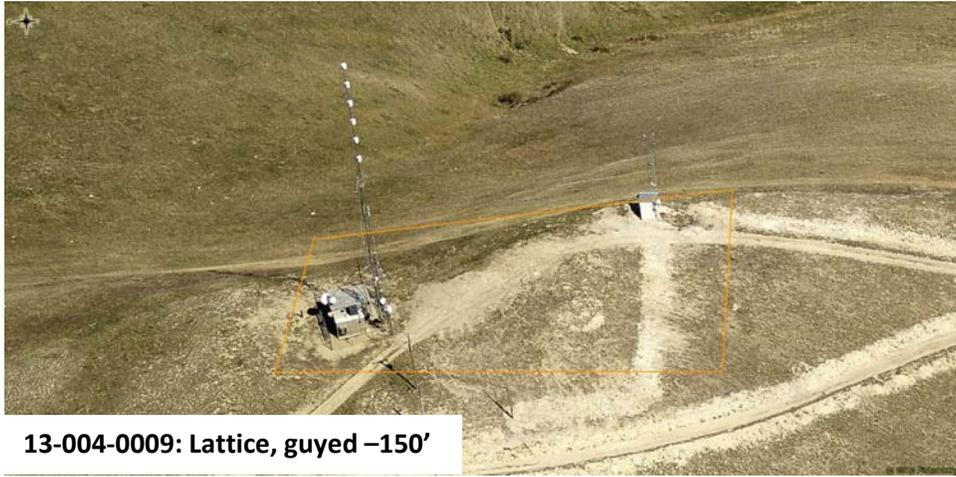
12-033-0055: Monopole – 120'



08-020-0010: Lattice – 140' and 160'



01-061-0015: Monopole – 150'



Title 17.20 Telecommunication Facilities: Initial Discussion with Planning Commission

Driving principles/consideration: Safety, function, visual impacts

Level of regulation: County Council/Rezone

Major issues re:

Rezone all existing towers to reflect PI overlay zone?

Level of regulation: Planning Commission/CUP

Major issues re:

Height of towers

Tower type - lattice/monopole

Max number of antennas/dishes per tower

Aesthetics - Colors and materials – BLM color swatches

Coverage mapping - What is needed/necessary?

Co-location - Height bonus? – Advantage to fewer tall towers or more short towers? (we currently have more tall towers)

Setbacks - Equal to the height of the tower?

Level of regulation: Director/Zoning Clearance

Minor issues re:

Buildings/generators/cabinets

Co-location - Adding antennas/dishes

**CACHE COUNTY
RESOLUTION NO. 2014-09**

A RESOLUTION APPROVING THE APPOINTMENTS OF REPRESENTATIVES TO
THE AVON AND HYDE PARK CEMETERY DISTRICT BOARDS

The County Council of Cache County, Utah, in a regular meeting lawful notice of which has been given, finds that pursuant to 17B-1-304 of the Utah Code, the Cache County Executive shall appoint certain individuals to serve on cemetery district boards.

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

BE IT RESOLVED, that the following individuals have been recommended by the Cache County Executive to serve on the Avon and Hyde Park Cemetery District Boards.

Section 1. Appointment

Please see "Exhibit A" attached hereto and made a part hereof.

Section 2. Authorization

The Cache County Council hereby ratifies the appointments listed on "Exhibit A" attached hereto and made a part hereof to the Avon and Hyde Park Cemetery District Boards pursuant to the recommendation of the Cache County Executive.

Section 3. Terms

The appointments expire on December 31, 2017.

Section 4. Effective Date

These appointments shall become effective immediately upon the adoption of this resolution.

This resolution was adopted by the Cache County Council on the 13th day of May, 2014.

Cache County Council

Attest:

By: _____
Val K. Potter, Chairman

By: _____
Jill N. Zollinger, County Clerk

Exhibit A

Avon Cemetery District

1. DeAnna Hulme, 883 East 11000 South, Avon, UT 84328 (435) 245-4977
Reappointed for a four year term expiring on 12/31/2017
2. Richard Williams, 10888 South Highway 165, Avon, UT 84328 (435) 245-4594
Reappointed for a four year term expiring on 12/31/2017
3. Karen Fredrickson, 1005 East 11000 South, Avon, UT 84328 (435) 245-6204
Reappointed for a four year term expiring on 12/31/2017
4. Courtney Obray, 11211 South 800 East, Avon, UT 84328 (435) 245-3238
Reappointed for a four year term expiring on 12/31/2017
5. Steven Gibbs, 816 East 11200 South, Avon, UT 84328 (435) 245-4828
Reappointed for a four year term expiring on 12/31/2017

Hyde Park Cemetery District Board

1. Brian Balls, 475 East 85 South, Hyde Park, UT 84318 (435) 563-3053
Reappointed for a four year term expiring 12/31/2017
2. Lynn Thomas, 65 South 100 East, Hyde Park, UT 84318 (435) 563-5923
Reappointed for a four year term expiring 12/31/2017
3. Portia Anderson, 180 East Center, Hyde Park, UT 84318 (435) 563-5480
Reappointed for a four year term expiring 12/31/2017
4. Stanley Thomas, 930 East 2650 North, North Logan, UT 84341 (435) 512-2338
Appointed for a four year term expiring 12/31/2017
5. Geri Christensen, 2585 North 330 East, North Logan, UT 84341 (435) 752-0515
Appointed for a four year term expiring 12/31/2017

**CACHE COUNTY
RESOLUTION NO. 2014-10**

A RESOLUTION APPROVING THE CREATION OF AN AGRICULTURE PROTECTION AREA.

The Cache County Council of Cache County, Utah, in a regular meeting, lawful notice of which as been given, finds that the legal requirements for the creation of an agriculture protection area have been met; and, therefore, that the proposal filed by Michael B. and Pauline E. Falslev should be approved.

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

BE IT RESOLVED that:

The proposal filed with Cache County by Michael B. and Pauline E. Falslev on February 4, 2014 to create an agriculture protection area on 196.66 acres of real property located at:

See "EXHIBIT A" Attached hereto and made a part hereof

is hereby approved.

This resolution shall become effective immediately upon adoption

DATED this 13th Day of May, 2014 .

CACHE COUNTY COUNCIL

By: _____
Val K. Potter, Chairman

ATTEST TO:

By: _____
Jill N. Zollinger, Cache County Clerk

EXHIBIT A

PARCEL: 12-002-0002 (1.00 acres)

BEG AT INTERSEC OF SEC LN & E R/W LN OF CO ROAD 1709 FT W OF N/4 COR SEC 2 T 12N R 1W & TH E 190 FT TH S 362 FT TO E LN OF CO ROAD TH N 28*53' W 400 FT M/L ALG ROAD TO BEG LESS ANY PORTION WITHIN THE CO ROAD CONT 1 AC M/L

PARCEL: 12-002-0003 (49.30 acres)

BEG 641.4 FT N OF CENTER OF SEC 2 T12N R 1W & TH N 2025.6 FT TH S 89* 52' W 1518 FT TH S 362 FT TH S 28* 53' E 248 FT TH E 305 FT TH S 462 FT M/L TO E LN OF CO ROAD TH S 0* 02' W 990.6 FT TH S 89*32' E 1146 FT TO BEG CONT 57.06 AC

PARCEL: 13-053-0007 (5.50 acres)

BEG AT NE COR SE/4 SEC 34 T 13N R 1W & TH W 31.5 RDS TO E'LY LN OF CO ROAD TH SE'LY ALG CO ROAD AS PRESENTLY LOCATED TO E LN OF SD 1/4 SEC TH N 56 RDS TO BEG CONT 5.5 AC M/L

PARCEL: 13-054-0004 (98.72 acres)

BEG AT CENTER SEC 35 T 13N R 1W & TH N 89*56' W 2650 FT TH S 0*6' W 951 FT TH S 28*53' E 835.4 FT TH N 89*52' E 2237.1 FT TO N & S CENTER LINE OF SD SEC TH N 0*5' E 1677.5 FT TO BEG CONT 98.72 AC

PARCEL: 13-054-0005 (42.14 acres)

BEG S 5' W 1677.5 FT FROM CENTER SEC 35 T 13N R 1W, S 89*52' W 2237.1 FTS 28*53' E 1060.6 FT S 89*53'W 1726 FT TO PT ON N & S CENTER LINE SD SEC N 5' E 926.5 FT TO BEG 42.14 AC F2439A

STAFF REPORT: FALSLEV AGRICULTURE PROTECTION AREA

06 March 2014

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Michael and Pauline Falslev
Staff Determination: Approval
Type of Action: Legislative
Land Use Authority: Cache County Council

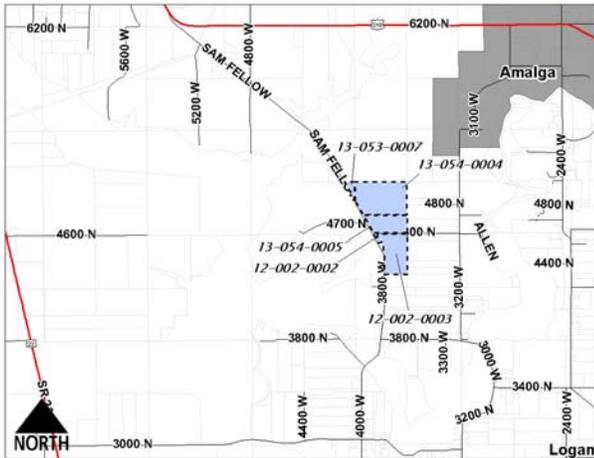
Parcel ID#: 12-002-0002, 0003, 13-053-0007, 13-054-0004, and 0005

PROJECT LOCATION

Reviewed by: Chris Harrild, Planner II

Project Address:
 4800 North 4000 West
 Southwest of Amalga
Current Zoning: Agricultural (A-10)
Acres: 196.66

Surrounding Uses:
 North – Agriculture/Amalga
 South – Agriculture
 East – Agriculture
 West – Agriculture



PROJECT PURPOSE, ORDINANCE, SUMMARY, AND PUBLIC COMMENT

Purpose:

The Cache County Executive has forwarded an application to the Planning Commission for a review and recommendation to the County Council regarding the request for an agriculture protection area.

Ordinance:

State Code §17-41-305 provides specific criteria to be applied when evaluating a proposal for the creation of an agriculture protection area. These criteria are addressed in the summary. County Code §2.70 specifies there be a minimum of 5 contiguous acres in each agriculture protection area.

Summary:

County road 4600 North bisects, and 3800 West (Sam Fellow Road) borders this property. It is necessary for the county to recognize and hold open a 66 foot wide Cache County right-of-way (33 feet each side of center line) for 4600 North and 3800 West.

As per State and County Code, the following criteria have been considered:

- Is the area proposed greater than 5 acres in size?
Yes. The contiguous acreage is 196.6 acres in size.
- Is the land currently being used for agriculture production?
Yes. It is currently used for the production of corn, wheat, and barley and also for the raising of livestock (hogs).
- Is the land zoned for agricultural use?
Yes. The land is currently in the Agricultural (A10) Zone.
- Is the land viable for agriculture production?
Yes. This noted parcels are viable for agriculture production.
- What is the extent and nature of the existing or proposed farm improvements?
Improvements proposed and currently in process consist of barns for livestock and irrigation system improvements.
- What are the anticipated trends in the agricultural and technological conditions?
This is a sizeable piece of agriculture, has functioned as such, and will likely continue to function in that manner into the future.

Public Comment:

Notice to surrounding property owners has been provided as per State Code. No public comment regarding this proposal has been received by the Development Services Office.

STAFF DETERMINATION AND FINDINGS OF FACT (3)

It is staff's determination that the request for a agriculture protection area for parcels 12-002-0002, 12-002-0003, 13-053-0007, 13-054-0004, and 13-054-0005, located in the Agricultural (A-10) at approximately 4800 North 4000 West is in conformance with the Cache County Ordinance and State Code and should be approved. This determination is based on the following findings of fact:

1. The Falslev Agriculture Protection Area has been reviewed in conformance with, and meets the requirements and criteria of, §17-41-305 of State Code and §2.70 of the County Code.
2. The Falslev Agriculture Protection Area has been revised and amended to address the issues and concerns raised within the public and administrative records.
3. The Falslev Agriculture Protection Area shall not include any portion of the 66 foot wide Cache County right-of-way, reflecting 33 feet of each side from the center line, for county roads 4600 North and 3800 West.

**CACHE COUNTY
RESOLUTION NO. 2014-11**

RESOLUTION OF THE COUNTY COUNCIL OF CACHE COUNTY, UTAH (THE "COUNTY") APPROVING AN INTERLOCAL AGREEMENT WITH THE CACHE COUNTY REDEVELOPMENT AGENCY TO SHARE CERTAIN TAX INCREMENT REVENUES TO SUPPORT THE CACHE COUNTY PEPPERIDGE FARM COMMUNITY DEVELOPMENT PROJECT AREA; AUTHORIZING THE EXECUTION AND DELIVERY OF SAID INTERLOCAL AGREEMENT; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act (the "Interlocal Cooperation Act"), Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the "Utah Code"), public agencies, as defined in the Interlocal Cooperation Act ("Public Agencies"), are authorized to enter into contracts and agreements with one another in order to make the most efficient use of their powers by enabling them to cooperate with each other on a basis of mutual advantage and to provide the benefit of economies of scale for the overall promotion of the general welfare of the State of Utah (the "State"); and

WHEREAS, the Cache County Redevelopment Agency (the "Redevelopment Agency") has created the Cache County Pepperidge Farm Project Area (the "Project Area") and has approved a community development project area plan for the Project Area (the "Project Area Plan"), pursuant to which the Agency desires to provide for the expansion of the Pepperidge Farm facilities (the "Project") in the Project Area; and

WHEREAS, the County and the Redevelopment Agency have determined that it is in the best interests of the County to provide certain financial assistance through the use of Tax Increment (as defined below) in connection with the development of the Project as set forth in the Project Area Plan; and

WHEREAS, the Redevelopment Agency anticipates providing tax increment (as defined in Utah Code Section 17C-1-102(47) ("Tax Increment")) created by the Project, to assist in the development and completion of the Project as provided in the Project Area Plan; and

WHEREAS, Utah Code Section 17C-4-201(1) authorizes the County to consent to the payment to the Redevelopment Agency of a portion of the County's share of Tax Increment generated from the Project Area for the purposes of providing funds to carry out the Project Area Plan; and

WHEREAS, the Section 11-13-215 of the Interlocal Cooperation Act provides that a county, city, town, or other local political subdivision may, at the discretion of the local governing body, share its tax and other revenues with other counties, cities, towns, or local political subdivisions; and

WHEREAS, to facilitate development of the Project, the County desires to authorize the payment to the Redevelopment Agency of a portion of the County's share of Tax Increment generated by the Project Area in accordance with the terms of the Interlocal Agreement; and

WHEREAS, the proposed Interlocal Agreement has been reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each party to said agreement, in accordance with the Interlocal Cooperation Act;

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

Section 1. All actions not inconsistent with the provisions of this resolution heretofore taken by the County and the County Council are hereby ratified, approved and confirmed.

Section 2. The Interlocal Agreement, in substantially the form presented to this meeting and attached hereto as Exhibit B, is hereby approved and the appropriate officers of the County are hereby authorized and directed to execute and deliver the Interlocal Agreement, in substantially the form presented to this meeting, their execution constituting conclusive evidence of the County's approval thereof. The Interlocal Agreement shall take effect upon the later of (i) the execution by the parties thereto, and (ii) publication of the notice as provided in Section 3 hereof.

Section 3. In accordance with the provisions of the Interlocal Cooperation Act and related provisions of State law, the Redevelopment Agency shall cause a notice of the Interlocal Agreement to be published one time in the Herald Journal, a newspaper published and of general circulation within the County.

Section 4. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this resolution shall be in full force and effect immediately upon its approval and adoption.

Section 5. If any provision of this resolution shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, in operative or unenforceable to any extent whatever, this resolution and the provisions of this resolution being deemed to be the separate independent and severable act of the governing body of the County.

APPROVED AND ADOPTED this 13th day of May, 2014.

(SEAL)

Chairman

ATTEST:

County Clerk

(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

(SEAL)

Chairman

ATTEST:

County Clerk

Logan, Utah

May 13, 2014

The County Council (the "County Council") of Cache County, Utah (the "County") met in regular public session at its regular meeting place in Logan, Utah, on Tuesday, May 13, 2014, at 5:00 p.m. The meeting was called to order by the Chairman of the County Council with the following being present, and constituting a quorum:

Val Potter	Chairman
Kathy Robison	Vice Chair
Craig W. Buttars	Council member
Greg Merrill	Council member
Jon White	Council member
Cory Yeates	Council member
Gordon A. Zilles	Council member

Also present:

M. Lynn Lemon	County Executive
Jill N. Zollinger	County Clerk

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the County Clerk presented to the County Council a Certificate of Compliance with Open Meeting Law with respect to this May 13, 2014 meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by Council member _____ and seconded by Council member _____, adopted by the following vote:

YEA:

NAY:

The resolution was later signed by the Chairman and recorded in the official records of Cache County, Utah. The resolution is as follows:

STATE OF UTAH)
) ss.
COUNTY OF CACHE)

I, Jill Zollinger, the undersigned duly qualified and acting County Clerk of the Cache County (the "County") do hereby certify:

The foregoing pages are a true and complete copy of the record of proceedings of the County Council (the "County Council") of the County, had and taken at a lawful meeting of the County Council held at the County Council's regular meeting place in Logan, Utah, on May 13, 2014, commencing at the hour of 5:00 p. m., as recorded in the regular official book of the proceedings of the County Council kept in my office, and said proceedings were duly had and taken as therein shown, and the meeting therein shown was duly held, and the persons therein were present at said meeting as therein shown.

All members of the County Council were duly notified of said meeting, pursuant to law.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 13th day of May, 2014.

County Clerk

(S E A L)

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Jill Zollinger, the undersigned duly qualified and acting County Clerk of the Cache County (the "County") do hereby certify according to the records of the County in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the May 13, 2014, public meeting held by the County was given as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the County's principal offices on May ____, 2014, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Herald Journal on May ____, 2014, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2014 Annual Meeting Schedule for the governing body (the "County Council") of the County (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the County Council to be held during the year, by causing said Notice to be (a) posted on October ____, 2013, at the principal office of the County; (b) by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the County on October ____, 2013; and (c) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 13th day of May, 2014.

County Clerk

(S E A L)

Attachments:

SCHEDULE 1 NOTICE OF MEETING

SCHEDULE 2 NOTICE OF ANNUAL MEETING SCHEDULE

EXHIBIT B

INTERLOCAL AGREEMENT

CACHE COUNTY

2014 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Award
1	Amalga Township	Phase II Utility, Kitchen, furnishings, safety lighting	12,000	12,000
2	American Festival Chorus and Orchestra	American Festival Chorus 2014-2015 Performance Costs	30,000	30,000
3	American West Heritage Center	2014 Programming Operational Support	92,500	80,000
4	American West Heritage Center	2014 Physical Plant Maintenance & Capital Expenses	47,000	8,000
5	Bridgerland Community Ice Arena/NPIC	Original 15 yr commitment to BCIA (maintenance)	92,853	92,853
6	Bridgerland Community Ice Arena	Facility equipment storage and event amenities enhancement	22,860	10,000
7	Bridgerland Community Ice Arena	Exterior Lighting Utility Savings - LED Ballast/Bulb Conversion	13,000	0
8	Cache Children's Choir	Support of Cache Children's Choir 2014-2015 Season	15,000	11,000
9	Cache Community Connections	Logan Tabernacle Concert and Lecture Series	7,000	6,000
10	Cache County - Fair and Rodeo	Advertising and promoting the Cache County Fair and Rodel	20,000	12,000
11	Cache County - Fairgrounds	Cache Arena Improvements and building repairs	63,500	63,500
12	Cache County - Fairgrounds	Outdoor Arena Improvements	40,115	40,000
13	Cache County - Fairgrounds	Disk golf course installation	5,000	
14	Cache County - Fairgrounds	Roping Arena dirt addition	15,818	0
15	Cache Valley Center for the Arts	Ellen Eccles Thtr/Bullen Ctr/Thatcher-Young Mansion Improveme	154,000	60,000
16	Cache Valley Center for the Arts	Arts Education & Family Programmin	50,000	30,000
17	Cache Valley Center for the Arts	Marketing: Ellen Eccles Theater World Class Touring Artists	18,000	10,000
18	Cache Valley Arts Summit	Cache Valley Arts at a Glance	5,000	0
19	Cache Valley Center for the Arts	Ellen Eccles Theater Lobby Lavatory Expansion	30,000	0
20	Cache Valley Civic Ballet	Cache Valley Civic Ballet: Performance Season Assistance	25,000	10,000
21	Cache Valley Cowboy Rendezvous, Inc.	Cache Valley Cowboy Rendezvous	10,000	6,000
22	Cache Valley Cruising Association	Cache Valley Cruise-In 2014	48,000	25,000

CACHE COUNTY

2014 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Award
23	Cache Valley Mushers	K9 Challenge Sled Dog Race	2,500	1,500
24	Cache County - Cache Valley Visitors Bureau	2014 Cache Valley Visitors Bureau Marketing Campaign	134,737	100,000
25	Celebrate America Show	Celebrate America Show and Educational Outreach	45,000	15,000
26	Clarkston Town	Park Improvements - Walking Trail, Parking, and Playground	113,973	15,000
27	Common Ground Outdoor Adventures	Tourism Promotion/Marketing for Cache Valley Century Ride	2,000	0
28	Connection Social Dance Studio	Studio Rent	1,520	0
29	Cornish Town	Cornish Park Improvements - Parking Lot and Fence	51,881	10,000
30	Cub River Sports Complex - Owned and Opera	Cub River Sports Complex Seating	73,244	0
31	Four Seasons Theatre Company	Four Seasons Theatre 2014-15 Season	50,140	0
32	Hyde Park City	Lions Park Trail, Lee Park Play Structure Addition & Benches	24,552	24,552
33	Hyrum City	Blacksmith Fork Phase I	125,000	65,000
34	Hyrum City	Hyrum City Museum Expansion Phases One and Two	24,385	0
35	Lewiston City	Lewiston City Park/Picnic Pavilion	30,000	30,000
36	Logan City - Parks and Recreation	Logan Community Rec Center Bleachers Replacement	120,000	120,000
37	Logan City - Parks and Recreation	Bridger Park - Phase III Construction	330,082	160,000
38	Logan City - Parks and Recreation	2014 Freedom Fire Independence Day Celebration at USU	20,000	20,000
39	Logan City - Parks and Recreation	Rendezvous Park Trail Extension	25,000	25,000
40	Logan City - Parks and Recreation	Valley View Dog Park Phase 2(b)	40,000	35,000
41	Logan City - Parks and Recreation	Countryside Village Park	154,000	
42	Logan City - Parks and Recreation	"Tunnel to Tunnel" Trail, Kiosk, and Benches	13,500	13,500
43	Logan City - Parks and Recreation	Shade Structure at Jones Neighborhood Park	3,779	3,779
44	Logan Community Foundation dba Cache Reg	Cache Theatre Company Season	50,000	20,000

CACHE COUNTY

2014 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Award
45	Logan Downtown Alliance	Logan Film Festival	1,000	0
46	Mendon City	Mendon 100 Est Trail & Safe Route to School	60,000	45,000
47	Mendon Library/Cultural Arts Committee	Mendon Library	100,000	0
48	Millville City	Park Splash Pad Completion	106,210	25,000
49	Music Theatre West	General Operating and Programming	100,000	38,000
50	Newton Town	Landscape and Irrigation Renovation	122,950	0
51	Newton Town	Soccer Equipment	17,200	17,200
52	Newton Town	Tennis Court/Pickleball Court	1,286	1,286
53	Nibley Children's Theatre	2014 Season: The Last Dragon	750	500
54	Nibley City	Heritage Park - Phase 5	120,000	40,000
55	Nordic United	Promotion of Local Winter Tourism; Grooming Trails and Events	14,000	0
56	North Logan Parks and Recreation Departme	Elk Ridge Park Improvements	90,000	70,000
57	Old Lyric Repertory Company	Old Lyric Repertory Company 2014	22,000	15,000
58	Paradise Town	Restrooms, maintenance shed and chain link fence	58,250	30,000
59	Providence City	Pickleball Courts at Braegger Park, 300 E 300 S, Providence	80,000	50,000
60	Richmond City	Black & White 100 years Update	37,000	37,000
61	Shimmering Sands Belly Dance	Shimmering Sands Dance Production & Show Support	3,500	0
62	Smithfield City	Smithfield Health Days - Children's Theatre	1,000	0
63	Smithfield City Parks and Recreation Departm	Richard Hansen Baseball Field Lighting	111,979	90,000
64	Stokes Nature Center	Stokes Nature Center School & Community Programs	30,000	23,000
65	Stokes Nature Center	Stokes Nature Center Summer Citizen Program & Marketing	5,000	0
66	Summerfest Arts Faire	Summerfest Arts Faire	20,000	20,000

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2014 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Award
67	Chamber Music Society of Logan	Enhancing Chamber Music in Cache Valley	5,500	5,000
68	Unicorn Theatre	Unicorn Theatre	8,000	5,000
69	Utah Festival Opera	2014 Operating: Summer Festival, Education & Utah Theatre	260,000	150,000
70	Utah Festival Opera	2014 Tourism - Marketing Outside Cache Valley	90,000	80,000
71	Utah State University	Utah State University Summer Citizens Program	48,000	30,000
72	Valley Dance Ensemble	Valley Dance Ensemble Spring 2015 Concert	3,000	2,000
73	Wellsville City	Water Splash Pad	47,100	30,000
74	Whittier Community Center	Utilities Funding/Operating Expenses	9,840	5,000
75	Willow Park Zoo	Willow Park Zoo Operation Budget	119,327	119,763
76	Willow Park Zoo	Willow Park Zoo Capital Improvement Budget	38,980	0
GRAND TOTALS			\$3,983,811	\$2,093,433